PROCEEDING
OF THE CONFERENCE

The 4th International Conference on
Magsaysay Awardees:
Good Governance and Transformative Leadership in Asia

31 May 2016

College of Politics and Governance (COPAG)
Mahasarakham University, Thailand
31 May 2016

LISTS OF CO-HOSTS OF THE CONFERENCE

- National College of Public Administration and Governance (NCPAG) (University of the Philippines-U.P.), Philippines
- Philippine Society for Public Administration, Philippines
- Universitas Brawijaya, Indonesia
- Western University, Cambodia
- Universiti Kebangsaan Malaysia(UKM), Malaysia
- Faculty of Law and Political Science, National University of Laos , Laos
- Manipur University, India
- University of Northern Philippines, Philippines
- Doshisha University, Japan
- Korea University, Korea
- Faculty of Political Science, Chulalongkorn University
- Faculty of Political Science, Thammasat University
- Faculty of Social Sciences and Humanities, Mahidol University
- Faculty of Management Science, Prince of Songkla University
- Faculty of Political Science, Prince of Songkla University
- Institute of Southeast Asian Maritime States Studies,Prince of Songkla University
- Public Administration Association of Thailand (PAAT)

MASSAGE FROM CONFERENCE CHAIRPERSON

Sida Sonsri

Dean

College of Politics and Governance (COPAG)
Mahasarakham University, Thailand
(Chairperson of the Conference)

Magsaysay Awardees:

> Khun Machai Viravaidya, Chairman of Mechai Viravaidya Foundation and PDA
> Mr. Antonio Meloto, Founder of Gawad Kalinga (GK)
> Dr. Cynthia Maung, Director of Mae Tao Clinic
> Commissioner Mr. Laode Muhamad Syarif, Commissioner of KPK
> Mr. Sanjiv Chaturvedi, Deputy Secretary at the All India Institute of Medical Sciences (AIIMS)

Professor Sampan Rittidech President of Mahasarakham University
Distinguished Guests, Deans, Friends, Colleagues, Ladies and Gentlemen

On Behalf of College of Politics and Governance, Mahasarakham University, it is indeed special privilege to welcome you all to this Conference. I am pleased to see my friends and guests from abroad and exited of what we expect the productive discussion on MAGSAYSAY AWARDEES: GOOD GOVERNANCE ASIA. This is the great event than the past three International Conference that we had, because at this time the five Honorable MAGSAYSAY AWARDEES who are considered as an Asian equivalent to the Nobel Prize in ASIA will address their works that have been done in the past and the future. All of them served more and more people whether the immediate community or all of society which will provide the lessons learned for us and will share their knowledge and best practice related to good governance and transformative leadership. This is the keyword of this conference. More than that is to build the academic network among the Universities in Asia.

All papers in this conference are peered by the experts which will be published after the conference to ensure that the benefits of this conference continue long after the conference is done. In the afternoon, we have 78 papers and 16 sub-themes in Parallel Sessions, namely:

1. Local Government / Local Administration/ Decentralization
2. Governing Freedom of Expression in the Philippines and Thailand
3. Environmental Governance/ Climate Risk Change
4. Public Policy/ Public Reform

5. Strategic Management/ Social Responsibilities
6. Education Governance in ASEAN
7. Political Leadership/ Democracy Building
8. Woman's Leadership
9. Civic Political Culture/ Interest Groups
10. Peace Process/ Local Communities/ ASEAN Disputes
11. Law and Good Governance
12. Growth and Development
13. Local Wisdom/ Tourism Management
14. Role of NGO in Japan and Southeast Asia
15. Constitution/ Referendum
16. Social and Economic Development in Laos-PDR

I would like to thank our friends from 19 Universities in continuously Co-hosting and contribute the academic environment.

Finally, I hope that this conference will be the productive and fruitful discussion which will be our lessons learned for further studies in the further.

Thank you,

Sida Sonsri

Dean
College of Politics and Governance (COPAG)
Mahasarakham University
(Chairperson of the Conference)

OPENING REMARKS
(President of Mahasarakham University)

Professor Sampan Rittidech, Ph.D.

President of Mahasarakham University, Thailand

Honorable Magsaysay Awardees, Distinguished Guests, Colleagues Ladies and gentlemen

It is a great honor and privilege for me to stand before you and to warmly welcome you to the opening ceremony of the 4th International Conference on Magsaysay Awardees, Good Governance and Transformative Leadership in Asia.

Through this conference, I hope the scholars will take part in many issues as well as the lessons termed from each other.

I would like to thank the Co-hosts and congratulate you to this very important event and well-organized conference that you have done a great job to organize this event.

This conference is an extraordinary example of our future strategy towards capacity building at the International level regarding good governance and transformative leadership.

I hope the strong participation of scholars from many countries can be acquired or at least facilitated by a strong academic network in the future.

Finally I wish you for the success of the conference and look forward to the productive and fruitful discussions.

Thank you,

Professor Dr. Sampan Rittidech
President of Mahasarakham University

Closing Remarks

Good afternoon everybody:

We are approaching the end of our Conference. It has been a day full of sharing, inspiration and fruitful discussion that we have generated a wealth of information and experience in this conference.

Hopefully, the presentation today we have laid out as the conference agenda will help everyone significantly in rediscovering the past, reinventing the present and configuring the future of ASEAN Connectivity which will come up with the sustainable development.

I would like to thank Chairman Mechai, Sir Tony Meloto, Director Cynthia, Commissioner Syarif , Commissioner Alex B. Brillantes, Mayor Abalos our Co-hosts, friends, old and new and all participants for their devotion and their support to this successful and fruitful Conference whether you have come from near or far. I wish you a safe journey home.

Thank you.

Sida Sonsri

Sida Sonsri, Associate Professor
Dean and Chairperson of the Conference

Executive Summary

The aim of the 4ᵗʰ International Conference on Magsaysay Awardees: Good Governance and Transformative Leadership in Asia is to provide a platform for Internationals, national and regional policy makers, practitioners and academic to share their experiences, exchange ideas and explore avenues to enhance further the development of good governance experienced by the Magsaysay Awardees across Asia.

This was achieved through a critical examination of 16 subthemes and 78 papers presentation.

The morning session was Introductory and Welcome Rewards by Prof. Sida Sonsri, Dean of COPAG and Chairman of the Conference followed by the Opening Rewards by Prof. Dr. Sampan Rittidech, President of Mahasarakharm University.

This Conference is the great event than past three International Conference that we had, because at this time done in **the 5 Honorable MAGSAYSAY AWARDEES who are considered as an Asia equivalent to the Nobel Prize in Asia had addressed their works that they have been the past and in the future**. All of them served more and more people whether the immediate community or all of society which provided the lessons learned for us and shared their knowledge of best practice related to good governance and transformative leadership.

Keynote Speaker in the morning session **is Chairman Mechai Viravaidya** who received the **1994 Ramon Magsaysay Award for public service in 1994,** the Board of Trustees recognized his mounting creative public campaigns in Thailand to promote family planning, rural development and a rigorous, honest, and compassionate response to the plague of AIDS. He addressed **Four Decades of Development Endeavor** which encompassed his works since 1965 to start a job with the National Economic and Social Development Board and getting started at the Community Level by founding **the Community-Board Family Planning Service (CBFPS)** in 1974 which was very successful in reducing population in Thailand until today by his own initiative as transformative leadership.

Moreover, he initiated the health program for the poor village and elaborating a more comprehensive rural development strategy by promoting appropriate technology at the village level by emphasizing renewable energy, simple farm tools and reduction of energy waste and increasing income by telling villagers know where they could look for help through identify their needs. This is the **people-centered approach** that led to the success of PDA. More than that the **Mechai Pattana School was set up as a new road to education provision in rural Thailand**.

The second Honorable Speakers is **Founder of Gawad Kalinga (GK), Antonio Meloto**. He received the **2006 Ramon Magsaysay Award for Community Leadership**. His harnessing, the faith and generosity of Filipinos to confront poverty in their homeland and to provide every Filipino the dignity of a decent home and neighborhood was recognized by all over the world.

This is his **Builder of Dream**. His primary goal was to review what was lost and to bring the best out of it. It transformed the ever known Bagong Silang in Caloocan

City into a neighborhood that endowed new, safe, and attractive homes for needy; unlike how it looked like before- where gangsters, young and old and crimes sickened the place. He shared how his action paved way for rehabilitation of the youth who had led wayward lives. He revealed his heart-melting sacrifices just for the accomplishment of his vision.

As a transforming leader of Gawad Kalinga, the growing social movement involved housing for the poor, community development and **nation-building in the Philippines** by his vision and values **"to give care"** that is a slum-free, squatter-free nation through simple strategy for providing land for the landless, homes for the homeless, food for the hungers, by Tony and his fellows GK volunteers and as a result, provided dignity and peace for every Filipino. His works is the lessons learned for the transformative leadership all over the world.

The third Honorable Speaker is **Director Dr. Cynthia Maung who received Ramon Magsaysay Award for Community Leadership in 2002**. She concentrated her works on Health Systems in Burma by creating unity, peace and sustainability. **Mae Tao Clinic** has been founded by her mission and vision to work with clients from Burma living along the Thai-Burma border for over 25 years. She stressed the community health systems in Burma's conflict areas, a fledging peace and news challenges for local communities and health service providers, health as a bridge to peace in Burma, current efforts and opportunities and ongoing challenges to health as a bridge for peace. She concludes that for health to act as a bridge to peace in Burma, health workers from the ethnic and community –based health organizations and from the government needs to work together in joint efforts addressing health policy, health systems strengthening, and service delivery. She further addressed that the recognition of existing health system in the different ethnic minority area is essential, not only for the future of Burma's healthcare systems but also for peace building in Burma.

The fourth speaker is **Mr. Sanjiv Chaturvedi** who was elected as **Ramon Magsaysay Awardees for Emergent Leadership in 2015**. He is recognized as his exemplary integrity, courage and tenacity in uncompromisingly exposing and painstakingly investigating corruption in public office, and his resolute crafting of program and system improving to ensure that government honorably serves the people of India.

He addressed his issues in fighting corruption cases in environment sector encountered during tenure in State Forest Department (August 2005-Juine 2012) and issues in health sector encountered during tenure as chief vigilance officer AIIMS (The All India Institute of Medical Sciences).

Although he was successful in anti-corruption in many cases, he still faces the problems in fighting for corruption from the high ranking officers who are the stakeholders, while he gets tremendous support from general public, media courage and NGOs.

The last Honorable Speaker is **the Commissioner Laode Muhammad Syarif (KPK)** from Indonesia who is the representative of KPK (the Komisi Pemberantasan Korupsi). **The KPK was elected to receive the Magsaysay Award in 2013** as an independent and successful against corruption in Indonesia.

He mentioned that KPK is an independent government body enabled by a strongly crafted law premised on the conviction that corruption is an extraordinary problem that needs to be tackled by extraordinary means. Thus KPK has a far-reaching mandate, exercising exceptional powers that range from investigation and prosecution to prevention and the coordination of agencies authorized to combat corruption. It can conduct searches and seizures, freeze assets, impose travel bans, compel cooperation from government agencies, and even intercept communications without prior judicial approve. It carries out audits on officials, undertakes public awareness campaigns, and studies government management systems to reduce the potential for corruption. Its accomplishments have been impressive from 2003 to 2012 which has handled 332 high profile cases involving top government officials.

Panels in the afternoon parallel sessions covered 16 themes and 77 articles as follows:

1. Local Government/ Local Administration/ Decentralization
2. Governing Freedom of Expression in the Philippines and Thailand
3. Environmental Governance/ Climate Risk Change
4. Public Policy/ Public reform
5. Strategic Management/ Social Responsibility
6. Education Governance in ASEAN
7. Political Leadership/ Democracy Governance
8. Woman's Leadership
9. Civic Political Culture/Interest Groups
10. Peace Process/ Local Communities/ ASEAN Disputes
11. Law and Good Governance
12. Growth and Development
13. Local Wisdom/ Tourism Management
14. Role of NGO in Japan and Southeast Asia
15. Constitution/ Referendum
16. Social and Economic Development in Laos-PDR

For concluding, all of these topics led to good governance and leadership which encompass strategic direction, plans and policies, effective oversight, regulation, motivation, and partnership that integrate all governance to active results.

Leadership involves strategically developing and implementing plans and policies with accountability and transparency good leadership, which requires the ability to face challenges to achieve results in complex conditions, can and should be practiced at all levels.

Lastly, I hope that the discussion of the scholars addressed in this conference will be the lessons learned for further study.

Sida Sonsri

 Sida Sonsri
 Dean of COPAG
Chairperson of the Organizing Committee
12 June, 2016

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Social and Economic Development in Laos-PDR

APPENDIXS

The 4th International Conference on Magsaysay Awardees:
Good Governance and Transformative Leadership in Asia, 31 May 2016

KEYNOTE SPEAKER

Mechai Viravaidya*

(BIODATA)
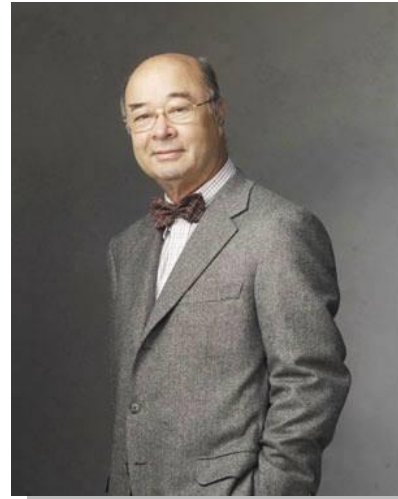
HIV, the virus that causes AIDS, is a stealthy killer. Although intravenous drug users are especially vulnerable, it reaches most of its victims through acts of sex. Once in the body it may sleep secretly for years before striking. It finds willing accomplices in public denial and, in countries such as Thailand, a pervasive sex industry.

There, the disease has spread to hundreds of thousands of Thais in less than ten years—as HIV positive prostitutes infect their male clients and they, in turn, infect their girl friends and wives and,
 through the infected mothers, their newborn infants. For years, as this crisis slowly mounted, few in Thailand took heed. MECHAI VIRAVAIDYA was an exception.

An economist by training, MECHAI began his career with Thailand's National Economic and Social Development Board. In 1974, he founded the Population and Community Development Association, or PDA, which pioneered in community-based family-planning services and training, eventually reaching 16,000 Thai villages. In MECHAI's successful program, respected local persons imparted the benefits of fertility management to neighbors and made contraceptive methods easily available. Meanwhile, MECHAI's penchant for humorous and uninhibited publicity demystified birth control and made his own name popularly synonymous with the condom. Working with government, PDA's initiative helped reduce Thailand's annual birthrate by half between 1968 and today.

MECHAI also led PDA into a wide range of other projects to improve rural life and foster self-reliant development—primary health care, water resource management, reforestation, drug rehabilitation, and credit cooperatives. Working with numerous international funders, PDA became Thailand's largest NGO.

The first case of AIDS in Thailand was reported only in 1984 and, for a time, the number of known carriers was small. But MECHAI was aware of the disease's explosive potential. In the face of government complacency and opposition from the country's lucrative tourist industry, in 1987 he launched the first mass campaign to educate Thais about AIDS. He warned that without intervention, over a million could be infected within a decade. PDA flooded the country with audio and video cassettes, books, and pamphlets bluntly explaining the risks and how to avoid them. MECHAI's provocative publicity stunts captured headlines. He found an ally in Thailand's military, which broadcast anti-AIDS messages on its radio and TV networks.

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* Cited in Magsaysay Foundation, Awardee, 1994

A new government in 1991 took MECHAI in. As a senior minister, he mobilized every government agency to fight AIDS and helped formulate Thailand's National AIDS Plan—the most comprehensive government response to the AIDS epidemic anywhere in Asia today. In relaying his message, MECHAI is consistently nonjudgmental. Part of PDA's AIDS information campaign aims to create a supportive and nondiscriminatory environment for HIV victims in the workplace and community. Although he has advocated regulating Thailand's sex industry, he cautions that, in this realm, "coercion has never worked."

A private citizen once again, the ever-imaginative MECHAI is now piloting PDA's latest venture. It enjoins Thailand's biggest companies to "adopt" rural villages and create income-generating projects there. MECHAI hopes to wean rural families from sex trade remittances and to create opportunities for their daughters to enjoy a decent livelihood at home.

There are no borders where AIDS is concerned, warns MECHAI. His advice to neighboring countries is "react early, react strong." Moreover, private citizens must take the lead. "Don't think that the government will think for itself," he says. "We have to push from the outside."

In electing MECHAI VIRAVAIDYA <u>to receive the 1994 Ramon Magsaysay Award for Public Service</u>, the Board of Trustees recognizes his mounting creative public campaigns in Thailand to promote family planning, rural development, and a rigorous, honest, and compassionate response to the plague of AIDS.

KEYNOTE SPEECH

FOUR DECADES OF DEVELOPMENT ENDEAVOR

The Population and Community Development Association in Thailand[*]

Mechai Viravaidya, *Chairman of Mechai Viravaidya Foundation and PDA.*

When I returned to Thailand in 1965 after studying in Australia, I learned in a very unusual and personal way the value of publicity. A relative of mine asked an unusual favor. She was chaperoning a young Thai woman who had just won the Miss Universe beauty pageant to a number of congratulatory functions, and she wanted me to accompany them. I accepted, not knowing that the Thai people would go crazy about this. Because I want everywhere with them and was frequently photographed, I also became a kind of celebrity.

Shortly thereafter, I got a job with the National Economic and Social Development Board (NESDB), where several years later I became chief of the evaluation section. This often required me to travel up-country to the rural areas to assess and report on development progress. Everywhere I want, there were so many children; I could see that population growth was just eating away at whatever progress we made in terms of our development. A study asked people, "Do you have enough for your children-enough education, enough facilities, everything you need as an adult? " The answer was almost always "no." A World Bank study calculated that annual population growth was about 3.3 percent at the time, but there was no population policy or program.

We needed either to speed up the development process or slow down population growth, or both. I was not in much of position to speed up a bureaucracy's attempt at development. But I was able to see some of its problems. One was a tremendous lack of communication between the government and the people. The NESDB was the planning authority in Thailand and part of the prime minister's office, but implementation was in the hands of the line ministries who did not communicate their development objectives to the people. I, however, spent a lot of time talking to the farmers, which was not very common in those days. Farmers had some very different views from those of the government.

Introducing improvements was made more difficult by the fact that people in the rural areas did not have a role in shaping development; everything was supposedly done for them by the government. Unfortunately, I had trouble convincing the bureaucracy that this was a problem. I wrote several reports on the situation, but they didn't get published, possibly because they presented views too directly. So I decided to write a weekly column in a leading Bangkok newspaper. I used the column to write about Thailand's development problems: the sparse conditions in the countryside, the difficulties faced by farmers and the fact that development thinking in the country was

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[*] *Published in Reasons for Hope, edited by Anirudh Krishna, Norman Uphoff and Milton J. Esman (Connecticut: Kumarian, 1997)*

heavily influenced by people who weren't aware of what the country really needed. Aside from development, I wrote about population, corruption, the environment and rural poverty-issues otherwise being ignored.

Although it was controversial, or maybe because it was, the column was widely read. At this time I was also teaching at Thammasat University, which has since become known for its commitment to democracy, and I also had a nightly radio show. Later I Played leading roles in a series of soap operas based on best-selling novels. The magic of it all was that these opportunities came quite by accident, but they were important for helping me learn about communication. These various channels of communication enabled me to reach quite a wide audience, people who normally did not communicate with one another. I reached the intellectuals, planners and politicians through the newspaper column, while the radio program brought ideas to the average educated person. The soap operas put me in touch with the common person on the street. These experiences working with the media were invaluable once I turned my efforts more directly to the pressing matters of family planning and poverty reduction.

Surprisingly, given the heterogeneity of my audience, virtually nobody challenged me. At functions and at dinners at which I spoke, or on the street, the reaction was the opposite. Many told me they agreed that the problems I spoke about were the urgent questions of the day, although they had been obscured by an authoritarian government. Sadly, no moves were being made to rectify the problems being highlighted. People were concerned, but most were not doing anything constructive to help. It was clear that people accomplished nothing by sitting around and talking about problems. Some action needed to be taken, so I moved into the nonprofit sector to work on certain projects, since I could not be very original within the government.

GETTING STARTED AT THE COMMUNITY LEVEL AND GETTING ATTENTION

In 1971, the government approved a notional family planning policy, but its impact was limited. After serving two years as secretary-general of the Family Planning Association of Thailand, I founded an organization called the Community-Based Family Planning Service (CBFPS) in 1974. I was convinced that we had to change people's attitudes about the member of children they should have and to establish a contraceptive delivery system in rural villages. Such a change would contribute to some long-term good, or at least get us out of the deep hole being dug by massive population growth.

The government's top-down approach to rural people as well as its regular health service delivery infrastructure was not achieving the reduction in the birth rate that was needed in rural areas, so a different approach was called for. I realized that family planning was a sensitive subject, one that was not supposed to be discussed. But if we took into account the Thai people's attraction to *sanuk* (having fun), we could overcome their traditional reluctance to confront embarrassing or contraceptives issues in public. So, I used humor to bring the condom and contraceptives out of the closer and into the open.

Gradually, we made condoms as familiar as playthings. Once, when I was speaking to 2,000 teachers on the importance of lowering the birth rate, I showed them a condom. Suddenly I had an impulse to blow it up like a balloon. It was like magic. One minute they were sitting there looking stiff and self-conscious, and the next they were roaring with laughter. Condoms could become multicolored balloons; they could be filled with water and thrown; we had condom blow-up contests and water balloon festivals. If you take the ring off the end, I pointed out, they can make wonderful hair bands. To encourage Thai men to have vasectomies, we organized vasectomy festivals on the King's birthday, at which time men could receive the service for free. I liked to joke that Winston Churchill's "V for victory" sign during World War II really meant "stop at two." Today, this is one of the many messages emblazoned on T-shirts that our association sells, along with other humorous slogans, images and condoms memorabilia such as condom flowers, condom coffee mugs and key chains.

My experience with the mass media enable me to promote the family planning campaign far and wide, with the approach adapted for different audiences. The message was brought into schools, factories, shops, even taxis, which helped to spread awareness in the cities. At the time, though, the great majority of population lived in villages on the countryside. This required a difference response. To make the campaign succeed, we had to get both information and contraceptive means to the people, plus we definitely needed a structure that allowed people to participate.

In those days, contraceptive were distributed be doctors, nurses and midwives at government hospitals and health centers, which saved only about 20 percent of villages. I became convinced that any solution to the population problem had to begin at the village level. The people had to feel a sense of participation, of not being directed by some far-away government. For leadership we looked to the people who mattered to villagers-teachers, monks and other village leaders-to disseminate the information. For distributing contraceptives, we looked to those who were well situated in terms of village traffic, such as shopkeepers. They were ordinary villagers, but they were essential in helping us make contraceptives readily accessible to communities in more than 25 percent of the country. To help spread the message, we also trained 320,000 rural school teachers within five years.

Each distributor of contraceptives was chosen carefully after reviewing the person's standing in the community, support for family planning and record-keeping ability. These persons received more training in record keeping and were given basic family planning information, such as about contraceptive use. CBFPS trained them and gave them a big depot sign to hang outside their shops. They returned home with supplies of birth control pills and condoms that they could sell in their villages for a small commission. Each of our field workers looked after about 100 distributors and went around once field workers looked after about 100 distributors and went around once a month to check records, collect the money from contraceptives sold and deliver new supplies.

This network relied on the distributor's hard work, good faith and pride in being selected as the distributor. The payment of a commission added incentive, but nobody agreed to distribute contraceptives in order to get rich. Instead, most distributors regarded it as a high honor to be chosen. Eventually the network encompassed over 16,200 villagers who distributed contraceptives and information. We tried to go

everywhere, but we went first to areas where the need was greatest. The northeast was the poorest area and had the highest fertility rate, so most of our efforts went there at first. But we also worked in the north, which was also poor, in part of the center and part of the south. It was a national campaign. By its fifth year, the program was totally self-financing. The money from the sale of contraceptives donated by the International Planned Parenthood Federation and U.S. Agency for International Development was recycled to cover all costs of operating the network.

Surprisingly, there was not much opposition even though the campaign was very visible, and it started having quite a wide impact. To allay the concerns of monks, we cited a teaching of the Buddha that "many births cause suffering." We never had any political problems and not much in the way of general opposition rather. The very few people who opposed us I never confronted. I always listened to their suggestions and comments and thanked them. I apologized for the things they did not like and then just continued the way we had been doing things.

Perhaps we minimized any widespread opposition by not talking about sex education. Instead, we talked only about population and family planning, saying that parents should be the ones to discuss sex education with their kids. In that way, people never thought of us as violating the family's responsibility. We also made the subject lighthearted and festive rather than important thing was to make people think about it.

INDICATORS OF SUCCESS AND THE NEED TO EXPAND OBJECTIVES

Objectively, the national family planning campaign in Thailand can be judged a success. Our NGO program is widely credited with helping the government reduce the nation's population growth rate from about 3.3 percent in the early 1970s, to 1.8 percent by 1982, to 1.2 percent in 1994. Concurrent with this decrease has been a dramatic increase in the number of eligible couples practicing family planning, from 11 percent in 1971, to over 60 percent by the early 1980s, to over 78 percent today.

Thailand's success is the envy of many other developing nations that are struggling with high birth rates. The key to success was good cooperation between the government and NGO sector-the ministry of public health supported our efforts, and we contributed to the achievements of the national family planning program; a wide range of contraceptive choices; grassroots participation; and full voluntarism (no coercion). In isolated and very poor areas, where education, incomes and family planning acceptance were low, we introduced a system of community incentives, in about 50 villages. In some of the most remote villages, we set up a community fund into which was paid $200 for every vasectomy performed, $175 per female sterilization, $100 per IUD, and $75 for using the pill. These funds were available for loans to village members whether or not they participated in family planning, with loans made and collected by an elected village committee. These revolving funds were mostly very well managed and maintained. Elsewhere we paid into a community fund $5 for every month that a woman was not pregnant. In order not to privilege some more than others, every woman, old or young, could "contribute" $60 a year to the community fund this way. We also offered households where the wife was not pregnant agricultural credit at favorable rate. If the bank rate was 10 percent, contraceptive users could borrow at half that rate, while other villagers could borrow

at 10 percent-still much lower than the 60 to 130 percent paid to private moneylenders.

Our practice was to promote family planning as something that is in people's interest, not something we would try to "bribe" them to accept. Material incentives cannot explain the fundamental changes in attitude which the campaigns brought about. Our bold and often humorous approaches have helped turn one of the most private subjects into something that people can now discuss openly with little embarrassment. We can take much satisfaction in this transition in attitudes and behavior.

However, we also came to realize that we should not try to solve population growth problems in isolation, since our real goal was to improve people's lives, The more deeply we got involved in our family planning campaign, the clearer it became that this, by itself, would not be enough to develop the rural areas and reduce poverty in Thailand's many villages. Accordingly, in 1977, the name of CBFPS was changed to the Population and Community Development Association (PDA for short). This reflected our broader goal, and PDA began establishing programs on a district-by-district basis. From our work with villagers on family planning, we learned that their health was one of the best ways of convincing them to have fewer children. Parents would have fewer children if they knew that the ones they did have would be healthier and would be more likely to survive and thrive. This led us to look more closely at the need and opportunities to improve rural health by preventing illnesses.

IMPROVING VILLAGE WATER SUPPLIES

One of the main obstacles to improving health was a severe lack of water resources in the villages. Most poor villagers simply did not have enough water, especially drinking water. Because of inadequate supply, particularly during the dry season, many families were forced to drink unsafe water. In response, PDA set up a water tank program based on the idea of capturing rainwater from the roofs of houses and storing it in large water jars and water tanks. Particularly in the northeast, rain does not fall throughout the year, but only in some months. This made getting ground water difficult, and piped water was out of the question because neither villagers nor the government could afford this. The water tank program proved to be both practical and feasible, however, as an alternative source to ground water. We worked with households to build water tanks about three meters tall and two meters wide, with a capacity of about 11,000 liters of water. This was enough to supply drinking and domestic water for a family for the seven-month period of water shortage.

Where did the money to finance the tanks come from? At first, we got grants from the German foundation, Agro Action. Construction costs were reduced by forming groups of fifteen families to cooperate in contributing the labor. Within fifteen days a group could install fifteen tanks. We made the program self-sustaining by requiring that every family that got a water tank would sponsor another family, repaying the money

for its own water tank over a period of time. The money stayed in the district as a kind of revolving fund. If a grant enabled us to construct 1,000 tanks over ten years, the number of tanks could be increased to 7,000 under this system. This multiplying effect made the program quite effective. It improved hygiene and reduced disease, while saving households (especially women) time and greatly improving quality of life.

A water committee was set up in each village to handle collection of the money owed to the revolving fund. Most everyone was surprised that there were so few defaults. This was partly because if a villager did not repay his or her loan, this world prevent a neighbor from getting a water tank. PDA's efforts were initiated to expand upon government efforts to bring water to rural areas. Where it was apparent that the government would not by giving things away. We always required some amount of local contribution. Our program ended up building more water tanks than all of the government's programs, thanks to workings of community management and self-help.

ELABORATING A MORE COMPREHENSIVE RURAL DEVELOPMENT STRATEGY

We started thinking about how to lunch still larger projects that could help an even greater number of people. If PDA could get funding for 100,000 home water tanks, which would cost about US$35 million at that time, within ten years our program could get over 700,000 tanks installed, which would have covered the entire northeast part of country. We fashioned a three-step approach to village development. First, we started with family planning efforts, which we followed up with water and sanitation programs. Then we introduced what we called community-based integrated rural development. This also had three steps: first, improve technology for the villagers; second, resolve resources constraints and increase commodity production; and third, market their products.

By now, most people had accepted that too many children made them poor, and they were ready to stop adding to the number of mouths they already had to feed. The new question became: how to make life better for them, giving them a chance to get their fair share of life's necessities? PDA became involved with them, giving technical and economic assistance and also advice and cooperative-like marketing opportunities. First we selected farmers from one district at a time, allotting about 20 million baht (US$1 million) per district, mostly derived from foreign grants, to be invested in household-level improvement. We had three models in mind: intensive, which provided about 6,000 baht (US$300) per household; and light, which cost 3,000 baht (US$150).

The basic activities were animal raising, all forms of agriculture and some kind of water resource development, for example, constructing wells or ponds and fertilizer and by helping villagers begin fish raising. For animal rearing, villagers raised

chickens, ducks, geese and rabbits. We encouraged them to plan to use one activity to benefit another, capturing wherever synergies were possible. For instance, geese can be introduced just before the grains left behind in the field, getting a good healthy start, after which they can manage by foraging and scavenging around the village.

We also tried to promote appropriate technology at the village level by emphasizing renewable energy, simple farm tools and reduction of energy waste. We encouraged people to use animal waste rather than charcoal for cooking by converting it into biogas. Another innovation was recycling chicken droppings to be fed to the pigs, with the pig's manure in turn fed to fish, and residues then used to produce biogas. Fertilizer could also be obtained from this process. We also experimented with other technologies such as using solar energy to dry foodstuffs.

Sometimes the techniques villagers were already using were basically sound, but small changes could earn them more money. We introduced a lot of small improvements. For instance, many villagers were already raising chickens, which were a main source of nutrition for rural households. In the past, as many as 90 percent of the chicken might die from disease. We learned this was due largely to in-breeding. By getting villages to exchange their roosters, and by introducing vaccination, survival rates dramatically increased. The villagers also went into commercial production, both for egg laying and selling poultry meat. Later, we encouraged them to expand into pig raising, which was more complex, due to the different types of diseases. This also involved determining, on a village by village basis, how many families could best raise pigs and how many would raise chickens.

While PDA encouraged villagers to become organized, it has not set up PDA organizations at village level. A variety of special-purpose organizations have been established for managing activities sparked by PDA, such as the village committees organizing water tank construction and handling repayment. We wanted to be sure that villagers perceived the organizations as their organizations. So a variety of cooperatives, farmer groups, associations and handicraft companies have sprung up, encouraged, and in some case financially backstopped, by PDA. The main task for PDA staff, including the managers and directors, was, and continues to be, spending time sitting and what they are willing to commit themselves to for their own and their children's betterment.

PDA has aimed to achieve income increases of about 30 percent a year, and it has used routine evaluations to gauge the effect of what has become one of the most integrated development programs for Thai villages. We went beyond measuring income to assess whether project activities were succeeding. We also sought to learn the perceptions of the people. We asked them if their lives were now better, and if so, in what ways? Our measurement device, called the "Thai bamboo ladder," started from zero and went up to ten. We asked questions such as: "What is the I deal situation you would like see in your community?" they would answer, "Enough

water, a school for my children, good health, no robberies, and s fair price for my crops." We called this the Ideal, which we valued at ten.

We then asked what was the worst possible situation they could imagine themselves in, and this was termed zero on our scale. Then we asked them where they thought they were on the ladder at the time. Some said five; others said six or seven. We asked them to indicate where they were before PDA got involved in their village, and some pointed to two or three. Finally, we asked them where they thought they would be in three or four years' time, and they pointed to eight or even nine. This revealed to us how the villagers evaluated their own progress within their own value system, and that they looked forward to improvements---a brighter future in their community.

One of the most important steps was to let villagers know where they could look for help. PDA taught the villagers to identify their needs and to figure out ways to get them met, through their own means and with our help. PDA set up special centers in a number of districts that were particularly poorly served where villagers could come to get supplies and learn valuable information. Some information was especially important for helping farmers market their product at a fair price instead of getting cheated by middlemen. This gave them more control over their economic performance. We tried to make the villagers strong enough to stand up to the businesspeople, not trying to cut them out, but providing the villagers with real alternatives.

A PEOPLE-CENTERED APPROACH

Another key was participation. We didn't work with villagers as their masters but rather as their equals. This was crucial to their sense of self-worth and represented a tremendous social change in their lives, building their confidence and initiative over time while our staff worked with them. The great majority of the villagers were honest with us because they knew that if they cheated us, they were really cheating themselves. This contributed to much progress since heretofore changing villagers' impressions about development assistance had always been difficult. To us, development did not necessarily mean more roads, more electricity or more whatever-it meant changing people's attitudes and behavior, to help them become more capable of self-help.

Participation also means no handouts. PDA firmly believes that handouts breed passivity and indifference, and that villagers will be more committed to the activities and possessions that they have an investment in. When PDA moves heavily into water resource development-tackling one of the greatest threats to livelihood for farmers-villagers paid for their water jars and water thanks after purchase through a loan program. The same principle generally applied to villagers who started to raise chickens or pigs and money from a community fund to buy their first animals and materials to start the business. Ehen they repaid the loan, the money went into a common revolving fund that stayed in the community and funded other villagers looking for loans for their needs.

In retrospect, we see that PDA's approach to development did help villagers to become more self-sufficient within two to four years, although in some poorer areas, development took longer. The key was to get the villagers started on the path to a better life through their own efforts. This then continues until they both met their basic needs and established a firm footing of economic security. For instance, when building up water resource to enable the villagers to farm year-round, PDA sought also to deal with urgent issues such as the need for off-season income to provide for families' needs while new systems were being planned or built and when their farming income ran out.

Many villagers had already turned to small cottage industries as an alternative. PDA took the cue and built many new programs based on existing village skills and knowledge. For example, the cloth-making industry offered good opportunities. But it was important that villagers not only know how to make cloth, but, more importantly, how to make it with attractive designs so that it could be marketed in urban areas or exported for higher prices. The same was true for villagers making Thai handicrafts to sell. We encouraged households to go beyond producing primary commodities and to add value to their own work. Instead of selling only fresh bananas, they learned to market dried bananas all year round. Food processing and vegetable pickling helped them earn income and add value to garden crops. We also taught them how to make cheap baskets and bricks. In place of the traditional approach of only growing just rice and other farm produce, they learned how to produce other things, to be more imaginative.

The underlying benefit of increasing off-season employment and income generation in rural communities is that it gives people a greater economic stake in their communities. If villagers can derive more inclined to stay there instead of moving elsewhere, or migrating to Bangkok to seek jobs before and after the harvest. They will try instead to improve the situation around their homes and businesses. Basically, we tried to turn small farmers into small businesspeople, and to open up cooperative where the farmers could gain. PDA continues to promote this strategy of broad-based villager participation, similar to what was expressed twenty years ago when the organization was founded. Our approach requires looking to the people themselves for solutions, going into villages and finding out what people want and what their ideas are in dealing with their problems.

PDA has evolved from its rather modest origins—in a crowded, cluttered converted shop house on a little street off the busy thoroughfare known as Sukhumvit, to occupy currently an eight-story office building and compound containing a restaurant, cafeteria, health and sterilization clinic, handicraft store and staff housing. In addition, it has expanded and opened fourteen field offices in the north and northeast, from which the various project activities are launched. From a staff of 25 in 1974, PDA has grown to having 600 staff.

This expansion has not come without much time, effort and, of course, money. The total annual budget reached US$12 million a year at its peak, when PDA was involved in a lot of refugee work. The present level is closer to US$9 million, but this supports probably more development work than at the peak of funding. To share its experiences, PDA has now established an Asian Center for Population and

Development, which has already given training to over 2,000 people from forty-seven countries.

Most PDA projects have been funded by Western donor agencies, foundations and governments, which have come to trust the PDA's community based implementation approach, its experience in managing large-scale programs, and its commitment to benefiting the rural poor majority. PDA funds up to 40 percent of its annual expenditures through a variety of private businesses, some under the auspices of the Population and Community Development Company Ltd. (PDC). PDA holdings include the now-famous "Cabbages and Condoms" restaurant chain, started in Bangkok, with four branches in Thailand and one in Beijing, China' Plans are being drawn up to expand into other parts of the world. PDA also has a handicrafts store in Bangkok, which Mobil Oil and Oxfam helped to Start, as well as numerous development companies located at its field offices. PDA profits go entirely to help fund PDA's work. Apartment rents, honorariums and fees that I often receive for speaking or serving as director of companies also go toward PDA's activities.

Noting the steady decline in foreign development aid and knowing that Thailand's rural development needs are still far being met, PDA has diversified to meet future needs through the Thai Business Initiative for Rural Development (TBIRD). This was conceived in the late 1980s and was further developed during a year I spent as a visiting scholar at the Harvard Institute for International Development. The program recruits private businesses to finance the costs of development in individual rural villages. At the same time, employees of the companies work with the villagers to teach them basic finance, marketing and other business skill they will need to sustain themselves in the future.

Although the principal aim of the scheme is to provide villagers with local economic opportunities and a decent sustainable income, a corollary aim is to cultivate the private sector to assume part of the cost of rural development in Thailand, especially as foreign aid declines. Since its launching in 1998 with pioneering commitments by Volvo and Bangkok Glass, the program has grown to include projects in over 120 villages in the north. It increases the effectiveness of donor aid by recruiting private companies to bear much of the actual cost of rural development work in villages, making tax-deductible contributions through PDA. Companies have helped villagers to start an array of cottage industries, including silk weaving and basket making. Many of these are now independent and self-sustaining.

TBIRD has also been able to recruit companies to relocate part of their production base to rural areas, taking machinery to the people rather than vice versa. The most successful venture so far is that of Bata, the Canadian shoe manufacturer; 45 percent of its school shoes—six million – are produced in factories owned by rural cooperatives established with the help of PDA. Bata's success has helped convince other companies also to move production to the rural areas. Now the government is encouraging other companies to follow suit, for producing garment and leather goods, processing semiprecious stones and assembling electronic components. Not only has this stopped outmigration from villages where production has started up, but young men and women are returning home to their villages from Bangkok.

In 1996, a system of minimarkets is being established in villages, where village shopkeepers are organized to own 40 percent of a central supply company. In turn, these shopkeepers are encouraged to hold equity capital supply in the new factories being relocated to rural villages. All shopkeepers and factory owners will contribute 10 percent of profits to village activities for the less privileged. Some Bangkok companies have agreed to allocate 3 – 5 percent of their profits, of directors' fees and of directors' and staff bonuses toward expanding PDA activities mechanisms, PDA is achieving multiplier effects well beyond those that were first launched with its water jar program years ago. Of course such development efforts are all the more successful when the villagers are able to participate as owners and can watch the value of their investments grow over time.

Note: I would like to thank Pamela Mar, program officer with the Thai Business Initiative for Rural Development, for her assistance in preparing this chapter.

**The Mechai Pattana School:
A New Road to Education Provision in Rural Thailand[1]**

The Mechai Pattana School, known as the Bamboo School, is a secondary school located in Lam Plai Mat district in Buriram. The school was established in 2009. It was co-founded by the Mechai Viravaidya Foundation and the Population and Community Development Association (PDA) with the aim of providing a boarding school for children from rural households.

The Mechai Pattana School was designed to be a lifelong learning center and the center for the improvement of quality of lives of rural people. It aims to bring up 'good' people who value honesty, equality and sharing and have life skills, professional skills, and management capabilities. Furthermore, the school works to help parents and villagers in the communities in the vicinity to have a better quality of lives and higher incomes.

In order to achieve the aforementioned purposes, the Mechai Pattana School develops three crucial factors for education achievement including the development of subject areas, the improvement of teaching methods, and the adjustment of the school's role to provide 'a lifelong learning center and the center for the improvement of quality of lives of rural people'. In details, parents and villagers in the communities in proximity can access to professional trainings offered by the school such as skill trainings for agricultural businesses and techniques.

The school's buildings and dormitories are made of bamboo. Students from all over the country can apply for the recruitment in which senior students choose the freshmen through interviews with the applicants and their parents. Nowadays, the students are from 22 provinces in Thailand. They do not have to pay tuition fees.

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[1] *Summarized by Sopit Cheevapanich, Lecturer, College of Politics and Governance, Mahasarakham, Thailand.*

Instead, they are required to do good deeds for society for at least 400 hours and plant at least 400 trees annually. Moreover, the students must participate in the school's administration in various ways such as welcoming and introducing their school to the visitors, taking part in the school's equipment purchasing processes (the monitoring process included), recruiting teachers, and evaluating the teachers' teaching performances. The committee of the student leaders engages in looking after the students in general.

The Mechai Pattana School focuses on enhancing its students to think, ask and research. Also, it encourages the students to think outside the box but, at the same time, live on Thai valuable culture and living their ways of lives in harmony with nature. These principles aim at supporting the students to learn with joys among changes in societies. They also respond to Thailand' education policy an aim of which is to enhance people's sustainable quality of lives and learning in the 21st century. To build up the students' capabilities, the school arranges outside-school learning activities in various places particularly in the international schools. The Mechai Pattana School is unique in providing courses for an enhancement of students' life and professional skills especially the social entrepreneur skills. It believes that possessing these skills, the students will have good jobs and lives in the future. They will live in their families and communities with happiness. Also, they will not abandon their hometowns to find jobs in the cities.

In order to be prepared as a social entrepreneur, the students are given the opportunities to be trainees in various private companies during semester breaks. In addition, the school establishes a fund through which the students self-organised as groups can access loans for businesses. Students can also access loans to run businesses with their families and the elderly. This is because the school believes that it has a mission to help the students' parents to get out of poverty. Apart from a provision of business and agricultural trainings for students, the school offers trainings for villagers and the elderly. The trainings include doing businesses and growing crops in new ways, household accounting, learning about solar powered households and hygiene, and building water reservoirs for agriculture.

From the concrete success of the school program, the school has been accepted as one of a few schools in Thailand for its "educational innovative". Recently, the school has assisted the Ministry of Education in supporting the small-size schools especially the schools with the marginalized groups of students and those located in rural areas (76 schools and 146 villages) under the School-based integrated Rural Development Project (School-BIRD) and Village Development Partnership (VDP), funded by private and educational sectors.

Under the school's development project, more than 150 public schools have requested Meechai School to support the agriculture projects, 76 of them with 50-250 students have received the support. In addition, Meechai School has worked for the ethnic students in the border area, the disabled students, the marginalized groups of students with funding from the private sectors. Most of the funding has been spent on the agriculture project to eliminate the poverty and set a fund for the students and the families who live in poor conditions.

Meechai School plans to support 60 schools by 2016 and covers more ethnic students and the students from neighboring countries such as Myammar, Lao PDR and Cambodia who live in the border area so that the students and their families could practice life and working skills as one of Meechai School's strategies. The supported schools will become a life-learning center for the community members and people in the rural areas including the establishment of the local enterprises and be a business opportunity for the students, families and the community members in order to create a good living conditions and be a sustainable way.

Such project comprises of 5 main components:
1. Participation in the school's activities and strengthening the community
2. Training on the agriculture business and farming in form of local enterprise
3. Training for the development of teachers, students, families and community members
4. Developing a loan fund and saving for students and families
5. Developing the school's facilities, hygiene and water for students

Village Development Partnership (VDP) conducted by Meechai School is the development project for the village aimed to eliminate the poverty. The project does not rely on the social work but rather strengthening the villagers to have a business skill, while developing living conditions of the villagers based on the participation approach.

Co-development project aims to create the partnership between the villagers and the donors through Meechai School. The activities have run through Corporate Social Responsibility (CSR) which provides various forms of activities based also on the corporate policy, resource and the specialization upon their support. The knowledge on doing business has empowered the villagers to start their small and local business which is the main mission in developing the rural area and integrate the business skills of the corporate and the social skills of Meechai School.

โรงเรียนมีชัยพัฒนา
เส้นทางสายใหม่ของการศึกษาไทยในชนบท

โรงเรียนมีชัยพัฒนา หรือ โรงเรียนไม้ไผ่ เป็นโรงเรียนระดับชั้นมัธยมศึกษา จัดตั้งขึ้นเมื่อปี พ.ศ. 2552 ณ อำเภอลำปลายมาศ จังหวัดบุรีรัมย์ โดยสมาคมพัฒนาประชากรและชุมชน ร่วมกับ มูลนิธิมีชัย วีระไวทยะ เพื่อให้เป็นโรงเรียนประจำสำหรับนักเรียนที่มาจากครอบครัวที่อาศัยอยู่ในชนบท

โรงเรียนมีชัยพัฒนา ได้จัดตั้งขึ้น เพื่อเป็นแหล่งเรียนรู้ตลอดชีวิต และเป็นศูนย์กลางของการพัฒนา คุณภาพชีวิตของชาวบ้านที่อยู่ในชุมชนชนบท วัตถุประสงค์ของโรงเรียนคือ การมุ่งสร้างนักเรียน ให้เป็น "คนดี" มีความซื่อสัตย์ มีทักษะชีวิตและทักษะอาชีพ รักความเสมอภาค มีความสามารถใน การบริหารจัดการ รู้จักการแบ่งปัน และช่วยเหลือสังคม ยิ่งไปกว่านี้ ยังมีจุดมุ่งหมายที่จะช่วยเหลือ ผู้ปกครองและชาวบ้านในชุมชนรอบโรงเรียนให้มีคุณภาพชีวิตและรายได้ที่ดีขึ้นด้วย

เพื่อให้บรรลุถึงจุดมุ่งหมายดังกล่าว โรงเรียนมีชัยพัฒนา จึงได้ดำเนินการปรับปรุงและพัฒนาปัจจัย สำคัญเกี่ยวกับระบบการศึกษาใน 3 ด้าน คือ การปรับปรุงสาระในการเรียนรู้ ปรับปรุงวิธีการสอน และเปลี่ยนบทบาทของโรงเรียนให้เป็น "แหล่งเรียนรู้ตลอดชีวิตของทุกคนในชุมชนและเป็น ศูนย์กลางของการพัฒนาคุณภาพชีวิตของคนในชนบท" ผู้ปกครองและคนในชุมชนรอบโรงเรียน สามารถเข้ามารับการอบรมในวิชาชีพต่างๆที่ตนสนใจ โดยเน้นการทำธุรกิจด้านการเกษตรด้วย รูปแบบและวิธีการใหม่ๆ

ทางเข้าโรงเรียน ต้นไม้ และทางเดินที่มีสีสัน

อาคารเอนกประสงค์ geodesic dome ที่สร้างด้วยไม้ไผ่

อาคารและหอพักของโรงเรียนสร้างด้วยไม้ไผ่และพร้อมเปิดกว้างให้นักเรียนจากทั่วประเทศได้มี
โอกาสสมัครเรียน โดยมีนักเรียนรุ่นพี่เป็นผู้คัดเลือกด้วยการสัมภาษณ์ทั้งตัวนักเรียนผู้มาสมัครและ
ผู้ปกครองของนักเรียน ปัจจุบันนักเรียนของโรงเรียนมีชัยพัฒนา มีห้องละ 30 คน และมาจาก 22
จังหวัดทั่วทุกภาคของประเทศไทย โดยนักเรียนทุกคนไม่ได้เสียค่าเล่าเรียนเป็นเงิน แต่นักเรียนและ
ผู้ปกครองต้องทำความดีช่วยเหลือสังคม คนละ 400 ชั่วโมง และปลูกต้นไม้คนละ 400 ต้นต่อปี
นอกจากนี้นักเรียนยังต้องมีส่วนร่วมในการบริหารงานในแผนกต่างๆ ของโรงเรียน เช่น การ
ต้อนรับและบรรยายกิจกรรมของโรงเรียนแก่ผู้มาเยี่ยมชมโรงเรียน การจัดซื้อวัสดุอุปกรณ์และ
ตรวจสอบ การดูแลนักเรียนโดยคณะหัวหน้านักเรียน ตลอดจนการคัดเลือก และประเมินผลครู

นักเรียนทำความดีคนละ 400 ชั่วโมงและปลูกต้นไม้ 400 ต้นต่อปี

นักเรียนทุกคนต้องเล่นดนตรี   นักเรียนสัมภาษณ์และคัดเลือกครู

ในการจัดการเรียนการสอน โรงเรียนมีชัยพัฒนา เน้นการส่งเสริมให้นักเรียนคิดเป็น ถามเป็น และ
ค้นคว้าเป็น ยิ่งไปกว่านี้ คือ การสอนให้นักเรียนรู้จักคิดนอกกรอบ แต่ไม่ทิ้งรากเหง้าวัฒนธรรมที่ดี
งาม ความสมดุลกับวิถีชีวิตและธรรมชาติ เพื่อให้นักเรียนได้เรียนรู้อย่างมีความสุข ท่ามกลางการ
เปลี่ยนแปลงของสังคม และตอบสนองต่อแนวนโยบายการจัดการศึกษาเพื่อการเรียนรู้และพัฒนา

คุณภาพชีวิตอย่างยั่งยืนในศตวรรษที่ 21 นักเรียนจะมีโอกาสได้ไปเรียนนอกสถานที่โดยเฉพาะอย่าง
ยิ่งในโรงเรียนนานาชาติ ซึ่งถือเป็นมาตรการที่สำคัญอย่างยิ่งในการเสริมสร้างศักยภาพของนักเรียน
ทั้งในด้านการจัดการศึกษาตามหลักสูตรแกนกลาง และการจัดการศึกษาในรูปแบบพิเศษที่เป็น
เอกลักษณ์เฉพาะของทางโรงเรียนเอง ได้แก่ การฝึกทักษะชีวิต และทักษะอาชีพ โดยเฉพาะอย่างยิ่ง
ทักษะการเป็นผู้ประกอบการเพื่อสังคม (social entrepreneur) เพื่อเตรียมพร้อมที่จะให้นักเรียนมี
ชีวิตและการงานที่ดีในอนาคต สามารถดำรงชีวิตอยู่ร่วมกับครอบครัวในชุมชนของตนเองได้อย่างมี
ความสุข โดยไม่ทิ้งบ้านเกิดไปหางานทำในเมือง

นักเรียนเป็นผู้ต้อนรับผู้มาเยือน   นักเรียนได้ร่วมเรียนในโรงเรียนนานาชาติ
(อดีตรองนายกรัฐมนตรี)

นักเรียนทุกคนต้องเล่นดนตรี   นักเรียนทุกคนต้องเล่นดนตรี

ธุรกิจของนักเรียน --- เลี้ยงแพะ   ปลูกผักในตะกร้า

นักเรียนเรียนนอกสถานที่ --- รัฐสภา   เสนอความเห็นต่อประธาน
กรรมาธิการยกร่างรัฐธรรมนูญ

ฝึกงานช่วงปิดภาคเรียน --- ที่บริษัทไมโครซอฟท์   ที่โรงแรมและร้านอาหาร

ในการฝึกเป็นผู้ประกอบการเพื่อสังคมนั้น โรงเรียนมีชัยพัฒนาเน้นกระบวนการเรียนรู้ด้วยการ
ปฏิบัติจริง ดังนั้น จึงเปิดโอกาสให้นักเรียนได้ฝึกงานในหน่วยงานภาคเอกชนต่างๆในช่วงปิดภาค
เรียน พร้อมทั้งได้จัดตั้งกองทุนประจำโรงเรียนเพื่อสนับสนุนเงินลงทุนในการทำธุรกิจ รวมถึงการ
ฝึกสอนให้ผู้ที่นั่งรถเข็นสามารถทำการเกษตรได้ นักเรียนสามารถกู้ยืมเงินไปลงทุนทำธุรกิจเป็น
กลุ่ม และสามารถกู้ยืมไปลงทุนทำธุรกิจร่วมกับครอบครัวและผู้สูงอายุ เพราะเชื่อว่า โรงเรียนที่ดี
จะต้องช่วยเหลือผู้ปกครองให้หลุดพ้นจากความยากจนแร้นแค้นด้วย นอกเหนือจากการฝึกอบรม
นักเรียนในด้านธุรกิจและการเกษตรแล้ว โรงเรียนยังได้จัดการอบรมในด้านต่างๆให้แก่สมาชิกและ
ผู้สูงอายุในชุมชนรอบโรงเรียน โดยเฉพาะในด้านการทำธุรกิจและการเกษตรแบบใหม่ ด้านแหล่ง
น้ำเพื่อการเกษตร ด้านสุขาภิบาลและสิ่งแวดล้อม ด้านบัญชีครัวเรือน ด้านพลังงานแสงอาทิตย์ และ
ด้านสุขภาพอนามัย

แปลงฝึกอบรมเกษตรแผนใหม่โดยใช้ที่ดินน้อย และน้ำน้อย ---
ผักในภาชนะต่างๆ --- วงบ่อซีเมนต์ ---

จากผลงานที่เป็นรูปธรรมดังกล่าว ทำให้โรงเรียนมีชัยพัฒนาได้รับการยอมรับให้เป็นโรงเรียน
ตัวอย่างด้าน "นวัตกรรมทางการศึกษา" โรงเรียนหนึ่ง ในจำนวนไม่กี่โรงเรียนที่มีอยู่ในประเทศ
ไทย ตลอดระยะเวลาที่ผ่านมา มีผู้สนใจมาศึกษาเรียนรู้รูปแบบการดำเนินงานของโรงเรียนเป็น
จำนวนมาก จากทั้งในและต่างประเทศ

นวัตกรรมด้านการเกษตร --- นักเรียนช่วยกันสร้างระบบปลูกผักไร้ดิน (hydroponics)

ปลูกผักข้างรั้วในขวดน้ำที่ใช้แล้ว   ปลูกผักไร้ดินในลำไผ่ (Bamboo Hydroponics)

อดีตรองนายกรัฐมนตรีสาธิตการปลูกผักในแปลงฝึกเกษตรสำหรับผู้นั่งรถเข็น (wheelchair)

ปัจจุบันโรงเรียนมีชัยพัฒนา ได้ขยายขอบเขตการดำเนินงานไปสู่การพัฒนาและช่วยเหลือโรงเรียน
ขนาดเล็กของกระทรวงศึกษาธิการ โรงเรียนสำหรับผู้ด้อยโอกาส และหมู่บ้านยากจนในชนบท
โดยได้เปิดดำเนินการไปแล้วใน 76 โรงเรียน และ 146 หมู่บ้าน ภายใต้การดำเนินงานโครงการ

พัฒนาชนบทที่สำคัญ 2 โครงการ ชื่อว่า **"โครงการพัฒนาคุณภาพชีวิตและรายได้โดยมีโรงเรียนเป็นศูนย์กลาง"** หรือ **"School-Based Integrated Rural Development Project (School-BIRD)"** และ **"โครงการร่วมพัฒนาหมู่บ้าน"** หรือ **"Village Development Partnership (VDP)"** โดยได้รับการสนับสนุนด้านงบประมาณจากภาคเอกชนและความร่วมมืออื่นๆ จากสถาบันอุดมศึกษา

ในโครงการพัฒนาคุณภาพชีวิตและรายได้โดยมีโรงเรียนเป็นศูนย์กลางนั้น ปัจจุบันมีโรงเรียนชุมชนของรัฐกว่า 150 แห่ง ได้ขอความช่วยเหลือให้ช่วยพัฒนาโรงเรียนของตนเอง ให้มีลักษณะคล้ายกับโรงเรียนมีชัยพัฒนาในด้านการพัฒนาธุรกิจการเกษตร ซึ่งได้เริ่มดำเนินการไปแล้วกว่า 76 แห่ง ในโรงเรียนขนาดเล็กซึ่งมีนักเรียนตั้งแต่ 50 ถึง 250 คน พร้อมทั้งช่วยโรงเรียนที่มีนักเรียนกลุ่มชาติพันธุ์ตามชายแดน และนักเรียนด้อยโอกาสในโรงเรียนราชประชานุเคราะห์ โรงเรียนศึกษาสงเคราะห์ โรงเรียนศรีสังวาลย์ที่เป็นโรงเรียนสำหรับนักเรียนที่บกพร่องในการเคลื่อนไหว และโรงเรียนโสตศึกษาสำหรับนักเรียนที่มีปัญหาในการได้ยิน โดยได้รับการสนับสนุนงบประมาณในการดำเนินงานจากภาคธุรกิจเอกชน เงินงบประมาณส่วนใหญ่จะจัดสรรให้ใช้ในการก่อสร้างแปลงเกษตรเพื่อขจัดความยากจน และจัดตั้งเงินกองทุนเพื่อทำธุรกิจสำหรับนักเรียน ผู้ปกครอง และสมาชิกในชุมชนที่ยากจนที่อาศัยอยู่รอบๆ โรงเรียน

นักเรียนและสมาชิกของชุมชนร่วมกันสร้างแปลงเกษตรเพื่อขจัดความยากจน

แปลงเกษตรที่มีสีสันในโรงเรียนขนาดเล็กต่างๆ

จากผลการดำเนินงานในรอบสามปีที่ผ่านมา โรงเรียน นักเรียนและ ผู้ปกครอง พร้อมทั้งองค์การ
บริหารส่วนตำบลและสมาชิกในชุมชนที่เข้าร่วมโครงการทั้งหมด มีความพึงพอใจในผลงานด้าน
ธุรกิจการเกษตรและการเพิ่มรายได้ในชุมชน และโรงเรียนได้เริ่มมีการพัฒนาบทบาทให้เป็นไปตาม
แนวทางของโรงเรียนมีชัยพัฒนา

ผลผลิตจากแปลงเกษตรเพื่อขจัดความยากจนในโรงเรียนที่ร่วมโครงการ

เงินออมและเงินกู้ เพื่อทำธุรกิจของนักเรียน

ในอนาคตโรงเรียนมีชัยพัฒนา มีแผนที่จะให้ความช่วยเหลืออีกปีละ 60 โรงเรียน โดยในปี พ.ศ.
2559 นี้ จะดำเนินการให้ครอบคลุมถึงนักเรียนกลุ่มชาติพันธุ์ต่างๆ มากขึ้น รวมถึงนักเรียนจาก
ประเทศเพื่อนบ้าน เช่น ประเทศเมียนมาร์ ประเทศลาว และประเทศกัมพูชา ในโรงเรียนที่ตั้งอยู่ตาม
แนวตะเข็บชายแดนของประเทศไทย โดยจะช่วยกระตุ้นให้นักเรียนและผู้ปกครองได้ฝึกทักษะชีวิต
และทักษะอาชีพ ตามกลยุทธ์ของโรงเรียนมีชัยพัฒนา เพื่อช่วยให้โรงเรียนต่างๆ ที่เข้าร่วมโครงการ
เป็นแหล่งเรียนรู้ตลอดชีวิตของสมาชิกในชุมชนและเป็นศูนย์กลางในการพัฒนาคุณภาพชีวิตของ

คนในชนบท รวมทั้งสามารถจัดตั้งวิสาหกิจเพื่อสังคมของโรงเรียน และขยายโอกาสในการทำธุรกิจ
เพื่อสร้างรายได้ไปสู่นักเรียน ผู้ปกครอง และคนในชุมชน เพื่อสร้างคุณภาพชีวิตที่ดี และสามารถ
พึ่งตนเองได้อย่างยั่งยืนต่อไป

นักเรียนชนเผ่ากะเหรี่ยงในโรงเรียนที่ได้เริ่มดำเนินการโครงการแล้วในจังหวัดกาญจนบุรี

นักเรียนชาวเขาเผ่าม้ง   นักเรียนประถมชนเผ่ากะเหรี่ยง
ที่สมัครมาเรียนที่โรงเรียนมีชัยพัฒนา   ในโรงเรียนของราชการ

แปลงเกษตรเพื่อขจัดความยากจนที่โรงเรียนศรีสังวาลย์ สำหรับนักเรียนที่นั่งรถเข็น

การดำเนินโครงการพัฒนาคุณภาพชีวิตและรายได้โดยมีโรงเรียนเป็นศูนย์กลาง ประกอบด้วย 5 กิจกรรมหลัก ได้แก่

1) การมีส่วนร่วมในกิจกรรมของโรงเรียนและการสร้างความเข้มแข็งให้กับชุมชนรอบโรงเรียน

2) การฝึกอบรมด้านธุรกิจการเกษตรและจัดตั้งแปลงเกษตรเพื่อขจัดความยากจนในลักษณะของวิสาหกิจเพื่อสังคมประจำโรงเรียน

3) การอบรมเพื่อพัฒนาศักยภาพของครู นักเรียน ผู้ปกครอง และสมาชิกในชุมชน

4) การจัดตั้งกองทุนเงินกู้และเงินออมเพื่อทำธุรกิจสำหรับนักเรียนและครอบครัวที่ยากจน

5) การดูแลสุขภาพ ปรับปรุงสุขาภิบาลสิ่งแวดล้อม และน้ำดื่มน้ำใช้สำหรับนักเรียน

โครงการร่วมพัฒนาหมู่บ้าน หรือ Village Development Partnership (VDP) ที่ดำเนินการโดยโรงเรียนมีชัยพัฒนา นอกพื้นที่รัศมีของโรงเรียนขนาดเล็กต่างๆ เป็นโครงการพัฒนาแบบองค์รวมในระดับหมู่บ้านเพื่อขจัดปัญหาความยากจน ซึ่งเป็นต้นเหตุของปัญหาต่างๆ ไม่ใช่การแก้ปัญหาที่ปลายเหตุด้วยวิธีการช่วยเหลือแบบสังคมสงเคราะห์ ซึ่งเป็นวิธีเก่าๆ ที่ไม่ได้ผล โดยเชื่อว่าสิ่งที่จะสามารถขจัดความยากจนได้อย่างยั่งยืน คือ การเปลี่ยนจากการให้ความช่วยเหลือแบบสังคมสงเคราะห์ไปสู่การส่งเสริมให้ชาวบ้านมีทักษะในการทำธุรกิจ ควบคู่ไปกับการพัฒนาคุณภาพชีวิตของชาวบ้านอย่างรอบด้าน โดยยึดหลักการมีส่วนร่วม และสร้างความรู้สึกเป็นเจ้าของโครงการให้กับชาวบ้าน

การประชุมชี้แจงโครงการร่วมพัฒนาหมู่บ้าน

โครงการร่วมพัฒนาหมู่บ้าน สามารถสร้างความเป็นหุ้นส่วนระหว่างหมู่บ้านในชนบทกับผู้สนับสนุนโครงการผ่านโรงเรียนมีชัยพัฒนา ซึ่งอาจเป็นบุคคล ครอบครัว องค์กร หรือบริษัทธุรกิจต่างๆ โครงสร้างของโครงการจะช่วยให้บริษัทที่มีแนวคิดในการทำกิจกรรม เพื่อสังคม หรือ CSR - Corporate Social Responsibility สามารถปรับเปลี่ยนรูปแบบการมีส่วนร่วมในการพัฒนาชนบทได้ตามนโยบาย ทรัพยากร และความสันทัดของบริษัท ที่สามารถให้การสนับสนุนได้ทั้งในรูปของเงินทุน ความรู้เรื่องธุรกิจต่างๆ เพื่อช่วยให้ชาวบ้านริเริ่มธุรกิจขนาดเล็กและธุรกิจชุมชนได้ ซึ่งถือ

เป็นภารกิจหลักในการพัฒนาชนบท และเป็นการรวมเอาความเชี่ยวชาญทางการประกอบธุรกิจของ บริษัท และความเชี่ยวชาญในการพัฒนาชนบทของโรงเรียนมีชัยพัฒนา และสมาคมพัฒนา ประชากรและชุมชน เข้าไว้ด้วยกัน ซึ่งรูปแบบของการร่วมมือกันในลักษณะนี้ จะสามารถแผ่ขยาย ออกไปได้ ถึงในระดับภูมิภาคและระดับประเทศในที่สุด

ธุรกิจจากการกู้เงินธนาคารพัฒนาหมู่บ้าน --- ดอกเบี้ยเดือนละ 1%

ในการดำเนินโครงการร่วมพัฒนาหมู่บ้าน มีการดำเนินงานใน 2 ขั้นตอน ได้แก่

ขั้นตอนที่ 1 การเตรียมชุมชนและการจัดตั้ง "กรรมการพัฒนาหมู่บ้าน" เพื่อให้เป็นผู้ วางแผนพัฒนาหมู่บ้านและดูแลกองทุน "ธนาคารพัฒนาหมู่บ้าน"

ขั้นตอนที่ 2 ได้แก่การขับเคลื่อนการดำเนินกิจกรรมของโครงการ การสนับสนุนกิจกรรม พัฒนาหมู่บ้าน โดยเริ่มต้นจากการให้สมาชิกในชุมชนปลูกต้นไม้ 10,000 ต้น เพื่อแลกเปลี่ยนกับ เงินทุนจัดตั้งธนาคารพัฒนาหมู่บ้าน จากนั้นจึงลงมือดำเนินกิจกรรมตามแผนพัฒนาหมู่บ้าน ซึ่ง ประกอบด้วย การพัฒนาด้านสังคม การพัฒนาด้านเศรษฐกิจ การพัฒนาด้านสิ่งแวดล้อมและแหล่ง น้ำ การพัฒนาด้านสุขภาพอนามัย และการพัฒนาด้านการศึกษา

อาชีพใหม่ของผู้สูงอายุและกลุ่มสตรี

ปัจจุบันมีหมู่บ้านกว่า 70 หมู่บ้านในโครงการฯ และมีผู้สนับสนุนโครงการฯ มากกว่า 50 ราย ผลลัพธ์สำคัญที่เกิดจากการดำเนินโครงการฯ คือการที่ชาวบ้านมีอาชีพมีรายได้ มีการปรับปรุง คุณภาพชีวิต ชาวบ้านสามารถริเริ่มและดำเนินงานกิจกรรมพัฒนาต่างๆ โดยระบุปัญหา และกำหนด แนวทางการแก้ไขปัญหาได้ด้วยตนเอง ไม่ต้องพึ่งพาการช่วยเหลือจากภาครัฐเพียงอย่างเดียว ธนาคารพัฒนาหมู่บ้าน มีผลประกอบการเติบโตขึ้น คณะกรรมการพัฒนาหมู่บ้านมีความเข้มแข็ง

สามารถดำเนินงานพัฒนาชุมชนได้ด้วยตนเองอย่างยั่งยืน ชาวบ้านมีศักยภาพในการหาความรู้ ข้อมูลข่าวสาร เพื่อพัฒนาคุณภาพชีวิตของตนเองและครอบครัว และมีการรวมตัวกันเพื่อพัฒนา หมู่บ้านของตนอย่างเป็นระบบ เยาวชนมีการพัฒนาอย่างต่อเนื่อง มีอัตราการย้ายถิ่นฐานเพื่อหางาน ทำในเมืองใหญ่ลดลง ชาวบ้านปรับเปลี่ยนทัศนคติจากการเป็นเพียงผู้รับและพึ่งพาการช่วยเหลือ จากภาครัฐและการบริจาค มาเป็นผู้กำหนดแนวทางการพัฒนาหมู่บ้านด้วยตนเอง

ธุรกิจเพาะเห็ดฟาง

โรงเรียนมีชัยพัฒนามีความยินดีที่จะร่วมมือกับหน่วยงานที่มีความสนใจที่จะช่วยพัฒนาให้โรงเรียน ขนาดเล็กในชนบทเป็นแหล่งเรียนรู้ตลอดชีวิตและศูนย์กลางในการพัฒนาคุณภาพชีวิตและรายได้ ของสมาชิกในชุมชน

HONORABLE SPEAKERS

Antonio Meloto[*]
(BIODATA)

Asia's vast cities-of-the-poor are visible proof of a hard fact. Despite decades of economic development programs and foreign aid and the earnest efforts of foundations and NGOs, not to mention the sweet promises of politicians, great millions of people in Asia still live in poverty. In the Philippines, nearly half of the country's 84 million people are credibly said to live below the poverty line. Forty percent of its urban families occupy what the Asian Development Bank calls "makeshift dwellings in informal settlements.

" Slums, in other words. Antonio Meloto believes these disheartening facts reveal his country's failure "to work for the collective good." As executive director of Gawad Kalinga Community Development Foundation, he is changing this.

Born to humble circumstances in Bacolod, Central Philippines, Antonio Meloto attended Ateneo de Manila University on a scholarship and embarked upon a successful career in business. In 1985, an encounter with the Filipino Catholic organization Couples for Christ caused him to reassess his life and priorities. Meloto subsequently joined the organization fulltime and, in 1995, launched a work-with-the-poor ministry in Bagong Silang, a huge squatter relocation site in Metropolitan Manila. He called his ministry Gawad Kalinga, "to give care."

In Bagong Silang, Meloto immersed himself in the lives of slum dwellers. He learned that "a slum environment develops slum behavior." But he also found goodness, even in the hardened gang members he met there. Slum dwellers needed love and spiritual nourishment, it was clear. But they also needed dignity and decent living conditions. It was not enough to pray for them, he decided. "We should do something!"

Meloto decided to build houses. Drawing support and volunteers from Couples for Christ, he began transforming the neediest area of Bagong Silang into a viable neighborhood with safe, sturdy, and attractive homes--the first Gawad Kalinga village. In doing so, he formulated guidelines for later Gawad Kalinga projects. New homes would be allotted only to the poorest families. They could not be sold. And although the beneficiaries would not have to pay for their new homes, they would have to help Gawad Kalinga's volunteers build them and to abide by neighborhood covenants.

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[*] *Cited in Magsaysay Foundation, Awardee, 2006*

As Bagong Silang Village blossomed, Meloto identified new sites for Gawad Kalinga villages and spread word of the project through Couples for Christ. He solicited donations and volunteers passionately, offering "see-for-yourself" exposures to convince skeptics. Through the ANCOP (Answering the Cry of the Poor) Foundation he brought expatriate Filipinos into Gawad Kalinga's growing web of partners and supporters. Meanwhile, he introduced health, education, and livelihood components to Gawad Kalinga villages to equip the occupants with skills and resources to rise in life.

As word of Gawad Kalinga's hopeful project circulated at home and abroad, it tapped into a reservoir of longing. Many Filipinos despaired over their country's stubborn poverty and yearned to do something about it. They flocked to the movement, convinced by Meloto that their money and efforts could really make a difference. Donations soared and Gawad Kalinga villages began to proliferate throughout the Philippines.

Meloto guided the organization to embrace all comers. "We provide the framework," he says. "We also provide the principles; we also provide the spirit. But anyone can come in." This philosophy led Gawad Kalinga into cooperative projects with corporations, civic organizations, families, schools, and government agencies as well as over three hundred governors and mayors. When typhoons destroyed thousands of homes on Luzon in 2005, for example, Gawad Kalinga joined a dozen government agencies and private organizations to build forty thousand new ones. In Mindanao, Gawad Kalinga-led "Peace Builds," fostered by local mayors and built by Christian, Muslim, and indigenous-Filipino volunteers, resulted in hundreds of new homes for displaced Muslim Filipinos.

It is often said that Tony Meloto is the face of Gawad Kalinga. But the movement he spawned is now much bigger than himself. In truth, Gawad Kalinga has thousands of faces. These are faces of every Filipino ethnicity, faith, and social class--of donors at home and abroad who are providing the money and land for new villages; of volunteers across the Philippines who are joining their families, and friends, and schoolmates, and officemates, and fellow church members to build houses and to provide Gawad Kalinga villages with training and services; of executives, lawyers, doctors, architects, and other professionals. These are also the faces of over two hundred thousand grateful beneficiaries.

Today more than eight hundred fifty Gawad Kalinga villages span the Philippines. Alongside those sponsored by expatriate Filipinos, such as Norway Village, Swiss Village, and North Carolina Village, there are more than one hundred others sponsored by major corporations. And this is just the beginning. Gawad Kalinga is committed to building seven thousand new communities by the year 2010.

Gawad Kalinga neighborhoods typically contain fifty-to-one-hundred brightly painted homes and are conspicuously tidy and clean. There are flowers and plants and pleasant walkways, plus a school, a livelihood center, and a multipurpose hall. Participating families are mentored by a Couples for Christ caretaker team that organizes volunteers to assist in education, health, and livelihood projects. In many, clinics provide routine medical care. Through a self-governing neighborhood association in each village, residents are becoming stewards of their own stable and vibrant communities.

The objective is transformation. Meloto recently described a mature Gawad Kalinga village as "a beautiful middle-class community. Crime has virtually disappeared. Former street children are now in school. The idle have been motivated to find employment and are now leading productive lives." As for those who contribute to Gawad Kalinga and its mission, they are transformed, too, by their acts of goodwill and the warm camaraderie of bayanihan, "working together.

Now fifty-six, the lanky, self-effacing Meloto says, "I believe in the immense potential of the Filipino." Thinking of people like himself who formerly ignored the poverty around them, he says, "Before, we were part of the problem."

"Now," he adds, smiling, "we are part of the solution."

In electing the Gawad Kalinga Community Development Foundation and its family of donors, volunteers, and beneficiaries to receive the 2006 Ramon Magsaysay Award for Community Leadership, the board of trustees recognizes their harnessing the faith and generosity of Filipinos the world over to confront poverty in their homeland and to provide every Filipino the dignity of a decent home and neighborhood; and <u>in electing Antonio Meloto to receive the 2006 Ramon Magsaysay Award for Community Leadership</u>, the board of trustees recognizes his inspiring Filipinos to believe with pride that theirs can be a nation without slums.

BUILDER OF DREAM[*]

Antonio Meloto, Founder of Gawad Kalinga (GK), Philippines.

Introduction

In a developing country like the Philippines it is undeniable that negative political and social issues are prevalent, as well as the intricate challenges faced by Filipinos all left undone; and indeed, "transforming leaders" are needed for they bear the good heart enriched with volunteerism and love for others. These are those people who are propelled into meaningful actions and purposes. Despite the fact that a united prayer can make this all settled, Gawad Kalinga founder Antonio "Tony" Meloto proved doing more than this can make everything better.

As Tony Meloto's living revolves over his life as an entrepreneur and a Couples for Christ servant, being a loving father of five and a caring Lolo of three grandchildren, he felt the need to do something that could make the slum-dwellers' life better. He desired to mold his ideals and goals into something that would benefit larger groups of Filipino people. And one of his ways in order to achieve this is to write the book "Builder of Dreams" which he dedicated to Ninoy and Cory because their nationalism has inspired him since 1986; when democracy was restored in the country.

The "Builder of Dreams" is "about faith of common believers who choose to act rather than to preach, about citizens wanting to correct what has been corrupted rather than blame, about people who chose hope over cynicism by planting their dreams on the ground and learning to do it with others." Through this book, Tony Meloto had reflected what patriotism and good deeds are truly all about. The book embodied the hope of Filipinos who dreamt better times after living as second class citizens within 400 years. It definitely emerged the Filipino spirit and unleashed its greatness. The book also recognized the growing armies of Filipinos who vowed to bring the dream together.

His primary goal is to revive what was lost and to bring the best out of it. He narrated how his efforts created the very first Gawad Kalinga village. It transformed the ever known Bagong Silang in Caloocan City into a neighborhood that endowed new, safe, and attractive homes for the needy; unlike how it looked like before— where gangsters, young and old, and crimes sickened the place. He shared how his actions paved way for the rehabilitation of the youth who had led wayward lives. His movement blossomed; adults learned acceptable ways of earning money and the kids who were once crime-makers decided to go to school. "There was no blueprint, no road map and no budget when we ventured into unknown territory, just a lot of faith, a strong intuition and the conscience to do what was good and right; the impulse to act and the instinct to survive."

The book sparked hope and consciousness as this country is a gift from God. It identified proper recognition of who the real character is and who will support him on

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[*] *Summarized The Builder of Dreams by Matthew Taylor, Lecturer, College of Politics and Governance (COPAG), Mahasarakham University, Thailand.*

the play of his objective. "The government is not our enemy; neither is business or rich landowners or, the criminals in the urban slums, and the rebels in the countryside. Poverty is our enemy, along with all the evils that cause it—the peaceful way to vanish this is to discover winning formula where rich and poor benefit from caring and sharing."

Tony Meloto has never been a fictional-story-writer or even a superb novel author; but his writing style is real good. It caught souls that will soon embolden nobility. Each word reflected how reality looks like. It helped readers to understand what Philippines has to be and how Filipinos should be. Sharing real life stories in the book also helped Meloto in his pursuance of his aspirations and beliefs.

IIn this book, Tony also revealed his heart-melting sacrifices just for the accomplishment of his vision. Sacrifices not only in his own self, but as well to his family, friends and the usual society he's living with; the parameter where true-blooded Filipinos dwell. And these encumbrances caused him to attain what he was aiming for.

"In writing this book, I remember with fondness the friends I have lost along the way. I carry the burden of losing people I treasured, in exchange for the friendship to the poor. The fault is mine, but the gain is mine as well. In time we will be wiser and we will gain our friendship so nothing is lost at all."

Gawad Kalinga as conceived and evolved by Tony Meloto and its growing partners is a peaceful movement for radical citizenship and heroic leadership for social transformation anchored on love for our Creator, one another, the nation and humanity. It applies the organizing principle of "Subsidiarity" by people translating their own vision of the good life and the good society into action by themselves with the help of kindred souls everywhere. GK's transforming leaders and followers "raise each other to higher levels of motivation and morality." They dare to transform the Philippines; even offer a model for ending poverty in the world.

In my already long life I have devoted nearly 60 years to teaching, research, university administration, reform advocacy, and occasional public service. My concerns as a student of politics and public administration include nation-building, democratization, and citizenship and leadership for good governance.

Now I am an inspired student and follower of Tony Meloto as a "transformative" or "transforming leader" in the conception of James MacGregor Burns. I have read Tony's speeches, listened to him speak in public, and talked with him. I know of his immense impact on people and leaders here and abroad. I also share Tony's ideas and experience with my students.

According to MacGregor Burns (Leadership, 1979), a transforming leader purposely achieves substantial and "real change in the direction of 'higher' values' (p. 434) such as freedom, peace, justice, nationalism, morality "that meet people's enduring needs (p. 461)." The transforming leader is thus morally elevating vis-à-vis other leaders and other followers whom he influences with his purpose, vision and example. He "taps the needs and raises the expectations and helps shape the values—and hence mobilizes the potential—of followers (p. 455)." "The result of transforming leadership is a relationship of mutual stimulation and elevation that converts followers into

leaders and may convert leaders into moral agents (p. 4)." "But transforming leadership ultimately becomes moral in that it raises the level of human conduct and ethical aspiration of both leader and led, and thus it has a transforming effect on both (p. 20)." "Leaders and followers raise each other to higher levels of motivation and morality (p. 20)." "That people can be lifted to their better self is the secret of transforming leadership…(p. 462)."

As a transforming leader of GawadKalinga, the growing social movement involving housing for the poor, community development and nation-building in the Philippines, Tony Meloto's vision, mission and personal example are spreading beyond our shores. He compels attention and active response from people in various walks of life. For he addresses in distinctive ways some of our basic problems as a weak nation with a "soft state." These include massive poverty, landlessness, homelessness and endemic corruption, and lack of self-confidence and nationalism. In this demoralizing situation, many people of goodwill who want to do something are dismayed if not also immobilized. Where to begin and make a personal difference? In Gawad Kalinga Tony Meloto and his fellow leaders and members show how it can be done.

The "Superiority Principle" of Colonial and Centralized Governance

Under Spain for over 350 years and then the United States for almost half a century (and three years under the Japanese) the colonial power wanted to control our people under a highly centralized unitary system. Since our independence in 1946 our own leaders have governed the country in essentially the same centralized and domineering unitary system with a powerful president, the legislature, the higher courts and the bureaucracy based in the national capital. The great majority of the people who live in local communities and our myriad local governments are heavily dependent upon and dominated by national government institutions and national leaders and officials.

Our political, economic and social development is organized under the "Superiority Principle." This is marked by the dominance of the few wealthy and powerful families over the many people who are poor and powerless, by the dominance of the center of power over the weak and dependent periphery, by the primacy of the higher levels over the lower ones. This may also be called the "top down" or "trickle down" approach to governance and national development.

A new "Subsidiarity Movement" of Filipino reformers and organizers calls this the "Pinatulo." This is the opposite of "Pinatubo" (growing, nurturing, or building from below), or organizing and developing along the "Subsidiarity Principle" initiated by Pope Pius XI in 1931 and adopted since then in various ways in different countries. Among the Filipino leaders of Pinatubo are Philip Camara and Sixto K. Roxas. The global scope and relevance of the "Superiority Principle" and the "Subsidiary Principle" are suggested in the Annex to this paper entitled "A Call for Vision Not Ambition: KILUSANG PINATUBO."

With some notable exceptions many of our political and corporate leaders are too self-serving in governing our oligarchic democracy and business corporations. They tend to exploit our weaknesses as a nation instead of building on our potential strengths. Under our political class we still have a relatively thin middle class of educated,

critical and independent members, and a large base of poor, insecure and vulnerable people.

Our fitful national struggle to modernize, democratize and develop has been hindered by lack of a critical mass of selfless, credible and inspiring leaders who can inspire, empower and unite the great majority of our citizens. But there is growing consciousness of what ought to be done and can be done to transform our traditional structures, institutions and modes of behavior—in search of free and fair elections, a new kind of politics, good citizenship, good leadership and good governance: the constitutional ideals of a "just and humane society, democracy, human rights and the rule of law." Gawad Kalinga is one bright star in the firmament of social innovations and organizations offering new ways, and new hope and confidence.

Unsustainable "Community Development" in the 1950s

Not long after the end of World War II and the ensuing rehabilitation and reconstruction of the country various innovations in rural development were introduced. These included the community schools, the community centers of NAMFREL (the National Movement for Free Elections), and the rural development projects of PRRM (Philippine Rural Reconstruction Movement). With technical support from the United Nations and some U.S. Government assistance, the National Government through the Philippine Community Development Council launched a national community development program in 1955. This was during the term of the very popular and charismatic President Ramon Magsaysay. "The Man of the Masses" was known to champion the common man's welfare and the development of the barrios where most citizens live.

Obstructive bureaucratic conflicts and inertia led Magsaysay to establish his Presidential Assistant on Community Development in place of the interdepartmental Council. Under Ramon P. Binamira as Presidential Assistant a cadre of community development workers were trained and deployed in barrios across the country. The CD workers organized citizens to initiate local development projects such as farm-to-market feeder roads, irrigation, and school houses. At the same time Magsaysay continued his program for re-settlement communities in Mindanao for former rebels in Luzon, the Huks.

As community self-help efforts aided by the government, the local people contributed their labor and local materials (like sand and gravel, wood and bamboo), while the government supplied the needed technicians, cement and equipment. This was unlike traditional government services and relief based mainly on direct government services, subsidies and political patronage. The innovation was called "aided community self-help." Local leaders and residents were encouraged to meet the challenge. (My doctoral dissertation at the University of Michigan in 1959 was about the formulation of the community development program under Magsaysay and was published as Focus on the Barrio.)

Before long, however, the political tradition and culture of political (governmental) patronage and citizen dependency on government and dole outs, and the weight and inertia of bureaucracy grounded the innovation of aided community self-help. In general most presidents after Magsaysay forgot about the idea of aided community self-help as an organizing principle consistent with the "Subsidiarity Principle." The

"Superiority Principle" of a highly centralized government and political patron-clientele relations has largely prevailed.

The Gawad Kalinga "Subsidiarity Approach:" Focus on People, Community Self-Help and Nation-Building

Unlike the "government aided community self-help" efforts in the 1950s and early 1960s, Tony Meloto led the Gawad Kalinga under the sponsorship of the Catholic Couple's for Christ. As a leader of a nationwide lay religious and nongovernmental movement of Catholic activists, Tony is committed to make GK live out Jesus Christ's fundamental command to the faithful: "Love God with all your heart and soul, with all your mind and strength, and love thy neighbor as thyself;" and especially to help and serve the poor among us.

Tony and his fellow GK volunteers have chosen to focus on organizing poor, landless and homeless people and helping them acquire the land on which to build their own homes. Beyond these basic human needs, GK volunteers then help the new communities to organize and sustain themselves socially and economically as well as politically.

As a consequence, the individual members and leaders of GK settlements have developed a new identity and sense of community and pride as challenged and self-sustaining groups of people, ever learning to do what they can do for themselves and for the common good in their community. In a sense, their communal lives, efforts and aspirations can be seen as integral parts, a microcosm, of a new mode of Filipino nation-building.

In turn the visible physical success and the palpable sense of individual and group fulfillment shown in the thousands of GK settlements and their members persuade more and more donors of land, money, materials, and voluntary labor around the Philippines and abroad to join the GK movement. Numerically, the original GK goal was to build 700,000 homes in 7,000 communities by 2010. Now it is to help some 50 million Filipinos move out of poverty by 2024. The GK model is being applied in parts of Indonesia, Cambodia, East Timor, and Papua New Guinea. Volunteers and material support for GK have come from Filipinos and other benefactors in the U.S., Canada, Australia, East Asia, the Middle East, and Europe.

Tony Meloto's Values and Vision

In its website Gawad Kalinga defines itself "to give care." GK "is an alternative solution to the blatant poverty not just in the Philippines but in the world. GK's vision for the Philippines is a slum-free, squatter-free nation through a simple strategy of providing land for the landless, homes for the homeless, food for the hungry, and as a result providing dignity and peace for every Filipino." GK also has a global outlook: "In a world where there are enough resources for all but not enough sharing for all, our motto is 'less for self, more for others, enough for all.'"

GK's vision and mission reflect its origin as a project of the Catholic Couples for Christ, and these are informed and inspired in practice by Tony Meloto's understanding of Christianity and democracy as applied to the conditions of his home country. To him the spirit of Gawad Kalinga "is bridging the disconnect between faith

and action, between preaching and practice." ("GawadKalinga: the Spirituality of Nation-Building." Lecture at Ateneo de Manila, 5 October 2007.)

As a Filipino Catholic, Meloto diagnoses the basic weakness of the Philippines thus: "A strong nation needs a strong moral foundation. If we are a weak nation it must be because we are a weak people with nominal faith, lacking in character and moral conviction. A weak nation elects corrupt leaders who use immoral power for personal gain, who impose their will on the weak majority with the use of force and violence. Corruption, greed and violence that cause poverty are social ills that define us as a nation. In religion they are called sins. We cannot regain our pride as Filipinos unless we remove these ills." (Op. cit.)

GK volunteers and local homeless people in a given location engage in "bayanihan." They work together and learn values and skills as stewards in building homes for their own community. As they do, they become a "bayani" or hero to each other. As they build their own homes, the local people become empowered as individuals and as a self-sustaining community. They undertake educational, health, livelihood, and recreational activities and govern themselves. The ultimate end of widening "bayanihan" is to promote patriotism, societal renewal and nation-building for a just and caring society.

The ideal kind of leader is the "servant leader" who leads and sacrifices not to gain power for selfish ends. In Tony Meloto's mind, with Jesus Christ as model exemplar, this is "padugo or bleeding for the cause—the passion to serve others out of love." In his view: "development of conscience and character are cornerstones of good citizenship. Nation-building is about character building." He compares citizenship to discipleship and to him "the essence of real manhood is honor. In a country of cheaters, honesty is of the highest value. In the land of the corrupt, a man of integrity is king. …truth is the way to real power and freedom."

The Essence of the Gawad Kalinga model and Tony Meloto's Leadership

At the heart of Tony's transforming leadership and example and the inspired efforts of his legions of co-leaders, followers and supporters, is his conscious and determined fusion of his religious faith as a Catholic and his secular idealism as a citizen. He combines God's teaching to love and help the poor among us with the secular vision of building a just and humane society in which all enjoy their human rights through good citizenship, good leadership and good governance. To him being a true believer is one with being a good citizen and a good leader in an aspiring democracy and a developing country in a troubled world. He demonstrates that through community self-help, cooperation and solidarity, this unity and integrity of faith, civic culture and practical reason can lead to the transformation of people, communities, and leaders from different spheres of life.

Tony's widening appeal and recognition are traceable to his winning personality, his simplicity and humility, his passion for his vocation, his physical stature and good looks, and his ability to communicate to mixed audiences, and move them to believe and follow and support Gawad Kalinga as the people's movement. All these are enhanced by his credible disavowal of political ambition. As such he is able to challenge people to know themselves and to effect change for the common good in pursuit of: the practical aims of decent homes, employment, and supportive

communities; the lofty ideals of love of God, of one's brethren, and especially the poor and lowly; and a unifying national identity and pride as Filipinos in a growing Global Filipino Nation of close to 90 million in the homeland and 9 million overseas, and counting.

In His Own Words: Tony Meloto as GK Leader

It is best to hear more and directly from Tony Meloto as GK leader through these excerpts from his book, Builder of Dreams.

Radical citizenship and heroic leadership. The challenge in Gawad Kalinga to radical citizenship is an invitation for us to be living heroes. The spirit is the same: To love our country and to care for our people. To make everyone an everyday hero. Our country needs lifetime heroes, millions of them, not the once-in-a-lifetime great leader who will lead us to glory. Radical citizenship will raise heroic leadership among decision-makers who will go beyond self-interest and traditional politics for God and country. "We use the term radical in GK as the highest passion to do good to others; love is its root. Radical citizenship is about being my brother's keeper. (p.144)

Patriotism. …is not about narrow nationalism but about pride of country and the drive to gain respect as outstanding citizens of the global community. The best way to gain respect is to bring our country out of Third World poverty through the collective effort and sacrifice of our citizens, not by begging for aid from foreign funding institutions or depending on doles…. Patriotism…is about heart and spirit…. (p. 145)

Our nation and democracy, and love of country. Undemocratic and hardly patriotic in practice. The Philippines got left behind….We lacked a collective identity and dream. We hardly knew ourselves after being mongrelized by 350 years of colonization and the long period of enslavement that made us believe we were never good enough as a nation. Because of poverty, the majority of Filipinos had no say in their destiny; as a people, we had no collective pride of race and place or loyalty to a transcendent patriotic cause to help us discover our collective strength. …Somebody once said that the difference between a rich nation and a poor one is their citizens' love for their country. (p. 146)

Citizenship and governance. Weak governance was the consequence of weak citizenship. (p. 147)

Visionary leaders needed to tap the people's power. Politics, as I saw it in our country, was not about heroic sacrifice but about wielding power, not about citizenship but about authority, not about ordinary citizens like me but about our rulers. There was untapped power in the silent and passive majority that was just waiting to be harnessed by visionary leaders. The missing ingredient in our development was power from the people. How could I get the leaders of government and of business to listen to voices from the ground? … How could I make a difference as an ordinary citizen with neither political power nor business capital? (p. 148) For me, real power lies in not wanting it. Power is in my faith in my God, in my hope for my country, in my love for my people, in the nobility of my cause. The more people I cared for, the more leaders of State and market 1 engaged in honest and noble endeavors, the more support 1 would get for the cause. I would gain moral ascendancy by not putting a price tag to my soul. (p.148)

How could I make a difference? I figured that, to make a difference, I had to be different. My personal credibility was crucial to the lives of the many I wanted to help. My love for my country had to be beyond politics or profit.

- First, I must not desire power or profit for myself. 1 must not seek any public office or engage in business for personal advantage. (p. 148)

- Second, I must discover power in the powerless. Democracy is about people power. Nation-building is about being a builder of people.

- Third, 1 must have a big dream for the smallest citizen. No one will pay attention to us unless we had a big idea embraced by many. Government and business will listen if we have the numbers. It was a numbers game for them - number of voters and consumers. The poor and the youth will give us the numbers.

- Fourth, I must build that dream on the ground for everyone to see and believe. Build, show and tell. Convince people that change is possible.

- Finally, I must learn to work with other people's initiatives to achieve connectivity, solidarity and scale. No one can do this alone. Other NGOs [and institutions] had the expertise we did not have. There was no point in reinventing the wheel when others could do it better. (p. 148)

Nation-building for the common good. To build a nation, we needed massive partnerships - people, private and public sectors working together. … we must all pull in the same direction. …We must also come to grips with the reality that the vision is bigger than ourselves, for in building a nation, we need every citizen to own the dream, to recognize the contributions of every Filipino, past, present and future. Given the enormity of the challenge, the good that was started by our predecessors must be continued and nurtured so that when the baton is passed on to future generations we shall collectively have crossed the finish line together. Nation-building is a massive effort to achieve the common good and a huge challenge to avoid our historical habit of leaving the weak behind. (p. 149)

Top-down global leadership and development. The sad reality of our times is that those who decide for the world are not connected to the people who suffer from their decisions. Even those who come from the poor forget about them, as I did. 1 had to make myself a channel for reconnection. Our dream is to heal our world—home after home, community after community, country after country. In healing others, we heal ourselves. (p. 150)

The GK Spirit affirmed. In 2006 the country affirmed the spirit of GK. Award after award was bestowed upon its nobility: the Ramon Magsaysay Award for Community Leadership, the first HaydeeYorac Award, the first Jose P, Laurel Award, the Manuel Luis Quezon Award, the Philippine Daily Inquirer's Filipino of the Year citation, the Philippine Star's People of the Year, Philippine Tatler Award, Rotary's Paul Harris Award, TOFIL Award, American Field Service Award, and many more. Most of the

awards were given to me, although they were meant for many, mainly because I am the storyteller of the miracles that have actually happened in our country when people decided to put their faith into action, when they built their dreams on the ground and inspired many others to believe that the dreams of our people do happen. (p. 162)

GK as counterculture. They happened when people decided to die to themselves for others to live, when they subordinated their wants to take on the needs of others, when they surrendered their personal will to the greater will, when they started to pray more for the welfare of others than for themselves. It was in giving and honoring others that we grew as a movement. We became a counterculture to the historical pattern of wanting control and credit that suppressed our growth as a nation. GK grew because Couples for Christ shared the dream with other religious communities, Christians shared it with Muslims, and Filipinos planted the seeds in other countries. It was this habit of control that we wanted to break for the work to bloom wherever it was planted. (p. 163) We will continue to tell our story and inspire many others to do the same, until we achieve our dream of liberating our country from poverty and corruption by 2024, twenty-one years from October 4, 2003, the day we launched GK as a global movement. (p. 171)

GK is transformative leadership, the politics of caring, and inclusive partnerships. GK is transformative leadership. It is the politics of caring. GK will partner with every political leader in the country—national and local, administration and opposition, past and present who will work with us, who share our vision and values. This is not to say that all officials are honest. That is not for me to judge. What is important is that they are above-board when dealing with us. We were warned often to avoid politicians "who might corrupt us." Amazingly, I am not aware of any GK worker who has been corrupted by them, but I know many politicians who have been transformed by entering our playing field of transparent partnership that extols honest delivery of services to the poor. We are now in partnership with almost five hundred mayors and governors, and I cannot enumerate the lives that have been blessed because we chose to engage them rather than judge them. (p. 241)

What makes GK a powerful model for development? Granted, its innovations in private sector partnerships and sweat equity models are part of its recipe for transformation. But the real secret is its focus on people. GK gives Filipinos (and friends of Filipinos) a way to do something about poverty—not by sterile donating money but through person-to-person connections with the poor communities that deserve our help in securing their own chance at prosperity. I hope that development programs in other countries will emulate GK's model and temper their sophisticated technical approaches with the most important element of all: the provision of direct opportunities for human beings to serve and uplift one another. (pp. 307-308)

The judgment of history. History will judge us not on how we start our life but how we end it, not how much wealth we have accumulated but how much we give to those in need, not how much power we wielded but how we used it to give justice to the powerless. If it did not happen then, it is never too late to do good – now. (p. 243)

To Conclude

Gawad Kalinga as conceived and evolved by Tony Meloto and its growing partners is a peaceful movement for radical citizenship and heroic leadership for social transformation anchored on love for our Creator, one another, the nation and humanity. It applies the organizing principle of "Subsidiarity" by people translating their own vision of the good life and the good society into action by themselves with the help of kindred souls everywhere. GK's transforming leaders and followers "raise each other to higher levels of motivation and morality." They dare to transform the Philippines; even offer a model of ending poverty in the world.

Cynthia Maung[*]
(BIODATA)

Like many Thai towns along the Thailand-Burma border these days, Mae Sot is a sanctuary for Burmese refugees in flight from upheaval and civil war at home. There, tens of thousands of Karens and other Burmese minorities subsist on the rough fringes of the Thai economy and await a brighter future. Their thoughts are often of their villages across the border where, for years now, the Burmese Army has waged a violent campaign to bring the region's people into the firm embrace of the Burmese military state. This brutal war goes on and on. In Mae Sot, Cynthia Maung, a doctor, has been treating its victims for fourteen years.

Born to a Karen family in Moulmein in 1959, Cynthia Maung studied medicine at the University of Rangoon. She was practicing in a Karen village near her hometown when, in 1988, Burma's military junta launched its bloody crackdown against democracy advocates. Packing a few clothes and a medical reference book, she fled with some students to Mae Sot, Thailand, where she joined other exiles. Trauma and illness were rampant among the refugees. In a dilapidated building with bare dirt floors, Dr. Cynthia went to work.

Her makeshift clinic had hardly any supplies at all. She improvised by sterilizing a few precious instruments in a kitchen rice cooker and by soliciting medicines and food from Catholic relief workers and nearby refugee camps. As she and her companions lived from hand to mouth and shared in all the work, Dr. Cynthia treated the local scourges of malaria, respiratory disease, and diarrhea as well as shrapnel and gunshot wounds and injuries from land mines. To keep up, she trained health workers to assist in the clinic and to serve as "backpack medics" across the border. By 1996, she was supporting six thatch-and-tin clinics in the Karen-controlled war zone. Here her medics treated common illnesses, set broken bones, and performed simple frontline surgery. They also trained midwives, installed sanitary toilets, and brought lessons of hygiene, nutrition, and reproductive health to villagers-all this until the villages were overrun by the Burmese Army, uprooting thousands and raising the flood of refugees to Thailand.

Dr. Cynthia expanded her clinic to meet the need. She attracted volunteer doctors, nurses, and medical interns from abroad and tirelessly solicited help from relief agencies and NGOs. They responded and, year by year, the clinic grew.

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[*] *Cited in Magsaysay Foundation, Awardee, 2002*

Today, staffed by five doctors and dozens of health workers and trainees, Dr. Cynthia's clinic provides free comprehensive health services to thirty thousand people a year. Last year, 563 babies were born there and 700 patients received new eyeglasses. The clinic operates its own laboratory and prosthetics workshop and receives support from some international organizations. Meanwhile, sixty teams of Dr. Cynthia's backpack medics continue to assist displaced villagers across the border and to support two field clinics in the war zone.

Life along the border is hard in many ways. At Dr. Cynthia's clinic, injuries from domestic violence are equal to injuries from war. This is why, aside from treating patients, she fosters women's organizations, youth programs, and other efforts to redress the corrosive social consequences of refugee life.

Dr. Cynthia lives above her clinic in Mae Sot with her husband and two children. She dreams of going home to Burma. The World Health Organization has said that Burma's health care system is one of the worst in the world. Dr. Cynthia would like to change that. In Mae Sot, she says, "We have already started."

In electing Cynthia Maung to receive the 2002 Ramon Magsaysay Award for Community Leadership, the board of trustees recognizes her humane and fearless response to the urgent medical needs of thousands of refugees and displaced persons along the Thailand-Burma border.

HEALTH SYSTEMS IN BURMA: CREATING UNITY, PEACE AND SUSTAINABILITY

Dr. Cynthia Maung, *Director of Mae Tao Clinic, Myanmar*

Introduction:

Conflict, Health and Peace Building Among Burma's Border Populations

Communities in Eastern Burma have been living with civil war for over 60 years. Protracted conflict and widespread and systematic human rights abuses have had severe impacts on the health of civilian populations, with health indicators from these areas highlighting a 'chronic emergency'.

Even with the current ceasefires and the resulting reduction in conflict in Karen State, health organisations working with populations on the Thai Burma border are treating a mobile population which moves back and forth across the border in order to access their basic needs including safety, work, education and health.

Mae Tao Clinic has been working with clients from Burma living along the Thai Burma border for over 25 years. It has worked with local Thai government health and public health since the beginning. There is a massive disparity between health services in Thailand and those in Burma, which is why about half of our clients travel from Burma to access health services. In Burma, there is a similar level of disparity between health service access availability in the urban and rural areas. Access for rural communities is extremely poor due to both the lack of facilities and health workers, as well as prohibitive costs. In Thailand, many migrant workers have come looking for work in Thailand, in order to pay the health bills of family members living in Burma.

When envisioning a nation of healthy citizens in Burma, the social determinants of health need to be addressed and communities need to feel empowered to address their health needs, by improving living conditions such as ending conflict, removing land mines, having access to land, work place safety, safe water, safe housing, minimising financial risks and improving access to education, health, legal and social services.

At the same time essential health services are not a privilege, but a basic need. People need to know how to protect themselves and to promote their own healthy communities. The current proposal for Universal Health Coverage is not sustainable and does not empower communities. Tax reform may be the first step in revenue generation for building a health system, however, working with communities to empower them to engage with the issues that affect them is a step that must be made at the same time.

In the absence of government health services, and in a context where international aid agencies were denied humanitarian access, indigenous health workers in ethnic minority areas have mobilised to provide life-saving care to their communities. With the changing political situation and fledging peace in Burma, these health workers now face new opportunities and challenges. Health has the potential to play a key role as a bridge to peace in Burma.

1. Community health systems in Burma's conflict areas

Decades of civil conflict and widespread and systematic human rights abuses had severe impacts on the health and wellbeing of communities in Burma's border areas. Health indicators from Burma's eastern border areas have been found to be far worse than those reported for the country as a whole.

	Eastern Burma 2004	Eastern Burma 2013	Burma (National)	Thailand
Infant Mortality per 1,000 live births (IMR)	91	94.2	26.7	11
Under 5 Mortality per 1,000 live births (U5MR)	221	141.9	34.9	13
Child malnutrition %	15.7	16.8	7.9	
Maternal Mortality per 100,000 live births (U5MR)	1,000-1,200	721 (2008)[3]	230	48
Maternal malnutrition %	16.7 (2008)	11.3		

Backpack Health Worker Team. 2004. Chronic Emergency Backpack Health Worker Team. 2004. Chronic Emergency
HISWG. 2014. Long road to Recovery – Ethnic and community based health organisations lead the way to better health in Eastern Burma. http://hiswg.org/wp-content/uploads/2015/02/The-Long-Road-to-Recovery-2015_Eng-1.pdf
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Ministry of Health. 2013. Health in Myanmar
World Bank. Data – Indicators. http://data.worldbank.org/indicator

Over the past twenty-five years, a network of indigenous healthcare providers has grown into a strong system for health service delivery in Burma's conflict-affected borderlands. Working as part of ethnic health organisations or of community-based health organisations, indigenous health workers have provided primary healthcare for displaced and conflict-affected communities.

The **ethnic health organisations (EHOs)** were initially established under the authority of armed ethnic groups, and are the building blocks of healthcare provision in areas that were historically controlled by these armed groups. The Karen Department of Health and Welfare, Shan Health Committee, Mon National Health Committee and Karenni mobile Health Committee all recruit and train local health workers, and support the delivery of healthcare services in their respective areas. Services are provided through a mix of both village outreach and community clinics, with a focus on preventative and primary healthcare.

The **Back Pack Health Worker Team (BPHWT)** was established in 1998. BPHWT is a multi-ethnic community-based organisation, which provides mobile healthcare services to communities who have little no other access to health services. With over 300 health workers, BPHWT now serves a target population of approximately 250,000 villagers in Karen, Karenni, Mon, Shan, Kachin, Chin and Arakan State, and in portions of Pegu, Tanintharyi, and Sagaing Divisions of Burma. Each team of 3 to 5 medics serves a target population of 2,000 villagers. The teams work in partnership with a network of over 300 Village Health Workers and over 700 Traditional Birth Attendants. Over time, the organisation has developed a community health care system in its different target areas. The teams can access very remote and unstable areas; they refer severe cases needing more advanced care to clinics run by the ethnic health organisations or to hospitals in Thailand and Burmese Government Township and sub township hospitals.

The **Burma Medical Association (BMA)** was established in Karen State in 1991 by a group of health professionals from Burma under auspicious of the National Coalition Government of the Union of Burma (NCGUB). Over the years, BMA has supported community health worker training, health education outreach, collaborative forums, and technical assistance and training. BMA now serves as the leading body for health policy development and capacity building for the provision of quality healthcare services in ethnic areas of Burma. In 2015, BMA supports 42 clinics serving more than 500 villages, providing primary healthcare services including reproductive and child health services, medical care and community health promotion education to approximately 180,000 people across six states in Burma.

Over the past 25 years, these ethnic and community-based health organisations developed primary health services for more than 600,000 people living in conflict-affected and isolated communities in Burma. Services provided by the ethnic and community-based health organisations are based on a comprehensive primary healthcare model, and include: basic medical services, reproductive and child health, community health and disease prevention, and specialised health programmes. There are now around 250 primary healthcare clinics and mobile outreach teams, and a handful of secondary care facilities. Ethnic and community-based health organisations have a workforce of approximately 2,000 staff – medics, maternal and child/ reproductive health workers and community health workers.

Since their beginnings, ethnic and community-based health organisations have found ways to work together, recognising the importance of developing common health policies, standards and protocols, and of standardising their health information systems and health worker training curricula. Together, these ethnic and community-based health organisations have worked to build a sustainable community-level primary healthcare system, which could provide health services and education in a context of civil war.

2. A fledging peace and new challenges for local communities and health service providers

2.1 Ceasefire discussions, Burma's elections and ongoing insecurities

With the November 2015 elections and the signing by some armed ethnic groups of a Nationwide Ceasefire Agreement and the election of Burma's first civilian President, there is now much hope that Burma will finally see genuine political change and peace.

The National League for Democracy (NLD) won the November 2015 elections by a landslide. However, constitutional issues will continue to limit the power of the government, and the military will maintain a high degree of control. Tension between the military and the government is likely, and may cause further instability in the country.

In October 2015, the month before the elections, the Burmese government and eight armed ethnic groups signed a Nationwide Ceasefire Agreement. Yet this is a fragile peace. Throughout the negotiations, conflict continued between government forces and the Kachin Independence Army in Kachin State. The National Ceasefire Agreement is also not as inclusive as it needs to be, with only half of the recognised armed ethnic groups signing on, and the Kachin Independence Army, the Shan State Army and the United Wa State Army being notable absences. And while 14 out of 16 ethnic armed groups now have bilateral ceasefire agreements with the government, these ceasefires have not yet led to a political resolution to the conflicts in Burma.

The ceasefires have resulted in a reduction in fighting and increased freedom of movement for many people in eastern Burma. On the ground, the ceasefires are also making travel, communication and accessibility to health services easier, creating more stability for the work of service providers. Yet this fledging peace also presents a number of new difficulties for local communities and service providers.

Local communities in eastern Burma face increasing dispossession and displacement driven by foreign investment and development projects, as well as ongoing human rights abuses. There has been growing encroachment by the military into areas previously controlled by armed ethnic groups. International investment in development projects is going ahead without public consultation, and there are still no real protection systems for communities at risk of dispossession and displacement. Existing legal frameworks and the enforcement of these do not protect against land confiscation for development projects. There are currently plans for six dams to be built on the Salween River in Shan, Karenni, and Karen States. Land confiscation often involves violence, as well as separating communities from their homelands and livelihoods. This is a growing driver of protest and unrest, potentially undermining the peace process.

The election of a new NLD government and the appointment of a civilian President brings some hope for the changes necessary for building a healthy nation. Yet, the government has huge barriers to overcome to bring about lasting peace and to build a genuine federal democracy with the empowerment of communities at its heart.

2.2 A highly centralised government and healthcare system

Within this current political situation, the ethnic armed organizations are continuing to strive for a federal system of government. However, there is an on-going disconnect between the ceasefire negotiation process and ethnic peoples' aspiration for a federal political structure. Meaningful constitutional change will be a slow process and until then the Burmese government will have a highly centralised administrative, legislative and financial system. Without decentralisation, effective improvements in health and education, as well as justice and protection, will be minimal.

Burma's official health system is highly centralised. The central government has exclusive legislative power over health policymaking, with state/region governments having only a coordination role. All the financial, legislative and administrative powers are central. Healthcare facilities are directly administered by the Ministry of Health, and are centrally funded, with fiscal authority resting with parliament and Ministerial-level officials. The Ethnic Health Organisations are therefore trying to negotiate for devolution of powers

Additionally, and while providing the backbone for primary health service delivery in remote border areas, ethnic and community-based health organisations are still not officially recognised in Burma. Some 2,000 skilled primary healthcare providers have no official recognition and are not legally allowed to provide healthcare in their communities. Yet their work remains essential for communities in Eastern Burma.

Historically, international donors and Non-Government Organisations had funded the ethnic and community-based health organisations, as a way to support healthcare for local communities who had little to no other access to even basic services due to government disinvestments in health and restrictions on international humanitarian access. However, since Burma's 2010 elections, a number of major donors have withdrawn support from these systems, preferring to work with the Burmese government and to fund aid programmes that are implemented with government approval. As a result, ethnic and community-based health organisations have faced an increasingly precarious funding situation. Although a number of donors and INGOs continue to support these systems, there is a risk that indigenous healthcare providers will be increasingly side lined, rather than gaining official recognition and accreditation as service providers in their communities. With increased optimism in the new government, the risk of losing funding community health services has only increased.

In Thailand, on the other hand, the Thai MoH is embracing collaboration with community health workers, as evidenced in their Border Health Master Plan. They are working with health workers from Burmese ethnic health organisations and community organisations in order to maximise their access to border communities, thus strengthening disease outbreak response, vaccination coverage and disease prevention campaigns.

The Burmese ministry of health has the potential to play a key role in peace building by collaborating with ethnic and community health organisations, as is already being

done in Thailand. Indeed, although many challenges lie ahead, health can play a critical role as a bridge to peace in Burma.

3. Health as a bridge to peace in Burma? Current efforts and opportunities

The ethnic and community-based service organisations view future opportunities for coordination and cooperation with the Burmese government as critical to improving the lives of people in eastern Burma. The concept of expanding and enhancing services through increased coordination between ethnic service organisations and the Burmese government has been broadly defined as "convergence".

Over the past five years, ethnic and community-based health organisations have made concerted efforts to build dialogue and cooperation with those within official government systems, and to develop models of what "convergence" with government health systems could look like. There have been a number of practical examples on the ground of peace building and convergence in healthcare systems. Yet these examples also highlight current challenges to health truly becoming a bridge to peace in Burma, as well as difficulties and issues that need to be taken into account in the peace process.

The Health Convergence Core Group

These include the establishment of the Health Convergence Core Group in 2012, a group of ethnic and community based health organisations working in Mon, Karen, Karenni, Shan, Kachin and Chin State. The HCCG aims to explore policy options for achieving the convergence of ethnic, community-based, state, and national health systems through political dialogue. The HCCG defines "convergence" as follows: *Convergence is the systematic, long term alignment of government, ethnic, and community-based health services.*

In many ways, HCCG members have led the way so far in engaging the government on health issues, having had multi-level stake holder meetings. An initial seminar held in 2014, bannered as 'Health as a Bridge for Peace' was held by HCCG actors and their technical partners on the Thailand-Myanmar border. The event was attended by 96 participants including MoH Kayin State department officials and others from central Burma such as the NLD Health Network, Myanmar Medical Association and Myanmar Health Assistance Association. A similar meeting was hosted in March of 2016.

So far, discussions with the Myanmar MoH have progressed and allowed collaboration in these key areas:

- The establishment of health coordination offices in four state capitals by ethnic health organisations
- Skill sharing and joint trainings with participants from both the Ministry of Health and ethnic and community health organisations
- Joint activities in mixed administration areas to address specific infectious disease threats: measles, rubella, filariasis and leprosy
- Cooperation to address the common threat of drug resistant malaria.

- Coordination to address geographic gaps and overlap in maternal and child health service provision, with particular efforts addressed at extending vaccination coverage.
- Inclusion of ethnic and community health representatives in important policy consultations such as Universal Health Coverage.
- Certification of some health workers as auxiliary midwives, and the adoption of national curriculum for the Certificate of Public Health Course for mid-level staff in the ethnic and community health system.
- Greater transparency of ethnic and community-based health organisation health care provision in areas of mixed authority

As a result of broader changes in the country, health organisations and their staff have benefited from improved transport links, supply chains, communication and security in the less isolated areas where they are working. While there have been small skirmishes throughout ceasefire negotiations, and reports of land rights violations, this has not affected service delivery, or the overall mood of cautious optimism in the peace process, including the opportunities it presents for expanding health programs.

Recognition and accreditation of health workers

The recognition and accreditation of health workers from ethnic and community-based health organisations is essential to ensuring that medics aren't at risk of arrest, and that they are recognised as equals to government healthcare professionals. It is also a natural early step towards convergence, and to developing a joint approach toward addressing shortages of professional health workers in ethnic minority areas.

Steps in this direction have been taken, with for example, a partnership between ethnic and community-based health organisations, the Myanmar University of Community Health (UCH) in Magway, and Thammasat University in Thailand. Through the partnership, Ethnic Health Organisations and Community Based Health Organisations health workers are able to undertake courses with the UCH curriculum to received UCH Public Health Service Accreditation. To date, a total of 140 health workers from ethnic and community-based organisations have been trained and accredited with the UCH curriculum.

While there are numerous potential avenues for further cooperation, inconsistencies between the types of health worker recognised by the Myanmar MoH and by the ethnic and community-based health organisations remain an obstacle for full standardisation. The MoH's priority in healthcare provision and training is diseased-centred and hospital-focused, and centred on patients as individuals, rather than on healthy communities. In contrast, the systems of the ethnic and community-based health organisations are based more closely on a public health approach, emphasising a greater focus on population wide programmes, preventative care, and elements of population and social sciences. Decisions to prioritise earning MoH accreditation therefore potentially involve a trade-off of immediate practical benefits in favour of more long-term convergence aims.

Birth Registration

One example of increased dialogue and cooperation between the government and community-based health organisations concerns birth registration. Officially, only accredited midwives can deliver babies and provide birth certificates. However, there is a chronic shortage of accredited midwives across the country, and none present in non-government controlled areas. Therefore auxiliary midwives and EHO trained MCH Workers who did not have official accreditation are not entitled to provide legal birth certificates, and many children in ethnic minority areas could not obtain legal documents. However, in a pilot project, BPHWT negotiated with state-level authorities, who have now allowed auxiliary midwives to obtain birth certificates by working together with government midwives.

Mapping of Health Services

With the on-going peace-building, ceasefire and election processes, the country has opened up to international development and humanitarian assistance. The work of INGOs, is controlled by Naypyidaw with MoUs signed by the central government for work in specific areas. Because of the disconnect between the government and the ethnic health organisations, the programmes permitted by the government often ignore the existing services provided by ethnic health organisations. For decades, ethnic community health services have been the sole providers in conflict-affected communities, and the community health workers often have a high level of trust with villagers. There needs to be mechanisms in place to ensure that the skills and experience of EHOs and community organisations are not over-looked.

MoUs for international agencies are usually targeted at selected townships or at vertical programming such as malaria, or maternal health. Health programming needs to look at the comprehensive services required throughout the country, and this kind of isolated programming will just result in overlap or the creation of gaps. A national mapping of services, together with the communities, is a process that can prevent overlap and gaps, as well as promote community voices for understanding their own health needs.

Since 2015, a pilot convergence programme in Kawkareik, Karen State has begun, aiming to promote cooperation between government health centres and the ethnic and community-based health organisations, and to strengthen health systems in the programme's target areas.

The programme has involved the mapping of health services in Kawkareik, in order to identify and locate services provided by the government health centres and the ethnic and community-based health organisations. The programme also aims to standardise Information, Education and Communication (IEC) materials as well as protocols for antenatal care, post-natal care and referral of obstetric emergencies.

The programme is still in its infancy. There have been some initial challenges in the mapping process, particularly since this involves overcoming decades of mistrust. This mistrust results from a history in which members of community and ethnic health organisations were considered "illegal" by the state and were detained and

imprisoned. In areas of active conflict, health workers were killed because of their association with non-state actors. Health facilities and supplies were also destroyed, in a clear violation of medical neutrality.

In Burma, there are also more general discrepancies in information management and mapping, notably with ongoing divisions and lack of information sharing between the Myanmar Information Management Unit (MIMU) and the Health Information Systems Working Group (HISWG) of HCCG. These divisions are also linked to Burma's history of conflict and distrust. However, the gradual mapping of services in Kawkareik has already led to greater understanding and clarity in the provision of healthcare, as well as paving the way for further potential information sharing and trust building.

Mapping services can be seen as an essential component of building trust and lasting relationships between communities and government health services. After initial distrust, as mapping continues, so does openness and transparency about the work that is going on in each township. This openness will result in better health services, since overlap can be minimised and instead new health developments can focus on complimenting the already existing services. If the mapping is done together with the communities, then communities are also empowered to identify their own health needs. At the same time, deepened understanding of what services are available can result in health service referral systems and therefore widen the access to health care of communities. When health workers operating from the border areas and those operating from the towns get together and discuss what is happening at the community level, they become able to share resources and develop important relationships.

Task-Shifting Approach

By mapping services, it is possible for the government and communities to shed light on the reality of the extremely limited capacity of government health task forces and authorisation systems. Until now, Burma's health system has been strongly hierarchical with an official dependence on a severely diminished supply of officially accredited health personnel such as doctors, nurses and midwives. There is a significant urban-rural divide in the availability of health workers, and the disparity is more acute in non-Burman majority areas.

In the next stage of national health sector reform, a participatory national mapping exercise would help to recognise the potential of working with the thousands of local community health workers and auxiliary midwives who have been filling the gaps resulting from a neglected and under-funded health system. There needs to be a joint effort to recognise and utilise the existing skill sets in the country. Recognition of the role of community health workers will also empower the community role within the health system. Until now health workers have felt discriminated by and isolated from mainstream health systems. Examining and realigning the role of all the health professionals in Burma is necessary to build unity and cohesion among health professionals.

4. Ongoing challenges to health as a bridge for peace

Key challenges to the vision and aims of the ethnic and community-based health organisations stem from the continuation of a centralised model of government administration in Burma. Health service delivery in Burma is still organised along a very top-down model, which does not allow for decision-making at more decentralised level, nor does it recognise the systems, resources or authority of ethnic and community-based health organisations.

While steps taken so far towards convergence represent significant milestones, the state remains on course to expand rapidly during the ceasefire period, and presents a number of risks to peace building. Development strategies pursued by the MoH with the backing of international donors and INGOs appear to be moving ahead with little space for input from those on the ground. This has resulted in service overlaps and gaps, in local human resources being poached by INGOs that offer higher salaries, as well as clashing with the strong community-managed primary healthcare approach that has been developed over the past decades in these areas.

Clinics are being constructed in numerous cases by INGOs in territories where the government has limited stable control, without consultation with community and ethnic health organisations. Five such cases have been confirmed and corroborated by a number of stakeholders in Thandauggyi, Hlaingbwe, Myawaddy Kawkareik, and Kyain Seigyi townships of Karen State. Meanwhile, some areas in Myawaddy and Hlaingbwe townships appear to have attracted overlapping programmes of numerous INGOs, all guided towards specific areas rather than being part of a comprehensive primary healthcare approach. Such issues have been raised by community and ethnic health organisations in talks with the government, but have failed thus far to lead to a solution, and demonstrate a clear area for improvement.

Ultimately, the ethnic and community-based health organisations risk being further marginalised as the government increases its grip on national and international resources and continues to push forward a centralised model of healthcare provision.

5. Conclusions: ongoing challenges, the need for recognition and for trust building

For health to act as a bridge to peace in Burma, health workers from the ethnic and community-based health organisations and from the government need to work together in joint efforts addressing health policy, health systems strengthening, and service delivery. Conversely, peace building concepts and practices need to become an integral part of health policy and planning.

With more than 20 years' experience and trust already built with communities inside Burma, ethnic and community-based health organisations are best placed to take the lead in working to strengthen the existing primary health care services in their areas. However, concrete solutions need to be found, whereby the systems and resources of the ethnic and community-based health organisations are recognised and provided with the authority necessary to operate legally in ethnic minority areas, instead of simply being co-opted by the central government.

The recognition of existing health systems in the different ethnic minority areas is therefore essential, not only for the future of Burma's healthcare systems but also for peace building in Burma. As part of this process, there is also a need for:

- Clear principles of partnership between the government health system and the ethnic and community-based organisations, increasing transparency and accountability in formulating and implementing health projects of central government and international health organizations
- Transparency and a clear understanding of systems and services provided by each the ethnic and community-based organisations and by government health systems, as well as the health status and access needs of these communities
- Dialogue between the ethnic leaders and the government during the transition process about the recognition, financing and integration of health systems supported by the ethnic and community-based organisations
- As part of health sector reform, a devolution of power to regional and local levels, strengthening and development of community participation and networks, in order to ensure a accountable, community-based and community-managed health care system
- Recognition of the role of community health workers and task shifting, and the development of strategies to attract and retain higher cadres of health workers in ethnic and remote areas of the country.

Ultimately, underlying these issues is the need to rebuild trust after decades of conflict. And having provided healthcare in their respective areas for decades, with the state representing a hindrance, a long process of trust-building will likely be necessary before a single health system becomes possible.

Sanjiv Chaturvedi[*]
(BIODATA)

Corruption is a plague on nations. In rooting out corruption, the work of government in strengthening systems of transparency and accountability is crucial. But ultimately, success still depends on ethical public servants and a vigilant public. In India, forty-year-old government officer Sanjiv Chaturvedi is an inspirational example. Coming from a family of civil servants, Chaturvedi joined the Indian Forest Service (IFS) because he loves interacting with people in the field and working in government.

Posted as a divisional forest officer in Haryana state, Northern India, he quickly came face to face with the corruption infesting government. A young, idealistic officer, he did not turn away from the irregularities that he saw but resolutely worked to correct them.

Boldly, he investigated and exposed cases of malfeasance even when these involved powerful officials in the state. In his six years in the state cadre, he exposed anomalies which included the illegal construction of a canal that threatened the critical Saraswati Wildlife Sanctuary; the use of public funds to develop an herbal park on private land owned by a high official; the underpayment of license fees; and the rigging of government auctions. In a foreign-funded afforestation program, Chaturvedi discovered that 90 percent of the plantations existed only on paper, and that funds had been embezzled through the faked signatures of allegedly participating self-help groups and nonexistent workers. Forty forest officers were suspended as a result of his investigation.

Under intense pressure from high state officials affected by his campaign, he was deputed to New Delhi as deputy secretary and chief vigilance officer at the All-India Institute of Medical Sciences, where he continued his anti-corruption campaign, exposing and filing cases involving irregularities in government procurement; contracts awarded to favored service providers; kickbacks in building construction; a scam in which government employees collected the pensions of dead pensioners; and the collusion between government officers and suppliers of fake medicines. Relentless, he did not waver even when cases involved high officials in state and central governments, well-connected businessmen, or members of his own staff. At great personal cost, he was harassed, suspended, demoted, hounded and humiliated with false charges, and put "in the freezer." All these did not stop him.

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[*] *Cited in Magsaysay Foundation, Awardee, 2015*

Chaturvedi is not a circumstantial whistleblower, but one genuinely seeking to reform the system from within. He meticulously investigates cases, submits documented reports, and pursues criminal and administrative action to punish the guilty. Actions he has taken have bolstered government revenues, and resulted in the recovery of stolen public funds and the suspension or removal of erring officials. Still, Chaturvedi is not simply adversarial. He zealously performs his regular duties, carries out meaningful projects, and supports and protects honest employees. Within the sphere of his authority, he has initiated changes in operational systems to ensure transparency and accountability—whether these be better procedures in tracking public complaints or ensuring that wages and benefits of contractual employees actually go to them.

As a junior officer, Chaturvedi's reach and powers are limited but his integrity and courage have received wide media attention, though he does not himself seek it. On several occasions India's president and prime minister have intervened to support and protect him from unjust persecution. While his story remains unfinished, he has already become a role model in the bureaucracy and for a public often overwhelmed by inertia and powerlessness. Amazingly, despite what he has gone through, Chaturvedi has not yielded to disillusion. "Despite all the challenges, I have great optimism in the country, in our people," he quietly asserts. "I have never entertained the thought of leaving the service. Never."

In electing Sanjiv Chaturvedi to receive the 2015 Ramon Magsaysay Award for Emergent Leadership, the board of trustees recognizes his exemplary integrity, courage and tenacity in uncompromisingly exposing and painstakingly investigating corruption in public office, and his resolute crafting of program and system improvements to ensure that government honorably serves the people of India.

FIGHTING CORRUPT NEXUS OF POLITICIANS-CIVIL SERVANTS IN A DEMONCRACY: CASE STUDY OF INDIA

Sanjiv Chaturvedi, *Deputy Director of AIIM, India*

Background

India became a free country, after years of British Colonial Rule, on 15th August 1947. After independence, India adopted a constitution on 26th January 1950, after lengthy deliberation in the constituent assembly, having representation from all the communities and religion and consisting of some of the greatest intellectual minds of the time who had also played a very active role in the peaceful and non-violent freedom struggle against the Britishers. The Indian constitution is the largest constitution of the world and it has elaborate provisions on each and every subject of polity and governance including fundamental rights, directive principles for the government, separation of powers between Judiciary, Legislature And Executive, distribution of resources between Center and Provisional Governments, division of subjects under jurisdiction of Center and Provincial Governments etc. Even after more than 65 years, the constitution is working successfully and has stood the taste of times.The constitution adopted by the country was a federal one in which major issues concerning the life of citizens including land, law and order, health and education were put into exclusive jurisdiction of State Government while the subject of defense, foreign affairs, railway and tele-communication were put into union list. However, at the same time in view of the historical realities, certain unitary features were also adopted into the constitution, giving control of the union over the states (provincial governments).

The feature of 'All India Services' is one such feature of the constitution. Under the Indian system of polity, there are three kinds of services – a) Provincial services, officers of which serve only under the concerned State Governments, b) Central Services, officers of which serve only under the Central government for e.g. Indian Foreign Service, Indian Revenue Service, Indian Railway Traffic Service etc. c) All India Service, consisting of Indian Administrative Service (IAS), Indian Police Service (IPS) and Indian Forest Service(IFS), which are recruited by Central Governmentto serve in both Central and State Governments and occupy all the strategic positions in both the governments. Their final control and disciplinary power rests with Central government. The concept of All India Services is a unique one to the India. The founding fathers of the constitution had great faith in these services as expressed by Sardar Patel, the first Union Home Minister in Constituent Assembly
"***The Union will go- you will not have a united India. If you have not a good all-India service which has the independence to speak out its mind, which has a sense of security that you will stand by your work and that after all there is the Parliament, of which we can be proud where the rights and privileges are secure….. This Constitution is meant to be worked by a ring of Service which will keep the country intact.***"

India has a system of permanent civil services. Under Indian constitution there is a separate chapter on matter of 'Services'. The constitution provides proper safe guards to check arbitrary/mala fide sacking of civil servants and has laid down certain

mandatory conditions involving principles of natural justice to be followed in such cases. In case of All India Services, the officers are recruited by Central government through Union Public Service Commission and State Governments have very limited powers regarding disciplinary matters of these officers including suspension and imposition of departmental penalties. Even in these limited matters, Central government has complete powers to overrulethe State Governments.

In Indian system, the secretariat of various ministries of the Central Government is run by officers belonging to Central Services and All India Services, on a deputation basis whereany officer belonging to any service can be posted in any department for a fixed period of deputation which is maximum upto 5 years. In case of All India Service officer, they are eligible for such central deputation after completion of 9 years of service in their respective state cadre allocated to them. Under various constitution provisions and statutes governing the disciplinary matters of officers, elaborate procedures for initiation of departmental penalty and serving of departmental chargesheets has been provided. The cardinal principle is that delinquent official should be given proper opportunity to explain his version and only the officers in the rank of or superior to the appointing authority can impose departmental punishments. There are two kinds of departmental penalties- a) minor penalty, which includes Censure, stoppage of increments and recovery of losses caused to the government and b) Major penalty, which includes removal/dismissal/ compulsory retirement from service and demotion. The process regarding imposition of major penalty is much more elaborate, involving appointment of an enquiry officer of appropriate rank and proceedings are analogous to the court proceedings. Similarly in case of transfers also, fixed minimum tenures of two years have been notified in most of the State Cadres and Central Services. Further there is a detailed system of writing of Annual Performance Appraisal Reports(APAR) in which efforts have been made to make it as objective as possible and based upon the delivery of target by concerned officers.

However even after such an elaborate system of permanent civil services, wherein they have not only been provided security of tenure but also very strong safe guards against arbitrary removal from the service, corruption in the public services has become a rampant issue, particularly in past few decades. A powerful nexus of corrupt bureaucrats and politicians has emerged over the years, which has robbed financial and natural resources of the country with almost perfect impunity. It is because of this corruption that despite being a resource rich country in terms of water resources, soil, mineral, bio-diversity and having the largest youth population of the world, the country has a very pathetic situation when it comes to the basic human development indicators like sanitation, drinking water, health services and access to the education. There have been many efforts to control and check the rising menace of the corruption, which includes bringing a very effective yet simple and user friendly transparency Act (Right To Information, Act, 2005) and intervention of judiciary through the instrument of Public Interest Litigation(PIL). The RTI act is a universal act and the entire government, under central and State Government, are covered under it. There is a statutory time limit of 30 days to provide the information failing which penalties may be imposed uponthe concerned Public Information officers and in extreme cases disciplinary proceedings may also be recommended against them. Under this Act, there is a mandatory clause of self-disclosure of information related to the budgetary allocation, and functioning of the concerned government organization.

This Act has given a sense of empowerment and also a sense of participation to the general citizen in Government affairs. Similarly, public interest litigationhas also emerged as a powerful instrument to check and punish the corrupt. Under the constitution, the judiciary has been given vast powers and it is perhaps one of the most power judiciary in the world. The High Courts at the level of provinces and Supreme Courtwhich is the highest court of the land have been given powers of writ jurisdiction, which also includes Writ of Mandamus under which courts have power to give directions to the government to perform their statutory duties. The instrument of PIL has its genesis in the decade of eightys when the Supreme Courttook cognizance of a petition sent through post card. In later years, many landmark judgments were passed by the Supreme Courtand the concerned high courts on the issue of corruption, environment protection, human rights, status of prisoners, food security, criminalization of politics etc. At present all the major corruption cases including 2G scam and Coal scam, are being investigated under monitoring of Supreme Court.

Regarding anti-corruption mechanism, at the level of State Government, cases are registered and investigated by State Vigilance Bureaus. At the level of Central Government, this function is performed by Central Bureau of Investigation (CBI), which is supervised by Central Vigilance Commission (CVC). CBI can take over the investigation of cases related to the State Government only with their consent or with orders of High Court/Supreme Court. In every Ministry/Department/Autonomous organization of the Central Government there is a post of Chief Vigilance Officer which works under supervision of CVC in matters of corruption involving government employees. The CVO is nodal co-ordinating authority for disciplinary proceedings against them and on the basis of his preliminary report, CBI initiates detailed criminal investigation.

A. Issues in Environment Sector Encountered During Tenure in State Forest Department (August 2005-June 2012)

1.   Case of Saraswati Wildlife Sanctuary, Kurukshetra

During the very first posting, as Divisional Forest Officer, of Kurukshetra district (October 2006-May 2007), this case was encountered. This was the largest protected area of the state spread over thousands of acres and home to rare species of flora and fona, including Hogdeers. In year 2007, the State Government of Haryana, which was state cadre allocated to me, decided to build a canal, a substantive portion of which was supposed to pass through this sanctuary. This project was simply a, political stunt as there was no provision for source of water into the said canal, which was under litigation between three neighboring states in Supreme Court. Further this canal had potential of change of natural drainage system of the local area which resulted in heavy floods in coming years. Even then on political consideration and to benefit influential contractors, this project was given a go ahead under the blessings of Chief Minister of the state which is the highest functionary of the State Government. Because of the blanket political support the contractor of the irrigation department, wreaked havoc in the wildlife sanctuary area, falling thousands of green trees, causing habitat destruction and indulging in poaching of rare species of Hogdeers. I tried to stop this destruction and criminal cases against the contractors under the provisions of Wildlife Protection Act, 1972 was registered. However, the State Government became

annoyed with me because of these actions and immediately after this, I was shunted to a remote station called Fatehabad, in June 2007. The issue even did not leave me at this new place of posting and in July 2007 I was served a proper official warning by the State Government for this so called 'defiance' in stopping the work of project. After my removal from the scene, the matter was taken up by an NGO called Wildlife Trust of India, based on media reports on my removal. A case was filed by them before Central Empowered Committee (CEC) constituted by Hon'ble Supreme Courtto monitor the cases of violation of forest and wildlife acts and the related orders of Supreme Court. The CEC passed final orders in July 2008 in which it found the State Government guilty of various violations and ordered them to deposit an amount of rupees one crore as compensation for the destruction caused in the wildlife sanctuary to be used for the conservation work inside the sanctuary. The State Government complied with these orders and after this judgment, the State Government did not dare to repeat the same illegality in any other protected area of the state.

2.   Case of corruption in Fatehabad, Herbal Park.

The State Government had made a very ambitious scheme for popularization of Herbal trees and plants through establishment of herbal parks in every district of the state on Government Lands. However, in case of fatehabad district, the work of development of herbal park which involved expenditure of crores of rupees of public exchequer was deliberately undertaken on a barren and difficult land belonging to a very influential and political powerful leader of ruling party of the state, who later on became independent legislature, supporting minority government from outside and was made chief preliminary secretary of forest department also. Thus this case was a direct example of creating private assets with public funds as all the assets including civil structures and plantation being developed on the said private land, would have naturally belonged to the owner of the land. When I stopped this illegal work and reported the entire matterto the head quarter, I received threatening calls and finally even head quarter, after formally recording the annoyance of forest minister, directed me to immediately continue this work. Later on, I was even placed under suspension in August2007 for so called insubordination in both these cases. After my suspension this issue was taken up by another NGO called Ekta Parishad which filed a PIL before Supreme Courtin year 2008 from where it was referred to the CEC. In this case also, fearing adverse judicial orders, State Government had to declare this private land as a protected forest area under section 38 of India Forest Act, 1927and had to transfer its management to the state forest department in February 2009.

3. Jhajjar Plantation Scam

The state of Haryana has one of the lowest greens covers in the country and so there are number of afforestation projects going on in the state with funding from multi-lateral agencies like Japanese International Co-operation Agency (JICA), European Union, World Bank and also with the funds from Central government. Because of depleting green cover, the table of ground water has fallen to dangerous levels in most parts of the state and having direct impact on the agriculture, which is the main profession of the people of the state. Apart from this, the green cover is also very

important for the state to prevent its desertification, from western side. In Jhajjar district, in year 2009, when I joined, a large scale project, for afforestation and poverty alleviation through formation of self-help groups of women, was being under taken, with funds from JICA. After joining, in January 2009, when I made a Ricci survey of the entire area, I found that most of the plantation was only on paper and even the seed capital money deposited into the accounts of women forming self-help group, was siphoned away with connivance of the field staff and village committee. Since the entire field staff of the district was involved in this scam, hence it was extremely difficult to initiate action and under these circumstances I persuaded the authorities at the head quarter to form checking teams comprising of senior officers from neighboring districts. These checking teams carried out comprehensive checking for 2-3 months which finally substantiated my initial reports regarding massive corruption. On the basis of these reports, around 40 field officials were placed under suspension and departmental charge sheets were issued to them, which was one of the largest such action in the history of the state and was carried out inspite of intense political pressure as the son of the then state chief minister was contesting parliamentary election at that time and the said area fell within his constituency and so there was enormous political pressure. However I was able to continue at that place because of election code of conduct of parliament being in force and therefore I had to work on a war footing to ensure that all the field checking and paper work is completed in any case by May 2009, the time by which this code of conduct was effective. After lifting of the code of conduct, the chief minister of the state himself ordered to transfer me to another district. However by that time all the departmental chargehseets were served and therefore subsequently large amounts were recovered from the salary of delinquent officials after conclusion of disciplinary proceedings.

4. Subsequent harassment and intervention of Central Government, Supreme Courtand President of India.

a. Because of my anti-corruption actions hitting the nexus of powerful politicians and bureaucrats including my senior officers, I was transferred twelve time in five years 2005 to 2010 and was even put without any work for many times. The maximum tenure enjoyed by me was of seven months in Kurukshetra district. I was also placed under suspension in August 2007 for my so called 'insubordination' in stopping illegal destruction of Saraswati Wildlife Sanctuary and illegal expenditure of public funds in creating a private herbal park at Fatehabad District. On the same issues I was also served a major penalty departmental chargeseet in September 2007, which if succeeded, could have resulted in my dismissal from the service which was my only source of livelihood. Again in year 2013 I was served a second major penalty departmental chargesheet, trying to implicate me in the same jhajjarplantation scam which was exposed by me only. The departmental chargesheets are a very favorite instrument in the hand of politiciansto break the morale of honest officers as during the pendency of departmental chagesheets, all the career prospects of the officer, including promotion, deputation, foreign assignments, etc. are denied which is a very frightening scenario for any career bureaucrat. Besides this, the State Government also tried to downgrade my grading in Annual Performance Appraisal Report which if

succeeded could have prevented my subsequent promotions, again a very damaging possibility.

b. Apart from the above actions, I was subjected to numerous false criminal cases. First of such case was got registered in Fatehabad District in December 2007 on the charges of theft of a petty ornamental tree. The incident was shown to take place in February 2007 while I had taken over the charge of Fatehabad District in June 2007 and hence the Police was forced to file the cancellation report, however, no action was taken against the persons responsible for registration of this FIR, under political pressure. Before that, a false vigilance case was got registered in May 2007 on the basis of complaint of an influential hotelier, whose encroachment on forest land was removed under my orders. In this case also vigilance authorities had to file closure report in my favor and State had to prosecute the encroacher. The most dangerous case was registered against me in December 2009 on the very serious charges of abetment to suicide under section 306 of IPC, which is a cognizable and non-bailable offence, when dead body of one of the forest range officers suspended in multi crorejhajjar plantation scam was found at his residence. Initially his father, complained to the police this as a case of murder by his girlfriend but police acting under the political pressure of the then Chief Minister, registered it as case of abetment to suicide and inserted my name as one of the main accused though my name was nowhere in the complaint filed before the police. I had to suffer this case for six years during which five special investigation tem (SIT) were formed and I was harassed to the hilt but no evidence was found against me. Even the high court of the state was misled by these elements into ordering the formation of sixth SIT in February 2015 without hearing my side. However after my submission wereput on record the high court recalled its earlier order. Besides these cases, some other false cases/complaints and even a criminal defamation case was lodged against me in year 2012, however all these cases were dismissed by Courts subsequently finding no merit. Even then these cases resulted in tremendous mental harassment and wastage of time and resources, just to defend myself.

c. After these harassments, went beyond a limit I submitted an extra ordinary Memorial to the Central Government which constituted a two member enquiry committee to investigate the matter in September 2010. The committee gave its exhaustive report in December 2010 wherein it found all my allegations true and severely indicted the then State Chief Minister, State Forest Minister, and senior politicians and bureaucrats in the case. The committee recommended comprehensive criminal investigation against them by Central Bureau of Investigation(CBI). However the State Government did not agree for the CBI investigation and hence I had to move a direct writ petition before the Supreme Courtin November 2012. The Supreme Courtadmits direct Writ petition in only rarest of rare cases but it admitted the said case in view of the gravity and substance of the case and issued notices to Central government, CBI and State Government. The Central government and CBI

supported CBI investigation before the court but the State Government because of involvement of senior politicians and bureaucrats of the State, opposed CBI investigation. Now the matter is listed for final decision.

d. In my case, a record number of four orders were passed by President of India, against the illegal orders of State Government in my service matters, which is a record in case of any officer, in the history of independent India. The first Presidential order was passed in January 2008, quashing the suspension order, second Presidential order was passed in January 2011, quashing the departmental chargesheet issued by the State Government and similarly the third Presidential order was passed in October 2013, quashing the second departmental chargesheetissued by the State Government and fourth Presidential order was passed in January 2014 though which my annual grading ofappraisal report was restored back to the Outstanding after this was brought down to zero by the highest authorities of the State Government. Apart from these record number of Presidential interventions, even Prime Minster officer sought report of the case from time to time.

e. Because of the continuous and unending harassments from all sides in the State Government, I decided to join deputation under Central government and applied for the same in year 2011. After an elaborate process, I was selected to work as Deputy Secretary and Chief Vigilance Officer in Ministry of Health and Family Welfare, in Central Government, in May 2012. However the annoyance of the State Government was such that it even refused to relieve me for the central deputation assignment. Once again in an extra ordinary order, overruling the State Government, the Central Government ordered my direct relieving. All these developments, including the above mentioned four Presidential orders took place when the same party was ruling in both Central and State Government and therefore this episode reflects resilience of Indian Democracy also. Finally with the intervention of the Central government I was able to join in June 2012 as Deputy Secretary and CVO in All India Institute of Medical Sciences(AIIMS), New Delhi, under the central ministry of Health and Family Welfare.

f. Throughout this anti-corruption campaign, I got tremendous support from general public, lots of media coverage, support from some very genuine NGOs and even the matter was repeatedly raised in the state assembly by the opposition parties. During all these struggle, frequent use of RTI Act was resorted by me and it was only through the documents, correspondences and the file noting received under RTI Act that I was able to prove my case effectively before the courts and the Central Government. However my reputation of anti-corruption, proved to be my biggest weakness when I applied for the central deputation as no ministry was agreeing for my placement and it was only after the support of some well- meaning senior officers that I could get posting in Central Health Ministry.

B. Issues in Health Sector, Encountered During Tenure as Chief Vigilance Officer in AIIMS, New Delhi (June 2012-July 2014)

The All India Institute of Medical Sciences (AIIMS) is the most premiere medical institute of the country, which is visited by around 10,000 patients on a daily basis. It is an autonomous body established under a parliamentary statute and its budget is of thousands of crores of rupees and besides that its heavy extension work is going on in bordering state of Haryana involving seven thousand crore rupees civil works including largest cancer center of the country.

Because of my earlier reputation in anti-corruption work, the Department related Parliamentary Committee attached with Central Ministry of Health and Family Welfare, and having representations from all the major political parties, had taken a written commitment from the then Union Health Secretary to make me CVO of the institute, to check rampant corruption there involving senior institute officials and doctors.

The very first case I encountered was, a very difficult one having connections with highest level political functionaries. A private chemist shop was allowed to be operated into institute premises, whose owner was an ex-legislature belonging to ruling party and was infact selling dubious medicines into institute premises, to the poor patients visiting the place and one such consignment worth crores of rupees was caught by Delhi police but main accused were let off under political pressure. When I received a number of complaints regarding ill effects of the medicines sold from this shop, I issued notices to them and the result was that, my premature transfer proposal was sent by the ministry to Civil Services Board(CSB). However, CSB headed by cabinet secretary, did not approve the said proposal and instead sought explanation from health ministry for sending this premature transfer proposal when tenure was fixed for four years. When parliamentary committee came to know of this development, it also issued notice regarding apparent breach of privilege to the senior most functionaries of the ministry. All this prevented my removal for the time being.

In next two years, I successfully concluded action in a number of corruption cases, against senior institute officials, the details of which are as below:

Name	Case
VineetChaudhary, IAS, 1982 Batch Himachal Cadre then DD(A), AIIMS and now Additional Chief Secretary, Himachal Pradesh.	Case registered by CBI on 09.01.2014 for illegal extension of Superintending Engineer Mr. B.S Anand to supervise 3750 crore rupees expansion project and for other financial irregularities in Engineering works; major penalty proceedings got approved by then Union Health Minister on the basis of investigation done by Applicant, for various corruption cases including appointment of consultants, in engineering works, misuse of official vehicle at the rate of 150 km per day consistently for a period of two years and treatment of pet dog at Cancer Center.

Sh. ShaileshYadav, IPS, 1993 Batch, Tamil Nadu Cadre, now Police Commissioner Trichi and then DD(A), AIIMS	Multi crore scam in giving tender to a favourite private security agency on the basis of forged documents; CBI case registered in September, 2013 and Major Penalty proceedings of ShaileshYadav got approved in May, 2014.
All India Medicos (Private Chemist Shop) opened into the institute premises	As per documents sent by Delhi Police and Ministry of Home Affairs, it was owned by Mr.Ashok Ahuja, Ex. MLA and having very influential political links; used to sell dubious medicines and a consignment of crores of rupees of spurious medicines, also seized by Delhi Police in April, 2013; the shop got evicted and performance guarantee of Rs. 52 Lac forfeited on account of various violations.
Mr. B.S Anand Superintending Engineer	Got terminated in March, 2013; had very strong political nexus and was given extensions in blatant violations of AIIMS Act to supervise 3750 crore rupees expansion project by the then Union Health Minister, despite his basic degree being of ITI and that too in the area of air conditioning and refrigeration.
Mr. Raju Singh, Chief Medical Officer	Departmental Chargesheet for major penalty proceedings issued for forceful deployment and harassment of an institute employee, for domestic work; regular inquiry concluded in February, 2013 and the matter is to be put up before Governing Body for final approval.
Mr. V.P. Gupta, Ex Registrar	His encroachment of government accommodation was evicted forcefully in February, 2014 and major penalty proceedings at last stage for massive corruption in academic section.
Mr. R.C Anand, Ex. Medical Superintendent	Entire pension and gratuity forfeited on corruption charges.
Mr. Rajiv Lochan, Deputy Chief Security Officer	Suspended and CBI case registered for financial irregularities in tendering to a private security agency on the basis of forged documents.
Mr. Attar Singh, Chief Administrative Officer	Major penalty proceedings initiated for favourtism in recruitment-post retirement benefits withheld.
Mr. C.S Bal, HoD Nuclear Medicine	Penalty imposed for unauthorized foreign visit to France and Turkey without any intimation to the institute.
Sh. S.S. Bhadauria, Store Officer, CN Centre	Penalty of compulsory retirement and deduction of 50% in pension for a period of 5 years imposed in a case of financial irregularity related to purchase of store items detected during a CBI raid.

Sh. S.P. Vashisht, Sanitation officer	Penalty of compulsory retirement imposed in a case of financial irregularity related to purchase of store items detected during a CBI raid.

In none of these cases, any of the accused officials could get any relief from any court of law. Apart from the cases of corruption, the action included cases of unauthorized absence, insubordination and sexual harassment. In some of the appropriate cases, even summary proceedings were successfully applied. During this period around twenty cases were referred to CBI and central vigilance commission (CVC) for criminal investigation. However a very powerful section of politicians and bureaucrats was annoyed with all these anti-corruption actions which choked there source of illegal income. During this two year tenure, apart from large number of successful actions in individual corruption cases a number of systematic changes were also introduced to streamline purchase processes, to check misuse of fake proprietary certificates, problem of absenteeism etc. A new free generic medical shop was got opened into institute premises, to be operated by a Public Sector Unit. A transparent system for the payment of wages and other benefits to the thousands of contractual employees of the institute was successfully implemented where salary slips were issued to each of them having complete break up of all the entitlements with proper system of monitoring.

Because of enmity of these powerful vested interest, I had to be removed by the ministry in August 2014 from the post of the CVO of the institute. There was large scale hue and cry in the media on this removal and even Prime Minister of India had to seek report on this issue. Around 250 faculty members wrote to the Prime Minister for bringing me back as CVO apart from Student Union and Employees Union.

The subsequent period was very troublesome and in many ways a repeat of what I had to face in state of Haryana. This can be understood from the fact that between February 2015 to February 2016 I had to approach the service tribunal around six times on various issues ranging from promotion, appraisal reports, work allocation and deputation proposals. Meanwhile after getting a land slide majority in elections of Delhi Assembly in February 2015, the new Chief Minister Mr. Arvind Kejriwal, who is also a recipient of Magsaysay Award, sought my services as officer on special duty (OSD), however even that request did not find favor with concerned authorities and even after the repeated interventions of tribunal the matter is still pending. In almost all the cases, pending before the tribunal, decision came in my favor, and because of their intervention I got promotion last year and also my State Cadre was changed from Haryana to Uttara hand after the Tribunal quashed the orders of Appointment Committee of Cabinet (ACC) head by Prime Minister against me.

Regarding the corruption cases initiated during my tenure and still pending, a PIL was filed by one of the most reputed advocates of the country Sh. Prashant Bhushan, on which notices were issued by Delhi High Court to Central Government, CBI, CVC, AIIMS and Union Health Minister in his personal capacity.

Komisi Pemberantasan Korupsi - KPK[*]
(CorruptionEradication Commission)
(BIODATA)

Corruption is a social cancer. It undermines development, erodes public trust in government, weakens the state, and infects the morals of society. It is an urgent concern, particularly in developing nations that can ill afford its cost.

One such nation is Indonesia, for many years ranked among "the most corrupt countries in the world." Today, however, Indonesia is embarked on one of the world's most admired campaigns against corruption.

Rampant and systemic corruption has long been a festering issue in Indonesia. Since the 1950s, the Indonesian government formed different anti-corruption bodies, but these were mostly short-lived showcase pieces, sabotaged by the lack of serious political will. Then, amid the collapse of the thirty-two year Soeharto regime, Indonesians decided they had had enough, and resolved to take the problem by the horns. With the initiative of civil society and pressure from international organizations, the Indonesian government passed a law in 2002 creating Komisi Pemberantasan Korupsi (KPK), or the Corruption Eradication Commission.

An independent government body, KPK is enabled by a strongly-crafted law premised on the conviction that corruption is an extraordinary problem that needs to be tackled by extraordinary means. Thus KPK has a far-reaching mandate, exercising exceptional powers that range from investigation and prosecution to prevention and the coordination of agencies authorized to combat corruption. It can conduct searches and seizures, freeze assets, impose travel bans, compel cooperation from government agencies, and even intercept communications without prior judicial approval. Its powers are such that a civic leader remarked, upon the law's passage, that politicians were "inviting a tiger into their house." But KPK's powers are not just prosecutorial; they are preventive as well. It carries out audits on officials, undertakes public awareness campaigns, and studies government management systems to reduce the potential for corruption. Collectively governed by five commissioners and with selected non-government representation, KPK has undergone a process of institutional strengthening that has produced a highly professional workforce, capacitated with cutting-edge technologies, and governed by a strong internal code of ethics.

Its accomplishments have been impressive. From 2003 to 2012, KPK has handled 332 high-profile cases involving top government officials; of these, 169 cases have been processed in court, and KPK has chalked up an amazing one-hundred percent conviction rate. From 2004 to 2010, KPK has returned to the state treasury recovered assets worth Rp. 805.6 billion, or more than US$80 million. Less spectacular but exceedingly important are KPK's preventive programs. It has undertaken civil service

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[*] *Cited in Magsaysay Foundation, Awardee, 2013*

reforms for greater accountability and transparency, tightening rules on wealth reporting by public officials, closing opportunities for corruption through changes in management and operational systems, and setting up "integrity zones" in the bureaucracy as a way of monitoring and grading government agencies. For the Indonesian public, anti-corruption education has been introduced at all educational levels, and innovative campaigns have been undertaken, such as the "honesty shops"—where customers pay for what they get by simply depositing the appropriate amount in a box.

KPK has had its crises, including harassment and intimidation, interagency feuds, slashed budgets—and it is subject to the higher powers of the president and the parliament. But KPK has also built up a formidable base of public support. When it locked horns with the national police, thousands staged public demonstrations supporting KPK. When the parliament refused to allocate money for a much-needed KPK building, Indonesian citizens voluntarily donated money for the building construction. Now on its tenth year, KPK has become a symbol of reform and hope for Indonesians, and is hailed as one of the few effective anti-corruption agencies in the world.

In electing Komisi Pemberantasan Korupsi to receive the 2013 Ramon Magsaysay Award, the board of trustees recognizes its fiercely independent and successful campaign against corruption in Indonesia, combining the uncompromising prosecution of erring powerful officials with farsighted reforms in governance systems, and the educative promotion of vigilance, honesty and active citizenship among all Indonesians.

Local Government/ Local Administration/ Decentralization

Issues and Problems in Decentralization and Local Autonomy in the Philippines: A Preliminary Assessment of Impact and Challenges[*]

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Abstract

Among the policy initiatives towards engendering good governance and sustainable development in the Philippines is a major legislation enacted on October 10, 1991, providing for local autonomy for local government units (LGUs). Republic Act 7160 of the Republic of the Philippines, otherwise known as the Local Government Code of 1991, is a broad legislative policy mandating the grant of comprehensive autonomy to local government units in the Philippines by devolving critical national government functions of delivery of services in agriculture, environment, health, and social services.

The intent of this extensive policy is to strengthen local government capacities so that, as front-line governments based at the community level, they can address critical gaps in the delivery of services in habitually neglected areas, particularly in aspects of poverty alleviation and in stimulating development activities. As the Code reaches its 25th year of implementation in 2016, a basic review of its impact on poverty alleviation and other aspects of local governance, as well as the performance of local government units, has become compelling, particularly on the need to fill in loopholes and gaps in the statute as originally constructed. Some important issues and questions need to be asked: Has the Code responded adequately towards improving capabilities at the local levels? What are the problems and challenges facing LGUs and the national government today towards fulfilling the aspirations of viable, effective and responsive local autonomy in the Philippines?

This paper thus seeks to provide cursory analysis and assessment of these issues by examining the performance of LGUs in the Philippines, under the Local Government Code of 1991, particularly problems of capacities, financing and how they responded to crucial issues of poverty alleviation.

Keywords: Decentralization / Devolution / Local Government Units / Local Government Code / Philippines

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Introduction

Over the years, the problematic of highly centralized structures and systems of government among newly-independent nations has spawned numerous challenges and issues on the delivery of basic services particularly to remote peripheral or isolated communities. Inherited as legacies of the colonial periods, these configurations have likewise brought rigid, hierarchical and often generally ritualized policy responses to strategic areas needing intervention. As such minute decisions on matters of localized concernshave been habitually referred to and made at the national levels which are oftendetached from these communities.

During the past decades, there has been a marked widespread and endemic clamor and movements for more substantive public sector reforms in both developed and developing societies as citizens become more alienated to their governments because of discontinuities and dysfunctions in the delivery of services that have been compounded by issues of corruption, inefficiency and incompetence.The decentralization ofthese highly centralized and rigid systems of government in the aftermath of the colonial periods has been one of the adopted response to improve the delivery of public services and the management of public affairs among newly-independent nations.

There is today the acknowledged consensus that decentralization has become "an almost universal feature of modern states," and that "almost all countries are on the wave of decentralization" even as academic concern has been largely drawn to continue assessing other practical policy alternatives (Lee, 1996: 102).

Brillantes, Jr. asserts that governments have adopted to decentralization because of the merits of facilitating speedy "decisionmaking processes by decongesting central government and reducing red tape" while at the same time increasing citizens' participation and empowerment to engender "a more open and democratic government" (Brillantes, 2003: 324).

Evolving as late as the early 1960s as part of the package of prescriptions tostreamline the government and administrative systems of countries that underwent decades of centralized colonial rule, decentralization has emerged today as a staple streamlining prescription towards improving administrative processes and reaching out to local communities. As such, decentralization emerged as a movement of sortscontained in such propositions as development administration in the mid-fifties, and spanning even under current public sectorreform propositions such as reinventing government and new public service (NPS) (Gant, 1979; Osborne and Gaebler, 1992, Denhardt and Denhardt, 2007).[1]

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[1] *There is a burgeoning literature on decentralization initiatives in the Asia-Pacific region as reflected in country experiences compiled in various publications of the Eastern Regional Organization for Public Administration (EROPA). See for example the compilation of papers on country experiences in S. Kurosawa, et.al. (eds.). 1996.* **New Trends in Public Administration for the Asia-Pacific Region: Decentralization**. *Tokyo: Local Autonomy College. See also Klaus Preschle and Edmund Tayao. (eds.). 2009.* **Envisioning a Federal Philippines.** *Manila: LOGODEF; GaudiosoSosmena, Jr. 1991.* **Decentralization and Empowerment**. *Manila: LOGODEF.*

Along these lines, the Philippines embarked on launching an extensiveand comprehensive decentralization policy in 1991 framed within the context of devolution and local autonomy to local government units (LGUs). After decades of failed embryonic decentralization and local autonomy policies, this all-embracing law was enacted under Republic Act No. 7160, otherwise known as the "Local Government Code of 1991" as approved on October 10, 1991(hereinafter referred also alternately as the Code or the LGC).

The intent of this extensive policy is to strengthen the capabilities of local government capacities so that, as front-line governments based at the community level, they can address critical gaps in the delivery of services in habitually neglected areas, particularly in aspects of poverty alleviation and in stimulating development activities.

As the Code celebrates its 25th year in 2016,[2] a basic assessment of its impact on poverty alleviation and other aspects of local governance, as well as the performance of local government units, has become compelling, particularly on the need to fill in loopholes and gaps in the statute as originally constructed.

Some important issues and questions need to be asked: What salutary gains have been made towards strengthening local government units and the spirit of local autonomy? Has the Code responded adequately towards improving capabilities at the local levels? Has it helped in alleviating poverty and contributed to inclusive growth of communities? What are the problems and challenges facing LGUs and the national government today towards fulfilling the aspirations of viable, effective and responsive local autonomy in the Philippines?

This paper thus seeks to provide cursory analysis and assessment of these issues by examining aspects of the performance of LGUs in the Philippines, particularly problems of capacities and how they responded to crucial issues of poverty alleviation. At the outset, this Study must be treated as a work in progress because the many ramifications involving this milestone legislation and its impact on communities in the Philippines cannot be reasonably captured and fused in a single paper.[3] It is however a considered view of this Paper that more studies and researched have to be conducted to understand and appreciate the full impact of the Code and how it could be further strengthened to respond to the challenges of development.

This Paper first provides a brief background of the early initiatives for decentralization in the Philippines as characterized by the passage of different pieces of legislation. It then proceeds to provide a brief overview and description of the Local Government Code of 1991. Having explained these, the gains and challenges

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[2] *The Local Government Code of the Philippines was approved on October 10, 1991, but was implemented officially the following year as provided for in its provisions. This paper however marks 1991 as the period to reckon in assessing the impact of the Code.*
[3] *This Paper is part of a larger study being undertaken by the Philippine Society for Public Administration (PSPA)which involves the conduct of a rapid field appraisal (RFA) on the impact of the Code on the 14 regions of the Philippines. The points maintained here are thus, at best, tentative and may be revised and expanded depending on incoming data.*

are then offered next, identifying the benefits and problems confronting the LGC and its implementation during the past 25 years.

Initiatives towards Decentralization and Strengthening of Local Governments in the Philippines

The Philippines probably had one of the longest history of colonialization in Asia. Beginning in 1521, the country has been under three colonial rules, from Spain up to circa 1896, the United States from 1899 to 1941 and from Japan, from 1942 to 1945. The country gained its independence in 1946 from the United States which helped liberate the country from Japan. As such, the centralized system of government installed during colonial times had been firmly entrenched so much as so that after the grant of independence, decentralization and any semblances of it have been granted in piecemeal fashion as marked by various pieces of legislations.

The Philippines follows the presidential system and is a unitary state headed by a president elected at large every six years without re-election. It maintains three co-equal branches of government – the executive, a bicameral legislature and the judiciary.

The structure of local government units in the Philippines follows more or less, three tiers: provinces, cities and municipalities and the barangays or villages, the latter being considered the lowest political unit. There has been established, of late, several other political units though such as the Metro Manila conurbation, the Autonomous Region of Muslim Mindanao (ARMM), and the Cordillera Autonomous Regions (CAR). There are at least 81 provinces, 144 cities, 1,477 municipalities and 42,025 barangay units.[4]

Decentralization, as defined by de Guzman, involves the "systematic and rational dispersal of power, authority and responsibility from the center to the periphery, from top to lower levels, or from the national to local governments" (as cited in Brillantes, Jr., 2003: 324). The Local Government Code provides decentralization through devolution, which it describes under Sec. 17 (e) as referring "to the act by which the national government confers power and authority upon the various local government units to perform specific functions and responsibilities."[5]

Over the years thus, from the independence period thru the difficult years of reconstruction and rehabilitation following the post-World War 2 era, there had been a series of episodic yet embryonic initiatives in the form of legislation intended to decentralize the governmental system in the Philippines. For so long, the aspiration of an authentic decentralization policy within the framework of local autonomy

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[4] *These are the recorded number obtained from various sources. See also Brillantes and Songco II, 2011: 359.*

[5] *This is found in Book 1, Chapter 2 – General Powers and Attributes of Local Government Units. The provisions in this Chapter provide the basis for the creation of local government units, as well as the basic services and facilities entrusted to provinces, cities, municipalities and barangays.*

languished in the rhetoric of advocacies of policy makers, national and local government officials, commentators and the academe.[6]

But while Congress enacted various fragments of legislation that sought to provide for greater decentralization, it was evident however that "financial control…remained very strongly with the national government," and which in a way, perpetuated dependency and control over local units (Tapales, 1995: 396).

These pieces of legislation involved such issuances as the Local Autonomy Act of 1959 under Republic Act No. 2264 (hereinafter referred to simply as R.A.) which provided local units powers in local zoning and planning; the Barrio Charter Act under R.A.No. 2370, as amended under R.A.No. 3590; R.A. No. 5676, which recognized and provided, among others, powers and responsibilities for village units in the Philippines then called as "barrios;" and the Decentralization Act of 1967 under R.A.No. 5185 which allowed local government units to supplement efforts in agricultural extension and rural health functions.

With the declaration of martial law in the Philippines in 1972, Presidential Decree (hereinafter referred to simply as P.D.) No. 1, which implemented the Integrated Reorganization Plan then pending in Congress, provided for decentralization by way of deconcentration or the transfer of functions and responsibilities to lower level administrative units from the center. P.D. No. 1 also renamed the barrio to become "barangays," which is now the label used for village governments in the Philippines.

In 1983, a local government code, *Batas PambansaBilang 337* (National Law No. 337) was also enacted by the legislature operating under the martial law regime, and whichattempted to codify all laws and issuances governing local government units.This statute was subsequently repealed with the enactment of the present Local Government Codeof the Philippines under RA 7160.

During the martial law period in the Philippines (1972-1986), several decrees were signed into law by then President Ferdinand E. Marcos in the form of presidential decrees (hereinafter referred to simply as P.D.) pertaining to or attempting to strengthen local government units.

Using his law-making powers which he arrogated upon himself under his regime, Marcos issued such policies as P.D. No. 76 which required natural and juridical persons to file sworn statements of the values of the real property they owned or were administering, and thereby adjusted the rates of real property assessment;[7]P.D. No.

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[6]*Among the early advocates of decentralization and local autonomy was the then University of the Philippines College of Public Administration (UPCPA), now U.P. National College of Public Administration and Governance (UPNCPAG), which lobbied for the creation of a Local Government Center within its wings to conduct studies, researches and policy proposalson local governments and on decentralization. The LGC was established by act of Congress in 1965 under R.A. 4223, June, 1965. Now renamed as the Center for Local and Regional Governance (CLRG) under the UPNCPAG, the Center recently celebrated its 50th founding anniversary and continues to pursue the advocacy of greater and substantive local autonomy.*

[7]*The Real Property Tax is generally recognized as the major source of income or revenue by local governments in the Philippines. If properly administered, it is claimed that they can contribute as much as 30 % of total local government income in the Philippines. See Cuaresma, 2013; Llanto, 2009.*

144, which provided for the distribution of internal revenue allotments (or IRA which represents the share of tax collections made by the national government to local units; P.D. 231 otherwise known as the Local Tax Code which laid down the sources of revenues for local government units; P.D. No. 426 which further amended the local tax code, to establish policies on national-local relations; and P.D. No. 477, which provided policies and rules on local fiscal administration (Tapales, 1995).[8]

An Overview of the Local Government Code of the Philippines

As conceived, the Local Government Code of the Philippines under R.A. 7160 can be said as a major breakthrough, the culmination in the long and difficult journey towards local autonomy in the Philippines. It is intended to engender local autonomy through devolution or the transfer of power and authority to lower level political or local government units.

R.A. No. 7160 is a fulfilment of the provision of the 1987 Philippine Constitution, which provides among others, that Congress shall enact a local government code that will institutionalize a system of decentralization (Sec. 3) whereby local government units shall be extended more power, authority, responsibilities and resources.[9]

The Code is considered a historic legislation because it is comprehensive and extensive, encompassing many aspects of powers and authority devolved to local government units that have not been captured in previous laws. Its policy is well-defined under Sec. 2, Book I which provides that LGUs "shall enjoy genuine and meaningful autonomy to enable them to attain their fullest development as self-reliant communities…"

As it is, the LGC covers a vast and bulky enumeration of policies and mandates provided in four books divided into 536 sections to transform local government units into self-reliant communities.[10] It is thus a complex codified body of legislation that capture the many facets and aspects of local governance that had been neglected, if not conveniently ignored through many attempts because of vested interests in the legislature and in the national government, which has been disinclined to share power and authority.

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[8] *There is not enough space here to discuss and examine the provisions of these statutes in detail. The discussion however stresses the point that a series of attempts to institutionalize decentralization by way of either deconcentration or devolution has been a long and arduous journey. See also Brillantes, Jr. and Sonco II. 2011;Brillantes, Jr., 2003; and Tapales, 1995. Discussions on the concepts of the variants of decentralization, i.e., deconcentration, devolution and debureaucratization are discussed in Brillantes, Jr., 2003).*

[9] *The 1987 Philippine Constitution, ratified by the Filipino people following the end of the martial law regime in 1986, (and supplanting the martial law 1973 Constitution), outlines under Article X (Local Government), 21 Sections which identify powers, policies, structure and administrative organization, subdivisions and other provisions pertaining to local government units. Again, there is not much space here to discuss the many ramifications and facets of these provisions in the Philippine Constitution in detail.*

[10] *It is extremely difficult here to discuss in detail the various provisions of the Code, which made it compelling for this paper to isolate salient points pertinent to our discussion. Admittedly, it is extremely difficult to fully exhaust and absorb appreciation and analysis of the many ramifications of the Code, even after 25 years! This is therefore a continuing study to incrementally identify gaps and weaknesses of the Code and which this Paper precisely seeks to do.*

Under Sec. 17, Book I of the Code, several basic services and facilities have been devolved to LGUs, namely, agricultural extension and on-site research, community-based forest projects, field health and hospital services, public works and infrastructure projects derived from local funds, school building programs, social welfare services, tourism facilities, housing projects for provinces and cities and such other services pertaining to industrial support.

Llanto provides a somewhat capsulized description of the services and responsibilities devolved under the LGC to local governments in the Philippines:

> "But before the enactment of the Code, local government units have limited spending, taxing and borrowing power. Yet, local government units are now responsible for the following areas: land use planning, agricultural extension and research, community-based forestry, solid waste disposal system, environmental management, pollution control, primary health care, hospital care, social welfare services, local buildings and structures, public parks, municipal services and enterprises such as public markets and abattoirs, local roads and bridges, health facilities, housing, communal irrigation, water supply, drainage, sewerage, flood control and inter-municipal telecommunications" (Llanto, 2009: 73-74).

As can be seen, the Code has given the local government units with far-reaching and enormous responsibilities to give them more leeway in managing the communities under their jurisdiction.

The regulatory powers, on the other hand, that were devolved to the LGUs include the reclassification of agricultural lands, enforcement of environmental laws, inspection of food products, quarantine, enforcement of the national building code, operation of community public utility conveyances (tricycles), processing and approval of subdivision plans and the establishment of cockpits and the holding of cockfights.

The LGC also provided for greater citizen participation in local governance with provisions for the mandatory participation and membership of the private sector and non-government organizations in local special bodies, such as local development councils, local school and health boards, the local peace and order councils and the local prequalification, bids and awards committees.

As to sources of incomes, the LGC authorized locally generated revenues, aside from the real property tax, such as taxes on incomes of banks and other financial institutions, forest products and concessions, mines and mineral products, licensing, permits and other fees and charges. The LGUs were also given authority to adjust tax

rates once every five years but not to exceed 10 percent of the rates prescribed in the Code, and the power to grant tax exemption privileges.[11]

As such, local government units under the Code have been vested with greater taxing power as against that before the LGC. Corollary to this, they are also now authorized to borrow from banks, float local bonds without the need of securing authority from the Department of Finance as required prior to the Code (Llanto, 2009).

Impact of the LGC on Local Governance: The Gains

After 25 years of the implementation of the local government code, what has been the impact and gains on local governance in the Philippines? Obviously, the Code sought, first and foremost, to address the problems of local governments so that better local administration can be put in place. But it must be pointed out here, at the risk of editorializing, that the LGC is a reform measure that was conceived as a response to the growing clamor for greater autonomy at the local levels.

Based on a rough and preliminary assessment, the following could be identified as some of the recognized salutary gains of the LGC during the last 25 years:

1. ***Grassroots empowerment and greater citizens' participation in the communities***. The provisions of the LGC have provided several mechanisms for participation by the populace and the different sectors such as women, workers, and special groups like ethnic and the urban poor segment. It established policies on plebiscites, referenda, people's initiatives and recall, where the citizenry are allowed to take direct participation in the creation of local units, abolition or merger of existing ones and directly propose or amend local ordinances through the petition of at least 1,000 registered voters in the case of provinces and cities, 100 in municipalities and 50 in barangays as mandated under Sec. 122 of the Code (Chapter 2 – Local Initiatives and Referendum, Title 9, Book 1). Under this provision, "such proposals through the system of initiative shall not be repealed, modified or amended by the Sanggunian within six months" (Tapales, 1995: 404). The citizen power of recall, on the other hand, provides that registered voters in a locality can express loss of confidence on elective local officials during their term of office so that they can be recalled. There is a lengthy and complex process on this provided under Sec. 69-75 under Chapter 5, Title two. Thus, as Ilago and Lopos (2013: 175), "participation has been one of the hallmarks of decentralization efforts."

2. ***Greater Involvement of Civil Society and People'sOrganizations and the Private Sector in Policy-making and in the Management of Public Affairs.*** Under the Code, civil society organizations and the private sector are mandated to be represented in special local boards and council, particularly local development councils. Under Sec. 34 (Book 1, Title 1, Chapter 4 – Relations with People's and Non-governmental Organizations), local government units are directed to promote the establishment and operation of people's and non-government organizations (NGOs)

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[11] *The basic features of the LGC are also briefly outlined in bullet points in Nolledo, 1991, and which this paper also used as reference.*

as active partners in development. In the local prequalification, bids and awards committees of every province, municipality or city, it is mandated that a practicing public accountant from the private sector to be designated by local chapters of the Philippine Institute of Certified Public Accountants (PICPA) should be appointed (Sec. 37, Chapter 5, Book 1, Title1). Likewise, two positions are reserved for NGOs in the local development councils while citizens' groups must also be represented in local school boards, the local healthboards and the local peace and order councils. Thus, it could be said that the LGC has taken to recognize the active roles of NGOs and the private sector in the governance of local communities (see also Tapales, 1995).

3. ***The Rise and Strengthening of Inter-local Cooperation Through theEstablishmentof Leagues of Local Government Units and ElectiveOfficials***. Under Book 3, Title 6, Chapters 1 and 2, Sections 491-510, the Code provides for the leagues of local government units and of elective officials. These involve organizations or leagues of barangays, municipalities, cities and provinces. Leagues and federations of elective officials – vice-governors of provinces, vice-mayors of municipalities, cities and barangays and members of the *Sanggunian* (legislative councils) of LGUs are mandated to organize themselves into leagues and federations, which enhances inter-local cooperation, exchanges of experiences and insights, as well as bench-marking among local units. As a result, benchmarking as an ingredient for local good governance has been a major contribution of the Code (Brillantes, et. al., 2013).

This also paved the way for the establishment of the Union of Local Authorities of the Philippines (ULAP) which was formed on September 3, 1998 and registered with the Securities and Exchange Commission of the Philippines as duly bona fide body that will serve as the umbrella organization of all leagues of local government units, as well as leagues and federations of local and appointive officials. The ULAP was organized as a body where local officials are given the opportunity to exchange views and perspectives in discussing local and national issues. It was officially recognized as such under Presidential Executive Order No. 351 dated August 17, 2004.

4. ***Consciousness on the Rights of Local Government Units and Greater Transparency.*** As a result of the various provisions outlined in the Code, LGUs in the Philippines have become more conscious and assertive of their rights and powerstowards articulating their concerns and has provided greater vigor to the Union of Local Authorities of the Philippinesas an umbrella organization of the leagues and federations of the LGUs.This consciousness has given attention to greater and renewed transparency and accountability among LGUsthat emphasized the significance of democratic decentralization (Cabo, 2013).

5. ***Recognition of Best Practices under the GalingPook Awards (Excellent or Best Localities) Program.*** The Code has somehow also served to establish the *GantimpalangPanglilingkodPook* or *GawadGalingPook* (Service Award for a Locality or Award for Excellent Practice of a Locality) which was launched as a pioneering awards program that recognized innovation and excellence in local governance, as well as the replication of innovative and excellent practices in local governance and citizen awareness on these programs.
(http://unpan1.un.org/intradoc/groups/public/documents/un/unpan030407.pdf).

6. *Anti-Poverty and Development Initiatives at the Local Levels*. The advocacy that is most pronounced in the Code are the formation of self-reliant and sustainable communities. Basically, the spirit that has generally been attached to decentralization and local autonomy is the empowerment of local levels to make them self-reliant, independent and self-sustaining. Within this framework lies a compelling advocacy towards fighting poverty that has become endemic at the local levels, particularly far-flung communities that have been habitually and systematically marginalized and neglected because of the concentration of attention, and therefore of resources, given to the urban centers.

The Code has helped ushered some degree of development orientation among local officials, posing a challenge for them to stimulate economic activities and attract investments, create livelihood opportunities and employment and bring its citizens into the mainstreams of economic activities. A controversial provision for instance in the Code is the power vested to LGUs to enter into credit and other financial transactions for local projects, which allowed them to borrow from private banks (but not foreign sources) and adopt credit financing schemes. They are also authorized "to secure and receive financial grants or donations subject to the approval of the relevant national agency" (Tapales, 1995: 403). The intention here, of course, is to help them pump-prime the local economyamidst the problematic of the challenges of the local officials' capability to wisely invest or use these resources.

7. **Participation in local elections by the citizenry remained strong, if not strengthened.** Based on a rapid field appraisal in the different regions of the country conducted last year,[12] most of the reports indicated that voting turn-out in the communities remained high, registering as high as 80 per cent. While it could be claimed that voting participation in the Philippines has been generally high over the years, it could also be maintained that the citizenry continue to be interested in electoral processes in spite of perceived infirmities such as election fraud and violence, vote buying and disenfranchisement.

8. **Women leaders are on the rise.**The role of women in governance is well-defined under the Philippine Constitution. During the past 25 years, it is reported by the RFA studies that women participation in policymaking and public management has increased with many women leaders emerging in the different provinces, municipalities and cities during the past two decades.

Certainly, much more can be added to this brief inventory of positive developments that resulted in the implementation of the Code in the Philippines. As it is, a broader study is to be conducted to identify the concrete contributions to local development of this piece of legislation. But there are dysfunctions that have likewise become evident as assessment of the Code are made to define gaps and weaknesses of this signal

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[12] *I am citing here a Study conducted last year under the auspices of the Philippine Society for Public Administration (PSPA) with support from the UNDP and the Department of Interior and Local Government. The Study was done mostly by faculty members and researchers of various higher education institutions in the regional subdivisions of the country. The report of Study, while being integrated and nearing completion at the time of this writing, is titled "Decentralization, Democratization and Development: An Agenda for Reform. A Rapid Field Appraisal," and hereinafter referred to simply as the RFA or Rapid Field Appraisal, 2015.*

legislation, which comprehensive as it may appear, have not yielded the intended outcomes. The next discussion provides for these.

The Challenges to LGUs: The Problematic of Implementation

The Code, as pointed out earlier, was conceived to respond to an advocacy that has lingered for sometime in the Philippines for decades. Its passage in 1991 brought much optimism to liberate local political units from extreme reliance and dependency on the national government. The rhetoric contained in many of its more than 500 sections and provisions expressed the shared aspiration to strengthen and empower LGUs to be at the helm of forging their futures, especially in the aspects of fighting poverty, engendering development, self-reliance, consolidating good governance practices and reinvigorating democracy.

But it can also be acknowledged perhaps that it should not be regarded as a nostrum or a cure-all, one-size-formula that will correct the many multifarious problems that beset communities. It is not a panacea that can shape magical solutions to enduring problems that have mutated and metastasized for many years.But as can be shown here, the problems are interlocking and interrelated. The following list, again, tentative and preliminary, provides some of these dysfunctions:

1. *The Problematic of the Absorptive Capacities of LGUs has not Matched the Demands of Responsibilities Entrusted by the Code*. As highlighted in previous discussions of this Paper, much responsibilities and functions have been devolved to LGUs under the Code. Many of these functions require technical skills and preparation, and of which many LGUs in the Philippines may not have. Such technical activities as solid waste management, environmental management, pollution control, primary health care and many other functions require not only technical expertise but adequate and skilled manpower which many LGUs, particularly those in the peripheries or the rural areas, are ill-equipped to maintain. As can be expected, skilled manpower tends to gravitate in the major urban centers, if not abroad, as a factor conditioned or dictated by income. While training programs have been launched in some LGUs, these remain to be inadequate because of the periodic turn-over of local personnel who may opt to seek employment in other countries or in the national government. Brillantes, et. al. (2013:297) is thus emphatic that "[b]ecause of the massive devolution of powers to local governments, capacity building should be high in the priority agenda for local governance."

2. *The Financial Capacities of LGUs Leave Much to be Desired*. Closely related to the problem of absorptive capacities is the dilemma of financial capabilities among LGUs. As pointed out by Llanto, the principal challenge faced by LGUs "is finding the means to mobilize adequate financing for local government" (Llanto, 2009: 76). Similarly, Brillantes, et. al. (2013:296) point out rather tersely and emphatically that "[d]ecentralization of powers without financial decentralization is meaningless." It is also asserted that local tax collections have been grossly inadequate so as to effectively cover the LGUs' fiscal obligations because "[a]vailable revenue sources are significantly restricted" and that "local government revenue effort was an average of 0.08 percent of GNP in the pre-Code period, an average of 1.2 percent from 1992 to 2003, and 1.1 percent of GNP in 2004-2007. (Llanto, 2009: 82-84). Generally therefore, many LGUs, particularly poor fifth and sixth class

municipalities do not have a rich tax base and therefore hard put to finance the requirements of service delivery and fully assuming of the functions of those devolved to them. A report by the national government's Department of Finance and the Bureau of Local Government Finance revealed that of the 144 cities in the Philippines, with particular reference to those with more than 10 years of cityhood, at least one for every two cities "have not fully realized their local revenue potential" and that "[l]ike provinces, the mandatory shares from the Internal Revenue Allotment (IRA) and other national government revenues make up most of the regular income (PDI, 2014, A-13).[13]

3. ***Many Local Governments Continue to be Dependent on their Shares of the Internal Revenue Allotment***. It is quite evident that the LGUs remain to be dependent on the Internal Revenue Allotment. A study undertaken by the Japan International Cooperation Agency (JICA) in 2008 and cited by Llanto (2013)[14] points out that for the period 2002-2006, the "IRA has been the biggest source of revenue of LGUs, contributing on the average, 63% of the total revenue" with locally sourced revenues comprising of tax and non-tax sources amounted only to 31 percent in2002 and 33 percent in 2006. Given this situation, many provinces and municipalities are highly dependent on the IRA, which in some extreme cases can account to as much as 95 percent of local revenues (Llanto, 2013: 85-86). The major source of local revenues is the one derived from real property taxes (RPT). But the problem in the RPT is that the market values of the RPT are not revised periodically with many LGUs revising their schedules as far back as 1991. For many years, LGUs have also been remiss in revising their tax codes "even if some tax rates are not indexed to inflation" (Llanto, 2013: 81).

On top of this, as Cuaresmamaintains, that [d]espite having a clear tax base, RPTs are poorly administered," and that problems occur in all stages of RPT administration as reflected by audit reports, where RPT delinquencies of revenue are lost either from tax evasion or inability of the LGU to collect (Cuaresma, 2013: 254). While the use of Geographic Information Systems (GIS) has been time and again recommended to improve the tax information system, not many LGUs have acquired the technology to employ the technique.

It is must however be noted that during the past twenty years of the implementation of the Local Government Code, only 32 cities have updated their real property tax schedules, as contained in a report by Department of Finance and the Bureau of Local Government Finance (PDI, 2016). This means that of the 144 cities in the Philippines, majority or 112 other cities continue to use outdated schedules of market values of real property taxes and thereby limit their revenue generation capacities.

4. ***The National Government Continues to hold and control the Bulk of Productive Sources of Revenue even in the Post-Code period*** (Llanto, 2013). As explained by Llanto (2013), the inability of LGUs in the post-Code period to generate financing is conditioned by the reality that the central government continues to control revenue sources and other resources including those that should be legitimately

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[13] *See also http://iskor.blgf.gov.ph/#.*
[14] *Unfortunately, Llanto was not able to cite the details of the JICA study cited.*

transferred to LGUs. The amounts appropriated for a given year are not necessarily disbursed, and in fact records from the national government's Department of Budget and Management (DBM) show that amounts appropriated, for example from 2005-2007, have not been fully distributed.

Remittances of special shares of LGUs can be withheld even with an appropriation cover, such that there is no assurance that LGUs will receive their entitlements for a given year (Llanto, 2013. Citing Castel, 2008). Under the Code, LGUs are entitled to shares from revenue collected from the utilization and development of national wealth within the LGUs jurisdiction, in this case, in mining, energy resources production, royalties from mineral reservation, forestry charges and other such fees, taxes and charges. Under special laws, LGUs are entitled to shares from the value-added tax (VAT), the gross income taxes paid by businesses and enterprises within the declared economic zones, franchise taxes for horse racing, special privilege tax paid by hydro-electric power developers and collection from excise taxes on locally manufactured Virginia-type cigarettes of the tobacco producing regions in the Northern provinces (Llanto, 2013, 90-91). The releases of these shares are also dictated by political considerations such as political party affiliation. It thus makes sense as Briones (2015) suggested that these shares, including the IRA, be automatically downloaded to LGUs, although this may entail special rules and guidelines that may require complex processes and procedures.

Briones (2015) points out bitterly that in the face of these realities, what the Philippines is moving towards greater "administrative decentralization" of national programs, and that on the fiscal side, there is a creeping accelerated centralization and tightening of fiscal control where release of funds have to be negotiated with the President or the DBM. She asserts that allocations for government services are still coursed through the regional offices of the national government and that LGUs are being made to compete with each other and other national government agencies. It is also significant to cite here that of the Pesos (Php) 3 Trillion (US$63.8B) 2016 budget under the general appropriations act, what the LGUs will receive will be only about Php 428,619,518 or roughly US$9.1B.

5.*There is a Wide Disparity in the Distribution of Government Personnel Between the National Government and the LGUs*. It should also be noted here that there is much concentration of government personnel at the national level even in the post Code period. A report by the Civil Service Commission shows that in an inventory of government personnel in the Philippines, there is a total of 1,409,660 government employees as of 2010. Of these, 25.9 percent or about 365,725 are employed in LGUs, which, in turn, are divided in provinces, cities and municipalities. This suggests around 74 percent are assigned in the national government. This is also reflected in another independent study by Quora which claimed that there are 63.6% national government employees, 7.2% government owned and controlled corporation (GOCCs)and around 29% for local governments(https://www.quora.com/Philippines/How-many-government-employees-are-there-in-the-Philippines). It should be noted that these figures are well within the post-Code era. And this is somehow confirmed by an earlier study done by Sto. Tomas (2003) which showed that only 26% of the total number of government employees are in local governments units. Given this glaring disparity, and aggravated by financing issues, it stands to reason that LGUs

will be hard put in fulfilling the devolved functions even with the many provisions of the Code.

6. ***The Poverty Incidence has not been contained***. Poverty, which continues to be endemic even if it has somewhat declined during the 25 years of the implementation of the Code. Briones (2015) stresses this with apprehension by saying that the Philippines had missed the Millennium Development Goals (MDGs) it has set by falling short of the target of 17.2% by 2015 or half of the poverty incidence recorded in 1991, the year of the enactment of the Code, of about 34.4%. As of the first semester of 2014, the poverty incidence was estimated to a high of 25.8%. While the slow decline in poverty incidence cannot be entirely attributed to the Code, it is significant to emphasize here that the Code, by supposedly strengthening LGUs which are at the forefront of contact with the community, primarily was envisioned to be one of the major responses of government in fighting poverty.[15]

7. **Political dynasties remain well-entrenched in the various provinces, cities and towns of the country**. Political dynasty here refers to the control of elective political offices and positions by one family in a community or locality. Members of the same clan or family – husbands, wives, brothers and sisters, sons and daughters and other relations – hold elective positions simultaneously as provincial governors, town mayors, representatives of Congress, council and board members of local legislative bodies. As such, other leaders are denied the opportunity to offer alternative agenda of governance in the different communities effectively controlled by a ruling family. The issue is further aggravated if the ruling family is not oriented towards good governance and more focused towards preserving their hold on power.It appears that the enactment and implementation of the Code has not at contained the prevalence of political dynasties

Concluding Remarks

To be sure, many of the issues that have been cited here have likewise been observed and noted by several competent analysts and experts of local government in the Philippines (Brillantes, et.al. 2013; Brillantes and Songco, 2011; Llanto, 2009; Brillantes, 2003; Tapales, 1995). As such, there appears to be an emerging consensus towards forging an agenda of streamlining not only the provisions of the Code itself, but other concatenated and concatenating issues and concerns that somehow serve to impede on the full and unhampered implementation of the spirit of the Code and the aspirations of authentic local autonomy.

It is however conceded here that there are still many issues that need to be addressed and which this brief and passing overview have not sufficiently covered. These issues and problems involve such matters as political dynasties at the local level or the control or stranglehold of political leadership by one family or clan in a locality or

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[15] *Briones (2015) cites data taken from the National Development Authority (NEDA) and the United Nations Development Programme.2014.**The Philippine Fifth Progress Report – Millennium Development Goals**. Pasig City: NEDA; also from the Philippine Statistical Authority – National Statistical Coordination Board. 2015. **MDG Watch: Statistics at a glance of the Philippine Progress based on the MDG Indicators.**Accessed August 8, 2015 from http://www.nscb.gov.ph/stats/mdg/mdg_watch.asp.*

community. Also important are questions of human rights violations, peace and order and the many, multifarious aspects of development, as well as inter-governmental and inter-local relations. This Paper admittedly also has not given extended attention to the legion of problems attached to poverty alleviation and the programs that have been launched both by the national government and the LGUs.

These are the limitations of this Paper which, as pointed earlier, remains to be a work in progress. At best, this Study therefore, focused on the major concerns that have somehow impeded and compromised the full realization of genuine local autonomy in the Philippines during more than two decades.There is therefore now a compelling agenda to scrutinize and examine more attentively the big issues and big questions on why local autonomy is not working within the ideals and aspirations that it was supposed to fulfill.

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Governance Matters: Decentralization, Democratization for Development, Mandaluyong City Philippines Experience

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Abstract

Historically, the Philippines has a centralized form of government under a democratic system. Decentralization efforts were initiated during the Martial Law period in the 70s but these were focused on the administrative aspect of governance until the passage of the Local Government Code in 1991. In the 25 years since the passage of the local government code of 1991 (RA 7160), it can be argued that the local government units have been able to adapt to their expanded devolve powers. There are elected local chief executives who have exemplified excellence in the use of their powers and become model leaders of the rest of the world.

Decentralization continuous to play an important role in governance, it also helps address democracy giving the local government autonomy and building their capability and capacity in generating local revenues and therefore contributes to development.

Decentralization is important, as remarked by former Sen. Aquilino Q. Pimentel Jr. as it brought the government closer to the people. With decentralized system, the local government unit are empowered to modernized and develop their community. It becomes really effective once accompanied by serious attempts to change the existing structures of power, improved the opportunities for participation and engage the disadvantage in the political process. Fundamentally, it is a process of making governance at the local level more responsive to the needs of the large majority of the population.

This paper will explore on the good practices of Mandaluyong City, a highly urbanized city in the heart of Metro Manila that experiences the positive gains of decentralization and democratization. It will look at the innovative programs and projects intended to achieve development. The City took pride in the success of the programs which prompted the Department of the Interior and Local Government (DILG) to award Mandaluyong with the Seal of Good Local Governance in 2015 covering the areas of Good Financial Housekeeping; Social Protection; Disaster Preparedness; Business - friendliness and Competitiveness; Environmental Management; and Peace and Order. Another pride of Mandaluyong is when it received the United Nations Award for Public Service for its innovative project for children with special needs, aptly called Project TEACH (Therapy, Education and Assimilation of Children with Handicap).

Keywords: Local Government Code/ Decentralization/ Democratization/ Development/ Devolution/ Philippines

Introduction

For more than two decades, decentralization has been the dominant trend in central-local relations in Asia. The starting point was the 1991 Local Government Code in the Philippines that followed "people power" democratization. This legislation introduced significant political decentralization into a country that had undergone considerable centralization under the authoritarian regime. Functions were transferred to provincial, city and municipal administrations. The Philippines provided both a model and inspiration to other countries in Asia where centralization had been the dominant themes across the continent.

Decentralization is defined by United Nations Development Program (UNDP) as " *the restructuring or reorganization of authority so that there is a system of co-responsibility between institutions of governance at the central, regional and local levels according to the principle of subsidiarity, thus increasing the overall quality and effectiveness of the system of governance, while increasing the authority and capacities of sub-national at all levels"*.

Decentralization and Democratization

Decentralization is a strategy used by the government towards democratizing the political system and accelerating the attainment of sustainable development (Morda, 2006) for the reason that it will promote or allow fuller participation of the citizens in government affairs and will give the local governments and communities a more active role in the economic, social and political development (De Guzman, 1993). Government further assures that through decentralization "development would be more responsive to the needs of the people and would create opportunities in the regions, promote employment and economic activities and economic activities and strengthen people's participation in the affairs of the government (Ibid.). Different forms of decentralization can be distinguished primarily in terms of the extent of authority transferred and the amount of autonomy. Decentralization may take the form of devolution and deconcentration.

Deconcentration involves the "redistribution of administrative responsibilities only with the central government (Morada, 2006). It is not a transfer of power from the central government but merely to "delegate such powers and responsibilities to the hierarchical levels, primarily to facilitate the administration of national programs and services, and this approach is otherwise referred to as administrative decentralization (De Guzman, 1993). Administrative decentralization can take effect without the necessity of legislation but with the issuance of an executive administrative order although the local units now have responsibilities bestowed to them, they are still supervised and controlled the central government, therefore, all transactions cannot be done unless approved by the central government.

Devolution on the other hand, "seek to create or strengthen independent levels or units of government through giving them certain functions or create units of government that are outside its control" (De Guzman, 1993). It is also called as "political decentralization and involves the transfer of power, responsibility and resources for the performance of certain functions from the national to the local government" (Ibid.)

Local Government Code

In 1991, a Local Government Code was enacted in the Philippines. It was by far the most radical and far-reaching policy that addressed the decades-old problem of an overcentralized politico-administrative system, where the most significant political and administrative decisions were made in Manila. The promulgation of the Code was in accordance to a provision in the 1987 Constitution that declares that "the state shall ensure the autonomy of local governments."

The enactment of the Code was welcomed by most sectors of society. It finally transferred to the local government units the responsibility for the delivery of basic services, including appropriate personnel, assets, equipment, programs and projects.

The following are the major features of the Code:

(a) It devolves to local governments units the responsibility for the delivery of various   aspects of basic services that earlier were the responsibility of the national government. These basic services include the following: health; social services; environment; telecommunications services and housing projects.

(b) The Code also provides the legal and institutional infrastructure for expanded participation of civil society in local governance. More specifically, it allocates to non-governmental organizations (NGO) and people's organizations (POs) specific seats in local special bodies. These special bodies include the local development council, the local health board, and the local school board. Because of their ability to organize and mobilize the people, one door-wide open for NGO and PO participation in governance are in the areas of promoting local accountability and answerability, specifically through the recall and people's initiative provisions.

(c) The Code increases the financial resources available to local government units by broadening their taxing powers; providing them with a specific share from the national wealth exploited in their area (e.g. Mining, fishery and forestry charges) and increasing their share from the national taxes, internal revenue allotment (IRA) from previously low at 11% to as much as 40%. The Code also increases the elbow room of local governments to generate revenues from local fees and charges.

(d) Finally, the Code lays the foundation for the development and evolution of more entrepreneurial oriented local governments. For instance, it provides the foundations for local governments to enter in build-operate-transfer (BOT) arrangements with the private sector, float bonds, obtain loans from local private institutions, etc. "all within the context of encouraging them to be "more business-like" and competitive in their operations in contradistinction to "traditional"government norms and operations.

(Source: Local Government in the Philippines: Book of Readings)

Local Government System in the Philippines

Local government may be defined as a political subdivision of the state endowed with authority to manage local affairs and vested with a political power to tax. The Philippines is a unitary state consisting of 81 provinces, 1,489 municipalities, 145

cities and 42,036 villages (barangays) as political subdivisions. The first tier in the local government hierarchy or at the subnational level is the province; at the next lower level are the municipality and the city, and the lowest tier is represented by the barangay or village which directly interacts with the grassroots- people in the community. A province, city or municipal government is structured somewhat like the national government in that: it has a local legislative branch, the Local Council, whose members are directly elected by the electorate in the province, city, or municipality, as the case may be, and which is responsible for the above-stated passage of ordinances and resolutions; and, it has the local executive, represented by the provincial governor, city of municipal mayor, as the case may be, who also directly elected by the voting population of the locality and who is responsible for executing local legislation and administering public services at the local level. The barangay or village is the smallest local government unit and is headed by the village chief who is elected with the village councilors. The Village chief enforces all laws and ordinances applicable to his or her constituencies. Village are also public corporations and therefore can be sue and be sued in court, enter into contracts, acquire and hold all kinds of property, and exercise such power or perform such acts as provided by law.

Sources of Income and Revenue

Local governments have common sources of revenue and income as well as respective revenue raising powers. They are empowered to derive income and revenue from: local taxation; rentals and charges for the use of public property and resources within local jurisdictions; earnings from local public enterprises and utilities; permits and licenses issued for establishments and operation within local boundaries; charges and fees for local government services and activities. They are also entitled to: stipulated shares from internal revenue collections or collections of national taxes and shares from the proceeds of the utilization, exploitation, and development of the national wealth (natural resources, mines, and mineral within their jurisdictional areas.

Structure of Local Governments in the Philippines
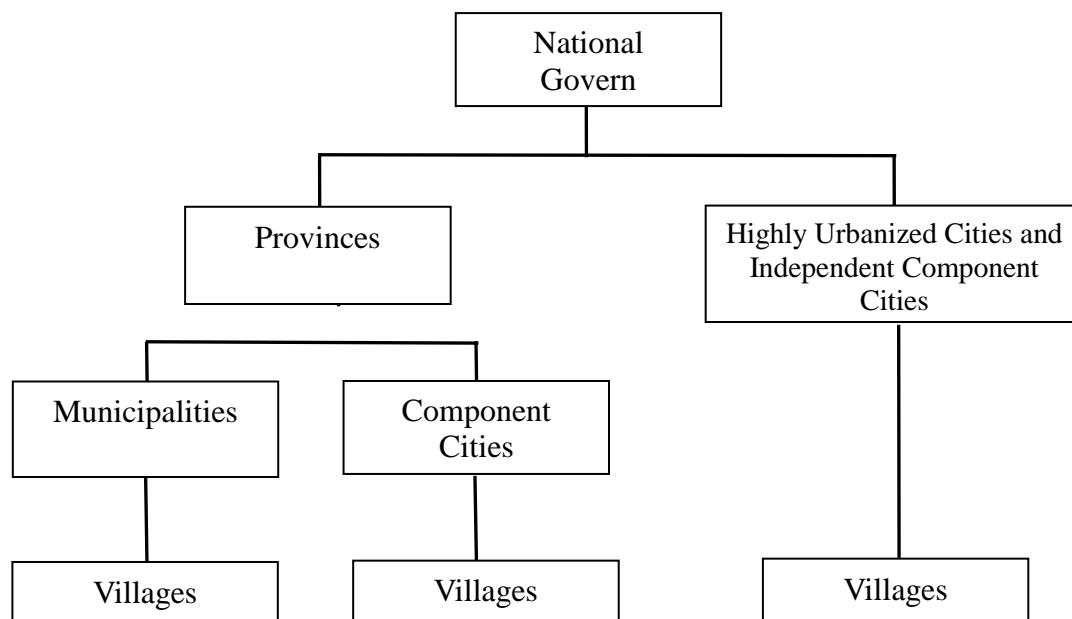
Figure 1 Map of ASEAN Countries
Source:
http://i395.photobucket.com/albums/pp40/ssa_admin/FASA/south_east_asia_maprevised.jpg
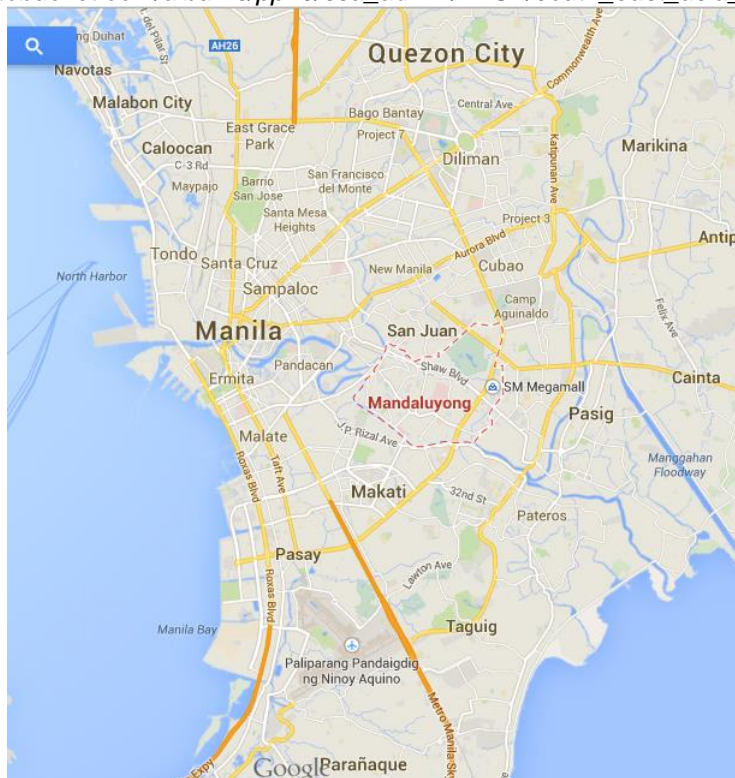
Figure 2 Map of National Capital Region
source: Google Maps

Local Governance in Mandaluyong City: An Overview

Historical Account and the Present Political Context

There are different stories on the origin of the ancient name "Mandaluyong". One claimed that the Spaniards named the placed Mandaluyong based on the report of what a navigator named Acapulo saw that the rolling hills were frequently lashed at by daluyong ("big waves from the sea"). This seems to give credence to traditional stories before the coming of the Spaniards that giant waves from the sea lashed at the adjoining hills of the vast lowland, referred to as "Salpukan ng Alon". Father Felix dela Huerta, observed that the rolling topography of this land resembled giant waves of the sea. Hence, natives replying to the questio of strangers as to what the place was called, used to answer Mandaluyong, later hispanized by Spansih writers into Mandaluyong by affixing the "n" to the first syllable.

In the 1800, Mandaluyong was first known as a barrio of Sta. Ana de Sapa which was part of te District of Paco, Province of Tondo. Named San Felipe Neri by the Spaniards in honor of the Patron Saint of Rome, it was separated civility from Santa Ana de Sapa in 1841.

During the American regime in 1900's San Felipe Neri was raised to a first class municipality with five (5) barrios, namely, Poblacion, Barangka, Hagdang Bato, Namayan and Hulo. Under Presidential Act No. 942, it was consolidated with the municipality of San Juan del Monte and became the seat of government. For several months in 1904, San Felipe Neri became the capital of the province of Rizal. San Felipe Neri was separated from San Juan and became an independent municipality on March 27, 1907. It was renamed the Municipality of Mandaluyong by virtue of House Bill No.3836 which was authored and sponsored by Assemblyman Pedro Magsalin, then the Representatives of the District of Rizal.

During World War II, Mandaluyong lost many of her people, among them were Catholic priests and civilians. Destruction was felt all over, but with the timely arrival of the American Liberation Forces on February 9. 1945, the municipality was saved from further damages. That day became a red calendar day for Mandaluyong marking its liberation from Japanese imperial forces by the Americans.

In the 60's, Mandaluyong became a component municipality of Metropolitan Manila. Together with other component cities and municipalities, it has undergone significant physical and economic transformation. From a forestal town to a progressive municipality. Mandaluyong is now a highly urbanized city known to host most of the country's best companies and corporations, shopping malls and hotels which are certainly world class in status.

Mandaluyong and the municipality of San Juan used to be represented in Congress by a single Congressman. As it entered a cityhood in 1994, Mandalyong became a lone district with its own Representatives in Congress.

Mandaluyong have come a long way from being a forested rolling hill to a bustling city of vibrant economic activities. In 2003, Mandaluyong was named the new tiger city of Metro Manila, among other accomplishments.

Profile

Mandaluyong is a city that lies at the heart of Metropolitan Manila in the Republic of the Philippines. Mandaluyong's remarkable rate of development since the early 80's established the city as one of the most progressive economic centers in the country. Notable institutions and establishments in the city include the main headquarters of Asian Development Bank, Super Mall (SM) Megamall, Shangrila Plaza, San Miguel Corporation. Mandaluyong has a projected population of 339,769 at nighttime and 1.4 million at daytime. It has a land area of 1,127 hectares.

Decentralization and Economic Growth

The implementation of the **Standard Business Registration Procedure (SBRP)** in Mandaluyong had immensely contributed to the steady increase in the yearly collection performance from the business sector. What used to take 3 days and 27 steps to register a business has been streamlined to only 15 minutes and 4 main steps thereby encouraging more entrepreneurs and business owners to put up and open new businesses in the city. Not only that this resulted in the dramatic increase in the collection of tax payments for the month of January but also in the increase of businesses in the city.

The conducive business atmosphere in the City with its perfect location and fast Business Processing System has attracted giant corporations in the country to transfer their head offices to the City of Mandaluyong, the likes of notable giant corporations SM Group, San Miguel, United Laboratories, Asian Development Bank, Banco de Oro, among others.
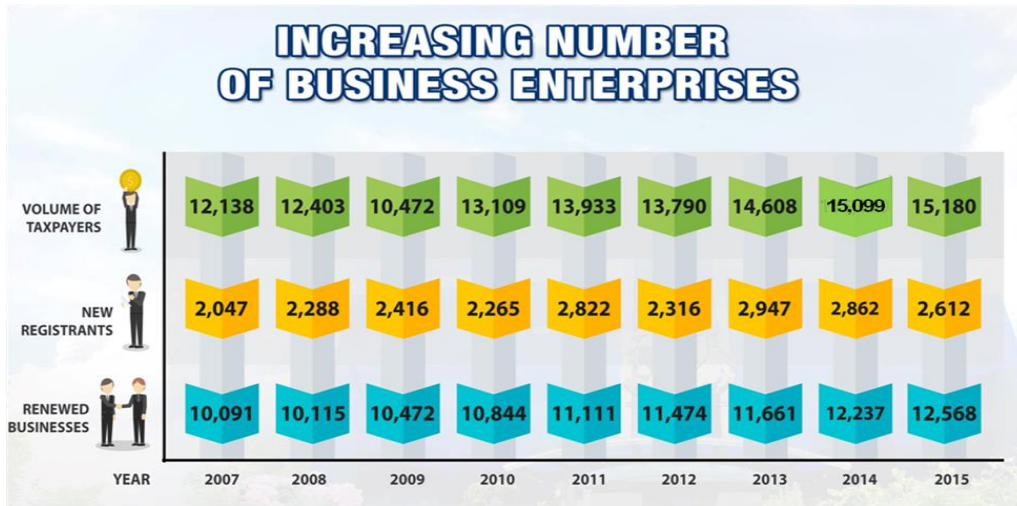
Remarkable Business Tax Collection for January alone

The flourishing business climate in the city is very steadily evident that even for January alone of the year 2016, payments for business taxes have reached the 900 million mark (P913,578,789.92) for the first time with an increase of 25% or 182 million compared to January of last year. The figure has more than doubled since 2007 with P285,197,223.31 collection or 221% increase from January 2007 to January 2016.
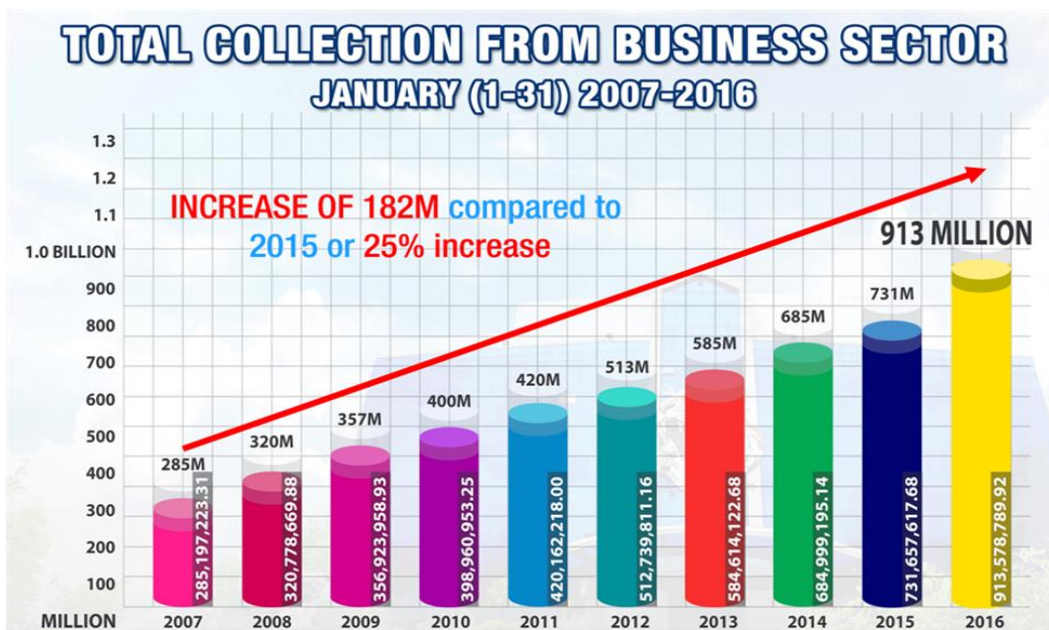
With all these developments, the city's income from the Business Sector alone had shown constant increase through the years. Income from business operations reached more than 1.66 billion at the close of 2015, registering an increase of more than 206 million or 14.19% from last year's 1.46 billion.
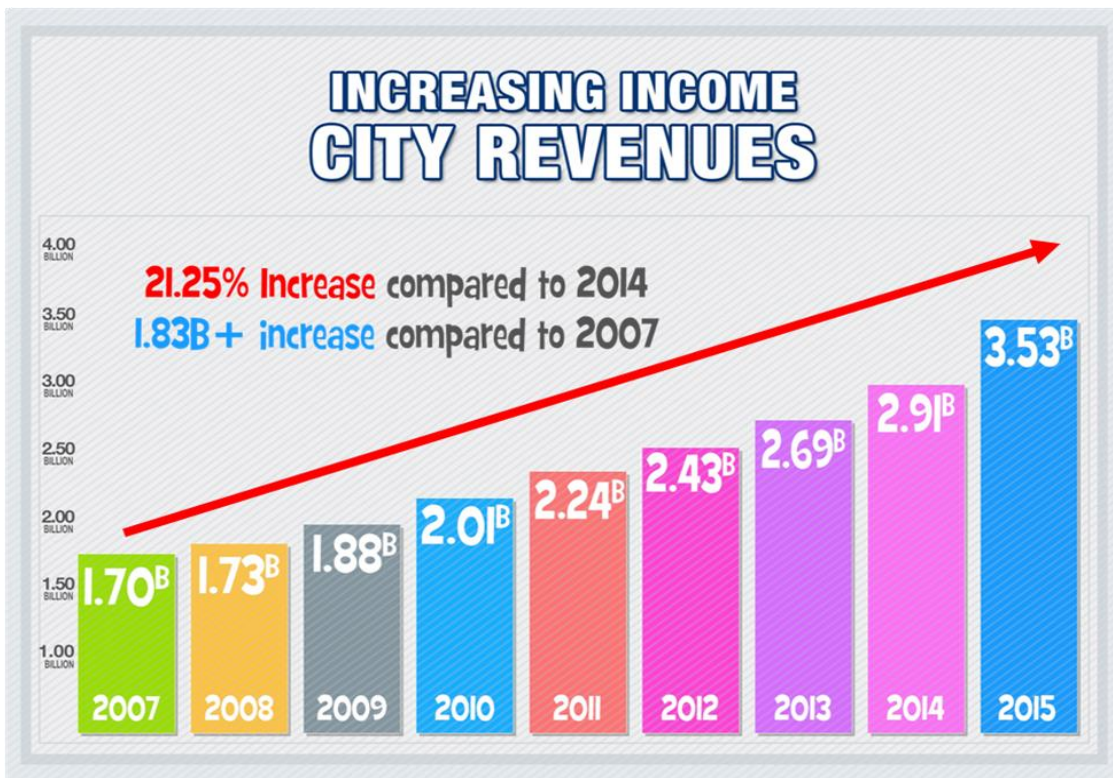
There is also a noted steady increase in city revenues collection. In 2014, city revenues totaled 2.91 billion (P2,914,993,522.95) and increased to 3.53 billion (P3,534,679,016.79) at the close of 2015. This is an increase of more than 619 million or 21.25% from collections in taxes, permits and licenses fee, service and other general income.

Business Awards and Citations

● Local Government Luminary 2015 in recognition of being a Partner for Progress that promotes sustainable developments awarded by Meralco on March 8, 2016

- One of Top 5 Performing Local Government Units in the NCR awarded by the Department of the Interior and Local Government on October 2013

- Most Business Friendly City in the Philippines--because of the untiring pursuit of excellence, Mandaluyong City was named and awarded as the Philippines' Most Business Friendly City for 2013 (Highly Urbanized City Category), awarded by the Philippine Chamber of Commerce and Industry (PCCI), a respectable group of businessmen in the country

- Ranked 2nd Best City in Metro Manila based on the City's Performance on Locally Generated income published in The Philippine Star on April 6, 2013 by the Bureau of Local Government Finance- Department of Finance. Mandaluyong City was recognized because of its ability and competence in Creating Own Revenues.

- Top 3 Performing Cities Based on Locally Generated Revenues - 2015 List of Cities with Locally-sourced Revenues published in the Philippine Daily Inquirer dated January 13, 2016 by the Department of Finance-Bureau of Local Government Finance

- Top 13 Competitiveness Index 2014 (Cities Ranking) cited by the National Competitive Council

Decentralization and Health

The City Government of Mandaluyong ensures that all children are well-taken cared of as early as from the time the mother gets pregnant. Literally and figuratively speaking, the mother and the babies inside her womb enjoy intensified health and nutrition programs. Programs such as Breastfeeding patrol, Mothers' class, Task Force Young Mothers, Empowerment and Reaffirmation of Parental Abilities (ERPAT) and making nutrition as a priority program of the city.

Rapid improvements in Health and Nutrition maybe ascribed to specific, deliberate health-nutrition related intervention and to change in the underlying social, economic, and health environment. In the early 90's the city had little progress until recently, and the start of an improved trend coincided with increase in the number of health activities of the city.

Decentralization and Environmental Protection

Although Mandaluyong City has been doing well in the business front, they believe that sustainable development can occur if they are focused on addressing concern for the environment. The City Government wanted Mandaluyong to be a progressive city with clear air and healthy environment leading toward a more ecologically-sound community of empowered Mandaleños through constituent-responsive leadership. The City introduced the City Green Initiatives like the promotion of pro-environmental projects like the use of electric tricycles which are zero - emission vehicles. These e-trikes are availed through the grant from the Asian Development Bank. This ensures a more environment- friendly surrounding, protecting the health & general well-being of everyone, particularly the children. There is also an underpass

solar powered LED lighting project. In the face of climate change, the City Government has taken the lead in partnership with the International Finance Corporation (IFC) to set the framework for future structures and skycrapers in the City. Green Architectures will rise in that City that utilize only renewable resources. The project will focus on performance in the following areas of energy efficiency, water efficiency, materials and waste management, site sustainability and indoor environmental quality. There is also the creation of Green space or park development.

Decentralization and Infrastructure

a) The City Government converted a dirty, congested public cemetery into an environment-friendly and income generating facility. The cemetery is now known as Garden of Life Park and it is a "one-stop-shop", a project that entailed a 4-C approach - i.e. cemetery, columbarium, crematorium, and chapel rolled into one. By transforming the cemetery into a park, the LGU also dispelled the nation that a cemetery is an eerie place. It has practically become an eco-tourism facility, with visitors coming from Laos, PDR, Korea, Australia and many others.

b) Mandaluyong City entered to a partnership with the private sector through Build-Operate-Transfer (BOT) mode and has now constructed a public market that has approached world-class standards. In 1990, the public market in Mandaluyong burned down leaving the then municipality with no center of commerce and the prospect of reduced revenues. Then Mayor Benjamin S. Abalos reconstructed the public market through the Build-Operate-Transfer (BOT) scheme with the Macro Fund Builders, the concept of which was new in BOT law at that time. This is a pioneering effort that was both exciting and challenging.

Decentralization and Social Services

a) The local government of Mandaluyong City spearheaded the conceptualization and implementation of **Project Therapy, Education and Assimilation of Children with Handicap (TEACH)**. This is a community-based program that directly benefits youth with disabilities residing in depressed areas. By providing children with special needs they can access to a network of free medical, rehabilitative, educational and related services. Project TEACH helps enable them to become integrated and productive members of society. The direct beneficiaries of this project are children with developmental conditions such as Intellectual Deficiency, Cerebral Palsy, Autism, and Down Syndrome

b) **Code of Parental Responsibility**
Ordinance 538, otherwise known as the Code of Parental Responsibility was enacted on March 2014. The ordinance underscores the duties and responsibilities of parents/guardians to their children as well as children with disability and provides for penalties consequent to failure to perform their parental obligations.

Issues and Concerns

In pursuit of genuine democratization, there must be a good communication between the National and Local Governments. The difficulty lies in the poor linkages among the different levels of government. National institutions (executive and legislative)

still continue to dominate the allocation of financial resources in the politico-administrative system. The IRA still constitutes a bulk of the budgets of most of the lower class municipalities. The experience of Mandaluyong has shown that the IRA has been unable to cover the cost of devolution. Many local governments have been unable to cover for the salaries of national government personnel devolved to them. This has been particularly true for the health sector where local governments have been required to pay the upgraded salaries of devolved health workers. There is a need to reform the financial decentralization. This includes the need to re-study the formula for the internal revenue allotment. For instance, there have been proposals to include the performance of local governments as a criterion in allocating their IRA.

At present, democratization policies of the government are implementers based on the transfer of functions but not the transfer of power. The fact remains that central government still retains huge bureaucracies that execute government policies and programs.
The imperatives of globalization and the response of local public institutions. Globalization here is manifested mostly in the continued growth of international trade between and among sovereign nations. How ready are local government units to response to the challenge of ASEAN?

The role of Information, Communication and Technology (ICT). In this age of Technology, local government units must harness their capacities in management and development operations, e.g., payroll, issuance of permits and licenses, taxation etc. the challenge is a paperless bureaucracy.

The term of office of local chief executives is only three years. Once a newly elected assumed office, the tendency is not to continue the good programs and projects of the past administration.

Lessons Learned

(1) The transfer of power to the local level unburdened the central government and allowed it to concentrate on national issues. The Local Chief Executives, on the other hand, are able to immediately attend to the needs of the communities because they do not have to wait for the go signal of the national. The set-up encourages the local chief executives to be innovative, creative and dynamic to respond to the needs of their constituents.

(2) Broad participation is needed for the decentralization process to be successful. Private sector should be recognized as a critical partner in the process. In Mandaluyong, there is an active partnership with Mandaluyong Chamber of Commerce, Filipino-Chinese Chamber of Commerce and Mandaluyong-Muslim Chamber of Commerce. There is also participation of civil society in local governance. Over the years, various consultations have been conducted by the NGO community. Decentralization can facilitate empowerment and encourage creative local solutions.

(3) There can be no genuine local autonomy without fiscal autonomy. Fortunately, in the experience of Mandaluyong City under a decentralized set-up there is an adaptive financial resource to match the basic services rendered to communities. Mandaluyong looks for alternative ways of doing things to generate revenues and

mobilize resources at the local level. They have entered into partnership with the business sector. One best example is Built-Operate-Transfer scheme. The first city in the Philippines to implement this law.

(4) A key factor that will facilitate the success of decentralization is the political will as manifested by a vision for excellent public service and leadership commitment.

(5) The experience of other local government units are replete with innovations. ASEAN countries need to share their good practices and learn from each other success stories. International Conferences served as a venue to learn and update themselves with reform in public administration and governance.

(6) Improvement in the quality of life which includes citizen empowerment, promoting public interest especially for the marginalized sector of the community, and sensitivity to gender roles.

Conclusion

Decentralization, Democratization and Development are concepts that are related to each other. Decentralization is seen as a process involving the transfer of power, functions and resources from the centre to local authority in an attempt to bring the government "closer to the people". In the process, ordinary citizens acquired a voice in certain decisions what affects them. Hence, this is the fundamental challenge to democracy. In the growing decentralization and democratization, the new mantra now is development and this reaches to the different actors of governance the state, civil society (NGOs) and private sector.

Looking back, 25 years of decentralization and democratization had been useful in the city of Mandaluyong. The incumbent Mayor took full advantage of the opportunities opened up in the Local Government Code. Development is evident in the increase of investment of the city. During the watch of the present administration, the City transformed from a sleepy town to a progressive one now called "Tiger City."

Factors that contributed to the success of decentralization is due to a number of factors. One is the political will and leadership commitment to serve. Second is the strong partnership with the civil society and private sector. Lastly, changing the mindsets of the people and empowering them to make governance works.

Mandaluyong's Good Practices paved the way for the local and international recognition. The city experience brings so much pride to the people of Mandaluyong as the chief executive is always invited to international conferences for an exchange of experiences in developing integrated urban solutions, building economies, engaging communities and providing high quality of life.

Fruits of Decentralization and Democratization in Mandaluyong City:

- United Nations Award for Public Service 2015
- Regional winner in the Most Child Friendly City 2015
- Seal of Good Local Governance 2015
- Guinness World Records Title Holder, Largest Zumba in one location 2015

- Galing Pook Award, Back to Back for Project TEACH and Cemetery (Garden of Life)
- Grand Slam Winner: Green Banner Award for 3 Consecutive Years (2010-2012) for innovative Health and Nutrition Program
- CROWN AWARD: Excellence in Nutrition Program Implementation 2015
- Best in the Philippines: Manpower Training School and Program 2103

Given the success of its implementation, it is hope that it can sustain the different programs and projects that will lead to development even with the changes in administration.

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The Politics of Municipal Merger in the Philippines

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Abstract

Contemporary municipal merger is an extraordinary case in the Philippines. The two rare cases of merger are explained using the Theory of Consolidation, but is found inadequate in explaining consolidation in the Philippines. Using an institutional choice framework, the following propositions were raised and substantiated: resident-voters will likely support merger if local elected leaders are united, and if there is no strong opposition from the community; local councils will likely support merger if their respective mayors with same party affiliation support merger, and if they see it as opportunity to stay in power, and mayors will likely support merger if they see it as opportunity to stay in power, and if they belong to the same party as the congressman, the reform agent. Interview with 58 key respondents is the primary method employed, complemented by the use of existing statistics, government records and other secondary materials.

Keywords: Municipal Merger / Territorial Reform / Decentralization / Theory of Consolidation / Institutional Choice/ Philippines

Introduction

Fragmentation predominantly characterizes local territorial reform in the Philippines. At least 30 cases of municipal fragmentation have been recorded since the implementation of the 1991 decentralization law, as opposed to only two cases of municipal consolidation. There is at least one accessible literature on municipal consolidation in the Philippines: Zipagan (2007) argues that consolidation does not guarantee financial viability. Although the impact of consolidation has been explored in many developed countries, it has not been thoroughly examined in the Philippines. Likewise, the rationale and politics of consolidation are uncharted territories in Philippine literature. Municipal consolidation, therefore, needs further investigation in the Philippines, since it is possibly the only democracy in Southeast Asia since the 1990s to have exhibited an extreme case of territorial and political consolidation at the municipal level through direct democracy, i.e., plebiscite.

Accordingly, the objectives of this study are as follows: (1) to describe the dynamic decision-making process of municipal consolidation in the Philippines; (2) to develop and empirically examine, using case studies, factors that may explain association between behavior of key stakeholders (politicians and voters) and decision to consolidate; and (3) to test, criticize and suggest new propositions to the Theory of Consolidation.

Review of the literature

The term consolidation is used in this study to refer to both merger and annexation. The former represents the formation of territories by combining at least two independent territories, whereas the latter, the process of territorial enlargement

through addition of contiguous territories. A cross-country comparative study on this area has yet to be undertaken, as studies on political motivations and dynamics, while abundant, are country-specific. Some refer to the politics in voluntary consolidation, such as those that require public participation either through petition, consultation or referendum, while some to limited dynamics (mostly in central or regional government) in forced or top-down consolidation. The United States has one of the largest literatures on local government consolidation, whether forced or voluntary. A theoretical model of successful consolidation has been proposed since 1974. Outside the US, the politics of consolidation has not been extensively examined using empirical data.

Kawaura (2010) investigated the incentives for local Japanese politicians to decide to merge with neighboring municipalities. His proposition is that long-serving mayors of small villages will be reluctant to merge with larger municipalities. The study used 549 cases of consolidation, with 418 identified dominant municipalities and 925 subordinate municipalities, using population as criterion. Results show that long-serving mayors are potential obstacles in consolidation if it could jeopardize their political career.

Using a different approach, Yamada, Horiuchi and Saito (2009) recognized electoral motivations and local politics as important segments of national politics in municipal consolidation in Japan. Using empirical tests, they hypothesized that the ruling Liberal Democratic Party (LDP) used municipal consolidation as a quasi-gerrymandering strategy. The authors constructed a dyad dataset of 1,880 cases of mergers from 1998 to 2006. Using a bivariate probit model, results show that LDP-dominated areas are more likely to consolidate. Yamada et al. conclude that perpetuation of LDP power, or change in the balance of power, through reallocation of votes and resources from rural to urban areas is a very strong motivation for consolidation.

Sorensen (2006) found similar results on power perpetuation and party politics at the local level, using position and influence as the operational definition of power. He studied the impact of political transaction costs in municipal amalgamation in Norway, by looking at revenue disparities, central government grants, diverging policy preferences, and elite interests. He conducted a survey in 120 municipalities and used data on the preferences for merger of all elected politicians and administrators. He observed that high-income municipalities will tend to not merge with poor municipalities; small municipalities are more unwilling to merge, particularly when there are expected changes in party strength; and senior politicians are more likely to oppose merger due to changes in position and influence.

On the other hand, the study by Sancton (2003) showed no internal political dynamics at the municipal level in Canada. In his quest for academic explanations on municipal amalgamation in Canada, he identified three possible answers: forces of globalization, internal political forces, or provincial government forces. His study analyzed the experiences of Halifax, Toronto and Montreal in early 1990s to early 2000s, based on events that occurred, decisions taken, and policies adopted by key actors, while comparing these to experiences in the US. Results show that the recent amalgamations in Canada occurred due to strong provincial governments, whose leaders advocated such policy fit for the circumstances with very little or no public demand.

Theory of consolidation

The processes and politics of local consolidation have been well discussed in the United States. The comparative case study of Rosenbaum and Kammerer (1974) led to the development of the Theory of Consolidation. Although several other comparative studies had been conducted,1 the growing literature remains a "patchwork of theoretical concepts and causal models that lack careful synthesis" because many factors were identified to affect decisions (Leland & Thurmaier, 2004, p. 5).

Consequently, Leland and Thurmaier revised the Rosenbaum and Kammerer (R&K) model based on criticisms and suggestions[2]. The model's predictive power is assessed as moderate-to-low due to inability to extend beyond agenda-setting stage, minor attention to role of civic elites, neglect of peculiar situation, legal context and social structure. Thus, their revision engendered the city-county consolidation hypothesis (herein referred to as C³ model), where a referendum campaign stage was added. Thus, the consolidation process was divided into two as evident in the focus on both elite agenda-setting activities that culminate (or not) in a consolidation charter proposal, and in campaigns for and against the proposal.

Leland and Thurmaier (Ibid, P.10) also expanded the crisis climate by including institutional framework, included voter alienation as one alternative government response in R&K model, and emphasized impact of provisions of proposed charter on attitudes of interest groups. Lastly, they highlighted the role of civic elites "both in leading . . . [the] charter proposal and in the campaign to gain voter approval" and their stance, whether they are united or divided. Their comparative study included 21 cases of attempts since 1970 in 13 areas: eight cases are successful city-county consolidation, of which one case is city-city consolidation; there are also 13 failed attempts in five areas. They acknowledge the bias toward southern states because of the presence of state-enabling legislation. They see the consolidation model as a process-based theory that tends to analyze "the cause-effect mechanisms at each stage or step of the process to the neglect of a more general analysis of the model" (p. 291). Moreover, crisis climate was absent in some cases, thus the identification of alternative explanations for successful consolidation: tax burden disparity, vision for economic development, normal progression of various events leading to the idea of consolidation, all of which never translated into major crises. They concluded that the agenda-setting aspects of the C³ model do not strongly predict consolidation as evidences are mixed in the influence of crisis climate, and evidences on the necessity of accelerator events are limited.

Revisions to the revision

Such weaknesses had led Leland and Thurmaier to shift discussion from developmental to constitutional politics. Two major challenges for elites were identified: "crafting a charter that meets economic development needs without losing political support," and "crafting a campaign message that resonates with ordinary

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[1] *For example, Leland and Thurmaier 2004 cited the works of Messinger, 1989; Durning and Edwards, 1992; Fleischmann, 2000; and Feiock & Carr, 2000.*

[2] *Other than their own, Leland and Thurmaier cited the suggestions of Messinger, 1989; Johnson & Feiock, 1999; Feiock & Carr, 2000; and Fleischmann, 2000.*

citizen-voters instead of alienating them" (p. 303). Thus the academic debate shifted its focus to charter provisions, which matter more than power deflation or accelerator events (Johnson, 2004a). These provisions include the sheriff, public employees, taxation, status of minor municipalities, council structure and the mayor.

They further explain that referendum campaign is not about outspending opponents. The message of campaign is key to campaign either for or against consolidation. On the part of consolidation supporters, power deflation is still necessary, not before, but after charter proposal is set and referendum is defined. Put differently, voters must be convinced that governance must be altered through consolidation to allow for economic development. As for opponents of consolidation, they can neutralize argument on economic development, and be successful so long as they are supported by local officials. Table 1 summarizes the predicted results in campaigning for or against consolidation based on the strength of arguments (rhetoric) and group composition.

After testing, they accordingly modified the model to put more emphasis on how elites set the agenda and on how campaign for consolidation is structured. They note that the importance of elites lies in their ability to define a bigger economic development vision, to determine inadequacy of current political structure to support and implement such vision, and to convince citizens that benefits accrue to all and not only to a few elites.

Critique to the revised theory of consolidation

The original C³ model was further criticized by Feiock, Carr and Johnson (2006), who discussed the use of heresthetics in campaign for consolidation as opposed to rhetoric. They explain that the latter simply intends to persuade people, whereas the former is used to induce voters "to change sides, not by persuasion, but by reinterpretation of the issue" through these tactics: introduce new dimensions to the debate, suggest alternative proposals to divide majority group, and attempt to control the decision-making process (Riker, 1990, p. 49 as quoted in Feiock et al., 2006, p. 275). The first two tactics were evident in some cases in Leland and Thurmaier. The third was acknowledged by Leland and Thurmaier but did not include the internal processes where decisions can be influenced through strategic use of institutional rules.

Moreover, whereas Leland and Thurmaeir implicitly prescribe economic development as key factor in consolidation, Feiock et al. see it otherwise: it is "about political losers trying to be winners and the current (2001, P.278) winners trying to prevent this turn of events" (p. 278). Thus, they highly advocated use of heresthetics as a framework for consolidation efforts to strengthen theoretical basis and generalizability of the model.

Thurmaier and Leland (2006) concurred but replied that such is the central argument in their revision of Rosenbaum and Kammerer's Theory of Successful Consolidation. They note the critique on rule manipulation as an interesting point, which was only evident in one case. They also disagree to the comment by Feiock et al. that manipulation of attitudes is more central than economic development: there is "no evidence of latent community attitudes toward consolidation," and that "substance of the argument matters" (Ibid, p. 280).

Other lapses and weaknesses were highlighted in Seroka's (2005) book review. The identification of myriad variables and the limited number of cases constrained empirical analysis. While emphasis on elites' role was placed, there was no common effect or principle to demonstrate its impact on consolidation. Furthermore, while a clear and common framework was used, "tendencies rather than empirically-based generalizations" emerged on decisions to hold referendum. Although failed attempts were included, there was no hypothesis on the number of attempts to achieve consolidation.

The study by Savitch and Vogel (2004a, 2004b) in the consolidation of Louisville-Jefferson County, Kentucky formed part of Leland and Thurmaier's compilation of case studies to test and improve the R&K model. They argue that the motivating force of power is an overlooked factor. Their case study emphasizes the power dimension of consolidation by examining three variables: shifts in territorial boundaries, management reforms, and political rules. Their case demonstrates that political realignment best explains consolidation through a logic of opportunity (political and monetary), where advocates are mostly politicians, business leaders, professional firms, and newspapers.

Similarly, the study by LeDuc (2003) shows that referendum campaigns in general are dominated by political parties, who in turn influence opinion formation of voters by providing partisan cues through campaigns. He conducted a comparative study on national and state referendums in 39 countries from 1975 to 2000, examined 22 cases and two state models of referendum, and found that voting results are more unpredictable in referendum than in elections because issues in the former were not accompanied by strong opinions compared to the latter. Campaigns, as in regular elections, matter in referendum, because "the short-term impact of opposing campaign strategies and tactics can easily make the critical difference" (Ibid, p. 173). He argues that voters depend on campaigns and require time to decide "when parties are split or when the ideological alignment is unclear" (Ibid, p. 174). In investigating voting behavior and outcomes, he illustrated in a continuum the relevant variables that may influence stability or volatility of referendum voting (see Figure 1).

LeDuc explains that the impact of these elements vary according to issue in the context of referendum. Thus, not all variables appear or become prominent in each referendum. When elements at the left side of the continuum are predominant, referendum results will be more predictable as they are driven more by voters' predispositions. Conversely, when campaigns or other elements on the right end predominate, voting results will be more unpredictable.

Elements from both sides of the continuum were the subject of the micro-level analysis of Butzer and Marquis (2002), who showed the significant impact of elite among the factors affecting ballot outcomes in referendum. Using Zaller's receive-accept-sample model, they examined 32 federal referendums (1981-1996) in Switzerland and used advertising campaigns and voters' opinion. They found that voters'decisions—considering their awareness, ideology or political predispositions—were influenced by elite discourse in campaigns. Although voters are not completely ignorant, they likely mirror the position of their elites.

The gap in the growing literature on the politics of consolidation is the apparent lack of application of the theory outside the United States to further test its generalizability. More specifically, as previously discussed, literature on the behavior of politicians and voters in the context of direct democracy in the Philippines needs further exploration, description and explanation, which this study aims to achieve.

An institutional choice framework, embedded in the theory and models of consolidation, is adopted. Consistent with the framework developed by Feiock and Carr (2001, 2000) and Feiock (2004) in the examination of boundary change as a collective action. Inherent in this framework is the free-riding problem, which, according to them, can be resolved by enacting laws that do not require public participation (e.g., referendum, petition signatures), by presence of special groups to pursue territorial reform, or by presence of an elite group (entrepreneur) to spearhead reform. The framework is consistent with the two-stage process found in C³ model: agenda-setting and decision-making, where the key actors are the public officials, business associations, and residents, all of whom behave according to their collective and selective goals (see Table 2).

Inherent in this framework is the assumption that individuals are rational and self-interested beings. Geddes (1994, p.11) explains that politicians' behaviors are influenced "by the incentives shaped by party politics or higher-level party officials." She adds that patronage acts as an anchor of success for politicians, whose career depends on reelection, thus future votes are always calculated in their actions.

Reformulated hypotheses

Although the C³ model is tested and criticized in this study, new hypotheses, inspired by the institutional choice framework, are proposed in accordance with the decision-making process in the Philippines. Due to the multi-level and multi-player nature of local politics in Philippine municipal consolidation, the dependent variable "decision to consolidate" is operationally defined for this study in a four-stage successive progression (see Figure 2).

For each stage, two key political factors affecting the behaviors of the decision-makers are identified. At the preliminary agenda-setting stage (where the mayors of affected municipalities decide to support or reject consolidation), the variable "opportunity to stay in power" (defined as term in office) is selected due to the rational self-interests that guide mayors' behaviors to prolong term in office. In the Philippine context, a change in political jurisdiction may allow them to run anew with a clean slate. Additionally, outgoing officials are more likely to support unpopular or controversial policies, such as consolidation or cityhood. Equally important is the variable "political party affiliation" (i.e., same party as the congressman or not). Congressmen are bearers of pork barrel funds for local development projects, as well as funders of local electoral campaigns. Hence, if opportunity to stay in power can be improved through affiliation with supra-municipal3 elected officials, particularly congressmen, then mayors will likely stand behind such officials for political survival. Conversely, mayors who are not aligned with the congressman and/or are newly elected in office will likely oppose.

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3   *These are elected officials above the municipal level, such as congressman, provincial governor and provincial board members.*

For the local legislation stage, which is considered the final agenda-setting stage (affected local councils decide whether or not to pass a resolution to support consolidation), same variables are employed but with different operational definition. The variable "opportunity to stay in power" is defined as rank in council, whether elected as first to fourth or fifth to eighth councilors, according to election results. The rationale for such division is as follows: as only four out of eight seats in the council would remain after municipal consolidation, councilors at the lower half of the council ranking will likely resist consolidation as they will likely lose in the next elections, i.e., seeing their rank in previous election results as an indicator of their 'winnability.' Hence, as they consider their political survival, those who are aligned with the pro-consolidation mayor or congressman will likely support the proposal to merge, thus the inclusion of the variable "political party affiliation" (same with mayor or not). Conversely, councilors who are affiliated with opposing mayors will likely reject consolidation.

At the final stage (where citizen-voters decide to ratify or reject consolidation through local referendum), two elements are examined: "position of the mayor and the council" and "consolidation campaign." As for the former, as discussed by LeDuc, political party and leaders are important elements in elections: voters take partisan cues from their elected officials during campaigns, thus, when they are united and supportive, voters will likely mirror their stance. Alternatively, if they are divided, voters will likely reconsider taking cues from both sides. Thus, the latter variable, which is drawn from the C^3 model, is crucial particularly in opinion formation of voters. It has two criteria: presence or absence of opposition group, and strength of campaign (measured as use of special tactics, media, rhetoric or heresthetics). Table 3 summarizes all variables investigated in this study.

The hypotheses in this study are drawn to reflect succession and relationship with each other against a backdrop of complexity of decision-making process in the Philippines. Given the nature of politicians and local politics in the Philippines, where prominent political families play a pivotal role, the following propositions are made:

1. Residents will likely support the law to consolidate if their local elected leaders are united *and* if there is no strong opposition from other stakeholders.
2. The local councils will likely support the proposal to consolidate if their respective mayors with same party affiliation support the proposal *and* if they see it as an opportunity to prolong power.
3. Mayors will more likely support the idea of consolidation if they are on their last term, i.e., seeing it as opportunity to perpetuate power, *and* if they belong to the same party as the congressman who proposed the idea to consolidate.

Methodology

This study is bounded by core questions: why and how did municipalities in the Philippines consolidate? The previous chapter shows the development of new propositions based on the existing models of consolidation and in accordance with the multi-level, multi-player decision-making process in the Philippines.

All two cases of consolidation in the Philippines were examined, a case study protocol was designed, data were collected and triangulated through archival research and

interviews, propositions were used as guides in case study analysis, and strategies of pattern-matching logic and cross-case synthesis were applied. This study employed a two-case study design, as there are only two cases of municipal consolidation in the Philippines since 1991: the Island Garden City of Samal and City of Sorsogon. These two cases have five embedded "sub-cases," i.e., the five former municipalities that decided to merge. Case study approach is deemed as most appropriate method to document and investigate the rare phenomenon as it allows examination of multiple variables, use of multiple sources of evidence, and detailed and concrete reporting of cases.

The author gathered preliminary information, particularly history of the cities and their respective socio-economic profiles, through archival research and desk review, which were then verified in the field. Key informant interview (face-to-face and telephone) is the principal method of inquiry. Investigation employed both data triangulation—by the use of archival records, documents and interviews—and respondent triangulation, by selecting 58 respondents, representing various positions on the issue, and positions in the community in all five former municipalities.

Results and discussion

The two cases share many similarities. The Island Garden City of Samal was created in 1998 from the merger of Babal, Samal and Kaputian towns. Under the same legal framework of the 1991 Local Government Code, in 2000, Bacon and Sorsogon towns replicated the success of Samal to create Sorsogon City. Both congressmen belong to political families, which are just some of the prominent clans in their respective provinces. Both have relatively homogeneous communities, and have history of shared identity: in the former, most of the inhabitants came from Samal tribe, whereas many Sorsogon residents trace their roots in Bacon, an older settlement area. Geographical condition is favorable in both cases: in the former, all three towns are situated in Samal island, whereas in the latter, both are coastal towns sharing geothermal energy. Economic performance was relatively similar in the former, while in the latter, Sorsogon town was more developed than Bacon..

In the investigation of the question "why would municipal governments consolidate," the answers lie on the behaviors of key decision-makers, primarily at the level of plebiscite or local referendum. In the Philippines, where plebiscite results are binding, the residents are final decision-makers. Residents will likely support the law to merge if their local elected leaders are united *and* if there is no strong opposition. In testing this hypothesis, results show that position of elected local officials, presence of opposition groups and strength of their campaign all influenced the voting results of the plebiscite (see Table 5).

In Babak and Samal—where the key political entrepreneurs, i.e., the mayor and the whole council, were all supportive *and* there was no strong opposition—the affirmative votes in the plebiscite were very high, above 80 percent. In Bacon, where the mayor and the whole council were supportive but some village leaders opposed and campaigned against consolidation, the affirmative vote only garnered 63.2 percent. In Kaputian, where the mayor and majority of the council were supportive but an opposition emerged, a much lower affirmative votes were garnered: 61.8 percent. Lastly, in Sorsogon where the council was split, the mayor opposed, and

opposition was strong, the affirmative vote recorded the lowest among five municipalities: 60.9 percent.

Thus, the share of affirmative votes varied according to position of elected local officials, whether united or divided, and the presence and strength of opposition campaign. This effect was salient when results (i.e., margin of votes) were compared among the three towns in Samal island.

However, when results are compared in Bacon and Sorsogon, there was no significant difference (2.3 percentage points) in the margin of affirmative votes, although the mayor and the whole council in Bacon were supportive, whereas, in Sorsogon, the mayor and half of the council were opposed. This result may be explained by the effect of the presence of strong opposition group in Sorsogon, whose anti-consolidation campaign reached the electorate of Bacon, largely through radio. The divided position of key local officials in Sorsogon, particularly the provincial governor, may have contributed to low voter turnout. The other plausible explanations were the heavy rain during the plebiscite day and a misinformation of voters as observed in Bacon.

Regardless of position of elected local officials, presence of opposition groups and strength of campaign, the affirmative vote won in both cases, i.e., more than 50 percent of the votes. This finding is consistent with Leland and Thurmaier's predicted results based on the use of arguments. The use of issues of increase in internal revenue allotment or IRA (i.e., block grant from central government) and economic development—which are strong arguments, according to Leland and Thurmaier—in framing the rhetoric of the pro-consolidation group helped garner more affirmative votes, but not overwhelmingly due to the presence of strong opposition groups in Bacon (63.2 percent), Sorsogon (60.9) and Kaputian (61.8).

The use of heresthetics, as suggested by the same authors, was not reported, except in Sorsogon. Doloiras, then-president of business chamber in Sorsogon counterattacked the issue of increased IRA by reinterpreting the issue and adding the dimension of corruption: IRA increase "is unnecessary if not used wisely" because "we know it would go to their pockets," he explains. Additionally, the use of efficiency as an argument for pro-consolidation campaign was absent in both cases.

The findings are also consistent with that of Rosenbaum and Kammerer's: campaign is more likely to succeed—in this case, to make a marginal difference in plebiscite results—when civic elites are involved, as shown in the case of Kaputian (i.e., *Kaminos)* and in Bacon and Sorsogon (i.e., business chamber and other political elites). Specifically, as shown in Table 5, the stance of "their elites," which was rendered into rhetorics or heresthetics in referendum campaigns, was taken and mirrored by the voters, similar to what Butzer and Marquis observed in Switzerland.
The findings also bear similarities to the observations by LeDuc on the strong influence of political parties and their leaders in referendum campaign. In all five embedded cases, the congressman's political party was influential in the decision-making by local councils. Additionally, the window for opinion formation for voters in both cases were described by some respondents as "fast" and "abrupt," thus the plausible application that, as shown in Figure 2, the prominence of key elements of *political party* and *leaders* made the referendum stable in Babak and Samal (i.e., similar and predictable overwhelming results as indicative of their support to the law

authored by their congressman), whereas the presence of opposition campaign in Kaputian rendered the results volatile and eventually garnered significantly lower affirmative votes than in its other neighbors in the island. Similarly, the presence of strong *opposition* groups and *campaigns* as well as use of *media* in the Bacon-Sorsogon case made voting results in that area unpredictable.

But how do pro- and anti-consolidation groups form? These groups were organized by members of the local council. The local councils will likely support the proposal to merge if their respective mayors with same party affiliation support the proposal, *and* if they see it as an opportunity to stay in power and/or build political career. This hypothesis is confirmed.

As shown in Table 6, all top-ranked councilors[4] in five municipalities, except three in Sorsogon and two in Samal, were supportive of consolidation/cityhood. The ranking was a key factor in their decisions as it served as gauge for their "winnability" in the next elections. Besides, only four seats per district (i.e., former municipality) were approved in the charter, except for Sorsogon, which retained eight.

Here, a puzzle emerges: why would top-ranked councilors in Sorsogon vote negatively? A plausible explanation is their affiliation with the mayor/governor who opposed. In Samal, two top-ranked councilors were not affiliated with the administration party (party of mayor and congressman). Table 6 shows that council opposition was strong when mayor (and governor) opposed consolidation/cityhood, as demonstrated in Sorsogon. In the case of Kaputian, two out of three anti-consolidation councilors had low rankings in the council. The other opposition was an ex-officio member (i.e., representing the youth population).

In the end, both councils, decided, not unanimously, to support cityhood through municipal consolidation. If their decisions are partly influenced by mayor's position and party affiliation, then why would mayors support or oppose consolidation?

Mayors will more likely support the idea of consolidation if they are on their last term and see consolidation/cityhood as opportunity to stay in power, *and* if they belong to the same party as the congressman who proposed the idea. This hypothesis is confirmed in both cases. In other words, opportunity to stay in power and party affiliation strongly influence municipal consolidation in the Philippines. As shown in Table 7, in both cases of consolidation, the affected mayors who supported the consolidation/cityhood were all aligned with their respective congressmen and were all on their last term. The lone opposition mayor of Sorsogon was on his first term and was not affiliated with the congressman. The result of this particular hypothesis is comparable to the findings by Kawaura (i.e., political survival of mayor) and Yamada et al. (i.e., perpetuation of power through reallocation of votes).

Examination of rival explanations

In general, this study minimized threats to construct validity, which is also a rival explanation, by employing the method of data and investigator triangulation. However, the triangulation method faced threats from possible poor recall of key

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[4]   *Those elected and ranked first to fourth in the election of council members.*

respondents because the phenomenon is at least ten years old for both cases, as well as from absence of data due to poor records management system.

This study identified economic factor, i.e., economic incentives from increase in IRA and faster economic development, as a plausible direct rival for three hypotheses. The rival hypothesis "economic incentive will likely influence the local politicians and voters to support consolidation" is tested based on documents and interviews. Both authors (congressmen) of consolidation indicated faster economic development as key justification of the bill. Such development would be possible due to significant increase in the share in IRA, the financial incentive for cityhood through merger. Such incentive was used in their rhetoric to garner the support of local leaders.

Among the interviewed political leaders from both camps, 11 out of 16 cited the benefit of increase in IRA and the promise of faster economic development in the area as key deciding factors. Among residents and employees, 19 out of 42 indicated increased budget and economic development as reason for affirmative vote. However, the economic incentive is not the only factor when decisions were made at all three levels. Among the interviewed elected local officials, at least three cited party loyalty or support to mayor/congressman as key factor in decision, while two local leaders thought consolidation was designed to "accommodate" politicians. Among residents and employees, three cited support to mayor/congressman as reason. One respondent declared "*bayad utang na loob kay* del Rosario *dahil sa kuryente*" (paying debt of gratitude to [Congressman] del Rosario due to his electrification project in the island) as her justification for her affirmative vote on the issue (Tumanut, 2013). As initially observed by Timberman (1991 as cited in Rood, 1998), such is an indication of the Filipino value of *utang na loob* as being ingeniously invoked in campaigns.

When asked why politicians advocated consolidation, at least three voters identified strong personal motives of the politicians. For instance, in the case of Samal island, according to Camporedondon and a few anonymous residents, the del Rosario-Floirendo families own properties and businesses in Samal island. Cityhood would therefore increase valuation of their real properties, as well as improve income for their resorts and other businesses.

In summary, economic factor was explicitly stated by many respondents, both politicians and residents, due to nature of consolidation: to be qualified for cityhood, which in turn would increase IRA share and trigger economic development. Hence, it can be argued as a necessary condition in decision-making. However, it is neither the sole nor a sufficient condition for consolidation. If it is, then more cases of consolidation would have emerged. Instead, an increasing number of municipalities have been continuously converted into cities without resorting to consolidation or any territorial reform.

Thus, the direct rival hypothesis is rejected (i.e., economic factor by itself does not result to consolidation) but is considered a commingled rival. The interplay of both political and economic factor explains municipal consolidation in the Philippines. Bundling of goals/issues of consolidation *and* cityhood allowed for both factors to influence decision-making. Moreover, the effect of these factors on result must be placed under several assumptions or contexts, where municipal consolidation was achieved: democratic country, unitary system of government where one legal

framework applies, culture of patronage and clientelism, and presence of political dynasties (see Table 9).

Another rival or threat to validity is the possible reverse causality in the first hypothesis: "local leaders will likely unite and support consolidation if they think their residents will agree," vis-a-vis the original proposition "residents will likely support the law to merge if their local elected leaders are united." Such reverse causality is plausible according to the logic of representation of people's will as well as of gaining support or votes for reelection, but this rival is rejected by the following procedural and behavioral/institutional reasons: (1) according to case study reports, positions of local officials were taken even before consultation with and campaign among their constituents were made (i.e., the councilors' positions were immediately taken in the form of council resolution to justify the bill in Congress), thus it was unlikely for them to gather the residents' initial opinion; (2) accordingly, the residents' opinion formation was largely dependent on campaigns, as discussed by LeDuc, which in this case had been conducted afterwards (and inadequately in some areas); (3) the multi-level, multi-player decision-making process had given local officials the leeway for their decisions to be influenced more by their rational self-interests instead, because, in any case, voters make the final decision through referendum, the final stage of decision-making process; (4)moreover, at least four residents/employees cited support to local officials (either mayor or congressman) as key factor in their decisions; (5) in interviews with political leaders, the position of the people was never explicitly identified or alluded to as a factor in their decisions; (5) and lastly, due to rampant electoral fraud (as well as a culture of clientelism), the rationale behind the reverse causality is further weakened because local elected officials *can* influence voters behavior and/or election results.

Testing the R&K theory and C³ model

Evidences in the two case studies in the Philippines confirm the findings of Leland and Thurmaier regarding the inapplicability of the R&K Theory of Consolidation. In the Philippines, all key variables in the three-stage model of Rosenbaum and Kammerer were absent, and are therefore proven to be unreliable predictors of municipal consolidation. These variables are: presence of crisis climate, inadequate or inappropriate local government response, power deflation, and presence of an accelerator.

As for the first variable, a crisis climate did not lead to the idea of consolidating municipalities in the Philippines to create new cities. Instead, the consolidations were designed with the collective goal of "ensur[ing] the holistic human development and ecological integrity" in the island of Samal and of attaining "the benefits of agro-industrialization that will come as a consequence of urbanization" in Sorsogon. The second and third variables become irrelevant without a crisis climate to refer to. As for the final variable, an accelerator event or situation was not evident in both cases, as the consolidation process followed legal procedures, schedules and actions as required by law (e.g., readings in Congress, justification of bill through council resolution, campaign period).

Findings in the case study also show the weaknesses of the original C³ model, which wholly subsumes the R&K model and adds nine more variables: institutional

framework (V1), treatment of taxes (V6), law enforcement (V7), council structure (V8), executive (V9), status of minority voters and districts (V10), status of minor municipality (V11), pro-consolidation campaign (V12) and anti-consolidation campaign (V13).

As for the first of the additional variables, the institutional context or environmental factors (V1) has many embedded variables: homogenous communities, similar economic performance, favorable geographical features and location, history of shared culture and identity, presence of elites, among others. As discussed above and shown in Table 16, both cases have relatively homogeneous communities. The economic performance is relatively similar among the three towns in Samal, whereas Sorsogon had substantially higher economic output and activity than Bacon. Moreover, although political elites were present and influential in all five municipalities in two cases, the other civic elites were not as organized and influential in all municipalities, except Sorsogon. Nonetheless, these elements generally represent the conditions or context under which municipal consolidation is possible.

As for the second variable (V2 or emergence of either united civic elites with economic development vision for community or divided elites), which is an enhanced variable from the R&K model is the subject of further exploration in this study. While this variable is an important indicator of consolidation, elites may not refer to civic elites in general (e.g., politicians, media, academe, etc.), but may only refer to political elites. Hence, this variable is reintroduced and reinterpreted as "position of the mayor and council" as well as subsumed in the variable "consolidation campaign." As elaborated in the subsection *Testing New Hypotheses*, this variable, alongside campaign, affect the margin of votes in plebiscite results.

Four of the next six variables, which pertain to the key details of the proposed charter, were found to be significant issues discussed during the campaign at various levels (i.e., elected municipal officials, employees, and residents in general). These elements of the proposed charter or bill could have been subsumed in the variable of referendum campaign, as these are the issues used to convince other local officials and the voters to support or oppose consolidation through the use of rhetoric or heresthetics. Nonetheless, this study examined whether these key details were included in the proposed bill in the Philippines cases, as well drew criticism, apprehension, discussion or resistance.

As for the issue of taxes (V6), a five-year tax moratorium was immediately proposed by the congressmen in both cases to allay the fear of tax increase by the residents, particularly the businessmen. Law enforcement (V7), particularly the jurisdictions of law enforcers, was absent in both cases due to differences in the authorities and structures in local public safety between the US (the source of the model) and the Philippines. As for the council structure (V8), legislators in both cases proposed the creation of special districts: three in Sorsogon City (one in Bacon and two in Sorsogon), and three in Samal (one for each former municipality). However, the crucial and residual issue was the number of seats per district, which affected the local councilors in all municipalities, except Sorsogon, which had two districts (due to larger population) and retained eight seats in the city council.

The issue of executive (V9) was corollary to the issue of consolidation, as the latter would result in one seat for mayorship. The other crucial issue in the executive

division was the consolidation of offices, and position and salary of employees. Consolidation was expected to affect the ranks of employees, but all regular employees were guaranteed placement in the proposed city organization and management. An option for early retirement program was also proposed, while employees also expected their remuneration to significantly increase to city-level salary grades. As for the status of minority voters and districts (V10), prior to consolidation/cityhood, such minorities were absent in both cases. However, in a related variable (status of minor municipality or V11), inclusion of Bacon, a minor municipality in Sorsogon-Bacon consolidation, did generate some discussion and opposition. Even in the relatively comparable towns in Samal island, Kaputian was viewed as the minority due to its population, geographical location, and political maturity.

For this study, the variables pro-consolidation campaigns (V12) and anti-consolidation campaigns (V13), were not treated as discrete variables and, thus, were combined to create a variable "consolidation campaign," which is found to be a strong indicator of municipal consolidation, i.e., it influences the margin of votes in plebiscite results.

In summary, some variables in the revised C³ model, which has never been tested before, are now proven to be insignificant (i.e., unreliable predictors) when tested using the two cases of municipal consolidation in the Philippines.

In general, these models were developed under several assumptions: (1) government is democratic (i.e., public participation is present), (2) referendum is the final decision-making process of consolidation, and (3) civic elites are present and active. However, democracy in the Philippines or in other countries are not as stable or as liberal as in the United States, such that civic elites (aside from political elites) may be present but not necessarily active at all times as exhibited in the case of Samal, Babak and Bacon during the campaign leading to the referendum for consolidation and cityhood.

On the two-stage process in the C³ model: since the Philippine government and politics are patterned after the American system, the two-stage process of consolidation (i.e., agenda setting and referendum campaign) is also evident in the Philippines. However, it was modified to fit the Philippine process of municipal consolidation, which resulted in the development of an original analytical framework (see Figure 2).

Conclusion

The redemocratization in 1987 and decentralization in 1991 have ushered in an era of transformed institutions in the Philippines. However, evidences are not forthcoming in all areas. The politics of municipal merger and the local referendum it entails are uncharted territories in the Philippines, whereas literature on this area in other countries, such as the United States, is rich. Accordingly, this exploration, documentation and explanation aimed at charting such domain.

The discussions in the preceding chapter have demonstrated how local elites strongly influence local decision-making process of municipal merger in the Philippines.

Analysis has confirmed that local politicians behave according to their rational self-interests. While this study has corroborated local political dynamics that is familiar and predictable in Philippine socio-political milieu, it has empirically shown a set of causal mechanisms linking the multi-level decisions regarding municipal consolidation to the behaviors of multiple key decision-makers in the Philippines: largely influenced by referendum campaigns of both sides, the voters' decisions mirror the stance of their respective political elites (particularly the local councils and mayors), whose decisions, in turn, are largely influenced by partisanship (particularly the party of the congressman who introduced the bill to consolidate) and selective goal of power perpetuation through control of local office. In addition, the rational behaviors of all key decision-makers in municipal consolidation are likewise influenced by economic incentive of increased revenue share from the national government.

Equally important, consolidation of municipalities in the Philippines was successfully accomplished twice under historical, legal and social contexts: public participation is mandated and practiced, where referendum is binding and is the final decision-making process of consolidation; civic elites are present; culture of patronage/clientelism is rampant; and political dynasties abound. Moreover, this study has demonstrated how the American consolidation models are not best suited to explain municipal consolidation in the Philippines. As previously discussed, the three-stage model of Rosenbaum and Kammerer are proven to be unreliable predictors of consolidation as key variables were absent in all the embedded cases examined in this study. The C³ model (both original and revised) is also found insufficient in explaining municipal consolidation in the Philippines due to the inclusion of many variables, most of which were context-dependent. Both models also highlighted the general step-by-step process and dynamics of consolidation, rendering inadequate the identification and explanation of the predictors of elite behaviors in the context of municipal consolidation.

However, two central variables from consolidation models, i.e., the "emergence of civic elites" and "referendum campaigns," were reinterpreted, tested and found significant in this study. Therefore, a set of causal mechanisms between context-specific incentives, behaviors and decisions is the contribution of this research to the ongoing discourse on municipal consolidation in general and to Philippine local politics and democracy in particular.

While the findings of this study have reflected the rational behavior of decision-makers in the context of municipal consolidation, they also pose several normative/policy questions: Should national governments deliberately use incentives and promote municipal consolidation to inject impetus towards local economic development? In an era of ballooning government expenditure, should pro-consolidation actors also aim for efficiency? In democracies, should governments mandate the use of referendum as final? If so, should local referendum require a minimum threshold of voter participation?

In the Philippines, the specific policy implication on the distribution of the internal revenue allotment among various local government tiers is striking. The economic incentive of increased revenue share from the central government is present and substantial only if consolidation will result in the creation of a new city. Accordingly,

cityhood through this route will alter the pool of revenues shared among the different local government units in the Philippines. Therefore, promotion of municipal consolidation, and the new cities it will create, may be detrimental to cities that are highly dependent on IRA.

This study also raises possible areas for future research. The reformulated hypotheses developed in this study may be tested in other local governments in the Philippines that recently exhibited local territorial reform, such as the creation of new local governments through division or fragmentation, as well as the conversion of municipalities, or several *barangays* of municipalities, into cities. Additionally, this study encourages testing the new propositions in other democratic and developing countries that use binding referendum, and possibly in any local territorial reform characterized by multi-level, multi-player decision-making process.

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Appendix

Stability		*Volatility*
Social cleavages		Campaign events
Groups		Government actions
Ideology		Media
Core beliefs	Leaders	
Political parties		State of the economy
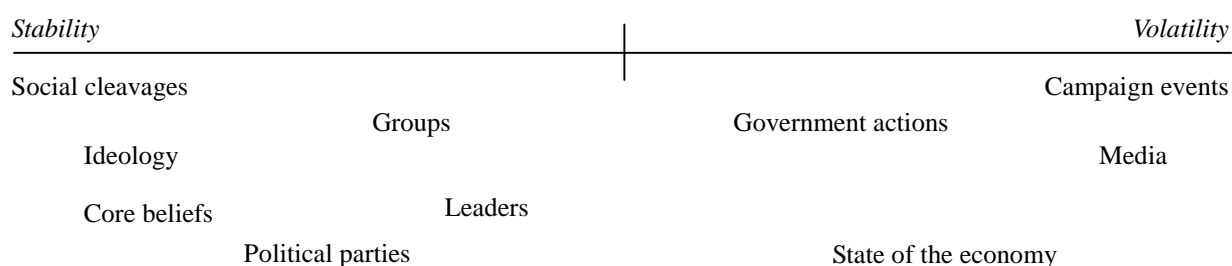
Source: LeDuc (2003, p. 179)

Figure 1. Elements leading towards stability or volatility in referendum voting

Table 1. *Predicted results for combinations of consolidation campaigns*

Anti-consolidation campaign	Pro-consolidation campaign	
	Strong arguments	Weak Arguments
Strong opposition	Even odds	Fail
Weak opposition	Pass	Fail

Note: Economic development is example of a strong argument; efficiency, equity are examples of weak arguments
Source: Leland & Thurmaier (2004, p. 316)

Table 2. *Definition and goals of boundary actors*

Actor	Definition	Collective goals	Selective goals
Public officials	Municipal elected officials County elected officials Government employees	Community leadership Community leadership Public service	Political power and reelection Political power and reelection Job protection and greater autonomy
Business associations	Chamber of commerce and merchants, media Manufacturers Developers and contractors	Community image and status Economic development Economic development	Financial gain Financial gain Financial gain
Resident/citizen organizations	Civic groups, good government organizations Academics and professional organizations (ASPA) African-American community, racial and ethnic minorities Homeowners associations; tax control groups	Accountability and "good government" Progressive reform and "good government" Representation Lower taxes, greater access, and efficiency	Status, prestige, and membership Influence and program expansion Greater influence, access to government Lower individual taxes, exclusion

Source: Feiock, 2004, p. 299; Feiock & Carr, 2001, p. 393

Table 3. *Variables and operational definitions, according to level of decision made*

Level of decision	Variables	Operational definition
Decision level no. 1 (Agenda-setting stage 1: Mayors)		
Dependent variable	Decision of mayors to support consolidation	Yes or no
Independent variables	(1) Opportunity to stay in power	Term in office (whether first, middle or last)
	(2) Political party affiliation	Same party as the congressman who proposed the consolidation or not
Decision level no. 2 (Agenda-setting stage 2 or local legislation stage: Local councils)		
Dependent variable	Decision of local councils to support consolidation	Enacted a council resolution or not, i.e., majority 50% + 1 vote; and individual votes, whether yes or no
Independent variables	(1) Opportunity to stay in power	Rank in council, whether elected as first to fourth or fifth to eighth councilors
	(2) Political party affiliation	Same party as mayor/congressman or not
Decision level no. 3 (Legislation stage)	(Not included in the study)	
Decision level no. 4 (Referendum stage: Citizen-voters)		
Dependent variable	Decision of citizens to support consolidation	Plebiscite results (in percentage)
Independent variables	(1) Consolidation campaign	Presence or absence of opposition group; Strength of campaign (according to use of issues in rhetoric/argument, use of special tactics and media)
	(2) Position of the mayor and council	Whether united or divided (according to the number of support or opposition in council)
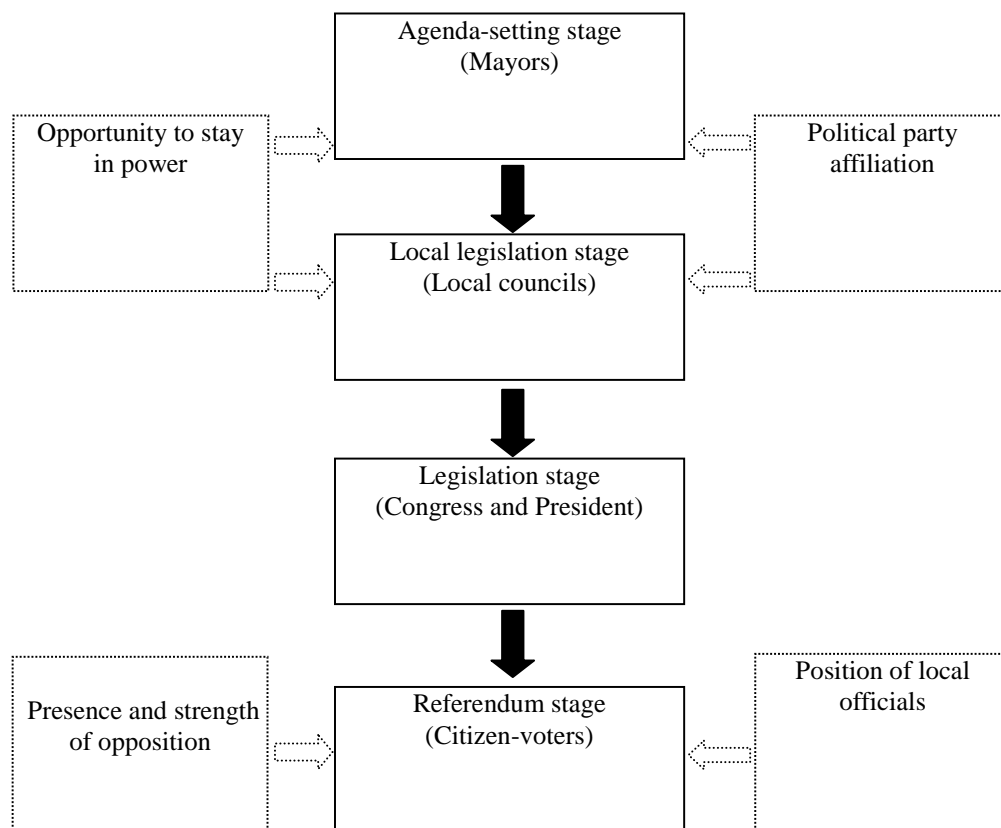
Figure 2. Visual model of successive progression of decision-making process in Philippine municipal consolidation

Table 5. *Plebiscite results, unity of local officials, presence of opposition group, and strength of opposition campaign*

Municipality	Share of yes votes	Pro-consolidation local officials	Anti-consolidation group	Strength and reach of pro-consolidation campaign	Strength and reach of anti-consolidation campaign
Bacon	63.2	Mayor and whole council	Incumbent governor, former governor, a few *barangay* leaders	Strong campaign (support of congressman, mayor) and moderate-to-wide reach (due to proximity and access to media from Sorsogon, and support of many *barangays*) Argument: IRA increase and more development projects; faster economic development; increased employment opportunities	Moderate-to-strong campaign (due to semi-organized group in Sorsogon and the opposition of the provincial governor) and weak-to-moderate reach (due to proximity and access to media from Sorsogon) Argument: loss of identity for Bacon; increase in social problems; Bacon will become minority area and will be left behind; tax increase; more resources for corruption
Sorsogon	60.9	Half of the council	Incumbent governor, former governor, mayor and other local	Strong campaign (support of congressman and some councilors) and moderate-to-wide reach (due to presence and use of media) Argument: IRA increase	Strong campaign (due to semi-organized opposition from local officials) and moderate-to-wide reach (due to presence and use of media)

			officials	and more development projects; faster economic development; increased employment opportunities	Argument: loss of identity for Bacon; increase in social problems; Bacon will become minority area; tax increase; more resources for corruption
Babak	83.0	Mayor and whole council	None	Strong campaign (support of local elected leaders and congressman), moderate-to-wide reach (due to organized meetings in every *barangay*) Argument: IRA increase; faster economic development; more investments; improved tourism	Nonexistent-to-weak campaign (due to absence of opposition group and media)
Samal	*80 - 95	Mayor and whole council	None	Same as above	Same as above
Kaputian	61.8	Mayor and majority of the council	*Kaminos*	Same as above	Moderate campaign (due to organized but small opposition) and weak-to-moderate reach (due to organized meetings in some *barangays*) Argument: Kaputian will be the minority area and will be left behind; increase in social problems; citizens are not ready; tax increase; loss of identity

Sources: Various documents and interviews

Table 6. *Local council decision, opportunity to stay in power and partisanship*

Municipality	Decision of council	No. of anti-consolidation councilors (out of 10)*	No. of anti-consolidation councilors who were ranked 5th to 8th in the council	No. of anti-consolidation councilors who were under the same party as the mayor	Mayor is champion of consolidation
Bacon	Affirmative (unanimous)	0	0	0	Yes
Sorsogon	Affirmative (split)	5	4	4	No
Babak	Affirmative (unanimous)	0	0	0	Yes
Samal	Affirmative (unanimous)	0	0	0	Yes
Kaputian	Affirmative (majority)	3	2	0	Yes

Source: Various interviews; *including two ex-officio members

Table 7. *Support of mayor, opportunity to stay in power and partisanship*

Municipality	Support of mayor to consolidation	Term in office	Under same party affiliation as the congressman
Bacon	Yes	Third (Last)	Yes
Sorsogon	No	First	No
Babak	Yes	Third (Last)	Yes
Samal	Yes	Third (Last)	Yes
Kaputian	Yes	Third (Last)	Yes

Source: Various interviews

Disclosing without Being Transparent: A Rational Choice for Local Government Bureaucrats? Taking Action: A Rational Choice for the Citizen?

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Abstract

This paper is an attempt to analyze the causes for LGUs' non-compliance to the country's Full Disclosure Policy (FDP) and to measure the extent of LGUs' openness" with respect to sharing of public documents to the citizenry. Using the results from the (a) website information content assessment in 34 highly populated provincial LGUs and the (b) rapid assessment on awareness and willingness to share public information, this paper presents an analysis of the LGU actions and decisions within the context of the principal-agent theory, the rational choice theory, along with other theoretical concepts as applied in the citizen-LGU relationship. It demonstrates how the rational choice model is exemplified in the decisions made with respect to LGUs' provision of financial and procurement-related information under the Full Disclosure Policy and how supply and demand side interventions can be made more responsive while recognizing the inherent "rationality of self-interested actors".

Keywords: Local Government Bureaucrats/ Citizen-LGU Relationship/ Transparency/ Philippines

Introduction

Ensuring citizen's access to accurate and understandable informationregarding government operations and performancehas been recognized by governments in recent years as a criticalstrategy for evaluating efficiencies and effectiveness in the utilization of public funds and for instituting transparency and accountability, empowerment of citizens, fighting corruption, and harnessing new technologies to strengthen governance, with the ultimate goal ofimproving the welfare of the country's poorest population. The logical frame of thought is straightforward: to reduce poverty and deliver citizen welfare, significant improvements in governance and service delivery must first be realized (World Bank, 2004). But governance and service delivery have to be strengthened through optimal and efficient use of resources and increased bottom-up pressure from citizens (Bruns, Filmer, & Patrinos, 2011). And, in recognition of the asymmetric information in the principal-agent theory (Laffont & Martimort, 2001), bottom-up pressure can be increased by providing citizens with comprehensible information about what the bureaucracy and elected representatives have (or have not) done on their behalf. The fundamental chain is expected to run a straight and clear roadpath from open data to citizen's awareness to citizen'spressure to improved government actions and performanceup to reaching the ultimate goals of citizen's welfare improvements – but navigating in thatroad path will experience bumps and barriers if the government will not recognize the (a) existence of self-interested administratorswho will make their rational choice in the process of complying to the national and LGU policies and guidelines, and will consider corresponding costs and risks (or perceived risks) before they make smart

disclosure[1], and the (b) the need to create an enabling environment of demand, supply and systems for the effective implementation of the Philippines open data policy.

Formore than ten (10) years now, a significant number of national and local governments have initiated the process of producing and collecting a broad range of different types of data and have shared them with the public and the civil society in order to support the effectiveassessment of performance ofgovernment functions andstrengthen the process of defining development targets (Ubaldi, 2013). Indeed, the large quantity and nature of data (including among others, the summary of revenues collected and funds received, disbursed, and appropriated, and other procurement – related documents) that were generated and organized by governments have rendered these data particularly significant ascritical means for increased public transparency, and responsiveness. The implementation of Open Government Data (OGD) policy is seen as an important landmark strategy that will support the public in fully understanding what local governments do and how effectively they perform the tasks expected of them. It provides an opportunity for holding the local government accountable for any misconduct, ethical violation, and more importantly, its inability to achieve promised outcome or committed development results. As a vital component of good local governance, increasing governmenttransparencyandpublic awareness is expected to bring a wider and bigger scope

Smart disclosure refers to the practice of expanding access to data in machine readable formats so that innovators can create interactive services and tools that allow consumers to easily access and navigate datasets and make more informed important choices and use the data for beneficial purposes (Ubaldi, 2013) of citizen and CSO participation as well as generate feedback and useful insights on how to best improve government performance, thus, supporting the process of evidence-based decision-making.

As Dr. Reyes pointed out in his paper,"*Bureaucracy and Transition: Some Reflections on Redemocratization and Politics-Administration Dichotomy"*, the implementation and execution of effective and efficient mechanisms for institutionalizing administrative accountability should serve as an effective validation approach and monitoring instrument for assessing bureaucratic behavior and performance. He emphasized that "it would be useful for fledgling democracies to use the medium of feedback or, in the context of the Philippines, the notion of people power to control bureaucracy and help ensure its accountability to the constituency" (Reyes, 1997) .

> "…there needs to be a matching or balance of the feedforward functions in a manner that citizen's consent, approval and perceptions are considered, with the feedback lines used as a bases of feedforward policy and government used as bases of feedforward policy and government activities" (Reyes 1997).

Increased data transparency and openness are also expected to promote citizen's self-empowerment, social participation and engagement, allowing them to make better decisions and choices. Data openness serves as a critical foundation for instituting effective public participation and cooperation in the creation of innovative, value-added services. In particular, the public, if aware and able to utilize government data, will have a good opportunity "to make better decision and improve the quality of their lives, e.g. making specific databases easily accessible, such as through mobile apps, to

better inform their choices; while governments are expected to be able to provide easier access to a wider range of datasets to foster evidence-based decision making" (Ubaldi 2013).

Challenges remain, however, with respect to the true implementation of the open data policy. Implementation status in member countries of Open Government Partnership (OGP) like the Philippines have yet to be fully mapped as open data policy remains as an unexplored or to some extent, a "dreaded" territory, given possible implications with respect to LGUs' political motives. Transforming financial and procurement-related data into a genuine "open data" remains achallenge to many local government units (LGUs). Potential benefits of open data.

Openness, in this paper, is defined as the capacity of the government to meet the 10 criteria indicated under the Open Data Barometer developed by the World Wide Web Foundation and used by the OGP member countries; these are: existence of complete data, online availability in digital form, machine readability, availability in bulk, free of charge, openly-licensed, updated, sustainable, easy net navigation, linkage of data sets to URIs (World Wide Web Foundation, 2015).

The Philippines in September 2011, joined the countries of Brazil, Indonesia, Mexico, Norway, South Africa, the United Kingdom and the United States as among the founding members of the **Open Government Partnership (OGP)** aimed at promoting transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. Membership, as of 2014, has now grown to 65 countries.

a self-interested LGU have yet to be laid out for deeper appreciation and sustained implementation. This can only happen if appropriate analysis and key considerations are made with respect to the demand, supply and systems interventions (including among others supply side strengthening such as clearing boundaries and criteria for protecting privacy,and elimination of restrictions to the access and re-use of authorized data – including legal, financial and Infrastructures) that are critical for successful open data policy implementation. It is likewise vital to recognize that in the principal-agent relationship of the LGU and the citizen, both parties will, in most cases, act on their own best interest (will make the *rational choice*). Given these realities, the paradigm shift and stronger commitment from the LGU are significant prerequisites.

This paper, therefore, made an attempt to assess the country's true "openness" through the examination of the web data available in 34 highly populated provincial LGUs using the agreed openness criteria adopted by the OGP member countries including the Philippines. In 2013, the World Wide Web Foundation (WWF) developed the Open Data Barometer, which serves as a technical research handbook that allows for a thorough assessment of ten (10) openness criteria directed towards measuring the extent of true accessibility of the public. The tool was further enhanced in 2014 and 2015, with which some dataset definitions have been modified to align with the Open Data Census, and other open data measurement initiatives.

Furthermore, the true intentions of ensuring citizen's access to data to promote citizen's empowerment, participation and engagement should be reflected in how

open data initiatives are implemented and how operations proceed. Data need to be relevant, accurate, timely, easily accessible, usable and re-usable by everyone – and for all these to happen, enabling factors in the supply side must be in place, such as competent personnel, effective IT systems, incentives, as well as strengthening the demand side (strengthening the capacity and awareness of citizenry on their rights to access and re-use of data to fully realized the benefits of open data initiatives. Likewise, it is important for governments to seek feedback from the public on the usefulness, relevance and accessibility of their data, in order to allow for continuous improvement.

This paper took a closer look at the current realities in the Philippine case with the implementation of the Full Disclosure Policy (FDP) as part of the administration's pronounced commitment to the Open Government Partnership (OGP) and examined the extent, by which such efforts, particularly among local government units (LGUs),has translated to citizen's pressure for improving government action. Within the context of the rational choice theory, and the principal-agent theory, the paper will present an analytical perspectives of why local governments in the Philippines are still hesitant and cautious about open data implementation, and what possible principal-agent contract maximization mechanisms can be instituted using the economic theory of incentives framework to several typical situations, such as: an environment with moral hazard, where the information asymmetry is reflected in the principal's (citizen's) inability to observe and/or verify the agent's (government's) action or an environment with, and adverse selection, where the principal is not informed about a certain characteristic of the agent (Arrow, 1963; Mirrlees, 1975/1999; Laffont, 2001/2003); and taking into consideration that both parties constitute individuals who are self-interested utility maximizers, who, when faced with a set of options to achieve those preferences will choose those expected to maximize individual benefits & minimize individual costs (Buchanan and Tullock, 1962).

From the fundamental assumption of asymmetric information, trying to align the interests of the agent with those of the principal becomes a major strategy and mechanism for solving the agency problem. The argument of this paper is that agency problems should be analyzed from a wider scale, with considerations of the characteristics of both (self-interested) parties, the inherent environment where they thrive, and the current Philippine policies that serves as the "contract" between the agent (local government units) and the principal (citizens). The paper will present possible approaches to finding demand, supply and systems solutions for the effective implementation of the government's full disclosure policy and for establishing stronger relationship between the principals and agents. From the context of the Philippine's full disclosure policy and corresponding LGU and citizen actions, this paper attempts to expand the framework posited by Lieberman, Posner and Chai (2014) from their research work in Kenya, trying to establish a link between information and citizen action and participation which provided them with a good prospects for exploring some of the (usually unarticulated) circumstances and conditions that may be necessary for information provision to generate real citizen action and behavioral change (Lieberman, Posner and Chai, 2014).

The paper likewise applied rational choice theoretical foundations in analyzing the issue of local government's inability to disclose or purposive regulation of information on government's management and status of public funds. Rational choice

theory, basically rooted from the fields of economics supposes that people act rationally to pursue the best strategy for their own best personal interests. Given the scale and depth of the rational choice as a school of thought, however, this paper focuses on one area of government policy – that of requiring local governments units to provide information to the public or through the Full Disclosure Policy, and how the rational choice theory can be used to restructure and make more effective these types of interventions aimed at instituting transparency and accountability.

The review of secondary data from the 2013 and 2014 assessment of the Philippine's Department of Interior and Local Government (DILG) from its Program on the Seal of Good Housekeeping (SGH) and Seal of Good Local Governance (SGLG) will likewise be presented along with the 2014 unpublished survey on the level of difficulties of LGUs with respect to meeting the criteria. The highlight of the paper is the result of the content review of the websites of 34 provincial LGUs, and examine the reasons through a separate surveys conducted among government administrators form LGUs in Luzon, Visayas and Mindanao; and explored possible solutions, using as guiding principles, the principal-agent theory and the rational choice theory. The paper also proposed possible approaches to implement the supply, demand, systems interventions for open data implementation.

Review of Literature

1. Principal Agent Model

The principal-agent model is one of the core theories that will be used in the analysis of the study. The model is presented in a set-up where two parties (say, X & Y) exist,and where a party (X) was delegated to act and make decisions on behalf of the other (Y). The principal–agent problem (also termed in different literatures as the agency dilemma or theory of agency) occurs when the "agent" (X) is motivated to act on his own best interest rather than those of the "principal" (Y). Incentives issues arise when the agent's objectives and interests is not the same as that of the principal and when the agent is able to acquire private information about the cost of his task (Laffont, 2003) reflecting incomplete and asymmetric information (with the agent having more information), such that the principal cannot confidently be assured that the agent is always acting in his best interests, specifically when transactions that are beneficial to the principal are costly to the agent, and where elements of what the agent does are costly for the principal to observe (Ross, 1973). Asymmetric information comes in the form of either a "moral hazard" or inability to determine or verify the action or the effort of the agent, or of "adverse selection" or the lack of private knowledge of the preference of the agent, particularly when made to make decisions on behalf of the principal (Laffont and Martimort, 2001).

Dan Wood and Richard Waterman (1994) argued that, consistent with the assumptions of the logic of the politics-administration dichotomy, the agency theory was presented in an environment illustrating the categorized relationship between the politicians (principals) and public servant or bureaucrats(agents) under different types of contracts (Wood and Waterman, 1994; as cited in Frederickson 2012). "In the public context,the elected "buyer" attempts to shape the service to his or her preferences bylaws, regulations, executive orders, appropriations, hearings, and all manner ofco-management. The bureaucratic "seller" of services is a mixture of

professional education and expertise, responds to laws and constitutions, and attempts to serveits clients" (Wood and Waterman 1994 as cited in Frederickson 2012). Wood and Waterman argued that the interaction and collaboration process between the principal and agent is "dynamic an devolving through time". "Throughout this process, bureaucracies have distinct informational and expertise advantages over politicians. They understand the policy and the organizational procedures required to implement it. As a result, they have both the opportunity and incentive to manipulate politicians and processes for political gain" (Wood and Waterman, 1994; as cited in Frederickson 2012).

This paper, however, will present the "agency problem" by illustrating the principal-agent relationship between the bureaucrat and the citizens, instead of that between the bureaucrat and the politician, given that in the politics-administration dichotomy may not fully find its way into the current Philippine local government structure and set-up. Most of the serving bureaucrats in the current local governments are appointed and serve under the pleasure of the Mayor or the Governor. "Generally speaking, the bureaucrats tend to perceive themselves to be more beholden to the officials who appoint them than to the public at large" (Cabo, 2007). Stephen Ross (1973) argued that examples of agency problems are universal and can be manifested in different relationships including that of "employer and employee" and that of the "state and the governed; and both parties act to maximize their expected utilities. He specifically referred to the problem if the agency as that "involving the choice under uncertainty". In Ross' paper, he argued that the provision of payoff or incentive structures for the agent in the principal-agent relationship does not necessarily conflict with the efficiencies in operations.

2. Addressing Principal-Agent Gap through "Incentives"

A rich scholarly literature has identified mechanisms and instruments for understanding the principal-agent gap and presented possible solutions to close the gap and align the interests of the agent with that of the principal. Earlier schools of thought include that of Chester Barnard's *The Functions of the Executive*. The book presented a broad view of the economic incentives as applied within the firm recognizing the willingness of persons to contribute to the cooperative system as a critical element for organization's success (Barnard 1938)and emphasizing that:

> "The contributions of personal efforts which constitute the energies of organizations are yielded by individuals because of incentives. The egotistical motives of self-preservation and of self-satisfaction are dominating forces;
> on the whole, organizations can exist only when consistent with the satisfaction of these motives, unless, alternatively, they can change these motives"(Barnard, 1938).

A strategy for correcting the deficiency (or prospective deficiency) in the principal-agent situation was presented by Barnard (1938) in a form of "positive inducements" or incentives that will ensure positive net utility or net "satisfaction" of a man, which in turn, can prompt him to contribute his efforts in the agency or work towards the interest of the principal. The goal is to increase positive utility or eliminate burden so that the ending net utility or net advantage to the individual is positive. According to Barnard, there are two types of incentives that can be employed: "through the

provision of objective incentives" and "through processes of changing subjective attitudes" or persuasion (Barnard, 1938). Barnard's eight (8) forms of "objective incentives" can be instituted to close the gap and align the interests of both the principal and the agent: "(1) material inducements (such as the use of money, things, rewards or physical conditions offered to individual) ; (2) personal non-material opportunities (opportunities for distinction, prestige, personal power and attainment of dominating position) ; (3) desirable physical conditions); (4) ideal benefactions (personal ideals, pride of workmanship, sense of adequacy; and loyalty to organization); (5) associational attractiveness (social compatibility and favorable associational conditions; prevention or elimination of racial discrimination or class antagonism) ; (6) adaption of conditions to habitual methods and attitudes (conformity of working conditions with habitual practices); (7) the opportunity of enlarged participation (association with the important useful efforts of the organization); and (8) the condition of communion (feeling of personal comfort in social relations or solidarity, opportunity for comradeship and mutual support in personal attitudes)" (Barnard, 1938). He emphasized that the use of objective incentives are not enough, and corresponding persuasion and encouragement are necessary to be implemented simultaneously to ensure the organization's success.

Barnard's objective inducements, in the Philippine settings, could be examined, with specific focus on "material inducements", "non-material opportunities", and "ideal benefactions" or personal ideals and beliefs the cultural, and "adaption of conditions to habitual methods and attitudes" – taking into considerations that bureaucrats, by nature, are self-interested, and their ultimate goals are to serve their own interests. When the interest of the bureaucrat and the organization are both fully met, then the principal-agent problem is minimized if not eliminated, assuming that level of interests/objectives do not change over time.

Another interesting set of incentives introduced by Barnard was the "method of persuasion". This method, according to him, is best employed in cases when the agency is unable to afford enough incentives to meet the individual's interests. These include the following interventions: (1) setting up of "coercive conditions", (2) rationalization of opportunities, (3) "inculcation" of motives (Barnard 1938). Although present-day organizations do not term it "coercion", current agency policies in the Philippines, and even existing laws (e.g., Republic Act No 3019 or the Anti-Graft and Corrupt Practices Act, was enacted in 1960 and Republic Act No. 6713, or the "Code of Conduct and Ethical Standards for Public Officials and Employees", enacted in February 1989) do reflect that of Barnard's standpoints: the need for "coercion" through "exclusion" in the form of "sanctions, discharge from duty, withholding of specific benefits, incarceration, ostracism, outlawing or even homicide" (Barnard 1938). Rationalization, on the other hand, refers more to the process of convincing the individual that conformity to the organization's objectives and goals is contributory to his own interest. An example given by Barnard was the strengthening and rationalization of religious motives and that of communist doctrine (where the rationalization of faith and "hate" was employed as a means of increasing solidarity, respectively). The "inculcation" of motives is another remarkable strategy proposed by Barnard, referring to the purposive education of the young and propaganda for the adult. The goal is to shape their way of thinking and align it with that of the organization. Barnard used as an example, strategic approaches such as

emulation, imitation, inculcation of habitual attitudes to ensure that the objectives of the organization becomes their own personal objectives.

3. Theory of Moral Hazard and Unobservable Behavior

Moral hazard is a conception which was employed in economic field which focuses on the rational behavior of the individual, given information asymmetry. It is the opportunistic behavior which takes advantage of an opportunity for personal benefit even if it is at the expense ofothers. In economics, moral hazard occurs when one person has the propensity to take more risks because someone else bears the burden of those risks (and is not fully informed of the action) (Mirrlees 1975). A moral hazard may occur where the actions of one party may change to the detriment of another after a financial transaction has taken place. Mirrlees argued that the expected choice of the agent optimizing or "maximizing his unobservable effort" may not necessarily hold true given that his objectives are not necessarily aligned with that of the principal (Mirrlees, 1975).

Origin of the Term "Moral Hazard"

The study conducted by Dembe and Boden (2010) shows that the term dates back to the 17th century and had widely been used by English insurance companies during the late 19th century. The term "moral hazard", in its early usage, has with it negative undertones and had been associated with actions implying fraud or immoral behavior (the part of an insuring party). The prominent mathematicians, who were conducting studies and researches in the 18th century, have used the terms "moral" to mean "subjective", which may cloud the true ethical significance in the term (Dembe and Boden, 2010), while economists such as Ross, Laffont and Mirrlees, have utilized this term to refer to the inefficiencies that can occur when risks are displaced or cannot be fully evaluated, rather than pointing to ethics or morals of the involved parties.

Whichever perspective is used, "moral hazard" remains a barrier to addressing the principal-agent problem and a concept worthy of analysis for the purpose of this paper, particularly in analyzing the attitudes of LGU bureaucrats with respect to adherence to the Full Disclosure Policy – with a public servant more willing to take the risk of "not disclosing information" to the public, given that the negative impact of not having those information, will not be on them, but on the part of the public (i.e., losing the opportunity to correct and address corruption and advocate for the efficient use of public funds). In general, there exists a supposed propensity of workers to exercise less caution given that the bigger risk is not on them. Likewise, one can explore the other side: the "negative utility" or "higher risk" on the part of the agent, whose possible fraudulent actions (if any) will be exposed if information is made open to the public. Without pre-judging the agent (bureaucrat), it is also probable that the opening of information to the public (the principal who was previously uninformed) may lead to a bigger risk of the information being used unfairly against him or against the government agency.

4. Adverse Selection

Adverse selection results when there is asymmetric information prior to a deal between the principal and the agent. It practically means having to make a decision or

making the choice without complete information. Adverse selection illustrates an undesired result due to the situation where one party (say, the agent) has more accurate and different information than the other party (the principal) (Laffont and Martimort, 2001). The principal-agent problems arise when a principal chooses to delegate a task to an agent, with the motivation of benefitting from some upward returns associated with the division of labor or task. Due to the "principal's lack of time or lack of any ability to perform the task himself, and, finally,by any other form of the principal's bounded rationality when facing complex problems", he has to delegate the responsibility and the very act of delegation allows the agent to gain access to information which is not available to the principal. Laffont and Martimort emphasized that:

> "The exact opportunity cost of this task, the precise technology used, or how good is the matching between the agent's intrinsic ability and this technology are all examples of pieces of information which may remain in the private knowledge of the agent. In such cases, we will say that there is adverse selection."(Laffont and Martimort, 2001)

5. Rational Choice Theory

In the attempt to propose a strategic approach to solving the principal-agent gaps, this paper will present the concept of "rational choice" as a vital factor to consider in formulating solutions or developing an approach to finding solutions to the gap that inherently exist between a self-interested principal and a self-interested agent.

It was the work of James Buchanan & Gordon Tullock's work (The Calculus of Consent, 1962) that marked the formal founding of the rational choice theory, with emphasis on the "rational utility maximizer" or the a rational, self-interested actor who were assumed to engage in political behavior for the same purpose that they engage in economic behavior: that is, to pursue their self-interest. The theory is anchored on the notion that self-interest primarily influence citizen decisions and actions, presenting the possibility of the existence of markets for public services, "a situation where citizen-consumers shop for the public goods and services they most prefer, and producers of these services are competitive organizations whose self-interest is coupled to the need for efficient response to consumer demand" (Frederickson 2012).

Corollary to this, a congruent point of view from the context of public administration was forwarded by another proponent of the rational choice theory, Anthony Downs (1967). In his work on *Inside Bureaucracy*, he argued that bureaucrats will be motivated to misrepresent or distort information as it passes upward in the hierarchy to reflect data in favor of themselves & their individual interest and will favor rules that fit with their own interests and goals (Downs, 1967). He further provided the framework by illustrating the environment to which he presents his theoretical perspectives:

"The world in which the officials in my theory operate is as realistic as I can make it. In this respect, it differs sharply from the *perfectly informed* worldof traditional economic theory, and more closely resembles the environmentassumed by most political and sociological theorists. In particular, the followingcondition prevail inthis

environment: (1) information is costly because it takes time, effort, and sometimes money to obtain data and comprehend their meaning.(2) Decision-makers have only limited capabilities regarding the amount of time they can spend making decisions, the number of issues they can consider simultaneously, and the amount of data they can absorb regarding any one problem; and (3) Although some uncertainty can be eliminated by acquiring information, an important degree of ineradicable uncertainty is usually involved in making decisions."(Downs, 1967)

Rational choice theory was used by scholars to highlight that the PA orthodoxy's approach of a centralized administration is vulnerable to mistake, uncontrollable and lead to inefficiencies in government operations. Using the assumptions of self-interested bureaucrat, scholars advocated for a PA environment that is less bureaucratic, less centralized, and a more competitive environment in the production of public services. Rational choice scholars believe that public goods and services cannot be effectively nor efficiently provided by functionally organized agencies with centralized jurisdictions. In a centralized government, distortion of information is inevitable, given that bureaucrats are self-interested, and such can lead to a situation where you have leaders of the agency and external political actors forming "skewed expectations" about the agency's true performance & capabilities therefore weakening its ability to hold the bureaucracy accountable (Tullock, 1965; as cited in Frederickson 2012). Downs (1967), even as he recognized that bureaucrats have different personalities, motivations and goals, eventually all of them will become "conservers" who would choose to "maximize security and convenience" and they will more likely protect and preserve the current condition and existing environment and present functions, rather than to advocate for new approaches and thus become only partly concerned about the public- interest as they would opt to conserve the current situation (Frederickson, 2012).

Niskanen, another advocate of the rational choice theory emphasized that it will be very difficult or almost "impossible for any bureaucrat to act in favor of public interest, because of the limits on his information and the conflicting interests of others, regardless of his personal motivations as opposed to the rational bureaucrat who is positioned to act on behalf of his own self-interest; all he needs to know is his own preferences."(Niskanen, 1971; as cited in Frederickson 2012)

As this paper tries to formulate possible alternative approaches to the implementation of open government policy in the Philippines, the theory of rational choice theory finds its useful appeal in the analysis, particularly in describing, explaining and to some extent, predicting how both the agent and principal would react given, for instance, inherent conditions such as the principal-agent problems on moral hazards and adverse selection. In driving some points of arguments and recommendations, this paper will use the perspectives of Charles Tibout (1956) as its guiding logic for the rational choice assumptions. His work was primarily centered on the "relationship between citizens and public agencies as consumers and producers of public goods". He argued for the possibilities of creating a competitive market for public services where mobile citizens could possibly choose "across local jurisdictions for the package of public services & the tax burden that best suited their preferences." (Tibout 1956; as cited in Frederickson 2012).

6. Irrationality

The critics of rational choice argue that its starting assumptions "are too narrow and unreasonably downplay the possibility that bureaucrats might seek to maximize the public interest, professional or ethical norms, or a variety of group-based motivations" (Frederickson 2012). An opposing perspectives is argued by the rational choice theorists, however, stating that, as in the case with bureaucrats and clients, the tendency to appear fair, transparent and unselfish dominates the tendency to engage in actual fair behavior (Smith 2006; as cited in Frederickson 2012)

7. Theories of Bureaucratic Politics Hold True for LGUs

Another interesting perspectives that was Waldo's points of view that "theories of bureaucratic politics begin by accepting what has long been empirically observed; that is, in practice, administration is not a technical and value-neutral activity separable from politics. Administration is politics" (Waldo 1948; as cited in Frederickson, 2012)

8. Transparency and Accountability

Understanding the concept of transparency and accountability as the basic foundations of the "implied contract" between the principal (public/citizen) and the agent (LGU) will allow the paper to illustrate how the principal-agent gaps can inherently exist at different levels, from the lack of knowledge of the content of these policies to the lack of capacities and courage to fight for the true and honest implementation of these policies. The paper will present current government efforts through the Full Disclosure Policy (FDP) and how gaps can be addressed, taking into considerations that both the principal and the agent are both self-interested entities.

Transparency is a necessary precondition for the exercise of accountability since without access to understandable, accurate, and timely information, and without clear understanding of processes, plans and systems, it is difficult or impossible to evaluate whether development goals that were committed by public servants were truly realized or not; or whether processes or decisions made are in accordance with the ultimate intent of ensuring public interests. In other words, it is difficult to hold any public servant accountable for his/her actions without access to any information. The principle of accountability holds that all public officials, whether elected or only appointed by those that have been elected, must be held responsible for their financial, political and administrative actions and decisions. Transparency, on one hand, requires that the rules, plans, processes, actions an decisions of those in government are made open to public scrutiny and that the public has a right to access such information. Both concepts are central to the very idea of democratic governance.

If citizens are not well informed, they can neither act in their own self-interest, broadly speaking, nor have any serious choice in elections, much less offer themselves as candidates (Freedom House and the Albert Shanker Institute, 2003).

Transparency as defined broadly

A broad perspective on the meaning of transparency was presented by Florini (1999). She defined transparency as the "release of information by institutions that is relevant to evaluating those institutions". She further elaborated on the need to define clearly of whom information is being demanded and what specific information would be most useful for what purposes, and how much information is really needed. This is important given that information is used in different field for specific (sometimes unique) purpose. One purpose of calls for transparency is to allow citizens, markets, or governments to hold the trusted administrators accountable for their policies and performance. In the political domain, governments are the agents of their citizens, but the wave of corruption scandals seen in the last 20 years in the Philippines, for example, indicates that too many government officials are serving their own personal interest rather than that of the public ends particularly when no one is looking. Florini further stressed that if opacity has such adverse and undesirable effects, increased levels of transparency can serve the public interest, necessary to the implementation of good governance and establishing a well-functioning markets. "It is in the general principle of good governance that public administrators should be held accountable for their decisions. Otherwise, error feeds upon error, and the lack of transparency will definitely breed corruption" (Florini, 1999).

Another interesting point raised by Florini in her paper *"Does the Invisible Hand Need a Transparent Glove? The Politics of Transparency"*, is the fact that transparency has a moral dimension. According to her, in principal-agent situations, people have the right to know a great deal about their agents, even – or especially – when the agents are governments or international organizations and the principals are the general public. Just as true was the right of the citizens to know about the economic policies, decisions and performance of their government. Even consumers and investors have a right to honest information about the products that they buy and the companies they invest in.

Despite the conventional view of many with respect to the positive impact of transparency in increasing accountability, Florini has clearly elucidated her view that transparency merely allows people to see the streams of facts. And it does not follow that it will enable people to do anything about those facts, nor will transparency convey any understanding of the information being shared. One will agree to the claim that indeed, transparency can only work well if two important conditions are met: (1) the accountees or the targets of the calls for transparency are able and willing to provide the requisite information; and (2) the accouters or the recipients of the information are able to fully understand and use the information to evaluate the provider of the information according to some accepted standard of behavior.

Knowing that the public has a good opportunity to file complaints against persisting corrupt practices of government through the open government and full disclosure policy is just as important as recognizing the role of the whistle blowers who are able to witness directly all unethical and fraudulent acts in government operations. Their vital function in the fight against corruption, has not been given much attention in PA corruption literature (Reyes, 2010). The process of corroboration and substantiation of evidences can be strengthened if both the public, and the whistleblower can achieve certain levels of cooperation. Reyes (2010) pointed out that what was missing in the

current literature was the "analysis of whistleblowers [and their predicament] who voluntarily expose corrupt practices after having witnessed or participated in these acts."(Reyes 2010). If the goal is to break information asymmetry to be able to resolve the gap between the agent (government) and the principal (citizens), then the vital role of the whistleblowers in the process of exposing the truth cannot be ignored. Given such critical role, then just as important to study and analyze were the whistle blowers motivation for exposing corruption. As Reyes (2010) emphasized in his phenomenological approach in the study of corruption, it is important to know:

"What motivates a whistleblower to expose corruption? Why have they chosen to get involved and what impelled them to be involved? What made them expose corruption? What are their backgrounds? How are their testimonies to be appreciated? What have been their experiences since they chose to expose corruption? How are they to be protected and supported" (Reyes 2010).

What was interesting with Reyes points, is that you can actually apply the same frame of thought in analyzing the actions or determining the expected actions of an ordinary citizen as he is introduced to the mechanisms of an open government and Full Disclosure Policy, with the key rational choice considerations that he is motivated by self-interest, one can ask the following key questions:

1. What will make the citizen think that with the financial transactions information shared under the FDP portal of an LGU, may constitute possible corruption or a violation of the Government procurement Reform Act (GPRA)?
   a. Does he know there is such a policy?
   b. Is he capacitated to a certain degree that he will be able to analyze possible misinformation or distortion of expected data?
   c. If he is not capacitated, is there a support group, say, a civil society that can guide him to fully understand the documents and what it means and implies?
2. What will make him file a complaint?
   a. Is there a clear process and avenues for filing a complaint against a government official or an LGU [who is the "agent" of the citizen who is expected to properly use public funds in accordance with rules of the Commission on Audit (COA)]
3. What will motivate him to get involve? What is it for him?
4. Is his principles aligned with the principle of transparency and accountability?
5. Does he believe that taking the action can yield expected results?
6. Who will protect him in case the politician or the bureaucrat retaliates?

9. Information

Another related concept discussed in this paper is the critical need for ensuring that raw data are translated to usable information. Three major approaches in defining information were presented by Buckland (1991). These are: "Information-as-process" or the act of informing to reduce uncertainty; "Information-as-knowledge" which is communicated by the act of informing; and "Information-as-thing" or objects capable

of providing knowledge through the application of process. (Buckland, 1991; as cited in Mock, 1991)

This paper will use the first approach proposed originally by Arrow (1963) who wrote that "the meaning of information is precisely a reduction in uncertainty. This approach looks at information as something - anything - that alters the awareness of the recipient and makes that recipient perceive the world as a different place than it was before". What is clear from Arrow's remark, even at first reading, is that there must be some interaction between the potential information and a recipient in order for the potential to become actual information. There must be some party whose uncertainty is reduced. (Kenneth Arrow, 1963).

Purpose and Coverage of the Paper

1. The study will first present a review of the current Philippine policies and programs related to open data and full disclosure.
2. It will show which LGUs have been compliant to the country's Full Disclosure Policy (FDP) and to what extent have they been truly "open" with respect to disclosing the required documents as mandated by the existing policy.
3. Using the results from the (a) website information content assessment, (b) rapid assessment of awareness and willingness to share public information, this paper will present an analysis of the LGU actions and decisions within the context of the principal-agent theory, the rational choice theory, along with other concepts presented in Section II, as applied in the citizen-LGU relationship. It will cover:
   a. Compliance to the FDP Policy (and factors considered in the DILG assessment) and reason for "difficulties" in complying with the policy
   b. Review of existing websites of the 34 most highly populated provincial LGUs to determine openness of those evaluated as "compliant"
   c. Rapid assessment of LGU officials/administrators awareness of the government's Full Disclosure Policy and their willingness to share data to the citizenry
4. It will demonstrate how the rational choice model are exemplified in the decisions made with respect to LGUs' provision of financial information under the Full Disclosure Policy and how supply side interventions can be adjusted to recognize the inherent "rationality of self-interested actors".
5. It will recommend an expanded approach in implementing the FDP policy and assessing of LGU's "openness" and propose operational approaches(demand, supply, systems) towards a sincere and effective implementation of open data policy and institutionalizing openness, focusing on the principals (citizens) being rational self-interested decision-makers dealing with self-interested LGU bureaucrats.

Current Philippine Policies Supporting Full Disclosure and Openness
1987 Constitution.

Accountability principle under the 1987 constitution states that: "Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency, act with patriotism and justice and lead modest lives". The law recognizes the right of the

people to information, including access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, subject to such stations as may be provided by law (1987 Constitution).

Self-executory nature: Writ of mandamus was sought to enforce the fundamental right to information, as exemplified in the case of:

Tanadaet. al. vs. Tuveraet. al., (G.R. No. L-63915, April 24,1985,136 SCRA 27) wherein the people's right to be informed under the 1973 Constitution (Article IV, Section 6) was invoked in order to compel the publication in the Official Gazette of various presidential decrees, letters of instructions and other presidential issuances **Legaspi vs. Civil Service Commission (G.R. No. L-72119 May 29, 1987);** The respondent had earlier denied Legaspi's request for information on the civil service eligibilities of certain persons employed as sanitarians in the Health Department of Cebu City. These government employees, Julian Sibonghanoy and Mariano Agas, had allegedly misrepresented themselves as civil service eligibles who passed the civil service examinations for sanitarians.

Critic on the Judicial Remedy of Mandamus. The absence of uniform, simple and speedy procedure for access to information is experienced at all levels: national and local governments. Access to information is differently and inconsistently applied across government agencies. There is no uniform manner of making and responding to requests. **Agencies are thus able to use the absence of uniform procedure to frustrate the exercise of the right**. The specification of the coverage of the guarantee, particularly the general rule on what information may be exempted, needs legislation. The constitutional provision states that access to information shall be afforded our citizens "subject to such limitations as may be provided by law".

Because of the lack of definite procedure as well as the absence of a definite scope, it is difficult to enforce any available administrative or penal sanctions for violations of the right. There is thus no compelling deterrent to the unlawful withholding of information.

Furthermore, the present judicial remedy of mandamus is inaccessible to the public. In a survey by the Social Weather Stations, when respondents were asked what the most likely action they will take if an agency refused access to a document, only 12.7 % said they will file a case in court. Almost 40% will look for help in another agency, while 36.7% will report the case to the media. But also to highlight the importance given to the right by people, only 10.6% will not do anything about the refusal.

Open Government Partnership (OGP). The Philippines in September 2011, joined the countries of Brazil, Indonesia, Mexico, Norway, South Africa, the United Kingdom and the United States as among the founding members of the Open Government Partnership (OGP). OGP is a voluntary international initiative which aims to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP Membership, as of 2015, has now grown to 65 countries. In the Philippines, the cluster which has the oversight and monitoring functions for the implementation of commitments to OGP is the Good Governance and Anti-Corruption Cluster headed by the Budget Secretary Florencio Abad. Co-

implementing and co-managing agencies are the Department of Interior and Local Government (DILG), Department of Budget and Management (DBM), and the Department of Social Welfare and Development (DSWD).

To ensure unbiased evaluation of accomplishments, the Independent Reporting Mechanism or the IRM was instituted by the OGP to carry out a biannual review of each OGP participating country activities.

The country's commitment to OGP includes the following:
1. Disclosure of executive budgets: Disclose 100% of executive funds and annual procurement plans.
2. Ensuring access to information: Review, improve, and rectify current policies on citizen access to information, including Freedom of Information Act.
3. Broader civil society organization (CSO) engagement: Include regional and local organizations, business, and academia in a Philippine Partnership for Open Governance.
4. Development and implementation of participatory budget roadmap: In consultation with CSOs, expand coverage of participatory budget preparation.
5. Local poverty reduction: Collaborate with local governments and community organizations to develop at least 300 local poverty reduction action plans.
6. Establishment of empowerment fund: Support capacity development of projects to empower citizens to demand better services and governance.
7. Implementation of social audit: Craft a roadmap to institutionalize social audits for public works and agricultural infrastructure projects.
8. Institutionalization of results-based performance: Increase compliance with Seal of Good Housekeeping to 70% by 2016, and link to grants.
9. Implementation of a harmonized performance-based management system: Harmonize current monitoring and reporting systems into a single results-based performance management system (RBPMS).
10. Pushing of the citizen's charters: In consultation with CSOs, ensure that 100% of government agencies publish a Citizen Charter.
11. Implementation of Internal audit: Issue a Philippine Government Internal Manual (PGIAM) in 90 days, and, within 360 days, roll out the PGIAM and National Guidelines on Internal Control System (NGICS) in nine critical departments.
12. Establishment of a single portal for information: With CSOs, craft a roadmap for a single government information portal.
13. Implementation of the integrated financial management system: Develop a pilot within 360 days to be used by government oversight agencies. Complete system due by 2016.
14. Institutionalization of electronic bidding: In 360 days, enable online bid submission, a CSO monitoring module, an e-payment fee feature, an expanded supplier registry, and a module for agency procurement plans.
15. Implementation of procurement cards: In 180 days, pilot procurement cards to replace cash advances.
16. Implementation of manpower information system: Complete and develop a central payroll system in 360 days.
17. Expansion of the National Household Targeting System: Expand coverage to other poor sectors, such as rural or informal sectors, and indigenous peoples.

18. Expansion of the Electronic Transparency and Accountability Initiative for Lump-Sum Funds to include other funds and enable citizen reportage.
19. Launching of the Budget ng Bayan: Launch the People's Budget website as an interactive platform.

Status of Commitment. As reflected in the IRM Report 2011-2013, commitments related to the disclosure of budget and related public information and initiatives aimed at ensuring citizen's access have only been partially accomplished and were "behind schedule and need further work on basic implementation" (IRM Report 2011-2013).

Full Disclosure Policy (FDP). The Department of Interior and Local Government (DILG) in 2010 and 2011, issued the Full Disclosure Policy (FDP) through Memo Circular No. 2010-83- "Full Disclosure of Local Budget and Finances and Bids and Public Offering" and Memorandum Circular 2011-08 entitled "Strict Adherence to Section 90 of the Republic Act 10147" - The policy requires LGU to post in their respective websites the summary of revenues collected and funds received, disbursed, and appropriated; procurement –related documents; and status and use of funds and projects. For LGUs without websites, DILG launched the Full Disclosure Policy Portal (http://fdpp.blgs.gov.ph/) in November 2012, where local government units can post the required documents.

The following documents and transactions are required to be disclosed and posted by LGUs in their respective Websites:
1. Annual Budget of the current calendar year
2. Quarterly Statement of Cash Flows
3. Statement of Receipts and Expenditures of the previous calendar year
4. Trust Fund Utilization
5. Special Education Fund (SEF) Utilization
6. 20% Component of the Internal revenue Allotment (IRA) Utilization
7. Gender and Development Fund Utilization
8. Statement of Debt Services
9. Annual Procurement Plan or Procurement List
10. Items to Bid
11. Bid Results on Civil Works, Goods and Services
12. Abstract of Bids as Calculated
13. SEF Income & Expenditures Estimates
14. Supplementary procurement plan, if any
15. Local Risk Reduction & Management Fund (LDRRMF) Utilization

Sanctions for Non-Compliant LGUs: "Non-compliance with the policy shall be dealt with in accordance with pertinent laws, rules and regulations. In particular, the policy referred to the provision of the Local Government Code of 1991", quoted as follows:

> *"Section 60. Grounds for Disciplinary Actions - An elective local official may be disciplined, suspended, or removed from office on: (c)Dishonesty, oppression, misconduct in office, gross negligence, or dereliction of duty"*

Incentives for Compliant LGUs: The Seal of Good Housekeeping (DGH) assesses Local Government Units (LGUs) on whether they attain minimum governance standards. In the initial phase of the program, LGUs must meet two standards to be conferred with the Seal of Good Housekeeping:

- LGU must comply with full disclosure policy by posting budgetary & financial documents online and in their bulletin boards.
- Second, the LGU must have no serious negative findings in its annual audit report published by the Commission on Audit.

As a means of providing incentives for LGUs, LGUs must receive the seal to receive a grant from the **Performance Challenge Fund (PCF).** Local government units that receive the Seal are provided with a performance-based grant which they can use to supplement funding for local development projects. The PCF program provides a subsidy of PHP1 million for municipalities, PHP 3 million, and PHP7 million for provinces. Projects to be funded must contribute to the attainment of the Millennium Development Goals, tourism and local economic development, disaster risk reduction and management and solid waste management.

Framework and Research Methods Used

1. Framework

In analyzing the local governments' compliance to the full disclosure policy and degree of openness of data being shared at the local level, it is critical to have a guiding framework to determine the logical flow of factors and input indicators affecting processes, outputs, intermediate outcomes and outcome and end goals. Specifically, the framework will illustrate the role open data policy plays in the overall achievement of the country's development goals

Figure 1. Proposed Framework Illustrating the Critical Role of LGUs in Implementing the Full Disclosure Policy and its Impact on Transparency, Accountability, Reduced Corruption & Optimal Use Resources, and ultimately, on Citizen's Welfare.
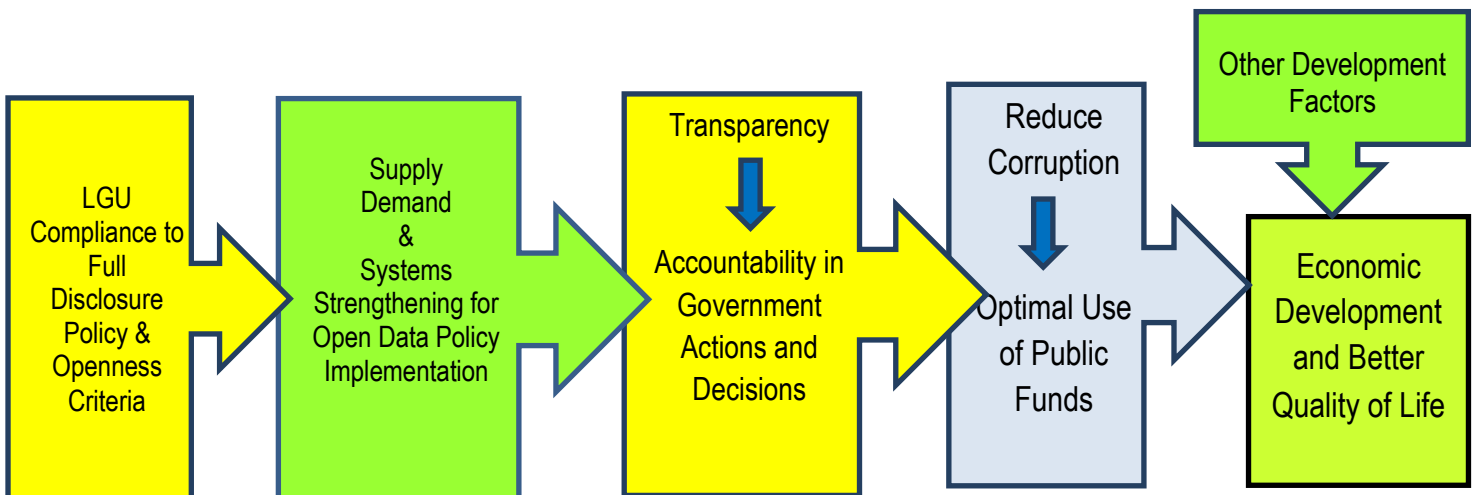
This proposed framework in **Figure 1** indicates that the ultimate goal of achieving economic development and bringing about better quality of life for the citizens rest on several input and output indicators. Among other critical factors, the optimal use of resources and efficient utilization of such, are necessary to serve the full interest of the public. This cannot happen if corruption will exist, and will continuously persist. Reduced corruption and democratic governance is critical to effectively run the government and achieve its targeted development goals. Reducing corruption will

necessitate increased transparency and accountability in government operations and decisions. And these can only be realized if the following input indicators exist: enabling policies and systems for open data implementation, strengthened public demand and use of data to hold the government accountable, and increased supply (including competent, informed and empowered public administrators, strong IT infrastructures and funds for operations). This paper argues that given the administrative and fiscal autonomy of the 81 LGUs in the Philippines, much of the success of open data policy implementation lies on their willingness to comply to then full disclosure policy (FDP) and to increase the level of openness[3].

2. Selection of Respondents

Recognizing the local government's role as the main funder and implementor of open data initiatives at the community level, and the only legitimizing party with democratic accountability of acting fully in the interest of the whole citizenry and producing public sector information and data, the study focused on the LGUs and covered three (3) levels of assessment:

  i. In the assessment of compliance to FDP policy, the study covered all municipalities and cities using secondary data from the DILG assessment results database.
 ii. In the assessment of LGU "openness", this study purposively selected 34 most highly populated LGUs in the Philippines (two from each region) using 2015 NSO projected population data
iii. In the rapid assessment of awareness and willingness to share public information, the study covered 63 government officials/administrators from Luzon, Visayas and Mindanao, but limited only to the health sector personnel.

Research Methods

a. **Desk Review of Secondary Data from DILG's Assessment of 1,634 municipalities and cities in 2014 and2015**. Official assessment of LGU compliance to FDP was evaluated using a desk review process and results from each LGU assessment conducted by the Regional Offices of DILG was consolidated to determine overall compliance. Covered period: 2014 and 2015. Three factors were considered in the DILG evaluation:
    i. Official COA Opinion in 2013
   ii. Posting in Conspicuous Places of the Required LGU Documents
  iii. Posting in the FDP Portal or the LGU Websites

b. **Review of 34 Provincial LGU Website Contents (during the period October-November, 2015) using the criteria from 2015 Open Data Barometer developed by the World Wide Web Foundation.** In assessing the degree of openness of the LGU data shared in the LGU websites and FDP, the study used the criteria from 2015 Open Data Barometer developed by the World Wide Web Foundation and used by OGP member countries, including the Philippines who used the criteria at the national-level assessment. The criteria include the following:

Openness Criteria	Definition/ Description
1. Does the data exist?	The data is collected and available at the national or local government in any form.
2. Is it available online [from government] in any digital form?	The data should be available online (whether through the LGU website or the FDP Portal) in any digital format. This might include tables on web pages, PDF files, or scanned copies of paper documents, as well as other formats like Excel.
3. Is the dataset provided in machine readable formats?	The data can be opened in appropriate data manipulation and analysis software. PDF, JPEG and other formats are not machine-readable.
4. Is the machine readable data available in bulk?	Bulk access to data files allows developers and analysts to more flexibly build upon the data and to integrate it into other products, services, and activities; Downloadable organized bulk datasets (e.g. time series) in one web window
5. Is the data set available free of charge?	Dataset access should be for free. If a subscription or log---in is required, it is considered free if payment of fees is not required to get access.
6. Is the data openly licensed?	The website from which the information comes from should explicitly state that anyone with the data has permission to re-use it. Also, it does not restrict who can re-use the data.
7. Is the dataset up to date?	Website should contain a recent copy of the data. At least for the last 2 reporting periods required
8. Is the publication of this dataset sustainable?	Publication of the data set should not only be one--off. There should be a strong commitment on the part of the government to regularly publish the data. Regular set of data published for the required reporting periods (at least 3 consecutive reporting periods.
9. Was it easy to find information on this dataset?	A regular Internet user with a degree level education would be able to locate and find out about this dataset if they were looking for it. (At the maximum of 5 clicks away to access the data needed; no restrictions with respect to access)
10. Are Linked Data URIs provided for key elements in the data set?	Linked data is a way of publishing data on the web which allows connections to be made between datasets, increasing the value that can be realized from open government data.

Limitations and Assumptions

- Although the population covered in the selected 34 provincial LGUs already represented more than 60% of the Philippine population, citizen's access to public information in the other 57 provincial LGUs is still worth appraising and assessing. Given limited time, the author of this paper decided to focus and cover only the 34 LGUs. Similar assessment can be done in the future for the rest of the other LGUs.
- In the assessment of awareness to the FDP policy and level of willingness to share public information, the study covered only the government officials/administrators involved in health sector public service from Luzon, Visayas and Mindanao. It was generally assumed that similar patterns of behavior among public servants are

the same, given similar nature of tasks and coverage with respect to the sharing of data and provision of public information. This assumption may not hold true for all sectors, as some may be carrying less sensitive information relative to the others

- **"Openness" of public data** in the context of this paper, was likewise limited to the expected <u>contents</u> defined in the DILG's Full Disclosure Policy (limited to the 15 datasets as stipulated in Section IV, page 16-17). Other public sector data (such as the open list of personnel, eligibilities and salary grades; status tables of LGU development projects completed/not completed) might also find its relevance in the fields of analysis with respect to local government performance)

URIs means Uniform Resource Identifiers. It is similar to Uniform Resource Locators, or more commonly known as web addresses that are connected with existing or related data sets

Not All Data Can Be Opened. Even with this paper's strong advocacy for local governments' compliance to open data policy, it does recognize that not all data can be opened to the public. There are specific limitations in scope with respect to releasing information, such as those cases:

- When the revelation of the information will create a clear and present danger of war, invasion or any external threat to the State
- When the information pertains to the foreign affairs of the Republic of the Philippines, when its revelation would unduly weaken the negotiating position of the government in an ongoing bilateral or multilateral negotiation
- When the information pertains to internal and external defense and law enforcement, and when the revelation thereof would render a legitimate military operation ineffective, unduly compromise the prevention, detection or suppression of a criminal activity
- When the information pertains to the personal information of a natural person other than the requesting party, and its disclosure would constitute a clearly unwarranted invasion of his or her personal privacy
- When the information pertains to trade, industrial, financial or commercial secrets of a natural or juridical person other than the requesting party, obtained in confidence by, and/or filed with a government agency
- When the information is privileged from production in legal proceedings by law or by the Rules of Court, unless the person entitled to the privilege has waived it
- Or when information is exempted by law

Research Results

1. *Results From the Review of Secondary Data from Regional DILG Offices: Municipal & City LGUs' Compliance to the DILG's Full Disclosure Policy (FDP)*

   Are LGUs Compliant to the Established Policy? Result of the 2014 DILG Assessment (for 2013 Good Financial Housekeeping Passers) shows that 76% (1,236 out of 1,634) are able to pass in GFH criteria and 82% are compliant to the FDP policy. Three factors were considered in the DILG assessment: COA

Audit Report/Opinion in 2013, LGU posting in conspicuous places of the required documents and LGU posting of data in respective LGU websites or FDP Portal . Difficulty with respect to complying with the FDP policy was experienced by 291 LGUs.

Table 1: GFH Passers
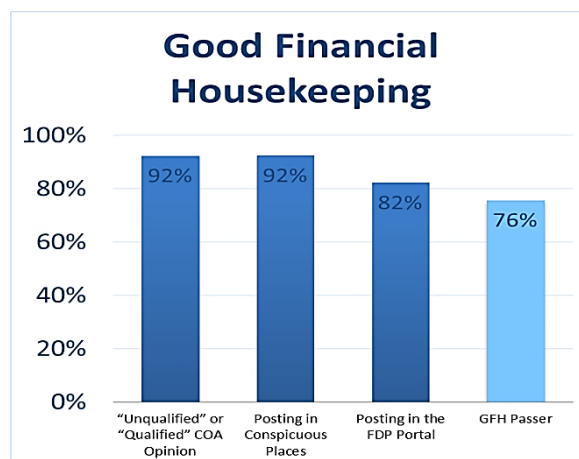
Posting In the LGU Website / FDP	"Unqualified" or "Qualified" COA Opinion	Posting in Conspicuous Places	Posting in the FDP Portal	GFH Passer
LGUs Compliant	1509	1510	1343	1236
LGUs Non-compliant	125	124	291	398
TOTAL LGUs Assessed	1634	1634	1634	1634
% (percent equivalent) of LGU compliance	92%	92%	82%	76%

Source: DILG Assessment Results 2014
LGPMS- DILG

Of the 291 non-compliant LGUs, about one-third of the LGUs were from the Autonomous Region in Muslim Mindanao (ARMM):

- 101 are from ARMM
- 8 are from CAR
- 11 are from Region II
- 30 are from Region III
- 5 are from Region IV-A
- 23 are from Region IV-B
- 5 are from Region IX
- 51 from Region V
- 20 from Region VII
- 33 from Region VIII
- 3from Region XII
- 1from NCR

For the LGUs that identified "good financial housekeeping" as a difficult criteria in the DILG's Seal of Good Local Governance, four (4) the reasons were mentioned, namely:

- Lack of full understanding and knowledge of the existing policy (e.g. COA rules/ Full Disclosure Policy)
- Concerned that financial documents will be used against the LGU for political reasons or for any other reason"
- Limited enabling systems
- Limited number of efficient and competent LGU manpower

Table 2: LGU Reasons for Non-Compliance

Number of LGUs Surveyed (N) by DILG Regional Offices	Number of LGUs that identified "good financial housekeeping" as a difficult criteria to meet (ranked the criteria as 4th-6th in a scale of 1-6, from easiest to most difficult) (N=172)	For those that identified "good financial housekeeping" as a difficult criteria, what were the reasons identified for non-compliance?			
		Lack of full understanding and knowledge of the existing policy (e.g. COA rules/ Full Disclosure Policy) (N=36)	Concerned that financial documents will be used against the LGU for political reasons or for any other reason (N=36)	Limited enabling systems (N=36)	Limited number of efficient and competent LGU manpower (N=36)
172	36	12	34	9	10
	21%	33%	94%	25%	28%

Source: BLGS –DILG, 2015

Self-interest and rational choice in the LGU decisions with respect to sharing and opening their data to the public is exemplified in the secondary data generated from the Bureau of Local Government Supervision (BLGS) of the DILG. About 94% of those that finds good financial housekeeping (GFH) as a difficult criterion for the Seal of Good Local Governance (SGLG) states that they are concerned that financial documents will be used against the LGU for political reasons or for any other reason. The fear of the LGU staff and the negative perception of high risks involved in opening up the data constrained them to share the information to the public.

2. Result of the Assessment of Data Openness in 34 Provincial LGUs through a Review of the LGU Website Contents

After conducting a desk review of secondary data available at the BLGS-DILG, the author of this paper proceeded with the thorough review of the website contents of the selected 34 LGUs. **Table 3** below shows the results generated for the assessment of 34 Provincial LGUs with respect to meeting the ten (10) criteria of openness. The results were generated from two (2) sources. The first criteria was sourced from the

DILG assessment conducted in 2014 while the 2nd to 10th criteria were generated from a thorough review of 34 LGU websites and the FDP Portal.

Table 3. Summary Results of the Assessment of 34 LGUs in the Philippines with Respect to Data Openness

OPENNESS CRITERIA	PROVINCIAL LGUs THAT MET THE OPENNESS CRITERIA (N=34)	PERCENT (%) EQUIVALENT X/34
1. Does the data exist?	34	100.00%
2. Is it available online [from government] in any digital form?	32	94.11%
3. Is the dataset provided in machine readable formats?	1	2.94%
4. Is the machine readable data available in bulk?	0	0.00%
5. Is the data set available free of charge?	34	100.00%
6. Is the data openly licensed?	0	0.00%
7. Is the dataset up to date?	30	88.23%
8. Is the publication of this dataset sustainable?	30	88.23%
9. Was it easy to find information on this dataset?	21	61.76%
10. Are Linked Data URIs provided for key elements in the data set?	0	0.00%

Results of the assessment reveal the following:
1. All provincial LGUs (100%) have copies of the required set of data. All the data stipulated under the DILG memo are existing in all 34 LGUs as indicated in the assessment checklist of the Regional DILG offices. They were evaluated as compliant to the government's Full Disclosure Policy (FDP).
2. Data from the 32 provincial LGUs (94.11%) are available online. Only two (2) of the 34 LGUs were not able to completely post all the 15 datasets required under the FDP. These LGUs, namely, Negros Occidental and Cebu, were lacking two required documents. Specifically they were unable to upload in their respective websites copies of their supplemental procurement plan, and unliquidated cash advance.
3. Only 1 province (2.95%) out of the 34 provincial LGUs is able to present its data in machine-readable format. Data of the Province of Bukidnon was the only province that is able to organize its data using MS Excel spreadsheet and MS Word. The rest of the other Provinces converted their data into PDF format before they posted them in the website, thus making it more difficult to re-use the data. Anyone who is interested to use or present the data will need to do screen scraping[5] and re-encoding of the contents to be able to re-use them.
4. None of the 34 Provinces is able to upload machine readable datasets <u>in bulk</u>. This is another important criterion of openness because bulk access to data files provides a good opportunity for developers and analysts to flexibly build upon the data and integrate it into other data sets, products, services, and

activities, as needed. Examples of which are downloadable organized bulk datasets in time series, all available in one web window.

5. All 34 Provinces provided access to the data for free. None has indicated any log-in requirement nor required payment of fees for the users to get access.

6. None of the 34 Provinces has openly licensed the use of the data they shared on-line. Therefore implying that none can re-use the data or do any data processing or data crunching for analysis for any other purpose.

7. Thirty (30) out of the 34 provinces (88.23%) have updated data. Majority of them shared timely data on Annual Budget Report, Annual Procurement Plan, Annual GAD Accomplishment Report, Statement of Receipts and Expenditures (2015) data for the Yearly required information, and shared 1st to 3rd Quarter of Year 2015 for the Quarterly required information.

8. Thirty (30) out of the 34 provinces (88.23%) are able to sustain the uploading of data on the web on a regular basis (at least for the last 2 years, and the last 4 quarters). This is another critical indicator as it allows open policy evaluators to assess whether LGUs have fully embraced the open data policy and have institutionalized the process of sustainable uploading the data in their respective websites.

9. Only 21 of the 34 provincial LGUs (61.76%) of the LGU has datasets that can be "easily" be accessed from the net. "Easy access" here was defined as "at most 5 clicks away" from the internet search engine (e.g. from google records). For difficult one's it was observed that LGU websites are not user friendly and not easy to navigate.

10. None of the LGUs are able to establish net connections between datasets thus losing the opportunity to increase the utilization and window for inter-data analysis. No linked URIs is established to link datasets.

Screen scraping is the act of capturing data from a system or program by snooping the contents of some display that is not actually intended for data transport or inspection by programs (Ubaldi, 2013)

Five(5) major gaps with respect to data openness are quite evident from the results:

- **Almost all LGUs are unable to, or reluctant to present their data in machine readable format as evident in their effort to purposively save the files in pdf format prior to uploading**. This leads to the loss of opportunity for the users to easily organize, visualize and process the LGU data for interpretation and analysis. Data saved in pdf formats, thus no further actions or processing can be made aside from viewing, saving and printing. Such LGU hesitance to share machine readable format undeniably limits the possibilities of setting up systems or programs for automated content and data analysis.

- **None of the 34 LGUs are able to upload machine readable datasets in bulk,** losing the opportunity for users to flexibly construct and reconstruct the data and integrate them in related areas of LGU performance (i.e., analysis of performance data LGU actions and decisions within a certain time-series)

- **None of the LGUs have openly licensed the use of the data they shared on-line**. This implies that the public cannot re-use the data for whatever purpose without being able to seek LGU authorization and consent.

- **Many LGUs are still unable to establish quick links and easy navigation to the data sets**. Easy navigation is critical for the users of the

net. More than 5 clicks from the search engine is no longer considered easy access given the amount of time that the user will have to consume to be able to access and download the data. Some users will simply give up in their search for information if navigation is complex and difficult, and can be further aggravated by the slow speed of web browsing

- **None of the LGUs are able to establish clear net connections between datasets.** URI or the Uniform Resource Identifier is the same as URLs or Uniform Resource Locators, or, as they are more commonly known, web addresses. Datasets may contain many different entities. For example, a dataset on LGU budgets might include record on about itemized program budgets and other sub-line items and descriptions. Advanced publication of these information as open data, following linked data principles, would involve the creation of URI/web address for each of these entities, such that when a human or machine looked up that address they would be able to find data about that entity.

Table 4 shows the degree of openness of the 34 provincial LGUs with respect to meeting the 10 criteria. Assuming equal weights for each criterion, results below shows that as of September 2015 LGU data posted in the web, the maximum level of openness achieved is only 70% (or 7out of the 10 criteria). This was successfully reached by only 1 province − the Province of Bukidnon, ranking as the most open among the 34 LGUs. The least open LGUs, on the other hand, are the provinces of Negros Occidental and Cebu.

Table 4. Detailed Results of the Data Openness Assessment, by LGU: Degree of Openness

REGION	PROVINCIAL LGUs	DEGREE OF OPENNESS (% of Criteria Met by Specific Provincial LGU (assuming equal weight of the 10 criteria) % = X/10
ARMM	Lanao del Sur	60%
ARMM	Maguindanao	60%
CAR	Abra	50%
CAR	Benguet	60%
I	Ilocos Norte	60%
I	Pangasinan	60%
II	Cagayan	50%
II	Isabela	60%
III	Bulacan	60%
III	Pampanga	60%
IV-A	Cavite	60%
IV-A	Laguna	60%
IV-B	Marinduque	50%
IV-B	Oriental Mindoro	60%
V	Albay	50%
V	Camarines Sur	40%
VI	Iloilo	60%
VI	Negros Occidental	30%

VII	Cebu	30%
VII	Negros Oriental	60%
VIII	Leyte	50%
VIII	Samar	50%
IX	Zamboanga del Norte	50%
IX	Zamboanga del Sur	50%
X	Bukidnon	70%
X	Misamis Occidental	60%
X	Misamis Oriental	50%
XI	Compostela Valley	60%
XI	Davao del Norte	50%
XI	Davao del Sur	50%
XII	North Cotabato	50%
XII	South Cotabato	50%
XIII	Agusan del Sur	50%
XIII	Surigao del Sur	50%

Note that all these 34 LGUs are the most highly populated provinces in their respective regions. Not all of them are awardees of the DILG's *Seal of Good Local Governance or SGLG*. In the effort to determine whether awardees of the DILG's SGLG will reflect a more solid grounding and reflect better results and higher level of openness, 19 provinces which were awarded SGLG were selected from the 34 LGUs and assessment results were organized. Similar results came out. None of the 19 LGU are able to:

- Upload data in machine readable format.
- Organizes and present machine readable data in bulk.
- Openly license the use and re-use of data
- Provide leveled data URIs.

The LGUs inability and hesitance to provide the data in machine readable format are due primarily to the fear of the data being used against them for any political reasons or any other negative purpose that may put the LGU's reputation at risk. This attitude and reaction can be traced back to the "self-interested natives" of the agent (LGU). The LGUs find it in their best interest not to upload Excel-based or word-based data as they are concerned with the possibilities for the document being changed or transposed by opposing parties to the LGUs.

3. Result of the Assessment of LGU Officials' and Administrators' Awareness of the Full Disclosure Policy and Willingness To Share Data

To further enrich analysis of findings for this paper, in November 2015, a rapid assessment was conducted among 63 LGU government officials handling performance indicators and budget data on health, covering LGUs from Luzon, Visayas and Mindanao. The goal was to determine FDP awareness and willingness/or unwillingness of LGU officials to share data (including reasons for hesitance). Summary of results are indicated in **Table 5**.

Table 5.Results of the Rapid Assessment to determine FDP Awareness and Willingness/or Unwillingness of LGU Officials to share data (including reasons for hesitance)

LGU Respondents = N=63	1. Are you aware of the Government's Full Disclosure Policy (FDP) requiring all LGU's to disclose financial document and procurement-related documents in their respective LGU Websites or the FDP Portal?	2. Are you aware that there is an FDP Portal where these documents should have been uploaded if not existent in the LGU Website?	3. Have you tried opening the FDP Portal?	4. Have you tried using the financial-related data posted in the LGU websites?	5. Do you think that LGU's must disclose all related financial documents?	6. Do you think LGU's must disclose data in machine readable format (Excel and Word for others to access and reuse?	If No in No. 6 Why? 1 - Because they are sensitive and might be used for other negative purpose 2 - Because others might change it and manipulate it 3 - Because it is only the LGU who should use it 4 - Because others do not have the right to use it, only for review
Total Number of Those LGUs that Responded YES	18	11	1	1	45	29	54% who responded "NO" said that this is because: (1) the data are sensitive and might be used for other negative purpose; and (2) others might change and manipulate the data
In Percent	28.6%	17.5%	1.6%	1.6%	71.4%	46.0%	

Result of the rapid assessment reveals the following:

- Even among government personnel, only 28.6% are aware of the government's Full Disclosure Policy (FDP). This implies that the DILG Memo has not been fully circulated among the LGU staff who are supposed to organize and provide complete information for uploading into their websites
- Only 17.5% of :LGU personnel are aware that an FDP Portal exist
- Only 1.6% has tried to open the FDP Portal or tried to use the related data posted in the FDP or in the LGU websites
- Many (71.4%) still believes that the LGU must disclose all financial-related documents
- But only 46% believes that it should be provided in machine-readable formats.
- LGU officials and administrators (54%) who expressed unwillingness to disclose data in machine readable formats indicated that among the major reason for such standpoint was the fact that they fear that the data might be used for other negative purpose and that others might change and manipulate the data to the LGU's disadvantage. From the rational choice scholars' point of view, this is a "normal behavior" for rational self-interested individuals who would choose to maximize benefits and minimize costs and risks.

Conclusions and Recommendations

1. Enrich and improve the current DILG's Full Disclosure Policy to integrate the "openness" criteria. The DILG's Full Disclosure Policy simply enumerated what data needs to be made available and uploaded to the LGU websites, but it failed to integrate the relevant openness factors such as: ease of access and navigation, opportunities for re-use and processing by posting machine-readable formats, open licensing and clear net connections between datasets. Such limitation posts an important obstacle in the operationalization of open data policy as such can clearly result in the loss of public interest and decreased use of public data.

    a. DILG need to update its Full Disclosure Policy to integrate the other relevant openness criteria mentioned above as part of the requirements that all LGUs must comply.

    b. To ensure successful operationalization and compliance among LGUs, DILG must first determine LGU's capabilities to operate and conduct an assessment of current personnel capacities with respect to meeting the openness criteria and address the gaps that may exist at the local level. It is not wise to mandate the LGUs to conform to certain criteria that they may not fully understand, or may have high financial and political risk implications on their part.

    c. Contents of data that will be made available can be expanded to highlight the "value added' or real benefits not just in terms of transparency, but in terms of widening potential economic benefits (such as allowing businesses of data infomediaries, levelling off the playfield in the business communities by allowing everyone to have access to data on government business opportunities and priorities, etc).

    d. Policies to be instituted must take serious consideration with respect to limitations in sharing public data, such as those which may bring negative impact on national security and external threats to the nation, internal and external defense and military operations and other related sensitivities that may compromise the welfare of the state.

2. Recognize that rational self-interested LGU personnel and administrators will exist and persist; Create an environment that will make compliance to open data policy a rational decision for the LGU. Even with the noble intent of transparency and open data policy, national policy-makers and administrators should not disregard the inherent characteristics of a "rational self-interested" LGU officials and personnel. Individuals working for the LGUs are by nature self-interested, whether they are protecting the LGU, or their individual selves (or their position at the LGU), such characteristic is an inevitable inherent barrier that need to be addressed if the government truly wanted success in implementing its open data policy.

Even with the LGU's recognition of the need to abide by the FDP & open data policy, it is important to note that a rational, self-interested LGU will disclose information only to a point that it will not place itself at risk nor harm its own interest (e.g. citizen groups filing a corruption case against the LGU); thus, the principal-agent problem of information asymmetry will persist. This was apparent in the two surveys conducted: that of the BLGS- DILG assessment shows that 97% of the LGUs that have not complied identified as reason for non-compliance their concerns that financial

documents will be used against the LGU for political reasons or for any other reason; while the separate assessment conducted for this paper shows that LGU officials and administrators (54%) who expressed unwillingness to disclose data in machine readable formats because they fear that the data might be used for other negative purpose and that others might change and manipulate their data to the LGU's disadvantage (fear of moral hazard and unobservable behavior).

Therefore, following Barnard's points on incentives theory and "positive inducements" and "coercion", and recognizing that egotistical motives of self-preservation and of self-satisfaction are inevitable dominating forces in some LGUs, the country therefore must:

- Endeavor to make the LGUs and LGU personnel gain deeper appreciation of the benefits of opening of public data and negate perceptions of negative risks and high cost related to open data policy implementation. Sustained implementation of incentives mechanisms (material inducements through the use of money and rewards, which already exist under the Seal of Good Local Governance and PCF Funds; opportunities for distinction and prestige; adoption of policies to become part of the LGU personnel's habitual methods and practices, etc) can be used as strategies to inspire more LGUs to comply. Programs that can help change the attitudes of government officials towards open data can be implemented. The ultimate goal is to increase positive utility or eliminate perception of burden so that the ending net utility or net advantage to the individual is positive.

- Strictly implement sanctions and disciplinary actions for non-compliance. Barnard (1938) termed this as "coercion". This can come in the form of discharge from duty, disciplinary action or withholding of specific benefits. DILG has not been strict in the implementation of Section 60 of the Local Government Code. Records show that from the time FDP was initiated in 2010, no LGU officials nor personnel has been relieved of duty out of refusal to comply with the open data policy

- Make "data sharing" and "openness" a rational decision for LGUs to make; consider:

  - Sustainable form of incentives through increased budgets for compliant LGUs
  - Strict implementation of sanctions and disciplinary actions by the DILG

3. Ensure buy-in at the LGU level through stronger partnership with the Leagues of Governors and Mayors and other LGU Networks. DILG must conduct more comprehensive and rigorous advocacy activities among LGUs to increase buy-in and deepen appreciation for value added and benefits of open data across all local governments and deal with the emerging concerns (e.g. privacy, related risks) and ensure that those making decisions about the release and uploading of data into the websites do so in a rigorous and consistent fashion.

4. Strengthen other key enabling mechanisms at the supply-side. Even with the existence of an "irrational" agent, an LGU official/administrator who would choose to uphold the public interest and welfare and advocate for transparency and accountability, and even those willing to take the risk of public scrutiny and carry related costs in the interest of the public, will still need the following **pre-conditions of supply** to successfully implement open data and institute genuine transparency and openness:

a. Strengthening/Updating of current capacities of LGU staff in running and further improving information technology infrastructures for open data implementation, including, among others, the following:
   i. Collection, organizing, and provision of LGU data
   ii. Conversion of large volumes of data into re-usable formats
   iii. Uploading and posting of full data sets, preferably in open source formats in the LGU website
   iv. Maintenance and updating of data portals
   v. Open-licensing

The five (5) major gaps that came out from the assessment of the 34 provincial LGUs have clearly manifested possible lack of current LGU technical IT infrastructure capacities, limiting therefore the opportunities for quick data processing and re-use.

b. Integration of budgets and resource requirements for open data implementation into the LGU Work plan (provincial development plans or city/municipality's development plan). The integration of budget into the LGU work plan allows for continuous flow of resources for effective implementation of activities and interventions related to full disclosure and open data.

c. Sustained access to and financing of internet connection as well as technical pool that can serve as troubleshooter in case of IT systems failure.

d. Establishment an "LGU Open Data Corner". If the LGU is to be true to its "openness" – then an LGU internet access corner containing the LGU Website and open data linked to FDP portal can be provided for free of use for those who have no access, together with printing facilities at minimal cost.

5. Strengthen and sustain the demand for and use of public data. The Full Disclosure Policy required LGUs to upload and supply the required data on the web, but failed to require LGUs to strengthen the demand for public information. A set of interventions can include the following:

a. Development of an "idiot's guide" to LGU financial and procurement-related documents and other public data. A basic guide can support the public's full understanding of the content and nature of data being shared by the government and how to best use them for the citizen's welfare.

b. Conduct of activities to purposively inform the public that the key public data are available in the LGU website or the FDP Portal.

c. Assessment of current internet penetration at the local level. At the national level, internet penetration as of the 1st quarter of 2015 is only at 44% (Source: Statista, Inc, 2015)]; DILG and the LGUs can address gaps by partnering with the telecommunications company and request for internet connections; these companies include, as part of the corporate social responsibility, integration and inclusive growth for geographically isolated and depressed areas (GIDA)

d. Make the LGU bureaucrats (acting as agents) realize that the very act of them being assigned to handle public data, they somehow have placed the citizenry (acting as principals) to "adverse selection", given that the public had no choice but to accept their existence as public servants, even if the public is not sure if they will truly perform their

functions. This given the case, the public bureaucrats must voluntarily provide accessible data to the public and inform them of the data availability and respond to citizen's demand to reduce the "doubts" or "perceived disadvantage" given the inherent case of adverse selection.

6. Strengthen collaboration and partnership with the civil society and non-governmental organizations (NGOs). The government must be cognizant of the fact that NGOs play a critical role as advocates and infomediaries for the public to fully appreciate the data being shared by the LGUs. As an important stakeholder in the open data implementation, these NGOs can serve as strong advocates for the promotion and practice of participatory governance (Lucas and Tolentino, 2006) and can be instrumental in key reform areas such full disclosure and open data policy implementation by the LGUs.

7. Let the public take actions and consider these actions – a rational choice. On the demand side, the study covered only the level of awareness among government employees with respect to their knowledge of the FDP policy and the extent of their willingness to share public data. It is important to conduct further assessment and to study of the level of public interest and awareness, and duly recognize that making data available does not always translate to action; there are other key considerations:

    a. Do individual citizens/ citizen groups know that data exist?

    b. Do citizens have access to internet? (how many % of citizens from the province have access to internet)

    c. Were complete and timely data uploaded by the LGU for easy access? If yes, do the public understand what those data are and does it matter to them at all (being self-interested individuals)?

    d. Do the citizens have current capabilities to understand these public data and to interpret them?

    e. Do they feel responsible that they need to do something about it? What would incentivize them to take action?

    f. Do they know what specific actions to take and what process they have to go through? And if not, is there anyone or any institution that can guide them to address information asymmetry?

    g. Do they fully understand the benefits and are they willing to take the risk of for acting on the data discovered?

    h. Would an LGU employee who discovered an anomaly and decide to take action be protected from losing his job (or losing his life)?

    i. Do they think that their actions (or is/her individual action) will make an impact?

8. Enhance current systems to break barriers and ensure sustainability. Missing data elements and incompleteness of information, as reflected in the assessment of 34 provincial LGUs, are not just simple manifestations of technological challenge. Solving these matters also implies having to strengthen current systems and even break cultural and administrative barriers to data sharing.

    a. DILG must institute a training system and a continuing LGU capacity building and training program that can build current LGU personnel skills for collection, organizing, and provision of LGU data and conversion of large volumes of data into re-usable machine-readable formats, as well as data uploading, posting and maintenance; just as important is building LGU personnel capacities to understand and interpret the data they are sharing to the public.

    b. Require LGUs to identify a partner higher educational institutions (HEIs) to serve as:

       i. A technical pool and troubleshooters for IT systems failure

      ii. A conduit for LGU database management; manager of LGU data which can be used for research and future policy advocacies and intervention

c. Advocate that "openness" become part of the LGU's executive-legislative agenda and become an election campaign agenda**.** One strategic approach towards ensuring that LGUs will embrace open data policy is through the penetration of open data policy into their Executive-Legislative Agenda.

    d. Institute a stronger system for monitoring LGU compliance to the FDP policy and openness criteria and provide technical assistance (TA) support and coaching for the LGUs to immediately address and respond to existing gaps

- An external, third party organizations (NGOs, development organizations or higher educational institutions) can be engaged (similar to OGP's IRM which assesses the implementation of country's commitments to the OGP Plan) to independently conduct assessment, not just of LGU compliance to the FDP policy but also of current gaps at the local level; these institutions (or their partner organizations) can directly provide technical assistance (TA) to coach and mentor LGUs and help them address barriers to open data policy implementation.

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Citizen Satisfaction in LGUs: The Case of CSIS for Dagupan

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Abstract

The paradigm shift from traditional/ conventional public administration to public management has underscored the shift from standardized procedures in governance to performance orientation. It is argued that the focuses in governance in the public administration mold are inputs rather than outcomes which considerably constrain the government's flexibility and responsiveness. The trend is to look at results rather than comply with the rules and regulations. In this regard, performance measurement takes center stage.

Performance measurement and information provide valuable inputs for decision-making and strategic thinking. Information about the performance of a program, organization and the individuals involved in the process of program implementation would help political leaders and public managers in making sound decisions regarding the continuity or discontinuity of or amendments to the program's design, goals and objectives. The main concern here is for continuous improvement and thus contribute to the attainment of the government's goals and objectives in a more efficient, effective and responsive manner.

In seeking for accountability of results, performance evaluation would help provide the necessary information from within the organization or from without, meaning, the public service beneficiaries, clients, customers or taxpayers. Results from performance evaluation would provide the critical assessment of the program of government. This brings to task those policy makers, public managers and political leaders who have been given the delegated responsibility of managing the affairs of the government. In effect, performance measurement increases public/government accountability.

In this context, this paper would proceed to discuss the following based on the issue or value of performance measurement:
1. Performance and citizen/customer satisfaction
2. Key performance indicators
3. Limitations of performance indicators
4. Citizen Satisfaction Index System as a tool for measuring citizen satisfaction

The last part presents a case study of a local government in the Philippines which has applied the Citizen's Satisfaction Index System (CSIS) as a tool for measuring citizen satisfaction in some service areas. The tool has been developed by the Department of Interior and Local Government (DILG) for assessing performance of local governments in the country. The case points out some limitations in measuring performance and raises some reliability questions in the conducted survey.

Keywords: Local Government / Citizen's Satisfaction Index system/ Performance Measurement/ Philippines

Performance and Citizen/Customer Satisfaction

Local governments as local public organizations are established for the purpose of providing public goods and services to specified area or identified group of customers. Adapting the framework for performance orientation, assessing the performance of the local government in the delivery of local services becomes critical in knowing the satisfaction level of the citizens or customers who are the users and recipients of the services. In service encounter, the satisfaction of citizen or customer may occur at various or multiple levels. The citizen may be satisfied or dissatisfied with the core service, the surroundings or servicescape, and the organization as a whole in delivering the service (Gabbott and Hogg, in Huque and Hayllar, 1999). It is recognized that the citizens' level of satisfaction is crucial in determining the relevance and value of the local government as a provider of goods and services.

Citizen satisfaction is related to the performance of the local public officials as well as to the performance of the employees of the local government unit. To motivate the officials and employees to perform well or better, several strategic interventions can be undertaken to improve on their performance. What is more challenging though is to relate performance to the level of satisfaction of the customer. In this case, relationship with the customer is paramount. In the private sector, this is referred to as "customer care". Customer care is responsive to the needs of the customer, being close to and aware of the interests and concerns of the customer, and providing necessary information about the services being provided as well as developing good LGU-public relationship (Huque and Hayllar, 1999).

Thus, citizen satisfaction surveys have been conducted to determine the strengths and weaknesses of the local government unit; in targeting areas in need of improvement; for 3 **Citizen Satisfaction in LGUs:** *CSIS for Dagupan City Dr. Perla E. Legaspi* making decisions regarding resource allocations; for instituting strategies and measures to meet performance targets and for meeting the satisfaction level of the customers or citizens.

Key Performance Indicators

In performance management, it becomes imperative for the local governments to determine key performance indicators (KPIs) or the so-called critical success factors. According to Parmenter (Wall and Martin, 2003), the first thing to do is identify the key results areas which are the determinants of the "health and vitality" of the organization which is the basis for good performance. The most important factor is to select the KPIs which are linked to the predetermined strategic objectives which in turn are linked to the organization's vision and mission statements. In order to know how the local government organization has performed over a certain period of time, it is necessary to match the KPIs against preset targets. Otherwise, the whole exercise becomes meaningless and the local organization would be left with a number of statistics which would not matter at all in making critical decisions.

Performance measures can be grouped into the following general categories (OECD 1994):
    1. Measuring economy - obtaining inputs or resources at least cost
    2. Measuring efficiency - ratio between inputs and outputs

3. Measuring effectiveness - attainment of preset objectives

4. Measuring service quality - extent to which the nature of the output and its delivery meet the requirements and the intended purpose for which it is carried out or delivered to its intended clients.

In measuring the quality of the service, it is also important to measure the satisfaction of the users of the service who are the customers, citizens or taxpayers. After all, it is they who would determine the kind of service that meets their present needs and concerns.

Customer/User Satisfaction Indicators

In assessing local service performance, there are two main indicators that can be utilized- the internal and external indicators (Kelly and Swindell, 2002 in Higgins, 2005). The internal indicators stress the importance of managerial processes and procedures which can be monitored by managers or administrators in assessing the extent to which the local government's mission has been accomplished. The set of indicators also puts emphasis on statutory requirements that have to be followed by local authorities in their operations. On 4 **Citizen Satisfaction in LGUs:** *CSIS for Dagupan City Dr. Perla E. Legaspi* the other hand, the external indicators reflect a concern that the "public view matters" and the data can be derived from user/customer satisfaction surveys. The survey can provide the data/information on specific aspects of service performance.

The customer/user satisfaction indicators can be grouped into the following categories (Higgins 2005):

1. Indicators within the context of overall service delivery - respondents are asked to indicate their satisfaction level with the overall performance of the local government unit.

2. Indicators that relate to specific users of services - for example, the public transport users, tenants of public social housing, recipients of educational scholarship grants, etc.

3. Indicators that measure dissatisfaction with local services - respondents/users may be asking for changes to the services or may be airing their complaints in regard to the service delivery.

Limitations of Performance/Citizen/User Satisfaction Indicators

Measuring citizen/user satisfaction in local service delivery appears to be problematic. The concept of "satisfaction" can not sufficiently measure the extent to which the citizen or user of the service is actually satisfied at certain levels. Thus, satisfaction surveys may not produce results that adequately represent the actual level of satisfaction experienced by the citizen or service user (Townsend 2000 in Higgins 2005). Studies have shown that the extent to which the users of services are able to assess adequately their satisfaction level would depend on the nature of the service they are being asked to make a judgement for. In some cases, the users may not have the information or knowledge on the way a service is being delivered. In this case, they can not make an objective evaluation of the service delivery. On other occasions, the questions being asked have emotional undertones for which the respondent may not be able to answer objectively. Responses may be colored by subjective or emotional issues.

Another influencing factor in getting adequate responses from users of services is the sympathy for and knowledge of the local government's mission. It might be the case that the respondent is not aware of what the local government is doing for the community and therefore could not make judgement on whether what it is doing is good or not. The respondent might also feel that to give a negative answer can lead to the discontinuity of the service for which he/she may not like at all. There is the so-called "courtesy bias" where the 5 **Citizen Satisfaction in LGUs:** *CSIS for Dagupan City Dr. Perla E. Legaspi* respondents would give answers which the provider wants to hear (Harris et al. in Higgins, 2005). It might also be difficult for the service user to give judgment on a service delivery for which the local authority is not responsible. In other words, it would not be a fair judgement if the service being assessed is the responsibility of another tier of local government or of the central government.

Satisfaction levels may be a function of the inter-relationship between what the users or citizens expect from services and their perceptions of services delivered (Reisig and Chandek, 2001 in Higgins, 2005). Their perceptions of quality become the determinant of their level of satisfaction. If for instance, their level of expectations exceeds quality, then perceived quality may become less satisfactory and may give rise to more dissatisfaction. Moreover, if the service user or citizen is asked about a service which he/she does not have any interest in or has little interest in, then the reply may not be an accurate response of his/her satisfaction level on any aspect of the service delivery. Thus, satisfaction scores, in diagnostic terms, may not be reflective of the true value in identifying areas for performance improvement (Wisniewski 2001).

The above cases raise some doubts on whether the reported satisfaction levels of citizens or users of services reflect accurately their level of satisfaction on any aspect of service delivery. This does not mean however that the gathered information on performance satisfaction levels from the citizens could not be used to identify performance gaps. Perhaps, in addition to the gathered performance information, some mechanisms can be devised in such a way that there would be an interactive process between the recipients or users of services and the local government or authority which is the service provider. Some would argue that an opportunity for discussions or debate in public meetings or consultative groups would be a more effective mechanism in eliciting responses from particular group of service users on the reason(s) why they are satisfied or dissatisfied with the delivered services.

The following section presents a case on the application of a tool for assessing the performance of a local government unit, in this case, Dagupan City, located in the province of Pangasinan, north of Manila. The tool has been developed by the Department of Interior and Local Development and is known as the Citizen Satisfaction Index System (CSIS). The case would validate some of the reliability issues and concerns regarding the use of user satisfaction indicators in performance measurement. 6 **Citizen Satisfaction in LGUs:** *CSIS for Dagupan City Dr. Perla E. Legaspi.*

CSIS for Dagupan City

The CSIS has been develped as a tool to assess performance of local governments using satisfaction indicators on services provided by the local government.

Performance information derived from the citizens who are the recipients and users of services could exact accountability from local governments or local authorities on their performance as service delivery mechanisms.

The CSIS applies quantitative methods through the conduct of surveys using field interviews with residents in selected barangays in target areas. This gives every citizen an equal chance to give feedback on the local government performance, irrespective of socio-economic status and political orientation and beliefs. The system looks into the awareness and availment of services in some service areas such as health, education, social welfare, governance and response, public works and infrastructure, environment, agriculture and tourism. More important, the system provides feedback on their satisfaction levels on the said service areas. Feedback information may provide local authorities bases for the crafting of more effective and responsive policies and decisions to respond to the needs, problems and concerns of the citizens and service users.

Brief Profile of Dagupan City

The City of Dagupan is located in the province of Pangasinan north of Manila. As an independent city, it is classified as second class in terms of income. It had a total income of P 694,286,965.25 in CY 2013. With a total land area of 37.23 has., it had a total population of 143,080 based on NSO census in CY 2010. There are 31 barangays with 39,368 households (CPDO 2013).

Dagupan City is considered to be the commerce and trade center of the province of Pangasinan. Its bangus fish industry has contributed largely to the expansion of its economic base. In fact, the city is the largest distributor of bangus to the peripheral municipalities and cities in the province as well as to Baguio and Manila. The taste of the bangus that it produces is secondary to none. 7 **Citizen Satisfaction in LGUs: CSIS for Dagupan City** *Dr. Perla E. Legaspi* .

Methodology

The survey made use of a structured questionnaire to gather data and information. This was administered face-to-face to the respondents. To select the barangays and respondents to be included in the sample, the survey applied the multi-stage probability sampling where 19 of the city barangays and 150 respondents were selected in proportion to the population. The respondents comprised of 18 years old and above, male and female, and had been residing in the city for at least six months at the time of the interview. Frequency and percentages were used in getting net scores for each service area in terms of awareness, availment and satisfaction.

Analytical Framework

The system looks into the levels of satisfaction of the recipients of services in the service areas of health, basic education, social welfare, governance and response, public works and infrastructure, environment management, agricultural support services, and tourism promotion. Using a multi-stage level of assessing the citizens' satisfaction level, the tool measures the extent of awareness, availment and satisfaction on the delivery of the services. Awareness has been defined as the

respondent's presence of knowledge of the service being delivered by the city government; availment refers to the contact of the respondent with the local government bureaucracy due to the programs and services being provided; and satisfaction refers to the contentment of the respondent after availing of or experiencing the services delivered by the city government.

Respondents' Profile (taken from the executive summary of the report submitted to DILG)

Survey results showed that almost half (49%) of the respondents belong to the age bracket of 31-60 years old, 31% of which are 18-30 years of age. Sixty percent are married; 38% reached high school and 36% reached college level, of which 50% graduated with a college degree; 28% are employed, 18% self-employed and 47% are unemployed. The monthly income of those respondents who are employed range from P2000-15,000; P2,000-40,000 for those who are self-employed where most of them do their business in the barangay (68%) and in the poblacion (30%).

The respondents have an average household size of 4.78. Majority owns the house and lot they live in; their houses are made of concrete walls and floors. Majority has its own 8 **Citizen Satisfaction in LGUs:** *CSIS for Dagupan City Dr. Perla E. Legaspi* electricity connection and has flush/water sealed toilets. Television and radio were cited as their sources of news with television as the primary source.

Survey Results/Findings

1. On Awareness Level of Service Areas

The data showed that the end users/clients/citizens have fair level of awareness for the service areas on environmental management, health services, public works and infrastructure, and governance and response. They had very low level of awareness on agricultural support and tourism programs and services. Overall, the awareness level is low with a net score of 30.68 (100 is the highest net score).

2. OnAvailment of Services

It is found that generally, not all of the respondents are aware of the services/programs being provided by the city government. However, it is noted that a very high level of availment was registered by the programs/services on environmental managment with a net score of 80.83, followed by public works and infrastructure (64.72). A fair level of availment score was registered by health and governance and response. A low score was obtained by agricultural support programs, social welfare, and education support. Nonetheless, the overall availment net acore indicates a fair score.

3. On Citizen Satisfaction Assessment

Generally, the citizens who availed of the services on health, social welfare, education support, and environmental management are satisfied with the delivery. Services or programs on governance and response, public works and infrastructure, agriculture

and tourism are given a fair satisfaction rating. On the whole, the delivery of services by the city government is rated to be satisfactory.

4. Recommendations to Improve Service Delivery

The respondents gave some recommendations on improving service delivery on the following areas:

 4.1. Health Services - provision of free medicines and medical consultation
 4.2. Education Support - construction of more schools/classrooms
 4.3. Social Welfare - additional budget
 4.4. Public Works and Infrastructure - regular repair/maintenance of roads and

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bridges

 4.5. Governance and Response - additional budget
 4.6. Environmental Management - the public should be informed about the programs related to environmental management and additional budget
 4.7. Agricultural Support - inform the public regarding the programs for agriculture
 4.8. Tourism - inform the public about tourism promotion programs and services

Some limitations of the CSIS Survey Tool

As shown by the survey results, the respondents' availment of the services and their satisfaction of the delivery system are largely influenced by their level of awareness of the services provided by the city government. They do not avail of the services and can not make sound judgement on their satisfaction if they are not aware of the services or programs. As reflected from the survey results, the awareness level is low particularly on the agricultural support and tourism programs. The low level score on these programs or services could be attributed to the fact that the city of Dagupan is a commerce and trade center of the province of Pangasinan; hence its economy is based more on commerce and trade activities. Awareness then of agriculture support programs or services would not be placed at high level of interest among the residents and therefore would be placed at the low level of awareness.

Moreover, if we look at the selected barangays in the survey, there are only four spot areas where the source of livelihood is aquaculture or agriculture. Majority of the respondents are not engaged in aquaculture or agriculture activities. As such, majority of the respondents would not have interest in agriculture as influenced by their source of livelihood which is mainly related to commerce and trade or employment in the government or private sectors.

In the case of the promotion of tourism program, the city has been celebrating its "Bangus Festival" for sometime. Yet, the residents do not seem to relate this festival to the promotion of touristic activities in the city. This could be due to the lack of information by the city government. In fact, the respondents recommended that the public should be informed about the programs/services related to tourism promotion, agricultural support and environmental management.

The availment of services could also be related to the socio-economic status of the respondents. Based on the profile of the respondents, majority of them can be considered to 10 **Citizen Satisfaction in LGUs:** *CSIS for Dagupan City Dr. Perla E. Legaspi* be at the middle income class category. As such, they don't have to avail of services offered or provided by the city government because they can afford to get services from the private sector. Their level of availment of services would then be placed at a lower rate/score. Further, their perception of the quality of serices could be a function of their expections as pointed out earlier in the paper. The fact that they belong to the middle income class could mean that they have higher expectations of quality services. Thus, if their expectations exceed the quality of services delivered, then naturally, their satisfaction level is placed at lower level. In fact, the overall net score in terms of satisfaction as found in the survey is rated as fair satisfaction.

At this juncture, it is important to point out that it is not fair judgement if the citizen is asked to rate his/her level of satisfaction on a service which is a responsibility of another or higher tier of government. In the case of education, the authority responsible for this is the central government. Thus, it becomes difficult to make a judgement on the local government performance on this basis.

Summary and Concluding Remarks

Surveys are often resorted to in assessing the level of performance of local governments. It can cover more areas and can involve more people in making the assessment. However, as shown by the CSIS survey tool for Dagupan, there are a number of limitations on the use of the tool in reflecting the true level of satisfaction of the citizens. Citizens can only assess the performance of the local government through their level of satisfaction on the services being rated. And they can not make judgement if they are not aware of the services and if they have not availed of the services being rated.

As discussed previously, there are a number of influencing factors relative to the satisfaction level of the citizens or users of services. One factor refers to the economy base of the local government unit. The interest of the citizens on certain service areas is a function of their source of livelihood. In the case of Dagupan, majority of the respondents are not engaged in agriculture activities. Thus, their level of awareness on agriculture related activities is low. Another factor relates to the information that they get from the local authority. The lack of information on certain service areas does not capture their interest and therefore, they become less aware and don't avail of the services, and end up not satisfied with the service. 11 **Citizen Satisfaction in LGUs:** *CSIS for Dagupan City Dr. Perla E. Legaspi.*

One influencing variable is the socio-economic status of the citizens. It is recognized that the citizens who are better off economically can get service from the private sector providers. This contributes to their low level of awareness of services provided by the local government unit and their lack of availment of certain services.

There are also the inter-relationships between the expectations of quality of services and the perceptions on service quality. The perception is such that the service is poor because the citizen's expectations are not met. Higher expectations may contribute to dissatisfaction of services being rated.

In assessing the performance of the local authority, it would not be fair if the assessment is being made on a service which is not the responsibility of the local government unit. This does not contribute to the true value of the assessment.

Based on the above, assessment surveys alone would not be reflective of the true level of performance satisfaction. Satisfaction scores may not be a good gauge of measuring/assessing performance gaps. Although the survey tool as in the case of the CSIS would be able to give informatioin on service delivery improvement, this may not be sufficient to assess adequately the level of performance of the local government unit. Perhaps, what is needed is to employ other mechanisms to make a better judgement of the assessment. One mechanism calls for more interactive sessions with the citizens or service users and the local government authority on certain specific service areas. The delivery of these services can be discussed in a meeting or consultative groups. In these interactive meetings, the citizens can articulate their feelings, problems and concerns on how best to deliver the services. More imporant, they can tell the local authority why they are satisfied or not with the services being provided. 12 **Citizen Satisfaction in LGUs:** *CSIS for Dagupan City Dr. Perla E. Legaspi*

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Automating a Highly Urbanized City Government: The Case of Iloilo

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Abstract

Information and communication technology (ICT) is gaining importance as a tool for improving local government operations and the quality of life of the citizens. At the city government level, ICT opens opportunities to overcome some of its most pressing problems in urban governance. City governments face administrative problems such as red tape, inefficient data bases, unreliable delivery of basic services, and low productivity. They also encounter congestion, sluggish economic growth, aging infrastructure, environmental deterioration, inadequate resources, and other challenges caused by rapid population growth and urbanization. The study explores how these problems are given attention by the City Government Iloilo using ICT as a tool.

This study is made up of two parts. The first part discusses the profile of Iloilo City government, its organization, personnel complement, and income. It also provides information about the history of the Iloilo City, its physical configuration, present population and the economy. This part provides the context of the study. The second part examines the initiatives of the city government in ICT. It analyzes the extent to which the city government utilized the technology in improving government operations, and in enhancing the delivery of basic services. In addition, it determines the benefits gained and the challenges that emerged in using ICT.

The study involves interviews with city government officials; survey of ICT equipment; review of the city government current socio-economic profiles, development plans, budgets and expenditure accounts; and content analysis of the official website, Facebook and Twitter.

Keywords: Highly Urbanized City/ Iloilo City/ Information and Communication Technology/ Initiatives/ Philippines

Introduction

The *City of Iloilo* got its name from the local dialect Irong-irong in reference to its nose-shape landscape configured by two big rivers that traverse the city. The historical provenance of Iloilo City dates back to the 13th century when ten Bornean datus settled in Panay island. One of them, Datu Paiburong, made Irong-irong his permanent home. In 1556, the conquest by the Spaniards of Irong-irong transformed the place from a loose grouping of villages to a single settlement unit. Subsequently, Irong-irong was shorthened to Iloilo. By 1700, the place had a flourishing economy due to the establishment of Fort San Pedro at the mouth of Iloilo river. The fort opened Iloilo to outside trade. On February 7, 1890 under the Bacerra Law (1889) the Spanish government established the City Government of Iloilo.

At the turn of the 20th century, Iloilo City was considered the second most important port of call in the country after Manila. The city's agricultural and textile products found their way to the local and foreign markets. During this period, Iloilo City was

known as "Queen City of the South". In July 16, 1937, Iloilo was declared a chartered city by virtue of Commonwealth Act 158. In the 1940's, the city was severely damaged by World War II. With its economy and infrastructures in shambles, the economic significance of the city declined. From 1960 towards the end of 1990, the economy of the city started to pick up. The construction of a fish port, an international seaport and the entry of commercial investors in the years that followed further enhanced the economic growth of the city. Today, Iloilo City is the regional center in Western Visayas. With its booming economy, the city has become a commercial and industrial hub in the Region VI.

City Government Profile

Spatial Characteristics

Iloilo City The City lies at the southern part of Panay Island **(Figure 1).** It shares borders with the municipalities of Leganese and Pavia on the north east, San Miguel and Pavia on the north west, and the Iloilo Strait on the south east **(Table 1).** The land area of the city had expanded during the last century due to the integration of old pueblos or towns adjacent to the city and the reclamation of swampy areas. Based on the approved base map of Iloilo City as confirmed by the Land Management Bureau (LMB) of the Department of Environment and Natural Resources (DENR), the city has an updated land area of 78.3400 sq. km as of November 2007. This comprises almost .68% of the total land area of Iloilo Province and .39% of Region 6.

Figure 1. Boundary Map of Iloilo City
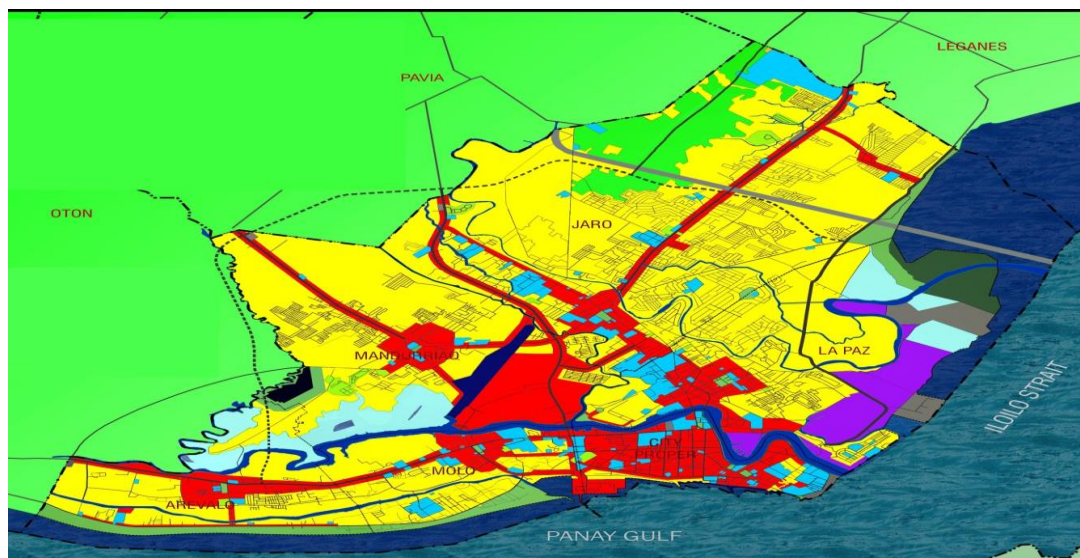
Source: Office of the City Planning and Development Coordinator, Iloilo City Government, 2012.

The city sits on a flat alluvial plain and is traversed by five rivers. The biggest, the Iloilo river is an estuary that separates the geographical districts of City Proper, Molo, and Villa Arevalo from the rest of the City areas. The City has two pronounced seasons, the wet and the dry.

Table 1. Political Boundaries

Location	Adjacent Area
North-East	Municipalities of Leganese and Pavia
North-West	Municipalities of Pavia and San Miguel
South-East	Iloilo Strait

Source: Iloilo City Socio-Economic Profile, 2010

The City has 180 barangays and seven geographical districts, including the city proper**.** Each of these geographical districts encompasses a specific number of barangays (**Table 2**). Six of these geographical districts were once individual town that coalesced to form the City of Iloilo. The seventh one was a sub district of one of the six original geographical districts until its creation as a full pledged district in 2008. The City was declared a chartered city on August 25, 1937 and as a highly urbanized city in 1980 by virtue of Batas Pambansa 51.

Table 2. Geographical Districts

Districts	Number of Barangays Covered
Arevalo	13
City Proper	45
Jaro	42
La Paz	25
Mandurriao	18
Molo	25
Lapuz	12

Source: Iloilo City Socio-Economic Profile, 2010

Economy

In recent years, Iloilo city has been a mecca for economic investors. Data indicate that from 2003 to 2010, the number and volume of economic activities continuously rose. During the seven-year period, the number of economic establishments of various classification went up by 29.3% and their cumulative capitalization grew by 72.0%. In 2010, the city registered 10,869 business establishments operating in the city with a total capitalization of Php 22.38 billion (**SEP, 2010).** Banking and finance, retail trading and business process outsourcing have been the major contributors to the continuing upsurge of economic investments in the City. In support of the increasing economic activities, the city government has offered tax holidays and free issuances of business permits and licenses to further attract new investors.

Population

In 2007, Iloilo City had a total population of 418,710 with 85,518 households. The annual population growth rate between 2000 and 2007 was 1.86 percent and a population density of 5,348 person per sq. km. in 2007 (**Table 3).** The Districts of Jaro and La Paz recorded the biggest concentrations of people. On the other hand, Arevalo and Mandurria registered the least number of population. Iloilo Proper, Jaro, Mandurria, and Molo are commercial areas while Arevalo and La Paz are residential. Lapuz district is dominantly industrial.

Table 3. Population and Density

District	Population		Density /Sq.Km.		Average Annual Growth Rate
	2000	**2007**	**2000**	**2007**	**2000-2007**
Arevalo	36,449	45,921	5,488	6,914	3.24
City Proper	51,663	54,539	11,748	12,402	0.75
Jaro	97,179	111,976	3,196	3,683	1.97
La Paz	73,273	82,344	4,718	5,302	1.62
Mandurriao	44,615	53,857	2,929	3,536	2.63
Molo	63,212	70,073	10,300	11,418	1.43
Total	**366,391**	**418,710**	**4,677**	**5,348**	**1.86**

Source: National Statistics Office, Region 6.

City Government

Iloilo City is the capital of Iloilo province. It is also the regional center of Region VII. Field offices of national agencies are all based in Iloilo City. In 1980, the city was proclaimed a highly urbanized city by virtue of Batas Pambansa 51. Iloilo City exists as a single congressional district. Besides the City Mayor and the City Vice-Mayor, the city has twelve councilors elected at large.

In the following section, the administrative set up of the city is discussed.

Organization and Management

Structurally, the city government maintains a large organization**.** It includes all mandatory and selected optional offices required under the 1991 Local Government Code. These offices are reflected in the existing city organizational structure shown in **Figure 2.** Not reflected in the chart are units and sub-units under the Office of the Mayor that provide staff support to the City Mayor. One of these is the Information Technology unit under the Office of the Mayor which was created in 2010 and is responsible for administering and updating the financial management system and the content of the city website. The city structure also reflects local offices of national agencies holding offices at the city hall whose mandates include extending services to the city dwellers.

Figure 2. Existing Organizational Structure of Iloilo City Government
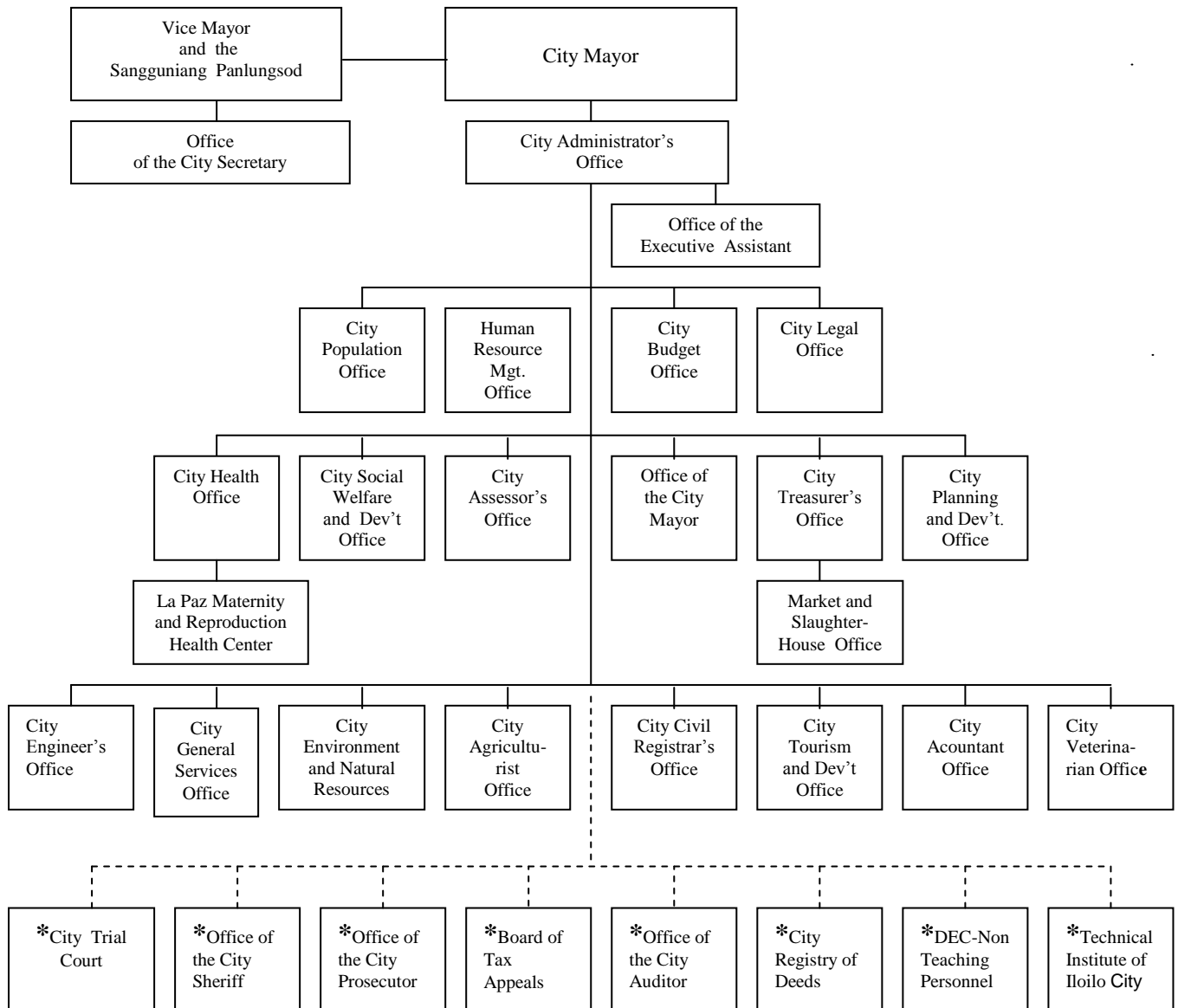
* Field Offices of National Government Agencies
Source: 2011 Socio-Economic Profile of Iloilo City, Office of the City Planning and Development Coordinator

Personnel

As of January 2011, the city government employs 4,514 personnel. Of these, 1,821 (40.%) are plantilla positions or regular positions, and 2,693 (60%) are job orders. The job order personnel are temporary employees whose tenure of office is renewed every three months. Their functions range from technical, clerical and manual work. Most of them, especially those that perform technical and clerical works are political appointees. They are assigned in various offices of the city government. The job order employees comprise the biggest group in the city bureaucracy.

On the other hand, the Office of the Mayor has the most number of units under its supervision. The position of City administrator is under the Office of the Mayor. He is responsible for supervising job orders employees. Of the major departments, the City General Services Office maintains the biggest number of employees. Most of these are utility workers and street sweepers. **Table 4.** Present the number of plantilla positions by office of the city government.

Table 4. Plantilla Position By Office

Office	Filled-up	Vacant	Office	Filled-up	Vacant
Mayors' Office	167	12	City General	311	3
Sanguniang			Services		
Panglungsod	63	4	City Environment	148	2
Population Office	22	-	&Natural	32	1
Human Resource	16	-	Resources	20	1
Mgt.	19	-	City Agriculturist	14	-
City Budget	16	1	City Civil Registrar	48	4
City Legal	191	6	City Tourism	19	-
City Health			City Accountant	22	4
City Social	142	4	City Veterinarian	3	-
Welfare	70	-	Municipal Trial	4	-
& Development	242	12	Court	2	-
City Assessor			Registry of Deeds	8	1
City Treasurer	33	3	Board of Tax		
City Planning and	138	8	Appeals	4	1
Development			Department of		
City Engineer			Edu.		
			Technical Institute		
			Transportation		
			Mgt.Traffic		
			Regulation		
Total	**1,119**	**50**		**635**	**17**

Source: Personnel Schedule: 2012, Iloilo city Government

City Finance

Iloilo City earned an average income of Php1,050,001,014.17 during the six year period from 2005 to 2010. Except in 2008 where income went down due, the city's revenues steadily rose from 2005 to 2010 (**Table 5).** In 2008, the income declined by 17% due to decrease in IRA share of the city caused by the conversion of 16 municipalities into cities. The conversion affected all cities in the country.

Table 4 also indicates that the city's annual income reached the billion mark in 2007. In 2010, the city registered an income of Php 1,221,539,275 of which 55% was collected from local revenues while the other 45% was contributed by the IRA. If the substantial annual increase in local revenues is an indication, there is a probability that the city would continue to experience a high pace growth in their revenue position particularly the local sources in the succeeding fiscal years.

In terms of contribution to the city's income, local revenues contribute more than the IRA. The data on income from 2005 to 2010 show that the aggregate collection from local revenues is higher by 18% than the IRA share. Nevertheless, the contribution of IRA to the city's income remains substantial. The reduction of the IRA share would surely affect the delivery of basic services. The combined annual collections from the business tax, real property tax, market, franchise tax, and garbage fee contribute the bulk of the own-source tax revenues of the city. Added to this are the contributions to the city's coffers of other local revenue sources such as transfer tax, amusement tax, and a variety of license and permit fees whose collection efficiency is likewise rising.

Table 5. Revenue collection, 2005-2010

Year	Total Revenue Earned (in Pesos)	Percentage Increase	Internal Revenue Allotment (in Pesos)	% to Total Income	Local Sources (in Pesos)	% to Total Income
2005	755,712,547		326,543,397.00	43	429,169.150	57
2006	907,652,151	20	359,427,477.00	40	548,224,674	60
2007	1,250,633,072	38	395,629,242.00	32	855,003,830	68
2008	1,034,586,614	(17)	412,506,278.00	40	622,080,336	60
2009	1,129,882,426	9	509,263,194.00	45	620,619,232	55
2010	1,221,539,275	8	548,241,121.00	45	673,298,154	55
2011	1,330,484,396	9	588,001,502	44	742,482,894	56
Total	**7,630,490,481**		**3.139,612,211**	**41**	**3,748,395,376**	**59**

Source: City Executive Budgets, 2004 - 2012

Information Communication Technology

Information and communication technologies, also known as ICT, include the Internet, computers, and other hardware, software and digital technologies that enhance the transfer of information from one unit to another. Its application varies depending on what the implementing organization does. A business organization, for example, uses ICT basically to increase sales and profit. On the other hand, the use of ICT in the public sector is more extensive. The Government uses ICT as a tool to improve quality of services, optimize functions and processes, and to enhance citizens engagement in public affairs. Beyond mere efficiency of government processes, central and local governments are harnessing ICT to accomplish the broader concerns of achieving economic growth, and in improving the quality of life of the citizens, and democratizing governance.

Leveraging ICT in cities in the Philippines for improved urban governance is an emerging phenomenon. Cities, particularly highly-urbanized cities or HUCs, are experiencing numerous governance problems brought about by population growth and rapid urbanization. Many are confronted with burgeoning administrative problems such as red tape, defficient data bases, unreliable delivery of basic services, and low productivity. In addition, they face the challenges of congestion, unemployment, inadequate public services, environmental degradation, deteriorating infrastructure, and the concomitant problems of decreasing revenues. Thus the HUCs are under pressure to adopt new ways to overcome these challenges. Increasingly, the HUCs are adopting ICT as an instrument to improve performance in delivering government

services while mitigating problems resulting from rapid population growth and urbanization.

Emerging Challenges and the Role of Information Communication Technology

The transformation of Iloilo City into a highly-urbanized local government unit generates substantial social and economic benefits to the city. Investments keep pouring in which provide not only considerable revenues to the city government but employment opportunities to the city dwellers as well. At the same time, the increasing population growth and high level of urbanization trigger a plethora of challenges which keep the city government on its toes. The 2011-2012 Executive-Legislative Agenda (ELA) under the Comprehensive City Development Plan of Iloilo City Government disclosed that urban population growth and rapid urbanization taking place in the city has led to overcrowding, air and water pollution, traffic congestion, and a vast arrays of social and economic woes. Added to these are institutional problems such as red tape, poor coordination of work among employees, aging infrastructure facilities, limited people's participation, scarcity of resources, and poor delivery of basic services.

Given the increasing responsibilities brought about by high population growth and rapid urbanization compounded by inadequacy of funds, the city government has taken steps, albeit slowly to further enhance its economic growth and to mitigate the social and spatial problems. Supporting these initiatives is the decision to automate of the city government transaction both within the organization and its interaction with the community and the financial sector. The goal is to attract businesses and jobs, increase revenues, and to improve the delivery of basic services.

The remainder of this paper documents the initiatives of the city government to automate its system and procedures as it confronts the challenges attendant to high population growth and rapid urbanization.

Initiatives in Information and Communication Technology

The initiatives of Iloilo City Government on ICT is still in their early stage despite the 18 years involvement with computerization. These initiatives started in the mid-90s as a program to computerize the city government to improve government operations. From 1995 to 2007, several computers were installed in various departments of the city government. In 2008, the initiatives evolved to a more advanced system of information and communication technology. At present, the city government has three information management systems – one each for tax collection, tax assessment and mapping, and online transaction system through its official website, Facebook, and Tweeter. These systems are continuously being improved to accommodate changes in information technology. Full-time information technology personnel are on standby to keep the systems in good running condition and their contents up-to-date.

Early Initiatives

In 1995, then City Mayor Jerry P. Treñas, initiated a continuing comprehensive computerization program purposely to systematize records keeping of various departments and offices of the City Government of Iloilo, and to store data concerning city government plans, programs, projects, and other pertinent documents. Thus from

1995 and 2007, the city government purchased several computers and were assigned to the different departments of the city government. There are no records to determine the number of computers bought and the amount spent during the years 1995 to 2003. However, financial data culled from the City Government Executive Budget from 2004 to 2007 indicate that the city government allotted from its 20% development fund specific amounts for the purchase of computers. In 2004, the city government spent Php361,368.70 for computers. In 2005, it shelled out Php66,800 while in 2006, the amount of Php460,000 was used. In 2007, the Sanggunian Panglungsod (City Council) installed a number of computers amounting to Php72,630.50 funded by its own budget.

Between 2001 to 2007, the city government pursued various initiatives in support of its computerization program. During the time of former Mayor Jerry Trenas, the city government tried to access a grant from the Department of Finance through its LAMP and LOGOFINDS programs but failed to take off due to some administrative issues. The grant was intended to acquire more computers for assessment and revenue purposes. It also made an effort to access capability-building program funds on information technologies from the private sector in order provide THE city treasurer and assessor the competencies in enhancing revenue collection, and the city planning and development office to strengthen its planning and research functions.

According to the Iloilo City Planning and Development Coordinator, the city government availed in 2004 of the Enhanced Tax Revenue Assessment and Collection System (ETRACS) under the Local Government Development Program funded by Australian Aid. The program involved capacity-building and provision of hardware and software system for the treasury and assessment offices. It also took part in a training program on GIS and map preparation conducted by Green Forum-Western Visayas, a nongovernmental organization involved in promoting sustainable environment. Unfortunately, the knowledge learned from these programs was not utilized. First, the city government did not have the funds to apply it; and second, the treasury, assessor, and the planning offices were hesitant to use it because they had a limited grasp of the technology imparted by the programs. Besides, they were still dependent on the experts who were hired to conduct the training programs on how to implement the knowledge acquired.

Current Initiatives

In 2008, the City Government of Iloilo secured a grant cum loan and equity which amounted to Php13 Million from the LOGOFIND project of the Department of Finance-World Bank. The financial project provided for a 50% grant, 25% loan and 25% equity combined. The city government shelled out Php3,153,552 as equity share for the loan. The funds were used to improve and streamline the city government's financial accounts, including assessment, billing, and collection. Part of it was also utilized to digitize communications with clients and city populace, and to computerize accounting procedures and processes. At present, the city government uses ICT in the following areas of operations.

a) The Financial Accounts

With the grant secured from the Word Bank in 2008, the treasure's office was able to computerize the Real Property Tax Assessment (RPTA) system and the Business Permit and Licensing Permits (BPLP) system which became fully operational in 2010. The computerization of the city government's financial accounts produced significant changes in its fiscal operations. Thus revenue collections from local sources increased by 8.49% in 2010 and 10.27% in 2011. Collection from local taxes is projected to further increase by 10% in 2012. Significant improvements in other aspects of financial operations were also observed. Because of system generated computation, issuance of warrants of levies has been standardized, and the time for processing of business permits has been shortened. Thus it has brought immense convenience to tax-payers in paying their taxes, and may have reduced the costs of filing taxes by the tax-payers, and the city government effort in tax collection. Furthermore, the changes have eliminated pilferage and discouraged the discretion of the city assessors on imposing tax rates. Advancement in the use of ICT in this scale may not be much, but at least the city government is benefiting from using the technology in improving its fiscal management.

b) The Accounting System

In 2001, The Commission on Audit (COA) disseminated to local government units the use of Electronic National Government System (E-NGAS) in local government accounting. However, the E-NGAS was not immediately used by local governments due to difficulty in applying it because concerned local government personnel such as coming from the Assessor and Accounting Offices were not given the proper orientation how to utilize it. E-NGAS was further improved by COA and the necessary changes were incorporated for easy application by local governments. Furthermore, local governments were given enough time to learn how to use it. In 2007, The accounting office of Iloilo City government started using the E-NGAS mainly for bookkeeping purposes.

The application of the system has provided a number of benefits to the accounting office. With E-NGAS, copies of accounting reports can be retrieved with ease together with the hard copy when needed. According to the Administrative Officer II of the City Accounting Office, Besides bookkeeping, the use of E-NGAS offers other benefits such as, it lessen the costs and time of preparing ledgers and accounting reports, and it provides the accounting office and its users the opportunity to appreciate the importance of computer based information in records keeping and data base. The accounting office has plan to expand the use of E-NGAS by connecting the accounting office to the different barangays of the city.

c) The Website (http//www.iloilocity.gov.ph)

The city government maintains a website. It was created in 2008 to provide its constituents and stakeholders a "window" on what the city government is doing. It also contains diverse information about the city, and other information of general interest to the public. The information displayed is updated periodically, except for the history and physical description of the city, and the politico-administrative profile of the city government which is given a permanent space. The website, however is not interactive. The residents are encouraged to call the city government and its various

departments through their respective landlines for their complaints and feedback. Briefly, the following information appears in the city website.

Profile of the City and City Government

This page presents a brief account of the history, and a description of the current socio-economic and physical characteristics of the city. It also contains the vision missions that the city government desires to achieve by 2015. As spelled out in its vision, the city government aspires to be a premier city through participatory and transparent governance, the advancement in education and the preservation and enrichment of its cultural heritage. It is not clear, however, how participatory and transparent governance is to be done. ICT can advance the agenda of transparency and empowerment. The challenge is how to properly leverage the ICT in realizing these twin objectives.

On the hand, a different page outlines the politico-administrative structure of the city government. This page spells out the names, office addresses and telephone numbers of the present elected city officials and departments heads. This directory of the city officials provides the residents access to the city government to communicate their needs and demands.

Investment Opportunities, Rate of Taxes, and Tax Incentives

This site outlines investment opportunities for businessmen. Specifically, it indicates the areas of investment which are considered competitive and therefore would ensure greater economic gains for investors, and higher revenues for the city government. The site also enumerates the number of existing business establishments, their nature and total capitalization. Other information included in this page are the rate of taxes, fees, and charges to be paid annually by each type of business establishment, and the incentives and tax holidays for new and expanded investments.   As presented, the rate of taxes, fees and charges imposed by the city government on various local sources are based on the level of taxation prescribed by the 1991 Local Government Code for urbanized cities, while the amount of tax incentives, their scope of coverage and the corresponding period of time covered by the incentives vary by level of capitalization**.**

Tourism

This part of the website offers a background information of the major historical events and festivals that the city government observes on designated dates annually. These include the Dinagyang, the Paraw and Regatta Festival, the Chinese New Year, the Candelaria de Jaro, and the Iloilo City Charter Day. The site likewise displays the city's areas of historical importance which guests and tourists are encouraged to visit. Considered as heritage sites by the Philippine Historical Commission, these areas which include churches, old houses, educational institutions, monuments, plazas, and government buildings provide a glimpse of Iloilo City's rich history. It also incorporates a visual presentation of the city's native cuisine and delicacies as part of its cultural heritage.

Application Forms, Financial Reports and Other Documents

The city government website has made available various forms for tax filing, building permit, and locational clearance, including lists of procedures and requirements that city residents can download and file with the city treasurer and the permits and licenses offices. It also offers investment guide for investors and potential business ventures. The guide includes profile of the city existing communications, infrastructure and transportation facilities, their locations and conditions; investment priority areas; and the costs, incentives, and requirements of putting up a new business. All these, are designed to give the public and stakeholders ease in dealing with the city government.

Annual budgets, statement of accounts and disbursements, financial reports, planning documents, transactions on infrastructure and goods and services entered by Bids and Awards Committee (BAC), and Gender and Development Program Accomplishments Reports for 2010 and 2011 are also posted in the website. The inclusion of all these documents in the city's website are in compliance with Memorandum Circular N. 2010-83 issued by the Department of Interior and Local Government (DILG) in August 31, 2010 requiring among others, City Mayors and their City Councils (Sangguniang Panlungsod) a full disclosure of their city budgets and finances, bids and other public offerings. Along this line, the said memorandum circular requires local governments to post within 30 days from the end of each fiscal year in at least three (3) publicly accessible and conspicuous places a summary of all revenues generated and funds collected, including the appropriations and disbursements of these funds during the preceding fiscal year. As cited in the memorandum circular, this set of requirements is intended to achieve transparency and accountability in government operations.

Important Events, Accomplishments and Other Relevant Concerns

The website announces short-term activities initiated by the city government such as traffic management, poverty alleviation and feeding programs, dengue clean up, summer jobs for students, cultural and sport activities, and other activities which the city government undertakes jointly with the private sector. Furthermore, it shares information about awards or recognitions that the city government received from various government and private institutions for efficient service delivery; its effort to establish friendly relationship with other countries; and its participation in NEW7 Wonders of Cities of the world, an international competition for cities. It also provides information about community affairs, cultural events organized by the private sector, job fairs and employment opportunities, new economic ventures, and a report about the fast growing real estate development taking place in the city. This information does not only inform the public of what is happening in the city, it also mobilizes supports from them on government programs.

d) Other Channels: Internet, Facebook, Twitter Account

Other than the website, the city government uses the Internet, Facebook, and its Twitter Account to disseminate information to the public about what the city government is currently doing. These channels are also used to solicit support from the public for certain events that the city government is involved. For example, through the city website, the incumbent city mayor enjoined its constituent's online

users through the official internet, facebook and twitter accounts of the city government to vote for Iloilo City as one of the 2012 NEW7 Wonders of Cities of the World by accessing the official website of the organizer of the competition.

On the other hand, the Sanggunian Panglugsod (City Council) has created a Facebook Account during the 3rd quarter of 2011 primarily to circulate to the public the weekly agenda of the council's meeting; the abstracts of current resolutions and ordinance approved by the Council; other concerns related to local legislation; and as a means to elicit feedback from the readers. The Internet is also utilized by city government personnel to link with or to transmit communications or information to offices within and outside the city government on matters affecting the city government, and as source of research data or materials on local development and governance.

e) The Information Technology Staff

The management of the ICT initiatives of the city government is under the Information Technology and Economic Promotion Unit attached to the office of the city mayor. The unit is headed by an executive assistant IV who reports directly to the city mayor. The unit has an IT section which presently maintains the website, Facebook and Twitter accounts; provides system support to the operations of the financial accounts of the city government. The IT section was created in 2008 to provide technical support to the computerization program under the LOGOFIND project. Its task has presently expanded to include the maintenance of the city website, Facebook and twitter. The IT section has two parts, the Website Development component and the Technical Support Team (**Figure 3).** The former is responsible for the design and layout of the behind the scene and the dynamic contents of the website, while the latter provides manpower support to the former and the end-users. The IT section is manned by two computer programmers, and a website administrator-laborer.

Figure 3. Existing Organization Structure of the Information Technology and Economic Promotion Unit
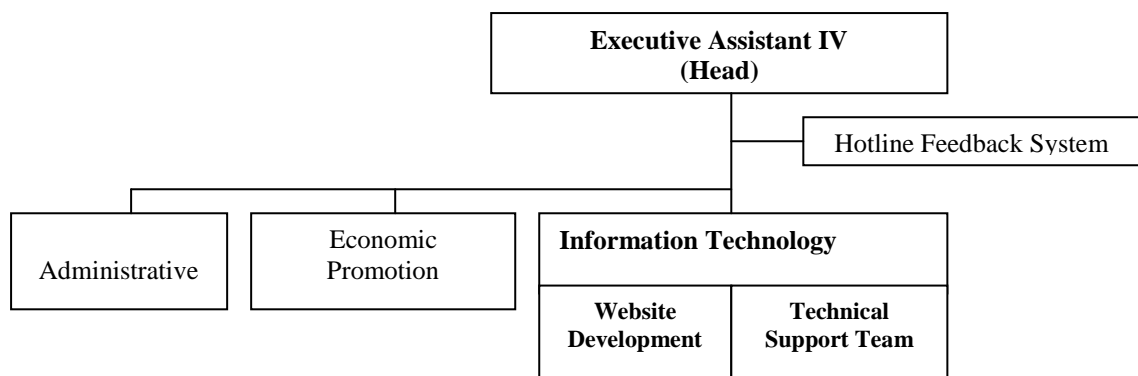
Source: Office of the Mayor, Iloilo City, 2012

One of the computer programmers is in-charge of the maintenance of the financial information system and the software facility of the city government. The other one, together with the website administrator are computer and electronic engineer graduates. They are tasked to do the design, layout, and programming of the city website. The website administrator was hired as a job order whose position is

temporary because the city government does not have position item for computer engineer. His appointment has to be renewed every two months.

f) Software Facility

The city government has acquired various kinds of ICT equipment to improve efficiency in the delivery of public services and work performance of the city government employees. These items are installed at the different departments and work areas of the city government. As of January 2012, the city government owns a total of 1989 ICT equipment of different types **(Table 6).** A quick count of these items during the study period indicates that these are all in good conditions and are in use.

Table 6. Inventory of Information and Communication Equipment, January 2012

ICT Equipment	Quantity
Desktop	655
Laptop	101
Printer	499
LCD Projector	40
Photocopier	33
Community Band (CB) Radio	247
Fax Machines	34
Others (Scanners, Modem, Router/Switch/Hub	380
Total	**1,989**

Source: Office of the General Services, Iloilo City Government

g) Budget for the Information and Communication Technology Initiatives

Available financial records indicates that the city government has allotted a total budget of Php46,402,189 for its ICT initiatives from 2007 to 2012. Specifically, the budget provides financial support to the following specific IT activities, namely, the maintenance of RPTA-A Data Project and RPTA-B Computerization Program, computerization program, loan payment for LOGOFIND project of the DOF-WB, repair and maintenance of IT equipment and software, tax campaign, and the inventory and encoding of resolution and ordinances **(Table 7).** The RPTA-A Data and the RPTA-B Computerization projects are two parts of the DOF-WB supported LOGOFIND program. The RPTA-A Data Project involves the systematization of real property assessment and taxation records and data-base while the RPTA-B Computerization Project provides the software facility. On the other hand, the comprehensive computerization program of the city government which started in 1995 entails a continuing acquisition and installation of new computers in various city departments and offices to improve records keeping, and to store data concerning city government plans, programs, projects, reports and other pertinent documents.

As payment for a loan taken from the LOGOFIND program under the DOF-WB, the city government allots specific amounts annually. Budgets are also provided for the repair and maintenance of IT equipment and software to keep them in good conditions, for tax campaigns using IT to improve revenue generation, and for the computerization of the records of the Sanggunian Panlungsod, including the inventory and encoding of resolution and ordinances

Table 7. Budget for Maintenance and Operations of ICT Initiatives

Year	RPTA-A: Data Project	RPTA-B: Computeri-zation Project	Compre-hensive Computeri-zation Program	Repair and Maintenance IT Equipment and Software	Loan Payment of DOF (LOGO-FIND)	Tax Campaign	Inventory and Encoding of Resolution and Ordinances
2007	5,280,660		469,392	70,000	798,000	-	-
2008	4,846,320		430,784	70,000	1,010,000	-	-
2009	4,834,232	420,368	472,914	70,000	1,010,000	-	300,000
2010	5,509,272	479,094	538,981	70,000	1,010,000	-	300,000
2011	6,177,101	537,140	1,544,276	70,000	850,762	200,000	300,000
2012	5,600,021	418,694	1,308,416	85,000	850,762	200,000	300,000
Total	**32,247,606 (69%)**	**1,855,296 (4%)**	**4,764,763 (10%)**	**435,000 (1%)**	**5,529,524 (12%)**	**400,000 (1%)**	**1,200,000 (3%)**

Source: Statement of Fund Operations, Performance Budget, 2007-2012.

As shown in **Table 7,** the RPTA-A Data Project got the biggest share of the budget with Php 32,247,606. This figure amounts to 69% of the total budget allotted for IT during the six year period. The RPTA-A Data project together with RPTA-B computerization project hopes to increase the income of the city government. Other than the DOF-WB supported LOGOFINDS project, the comprehensive computerization projects also receives a big share of the budget. This project is continuing and helps the city government streamline operations, reduce redundant data entry, and make data retrieval easy.

Automating Iloilo City Government: Diagnosis and Challenges

The City Government of Iloilo has long recognized the importance of ICT in enhancing its capacity to increase efficiency in government operations, and to provide better services to citizens at lower cost. Since the mid-1990s, the city government has adopted ICT as a strategic tool, initially, with the continuing comprehensive computerization program to improve records keeping and data-base and data analysis for policy-making, program planning implementation and evaluation, followed by the initiatives to secure grants to optimize revenue generation, and to digitize the city land use plan. Later, the city website, face book and twitter accounts were created to provide a wider space for disseminating information about the city government and the city. Besides increasing efficiency in revenue generation, the comprehensive computerization program has also expanded its application to include procurement of supplies and equipment, and to address problems of unemployment, unreliable public services triggered by population growth and rapid urbanization.

The importance of computerization is emphasized by the 10-Point Agenda of Mayor Jed Patrick Mabilog, the incumbent city mayor. This is embodied in the 2012- 2013 Comprehensive City Development Plan (CDP) which adopts computerization as a strategy to increase efficiency in revenue generation by streamlining the issuance of business permit and licenses, and updating tax assessment and collection. The CDP also give emphasis the need for computerizing data about the city's unemployed who are competent and qualified for job placement. Moreover, the city website, Facebook

and Twitter accounts, and the Sanggunian Panlungsod facebook has created a window where city residents are informed of what the city government is doing. These online portals contain a wealth of information about the city government, including public services related to health, education, peace and order, business and investment advisory, permits and licenses, employment, procurement, tourism, sports, traffic situation; a summary of the city governments' current income and expenditures and other finances, and the names and contact numbers of city government officials, and much more. At present, computerization has spread across various departments or offices of the city government. It is being used to improve records-keeping and data-base, minimize redundant operational procedures and processes, and reduce red tape.

In determining the benefits reaped from using ICT in improving government operations, the following observations emerged:

First, *Enhanced revenue generation*. The computerization of real property tax mapping and assessment, and business permit and licensing has contributed to improving efficiency in revenue generation. The use of a system generated computation of levies for both accounts, and the standardization of their issuances not to mention the reduced time for paying taxes and processing of permits and licenses have resulted in a better fiscal management. Furthermore, the cost of filing taxes and collection is lessened, and cheating and pilferage minimized to a certain extent. This may have resulted in better compliance in paying taxes thus increasing revenue collection from local sources particularly business and real property taxes from 2009 to 2011.

Second, *Improved document management and work flow for paperless transactions, and ease in retrieving and dissemination of information and file disposal.* To a certain extent, computerization has enabled line and staff offices and departments of the city government to simplify records keeping and data-base, weed out redundant system and procedures, reduced red tape and shortened the time in accessing, transmitting and releasing critical information and documents. These improved practices were observed by the researcher of this study at the followings departments and offices and of the city government: treasury, accounting, assessor, human resources, budget, general services and planning and development coordinator. In the long run, it is expected by the city government that these good practices would lead to increased productivity of the offices or departments concerned.

Third, *Transparency in fiscal management, procurement, and other services*. As pointed out earlier in this paper, current annual budgets, statements of accounts and disbursements, financial reports, planning documents, transactions on infrastructure and goods and services entered by Bids and Awards Committee (BAC), and Gender and Development Program Accomplishments Reports for 2010 and 2011 are posted in the website. The city government initiative to procure goods and services, including invitation to bid, the notice of award, and approval of contract is also posted in the city website This is in compliance of RA No. 9184 (2003) known as Procurement Law, and the Department of Interior and Local Government (DILG) Memorandum Circular No. 2010-82 which require local government units to exercise transparency in government operations. The disclosure of these documents may provide the city residents information of what the city government in doing, and to make the city

government officials accountable for their decisions and actions. It has also encourage interested groups to send in feedbacks, questions, and suggestions for improvements.

Similarly, the disclosure of the procurement process in the website bring in more suppliers and bidders, making the procurement competitive and fair. According to the Administrative Office of the City General Services Office, the posting of invitation to bid (ITB) for government services in the website is attracting more bidders, and makes the work of the BAC easier since the records are readily available. On the other hand, the opening up of the procurement process to competing bidders and tenders provide the city government a chance to procure quality products and services at the lowest cost possible.

Fourth, *Expanded reach of information dissemination.* The use of a website, Facebook, Twitter, and e-mail widened the reach of information dissemination to a wider area and broader audiences about the programs and projects of the city government and how these are done. These online portals enable the city government to communicate its programs and projects with different groups and stakeholders in governance within and outside the city. Furthermore, these give the city government an opportunity to touch base with Iloilo City residents living in remote areas to provide them updates on the affairs of the city government, solicit their support or get them involved in city governance. The city government Facebook and Twitter accounts contain comments, reactions, and feedbacks of people from different places on information about the city posted on the ICT portals or on what they personally observe during their stay in the city. These comments and feedbacks are helping the city government improve the delivery of services.

Fifth, *Facilitates new investments.* Information is the investor's best guide when it comes to investing wisely. This is exactly what the city government had in mind when it posted in its website the necessary business information to attract investors. The information include among others, the procedures, requirements, costs, and incentives of setting up a new business. The primary objective is to create a congenial and transparent business environment to prospective investors by cutting red tape, save time, and reduce administrative costs in obtaining permits and licenses, and in paying taxes, to enable them to perform efficiently. Apparently, this initiative has worked well with the city's economic efforts to attract investors. Economic data indicate that the number of new investments in the city has increased by 29.3% from 2003 to 2010 and information technology is identified as one of the facilitating factors.

Still, challenges remain and the crucial ones include:

- *Static ICT portals.* Although the city government has made progress in leveraging ICT for improving government operations and the delivery of public services through its website, Facebook, Twitter, and e-mail, these sites are not interactive. Residents users are able to read what are posted online but cannot browse over records and data bases. Communication system is not a two-way process. Complaints, feedbacks, and inquires are made through telephones and e-mail installed at the office of the city mayor. Inquires usually get prompt response but complaints and feedbacks are not. They are usually discussed during the department heads' regular meeting with the city mayor wherein answers are explored and actions are decided. Transforming the current status of the city government ICT portals into an

interactive one would allow people and the city government to communicate and share information digitally. This kind of ICT has the potential for enhancing the agenda on anti-corruption, participation, transparency and accountability.

- *Minimal ICT investment*. Establishing an ICT is an expensive decision which tend to impose a heavy burden on the budgets of local government units (LGUs). LGUs whose budgets are tight would have difficulty in developing even a most basic static website. A concomitant problem which confronts all LGUs is that investments in ICT compete with the provision of basic services for the city constituents. The city government has been struggling to source funds for its computerization program and digital land use plan adopting the Geographic Information System. The efforts of the city government to improve its ICT initiatives illustrate this predicament. The loan from LOGOFIND project of the Department of Finance-World Bank barely made a dent on the ICT initiatives of the city government. Funds are still needed to expand the applications and scope of services covered by ICT to make it more responsive and accessible to the community.

- *Minor ICT unit and undermanned.* A key driver for sustaining a functional and dynamic ICT in local government is the support of an established ICT office manned with competent and permanent ICT-system staff. This requirement insures the continuity of local governments' ICT initiatives, and the proper coordination of system development and the adequacy of data security. The existing ICT is a minor unit and backstopped by a team composed of four staff members two of whom are contractual. The current IT management set-up is far from adequate considering its acknowledged importance in helping achieve the goals of good urban governance. This inadequacy is also not conducive to promoting and implementing innovative ideas in ICT.

- *The scope of ICT applications is minimal*. Although the city government has done much in using ICT to enhance efficiency and productivity in government operation, the extent of its applications is still restricted. ICT offers local governments the opportunity to provide more effective public services and deliver those services responsibly. However, attention to this concern has been minimal. For instance, the use of ICT to reduce the digital divide between the city government and the residents, particularly the poor and vulnerable groups, and communities to enable them to access the much-needed public goods and service that the city government provides to them has been found wanting. Furthermore, ICT is underutilized as a tool to confront critical problems triggered by urbanization. Like other highly-urbanized cities in the country, Iloilo City experiences problems of congestion, environmental degradation, aging infrastructure, human health concerns, and other basic problems caused by rapid population growth. The city government has not yet optimized the use of ICT in confronting the challenges of urbanization.

As the city government confronts these challenges, it has to comprehend its own long-term needs and priorities and devise a support structures that are adaptable enough to meet those needs and priorities as they occur over time. Increasingly, ICT becomes necessary both as a strategic resource and as a tactical tool.

Conclusion and Recommendations

ICT is a new and essential tool for overcoming challenges of urban governance whether to ensure immediate and efficient delivery of services, reduce red tape, help cut redundancies in systems and procedures, promote transparency and accountability, or achieve the broader goals of economic growth, democratic governance, and an improved quality of life. The experience of Iloilo City in investing in ICT has produced positive results in improving government operations. However, its applications has not been optimized. The initiatives in ICT have been limited to computerization of routine functions, improving tax collection, and to a certain extent using ICT for economic promotion to attract investments and jobs. At present, the level of computerization initiative of the city government may be described as a work in progress. Much still needs to be done to leverage ICT for further improving internal government processes and the delivery of services to the citizens. Increasing investments in ICT is necessary but it does not offer outright benefits to the city government. The city leadership should think about how to harness ICT to achieve objectives for good urban governance. ICT is a tool to enable and empower city government to achieve this objective.

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3. Jose Roni S.J. Penalosa, City Planning and Development Coordinator
4. Katherine E. Eufan, Administrative Officer II, City accounting Office
5. Ma. Millie B. Tan, Administrative Assistant III, City General Services Office
6. Mary Faith Wendam, Administrative Assistant III, Office of the Mayor
7. Melba B. Tenefrancia, Assistant Department Head, City Human Resource Office
8. Nelson Parreno, City Assessor
9. Ninda O. Atinado, City Budget Officer
10. Noehl D. Las, Information Technology Officer l, Office of the Mayor
11. Norlito C. Bautista, City Administrator
12. Ruth H. Arroyo, Head, Sangguniang Panlungsod

Cultural Capital Management for Urban Development, Songkhla Municipality, Thailand

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Abstract

This research aimed to study cultural capital management of various sectors for urban development in Songkhla municipality, especially local governors and civil society that affect urban development in Songkhla Municipality and to give the suggestions in cultural capital management for urban development from the findings of the study. The study is a qualitative research which documents research and in-depth interview are used for data collecting. The samples were selected from two groups including cultural capital experts of Songkhla and people who manage the cultural capital for the city of Songkhla. The delimitations of this research are four elements of cultural capital management including 1) cultural capital of city 2) agency investments 3) public and stakeholder attitudes and 4) resident participation and study about the types of cultural capital management. Results were that residents were highly aware of all aspects of cultural capital management, starting with resident participation. The most important element is the participation of citizens to manage cultural capital as the civil society plays a key role to local governments in managing cultural capital of the city to drive the success to the other elements of cultural capital. In Songkhla Municipality, cultural capital was managed as a "issue" rather than as a "tool" for support the other approaches.

Keywords: Cultural Capital/ Cultural Capital Management/ Songkhla Municipality

การจัดการทุนทางวัฒนธรรมเพื่อการพัฒนาเมืองในเขตเทศบาลนครสงขลา

เปรมชัย จันทร์จำปา, *นักศึกษาระดับปริญญาโท คณะรัฐศาสตร์ มหาวิทยาลัยธรรมศาสตร์*

บทคัดย่อ

การศึกษาในครั้งนี้มีวัตถุประสงค์เพื่อศึกษาการจัดการทุนทางวัฒนธรรมของภาคส่วนต่าง ๆ โดยเฉพาะภาครัฐส่วนท้องถิ่นและภาคประชาชนที่ส่งผลต่อการพัฒนาเมืองในเขตเทศบาลนครสงขลา เป็นการศึกษาเชิงคุณภาพการศึกษาจากเอกสารและการสัมภาษณ์เชิงลึกเป็นรายบุคคล จากกลุ่มตัวอย่าง 2 กลุ่ม คือ กลุ่มผู้เชี่ยวชาญด้านวัฒนธรรมเมืองสงขลาและกลุ่มผู้ที่เกี่ยวข้องกับการจัดการทุนทางวัฒนธรรมเมืองสงขลา โดยศึกษาในประเด็นองค์ประกอบของการจัดการทุนทางวัฒนธรรมทั้ง 4 ด้าน คือ ทุนทางวัฒนธรรมของเมือง พันธะการลงทุนของหน่วยงานต่าง ๆ ที่เกี่ยวข้อง ทัศนคติของประชาชนและผู้เกี่ยวข้องต่อการการจัดการทุนทางวัฒนธรรม และการมีส่วนร่วมของประชาชนต่อการจัดการทุนทางวัฒนธรรม และประเด็นลักษณะการจัดการทุนทาง

วัฒนธรรม ผลการศึกษาพบว่าองค์ประกอบของการจัดการทุนทางวัฒนธรรมเมืองสงขลาทั้ง 4 องค์ประกอบ ส่งผลให้ประชาชนเมืองสงขลาตื่นตัวต่อการจัดการทุนทางวัฒนธรรมอย่างสูง ซึ่ง องค์ประกอบสำคัญที่สุด คือ การมีส่วนร่วมของประชาชนต่อการจัดการทุนทางวัฒนธรรม เนื่องจากกลุ่มภาคประชาสังคมมีบทบาทร่วมกับองค์กรปกครองส่วนท้องถิ่นอย่างสูงในการจัดการ ทุนทางวัฒนธรรมของเมือง และเป็นจุดเริ่มต้นของการขับเคลื่อนองค์ประกอบการจัดการทุนทาง วัฒนธรรมด้านอื่น ๆ ให้ประสบผลสำเร็จ ส่วนลักษณะการจัดการทุนทางวัฒนธรรมนั้นพบว่า เทศบาลนครสงขลามีการจัดการทุนทางวัฒนธรรมในฐานะ "ประเด็น" หรือสิ่งที่ถูกจัดการ มากกว่า การจัดการทุนทางวัฒนธรรมในฐานะ "เครื่องมือ" เพื่อสนับสนุนการดำเนินงานด้านอื่น

คำสำคัญ : ทุนทางวัฒนธรรม การจัดการทุนทางวัฒนธรรม เทศบาลนครสงขลา

บทนำ

การพัฒนาด้วยกระบวนการทำให้ทันสมัย (Modernization) ในปัจจุบัน ก่อให้เกิด "วัฒนธรรมใหม่" ที่หลอมรวมประชาชนในท้องที่ต่าง ๆ เข้าสู่สำนึกแบบชาตินิยม มีรูปแบบความคิด ความเชื่อ วิถี ชีวิต และการบริโภคเป็นไปในลักษณะคล้ายคลึงกันแทบทุกพื้นที่ ในปัจจุบันจึงเห็นคุณค่าท้องถิ่น ในรูปแบบของภูมิปัญญาที่สั่งสมกันมาหลายชั่วอายุคนกำลังดิ้นรนต่อสู้ในรูปแบบต่าง ๆ สิ่งเหล่านี้ เป็นทรัพย์สินทางปัญญาซึ่งโดยมากเป็นสมบัติส่วนรวมของคนในท้องถิ่น ถูกหยิบยกขึ้นมา ปรับปรุง ตกแต่ง เพื่อให้สอดคล้องกับค่านิยมที่เปลี่ยนแปลงไป โดยอาจมุ่งหมายเพื่อแสดง อัตลักษณ์ของชุมชนท้องถิ่นเดิมด้วยทุนทางวัฒนธรรมที่ตนเองมีทุนทางวัฒนธรรมเป็น "ทุน" ที่มี ลักษณะเหมือนทุนชนิดอื่น ๆ นั่นคือ เป็นสิ่งที่มีการสะสมและขยายออกเพื่อเพิ่มมูลค่าได้ ตาม แนวคิดของปิแอร์ บูร์ดิเยอ นักคิดด้าน "ทุน" ที่สำคัญของประเทศฝรั่งเศสได้จำแนกทุนออกเป็น 4 ประเภท คือ ทุนทางเศรษฐกิจ ทุนทางสังคม ทุนทางสัญลักษณ์ และทุนทางวัฒนธรรม นอกจากนี้ บูร์ดิเยอร์ยังแบ่งทุนทางวัฒนธรรมออกเป็น 3 รูปแบบ คือ รูปแบบแรก ทุนทางวัฒนธรรมที่อยู่ใน รูปแบบการแสดงออกทางร่ายกายและจิตใจที่ถาวร (Emboided State) คือทุนทางวัฒนธรรมที่ฝังอยู่ ในระบบวิถีชีวิตของบุคคล เป็นรูปแบบความคิด ความเชื่อ ตลอดจนขนบธรรมเนียมประเพณีต่าง ๆ ที่คนในสังคมยึดถือ รูปแบบที่สอง คือ ทุนที่ถูกทำให้อยู่ในรูปของรูปธรรมที่จับต้องได้ (Objectified State) คือทุนทางวัฒนธรรมที่เป็นวัตถุอาจเป็นสมบัติที่ครอบครองโดยปัจเจกบุคคลหรืออาจเป็น สมบัติส่วนรวมของสาธารณะ เช่น วรรณกรรม หนังสือ รูปแบบการแสดง งานช่าง อนุสาวรีย์ สิ่งก่อสร้าง เป็นต้น และรูปแบบสุดท้าย คือ ทุนที่ถูกทำให้เป็นสถาบัน (Instititionalized State) ด้วยวิธีการอ้างอิงคุณสมบัติเริ่มต้นของทุนทางวัฒนธรรมและถูกเข้าใจว่าเป็นการรับประกัน โดย

แสดงออกในรูปของประกาศนียบัตร หนังสือรับรอง หรือการสอบ เช่น คุณภาพ/ชื่อเสียงของ
สถาบันการศึกษา การรับรองเป็นสถานที่สำคัญ เป็นต้น (Bourdieu, P.,1986, pp. 241-258)

ในเชิงเศรษฐกิจ "ทุนทางวัฒนธรรม"   เป็นปัจจัยสำคัญของการพัฒนาเมืองตามแนวคิดเมือง
สร้างสรรค์ เป็นสินทรัพย์ชนิดหนึ่งที่สามารถนำมาสร้างเป็นมูลค่าในทางเศรษฐกิจในรูปแบบต่างๆ
ได้ทั้งโดยทางตรงและทางอ้อม ในเชิง สังคม การเมืองและวัฒนธรรม "การจัดการทุนทาง
วัฒนธรรม" ยังเป็นกระบวนการสร้าง "วัฒนธรรมสาธารณะ" อันเป็นพื้นที่อัตลักษณ์เพื่อการมีส่วน
ร่วมทางการเมืองและสังคมของกลุ่มต่างๆ ในสังคมเมือง

สำหรับประเทศไทยได้ตระหนักและให้ความสำคัญของการกระจายอำนาจการปกครองในท้องถิ่น
ตลอดจนการสร้างและส่งเสริมกระบวนการมีส่วนร่วมในการบริหารงานวัฒนธรรมและทรัพยากร
ท้องถิ่น ดังปรากฏในรัฐธรรมนูญปีพ.ศ.2550 หรือในยุทธศาสตร์แผนพัฒนาเศรษฐกิจและสังคม
แห่งชาติ ฉบับที่ 11 รวมทั้งหลักการจัดบริการสาธารณะที่ได้กำหนดให้เป็นภารกิจที่สำคัญองค์กร
ปกครองส่วนท้องถิ่นที่ต้องจัดให้แก่ชุมชนด้วย

จากการประมวลแนวคิดที่เกี่ยวข้องกับการจัดการทุนทางวัฒนธรรม พบว่าสามารถแบ่งการจัดการ
ทุนทางวัฒนธรรมได้ 2 ลักษณะ คือ การจัดการทุนทางวัฒนธรรมในฐานะ "เครื่องมือ" เพื่อสร้าง
เสริมให้เกิดการกระทำทางสังคมและการเมือง ทั้งการมีส่วนร่วม การต่อต้าน การเรียกร้อง และการ
แสดงออกในด้านต่าง ๆ และในฐานะ "สิ่งที่ถูกจัดการ" หรือเป็น "ประเด็น"ของ การจัดการผ่าน
นโยบายและแนวทางที่ดำเนินการ โดยตัวแสดงทุกภาคส่วนทั้งภาครัฐ ภาคเอกชนและภาคประชา
สังคม การจัดการทุนทางวัฒนธรรมในปัจจุบันรัฐจึงไม่ได้เป็นตัวแสดงเดียวที่มีอำนาจสิทธิ์ขาดใน
กระบวนการจัดการ หากแต่เอกชนและประชาสังคมได้เข้ามามีบทบาทในกิจการดังกล่าวเป็นอย่าง
มาก เนื่องจากในปัจจุบันรัฐให้ความสำคัญเรื่องของสิทธิชุมชนมากขึ้น

เทศบาลนครสงขลา มีความหลากหลายทางวัฒนธรรมที่สร้างขึ้นจากกลุ่มต่าง ๆ ที่มี "อัตลักษณ์" ที่
น่าสนใจ สะสมจนกลายเป็นทุนทางวัฒนธรรมที่สำคัญของเมือง และถูกหยิบยกมาใช้ประโยชน์
อย่างมากในยุคปัจจุบันที่กระแสท้องถิ่นนิยม (Localization) และการโหยหาอดีต (Nostalgia) กำลัง
โหมแรง จนได้รับรางวัลอุตสาหกรรมท่องเที่ยว ครั้งที่ 9 ประเภท แหล่งท่องเที่ยวประวัติศาสตร์
และวัฒนธรรมดีเด่น ในปี พ.ศ. 2556 และได้รับเลือกเข้าร่วมโครงการประตูวัฒนธรรมสู่อาเซียน
(ASEAN Cultural Gateway) ของกระทรวงวัฒนธรรม แสดงให้เห็นว่าเทศบาลนครสงขลามีความ
โดดเด่นในเรื่องความเข้มแข็งทางวัฒนธรรม จากกระบวนการสร้างสรรค์พัฒนาร่วมกันหลายภาค
ส่วน ทั้งภาครัฐ ภาคเอกชน และภาคประชาชน ผ่านนโยบาย เครือข่าย รวมถึงความร่วมมือและการ

ต่อรองในรูปแบบต่าง ๆ จึงเป็นที่น่าสนใจว่าเมืองสงขลานั้นมีกระบวนการจัดการแต่ละ
องค์ประกอบของการจัดการทุนทางวัฒนธรรมเพื่อการพัฒนาเมืองอย่างไร รวมถึงบทเรียนการ
จัดการทุนทางวัฒนธรรมของเมืองสงขลาเองที่อาจเป็นแนวทางให้แก่พื้นที่อื่น ๆ ได้ เพื่อให้ชุมชน
ท้องถิ่นได้อาศัยภูมิปัญญาที่สั่งสมกันมาตลอดหลายชั่วอายุคนในพื้นที่แก้ปัญหาและพัฒนาพื้นที่ที่
ตนเองอาศัยอยู่ได้อย่างยั่งยืน

วัตถุประสงค์การวิจัย

เพื่อศึกษาการจัดการทุนทางวัฒนธรรมของภาคส่วนต่าง ๆ โดยเฉพาะภาครัฐส่วนท้องถิ่นและภาค
ประชาชนในการพัฒนาเมือง

ขอบเขตการวิจัย

เชิงประเด็น ศึกษาการจัดการทุนทางวัฒนธรรมเพื่อการพัฒนาเมือง ในความหมายที่เป็น
ทรัพย์สินทางปัญญาที่สั่งสมมาในอดีตมีคุณค่าต่อมนุษย์และความต้องการของสังคม ศึกษา
องค์ประกอบการจัดการทุนทางวัฒนธรรม และลักษณะการจัดการทุนทางวัฒนธรรมที่มีต่อการ
พัฒนาเมืองในเขตเทศบาลนครสงขลา

เชิงพื้นที่ ศึกษาภายในเขตเทศบาลนครสงขลา จังหวัดสงขลา และพื้นที่ใกล้เคียงที่มีความ
เกี่ยวข้องทางวัฒนธรรม

เชิงประชากร ศึกษาเป็น 2 กลุ่ม คือ กลุ่มผู้เชี่ยวชาญด้านวัฒนธรรมเมืองสงขลาและกลุ่ม
ผู้เกี่ยวข้องกับการจัดการทุนทางวัฒนธรรม

กรอบการวิจัย

วิธีการวิจัย

การวิจัยครั้งนี้เป็นการวิจัยเชิงคุณภาพ (Qualitative Research Method) โดยใช้วิธีการค้นคว้าเอกสาร
(Documentary Research) และการสัมภาษณ์เชิงลึกแบบไม่มีโครงสร้าง (In-depth Interview) จาก
กลุ่มตัวอย่าง 35 คน กลุ่มที่ 1 คือ กลุ่มผู้เชี่ยวชาญด้านวัฒนธรรมเมืองท้องถิ่นของเมืองสงขลา
จำนวน 11 คน จากการเลือกแบบเฉพาะเจาะจง (Purposive Selection) กลุ่มที่ 2 คือ กลุ่มผู้เกี่ยวข้อง
กับการจัดการทุนทางวัฒนธรรมในเขตเทศบาลนครสงขลา จำนวน 24 คนรวม จากการเลือกแบบ
เฉพาะเจาะจง (Purposive Selection) และและเลือกแบบลูกโซ่ (Snowball Selection) โดยมีขั้นตอน
การศึกษา ดังต่อไปนี้

ขั้นที่ 1 ผู้ศึกษาสำรวจและรวบรวมข้อมูลทุนทางวัฒนธรรมจากสารานุกรมวัฒนธรรมภาคใต้ ฉบับ มูลนิธิสารานุกรมวัฒนธรรมไทย ธนาคารไทยพาณิชย์ ปี พ.ศ.2542 รวมทั้งเอกสารจากแหล่งอื่น ๆ ที่เกี่ยวข้อง และการสัมภาษณ์ผู้เชี่ยวชาญด้านวัฒนธรรมจากกลุ่มตัวอย่างที่ได้เลือกไว้แบบ เฉพาะเจาะจง และจากกลุ่มตัวอย่างเพิ่มเติมที่ได้จากการแนะนำต่อจากกลุ่มตัวอย่างกลุ่มแบบ เฉพาะเจาะจง

ขั้นที่ 2 ผู้ศึกษาศึกษาการจัดการทุนทางวัฒนธรรมเพื่อการพัฒนาเมืองโดยวิธีการสัมภาษณ์แบบไม่มี โครงสร้าง (Unstructured interviews) กับบุคคลผู้ให้ข้อมูลหลัก (Key Informants) ที่เป็น ผู้ทรงคุณวุฒิมีความเชี่ยวชาญด้านวัฒนธรรมของเมืองสงขลา และใช้วิธีการสัมภาษณ์แบบกึ่ง โครงสร้าง (Semi-structured interviews) กับบุคคลผู้ให้ข้อมูลหลัก (Key Informants) ที่มีบทบาท และมีส่วนร่วมในการจัดการทุนทางวัฒนธรรมในพื้นที่

ขั้นที่ 3 ผู้ศึกษารวบรวมข้อมูลและประมวลผลข้อมูลที่ได้จากการค้นคว้าเอกสาร การสัมภาษณ์และ สังเกตการณ์ เพื่อวิเคราะห์ลักษณะการจัดการ รูปแบบความร่วมมือในการจัดการทุนทางวัฒนธรรม เพื่อการพัฒนาเมืองในรูปแบบต่างๆ และหาข้อเสนอแนะต่อไป

ผลการวิจัย

1. องค์ประกอบการจัดการทุนทางวัฒนธรรมเมืองสงขลา

ทุนทางวัฒนธรรมของเมือง พบว่าสงขลามีทุนทางวัฒนธรรมที่สะสมพัฒนาการผ่านประวัติศาสตร์ ที่ยาวนาน มีรากฐานจากวัฒนธรรมที่หลากหลายทั้งวัฒนธรรมผี – พราหมณ์ – พุทธ วัฒนธรรม มุสลิมและวิทยาการก่อสร้างแบบตะวันตกในยุคร่วมสมัยกับกรุงศรีอยุธยา วัฒนธรรมจีนและ วัฒนธรรมราชสำนักจากกรุงเทพฯในช่วงกรุงรัตนโกสินทร์ตอนต้น รวมถึงปัจจัยอื่น ๆ เช่น การ เป็นเมืองศูนย์กลางในภูมิภาค การเติบโตของกลุ่มคหบดีท้องถิ่น เหตุการณ์สงครามโลกครั้งที่ 2 ที่ ก่อให้เกิดวัฒนธรรมที่เป็นรูปแบบเฉพาะตัวของเมืองสงขลาในปัจจุบันซึ่งรับทุนทางวัฒนธรรมจาก การสะสมมาจากอดีตดังกล่าว ทุนทางวัฒนธรรมของเมืองสงขลา แบ่งได้เป็น 4 ประเภท คือ ความ เชื่อและโลกทัศน์ วิถีการดำรงชีวิต ศิลปหัตถกรรมและประดิษฐกรรม การถ่ายทอดกระบวนการ เรียนรู้และการสร้างความสัมพันธ์ในสังคม ซึ่งในแต่ละประเภทมีทั้งทุนทางวัฒนธรรมในระดับเป็น รูปเป็นร่าง ระดับเป็นชิ้นเป็นอัน และระดับสถาบัน ในปัจจุบันทุนทางวัฒนธรรมได้รับความสนใจ จากภาครัฐและภาคประชาชน มีโครงการพัฒนาหลายอย่างที่เกี่ยวข้องกับทุนทางวัฒนธรรม เหล่านั้น ทุนทางวัฒนธรรมหลายอย่างได้รับรางวัลและการยกย่องในระดับชาติ ในขณะที่ทุนทาง วัฒนธรรมอีกหลายอย่างยังไม่ถูกนำมาใช้ให้สมศักยภาพ หรือทุนทางวัฒนธรรมบางอย่างก็ไม่เป็นที่ รู้จักกันแล้วในปัจจุบัน

การลงทุนทางวัฒนธรรมของภาคส่วนต่าง ๆ พบว่าภาครัฐส่วนท้องถิ่นมีบทบาทมากต่อการลงทุน
ทางวัฒนธรรมในเขตเทศบาลนครสงขลา โดยเฉพาะเทศบาลนครสงขลา ซึ่งเน้นการลงทุนใน
รูปแบบโครงการก่อสร้าง ปรับปรุงซ่อมแซม และการจัดงานเทศกาล ที่น่าสนใจคือมีการร่วมทุนกับ
หน่วยงานอื่น ๆ และบริษัทเอกชนในโครงการขนาดใหญ่ด้วย ส่วนหน่วยงานราชการส่วนภูมิภาคที่
มีบทบาทสำคัญ ได้แก่ สำนักงานวัฒนธรรมจังหวัด สำนักศิลปากรที่ 13 สงขลา สำนักงานท่องเที่ยว
และกีฬาจังหวัด และสำนักงานสิ่งแวดล้อมและทรัพยากรจังหวัด ซึ่งมีบทบาทตามกรอบภารกิจของ
แต่ละหน่วยงาน และบทบาทของสถาบันการศึกษาในพื้นที่ ทั้งระดับมัธยมศึกษาและ
ระดับอุดมศึกษา เช่น การสร้างหลักสูตรบ่อยางศึกษาและยุวมัคคุเทศน์ของโรงเรียนมหาวชิราวุธ
ความร่วมมือด้านศิลปวัฒธรรมของมหาวิทยาลัยเทคโนโลยีราชมงคลศรีวิชัย มหาวิทยาลัยราชภัฏ
สงขลา และมหาวิทยาลัยทักษิณ เป็นต้น รวมถึงสถาบันศาสนา ในฐานะผู้อนุรักษ์ทุนทางวัฒนธรรม
ในรูปแบบดั้งเดิมและเจ้าของทุนทางวัฒนธรรมบางส่วน

สำหรับองค์กรภาคประชาชนที่สำคัญ คือ คณะกรรมการชุมชน เป็นผู้รวบรวมข้อมูล วางแผนชุมชน
ซึ่งรวมถึงข้อมูลทุนทางวัฒนธรรมและผู้ที่รักษาภูมิปัญญาของชุมชนด้วย ดำเนินโครงการพัฒนา
ชุมชนร่วมกับเทศบาล บางชุมชนดำเนินโครงการร่วมกับเครือข่ายเอง เช่น กิจกรรมถนนคนเดิน
เพลินของหรอย ย้อนรอยบ่อยางขึ้นเป็นประจำทุกปีโดยชุมชนย่านเมืองเก่า ภาคีคนรักเมืองสงขลา
สมาคม มีบทบาทขับเคลื่อนประเด็นเรื่องเมืองเก่าและทุนทางวัฒนธรรมเมืองสงขลาหลายอย่าง
และผลักดันให้กลายเป็นประเด็นสาธารณะ เข้าสู่กระบวนนโยบายของท้องถิ่น รวมถึงเป็นผู้
ดำเนินงานสำคัญในโครงการด้านวัฒนธรรมของเมือง และ สงขลาฟอรั่ม มุ่งสร้างความเป็นพลเมือง
โดยเน้นกลุ่มเป้าหมายที่สำคัญคือเยาวชน ผ่านประเด็นสิ่งแวดล้อมโดยเฉพาะหาดทรายเป็นหลัก ซึ่ง
ใช้ทุนทางวัฒนธรรมด้านความเชื่อมาเป็นเครื่องมือรณรงค์เพื่อการดำเนินการนี้ นอกจากนี้ยังมี
องค์กรนอกภาครัฐอื่น ๆ ที่มีความเกี่ยวข้องกับการจัดการทุนทางวัฒนธรรมอีก เช่น ชมรมประเพณี
เก้าห้อง กลุ่มจักรยานเก่าชมเมือง ห้าสมาคมจีน เป็นต้น

ภาคเอกชนนั้นร่วมลงทุนกับหน่วยงานภาครัฐในโครงการขนาดใหญ่ เช่น โครงการอุทยานการ
เรียนรู้สงขลา โดย บริษัท ปตท.สำรวจและผลิต จำกัด (มหาชน) การสนับสนุนงบประมาณในการ
อนุรักษ์และฟื้นฟูย่านเมืองเก่าสงขลาโดยบริษัท เชฟรอน จำกัด และโครงการ Songkhla First China
Town ของหอการค้าจังหวัดสงขลา

ทัศนคติของผู้เกี่ยวข้องและประชาชนต่อการจัดการทุนทางวัฒนธรรม พบว่า เทศบาลนครสงขลา
และภาคีคนรักเมืองสงขลาสมาคมมีความเห็นว่าขณะนี้ได้รับความร่วมมือจากประชาชนอย่างเต็มที่
ส่วน สำนักศิลปากรที่ 13 สงขลาและสำนักทรัพยากรธรรมชาติและสิ่งแวดล้อมเห็นสอดคล้องกัน

ว่า หน่วยงานราชการต้องบูรณาการความร่วมมือกันมากกว่านี้ ต้องบังคับใช้กฎหมายอย่างจริงจัง
มากขึ้น และเห็นว่าขณะนี้ภาคประชาชนมีบทบาทในประเด็นการจัดการทุนทางวัฒนธรรมมากกว่า
ภาครัฐ ส่วนกลุ่มประชาชนและผู้ประกอบการในเขตเทศบาลนครสงขลา รับรู้ว่ามีความพยามที่จะ
ผลักดันให้เมืองเก่าสงขลาสู่เมืองมรดกโลก แต่ประชาชนภายนอกเขตพื้นที่ย่านเมืองเก่ายังไม่รับรู้ว่า
จะมีผลกระทบกับตัวเองและจะมีส่วนร่วมได้อย่างไร รวมทั้งผู้ที่อยู่อาศัยในเขตย่านเมืองเก่าเอง
บางส่วนก็มีความรู้สึกว่าผู้ที่มีส่วนจัดการทุนทางวัฒนธรรมยังให้ความสำคัญกับบ้านแต่ละหลังไม่
เท่ากัน ประเด็นสำคัญคือ อยากให้ส่งเสริมกิจการหรือศักยภาพของพื้นที่และทุนทางวัฒนธรรม
ดั้งเดิมแท้จริงในท้องถิ่น มากกว่าการทุบทำลายแล้วสร้างใหม่ หรือการสร้างของใหม่ขึ้นมาใน
ลักษณะใกล้เคียงกับทุนทางวัฒนธรรมที่มีอยู่เดิมโดยละเลยคุณค่าของทุนทางวัฒนธรรมดั้งเดิมไป
การมีส่วนร่วมทางวัฒนธรรมของประชาชน ผลการศึกษาพบว่าการจัดการทุนทางวัฒนธรรมในเขต
เทศบาลนครสงขลาปรากฏใน 4 ขั้นตอน คือ การมีส่วนร่วมในการค้นหาปัญหาและเหตุแห่งปัญหา
กระทำผ่านการประชาคมเมืองและกลไกของเทศบาลอย่างคณะกรรมการชุมชน การมีส่วนร่วมใน
การวางแผนดำเนินการ ผ่านการเป็นตัวแทนเข้าไปกำหนดแผนพัฒนาเมืองร่วมกับองค์กรปกครอง
ส่วนท้องถิ่นขององค์กรภาคประชาชน และการกำหนดแผนชุมชนของคณะกรรมการแต่ละชุมชน
การมีส่วนร่วมในการลงทุนและปฏิบัติงาน ปรากฏเป็นการทำงานในรูปแบบเครือข่าย
(Networking) และการร่วมลงทุนแบบหุ้นส่วนระหว่างภาครัฐและภาคเอกชนในงานบริการ
สาธารณะ (Public-Private Partnership - PPP) และ การมีส่วนร่วมในการติดตามและประเมินการ
ดำเนินงาน ซึ่งยังไม่ปรากฏสร้างกลไกการมีส่วนร่วมในขั้นตอนการติดตามและประเมินการ
ดำเนินงานอย่างเด่นชัด มักการรายงานผลการดำเนินงานของหน่วยงานที่เป็นผู้ดำเนินการตาม
ช่องทางการสื่อสารต่าง ๆ เพื่อให้รับทราบความคืบหน้าเป็นสำคัญ

**2. ลักษณะการจัดการทุนทางวัฒนธรรมในจังหวัดสงขลา แบ่งออกเป็น 2 ลักษณะ คือ การจัดการ
ทุนทางวัฒนธรรมในฐานะ "ประเด็น" และการจัดการทุนทางวัฒนธรรมในฐานะ "เครื่องมือ"**
การจัดการทุนทางวัฒนธรรมในฐานะ "ประเด็น" หรือ "สิ่งที่ถูกจัดการ" แบ่งได้เป็นสองระยะ คือ
ช่วงก่อนปี พ.ศ.2552 และช่วง พ.ศ.2552 – ปัจจุบัน โดยอาศัยการเกิดขึ้นของกลุ่มภาคีคนรักเมือง
สงขลา (ชื่อในขณะนั้น) เป็นเส้นแบ่ง มีความแตกต่างกันคือ ในระยะแรก บทบาทการจัดการทุน
ทางวัฒนธรรมในเขตเทศบาลนครสงขลาเป็นของภาคราชการทั้งส่วนภูมิภาคและส่วนท้องถิ่นเป็น
หลัก มีวัตถุประสงค์เพื่อธำรงรักษาทุนทางวัฒนธรรมของชาติไม่ให้สูญหาย หน่วยงานหลักที่
รับผิดชอบดำเนินการตามภารกิจของแต่ละองค์กร ส่วนในระยะที่สอง เป็นช่วงที่กลุ่มภาคประชา
สังคมเข้ามามีบทบาทอย่างสูงต่อการการจัดการทุนทางวัฒนธรรมในฐานะ "ประเด็น" เป็นการยึด
เอาตัวทุนทางวัฒนธรรมเป็นแกนกลาง โดยพุ่งเป้าการพัฒนาไปที่ประเด็นเมืองเก่า และพยายามโอบ
เอาทุนทางวัฒนธรรมต่าง ๆ ในเมืองเข้าไว้ในขอบข่ายของความเป็น "เมืองเก่าสงขลา" และขยาย

ประเด็นสู่การรับรู้ของภาครัฐ แล้วแปลงสู่นโยบาย แผนงาน โครงการ ตลอดจนถึงความร่วมมือ
ระหว่างหน่วยงานและหลายภาคส่วน ก่อให้เกิดการระดมทรัพยากรรวมถึงความร่วมมือต่าง ๆ เพื่อ
จัดการให้ทุนทางวัฒนธรรมนั้นเกิดผลลัพธ์ออกมาในแง่มุมต่าง ๆ

สำหรับการจัดการทุนทางวัฒนธรรมในฐานะ "เครื่องมือ" เป็นการนำทุนทางวัฒนธรรมมาเป็นส่วน
หนึ่งเพื่อประกอบการดำเนินงานในด้านอื่น ๆ โดยไม่ได้มุ่งหวังผลอันเกิดจากทุนทางวัฒนธรรมนั้น
โดยตรง เพียงแต่นำทุนทางวัฒนธรรมนั้นมาเป็นวิธีการ เป็นสถานที่ เป็นเครื่องมือในการ
ประชาสัมพันธ์ แสวงหาการมีส่วนร่วม หรือดำเนินการด้านอื่น ๆ เช่น การใช้สถานที่สำคัญทาง
ประวัติศาสตร์มาเปิดเป็นพื้นที่สาธารณะ ในกรณีของโรงสีหับ โห้ หิ้น หรือโรงสีแดง การใช้ความ
เชื่อพิธีกรรมกระตุ้นจิตสำนึกและสร้างการมีส่วนร่วม ในกรณีของงานแลเลแลหาด และการใช้
รูปแบบวิถีชีวิตมาเป็นโครงการรณรงค์ประเด็นสิ่งแวดล้อมในกรณีตลาดนัดบ่อยาง Green Market

สรุปผลการวิจัย

จากผลการศึกษาเมื่อพิจารณาจากองค์ประกอบทั้ง 4 ของการจัดการทุนทางวัฒนธรรมแล้ว เห็นได้
ว่าในกรณีของการจัดการทุนทางวัฒนธรรมเมืองสงขลา การมีส่วนร่วมทางวัฒนธรรมของ
ประชาชนเป็นปัจจัยจุดกำเนิดให้เกิดกระบวนการและความตื่นตัวต่อการจัดการทุนทางวัฒนธรรม
ของพื้นที่ตามมา

การมีส่วนร่วมทางวัฒนธรรมของประชาชนโดยเฉพาะ ภาคีคนรักเมืองสงขลาสมาคม กลายเป็น
จุดเชื่อมโยงสำคัญ (hub)   ในกระบวนการจัดการทุนทางวัฒนธรรมเมืองสงขลา ซึ่งพบว่าปัจจัย
สำคัญที่ก่อให้เกิดความเข้มแข็งได้มี 3 ประการ คือ 1) มีเครือข่ายกว้างขวาง ครอบคลุมผู้เกี่ยวข้อง
ทุกกลุ่มในการจัดการทุนทางวัฒนธรรมทั้งภายในเมือง 2) มีความพร้อมในหลายด้าน ทั้งสถานะการ
จัดตั้งถูกต้องตามกฎหมาย องค์ความรู้ และทรัพยากรต่าง ๆ เช่น งบประมาณ สถานที่ ยานพาหนะ
รวมถึงสิ่งอำนวยความสะดวกในการดำเนินงานของกลุ่ม 3) มีวัตถุประสงค์ในการดำเนินงานที่
ชัดเจน และเน้นว่าไม่เกี่ยวข้องกับแนวคิดทางการเมือง ทำให้สามารถขอความร่วมมือในการ
ดำเนินงานต่างๆ ได้จากทุกกลุ่ม

สำหรับพันธะการลงทุนทางวัฒนธรรมที่เป็นปัจจัยถัดมา หน่วยงานภาครัฐมีมุมมองสำคัญที่จะ
จัดการทุนทางวัฒนธรรมในฐานะประเด็น ให้มีนัยยะของความเป็นสินค้าและบริการทางวัฒนธรรม
เพื่อตอบสนองความต้องการทางเศรษฐกิจโดยเฉพาะการท่องเที่ยว เป้าหมายใหญ่ของการจัดการ
ทุนทางวัฒนธรรมในแง่มุมนี้ คือ "เมืองสงขลาสู่มรดกโลก" แต่แม้ว่าจะมีการลงทุนเพื่อพัฒนาทุน

ทางวัฒนธรรมเมืองสงขลาจากหลายหน่วยงานแต่ในปัจจุบันยังขาดแผนแม่บทของการจัดการทุน
ทางวัฒนธรรมที่แสดงความเชื่อมโยงการทำงานของหน่วยงานต่าง ๆ ทำให้ประชาชนและ
ผู้เกี่ยวข้องไม่อาจมองเห็นภาพความสำเร็จหรือความก้าวหน้าในอนาคตได้ชัดเจน และอาจส่งผล
ด้านความต่อเนื่องของการลงทุนเมื่อเกิดการเปลี่ยนแปลงในอนาคตได้

ส่วนทุนทางวัฒนธรรมของเมืองสงขลา สามารถสะท้อนอัตลักษณ์ของกลุ่มชนที่อาศัยอยู่ในเมืองได้
ทุกกลุ่ม และดึงดูดความน่าสนใจจากผู้คนต่างถิ่นที่จะเข้ามาบริโภคทุนทางวัฒนธรรมเหล่านั้นใน
ฐานะสินค้าและบริการเพื่อการท่องเที่ยวได้เป็นอย่างดี แต่ในอดีตทุนทางวัฒนธรรมบางส่วนได้ถูก
ทำลายลงไปบ้างแล้ว เพราะไม่มีมาตรการเพื่อการอนุรักษ์และพัฒนาทุนทางวัฒนธรรมของเมืองที่ดี
พอ โดยเฉพาะทุนทางวัฒนธรรมในความครอบครองของเอกชนที่ไม่ได้รับการรับรองหรือขึ้น
ทะเบียนจากรัฐ ซึ่งภาครัฐควรมีมาตรการที่เอื้อให้เจ้าของทุนทางวัฒนธรรมที่เป็นเอกชนสามารถ
รักษาทุนทางวัฒนธรรมที่ตัวเองมีได้โดยไม่รู้สึกว่าถูกริดรอนสิทธิ์บางประการไป หรือมี
ผลประโยชน์ชดเชยในกรณีหากจำเป็นต้องถูกรอนสิทธิ์ และควรส่งเสริมการจัดแสดงความความรู้
และความสามารถเชิงศิลปวัฒนธรรมของปราชญ์ศิลปินท้องถิ่นในพื้นที่สาธารณะที่มีอยู่แล้วหรือ
ในพื้นที่ใหม่

และทัศนคติของผู้เกี่ยวข้องและประชาชนในการจัดการทุนทางวัฒนธรรม ในปัจจุบันประชาชนที่มี
ความตื่นตัวเกี่ยวกับการจัดการทุนทางวัฒนธรรมของเมืองโดยเฉพาะประเด็นอย่างเมืองเก่าได้เข้า
ร่วมเป็นส่วนหนึ่งขององค์กรภาคประชาชนที่เกี่ยวข้องมากขึ้น เพื่อแสดงความคิดเห็นเข้าร่วม
ดำเนินงาน แต่ยังมีอีกมากที่ขาดการมีส่วนร่วมจากบุคลิกความเป็นปัจเจกบุคคลของคนในเมือง
สงขลาบางส่วน นอกจากนี้ทัศนคติเกี่ยวกับการจัดการทุนทางวัฒนธรรมของผู้เกี่ยวข้องบางส่วนยัง
มีความขัดแย้งกันอยู่ ซึ่งปัญหาทัศนคติที่ไม่ตรงกันเช่นนี้ของผู้เกี่ยวข้องควรได้รับการแก้ไข เช่น
การใช้พื้นที่สาธารณะของเมืองในการสื่อสารระหว่างผู้บริหารเมืองกับประชาชนเพิ่มมากขึ้น เพื่อ
การดำเนินงานที่มีเอกภาพร่วมกันต่อไป

สำหรับลักษณะการจัดการทุนทางวัฒนธรรมนั้น การจัดการทุนทางวัฒนธรรมในฐานะ "ประเด็น"
ถูกใช้มากกว่าการจัดการทุนทางวัฒนธรรมในฐานะ "เครื่องมือ" เนื่องจากทุนทางวัฒนธรรมที่ถูกใช้
ในฐานะประเด็นของการพัฒนา สามารถแปลงเป็นนโยบายแผนงาน และโครงการพัฒนาต่าง ๆ ได้
อย่างชัดเจน แต่ในฐานะเครื่องมือเพื่อการดำเนินการด้านต่าง ๆ ทุนทางวัฒนธรรมอาจเป็นเพียงหนึ่ง
ในตัวเลือก ที่ไม่ได้มีศักยภาพโดดเด่นกว่าเครื่องมือหรือวิธีการดำเนินงานอื่น ๆ ที่อาจเลือกใช้ได้
ดีกว่าในปัจจุบัน เช่น เทคโนโลยี ความรู้ทางวิชาการ หรือสถานที่จัดงานที่มีความสะดวก เป็นต้น
ข้อเสนอแนะในการศึกษาครั้งต่อไป

เนื่องจากการศึกษาในครั้งนี้มีข้อจำกัดบางประการ สำหรับผู้ที่ต้องการศึกษาการจัดการทุนทาง
วัฒนธรรมในลักษณะนี้ ผู้ศึกษามีข้อเสนอแนะเพื่อต่อยอดโดยนำบทเรียนที่ได้นี้ไปใช้ในการศึกษา
พื้นที่อื่น ๆ ดังนี้

    1) ควรศึกษาทัศนคติของผู้เกี่ยวข้องและประชาชนเป็นเชิงปริมาณ โดยกำหนดปัจจัยที่
ส่งผลต่อการจัดการทุนทางวัฒนธรรมในพื้นที่จากมุมมองของกลุ่มตัวอย่างที่ศึกษา จะทำให้ได้
ข้อมูลหลากหลายมากขึ้น และสามารถรวบรวมข้อคิดเห็นได้จากกลุ่มตัวอย่างที่กว้างกว่าการศึกษา
เชิงคุณภาพ

    2) ควรเพิ่มเติมการวิเคราะห์เครือข่ายของการจัดการทุนทางวัฒนธรรมในพื้นที่ เพื่อแสดง
ให้เห็นความสัมพันธ์และบทบาทของตัวแสดงต่าง ๆ ที่เกี่ยวข้องในกระบวนการจัดการทุน

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The Role of the Strategic Committee and Party Branches of the Democrat Party in Northeast

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Abstract

This research is a study of Democrat Party's electoral campaign at the local level. The roles of the strategic committee, party branches, candidates, representatives as well as vote canvassers of the party are examined. The campaign's process and networking of Democrat Party in two provinces, Ubon Ratchanathi and Khonkaen, are studied in comparative perspective.

The research method is qualitative one using documentary research as well as field research. At the field research, interviews and focus groups methods are used. The result reveals that Democrat Party, while having both regional leveled and constituency leveled branches and having members meeting at the provincial level, the top decision making is made at the Party's executive committee in the national level. The process in which the Party forms its networking at the local level significantly relies on leaders who have power in local politics, have strong kinship in the area, and hold strong faith in the Party' ideology. The policy formation processes are made within the network in different forms; public forum, individual relations, including exchanging mutual benefits between leaders at the local level. The network are also found in the form of civic groups.

However, the change in electoral system in 1997 and 2007 made the Democrat Party to have difficulty in adjusting to the new system, both in terms of programmatic and personal campaigns. Furthermore, the political conflict between the Red Shirts and the Yellow Shirts from 2005-2011 facilitated the rival to gain support over the Democrat Party. It became difficult for the Party to expand its political base and finally lost in Khonkaen province. On the other hand, the Party has been successfully in keeping its position in Ubon Ratchathani solely because of the candidates who personally has long hold strong clientelistic networking in the constituency.

บทบาทของคณะกรรมการขับเคลื่อนยุทธศาสตร์และสาขาพรรคประชาธิปัตย์ในภาคตะวันออกเฉียงเหนือ

จัตรตุพล ลามา เพิ่มวงษ์มาก, นิสิตปริญญาโท ภาควิชาการปกครอง คณะรัฐศาสตร์ จุฬาลงกรณ์มหาวิทยาลัย

บทคัดย่อ

บทความนี้เป็นการศึกษาการขับเคลื่อนในระดับท้องถิ่นของพรรคประชาธิปัตย์ โดยศึกษาบทบาทของคณะ กรรมการขับเคลื่อนยุทธศาสตร์ภาคตะวันออกเฉียงเหนือ สาขาพรรค ผู้สมัครรับเลือกตั้งสมาชิกสภาผู้แทนราษฎร และเครือข่ายหัวคะแนนของพรรคประชาธิปัตย์ในภาคตะวันออกเฉียงเหนือ โดยเปรียบเทียบระหว่างจังหวัดอุบลราชธานีกับจังหวัดขอนแก่น โดยใช้การวิจัยเชิงคุณภาพ ใช้วิธีการวิจัยเอกสาร การทำวิจัยภาคสนามด้วยวิธีสัมภาษณ์และการจัดทำการสนทนากลุ่ม ผลการศึกษา พบว่า พรรคประชาธิปัตย์มีการจัดองค์กรแบบสาขาในระดับส่วนกลางและเขตเลือกตั้งควบคู่กับแบบคอคัส (caucus) หรือการประชุมกลุ่มย่อยของผู้สนับสนุนหรือสมาชิกพรรคในระดับภูมิภาค โดยอำนาจการตัดสินใจสูงสุดอยู่ภายใต้คณะกรรมการบริหารพรรค ในส่วนของการเลือกสรรเครือข่ายเพื่อสนับสนุนการหาเสียงเลือกตั้งนั้น พรรคให้ความสำคัญกับบุคคลที่มีฐานการเมืองท้องถิ่น เครือญาติ มีความศรัทธาในอุดมการณ์พรรค และมีความผูกพันกับพรรค ส่วนความสัมพันธ์ในเครือข่ายนั้นได้มีการแลกเปลี่ยนข้อมูลข่าวสาวในการกำหนดนโยบายในหลากหลายรูปแบบ ได้แก่ การสร้างความผูกพันกับเครือขายในพื้นที่ การเปิดเวทีสาธารณะ และการแลกเปลี่ยนผลประโยชน์กัน ทั้งนี้ยังมีการวางแผนเพื่อสร้างเครือข่ายในระดับท้องถิ่นในรูปแบบภาคประชาสังคมอีกด้วย อย่างไรก็ดี การเปลี่ยนแปลงระบบเลือกตั้งปี พ.ศ. 2540 และ 2550 ส่งผลให้พรรคประชาธิปัตย์ไม่สามารถปรับตัวทั้งทางโครงสร้าง นโยบาย และตัวบุคคลได้ ประกอบกับความขัดแย้งทางการเมืองในช่วงปี พ.ศ. 2548 – 2554 ถูกใช้เป็นเครื่องมือสร้างฐานคะแนนเสียงของพรรคการเมืองคู่แข่ง ซึ่งส่งผลกระทบต่อพรรคประชาธิปัตย์ทั้งในด้านการลงพื้นที่และการขยายฐานเสียงเพิ่มจากเดิม ทำให้ส่งผลต่อความล้มเหลวในจังหวัดขอนแก่น ทั้งนี้เพราะจังหวัดขอนแก่นไม่มีกลุ่มการเมืองที่มั่นคงและไม่ได้รับเลือกตั้งต่อเนื่อง จึงไม่สามารถสร้างความผูกพันกับผู้แทนในพื้นที่ได้ แต่อีกด้านหนึ่งนั้น ความสำเร็จในการเลือกตั้งของพรรคประชาธิปัตย์ในจังหวัดอุบลราชธานี มาจากปัจจัยจากผู้สมัครซึ่งเป็นกลุ่มตระกูลการเมืองที่ได้รับการยอมรับนับถือ ได้รับการเลือกตั้งอย่างต่อเนื่อง โดยใช้ความผูกพันเชิงอุปถัมภ์

คำสำคัญ: พรรคประชาธิปัตย์/ ภาคตะวันออกเฉียงเหนือ/ คณะกรรมการขับเคลื่อนยุทธศาสตร์/ การจัดการเชิงกลยุทธ์/ สาขาพรรค/จังหวัดอุบลราชธานี/ จังหวัดขอนแก่น/ ประเทศไทย

บทนำ

พรรคการเมืองในฐานะสถาบันทางการเมือง ถือว่ามีความสำคัญต่อการปกครองในระบอบ
ประชาธิปไตยสมัยใหม่ โดยเฉพาะการสร้างความชอบธรรมในการจัดตั้งรัฐบาล (สิริพรรณ นกสวน
สวัสดี, 2553) จากความสำคัญดังกล่าวนำไปสู่ความสนใจในการศึกษาบทบาทของพรรคการเมือง
ในมิติของการสร้างฐานคะแนนเสียง โดยเลือกศึกษาพรรคประชาธิปัตย์ซึ่งถือเป็นพรรคการเมืองที่
ดำรงอยู่ยาวนานที่สุดในบรรดาพรรคการเมืองไทย ทั้งยังเป็นพรรคที่มีการจัดตั้งคณะทำงาน
ยุทธศาสตร์เพื่อทำหน้าที่วางแผนและกำหนดพัฒนาทิศทางองค์กรครอบคลุมทุกระดับ รวมทั้งการ
นำนโยบายพรรคไปสู่การปฏิบัติ โดยเลือกทำการศึกษาพื้นที่ภาคตะวันออกเฉียงเหนือซึ่งถือเป็น
พื้นที่ที่พรรคประสบความล้มเหลวอย่างต่อเนื่องในการเลือกตั้งสมาชิกสภาผู้แทนราษฎรภายหลัง
การปฏิรูปทางการเมืองเมื่อปี พ.ศ. 2540 จนถึงการเลือกตั้งครั้งล่าสุดเมื่อปี พ.ศ. 2554

จากรายงานวิจัยของสมศักดิ์ ตอเสนา (สมศักดิ์ ตอเสนา, 2548) ได้ศึกษาถึงการสร้างฐานทาง
การเมืองของพรรคประชาธิปัตย์ในอีสาน พบว่า ปัจจัยด้านความล้มเหลวนั้นเกิดจากภาพลักษณ์ของ
พรรคประชาธิปัตย์ในระยะหลังเป็นพรรคการเมืองของสมาชิกส่วนใหญ่มาจากภาคใต้ การเปลี่ยน
พรรคของสมาชิกสภาผู้แทนราษฎรเก่าที่มีฐานเสียงดีไปสังกัดพรรคอยู่ในกระแสความนิยม ตลอดจน
การสนับสนุนทางการเงินให้ผู้สมัครน้อย ในทางตรงข้ามกับพื้นที่ภาคใต้ที่ถือได้ว่าเป็นฐานเสียง
สำคัญของพรรคประชาธิปัตย์ จากรายงานวิจัยของจิราภรณ์ ดำจันทร์ (จิราภรณ์ ดำจันทร์, 2547) ได้
ศึกษาถึงความนิยมของพรรคประชาธิปัตย์ในภาคใต้ที่มีต่อพรรคประชาธิปัตย์ พบว่า ความนิยมของ
พรรคประชาธิปัตย์นั้น ไม่ได้เกิดจากการสร้างระบบฐานคะแนนเสียงที่มีประสิทธิภาพ แต่เกิดจาก
มุมมองและแบบแผนทางการเมืองของคนใต้ นอกจากนั้นยังมีงานวิจัยของ Punchada Sirivunnabood
(Sirivunnabood Punchada, 2008) ได้ศึกษาการเปลี่ยนผ่านและดำรงอยู่ของพรรคประชาธิปัตย์
พบว่า ความสัมพันธ์ระหว่างพรรคส่วนกลางและสาขาพรรคนับตั้งแต่ปี พ.ศ. 2531 เป็นต้นมาไม่ได้มี
ความเข้มแข็ง การจัดตั้งสาขาพรรคนั้นถูกจัดตั้งขึ้นมาเพื่อที่จะแก้ไขปัญหาความขัดแย้งและภายใน
กลุ่มต่างๆมากกว่าจะเป็นการสร้างฐานเสียงให้พรรคมีความเข้มแข็ง แม้ว่าจะมีสาขาพรรคจำนวน
มากก็ตาม

จะเห็นได้ว่างานวิจัยทั้งสามชิ้นที่ผู้เขียนหยิบยกมานั้นมุ่งเน้นศึกษาถึงปัจจัยที่ส่งผลต่อความสำเร็จ
ความล้มเหลว และการดำรงอยู่ของพรรคประชาธิปัตย์โดยศึกษากลุ่มผู้ลงคะแนนเสียง ผู้สมัครรับ
เลือกตั้ง และสาขาพรรค ผู้เขียนจึงได้ศึกษากลุ่มตัวอย่างเพิ่มเติมจากงานวิจัยทั้งสามชิ้น คือ
คณะกรรมการขับเคลื่อนยุทธศาสตร์และเครือข่ายหัวคะแนน สืบเนื่องจากในช่วง 15 ปีที่ผ่านมา
พรรคประชาธิปัตย์ได้ประสบความพ่ายในการเลือกตั้งให้กับพรรคไทยรักไทย พลังประชาชน และ

พรรคเพื่อไทยอย่างต่อเนื่อง ปัจจัยดังกล่าวทำให้พรรคประชาธิปัตย์ได้มีการปฏิรูปพรรคเพื่อให้สอดคล้องกับสถานการณ์ทางการเมือง ก่อให้เกิดการจัดตั้งคณะกรรมการขับเคลื่อนยุทธศาสตร์ระดับภูมิภาคขึ้นในภาคตะวันออกเฉียงเหนือซึ่งเป็นตัวขับเคลื่อนในมิติใหม่เพื่อประสานการทำงานร่วมกับเครือข่ายสร้างฐานคะแนนเสียงรูปแบบเดิม รวมทั้งมีการกระจายอำนาจการดูแลพื้นที่ครอบคลุมทั้งในระดับภูมิภาค เขตเลือกตั้ง และระดับท้องถิ่น ผู้เขียนจึงเล็งเห็นถึงความสำคัญดังกล่าวจึงได้ศึกษาเปรียบเทียบระหว่างจังหวัดอุบลราชธานีกับจังหวัดขอนแก่นในช่วงการเลือกตั้งตั้งแต่ปี พ.ศ. 2544 ถึง พ.ศ. 2554 โดยในจังหวัดอุบลราชธานีนั้นถือได้ว่าเป็นฐานคะแนนเสียงสำคัญของพรรคประชาธิปัตย์ในระดับภูมิภาค อีกทั้งมีความหลากหลายทางการเมือง กล่าวคือไม่มีพรรคการเมืองพรรคใดที่สามารถครอบครองฐานคะแนนเสียงได้เพียงพรรคเดียว (เวียงรัฐ เนติโพธิ์, 2558) ทำให้เกิดการแข่งขันทางการเมืองสูง จึงนำมาสู่คำถามวิจัยที่ผู้เขียนตั้งไว้ว่าเพราะเหตุใดพรรคประชาธิปัตย์จึงสามารถเอาชนะคู่แข่งทางการเมืองได้ ในทางตรงข้ามกลับประสบความล้มเหลวในจังหวัดขอนแก่นซึ่งเป็นเขตเลือกตั้งที่พรรคประชาธิปัตย์เคยได้รับเลือกตั้งมาก่อนในปี พ.ศ. 2519 และ พ.ศ. 2529 หลังจากนั้นกลับไม่สามารถรักษาฐานคะแนนเสียงเดิมไว้ได้จนถึงการเลือกตั้งครั้งล่าสุดเมื่อปี พ.ศ. 2554

บทความชิ้นนี้มุ่งเน้นวิเคราะห์บทบาทของคณะกรรมการขับเคลื่อนยุทธศาสตร์ภาคตะวันออกเฉียงเหนือ สาขาพรรค ผู้สมัครรับเลือกตั้ง สมาชิกสภาผู้แทนราษฎร และเครือข่ายหัวคะแนนของพรรคประชาธิปัตย์ โดยกำหนดขอบเขตการศึกษาออกเป็น 7 ประเด็น ได้แก่ 1. การจัดโครงสร้างองค์กรพรรค 2. ความสัมพันธ์ของเครือข่าย 3. การวางแผนยุทธศาสตร์และกลยุทธ์ 4. การเลือกสรรเครือข่ายและผู้สมัครรับเลือกตั้ง 5. บริบทการเปลี่ยนแปลงระบบเลือกตั้งปี พ.ศ. 2540 และ พ.ศ. 2550 6. บริบทความขัดแย้งทางการเมืองตั้งแต่ปี พ.ศ. 2548 ถึง พ.ศ. 2554 7. ปัจจัยที่ส่งผลต่อความสำเร็จและความล้มเหลว ผู้เขียนได้กำหนดสมมุติฐานไว้ว่า การวางยุทธศาสตร์และกลยุทธ์การสร้างฐานคะแนนเสียงของคณะกรรมการขับเคลื่อนยุทธศาสตร์ภาคตะวันออกเฉียงเหนือ สาขาพรรคในพื้นที่ และเครือข่ายสร้างฐานคะแนนเสียง ส่งผลต่อความล้มเหลวของพรรคประชาธิปัตย์โดยมีปัจจัยอื่นๆที่ส่งผล คือ การวางยุทธศาสตร์และกลยุทธ์ในเชิงพื้นที่ไม่เข้มแข็ง ไม่สามารถสร้างความผูกพันระหว่างพรรคส่วนกลางและตัวผู้สมัครรับเลือกตั้งได้ ภายหลังการปฏิรูปทางการเมืองเมื่อปี พ.ศ. 2540 ไม่สามารถปรับนโยบายให้ตอบสนองความต้องการของประชาชนในพื้นที่ได้ และปัจจัยความขัดแย้งในช่วงปี พ.ศ. 2548 – 2554 ทำให้พรรคประชาธิปัตย์ไม่สามารถแสวงหาฐานคะแนนเสียงเพิ่มจากประชาชนกลุ่มต่างๆได้

วัตถุประสงค์

1. เพื่อศึกษาโครงสร้างและบทบาทของคณะกรรมการขับเคลื่อนยุทธศาสตร์ภาค ตะวันออกเฉียงเหนือ สาขาพรรค ผู้สมัครรับเลือกตั้ง สมาชิกสภาผู้แทนราษฎร และเครือข่าย หัวคะแนน

2. เพื่อศึกษาความสัมพันธ์ของคณะกรรมการขับเคลื่อนยุทธศาสตร์ภาค ตะวันออกเฉียงเหนือ สาขาพรรค ผู้สมัครรับเลือกตั้ง สมาชิกสภาผู้แทนราษฎร และเครือข่าย หัวคะแนน

3. เพื่อศึกษาถึงปัจจัยที่ส่งผลต่อความสำเร็จและความล้มเหลวในการสร้างฐานคะแนนเสียง รวมทั้งการรักษาฐานคะแนนเสียงของพรรคประชาธิปัตย์

วิธีการวิจัย

ผู้เขียนได้กำหนดขอบเขตระเบียบวิจัยเชิงคุณภาพ (Qualitative Research) ใช้วิธีการศึกษาค้นคว้า จากเอกสารที่เกี่ยวข้อง (Documentary Research) และสัมภาษณ์แบบสนทนากลุ่ม (Focus Group) ซึ่งเป็นบุคคลที่มีบทบาทสำคัญต่อการสร้างฐานเสียง ได้แก่ ผู้บริหารพรรคส่วนกลาง คณะกรรมการ ขับเคลื่อนยุทธศาสตร์ระดับภูมิภาค คณะกรรมการสาขาพรรค ผู้สมัครรับเลือกตั้ง สมาชิกสภาผู้แทนราษฎร รวมทั้งเครือข่ายหัวคะแนนในระดับท้องถิ่นและภาคประชาสังคม โดยใช้ แนวคิด ทฤษฎี และงานวิจัยที่เกี่ยวข้องมาเป็นกรอบวิเคราะห์ ได้แก่ แนวคิดพรรคการเมือง โดยเฉพาะหลักการของ Maurice Duverger (1963) แนวคิดสาขาพรรค โดยเฉพาะงานของปรีชา หงส์ไกรเลิศ (2519) แนวคิดยุทธศาสตร์และกลยุทธ์ โดยเฉพาะกรอบกระบวนการวางแผน ยุทธศาสตร์ของพสุ สุวรรณ (2551) และแนวคิดการปะทะสังสรรค์ระหว่างผู้บริหารพรรคกับ เครือข่ายในพื้นที่ โดยเฉพาะบทความของ Alan Ware (1992) ได้ศึกษาพรรคการเมืองแบบ Vote – Seeking และการแลกเปลี่ยนแบบความสัมพันธ์ภายในพรรคตามแบบ Exchange Model นอกจากนั้นผู้เขียนได้วางกรอบแนวคิดการวิจัยเพื่อพิจารณาตัวแปรขับเคลื่อนยุทธศาสตร์และ บทบาทการวางยุทธศาสตร์การสร้างฐานคะแนนเสียง ดังนี้

แผนภาพที่ 1 แสดงกรอบแนวคิดการวิจัย
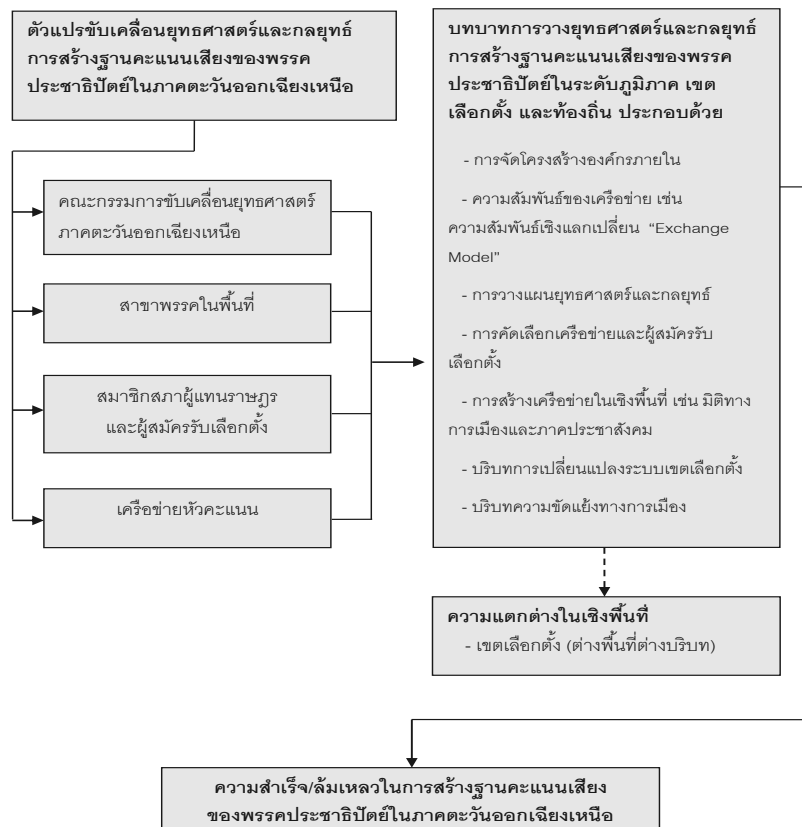
ผลการศึกษา

ผู้เขียนได้จัดแบ่งผลการศึกษาเพื่อให้สอดคล้องกับการแสวงหาคำตอบจากการตั้งคำถามวิจัย วัตถุประสงค์วิจัย และสมมุติฐาน แบ่งออกเป็น 7 ประเด็น อันประกอบด้วย การจัดโครงสร้าง องค์กร การเลือกสรรเครือข่ายสร้างฐานคะแนนเสียง ความสัมพันธ์เครือข่ายสร้างฐานคะแนนเสียง การวางยุทธศาสตร์การสร้างฐานคะแนนเสียง บริบทการเปลี่ยนแปลงระบบเลือกตั้ง บริบทความ ขัดแย้งทางการเมือง และปัจจัยที่ส่งผลต่อความสำเร็จและความล้มเหลวของพรรคประชาธิปัตย์ โดย มีรายละเอียดดังนี้

การจัดโครงสร้างองค์กร

พรรคประชาธิปัตย์มีการจัดโครงสร้างองค์กรที่มีองค์กรกลางทำหน้าที่ในการบริหารพรรค ลักษณะ การจัดโครงสร้างภายในของพรรคประชาธิปัตย์นั้นยึดตามกฎหมายพระราชบัญญัติประกอบ รัฐธรรมนูญว่าด้วยพรรคการเมืองและภายใต้ข้อบังคับพรรคประชาธิปัตย์ พ.ศ. 2551 มีลักษณะดังนี้

1. การจัดองค์กรแบบสาขา (Branch) ในระดับส่วนกลางและระดับเขตเลือกตั้ง พรรค ประชาธิปัตย์ให้ความสำคัญกับการสร้างเครือข่ายสร้างฐานคะแนนเสียงหรือตัวแทนทุกระดับ โดยเฉพาะสาขาพรรคซึ่งมีจำนวน 175   สาขา กระจายครอบคลุมทุกจังหวัดทั่วประเทศ โดยมี วัตถุประสงค์หลักคือเชิญชวนให้ประชาชนทั่วไปมาสมัครเป็นสมาชิกพรรค จัดกิจกรรมทางการ เมือง รวมทั้งการนำนโยบายพรรคส่วนกลางไปสู่การปฏิบัติ

2. การจัดองค์กรแบบคอคัส (Caucus) ในการจัดองค์กรระดับภูมิภาค กล่าวคือ การจัดตั้ง คณะกรรมการขับเคลื่อนยุทธศาสตร์ภาคตะวันออกเฉียงเหนือซึ่งเป็นตัวขับเคลื่อนในมิติใหม่ มีการ จัดโครงสร้างค่อนข้างเป็นอิสระ ไม่ได้มีการกำหนดโครงสร้างการบังคับบัญชาที่ชัดเจน และไม่ได้ ถูกกำหนดภายใต้ข้อบังคับพรรคทำให้การดำเนินกิจกรรมทางการเมืองของคณะกรรมการดังกล่าวมี ความยืดหยุ่นและปรับตัวตามสถานการณ์ทางการเมืองเป็นสำคัญ

3. องค์ประกอบโครงสร้างองค์กรของพรรค มีการกำหนดองค์ประกอบโครงสร้างองค์กร มากกว่าที่พระราชบัญญัติพรรคการเมืองกำหนดไว้ โครงสร้างสลับซับซ้อน และมีการแบ่งอำนาจ การบังคับบัญชาลดหลั่นกันลงมาคล้ายกับหน่วยงานราชการเชื่อมโยงกันทุกส่วน

4. การปรับตัวเชิงโครงสร้างเพื่อให้สอดรับกับสถานการณ์ทางการเมือง ภายใต้พลวัตการ เปลี่ยนแปลงระบบเลือกตั้ง พ.ศ. 2540, 2550 และบริบททางการเมืองภายหลังการเลือกตั้ง พ.ศ. 2554   พรรคประชาธิปัตย์ได้มีการปรับทีมคณะกรรมการบริหารพรรคและเปิดโอกาสให้ บุคคลภายนอกเข้ามาร่วมงานโดยการสร้างแรงจูงใจหรือเอาชนะใจบุคคลให้เข้ามาร่วมเป็นเครือข่าย สร้างฐานคะแนนเสียงโดยไม่มีการจ่ายค่าตอบแทน นอกจากนั้นการเปลี่ยนแปลงดังกล่าวส่งผลให้มี การปรับเปลี่ยนกลยุทธ์การแข่งขันในมิติใหม่ เช่น การจัดตั้งทีมคณะกรรมการขับเคลื่อน ยุทธศาสตร์ระดับภูมิภาคเพื่อแก้ไขปัญหาความล้มเหลวในการเลือกตั้งที่ผ่านมาผสมผสานกับการ ดำเนินกิจกรรมควบคู่กับตัวขับเคลื่อนยุทธศาสตร์ในรูปแบบเดิม

อย่างไรก็ตามแม้ว่าพรรคประชาธิปัตย์จะมีการจัดโครงสร้างองค์กรที่ครอบคลุมทั้งการเมือง ระดับชาติจนถึงระดับท้องถิ่นก็ตามแต่อำนาจในการตัดสินใจสูงสุดก็ยังคงตกอยู่ภายใต้คณะ กรรมการบริหารพรรคจึงมีลักษณะการจัดสรรและแบ่งอำนาจไปให้กับตัวแทนมากกว่าที่จะเป็น การกระจายอำนาจ โดยลักษณะเด่นของการแบ่งอำนาจดังกล่าวจึงเอื้อต่อการจัดตั้งเครือข่ายการ สร้างฐานคะแนนเสียงที่มีความหลากหลายทั้งในมิติการเมืองและภาคประชาสังคม

การเลือกสรรเครือข่ายสร้างฐานคะแนนเสียง
แบ่งออกเป็น 2 กลุ่ม ได้แก่
กลุ่มที่หนึ่ง คือ ผู้สมัครรับเลือกตั้งสมาชิกสภาผู้แทนราษฎรและผู้สมัครรับเลือกตั้งระดับท้องถิ่น พรรคประชาธิปัตย์ได้มีการกำหนดให้มีคณะกรรมการคัดเลือกผู้สมัครรับเลือกตั้งทำหน้าที่ในการ

คัดเลือก กลั่นกรองบุคคลที่มีความเหมาะสมและตรงตามเจตนารมณ์ของพรรค จากการศึกษา
คุณสมบัติของผู้สมัครรับเลือกตั้งในภาคตะวันออก เฉียงเหนือมีหลักเกณฑ์ดังนี้

1. เครือข่ายการเมืองระดับท้องถิ่น พรรคประชาธิปัตย์จะให้ความสำคัญกับบุคคลที่มีการ
สร้างฐานคะแนนเสียงระดับท้องถิ่น เช่น เป็นหรือเคยเป็นสมาชิกสภาท้องถิ่น เนื่องจากกลุ่ม
เครือข่ายเหล่านี้จะมีฐานคะแนนเสียงครอบคลุมถึงระดับหมู่บ้านแม้ว่าจะเป็นหน่วยชุมชนขนาดเล็ก
ก็ตามแต่ก็จะสามารถช่วยเป็นกระบอกเสียงสำคัญโดยเฉพาะในช่วงฤดูกาลเลือกตั้ง นอกจากนั้น
ความสัมพันธ์ส่วนบุคคลเชิงอุปถัมภ์ก็เป็นปัจจัยสำคัญที่จะแรงผลักดันทำให้มีโอกาสชนะเลือกตั้ง

2. ระบบเครือญาติ กลุ่มที่มีฐานการเมืองจากครอบครัวหรือความสัมพันธ์เชิงเครือญาตินั้น
มักจะโอกาสที่จะได้เรียนรู้งานด้านการเมืองอยู่เสมอและมีฐานการเมืองเดิมสนับสนุนอยู่แล้ว ทำให้
มีเสถียรภาพทางฐานคะแนนเสียง มีโอกาสที่จะชนะเลือกตั้งสูง นอกจากนั้นพรรคจะได้ไม่มีความ
กังวลเรื่องค่าใช้จ่ายในการหาเสียงเลือกตั้งเนื่องจากกลุ่มการเมืองนี้มีฐานะทางเศรษฐกิจค่อนข้างดี
สามารถพึ่งพาตนเองได้

3. ศรัทธาอุดมการณ์พรรค กลุ่มนี้เข้าสู่การเมืองด้วยเจตนารมณ์ที่มุ่งมั่น อาสาสมัครจะ
ทำงานด้านการเมืองเพื่อพรรคจึงต้องการพึ่งพาตนเอง ใช้ความรู้ความสามารถเพื่อพิสูจน์ให้พรรค
และประชาชนในพื้นที่เห็นว่ามีความมุ่งมั่นในการทำงานด้านการเมือง กลุ่มนี้จึงต้องใช้งบประมาณ
ค่อนข้างสูงในการสร้างฐานคะแนนเสียงจนกว่าจะได้รับการยอมรับ

กลุ่มที่สอง คือ เครือข่ายสร้างฐานคะแนนเสียงทั้งในระดับภูมิภาค เขตเลือกตั้ง และระดับท้องถิ่น
ได้แก่ คณะกรรมการขับเคลื่อนยุทธศาสตร์ระดับภาค คณะกรรมการสาขาพรรค และหัวคะแนน มี
หลักเกณฑ์การพิจารณาคุณสมบัติดังนี้

1. คณะกรรมการขับเคลื่อนยุทธศาสตร์ระดับภาค การพิจารณาคัดเลือกนั้นจะไม่ได้ถูก
พิจารณาโดยคณะกรรมการคัดเลือกผู้สมัครรับเลือกตั้งแต่จะพิจารณาโดยรองหัวหน้าพรรคที่มี
อำนาจดูแลในภูมิภาคนั้นซึ่งมีอยู่เฉพาะภาคตะวันออกเฉียงเหนือ สืบเนื่องมาจากการคัดเลือก
คณะกรรมการดังกล่าวยังไม่ได้ถูกกำหนดให้มีการจัดตั้งทุกภูมิภาค โดยหลักเกณฑ์การพิจารณา
คุณสมบัติของบุคคลที่จะเข้ามาเป็นคณะกรรมการนั้นจะต้องเป็นหรือเคยเป็นสมาชิกสภาผู้แทน
ราษฎร เครือญาติ เครือข่ายตัวแทนระดับจังหวัด ซึ่งตัวแทนดังกล่าวนั้นยังไม่ครอบคลุมทั่วทุก
จังหวัดในภาคตะวันออกเฉียงเหนือ

2. คณะกรรมการสาขาพรรค บุคคลที่จะเข้ามาเป็นคณะกรรมการสาขาพรรคนั้นจะต้อง
สมัครเป็นสมาชิกไม่น้อยกว่า 1 ปี จึงจะมีสิทธิถูกเสนอชื่อคัดเลือกเป็นคณะกรรมการสาขาพรรคใน
เขตนั้น นอกจากนั้นจะต้องมีคุณสมบัติที่มีความโดดเด่น เช่น จะต้องเป็นบุคคลที่มีความผูกพันกับ
องค์กร มีการเรียนรู้องค์กร มีส่วนร่วมในการดำเนินกิจกรรมทางการเมืองร่วมกับสาขาพรรคและพรรค

ส่วนกลางมาอย่างต่อเนื่อง รวมทั้งจะต้องเป็นบุคคลที่มีความเสียสละต่อส่วนรวมและมีจิต
สาธารณะ

  3. หัวคะแนน ตัวแทนหรือเครือข่ายหัวคะแนนนั้นจะครอบคลุมทั่วภูมิภาค จังหวัด เขต
เลือกตั้ง อำเภอ ตำบล จนถึงระดับหมู่บ้าน เช่น สมัชชาประชาชนอีสานเพื่อการพัฒนาประเทศ กลุ่ม
ห้าทหารเสือ เป็นต้น โดยมีเป้าหมายหลักคือการมุ่งเน้นการเข้าสู่มวลชนทั้งในมิติด้านการเมืองและ
ภาคประชาสังคม กลุ่มเครือข่ายดังกล่าวนั้นจะต้องมีความสัมพันธ์กับผู้แทนในพื้นที่และพรรค
ส่วนกลางทั้งทางตรงและทางอ้อม เช่น เป็นกลุ่มการเมืองท้องถิ่นที่ลงสมัครรับเลือกตั้งสังกัดพรรค
และกลุ่มที่ไม่ได้สังกัดพรรคใดแต่จะมีความสัมพันธ์เชิงผลประโยชน์แลกเปลี่ยน

ความสัมพันธ์เครือข่ายสร้างฐานคะแนนเสียง

ลักษณะการจัดโครงสร้างของพรรคประชาธิปัตย์ที่มีความสลับซับซ้อนมีการบังคับบัญชาที่ลดหลั่น
กันลงมาส่งผลให้เกิดการปฏิสังสรรค์เชิงแลกเปลี่ยนระหว่างพรรคส่วนกลางกับเครือข่าย ดังนี้

  1. ความสัมพันธ์เชิงนโยบาย พรรคประชาธิปัตย์ได้มีการกำหนดให้มีคณะกรรมการนโยบาย
พรรคทำหน้าที่วางนโยบายและยุทธศาสตร์การสร้างฐานคะแนนเสียง รวมทั้งกำหนดแนวทางการ
ปรับปรุงนโยบายให้มีความทันสมัยและสอดคล้องกับสถานการณ์ ดังนั้นการกำหนดนโยบายพรรค
และยุทธศาสตร์การสร้างฐานคะแนนเสียงดังกล่าวจะต้องอาศัยแหล่งข้อมูลข่าวสารครอบคลุมทุก
ระดับ ได้แก่ 1) ระดับภูมิภาค ได้แก่ คณะกรรมการขับเคลื่อนยุทธศาสตร์ระดับภาค 2) ระดับเขต
เลือกตั้ง ได้แก่ สาขาพรรค และ 3) ระดับท้องถิ่น ได้แก่ หัวคะแนน โดยแหล่งข้อมูลทั้ง 3 ระดับจะ
ทำหน้าที่รวบรวมข้อมูลเชิงยุทธศาสตร์ในแต่ละพื้นที่เสนอไปตามลำดับสายการบังคับบัญชาจนถึง
คณะกรรมการ   นโยบายพรรคเพื่อกำหนดเป็นนโยบายพรรค นอกจากนั้นพรรคส่วนกลางยังให้
ความสำคัญกับเครือข่ายในพื้นที่เป็นตัวขับเคลื่อนยุทธศาสตร์อีกด้วย

  2. ความผูกพันกับพรรคการเมือง ตัวแทนของพรรคส่วนกลางทั้งในระดับภูมิภาคและ
ระดับเขตเลือกตั้งมีหน้าหน้าที่ในการสร้างความสัมพันธ์ให้เกิดขึ้นระหว่างผู้แทนในพื้นที่และพรรค
โดยในจังหวัดอุบลราชธานีซึ่งถือว่าเป็นฐานคะแนนเสียงสำคัญของพรรคประชาธิปัตย์นั้นสามารถ
สร้างความผูกพันเชิงอุปถัมภ์กับผู้สมัครรับเลือกตั้งและสมาชิกสภาผู้แทนราษฎรได้อย่างมั่นคง
ผู้แทนไม่มีการย้ายพรรคไปสังกัดพรรคการเมืองอื่น นอกจากนั้นสำนักงานสาขาพรรคที่พรรค
ส่วนกลางได้จัดตั้งขึ้นมานั้นจึงเปรียบเสมือนสำนักงานของผู้แทนในพื้นที่อีกด้วย ในทางตรงข้าม
กับจังหวัดขอนแก่นซึ่งเป็นจังหวัดที่พรรคประชาธิปัตย์ไม่สามารถรักษาฐานคะแนนเสียงเดิมไว้ได้
เฉกเช่นจังหวัดอื่นๆในภูมิภาค สาขาพรรคไม่สามารถสร้างความผูกพันกับผู้แทนในพื้นที่ได้
เนื่องจากมีการเปลี่ยนตัวผู้สมัครรับเลือกตั้งอยู่บ่อยครั้ง ขาดความต่อเนื่อง ทั้งนี้เกิดจากปัจจัยเรื่อง
ความพ่ายแพ้เลือกตั้งทำให้ผู้สมัครรับเลือกตั้งหรือผู้แทนดังกล่าวจะต้องย้ายพรรคไปสังกัดพรรค

การเมืองที่มีโอกาสชนะเลือกตั้งหรือลาออกจากการเป็นสมาชิกพรรคทำให้เกิดความสัมพันธ์ระยะ
สั้นเฉพาะช่วงฤดูกาลเลือกตั้งเท่านั้น

3. เวทีสาธารณะกับการแลกเปลี่ยน การเข้าสู่มวลชนนั้นเป็นช่องทางหนึ่งที่เปิดโอกาสให้
เครือข่ายในแต่ละพื้นที่ได้มีการประชุมปรึกษาหารือทั่วไปลักษณะความสัมพันธ์แบบไม่เป็น
ทางการ เช่น การนำเสนอปัญหาในพื้นที่เสนอไปยังผู้บริหารพรรคเพื่อหาแนวทางแก้ไขร่วมกัน เป็น
ต้น ทำให้เกิดความสัมพันธ์แนวราบระหว่างพรรคส่วนกลางและเครือข่ายโดยจะเน้นกิจกรรมภาค
ประชาสังคมควบคู่กับการดำเนินกิจกรรมทางการเมือง

4. การแลกเปลี่ยเชิงทรัพยากร การดำเนินกิจกรรมของเครือข่ายสร้างฐานคะแนนเสียงทั้ง
ในมิติภาคประชาสังคมและการเมืองนั้นพรรคประชาธิปัตย์ไม่ได้มีการกำหนดเงินเดือนหรือ
ค่าตอบแทนและงบประมาณสนับสนุนการดำเนินกิจกรรมให้กับตัวแทนดังกล่าว ดังนั้นบุคคลที่จะ
เข้ามาทำงานให้พรรคนั้นจึงเป็นเรื่องของจิตอาสา อย่างไรก็ตามแม้ว่าพรรคจะไม่สิ้นเปลืองค่าใช้จ่ายใน
การจ่ายค่าตอบแทนและจัดกิจกรรมก็ตาม แต่พรรคก็จัดให้มีสินจ้างที่มอบให้แก่เครือข่ายในแง่ของ
ปัจเจกบุคคล เช่น การให้สัญญาว่าจะให้ลงสมัครรับเลือกตั้งในนามตัวแทนของพรรคในการ
เลือกตั้งครั้งต่อไป และการเข้ามาเป็นคณะกรรมการขับเคลื่อนยุทธศาสตร์ คณะกรรมการสาขา
พรรค เป็นต้น

กล่าวได้ว่าการใช้ความสัมพันธ์แลกเปลี่ยนเชิงทรัพยากรในมิติผลประโยชน์ของปัจเจกบุคคลนั้นจึง
ทำให้พรรคประชาธิปัตย์มีเครือข่ายสร้างฐานคะแนนเสียงจำนวนมากโดยไม่มีการสิ้นเปลือง
งบประมาณหรือทรัพยากรที่ต้องจ่ายค่าตอบแทนคนที่มาทำงานให้กับพรรค

การวางแผนยุทธศาสตร์การสร้างฐานคะแนนเสียง

ภายหลังการเลือกตั้งเมื่อปี พ.ศ. 2554 พรรคประชาธิปัตย์ได้มีการปรับเปลี่ยนโครงสร้างบริหารพรรค
ใหม่ เช่น ตำแหน่งรองหัวหน้าพรรคที่ดูแลแต่ละภูมิภาค ส่งผลให้เกิดการจัดตั้งเครือข่ายสร้างฐาน
คะแนนเสียงที่หลากหลาย การจัดตั้งตัวขับเคลื่อนยุทธศาสตร์ในมิติใหม่นั้นจึงเป็นการปรับเปลี่ยน
แนวทางการสร้างฐานเสียงและรณรงค์หาเสียงเลือกตั้งควบคู่กับตัวขับเคลื่อนในรูปแบบเดิม แบ่ง
ออกเป็น 3 ระดับ ดังนี้

1. ระดับภูมิภาค คือ คณะกรรมการขับเคลื่อนยุทธศาสตร์ภาคตะวันออกเฉียง เหนือ ซึ่งเป็นตัว
ขับเคลื่อนรูปแบบใหม่จะทำหน้าที่รวบรวมข้อมูลเชิงยุทธศาสตร์ในแต่ละพื้นที่จากทุกเขตเลือกตั้ง
เพื่อนำมากำหนดเป็นแผนยุทธศาสตร์การสร้างฐานคะแนนเสียงระดับภาค จากนั้นก็เสนอไปยังทีม
คณะกรรมการนโยบายพรรคเพื่อกำหนดเป็นนโยบายพรรคต่อไป โดยคณะกรรมการขับเคลื่อน
ยุทธศาสตร์นั้นจะมุ่งเน้นการวิเคราะห์การปรับตัวให้ทันต่อสถานการณ์ทางการเมือง กลยุทธ์

การตลาดทางการเมือง นโยบายที่มีความยั่งยืนและจูงใจประชาชนในพื้นที่ให้มากยิ่งขึ้น ส่วน
ประเด็นเรื่องการวางแผนยุทธศาสตร์ระยะสั้นและระยะยาวนั้นยังไม่ได้มีการกำหนดเป็นลายลักษณ์
อักษรชัดเจน แต่จะมุ่งเน้นการเข้าสู่มวลชน กิจกรรมเชิงรุก และการสร้างเครือข่ายให้ครอบคลุมทุก
จังหวัด

2. ระดับเขตเลือกตั้ง ได้แก่

2.1 สาขาพรรค ลักษณะของการวางแผนยุทธศาสตร์ในเชิงพื้นที่ของสาขาพรรคนั้นมี 2
รูปแบบ ได้แก่ รูปแบบแรก คือ มีการกำหนดเป็นลายลักษณ์อักษร เห็นได้ชัดจากสาขาพรรคในจังหวัด
อุบลราชธานีได้กำหนดเป็นแผนระยะสั้น เช่น การกำหนดตารางดำเนินกิจกรรม การลงพื้นที่ควบคู่
กับผู้แทนในพื้นที่ เป็นต้น และแผนระยะยาว เช่น การวิเคราะห์การเลือกตั้ง การสร้างเครือข่าย และ
การประเมินสภาพแวดล้อมปัจจัยภายในภายนอกเพื่อแสวงหาโอกาสให้ได้เปรียบคู่แข่ง รูปแบบที่
สอง คือ เน้นการประเมินสถานการณ์ทางการเมืองว่าเอื้อต่อลงพื้นที่หรือไม่โดยไม่ได้มีการกำหนด
เป็นลายลักษณ์อักษรชัดเจนจะเห็นได้ในกรณีจังหวัดขอนแก่น นอกจากนั้นพบว่าสาขาพรรคใน
จังหวัดอุบลราชธานีนั้นมีเสถียรภาพมากกว่าสาขาพรรคในจังหวัดขอนแก่นและเป็นพลังขับเคลื่อน
ยุทธศาสตร์ที่สำคัญให้กับผู้สมัครรับเลือกตั้งและสมาชิกสภาผู้แทนราษฎรในพื้นที่อีกด้วย

2.2 ผู้สมัครรับเลือกตั้งและสมาชิกสภาผู้แทนราษฎร ความสำคัญเรื่องบุคคลนั้นมี
ความสำคัญต่อการสร้างฐานคะแนนเสียงอย่างมากเนื่องจากประชาชนในภาคตะวันออกเฉียงเหนือ
ยังให้ความสำคัญกับตัวบุคคลประกอบการพิจารณานโยบายพรรคด้วย ความโดดเด่นของตัวบุคคล
นั้นเห็นได้ชัดจากจังหวัดอุบลราชธานีซึ่งมีกลุ่มการเมืองสำคัญๆ เช่น ตระกูลนามบุตร ตระกูลศรี
หล้า และตระกูลสมชัย และในจังหวัดอำนาจเจริญ เช่น ตระกูลเงินหมื่น ซึ่งกลุ่มการเมืองทั้ง 4 กลุ่ม
ดังกล่าวนั้นมีการสร้างฐานการเมืองในระดับท้องถิ่นอย่างเข้มแข็ง ในทางตรงกันข้ามกับจังหวัด
ขอนแก่นกลับไม่มีฐานการเมืองหรือตระกูลการเมืองที่มีฐานเสียงมั่นคง

ประเด็นเรื่องการวางยุทธศาสตร์นั้นผู้สมัครรับเลือกตั้งและสมาชิกสภาผู้แทนราษฎรในจังหวัด
อุบลราชธานีและจังหวัดอำนาจเจริญนั้นไม่ได้มีการกำหนดแผนยุทธศาสตร์เป็นลายลักษณ์อักษร
ชัดเจน แต่จะเน้นการลงพื้นที่เพื่อเข้าสู่มวลชนเฉกเช่นคณะกรรมการขับเคลื่อนยุทธศาสตร์ระดับ
ภาคและสาขาพรรค อาทิ การดูแลทุกข์สุขของประชาชน การแก้ไขปัญหาเรื่องอาชีพและปากท้อง
รวมทั้งการให้ความสำคัญด้านงานประเพณีวัฒนธรรม ส่วนในจังหวัดขอนแก่นนั้นไม่ได้มีการ
กำหนดแผนยุทธศาสตร์เป็นลายลักษณ์อักษรชัดเจนเช่นกันแต่จะมีความแตกต่างกันด้านการลง
พื้นที่ เช่น การอาศัยธุรกิจบริการเป็นเครื่องมือในการเข้าสู่มวลชน และการสร้างแกนนำด้านอาชีพที่
มีความหลากหลาย เป็นต้น

2.3 ระดับท้องถิ่นและภาคประชาสังคม ได้แก่ สมัชชาประชาชนอีสานเพื่อการพัฒนา
ประเทศ และนักการเมืองท้องถิ่น (สมาชิกสภาองค์กรปกครองส่วนท้องถิ่น กำนัน ผู้ใหญ่บ้าน)

จุดเด่นของการสร้างฐานคะแนนเสียงภาคประชาสังคมก็คือการมุ่งเน้นการดำเนินกิจกรรมภาค พลเมืองที่เกี่ยวกับวิถีชีวิตของคนในท้องถิ่น เช่น การสร้างอาชีพให้ยั่งยืน การจัดงานประเพณี วัฒนธรรม การสร้างอนุสรณ์สถานให้กับสาธารณะ และการจัดกิจกรรมทางศาสนาร่วมกับท้องถิ่น

บริบทการเปลี่ยนแปลงระบบเลือกตั้ง

ผู้วิจัยได้กำหนดขอบเขตการศึกษาบริบทการเปลี่ยนแปลงระบบเลือกตั้งใน ช่วงปี พ.ศ. 2540 และปี พ.ศ. 2550   จากการสัมภาษณ์กลุ่มตัวอย่างที่เกี่ยวข้องกับการสร้างฐานคะแนนเสียงพบว่า การ เปลี่ยนแปลงระบบเลือกตั้งดังกล่าวก่อให้เกิดปรากฏการณ์สำคัญ 4 ประการ คือ

1. การปรับตัวของพรรค สภาพการเลือกตั้งในภาคตะวันออกเฉียงเหนือก่อนการปฏิรูปทาง การเมืองเมื่อปี พ.ศ. 2540 พรรคประชาธิปัตย์ได้รับการสนับสนุนด้วยคะแนนเสียงมากระดับหนึ่ง แต่การเลือกตั้งเมื่อปี พ.ศ. 2544 ได้เกิดพรรคการเมืองใหม่ขึ้นหลายพรรค เช่น พรรคไทยรักไทย เป็น ต้น ทำให้ฐานคะแนนเสียงเดิมของพรรคประชาธิปัตย์หันไปสนับสนุนพรรคไทยรักไทยมากขึ้น ต่อมาก็มีการเลือกตั้งในปี พ.ศ. 2548 พรรคไทยรักไทยก็ยังคงรักษาฐานคะแนนเสียงไว้ได้ หลังจาก นั้นก็มีการเปลี่ยนแปลงระบบเลือกตั้งและมีการเลือกตั้งในปี พ.ศ. 2550 มีพรรคพลังประชาชนซึ่งมี ฐานเสียงเดิมจากพรรคไทยรักไทยก็ชนะเลือกตั้ง จนถึงการเลือกตั้งครั้งล่าสุดปี พ.ศ. 2554 พรรค เพื่อไทยซึ่งเป็นฐานเสียงเดิมจากพรรคไทยรักไทยและพลังประชาชนก็สามารถเอาชนะเลือกตั้งได้ อีกครั้ง ปัจจัยดังกล่าวทำให้พรรคประชาธิปัตย์ต้องมีปรับโครงสร้างการบริหารพรรครวมทั้งการ วางตัวผู้สมัครรับเลือกตั้งระดับเขตเลือกตั้งเพื่อให้สามารถแข่งขันกับพรรคการเมืองคู่แข่งได้แต่ก็ไม่ สามารถเอาชนะผู้สมัครของคู่แข่งที่มีความโดดเด่นกว่าได้

2. นโยบายพรรค การเลือกตั้งในปี พ.ศ. 2544 เป็นการเลือกตั้งครั้งแรกภายใต้การปฏิรูปทาง การเมืองปี พ.ศ. 2540 ได้เกิดกระแสความนิยมของประชาชนเริ่มให้ความสนใจกับพรรคการเมืองที่ มีนโยบายที่สามารถตอบสนองความต้องการของประชาชนในพื้นที่ได้ อาทิ พรรคไทยรักไทยได้ชู นโยบายประชานิยมในการหาเสียงและได้รับกระแสตอบรับจากประชาชนอย่างท่วมท้น ปัจจัย ดังกล่าวทำให้พรรคการเมืองต่างๆรวมถึงพรรคประชาธิปัตย์ก็ต้องให้ความสำคัญกับการแข่งขันใน เชิงนโยบาย จากการศึกษาพบว่า นโยบายของพรรคประชาธิปัตย์นั้นจะเน้นเรื่องความยั่งยืน เห็นผล ในระยะยาว จึงทำให้ไม่สามารถตอบสนองความต้องการของประชาชนในภาค ตะวันออกเฉียงเหนือได้ทันท่วงที หากเปรียบเทียบกับนโยบายของพรรคไทยรักไทยนั้นจะมุ่งเน้น นโยบายที่เห็นผลเร็วชัดเจน นอกจากนั้นกระบวนการนำเสนอนโยบายของพรรคผ่านผู้แทนนั้นยังไม่ ครอบคลุมทุกเขตเลือกตั้ง   โดยเฉพาะเขตเลือกตั้งที่ไม่มีสำนักงานสาขาพรรค และไม่มี สมาชิกสภาผู้แทนราษฎร รวมทั้งการนำเสนอนโยบายของพรรคผ่านสื่อเทคโนโลยีนั้นยังไม่

สามารถเข้าถึงประชาชนในเขตชนบทได้อย่างทั่วถึง ยกเว้นในเขตเมืองที่ประชาชนค่อนข้างมีฐานะ
ทางเศรษฐกิจที่สามารถเข้าถึงแหล่งข้อมูลได้

     3. ตัวบุคคล ได้แก่ ผู้สมัครรับเลือกตั้ง สมาชิกสภาผู้แทนราษฎร และนักการเมืองท้องถิ่นที่
สังกัดพรรคประชาธิปัตย์ ต้องมีการปรับเปลี่ยนกลยุทธ์การหาเสียงในเชิงพื้นที่ โดยเฉพาะในการ
เลือกตั้งเมื่อปี พ.ศ. 2544 และปี พ.ศ. 2548 ส่วนในปี พ.ศ. 2550 และปี พ.ศ. 2554 นั้นจะวิเคราะห์
สถานการณ์ทางการเมืองประกอบการรณรงค์หาเสียงเลือกตั้งด้วยเนื่องจากมีปัจจัยเรื่องความขัดแย้ง
เข้ามาเกี่ยวพันทำให้การลงพื้นที่มีความลำบากมากยิ่งขึ้น ส่วนประเด็นเรื่องการเปลี่ยนแปลงระบบ
เขตเลือกตั้งนั้นผู้แทนในพื้นที่ไม่ได้ให้ความสนใจเพราะเป็นการแก้ปัญหาปลายเหตุ อย่างไรก็ตามก็
มีมุมมองต่อระบบเลือกตั้งออกเป็น 2 มิติ ได้แก่ 1) สนับสนุน 1 เขต 1 คน สามารถดูแลประชาชน
ได้อย่างทั่วถึงเพราะเขตเลือกตั้งเล็ก ประชาชนจะได้รับการดูแลอย่างทั่วถึง 2) สนับสนุน 1 เขต หลาย
คน (1 - 3 คน) เป็นการแบ่งเบาภาระหน้าที่ของผู้แทน มีการเปรียบเทียบการทำงาน ทำให้เกิดการ
แข่งขันด้านการทำงานที่มีประสิทธิภาพ นอกจากนั้นปัจจัยเรื่องการเปลี่ยนแปลงระบบเลือกตั้งนั้นก็
ไม่ได้กระทบต่อบุคคล เนื่องจากฐานคะแนนเสียงเดิมยังให้การสนับสนุนเช่นเดิม ผู้แทนจึงมุ่งเน้น
รักษาฐานคะแนนเสียงให้มั่นคง แต่ไม่สามารถขยายฐานคะแนนเสียงได้เพิ่มขึ้น

     4. คะแนนนิยมของพรรค หากเปรียบเทียบการเปลี่ยนแปลงระบบเลือกตั้งระหว่างปี พ.ศ.
2540 และปี พ.ศ. 2550 พบว่า การเลือกตั้งในช่วงปี พ.ศ. 2544 ถึง 2548 พรรคประชาธิปัตย์ได้รับ
คะแนนนิยมลดลงอย่างต่อเนื่องทั้งจากระบบแบ่งเขตเลือกตั้งและบัญชีรายชื่อ แต่ภายหลังการ
เปลี่ยนแปลงระบบเลือกตั้งและมีการเลือกตั้งในปี พ.ศ. 2550   ได้พลิกคะแนนนิยมของพรรค
ประชาธิปัตย์เพิ่มขึ้นอย่างเห็นได้ชัดโดยเฉพาะคะแนนจากระบบบัญชีรายชื่อระดับภาค และได้รับ
การเลือกตั้งสมาชิกสภาผู้แทนราษฎรแบบแบ่งเขตเลือกตั้งเพิ่มขึ้นจากปี พ.ศ. 2544 และปี พ.ศ. 2548
อีกด้วย กล่าวได้ว่าการเปลี่ยนแปลงระบบเลือกตั้งในปี พ.ศ. 2550 นั้นทำให้พรรคประชาธิปัตย์ได้รับ
คะแนนนิยมสูงขึ้น หากเมื่อเปรียบเทียบคะแนนเลือกตั้งทั้ง 2 ระบบ พบว่าพรรคประชาธิปัตย์ได้รับ
คะแนนนิยมจากระบบบัญชีรายชื่อมากกว่าระบบแบ่งเขตเลือกตั้ง

ความขัดแย้งทางการเมือง

วิกฤติการณ์ความขัดแย้งทางการเมืองช่วงปี พ.ศ. 2548 – 2554 ก่อให้เกิดปรากฏการณ์เชิงสัญลักษณ์
ภายใต้ความแตกต่างบนเสื้อหลากสี นำมาสู่การสร้างความเกลียดชัง และต่อต้านฝ่ายตรงข้าม ภาค
ตะวันออกเฉียงเหนือถือได้ว่าเป็นภูมิภาคที่มีความเข้มข้นทางการเมืองสูงและเป็นพื้นที่ที่ประชาชน
ส่วนใหญ่ของภูมิภาคให้การสนับสนุนเสื้อแดงหรือที่เรียกว่า แนวร่วมประชาธิปไตยต่อต้านเผด็จ
การแห่งชาติ (นปช.) ซึ่งเป็นขั้วตรงข้ามกับฝ่ายที่ให้การสนับสนุนพรรคประชาธิปัตย์

ความขัดแย้งดังกล่าวได้ขยายผลและถูกใช้เป็นเครื่องมือในการสร้างฐานคะแนนเสียงทางการเมือง
ให้กับพรรคการเมืองที่มีมวลชนสนับสนุนมาก และสร้างผลกระทบให้กับพรรคการเมืองที่มี
มวลชนสนับสนุนน้อยอย่างพรรคประชาธิปัตย์ที่ต้องเผชิญกับปัญหาต่างๆทั้งทางตรงและทางอ้อม
โดยเฉพาะการรณรงค์หาเสียงในช่วงฤดูกาลเลือกตั้ง เช่น

    1.   การลงพื้นที่และการเข้าสู่มวลชน พรรคการเมืองคู่แข่งใช้กลยุทธ์สร้างกระแสความ
เกลียดชัง ทำลายภาพลักษณ์ และบิดเบือนข้อมูลข่าวสาร โดยมีมวลชนเป็นเครื่องมือและเป็น
กระบอกเสียงกระจายอยู่ทั่วภูมิภาค ทำให้เครือข่ายสร้างฐานคะแนนเสียงของพรรคประชาธิปัตย์ทุก
ระดับไม่สามารถเข้าถึงประชาชนได้อย่างทั่วถึง โดยเฉพาะพื้นที่ที่ไม่มีสมาชิกสภาผู้แทนราษฎร
นอกจากนั้นการทำงานของสาขาพรรคในประเด็นเรื่องการนำนโยบายพรรคไปเผยแพร่นั้นก็เป็นไป
ด้วยความยากลำบาก

    2. การขยายฐานเสียง ผลกระทบต่อมาจากการไม่สามารถลงพื้นที่ได้จึงส่งผลต่อการสร้าง
เครือข่ายเพิ่มเติม การเชิญชวนให้ประชาชนมาเป็นสมาชิกพรรค รวมทั้งไม่สามารถเจาะฐานคะแนน
เสียงจากกลุ่มการเมืองฝ่ายตรงข้ามได้ ปัจจัยดังกล่าวทำให้ตัวแทนของพรรคประชาธิปัตย์จึงมุ่งเน้น
รักษาฐานคะแนนนิยมเดิม ทำความเข้าใจเพื่ออธิบายสถานการณ์ทางการเมืองเฉพาะเขตที่สามารถลง
พื้นที่ได้เพื่อไม่ให้ประชาชนเบี่ยงเบนไปสนับสนุนพรรคการเมืองฝ่ายตรงข้าม ดังนั้นกลยุทธ์ด้านการ
วิเคราะห์ข้อมูลการเปลี่ยนแปลงสภาพแวดล้อมทั้งภายในและภายนอกจึงถูกใช้เป็นเครื่องมือทาง
การเมืองและสร้างความสัมพันธ์เชิงอุปถัมภ์ระหว่างผู้แทนในพื้นที่จึงมีความสำคัญต่อการรักษาฐาน
คะแนนเสียงอย่างมาก

กล่าวได้ว่าพรรคประชาธิปัตย์มีการจัดโครงสร้างองค์กรที่สลับซับซ้อน แบ่งอำนาจไปยังส่วนต่างๆ
ครอบคลุมทั้งส่วนกลาง ภูมิภาค เขตเลือกตั้ง และระดับท้องถิ่น ปัจจัยดังกล่าวทำให้เอื้อต่อการจัดตั้ง
คณะกรรมการขับเคลื่อนยุทธศาสตร์ภาคตะวันออกเฉียงเหนือและเครือข่ายสร้างฐานคะแนนเสียง
ทั้งในมิติการดำเนินกิจกรรมทางการเมืองและภาคประชาสังคม โดยการจัดตั้งตัวขับเคลื่อน
ยุทธศาสตร์รูปแบบใหม่นั้นได้ก่อให้เกิดปฏิสัมพันธ์กับตัวขับเคลื่อนยุทธศาสตร์รูปแบบเดิมหลาย
มิติ นอกจากนั้นยังมีประเด็นที่ต้องพิจารณาเพื่อประกอบการวิเคราะห์ยุทธศาสตร์และกลยุทธ์ หา
เสียง เลือกตั้ง อาทิ การเปลี่ยนแปลงระบบเลือกตั้งที่ส่งผลต่อคะแนนนิยมของพรรคการเมือง
วิกฤติการณ์ความขัดแย้งทางการเมืองกับการสร้างมวลชนสนับสนุน

เพื่อตอบคำถามวิจัยที่ว่า คณะกรรมการขับเคลื่อนยุทธศาสตร์ภาคตะวันออกเฉียงเหนือ สาขาพรรค
ผู้สมัครรับเลือกตั้ง สมาชิกสภาผู้แทนราษฎร และเครือข่ายหัวคะแนนมีบทบาทในการวางแผน
ยุทธศาสตร์และกลยุทธ์การสร้างฐานคะแนนเสียงและรักษาฐานคะแนนเสียงอย่างไร และเพราะ
เหตุใดพรรคประชาธิปัตย์จึงประสบความสำเร็จในจังหวัดอุบลราชธานี ในทางตรงกันข้ามกลับไม่

สามารถทำให้พรรคประชาธิปัตย์ชนะเลือกตั้งในจังหวัดขอนแก่นได้ รวมทั้งการแสวงหาคำตอบ
จากวัตถุประสงค์วิจัยและสมมุติฐาน สามารถสรุปเป็นตาราง ดังนี้

ตารางที่ 1 : เปรียบเทียบกลยุทธ์การสร้างฐานคะแนนเสียงในจังหวัดอุบลราชธานีกับจังหวัด
ขอนแก่น

ประเด็น	จังหวัดอุบลราชธานี	จังหวัดขอนแก่น
1. โครงสร้างองค์กรและบทบาทหน้าที่	ยึดตามรูปแบบโครงสร้างที่พรรคส่วนกลางกำหนด	ยึดตามรูปแบบโครงสร้างที่พรรคส่วนกลางกำหนด
2. การเลือกสรรตัวแทน	คัดจากบุคคลที่มีฐานการเมืองจากตระกูลการเมืองและระบบเครือญาติ	ไม่มีกลุ่มการเมืองมั่นคง ผู้สมัครมีการย้ายพรรคบ่อย
3. ความสัมพันธ์ของเครือข่าย	สร้างความสัมพันธ์เชิงอุปถัมภ์ แลกเปลี่ยนเชิงทรัพยากร	เฉพาะฤดูกาลเลือกตั้ง ไม่สามารถสร้างความผูกพันในระยะยาวได้
4. การวางแผนยุทธศาสตร์	กำหนดเป็นลายลักษณ์อักษร (ระยะสั้นและระยะยาว)	ไม่ได้กำหนดเป็นลายลักษณ์อักษร เน้นการปรับตัวทางทางการเมือง
5. แหล่งทรัพยากรทุน	ได้รับการสนับสนุนเพิ่มเติมจากผู้แทนในพื้นที่อย่างต่อเนื่อง	งบประมาณที่พรรคจัดสรรมาให้ไม่เพียงพอต่อการจัดกิจกรรม
6. บริบทการเปลี่ยน แปลงระบบเลือกตั้ง 2540 และ 2550	เน้นการสร้างตัวบุคคลให้เข้มแข็ง สร้างเครือข่ายระดับท้องถิ่น	ผู้สมัครไม่โดดเด่น ไม่สามารถเอาชนะคู่แข่งได้
7. บริบทความขัดแย้งทางการเมือง 2548 ถึง 2554	สร้างความผูกพันเชิงอุปถัมภ์แต่ไม่สามารถขยายฐานเสียงเพิ่มได้	การลงพื้นที่รณรงค์หาเสียงถูกต่อต้านจากมวลชนคู่แข่ง

ข้อค้นพบ

1. ประเด็นการแลกเปลี่ยนเชิงทรัพยากร พรรคประชาธิปัตย์ได้มีการสร้างเครือข่าย
ครอบคลุมทั้งในมิติการเมืองและภาคประชาสังคมโดยไม่มีการจ่ายค่าตอบแทนและงบประมาณ

สนับสนุน แต่จะให้ความสำคัญกับการแลกเปลี่ยนเชิงทรัพยากรปัจเจกบุคคลเพื่อสร้างแรงจูงใจให้
อาสาทำงานหรือเป็นตัวแทนพรรค

2. ประเด็นการแลกเปลี่ยนเวทีสาธารณะ พรรคส่วนกลางและเครือข่ายสร้างฐานคะแนน
เสียงทุกระดับได้อาศัยช่องทางการเข้าสู่มวลชนเพื่อสร้างความสัมพันธ์แบบไม่เป็นทางการหรือ
ความสัมพันธ์แนวราบในการเสนอแนะปัญหาต่างๆเพื่อกำหนดเป็นแผนยุทธศาสตร์การสร้างฐาน
คะแนนเสียงในเชิงพื้นที่และเสนอไปยังผู้บริหารพรรค ซึ่งเป็นการปฏิสังสรรค์ระหว่างผู้บริหาร
พรรคกับเครือข่ายสร้างฐานคะแนนเสียงในมิติใหม่

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Governing Freedom of Expression in the Philippines and Thailand

Indie Filmmaking: the Struggle for Freedom of Expression

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Abstract

Censorship is not new in the Philippines. Having been under three colonial rulers and as a subjugated people, freedom of expression is a luxury and a privilege accessible to a very few. The constitution guarantees the freedom of expression and speech of Filipino citizens stating that "no law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances (1987 Philippine Constitution)." However, it is a guarantee only in paper but not in deed. Those who persist to exercise this human right suffer oppression and persecution. Filmmakers both mainstream and independent have struggled with the censors for the longest time. However, much of the battle and the struggle is within the independent filmmaking community. The Movie and Television Review and Classification Board (MTRCB) created by Presidential Decree 1986 is a regulatory body that reviews and classifies motion pictures and television programs, the monolithic Goliath of the independents. This paper provides an insight into independent filmmaking in the Philippines and how it struggles for its right to freedom of expression with a brief historical background of film censorship in the Philippines.

Keywords: Philippine Cinema/ Philippine Independent Filmmaking/ Film Censorship / Philippines

Introduction

The cinema is an important element in every Filipino's life. It has been said that movie watching has become a "national pastime" (David, 1990) among Filipinos and has been indigenized and made part of the Filipino language as *sine*(Guerrero, 1983). With a historicity that is molded in the Hollywood production, Filipino films are watched by the audience for which it was created. It gives Hollywood a run for its money.

There are two basic types of Filipino films based on their production culture and ideology; they are mainstream films (film produced with commerce in mind and molded in the Hollywood style) and independent films or "Pinoy indie" (films produced outside the Hollywood mold, explores new and daring thematic landscapes, not commodified, and created for self and artistic expression and fulfillment). Mainstream films are exhibited in the commercial film theatres with revenue and return of investment in mind, while independent films are usually exhibited in arts and cultural centers and academic institutions without thought for making money. Both kinds of filmmaking and their filmmakers struggle with censorship.

This paper focuses on contemporary independent filmmaking in the Philippines and the struggles of independent filmmakers for freedom of expression. It provides a short background on censorship and of independent filmmaking. It cites some examples of the experiences of independent filmmakers who have experienced censorship. The

paper uses the framework of Cultural Studies, which argues for the study of all forms of cultural production (in this instance, film) in relation to other cultural practices and views films as cultural artifacts that not only relate to the real world but represent a people or a society.

Independent Filmmaking in the Philippines

The concept of independent filmmaking emerged in the Philippines in the 1980s. It was the off-shoot of the New Cinema of the Philippines, a movement comprised of film directors, producers, actors and actresses who created films with bold social statements that ran in opposition with the Martial Law regime of then President Ferdinand Marcos. The movement questioned the strict censorship rules of the Marcos government and held protest rallies fighting for freedom of artistic expression. It was a film consciousness, recognizing the importance of the Filipino as a cultural product and mass medium. It worked within the framework of the commercial film industry, producing non-formulaic films, explored artistic cinematic techniques, and articulated their critique of the Martial Law society that Marcos created. The movement enlightened its audiences to the real situation in the country and helped develop critical thinking among its audience.

Independent filmmaking was initially known as alternative and short filmmaking. Alternative filmmaking explored other techniques of filmmaking that were considered as experimental and tested the limits of the film material and worked outside the mainstream film industry, making them less burdened with commercial demands. They used non-mainstream film formats of Super and Regular 8mm and 16mm.Short filmmaking was identified with films having a short running time of less than 60 minutes and was propelled by the University of the Philippines Film Center (now the U.P. Film Institute) and the MOWELFUND Film Institute (MFI).Short films also used Super-8mm, Regular-8mm and 16mm celluloid film formats and avoided the use of 35mm because it carried with it the capitalistic ideology of the commercial film industry.

Both alternative and short filmmaking used films as a vehicle for social commentary and the articulation of narratives that were out-of-the-box and unique. Alternative and short filmmakers sourced their stories through direct observation and experience of real-life situations (Santiago, 1993). Their films were not formulaic. They did not have monetary gain as a goal; instead, their goal was self and artistic expression. Hence, their films were screened in educational institutions, art cinemas (e.g. the Sony New Wave Theatre in Manila), and in art and cultural centers.

Today, they operate under the broad label of independent filmmaking or "Pinoy Indie" described as being outside and beyond the commercial mainstream film industry. This phrase encompasses its non-capitalistic ideology; its pride in Filipino creativity; its exploration of brave narrative thematic landscapes; and its creation of a well-informed, educated, and critical audience. Pinoy Indie filmmaking can be short, feature length, or beyond feature length (e.g. *Batang West Side*, 5hoursand *EbolusyonngIsangPamilyang Pilipino*, 9 hours). Independent films are recognized by prestigious award-giving bodies, such as *Manunuri ng Pelikulang Pilipino's Gawad Urian* [Filipino Film Critics Urian Award], *Gawad CCP Para sa Alternatibong Pelikula at Bidyo* [Cultural Center of the Philippines Award for Alternative Film and

Video], *Cinemalaya* Philippine Independent Film Festival, to mention a few. Filipino independent films have also earned awards, accolade and recognition internationally, such as the New York Film Festival, The Oscars, and Cannes Film Festival.

Film Censorship: Curtailing Freedom of Expression

Censorship and its accompanying notions of repression, suppression and oppression is not new to Filipinos. Having been under three colonial rulers and as a subjugated people, freedom of expression is a luxury and a privilege accessible to a very few. This repressive practice was bequeathed by the colonial rulersbyoutlawing expressions of native nationalism that hindered their cultural imperialism over the Filipinos.

The first film censors' board was created in 1929 and it examined all films, spoken or silent, imported or produced in the Philippines and prohibited the introduction and exhibition of films found to be immoral or contrary to the law and good customs or injurious to the prestige of the government or people of the Philippines (De Vega, 1975).Decisions of the Board were arbitrary, ad hoc in nature, and always seen from the perspective of the morality of the ruling establishment (Santiago, 1993). It disallowed and withdrew films that were deemed to incite to rebellion.After 1945, a Board of Review for Motion Pictures was established, which disallowed the production of films that portrayed communism and withdrew from exhibition films that the military found offensive.Jump to 1961 when the Board of Censors for Motion Pictures was set up and tasked with the approval or disapproval of films for exhibition as well as classifying films into two categories: "For Adults Only" and "General Patronage." This board also had the prerogative to cut negatives and master prints of films.

To this day, the censorship board lives on but with a new and all-encompassing name: MOVIE AND TELEVISION REVIEW AND CLASSIFICATION BOARD or MTRCB created through Marcos's Presidential Decree 1986.The MTRCB screened, reviewed, and examined all local and foreign television programs and films (including publicity materials such as advertisements, trailers, and stills). It was also concerned with the approval and disapproval for importation, exportation, production, copying, distribution, sale, lease, exhibition, and/or television broadcast of films, television programs and their accompanying publicity materials. It was also empowered to delete objectionable portions from any film and television program which the Board deemed immoral, indecent, contrary to the law and/or the good customs of the country, and injurious to the prestige of the Republic of the Philippines. It was also authorized to grant, deny, or cancel permits for the importation, exportation, production, distribution, and exhibition of films and television programs. It functioned as a classification board that classified films and television programs into categories: **"G"** for "General Patronage," **"PG"** for "Parental Guidance," "**R**" for "Restricted, and "**X**" for "Not for Public Viewing." It had police powers to close down movie houses and other establishments engaged in the public exhibition of films and television programs which violated censorship rules and regulations. The Board was described as effectively censoring movies that in its interpretation showed "too much sex", "too much violence" and most of all had "subversive messages" and in censoring, it used very subjective standards, especially in the definition of subversion

(e.g. the portrayal of poverty in any form was considered subversive) and in the judging of a film in terms of scenes and not as a whole (Santiago, 1993).

The Struggle for Freedom of Expression

As history proves, Filipino filmmakers, mainstream and independent alike, have been fighting for the right to freedom of expression. While this right is guaranteed by the Constitution of the Republic of the Philippines, it is a guarantee only in paper but not in deed. The first organized resistance to censorship was the Free the Artist movement through a rally proving that artists could organize and asanact of open defiance to the Marcos regime (Remollino, 2003). Its off-shoot was the founding of the Concerned Artists of the Philippines (CAP) in 1983, dedicated to helping artists address issues and concerns about their right to artistic and self-expression. Today, it continues its vigilance against censorship and the abridgement of artists' rights to self-expression.

Alternative and short films of the 1980s never caught the eye of the censors; during this period they were products of short filmmaking workshops and were shown to a very limited audience. Technology plays a major role in making independent films be seen and appreciated by more Filipino audiences. The digital revolution has democratized filmmaking and endowed independent filmmakers to "unleash their creative confidence" (Asian Youth Indie Film Festival, 2016). Today, independent filmmakers have become the new "apple" of the censors' eye fueling the MTRCB to be a guardian of ethics and morality.

One of the country's prominent independent filmmakers, Sari Dalena was a victim of censorship. Her first full-length film, *Rigodon* (2005), received an R-18 rating when it was premiered in Manila. *Rigodon* is about Filipino immigrants in post 9-11 New York City. It follows the spiritual journey of three Filipino immigrants in New York City whose lives intertwine in the age of racial profiling and government crackdowns (http://www.imdb.com/title/tt0479990/?ref_=nm_flmg_dr_11 retrieved 4 March, 2016). Dalena, in an interview with this author through electronic mail, feels that the rating was used as a form of censorship by limiting and restricting young audiences to see works that address important and pressing issues.

In 2006, AureausSolito's*Tuli* [Circumcision] received an "X" rating from the MTRCB while it was in competition at the Cine Manila International Film Festival; an X-rating means that a film cannot be publicly exhibited. It was unfortunate for Solito that his producers cut portions of the film as recommended by the censors without his permission so that it can be screened. Solito recounts that "it's the worst thing that can happen to a filmmaker… like your baby being disemboweled (http://www.pep.ph/news/21366/new-film-of-acclaimed-director-aureaus-solito-banned-in-singapore retrieved 4 March, 2016).

In 2008, Brillante Mendoza's film *Serbis* [Service] suffered the censors' scissors when it cut two major scenes and was rated R-18 (Restricted to 18 Year-Old and above Audiences). To the censors, the sex scenes were graphic; however, Mendoza argued that the scenes depicting sexual acts inside a darkened movie theatre were part of the film's narrative and was included neither to create sensationalism nor to titillate the audience. The film was about a family who owned a porn cinema and the visual and aural narrative depicted the sordidness of the business. The film competed for the

Palme d'Or in the main competition at the 2008 Cannes Film Festival and was the first Filipino film to compete at the main competition in Cannes, since Lino Brocka's *Bayan Ko: Kapit sa Patalim* in1984 (https://en.wikipedia.org/wiki/Service_(film) retrieved 5 March 2016).

In 2009, Mendoza's next film, *Kinatay* [The Execution of P] came close to being "butchered" by the censors. This came when it was scheduled to be premiered at the University of the Philippines Film Institute Cine Adarna after its success at the 62nd Cannes Film Festival where Mendoza won Best Director. The film is said to have received a 10-minute standing ovation in France and bested even the works of internationally-acclaimed filmmakers like Ang Lee and Quentin Tarantino (http://thepoc.net/index.php/censorship-allegations-cause-friction-between-indiecinema-and-mtrcb-part-1-of-2/ retrieved 4 March, 2016).

Mendoza was invited to show his film to the Board and justify its not being subjected to censorship, which proved to be successful for this director and the film was granted a five-year permit to be screened in any public venue without cuts. However, Mendoza vowed that he will continue to fight against censorship and state-regulation of films.

Not satisfied with impinging on the freedom of expression of independent filmmakers, the MTRCB swooped down on the academe by threatening to sue the University of the Philippines Film Institute (UPFI) for alleged public and commercial screening of X-rated films at its Cine AdarnaTheatre. This came on the heels of the screening of *Sagwan*, *Strictly Confidential: Confessions of Men*, and *Aurora*(films screened without the required MTRCB permits) and before the premiere of *Kinatay*at the UPFI Cine Adarna. The MTRCB had ordered the UPFI not to show unapproved films despite the university's citing academic freedom and freedom of speech. This incident created an uproar against the MTRCB and its encroachment on the academic freedom of the University of the Philippines and "imposing censorship" on the university. The University Student Council held symposiums on censorship and blogs were written denouncing the MTRCB's move.

Despite the unconstitutionality of censorship and other forms of abridging the Filipinos' freedom of expression, democracy is still strong in the Philippines and filmmakers [independent and mainstream]have tussled with the board on many occasions and filmmakers have decried its rules as well as called for its abolition "but it somehow managed to survive all these years, in spite of the fact that its raisons d'être [was to] protect "public morals"" (http://asiancorrespondent.com/2010/08/why-philippine-censorship-board-should-be-disbanded/ retrieved 6 March, 2016).

In 1998, a breakthrough for filmmakers was the appointment of movie producer, actress, and highly respected industry leader, Armida Siguion-Reyna to chair the MTRCB; chosen by then President Joseph Estrada, who was an actor/producer before entering the political arena. A staunch advocate of freedom of expression, she was involved in the struggle to abolish film censorship. Siguion-Reyna brought in directors, writers, actors and producers from the film industry to compose half of the Board and liberalized the regulations of PD 1986, infuriating and pushing the conservatives to ask for her resignation (Tiongson, 2011). She stood her ground in upholding the constitutional right of freedom of expression by citing that "no law

shall be passed abridging the freedom of speech, expression and the press." However, she was only able to do this because she had the full support of President Estrada, who backed her up all the way, even when the lawmakers diminished the MTRCB budget as "punishment" for its "intransigency" (Tiongson, 2011).However, President Estrada was ousted by Gloria Macapagal-Arroyo in 2001 and with the reins of government in her hands, a new MTRCB Chair was appointed.

Filmmakers again had a glimpse of hope when renowned cultural and film historian and U.P. Professor Dr. NicanorTiongson was appointed Chair of the MTRCB in 2001. Tiongson wanted to evolve a classification system that would be more or less enlightened, which is not one-sided, not too conservative and not too liberal. Tiongson supported and still supports freedom of expression but to him, there has to be a strong sense of social responsibility so that no one can take advantage of others. He envisioned a massive film education program because "movies are very powerful in communicating values and can raise consciousness" (Newsbreak, 2001). He added that "viewers have to be taught how to watch: what movies are good, what they should support, and what they should not support. The MTRCB cannot suppress films" (Newsbreak, 2001).

Tiongson's term was short-lived (5 weeks) resigning in protest over what he viewed as the curtailment of freedom of expression when then President Gloria Arroyo ordered him and the MTRCB to recall and ban the film *Live Show* by multi-awarded director Jose Javier Reyes after receiving complaints from the leader of the Philippine Catholic Church, Jaime Cardinal Sin. The film was accused of showing graphic sexual scenes and was deemed as eroding the moral fiber of Filipino society. Dr. Tiongson was immediately replaced by Alejandro Roces, who was the Education Secretary of President Arroyo's late father, also a former President of the country, Diosdado Macapagal.Roces' appointment was an assurance that the X-rating for *Live Show* remains and that the MTRCB will continue to wield its power in abridging and curtailing filmmakers' right to freedom of expression.

Conclusion: The Struggle Will Never Stop

Since the enactment into law of PD 1986 in 1985, the MTRCB has celebrated its 30 years of existence as the "guardian and protector of Filipino society's morality." In these 30 years, it has had 11 Chairmen and out of these, only two (Siguion-Reyna and Tiongson) believe in upholding the constitutional provision on freedom of speech, expression and the press. Siguion-Reyna has this to say:

> "From the time a film writer types the first line of a script, all his innate potentials of expression are already straitjacketed. Opinions expressed in the script must be safe and uncontroversial. The director is likewise not allowed to shake the foundation of society to explore new frontiers of human possibilities. Creative growth has been crippled through many years of censorship: consequently, producers are afraid to take risks on serious films (Tiongson, 2011)."

An independent filmmaker's nightmare does not begin and end in creating his/her film; it begins when the censors' eye their film and literally puts their finger in the pie

and destroys it. Filipino independent films have been gaining critical attention worldwide. Their films put the Philippines in the international film map and have raised the artistic credibility of the country. Siguion-Reyna has this to say about independent filmmaking in the country:

> "Today's movies have to be truthful. They should show the corruption in government, the massacres that are happening and other social issues. All this must come out in film for the younger generations to see (Tiongson, 2011)."

In as much as independent films have to be truthful and must deal with social issues and realities, with a censors' board that is prone to political machinations of the ruling class and continues to shield the truth from the Filipino people, persists on providing false consciousness, and does not recognize the basic human right of freedom of expression, the struggle will never stop for the independent filmmakers.

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Press Freedom, Governance, and Culture of Impunity: The Alarming Case of the Philippines

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Abstract

Ending the culture of impunity requires strengthening the culture of resistance. Impunity results in the dearth or absence of press freedom which, in turn, has deleterious effects on the practice of journalism as the people are deprived of relevant information that could help shape public opinion. Effective governance can only be achieved if there is an atmosphere conducive to press freedom and other basic freedoms. The local and global campaigns to end impunity should continue so that the culture of resistance would be strengthened and the specter of the culture of impunity would be finally gone. The Philippines proves to be an interesting case study as it is one of the freest press in Asia but has one of the most number of journalists killed worldwide. The most notable example of media killings is the massacre in Ampatuan, Maguindanao (located in the southern part of the Philippines) where 32 journalists and media workers were among the 58 people killed. The situation in the Philippines is alarming given the prevailing culture of impunity.

Keywords: Journalism/ Human Rights/ Resistance/ Media/ Framework/ Philippines

Introduction

My paper provides a normative and theoretical understanding of press freedom, governance, and culture of impunity with special emphasis on the Philippines, a country that is seen as one of the freest press in Asia but has one of the most number of journalists killed worldwide. My continuing research on impunity and the practice of journalism in the Philippines – as a Doktorand (doctoral student) at Technische Universität (TU) Ilmenau in Germany under the research supervision of Prof. Dr. Martin Löffelholz – has given me the opportunity to analyze the state of research on these topics and I take this opportunity to share my initial observations. A framework for understanding press freedom, governance, and culture of impunity is presented toward the end of my paper.

Understanding Press Freedom

Press freedom is the cornerstone of a democratic state. Without it, the people would be exposed only to "information" deemed acceptable to those in power. Consequently, the media would be reduced to mere government mouthpieces. Such a situation greatly compromises, if not totally represses, other basic freedoms like the people's freedom of speech. It follows that the kind of journalism practiced in a society without press freedom does not provide the relevant information necessary to shape public opinion.

To clearly understand press freedom, it is necessary to analyze the practice of journalism. McQuail (2013) defines journalism as the "construction and publication of accounts of contemporary events, persons or circumstances of public significance

or interest, based on information acquired from reliable sources" (p. 14). Kovach and Rosenstiel (2001) said that there are clear principles that journalists agree on, and that these "have ebbed and flowed over time, but […] have always in some manner been evident." Citing Lambeth (1992), *The CMFR Ethics Manual* (2007) enumerated five principles of the journalism practice:

1. Truth-telling – journalists should develop a habit of factual and contextual accuracy as they check and recheck information, strive for completeness, provide proper attribution and engage in multi-sourcing (or referring to several sources instead of just one);
2. Justice – journalists should practice fairness, balance and objectivity in reporting in such a way that all sides are presented and that bias is avoided.
3. Freedom – journalists should have commitment to their freedom "to report events and to comment on them to the best of (their) abilities and knowledge, in recognition of the role information plays in the making of an informed citizenry and better governance" (p. 29) by defending and enhancing the freedom the Constitution guarantees them; avoiding conflicts of interest which result in loss of autonomy and freedom; engaging in principled practice which helps protect freedom; and upholding the citizens' free access to information, among other concerns.
4. Humaneness –even if there are groups and individuals who deserve to be exposed resulting in damage to "undeserved reputations" (p. 31), journalists should not do innocent harm like naming a minor in a crime story, intruding into the grief of relatives of crime victims or refusing to be drawn into "condemning persons accused of crimes before they have been convicted" (p. 31).
5. Stewardship – journalists should "take care of, and…preserve that with which [they have] been entrusted" (p. 31), keeping in mind that they should respect "the rights of others in the exercise of [their] profession as well as discharging one's responsibility with the awareness that irresponsibility […] can have harmful and far-reaching consequences on the rest of society" (pp. 31-32).

That there is general consistency on the definition and orientation of journalism may be gleaned from the latter's significant role in democracy and nation-building and the common goals of freedom and social development. The absence of press freedom would have deleterious effects on journalistic work. Even Karl Marx has argued for a free press as basis for a democratic society, stressing that it is the "right of an autonomous individual and a means to uncover the underlying truth about society" (as cited in McQuail, 2013, p. 34). Simon (2015) stressed that journalists need "to recognize that their rights are best protected not by the special realm of 'press freedom' but rather by ensuring that guarantees of free expression are extended to all" (p. 171) especially in a situation where "the boundaries between journalists and nonjournalists continue to erode and any meaningful definition of journalism becomes more and more elusive" (p. 171).

Understanding Governance

Governance may be analyzed along the lines of government policies related to press freedom and the self-regulatory mechanisms of news media organizations, as seen in the history of how they have developed through the years. In the case of the

Philippines, special attention should be given to how journalists and news media organizations have survived the years of colonial and authoritarian rule.

The 1987 Constitution's Bill of Rights (Article 3) states that there is freedom of the press in the Philippines. Section 4 stipulates: "No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances" (*The 1987 Constitution*, 1987, p. 4). On the other hand, Section 7 provides for public access to information:

> The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law. (*The 1987 Constitution*, 1987, p. 5)

Sections 4 and 7 of the 1987 Philippine Constitution's Article 3 are consistent with Article 19 of the Universal Declaration of Human Rights "adopted by the UN General Assembly on 10 December 1948" ("History of the Document", n.d., para. 1) which states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers" (Full Text, n.d., Article 19 section, para. 1).

Many journalism schools highlight the characteristic of the Philippine press as being the freest in Asia. Major textbooks on the history of Philippine journalism stress that this is due to the constitutional guarantees of basic freedoms, as well as other laws that uphold press freedom like the Shield Law which protects journalists from revealing their sources (read, for example, Ables, 2003; Malinao, 1997).

According to Teodoro and Kabatay (2006), there was "absolute censorship" (p. 5) during the three centuries that the Philippines was under Spanish rule from 1565 to 1898. The same case happened during the American occupation from 1898 to 1946 (with a brief interlude due to the Japanese invasion) when "the dangerous tendency rule was the text used in determining whether an utterance was seditious or not" (Teodoro & Kabatay, 2006, p. 5). They added that "total censorship of all forms of mass media available" (Teodoro & Kabatay, 2006, p. 5) happened during Japanese occupation from 1942 to 1945. In terms of contemporary history, they noted, "The Martial Law period (1972-1986) clearly illustrated that freedom of expression is usually the first freedom curtailed in the name of national security and public order" (Teodoro & Kabatay, 2006, p. 5). At present, they stressed that media-related laws, particularly the ones on libel and obscenity, are being used "to harass and silence journalists" (Teodoro & Kabatay, 2006, p. 389). What proved to be more alarming for them was the "continuing assassination of […] journalists since 1986 [because the] killings have seriously undermined the often-repeated claim that the Philippine press is 'the freest in Asia'" (Teodoro & Kabatay, 2006, pp. 389-390).

Understanding Culture of Impunity

The amended version of the "Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity" – submitted on February 8, 2005 to the United Nations Commission on Human Rights – defined impunity as the impossibility, *de jure* or *de facto*, of bringing the perpetrators of violations to account – whether in criminal, civil, administrative or disciplinary proceedings – since they are not subject to any inquiry that might lead to their being accused, arrested, tried and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims. (Equipo Nizkor & Derechos Human Rights, 2005, Definitions section, para. 1, italics supplied)

In the context of journalism, Lisosky and Henrischen (2011) said that the journalists they interviewed have identified impunity as a major occupational concern. They said:

> The majority of the people interviewed [by the authors] considered impunity as one of the primary reasons journalists are in danger around the world [...] This issue of impunity was described as a problem in nations where governments are not only corrupt but also fail to recognize the importance of a free press to democratic progress. (p. 176)

The "UN Plan of Action on the Safety of Journalists and the Issue of Impunity" (approved on April 13, 2012) highlighted the urgency of putting an end to impunity worldwide and made a unified stand against media repression. The introduction stated:

> The safety of journalists and the struggle against impunity for their killers are essential to preserve the fundamental right to freedom of expression, guaranteed by Article 19 of the Universal Declaration of Human Rights. Freedom of expression is an individual right, for which no one should be killed, but it is also a collective right, which empowers populations through facilitating dialogue, participation and democracy, and thereby makes autonomous and sustainable development possible. ("UN Plan of Action", 2012, Introduction section, para. 4)

Not surprisingly, the United Nations Educational, Scientific and Cultural Organization (UNESCO) has issued a global call to end the culture of impunity:

> When attacks on journalists remain unpunished, this sends a very negative message that reporting the 'embarrassing truth' or 'unwanted opinions' will get ordinary people in trouble. Furthermore, the population loses confidence in its own judiciary system that is meant to protect everyone from attacks on their rights. Perpetrators of crimes against journalists are thus emboldened when they realize that they can attack their targets without ever facing justice. ("International Day", 2014, p. 2)

These points are consistent with Simon's (2015) analysis that "[t]he culture of impunity can only be defeated by ensuring that those who carry out the killings of journalists face justice" (p. 180).

Alarming Case of the Philippines

The International Day to End Impunity which started in 2011 is commemorated every November 23 to ensure that the world does not forget the massacre on that day in 2009 of 58 people, including 32 journalists and media workers, in Ampatuan, Maguindanao (located in the southern part of the Philippines). It elicited worldwide support due to the prevalence of "unresolved cases of aggression against individuals who were simply exercising their free expression rights" ("About the Campaign", n.d., para. 5).

Beyond the annual commemoration of the Ampatuan massacre, impunity can be better contextualized by analyzing relevant statistics on media killings. From 1992 to 2015, the US-based Committee to Protect Journalists (CPJ) documented 77 Filipino journalists killed as a result of their work as journalists. There were others listed but the motives behind the killings had not been clear. Quoting from CPJ's methodology, "When the motive is unclear, but it is possible that a journalist was killed because of his or her work, CPJ classifies the case as 'unconfirmed' and continues to investigate" (CPJ, n.d., para. 4).

The differences in statistics notwithstanding (see Table 1), the Center for Media Freedom and Responsibility or CMFR (2016) said that the "number should by itself be disturbing" (para. 4). CMFR reacted to the statement of the CPJ that there were no work-related killings of journalists in the Philippines in 2015, "for the first time since 2007" (Beiser, 2015, para. 14). Out of nine journalists killed in 2015, CMFR said that "at least three [of them] were killed in the line of duty" (CMFR, 2016, para. 2). Regardless of the motive, the fact that there were Filipino journalists killed in 2015 is said to be "indicative of both the state of law and order in the Philippines *and of continuing impunity*" (CMFR, 2016, para. 4, italics mine).

Table 1
Comparative Statistics on Work-Related Killings of Journalists and Media Workers According to Administration (1986 to 2015)

	CMFR		CPJ a/	
	No.	% share	No.	% share
Corazon C. Aquino (February 1986 to June 1992)	21	14.0%	---	---
Fidel V. Ramos (July 1992 to June 1998)	11	7.3%	6	7.6%
Joseph E. Estrada (July 1998 to January 2001)	6	4.0%	3	3.8%
Gloria M. Arroyo (January 2001 to June 2010)	82	54.7%	63	79.7%
Benigno S. Aquino III (July 2010 to December 2015 only)	30	20.0%	7	8.9%
TOTAL	150	100.0%	79	100.0%

Sources of basic data: CMFR and CPJ, as cited in Arao, 2015, p. A16
a/ CPJ's database started in 1992; the cited statistics are under the classification "Motive Confirmed" and do not include the 53 killed journalists from 1992 to 2015 classified as "Motive Unconfirmed"

The CPJ's Global Impunity Index in 2015 ranked the Philippines as the fourth worst offender (after Somalia, Iraq, and Syria). The CPJ explained:

> Though it has dropped to fourth from third on the Impunity Index, the Philippines remains the only country within the top five impunity offenders not engulfed by conflict and acute political instability. At least 44 murders have taken place since September 2005 with complete impunity; seven have occurred under the current administration of President Benigno Aquino III. ("Getting Away with Murder", 2015, 4 The Philippines section, para. 1)

The CPJ's Impunity Index calculated "the number of unsolved journalist murders as a percentage of each country's population" ("Getting Away with Murder", 2015, Methodology section, para. 1). As regards the 2015 index, the CPJ analyzed "journalist murders that occurred between September 1, 2005, and August 31, 2015, and that remain unsolved. Only those nations with five or more unsolved cases are included [in the 2015] index" ("Getting Away with Murder", 2015, Methodology section, para. 1). The CPJ listed 14 countries in its Global Impunity Index 2015 (see Table 2).

Table 2
CPJ Global Impunity Index 2015

Rank	Nation	Unsolved Cases of Journalist Murders (Sept. 1, 2005-Aug. 31, 2015)	Population (in millions, based on World Bank's 2014 World Development Indicators)	Rating (Unsolved Cases ÷ Population)
1	Somalia	30	10.5	2.857
2	Iraq	84	34.8	2.414
3	Syria	11	22.2	0.496
4	Philippines	44	99.1	0.444
5	South Sudan	5	11.9	0.420
6	Sri Lanka	5	20.6	0.242
7	Afghanistan	5	31.6	0.158
8	Mexico	19	125.4	0.152
9	Pakistan	22	185.0	0.119
10	Russia	11	143.8	0.076
11	Brazil	11	206.1	0.053
12	Bangladesh	7	159.1	0.044
13	Nigeria	5	177.5	0.028
14	India	11	1,295.0	0.008

Source: Getting Away with Murder, 2015, Statistical Table section

Framework for Understanding Press Freedom, Governance, and Impunity

In its 2012 report, the United Nations Office of the High Commissioner for Human Rights (UNOHCHR) said that a comprehensive approach to fighting impunity should be within the framework of "[e]stablishing effective mechanisms to ensure that those who commit human rights violations do not go unpunished" ("Impunity and the Rule of Law", 2013, p. 30). According to the report, this "provides a framework for the rights to justice, truth, reparations and guarantees of non-recurrence" ("Impunity and the Rule of Law", 2013, p. 30).

With regard to my ongoing doctoral thesis, I have prepared a diagram which attempts to make sense of how culture of impunity permeates society (see Figure 1) and consequently affects governance and press freedom. The problem of impunity happens frequently in society based on the given statistics on media killings and other forms of harassment and intimidation not just in the Philippines but in other selected parts of the world. This is not surprising when considering the IFJ's statement that "when a government fails to stamp out impunity, it becomes embedded and normalised in the national psyche" (IFJ, 2016, p. 48).
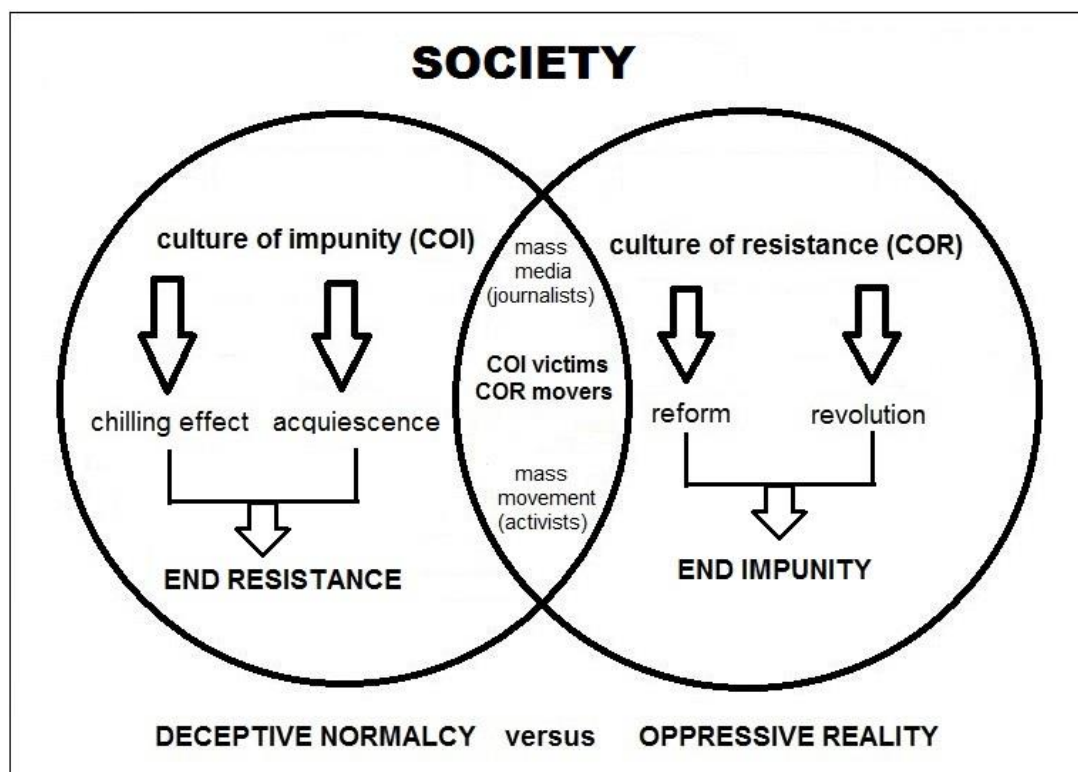
Figure 1. Culture of Impunity and Culture of Resistance. This figure shows how impunity affects society.

Within this society are two competing cultures – one of impunity and the other of resistance. The UN stressed that impunity "has a chilling effect on society including journalists themselves" ("International Day", 2014, para. 5). In addition, acquiescence happens within a culture of impunity as many journalists exercise self-censorship (Owens, 2014, p. 52) and other members of society live in a climate of fear. Schatz (2008) also described a cautionary tale of the state acquiescing to extra-judicial

killings as a result of the impunity afforded the perpetrators (p. 287). Consciously or unconsciously, those who end up afraid (due to the chilling effect) and docile (as a result of acquiescence) would have the perspective to retain the *status quo* and consequently discourage or end any resistance to it. *Journaliste en Danger* (JED, or Journalists in Danger) General Secretary Tshivis Tshivuadi said that, as a result of repression, "Journalists are currently limiting their work to...the minimum level of service: to produce news content without getting into trouble" (Chadwick, 2016, para. 19). However, the social tension becomes apparent as the culture of resistance spawns two kinds of movement to change the *status quo* – reform on one hand and revolution on the other (McQuail, 2013, p. 73). While the culture of impunity promotes a sense of deceptive normalcy (essentially a "business-as-usual" discourse on the situation), the culture of resistance seeks to expose the oppressive reality in society (mainly characterized by highlighting the cases of harassment and intimidation experienced by members of the mass media and the mass movement).

Amid the two competing cultures of impunity and resistance, there are victims of impunity and movers of resistance coming from the ranks of the mass movement (activists) and the mass media (journalists). Simon (2015) stressed that even journalists – the need to be objective in their reportage notwithstanding – cannot be fence-sitters as regards the issue of impunity. He said that journalists "must actively defend the rights of all people everywhere to gather news, express their opinions, and disseminate information to the public" (p. 171).

Given the nature of impunity and resistance, the impunity victims and resistance movers could be swayed either way. It is possible, for example, for the impunity victims to be enlightened by the necessity of either reform or revolution so that they would be convinced to join the campaign to end impunity instead of continually imbibing the chilling effect and acquiescence. On the other hand, the latter two effects of the culture of impunity could sow fear and apathy among the resistance movers, grinding to a halt their participation in the movement for change.

Conclusion

Without preempting the conclusion of my ongoing doctoral research, it remains imperative that "the culture of resistance win over the culture of impunity" (Arao, 2015, p. A16). From a normative viewpoint, journalists cannot be neutral observers as they should participate in the struggle to promote and uphold human rights and the people's basic freedoms. Only then can we achieve effective governance toward creating an atmosphere conducive to press freedom, free from the specter called the culture of impunity.

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Freedom of Information and the Philippine Broadcast Media[1]

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Abstract

The Constitution of the Philippines recognizes the right of the people to information on matters of public concern. As it is written in the Constitution, the right is self-executing, which means that it does not need the enactment of a law for it to be enforceable. It is enforceable as it is.

Since absolute freedom is untenable even in a democratic society, the right to information on matters of public concern is subject to limitations. There are existing laws on national security and privacy which constitute reasonable restraints on the exercise of the right. Moreover, Philippine jurisprudence has amplified the right by stating that while the state cannot impede its exercise, the abuse of the right will not be tolerated, either.

Contemporary broadcast media in the Philippines have unprecedented influence over the Filipino people in terms of news and credibility. That influence carries with it the responsibility to disseminate all information on matters of public concern to the people at all times. As the state gets secretive with its activities, the need for this right becomes underscored.

In 2014, there was an unsuccessful attempt to enact a law purportedly to strengthen the exercise of this constitutional right. That law was opposed for being unnecessary and an undue restriction on the enjoyment of the right. Fortunately, the proposed legislation failed to materialize.

Today, the constitutional right of the people to information on matters of public concern enjoyed in the Philippines has made the Philippine broadcast media, television in particular, important instruments in the dissemination of all the vital information the Filipino people must know.

Keywords: Press Freedom/ Right to Information / Public Concern/ Philippines

Brief Overview

The Republic of the Philippines is a democratic and republican state, and sovereignty resides in the people and all government authority emanates from them. Its government exists for the welfare of the people, and its officials must work for the people's interests.

Since a free press is necessary to fiscalize government officialsand make them faithful to their duties, all the constitutions of the Philippinesguaranty the freedom of the

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[1] *This is the REVISED paper of Professor Victor C. Avecilla. It incorporates the suggestions earlier made from the organizers, particularly the replacement of the end notes with a bibliography. Clerical errors were also corrected.*

press. Under the 1987 Constitution, the charter currently in force,that guaranty is recited in Section 4, Article III –

"No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances."

The aforequoted provision is patterned after the First Amendment to the Constitution of the United States, which prohibits its legislature (the United States Congress) from abridging this fundamental right –

"Congress shall make no law ... abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

In the Philippines and in the United States, the Supreme Court has the final word on what the Constitution says and, more importantly, what the Constitution means. Since the concept of press freedom in the Philippines is lifted from the First Amendment, the decisions of the United States Supreme Court (referred to as American jurisprudence)concerning press freedomare given persuasive weight in Philippine Constitutional Law.

The term *press freedom* as used in the 1987 Constitution of the Philippines and in the First Amendment to the Constitution of the United States, is not limited to the print media. Philippine and American jurisprudence hold that the term also applies to, among others,cinema, broadcast media, cable television,and the internet.

The inclusion of cinema and the electronic media within the protection of the Constitution is important. In the Philippines today, the television medium is very popular because of its affordability, accessibility, and its ability to overcome the literacy barrier. Television also owes its status to its interconnection to the film industry, through cable television service providers, and to its availability in the internet and in portable electronic devices like the mobile phone and the portable computer.

No Right to Informationunderthe 1935 Constitution

Although press freedom soundsencompassing enough in scope, this right is meaningless if thepeople, represented by the media, are deniedaccess to documents and information in the custody of government officials. In other words, the existence of this constitutional right is not enough; there should be no impediment to its exercise.

The first constitution of the Philippines–the 1935 Constitution–recognizes the freedom of the press but it did not have any provision on the right of the people to information on matters of public concern. That was not an issue until 1948 when the Supreme Court of the Philippines was asked in *Subido v. Ozaeta*whether or not the people, represented by the press, had a constitutional right to demand the examination of land titles in the custody of the Register of Deeds. The Court held that freedom of

information, or freedom to obtain information for publication, is not guaranteed by the 1935 Constitution.

Nonetheless, the Supreme Court invoked a law enacted by the legislature and ruled that the press had a right guaranteed by an existing statute to examine the records of the Register of Deeds. Despite this *imprimatur*, however, the Court recognized the inherent power of a public officer to control the records in his custody, and to exercise discretion as to how the record may be examined or copied by the public.

The Supreme Court also held that the public officer need not concern himself with why the public and the press want to examine public records –

"Except, perhaps, when it is clear that the purpose of the examination is unlawful, or sheer, idle curiosity, we do not believe it is the duty under the law of registration officers to concern themselves with motives, reasons, and objects of the person seeking access to the records. It is not their prerogative to see that the information which the records contain is not flaunted before public gaze, or that scandal is not made of it. If it be wrong to publish the contents of the records, it is the legislature and not the officials having custody thereof which is called upon to devise a remedy. As to the moral or material injury which the publication might inflict on other parties, that is the publisher's responsibility and lookout. The publication is made subject to the consequences of the law."

A Right under the 1973 Constitution

In April 1973, the 1973 Constitution replaced the 1935 Constitution.

The 1973 Constitution recognized a right of the people to information on matters of public concern. Thus, what was once a statutory right upheld earlier in *Subido v. Ozaeta* was finally accorded constitutional status. The pertinent provision of the 1973 Constitution is Section 6, Article IV thereof –

"The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, shall be afforded the citizen, subject to such limitations as may be provided by law."

It is readily seen that under the 1973 Constitution, the right of the people to information on matters of public concern is a self-executing right, which means that it does not need an enabling law from the legislature to make it enforceable. However, the phrase "subject to such limitations as may be provided by law" authorizes the legislature to impose limits on the exercise of this right. In other words, the Constitution created the right, subject to restrictions the legislature may impose.

The authority given by the 1973 Constitution to the legislature to impose limitations on the right to information on matters of public concern is well-taken because some information in state custody must be kept confidential. For instance, matters of national security and foreign relations are often considered classified on account of their sensitive nature.

Since absolute freedom is untenable even in a free society, the right to information on matters of public concern, like press freedom and other fundamental rights,must be balanced with compelling state interests necessary for the proper functioning of government.

Moreover, the phrase "the right of the people" indicates that this right is a "public right," which means that every citizen has legal standing in court to challenge any infringement of this right.

Under the 1973 Constitution, the Supreme Court had at least two occasions to elucidate on this constitutional right. The Court ruled that the right to information on matters of public concern is subject to reasonable regulation so as to maintain order in the office that has custody of the document or information sought,and that the power to regulate the exercise of the right does not include the authority to prohibit access, inspection, examination, or copying.

The right to information on matters of public concern recited in the 1973 Constitution of the Philippines has no counterpart in the Constitution of the United States. It is only recognized as a statutory right in the United States under the Freedom of Information Act, which is more popularly called the "government in the sunshine" law.

Developments under the 1987 Constitution

The 1973 Constitution ceased to be in force in 1986, and it was eventually superseded by the 1987 Constitution, the charter in force in the Philippines today. Section 7, Article III thereof is a *verbatim* reproduction of its counterpart in the 1973 Constitution, except that it bears an additional phrase –

"The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, *as well as to government research data used as basis for policy development*, shall be afforded the citizen, subject to such limitations as may be provided by law." (Italics supplied.)

The phrase "as well as to government research data used as basis for policy development" was added as a reaction to the practice of the government under the 1973 Constitution of withholding research data from the public whenever such data contradicted state policies.

Section 27, Article II of the 1987 Constitution, strengthens the constitutional right of the people to information on matters of public concern by making transparency in government transactions a policy of the state, subject, of course, to reasonable limitations imposed by the legislature (Congress, under the current charter)–

"Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest."

Relevant Jurisprudence

Under the 1987 Constitution, the Supreme Court has made several pronouncements on the right of the people to information on matters of public concern.

There is *Legaspi v. Civil Service Commission* where the Court held that personal interest is not required in asserting the right to information on matters of public concern, precisely because the right is a public right that may be enforced by any citizen minded to do so. The Court also said that the term "public concern," like "public interest," eludes exact definition and embraces a broad spectrum of subjects which the public may want to know, either because these directly affect their lives or simply because such matters arouse the interest of an ordinary citizen.

It was held that this constitutional right may be asserted against government agencies, and government-owned and controlled corporations.

Certain limitations to the constitutional right were recognized in *Chavez v. Presidential Commission on Good Government*. These limitations include national security matters; trade secrets; banking transactions covered by Republic Act No. 1405 or the Bank Secrecy Law; criminal matters which took place prior to the arrest, detention, and prosecution of offenders; and other confidential information recognized as such by existing laws. Indeed, while access to official records may not be prohibited, it certainly may be regulated.

Through its resolution in *In Re Request of Daniel Edward Cariaga*, the Supreme Court finally allowed the release to the public of the Statement of Assets, Liabilities and Net Worth of the justices of the Supreme Court, subject to the provisions of Section 8(D) of Republic Act No. 6713, namely, that the same may not be used for purposes which are contrary to morals or public policy, or for any commercial purpose other than by news and communications media for the dissemination to the general public. This was a welcome development at that time because on several occasions in the past, the Court refused to allow the said information to be released to the public on the sweeping and unfounded excuse that to do so will undermine the independence of the judiciary.

It was also held that public officers may be compelled by a writ of *mandamus* to accommodate the right of the people to information on matters of public concern, provided, however, that the information sought is not among those exempted by law from the coverage of the constitutional right. Moreover, the people's constitutional right to information is intertwined with the government's constitutional duty of full public disclosure of all transactions involving public interest – for every right of the people, there is a corresponding duty on the part of those who govern to protect and respect that right.

Freedom of Information Law

In early 2014, the Congress of the Philippines (the legislature under the 1987 Constitution) was deliberating on a bill purported to strengthen the constitutional right of the people to information on matters of public concern. Stiff opposition to the proposed law, as well as the manifest inaction of the legislators concerned, led to the demise of the bill when Congress ended its regular sessions in February 2016 to prepare for the national elections in May.

Truth to tell, there is no real need for a freedom of information law in the Philippines. As pointed out earlier, Section 7, Article III of the 1987 Constitution, which embodies this right, is already a self-executing provision which needs no enabling law for its enforcement. Likewise, sufficient reasonable limitations on the exercise of this right are already recognized in Philippine jurisprudence, and in existing statutes. As it stands in the 1987 Constitution, the right is good as is.

Enacting a law governing freedom of information will only create unnecessary, additional limitations on this constitutional right. There is the possibility that such a law will require the public and the media to comply with certain cumbersome conditions as a pre-requisite to gaining access to public documents which, before the law was enacted, were easily obtainable. Likewise, what used to be accessible before, could suddenly become confidential by legislative fiat.

The exercise of this important constitutional right should not be left to the whims of the legislature. History teaches that if government can resrtrict rights, it will do so.

It is, therefore, in the best interests of the Filipino people that the aforesaid freedom of information bill did not become a law.

Freedom of Information andthe Philippine Broadcast Media

As mentioned at the onset, contemporary Philippine television is a very popular medium because of its affordability, accessibility, and its ability to overcome the literacy barrier. While the cost of newspapers constantly increases, television becomes the cheaper, more accessible alternative to many Filipino households today.

The distinction between television and radio has also become diluted inasmuch as radio already has a visual component today, through the phenomenon called *tele-radyo*, made possible by cyber technology.

Many Filipinos now rely on television for news and related information. They believe that if it's on television, it must be true. This power of the broadast media carries with it the responsibility to disseminate all the news the citizenry should know about. That is not possible through the exercise of press freedom alone. There is an obvious need for the broadcast media to obtain information on matters of public concern all of the time. This is particularly true in the field of investigative reporting, inasmuch as the government gets more and more secretive in its operations as the years go by.

Once a teasing illusion, the primacy of televisionis a reality today on account of the advancements in digital broadcast technology and satellite communications. That

technology has been made affordable to the masses through the mass-production of user-friendly, portable electronic reception devices.

In addition, the increase in the local remittances of overseas Filipino workers has created a strong mass-based economy kept buoyant by a young population with unprecedented purchasing power. That power, in turn, is directed at electronic consumer goodsrelated to both traditional and social media.

The emphasis on information technology in homes, schools, and offices has made the broadcast media an inevitable source of information for the people. As a result, Philippine broadcast media, now more than ever, must have continuing access to information on matters of public concern.

A freedom of information law at this time will only be an obstacle to a vibrant industry that is running on high gear in the information highway of the world.

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Communicating Science-Based Information on Biodiversity and Resilience & Its Potential for Local and National Governance[1]

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Abstract

Because science innovation and human development are mutually reinforcing, it is imperative to educate various sectors of society about the value of science and technology, as well as to correct misinformation, dispel myths, and debunk scams that are presented as pseudoscientific claims. Communication efforts must made to help the public understand the science so that they can make informed decisions. In particular, there is an urgency for public awareness to be created about the science of climate resilience and disaster risk reduction and management.

An interdisciplinary program on the twin themes of Resilience and Biodiversity is currently being implemented at the University of the Philippines Diliman. Titled BIODIVERSITY AND RESILIENCE (BaR) R&D, COMMUNICATION AND CAPABILITY-BUILDING PROGRAM FOR THE PHILIPPINES, it converges the Science and the Humanities disciplines to address urgent needs for developing and disseminating targeted science-based information intended to catalyze the mind-change necessary to prioritize and help incorporate biodiversity and resilience in key national and local decisions.

Keywords: Science-Based Information/ Communication and Capability- Building/ Biodiversity/ Philippines

Introduction

Man needs science because science benefits man. From the clothes we wear, the food we eat, and the structures we work and live in to the way we gather and share news and information, communicate with each other, and entertain ourselves, science has had a hand in developing. Science needs man because it is the human being - with his logical, observational, and analytical skills - who initiates the inquiry, conducts the experimentation, and concludes with an invention and discovery.

Without a doubt, science has contributed to the development of human societies and to man's understanding of himself and therefore deserves greater public recognition and visibility. Investments in science and technology are vital inputs for any country's economic growth and poverty alleviation. Watson et al. (2003) note that "advances in scientific and technological knowledge made possible the significant reductions of poverty and improvements in the quality of life in both developed and developing countries throughout the 20th century. In the future, the ability of countries to access,

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[1] *This paper review the program's efforts, by providing a presentation and discussion of its structure, framework, objectives, communication activities and outputs.*

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comprehend, select, adapt, and use scientific and technological knowledge will increasingly be the determinant of material well-being and quality of life."

Clearly, it is imperative to create a public awareness of science, so that citizens can make informed decisions, as well as to correct misinformation, dispel myths, and debunk scams that are presented as pseudoscientific claims. In the area of disaster science, particularly, hazard awareness saves lives and property, protects crops and livelihoods, reduces risks at the same time strengthens recovery and resilience. In other words, science awareness makes safer communities possible.

This is especially necessary for a country like the Philippines which has a high exposure to natural disasters such as earthquakes, typhoons, floods, and droughts. An archipelago of 7,107 islands, the Philippines "lies in the typhoon belt of the Pacific and has a seismically active mountainous terrain with narrow to extensive coastal lowlands". Moreover, the Philippines is one of the world's mega-diverse countries, which "(o)n a per unit area basis … harbors more diversity of life than any other country on the planet."[2] At the same time, however, it is a biodiversity hotspot because these "marine and wildlife riches are under threat" of extinction "because of intrusive man-made activities" like overexploitation, deforestation, land degradation, climate change, and pollution.

Renato Solidum, director of the Philippine Institute of Volcanology and Seismology (PHIVOLCS), speaking at a forum on climate change and disaster preparedness noted, "What we need is to bring down science to a broader level of understanding and let ordinary people and local chief executives appreciate"[3] how they can safeguard themselves against hazards.

But whose job is it to communicate the correct science of biodiversity and resilience to general audiences? Communicating science-based information has always been a challenge to science practitioners. Scientists, who are prolific generators of innovations and writers of technical reports, often do not have the skills set to do this. Gunter et al. (1990) pointed out that "(w)hile scientists are thoroughly trained in research methodologies, analytical skills, and the ability to communicate with other scientists, they usually receive no explicit training in the communication of scientific concepts to a lay audience."

It is in this context that this paper reviews the communication strategies used to create science awareness about disaster risk reduction and mitigation (DRRM) in the Philippines. Specifically, this paper looks into the BIODIVERSITY AND RESILIENCE (BaR) R&D, COMMUNICATION AND CAPABILITY-BUILDING PROGRAM FOR THE PHILIPPINES being implemented by scientists and communication specialists at the University of the Philippines.

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[2]www.bmb.gov.ph/index...of.../724-status-of-philippine-biodiversity
[3]http://www.scidev.net/asia-pacific/disasters/news/understanding-science-can-help-reduce-disaster-risks.html

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Objectives

The general purpose of this study, then, is to review the program's efforts in moving towards its goal of "developing and disseminating targeted science-based information intended to catalyze the mind-change necessary to prioritize and help incorporate biodiversity and resilience in key national and local decisions."[4]

As authors of this paper are part of the BaR program staff, this review is conducted in line with project monitoring. The goal of monitoring, or process evaluation, is to improve performance and achieve outputs, outcomes and impact. Specifically, this paper:

1. presents the structure, framework, and objectives of the BaR program and
2. documents communication strategies, activities, and outputs of the BaR program that have thus far been implemented.

Resultsand Discussion

Objectives and Structure of the BaR Program

The BIODIVERSITY AND RESILIENCE (BaR) R&D, COMMUNICATION AND CAPABILITY-BUILDING PROGRAM FOR THE PHILIPPINES is a multi-disciplinary research program implemented at the University of the Philippines. The program converges the Science and the Humanities disciplines to address urgent needs for biodiversity conservation and resilience considering that the country is counted among the seven (7) mega-diverse countries and among the seven (7) economies at highest multi-hazard mortality risk in the Pacific Rim.

The program intends to contribute to emerging science-policy linkages to improve decision-making for sustainable and resilient development. Each of program's seven (7) projects focuses on a specific biodiversity and resilience concern (see Figure 1).

Biodiversity and Resilience R&D, Communication and Capability Building Program for the Philippines

Project Title 1: A1 – Terrestrial Ecosystems: Baseline Setting for Fauna Monitoring, DNA Barcoding of Native Flora and Fauna, and Forest Dynamics Plots

Project Title 2: A2 – Freshwater Ecosystems: Baseline Biological Assessment of Risks

Project Title 3: A3 – Coastal Ecosystems: Assessment of Status, Function, Services and Testing of Effective Restoration Options

Project Title 4: B1 – Coastal Ecosystem Response to Nutrient and Sediment Inputs and Fluxes from Mariculture, Tourism, and Watershed Activities

Project Title 5: B2 – Integrated Decision Support System as an Essential Element in Sustainable Coastal Resource Use and Conservation

Project Title 6: C1 – Capability Building in DRRM and Biodiversity Management through Colleges and Universities

Project Title 7: C2 – Communicating Science-Based Information on DRRM and Biodiversity Inter-Connectivity

Implementing Institution: University of the Philippines Diliman

Figure 1. Project components of BaR Program

[4]*from Biodiversity and Resilience for Sustainable Urbanization and Regeneration, Notes of Discussion byBenito M. Pacheco5 April 2013*

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The three projects designated as "A" are concerned with monitoring ecosystems (i.e., terrestrial, freshwater, marine, or coastal) to develop baseline data regarding the status of biodiversity. Meanwhile, the two "B"-designated projects focus on ecological consequences in order to contribute to policy decision-making regarding resource management. Communicating to specific publics is the concern of the two "C" projects.

Figure 2. The BaR Program members, including Project Leaders, Co-Leaders, and Research Assistants from the various projects

Communication Framework and Strategies of the BaR program
The program rightly places critical importance on communication. Program documents explain:
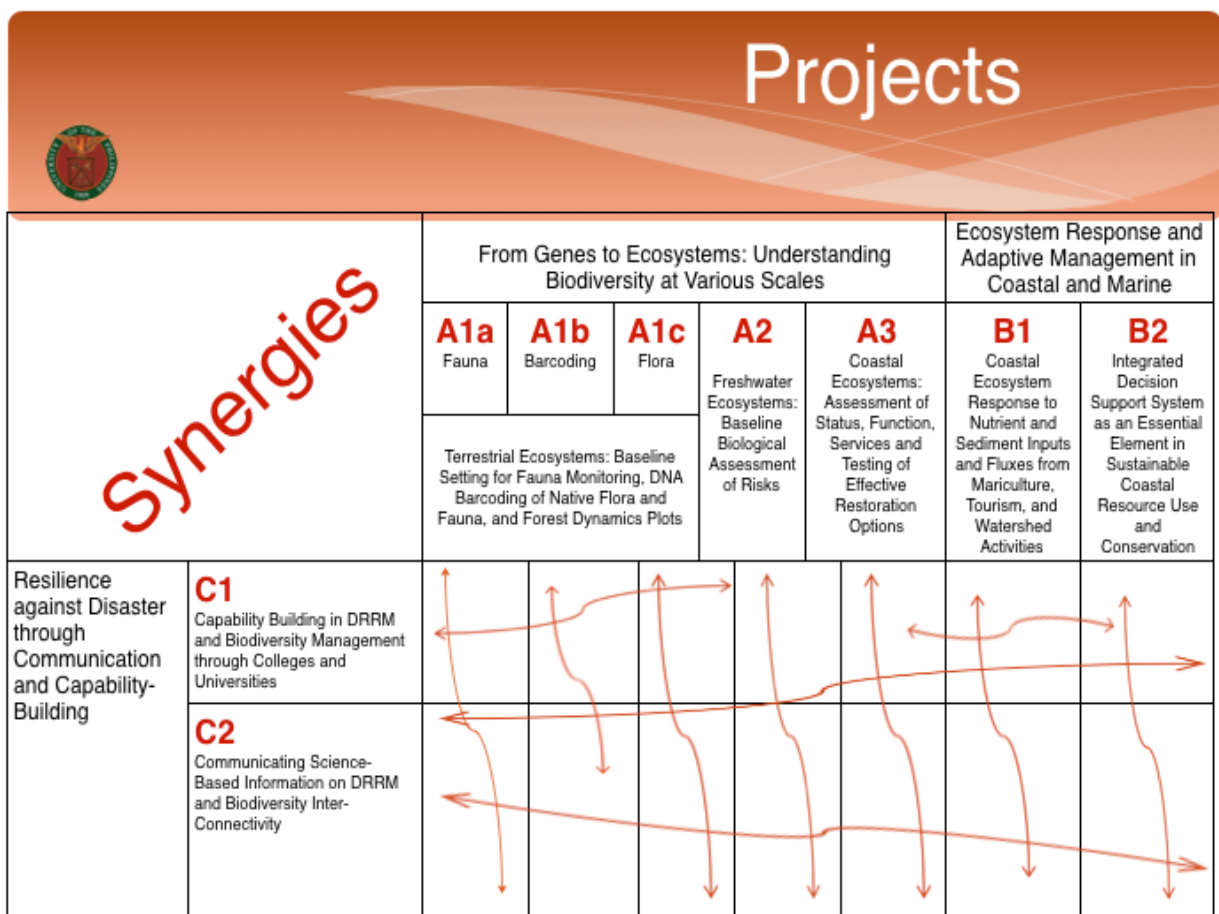
Figure 3. Synergies of the Program Components (Source: Dr. Benito M. Pacheco's Presentation during the July 2013 Progress Workshop for the BaR Program)

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> *between the scientific knowledge and the folk knowledge in all three subject areas. Both education research and communication research shall be applied to bridge the gaps between scientific and folk knowledge.”* (Source:

Recognising that incorporating science into policy decisions needs concerted advocacy efforts and that there is a need to bridge the communication between scientists and policy makers so that scientific knowledge can be appropriately and effectively used, the BAR PROGRAM positioned communication strategically in its over-all design. Figure 3 illustrates the synergies of the component biodiversity and resilience projects.

Figure 3 above illustrates the relatedness of the various program components, i.e., the outputs of the various program components form the content of the communication messages that will be delivered to specific and general publics in Philippine society using appropriate strategies and channels of communication.

Serving as the BaR program’s communication arms are the two “C”-designated projects (i.e., C1 and C2). In terms of communication strategy, the C1 project addresses communication and capability building within the formal education sector, C2 targets multiple types of audiences via non-formal training and use of the popular entertainment media. Details regarding the objectives and expected outputs of C1 and C2 are shown in Figure 3 below while Table 1 compares the strategies and audiences.

Figure 4.C1 and C2 Project Details
(Source: Dr. Benito M. Pacheco’s Presentation during the July 2013 Progress Workshop for the BaR Program)

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Table 1. *Projects C1 and C2: Comparison of Strategies and Audiences*

	Strategy	Audience
C1	Capability-building in formal tertiary education	College level students enrolled in general education courses at the University of the Philippines Diliman
C2	Audience-specific strategies via training/roadshows and use of popular media	Local government staff and officials
		Scientists
		General public (*Juan* and *Juana*)

Communication activities, and outputs of the C1 and C2 Projects

Project C1 is implemented by UP faculty members, representing various disciplines, who together developed the syllabus for a general education course on disaster risk management. Called "Civil Engineering 10: Disaster Mitigation, Adaptation and Preparedness Strategies," the subject is offered as an introductory general education course for undergraduate students at UP Diliman.

CE 10	DMAPS: Disaster Mitigation, Adaptation and Preparedness Strategies	Introduction to principles and practices of natural disaster risk management by mitigation, adaptation, and preparedness strategies through civil engineering and related disciplines aiming for resilience	ICE

Figure 5. Screen capture of CE 10 Course Title and Description

According to its project leader, Dr. Benito Pacheco:

> "There was a perceived need for a general education course on disaster risk management, since [the implementation of] Republic Act No. 10121, or the Disaster Risk Reduction and Management Act, to mainstream DRRM or DRM."

A complete description of the course reads in this manner: "introduction to principles and practices of disaster risk management by mitigation, adaptation and preparedness strategies through civil engineering and related disciplines aiming for resilience." The course syllabus lists the following topics: disaster risk management framework, including RA 10121; hazards and maps of hazards; hazard warning systems; retrofitting and repair of structures, and community development.

CE 10 subject tackles hazards, exposures and vulnerability rather than emergency response in an actual disaster. Hence, the course emphasis is on preparedness. Moreover, course discussions on the risks associated with natural and manmade

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VISIT OF DR. MARK ALBERT ZARCO FOR CE 10
WRITTEN BY RENE ESTREMERA. POSTED IN VISITS

Print ✉ Email

UP Mindanao held a General Education Meeting with Deans and Department Chairs on 6 May 2014 on the occasion of a visit by Dr. Mark Albert M. Zarco (front, center), a faculty member of UP College of Engineering, and Ace S. Geronimo (back, left-most), Project Research Assistant. Dr. Zarco presented a General Education course with course number CE 10 and the descriptive title "Disaster Mitigation, Adaptation, and Preparedness Strategies" which he proposed for UP Mindanao to offer its students. The GE course is a product of the Biodiversity and Resilience (BaR) Program Project C1 of which Dr. Zarco is a Project Co-Leader.

Figure 6. CE 10 goes to UP Mindanao
(Source: ***http://www.upmin.edu.ph/index.php/news-sp-3476/visits/1905-visit-of-dr-mark-arlbert-zarco-for-ce-10***)

hazards are alongside the proactive strategies to manage those risks, e.g., mitigation, adaptation. Designed as a large lecture class, CE 10 takes in 120 students per class.

A unique feature of the course is that six professors from different fields work together to teach a single class. Those who teach the course are: Pacheco (structural-civil engineering), Dr. Mark Albert H. Zarco (geotechnical-civil engineering), Leonardo Rosete (visual communication); Dr. Flaudette May V. Datuin (art studies); Elenita Que (educational technology), and Dr. Aurora Odette Corpuz-Mendoza (psychology).

From UP Diliman, CE 10 is being considered as general education course in other UP units (see Figure 6 which shows efforts of co-project leader Dr. Mark Zarco in bringing the course to UP Mindanao).

Table 2. Summary of Communication Activities and Outputs of Project C1

COMMUNICATION ACTIVITIES	In class discussions	Class lectures	Exposure trips and actual experiences
COMMUNICATION OUTPUTS	Course materials: syllabus	Video lectures	Student productions (videos, animations)

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Project C2 takes a similar interdisciplinary approach, where Marine Science Institute faculty (Dr. Laura T. David, Ms. Talna Lorena de la Cruz) collaborate with faculty and staff of the Communication Research Department (Dr. Elena E. Pernia, Ms. Sheila Ruth Magdaraog) of the College of Mass Communication. Its main goal is the mainstreaming of Disaster Risk Reduction and Climate Change Adaptation in the planning and implementation for safer, adaptive and disaster-resilient Filipino communities toward sustainable development.

Toward this end, the project develops relevant, appropriate, and timely communication materials and activities on Climate Resilience for both specific (i.e., teachers, students, officers and staff of local government units) and general (i.e., the typical Juan and Juana) Philippine publics. Consequently, the materials developed are in the realm of entertainment-education.

Because of the multi-audience nature of the project, the following discussion of communication activities and outputs are presented by target audience.

Target audience: local government staff and officials
Ahon: APrimer on Climate Resilience is one communication output of C2. The primer presents facts and issues relating to the interconnectivity of the mountains, lowlands, waterways and seas. The booklet is aimed at teaching the government officials and policy makers, both at the local and the national level, about the interconnectivity of everything around us.
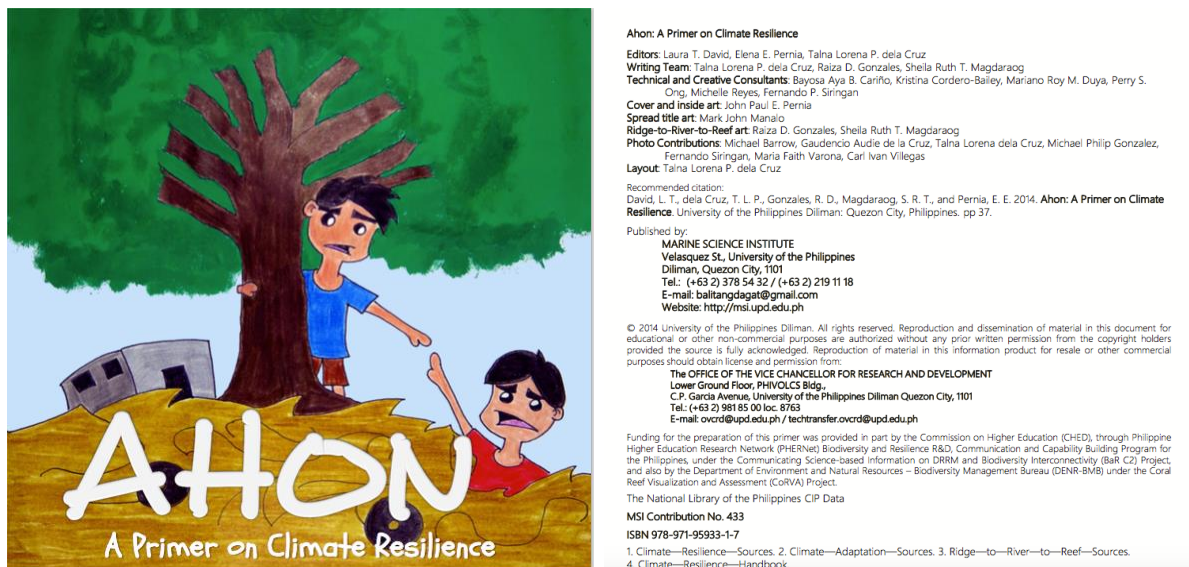
Figure 7. Cover art and publication page of the primer booklet

The booklet includes bite-sized facts on twelve topics, i.e., water in everyday life, harnessing geothermal energy, water and disasters, rivers and lakes, forest biodiversity, indigenous communities and cultures, climate-smart agriculture, green open spaces, mangrove forests, sustainable livelihoods, coastal ecotourism, and ocean biodiversity (see Appendix for sample pages of Ahon).

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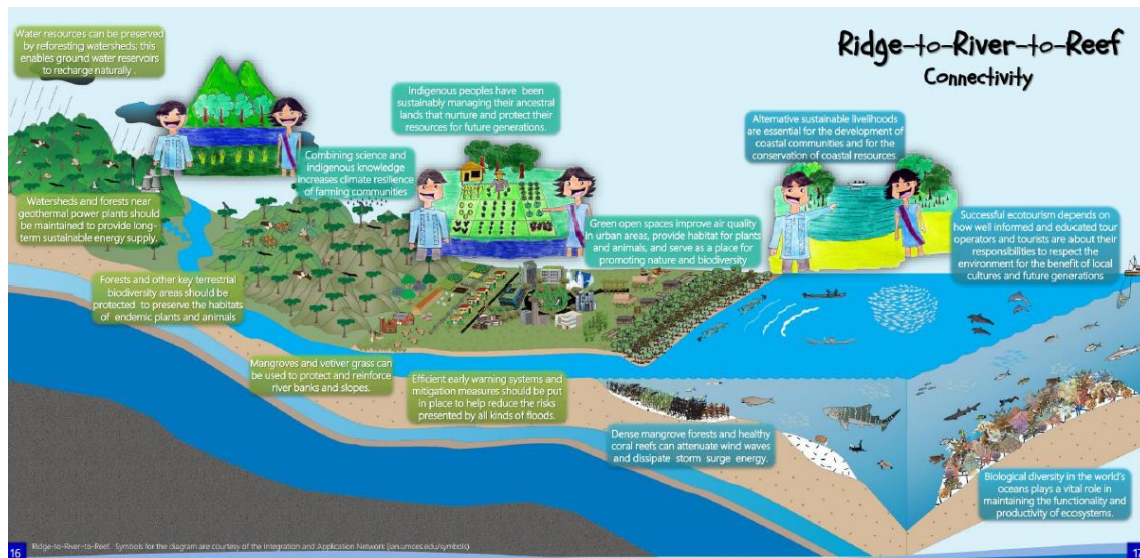
Figure 8. Centerfold spread of the primer

The booklet was written with the guidance of leading science experts, who are involved in Projects A and B of the BaR Program). Currently, the booklet is being distributed to local government officers as guide in the management of their communities and natural resources.

According to Dr. Laura T. David, the booklet's main goal is to provide local leaders with science-based facts regarding the nature of the area under their jurisdiction. Communities, especially the ones most vulnerable to adverse climate change effects such as storm surges in coastal areas and landslides in the mountainous areas, are already aware of the phenomena and what must be done in order to avoid and mitigate such effects. However, what they lack is the knowledge of the laws that must be implemented in order to better protect themselves from extreme weather events. Without this knowledge of the law, it is extremely hard for them to implement measures that will protect and conserve not only the resources around them but also human lives.

Several workshops and seminars by BaR scientists and science experts for local government units (LGU) in selected provinces and regions of the country that are considered vulnerable areas (i.e., Albay, Bohol, Quezon, Lanao del Norte, and Misamis Oriental) have been implemented.

Target audience: scientists and experts

The project is committed to bringing science to the people and the people to science. The project team realise that media outfits are constantly in need of relevant and accurate scientific content to explain current events and phenomena that are in the news. Very often, however, news media reporters/editors/producers are unaware and unfamiliar with the science and scientists rarely make themselves available to media. Hence, the project designed a training course titled ***Face to Face with the Media*** that brought together media practitioners (as training resource persons) and scientists (as the trainees).

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The idea was to bring together media practitioners to familiarise them with science experts who can be their news sources and the scientists to become familiar with media operations. The training course helps equip these science experts with the knowledge and skills required of them when dealing with the media through exposure to the actual media processes. The goal is ultimately to make the scientists media savvy – experts not only when it comes to researching in their own respective fields but also in terms of communicating this knowledge (i.e., *laymanizing*) to the common man through the various mass media channels available to them.

At the same time that scientists got insights into media as a field, media practitioners were likewise educated about disaster science. Several runs of media trainings for scientists and experts from Higher Education Institutions have been conducted. This paves the way for effective communication of science-based information, both to the public and to policy-makers as well.

Figure 9. Face to Face: Media Trainees from Project NOAH who discussed Typhoon Yolanda experience the wrath of the media during the press conference

Three runs of the media training for scientists and science experts have been done since June 2013. The media training is comprised of well-structured workshops in print, radio, and television that enable the scientists and researchers to experience what it is like to face the media. Participants of the training are first given an overview of the media industry, what drives it, and how it works.

Subsequently, there attend sessions on which involve (1) writing for the typical Filipino news audience, (2) radio and (3) television on-cam exercises. The media training ends with an actual press conference, where the scientists face reporters from print and broadcast networks.

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Figure 10. Left, media resource person Chi-Chi Fajardo-Robles takes the trainees for an on-cam TV session. Right, Dr. Marc Zarco during an ambush interview with the media

Several of these media-trained scientists and science experts have now become the regular sources of news reports in the major print and broadcast programs. Moreover, outputs from the A and B projects have seen print and TV news coverage.

Target audience: general public (Juan and Juana)

In line with the entertainment-education thrust, materials that have been developed are: a card game, postcards, and the script for a telenovela.
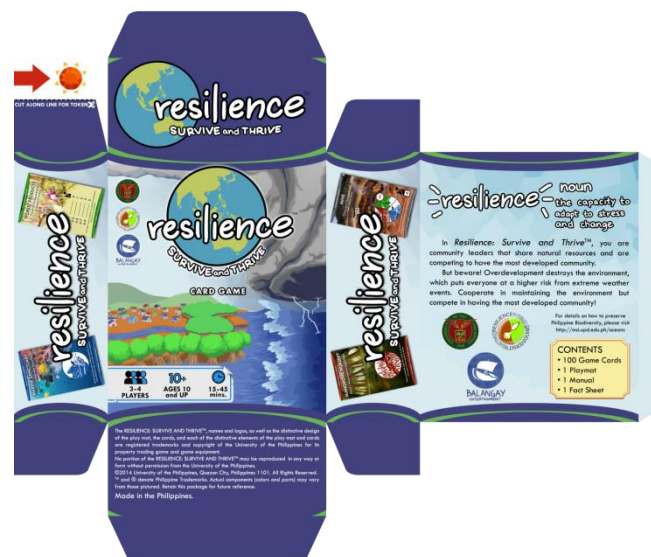
Figure 11. The Resilience: Survive and Thrive™ Game

Resilience: Survive and Thrive™, a tabletop card game aimed at teaching its players about sustainable development and climate change effects, has been developed as an output of the C2 project. Targeted at students, local government officers, and the general public, the **Resilience™** game requires players to take on the role of

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community leaders who share resources. As leaders, they are tasked to lead their respective communities towards growth and economic development while maintaining the health of their shared resources.

The development stage of the **Resilience: Survive and Thrive™** heavily involved playtests with high school students as well as local government officers. Because it aims to teach its players lessons on balanced development and sustainability, players are introduced to climate change concepts/extreme weather events: storm surge, super typhoon, reclamation, and ocean acidification and their effects on society. The game also strives to communicate key learnings, specifically that the environment protects humans from the impacts of climate change and that the environment provides livelihood for humans to develop.

Figure 12. Students from Lagro High School, enjoying a playtest of the game's pilot version

A series of play tests and focus group discussions done with high school students showed that players as young as those in first year high school students are capable of gaining insight about DRRM and resilience just by playing the game. In particular, students exhibited understanding of the key concepts:

1. Humans are affected by climate change and must learn how to adapt to survive. Climate change increases the damage caused by extreme weather events on communities.

2. The environment protects humans from extreme weather events. However, climate change also has negative impacts to the environment.

3. Livelihoods are where humans get their income and what leads to development. Without livelihoods, there will be no income and development. There will be poverty.

4. Nature provides the means for humans to have livelihoods. Without Nature, there would be no industry since all materials come from the environment. If the environment is damaged, livelihoods will become less profitable.

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The game has been publicly introduced via media coverage. In fact, it has been written up in a (front page) major daily broadsheet, included in TV news, as well as a featured in television news documentary program.

Figure 13. Screen captures of some of the major news channels that reported on Resilience: Survive and Thrive™

Moreover, the first annual Resilience tournament was launched in February 2016. Titled *Paladino at Paladina: Resilience: Survive and Thrive tournament,* the event was well-attended by participants. With such positive reception, the game will be made commercially available (pending licensing to an interested publisher).

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Figure 14. Winning players with the organizers of the Paladino at Paladina: Resilience: Survive and Thrive tournament

Two batches of **postcards** that aim to educate the public about endangered and endemic species of the Philippines have been produced.
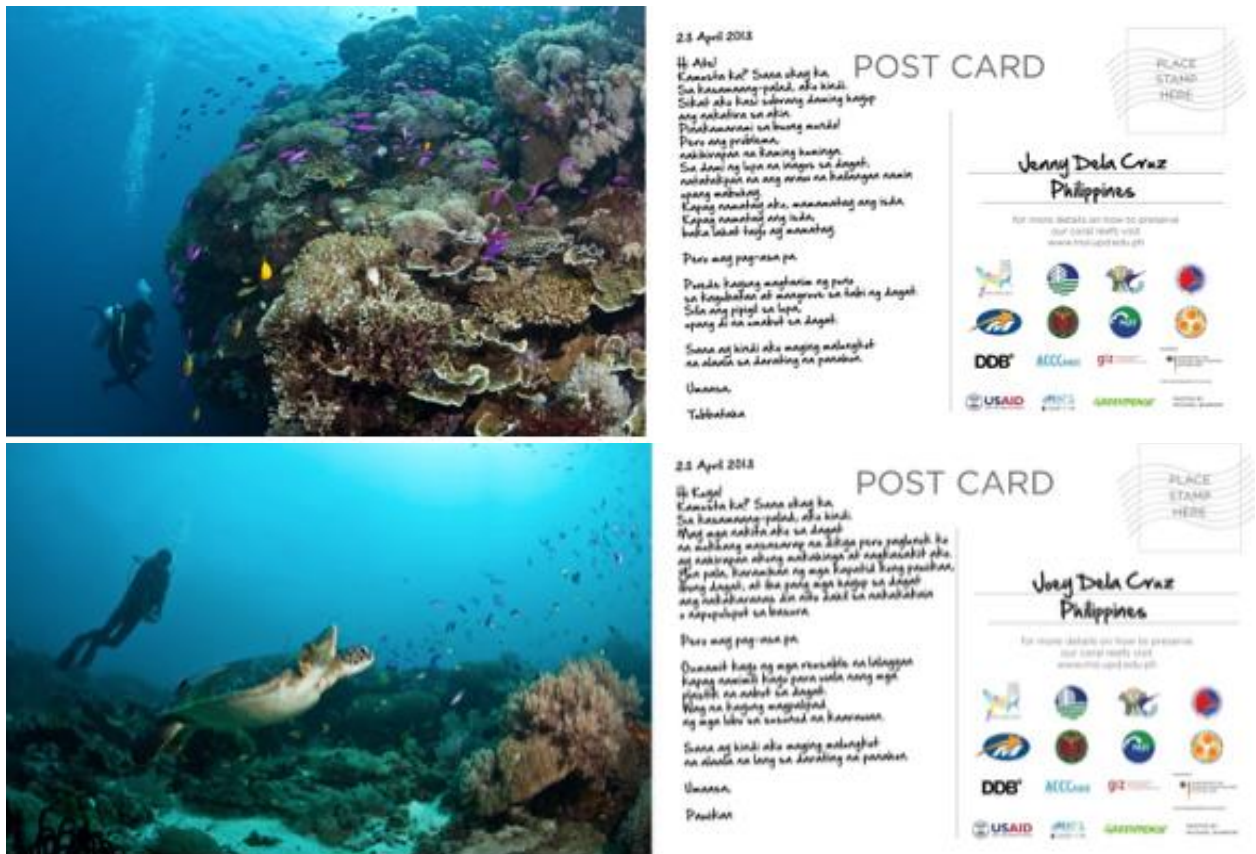
Figure 15. Sample postcards from batch 1

The first batch of which focused on marine life and was created as part of the Month of the Oceans celebration led by the Department of Environmental and Natural Resources (DENR). The postcards contain a "handwritten" message, in the first

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person, to educate the public about the plight of our endemic and endangered species. Messages are personalized per species and also include recommendations on how to better protect them (see Figure 16).

These postcards have also been converted to banner posters posted in strategic MRT stations in Manila in order to deliver the message to more people. These have also been sent to state colleges and universities, as well as government offices all over the country.
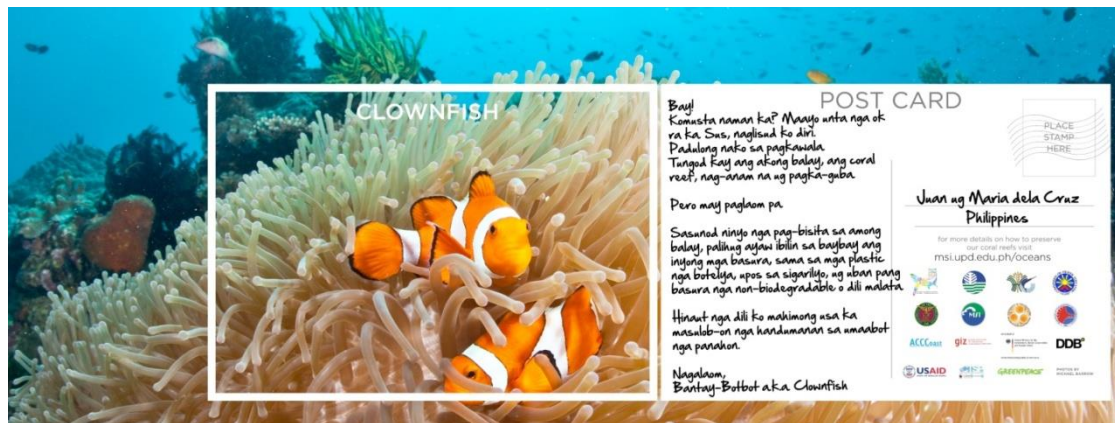
Figure 16. Banner poster version of the postcard, posted in strategic MRT stations

Both postcards and banner posters have been printed in three languages, namely, English, Filipino, and Bisaya.

Inikaduwa, a script for a telenovela, is another output of the project.

Figure 17. Screen capture of the Opening Billboard, showing the icons for Inikaduwa: mountains, mangroves, and reefs

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The team, with the help of seasoned writers from the Philippine Educational Theater Association (PETA) who also write for major TV networks, developed a telenovela script which is expected to bridge the gap between entertainment and science. The telenovela titled *Inikaduwa* incorporates the basic elements of a normal telenovela (romance, comedy, drama, and mystery) while also shedding light on issues of climate change adaptation and mitigation. This mix between entertainment and science is anticipated to engage the general public such that overly-scientific jargon will become common terms among members of the Filipino household.

Currently, the team is in talks with a major television network which has signified its interest in producing it.

Table 3. Summary of Communication Activities and Outputs of Project C2

COMMUNICATION ACTIVITIES	Development of communication materials	Media training	Popular/entertainment media	
			Game development	Telenovela script development
COMMUNICATION OUTPUTS	• Brochure • Postcards • Animations	Scientists as media experts	• Resilience: Survive and Thrive™ • Paladino at Paladina: A Resilience: Survive and Thrive™ tournament	**Inikaduwa** script

Conclusion

Quality design and execution

The communication outputs of the BaR program show quality in terms of design and execution. From the academic (i.e., course design) to the popular (e.g., card game, postcards, script), these communication outputs are products of systematic planning and are anchored on appropriate theoretical perspectives.

Interdisciplinary cooperation and synergy

Moreover, the communication activities and outputs show how mutually reinforcing interdisciplinary cooperation can be. The collaborating units in the BaR program are both from within the academic disciplines (i.e., Colleges of Science, Engineering, Mass Communication, Fine Arts) and outside the academe (i.e., news networks and media organizations).

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However, how well have these communication efforts contributed to the mainstreaming of disaster science into the public consciousness and development policies? As pilot-tests of media and technologies, these efforts show promise. What is necessary - and this is the challenge - is wider and broader replication.

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Mass Media and the Promotion of ASEAN: Perspectives from Thai Educators

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Abstract

The purposes of the research are to 1) to examine what kinds of information on ASEAN are promoted through mass media in Thailand, and why. 2) to investigate the impact of mass media on Thai citizens' knowledge of ASEAN.   The research is qualitative, using in-depth interviews with ninemale and female Thai educators/instructors expertise in communication and education from various private and state universities. They are selected by convenience sampling.

The results indicated that the insight of ASEAN through mass media are culture and society, economic stability, education and language, and ASEAN cooperation. These information are mostly publicized through all media in Thailand as well as new media such as Facebook and youtube. The main reasons are due to the policy of Thai government in joining ASEAN and people's enthusiasm to accept the wisdom of ASEAN. As for the impact of mass media on Thai people's knowledge of ASEAN, mass media affected in both society and individual levels as well as positively and negatively. The impact on society is Thais gained information from media organizations receiving the policy from the government but channels of promoting ASEAN knowledge to Thais are very few, resulting in ASEAN knowledge existing only among learned persons. However, for each individual, because of media, Thais has positive attitudes towards ASEAN's culture and community. Travelling to ASEAN countries creates income among ASEAN and helps economic development. Nevertheless, English is an international language but Thai media mainly offeres ASEAN insights in Thai language which is the main obstacle for Thais to learnASEAN and the world.

Keywords: Mass Media /Promotion/ ASEAN/ Perspectives/ Thai Educators/ Thailand

Introduction

ASEAN comprises ten member countries with a combined total population of around 540 million. People are different not only in terms of number of population but also in terms of geography, culture, education, and socio-economic development. (Sadiman, 2004). Although ASEAN community was formed on 8 August 1967 by Indonesia, Malaysia, Singapore, the Philippines, and Thailand, membership has expanded to include Cambodia, Laos, Brunei, Myanmar and Vietnam. Its aims include accelerating economic growth, social progress, and socio-cultural evolution among its members (the ASEAN Secretariat, Jakarta, November 2015).

One media guru, who has been in the television career for many years, has pointed out that Thais should not know only how to greet people in ASEAN languages. It is time for Thais to learn more about ASEAN knowledge so that Thais would educate themselves and be a part of a strong and integrated country to go along with other ASEAN nations (K, Poladej, personal communication, February 5, 2016). One thing

that can help educate Thai citizens about ASEAN is media. Besides, Vivatananukul's research (2015) described that roles of mass and personal media, direct communication and language learning were inspirational among Thai students and ASEAN people.

According to McQuail (1987) five functions of media are information, correlations, continuity, entertainment, and mobilization. Mehdi et al. (2012) mentioned that information can be events, progress and innovation. Correlations refer to explaining andinterpreting any events. Continuity depicts expressing culture and national identity. Entertainment relates to relaxation and reducing tension. Mobilization portrays social movements, politics, and war. Thus, mass media can handle integration, coordination, stability, mobilization, values, thoughts, and agreement.

In this research, McQuail's theory of mass media will be used as a framework to examine what kinds of information on ASEAN knowledge are promoted through mass media in Thailand and why. Also, investigating the impact of mass media on Thai citizens' knowledge of ASEAN.

Objectives of the Study

1) To examine what kinds of information on ASEAN are promoted through mass media in Thailand, and why.
2) To investigate the impact of mass media on Thai citizens' knowledge of ASEAN.

Significance of the Study

1. The study will be a significant endeavor for Thai citizens to understand more knowledge of ASEAN and be aware of diversity in culture, language and religion, especially those who want to work or deal with ASEAN people.
2. This study will also be beneficial to investors to understand ASEAN as a prosperous hub of consumer demand since ASEAN's cities are growing and ASEAN nations aim to promote economic growth in the region.
3. The study will help understand the role of mass media and more channels in diffusing news and knowledge. Thais learn about society, human rights, the equality of human beings, community development, international relations, cooperation, and ASEAN integration.

Research Methodology

The research method was based on documentary research of literature reviews of ASEAN, mass media, knowledge promotion and other previous research results which were referenced. The research was qualitative, using in-depth interviews with nine university educators in many areas such as humanities, media studies, communication technology, intercultural studies, education, political science, history, English, and theatre arts. The researcher concentrated on educators because they are often exposed to media, acquire knowledge and look for information with ASEAN related issues and teach students and others. Educators are leaders; they innovate and motivate and lead by example.Their responses provide a broad representation of how mass media is used to promote knowledge to Thai citizens.The researcher used open-

ended questions. The information gained from the key informants was analyzed to answer the objectives of the study.

Results Regarding the Objective are as Follower:

Objective 1) To examine what kinds of information on ASEAN are promoted through mass media in Thailand, and why.

From in-depth interview with educators, the information was shared to mass media due to the policy of the government, and ministries, and organizations since the declaration of opening ASEAN in 2015. Educator 1 stated that "those who work in the media sector need to realize their function of message senders and cooperate with the government and civil society in facilitating about ASEAN knowledge" (personal communication, March 16, 2016). Mainly knowledge has been disseminated through television programs such as documentaries, travelling features and so on. Educator 4(personal communication, March 18, 2016)said that "the best strategy in boosting ASEAN information is the story close to the benefit of Thai people, make them interest and realize the importance of being an ASEAN member." Besides mass media, facts about ASEAN was transmitted through social media. The wisdom of ASEAN is promoted to Thai citizens as follows:

1. Culture and society
   This was most mentioned in mass media because it is a big issue and it was presented as the most interesting. Media content should be produced creatively on ASEAN and both private and state sectors need their cooperation since recognizing about ASEAN is the fountain of wisdom of ASEAN people to live and work together. Educator 1 (personal communication, March 16, 2016) stated that "we have been encouraged to watch Western culture and such as American and British songs, Hollywood films, Chinese and Japan stories. The content via those media has had more significance than education system as one can see the popularity of K-pop and J-pop, especially in new media as well. The strategy for content production must be planned to be a concrete and continual project." Educator 4 (personal communication, March 18, 2016) replied that "knowledge about culture, society and education helps promote the cultural, societal and economic security to Thais since participation in ASEAN is not by the government, but by the whole nation." Educator 8 (personal communication, March 22, 2016) remarked that "social media such as youtube and Facebook open world vision, real life experience and culture, such as *ASEAN: Do and Don't Etiquette* in ASEAN from youtube. It is interesting and entertaining and students are more interested."

2. Economic stability
   Media discussed economy via television, newspapers, online and conferences. Many publications are available online but are mainly in English such as *ASEAN Integration Report 2015*, *ASEAN Investment Report* 2015, *ASEAN Service Integration Report*, and *Articles on AEC 2015*. "Many blueprints might benefit investors and those who understand English. But it may not help general Thais to understand deeply because it

is technical."(Educator 2, personal communication, March 18, 2016). It is said that the AEC Blueprint 2025 will lead towards ASEAN operating as an economic community, harvesting its collective identity and strength to integrate better within the global economy (Association of Southeast Asian Nations, 2016). Educator 9 (personal communication, March 23, 2016) expressed that "Thais can have careers in ASEAN such as food products, historical places for tourists. For instance, LuangPrabang has a lot of temples, customs as making merits with sticky rice. This is a traditional way of calling tourists around the world. Or in Vientiane is another place to show conventional ways of dressing Sarong. It is not a cultural and historical place to keep traditions and Lao PDR earn its income for economic strength since this earns money for local people. But Thais leap like the West and might lose identity and old heritage to portray Thai and Asia identity. Thai traditional ways can be one of the continual monetary stability."

3. Education and language.
   With the excitement of Thais to enter into ASEAN, English and other ASEAN languages are taught. Mainly, English is indispensable and in some schools and universities, the start and the end of the school semester has been changed to become as international countries do. However, Lamubol, S. (2011, September 25) mentioned that "Thai universities should realign their semester dates to more closely match the United States and other countries to promote internationalization in higher education, it caused a stir among policy planners." Likewise, Educator 2 said that "changing the time to study in April is not appropriate since there are a lot of holidays in that month and it is very hot of the year." (personal communication, March 18, 2016). Some Thais know but others might not know because not every school and university readjusts the semester. This system is not much discussed in media. It is each school's policy. Nevertheless, education of ASEAN is in the form of exchanging students, scholarships, and research fund, but benefitting and exercising media to stimulating knowledge about ASEAN happens very little in Thailand. Educator 7 (personal communication, March 21, 2016) asserted that "English is necessary but how the majority of Thais will understand English like our neighboring countries?"

4. ASEAN cooperation
   Due to the underdevelopment of most South-east Asian countries, it is a big problem. Each country needs to develop its own state before assisting others. Nevertheless, the cooperation among one another might help the region progress faster than promoting itself without outside collaboration. Educator 1 expressed that "there should be network cooperation of media in the region to set the policy or guidelines giving knowledge through media or co-investing in producing [television] programs rendering knowledge about cultures, values, attitudes, environments, climate, health and so on or producing films and dramas interpolating those mentioned by forwarding the awareness of ASEAN consciousness. Media convergence will reach ASEAN youths easily." (personal communication, March 16, 2016).

2) To investigate the impact of mass media on Thai citizens' knowledge of ASEAN.

Research has shown that mass media affected people's knowledge and education (Geraee, N., Kaveh, M.H., Shojaeizadeh, D. Tabatabaee, H. R., 2015; Boles, M., Adams, A., Gredler, A. and Manhas, S., 2014; Randolph, W. and Viswanath, K, 2004). The participants in this research answered that knowledge about ASEAN were through mass media and with different methods andthey gave both knowledge andentertainment. The impact of mass media on Thai citizen's knowledge of ASEAN were both positive and negative. Thai media need to use English language to nourish ASEAN knowledge.

1. The impact on society
   The related organizations were those such as the Ministry of Foreign Affairs, the Ministry of Culture, the Ministries of Finance, the Ministries of Industry, the Ministries of Tourism and Sport and so on due to the integration of ASEAN in accelerating the economic growth, social progress, and cultural development as mentioned in Association of Southeast Asian Nations (ASEAN) (October 21, 2015). The state sector needs to have a role in leading Thai citizens in the right way. The private sector supports the government. Media organizations in state and private sectors receive the policy from the Thai government and assist in producing the content for Thais and Asians to comprehend ASEAN more.

   1.1 The need of new presentation for television programs
       From the interviews, some participants mentioned that Thais learn ASEAN knowledge from only Channels of state television (The National Broadcasting Services of Thailand or NBT) and Television for public service, very few channels in learning ASEAN. Educator 3 (personal communication, Mar 17, 2016) indicated that "there might be mixed television programs between two or more ASEAN in the future. Previous examples of television programs mostly presented via Thai PBS channel is*A Touch of ASEA,* which does not only portray lifestyles, cultures but promoting tourism in Southeast Asia such as Lao PDR. However, this kind of program is viewed less compared to Thai dramas." Educator 5 (personal communication March 19, 2016) revealed that "The content is interesting but how do we make Thais interested?"

2. The impact on individual
   Thaislike adjust themselves to understand new things about ASEAN. Based on overall participants, Thai people consider that media have improved their knowledge, education and positive attitudes. They accept the benefit of ASEAN enthusiasm.

   2.1 Learning by doing
       When Thais grasp the idea of ASEAN community through mass media and social media, they experience travelling and ASEAN lifestyles. Educator 1 (personal communication, March 16, 2016)

claimed that "Thais are exposed to media and travel to Myanmar, Lao PDR, Vietnam, Malaysia, Indonesia, and Singapore. They receive facilities such as no need for a visa and beautiful places of ASEAN."

2.2 Avoiding "Hate speech"
Media can create hate speech and some perceptions of other nations in a negative way. Media can encourage or discourage people to follow news about ASEAN. The very sensitive issues that media should be aware of are politics, religions, and attitudes. Educator 6 remarked that "media must avoid putting negative messages or "hate speech" such as the conflict between Christianity and Islam or then fighting of Buddhism and Islam." In this sense, hate speech can result in tightening security in each nation or among the nations. Nonetheless, Educator 8 (personal communication, March 22, 2016) responded positively that "Media enable Thais to see the wider world, more open-minded and they become flexible and accept the differences easier. For example, we used to see some Chinese are selfish but they might not really be. They are probably loyal to their beliefs and fight for their survival. Media should not bombard and keep telling negative news. For instance, there are many prostitutes in Thailand. This is only one side and it is not stereotype."

3. ASEAN awareness and the necessity of English skills among Thais
With English as the official language of ASEAN and world commerce and diplomacy, Thai government should have funds for supporting English language among Thais and those in the media. Thai media are required to strengthen their knowledge by raising the level of English language skills as other people in ASEAN countries before they can be the medium to strengthen ASEAN's integration and global engagement. Educator 8 (personal communication, March 22, 2016) disclosed that "the mass media certain has had the impact of creating an ASEAN awareness but it does not allow Thai citizen to engage in ASEAN as the working language of ASEAN is in English. Whether it is official or unofficial to interact across ASEAN English language is key. So what is the use of knowledge but you can use it to engage in cross border engagement with other people and institutions of ASEAN member countries. So then why do Thai media, government institutions continue to promote everything about ASEAN only in Thai? What do they hope to achieve? This is the key analytical point that you have to reflect upon. Is ASEAN promotion in Thai language useful for ASEAN engagement?"

Discussion

The study examined what kinds of information on ASEAN are promoted through mass media in Thailand and why, and investigated the impact of mass media on Thai citizens' knowledge of ASEAN. The results showed that mass media encouraged Thai people to obtain knowledge of ASEAN such as culture and society, economic stability, education and language, and ASEAN cooperation. The impact of mass media were two levels as society and individuals.

ASEAN's culture and society can be promoted through educational and entertaining content on television programs since they can be co-produced between or among the nations to understand more as suggested by participants. Private and government sectors have to examine the possibility of television programs as indicated by Singhal and Rogers (2012) "entertainment-education is the process of purposely designing and implementing a media message to both entertain and educate, in order to increase audience knowledge about an educational issue, create favorable attitudes and change overt behavior" (preface, p.2).Therefore, mass media in the form of television programs help advocate ASEAN. Network cooperation of media is also considered to stimulate the economic stability, cooperation, and integration of ASEAN in many aspects as health education as mentioned by one educator as "ASEAN is faced with important health challenges due to demographic and epidemiological transitions of the region…" (Lamy, M. &Phua, K. H., 2012, p. 237).

Furthermore, the results showed that education and language is significant to all Thai citizens. Thais who live close to the border might know the language of neighboring countries. However, English becomes an obstacle for many Thais because only some international schools and universities started the program in English not more than 15 years ago. The consideration of Asian Language is a must if Thais really want to enter to the ASEAN community, one or more ASEAN language would strengthen the education power.

As for the impact of mass media, media affected Thais both in society level and individual as it is accorded with McQuail (1987)'s media functions. Thai media promoted, news, culture and ASEAN travelling spots via television programs such as documentaries as one function is "continuity" in that Thai people perceived Thais and other ASEAN's national identity. When discussing mobilization or social movements, Thais also learn from media both in Thai and international news which influenced all Thais probably because Thais have political problems such as corruption and terrorism as some ASEAN nations do.

Future research should consider the cooperation of ASEAN media practitioners (both private and state sectors) in producing television programs or content for all media. There should be more on ASEAN economy for education and entertainment, for example, so that economy is viewed without boring an audience's perception. For academic research, scholars have more choices to review and conduct studies such as crime and prevention among ASEAN, or the media laws and regulations in ASEAN. These topics are significant due to ASEAN's awareness of helping create a peaceful, prosperous and progressive environment for all Southeast Asia.

Conclusions

Appropriate education and knowledge about ASEAN especially in English language and ASEAN languages is the urgent need for Thai citizens. This is especially true in focusing on younger generation as they seek information in the region and in the world via social media and new technologies. If Thais are interested in cooperation and assistance such as environment protection, policy making, peace, international relations, and education for citizens. ASEAN will become stronger and more unified.

Thailand will soon see they are lagging far behind other countries if not most of the citizens actually speak English.Thai government, school and universities have important roles as the resources and providers and also not only using media but also creating entertainment and education programs for transferring information to Thais and ASEAN communities. These programs should be designed to reform Thais' learning behavior to be active learners of ASEAN and other parts of the globe and help build up the culture for recognizing neighboring countries.

Acknowledgements

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Environmental Governance/ Climate Risk Change

Communicating Climate Change: Issues ahead and Action Needed in Himalayan Regions

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Abstract

Action on climate change consists of two complementary elements. Mitigation is concerned with the causes of global warming and calls for the reduction of greenhouse gas emissions. While adaptation is concerned with the impacts of a changing climate on society, the economy and the environment, and promotes activities to reduce vulnerability to extreme weather events and other longer term changes in our climate. This strategy looks to how to communicate both the mitigation and adaptation agendas. Effective communication on climate change policy is therefore necessary in order to gain public support and thus reduce GHG emissions.

The research is based on questionnaire, a critical literature review, policy analysis, interview, questionnaire survey, observations and reflections. Even though climate change is a matter of great scientific relevance and of broad general interest, there are some problems related to its communication. The purpose of this paper is to outline some of the problems inherent to the communication of climate change, list some of the challenges ahead and describe some of the action needed in order to allow it to be better and more widely communicated.

Keywords: Organizational Communication / Climate Information / Global Warming / Climate Change Governance/ Nepal

Introduction

Although concerns related to climate issues are not new, much has happened during the past two decades. Firstly, a world body which evaluates the risks of climate change brought about by humans and which issues periodical reports on the world's climate – the International Panel on Climate Change (IPCC) – was established in 1988. It was a joint effort of the World Meteorological Organization and the United Nations Environment Programme, which has found since its establishment worldwide acceptance and recognition.

Secondly, the UN Framework Convention on Climate Change (UNFCCC) was adopted on 9 May 1992 by the Intergovernmental Negotiating Committee established for its negotiation. In early June 1992, the UNFCCC was opened for signature and entered into force on the 21 March 1994. The UNFCCC has over 200 parties and observer states, which makes it one of the most universally supported and most influential multilateral environmental agreements.

The Himalaya region has been experiencing the multitude of undesired change that cut across both biophysical and social realms. Observed biophysical changes include unpredictability in the timing and magnitude of rainfall, frequent occurrence of extreme heat during the summer season, glacial retreat and melting snow (Sharma et al. 2009; Gurung et al. 2010; MoE, 2010; Chaudhary et al. 2011). Temperature is rising over the past 100 years (Yao et al. 2006; Chapagain et al. 2009). These changes have already been posing serious threats on water, biodiversity, human health,

agriculture, and consequently on food security throughout the region and downstream (Chaudhary and Bawa 2011). Vulnerable social and economic conditions pose further threat to the region. Recent social changes include rapid exodus of able-body manpower from the country, frequent economic crises, social and political unrest, and shrinking human capital. Since the region is the water tower of Asia and the lifeline for nearly one-fifth of world population, the current trend of climate change in the region will continue presenting an immense threat to humanity (Immerzeel et al. 2010). While any one of these factors will likely pose significant challenges on livelihoods of the people of the Himalaya region, the threat posed by changing climate and uncertainty associated with it cannot be ignored.

When objectively analyzed, climate change is seen as related to a set of natural causes (Leal Filho W. 2009) such as:
- Solar radiation;
- Volcanic activity;
- Continental drifts; and
- Earth's tilt.

These are complemented anthropogenic action such as emissions of greenhouse gases from industry. The combination of natural and human-induced causes in turn lead to a set of effects (e.g. global warming, ozone layer depletion, changes in socio-economic conditions) and consequences (e.g. disruptions in agriculture, sea level rise, increases in the frequency of draughts/floods). Stern (2007) has reiterated the fact that a sound understanding of the economics of climate change is needed in order to underpin an effective global response to this challenge. Adapting to climate change is important (Abramovitz et al., 2001; Adger, 2003), so as to reduce vulnerability (McCarthy et al.2001) and so is a better understanding of what this means.

In trying to explain what the expression "climate change" means, it is important to define it. To the purposes of this paper, the UNFCCC definition of climate change is used. According to UNFCC, climate change is a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods (UNFCC, Geneva).Owing to its scope, it is necessary to consider climate change as a process influenced by various variables, like socio economic, political, ecological, ethical, health, technological, bio-physical etc. as shown in Figure 1.
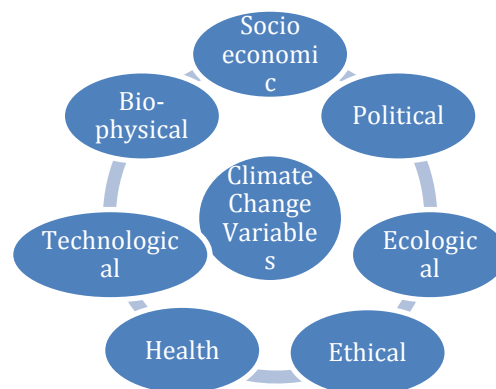
Figure 1, Some Climate Change Variables (Leal Filho W. 2000: p. 6)

Therefore, the search for solutions to the problems caused by climate change cannot be uni-dimensional: it needs to be pursued in an integrated way.

Research Questions

Even though climate change is a matter of great scientific relevance and of broad general interest, there are some problems related to its communication. The purpose of this study is
- To outline some problems inherent to the communication of climate change,
- List out some of the communication challenges ahead, and
- Describe some of the action needed in order to allow it to be better and more widely communicated.

In the next section, I will provide background of Nepal, a Himalayan country that is sandwiched between two giants, India and China. Following that section, I present evidence of climate change, both observed and perceived, which is followed by situation of education and awareness regarding to climate change. Then I introduce ways and methods to communicate climate change issues. Finally, the author discuses some of the issues in communication and provide some necessary actions to mitigate the issues.

Research Method

This study is based on questionnaire, a critical literature review, observation, informal discussions and authors' reflections. The policy and institutional preparedness related to adaptation through information discrimination are investigated through a content analysis of government policy documents, published and unpublished reports of the developmental and research organisations and government agencies. The study is focused on identifying the major communication issues, suitable methods to communicate and suggests the best actionable alternatives for climate change information discrimination.

Case Background

Nepal is a small landlocked mountainous country located between the world's two most populous countries: China to the north and India to the east, west and south, with a total land area of 147,181 square kilometers. The elevation of the country increases from about 60 meters in the south to 8848 meters in the north at the peak of Mt. Everest. Nepal receives major portion of rainfall during summer monsoon from June to September.

Agriculture is the mainstay of the economy, providing a livelihood for over 80 % of the population. About 80 % of the total population depends on the forests for daily fuel wood supply. Forests and shrubs cover 52,283 sq km, which amount to 39.6 % of the total area of Nepal. Although Nepal occupies only 0.03 % of the total land surface of the earth, it has nearly 4.3 % and 8.5 % of mammalian and bird species of the world's total respectively. The immense bio-climatic diversity in Nepal supports more than 35 forest types. Nepal is one of the richest countries in terms of water resources where the monsoon contributes plenty of rainfall. About 6000 rivers and streams

including three major basins namely SaptaKosi, Karnali and Narayani basin drain the country. The annual run off from total drained areas is estimated to be 202 billion m3.

General Overview on Climate in Nepal

Peer-reviewed studies analyzing regional changes due to global CC in South Asia - and even more so in Nepal are limited, especially in relation to water resources, because of the difficulty inscaling down the general circulation models (GCMs), a lack of long-term climate records, and the natural high variability of water supply (Cruz et al., 2007; HMG, 2005; Eriksson et al., 2009). Also, GCM outputs do not have sufficient spatial resolution to provide information on changes across the different elevation zones. A variety of different non-climate factors that have varying effects on water resources and agricultural systems in the region, including pervasive resource mismanagement and rapid population growth, also cloud the effects of CC. There are, however, general trends that have been corroborated by ground level observations of various communities in Nepal that do at least give a basic framework of the identified and projected changes, including glacial melt, changes in precipitation patterns, and increasing water stress into the twentieth century, with most of South Asia projected to be under water stress by 2050 (IPCC, 2007; UNEP, 2008; Bates et al., 2008). The following section summarizes information that is available in existing literature on the primary climate variables, i.e., temperature, precipitation and runoff for Nepal (IPCC, 2007; World Bank2009b; NCVST 2009; McSweeney et al., 2008; Bates et al., 2008; Kundzewicz et al., 2007). Table1 below provides a brief outline of the likely changes to these variables.

Temperature

Some observed studies on climate trends suggest that from 1960-2003 there have been no increases in annual temperature over Nepal (World Bank 2009b; McSweeney et al. 2008). Other studies cite an increase in temperature in recent years (Cruz et al., 2007; Agrawala et al., 2003), with more pronounced warming at higher altitudes (Liu and Chen, 2000; Bhutiyani et al., 2010). There has been a small but significant increase in the frequency of hot nights and a significant decline in the annual frequency of cold days and nights. Hot nights have increased by 2.5% (McSweeney et al., 2008).GCMs (General Circulation Model) predict that the country is expected to become warmer with more frequent heat waves and less frost. Average temperature is predicted to rise significantly by 0.5 to 2.0 ℃ by 2030 (NCVST2009), 1.3 to 3.8 ℃ by 2060, and by 1.8 to 5.8 ℃ by 2090 (McSweeney et al., 2008). The number of days and nights considered hot by current climate standards is projected to increase, occurring on 11 to 18% of days and on 18 to 28% of nights by the 2060s. The greatest increase is projected to occur during the months of June to August (McSweeney et al., 2008).

Precipitation

Projected mean annual precipitation for Nepal does not show a clear trend with reference to both increases and decreases: -34 to +22% by the 2030s; -36 to +67% by the 2060s; and -43 to +80% by the 2090s (NCVST 2009). This is, in part, because the exact effects of CC on precipitation levels in the region are based on complex factors governing the Asian monsoon and their interaction with increased carbon dioxide (CO_2) levels, which is not well understood. Nevertheless, there is general agreement

in recent models and studies that the monsoon will at the very least become more variable in the coming decades. Various studies, including those from the Intergovernmental Panel on Climate Change (IPCC), indicate that on a general level the summer monsoon (June to August)will become more 'intense', but also more variable, meaning more frequent heavy rainfall events, even as the number of rainy days decreases (IPCC 2007). Although monsoon rainfall projections for Nepal do vary, more models suggest an increase rather than a decrease towards the end of the century: -14 to 40% by the 2030s; -40 to +143% by the 2060s; and -52 to +135% by the 2090s(NCVST 2009).

Table 1,Anticipated climate change impacts in Nepal (Bartlett et al. 2010: p. 6)

Temperature	• Significant rise in temperature:
	    ➢ 0.5 to 2.0 ℃ by 2030
	    ➢ 1.3 to 3.8 ℃ by 2060
	    ➢ 1.8 to 5.8 ℃ by 2090
	• Increase in the number of days and nights considered hot by current climate standards
	• Highest temperature increases during the months of June to August and at higher elevations

Precipitation	• Wide range of mean annual precipitation changes:
	    ➢ -34 to +22% by the 2030s
	    ➢ -36 to +67% by the 2060s
	    ➢ -43 to 80% by the 2090s
	• Increase in monsoon rainfall towards the end of the century:
	    ➢ -14 to 40% by the 2030s
	    ➢ -40 to +143% by the 2060s
	    ➢ -52 to +135% by the 2090s

Runoff	• Higher downstream flows in the short term, but lower downstream flows in the long term due to retreating glaciers and snowmelt and ice-melt • Shift from snow to rain in winter months • Increased extreme events, including floods, droughts and GLOFs

Further conflating any understanding of predicted changes to precipitation levels are these effects of aerosols like black carbon or soot. Such effects are primarily felt through atmosphericbrown clouds (ABCs), "regional scale plumes of air pollution that consist of copious amounts of tiny particles of soot, sulphates, nitrates, fly ash and many other pollutants" that hover over parts of the globe (including South and East Asia) with concentrated industrial emissions, limiting summer on soon rainfall, contributing to glacial retreat in mountainous regions, and ultimately affecting crop yields (Ramanathan et al., 2008). According to United Nations Environment Programme (UNEP), "ABC-induced dimming" of surface solar radiation is the primary cause for reduced rainfall in India over the last 20 years (Ramanathan et al., 2008). Previous studies had indicated that the effects of ABCs actually offset some of the negative impacts of increased CO_2 levels, but more recent work indicates that the overall combined effect of ABCs and increases in greenhousegas emissions negatively impact crop yields (Auffhammer et al. 2006).

Runoff

The effects of the changes in precipitation and temperature are expected to change the balance between 'green water' and 'blue water'. 'Green' water is the water that is used or lost in catchments before it reaches the rivers, while 'blue' water is the runoff that reaches the rivers. Glacial melting and retreat, rapidly thawing permafrost and continually melting frozen soils in higher elevations is already being observed (Eriksson et al., 2009). In the sub-basins dominated by glaciers, this will mean increased downstream flows in the short term, but in the long term, runoff is expected to decrease with the retreating glaciers, causing major reductions in flow and significantly affecting downstream livelihoods and ecosystems (Bates et al. 2008). In the winter months, more precipitation is falling as rain, which also accelerates deglaciation, and in turn means a shorter winter and earliersnowmelt, ultimately affecting river basins and agricultural systems dependant on surface water diversions for the summer growing season.

Another particularly significant threat in the Himalayas and directly correlated to rising temperatures are glacial lake outburst floods (GLOFs) that result from rapidly accumulating water into glacial lakes that then burst, sending flash floods of debris and water from high elevations, wreaking havoc on downstream communities and damaging valuable infrastructure like hydropowerfacilities and roads. There are approximately 9,000 such lakes in the Himalayas, of which 200are said to be in danger of bursting (Bajracharya et al., 2007). High rates of glacial melt due to increases in temperature are adding to this threat, as the rate of such incidents increased between the 1950s and 1990s from 0.38 to 0.54 events per year (Bates et al., 2008).

Public Education and Awareness

Nepal has promoted education and public awareness on Climate Change issues through various means. At the very basic level, a primer to increase understanding of Climate Change issues is being translated into Nepali and disseminated to public schools, libraries and government agencies. In the mean time, information materials related to Climate Change problem have been distributed on special occasions or events. Workshops and seminars, to present and discuss key issues, have been organized. Public education and awareness as well as public participation in environmental protection activities have also been promoted regularly (MoPE., 2004). To promote public awareness of the deteriorating environment, various government agencies stage campaigns through different media. A bottom up approach to resources management has stimulated more local participation and awareness of environmental programs. Public awareness is strongly linked to public participation in activities that address environmental issues. Promoting the role of local community, NGOs and the private sectors in pursuit of sustainable development, Nepal has contributed greatly to raise public awareness of environmental problems and issues such as Climate Change. Nepal is resolved to continue its active support and efforts to promote education and public awareness on Climate Change issues (MoPE., 2004).

Communicating climate change

In order to better understand climate change, it is important that one has an understanding of what it means to different people in different parts of the world. A recent study undertaken in the UK by the Department for Education and Skills and disseminated by the British Broadcasting Corporation (BBC) has shown that climate change "worries children". A sample of young people was asked about the world's problems and climate change was often referred to as young people's biggest concern for the world's future.

Some 24 per cent of the sample believed it is the greatest threat faced, while19 per cent think it is crime and violence, the study found out. Of the 1,000,10 to 18-year-olds questioned, 18 per cent nominated terrorism and 12 per cent said it was lack of housing around the globe which concerned them most. In this context, it is important to acknowledge that there are some factors that influence attitudes towards climate change (Table 2) and that, at the same time, there are some barriers seen when one tries to communicate climate change. One of such barriers is related to some misconceptions of what climate change in fact is. If not addressed, they may lead to anegative view of climate change or to a wrong assumption of what it means.

Table 2,Factors influencing attitudes towards climate change (Filho 2009: p. 10)

Knowledge	Information on the meaning of climate change and its implications
Background	The nature of one's education or training often influences an individual's degree of understanding in relation to the topic of climate change
Experience	Previous experiences with other environmental and social issues facilitate understanding on climate change and the role of sustainability
Perception	An integrated view of environmental, political and economic elements enable a broader perception of climate change and ways to address it
Values	Differing from the previous factors due to its high degree of complexity, an individual's values often determine whether his/her attitudes are favourable to climate change or negative to it
Context	Climate change is not only related to climate or ecological components per se, but also entails items such as economics, politics and social matters. However, such contextual links are often ignored

Leal Filho (2000) undertook a study, where an analysis of some misconceptions of what the process of sustainable development is and what sustainability represents to an institution was performed. The study has allowed the identification of some of the misinterpretations associated with them, which in their turn are usually translated into a negative view of sustainable development. Owing to the complexity of matters related to climate change and the closeness of such a complexity with the subject matter of sustainable development, some analogies are possible. Some of the most common misconceptions related to climate change are:
- Climatechange is too abstract an issue;
- Climatechange is too broad a topic;
- Climatechange is mostly a technical matter where calculations and forecasts aremade;

- Thereare no trained people to handle the approach of climate change topics in an understandable way;
- The amount of resources needed to communicate climate change do not justify it; and
- Climatechange has too wide a scientific basis.

If one carefully examines them, the above outlined misconceptions have quite deeproots. It is thus important to understand them so as to allow misconceptions to be overcome. The existing misconceptions have led to various problems, which have been preventing the wider communication of issues related to climate change.

Some Communication Issues
Abstraction

A substantial number of people see climate change as an abstract issue, not connected to the day-to-day reality. Most people do not think they can, as individuals, do anything against climate change and hence are reluctant to engage in related initiatives.

Lack of qualified personnel

Institutions of higher education (i.e. universities and colleges) have largely failed to give due emphasis to climate change out of the traditional areas of physics or meteorology.
As a result, great opportunities to inform and educate students from other fields such as biology, sociology or economics, are being lost. In addition to upgrading their teaching plans so as to cater for the handling of matters related to climate change in general university teaching, there is much universities can do (Eagan et al., 2008; National Wildlife Federation, 1998; Rappaport and Creighton, 2007). For example, it is important that staff (e.g. professors, teaching assistants) discover themselves the connections between their respective areas and climate change as a whole.
Unlike the widely spread belief, climate change is not the sole domain of climate modelers or physicists. It is much more than that. The scope of climate change means that it is a matter of interest and relevance to teachers, sociologists, economists and biologists, to name all but a few. If long-terms changes in attitudes and behaviours are expected and if new technologies are to be developed, it is crucial that climate change is embedded into the curriculum of universities.

Lack of documentation

Most of the good and well-working initiatives on communicating climate change which are happening on the ground are not sufficiently documented. Moreover, many interesting projects are not widely disseminated. This is a problem stated many times before. The lack of dissemination of such initiatives – which may be referred to as good practice – means that also here great opportunities to document and promote such good practice are being missed. Although some individual, one-off measures outlined by Brown (2006) on the volume *Global Warning: The Last Chance for Change* such as less water in the kettle, switching off the lights, going for a jumper before putting the heating on, etc. are important, they do not per se suffice. Dessler and Parson (2006) acknowledged the need to help scientists, policy makers, and the

public sort through the conflicting claims in the climate-change debate and explain in the volume *The Science and Politics of Global Climate Change: A Guide to the Debate* how scientific and policy debates work, summarize present scientific knowledge and uncertainty about climate change, and discuss the available policy options.

Based on the relevance of the subject issue of climate change, it is important to address these problems in a holistic way so that they can be solved and the identified solutions can be widely disseminated.

Issues ahead and action needed

Houghton (2004) explored the scientific basis of global warming and the likely impacts of climate change on human society, before addressing the action that could be taken by governments, by industry and by individuals to mitigate the effects. Leal Filho (2006) explored the links between education and communication on sustainable development and climate issues, whilst the volume Information, Communication and Education on Climate Change – European Perspectives (Leal Filho et al., 2007) specifically looked at examples of projects and initiatives on the ground across Europe.

Dependence on Subsistence Agriculture

Though there are some indications that incomes are diversifying as people migrate and take advantage of new options that were not available to previous generations of farmers, there are wide swaths of the country where dependence on subsistence agriculture still dominates and options for improving resilience in the face of imminent impacts from a changing climate are slim. Major percentages of the population are entirely vulnerable to even the slightest fluctuation in climate. To discriminate information of climate change to the peoples is a crucial task as they may not take climate change as a serious issue as their subsistence agriculture.

Challenging Geophysical Conditions

The extreme and beautiful geography of Nepal, though a boon to the tourism industry and the source for such ample natural resources, is also an inherent reason why development levels are so low. Topography is a particularly worrisome concern for the potential adaptation process because it will be one of the most difficult to overcome, requiring massive and consistent investments in concentrated road development, which is an arduous process even for developed nations. Investing more in water resources infrastructure, a crucial aspect of adaptation for the developing world, is also severely limited by the extreme topography of the middle hills and upper mountains of the Himalayas that make for inherently unfeasible large storage and irrigation facilities that would otherwise help with a changing and increasingly variable water supply. Developing communication network for climate change is being a far crying in this context. The options available for improvement in these areas are thus extremely limited both because of high costs and geophysical constraints.

Population Growth in Urban Centers

At the opposite end of such isolation, urban areas are facing constant population growth and migration from rural communities at a rate far beyond what the government is able to keep up with in service provision. Though the most recent trends of urban migration in Nepal are the result of security fears during the insurgency, there is likely to be an increasingly positive correlation between urban migration and the impacts of CC, with more and more "climate refugees" moving to urban areas. Most of the urban areas in Nepal are still dominating by the traditional societies and are seems to be unaware about climatic matters though much more climate related awareness campaigns and other information discrimination programs are concentrated in urban areas. On the other hand constantly increasing population due to migration is becoming another threat to develop and set up information discrimination mechanism. More research needs to be carried out in Nepal as to the exact causes of migration and to what extent CC will lead to future increases in urban population growth as farming becomes increasingly risky and untenable due to the effects of CC.

Institutional Failures and Weaknesses

Alongside the numerous socioeconomic, environmental and geophysical constraints to CC information discrimination facing Nepal, there is a long history of institutional failures that currently complicate the development process and will severely hinder any effective communication, either strategic or autonomous. From constantly changing governments, including vacillation between pure royal control to constitutional monarchy and the republic in 2006, and frequent turnover of administrations, Nepal has a long history of political upheaval and impermanent stability. The following are the most relevant failures that will be the most difficult, but essential, to overcome if the most severe effects of the imminent impacts of CC are to be avoided.

1. Constantly Changing Organizational Structures

The Ministry of Environment, Science and Technology was recently split into the Ministry of Environment and Ministry of Science and Technology. This is a perfect example of how institutions are constantly changing and restructuring in Nepal. This is not the first time such restructuring has occurred. The current Ministry of Agriculture and Cooperatives has been majorly restructured nine times since 1967 (FAO-UNDP, 2003). Such constant rearranging has an obviously detrimental effect on government effectiveness and continuity of policy, which in turn serves to perpetuate an already stagnating development process.

2. High Turnover of Government Personnel

Due to the interim nature of the government at present, the transfers of administrators (including all the heads of ministries) that follows a change in the government is frequent. The Ministry of In some of the most isolated areas, as observed during my study, it is also difficult to find qualified and interested persons for government positions. It is also difficult to find officials that want to work in the most remote regions. Out-migration is also depleting the country of qualified and skilled manpower.

3. Failures of Public Institutions

Constantly changing structures and personnel have a consequent effect of perpetuating the failures of Nepal's public institutions. There is little oversight, a lack of transparency and extremely low salaries, resulting in little incentive to follow the letter of the law. Many conversations with current and past government officials indicated that bribery is pervasive for reasons no more complex than an inability to pay for a child's secondary education. At the national level, such problems are pervasive, but at the local district and village levels (where there is even less oversight), especially due to the lack of elections for the VDCs and DDCs, the problem can be much worse. Currently run by appointees of the Ministry of Local Development, these bodies are less accountable to local populations that had no say in their appointment. Also a few percentages of project budgets are actually spent on their respective projects.

4. Ineffective to Nonexistent Coordination

Such problems of high employee turnover and constantly fluctuating institutional structures are also responsible for poor coordination and communication between ministries and departments on a variety of issues. Communication and effective coordination between local and national level institutions is also minimal. In one particularly egregious example, the DDCs have to wait as long as six months for their budgets to be released from the Ministry of Finance, which then only gives them the same amount of time to implement and develop entire projects before the end of the fiscal year, significantly reducing their long-term sustainability due to hurried, shoddy construction.

There is also a severe lack of coordination and communication between NGOs and the government at local levels, with limited official knowledge on the amount of money being spent, the number of projects, and what issues are being focused on. This leads to overlapping projects between the two entities, leading to inefficient resource allocation and confusion for local populations. The reasons for such solitary action by NGOs are apparent and may be justified in some cases, but it also has an unintended consequence of worsening relations with government, which is particularly detrimental for future coordination around adaptation planning. Given the comprehensive nature of the likely impacts of CC facing Nepal, the need for such coordination will be a critical aspect of the adaptation process.

5. Deficient Capacity

Capacity deficiencies are rampant throughout the Nepali bureaucracy, not only related to the general development process, but even more so in terms of CC and thus adaptation. It was not apparent that they understood how truly detrimental those effects will potentially be on a Nepali economy so heavily dependent on agriculture, and thus climate. At the local level, some officials were at least aware of CC, but with little idea as to what to do about it or how it might affect livelihoods in their communities.

From a perspective of education and communication related to climate change, there are many challenges ahead and various sets of action that need to be taken, in order to improve current trends and addresses the various deficiencies. Four crucial elements need to be taken into account in order to promote education and raise awareness on

climate change and hence allow it to be communicated more efficiently. These elements are:

1. **The need to mobilize local level groups and organizations.** The local level groups and organizations are the witness for climate change in their society. They also may have a good understanding of climate change. Local youth clubs, Mother Group, Community forest consumer group, Local FM radios etc. are some of the references. If climate change training and other orientation program could provide to those group and organizations, virtually they could become the torch bearer in climate change information discrimination.

2. **The need to engage the relevant stakeholders.** Owing to its scope, climate change is not a matter of concern exclusive to scientists. Politicians, economists, teachers, health officials and many other stakeholders need to be involved in the climate change debate due to the fact that it does have implications to them. Current experience shows that topics which involve a variety of stakeholders and – in particular – the general public – tend to be much better understood if their specific information needs are taken into account. Technical information on temperature increases (or decreases) are unlikely to generate much interest unless it becomes clear the effects such variations may have on the fauna, flora, health or agriculture.

Figure 3, Elements to catalyze public engagement on climate change (Filho, 2009, 12)

3. **The need to combine technical expertise with communication approaches.** It has to be acknowledged that there are limits to the contribution that technical expertise can provide to handling climate change. Nonetheless, if the problems linked to climate change are to be holistically understood, they need to be complemented by information on its social and economic dimensions.

4. **The need to identify and promote solutions.** There is a perceived need to integrate information on climate change with practical measures people –, i.e. each individual – can take, so as to provide their own contribution to the problem-solving process. Most people feel frustrated when they realize that climate change as a whole and phenomena such as global warming in particular, are matters distant from their day-to-day lives. Yet, they feel more motivated to become involved if it is shown what they can do in order to help to address the problem, be it in respect of sustainable transport use, in the purchase of products or simply by having energy savings at home.

Conclusions

It is widely known that the Kyoto Protocol was only a first step and that its targets expire in 2012. International negotiations are now taking place under the UNFCCC with the goal of reaching a global agreement governing action to address climate change after 2012. Information and education on climate change as a whole and initiatives will play a key role in this process in support of the various policies and measures which have already been agreed and will no doubt be agreed in the future. They will also be important and in ensuring the success of emissions reductions and trading systems, which are some examples of the future global efforts to mitigate climate change.

As outlined on this paper, although some significant developments have been made, much needs to be done in order to foster communication on climate change and catalyze the participation and public engagement needed. The aim of this research was to analyze the problems which are connected with the communication of matters related to climate change and find ways to address them. In addition, it also aimed at bringing about a broader understanding about climate change. The rationale behind the study is the fact that, although the subject matter of climate change is regarded as a critical issue and sound scientific knowledge is needed in order to address the problem in a holistic way, there is a scarcity of events focusing on the different aspects of climate change information dissemination.

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Assessment of the Implementation of the Typhoon Yolanda Rehabilitation Program[1]

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Abstract

Typhoon Yolanda (international name: Haiyan) struck the country on November 8, 2013 leaving behind 6,300 dead persons, 28,689 missing and 1,061 injured. The government estimated the total damage at Php89.598 billion. Under the Yolanda Comprehensive Rehabilitation and Recovery Plan approved by the President in August 2014, the government planned to spend Php170.916 billion over a period of 3 years to to recover, rehabilitate and reconstruct damaged facilities and rebuild the lives of the affected population, guided by the principle of build back better and building resilient communities. Two and a half years since the event of Yolanda, the government's rehabilitation program implementation is partly achieved but is not without flaws and weaknesses. This paper reflects on the implementation of the rehabilitation plan in the Yolanda affected areas. In a nutshell, the lessons show that rehabilitation is a long, tedious process that requires systematic coordination, commitment and drive to efficiently and effectively deliver public service. The level of accomplishments remain insufficient and slow to significantly reduce the vulnerability of people in high risk areas, raise the level of preparedness, coping ability and adaptation of people in high-risk situations and in times of great disasters. Much remains to be desired in institutionalizing disaster preparedness and mitigation mindset into the systems of government agencies and the people.

Keywords*: Typhoon Yolanda/ CRRP/ Expenditure Program/ Philippines

Acronyms

> *CA – Continuing Appropriations*
> *CARAGA – Region XIII composed of the provinces of Agusandel Norte, Agusan del Sur, Surigao del Norte, Surigao del Sur and Dinagat Islands*
> *CDP – Comprehensive Development Plan*
> *CLUP – Comprehensive Land Use Plans*
> *CRRP – Comprehensive Rehabilitation and Recovery Plan*
> *CSOs – Civil Society Organizations*

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DAR – Department of Agrarian Reform
DAP – Disbursement Acceleration Program
DENR – Department of Environment and Natural Resources
DPWH –Department of Public Works and Highways
DSWD – Department of Social Welfare and Development
ES – Executive Secretary
ESA- Emergency Shelter Assistance
EVRMC – Eastern Visayas Regional Medical Center
GAA – General Appropriations Act
HUCs – Highly Urbanized Cities
LGUs – Local Government Units
LIACs – Local Inter-Agency Committees
MIMAROPA – Region 4-B, referring to the provinces of Mindoro Occidental,
Mindoro Oriental, Marinduque, Romblon, and Palawan
NCIP – National Commission on Indigenous Peoples
NDRRMC/F – National Disaster Risk Reduction and Management Council/Fund
NEDA – National Economic and Development Authority
NHA – National Housing Authority
OPARR – Office of the Presidential Assistant for Rehabilitation and Recovery
PDAF – Priority Development Assistance Fund
PDNA – Post-Disaster Needs Assessment
PPAs – Programs, Projects and Activities
RAY-BBB – Rehabilitation Assistance for Yolanda-Build Back Better
RAY-I4R – Rehabilitation Assistance for Yolanda-Implementation for Results
RRPF –Rehabilitation and Recovery Program Fund
SAA – Supplemental Appropriations Act
SC – Supreme Court
HLURB – Housing and Land Use Regulatory Board
DepEd – Department of Education

Overview

Revisiting the Yolanda rehabilitation experience is valuable exercise to generate lessons that must be learned to help humans cope with the challenges of disaster. Typhoon Yolanda (international name: Haiyan) struck the Philippines on November 8, 2013. After two and a half years, not only the people directly affected by Yolanda should continue to be reminded of the widespread destruction and the life the affected population had to live thereafter. The Philippines ranked 3rd among 173 countries in terms of high exposure to natural hazards such as earthquakes and typhoons and to climate change (World Risk Report 2012:11). While some countries like Japan and Netherlands are similarly highly

exposed to disasters, their level of vulnerability is very, very low. Unlike Japan and Netherlands, the Philippines'faces high vulnerability[2]and susceptibility[3]to the adverse effects of natural hazards owing to the existence of significant poverty, poor and inadequate infrastructure, limited social and economic support to the highly vulnerable, and corruption (Ibid:20). Thus given situations of high exposure to natural disasters, the adverse effects can be mitigated and lessened. Having known the occurrence of typhoons since time immemorial, the high time is past to truly prepare ourselves for natural eventualities. The paper highlights lessons learned from the experience of the implementation of the Comprehensive Rehabilitation and Recovery Plan (CRRP) and assesses the accomplishments in terms of their contribution towards lessening vulnerability and raising the coping and adapting capacity of people in the Yolanda affected areas.

This paper assesses the implementation of the policy, program and budget responses of the national government to address the rehabilitation and recovery needs of the Yolanda-affected areas. It begins with an overview of the Yolanda rehabilitation efforts of the national government. This is followed by a discussion of the lessons learned from the Yolanda rehabilitation experience.

Framework of Analysis

The paper proceeds with twin premises: (1) the government's rehabilitation plan and the national budget are connected; and (2) the government and its partner agencies are all committed to the goals of achieving capability in disaster risk management and climate change adaptation. The embodiment of these premises into government policies is evident in Section 2 Declaration of Policy, particularly (c), (g) and (h) of RA 10121, which states that:

- (c) principles of disaster risk management … are incorporated in national, regional and local sustainable development and poverty reduction strategies, policies, plans and budgets;
- (g) disaster risk reduction and climate change adaptation shall be mainstreamed in policy formulation, planning, budgeting and governance;
- (h) policies, structures, coordination mechanisms and programs on disaster risk reduction shall be institutionalized with continuing budget appropriation from national to local levels with the intent of building disaster-resilient communities and nation.

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[2] *Vulnerability refers to social, physical, economic and environment-related factors that make people or systems susceptible to the impacts of natural hazards and adverse consequences of climate change. (UNU World Risk Report 2012:16).*
[3] *Susceptibility refers to the likelihood of harm, loss and disruption in an extreme event triggered by a natural hazard. (UNU World Risk Report 2012:17).*

Figure 1. Framework of Analysis
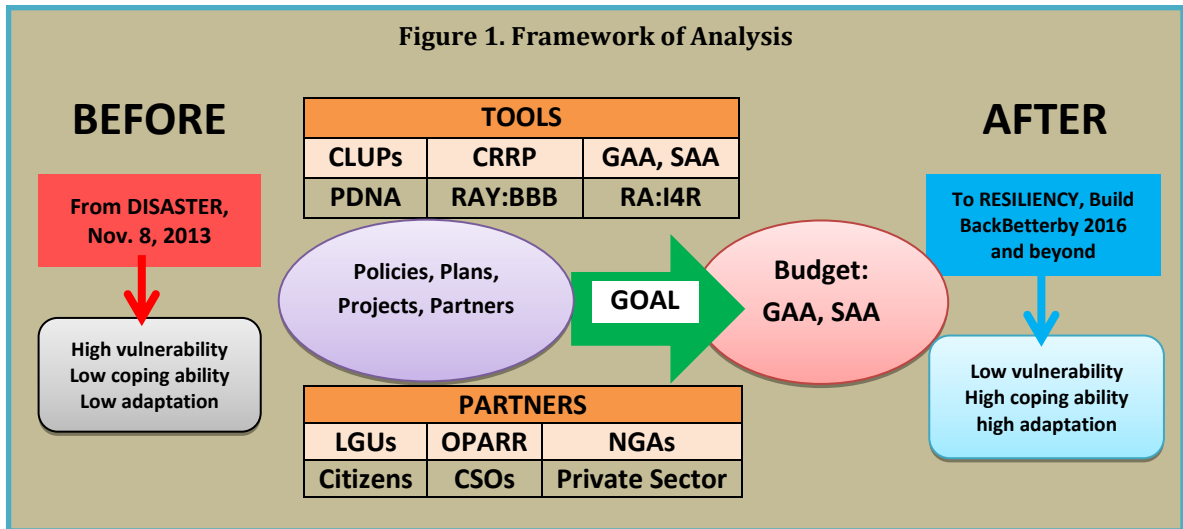
Figure 1 shows the Yolanda rehabilitation plans served as tools for rehabilitation, supported by the national budget. The national government implementing agencies, the local government units, the Yolanda victims themselves, civil society organizations and the private sector are put to task in the rehabilitation effort to build back better and create more resilient communities. The specific tools adopted by government to achieve resiliency are the various land use plans of local governments from which the CRRP was based, and with inputs from the PDNA prepared by the Office of Civil Defense and the RAY documents produced by the NEDA.

Aftermath of Typhoon Yolanda

Extent of Damage

Typhoon Yolanda (with international name Haiyan) is one of the most devastating typhoons ever to hit the country, as it moved at the speed of 315 kph, displaced 60,000 families, and damaged an estimated Php89.598 billion[4] (US$2.057 billion) worth of infrastructure, social, and cross-sectoral resources. It entered the Philippine Area of Responsibility (PAR) on November 6, 2013, made its first of six land falls swept on November 8 in Guiuan, Eastern Samar, inflicted its fury over nine regions, left an unprecedented devastation over six regions, and made its sixth landfall over Busuanga, Palawan before it finally exited the PAR on November 9. The total of 3,424,593 families (16,078,181 individuals) in Regions IV-A, IV-B, V, VI, VII, VIII, X, XI and CARAGA were affected, of which 890,895 families (4,095,280 individuals, equivalent to 26%) were displaced. The total number of persons who died due to Typhoon Yolanda reached 6,300, and an additional 28,689 injured, and the 1,061 missing. The total of 1,084,762 houses was damaged, of which 489,613 were totally damaged and 595,149 were partially

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[4] *The peso-dollar exchange rate in November 2013 was Php43.55 per US$1.*

damaged. The NDRRMC estimated the total value of damage to the infrastructure, productive, social and other sectors to Php89.598 billion. (NDRRMC Update, April 17, 2014).

Yolanda Rehabilitation Funding Requirements

Three government agencies acted within their mandate to assess the damage and/or plan the rehabilitation and recovery of the Yolanda affected areas. The National Disaster Coordination and Management Council (NDRRMC) conducted the usual post-disaster needs assessment (PDNA) and recommended the rehabilitation funding needs at Php104.644 billion. The National Economic and Development Authority (NEDA) formulated two rehabilitation plans: the Rehabilitation Assistance on Yolanda (RAY): Build Back Better (BBB) and RAY: Implementation for Results (I4R) and set the funding requirement at Php360.894 billion.

President Aquino issued Memorandum Order No. 62 dated 6 December 2013, and appointed Former Senator PanfiloLacson as Presidential Assistant for Rehabilitation and Recovery (PARR) to oversee the Yolanda rehabilitation efforts. Upon its creation, the Office of the Presidential Assistant for Rehabilitation and Recovery (OPARR), immediately tasked itself to formulate the Yolanda Comprehensive Rehabilitation and Recovery Plan (CRRP: 1 August 2014). The CRRP set the rehabilitation budget for Yolanda at Php170.916 billion, which was later reduced to Php167.864 billion. Anchored on the principle of build back better, the CRRP's total funding requirement is distributed into four clusters – Infrastructure, Resettlement, Livelihood, and Social Services – and further divided among the implementing agencies and the most affected provinces on the basis of the needs assessment results embodied in the CRRP.

Figure 2. Consolidated Funding Requirements for Yolanda Rehabilitation, by Implementing Agency, Million Pesos

Agency	Amount
DAR	2,019
DENR	2,145
DOH	3,207
CHED	3,556
DILG	3,731
DOTC	3,952
DTI	4,134
DPWH	4,492
DOE	4,837
DEPED	9,365
DA	9,563
PCA	10,826
DSWD	25,082
NHA	75,67?

Total: Php170,961,432,663
[reduced to Php167.858 billion]

Figure 3. CRRP Total Funding Requirements of 15 Yolanda-Affected Provinces, Million Pesos

Province	Amount
Masbate	59
Dinagat Islands	204
Southern Leyte	957
Northern Palawan	5,248
Biliran	5,468
Antique	8,485
Samar	8,862
Aklan	10,076
Eastern Samar	11,387
Negros Occ.	11,821
Capiz	13,202
Northern Cebu	14,551
Tacloban	15,733
Iloilo	22,876
Leyte	39,569

Sources of Data: CRRP 2014.

Figures 2 and 3 summarize the Investment Requirements in Yolanda-affected areas under the CRRP by implementing agency, by cluster, and by province. The Resettlement Cluster is planned to have the highest appropriations during the period. Among the provinces, Leyte is expected to receive the highest appropriation, particularly for Livelihood, Infrastructure and Social Services. Iloilo Province is similarly expected to receive the biggest appropriation for Resettlement.

Yolanda Funding Commitment and Fund Releases

The DBM The government distributed the release of the Php167.86 billion Yolanda fund into three years (see ES Memo dated 29 October 2014).
2014 – Php47.12 billion,
2015 – Php 80.31 billion, and
2016 – Php38.93 billion
From NGOs – Php1.498 billion

Total for 3 years – Php 167.858 billion*
[*The original amount was Php170.961 billion]

Figure 4. Yolanda Funding Requirement (DBM)

FUNDING REQUIREMENT FOR IMPLEMENTATION

PER ES MEMO dated 28 October 2014

47.12B for rehabilitation and recovery
51.98B Releases for Yolanda as of 21 October 2014
4.86B for relief operations
80.31B Total Amount of PPAs for 2015 medium-term implementation
38.93B Total Amount of PPAs for 2016 medium-term implementation
1.498B Non-Government Sources as of 07 September 2014 (as reported by NGAs)

Table 1.CRRP Funding Commitments vs National Government Fund Releases

AGENCY	CRRP Funding Commitment, Million Pesos	FUND RELEASES*, as of Sep 15, 2015, Million Pesos	% of Releases to Fund Requirement
NHA	75,678.680	61,261.98	80.95
DSWD	25,082.106	22,986.91	91.6
PCA	10,825.629	7,468.69	69.0
DepEd	9,365.453	8,203.96	87.6
DA	9,128.592	7,194.56	78.8
DOE	4,837.467	0	0
DPWH	4,492.383	6,919.52	154.0
DOTC	3,952.277	1,778.17	45.0
DTI	3,920.377	246.97	6.3
DILG	3,731.129	10,305.14	276.2
CHED	3,555.621	3,552.24	99.9
DOH	3,206.950	2,970.48	92.6
DENR	2,144.734	1,596.91	75.5
DAR	2,097.555	0.10	0
DA-BFAR	1,831.198	1,696.70	92.7
DOLE	1,652.866	1,814.18	109.8
DOT	1,341.767	337.47	25.2
TESDA	959.644	650.50	67.8
DOST	532.107	195.88	36.8
LWUA	380.106	1,742.33	458.4
Other Agencies	2,199.791	9,107.05	414.0
GRAND TOTAL	170,916.432	150,029.74	87.8

Source: Abad, DBM: September 15, 2015.

Fig. 5 Comparison of CRRP Funding Requirement and Funds Released to Selected Agencies, as of Sep. 15, 2015, in Billion Pesos (Source of basic data: DBM)
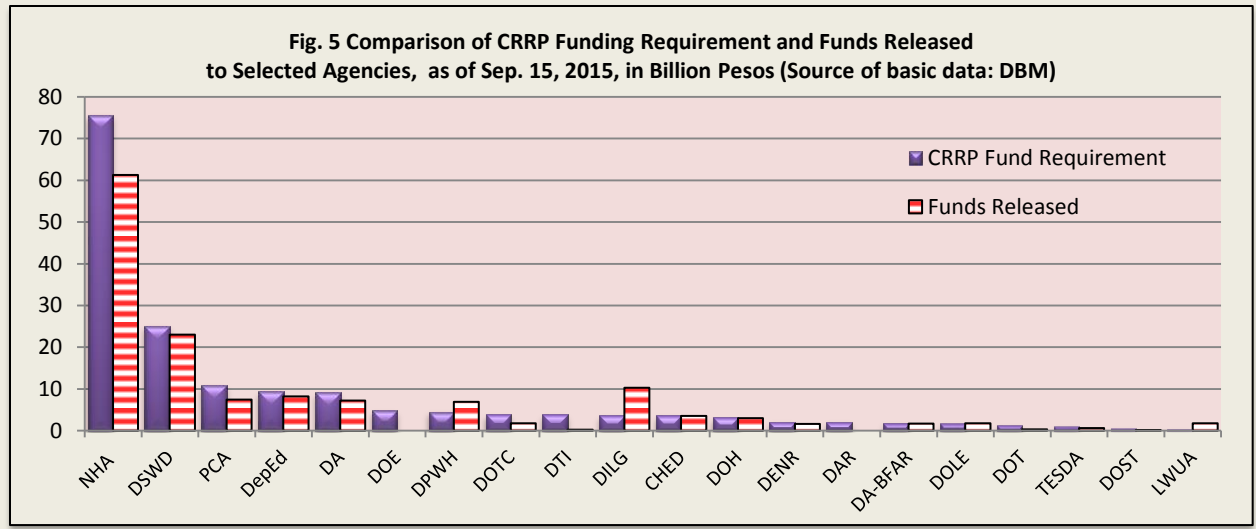
One year after Yolanda, as of October 21, 2014, the DBM said to have released Php51.98 billion for Yolanda rehabilitation. However, the same Memo of the Executive Secretary(ES) reveals two deficient claims. First, Php4.86 billion was actually released for relief operations, and not for rehabilitation. Second, the Php47.12 billion was not all intended for rehabilitation and recovery of the Yolanda-affected areas, but was partly disbursed to fund rehabilitation efforts related to other calamities such as the Bohol earthquake, Zamboanga Siege, Typhoon Sendong, etc. Based on the details of the ES Memo, only Php34.807 billion or about 67% was clearly directed and released for YolandaPPAs. The agencies and amounts of releases to agencies are listed in table 1.

As of September 15, 2015, the national government has released 87.8% of the Yolanda funding requirement. Funding for permanent resettlement through the NHA, for instance, is 80.95% released based on table 1 and figure 5. Fund release for social welfare services likewise reached 91.6%. It is also observed that releases to some agencies are more than the planned allocation for Yolanda rehabilitation. Thus it appears that the government is on track in the release of Yolanda rehabilitation fund.

Table 2.Fund Sources for Typhoon Yolanda (FY 2013-FY2016), in Php

Fund Source	FY2013	FY2014	FY2015		FY2016	TOTAL
	Released			Proposed		
FY2012 GAA, RA10155						
Calamity Fund, Continuing Appropriations (CA)	76,971,739					76,971,739
FY2013 GAA, RA 10352						
Calamity Fund	991,538,261					991,538,261
Calamity Fund, CA		1,727,949,086				1,727,949,086
Regular Budget/ Savings/ Realignments w/in Agency	4,385,175,891					4,385,175,891
Regular Budget/ Savings/ Realignments w/in Agency, CA		2,325,707,265				2,325,707,265
Overall Savings	19,576,939,731					19,576,939,731
Unprogrammed Fund	1,705,720,000					1,705,720,000
RA 10634, SAA 2013		6,247,570,838				6,247,570,838
FY2014 GAA, RA 10633						
NDRRMF		11,170,300,000				11,170,300,000
NDRRMF, CA			41,026,336			41,026,336

Regular Budget/Savings/ Realignments w/in Agency		554,897,493			554,897,493
Regular Budget, CA			751,932,518		751,932,518
Rehabilitation & Reconstruction Program (RRP) Fund		6,326,527,595			6,326,527,595
RRP Fund, CA			3,781,845,028		3,781,845,028
Quick Response Fund		161,604,000			161,604,000
Overall Savings		4,265,880,000		10,007,281,625	14,273,161,625
Automatic Appropriations		2,155,595,486	100,153,773		2,255,749,259
Unprogrammed Fund (Support to FAPs)		1,788,392,000			1,788,392,000
RA 10652, SAA 2014			10,084,458,000		10,084,458,000
FY2015 GAA, RA 10651					
NDRRMF			160,335,755		160,335,755
Unprogrammed Fund-RRPF			9,314,000,000		9,314,000,000
Unprogrammed Fund-Support			6,180,520,000		6,180,520,000

Table 3. Summary of Yolanda Fund Releases, Billion Pesos

Fund Source	Amount
NDRRMF/Calamity Fund	14.17
Rehabilitation & Reconstruction Program	10.11
Regular Budget (including savings & realignments)	8.02
Quick Response Fund	0.161
Savings	23.84
Automatic Appropriations	2.26
Unprogrammed Fund	18.99
FY 2014 & 2015 Supplemental Budget	16.33

for Infra. Projects & Social Programs						
FY2016 GAA						
Regular Budget						27,252,147,058	27,252,147,058
Special Purpose Fund						18,895,530,522	18,895,530,522
GRAND TOTAL	**26,736,345,622**	**36,724,423,763**	**30,414,271,410**	**10,007,281,625**	**46,147,677,580**	**150,030,000,000**

Source: Abad, DBM: Sept 15, 2015.

Furthermore, the amount of fund releases announced by the DBM as of September 15, 2015 included some Php10.007 billion proposed to be released in 2015 and Php46.148 billion proposed to be released in 2016. In effect, the more accurate amount of budget releases from the DBM is Php93.881 billion as of October 31, 2015 (see table 3), which is equivalent to only 54.92% of the total Yolanda CRRP funding requirement for 3 years. Based on this latter figure, budget releases for Yolanda is delayed by approximately Php10 billion.

Assessment of Project Accomplishments

Two-and-a-half years after Yolanda, many projects have been completed, yet many more are in the pipeline or yet to be started. This part of the paper focuses on the implementation of the Yolanda rehabilitation projects.Table4 shows the number of projects completed, ongoing, in the stage of procurement and not yet started as of November 2015.

Table 4. Highlights of Implementation of Yolanda Rehabilitation Projects, as of November 2015

Clsuters & Projects	Target	Completed	Ongoing	Procurement Stage	Not yet started
INFRASTRUCTURE					
National roads reconstructed/rehabilitated	106.700 km	60.286 km	38.415 km	7.346 km	0.65
National bridges reconstructed/rehabilitated	1,852.53 lm	1,117.64 lm	640.09 lm	94.80 lm	
Flood control structures reconstructed/ rehabilitated	110 projects	77	17	8	8
Airports rehabilitated		35		1	1
Seaports facilities rehabilitated		23		32	2
Classrooms newly constructed	2,313	1,026	928	54	305
Classrooms rehabilitated	17,335	5,457	4,239	1,037	4,155
School furniture	292,166	121,950	0	0	
State colleges & universities rehabilitated	606 projects	412	191	3	
Municipal facilities rehabilitated (municipal halls, public markets, civic centers)	25 bldgs	2	14	9	
Barangay facilities rehabilitated		430	683	2,262	313
Irrigation systems restored		84	41		
LIVELIHOOD PROJECTS					
Fishing boats repaired/replaced		48,995	9,446		
Fishing gears & paraphernalia distributed		76,598	4,779		
Farm tools distributed		17,269	3,706	531	2,198
Tractors & other machinery provided		138	9	9	20
Rice & corn seeds distributed		94,020	12,253	0	3,435
Coconut areas replanted		44,500	0	11,034	44,466
Coconut intercropping areas established		52,951	0	47,794	181,255

Starter kits distributed		**3,765**	**0**	**623**	**13,092**
Entrepreneurship training conducted		**292**	**11**	**10**	**61**
Livelihood assistance & CBLA		**55,502**	**0**	**0**	**304,935**
Skills & livelihood training conducted		**31,130**	**0**	**0**	**17,603**
SOCIAL SERVICES					
Textbooks & learning materials provided		**3,780,661**	**2,689,817**		
ESA provided	**1,028,329 families**	**987,545 served**			
PERMANENT HOUSING		**13,335**	**79,219**		**112,574**

Source: http://yolanda.neda.gov.ph/#about.

Infrastructure Cluster Accomplishments

Led by the DPWH, the status of accomplishment of the infrastructure projects are in various stages of implementations of November 2015 and much remains to be completed.

- The rehabilitation of the damaged portions of 60.286 km of national roads (out of 106.700 km physical target, or 56.5%) is completed. A total of 1,117.64 lineal meters of national bridges (out of the targeted 1,852.53 lm, or 60.3%) have been rehabilitated. All 1.700 km of access roads targeted for rehabilitation has been completed.
- The rehabilitation or reconstruction of damaged sections of 77 flood control structures (out of 110 physical targets, or 70%) is completed.
- The reconstruction, rehabilitation and repair of buildings and facilities of 403 out of 606 (or 68.04%) state universities and colleges and one (1) CHED Regional Office VIII are completed. Another 191 SUC facilities are ongoing implementation.
- All departments and operating rooms of the Eastern Visayas Regional Medical Center (EVRMC) are now functional. The construction of the new EVRMC building 1 is 45% and building 2 is 33%. Medical staff (17 doctors, 1,058 nurses and 593 midwives) were deployed to supplement EVRMC's human resource.
- The repair and rehabilitation of 292 out of 309 (or 94.5%) local government facilities (town halls, public markets and civic centers) is completed.
- The DILG has completed and distributed the 'Build Back better Operations Manual' and the 'After the Storm: Two Years On'. The latter is a collection of stories to mark the second year commemoration of Typhoon Yolanda.
- For the Department of Education (DEPED), the construction of 1,026 new classrooms out of the target 2,313 (or 44.4%) are completed. The rehabilitation of

5,457 out of 17,335 target classrooms (or 31.5%) are completed. A total of 121,950 classroom furniture (out of 292,166 target, or 41.7%) was delivered.

The extent of the devastation in itself challenged the capacity of implementing agencies to swiftly accomplish their tasks. Regional offices of implementing agencies lack technical people to monitor and oversee project implementation. Local governments, whose officials and employees suffered equally from the devastation, lacked human resources and equipment. The onslaught of Yolanda made more recognizable the limited technical capacity of LGUs in the area of preparation of plans and programs. These constraints were addressed by the immediate hiring of engineers and other technical people.

Livelihood cluster Accomplishments

The accomplishments of the Livelihood Cluster are highlighted as follows, as of October 31, 2015:

- Livelihood Seeding Programs, and Basic Entrepreneurship were conducted, attended by 3,719 beneficiaries from Regions 6, 7 and 8, who were also provided with livelihood starter kits, and start-up capital (grant in kind assistance). The beneficiaries have (re)started their sources of livelihood including a sari-sari store, trading, handicrafts, food processing, food vending.
- 24,535 Livelihood skills training were held in Palawan, Cebu and in Region 8, with 31,130 beneficiaries in attendance.
- 18 Negosyo (Business) Centers were established in the Yolanda affected areas to ease in doing business and to facilitate the access of MSMEs to government processing of permits, licenses and technical assistance.
- A total of Php417.99 million in loans to MSMEs through the Small Business Corporation has been released.
- 2,559 farmers were given insurance for their crops, livestock and poultry.

The implementation of livelihood projects for Yolanda victims generally faced limited amount of fund releases to the Livelihood Cluster agencies listed in figure 6, e.g., Department of Trade and Industry (DTI), Department of Agrarian Reform (DAR), Department of Tourism (DOT), Philippine Coconut Authority (PCA), Department of Agriculture (DA), and Technical Education and Skills Development Authority (TESDA). The fund released to the DTI is only 6.3% of its budget requirement, and below 1% in the case of DAR.

Figure 6. Percent of Budget Releases for Livelihood Projects, by Agency, as of October 2015 (www.dbm.gov.ph)
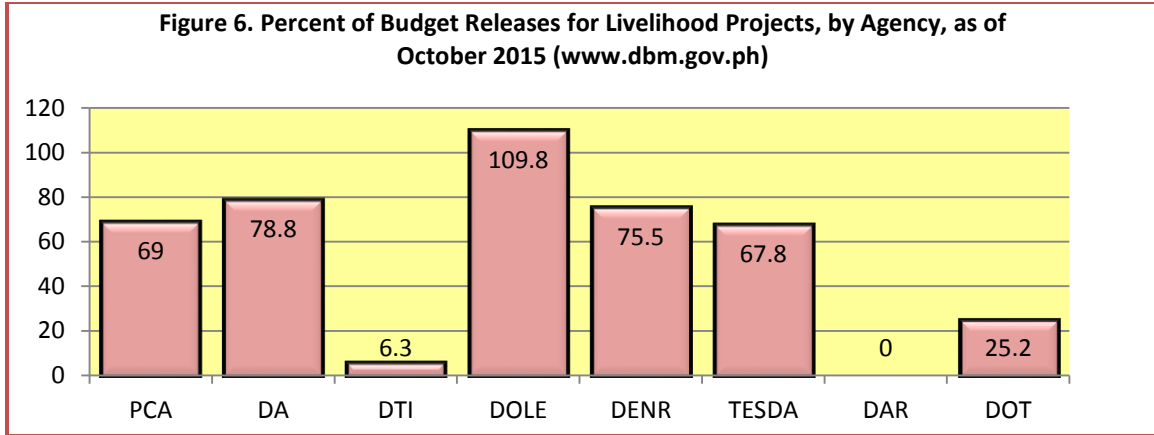
Social Services Cluster Accomplishments: DSWD ESA

The Emergency Shelter Assistance (ESA) managed by the Department of Social Welfare and Development (DSWD) is, by nature, an emergency assistance and temporary relief to enable affected families to immediately put a roof over their heads. It involves a cash grant of Php30,000 each to families whose houses were verified to be totally destroyed, and Php10,000 each to family whose houses were verified to be partially damaged, to cover the cost of housing materials. The total budget requirement for ESA is Php20.01 billion to benefit a total of 1,028,329 families as shown in table 5. Some 87.4% of the families whose houses were destroyed live in Regions 6 and 8.

The first release of the emergency assistance happened one year after Yolanda (see Figure 7). The very much delayed release of ESA contradicts its very nature as an emergency temporary shelter assistance fund. As of November 2015, the DSWD reported to have assisted 987,545 families (or 96%) out of the total target of 1,028,329 families with damaged houses (Cabrera 2015) and released 91.9% of the total ESA funding requirement. Refer to table 5.

Table 5. DSWD Emergency Shelter Assistance, DSWD (Cabrera 2015:5)

Region	Target Number of Families	Actual Number of Families Served	% of Families Served	Budget Requirement, in Php	Amount Disbursed, in Php	% of Amount Disbursed
IV-B	8,389	4,833	57.6	165,590,000	82,410,000	49.8
VI	465,363	468,833	100.7	8,238,725,000	8,169,330,000	99.2
VII	120,900	98,196	81.2	2,413,345,000	1,941,080,000	80.4
VIII	433,677	415,683	95.8	9,192,990,000	8,195,650,000	89.2
TOTAL	1,028,329	987,545	96.0	20,010,650,000	18,388,470,000	91.9

Figure 7.ESA Distribution Timeline
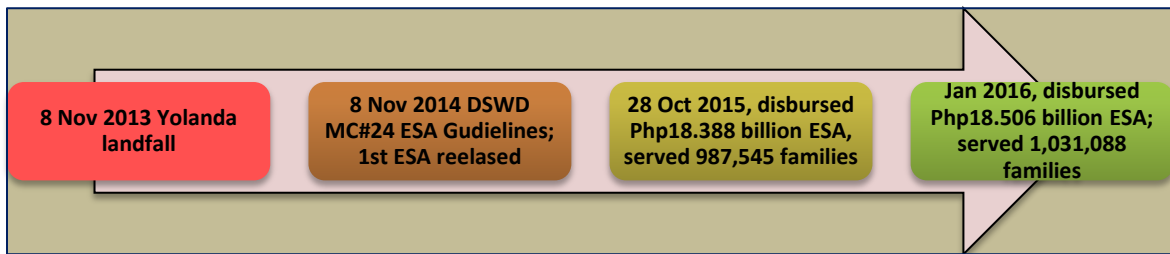
Cabrera (2015:11) cited two major issues that agencies in the social cluster sector had to face: (1) unreleased funds for HLURB intended for technical assistance in the formulation of climate-proof CLUP amounting to Php51.3 million; (2) unreleased funds for the Emergency Shelter Assistance (ESA) and permanent shelter for indigenous peoples amounting to Php34.5 million; and (3) complaints raised against local government units in the ESA implementation.

While typhoon Yolanda did not choose its victims, the ESA guidelines defining the qualification of beneficiaries are highly selective and exclusionary. The DSWD excluded many victims of Yolanda from benefiting from ESA, to wit:

- o Affected families with a monthly income of more than Php15,000 a month. This rule practically caused double injustice to victims whose monthly may just be a little above P15,000.
- o Families who received housing assistance from international or local donors are ineligible to get the ESA. This rule does not consider whether or not the foreign assistance is sufficient to build a decent permanent housing unit for the family of the Yolanda victim.

o Families who have already rebuilt or repaired their houses on their own are excluded. The rule does not take into account whether or not the materials used are makeshift and come from rubles.

As reported by NEDA (as of January 2016), 10,625 families (first batch) out of the targeted 16,613 families received the ESA as of October 2015 or two years after Yolanda. The second batch of families received the ESA in December 2015. (http://yolanda.neda.gov.ph/yolanda-january-2016-updates/)

Resettlement Cluster Accomplishments: Permanent Housing

The number of Yolanda affected families qualified to receive assistance in permanent resettlements number 2015,128 families living in unsafe zones located in 14 provinces in 6 heavily affected regions. With a total funding requirement of Php75,678.680[5] inclusive of community facilities. The housing units were planned to be constructed in 153 sites. A total of 1,367 hectares are needed for resettlement (at 150 housing units per hectare). As of end of October 2015, some 17,641 housing units have been substantially completed, according to the NHA. Also as of 31 October 2015, Php26.996 Billion has been released to the NHA to cover the costs of 92,554 housing units set to be completed by December 2016. (www.nha.gov.ph/news/2016)

The National Housing Authority (NHA) targeted to complete 92,544 housing units or 45.1% of total housing needs by December 2016. As of October 2015, only 13,335 housing units have been completed and more than half of the number of total housing needs is yet to be started. These data are shown in figure 8 and table 6.

Figure 8. Target Completion Dates of Yolanda Resettlement projects

Total Housing Needs: 205,128	by December 2015	by June 2016	by December 2016
• Total targets: 92,544 up to December 2016 • 45.1% of total housing needs	• 21,455 housing units • 10.5% of total housing needs	• 42,566 housing units • 20.7% of total needs	• 28,533 housing units • 13.9% of total needs

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[5] *The budget requirement for permanent resettlement is Php61.252 billion excluding community facilities.*

Table 6. Status of Fund Releases for Yolanda Resettlement Projects, as of October 2015

Dates of Fund Releases	Amount Released, Billion Pesos	No. of Housing Units Funded	Status of Housing Projects		
			STARTED	ON-GOING	COMPLETED
Dec 2013	2.382	46,129	44,070	23,523	15,153
14 Oct 2014	11.0				
12 Feb 2015	7.999	27,313	25,666	16,434	2,425
18 June 2015	1.30	4,439	2,116	2,109	63
28 Sept 2015	4.314	14,673	2,533	500	0
TOTAL	26.995	92,554	74,385	42,566	17,641

Source: www.nha.gov.ph/news/2015, NHA News Release, November 4, 2015.

It is undeniable that the construction of housing units can take more than a year. This can be attributed to the sheer number (total of 205,128 housing units[6]) that have to be built in a period of three years to meet the permanent needs of all Yolanda victims. It is worthy to note that each NHA housing project is comprised not only of the housing units, but rather comes with community facilities, water and power lines, space for school buildings, tricycle terminals, police outpost, Materials Recovery Facility, health center, covered basketball court cum multi-purpose center.

In the Province of Negros Occidental, 83,950 families (or 396,590 individuals) were devastated by Yolanda. The worst hit places were the cities of Cadiz and Sagay. The NHA earmarked 27,055 housing units for the whole province. As of December 2015, the NHA has completed 650 typhoon-resilient houses for Yolanda victims and set for occupancy by June 2016. The 650 houses cost a total of Php188.5 million at Php290,000 each. A total of 300 houses are meant for beneficiaries listed in the Villa Luisa Yolanda Permanent Housing Project at Sitio Canibungan, Barangay Luna, Cadiz City. But Cadiz City needed 8,700 housing units to house Yolanda victims. Another 350 housing units were intended for residents of Barangay Old Sagay, Sagay City. Still, Sagay City needed a total of 7,000 housing units. In these two barangays, land acquisition was not a problem; private land owners were willing to donate their land for resettlement purposes or sell to government at a cheaper price. Of the 27,055 housing units allotted to the Province of Negros Occidental, 12,000 are already in the construction phase; the remaining 15,000 housing units have not been started and bidding is yet expected to commence in 2017. (www.sunstar.com.ph. December 16, 2015.)

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[6] *Each housing unit has a minimum lot size of 40 square meters and individual septic tank/vault. Loftable housing units in row houses have a size of 22 square meters.*

Lessons in Implementation and Conclusion

This portion highlights the lessons learned from the Yolanda rehabilitation experience in the areas of planning, budgeting, project implementation, administrative capacity of implementing agencies, and citizen representation and participation, among others.

Lessons in Planning and Budgeting

The government's responses to the planning and budgeting for the rehabilitation of the Yolanda affected areas can be said to be more systematic and comprehensive compared to government responses to previous disasters. For one, it is only in the case of typhoon Yolanda that three rehabilitation plans were formulated (RAY-BBB and RAY:I4R by the NEDA and CRRP by the OPARR). Secondly, the President committed his administration to the funding of the CRRP and its implementation for three years up to 2016.

Unexpectedly, budgetary allocations for Yolanda rehabilitation PPAs are not clearly indicated in the budgets of agencies. The budgetary support for Yolanda projects is uncertain despite the presence of duly approved rehabilitation plans. More specifically, the CRRP is not fully budgeted in the national budget. The annual funding requirement for Yolanda was not fully legislated in the 2013 Supplemental Appropriations Act (SAA), which was passed speedily by Congress precisely to provide for a legal funding source to cover immediately the needs of Yolanda rehabilitation, in the 2014 SAA as well as in the 2015 General Appropriations Act (GAA). For 2016, the required funding needs for Yolanda budgeted in the 2016 GAA amounting to Php46.148 billion does not complete the full funding requirement of the CRRP.

As of November 5, 2015, the budget intended for the HLURB for technical assistance in the formulation of climate-proof Comprehensive Land Use Plan (CLUP) amounting to P51.3 million have not been released. Likewise, the budget for the National Commission on Indigenous Peoples (NCIP) for Emergency Shelter Assistance (ESA) and permanent shelter for IPs amounting to P34.5million (Cabrera November 2015:11).

Lessons from Local Government Responses

The (lack of) technical capacity of LGUs was cited as a limiting factor in the implementation of Yolanda rehabilitation program, particularly in the implementation of infrastructure and resettlement projects. Local governments' capacity to implement projects and monitor implementation is likewise doubted. The LGU's limited or lack of technical capacity is mirrored in the absence of a duly approved Comprehensive Land Use Plan and Zoning Ordinance. The CRRP documented that , as of 2014, only 64 LGUs

in the Yolanda affected areas were in the process of formulating their CLUPs while 49 LGUs are in the process of having their CLUPs[7] approved (CRRP 2014:44).

The absence of an approved CLUP, or more specifically a climate-proofed and Sanggunian-approved CLUP, prevented the swift identification of areas suitable for resettlement and delayed the implementation of permanent housing projects in the Yolanda affected areas.

Mainstreaming DRR and Climate Change Adaptation (CCA) measures into LGU plans, CLUPs, Zoning Ordinances and budgets is yet to be done. Before this can be done, LGUs have to be assisted in the development of their respective CLUPs, and these CLUPs have to contain disaster resiliency measures. Simultaneously, LGUs are yet to be helped in strengthening their disaster preparedness and mitigation capabilities. Mainstreaming activities is rendered difficult by a combination of factors including: (1) inactive Local Development Councils; (2) Unsupportive Sanggunian; (3) weak plan-to-budget linkage; (4) LGUs efforts dissipate in complying with the production of multiple plans[8] including 27 plans mandated by national government agencies (Gotis 2008:4).

Lessons from the Capacity of Government Agencies

The OPARR[9] was created as a body to coordinate the implementation of Yolanda programs and projects. However, as a coordinating body, it has budget to finance the Yolanda projects and no control over budgets of implementing agencies. At the regional level, the technical capacity of national government agencies' regional offices was found limited, particularly for the assessment, validation and preparation of engineering requirements which have to be done immediately.

Permanent Resettlement Areas for Permanent Housing

The establishment of safe zones and identification of areas safe for permanent housing requires local government units have to have climate-proof, Sanggunian-approved, and Housing and Land Use Regulatory Board (HLURB)-approved Comprehensive Land Use

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[7] *Nationwide, all the country's 145 cities and 1,489 municipalities have to formulate their own CLUP, Zoning Ordinance and Comprehensive Development Plan. The 81 Provinces have to review the CLUPs and Zoning Ordinances of component cities and municipalities in their jurisdictions and adopt their respective provincial CDPs, CLUPs and Zoning Ordinances. Highly-urbanized cities (HUCs) have to formulate their respective CDP and CLUP and Zoning Ordinances.*

[8] *The various LGU plan documents include Local Poverty Reduction and Alleviation Plan, ICT Plan, Forest Management Plan, Traffic Management Plan, Plan for the Elderly, Food Security Plan, Disaster Management Plan, Solid Waste Management Plan, Tourism Development Plan, Revenue Generation, Gender and Development, etc.*

[9] *Former Senator PanfiloLacson resigned his post as OPARR Chief on February 10, 2015.*

Plans (CLUPs). Prior to Yolanda, all the affected provinces and towns did not have pre-approved CLUPs. This highlights the vital importance of a duly approved and climate-proofed CLUP. Some LGUs (low income ones) do not have a duly approved CLUP.

The lack of suitable lots and/or resettlement areas and the inability to identify alternative areas (in the absence of LCUPs) hindered the speed at which the permanent housing plan for Yolanda victims was implemented. Suitable lots are those located in safe zones and are away from shores and fault lines.

It was necessary that the land identified for resettlement should be titled and declared safe for residential use, i.e., not susceptible to flooding, landslides, storm surge, tsunami, and not on earthquake fault line. These rules, which are obligatory, highlighted the fact that lands owned by local governments in the affected areas were not titled, and the fact that almost all of island communities and coastal areas areunsafe and prone to geo-hazards. This practically put a limit on land available for resettlement. (CRRP 2014:18).

The implementation of housing/resettlement projects is administratively subject to the mandatory adherence to bidding and procurement processes and the eventual securing of permits and licenses from various government agencies, i.e., land conversion permit from the Department of Agrarian Reform if the land is classified as agricultural land; clearance from the National Irrigation Authority if the land is agricultural; environmental Clearance Certificate from the Department of Environment and natural Resources, tax exemption from the Bureau of Internal Revenue; and Development Permit from the LGU. Based on this experience, government itself should facilitate and hasten the grant of such permits, clearances and licenses. President Benigno Simeon Aquino issued Administrative Order No. 44 on October 28, 2014, to require agencies concerned to hasten the grant of clearances and permits.

Citizen Participation is not Sufficiently Tapped

Citizen participation is enshrined in the 1987 Philippine Constitution, in RA 7160 the 1992 Local Government Code, in RA 9729 Climate Change Act of 2009, in the RA 10121National Disaster Risk Reduction and Management Act of 2010, and in the CRRP. The government's general policy framework therefore mandates to systematically bring in people/civil society into government planning and implementation processes.

The CRRP specifically mandated that the participatory approach shall be adopted in the implementation of resettlement projects through the creation of the Local Inter-Agency Committees (LIAC) in every city or municipality in the Yolanda affected areas. The LIAC serves as the policy making and coordinating body to ensure the harmonized and efficient implementation of projects related to resettlement and relocation of affected families. Its creation is to be initiated by the NHA/HUDCC, but the Mayor is the one

mandated to issue the executive order creating the LIAC. The LIAC is to be co-chaired by the Mayor and the NHA and is designed to serve as the policy-making and coordinating body to ensure the efficient implementation of activities related to relocation and resettlement projects.

It is found that citizen representation is necessitated only at the level of sub-committees and in only two out of four sub-committees, to wit:

a. Beneficiary Selection Arbitration and Awards Subcommittee – tasked to conduct the housing survey, validate the list of family beneficiaries, formulate the Code of Policies[10], resolve requests for inclusion and claims, prequalification of households, recommend the final list of beneficiaries;

b. Site Selection and Project Implementation Subcommittee (no citizen representation) – tasked with site selection, site acquisition, securing of clearances and provision of basic services and facilities;

c. Relocation Subcommittee - tasked to disseminate information, issue transfer notices, conduct community assemblies, prepare work plan, budget and logistics for physical transfer of families to resettlement site;

d. Estate management and community Development Subcommittee (no citizen participation) – community organizing, livelihood program implementation, collection of monthly amortization.

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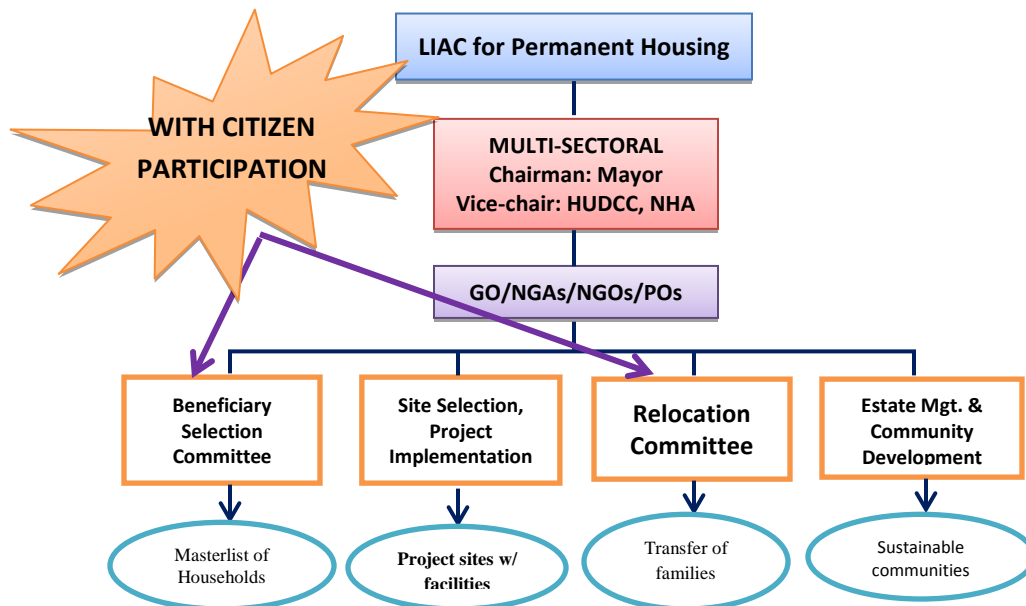
[10] *The Code of Policies outlines the guidelines in the identification and validation of families qualified to be awarded housing units under the program, the procedures for request for inclusion for those families not in the Masterlist of Beneficiaries or possible delisting of those found to be unqualified based on the guidelines (e.g., beneficiary of other housing programs), and process for the award of housing units to qualified beneficiaries. (OPARR, Annex D- Resettlement Cluster Rehabilitation and Recovery Plan, 2014:22).*

Citizen participation can be further strengthened if brought to the level of decision making. In Palawan, the LIAC subcommittees have not been activated, hence preventing the affected families from participation in the making of decisions on resettlement projects that affect them most (Briones and Cuaresma 2015:88). Citizen could have been made operational had the Local Interagency Committees (LIACs) been activated.

Families and victims of Yolanda proved themselves worthy of participation and representation by organizing themselves (also with assistance from nongovernment organizations). For instance, affected families formed the Kusog sang Pamuluyosa Panay, SagupaSinirangan, and People Surge to demand the DSWD to amend, revise or scrap the DSWD policy on the ESA, which the affected families found limiting, discriminatory (http://newsinfo.inquirer.net/737617/p18-4b-in-yolanda-emergency-aid-distributed-late). The SagupaSinirangan, and People Surge reported on the victimization of ESA applicants by loan sharks in cahoots with unscrupulous DSWD personnel. The loan sharks advanced the ESA money to potential beneficiaries and the DSWD official will then release the ESA to the loan shark (http://www.manilatimes.net/probe-yolanda-shelter-aid/211322/, August 20, 2015)

Conclusion

Without doubt, the implementation and completion of the Yolanda rehabilitation programs and projects represent only the initial efforts towards building or rebuilding resilient communities. The CRRP's goal of build-back-better and resiliency cannot be achieved by 2016, but must be continued through more systematic planning, full budget allocation, raised capacity of implementing agencies and LGUs, acknowledgement of the importance of genuine citizen participation and representation, and the presence of an overall manager to oversee the rehabilitation plan implementation. Measures to achieve low level of vulnerability, high coping ability and putting in place highly adaptive mechanisms may have been initially achieved, but efforts must be exerted continuously to maximize and sustain the gains in achieving resiliency.

Moving forward, it is imperative that government plans and budgets must be set for the long term and formulated within the framework of climate change. The climate proofing of CLUPs and Zoning Ordinances must now be undertaken with speed on a national scale. The national government's Philippine Development Plan over the long term, the Comprehensive Development Plans of LGUs and government budgets at the national and local levels must speak the language of climate change. Mitigating the adversities brought about by climate change is a development challenge and goal in itself. All development aspirations of government and all efforts towards achieving the sustainable

development goals cannot possibly be achieved without simultaneously addressing issues of climate change.

The high exposure of the Philippines to natural disasters (earthquakes, storms, floods, droughts and sea level rise) has been a known fact and has been long established. The Philippines is battered annually by typhoons, cyclones, floods it being located along the typhoon belt, and prone to recurring hazards such as earthquakes it being situated along the Ring of Fire. This strongly suggests that there is no other way but to adapt and systematically address to the challenges of the natural environment and climate change.

While exposure to natural disasters is a fact of life in this country, our ability to cope with disasters and mitigate their adverse effects proved to be low and slow. In part, the considerably high level of poverty among the population disables the poor to cope on their own in a disaster situation. This exposes the state of preparedness (read as state of development of local communities particularly those with high exposure to natural calamities. The UNU World Risk report 2012 informs countries worldwide that:

> *"Natural hazards turning into disasters depends not only on the intensity of an event but is also crucially determined by a society's level of development" (UNU World Risk Report 2012:13)*

The examples of Japan and The Netherlands show that some highly developed countries can be highly vulnerable but can have very low levels of exposure to natural danger, high levels of coping mechanisms and high adaptability to disaster situations(UNU World Risk Report 2012:8). The Philippine government should focus on lowering the vulnerability of the people to natural hazards, by lowering people's susceptibility, raising people's capacity to cope with disasters, and raising people's adaptive capacity. As proved by highly developed countries such as Japan and the Netherlands, countries like the Philippines that are found to be highly vulnerable to natural disasters can also possibly prepare themselves and effectively mitigate and lessen the adverse impacts of natural disasters.

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In between the Everyday and the Invisible: Climate Change Perception and Adaptation among Filipino Children

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Abstract

Children are highly vulnerable to the negative impacts of climate change (IPCC 2014) not only because of their limited physical, emotional and mental capabilities, but also because of the overall socioeconomic conditions that they are exposed to. However, there has been little information as to how children themselves understand and cope with the impacts of climate change and how other stakeholders—the city government, school, and households—provide "protective" services to address their unique vulnerabilities and capacities.

This study looked into the wide spectrum of climate-related risks affectingchildren in three communities in Malolos City, Bulacan, Philippines. Specifically, it explored the aggravating impacts of climate change on the "everyday risks" faced by children and their corresponding coping mechanisms following Lazarus and Folkman's coping theory (1984). It then analyzed the measures being undertaken by the city, barangay, schools and families to protect children's welfare. Upon identification and discussion of attendant gaps and issues, the paper ended with a set of recommendations to strengthen the resilience ofchildren in the midst of a changing climate.

Primary qualitative data were collected through a series of focus group discussions and key informant interviews involving children, city and barangay officials, school teachers, and parents. Windshield surveys and non-obtrusive observation were also conducted in the study areas between September and October 2014. Secondary data were likewise culled from official documents provided by the Malolos City Government.

Keywords: Climate Change Adaptation/ Risk Perception/ Urban Children/ Philippines

Introduction

As reported in the Fifth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC), children are among the marginalized sectors that are highly vulnerable to the negative impacts of climate change (Oppenheimer et al., 2014), due primarily to their relatively limited physical, mental and emotional capabilities to cope with deprivation and stress. Their situation—and that of other health-compromised sectors—can be exacerbated by poor access to infrastructure and transportation, low incomes, limited assets, and dangerous location (Moser and Satterthwaite, 2009) affecting most notably their health, security and education.

This makes climate change highly discriminatory against those who have less capacity to adapt to the realities of changing temperature and precipitation patters, sea level rise, and extreme weather events. As pointed out by Bartlett (2008: 1), "events that might have little or no effect on children in high-income countries and communities can have critical implications for children in poverty." Indeed, the IPCC

hasnoted that the coincidence of diseases and malnutrition in "areas of compound risk"[1] can have serious implications on the well-being of children. (Oppenheimer et al., 2014; Woodruff and McMichael, 2004)

The situation is aggravated by the fact that mainstream approaches and theoretical debates on disaster risk management tend to ignore the role of children and young people (Mitchell et al., 2009; Back et al. 2009; Peek, 2008).Current research tends to assume that children are passive victims of disasters with no substantive role to play in risk communication or disaster risk reduction planning (Ansell, 2005).

It is for this reason that in the Philippines, where about 45 percent of 5-17-year old children reside in urban communities (PSA, 2001), various organizations have started to look into the plight of Filipino children in the face of climate change. For instance, in the aftermath of Typhoon Yolanda which struck the country in November 2013, UNICEF conducted a five-day Youth Camp to raise awareness among children on climate change, disaster preparedness and how to care for the environment.[2]Child-centered disaster risk reduction is also now part of the program of work of many international non-government organizations operating in the Philippines, such as Save the Children, Oxfam, Christian Aid, and Plan International.

Yet despite growing anecdotal, project-based evidence on engaging children in various aspects of disaster risk management, an analytical understanding of how children view and respond to climate change risks remain nascent (Mitchell et al., 2009). This is particularly true and critical for the Philippines, which has a young demographic base and is highly susceptible to the impacts of climate change, ranking 4th worldwide in long-term climate risk index from 1995 to 2014 (Kreft et al., 2015).

This paper is a small contribution to fill this gap, using qualitative data from a case study on Malolos City commissioned by Save the Children - Philippines.[3]The study sought to understand the impacts of climate change on children and their corresponding perception and coping mechanisms. It then analyzed the adaptation measures being undertaken by the city, *barangay*, schools and families to boost the adaptive capacity and resilience of the children. Upon identification and discussion of attendant gaps and issues, a set of recommendations were put forward to strengthen the resilience of urban children.

Methodology

Malolos City was preselected by Save the Children as the site of the study, which was conducted in parallel with other city-level case studies in Danang, Vietnam and Khulna, Bangladesh. Within Malolos, three communities (i.e. *barangays*) were

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[1]*The IPCC defines an area of compound risk as "a region where climate change-induced impacts in one sector affects other sectors in the same region, or a region where climate change impacts in different sectors are compounded, resulting in extreme or high-risk consequences." (Oppenheimer et al., 2014:1057)*

[2]*See, for example, "Empowering children and youth to be disaster-ready" in http://goo.gl/06VTMT.*

[3]*It must be noted that the findings reported herein do not reflect the position and opinion of Save the Children, but of the author only. The study is part of larger regional project on Climate Change Risks andResilience in Urban Childrenin Asia, available at http://pubs.iied.org/10738IIED.html*

chosen for in-depth investigation, namely, Bangkal, Longos and Pamarawan. These areas were selected on the basis of theirhaving a high concentration of children and regular exposure to flooding and other hydro-meteorological hazards.

Primary qualitative data were collected through a series of focus group discussions (FGDs) and key informant interviews (KIIs) involving children, city and *barangay* officials, school teachers, and parents. A total of eight FGDs and three group and individual interviews were undertaken involving 45 children and 38 adults. Among the children-participants identified and recommended by the *barangays*, 27 were males while 18 were females.

Non-obtrusive ocular surveys were also conducted between September and October 2014 as part of the research design to collect ground information and triangulate findings from the FGDs and KIIs. Figures were culled from existing official documents such as the city's latest Ecological Profile and draft Shelter Plan, among others. Secondary sources on Malolos and the three *barangays* were mostly limited to what the city government provided through informational brochures and the city government website.

The study is guided by a four-level child-centered view of climate change adaptation. As shown in Figure 1, the children are placed at the core of the concentric circle to indicatetheir level of coping and self-protection based on their own understanding of climate change.The level of adaptation expands across social institutions, from parents at the household level to community officials and school teachers to the city government.
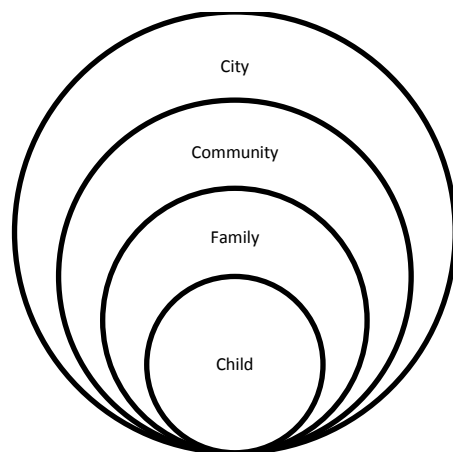
Figure 1. A four-level framework for child-centric adaptation to climate change

Review of Literature

Children and climate change

Climate change affects children in many ways. These impacts may be categorized into primary and secondary as suggested by UNICEF (2011). Primary impacts may be seen in the form of injury from disaster events and incidence of infectious, vector and water-borne diseases as a direct result of precipitation and temperature changes. It can

also be indirect in the form of rising food prices and escalation of conflicts over scarce natural resources. Secondary impacts, on the other hand, would involve lifestyle and behavioral changes, migration and new livelihood practices normally outside the control of children.

As shown in Table 1, changes in precipitation patters, temperature and sea level all have substantive effects on the socio-physical environments of children. Extreme weather events associated with climate change, such as floods, droughts, typhoons, heat and cold waves, and coastal storms and storm surges, have equally disruptive consequences on their lives, often leading to disproportionate loss of lives (Mirza, 2003).[4]In many developing countries, children comprise a big bulk of the death toll from disasters (Wisner, 2006).

In the long run, climate change hassignificant implications on children's health, safety, protection, education, play and recreation and social development (Chatterjee, 2015). In South Asia and sub-Saharan Africa, for instance, the expected decrease in crop yields by 2050 is expected to stunt malnutrition reduction efforts in the said regions even if economic growth is taken into account. (Lloyd et al., 2011) Children are likewise threatened by the increase in waterborne (Woodruff and McMichael, 2004) and vector-borne diseases due to rising temperatures (Van Lieshout et al., 2004; Rogers and Randolph, 2000), as well as by respiratory illnesses caused by indoor consumption of biomass fuels (Emmelin and Wall, 2007) and other climatic factors (Hashimoto et al., 2004).[5] In the context of urban areas in low- and middle-income countries, child mortality in informal settlements has been linked to extreme temperatures (Egondi et al., 2012, as reported in Revi et al., 2014) Outside of health and nutrition, children also suffer from the immediate and long-term human security impacts of displacement and migration due to climate change-related disasters, not to mention loss of livelihoods and eventual breakdown of economic structures in highly vulnerable areas. (UNICEF, 2008)

It must be noted that some children's groups are more vulnerable than others. Generally, children who are from poor families are at higher risk than their relatively well-off counterparts (Bartlett, 2008) due to limited access to infrastructure and services (Moser and Satterthwaite, 2009) that can boost their adaptive capacity. It has been pointed out that among children, migrant children, children living in informal settlements, children living and working on the streets, child laborers and children with disabilities are the most vulnerable to climate change impacts (Chatterjee, 2015).

Climate risk perception and coping

Generally, there is a prevailing notion that children are simply passive victims of disasters that need protection from adults (Ansell, 2005). Empirical evidence, however, suggests that they can be effective partners in communicating risks, making decisions for reducing disaster risks, and even in other aspects of disaster risk management (Peek, 2008).

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[4]*It has been reported that as much as eighty-five percent of deaths during disastersare women and children (CRED, 2000).*

[5]*See also Sheffield, P.E. and P.J. Landrigan, 2011; Watt and Chamberlain, 2011; and Ebi and Paulson, 2010.*

Key to tapping children as partners for disaster risk reduction particularly in the context of climate change is to understand first how they perceive the impacts of climate change in their localities. In a participatory action research conducted by Tanner (2010) in a Philippine community, risk perception was found to be related to gender and age differences. For example, "extreme weather" figured more prominently among children than adults as it directly affects their schooling and playtime. Global environmental problems were also observed more predominantly among children, primarily due to lessons that they learn in school.

It has been said that there are generally two coping strategies among children, namely, emotion-focused and problem-focused coping, which affect their well-being. The former aims to get rid of negative emotions or stressors such as through denial, avoidance and distancing; while the latter involves confronting the problem head-on by looking for information in order to form one's own understanding of the situation (Lazarus and Folkman, 1984).

Recently, a third approach has been proposed: meaning-focused coping (Folkman, 2008). It is also emotion-based but instead of removing negative feelings, it emphasizes "positive re-appraisal… finding meaning and benefits in a difficult situation, revising goals, and turning to spiritual beliefs" (Ojala, 2013: 2193). The relationship between these strategies and well-being has been found to vary across different contexts (Clarke, 2006; Folkman, 2008; Hallis and Slone, 1999; Landis et al., 2007; Ojala, 2012b), although it has been observed that children are less likely to employ problem-focused coping than adults (Ryan-Wenger, 1992).

Table 1. Impacts of climate change on children

Exposures due to projected change in climate	Consequences for children's socio-physical environments in cities	Implications for children's health	Implications for children's safety, protection, education, play and recreation, and social development
Warm spell/ heat waves	■ Increased heat island effect ■ Declining urban air quality ■ Water shortage ■ Decreased water quality ■ Power outages	■ Heatstroke ■ Asthma and allergic disease, bronchitis ■ Renal disorders from heat-related dehydration ■ Water-borne and food-borne diseases: diarrhoea, malaria, dengue, cholera	■ Children living and working on the streets are most vulnerable to heat stresses ■ Children working in factories without proper ventilation and cooling for long hours are subjected to multiple health hazards
Heavy rainfall events Intense tropical cyclone	■ Flooding, strong winds and landslides ■ Disruption of public water supply and sewer systems, and adverse effect on quality of surface and groundwater ■ Damage and losses to physical assets and infrastructure: houses, public facilities and utilities ■ Disruption of transport, commerce and economic activities ■ Withdrawal of risk coverage in vulnerable areas by private insurers ■ Potential for population migrations	■ Drowning, injuries; ■ Ingestion of contaminated water leading to communicable water-borne and water-washed diseases: diarrhoea, cholera, hepatitis, leptospirosis ■ Post-traumatic stress disorder (PTSD) in populations displaced through natural disasters, which is often manifest in children through increased bedwetting and aggression	■ Young girls and boys are at highest risk of flood-related fatality ■ No safe play spaces ■ Children living in unsafe housing in informal settlements without proper drainage are at most risk from non-communicable and communicable diseases and injuries ■ More children out of school due to illnesses ■ Poor children likely to drop out of school and engage in paid work to augment family income ■ Separation from families including due to death of family members, migrating on their own, child trafficking ■ Migrant children are more vulnerable: least likely to attend school; more exposed to violence; typically unreached by child protection services

Drought	■ Increased water demand put stress on water resources; declining water quality ■ Land degradation with lower agricultural yields and increased risk of food shortages; dust storms ■ Potential for population migration from rural to urban areas	■ Malnutrition ■ Diseases related to poor hygiene and inadequate sanitation as water sources get depleted: diarrhoea, scabies, conjunctivitis, trachoma ■ Pneumonia, measles	■ Forced migration occurs due to water stress and food shortage ■ Internally displaced persons typically seek refuge in marginalised urban areas and in urban poor settlements ■ Increased resource conflict exposes children to violence; girls and women especially vulnerable ■ Increase in cost of food leading families to adopt adverse coping strategies such as removing children from school, selling assets, and compelling children to work
Extreme high sea level	■ Permanent erosion and submersion of land; cost of coastal protection versus costs of land use relocation ■ Decreased groundwater availability because of saline incursion into aquifers ■ Increased effects of tropical cyclones and storm surges, particularly coastal flooding ■ Loss of property, enterprises, livelihoods; damage to buildings from rising water ■ Potential for population migration	■ Increased risk of deaths and injuries by drowning in floods ■ Physical and mental trauma ■ Highest health risks from salinisation of water supplies; long-term developmental implications for children ■ Diseases related to poor hygiene and inadequate sanitation as water sources get depleted ■ Water-borne, water-washed and food-borne diseases	■ Influx of displaced refugee children in cities ■ Loss of habitat, loss of sense of belonging to place, loss of favourite places and friendship and social networks, loss of cultural identity, loss of play and recreation opportunities ■ Disruption of children's everyday routines, healthcare and school attendance ■ Increasing vulnerability for children in poverty, migrant children, girls in poverty; reduction in protection

Source: Chatterjee, 2015.

In the context of climate threats, studies on how children view climate change is rather limited. Ojala (2012a, 2012b) reported denial-like coping strategies among children, as well as meaning-focused coping. Among Swedish adolescents and 12-year old age-groups, those who de-emphasized the seriousness of climate change (i.e. emotion-focused coping) were found to be less likely to feel a high degree of environmental efficacy and demonstrate pro-environmental behavior (Ojala, 2012b; Ojala, 2013).

In contrast, in the same study among 12-year olds, it has been found that those were engaged in problem-focused and/or meaning-focused coping were more likely to report "high levels of environmental efficacy, pro-environmental behavior, optimism concerning climate change, and a sense of purpose" (Ojala, 2012b, as cited in EERB, 2013:8). However, there coping mechanisms were also observed to have contrasting effects on children: those who were pre-disposed to problem-solving were more likely to report negative feelings such as depression and anxiety; while those who resorted to meaning-focusing coping were more likely to experience life satisfaction and general positive effect.

Results and Discussion

Disaster risk profile of Malolos City

Malolos Cityis located in the Central Luzon region and shares territorial boundaries with different municipalities from all directions except in the south where it faces Manila Bay. Due to its geographic location, topography and climatic conditions, it is

exposed to a number of hydrometeorological and geophysical hazards, including typhoons, storm surges, earthquakes, floods, and tsunamis.

Between 2006 and 2009, records from the Bulacan Provincial Disaster Risk Reduction and Management Office (PDRRMO) show that the province was visited by ten (10) major typhoons, leaving a death toll of 45 people. In September 2011, it was hit by Typhoon Pedring which flooded 23 barangays for almost a month, displacing 9,633 people and causing damage to 227 residential units and five school buildings.It was hit again by another strong storm in July 2014 (Typhoon Glenda), although the damage has not been as extensive as in the case of Typhoon Pedring.

The city is also highly susceptible to flooding. Its gently sloping terrain of 2.17% makes certain areas prone to inundation. Continuous heavy rainfall, typhoons, high tide, storm surges and dam water releases have been the causes of flooding in the city. Excessive run-off brought on by heavy rains and storms can easily cause water overflow in any of the city's 11 major rivers and 15 creeks, affecting surrounding communities.Additionally, coastal barangays, which are naturally low-lying, are particularly prone to a type of flooding that is caused by high tides from Manila Bay.

Fire is another hazard that Maolos faces. It can be triggered by human negligence or as a secondary hazard from earthquake or a result of extreme heat (e.g. grass fires) Between 2010 and 2012, the Bureau of Fire Protection- Office of the City Fire Marshall of Malolos reported 316 fire incidents affecting buildings and other structures with an estimated cost of damages amounting P27 Million.

Children in Malolos are not only vulnerable to climatic hazards, but also to the so-called "everyday risks" associated with urban poverty. These "everyday risks" aggravate the vulnerability of the poor sectors of the city.

As of 2011, a total of 2,410 households with 10,932 members have been classified as poor in Malolos. This accounts for about 5 percent of the total population, if based on 2010 census data. Among the poor, 22 percent are in the selected study sites— Bangkal, Longos and Pamarawan—comprising of 507 households with 2,429 members. The biggest number of urban poor is in Bangkal, a relocation site where 1,730 people live below the poverty line. (Table 2)

Table 2.Number of urban poor in Malolos,2011

Barangay	Households	Persons
Bangkal	352	1,730
Longos	51	226
Pamarawan	104	473
Sub-total	507	2,429
Rest of Malolos	1,903	8,503
Total	2,410	10,932

Source: MCG, Draft Local Shelter Plan 2014-2021

Lastly, the city's Disaster Risk Management (DRM) plan considers human health and diseases as a threat to the safety and resilience of the people. Diseases that may turn

into epidemics are being monitored by designated rural health units (RHUs) in each barangay. In its Climate Change Action Plan 2014-2019, it was noted that the increase in temperature and precipitation can lead to increased incidence of communicable diseases; respiratory illnesses due to degraded air quality; and increased incidence of vector-borne diseases (e.g. dengue, malaria, leptospirosis, etc.). The city further acknowledges that health concerns like sanitation and malnutrition increase in times of disasters such as floods. This may lead to disease outbreaks in evacuation centers due to the close proximity of large numbers of people and the difficulty in maintaining safe and clean sanitation.

Among the disaster risks faced by the city, flooding is considered to be the most serious, as it regularly take place in costal and other low-lying areas of the city. However, it is seen more as a developmental problem, rather than directly related to climate change. According to most of the interviewed city officials and community members—adults and children alike—although the flood events in Malolos have been induced by natural hazards and processes such as typhoons, storm surges, and high tides, these are believed to have been triggered primarily by the consequences of human decision and action (e.g. clogged drainage system, improper solid waste disposal, encroachment of structures and silted waterways).

The situation is expected to get worse as the impacts of climate change create more stresses on the urban system. There is already a burgeoning water crisis in the selected study areas, while the demand for energy, proper drainage and sewerage and other urban infrastructure and services continues to grow in magnitude and complexity.

Among those who receive the brunt of slow-onset and sudden disasters are children, especially children of poor families. In Bangkal, a relocation site, livelihood opportunities are very limited, limiting the capacity of poor families to invest in better housing, education and healthcare. This has led to some children needing to work after school, if not drop from school altogether, just so they could help their family eke out a living.

In the course of their work, children had to face some challenges. They reported the risk of getting hit by cars when they pass by major roads and highways as they have to sell their products from house to house, from one community to the next. They also have to endure the sweltering heat which causes them headache. According to them, this has worsened over the years, although fortunately, they have yet to hear of a co-worker child who completely passed out due to the heat. Typhoons and floods also get in the way of their work, forcing them to stay indoors and result in loss of potential income.

Children with disabilities were also believed to have been affected by climate change impacts. For children with disabilities, parents were generally concerned with the day-to-day safety and security issues. The common aggravating factor to the condition of children with disabilities is the worsening heat. Parents believe that because of changes in the weather and the increasing temperature, children get sick easily.

Climate risk perception and adaptation of Malolos children

Children's knowledge about the impacts of climate change and other hazards come from mass media such as television, radio and newspapers. They also learn from their teachers, especially in science subjects, but this appears to be dependent on the knowledge, interest and personal advocacy of the teacher. When pressed for their understanding of climate change, the schoolchildren had different ideas but were mostly spot-on in relating it to changes in the climate, as manifested in the form of El Nino and super typhoons. Some mistakenly related it to earthquakes, tsunami and volcanic eruption as well, indicating the level of consciousness of the children when it comes to disasters in general.

To the children, it is clear that the floods are not only caused by the climate change-induced heavy rain and typhoons, but also by the clogging of drainage and waterways in nearby creeks, canals and rivers. Flooding is a regular occurrence in Bangkal and Pamarawan but for different reasons. Children in these areas have already adapted to the situation by doing what they can but they also lamented the government's insufficient support to alleviate the problem. The children cited the following activities as their contributions in light of the risks that they face:

- Proper disposal and segregation of wastes
- Tree planting at school and in own backyard
- Recycling of old materials
- Non-burning of wastes
- Cleaning of immediate surroundings

Moreover, older children (14-17 years old) help their families in times of typhoons, floods, and strong rains. They know that when it starts to rain hard, they have to help carry and put important belongings on top of the bed or any higher part of the house in anticipation of floods. However, many of them, especially working children, reported helplessness and exasperation in performing micro-level interventions with little corresponding support from the community to alleviate the situation in the long-run. This lends support to the findings of Ojala (2012b) in the case of Swedish children.

In the fishing community of Pamarawan, members of the YDC believe that the changing weather patterns contribute to the reduction in number, if not extinction, of certain fishes and other sea creatures. There is a feeling that while they can do little things for now to alleviate their situation in the island, chances are the young people will eventually look for ways to find greener pastures and leave the island, a form of meaning-focused coping that looks to better conditions in the future.

The older children particularly in Pamarawan were also able to link climate change to increasing severity of typhoons and the new "normal" of unpredictable and shifting weather conditions. According to them, the sources of these changes are anthropogenic, particularly by the way people are polluting earth's water and air.

Sudden-onset large disasters

The recurrence of typhoons and floods in the study areas have made the children aware of the danger that such hazards bring. Between the two, however, typhoons have been singled out by them as more terrifying because of the strong winds that it usually comes with. The sight of roofs being blown away, trees being uprooted, and "tidal waves surging inland" (i.e. storm surge) are some of the vivid images they think of when there is a strong typhoon. With these in mind, they normally stay indoors on their own discretion, with or without the advice of older members of the family.

For working children, street vending also becomes impossible and dangerous in the event of a typhoon or flood. The same is true for older family members (e.g. parents) who are daily wage earners. Taken together, this loss in potential income severely affects the capacity of the family to bounce back from the disaster or at least return to normalcy. In areas where the water takes days or even weeks and months to subside, the problem becomes very serious, as the loss of income and other resources exacerbates everyday risks related to poverty.

Moreover, classes are also suspended normally a day or some hours before landfall. This affects the regular school calendar in many of the inundated school districts. In the case of Longos, they had to allot for make-up classes even on Saturdays and Sundays to make up for cancelled classes. Sometimes, such as what happened in 2009, 2012, and 2013, floodwater went inside the classrooms, reaching as high as about 1 meter from the ground. In last year's flood disaster, floodwater only became passable after one week in Longos. In Bangkal, floods were only up to ankle-level, but the problem has been the long time it takes for the water to recede.

As in many other areas in the country, there are no indoor playgrounds in Malolos. Playtime is restricted indoors, if possible at all, depending on dwelling structure and conditions. City officials also claimed that they have been very active in stopping children from playing in flood waters during the rainy seson. School grounds can also serve as evacuation areas for those who get stranded by floodwater. This was the case in 2012 when a family was forced to stay in the elevated stage of Longos Elementary School as water rose up to about 1 meter from the ground.

While younger children are generally safe by staying indoors in times of typhoons and floods, some teenagers (i.e. aged 15-17 years old) had to take over certain responsibilities to ensure the safety of the family. They reported helping in securing the roofs to make sure that these will not get blown away easily by strong winds. They also help in cleaning up canals or manually removing stagnant water off the streets in the aftermath of a typhoon or flood. These pose health and physical risks to the children, although none of the children interviewed reported having suffered from or heard of accidents under such circumstances.

The children's experience in evacuation due to sudden onset disasters like typhoons and floods also leaves an imprint on their consciousness. They had mixed feelings from being scared to sad to having a difficult time adjusting to the rationed food, limited space, and generally chaotic environment in many temporary shelters. This applies to the children in Longos, but not to Bangkal who have yet to experience evacuation.

Although non-climatic in origin, some parents from Bangkal fear earthquakes more than typhoons and floods. This is because Bangkal itself is a reclaimed area, a former farmland, hence, the soil is believed to be soft or prone to liquefaction.

Slow-onset disasters

Drought has not been reported as a major issue by the city officials, community members, and parents interviewed. This is probably because many of them do not rely on farming as a main source of livelihood, Malolos being an urbanized area.

Saltwater intrusion, however, has been a major headache for many Malolos residents who participated in the FGDs. Piped water is available in the study areas, but the water is mostly not potable. They complained that the water smells, is salty, and sometimes murky, so they had to resort to buying distilled water from filling stations. This problem, apparently, has been going on for many years already.

Water stress was also felt in schools where there is no drinking water available for children. In Longos and Bangkal, children usually bring their own water to school.

Moreover, in Pamarawan, some children also believe that constant weather changes contribute to the death of fishes, seashells and other sea creatures, affecting the community's main livelihood. The loss or reduction in number of certain species has been affirmed by the parents who reported that fishes such as "balay" and "bilakong" are no longer available in the area since around the 1990s. Unlike the children, however, they attribute this to the dumping of wastes in the ocean and the use of commercial feeds in nearby privately-owned fish pens.

Heightened everyday hazards

In Bangkal and Pamarawan, children lamented how everything needs to be purchased, even drinking water and firewood, unlike before in their community along the railway. And worst, there are no immediate livelihood opportunities for their parents as they are quite far from the construction projects and factories in the city center.

These circumstances have forced some of the children to supplement family income by plying food products usually after school (i.e. after lunch) under the sweltering heat of the sun. One child said that sometimes it becomes extraordinarily hot that her head begins to ache. In such cases, she simply tries to take a rest under a shade until the headache becomes bearable. There were also stories about children passing out as a result of heat stroke, although these are not too many.

To cool down the heat, many children frequent the so-called "patubigan" —-a 1-meter wide irrigation canal that stretches along the main road of Bangkal. They use it as their mini-swimming pool especially during summer. The water quality exposes them to skin-related health risks, not to mention that it poses serious risks to drowning and other swimming-related accidents.

Children also lamented how the design of residences in Bangkal, which puts houses right next to each other, and the lack of trees contribute to urban heat. They also

attribute the former to more frequent squabbles among neighbors, a common serious concern mentioned by all children from the area.

In Pamarawan, members of the Youth Development Council echoed the observation that it has gotten hotter in recent years. They attributed this primarily to the decrease in number of trees as a consequence of land reclamation projects. They also believe that typhoons are much stronger now, creating much stronger storm surges and destroying their pre-stationed fish nets.

As already mentioned, working children are also exposed to occasional bullying as they sell their goods within and outside their community. In Bangkal, there are also petty "crimes" like children throwing stones at unsuspecting peers at night for no apparent reason.

In Pamarawan, flooding due to high tide is a regular occurrence. It can be from ankle-deep to as high as 1 foot, although it could get worst if the tidal flood coincides with a typhoon or just strong winds (i.e. storm surge). Unlike in Bangkal and Longos, however, the flood water does not stay longer than 3 hours. Under "normal" tidal flooding, classes are not suspended so children have to wade through the water just to reach the school. The children believe though that the water is getting deeper these days, as if the "land is sinking."

In the island community of Pamarawan, other security concerns of the children are the areas where there are no lights at night (e.g. bridge, dike area). Another important issue for children is the rise of early pregnancy and drug addiction in their communities, and this is common in both Bangkal and Pamarawan. According to the barangay officials in Pamarawan, unwanted pregnancies happen even among high school students, as a result of lack of better or more productive activities outside the school system.

Health-related climate risks

Dengue, diarrhea, and respiratory problems are believed to be increasing, according to the interviewed city officials, parents and community members. They are aware that stagnant water can cause dengue outbreaks and that hotter weather can trigger asthma attacks and similar health concerns. Given this, they believe, for instance, that fumigation is not effective anymore; rather, what is needed is a thorough and regular clean-up of everyone's backyards.

For instance, at least one parent also reported that due to the unpredictability or changing weather patterns—i.e. alternating hot and cold—her asthmatic child has been having more frequent attacks. Others also relayed that they had to rely on air conditioning and electric fans more often just so to keep their children from getting sick.

Moreover, the parents and pupils are acutely aware of the diseases that one can get from wading through dirty flood waters. They are also aware of how stagnant water can serve as fertile breeding grounds for dengue- and malaria-carrying mosquitoes, although for the people of Pamarawan, there is a widely-held misconception in Pamarawan that they are free from the threat of dengue simply because dengue-

carrying mosquitoes do not breed in saltwater—which is the main cause of inland flooding in the community. In Longos, there is stagnant water at the back of the classroom of Grade One students, which has long been a major concern not only of the pupils and teachers, but also of the principal. The water comes from the wastewater generated from the households adjacent to the school.

In Pamarawan, the temperature has affected children's playtime. For instance, whereas before they could still play outdoor basketball until around 12 noon, but now, they could no longer do it due to the extreme heat. In Longos Elementary School, the rooms are already equipped with 4-6 electric fans but these are still not enough, with children complaining about the sweltering heat inside the classroom.

Parents further added that the weather changes have led to children getting sicklier than before, such as colds and cough. Also, walking through floodwaters has been pointed out by the parents as the reason for skin diseases among their children.

Other "small disasters"

Fires are few and far between in Malolos. In Bangkal, the children could recall only one incident this year—a fire that gutted two houses but fortunately did not hurt anyone. It apparently was caused by a candle, as it happened during a brownout.

In Longos, children talked about a neighbor's house which accidentally caught fire due to an electrical accident. There were also reports of grassfires at the onset of summer in 2014, March to April, but these were easily contained by the community. In Pamarawan, at least one house was gutted by fire but this was a long time ago.

In Bangkal and Pamarawan, the children reported at least one house in their community which collapsed without any apparent reason. According to what they have heard, it was due to shallow and soft foundations. In both incidents, no one was hurt.

Other concerns in the study areas include lightning accidents and petty crimes like neighbor squabbles. Traffic accidents were not reported to be very prevalent in all communities, since the communities are not located in the city center or along major thoroughfares. Nevertheless, it is seen as a grave concern especially by the parents from Pamarawan and Bangkal, where the roads are very narrow.

Adaptation services for children

In response to the challenges posed by climate change and disaster risks in general, the City Government of Malolos has started to adopt key policies and plans laying down the framework for climate change adaptation-disaster risk reduction (CCA-DRR) in the short- to medium-term. These include the city's Disaster Risk Reduction and Management Plan; Local Climate Change Action Plan (LCCAP), 2014-2019; Disaster Operations Manual; Contingency Plan for Flood; and Contingency Plan for Earthquake. The city is also currently in the process of updating its Comprehensive Land Use Plan to be more sensitive to climate change and disaster risks. A Local Shelter Plan 2014-2021 is likewise being finalized, as part of the government's efforts

to integrate climate change adaptation and risk reduction in land use and development planning.

A number of programs, projects and activities has been indicated in the city's LCCAPaddressing temperature increase, flooding, sea level rise, and typhoons. These include interventions in health, agriculture, water and water resources, environment, and coastal areas amounting to Php513 million between 2014 and 2019. More than 90 percent of those were allotted for environmental and coastal PPAs.

Table 2. General CCA-DRR measures to address flooding

Structural	Non-structural
• Declogging of drainage system • Relocation of Informal settlers • Riprapping of waterways • Continuous dredging of waterways • Upgrading/construction of drainage system • Construction of dikes/levees in coastal barangays • Improvement of water level gauge	• Creation of DRRERD • Functionality of DRRMCs • Implementation of Waste management laws/ordinances • Trainings and seminars on proper waste disposal • Creation of irrigation Task Force for activation when the need arises; • Implementation of existing related laws and ordinances • Updating of CLUP/Zoning ordinances

Source: MCG, Contingency Plan for Flood

Moreover, the city government has put in place the necessary organizational structure and institutional coordination mechanisms to deal with disasters, as provided for in RA 10121, otherwise known as the Philippines' Disaster Risk Reduction and Management Act of 2010. CCA-DRR activities have been funded through the city's Local Disaster Risk Reduction and Management Fund (LDRRMF), General Fund, and MOOE under the City Administrator's office. In relation to flooding, the city's CCA-DRR measures are listed in Table 2.

At the community level, there is little awareness among most children on CCA-DRR measures being undertaken by the government, whether at the city or barangay level. They have known of the government's response in times of disasters such as typhoons and floods, especially in the context of relief distribution. However, many of them have neither heard of nor participated in a government activity that deals with enhancing the capacity of their community prior to a disaster.

Main problem common among the study sites is lack of livelihood opportunities once the children becomes legally eligible to join the workforce. In Pamarawan, those who don't get engaged in fishing will have to explore other options abroad or in Metro Manila, depleting the potential social capital of the community. In Longos, inadequate educational qualification is generally considered to be the main barrier to landing a good and stable job. The ongoing "brain-and-labor drain" will eventually have significant impact on the level of resiliency of the community vis-à-vis disasters and climate change.

In terms of structural interventions, children from Pamarawan were aware of the dikes that have been constructed by the barangay with support from the city government. This has proven to be effective as artificial barriers during storm surges. However, the children perceive that in recent years, infrastructure projects are more concentrated on the establishment or repair of basketball courts rather than on the expansion or strengthening of dikes.

Children have heard of climate change from school, particularly in their science subject, although they could vaguely recall the specific details about why it is happening. Many of them usually attribute it to the cutting of trees, and do not automatically relate the phenomenon to the severity of typhoons and floods. It was also found out that the extent of how climate change and disasters are taught at school depends largely on the knowledge, interest and personal advocacy of the teacher.

In Longos Elementary School, climate change is being taught at least in Grades 5 and 6 in certain subjects. In social science and history class, it is part of the news sharing segment especially when there are typhoons elsewhere in the Philippines, while in Science, it is part of the lesson on carbon cycle. Climate change per se is not in the textbook; the decision to teach it is purely based on the interest of the teacher. Most of the materials that they use are sourced through the Internet and old DVD videos (which were unfortunately flooded last year). Floods, along with earthquakes and volcanoes, are discussed in the textbooks prescribed by the government as natural hazards, with nary a mention of its relation to climate change.

Earthquake and fire drills are also regularly conducted in all schools, as part of a nationwide program for disaster preparedness. These exercises are normally headed by the principal and teachers, with all students required to participate.

In terms of training, the teachers—and community officers—said that they have attended at least one seminar related to disaster risk management but not specifically on climate change adaptation and mitigation. It was four years ago (2010) and at that time, the teachers recalled that the discussions then were too broad, with no localized or contextual application. At best, they were taught about first aid and rescue, and nothing more. A local school also sponsored a one-time screening/seminar on climate change for teachers but that was it. There has been no program on climate change from the barangay either.

Beyond teaching, there have been efforts to "climate-proof" the school buildings. In anticipation of more frequent flooding, new buildings in Longos Elementary School were now elevated higher than the older structures; while in Bangkal, the school

grounds are practically flood-free, not to mention that the buildings themselves are multi-level.

In terms of emergency response capacity, there are several early warning systems for flood strategically located throughout the city. These include rain gauges, weather station, water level marker, and other improvised warning signals installed in different areas of the city. In collaboration with other partners, one siren has been stationed in Pamarawan while zone leaders in other communitieshave a roving tricycle patrol equipped with siren and megaphones as a means of informing the populace of impending hazards.IEC materials are also distributed to inform the public on what to do and what systems and procedures to be followed in case of emergencies.

In Bangkal, there is a health center where residents can go to. Children, however, complained that the center does not even have medicines to simple health concerns such as boils. In Longos and Pamawarawan, they do not have a hazard map but the barangay officials claim to know which areas are vulnerable to flooding.

Also in Bangkal, some of the parents mentioned that disasters in general have not been discussed at the community level. There are no household plans as well. Because of this, they do not know exactly where to go or what to do in the event of extreme flooding, for instance.

During typhoons and major flooding, the major concern, especially in the island community of Pamarawan, is food. As an island barangay that is reachable only by boat, relief goods are not easy to come by. The restoration of services is also problematic. For instance, because of their location, they are one of the firsts to be affected and among the last to be serviced when electricity is cut off.

The children have received training in schools on first aid and evacuation protocols as part of the annual earthquake and fire drills. However, these have been specific on earthquakes and fire. In Pamarawan, external organizations such as the Bulacan State University and Philippine Red Cross also came to provide orientation training and seminar on first aid.

Another important concern raised by the barangay officials from Pamarawan is the absence of a fire truck in the community. What they have is just a portable fire hose that is already old and no longer in use.

At the household level, the parents and community members interviewed understand climate change primarily in the context of changing weather patterns. Other than this, they do not necessarily equate events like floods and typhoons as related to climate change. Floods, especially, are seen generally as a product of new villages or subdivisions with improper drainage and sewage systems in the area. As such, it is closely related to planning and solid waste problems.

As to climate change per se, they see it as a consequence of pollution from industries and cars. They believe that since it seems nothing can be done anymore to stop the climate from changing, then they have no choice but to adapt to the changes and leave everything else to God, a form of meaning-focused coping strategy identified by Folkman (2008).

The resilience of families seems to be influenced by their socio-economic circumstances. Most poor families, particularly the migrants in Bangkal, do not have any preparedness kit, not even a simple flash light that they can use in case of a brownout. This is particularly important especially since electricity is not usually available at the height of and immediately after a major typhoon. In the relatively better off community of Longos, children reported that their parents prepare a preparedness kit before they go to evacuation areas if necessary, like what happened in 2013 when monsoon rains submerged a large portion of Bulacan province including Malolos. The kit typically contains medicines and other first aid paraphernalia, some clothes, canned goods, and a flash light.

However, the ability to bounce back can also be aided by external factors. For instance, the strength of informal social ties among neighbors in a community can be very valuable in getting back on one's feet. This is the case of the parents from Pamarawan who shared that life is easier there because they help each other even on day-to-day hardships. This is attributed to the fact that they know each other for so long already, which unfortunately is not the case in Bangkal where most of the residents have just moved in to the community five years or so ago.

In the context of increasing temperature, the children reported that they have to use fans or electric fans more and more when indoors. Sometimes, they could see the roof or pavement emitting some kind of smoke due to extreme heat. In such cases, they reputedly pour the area with water to cool down. Parents share the same idea, believing that "summer" is now longer than before, and that even when it rains, it is still hot.

The interviewed parents said they have not heard of any program or activity on climate change that is catered specifically to children. However, those from Pamarawan said that they have attended at least on one occasion a seminar as arranged by the city government. Climate change was also tackled in one of the parent's catechism classes. In general, it can be said that what they know about the impacts of climate change is based on what they have heard from mass media.

Conclusions and Recommendations

The study has found out that Malolos is not only vulnerable to large-impact climatic risks (e.g. major storms and massive flooding), but also to the so-called "invisible" risks. In disaster studies, "invisible" risks are associated with so-called extensive risks: events with low or moderate intensity that are highly localized in nature but have debilitating cumulative impacts over time. Extensive risk is often associated with poverty, urbanization and environmental degradation. (UNISDR, 2009) By their nature,these small-scale events are not usually treated as disasters; hence, their impacts are generally underestimated, if reported at all. To Wisner and Gaillard (2009), these events fall under the category of "neglected disasters."

Moreover, not a few children and their families were also exposed to so-called "everyday" hazards. These are the daily living struggles of people which can be a combination of economic, food security, health and education issues, as in the case of youth from Madagascar (Biskupska, 2014), and may result in premature death or

injury (Bull-Kamanga et al, 2003). In the case of Malolos, certain children were unduly placed in constant threat from harm primarily because of the need to eke out a living even in precarious situations (e.g. under extreme heat or in the middle of a storm). Aside from poverty, everyday hazards can also be exacerbated by the topographical characteristics of the area where the childrenreside, such as in the case of Pamarawan. These vulnerability becomes even more pronounced in times of disasters wherein poor households who subsist on daily wagesare deprived of the means to get by and survive, making it even more difficult for them to bounce back. This lends support to the assertion that interventions for climate change adaptation, or disaster risk reduction for that matter, should not be divorced from socio-economic realities of vulnerable sectors (Wisner et al., 2003).

Among those who receive the brunt of these disasters are children, especially children of poor families, children with disabilities, school children, and working children. It affects their safety and security, as much as it disrupts opportunities for learning and playing whether at school or in the community. Emotion-focused coping that hinges on denial or distancing does not seem to be prominent among the children.

As in other studies (Ojala, 2012b, 2013), many of them were instead predisposed to problem-focused coping as they try to cope with the impacts of climate change in their immediate environment. This can be partially explained by their view that climate change impacts are local in nature. The older children from Palawan also exhibited meaning-focused coping as many chose to look on the brighter side, highlighting their positive contributions and the strong social capital in the coast community.

In the face of challenges posed by climate change, different levels of adaptation have been adopted by the city government, communities and schools, households and children themselves, informed largely by their own understanding of climate change. Many of these, however, were found lacking as they do not explicitly and meaningfully address the perspectives and needs of children.

In light of the foregoing, the following recommendations are put forward to further strengthen the adaptive capacity of Malolos and ultimately protect the welfare of children from the impacts of climate change:

Confronting"invisible risks"

Tidal flooding has become a way of life for children and families who live in the coastal communities of Malolos such as Pamarawan. On the other hand, children from Bangkal face perennial inland flooding due to poor drainage system in the area. This confirms findings from the Fifth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC), which noted, among others, that inland flooding is one of the major threats to children and other marginalized sectors in large, low-income informal settlements who have limited means to cope and adapt to the challenges of extreme precipitation.

While there is excess water runoff on one hand, there is also a growing water stress in Malolos on the other. Two out of the three areas covered in the study exhibited signs of saline intrusion into the water distribution system. Changing rainfall patterns and

high possibility of drought will have serious impacts on the agricultural productivity of the city. The same is true for the continuing acidification of ocean water which is beginning to affect the economic resilience of fishing communities. Given the looming water shortage, the government's plan to provide more shallow tube wells and construct additional water sources should be supported, especially in schools where children spend most of their time during the day.

These recurring, low-impact events are generally considered to be "invisible risks" as they do not get to be included in disaster assessments conducted by the government. However, studies have also shown that in the long-run these "neglected disasters" actually cost more and have more lasting impacts on communities than one-time, large-scale events such as a major earthquake or an Ondoy-type of storm.

The children have been doing their part in living with theseso-called extensive risks through problem-focused and meaning-focused coping, but it has also lead to anxiety and feelings of hopelessness among children. While they have adapted to its impacts through years of accumulated knowledge and experience, the government both at the barangay and city levels should intensify their DRR/CCA efforts and start looking taking into account the needs and potential of children in these areas beyond mere tokenism. For one, climate risk parameters must be thoroughly integrated in the design, upgrade and repair of drainage and sewage systems, as well as road networks.

Children with disabilities and their families face compounded difficulties in times of floods, typhoons and other disasters. Special considerations and a concrete action plan must be given attention to improve availability of and access to critical facilities, including schools, clinics, and evacuation centers, among others. Parents and guardians must also heighten their awareness and improve their skills to take care of children with disabilities before, during and after disaster events.

Tackling "everyday hazards"

Poverty has forced the families of many children to continue to live in the same risky locations that are susceptible to recurring, small-impact flooding. Other children had to eke out a living as street peddlers under dangerous conditions in order to help the family survive on a daily basis. While there were only few cases of working children covered in the study, their number should not be any reason for neglect.

It goes without saying that socio-economic resilience should be addressed to protect the welfare of children vis-à-vis disaster risks and the impacts of climate change. Sustainable livelihood options and entrepreneurship opportunities must be explored and be made-accessible to strengthen the ability of families to adapt to a changing climate and recover from the effects of a disaster.

It must be noted that in the face of food insecurity, the urban poor usually resorts to coping strategies that have adverse impacts health implications especially on women and children. (Cohen and Garrett, 2010) The current LCCAP of Malolos has already identified the needed budget for its socio-economic interventions, although it is not yet clear where the funds will come from. Social capital at the community level must also be promoted and strengthened.

Another "everyday hazard" that confronts children and mothers is the issue of health. Being exposed to constant flooding, vector-borne diseases are expected to escalate, especially with a changing climate. Efforts must be intensified to eliminate breeding grounds of dengue- and malaria-carrying mosquitoes.

Respiratory problems due to changing weather conditions and extreme heat must also be given a second look to prepare for worst case scenarios in the future, especially as it relates to housing conditions (Bartlett, 2008). Information and Education Campaigns (IEC) at the community and household levels must be sustained, along with capability building/training to improve epidemic preparedness and health-related response mechanism. The IPCC has reported that the most effective vulnerability reduction measures for health in the short term are improvements in basic public health measures such as the provision of secure essential health care services for children. (IPCC, 2014)

Tapping children as partners

In all these, it is of paramount importance to view children not merely as beneficiaries of CCA-DRR programs and projects, but more importantly as partners in various stages of the project or activity cycle. As pointed out in Tanner (2010), children can play an important role in all aspects of DRR/CCA, from risk analysis to risk communication to mobilization and actual implementation of risk reduction measures. Children's insights on climate change and disaster risks provide a unique perspective in planning based on their own knowledge and experience of specific hazards in the community. Also, with proper training, they can be good communicators given their own understanding of climate change and its impacts. Community-based youth development councils can also be tapped to explore the potential contributions of children in the monitoring and evaluation of CCA-DRR interventions. Children and youth, after all, have the right to participate in determining their safety and security.

The continuous mainstreaming of CCA-DRR in schools and the school curricula must be vigorously supported. The educational system stands to be a good and credible source of learning on climate change for the children. Climate change and disaster education is currently based only on the interest, knowledge, available resources and personal advocacy of teachers. Likewise, educational materials must be provided to support these interim initiatives at the local level.

Lastly, while the current CCA- and DRR-related plans of the city, such as the Local Disaster Risk Reduction and Management Plan (LDRRMP), Contingency Plans for Flood and Earthquake, Local Shelter Plan, and LCCAP, takes into account the need of vulnerable groups and communities, they do not explicitly give due attention to the needs and potential role of children in CCA-DRR. A more detailed analysis and integration of children's issues and strengths will be valuable to ensure that children's rights and welfare are protected in an era of a changing climate.

Acknowledgement

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Effectiveness of the Policing Program against Illegal Logging in the Fourth District of Isabela Province, Philippines

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Abstract

The study aimed to assess the policing program against illegal logging in the Fourth District of Isabela Province.

The study discovered responses from the pre-identified groups of respondents, who did not necessarily agree on all questions that were asked through the research instrument (the questionnaire).It was found out that:

1) The PNP Officers perceive the policing programs against illegal logging in the Fourth District of Isabela Province to be Much Effective, as substantiated by the average weighted mean of 3.778. They also perceive the problems affecting the policing programs to be Much Serious, as substantiated by the average weighted mean of 4.078. As for the proposed Measures on the policing programs, the PNP officers expressed that they are Much Recommended, as substantiated by the average weighted mean of 4.16.
2) The DENR Personnel perceive the policing programs against illegal logging in the Fourth District of Isabela Province to be Very Much Effective, as substantiated by the average weighted mean of4.54. They also perceive the problems affecting the policing programs to be Moderately Serious, as substantiated by the average weighted mean of 3.05. As for the proposed Measures on the policing programs, the DENR Personnel expressed that they are Very Much Recommended, as substantiated by the average weighted mean of 4.77.
3) When taken together, the perceptions of both groups of respondents are displayed in the following Chart. The policing programs are perceived to be Much Effective; the problems are perceived to be Much Serious; and lastly, the measures to be adopted

With the foregoing findings, it is concluded that there is a competent implementation of the policing programs against illegal logging in the Fourth District of Isabela, basing on the much effective description of the correlated perceptions of both PNP Officers and DENR personnel that were taken in as respondents of the study. The implementation of policing programs are largely affected by problems that were indeed confirmed by the respondents to exist, since they assessed the same problems in varying degrees of seriousness – which are collectively concluded to be much serious. Also, it can be concluded that the policing programs can still be enhanced by a number of ways and measures which were all collectively evaluated to be very much recommended by both groups of respondents.

Keywords: Policing Program/ Illegal Logging/ PNP Officers/ Isabela Province/ Philippines

The Problem and its Background

The Philippines is one country in Southeast Asia which is endowed with natural resources such as rivers and mountains with thick forest trees. Policies and laws were promulgated to protect this forest because statistics reveal that the remaining forest land at 6,692,300 hectares.

As a rule, the Philippine National Police does not always ask to be assessed or evaluated from an external point of view – where effectiveness is concerned – since this large organization is usually always hell-bent in the enforcement of the law, and thus reaching out to ask others to assess PNP effectiveness would seem to be jarring against the PNP mandates on serving the people. However, effectiveness at one's job, as a concept in Public Administration, does seem necessary now and then, not only to know one's progress, but to unearth one's weaknesses as well as to the enforcement of existing laws.

Illegal logging contributes to deforestation and by extension global warming, causes loss of biodiversity and undermines the rule of law. These illegal activities undermine responsible forest management, encourage corruption and tax evasion and reduce the income of the producer countries, further limiting the resources producer countries can invest in sustainable development.

Illegal logging has serious economic and social implications for the poor and disadvantaged. Furthermore, the illegal trade of forest resources undermines international security, and is frequently associated with corruption, money laundering, organized crime, human rights abuses and, in some cases, violent conflict. In the forestry sector, cheap imports of illegal timber and forest products, together with the non-compliance of some economic players with basic social and environmental standards, destabilize international markets. This unfair competition affects those European companies, especially the small and medium sized companies that are behaving responsibly and ready to play by fair rules.

Illegalities may also occur during transport, such as illegal processing and export; fraudulent declaration to customs; and the avoidance of taxes and other charges. Illegal logging is a pervasive problem, causing enormous damage to forests, local communities and to the economies of producer countries. Despite the economic importance of trade in timber and forest products, major international timber consumer countries, such as the EU, have no legal means to halt the import of illegally sourced forest products, because the identification of illegally logged or traded timber is technically difficult. Therefore, a legal basis for normative acts against timber imports or other products manufactured out of illegal wood is missing. Scientific methods to pinpoint the geographic origin of timber are currently under development. Possible actions to restrict imports cannot meet with WTO regulations of non-discrimination. They must instead be arranged in bilateral agreements.

With this premise, it is therefore necessary to address illegal logging activities through effective policing of the Philippine National Police.

Objectives of the Study

The study aimed to evaluate the effectiveness of the policing program against illegal logging in the Fourth District of Isabela Province, Philippines. This study aimed to:

1) To establish research database of PNP and DENR by profiling the respondents involved in the study;
2) To determine the effectiveness of the policing program against illegal logging
3) To test significant differences in the perceptions of respondents along personnel capability, logistical support and systems & procedure
4) To determine problems encountered in the implementation of Logging Ban

Research Methodology

  a.   Research Design
To answer the objectives and hypothesis of this study, the descriptive and inferential methods of research were employed. The descriptive method was used to describe the respondents' profile and the inferential method was applied to answer the hypothesis posed in this research.

  b.   Research Locale
The study was conducted in the Fourth District of Isabela where there has been rampant violations of anti-illegal logging laws.

  c.   Respondents of the Study and Sampling Techniques
There are two (2) groups of respondents in the study: the Philippine National Police (PNP) and Foresters in the Fourth District of Isabela. They have been picked using a total enumeration of personnel involved in the policing work (for PNP) ad monitoring work (for DENR) in said district. All in all, there have been thirty-three (33) PNP personnel and nineteen (19) DENR personnel.

Respondents of the Study

Agency	Number
PNP	33
DENR	19
TOTAL	52

  d.   Data-Gathering Instrument
The survey questionnaire largely acted as the instrument that sought answers to the questions being asked by the study. It has been constructed along existing functions of PNP in policing work as well as current observations affecting said policing work.

  e.   Data Gathering Procedures
The questionnaire was administered to the pre-identified respondents, with ample time given for their keying-in of answers. A round-up of the questionnaire was done to ensure 100% turnout of questionnaire.

f. Data Analysis and Interpretation

To settle statistical treatment of data, weighted mean technique was used. Basic descriptive statistics like simple frequency counts, mean and ranking were used in analyzing the collected data.

g. Statistical Treatment of Data

The Descriptive and inferential statistics were utilized to analyze the gathered data. The statistical tools used were as follows:

1. Frequency counts and percentages were used to describe the demographic profile and other characteristics of the respondents as well as their perceived problems and solutions.
2. The Weighted Arithmetic Mean was used to determine the mean perception of the respondents on the effectiveness of the Policing Program against Illegal Logging. The Quantitative and qualitative ranges to determine the perception of the respondents are shown in the following tables:

Table 1. Likert Scale on Effectiveness and its Qualitative Description

Arbitrary Value	Limits	Qualitative Description
5	4.21-5.00	Very Much Effective
4	3.41-4.2	Much Effective
3	2.61-3.40	Moderately Effective
2	1.81-2.60	Less Effective
1	1.00-1.80	Not Effective

Table 1 shows the assignment of qualitative description to the computed mean garnered by the responses on the effectiveness of policing programs on illegal logging.

Table 2. Likert Scale on Seriousness and its Qualitative Description

Arbitrary Value	Limits	Qualitative Description
5	4.21-5.00	Very Much Serious
4	3.41-4.2	Much Serious
3	2.61-3.40	Moderately Serious
2	1.81-2.60	Less Serious
1	1.00-1.80	Not Serious

Table 2 shows the assignment of qualitative description to the computed mean garnered by the responses on the seriousness of problems encountered in the implementation of policing programs on illegal logging.

Table 3. Likert Scale on Recommendability and its Qualitative Description

Arbitrary Value	Limits	Qualitative Description
5	4.21-5.00	Very Much Recommended
4	3.41-4.2	Much Recommended
3	2.61-3.40	Moderately Recommended
2	1.81-2.60	Less Recommended
1	1.00-1.80	Not Recommended

Table 3 shows the assignment of qualitative description to the computed mean garnered by the responses on the measures recommended to be adopted by policing programs on illegal logging.

Discussion of Results

Table 4. Effectiveness of the Policing Programs Against Illegal Logging in the Fourth District of Isabela   Province based on Personnel Capability as perceived by PNP, 2015

	Item	Mean	Qualitative Description
1	Confiscating any forest products illegally cut, gathered, possessed or abandoned, including all conveyances used.	3.58	Much Effective
2	Implement pertinent policies, laws and regulations of the protection of Natural Resources.	4.48	Very Much Effective
3	Coordinate with other law enforcement agencies to ensure harmonized actions in the enforcement of environmental laws.	4.42	Very Much Effective
4	Apprehend illegal loggers, financiers/capitalists and confiscation of their equipment use in illegal logging activities.	3.47	Much Moderately Effective
5	Conduct operations in the forest areas to prevent illegal cutting of trees and other forest products.	3.48	Much Moderately Effective
GRAND MEAN		**3.886**	Much Effective

Table 4, Effectiveness of the Policing Programs Against Illegal Logging in the Fourth District of Isabela   Province based on Personnel Capability as perceived by PNP, item No. 1, "Confiscating any forest products illegally cut, gathered, possessed or abandoned, including all conveyances used" obtained a mean value of 3.58 with a qualitative description of Much Effective. Item No. 2, "Implement pertinent policies, laws and regulations of the protection of Natural Resources" obtained a mean value of 4.48 with a qualitative description of Very Much Effective. Item No. 3, "Coordinate with other law enforcement agencies to ensure harmonized actions in the enforcement

of environmental laws" obtained a mean value of 4.42 with a qualitative description of Very Much Effective. I item No. 4, "Apprehend illegal loggers, financiers/capitalists and confiscation of their equipment use in illegal logging activities" obtained a mean value of 3.47 with a qualitative description of Much Effective. Item No. 5, "Conduct operations in the forest areas to prevent illegal cutting of trees and other forest products" obtained a mean value of 3.48 with a qualitative description of Much Effective.

The computed Grand Mean was 3.886 with a qualitative description of Much Effective denotes that the personnel capability support as perceived by PNP can contribute to the Policing Program on Illegal Logging Operation in the Fourth District of Isabela.

Table 5. Effectiveness of the Policing Programs Against Illegal Logging in the Fourth District of Isabela   Province based on System and Procedure as perceived by PNP, 2015

	Item	Mean	Qualitative Description
1	Record through photographs and videos the areas covered by illegal logging activities.	4.08	Much Effective
2	Undertake inspections of lumber dealer warehouses, stocks and permits.	4.37	Very Much Effective
3	Arrest violators and confiscate the illegally cut timbers and conveyance.	4.42	Very Much Effective
4	Place markings of physical evidence collected or gathered at the crime scene containing the exhibit case number, initials and/or signature of the collecting officer and the time and date of collection.	3.41	Much Effective
5	File appropriate forestry law cases against violators to include financers and capitalists.	3.48	Much Effective
	GRAND MEAN	**3.952**	Much Effective

Table 5, Effectiveness of the Policing Programs Against Illegal Logging in the Fourth District of Isabela   Province based on System and Procedure as perceived by PNP, item No. 1, "Record through photographs and videos the areas covered by illegal logging activities" obtained a mean value of 4.08 with a qualitative description of Much Effective. Item No. 2, "Undertake inspections of lumber dealer warehouses, stocks and permits" obtained a mean value of 4.37 with a qualitative description of Very Much Effective. Item No. 3, "Arrest violators and confiscate the illegally cut timbers and conveyance" obtained a mean value of 4.42 with a qualitative description of Very Much Effective. I item No. 4, "Place markings of physical evidence collected or gathered at the crime scene containing the exhibit case number, initials and/or signature of the collecting officer and the time and date of collection" obtained a mean value of 3.41 with a qualitative description of Much Effective. Item No. 5, "File

appropriate forestry law cases against violators to include financers and capitalists." obtained a mean value of 3.48 with a qualitative description of Much Effective.

The computed Grand Mean was 3.952 with a qualitative description of Much Effective denotes that the system and procedure as perceived by PNP necessarily contribute to the Policing Program on Illegal Logging Operation in the Fourth District of Isabela.

Table 6. Problems encountered that affect the Effectiveness of the Policing Program in the Fourth District of Isabela Province based on Logistical Support as perceived by PNP, 2015

	Item	Mean	Qualitative Description
1	Unavailability of vehicles utilized purposely in the conduct of forest patrols and other operations.	4.42	Very Much Serious
2	Absence of computers solely intended for investigation and data base for forest law violations purposes.	4.47	Very Much Serious
3	Insufficient quality cameras and/or video cameras for the documentation of physical evidence.	3.45	Much Serious
4	Absence of efficient monitoring equipment on forest violations.	4.48	Very Much Serious
5	Inadequate communication equipment to be utilized in the conduct of operations.	3.48	Much Serious
	GRAND MEAN	**4.06**	Much Serious

Table 6, Problems encountered that affect the Effectiveness of the Policing Program in the Fourth District of Isabela Province based on Logistical Support as perceived by PNP, item no. 1, "Unavailability of vehicles utilized purposely in the conduct of forest patrols and other operations" obtained a mean value of 4.42 with a qualitative description of Very Much Serious. Item No. 2, "Absence of computers solely intended for investigation and data base for forest law violations purposes" obtained a mean value of 4.47 with a qualitative description of Very Much Serious. Item No. 3, "Insufficient quality cameras and/or video cameras for the documentation of physical evidence" obtained a mean value of 3.45 with a qualitative description of Much Serious. Item No. 4, "Absence of efficient monitoring equipment on forest violations" obtained a mean value of 4.48 with a qualitative description of Very Much Serious. Item No. 5, "Inadequate communication equipment to be utilized in the conduct of operations" obtained a mean value of 3.48 with a qualitative description of Much Serious. The computed Grand Mean in Table 5 was **4.06** with a qualitative description of Serious which indicates that the Logistical Support as perceived by PNP was a serious Problems Encountered that affects on the effectiveness of the Policy Program in the Fourth District of Isabela.

Table 7. Problems encountered that affect the Effectiveness of the Policing Program in the Fourth District of Isabela   Province based on System and Procedure as perceived by PNP, 2015

	Item	Mean	Qualitative Description
1	Failure to take photograph due to absence or insufficiency of quality camera and/or video camera for the documentation of physical evidence.	4.38	Very Much Serious
2	Limited efforts in the conduct of inspections on timber warehouses.	3.44	Much Serious
3	Failure of the police and DENR personnel to arrest violators and confiscate physical evidence of illegal logging due to money consideration and political intervention.	3.38	Moderately Serious
4	Inadequate knowledge of personnel on the proper collection, handling and preservation of evidence.	4.18	Much Serious
5	Lack of supporting requirements and other necessary preparations in the filing of cases in proper court.	4.27	Very Much Serious
	GRAND MEAN	**3.93**	Much Serious

As presented in Table 7, Problems encountered that affect the Effectiveness of the Policing Program in the Fourth District of Isabela   Province based on System and Procedure as perceived by PNP, item no. 1, "Failure to take photograph due to absence or insufficiency of quality camera and/or video camera for the documentation of physical evidence" obtained a mean value of 4.38 with a qualitative description of Very Much Serious. Item No. 2, "Limited efforts in the conduct of inspections on timber warehouses." obtained a mean value of 3.44 with a qualitative description of Much Serious. Item No. 3, "Failure of the police and DENR personnel to arrest violators and confiscate physical evidence of illegal logging due to money consideration and political intervention" obtained a mean value of 3.38 with a qualitative description of Moderately Serious. Item No. 4, "Inadequate knowledge of personnel on the proper collection, handling and preservation of evidence" obtained a mean value of 4.18 with a qualitative description of Much Serious. Item No. 5, "Lack of supporting requirements and other necessary preparations in the filing of cases in proper court" obtained a mean value of 4.27 with a qualitative description of Very Much Serious. The computed Grand Mean in Table 7 was **3.93** with a qualitative description of Serious which indicates that the System and Procedure as perceived by PNP was a Muchserious Problems Encountered that affects on the effectiveness of the Policy Program in the Fourth District of Isabela.

Table 8. Measures to be adopted on Logistical Support in the Fourth District of Isabela Province as perceived by PNP, 2015

	Item	Mean	Qualitative Description
1	Inclusion in the annual budget the fund for the procurement of additional vehicles to be utilized purposely in the conduct of operations.	4.42	Very Much Recommended
2	Make a request to LGUs for funds to purchase computers intended for investigation and data base for forest law violations purposes.	4.44	Very Much Recommended
3	Utilize MOOE and ensure procurement of adequate cameras and video cameras.	4.45	Very Much Recommended
4	Procurement of a spy plane or unmanned aircraft to monitor and check any illegal logging activities in certain areas.	4.48	Very Much Recommended
5	Solicit the support of NGOs and the business sectors for the purchase of adequate communication equipment.	4.38	Very Much Recommended
GRAND MEAN		**4.434**	Very Much Recommended

Table 8, Measures to be adopted on Logistical Support in the Fourth District of Isabela Province as perceived by PNP, item no. 1, "Inclusion in the annual budget the fund for the procurement of additional vehicles to be utilized purposely in the conduct of operations" obtained a mean value of 4.42 with a qualitative description of Very Much Recommended. Item No. 2, "Make a request to LGUs for funds to purchase computers intended for investigation and data base for forest law violations purposes" obtained a mean value of 4.44 with a qualitative description of Very Much Recommended. Item No. 3, "Utilize MOOE and ensure procurement of adequate cameras and video cameras" obtained a mean value of 4.45 with a qualitative description of Very Much Recommended. Item No. 4, "Procurement of a spy plane or unmanned aircraft to monitor and check any illegal logging activities in certain areas" obtained a mean value of 4.48 with a qualitative description of Very Much Recommended. Item No. 5, "Solicit the support of NGOs and the business sectors for the purchase of adequate communication equipment" obtained a mean value of 4.38 with a qualitative description of Very Much Recommended. The computed Grand Mean in Table 8 was 3.956 with a qualitative description of Very Much Recommended which indicates that the Logistical Support as perceived by PNP recommend as a measure adopted in the Fourth District of Isabela.

Table 9. Effectiveness of the Policing Programs Against Illegal Logging in the Fourth District of Isabela Province based on Personnel Capability as perceived by Forester, 2015

	Item	Mean	Qualitative Description
1	Confiscating any forest products illegally cut, gathered, possessed or abandoned, including all conveyances used.	4.54	Very Much Effective
2	Implement pertinent policies, laws and regulations of the protection of Natural Resources.	4.58	Very Much Effective
3	Coordinate with other law enforcement agencies to ensure harmonized actions in the enforcement of environmental laws.	4.48	Very Much Effective
4	Apprehend illegal loggers, financiers/capitalists and confiscation of their equipment use in illegal logging activities.	4.46	Very Much Effective
5	Conduct operations in the forest areas to prevent illegal cutting of trees and other forest products.	3.58	Much Effective
GRAND MEAN		**4.328**	Very Much Effective

Table 9, Effectiveness of the Policing Programs Against Illegal Logging in the Fourth District of Isabela Province based on Personnel Capability as perceived by Forester, item No. 1, "Confiscating any forest products illegally cut, gathered, possessed or abandoned, including all conveyances used" obtained a mean value of 4.54 with a qualitative description of Very Much Effective. Item No. 2, "Implement pertinent policies, laws and regulations of the protection of Natural Resources" obtained a mean value of 4.58 with a qualitative description of Very Much Effective. Item No. 3, "Coordinate with other law enforcement agencies to ensure harmonized actions in the enforcement of environmental laws" obtained a mean value of 4.48 with a qualitative description of Very Much Effective. Item No. 4, "Apprehend illegal loggers, financiers/capitalists and confiscation of their equipment use in illegal logging activities" obtained a mean value of 4.46 with a qualitative description of Very Much Effective. Item No. 5, "Conduct operations in the forest areas to prevent illegal cutting of trees and other forest products" obtained a mean value of 3.58 with a qualitative description of Much Effective.

The computed Grand Mean was 4.328 with a qualitative description of Very Much Effective denotes that the personnel capability support as perceived by Forester can contribute to the Policing Program on Illegal Logging Operation in the Fourth District of Isabela.

Table 10. Effectiveness of the Policing Programs Against Illegal Logging in the Fourth District of Isabela   Province based on System and Procedure as perceived by Forester, 2015

	Item	Mean	Qualitative Description
1	Record through photographs and videos the areas covered by illegal logging activities.	4.52	Very Much Effective
2	Undertake inspections of lumber dealer warehouses, stocks and permits.	4.75	Very Much Effective
3	Arrest violators and confiscate the illegally cut timbers and conveyance.	4.75	Very Much Effective
4	Place markings of physical evidence collected or gathered at the crime scene containing the exhibit case number, initials and/or signature of the collecting officer and the time and date of collection.	4.82	Very Much Effective
5	File appropriate forestry law cases against violators to include financers and capitalists.	4.97	Very Much Effective
GRAND MEAN		**4.762**	Very Much Effective

Table 10, Effectiveness of the Policing Programs Against Illegal Logging in the Fourth District of Isabela   Province based on System and Procedure as perceived by forester, item No. 1, "Record through photographs and videos the areas covered by illegal logging activities" obtained a mean value of 4.52 with a qualitative description of Very Much Effective. Item No. 2, "Undertake inspections of lumber dealer warehouses, stocks and permits" obtained a mean value of 4.75 with a qualitative description of Very Much Effective. Item No. 3, "Arrest violators and confiscate the illegally cut timbers and conveyance" obtained a mean value of 4.75 with a qualitative description of Very Much Effective. I item No. 4, "Place markings of physical evidence collected or gathered at the crime scene containing the exhibit case number, initials and/or signature of the collecting officer and the time and date of collection" obtained a mean value of 4.82 with a qualitative description of Very Much Effective. Item No. 5, "File appropriate forestry law cases against violators to include financers and capitalists." obtained a mean value of 4.97 with a qualitative description of Very Much Effective.

The computed Grand Mean was **4.762** with a qualitative description of Very Much Effective denotes that the system and procedure as perceived by forester necessarily contribute to the   Policing Program on Illegal Logging Operation in the Fourth District of Isabela.

Table 11. Problems encountered that affect the Effectiveness of the Policing Program in the Fourth District of Isabela   Province based on System and Procedure as perceived by Forester, 2015

	Item	Mean	Qualitative Description
1	Failure to take photograph due to absence or insufficiency of quality camera and/or video camera for the documentation of physical evidence.	2.85	Moderately Serious
2	Limited efforts in the conduct of inspections on timber warehouses.	2.42	Less Serious
3	Failure of the police and DENR personnel to arrest violators and confiscate physical evidence of illegal logging due to money consideration and political intervention.	2.92	Moderately Serious
4	Inadequate knowledge of personnel on the proper collection, handling and preservation of evidence.	2.38	Less Serious
5	Lack of supporting requirements and other necessary preparations in the filing of cases in proper court.	2.44	Less Serious
	GRAND MEAN	**2.602**	Less Serious

As presented in Table 11, Problems encountered that affect the Effectiveness of the Policing Program in the Fourth District of Isabela   Province based on System and Procedure as perceived by Forester, item no. 1, "Failure to take photograph due to absence or insufficiency of quality camera and/or video camera for the documentation of physical evidence" obtained a mean value of 2.85 with a qualitative description of Moderately Serious. Item No. 2, "Limited efforts in the conduct of inspections on timber warehouses." obtained a mean value of 2.42 with a qualitative description of Less Serious. Item No. 3, "Failure of the police and DENR personnel to arrest violators and confiscate physical evidence of illegal logging due to money consideration and political intervention" obtained a mean value of 2.92 with a qualitative description of Moderately Serious. Item No. 4, "Inadequate knowledge of personnel on the proper collection, handling and preservation of evidence" obtained a mean value of 2.38 with a qualitative description of Less Serious. Item No. 5, "Lack of supporting requirements and other necessary preparations in the filing of cases in proper court" obtained a mean value of 2.44 with a qualitative description of Less Serious. The computed Grand Mean in Table 11 was **2.602** with a qualitative description of Less Serious which indicates that the System and Procedure as perceived by Forester was not a serious Problems Encountered that affects on the effectiveness of the Policy Program in the Fourth District of Isabela.

Table 12. Measures to be adopted on Personnel Capability in the Fourth District of Isabela Province as perceived by Forester, 2015

	Item	Mean	Qualitative Description
1	File a case against personnel found receiving bribe or protection money from illegal logging capitalists/financiers.	4.92	Very Much Recommended
2	Conduct periodic capability enhancement training to all personnel in-charge of forest protection.	4.98	Very Much Recommended
3	Increase consultations and conduct periodic interagency meetings among DENR and police personnel to ensure enough preparations to combat illegal logging with corresponding MOA.	4.96	Very Much Recommended
4	Identify these corrupt politicians and if warranted, a case shall be filed against them.	4.58	Very Much Recommended
5	Assign adequate personnel to provide forest protection and to conduct operations against violators.	4.64	Very Much Recommended
GRAND MEAN		**4.816**	Very Much Recommended

As presented in Table 12, Measures to be adopted on Personnel Capability in the Fourth District of Isabela Province as perceived by Forester, item no. 1, "File a case against personnel found receiving bribe or protection money from illegal logging capitalists/financiers" obtained a mean value of 4.92 with a qualitative description of Very Much Recommended. Item No. 2, "Conduct periodic capability enhancement training to all personnel in-charge of forest protection" obtained a mean value of 4.98 with a qualitative description of Very Much Recommended. Item No. 3, "Increase consultations and conduct periodic interagency meetings among DENR and police personnel to ensure enough preparations to combat illegal logging with corresponding MOA" obtained a mean value of 4.96 with a qualitative description of Very Much Recommended. Item No. 4, "Identify these corrupt politicians and if warranted, a case shall be filed against them" obtained a mean value of 4.58 with a qualitative description of Very Much Recommended. Item No. 5, "Assign adequate personnel to provide forest protection and to conduct operations against violators" obtained a mean value of 4.64 with a qualitative description of Highly Recommended. The computed Grand Mean in Table 12 was **4.816** with a qualitative description of Very Much Recommended which indicates that the Personnel Capability as perceived by Forester recommend as a measure adopted in the Fourth District of Isabela.

Table 13. Measures to be adopted on System and Procedure in the Fourth District of Isabela   Province as perceived by Forester, 2015

	Item	Mean	Qualitative Description
1	Provide adequate quality camera and/or video camera to ensure documentation of physical evidence.	4.42	Very Much Recommended
2	Conduct periodic inspections or surprise lumber dealer warehouses for appropriate stocks and papers/permit.	4.88	Very Much Recommended
3	Implement a Standard Operating Procedure emphasizing the penalty of dismissal or face criminal case of forest enforcement personnel in found guilty of being in cahoots to illegal loggers.	4.91	Very Much Recommended
4	Conduct capability enhancement training to police and forest rangers on the proper collection, handling and preservation of evidence.	4.88	Very Much Recommended
5	Ensure the thoroughness of the requirements needed in the filing of cases in the proper court.	4.96	Very Much Recommended
	GRAND MEAN	**4.81**	Very Much Recommended

Table 13, Measures to be adopted on System and Procedure in the Fourth District of Isabela   Province as perceived by Forester, item no. 1, "Provide adequate quality camera and/or video camera to ensure documentation of physical evidence" obtained a mean value of 4.42 with a qualitative description of Very Much Recommended. Item No. 2, "Conduct periodic inspections or surprise lumber dealer warehouses for appropriate stocks and papers/permit" obtained a mean value of 4.88 with a qualitative description of Very Much Recommended. Item No. 3, "Implement a Standard Operating Procedure emphasizing the penalty of dismissal or face criminal case of forest enforcement personnel in found guilty of being in cahoots to illegal loggers" obtained a mean value of 4.91 with a qualitative description of Very Much Recommended. Item No. 4, "Conduct capability enhancement training to police and forest rangers on the proper collection, handling and preservation of evidence" obtained a mean value of 4.88 with a qualitative description of Very Much Recommended. Item No. 5, "Ensure the thoroughness of the requirements needed in the filing of cases in the proper court" obtained a mean value of 4.96 with a qualitative description of Very Much Recommended. The computed Grand Mean in Table 13 was 4.81 with a qualitative description of Very Much Recommended which indicates that the System and Procedure as perceived by Foresterrecommend as a measure adopted in the Fourth District of Isabela.

Summary of Findings, Conclusions and Recommendations

Summary of Findings

This study was conducted to determine the effectiveness of Policing Program against illegal logging in the Fourth District of the Province of Isabela.

There were two (2) groups of respondents, namely PNP and Foresters.

The descriptive and inferential statistics were used to utilize and to analyze the data.

The results of the analysis:

The computed Grand Mean for Personnel Capability was 3.886 with a qualitative description of "Much Effective" which denotes that the personnel capability support contribute to the Policing Program on Illegal Logging Operation as perceived by the respondents.

The computed Grand Mean for Logistical Support was 4.06with a qualitative description of "Much Serious" which denotes that the logistics support was a serious problem encountered that affect the effectiveness ofthe Policing Program on Illegal Logging Operation as perceived by the respondents.

The computed Grand Mean for system and procedure was 3.93with a qualitative description of "Much Serious" which denotes that the system and procedure was a serious problem encountered that affect the effectiveness of the Policing Program on Illegal Logging Operation as perceived by the respondents.

The computed Grand Mean for Logistical Support in Table 8 was **4.434**with a qualitative description of "Very Much Recommended" which indicates that the Logistical Support is recommended as a measure to be adopted in the Fourth District of Isabela, Philippines as perceived by the respondents.

The computed Grand Mean for Personnel Capability in Table 12 was 4.816with a qualitative description of "Very Much Recommended" which indicates that the Personnel Capability recommend as a measure adopted in the Fourth District of Isabela as perceived by the respondents.

The computed Grand Mean for System and Procedure in Table 12 was 4.816 with a qualitative description of "Very Much Recommended" which indicates that the System and Procedure recommend as a measure adopted in the Fourth District of Isabela as perceived by the respondents.

Conclusions

Based on the statistical analysis of the results of the study, the following conclusions were deduced:

   a. PNP are effective in Policing Program against Illegal Logging in the Fourth District of Isabela.

b. Forester are effective in Policing Program against Illegal Logging in the Fourth District of Isabela.

Recommendations

The following recommendations are put forward to improve policy program against Illegal Logging:
  a. Conduct periodic inspections or surprise lumber dealer warehouses for appropriate stocks and papers/permit.
  b. Implement a Standard Operating Procedure emphasizing the penalty of dismissal or face criminal case of forest enforcement personnel in found guilty of being in cahoots to illegal loggers.
  c. Conduct capability enhancement training to police and forest rangers on the proper collection, handling and preservation of evidence.
  d. PNP and DENR must allocate additional budget for the trainings of PNP and DENR personnel to strengthen their capability and logistical support.

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Institutional incentives and community deliberations in local urban governance for resilience and sustainable development

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Abstract

The post-2015 SDG Goal number 11 is dubbed as the Urban Goal with 10 targets to be met by 2030. This is a significant advance from the MDGs that did not specify targets for cities. Nonetheless, the question of who should become responsible for which part of each target remains elusive. This paper discusses that this elusiveness is rooted in the continuation of insufficient treatment of local-level urban governance in SDGs. This paper presents research on solid waste management in Cebu City, Philippines to demonstrate how institutions are arranged to create incentives that respond to and sustain community deliberations to make the city more "inclusive, safe, resilient and sustainable" as the Urban Goal aims. The paper pays particular attention to the experience of *Barangay* Luz as the best practice case in community-based solid waste management. The case generates reflections on the institutional imperatives of urban governance to create incentive structures that respond to dynamic deliberations within urban poor communities and their engagement with the local government. These insights can be applied to a wider context of directing the next 15-years' development efforts to meet the Urban Goal.

Keywords: Typhoon Yolanda/ Expenditures/ Budget/ Rehabilitation/ CRRP/ Philippines

Introduction

One of the fundamental differences between the Millennium Development Goals (MDGs) and the post-2015 Sustainable Development Goals (SDGs) is the inclusion of "a goal explicitly related to cities". The so-called Urban Goal (SDG number 11) says: Make cities and human settlements inclusive, safe, resilient and sustainable, reflecting the fact that by 2050 "66 per cent of the world's population is projected to be urban". This new Goal is anchored to the broad recognition of cities' acute vulnerability as geo-hazard zones where risks and costs to lives and property can be extremely high and concentrated.

With the Urban Goal, the SDGs are expected to fully address the vulnerability of cities by securing access "for all" to basic services such as healthcare, public transport, and planning and management processes. Underlying emphasis is placed on the long-debated problem that the cities have not been open for and managed equally by all the citizens. Nevertheless, the question of who is responsible for ensuring access for all remains unanswered. Surely, governments at all levels must be held accountable; but how can this accountability be monitored and justified in cities where inclusiveness had been in question in the first place?

This paper proposes to look into what inclusiveness means in the new SDGs through the lens of solid waste management in the Philippines. The Urban Goal's target number 6 says: "By 2030, reduce the adverse per capita environmental impact of cities, including by paying special attention to air quality, municipal and other waste management". In many of the rapidly growing cities in the developing world, the absence of a functional solid waste management system continues to be a critical obstacle to sustainable development while solid waste is projected to rise from the current 1.3 billion tons a year to 2.2 billion tons a year by 2025, with the annual cost is expected to increase from the current USD205 billion to USD375 billion. The impact of increasing waste in expanding cities heightens people's vulnerability to disasters, and urbanization coupled with disaster management requires a comprehensive ecological solid waste management system. Such a system is particularly urgent in informal settlements that remain excluded from "the official grid of public service provision".

The Philippines typically project such aggravation. Despite having legislated the Philippine Republic Act 9003 or the Ecological Solid Waste Management Act in 2000 to institutionalize policy mechanisms for solid waste disposal and reduction, enforcement leaves much to be desired. There remains a very low compliance of waste volume reduction through the segregation scheme, recycling, and composting, particularly among local governments who are given the primary responsibility for waste management. A study by the National Defense College of the Philippines noted that, "In many instances, plans and programmers on waste segregation and recycling are not well established, disseminated, and implemented in the community and grassroots level." It also referred to a socio-economic report from the National Economic Development Authority stating that out of the 1,610 cities and municipalities in the country, only 414 or 25.71 per cent completed their solid waste management plans. In Metro Manila, which produces about 8,700 tons of garbage daily, of its 16 cities and one municipality, only nine submitted their comprehensive solid waste management plan. This weak implementation of the law results to a growing severity of garbage problems in the country, particularly in urban areas.

Cebu City is, however, recognised in the Philippines to be a local government that hosts the best practice and model *barangay* (village) in community-based participatory urban solid waste management: *Barangay* Luz with its *Kwarta sa Basura* (Cash in Trash) programmer. A previous study also noted that Cebu City showcased a "strong and viable state-civil society partnership in poverty alleviation programmers" and sustained various initiatives through encouraging the participation of low-income communities and institutionalizing community-based programmes. In attempts to replicate the *Barangay* Luz model, a series of projects and evaluations have been conducted by research collaborations among local scholars, with international partners and researchers to examine its success factors. A case study of *Barangay* Luz by Ancog et al. notes that, "the most important key for the solid waste management programme to be successful is the necessary community involvement that is achieved when implemented programmes provide economic incentives coupled with a rigid enforcement scheme to ensure a sustained city waste management programme".

An evaluation commissioned by the Institute for Global Environment Strategies identified two other urban *barangays* in Cebu City with effective community-based waste management practices. It has however been asserted that the *Barangay* Luz model could not be easily replicated in other *barangays* that host large informal settlers like *Barangay* Luz for reasons we explore in this paper. This paper examines the interplay of institutional incentives and community deliberations vis-à-vis the previous assertions made. Much has been said about *Barangay* Luz' economic incentivization within its solid waste management programme to encourage community involvement. This paper brings an argument that incentives generated from institutional arrangements outside the solid waste management framework, have induced spontaneous community deliberations. This would influence allocation of accountabilities in collaborative arrangements in the community and with the local government, which ultimately sustain inclusion in urban governance.

Waste Governance and Policies in Cebu City

Cebu City is the capital city of Metropolitan Cebu, a fast growing metropolis at the heart of the Philippines and the second largest business centre after Metropolitan Manila. A highly urbanized city, Cebu has a population of about 866,171 (based on 2010 census) with 93.5 per cent urban, and growing at 2.95 per cent per annum. With an area of 315 km^2, its population density is at 2,700 persons per km^2. This does not count the fact that the city hosts an estimated daytime population of 1.5 million mainly due to the influx of workforce, traders and students. Economically, Cebu City's foreign trade exports exceeded USD 1.527 billion in 2008, an increase of 3.85 times in 20 years. It is also one of the leading tourist destinations in Southeast Asia with 1.76 million arrivals in 2010 up from 1.12 million in 2005.

With barely 15 per cent of the city's land area on a flat terrain, there have been intensive upland development projects that devastated the watersheds. This made Cebu City highly vulnerable to landslides and flooding during natural disasters such as typhoons and earthquakes. With rapid urbanization and increasing urban density, solid waste management is seen as critical in stemming the risks of floods and social dislocation, including its urban health implications.

As of 2010, Cebu City generates an average of 470,000 kilograms of waste a day. A combination of biodegradable/organic and special wastes constitute the bulk of waste at about 60 per cent, recyclables about 25 per cent and hazardous and special wastes about 15 per cent. In terms of generation by sector, households account to about 40 per cent, commercial establishments 25 per cent, public markets 20 per cent, schools and hospitals 10 per cent, and industries 5 per cent.

Policy Framework

The Ecological Solid Waste Management Act 2000 of the Philippines (Republic Act 9003) sets the guidelines on proper solid waste management among local governments in the country to protect the public health, ensure environmental sustainability and promote economic efficiency. It mandates the creation of the National Solid Waste

Management Commission to oversee that the law is implemented and to monitor the submission and the approval of the different local governments' Solid Waste Management Plans. It also requires the formation of the Solid Waste Management Board at all local governments down to the smallest unit, which is the *barangay*. The *barangay* holds the primary role of policy enforcement and implementing the programmes.

In Cebu City, a number of ordinances related to solid waste management have been enacted:

a. Ordinance 1361 (February 5, 1990)

This ordinance mandates the establishment of a garbage collection system along with the necessary imposition of fees. It identifies prohibited acts that that are subject to fines such as littering, spitting, urinating, and burning of plastic wastes, among others. Business establishments located in the main thoroughfares were required to maintain cleanliness of at least five meters from their respective buildings. This policy however has noted to have been weakly enforced.

b. Ordinance 2017 (October 6, 2004)

In compliance with the mandate of RA 9003, this ordinance created the Cebu City Solid Waste Management Board to develop the Cebu City Solid Waste Management Plan. It mandates the Board to develop the Plan through consultations with various sectors of a *barangay*. It ensures the long-term management of solid waste in the city, as well as integrate the various solid waste management plans and strategies of different *barangays*. The Board is also mandated to adopt measures, including revenue generation, to promote and ensure the viability and effective implementation of the Plan in the *barangays*.

c. Ordinance 2031 (November 10, 2004)

This ordinance mandates the implementation of solid waste segregation at source with penalties for violations and the creation of a special fund for incentives. Article 8 of this ordinance stresses on the monitoring and enforcement component, which is lodged with the Monitoring/Enforcement Unit of the Cebu City Solid Waste Management Board. Article 8 Sec 9.2 indicates that the *barangay* officials, designated *barangay* residents, academic institutions, civic groups, people's organizations, non- government organizations and representatives from the private sector were deputized by the Mayor to apprehend any person or entity caught violating any provision hereof. The deputized enforcers who were recommended by their respective organizations, groups, or units undergo trainings on solid waste management, law enforcement, and courteous manner of apprehending violators as requirements, before they are sent out to the field.

Executive Order No. 00-45 created the Cebu City Environmental Sanitation and Enforcement Team (CESET) to be the enforcement arm to implement the punitive measures against violators of City Ordinances 1361, 2031 and other environmental related laws. This was amended via E.O. 10-126 series of 2010 – to delegate the

powers and functions of CESET to five (5) *Barangay* Environmental Officers (BEOs) in each *barangay* to fully implement and enforce the ecological solid waste management system. Also in accordance with RA 9003 Article 4 Section 32 mandating all local governments to establish materials recovery facility (MRFs) in every *barangay* or cluster of *barangays*, this executive order requires the presence of BEOs in the MRFs. The supervision of the MRF in every *barangay* is spearheaded by the chairman of Solid Waste Management and Environment Committee.

Any person found guilty of violating this ordinance shall be punished by a fine of not less than one thousand pesos (PHP1,000.00) but not more than five thousand pesos only (PHP5000) or by imprisonment of not less than one month to not more than six months, or both fine and imprisonment at the discretion of the court. If the violation is committed by a juridical person, the manager or person-in-charge shall be held liable.

There are two other city ordinances (No. 2243 or the Sustainable Development Ordinance; and No. 2234 or the Creation of Cebu City Environment and Natural Resource Office), which deal with sustainability issues. All these ordinances are expected to be implemented at the *barangay* level under the supervision of the Cebu City Solid Waste Management Board.

The structural framework

In addition to the Cebu City Solid Waste Management Board, the following agencies are also responsible for framing the solid waste management in the city.

a. *Office of the City Councillor Committee on Environment*: Notably, by virtue of a legislator's committee chairmanship, this office not only legislates environment-related laws/ordinances, but also acts as quasi-executive with its role of overseeing implementation of solid waste management programmes at the city and *barangay* levels, and ensuring compliance of these laws down to the *barangay* level.

b. *Department of Public Services:* The Solid Waste Management Division of the city's Department of Public Services is primarily in-charge of the collection, transport and disposal of municipal solid waste to the designated waste facility. Around 95 per cent of the city's constituents are covered by the department's services that also includes clean-up operations.

c. *City Planning and Development Office:* The office serves as Secretariat of the Solid Waste Management Board in developing the 5-year Solid Waste Management Plan. It assists in *barangay* information campaign and advocacy, in providing training and coordinating with partner NGOs, schools and other agencies in programme implementation.

d. *Department of Engineering and Public Works:* They are mainly responsible in the maintenance of drainage lines, dredging of rivers and canals, and maintenance of heavy equipment that are all vital infrastructural support for solid waste management programmes.

e. *Cebu Environmental Sanitation and Enforcement Team:* In accordance with Ordinance 2013, the CESET acts as the enforcement arm of the city to implement the punitive measures against violators of solid waste segregation at source, including apprehending indiscriminate garbage throwers, as mandated by City Ordinances 1361 and 2031.

f. Barangay governments: Being in the frontlines of community governance, *barangay* governments assist in information and education campaigns and advocacy, community organizing, implementation of solid waste management programmes at the *barangay* level, and coordination with the City government on programme implementation and policy enforcement.

Policy enforcement and practice

The enforcement of the policies through the frameworks outlined above is pursued at two levels. At the city level, CESET issues tickets of violations including indiscriminate garbage throwers. Starting from its implementation up until March 2008 generating about PHP1.5 million. Strict enforcement of "no -segregation, no collection" policy, the regularization of garbage collection points and schedules; and the apprehension of violators were noted to have significantly improved regulation of solid waste. The city uses the communal method where common waste receptacles and collection points are strategically located in public places. The city deploys garbage trucks/collectors that collect accumulated wastes. This is a common method particularly effective in public markets. Business and commercial establishments such as malls provide their own materials recovery facilities where the constituents from different *barangays* could sell solid wastes. Meanwhile, the Philippines Abatement Systems Specialists, Inc. is the private company that manages the toxic, hazardous and pathological wastes in the city.

At the household level in every *barangay*, there's the segregation of waste according to classification into biodegradable, recyclable, and special waste, all three of which go to the material recovery facility. Recyclable wastes proceed to junkshops or factories and the other wastes goes to composting. After the final sorting and recovery of recyclables, the residual waste will then be transported to the designated and authorized waste disposal facility. Household collection is done according to schedule by garbage trucks across the different *barangays* in Cebu City. With 80 *barangays*, however, the city only has 20 open dump trucks, four garbage compactors, three multi-lifts, 15 tricycle collectors and three pay loaders. Bicycles/bicarts and *trisikads* (pedal-driven tricycles) are used to service collection of solid wastes in congested areas and small roads where the trucks couldn't reach.

At the village level, *Barangay* Environmental Officers (BEOs) enforce environmental laws, monitor proper garbage collection, assist in the establishment of materials recovery facility in the *barangay* and supervise modes of composting. There are five BEOs per *barangay* with specific functions: (1) environment coordinator; (1) responsible for composting; (1) responsible for the segregation of recyclable materials; and (2) responsible for the accumulation of biodegradable materials for composting (bio-man). Yet, there remains a challenge in the local ownership and accountability of the programme by the *barangay* vis-à-vis the city. With the City's limitations in its facilities, collection, and maintenance of equipment including garbage trucks, the blame game when collections fail and trash are accumulated in the *barangays* signify the weak coordination and accountability between city agencies and the *barangays*. Currently, only 58 out of 80 *barangays* have materials recovery facilities despite it

being legally mandatory for every *barangay*.

Institutional Incentives

While such decentralized solid waste management system has been mainstreamed, two ways that the Cebu City is trying to institutionalise some incentives for its *barangays* give some insights into how to enhance the performance of the frameworks established.

One can be described as a merit system. In this system, the City institutionalizes an annual award system to bestow recognition upon *barangays* with best environmental practices accorded with monetary prize and certificates of recognition. Several *barangays* also replicate this system to award clean and green *sitios,* community clusters within the *barangay*. A variety of competitions were organized such as *Bayanihan* centres with the highest production of waste recycled and segregated per year, annual search for innovative products, fashions shows of designs made from waste; contest for sustainable and manageable composting centres. The business sector through the Cebu Chamber of Commerce and Industry emulated the practice by holding environmental awards among private residential areas and gated subdivisions.

The other is to give economic incentives. As a means for waste reduction, resource conservation and recovery, various programmes have been introduced that convert waste to income generating mechanisms. The very popular *"Kwarta sa Basura"* (Cash in Trash) programme started in *Barangay* Luz in 2002. This programme is anchored in a framework of building ownership, accountability and appreciation of waste as a resource with an economic value, through community-based waste management. It is designed as a means for community savings build-up through recycling and composting. This programme involves government officials organizing community associations as prime movers of the programme.

In particular, women's groups, who eventually turned into cooperatives, in partnership with proactive *barangay* officials, proved critical to the success of the programme. In "from trash", once a week these women's groups gather recyclables and bring them to the collection site to sell them. Every *barangay* has a buyer from the city government. Junkshop owners would later be tapped by the government to buy the recyclables. In "trash to product" or "waste to product" these women's groups collaborated with accredited local NGOs (i.e. *Lihok Pilipina*, Zero Waste Coalition, etc.) and international partners to avail of financial grants to create local products made from recyclable and non-biodegradable waste such as plastic laminates turned into durable bags, slippers and wallets, etc. (e.g. *mano-mano* project). Universities such as Cebu Institute of Technology have been assisting the community associations with product improvements. They would then partner with the business sector in marketing such products. Business establishments like malls, beach resorts and local markets would then host solid waste management programmes in partnership with different *barangays* as part of their corporate social responsibility. These products also become exported globally through international partners.

Various composting methods were also implemented for biodegradable wastes. *Barangay* Luz, partnered with Ayala Cebu Holdings, Inc., a business association that provided the *barangay* a composting facility and MRF they called *Tugkaran,* a 2800 square meter space. It has employed about 25 community members who manage and operate vermicomposting and Takakura method of composting. Other best practice *barangays* also utilize these methods. Community members are also increasingly involved in composting, using individual bins or vertically piled bins. In the case of *Barangay* Luz, this programme was noted to have reduced their garbage disposal from ten garbage trucks to four daily or approximately 30 per cent reduction. The programme also earned for participating residents an average of three pesos for every kilo of waste every year, generating in 2010 alone about Php1.44 million (about USD30,000) with 477, 655 kilos of waste recycled or composted.

Haarlemmermeer, Netherlands, a sister city of Cebu, assisted the organized waste scavengers of the Inayawan Sanitary Landfill (before it was closed in 2012) to engage in composting as their alternative source of income. Financial support amounting to PHP 480,000.00 was given to Cebu City government to cover the incentives for these waste scavengers who would then continue to be engaged in composting programmes of the city government. With these economic incentivization, particularly with the livelihood, additional income and savings they gained from the programmes, community members noted that they have instilled not only awareness of waste as resource but also a sense of ownership that redefines their relationship with waste.

These institutional incentives essentially require involvement of wider actors than the government including the civil society including different NGOs, members of the academe, the chamber of commerce and industry. The city government on the other hand capitalises on the involvement of these actors to encourage more civic participation and raise the profile of solid waste management programmes. The City Academe Network that comprises all of the universities, colleges and schools in Cebu City take the proactive role in the information and education campaigns. Research works are done by partners such as the Research Group for Alternatives to Development, Inc. (A2D Project), the Department of Science and Technology and the Institute for Global Environment Strategies. Various NGOs are involved in training, technical assistance, community organizing and advocacy for the different *barangays* in replication efforts. International partners such as Japan Fund for Global Environment, and Kitakyushu International Techno-cooperative Association, introduced new technologies particularly on composting methods, as well as providing wider markets for local products made from waste, as previously noted.

Community Deliberations

In order to guarantee the community involvement, negotiations over land and housing must be well embedded in community organizing in the *barangay*. Etemadi has previously asserted that, "Integration of community organization and participatory

planning not only enhances service delivery but also increases project sustainability. The beneficiaries are not only passive recipients but are, themselves, the principal actors..." In *Barangay* Luz, homeowners associations among informal settlers have been in the forefront of the negotiations with the city and the province in acquiring titles to the land. Women's groups mobilized resources to secure communal water connections and would later respond to issues on violence against women in the community. The *barangay* council has always seen it more effective to tap these groups to link with *barangay* initiatives, including the '*Kwarta sa Basura*' (Cash in Trash) programme. Essentially, the *Barangay* Luz method on urban sanitation and solid waste management has been anchored to the housing and urban social services.

Barangay Luz has 19 homeowners associations with about 100 households. Three land and housing acquisition programmes are available for the residents: the Community Mortgage Programme (CMP); Ordinance 93-1 and the Cebu Socialized Housing Programme. The CMP, for example, is a financing scheme to assist and enable informal settlers in purchasing the land they occupy or the land they will be relocated, through their duly registered homeowners associations. Any community-based organization duly accredited by the Social Housing Finance Corporation, which may either be a local government unit; a national government agency, bureau or corporation; or an NGO shall originate the loan.

As a means of social collateral for non-payment on time of the monthly amortization due, the homeowners association shall be charged the equivalent of 1/15 of one per cent of the amount due, per day of delay. The same rate of penalty shall be charged to the delinquent member-beneficiary, except when the Association rules and regulations provide for stiffer penalties. Essentially, in order for land occupants to be able to apply for the CMP, they must first organize themselves into a homeowners association and have themselves accredited, or partner with any of the qualified organizations as loan originator. The promise of land tenure and housing security in this institutional arrangement, particularly amid entry of transients and new settlers in the community, could not be discounted as a unifying force among informal settlers. The willingness to engage more actively in community initiatives such as solid waste management could be well facilitated. Waste management systems and environmental initiatives are usually of secondary importance for the inhabitants particularly during the initial phases of informal settlement (or a third on the priority lists, behind income generation and security of tenure). Securing a plot with a right to stay there and establishing networks for income generation remain the primary concerns and incentives for urban informal settlement dwellers.

This is evident in on-going tensions in *Barangay* Luz emerging from demolitions against 32 households. This stemmed from the case filed by several homeowners associations who claimed ownership of lots in *Barangay* Luz as covered by the CMP. These homeowners associations alleged that the occupants (who were ultimately evicted) were not original CMP beneficiaries, but just assumed the rights over the home lots from original beneficiaries. This was complicated with the opposition of the city council to authorize the Mayor to purchase the lands and allow the 32 families to enter into a long-term mortgage deal. City Councilor Nida Cabrera, who belongs to the

majority bloc politically opposed to the Mayor, is the Chair of the Committee on Environment who pioneered the community-based solid waste management *'Kwarta sa Basura'* (Cash in Trash) in *Barangay* Luz. She is also known to have a strong clout over the homeowners associations having served as the *barangay*'s former Captain/Chief. This political dynamics has strained community relations and affected community solidarity in solid waste management in *Barangay* Luz. This signifies how institutional arrangements are reshaped by on-going community deliberations and transactions. None of the institutions are monolithic. There are myriad interests and actors involved in resource allocation and decision- making. In the context of an urban informal settlement, the importance of housing and security of land tenure significantly shifts community-based waste management structures.

The availability of built social infrastructure that has been organized around both social and economic incentives prove crucial to sustaining community-based solid waste management, particularly in urban informal settlements. It is these pre-existing community arrangements and on-going deliberations that continue to reshape the community framework for solid waste management. Institutional arrangements are not static and continue to be reshaped by community's interactions.

Conclusions

It has been established that without extensive participation of affected community members in the planning, implementation and maintenance of solid waste management systems, sustainability cannot be achieved. It is also evident that economic incentives are one of the important elements that shape up community-based deliberations that work to mitigate the trash situation. Clearly, the sustainable management of waste has acquired a significance that reaches beyond its technical or sanitary dimensions. At the same time, economic strategies cannot be limited within the narrow confines of solid waste management programme, rather toward its integration with broader social rights that then becomes embedded into such framework.

In view of attempts to institutionalize and replicate the community-based programmes also in relation to the Urban Goal's emphasis on inclusive development, new approaches in urban sanitation governance that facilitate meaningful social transformations for the urban poor can be explored. It pays to look at incentive structures that were able to fuel and maintain cooperation among diverse community members (how these were negotiated and maintained), particularly among the urban poor settlers to organize and partner with the government in urban sanitation. There is also more political incentive to provide for programmes in an area with registered voters. Thus, community-based waste management and sanitation initiatives in informal settlements can be systematically anchored to the formal structures and processes of urban governance for sustainable development. This can reorganize relationships between a city's administration and its people.

As noted by the UNRISD, to transform the social structures, institutions and power relations that underpin various forms of vulnerability and inequality, social dimensions of development associated with equity, livelihood security, social protection and empowerment would have to be more vigorously promoted. Anchoring solid waste management to the broader framework of informal settlement upgrading may be key to sustained community involvement. This includes the need to integrate sanitation consciousness in the framework for housing and security of tenure and overall economic protection for the urban poor.

Technical infrastructure and services, such as drainage, sewerage or sewage disposal systems are certainly critical for waste management at the local level. However, many issues related to solid waste management can also only be resolved in a sustainable way when they are coordinated with the overall system. A GTZ report noted that the simultaneous improvement of technical and social infrastructure is of key importance in consolidating urban poor settlements. Solid waste management cannot be effectively tackled by a top-down waste management law enforcements or community initiatives alone. Solutions often require coordinated intervention at many different operational levels and accountable involvement across various sectors in the city.

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The *barangay* is the lowest level of local government in the Philippines. It is constituted by informal clusters of contiguous/neighbouring households called *purok* or *sitio,* which are usually organized as community associations. In this paper, 'community' refers to the *barangay* and the smaller groupings of community and neighbourhood associations within it.

The Ecological Solid Waste Management Act of 2000, or RA 9003, defines a Materials Recovery Facility (MRF) as an area that, "includes a solid waste transfer station or sorting station, drop-off center, a composting facility, and a recycling facility" (Art. 2 Sec. 3r).

The Takakura Composting Method is another method in composting developed by Koji Takakura that uses microorganisms to ferment and breakdown biodegradable waste. Unlike vermicomposting, the Takakura method is not placed in raised cement pits. It is done in heaps where the fermentation and breakdown of waste takes place in the middle of the heap. The heap is turned at fixed intervals so that the microorganisms can "feed" on the waste until all of the waste is broken down. It is then sifted to extract the resulting compost.

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Vermicomposting is the process of turning biodegradable waste into compost with the use of various worms such as the African night crawler (the variety used by MRFs in Cebu City). The worms feed on biodegradable waste such as fruit and vegetable peels. Biological processes take place in the worm gut and the resulting manure, which is rich in "*plant growth regulators...fortified with pest repellence attributes*", is already considered compost. (Nagavallemma, KP, et al. (2006). *Vermicomposting: Recycling wastes into valuable organic fertilizer*. **SAT journal**, 2(1), 1-16.

Collaboration Dealing with Haze Pollution from Neighboring Country to Thailand under ASEAN Agreement onTransboundary Haze Pollution

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Abstract

The Southern Southeast Asia region has been facing the periodic annual crisis from Transboundary Haze Pollution. The haze is caused mainly from forest fires in Indonesia which created the haze pollution in the country itself, and is also carried over to Southern Thailand and the others neighbouring countries resulting in the Transboundary Haze Pollution. Therefore, ASEAN has been aware of the effects on transboundary haze pollution to the member states and has long been attempting to originate the ASEAN Agreement on Transboundary Haze Pollution to find out the solution of this problem. Today, even though all 10 ASEAN member states have ratified this agreement already, the Transboundary Haze Pollution that has long been affecting ASEAN region still recurs until today. The principal of "ASEAN Way" is the reason that the implementation in solving the Transboundary Haze Pollution issue is not as effective as it should be. Moreover, the ASEAN members still stuck to their national interests prevail.

Keywords: Haze Pollution/ Transboundary/ Indonesia/ Thailand

ความร่วมมือในการจัดการปัญหามลพิษจากหมอกควันของประเทศเพื่อนบ้านที่ข้ามแดนมาสู่ประเทศไทยภายใต้ข้อตกลงอาเซียนเรื่องมลพิษจากหมอกควันข้ามแดน

พัชราพร ทิมวัฒน์, นักศึกษาปริญญาโท, สาขาความสัมพันธ์ระหว่างประเทศ, คณะรัฐศาสตร์, มหาวิทยาลัยธรรมศาสตร์; สุรชัย ศิริไกร, ดร., ศาสตราจารย์, สาขาความสัมพันธ์ระหว่างประเทศ, คณะรัฐศาสตร์, มหาวิทยาลัยธรรมศาสตร์, อาจารย์ที่ปรึกษาวิทยานิพนธ์

บทคัดย่อ

ปัญหามลพิษจากหมอกควันข้ามแดน (Transboundary Haze Pollution) ทางตอนล่างของภูมิภาคจาก การเกิดไฟป่าในประเทศอินโดนีเซีย ส่งผลกระทบต่อประเทศไทยทางตอนใต้และประเทศเพื่อนบ้าน อาเซียนมาอย่างยาวนานจนถึงปัจจุบัน โดยอาเซียนสร้างกลไกความร่วมมือระหว่างรัฐสมาชิกภายใน ภูมิภาคเพื่อจัดการปัญหาดังกล่าว ได้แก่ ข้อตกลงอาเซียนเรื่องมลพิษจากหมอกควันข้ามแดน ซึ่ง ประเทศอาเซียนเข้าร่วมลงนามและให้สัตยาบันต่อข้อตกลงฯ ครบทั้ง 10 ประเทศแล้ว แต่ปัญหายังคง เกิดขึ้นอย่างต่อเนื่อง จากการที่ กลไกการแก้ไขปัญหาและการป้องกันปัญหามลพิษจากหมอกควัน ข้ามแดนของอาเซียน ไม่มีข้อผูกมัด/ บังคับให้ประเทศสมาชิกปฏิบัติตาม เนื่องจากวิถีอาเซียน

(ASEAN Way) ที่ไม่สามารถแทรกแซงกิจการภายในของประเทศสมาชิกได้ และประเทศสมาชิก
ต่างๆ ไม่ร่วมมือในกลไกแก้ไขปัญหามลพิษจากหมอกควันข้ามแดนของอาเซียนอย่างจริงจัง
เนื่องจากยังยึดติดกับผลประโยชน์แห่งชาติของตนเป็นหลัก

คำสำคัญ: มลพิษหมอกควัน/ ข้ามแดน/ข้อตกลงในอาเซียน/ ประเทศไทย

บทนำ

ภูมิภาคเอเชียตะวันออกเฉียงใต้โดยเฉพาะอย่างยิ่งทางตอนล่างของภูมิภาค ได้เผชิญปัญหามลพิษจาก
หมอกควันข้ามแดน (Transboundary Haze Pollution) เป็นประจำเกือบทุกปี ทั้งนี้ จากเทคโนโลยีของ
หน่วยงาน MSD (Meteorological Service Department) ของสิงคโปร์ ทำให้เห็นภาพถ่ายดาวเทียมจุด
กำเนิดหมอกควันที่มีต้นกำเนิดจากที่ต่างๆ ในอินโดนีเซีย (Helena, 2012, p. 85)อันส่งผลให้เกิด
มลพิษจากหมอกควันกระทบต่อทั้งภายในรัฐอินโดนีเซียเช่น บอร์เนียว กาลิมันตัน และสุมาตรา เป็น
ต้น และแพร่กระจายข้ามแดนสู่ประเทศเพื่อนบ้านอื่นๆ ในภูมิภาคเอเชียตะวันออกเฉียงใต้ตอนล่าง
เช่น บรูไน มาเลเซีย สิงคโปร์ และประเทศไทยทางตอนใต้ เป็นต้น เกิดเป็นปัญหามลพิษจากหมอก
ควันข้ามแดนขึ้น

**การเกิดไฟป่าในอินโดนีเซียอันก่อให้เกิดมลพิษจากหมอกควันข้ามแดน มีลักษณะเฉพาะในการเป็น
กลุ่มควันขนาดใหญ่ มีสาเหตุหลักจาก 2 สาเหตุ ได้แก่**

    1) สาเหตุจากธรรมชาติ ได้แก่ ความแห้งแล้งและภาวะโลกร้อน ทำให้อุณหภูมิเฉลี่ยของโลก
เพิ่มขึ้น ทำให้ความรุนแรงของปัญหามักจะปรากฏชัดเจนในช่วงฤดูแล้ง นอกจากนี้ ปรากฏการณ์
เอลนีโญ (El-Nino)ที่มีความสัมพันธ์กับภาวะความแห้งแล้ง ยังเป็นปัจจัยสำคัญของไฟป่า โดยแม้ว่า
เอลนีโญจะไม่ได้ส่งผลกระทบโดยตรงต่อการเกิดไฟป่า แต่เอลนีโญเป็นปัจจัยสำคัญที่ก่อให้เกิด
เชื้อเพลิงที่ง่ายต่อการติดไฟ และมีความรุนแรงกว่าปกติทั่วไป(Tahir, 2000,p.5) และทำให้ความรุนแรง
ของไฟป่ารุนแรงมากยิ่งขึ้นประกอบกับประเภทของป่าไม้ในอินโดนีเซียส่วนใหญ่เป็นพื้นที่พรุ
(Peatlands)โดยพื้นที่พรุที่แห้งแล้งจะก่อให้เกิดไฟป่าได้ง่ายขึ้น บางครั้งเกิดการเผาไหม้บริเวณใต้ดิน
ที่ฝนไม่สามารถทำให้ไฟดับลงได้ และด้วยเป็นแหล่งที่เกิดการทับถมจนมีแร่ธาตุคาร์บอนสูง เมื่อเกิด
ไฟป่าจึงเป็นแหล่งที่ก่อให้เกิดก๊าซเรือนกระจกเป็นจำนวนมาก (James, 1999, pp. 334-335) ทำให้จุดที่
เกิดไฟป่ามีจำนวนมากกว่า 200-300 จุด ทำให้ยากต่อการควบคุม (ชนพร, 2552, น.9.)ซึ่งไฟป่าที่เกิดขึ้น
ในพื้นที่ลักษณะนี้จะก่อให้เกิดหมอกควันต่อกิโลกรัมของวัสดุที่ถูกเผาไหม้ หนาแน่นมากกว่า 3 เท่า
ของควันไฟจากพื้นที่ป่าที่มีการเผาไหม้ในอุณหภูมิสูงปกติ (ธารา, 2558)

2) สาเหตุจากการกระทำของมนุษย์เป็นสาเหตุหลักที่ก่อให้เกิดไฟป่าในอินโดนีเซีย โดย
ตั้งแต่ทศวรรษ 1980 เป็นต้นมารัฐบาลอินโดนีเซียมีนโยบายสิ่งแวดล้อมที่ตั้งอยู่บนพื้นฐานของ
ผลประโยชน์ทางเศรษฐกิจของรัฐเป็นหลัก โดยการให้สัมปทานป่าไม้เพื่อดำเนินการทำการเกษตร
ขนาดใหญ่แก่บริษัทเอกชนต่างๆ (as cited inTahir, 2000, p. xiv) ทั้งปาล์มน้ำมัน ธุรกิจไม้อัด ไม้ซุง
อุตสาหกรรมเนื้อเยื่อและกระดาษ และยาสูบ เป็นต้น ทำให้เป็นตัวกระตุ้นให้เกิดไฟป่าจากการปรับ
พื้นที่ด้วยวิธีแผ้วถางและเผาป่า (Slash and Burn Methods) เพื่อแสวงหาพื้นที่ทำการเกษตร จนไม่อาจ
ควบคุมไฟได้ และก่อให้เกิดการเผาไหม้เป็นบริเวณกว้าง(Rodziana, 2011, p.3) ผนวกกับความแห้ง
แล้งและสภาพพื้นที่ที่ง่ายต่อการติดไฟ ทำให้เกิดไฟป่าเป็นประจำทุกปี และยากต่อการควบคุม โดย
ในปี 2015 ที่ผ่านมา อินโดนีเซียเป็นผู้ผลิตและส่งออกรายใหญ่ที่สุดของโลกสามารถผลิตปาล์ม
น้ำมันได้ 32.5ล้านเมตริกตัน และส่งออกเป็นมูลค่า 21.1 พันล้านดอลลาร์สหรัฐฯทำให้การปลูก
ปาล์มน้ำมันกลายเป็นอุตสาหกรรมหลักที่ทำรายได้ให้กับประเทศอินโดนีเซียที่ดำเนินการโดย
รัฐวิสาหกิจ ร้อยละ 50 ของการผลิตทั้งหมดของอินโดนีเซีย(Indonesia Investments, 2016) โดย
ปริมาณความต้องการน้ำมันปาล์มของโลกพุ่งสูงขึ้นเร็วกว่าผลผลิตของโลก ทำให้ผู้ผลิตน้ำมันปาล์ม
ต้องเร่งผลิตให้มากขึ้นโดยเป้าหมายของอินโดนีเซียที่ภายในปี 2020 อินโดนีเซียจะผลิตน้ำมันปาล์ม
ดิบให้ได้ 40 ล้านตัน (UNDP, 2015) ทำให้เป็นแนวโน้มที่ดึงดูดให้เกิดการแผ้วถางพื้นที่เพื่อทำการ
ปลูกปาล์มน้ำมันเพิ่มสูงขึ้นในทุกๆ ปี อันส่งผลที่คาดการณ์ได้ว่าจะทำให้เกิดไฟป่าและมลพิษจาก
หมอกควันข้ามแดนในปริมาณมากเพิ่มขึ้นเรื่อยๆ ในอนาคต

ไฟป่าและมลพิษจากหมอกควันขนาดใหญ่ของอินโดนีเซียที่ได้รับการบันทึกเป็นครั้งแรกในช่วงครึ่ง
หลังของศตวรรษที่ 20 คือไฟป่าในปี ค.ศ. 1982 (Goldammer, 2001) ซึ่งตลอดระยะเวลาที่ผ่านมา
จนถึงปัจจุบัน ได้สร้างผลกระทบให้แก่ประเทศเพื่อนบ้านมาอย่างยาวนาน แต่ทั้งนี้ ประเทศต่างๆ
ได้รับผลกระทบในปริมาณที่แตกต่างกัน ขึ้นอยู่กับระยะห่างระหว่างประเทศต้นเหตุและประเทศที่
ได้รับผลกระทบและทิศทางกระแสลมที่จะทำให้มลพิษจากหมอกควันแพร่กระจายไป(ชนพร, 2552,
น. 10)โดยปีที่มีความสำคัญและรุนแรงมาก ได้แก่ ปี 1997-1998ที่ไฟป่าครอบคลุมพื้นที่ต่างๆ ใน
อินโดนีเซียถึง 9,655,000เฮกเตอร์(as cited inGoldammer, 2001)และมลพิษจากหมอกควันครอบคลุม
สิงคโปร์ มาเลเซีย บรูไน อินโดนีเซีย และแพร่ไปถึงเกาะมินดาเนาของประเทศฟิลิปปินส์ และหลาย
จังหวัดของประเทศไทยตอนล่าง ก่อให้เกิดก๊าซเรือนกระจกเทียบเท่ากับการปล่อยก๊าซของยุโรป
ตะวันตกทั้งหมด(Simon, 1998, p.203) สามารถวัดค่าดัชนีมาตรฐานสารมลพิษ (PSI) ในอินโดนีเซีย
ได้เกินกว่า 1,000(James, 1999, p. 332)(หากเกินกว่า 100 จะเป็นอันตรายต่อสุขภาพ) ซึ่งเป็นอันตราย
ต่อสุขภาพและระบบทางเดินหายใจอย่างรุนแรง และก่อให้เกิดความเสียหายทางเศรษฐกิจ การ
คมนาคม และนิเวศวิทยาทั่วทั้งภูมิภาค

ทั้งนี้ สอดคล้องกับปฏิญญาริโอว่าด้วยสิ่งแวดล้อมและการพัฒนา (The Rio Declaration on Environment and Development) ที่แม้จะระบุไว้ว่า รัฐจะมีอธิปไตยในการจัดการทรัพยากรภายในรัฐ ของตนได้ก็ตาม แต่รัฐจะต้องไม่ก่อให้เกิดความเสียหายต่อสิ่งแวดล้อมข้ามพรมแดน โดยหากรัฐไม่ สามารถจำกัดพื้นที่การเกิดปัญหาสิ่งแวดล้อมให้อยู่ภายในอาณาเขตของรัฐตนได้ และเกิดการข้าม แดน (Transnational) แล้วนั้น รัฐนั้นต้องรับผิดในการเป็นต้นเหตุให้เกิดปัญหามลพิษข้ามแดนขึ้น ตามมาตรา 21 ของ Stockholm Declaration(UNEP, 1972) ดังนั้น อินโดนีเซียซึ่งเป็นต้นเหตุของ ปัญหาจึงต้องรับผิดชอบในการจัดการปัญหามลพิษหมอกควันให้หมดไป หรือทำให้ปัญหาไม่ส่งผล กระทบต่อรัฐอื่น แต่ด้วยการที่ปัญหามลพิษจากหมอกควันเป็นปัญหาความมั่นคงในรูปแบบใหม่ (Non-traditional Security)ที่อินโดนีเซียไม่สามารถจำกัดพื้นที่ของปัญหาให้อยู่ภายในรัฐตนได้ และ เกิดการข้ามแดนไปยังรัฐเพื่อนบ้าน ส่งผลให้ปัญหาไม่ใช่เรื่องภายในรัฐอีกต่อไป แต่ได้เกิดเป็น ปัญหาระหว่างประเทศที่ภูมิภาคอาเซียนต้องร่วมกันแก้ไขปัญหา ดังนั้น ปัญหาดังกล่าวจึงเป็น แรงผลักดันสำคัญให้อาเซียนดำเนินความร่วมมือด้านสิ่งแวดล้อมร่วมกันมากยิ่งขึ้น

ความสำเร็จที่เป็นรูปธรรมในการแก้ไขปัญหามลพิษจากหมอกควันข้ามแดน ได้แก่ การที่รัฐมนตรี อาเซียนด้านสิ่งแวดล้อมเห็นชอบในการจัดทำแผนความร่วมมือเรื่องมลพิษจากหมอกควันข้ามแดน ของอาเซียน (ASEAN Co-operation Plan on Transboundary Pollution) ในปี 1995 โดยเป็นการ กำหนดนโยบายกว้างๆ และยุทธศาสตร์ที่จะจัดการกับปัญหามลพิษข้ามแดนและจากปัญหาหมอก ควันที่ทวีความรุนแรงขึ้น นอกจากนี้ ในปี1997 รัฐมนตรีอาเซียนด้านสิ่งแวดล้อมได้เห็นชอบ แผนปฏิบัติการอาเซียนเรื่องมลพิษจากหมอกควันข้ามแดน (Regional Haze Action Plan: RHAP) เพื่อ กำหนดมาตรการความร่วมมือร่วมกันระหว่างประเทศสมาชิกอาเซียนเพิ่มมากขึ้น (ASEAN Secretariat, 2012) และหลังจากนั้น ในปี 2002 เจ้าหน้าที่อาวุโสอาเซียนด้านสิ่งแวดล้อมได้จัดตั้ง เจ้าหน้าที่อาวุโสเฉพาะกิจของอาเซียนด้านหมอกควันขึ้น เพื่อรับผิดชอบการดำเนินการเกี่ยวกับการ ป้องกันหมอกควันจากไฟป่าในระดับภูมิภาคอาเซียน และจากผลการประชุมเจ้าหน้าที่อาวุโสเฉพาะ กิจและการประชุมระดับรัฐมนตรีอาเซียนด้านหมอกควันนี้ ก่อให้เกิดเป็นข้อตกลงอาเซียนเรื่อง มลพิษจากหมอกควันข้ามแดน (ASEAN Agreement on Transboundary Haze Pollution) ขึ้น เพื่อให้ รัฐสมาชิกอาเซียนรับไปปฏิบัติร่วมกัน(กรมควบคุมมลพิษ, 2559)ถือเป็นข้อตกลงด้านสิ่งแวดล้อมที่ มีผลผูกพันทางกฎหมายฉบับแรกของอาเซียน ซึ่งถือเป็นสิ่งที่ขัดแย้งกับนโยบายไม่แทรกแซงของ อาเซียนอย่างมากซึ่งตั้งแต่วันที่ 10 มิถุนายน ค.ศ. 2002 ประเทศสมาชิกอาเซียนได้ลงนามในข้อตกลง ฯ นี้ร่วมกันทำให้ข้อตกลงฯ มีผลบังคับใช้ตั้งแต่วันที่ 25 พฤศจิกายน ค.ศ. 2003 โดยปัจจุบัน ประเทศ สมาชิกอาเซียนทั้ง 10 ประเทศ ได้ให้สัตยาบันแก่ข้อตกลงฯ นี้เป็นที่เรียบร้อยแล้ว(Environment Division, 2015) แต่อินโดนีเซียเป็นประเทศสุดท้ายที่เพิ่งให้สัตยาบันในปี 2014 ที่ผ่านมา หลังจากลง นามในข้อตกลงฯ มายาวนานกว่า 12 ปี

สำหรับประเทศไทยซึ่งเป็นหนึ่งในประเทศที่ได้รับผลกระทบจากมลพิษจากหมอกควันข้ามแดนที่เกิดจากไฟป่าในอินโดนีเซียมาโดยตลอด ได้ให้สัตยาบันต่อข้อตกลงฯ เมื่อวันที่ 10 กันยายน 2003 ส่งผลให้ข้อตกลงฯ มีผลบังคับใช้ตั้งแต่วันที่ 25 พฤศจิกายน 2003(กรมควบคุมมลพิษ, 2559)เพื่อเป็นกรอบในการดำเนินงานแก้ไขปัญหามลพิษจากหมอกควันข้ามแดนที่เกิดขึ้น แต่แม้ว่าประเทศไทยจะร่วมเป็นภาคีสมาชิกข้อตกลงฯ และร่วมมือกับอาเซียนผ่านการจัดทำแผนแม่บทต่างๆ ซึ่งเป็นการแปลงนโยบายระดับภูมิภาคมาสู่การบังคับใช้ภายในประเทศขึ้นมารองรับ อาทิ การจัดทำแผนแม่บทแห่งชาติว่าด้วยการควบคุมการเผาในที่โล่ง และแผนแม่บทพัฒนาความปลอดภัยด้านอัคคีภัยแห่งชาติ ซึ่งมีแผนยุทธศาสตร์และแผนปฏิบัติการ เพื่อเป็นแนวทางให้แก่หน่วยงานต่างๆ ในการดำเนินงานแล้วก็ตามแต่ปัญหามลพิษจากหมอกควันข้ามแดนที่ส่งผลกระทบมายาวนานกว่า 30 ปี ก็ยังคงส่งผลกระทบต่อภาคใต้ของประเทศไทยมาอย่างต่อเนื่องจนถึงปัจจุบันเห็นได้จาก ในปี 2015 ที่ผ่านมา เกิดเหตุการณ์ไฟป่าและมลพิษหมอกควันข้ามแดนที่กระทบต่อภาคใต้ของประเทศไทยรุนแรงมากที่สุดในรอบ 10 ปี (Straitstimes, 2015)สะท้อนให้เห็นว่า อาเซียนไม่สามารถแก้ไขปัญหามลพิษจากหมอกควันข้ามแดนที่เกิดขึ้นทางตอนล่างของภูมิภาคได้ เนื่องจาก

1) กลไกการแก้ไขปัญหาและการป้องกันปัญหามลพิษจากหมอกควันข้ามแดนของอาเซียนไม่มีข้อผูกมัด/ บังคับให้ประเทศสมาชิกปฏิบัติตาม เนื่องจากวิถีอาเซียน (ASEAN Way) ที่ไม่สามารถแทรกแซงกิจการภายในของประเทศสมาชิกได้ สอดแทรกอยู่ในหลักการพื้นฐานของการจัดทำข้อตกลงอาเซียนเรื่องมลพิษจากหมอกควันข้ามพรมแดนทำให้อาเซียนไม่สามารถบังคับให้อินโดนีเซียให้สัตยาบันต่อข้อตกลงฯ ในเวลาอันรวดเร็ว และลงโทษผู้กระทำผิดที่เป็นสาเหตุให้เกิดมลพิษจากหมอกควันข้ามแดนกระทบต่อประเทศเพื่อนบ้านได้

2) ประเทศภาคีสมาชิกข้อตกลงฯ ไม่ร่วมมือในกลไกแก้ไขปัญหามลพิษจากหมอกควันข้ามแดนของอาเซียนอย่างจริงจัง เนื่องจากยังยึดติดกับผลประโยชน์แห่งชาติ (National Interest) ของตนเป็นหลัก โดยเฉพาะอย่างยิ่ง ประเทศต้นเหตุ คือ อินโดนีเซีย ที่ขาดความร่วมมือในการเปิดเผยข้อมูลการจัดทำแผนที่พิกัดการใช้ประโยชน์ที่ดินและแผนที่สัมปทาน ซึ่งมีความจำเป็นอย่างยิ่งต่อระบบการตรวจติดตามมลพิษหมอกควันของอนุภูมิภาคอาเซียนตอนล่าง(ASEAN Sub-Regional Haze Monitoring System: HMS)เพื่อระบุพื้นที่ที่เสี่ยงต่อการเกิดไฟป่าอันนำไปสู่ปัญหาหมอกควัน และเพื่อติดตามผู้ที่กระทำผิดในการก่อให้เกิดไฟป่าได้ ด้วยยังคำนึงถึงความปลอดภัยทางความมั่นคงและการเจริญเติบโตทางเศรษฐกิจของประเทศส่งผลให้แม้ว่าประเทศไทยจะดำเนินงานสอดคล้องกับข้อตกลงฯ เพียงใด ก็สามารถแก้ปัญหาในลักษณะข้ามแดนเช่นนี้ได้ในเชิงการตั้งรับเท่านั้น

ดังนั้น จะเห็นได้ว่า แม้ว่าปัญหามลพิษจากหมอกควันข้ามแดนทางตอนใต้ของภูมิภาคอาเซียน จะ
เป็นจุดเริ่มต้นของความร่วมมือทางด้านสิ่งแวดล้อมระดับภูมิภาคก็ตาม แต่ ณ ปัจจุบัน ปัญหานี้
กลับกลายเป็นตัวอย่างความล้มเหลวของการดำเนินงานด้านสิ่งแวดล้อมของอาเซียนได้เป็นอย่างดี
ทั้งนี้ นับเป็นนิมิตหมายอันดีที่ตั้งแต่ปี 2014 ที่ผ่านมา อินโดนีเซียที่เป็นต้นเหตุของปัญหามลพิษจาก
หมอกควันข้ามแดนในบริเวณตอนใต้ของภูมิภาคได้เข้าร่วมให้สัตยาบันต่อข้อตกลงอาเซียนเรื่อง
มลพิษจากหมอกควันข้ามแดน ประกอบกับ ประชาคมอาเซียนที่เกิดขึ้นในปี 2015 ที่ผ่านมา รวมถึง
แผนการดำเนินงานให้อาเซียนเป็นภูมิภาคที่ปลอดมลพิษจากหมอกควันภายในปี 2020 ทำให้มี
ความหวังได้ว่าปัญหาดังกล่าวจะสามารถหมดไปในอนาคต แต่ทั้งนี้การแก้ปัญหานี้ให้ประสบ
ความสำเร็จ ล้วนต้องการความร่วมมือจากทุกภาคส่วน ทั้งภาครัฐบาลของประเทศภาคีสมาชิก
ภาคเอกชน และภาคประชาชน ที่จะต้องก้าวข้ามผลประโยชน์ทางด้านเศรษฐกิจและการเมือง ไปสู่
การตระหนักถึงสิ่งแวดล้อมที่เป็นผลประโยชน์โดยรวมของภูมิภาคทั้งหมด

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Collaborative Disaster Management: Government Agencies and the Media

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Abstract

This article bases on research proposal investigating the on-ground cooperative operations between government disaster management agencies and media news reporters. Most of the time, the news reporters are eager to get into the scene of incident without realizing risks of their own safety as well as the frontline rescuing agencies. In fact, both government agencies and the media are collaborative partners in sharing needed information to the public to learn of their risks and safety. This research, therefore, aims to find the suggested approach to encourage and enhance the collaborative disaster operation between the two so that the public can make the most use of both capabilities. The researcher deploys qualitative methodology, using in-depth interview among several groups of media, under the framework from disaster management and media/journalist operation literatures. This integrated framework is expected to redesign how they work together effectively and efficiently.

Keywords: Collaborative Disaster Management/ Media Liaison/ Journalist/ Frontline Broadcast / Public Relation/ Thailand

การประสานงานสื่อในการจัดการภัยพิบัติ

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บทคัดย่อ

สื่อมวลชนในฐานะผู้รายงานข่าวสารต่อสังคมสาธารณะเป็นส่วนหนึ่งขององคาพยพในเหตุการณ์ภัยพิบัติไม่ว่าภัยนั้นจะเกิดอยู่มุมใดของประเทศ การเข้าไปแสวงหาข้อมูลของสื่อมวลชนในพื้นที่ภัยพิบัติ ย่อมก่อให้เกิดผลกระทบมากมายต่อสังคมส่วนรวมทั้งในพื้นที่ภัยพิบัติเองหรือภายนอกพื้นที่ก็ตาม ด้วยปัจจุบันมีสื่อสารมวลชนจำนวนมากไม่ว่าจะเป็นหนังสือพิมพ์ โทรทัศน์ วิทยุ หากการรายงานข่าวนั้นขาดความรับผิดชอบต่อสังคมและเป็นการรายงานข่าวโดยปราศจากองค์ความรู้ที่เกี่ยวข้องกับหลักการจัดการภัยพิบัติคุณลักษณะพิเศษของภัยและขาดการประสานงานที่ดีกับหน่วยงานต่างๆในพื้นที่

การสร้างความร่วมมือระหว่างหน่วยงานรัฐที่มีองค์ความรู้แท้จริงเกี่ยวศาสตร์แห่งการจัดการภัยพิบัติกับสื่อมวลชนจึงเป็นกลไกหนึ่งที่มีความสำคัญในช่วงขณะเกิดเหตุภัยพิบัติ ในงานวิจัยชิ้นนี้ผู้

ศึกษาจึงได้กำหนดกรอบการวิจัยที่คำนึงถึงหลักการจัดการภัยพิบัติ คุณลักษณะพิเศษของภัย กฎหมายที่เกี่ยวข้อง และองค์ความรู้ด้านสื่อสารมวลชน เป็นหลักในการเก็บข้อมูลวิจัยเชิงคุณภาพ โดยมีกลุ่มประชากรเป็นผู้สื่อข่าวภาคสนามที่มีประสบการณ์ในการรายงานข่าวภัยพิบัติและ เจ้าหน้าที่ด้านการจัดการภัยพิบัติที่เกี่ยวข้อง เพื่อให้ได้แนวทางพัฒนารูปแบบความร่วมมือระหว่าง รัฐกับสื่อมวลชนในภาวะภัยพิบัติอย่างมีประสิทธิภาพ

คำสำคัญ: การจัดการภัยพิบัติ/ ผู้สื่อข่าว/ สื่อมวลชน/ ความเชื่อมโยงด้านสื่อมวลชน

ความสำคัญของปัญหา

นับตั้งแต่เหตุการณ์สึนามิถล่ม 6 จังหวัดภาคใต้ของประเทศไทยเมื่อวันที่ 26 ธันวาคม 2547 สื่อมวลชนในประเทศได้หันมาให้ความสนใจกับการรายงานข่าวภัยพิบัติมากขึ้นอย่างต่อเนื่องซึ่ง เห็นได้อย่างชัดเจนในจอโทรทัศน์และหน้าหนังสือพิมพ์จากการรายงานข่าวเหตุการณ์มหาอุทกภัย เมื่อปลายปี 2554 โดยเป็นที่รู้กันดีว่าในวงการสื่อสารมวลชนมีการรายงานข่าวในภาวะภัยพิบัติ หลายชนิดหลายประเภท ทั้งข่าวในรูปแบบของการให้ความรู้เกี่ยวกับภัยแต่ละประเภท หรือ แม้กระทั่งการประกาศเตือนภัยที่สามารถรายงานอย่างทันท่วงทีผ่านสถานีโทรทัศน์และสื่อ ออนไลน์ นั่นทำให้การรายงานข่าวของสื่อมวลชนมีความซับซ้อนมากยิ่งขึ้น อย่างไรก็ตามในความ ซับซ้อนดังกล่าวนั้นมีทั้งเรื่องของข้อมูลที่ถูกต้อง ข้อมูลที่สดใหม่ทันเวลา และข้อมูลที่ต้องนำเสนอ ให้ใกล้เคียงความจริงมากที่สุด

หากแต่การทำงานของสื่อในปัจจุบันด้วยความที่สังคมบริโภคสื่อแบบดราม่าที่เน้นการรายงานข่าว เฉพาะส่วนที่เป็นเหตุสะเทือนใจสะเทือนอารมณ์ ทำให้บางครั้งการรายงานข่าวหรือการเข้าสู่พื้นที่ ของสื่อนั้นไม่เป็นไปตามลำดับขั้นตอนที่ควรจะเป็นขาดการประสานงาน และความร่วมมือร่วมใจ ซึ่งอาจจะส่งผลให้ขัดขวางการทำงานในการให้ความช่วยเหลือผู้ประสบภัยของภาครัฐได้ดังจะเห็น จากภาพข่าวในภาวะภัยพิบัติโดยเฉพาะการเข้าไปให้ความช่วยเหลือผู้ประสบภัยของสื่อมวลชน หลายสำนักที่มีการถ่ายทอดสดทุกช่วงขณะเวลาในรูปแบบของข่าวต้นชั่วโมง จะเห็นได้ว่า สื่อกำลัง แสดงบทบาทอื่นนอกจากการรายงานข่าวในรูปแบบปกติด้วย

เหตุการณ์มหาอุทกภัยปี 2554 เป็นเหตุการณ์ที่เห็นได้ชัดว่าสื่อมวลชนหลายสำนักต่างเปิดตัวเป็น หน่วยงานที่รับบริจาคเงินและสิ่งของเพื่อส่งต่อไปยังผู้ประสบภัยในพื้นที่ภัยพิบัติและนำถุงยังชีพ เดินทางเข้าไปแจกจ่ายในพื้นที่ประสบภัยเองโดยไม่มีการหารือร่วมกับเจ้าหน้าที่รัฐที่มีหน้าที่ รับผิดชอบโดยตรงพร้อมกับมีการรายงานข่าวไปด้วยในระหว่างที่แจกสิ่งของบรรเทาทุกข์นั้นๆ ใน

ประเด็นนี้สมาคมวิชาชีพอย่างสมาคมนักข่าวนักหนังสือพิมพ์แห่งประเทศไทย พบว่าการกระทำ
ดังกล่าวของสื่อมวลชนกลายเป็นปมที่ถกเถียงจวบจนปัจจุบันว่าการเปิดตัวเป็นผู้รับบริจาคและ
เดินทางไปบริจาคสิ่งของในพื้นที่นั้นเป็นหน้าที่ที่ควรกระทำของสื่อมวลชนหรือไม่อย่างไร และ
การกระทำเช่นนี้ก่อให้เกิดผลกระทบหรือผลเสียต่อการบริหารงานภาครัฐหรือไม่ ในเมื่อไม่มีการ
ประสานงานกันอย่างเป็นระบบในการบรรเทาทุกข์ให้กับผู้ที่ได้รับผลกระทบจากเหตุภัยพิบัติ

อีกประเด็นหนึ่งที่น่าสนใจคือหากการรายงานข่าวภัยพิบัตินั้นรายงานอย่างไม่รอบด้านหรือผิดไป
จากข้อเท็จจริง เป็นที่รู้กันดีว่าย่อมส่งให้เกิดผลเสียต่อประชาชนทั้งผู้ที่อยู่ในเหตุการณ์และผู้ที่กำลัง
จะได้รับผลกระทบตามมาจากภัยพิบัติที่มีความอ่อนไหวและสามารถจะแปรเปลี่ยนหรือขยายวง
กว้างได้ตลอดเวลา นอกจากนี้ยังส่งผลกระทบต่อการบริหารจัดการภาครัฐของหน่วยงานที่เกี่ยวข้อง
ในการเข้าไปให้ความช่วยเหลือหรือบรรเทาทุกข์ให้กับผู้ประสบภัยด้วย ดังนั้นการเสาะแสวงหา
ข้อมูลของผู้สื่อข่าวก่อนรายงานข่าวภัยพิบัติ จึงไม่ควรมุ่งเข้าไปยังสถานที่เกิดเหตุเพื่อเก็บภาพและ
หาข้อมูลจากสถานที่เกิดเหตุเพื่อรายงานสถานการณ์ออกมาสู่สังคมภายนอกให้รวดเร็วที่สุดเพื่อ
ประการเดียวโดยไม่มุ่งแสวงหาข้อมูลจากภาครัฐก่อนที่จะเข้าไปยังพื้นที่ กระนั้นก็ตามข้อมูลจาก
ภาครัฐที่เป็นไปด้วยความล่าช้าและไม่ค่อยมีความน่าเชื่อถือจึงเป็นประเด็นที่ต้องเร่งปรับปรุง เพราะ
ไม่เช่นนั้นสื่อมวลชนก็มักจะเสาะแสวงหาข้อมูลด้วยทีมงานของตนเอง ทำให้เลี่ยงไม่ได้ที่จะส่งผล
ประทบต่อการทำงานของเจ้าหน้าที่รวมทั้งยังส่งผลกระทบต่อประชาชนผู้ประสบภัยด้วย
นอกจากนี้หากภัยที่เกิดขึ้นเป็นภัยต่อเนื่องและกำลังขยายวงกว้าง ในบางสถานการณ์สื่อมวลชนก็
อาจจะกลายเป็นผู้ประสบภัยเสียเองหากไม่มีการเตรียมความพร้อมหรือมีความเป็นมืออาชีพที่มี
ทักษะเพียงพอ

ทั้งนี้การจัดการเหตุภัยพิบัติของภาครัฐนั้นย่อมต้องดูแลในหลายมิติไม่ว่าจะเป็นเรื่องการบรรเทา
ทุกข์จากเหตุการณ์ การช่วยเหลือผู้ประสบภัย การป้องกันประชาชนที่อาจจะประสบภัยใน
เหตุการณ์ต่อเนื่อง เป็นต้น นอกจากนี้ส่วนหนึ่งที่ต้องจัดการคือการใช้พื้นที่สื่อให้เกิดประโยชน์มาก
ที่สุด แต่ที่ผ่านมากลับไม่เป็นเช่นนั้นเพราะรัฐไม่สามารถกำหนดทิศทางหรือแนวทางในการจัดการ
สื่อมวลชนเพื่อให้เกิดประโยชน์กับประชาชนในพื้นที่ประสบภัยหรือในพื้นที่ระวังภัยได้
ขณะเดียวกันการรายงานข่าวของสื่อมวลชนบางครั้งก่อให้เกิดข้อมูลหรือข้อเท็จจริงที่ขัดแย้งกับ
ข้อมูลภาครัฐ จึงก่อให้เกิดความสับสนในด้านข้อมูลที่เท็จจริงและข้อมูลที่คลาดเคลื่อนนำไปสู่ความ
ไม่ลงรอยกันของผู้สื่อข่าวในพื้นที่และเจ้าหน้าที่ของหน่วยงานที่เกี่ยวข้อง

เมื่อเป็นเช่นนั้นความร่วมมือกันระหว่างภาครัฐและสื่อมวลชนในการเข้าไปสู่พื้นที่ภัยพิบัติเพื่อ
ช่วยเหลือผู้ประสบภัยก็ดีหรือเพื่อรายงานข่าวก็ดี จึงเป็นช่องทางหนึ่งที่จะสามารถจัดการเหตุภัย
พิบัติที่เกิดขึ้นได้หากมีการทำงานร่วมมือกันในลักษณะของเครือข่าย อย่างไรก็ตามส่วนหนึ่งของ

การไม่ประสานงานกันอย่างเป็นระบบระหว่างภาครัฐกับสื่อมวลชนส่งผลในการรายงานข่าวภัย
พิบัติเกิดขึ้นไปคนละทิศทางตามแต่นโยบายของกองบรรณาธิการของสำนักข่าวแต่ละแห่ง โดยสื่อ
บางส่วนเน้นพาดหัวข่าวบนหน้าหนังสือพิมพ์ด้วยการใช้คำที่มีความรุนแรงและเน้นไปที่ความ
สูญเสียโดยไม่คำนึงถึงผลกระทบที่จะติดตามมา ดังนั้นการออกแบบการดำเนินการและการบริหาร
จัดการ โดยเฉพาะการจัดการจากภาครัฐ ด้วยการจัดตั้งทีม media respond เพื่อจัดการสื่ออย่างเป็น
ระบบและการบริหารจัดการสื่อของรัฐอย่างมีประสิทธิภาพจึงเป็นสิ่งหนึ่งที่ความเกิดขึ้นทั้งในช่วง
ของก่อนเกิดภัยพิบัติ ระหว่างเหตุภัยพิบัติ และหลังจากเหตุภัยพิบัติ

ในขณะที่สื่อมวลชนเองก็ควรต้องวางบทบาทหรือ position ของตัวเองให้เหมาะสม ในขณะที่ต้อง
ทำหน้าที่รายงานข่าวที่มีลักษณะพิเศษเช่นนี้เนื่องจากการรายงานข่าวภัยพิบัติเชื่อมไปถึงเรื่องของ
การเตรียมความพร้อมของคนในทุกภาคส่วนและความรับผิดชอบต่อสาธารณะ อีกทั้งยังต้องมีความ
เข้าใจในการทำงานของภาครัฐโดยการไม่เข้าไปขัดขวางหรือสร้างปัญหา ขณะเดียวกันสื่อมวลชน
สามารถเป็นกลไกหนึ่งร่วมกับภาครัฐในการส่งต่อข้อมูลหรือให้ความช่วยเหลือประชาชนได้อีก
ทางหนึ่งโดยคำนึงถึงบทบาทและการทำงานของสื่อในภาวะภัยพิบัติ รวมทั้งศึกษาการประสานงาน
ของสื่อกับรัฐในการจัดการภัยพิบัติ โดยเฉพาะรัฐต้องมีช่องทางการประสานงานที่ชัดเจนโดยที่ไม่
ละเมิดหรือคุกคามอิสระของการทำหน้าที่สื่อมวลชนด้วย ขณะที่บทบาทของสื่อต่อการรับบริจาค
และการเข้าไปบรรเทาทุกข์ผู้ประสบภัยในพื้นที่เกิดเหตุก็ควรจะต้องมีความชัดเจนและประสานงาน
กับภาครัฐเพื่อพัฒนาการทำงานของสื่อด้านภัยพิบัติอย่างเป็นระบบ

อย่างไรก็ตาม ไม่มีทางที่สื่อรายใดรายหนึ่งจะตอบสนองต่อคนได้ทุกกลุ่มในเวลาเดียวกัน เพราะมี
กลุ่มคนที่ต้องการข่าวสารที่แตกต่างกันหลากหลายกลุ่ม ตั้งแต่กลุ่มคนที่ประสบภัยโดยตรง กลุ่มคน
ที่ภัยกำลังจะมาถึงตัว และกลุ่มคนที่ไม่ประสบภัยพิบัติ ดังนั้นสื่อแต่ละรายควรสร้างความร่วมมือ
กับภาครัฐเพื่อช่วยกันส่งเสริมข้อมูลข่าวสารแก่กลุ่มคนดังกล่าวซึ่งกันและกัน นอกจากนี้สื่อมวลชน
ควรทำงานเพื่อสร้างความปลอดภัยและความร่วมมือในสังคม ทั้งระยะก่อนเกิดและระหว่างเกิดภัย
พิบัติ โดยสื่อมวลชนควรร่วมมือกันและสร้างนักข่าวที่มีองค์ความรู้เรื่องภัยพิบัติโดยเฉพาะ เพื่อการ
รายงานข่าวที่มีคุณภาพและเป็นส่วนหนึ่งในการผลักดันนโยบายสาธารณะเกี่ยวกับการป้องกันภัย
พิบัติไม่ให้เกิดความสูญเสียหรือทำให้เกิดความสูญเสียน้อยที่สุด

วัตถุประสงค์ในการวิจัย (Research Objectives)

1. เพื่อศึกษาถึงบทบาทและการทำงานขอสื่อมวลชนในภาวะภัยพิบัติ

2. เพื่อศึกษาถึงแนวทางการประสานงานกันระหว่างสื่อมวลชนกับรัฐในการจัดการภัยพิบัติ

3. เพื่อศึกษาถึงปัญหาของการประสานงานกันระหว่างสื่อมวลชนกับรัฐในการจัดการภัยพิบัติ

4. เพื่อนำผลการศึกษาที่ได้มาพัฒนาการทำงานของสื่อมวลชนในภาวะภัยพิบัติ

คำถามวิจัย (Research Questions)

แนวทางการทำงานและประสานงานร่วมกันระหว่างรัฐกับสื่อมวลชนควรเป็นอย่างไร เพื่อให้เกิด
ประสิทธิภาพและเหมาะสมในสถานการณ์ภัยพิบัติ

ลักษณะของการศึกษาวิจัย

งานวิจัยชิ้นนี้ผู้ศึกษาได้ใช้การศึกษาวิจัยเชิงคุณภาพ (Qualitative Research) โดยใช้วิธีการสัมภาษณ์
แบบเจาะลึก (In-depth Interview) จากผู้รู้โดยใช้รูปแบบการสัมภาษณ์แบบกึ่งทางการ ผ่านชุด
คำถามปลายเปิดที่กำหนดกรอบคำถามเกี่ยวกับหัวข้อวิจัยมุ่งเน้นการศึกษาเกี่ยวกับความร่วมมือ
ระหว่างรัฐและสื่อมวลชนในการรายงานข่าวภัยพิบัติ โดยมีกลุ่มประชากรในการศึกษาเป็น
สื่อมวลชนจากส่วนกลางคือเฉพาะที่เป็นพนักงานประจำให้กับองค์กรสื่อเท่านั้น ไม่ได้วิจัยถึง
สื่อมวลชนท้องถิ่นที่เป็นลูกจ้างชั่วคราวซึ่งทำหน้าที่รายงานข่าวในต่างจังหวัดเพราะปฏิบัติงานตรง
กับความต้องการของกองบรรณาธิการมากที่สุดการศึกษาวิจัยนี้จึงได้ใช้ขอบเขตพื้นที่ในการวิจัยอยู่
ภายในกรุงเทพมหานครเนื่องจากเป็นที่ตั้งของสำนักงานใหญ่ขององค์กรสื่อมวลชนกระแสหลัก
ทั้งหมด เนื่องจากปัจจุบันสื่อกระแสหลักเป็นผู้กำหนดทิศทางของข่าวสาร โดยเฉพาะข่าวใหญ่หรือ
ข่าวเด่นอย่างข่าวภัยพิบัติที่ประชาชนให้ความสนใจอย่างมาก และเมื่อเกิดเหตุภัยพิบัติผู้สื่อข่าว
กระแสหลักกลุ่มนี้จะเป็นเป็นผู้ที่เดินทางไปรายงานข่าวในพื้นที่ที่เกิดเหตุกลุ่มตัวอย่างจึงประกอบ
ไปด้วย

   1.องค์กรสื่อสารมวลชน

     1.1 สถานีโทรทัศน์ที่นำเสนอข่าวเป็นหลักจำนวน 3 แห่ง คือ สถานีโทรทัศน์ไทยทีวีสีช่อง
3 สถานีโทรทัศน์ไทยรัฐทีวี และสถานีโทรีทัศน์ไทยพีบีเอส

     1.2 สื่อหนังสือพิมพ์ คือ หนังสือพิมพ์กระแสหลักที่เกี่ยวข้องกับการรายงานข่าวเหตุการณ์
ทั่วไปจำนวน 3 ฉบับ ประกอบด้วย หนังสือพิมพ์ไทยรัฐหนังสือพิมพ์เดลินิวส์ และหนังสือพิมพ์มติ
ชนนอกจากนี้เพื่อให้การเก็บข้อมูลมีความครอบคลุมกลุ่มประชากรยังประกอบด้วยหนังสือพิมพ์ที่
นำเสนอข่าวเศรษฐกิจและหนังสือพิมพ์ภาษาต่างประเทศ คือ หนังสือพิมพ์โพสต์ทูเดย์ และ
หนังสือพิมพ์บางกอกโพสต์ตามลำดับ

   2. องค์กรวิชาชีพสื่อมวลชน คือ นายกสมาคมนักข่าวนักหนังสือพิมพ์แห่งประเทศไทย

   3. หน่วยงานที่เกี่ยวข้องกับการจัดการภัยพิบัติ ประกอบด้วย กรมป้องกันและบรรเทาสาธารณะ
ภัยกองป้องกันและบรรเทาสาธารณภัยกรุงเทพมหานคร และมูลนิธิสาธารณกุศลที่มีนโยบายใน
การช่วยเหลือผู้ประสบภัยพิบัติ

   4. ภาคประชาสังคมที่ทำงานเกี่ยวกับการจัดการภัยพิบัติ

ประโยชน์ที่ได้รับจากงานวิจัย

    1. ก่อให้เกิดแนวทางการประสานงานร่วมกันระหว่างรัฐกับสื่อมวลชนในภาวะภัยพิบัติ

    2. เป็นแนวทางเพื่อเพิ่มประสิทธิภาพการรายงานข่าวภัยพิบัติของสื่อมวลชน

    3.   ผลวิจัยสามารถใช้เป็นแนวทางการแก้ปัญหาการรายงานข่าวในภาวะภัยพิบัติของ
สื่อมวลชนที่มีผลต่อการบริหารจัดการภาครัฐ

    4. ผลวิจัยสามารถนำไปพัฒนาเป็นแนวทางในการรายงานข่าวภัยพิบัติของสื่อมวลชน

วรรณกรรมที่สำคัญและกรอบแนวคิด

1. การบริหารปกครองสาธารณะ การบริหารรัฐกิจและความร่วมมือภาครัฐอย่างเป็นธรรมาภิบาล
(Public Governance and Collaborative Governance) ซึ่งว่าด้วย การบริหารปกครอง (Governance) :
การบริหารรัฐกิจในศตวรรษที่ 21 ที่อธิบายถึงกระบวนการจัดการกฎกติกาในกระบวนการกำหนด
นโยบายสาธารณะและการนำนโยบายไปสู่การปฏิบัติ โดยการเปิดโอกาสให้ผู้มีส่วนร่วมในปัญหา
นั้นรวมทั้งประชาชนเข้ามามีส่วนร่วมในการกำหนดนโยบายสาธารณะ นอกจากนี้ยังรวมถึง
หลักการเกี่ยวกับทฤษฎีเครือข่ายที่อธิบายถึงเครือข่ายนโยบายในรูปแบบต่างๆ

2. องค์ความรู้ด้านภัยพิบัติและหลักการบริหารภัยพิบัติ ที่ประกอบไปด้วย ประเภทของภัยพิบัติใน
รูปแบบต่างๆ หลักการจัดการภัยพิบัติ และคุณลักษณะพิเศษของภัย ซึ่งจะแสดงให้เห็นถึงการ
จัดการภัยพิบัติที่ดีและอธิบายถึงลักษณะเฉพาะของภัยพิบัติ โดยหลักการนี้จะสามารถนำไปสู่แนว
ทางการสร้างความร่วมที่ดีได้หากทั้งรัฐและสื่อมวลชนมีความเข้าใจร่วมกัน

3. หลักวารศาสตร์ หลักการคุณค่าข่าว และหลักการสื่อข่าวภัยพิบัติ เนื่องจากเป็นการแสวงหาความ
ร่วมมือในมุมของสื่อมวลชนจึงต้องคำนึงถึงหลักการทางด้านวารสารศาสตร์ ดังนั้นหลักการ
เกี่ยวกับการสื่อสารมวลชนจึงมีความจะเป็นที่จะนำมาอ้างอิงถึงด้วย

นอกจากวรรณกรรมที่สำคัญข้างต้นแล้ว ผู้วิจัยยังได้ศึกษาเพิ่มเติมเกี่ยวกับกรอบกฎหมายที่เกี่ยวข้อง
กับเหตุภัยพิบัติอย่าง พ.ร.บ.ป้องกันและบรรเทาสาธารณะภัย พ.ศ.2550 รวมไปถึงลักษณะและ
วิธีการทำงานของสื่อมวลชนในภาวะภัยพิบัติ และผู้มีส่วนเกี่ยวข้องกับเหตุภัยพิบัติในลักษณะของ
แหล่งข่าว นอกจากนี้ยังพิจารณาการทำงานของสื่อมวลชนเปรียบเทียบกับหลักจริยธรรมและ
จรรยาบรรณของสื่อมวลชนด้วย เนื่องจากการรายงานข่าวของสื่อมวลชนในภาวะภัยพิบัติอาจจะ
คาบเกี่ยวกับการละเมิดจริยธรรมหรือผู้ประสบภัยในขณะนั้นๆ

ทั้งนี้ในส่วนของกรอบแนวคิดนั้นสามารถอธิบายได้ด้วยแผนภาพดังนี้

หลักการของการจัดการภัยพิบัติ

- ความครบถ้วนของภัย
- คาดการณ์ล่วงหน้า
- ขับเคลื่อนด้วยความเสี่ยง
- เอกภาพการประสานงาน(บูรณาการ)
- ประสานสอดคล้อง
- ร่วมแรงร่วมใจ
- ความเป็นมืออาชีพ
- มีความยืดหยุ่น

คุณลักษณะพิเศษของภัยพิบัติ

- ภัยหลักก่อให้เกิดภัยอื่นที่ตามมา (Compound Hazard)
- ภัยพิบัติเพิ่มความรุนแรงได้หากระดับของความอ่อนไหวของชุมชนมีสูง(Level of Community Vulnerability)
- ภัยพิบัติขยายผลสู่พื้นที่ต่างๆ ในวงกว้างและเป็นพื้นที่ที่ข้ามเขตการปกครองของหน่วยงาน (Cross Juridiction)
- ภัยพิบัติ ไม่มีความแน่นอน (Uncertainty)
- ภัยพิบัติ ก่อให้เกิดความโกลาหล (Chaos)

การจัดการและประสานงานสื่อในภัยพิบัติ

1. หน่วยงานที่เกี่ยวข้อง
- หน่วยงานหลัก : องค์กรสื่อ / กรมป้องกันและบรรเทาสาธารณภัย / องค์กรปกครองส่วนท้องถิ่น
- หน่วยงานรอง : ภาคประชาสังคม / อาสาสมัคร
2. กลไกการประสานงานในลักษณะเครือข่าย
3. พ.ร.บ.ที่เกี่ยวข้อง : พระราชบัญญัติป้องกันและบรรเทาสาธารณภัย พ.ศ. 2550
- การกำหนดบทบาทหน้าที่ให้กับตัวแสดงสำหรับการจัดการสาธารณภัย
- กระบวนการจัดการสาธารณภัย

การทำงานของสื่อในภาวะภัยพิบัติ

1. กระบวนการการสื่อสาร SMCR
2. คุณค่าข่าว/ระเบียบปฏิบัติ
3. จริยธรรมสื่อมวลชน
   - ความรวดเร็ว
   - ความถูกต้อง
   - มีความรอบด้าน/ครอบคลุม

แนวทางพัฒนารูปแบบความร่วมมือระหว่างรัฐกับสื่อมวลชนในภาวะภัยพิบัติอย่างมีประสิทธิภาพ

ผลการศึกษาและอภิปรายผลการศึกษา

ในส่วนของผลการศึกษาและอภิปรายผลการศึกษานั้นผู้วิจัยได้จัดการหมวดหมู่ของการนำเสนอ
ออกเป็น 5 กลุ่ม ตามหมวดหมู่ที่สามารถวิเคราะห์ผลการศึกษาร่วมกันได้เพื่อให้ง่ายต่อความเข้าใน
ในการแสวงหาแนวทางความร่วมมือระหว่างรัฐกับสื่อมวลชนในภาวะภัยพิบัติ โดยใช้กรอบการ
วิจัยเป็นตัวกำหนดการอภิปราย ซึ่งสามารถแบ่งได้ดังนี้

ประเด็นการจัดการและประสานงานสื่อในภาวะภัยพิบัติ

ในประเด็นนี้ผู้วิจัยได้สัมภาษณ์ถึงการประสานงานกันระหว่างหน่วยงานรัฐที่เกี่ยวข้องกับภัยพิบัติ
กับสื่อมวลชน รวมถึงลักษณะของความร่วมมือที่จะเกิดขึ้นได้และความร่วมมือในลักษณะของ
เครือข่าย ซึ่งผลการศึกษาพบว่า สื่อมวลชนทั้งจากองค์กรสื่อที่เป็นหนังสือพิมพ์และโทรทัศน์อยาก
ให้มีการประสานงานกันระหว่างรัฐกับสื่อมวลชนในรูปแบบของเครือข่าย เป็นความร่วมมือใน
ลักษณะของการส่งตัวแทนของแต่ละส่วนเข้าไปร่วมในกระบวนการของการสร้างเครือข่ายระหว่าง
รัฐกับสื่อมวลชนเพื่อประสานงานกันในเรื่องของข้อมูล นอกจากนี้ควรจะมีการกำหนดตัวผู้
บัญชาการเหตุการณ์ที่ชัดเจนในแต่ละเหตุการณ์ที่เกิดขึ้นเพื่อให้ทิศทางข่าวสารเป็นไปในทิศทาง
เดียวกัน และลดความสัมพันธ์ระหว่างตัวบุคคลลงเพื่อให้ได้ข้อมูลอย่างตรงไปตรงมา

ในส่วนของสื่อมวลชนได้ให้ความเห็นไปในทิศทางเดียวกันว่า ความร่วมมือแบบเครือข่ายภาครัฐ
ควรมีการนำเสนอข้อมูลด้วยความรวดเร็วทันต่อเหตุการณ์ และผู้มีส่วนเกี่ยวข้องในการให้ข้อมูลกับ
สื่อต้องเป็นผู้เชี่ยวชาญอย่างแท้จริงปราศจากการแทรกแซงจากนักการเมืองไม่ควรนำเสนอข้อมูล
การแก้ปัญหาผ่านสื่อเพียงเพื่อเอาใจฝ่ายการเมืองฝ่ายใดฝ่ายหนึ่งหรือสร้างภาพทางการเมือง
นอกจากนี้เครือข่ายที่เกิดขึ้นควรประสานงานกันได้ตลอด 24 ชั่วโมงโดยมีการตั้งวอร์รูมเฉพาะกิจ
ขึ้นในพื้นที่เพื่อการประสานงานอย่างเป็นรูปธรรม

หากพิจารณาจากกรณีนี้จะเห็นได้ว่าตามหลักการ เครือข่ายนโยบาย (Policy Network) อาจจะนำ
รูปแบบของมาร์ชและโรดส์ (The Marsh and Rhodes Typology) (ทวิดา, 2556,o.28) มาใช้ได้
กล่าวคือเป็นการพัฒนารูปแบบเครือข่ายนโยบายนี้ขึ้นจากการให้ชุมชนนโยบาย เครือข่ายนโยบาย
และเครือข่ายประเด็นนโยบาย เป็นประเภทของความสัมพันธ์ระหว่างกลุ่มผลประโยชน์และรัฐบาล
ซึ่งในกรณีนี้กลุ่มผลประโยชน์คือสื่อมวลชนและประชานในพื้นที่ภัยพิบัติ ซึ่งรูปแบบนี้ใช้คำว่า
เครือข่ายนโยบายในแบบกว้างไม่เจาะจง และเครือข่ายมีความแตกต่างกันตามระดับความใกล้ชิด
และความสัมพันธ์ของสมาชิกภายในเครือข่าย ทำให้ชุมชนนโยบายกับเครือข่ายประเด็นนโยบายอยู่
ปลายแต่ละข้างของระดับความใกล้ชิดของความสัมพันธ์ โดยที่ชุมชนนโยบายจะมีความสัมพันธ์ที่

แน่นแฟ้นในขณะที่เครือข่ายประเด็นนโยบายจะมีความสัมพันธ์แบบหลวมๆเท่านั้น ซึ่งในการทำ
ความเข้าใจอย่างถ่องแท้ถึงคุณลักษณะของชุมชนนโยบายนั้นด้วยเหตุนี้เองที่ทำให้เกิดการเสนอ
ทางเลือกของบทบาทของพลเมืองในกระบวนการบริหารปกครองในเครือข่ายนี้ นั่นคือการที่
พลเมืองสามารถควบคุมการทำงานของภาครัฐได้ด้วยการมีส่วนร่วมในเครือข่ายต่างๆ ทำให้
พลเมืองสามารถตัดสินใจเข้ามีส่วนในการดำเนินการ

ทั้งนี้ในกรณีของสื่อโทรทัศน์มีความเห็นสอดคล้องกันในประเด็นหนึ่งที่แตกต่างไปจากสื่อ
หนังสือพิมพ์คือ เมื่อเกิดเครือข่ายขึ้นแล้วสื่อโทรทัศน์มีความต้องการที่จะเข้าไปในพื้นที่ภัยพิบัติ
พร้อมกับเจ้าหน้าที่รัฐ โดยเชื่อว่าการเดินทางเข้าไปที่เกิดเหตุพร้อมเจ้าหน้าที่รัฐที่มีความเชี่ยวชาญ
จะมีความปลอดภัยมากกว่า นอกจากนี้สื่อโทรทัศน์ยังแสดงความเห็นว่าเจ้าหน้าที่รัฐมีเครื่องมือและ
อุปกรณ์ในการเข้าไปในพื้นที่ครบถ้วนซึ่งจะเอื้อต่อการเข้าพื้นที่ได้ดีกว่าเดินทางเข้าไปในพื้นที่ด้วย
ทีมงานของสื่อมวลชนเพียงฝ่ายเดียว ซึ่งจะทำให้การรายงานข่าวมีสีสันและสามารถรับข้อมูลจาก
เจ้าหน้าที่ได้โดยตรง อย่างไรก็ตามในส่วนของสื่อหนังสือพิมพ์แล้วไม่มีการแสดงความคิดเห็นใน
กรณีนี้

นอกจากนี้สื่อโทรทัศน์ที่มีผู้สื่อข่าวด้านภัยพิบัติเป็นการเฉพาะอย่างสถานีโทรทัศน์ไทยทีวีสีช่อง 3
และสถานีโทรทัศน์ไทยพีบีเอสยังให้ความเห็นที่น่าสนใจว่า ปัจจุบันเครือข่ายระหว่างรัฐกับ
สื่อมวลชนในการรายงานข่าวภัยพิบัติก็เกิดขึ้นบ้างแล้วอย่างไม่เป็นทางการ เป็นความร่วมมือ
ระหว่างศูนย์ป้องกันภัยพิบัติแห่งชาติกับสื่อมวลชนโดยเฉพาะสื่อโทรทัศน์ คือเมื่อมีเหตุภัยพิบัติ
เกิดขึ้นศูนย์เตือนภัยพิบัติจะประสานงานแจ้งมายังที่ผู้สื่อข่าวด้านภัยพิบัติทันทีและปัจจุบันก็ยังคงมี
การส่งข้อมูลกันอยู่ตลอดเวลา ซึ่งทำให้การทำงานของสื่อมีความรวดเร็วและยังเป็นข้อมูลที่มีความ
น่าเชื่อถืออีกด้วยเพราะเป็นการแจ้งข้อมูลอย่างเป็นทางการแทนที่จะรอเฝ้าฟังข้อมูลจากโซเชียล
มีเดียร์

ด้านภาคประชาสังคมหรือองค์กรพัฒนาเอกชนก็มีความเชื่อไปในทิศทางเดียวกันว่า การ
ประสานงานที่ดีที่สุดคือการสร้างเครือข่ายขึ้นมาโดยเน้นการจัดการภัยพิบัติอย่างบูรณาการ การนำ
สื่อมวลชนเข้ามาร่วมเป็นเครือข่ายกับภาครัฐเป็นสิ่งจำเป็นและจะทำให้เกิดประโยชน์สูงสุดในการ
จัดการภัยพิบัติ อย่างไรก็ตามมีความเห็นว่าภัยแต่ละประเภทมีคุณสมบัติแตกต่างกันออกไปการ
จัดการแบบเครือข่ายจึงควรปรับเปลี่ยนไปตามสถานการณ์ของภัยนั้นๆ แต่เครือข่ายต้องมีความ
ต่อเนื่องและยึดโยงกันไว้ นอกจากนี้ยังมีความเห็นเหมือนกับสื่อมวลชนว่าควรจะมีการจัดตั้ง
วอร์รูมขึ้นในพื้นที่และมีการแจ้งความคืบหน้าของเหตุการณ์ในทุกระยะเพื่อขจัดความสับสนของ
การนำเสนอข่าวและทำให้การนำเสนอข่าวไปในทิศทางเดียวกัน

ความเห็นดังกล่าวสอดคล้องกับการจัดการเครือข่ายการปกครองที่ว่าด้วยประสิทธิภาพของเครือข่าย
ที่ย่อมขึ้นกับกลไกการทำงานที่จะสามารถจัดการกับความซับซ้อนที่เกิดขึ้นได้หรือไม่ คือ กลไก
ต้องตัวแบบและแนวทางปฏิบัติที่ถูกทำให้ง่ายเพื่อลดความซับซ้อน แต่ขณะเดียวกันก็สอดคล้องกับ
ส่งที่เกิดขึ้นจริงและตรงกับวัตถุประสงค์ของเครือข่ายโดยมีการพึ่งพาซึ่งกันและกัน ขณะเดียวกัน
ต้องพัฒนาศักยภาพในการเรียนรู้ปฏิสัมพันธ์ที่ไม่หยุดนิ่งอย่างมีพลวัต ด้วยการสร้างวิธีการทำงาน
แบบประสานงานระหว่างตัวแสดงจากสังคมที่มีความหลากหลายด้านอัตลักษณ์และผลประโยชน์
และสร้างมุมมองร่วมกันเกี่ยวกับการกระทำของบุคคลโดยกำหนดกติกาในการทำงานร่วมกัน
เพื่อให้เครือข่ายการจัดการมีความมั่นคง

ทั้งนี้ในส่วนของเจ้าหน้าที่รัฐก็เห็นด้วยกับการสร้างเครือข่ายเพราะมีความต้องการที่จะใช้ประโยชน์
จากสื่อมวลชนในการประชาสัมพันธ์ข้อมูลข่าวสารทางราชการและการเตือนภัยไปยังประชาชน ซึ่ง
สอดคล้องกับหลักการ การสื่อสารมวลชน (mass communication) ที่กำหนดว่าสื่อมวลชนเป็น
Channel หรือช่องทางการสื่อสาร ซึ่งหมายความถึงสื่อที่สามารถนำสารจากผู้ส่งสารไปสู่ผู้ส่งสาร
ไปสู่ผู้รับสารที่ประกอบด้วยคนจำนวนมากได้อย่างรวดเร็วภายในเวลาใกล้เคียงกันหรือในเวลา
เดียวกัน (ปรมะ, 2546, น.132) ขณะที่ประชาชนอยู่ในบทบาทของผู้รับสาร หรือ receiver ซึ่งเป็น
องค์ประกอบหนึ่งของการสื่อสารมวลชนโดยผู้รับสารจะมีจำนวนมาก (large) มีความแตกต่างกัน
(heterogeneous) และไม่เป็นที่รู้จักกัน (anonymous) (เรื่องเดียวกัน, น.132)

ประเด็นองค์ความรู้ด้านการจัดการภัยพิบัติและกฎหมายที่เกี่ยวข้อง

ในประเด็นที่เกี่ยวข้องกับองค์ความรู้ด้านภัยพิบัตินั้นเห็นได้ชัดเจนว่าสื่อมวลชนที่เป็นสื่อ
หนังสือพิมพ์กับสื่อมวลชนที่เป็นสื่อโทรทัศน์มีความคิดเห็นแตกต่างกันอย่างชัดเจนกล่าวคือ
สื่อมวลชนที่มาจากหนังสือพิมพ์มองว่าสถานการณ์ภัยพิบัติไม่สามารถคาดการณ์ได้ล่วงหน้าได้
แน่นอนแม้จะมีคู่มือหรือหลักการใดๆ เพราะสื่อมวลชนต้องปรับตัวให้เข้ากับสถานการณ์เฉพาะ
หน้าได้ โดยอาศัยประสบการณ์การทำงานประกอบกับการบอกเล่าจากประสบการณ์ของผู้สื่อข่าวที่
เคยทำงานมาก่อนหน้านี้ โดยเชื่อว่าน่าจะมีความสำคัญมากกว่าองค์ความรู้ด้านการจัดการภัยพิบัติ
เนื่องจากไม่มีใครสามารถกำหนดบรรทัดฐานของการทำงานในสถานการณ์ภัยพิบัติที่เปลี่ยนแปลง
อยู่ตลอดเวลาได้

สำคัญว่านั้นคำสั่งหรือนโยบายการนำเสนอข่าวขององค์กรสื่อต้นสังกัดถือเป็นเด็ดขาดและมี
ความสำคัญมากกว่าที่คำนึงถึงองค์ความรู้ด้านการจัดการภัยพิบัติแม้ว่าจะไม่มีความรู้เพียงพอใน
เรื่องของหลักการจัดการภัยพิบัติและคุณลักษณะของภัยตามหลักการทางรัฐศาสตร์ก็ตาม ซึ่งตรงกัน

ข้ามกับสื่อโทรทัศน์ที่มีผู้สื่อข่าวเฉพาะด้านภัยพิบัติกลับมีความคิดเห็นไม่สอดคล้อง เนื่องจากสื่อ
โทรทัศน์มีการศึกษาข้อมูลเกี่ยวกับสถานการณ์ภัยพิบัติที่เกิดขึ้นในเชิงลึกมากกว่า มีการศึกษา
แม้กระทั่งการหลบภัยรวมทั้งปรากฏการณ์ของภัยพิบัติในแต่ละประเภทที่จะเกิดตามมาหลังจากเกิด
ภัยหลัก นอกจากนี้ยังมีการรวบรวมเอกสารการทำงานก่อนการลงพื้นที่จริงโดยระบุว่าเพื่อการ
รายงานข่าวที่รอบด้านและทันท่วงทีในการนำเสนอข่าวในแต่ละชั่วโมง

สาเหตุที่เป็นเช่นนั้นเนื่องมาจากข้อมูลที่สื่อโทรทัศน์ต้องการมีมากกว่าข้อมูลของสื่อหนังสือพิมพ์
และยังต้องมีการรายงานสถานการณ์ต่อเนื่องทุกชั่วโมงโดยเฉพาะในข่าวภัยพิบัติที่มีความสูญเสีย
ทั้งชีวิตและทรัพย์สินเป็นจำนวนมาก ในขณะที่สื่อหนังสือพิมพ์สามารถที่จะใช้เวลาในการรวบรวม
ข้อมูลตลอดทั้งวันเพื่อรายงานเหตุในช่วงก่อนปิดต้นฉบับในช่วงค่ำของแต่ละวันก่อนที่จะพิมพ์
ออกมาในเช้าของวันรุ่งขึ้น ทั้งนี้ความรวดเร็วของการนำเสนอข่าวของสื่อโทรทัศน์ย่อมเสี่ยงต่อการ
ผิดพลาดหากการรายงานข่าวนั้นไม่รอบด้านเพียงพอต่างกับสื่อหนังสือพิมพ์ที่มีเวลาในการ
ตรวจสอบข้อมูลก่อนการรายงานข่าว จึงไม่ใช่เรื่องแปลกที่สื่อหนังสือพิมพ์มักจะใช้ถูกอ้างอิง
มากกว่าสื่อโทรทัศน์หลังจากการรายงานข่าวนั้นๆ โดยมักถูกนำไปเป็นข้อมูลในการนำเสนอ
ต่อเนื่องเนื่องมาจากเป็นข้อมูลที่ถูกตรวจสอบมาก่อนที่จะได้รับการตีพิมพ์

อย่างไรก็ตามสื่อโทรทัศน์ก็มีส่วนคล้ายกับสื่อหนังสือพิมพ์ในประเด็นที่องค์กรสื่อไม่เคยมีการ
ฝึกอบรมหรือให้ความรู้เกี่ยวกับองค์ความรู้ด้านการจัดการภัยพิบัติให้กับผู้สื่อข่าวในองค์กรของ
ตนเอง ในประเด็นนี้สื่อมวลชนส่วนใหญ่ที่ทำงานเกี่ยวกับข่าวภัยพิบัติมีความต้องการและเรียกร้อง
ให้องค์กรของตัวเองจัดการฝึกอบรมการรายงานข่าวภัยพิบัติอย่างเป็นทางการทั้งนี้สิ่งที่สื่อมวลชน
ไทยไม่ได้กล่าวถึงจากการรายงานข่าวภัยพิบัติคือ การถอดบทเรียนหลังเกิดภาวะวิกฤตจากภัยพิบัติ
ซึ่งในกรณีนี้คู่มือการรายงานข่าวของสถานีโทรทัศน์บีบีซีของประเทศอังกฤษ ซึ่งเป็นสื่อมวลชน
สากลได้ระบุไว้อย่างชัดเจนว่ามีความจำเป็นในการที่จะทำให้การรายงานในอนาคตมีประสิทธิภาพ
ขึ้นซึ่งคู่มือการรายงานข่าวของสถานีโทรทัศน์บีบีซีระบุไว้ชัดเจนว่าจำเป็นอย่างยิ่งที่บุคลากรใน
องค์กรสื่อสาธารณะ จะต้องมีความรู้ในการจัดการภัยพิบัติควบคู่ไปกับความสามารถในการ
นำเสนอข่าวสาร ทั้งสองสิ่งนี้เมื่อทำงานร่วมกัน จะทำให้สถานการณ์วิกฤตนั้นบรรเทาความตื่น
ตระหนกของสาธารณะไปได้มาก (ราม, 2555, น.43)

ในส่วนของกฎหมายที่เกี่ยวข้องกับการจัดการภัยพิบัติ โดยเฉพาะพระราชบัญญัติป้องกันและ
บรรเทาสาธารณภัย พ.ศ.2550 สื่อมวลชนส่วนใหญ่ไม่มีความรู้และไม่มีความสนใจ ส่วนใหญ่แล้ว
เนื่องจากมองว่าการบังคับใช้กฎหมายในเมืองไทยไม่มีผลต่อการทำงานด้านสื่อมวลชน อีกทั้งยัง
ไม่ใช่กฎหมายเฉพาะที่ออกมากำลังด้านการรายงานข่าวสาธารณะ สื่อมวลชนจึงไม่กังวลใจมากนัก

ที่กฎหมายจะมีผลต่อการนำเสนอข่าว อย่างไรก็ตามในส่วนของสื่อโทรทัศน์ที่มีแผนกข่าวภัยพิบัติ
โดยเฉพาะตัวผู้สื่อข่าวเองกลับมีความสนใจโดยเชื่อว่ากฎหมายฉบับนี้มีส่วนผลักดันและส่งเสริมให้
รู้ถึงโครงการสร้างของการจัดการภัยพิบัติ ซึ่งเป็นประโยชน์ต่อการรายงานข่าวและส่งเสริมความ
ร่วมมือระหว่างเจ้าหน้าที่รัฐกับสื่อมวลชนในการจัดการภัยพิบัติด้วย

ประเด็นการทำงานของสื่อมวลชนในภาวะภัยพิบัติ

ในประเด็นของการทำงานของสื่อมวลชนองค์กรสื่อรู้ดีว่าข่าวภัยพิบัติมีความเป็นคุณค่าข่าวสูง
เนื่องจากเป็นข่าวที่อยู่ในความสนใจของประชาชน มีประเด็นของความเด่น ความใกล้ตัว มี
ผลกระทบในวงกว้าง และในบางกรณียังมีความแปลกประหลาดของเหตุการณ์แฝงอยู่ด้วย ดังนั้นจึง
ปฏิเสธไม่ได้ว่าเมื่อภัยพิบัติเกิดขึ้นองค์กรสื่อไม่ว่าจะเป็นหนังสือพิมพ์หรือโทรทัศน์ต้องส่งผู้สื่อไป
ยังจุดเกิดเหตุเพื่อรายงานสถานการณ์ที่เกิดขึ้นอย่างปัจจุบันทันด่วน แต่กระนั้นการรายงานข่าวด้วย
ความรวดเร็วย่อมส่งผลถึงความผิดพลาดในการรายงานและเป็นสิ่งหนึ่งที่สื่อมวลชนพึงตระหนัก
ก่อนการรายงานข่าวโดยเฉพาะในประเด็นของการตรวจสอบข้อมูลให้ถูกต้องก่อนการนำเสนอต่อ
พื้นที่สื่อสาธารณะ

ในปัจจุบันมีองค์กรสื่อเกิดขึ้นมาจำนวนมาก การแข่งขันจึงเกิดขึ้นสูงเพื่อนำเสนอรายงานข่าวให้เร็ว
ที่สุดในลักษณะของการรายงานข่าวสถานการณ์ผลจากความรวดเร็วจึงทำให้การรายงานข่าวถูกเน้น
ไปที่ความสูญเสียและรายงานถึงผู้บาดเจ็บและเสียชีวิตมากกว่าที่จะมุ่งเน้นไปที่การเตือนภัยหรือ
การเสาะหาสาเหตุหรือเบื้องหลังของภัยพิบัตินั้นๆ ในประเด็นนี้ส่งผลให้การรายงานข่าวมีคุณภาพ
ลดลง แต่อย่างไรก็ตามในการรายงานข่าวของสถานีโทรทัศน์ที่มีแผนกข่าวภัยพิบัติจะมีช่วงเวลา
การนำเสนอข่าวมากกว่าสื่ออื่นๆ การรายงานข่าวจึงมีความครอบคลุมและรอบด้านมากกว่าไม่ใช่มี
เพียงการรายงานข่าวสถานการณ์เพียงอย่างเดียวเท่านั้น แต่ยังเปิดโอกาสให้มีการแสดงความคิดเห็น
จากนักวิชาการหรือผู้ที่เกี่ยวข้องกับเหตุการณ์มากกว่าการรายงานข่าวทั่วไป ดังนั้นการมีแผนกข่าว
ประเภทนี้ประจำกองบรรณาธิการย่อมส่งผลให้การรายงานข่าวภัยพิบัติมีความละเอียดและรอบด้าน
มากยิ่งขึ้นสื่อมวลชนยังยอมรับว่าการทำงานของสื่อบางครั้งเป็นอุปสรรคต่อการทำงานของ
เจ้าหน้าที่รัฐนั้นเป็นเพราะการเข้าไปยังพื้นที่เพื่อรายงานข่าวไม่ได้มีการเตรียมพร้อมด้านข้อมูล
เฉพาะด้านที่เกี่ยวข้องกับภัยพิบัตินั้นๆ และในบางกรณีเนื้อหาของการรายงานข่าวก็ส่งผลต่อการทำ
หน้าที่ของเจ้าหน้าที่รัฐด้วย เช่น การรายงานถึงการช่วยเหลือที่ล่าช้า หรือไม่ครอบคลุมในบางพื้นที่
ที่ได้รับผลกระทบ ทั้งนี้แน่นอนว่าหากการรายงานข่าวเป็นไปด้วยความถูกต้องก็ย่อมส่งผลดีต่อการ
แก้ไขสถานการณ์ที่รัฐอาจจะบกพร่องต่อการจัดการภัยพิบัติ แต่ในมุมกลับกันในบางกรณี
สื่อมวลชนรายงานข่าวไปโดยไม่ได้ตรวจสอบข้อเท็จจริง หรือการเล่นบทบาทการเป็นผู้ให้ความ

ช่วยเหลือเสียเองแล้วกล่าวหาว่าการทำงานของรัฐบกพร่องนั้น ในลักษณะนี้สื่อก็ถือว่ารายงานข่าว
อย่างอคติซึ่งเสี่ยงต่อการหมิ่นเหม่ในการที่จะผิดจรรยาบรรณของสื่อด้วย

ในกรณีนี้สำนักข่าว BBC ซึ่งเป็นสื่อสาธารณะของประเทศอังกฤษ มีการระบุในคู่มือการปฏิบัติงาน
ไว้ชัดเจนว่า การลงพื้นที่ช่วยเหลือผู้ประสบภัยพิบัติและการสร้างภาพลักษณ์องค์กรในสถานการณ์
วิกฤตน้ำท่วม มักเห็นภาพผู้สื่อข่าวลงพื้นที่รายงานในสภาพน้ำท่วมหรือเยี่ยมเยียนผู้ประสบภัยถึง
บ้านเรือนหรือเพื่อแจกสิ่งของช่วยเหลือผู้ประสบภัย เหล่านี้เป็นหน้าที่ของสื่อสาธารณะที่พึงกระทำ
ด้วยความระมัดระวัง มิให้เป็นการไปซ้ำเติม หรือสร้างความรู้สึกกดดัน หรือแตกแยกในหมู่
ผู้ประสบภัย ทั้งเรื่องความเท่าเทียมในสัดส่วนสิ่งของที่บริจาค หรือระมัดระวังการกระทบกระทั่ง
กับองค์กรเครือข่ายช่วยเหลืออื่นๆ เพราะหลายองค์กรอยากทำเพื่อการกุศลและการสร้างภาพลักษณ์
องค์กรไปพร้อมๆกันแม้การช่วยเหลือเพื่อมนุษยธรรมจะเป็นสิ่งที่ดี แต่มันก็มีความแตกต่างแน่นอน
กับการสร้างภาพลักษณ์องค์กรสื่อสาธารณะ "พึงระมัดระวัง" และควรเน้นให้ความช่วยเหลือเพื่อ
มนุษยธรรมมากกว่าเพื่อการส่งเสริมสร้างภาพลักษณ์องค์กร ปฏิบัติกับผู้ประสบภัยอย่างเท่าเทียม
เสมอภาคในฐานะประชาชน ไม่ว่าเขาเหล่านั้นจะเป็นกลุ่มผู้ชมของเราหรือไม่ก็ตาม (เรื่องเดียวกัน,
น.43)

นอกจากประเด็นการบริจาคสิ่งของให้กับผู้ประสบภัยของสื่อมวลชนข้างต้นแล้ว การทำงานของ
สื่อมวลชนในปัจจุบันทั้งสื่อหนังสือพิมพ์และสื่อโทรทัศน์ยังมักเน้นการรายงานข่าวไปในด้านของ
ความรู้สึกของเหยื่อหรือผู้ประสบภัยเป็นหลักหรือที่เรียกกันว่าข่าวดรามา นั่นเป็นเพราะองค์กรสื่อ
ต่างนิยมผลิตเนื้องานข่าวตามความต้องการหรือตามกระแสของผู้บริโภคที่นิยมภาพหรือการ
รายงานข่าวที่เน้นไปที่ความรู้สึกหรือความเศร้าสลดของเหตุการณ์ ซึ่งในกรณีนี้แม้จะไม่เห็นชัดเจน
ในการรายงานข่าวบนหน้าหนังสือพิมพ์ แต่ก็นับว่าเป็นปรากฏการณ์ที่เห็นได้ชัดผ่านสื่อโทรทัศน์
โดยเฉพาะองค์กรสื่อที่เน้นการรายงานข่าวเป็นหลัก โดยผู้สื่อข่าวก็ปฏิเสธหรือหลีกเลี่ยงการรายงาน
ข่าวนในลักษณะนี้ไม่ได้เนื่องจากเป็นนโยบายของกองบรรณาธิการที่ต้องการที่จะผลิตข่าวใน
ลักษณะนี้เพื่อตอบสนองความต้องการของผู้บริโภค

ทั้งนี้แม้ว่าองค์กรสื่อในเมืองไทยจะไม่มีการกำหนดกรอบหรือกติกาในการนำเสนอข่าวดรามา แต่
สำหรับในต่างประเทศอย่างในประเทศญี่ปุ่น NHK สถานีโทรทัศน์บริการสาธารณะ ได้มีการ
อธิบายหลักการลงทำข่าวในภาวะวิกฤติไว้มากมายหลายประเด็น อาทิ"การถามว่าพวกเขารู้สึก
อย่างไร" ในภาวะวิกฤต เป็นเรื่องที่นักข่าวควรคิดให้รอบคอบ ผู้สื่อข่าวจะต้องแน่ใจว่าพวกเขา
ได้รับอนุญาตจากแหล่งข่าวให้สามารถบันทึกภาพได้ แม้แต่การทานข้าวกลางวันของทีมงานข่าว ก็
ควรทานอยู่ในรถไม่ให้ผู้ประสบภัยเห็น การใช้ภาษาก็ควรพึงระมัดระวังการใช้ภาษาคำที่สร้าง

ความตระหนกตกใจ (เรื่องเดียวกัน, 43) เป็นต้น กรณีการมีคู่มือในลักษณะนี้ย่อมส่งผลให้การ
รายงานข่าวดราม่าไม่ส่งผลกระทบต่อเหยื่อหรือผู้ประสบภัยหรือเน้นความรู้สึกไปมากกว่าการ
รายงานข่าวจากข้อเท็จจริงที่ควรจะเป็น

ในส่วนของสื่อหนังสือพิมพ์แม้ว่าจะไม่ค่อยปรากฏข่าวดราม่าในการรายงานข่าว แต่กระนั้นการ
นำเสนอภาพข่าวของหนังสือพิมพ์ไทยยังคงมีภาพศพหรือภาพผู้บาดเจ็บปรากฏอยู่บนหน้ากระดาษ
อย่างเห็นเด่นชัด ในกรณีนี้ผู้สื่อข่าวภาคสนามยอมรับว่าเป็นเรื่องที่เลี่ยงไม่ได้เนื่องจากนโยบายของ
กองบรรณาธิการกำหนดให้ต้องถ่ายภาพเช่นนั้น แม้จะรู้ดีว่าภาพลักษณะดังกล่าวเป็นการละเมิดต่อ
จรรยาบรรณวิชาชีพแต่ตัวผู้สื่อข่าวก็ไม่สามารถที่จะไปเปลี่ยนนโยบายดังกล่าวได้ จนกลายเป็น
วัฒนธรรมการนำเสนอภาพข่าวเพราะสังคมไทยยังยอมรับได้ แม้ว่าการนำเสนอภาพดังกล่าวองค์กร
สื่อรู้ดีว่าเป็นการละเมิดจรรยาบรรณและจริยธรรมสื่อก็ตาม

"คำสั่งของต้นสังกัดถือเป็นเด็ดขาด หลักการนี้ผู้ที่ควรเรียนรู้คือต้นสังกัด หรือบก.ข่าว ที่มี
อำนาจสั่งการ" (อิสรนันท์, 2559)

อย่างไรก็ตาม กรณีที่เจ้าหน้าที่ของรัฐระบุว่าหากเสนอข่าวด้วยความรวดเร็วจะทำให้เกิดความ
ผิดพลาดหรือการเสนอภาพพจน์ที่เป็นลบของภาครัฐ สื่อจึงไม่ควรเสนอความจริงมากเพราะอาจจะ
ทำให้ประชาชนตกใจ ขณะที่รัฐไม่ควรบอกข้อมูลกับสื่อร้อยเปอร์เซ็นต์นั้นในกรณีนี้ย่อมขัดกับ
หลักการสื่อสารมวลชนที่อ้างอิงถึงการนำเสนอความถูกต้องโดยพิจารณาจากคุณค่าข่าว ซึ่งเป็นแนว
ปฏิบัติของหนังสือพิมพ์หรือสถาบันสื่อสารมวลชนในการนำเสนอข่าวและการคัดเลือกข่าว โดยใน
การรายงานข่าวภัยพิบัตินั้นเต็มไปด้วยคุณค่าข่าว ประกอบด้วย ความสดความเร็ว ความใกล้ชิด
ความต่อเนื่อง มีผลกระทบ อยู่ในความสนใจของประชาชน ความเด่น ความแปลกประหลาด และ
ในบางกรณียังมีความมีเงื่อนงำ และความขัดแย้งรวมอยู่ด้วย (จิตระพี, 2554, น.39) นอกจากนี้หาก
สื่อมวลชนไม่รายงานตามข้อเท็จจริงหรือปกปิดข้อมูลก็อาจจะเข้าข่ายกระทำความผิดต่อข้อบังคับ
ว่าด้วยจริยธรรมแห่งวิชาชีพหนังสือพิมพ์ด้วย

อย่างไรก็ตามสื่อมวลชนไทยส่วนใหญ่มักชื่นชมการทำงานของสื่อมวลชนในประเทศญี่ปุ่น โดย
ระบุตรงกันว่าการรายงานข่าวภัยพิบัติของประเทศญี่ปุ่นนั้นไม่มีภาพข่าวผู้เสียชีวิตหรือผู้บาดเจ็บ
ปรากฏทั้งในข่าวหนังสือพิมพ์และข่าวโทรทัศน์โดยแสดงความเห็นว่าเป็นเพราะสื่อมวลชน
ประเทศญี่ปุ่นมีความเป็นมืออาชีพในการรายงานข่าวภัยพิบัติและมีคู่มือการรายงานข่าวอย่างเป็น
ระบบ จึงเป็นเรื่องที่ดีว่าในอนาคตหากสื่อในประเทศไทยมีคู่มือการรายงานข่าวภัยพิบัติแล้วก็
เป็นไปได้ว่าจะทำให้การรายงานข่าวในลักษณะนี้ของประเทศไทยมีความรอบคอบและรัดกุมมาก
ขึ้น ซึ่งจะทำให้ละเมิดจริยธรรมและจรรยาบรรณน้อยลงไปด้วย

ปัญหาและอุปสรรคของการสร้างความร่วมมือระหว่างรัฐกับสื่อมวลชนในภาวะภัยพิบัติ

จากการศึกษาพบว่าปัญหาหลักอยู่ที่ประเด็นของการรวบรวมข้อมูลข่าวสารในขณะเกิดเหตุภัยพิบัติ
ที่สื่อมวลชนมองว่ารัฐไม่มีผู้รับผิดชอบในการให้ข้อมูลข่าวสารอย่างเป็นทางการหรือบางครั้งต้นตอ
ของข้อมูลข่าวสารมีเป็นจำนวนมากจนทำให้เกิดความสับสน หากรัฐไม่สามารถรวบรวมข้อมูลได้ดี
และมากพอก็จะทำให้เกิดความสับสนต่อการรายงานข่าว ซึ่งปัญหานี้ส่งผลให้เกิดความไม่เข้าใจใน
รูปแบบการทำงานระหว่างรัฐกับสื่อมวลชน ทำให้ไม่มีการสื่อสารที่เข้าใจร่วมกันต่างฝ่ายต่างอยู่ใน
กรอบการทำงานของตัวเอง จนบางครั้งเกิดการเผชิญหน้ากันระหว่างรัฐกับสื่อมวลชน

ทั้งนี้หากพิจารณาจากปัญหาข้างต้นรัฐอาจจะต้องนำหลักของ "การบริหารปกครอง" มาปรับใช้เพื่อ
สร้างความสัมพันธ์ที่ดีระหว่างรัฐกับสื่อมวลชนโดยการบริหารปกครองในบริบทใหม่นี้จะ
ประกอบด้วย (อัมพร, 2556, น.28-29) 1. การพึ่งพากันระหว่างองค์การและหน่วยงานต่างๆ
หน่วยงานที่เกี่ยวข้องในที่นี้มีความหมายครอบคลุมมากกว่าเพียงแค่หน่วยงานของรัฐ กระทรวง
และกรม ยังรวมถึงผู้เล่นอื่นๆ นอกระบบราชการ ได้แก่ ประชาชน เอกชน 2. สมาชิกในเครือข่าย
ปกครองนี้มีการปะทะสังสรรค์กันอย่างต่อเนื่อง ด้วยความจำเป็นต้องแลกเปลี่ยนความรู้ 3. ลักษณะ
การปะทะสังสรรค์คล้ายกับการเล่นเกมส์ แต่มีฐานอยู่บนความไว้เนื้อเชื่อใจกัน และ 4. มีความเป็น
อิสระจากรัฐในการบริหารงานตนเอง หากพิจารณาโดยหลักแล้วจะพบว่ารัฐสามารถที่จะให้สื่อเข้า
มาเป็นส่วนร่วมในการจัดการภัยพิบัติในลักษณะของการพึ่งพากันมีการพบปะกันอย่างสม่ำเสมอ
เพื่อความเข้าใจที่ดีเพื่อจะได้ประสานสอดคล้องกันในเรื่องของการแลกเปลี่ยนข้อมูลข่าวสาร

ในทางกลับกันในส่วนของสื่อมวลชนเองก็ควรคำนึงถึงกรอบจริยธรรมในการรายงานข่าวอย่าง
ตรงไปตรงมาไม่ควรบิดเบือนหรือสรุปข้อมูลก่อนที่จะตรวจสอบข้อเท็จจริง ไม่ควรเน้นแต่ความ
รวดเร็วในการรายงานข่าวเท่านั้น แต่ในฐานะสื่อต้องส่งข้อมูลสถานการณ์ใหม่ๆเพื่อปรับปรุงข้อมูล
สู่สาธารณชนให้ทราบถึงความเป็นไปในสถานการณ์ และภาวะของผู้ประสบภัยว่ามีความต้องการ
ความช่วยเหลือในรูปแบบใด และอยู่ที่ตำแหน่งใดในการที่หน่วยงานจะได้สามารถเข้าให้ความ
ช่วยเหลือ และสื่อต้องมีวิจารณญาณในการนำเสนอข้อมูลด้วยจริยธรรมในการตั้งเป้าหมายการให้
ความช่วยเหลือประชาชนเป็นที่ตั้ง (ทวิดา, 2554, น.112)

นอกจากนี้ยังมีปัญหาและอุปสรรคอื่น ไม่ว่าจะเป็น เรื่องการตัดสินที่ล่าช้าของหน่วยงานภาครัฐที่
เต็มไปด้วยสายการบังคับบัญชา การไม่มีนโยบายให้ความสำคัญกับการรับมือภัยพิบัติอย่างจริงจัง
และต่อเนื่อง รวมทั้งหน่วยงานที่เกี่ยวข้องหรือตัวบุคคลหรือข้าราชการในพื้นที่ไม่กล้าตัดสินใจที่จะ
นำเสนอข่าวสารต่อสื่อมวลชนทั้งสองประเด็นเป็นเรื่องระบบการบริหารงานภาครัฐของไทยที่มี

ความล่าช้าดังนั้นในสถานการณ์ภัยพิบัติควรจะมีการตั้งศูนย์บัญชาการ หรือศูนย์บัญชาการส่วน
หน้าขึ้นมาเป็นกรณีพิเศษเพื่อเลี่ยงการปฏิบัติราชการในรูปแบบปกติทั้งในเรื่องการกู้ภัย การให้
ความช่วยเหลือ และการประสานงานกับสื่อมวลชน ซึ่งจะทำให้การจัดการภัยพิบัติมีประสิทธิภาพ
มากขึ้นด้วย

อีกประเด็นหนึ่งที่เป็นปัญหาสำคัญในการจัดการภัยพิบัติและการรายงานข่าวภัยพิบัติคือ การที่
สื่อมวลชนส่วนใหญ่ไม่มีองค์ความรู้เรื่องในการทำงานข่าวในสถานการณ์ภัยพิบัติ ส่งผลให้รายงาน
ข่าวอย่างไร้ทิศทางเน้นข่าวดราม่ามากกว่าการเตือนภัยหรือป้องกันภัยที่จะเกิดตามมาหรือเรียกว่าทำ
ข่าวเพื่อการขายข่าวมากกว่าทำข่าวเพื่อช่วยเหลือหรือเป็นช่องทางการบรรเทาภัยที่กำลังเกิดขึ้นใน
ขณะนั้น อย่างไรก็ตามการรายงานข่าวดราม่าสื่อมวลชนควรมีความระมัดระวังในการรายงานและ
ไม่ควรเน้นเสนอข่าวบีบคั้นอารมณ์ของประชาชนที่มีสภาพจิตตึงเครียด โดยไม่ปลอบประโลมหรือ
ชี้แนะทางออกของปัญหา ทั้งนี้สื่อมวลชนควรมุ่งประเด็นข่าวที่จรรโลงใจและสร้างกำลังใจให้กับ
ผู้ประสบภัยที่กำลังได้รับความเดือดร้อน

ประเด็นแนวทางความร่วมมือระหว่างรัฐกับสื่อมวลชนในภาวะภัยพิบัติ

แม้ว่าจะมีปัญหาและอุปสรรคเกิดขึ้นหลายประการของการร่วมมือกันในการนำเสนอข่าวภัยพิบัติ
ระหว่างรัฐกับสื่อมวลชนแต่กลุ่มตัวอย่างมีความเห็นว่าความร่วมมือกันนั้นเกิดขึ้นได้และมีความ
จำเป็นอย่างยิ่งที่รัฐและสื่อมวลชนจะต้องร่วมมือกันแก้ปัญหาภัยพิบัติทั้งก่อนเกิดเหตุ ขณะเกิดเหตุ
และหลังจากเกิดเหตุ ไม่ว่าจะเป็นในห้วงระยะสั้นหรือระยะยาวก็ตาม การจัดการสื่อมวลชนที่ดีของ
ภาครัฐจึงมีความจำเป็นเพราะสื่อมวลชนเป็นองคาพยพหนึ่งที่มีส่วนร่วมในการจัดการปัญหาภัย
พิบัติได้

ทั้งนี้ตามหลักการรายงานข่าวภัยพิบัติถือว่า การรายงานข่าวภาวะวิกฤตและภัยพิบัติ เป็นความท้า
ทายหนึ่งของผู้สื่อข่าวใหม่ให้มีโอกาสแสดงความเป็นมืออาชีพอย่างเต็มที่ ในปกติแล้วนักข่าวจาก
ส่วนกลางซึ่งเป็นกลุ่มตัวอย่างที่งานวิจัยชิ้นนี้ใช้เป็นกรณีศึกษาจะปฏิบัติหน้าที่ในกรุงเทพและ
รายงานข่าวจากศูนย์กลางการบริหารงาน แต่เมื่อออกไปพบกับสถานการณ์ที่เกิดขึ้นในภาคสนาม
การทำงานย่อมเปลี่ยนแปลงไป เพราะมีความยากลำบากในการรวบรวมข้อเท็จจริงที่ต้องทำงานด้วย
ความอย่างรวดเร็วและทันการณ์ เพื่อรายงานไปยังต้นสังกัดโดยการทำงานระหว่างสื่อวิทยุ
โทรทัศน์ และสื่อสิ่งพิมพ์นั้นย่อมแตกต่างกัน โดยเฉพาะการรายงานข่าวของโทรทัศน์ที่มีทั้ง
ภาพเคลื่อนไหวและเสียงเสี่ยงต่อการรายงานข่าวที่ผิดพลาดและทำให้สังคมตื่นตระหนก ผู้สื่อข่าว
ต้องรายงานข้อเท็จจริงอย่างรวดเร็ว ป้องกันการตื่นตระหนกของประชาชน การรายงานข่าวที่มี

ประสิทธิภาพ ทันเหตุการณ์รอบด้าน สามารถช่วยให้ผู้เกี่ยวข้องและ/หรือผู้ได้รับผลกระทบจาก
เหตุการณ์ภัยพิบัติสามารถประเมินสถานการณ์เพื่อเตรียมการป้องกันช่วยเหลือตนเองเป็นเบื้องต้น
(มาลี, 2552, น.22)

หากพิจารณาตามหลักการข้างต้นสื่อมวลชนจึงต้องประสานงานและแสวงหาความร่วมมือจาก
ภาครัฐเพื่อการเข้าถึงข้อมูลให้มากที่สุดและมีความถูกต้องแม่นยำ รวมทั้งยังต้องมีการรายงานที่รอบ
ด้านครบถ้วนเพื่อป้องกันการคลาดเคลื่อนของข่าวสารและเพื่อไม่ทำให้ประชาชนตระหนกตกใจ
กับเหตุการณ์ที่เกิดขึ้นและรัฐสามารถใช้สื่อเป็นกระบอกเสียงประชาสัมพันธ์ข่าวสารภัยพิบัติได้
ในขณะที่ภาครัฐเองก็ต้องหาข้อมูลหรือข้อเท็จจริงต่างๆด้วยความรวดเร็ว ควรจัดตั้งศูนย์เฉพาะกิจ
ขึ้นมาเพื่อลดความยาวของสายการบังคับบัญชาทั้งนี้ก็เพื่อนำข้อมูลส่งต่อให้กับสื่อมวลชนเพื่อ
รายงานความคืบหน้าของสถานการณ์ภัยพิบัติในทุกระยะ ทั้งนี้ก็เพื่อประโยชน์ของผู้ประสบภัยและ
ผู้ที่กำลังจะกลายเป็นผู้ประสบภัยในอนาคต นอกจากนี้รัฐยังควรคำนึงถึงการจัดระเบียบสื่อมวลชน
ด้วยความสมัครใจเพราะจะส่งผลดีด้วยกันทั้งสองฝ่ายคือ สื่อเองก็สามารถที่จะรายงานข่าวตามที่
ตนเองต้องการได้ในขณะที่เจ้าหน้าที่รัฐก็ยังทำหน้าที่ในการให้การช่วยเหลือผู้ประสบภัยได้อย่างไม่
ประสบปัญหาเพื่อการจัดการภัยพิบัติอย่างดีได้ต่อไป หากเป็นเช่นนี้แล้วแนวทางความร่วมมือ
ระหว่างรัฐกับสื่อมวลชนย่อมเกิดขึ้นได้อย่างต่อเนื่องและยั่งยืน

สรุป

การทำงานของสื่อมวลชนทั้งหนังสือพิมพ์และโทรทัศน์ยังคงเน้นไปที่การรายงานด้วยความรวดเร็ว
เกี่ยวกับสถานการณ์ภัยพิบัติโดยเน้นไปที่เหตุการณ์ปัจจุบันและความสูญเสีย โดยประเมินจาก
คุณค่าข่าวเป็นหลัก ทั้งนี้เนื่องจากปัจจุบันมีสื่อมวลชนเกิดขึ้นจำนวนมากจากการที่รัฐเปิดสัมปทาน
ทีวีดิจิตอลทำให้เกิดการแข่งขันกันสูงโดยเฉพาะในส่วนของสื่อโทรทัศน์ทำให้มีการรายงานข่าว
ตลอดเวลาทุกต้นชั่วโมง อย่างไรก็ตามปัจจุบันมีองค์กรสื่อเพียงแค่สองแห่งเท่านั้นที่มีแผนกข่าวภัย
พิบัติและ/หรือผู้สื่อข่าวภัยพิบัติเฉพาะคือ สถานีโทรทัศน์ไทยพีบีเอส และ สถานีโทรทัศน์ไทยทีวีสี
ช่อง 3 นอกจากเหลือจากนั้นจะใช้สื่อมวลชนในแผนกข่าวอาชญากรรม และแผนกข่าวส่วนกลาง
เป็นหลักในการรายงานข่าวภัยพิบัติ

การที่สื่อมวลชนส่วนใหญ่ไม่มีแผนกข่าวภัยพิบัติเป็นการเฉพาะส่งผลให้ผู้สื่อข่าวส่วนใหญ่ไม่มี
องค์ความรู้เกี่ยวกับหลักการจัดการภัยพิบัติและคุณลักษณะพิเศษของภัย ซึ่งต่างกับผู้สื่อข่าวที่มี
แผนกภัยพิบัติทั้งสองแห่งข้างต้นที่พยายามหาข้อมูลหรือศึกษารายละเอียดเกี่ยวกับภัยพิบัติอยู่
ตลอดเวลา อย่างไรก็ตามสื่อมวลชนส่วนใหญ่พร้อมที่จะเปิดใจกว้างที่จะเรียนรู้ในเรื่องขององค์

ความรู้เกี่ยวกับภัยพิบัติหากองค์กรวิชาชีพหรือหน่วยงานของรัฐจะเปิดการอบรมเพื่อเพิ่มเติมความรู้
ดังกล่าว ส่วนกรณีของกฎหมายที่เกี่ยวข้องกับภัยพิบัติสื่อมวลชนส่วนใหญ่ยอมรับว่าไม่ทราบ
หรือไม่รู้ถึงสาระสำคัญของกฎหมายโดยเฉพาะพระราชบัญญัติป้องกันและบรรเทาสาธารณภัย
พ.ศ.2550 แต่เชื่อว่ากฎหมายดังกล่าวไม่ส่งผลกระทบต่อการรายงานข่าวและไม่เป็นอุปสรรคต่อการ
สร้างความร่วมมือกันระหว่างสื่อมวลชนกับเจ้าหน้าที่รัฐ

จากองค์ประกอบในการรายงานข่าวทั้งหมดที่กล่าวมาตอนต้นทำให้เห็นได้ว่าการทำงานของสื่อ
หนังสือพิมพ์และสื่อโทรทัศน์นั้นมีความแตกต่างกันโดยการรายงานข่าวภัยพิบัติของหนังสือพิมพ์
จะสรุปในช่วงค่ำของแต่ละวันเพื่อเป็นข้อมูลในการตีพิมพ์บนหน้าหนังสือพิมพ์ในช่วงเช้าของ
วันรุ่งขึ้นทำให้มีเวลาในการตรวจสอบข้อมูลหรือข้อเท็จจริงมากกว่าสื่อโทรทัศน์ที่ต้องรายงานข่าว
ทุกชั่วโมงตลอดทั้งวันและในแต่ละวันอาจจะต้องมีการรายงานในรูปแบบของการถ่ายทอดสดด้วย
ทั้งนี้ด้วยการทำงานที่ต้องอาศัยความรวดเร็วของสื่อโทรทัศน์ทำให้มีเวลาในการตรวจสอบข้อมูล
ข้อเท็จจริงน้อยกว่า แต่อย่างไรก็ตามการรายงานข่าวของสื่อทีวีที่ต้องรายงานตลอดเวลาทำให้ตัว
ผู้สื่อข่าวภาคสนามของสื่อโทรทัศน์มีองค์ความรู้ที่เกี่ยวกับภัยพิบัติมากกว่าสื่อหนังสือพิมพ์

การทำงานของสื่อมวลชนในการรายงานข่าวภัยพิบัติยังเสี่ยงต่อการละเมิดจริยธรรมและ
จรรยาบรรณแห่งวิชาชีพ โดยเฉพาะภาพข่าวที่ปรากฏออกสื่อทั้งหนังสือพิมพ์และโทรทัศน์ที่มักจะ
มีภาพผู้เสียชีวิตหรือผู้ประสบภัยปรากฏอยู่จนกลายเป็นสิ่งชาชินในสังคมไทยแม้ว่าภาพนั้นจะผิด
ต่อข้อบังคับวิชาชีพสื่อมวลชนก็ตาม แต่อย่างไรก็ตามแนวทางการประสานงานกันระหว่างรัฐและ
สื่อมวลชนเพื่อความร่วมมือในการรายงานข่าวและจัดการภัยพิบัติสามารถเกิดขึ้นได้และมีความ
จำเป็นอย่างยิ่งที่รัฐและสื่อมวลชนจะต้องร่วมมือกันแก้ปัญหาภัยพิบัติทั้งก่อนเกิดเหตุ ขณะเกิดเหตุ
และหลังจากเกิดเหตุ โดยทั้งเจ้าหน้าที่รัฐและสื่อมวลชนเชื่อว่าการรวมกลุ่มกันในลักษณะของ
เครือข่ายจะทำให้การรายงานข่าวภัยพิบัติและการจัดการภัยพิบัติมีประสิทธิภาพมากยิ่งขึ้น ทั้งนี้
สื่อมวลชนควรได้เข้าไปอยู่ในเครือข่ายดังกล่าวเพราะสามารถเป็นองคาพยพในการแจ้งข่าวสารไป
ยังประชาชนได้อย่างรวดเร็วในทุกช่วงเวลา นอกจากนี้ในเครือข่ายควรมีการพบปะสังสรรค์กันบ้าง
แต่ควรมีอิสระต่อกันเนื่องจากลักษณะการทำงานของสื่อมวลชนกับรัฐแตกต่างกันแต่ก็มีบางส่วนที่
ทำร่วมกันได้ เช่น การเดินทางเข้าไปยังพื้นที่ภัยพิบัติซึ่งหากสื่อมวลชนเดินทางเข้าไปพร้อมกับ
เจ้าหน้าที่ก็จะได้ภาพข่าวและองค์ความรู้ในเรื่องของภัยพิบัติมากขึ้น นอกจากนี้ยังทำให้มีความ
ปลอดภัยเพิ่มมากขึ้นด้วย

ข้อเสนอแนะ

1. องค์กรสื่อและองค์กรวิชาชีพสื่อมวลชนควรจัดอบรมให้ความรู้กับผู้สื่อข่าวภาคสนามเกี่ยวกับ
องค์ความรู้ด้านภัยพิบัติเพื่อให้การทำงานเป็นไปอย่างมืออาชีพเทียบเท่ากับองค์กรสื่อใน
ต่างประเทศ ซึ่งนอกจากจะทำให้การรายงานข่าวเป็นไปอย่างอย่างมีคุณภาพแล้วยังทำให้ผู้สื่อข่าวมี
ความปลอดภัยในการเข้าไปในพื้นที่ภัยพิบัติด้วยนอกจากนี้องค์กรสื่อควรจัดแผนกข่าวภัยพิบัติ
ขึ้นมาในกรณีที่มีทรัพยากรบุคลากรเพียงพอ อย่างไรก็ตามสำหรับองค์กรสื่อที่มีขนาดเล็กอาจจะให้
ความรู้กับผู้สื่อข่าวภาพสนามคนใดเป็นพิเศษเพื่อให้การรายงานข่าวมีประสิทธิภาพ

2. องค์กรวิชาชีพสื่อมวลชน อาทิ สมาคมนักข่าวนักหนังสือพิมพ์แห่งประเทศไทย สมาคมผู้สื่อข่าว
วิทยุและโทรทัศน์ไทย สถาบันอิศรา หรือสภาการหนังสือพิมพ์แห่งชาติ ควรร่วมกันจัดทำคู่มือการ
รายงานข่าวในสถานการณ์ภัยพิบัติ เพื่อให้การรายงานข่าวของสื่อมวลชนในภาวะภัยพิบัติมี
มาตรฐานและไปในทิศทางเดียวกัน ทั้งนี้เพื่อให้การรายงานข่าวและการจัดการภัยพิบัติของรัฐมี
ประสิทธิภาพมากขึ้น

3. องค์กรสื่อและองค์กรวิชาชีพสื่อมวลชนควรส่งเสริมให้สื่อยึดมั่นในจรรยาบรรณและจริยธรรม
แห่งวิชาชีพในการนำเสนอข่าวภัยพิบัติ เพื่อลดการละเมิดและล่วงล้ำต่อสิทธิส่วนบุคคลของ
ผู้ประสบภัยหรือผู้เสียชีวิตจากภัยพิบัติ ในขณะเดียวกันกองบรรณาธิการขององค์กรสื่อควรเข้าใจถึง
ข้อจำกัดดังกล่าวเพื่อปรับปรุงหรือเปลี่ยนแปลงนโยบายของกองบรรณาธิการในการรายงานข่าวที่
ละเมิดต่อจรรยาบรรณและจริยธรรมแห่งวิชาชีพ

4. รัฐหรือหน่วยงานที่เกี่ยวข้องกับภัยพิบัติควรสร้างเครือข่ายเพื่อประสานงานกับสื่อมวลชนอย่าง
เป็นระบบเพื่อแก้ปัญหาความสับสนของข้อมูลในภาวะภัยพิบัติ ขณะเดียวกันเมื่อเกิดเหตุภัยพิบัติ
ควรจัดตั้งศูนย์บัญชาการส่วนหน้าขึ้นมาเป็นการเฉพาะเพื่อลดปัญหาความล่าช้าของระบบการ
บริหารราชการไทยเพื่อให้การสร้างความร่วมมือกับสื่อมวลชนมีประสิทธิภาพมากขึ้น

5. หากต้องการนำงานวิจัยนี้ไปพัฒนาต่อควรดำเนินการวิจัยกับสื่อมวลชนที่อยู่ในภูมิภาคเนื่องจาก
สื่อในภูมิภาคจะเป็นสื่อมวลชนกลุ่มแรกที่เดินทางไปถึงพื้นที่ภัยพิบัติ ซึ่งอาจจะทำให้ได้รายละเอียด
หรือความครอบคลุมเพื่อเป็นความรู้ที่จะนำไปพัฒนาการรายงานหรือการจัดการภัยพิบัติที่ดีได้ใน
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Abstract

Thailand has initially conducted the first national economic plan (1961-1965) until the current one, the Eleventh National Economic and Social Development Plan (2012-2016). A development of Thailand has been propelled according to a free market capitalism system by having three main factors; an manufacturing section, service section, and consumption of goods and services section. They are significant factors which drive a growth of economic development. Although three major sections are driving in order to maintain the needs of a number of consumers, there is a severe impact on environment. Deteriorated environmental effects are from municipal waste and hazardous waste. The amount of these wastes has a rapid increase which could be a noticeable impact. The issue of municipal waste and hazardous waste are caused by lacking of a mutually administrative mechanism among public section, private section, and people section. Including person in authority who enforces law penalty to wrongdoers or waste source is still lax. Therefore, municipal waste and hazardous waste do not seem to reduce currently which lead to an imbalance ecosystem and people' poor hygienic health. According to statistic on the waste quantity in 2013 by the pollution control department, there were 26.77 million tons of municipal waste from 7,782 local administrations in Thailand. The amount of waste in 2013 went up 2 more million tons comparing to the year before. Consequently, the issue of waste is remarkable to tackle by flaming public policy for waste management. The present government is exercised by General Prayuth Chanocha, the Prime Minister and the head of NCPO. He has regulated solid waste to be a national term. Besides, he assigned Ministry of Natural Resources and Environment, pollution control department to conduct a roadmap for a management of solid waste and hazardous waste. The government approved this roadmap on 26th August, 2014. A great propelling for conducting the roadmap is all organizations including public section, private section, and people section mutually coordinate to tackle municipal waste and hazardous waste. The process of conducting the roadmap contains 4 activities; (1) expedite a management of accumulated municipal waste in crisis waste disposal sites, (2) have an appropriate management for new entry waste by separating waste at the beginning and have a processing energy from waste, (3) organize an administrative measures for municipal waste and hazardous waste, and (4) stimulate people' disciplines for a sustainable management. The process of roadmap is divided into 3 phases; (1) urgent phase (6 months), (2) medium phase (1 year), and (3) urgent phase (1 year up). From the process of roadmap in the first six months of the year 2015, it found that municipal waste and hazardous waste can be managed and tackled in many concrete ways effectively. On the first six months of the year 2015 (January-June), both types of waste can be tackled for 15 million tons, as 50% of all left over waste. As a result, a management of waste from the roadmap is an auspicious sign for a country and bring a good environment to people.

Consequently, I would like to present interesting data I have conducted by collecting documents from government organizations' analysis databases, following up current affairs, and books. There are 3 significant topics; (1) national term on municipal waste: a situation of solid waste and hazardous waste in Thailand, (2) the roadmap of solid waste and hazardous waste management from government, and (3) results from conducting the roadmap.

วาระแห่งชาติว่าด้วยขยะ : นโยบาย Roadmap การจัดการขยะมูลฝอยและของเสียอันตรายของ คสช.

พัชราพรรณ ชอบธรรม, อาจารย์ประจำภาควิชารัฐประศาสนศาสตร์ คณะมนุษยศาสตร์และสังคมศาสตร์ มหาวิทยาลัยราชภัฏเชียงใหม่

บทคัดย่อ

นับตั้งแต่ประเทศไทยริเริ่มใช้แผนพัฒนาเศรษฐกิจแห่งชาติฉบับที่ 1 (พ.ศ.2504-2508) เรื่อยมาจนถึงแผนพัฒนาเศรษฐกิจและสังคมแห่งชาติฉบับที่ 11 (2555-2559) ประเทศไทยได้พัฒนาประเทศตามแนวทางระบบทุนนิยมตลาดเสรี โดยมีภาคการผลิต ภาคบริการ และการบริโภคสิ้นค้าและบริการของประชาชน เป็นปัจจัยผลักเพื่อการบรรลุเป้าหมายการพัฒนาเศรษฐกิจให้เติบโต และตอบสนองต่อความต้องการของผู้บริโภคที่มีจำนวนเพิ่มมากขึ้น ทว่าผลกระทบที่เกิดขึ้นในด้านลบที่สำคัญคือปัญหาคุณภาพสิ่งแวดล้อมที่เสื่อมโทรมลง หนึ่งในปัญหาที่สำคัญคือ ปัญหาขยะมูลฝอยและของเสียอัตรายที่มีปริมาณเพิ่มมากขึ้น ซึ่งอาจกล่าวได้ว่าปัญหาที่ทวีความสำคัญยิ่งขึ้นเกิดจากกลไกการบริหารจัดการ การขาดความร่วมมือกันระหว่าง ภาครัฐ ภาคเอกชน และภาคประชาชน รวมถึงผู้มีอำนาจในการบังคับใช้กฎหมายในการลงโทษผู้ก่อปัญหาหรือแหล่งกำเนิดของขยะมูลฝอยและของเสียอันตรายยังไม่เกิดขึ้นอย่างเข้มงวดและจริงจัง ปัญหาขยะจึงไม่มีแนวโน้มที่ลดลง ซึ่งส่งผลกระทบต่อดุลยภาพในระบบนิเวศ และสุขภาพอนามัยของประชาชน สะท้อนจากสถิติปริมาณขยะในปี 2556 โดยกรมควบคุมมลพิษได้สำรวจปริมาณขยะมูลฝอยทั่วประเทศจากองค์กรปกครองส่วนท้องถิ่นจำนวน 7,782 แห่ง พบว่า ประเทศไทยมีปริมาณขยะมูลฝอย 26.77 ล้านตัน เพิ่มขึ้นจากปีก่อน 2 ล้านตัน จึงเป็นโจทย์สำคัญสู่การกำหนดนโยบายสาธารณะเพื่อบริหารจัดการขยะมูลฝอยและของเสีย ดังนั้นคณะรักษาความสงบแห่งชาติ (คสช.) ซึ่งเป็นรัฐบาลในปัจจุบันนำโดยพลเอกประยุทธ์ จันทร์โอชา (นายกรัฐมนตรี/หัวหน้าคสช.) ได้กำหนดให้ขยะมูลฝอยเป็นวาระแห่งชาติและมอบหมายให้กระทรวงทรัพยากรธรรมชาติและสิ่งแวดล้อม โดยกรมควบคุมมลพิษจัดทำ

Roadmap การจัดการขยะมูลฝอยและของเสียอันตราย ซึ่งรัฐบาลเห็นชอบเมื่อวันที่ 26 สิงหาคม 2557 ถือเป็นแรงขับเคลื่อนให้หน่วยงานต่างๆ ที่เกี่ยวข้องทั้งภาครัฐ ภาคเอกชน และภาคประชาชน เข้ามามีส่วนร่วมและดำเนินการตามแนวทาง Roadmap การดำเนินงานประกอบด้วย 4 กิจกรรม คือ (1) เร่งจัดการขยะมูลฝอยสะสมในสถานที่กำจัดขยะพื้นที่วิกฤติ (2) ให้มีรูปแบบที่เหมาะสมเพื่อ จัดการกับขยะที่เข้ามาใหม่ โดยเน้นการคัดแยกขยะตั้งแต่ต้นทาง และแปรรูปพลังงานจากขยะ (3) จัดระเบียบมาตรการบริหารจัดการขยะมูลฝอยและของเสียอันตราย และ (4) กระตุ้นวินัยของคนใน ชาติ มุ่งสู่การจัดการที่ยั่งยืน และการดำเนินงานแบ่งเป็น 3 ระยะ คือ ระยะเร่งด่วน (6 เดือน) ระยะ ปานกลาง (1 ปี) และระยะเร่งด่วน (1 ปีขึ้นไป) จากผลการดำเนินงานตามโรดแมปในระยะ 6 เดือน แรกของปี 2558   พบว่าสามารถบริหารจัดการและแก้ไขปัญหาด้วยวิธีการที่เป็นรูปธรรมหลาย ประการโดยในช่วง 6 เดือนแรกของปี 2558 (มกราคม – มิถุนายน) จัดการได้เพิ่มขึ้นเป็น 15 ล้านตัน คิดเป็นร้อยละ 50   ของปริมาณขยะตกค้างสะสมทั้งหมด การบริหารจัดการขยะตามโรดแมป ดังกล่าวจึงเป็นนิมิตรหมายที่ดีของประเทศและเป็นกระบวนการที่จะนำพาสู่สิ่งแวดล้อมที่ดี ผู้เขียน จึงประสงค์ถ่ายทอดข้อมูลที่น่าสนใจจากการเก็บรวบรวมข้อมูลชิงเอกสารจากการวิเคราะห์ข้อมูล จากฐานข้อมูลสารสนเทศของหน่วยงานราชการต่างๆ การติดตามข่าวสาร และจากหนังสือ สู่ ประเด็นน่าสนใจได้แก่ 1) วาระแห่งชาติว่าด้วยขยะ: สถานการณ์ปัญหาขยะมูลฝอยและของเสีย อันตรายของประเทศไทย 2) นโยบาย/Roadmap การจัดการขยะมูลฝอยและของเสียของรัฐบาลและ 3) ผลการบริหารจัดการตาม Roadmap

คำสำคัญ: วาระแห่งชาติ/ ปัญหาขยะมูลฝอย/ ของเสียอันตราย/ นโยบายสาธารณะ/
          แผนการบริหารจัดการขยะ/ Roadmap/ ประเทศไทย

บทนำ

ขยะมูลฝอยและของเสียอันตรายนับว่าเป็นปัญหาสิ่งแวดล้อมที่สำคัญไม่ยิ่งหย่อนไปกว่าปัญหา สิ่งแวดล้อมด้านอื่นๆ ปัจจุบันนี้ได้ทวีความรุนแรง จนหลายภาคส่วนรับรู้และวิพากษ์อย่าง กว้างขวาง และ ไม่สามารถกำจัดด้วยวิธีการที่เหมาะสม อีกทั้งหน่วยงานที่เกี่ยวข้องยังขาดความ ต่อเนื่องในการให้ความสำคัญกับปัญหาขยะ ยังขาดวิธีการบริหารจัดการในการควบคุม ป้องกัน และแก้ไขปัญหาอย่างจริงจัง หากละเลยปล่อยให้ปริมาณมากขึ้นโดยขาดการแก้ไข ก็จะส่งผล กระทบต่อดุลยภาพในระบบนิเวศ อันได้แก่ สัตว์พืช และทรัพยากรธรรมชาติต่างๆ และเป็นปัจจัย หนึ่งต่อการลดมาตรฐานคุณภาพสิ่งแวดล้อม อีกทั้งส่งผลกระทบต่อระบบเศรษฐกิจได้เช่นกัน จาก ปัญหาขยะมูลฝอยและของเสียอันตราย ดังนั้นในปี 2557 คณะรักษาความสงบแห่งชาติ (คสช.) ซึ่ง ทำหน้าที่เป็นผู้นำบริหารราชการแผ่นดินได้ตระหนักและเล็งเห็นถึงปัญหา จึงเห็นชอบอนุมัติ

Roadmap การจัดการขยะมูลฝอยและของเสียอันตรายของกระทรวงทรัพยากรธรรมชาติและ
สิ่งแวดล้อม เมื่อวันที่ 26 สิงหาคม 2557 ขยะจึงถูกจัดเป็นวาระแห่งชาติซึ่งเป็นสัญญาณที่ดีที่นำไปสู่
การกระตุ้นให้ทุกภาคส่วนร่วมบูรณาการแก้ไขปัญหาทั้งราชการส่วนกลาง ราชการส่วนภูมิภาค
และองค์กรปกครองส่วนท้องถิ่นซึ่งถือเป็นหน่วยงานหลักสำคัญในการจัดการขยะมูลฝอยตาม
กฎหมายที่ให้อำนาจองค์การบริหารส่วนจังหวัด   เทศบาล องค์การบริหารส่วนตำบล   รวมถึง
กรุงเทพมหานคร และเมืองพัทยาในการจัดการขยะมูลฝอย ซึ่งระบบราชการต่างๆ ล้วนแต่เป็น
หัวใจสำคัญในการนำนโยบายสู่การปฏิบัติ ผ่านแผนงาน โครงการมาตรการต่างๆ ความสำเร็จหรือ
ความล้มเหลวขึ้นอยู่กับการปฏิบัติ ทั้งนี้ภาคส่วนอื่นๆ ทั้งภาคเอกชน และภาคประชาชนต้องให้
ความร่วมมือในการจัดการขยะมูลฝอยและของเสียอันตรายร่วมกัน เพราะภาคเอกชนและประชาชน
ก็ถือได้ว่าเป็นที่มาของขยะที่ปริมาณเพิ่มขึ้น ปัญหาขยะจะหมดไปก็ขึ้นอยู่กับความร่วมมือของ
ภาคเอกชน และภาคประชาชน ที่ต้องขับเคลื่อนร่วมกับภาครัฐด้วยเป็นสำคัญ ดังนั้น Roadmap การ
จัดการขยะมูลฝอยและของเสียอันตรายที่ได้บูรณาการหลายภาคส่วนในการขับเคลื่อน และมีแนว
ทางการดำเนินงาน มีการปฏิบัติจริงที่เป็นรูปธรรม   ย่อมต้องนำพาประเทศไทยหลุดพ้นจากวงจร
ขยะล้นเมือง ทั้งนี้อยู่ที่ความต่อเนื่องและควบคุมให้เป็นไปตามแผน อย่าให้วาระแห่งชาติเป็นเพียง
คำหรือวาทกรรมที่กล่าวขึ้นเพียงฉาบฉวย หากแต่ต้องมีวิธีการการบริหารจัดการที่ดีให้ได้อย่างไม่มี
ที่สิ้นสุด

1. วาระแห่งชาติว่าด้วยขยะ:สถานการณ์ปัญหาขยะมูลฝอยและของเสียอันตรายของประเทศไทย

1.1 ความหมายของ "ขยะมูลฝอย" และ "ของเสียอันตราย"

"ขยะมูลฝอย" และ "ของเสียอันตราย" เป็นคำที่มีความหมายในทางลบ มากกว่าทางบวกแน่นอน จึง
กลายเป็นสิ่งที่เป็นปัญหาส่งผลกระทบต่อสิ่งแวดล้อมและสุขภาพอนามัยของมนุษย์ เพื่อความเข้าใจ
ในความหมายของคำศัพท์ดังกล่าว จึงสามารถแสดงคำนิยาม ดังความต่อไปนี้

"ขยะมูลฝอย" ตรงกับคำในภาษาอังกฤษคือ "Solid waste" และมีความหมายอีกนัยหนึ่งคือ "ของ
เสียอันตราย" หรือภาษาอังกฤษใช้คำว่า "hazardous waste" ความหมายดังกล่าวขึ้นอยู่กับว่าของเสีย
ที่เกิดขึ้นนั้นอยู่ในสภาพที่เป็นอันตราย (hazard) หรือไม่เป็นอันตราย (non – hazard) ต่อระบบนิเวศ
ซึ่งหากขยะที่ไม่เป็นอันตราย จะเรียกว่า ขยะมูลฝอย ในทางตรงกันข้ามขยะที่เป็นอันตรายเรียกว่า
ของเสียอันตราย (อาณัติ ต๊ะปินตา, 2553, น. 1-2) จึงสามารถให้คำนิยามของขยะ กล่าวคือ

ขยะมูลฝอย (solid waste) โดย shah (2000) ให้ความหมายว่า สิ่งต่างๆ ที่ใช้ในกิจกรรมการดำเนิน
ชีวิตของมนุษย์แล้วถูกทิ้งขว้าง เนื่องจากไม่จำเป็นต่อการใช้งานได้อีกต่อไป ซึ่งทำให้สิ่งเหล่านั้น
กลายเป็นวัตถุที่หมดคุณค่า หรือไม่เป็นประโยชน์ต่อการดำเนินชีวิตอีกต่อไป

ตามกฎหมายไทยอ้างอิงตามพระราชบัญญัติการสาธารณสุขพ.ศ.2535 ให้คำนิยามของขยะมูลฝอย
ปรากฏตามมาตรา 4 "มูลฝอย" หมายความว่า เศษกระดาษ เศษผ้า เศษอาหาร เศษสินค้า ถุงพลาสติก
ภาชนะที่ใส่อาหาร เถ้า มูลสัตว์ หรือซากสัตว์ รวมตลอดถึงสิ่งอื่นใดที่เก็บกวาดจากถนน ตลาด ที่
เลี้ยงสัตว์ หรือที่อื่น

สำหรับพระราชบัญญัติส่งเสริมและรักษาคุณภาพสิ่งแวดล้อมพ.ศ. 2535 ตามมาตรา 4 คือ "ของเสีย"
หมายความว่า ขยะมูลฝอย สิ่งปฏิกูล น้ำเสีย อากาศเสีย มลสาร หรือวัตถุอันตรายอื่นใด ซึ่งถูกปล่อย
ทิ้งหรือมีที่มาจากแหล่งกำเนิดมลพิษ รวมทั้งกาก ตะกอน หรือสิ่งตกค้างจากสิ่งเหล่านั้น ที่อยู่ใน
สภาพของแข็ง ของเหลวหรือก๊าซ โดยจากความหมายนี้ ของเสียจากแหล่งกำเนิดมลพิษปรากฏใน
มาตราเดียวกันหมายรวมถึง ชุมชน โรงงานอุตสาหกรรม อาคาร สิ่งก่อสร้าง ยานพาหนะ สถานที่
ประกอบกิจการใดๆ หรือสิ่งอื่นใด ซึ่งเป็นแหล่งที่มาของมลพิษ

ของเสียอันตราย (hazardous waste) หมายถึง ของเสียที่อาจอยู่ในรูปของแข็ง สลัดจ์ ของเหลว หรือ
ก๊าซ ที่อาจเกิดปฏิกิริยาเคมีรุนแรงมีลักษณะเป็นพิษ เกิดการระเบิดกัดกร่อน หรือลักษณะอื่นใดที่จะ
ก่อให้เกิดอันตรายต่อมนุษย์และสิ่งแวดล้อม (เกรียงศักดิ์ อุดมสินโรจน์, อ้างถึงในอาณัติ ต๊ะปินตา,
2553, น. 4) ซึ่งสอดคล้องตามความหมายขององค์กรพิทักษ์สิ่งแวดล้อมแห่งประเทศสหรัฐอเมริกา
(United States Environmental Protection Agency, U.S. EPA) ให้นิยาม "ของเสียอันตราย"
หมายถึง ของเสียที่มีศักยภาพในการก่อให้เกิดอันตรายต่อสุขภาพอนามัยของมนุษย์ หรือก่อให้เกิด
ผลกระทบต่อสิ่งแวดล้อมขึ้นได้หากการกักเก็บ การขนส่ง การบำบัด หรือการกำจัดอย่างไม่ถูกต้อง

จากความหมายของขยะมูลฝอยและของเสียอันตราย จะมีความหมายทั้งที่คล้ายกันและมีความหมาย
ที่แตกต่างกันโดยความหมายที่คล้ายกันคือทั้งขยะมูลฝอยและของเสียอันตรายล้วนแต่เป็นสิ่งที่ไม่
พึงประสงค์ สิ่งที่ถูกทิ้งเพราะหมดคุณค่าหรือประโยชน์ สำหรับความแตกต่างของขยะมูลฝอยและ
ของเสียอันตราย พิจารณาที่ผลกระทบที่จะเกิดขึ้น กล่าวคือ คำว่าขยะมูลฝอยผลกระทบที่เกิดขึ้นยัง
ไม่เป็นอันตรายต่อมนุษย์และสิ่งแวดล้อมเท่าที่ควร หากเพียงก่อให้เกิดสภาพแวดล้อมที่เสื่อมโทรม
แต่ของเสียอันตรายมีผลกระทบที่ก่อให้เกิดอันตรายต่อมนุษย์และสิ่งแวดล้อม

1.2 สถานการณ์ปัญหาขยะมูลฝอยและของเสียอันตรายของประเทศไทย

ตามรายงานสถานการณ์มลพิษประเทศไทย โดยกรมควบคุมมลพิษ ได้แสดงสถานการณ์ขยะมูล
ฝอย และของเสียอันตราย โดยสามารถแสดงสถานการณ์ที่ถือว่าเป็นสถานการณ์ที่วิกฤตและถูกยก
ร่างเสนอสู่คณะรักษาความสงบแห่งชาติเพื่อให้รับรู้และเล็งเห็นถึงปัญหาของขยะมูลฝอยและของ

เสียอันตราย โดยสามารถแสดงรายละเอียดสถานการณ์ในปี 2556 และสถานการณ์ในปี 2557 ตามลำดับดังต่อไปนี้

สถานการณ์ขยะมูลฝอยและของเสียอันตรายปี 2556 โดยสามารถจำแนกสถานการณ์ตามประเภท ของขยะมูลฝอยดังรายละเอียดต่อไปนี้ (กรมควบคุมมลพิษ, 2557)

    1) ขยะมูลฝอยชุมชน ผลการสำรวจปริมาณขยะมูลฝอยชุมชนของกรมควบคุมมลพิษ ในปี 2556 จากพื้นที่องค์กรปกครองส่วนท้องถิ่นทั่วประเทศ 7,782 แห่ง (เทศบาล 2,271 แห่ง องค์การ บริหารส่วนตำบล 5,510 แห่ง และกรุงเทพมหานคร) พบปริมาณขยะมูลฝอยเกิดขึ้นทั่วประเทศ จำนวน 26.77 ล้านตัน เพิ่มขึ้นจากปีที่ผ่านมา 2.04 ล้านตัน จากปริมาณที่เกิดขึ้น มีองค์กรปกครอง ส่วนท้องถิ่น 4,179 แห่ง ให้บริการเก็บขนและนำไปกำจัด จำนวน 14.4 ล้านตัน โดยนำไปกำจัด อย่างถูกต้อง จำนวน 7.42 ล้านตัน (ร้อยละ 27) มีปริมาณขยะมูลฝอยที่ถูกนำกลับมาใช้ประโยชน์ ใหม่ จำนวน 5.1 ล้านตัน (ร้อยละ 19) และมีปริมาณขยะมูลฝอยที่จัดการไม่ถูกต้องรวม 14.2 ล้าน ตัน (ร้อยละ 54) ทั้งนี้ อัตราการผลิตขยะต่อคนต่อวัน ในช่วง 5–10 ปีที่ผ่านมา มีแนวโน้มเพิ่มขึ้น โดยปี 2551 เท่ากับ 1.03 กิโลกรัมต่อคนต่อวัน ปัจจุบัน 1.15 กิโลกรัมต่อคนต่อวัน

    2) ของเสียอันตราย ได้แก่ ของเสียอันตรายจากชุมชน ของเสียอันตรายจากอุตสาหกรรม และมูลฝอยติดเชื้อปี 2556 เกิดขึ้นทั่วประเทศ 3.3 ล้านตัน โดยร้อยละ 81 หรือประมาณ 2.70 ล้าน ตัน เป็นของเสียจากภาคอุตสาหกรรม(คาดการณ์ปี 2557 จะเกิดขึ้น 3.9 ล้านตัน) ส่วนอีกร้อยละ 19 หรือประมาณ 0.61 ล้านตัน มาจากชุมชน (รวมซากผลิตภัณฑ์เครื่องใช้ไฟฟ้าและอิเล็กทรอนิกส์และ มูลฝอยติดเชื้อ)

    3) มูลฝอยติดเชื้อ ปี 2556 เกิดขึ้นจำนวน 50,500 ตัน ร้อยละ 75 มาจากสถานบริการการ สาธารณสุขขนาดใหญ่ได้แก่ โรงพยาบาลของรัฐและเอกชน ซึ่งจะจัดการกับมูลฝอยติดเชื้อโดย เตาเผาของโรงพยาบาล 142 แห่ง ที่ขณะนี้มีสภาพชำรุดเกือบทั้งหมด ส่วนใหญ่จึงให้เอกชนเก็บขน และนำไปกำจัดที่สถานที่กำจัดขององค์กรปกครองส่วนท้องถิ่นที่เปิดดำเนินการจำนวน 10 แห่ง และของเอกชนอีก 4 แห่ง รวมประมาณ 35,000 ตัน คิดเป็นร้อยละ 70 ของปริมาณมูลฝอยติดเชื้อที่ เกิดขึ้นทั้งหมด และขณะนี้ กระทรวงสาธารณสุขได้กำหนดให้สถานบริการการสาธารณสุขและ ห้องปฏิบัติการเชื้ออันตรายในสังกัดกระทรวงสาธารณสุขที่มีการจ้างเอกชนขนส่งมูลฝอยติดเชื้อ ต้องใช้เอกสารกำกับการขนส่งมูลฝอยติดเชื้อ (Infectious Waste Manifest System)

จากสถานการณ์ปัญหาที่เกิดขึ้นในปี 2556 นับว่าเป็นที่อยู่ในสภาวะวิกฤต โดยเกิดขึ้นมาจากสาเหตุ สำคัญหลายประการ หากพิจารณาเฉพาะปัญหาในการบริหารจัดการ พบว่า (1) การบริหารจัดการ ขยะมูลฝอยและของเสียอันตราย ยังไม่ได้รับความสำคัญในระดับนโยบายจากผู้บริหารทุกระดับ

เท่าที่ควร (2) การบริหารจัดการขยะมูลฝอยและของเสียอันตรายจำเป็นต้องได้รับการสนับสนุนเชิง นโยบายในทุกระดับและต่อเนื่อง เพื่อให้ได้รับการจัดลำดับความสำคัญของการดำเนินการแก้ไข ปัญหาและการจัดสรรงบประมาณ (3) โครงสร้างขององค์กรปกครองส่วนท้องถิ่นไม่ได้วาง หน่วยงานรับผิดชอบการจัดการขยะมูลฝอยและของเสียอันตรายโดยตรง ส่งผลให้ขาดบุคลากรที่มี ความเชี่ยวชาญในการจัดการขยะมูลฝอยและของเสียอันตรายโดยเฉพาะองค์กรปกครองส่วน ท้องถิ่นระดับเทศบาลตำบลและองค์การบริหารส่วนตำบล (4) งบประมาณได้รับการจัดสรรไม่ พอเพียงที่จะมาดำเนินการ ตลอดจนขาดประสิทธิภาพของการจัดเก็บค่าธรรมเนียมให้ครอบคลุม และไม่สะท้อนต้นทุนการจัดการขยะมูลฝอยและของเสียอันตรายทั้งระบบ (5) กฎหมายที่เกี่ยวข้อง ยังไม่เอื้ออำนวยให้การจัดการขยะมูลฝอยและของเสียอันตรายมีประสิทธิภาพ และการจัดการขยะ มูลฝอยและของเสียอันตรายบางขั้นตอนยังขาดกฎระเบียบและแนวทางปฏิบัติที่ชัดเจน เช่น ไม่มี ข้อบังคับการคัดแยกขยะมูลฝอย ขาดกลไกการเรียกคืนซากผลิตภัณฑ์และบรรจุภัณฑ์ ขาดกฎเกณฑ์ ในการกำกับดูแลการดำเนินงานของสถานที่บำบัดและกำจัดขยะมูลฝอยและของเสียอันตราย เป็น ต้น (6) การเปิดโอกาสให้ภาคเอกชนเข้ามาร่วมดำเนินการยังมีข้อจำกัดด้านกฎระเบียบเกี่ยวกับ ขั้นตอน ระยะเวลาการดำเนินโครงการในการบริหารจัดการขยะมูลฝอยและของเสียอันตรายใน พื้นที่ (กรมควบคุมมลพิษ, 2557)

สำหรับสถานการณ์ขยะมูลฝอยและของเสียอันตรายปี 2557 สามารถแสดงรายละเอียดโดยจำแนก เป็นประเภทของขยะมูลฝอย ได้ดังนี้ (กรมควบคุมมลพิษ, 2558)

1) ขยะมูลฝอยตกค้างสะสม พบว่า ปี 2557 ปริมาณขยะมูลฝอยตกค้างสะสมทั่วประเทศ 14.8 ล้านตัน โดยขยะมูลฝอยตกค้างสะสมได้รับการจัดการไปแล้วถึง 13.2 ล้านตัน โดยจังหวัดที่ วิกฤตปัญหาขยะมูลฝอยตกค้างสะสม ของ ปี 2557 ใน 5 อันดับแรก คือ จังหวัดสมุทรปราการ นครศรีธรรมราช กาญจนบุรี พระนครศรีอยุธยา และขอนแก่น

2) ขยะมูลฝอยใหม่ โดยในปี พ.ศ.2557 ปริมาณขยะมูลฝอยชุมชนทั่วประเทศเกิดขึ้น ประมาณ 26.19 ล้านตัน หรือประมาณ 71,778 ตันต่อวัน โดยเป็นขยะมูลฝอยที่เกิดขึ้นใน กรุงเทพมหานคร ประมาณ 3.94 ล้านตัน (ร้อยละ15) และเกิดขึ้นในจังหวัดต่างๆ อีก 76 จังหวัด ประมาณ 22.25 ล้านตัน (ร้อยละ 85) ขยะมูลฝอยดังกล่าว องค์กรปกครองส่วนท้องถิ่น จำนวน 4,422 แห่ง มีการให้บริการเก็บขนและนำไปกำจัดขยะมูลฝอยชุมชนที่เก็บขนได้ สามารถนำไป กำจัดยังสถานที่กำจัดขยะมูลฝอยที่ถูกต้องประมาณ 7.88 ล้านตัน หรือ 21,583 ตันต่อวัน คิดเป็นร้อย ละ 53 ของปริมาณขยะมูลฝอยชุมชนที่เก็บขนได้ และ ปริมาณขยะมูลฝอยชุมชนอีกประมาณ 6.91 ล้านตัน หรือ 18,938 ตันต่อวัน คิดเป็นร้อยละ 46 ของปริมาณ ขยะมูลฝอยชุมชนที่เก็บขนได้ จะถูก นำไปกำจัดยังสถานที่กำจัดขยะมูลฝอยที่ไม่ถูกต้อง เช่น การเผากลางแจ้ง การเทกองทิ้งในบ่อดินเก่า หรือพื้นที่รกร้าง โดยเฉพาะอย่างยิ่ง องค์กรปกครองส่วนท้องถิ่นขนาดเล็ก

3) ของเสียอันตราย ในปี 2557 จากการประมาณการของเสียอันตรายที่เกิดขึ้นทั่วประเทศมี จำนวน 2.693 ล้านตัน ลดลง จากปี 2556 ประมาณ 0.610 ล้านตันหรือร้อยละ 18.46 โดยของเสีย อันตรายที่เกิดขึ้นส่วนใหญ่เป็นของเสียอันตรายจากอุตสาหกรรม 2.065 ล้านตัน หรือร้อยละ 76.7 และเป็นของเสียอันตรายจากชุมชน (รวมซากผลิตภัณฑ์ เครื่องใช้ไฟฟ้าและอิเล็กทรอนิกส์และมูล ฝอยติดเชื้อ) 0.628 ล้านตัน หรือร้อยละ 23.3

4) ของเสียอันตรายจากชุมชน ซึ่งคาดการณ์ปริมาณของเสียอันตรายจากชุมชนในปี 2557 เกิดขึ้นประมาณ 576,316 ตัน เพิ่มขึ้น จากปี 2556 จำนวน 13,482 ตัน หรือร้อยละ 2.40 โดยของเสีย อันตรายจากชุมชนส่วนใหญ่เป็น ซากผลิตภัณฑ์เครื่องใช้ไฟฟ้าและอิเล็กทรอนิกส์ (Waste from Electrical and Electronic Equipment: WEEE) ประมาณ376,801 ตันหรือร้อยละ 65.4 และของเสีย อันตรายประเภทอื่นๆ จากชุมชน เช่น แบตเตอรี่ หลอดไฟ ภาชนะบรรจุสารเคมี เป็นต้น เกิดขึ้น ประมาณ 199,515 ตัน หรือร้อยละ 34.6

5) ของเสียอันตรายจากอุตสาหกรรม ซึ่งในปี 2557 ของเสียอันตรายจากอุตสาหกรรม เกิดขึ้นประมาณ 2.0651 ล้านตัน ซึ่งลดลงจากปีที่ผ่านมา 0.625 ล้านตันหรือคิดเป็นร้อยละ 23.23 มูล ฝอยติดเชื้อในปี 2557 คาดการณ์ปริมาณการเกิดมูลฝอยติดเชื้อ ประมาณ 52,147 ตัน ซึ่งเพิ่มขึ้นจาก ปี2556 จำนวน 1,666 ตัน หรือร้อยละ 3.33

จากปัญหาขยะมูลฝอยและของเสียอันตรายดังกล่าวโดยเฉพาะการก้าวเข้าสู่ความวิกฤตที่เกิดขึ้น อย่างรุนแรงในปี 2556 จึงทำให้กรมควบคุมมลพิษ กระทรวงทรัพยากรธรรมชาติและสิ่งแวดล้อม จำเป็นต้องผลักดันให้ คณะรักษาความสงบแห่งชาติ (คสช.) ยกระดับขยะมูลฝอยกลายเป็นวาระ แห่งชาติ

2. นโยบาย/Roadmap การจัดการขยะมูลฝอยและของเสียอันตรายของรัฐบาล

ปัญหาต่างๆ ที่เกิดขึ้นในประเทศจะได้รับการแก้ไขอย่างจริงจังมากน้อยเพียงใดปฏิเสธไม่ได้ว่า ขึ้นอยู่กับการตัดสินใจของฝ่ายการเมืองหรือรัฐบาลหรือผู้นำในระดับประเทศ หน่วยงานใน ระดับชาติที่จะหยิบยกปัญหาขึ้นมาพิจารณาวิเคราะห์และให้ความสำคัญ โดยการประกาศเป็นวาระ แห่งชาติ สู่การประกาศในเชิง "นโยบายสาธารณะ" (Public policy) อันเป็นวาระเร่งด่วน และการ กำหนดแผนนำทาง (Roadmap) ขึ้นมา หากประเด็นใดรัฐบาลชูเป็นนโยบายแล้วย่อมเป็น นิมิตรหมายอันดีที่จะขับเคลื่อนประเทศให้เปลี่ยนแปลงสู่ทิศทางที่ดีขึ้น

2.1 คำสั่ง ระเบียบ ที่เกี่ยวข้องกับขยะมูลฝอยและของเสียภายใต้รัฐบาลปัจจุบัน

เมื่อมีการกำหนดนโยบายการจัดการขยะมูลฝอยและของเสียอันตรายแล้วเพื่อให้การดำเนินงาน
เป็นไปด้วยความเรียบร้อยจึงมีการประกาศคำสั่ง และระเบียบต่างๆ ขึ้นมา ได้แก่

คำสั่งกระทรวงทรัพยากรธรรมชาติและสิ่งแวดล้อมที่ 329/2557 เรื่อง แต่งตั้งคณะทำงาน ติดตาม
การดำเนินงาน ลด คัดแยก ขยะมูลฝอยและของเสียอันตรายในหน่วยงานกระทรวง
ทรัพยากรธรรมชาติและสิ่งแวดล้อม

ระเบียบสำนักนายกรัฐมนตรีว่าด้วยการจัดระบบบริหารจัดการขยะมูลฝอยของประเทศพ.ศ. 2557
เพื่อกำหนดขั้นตอนการดำเนินการในการแก้ไขปัญหาการจัดการขยะมูลฝอยให้เป็นระบบและมี
ประสิทธิภาพ ด้วยการบูรณาการแผนและแนวทางในการดำเนินงานของส่วนราชการและองค์กร
ปกครองส่วนท้องถิ่น โดยมีกระทรวงทรัพยากรธรรมชาติและสิ่งแวดล้อมเป็นศูนย์กลางในการ
กำหนดแนวทางการทำงาน การสั่งการ การแก้ไขปัญหาให้เป็นไปอย่างเป็นระบบ รวดเร็ว และมี
ประสิทธิภาพ

ระเบียบสำนักนายกรัฐมนตรีว่าด้วยการแก้ไขปัญหาการจัดการขยะมูลฝอยในท้องที่จังหวัด
นครปฐม จังหวัดปทุมธานี จังหวัดพระนครศรีอยุธยา จังหวัดลพบุรี จังหวัดสมุทรปราการ และ
จังหวัดสระบุรีพ.ศ. 2557 เพื่อกำหนดขั้นตอนการดำเนินการในการแก้ไขปัญหาการจัดการขยะมูล
ฝอยให้เป็นไปอย่างมีประสิทธิภาพ ด้วยการบูรณาการแผนและแนวทางในการดำเนินงานของส่วน
ราชการและองค์กรปกครองส่วนท้องถิ่นโดยมีกระทรวงทรัพยากรธรรมชาติและสิ่งแวดล้อมเป็น
ศูนย์กลางในการกำหนดแนวทางการทำงาน การสั่งการ การแก้ไขปัญหาให้เป็นไปอย่างเป็นระบบ

ซึ่งคำสั่งระเบียบต่างๆ ดังกล่าวคือผลผลิตของการกำหนดนโยบายเพื่อสามารถบังคับให้นโยบาย
ดำเนินการไปสู่การปฏิบัติ และมีความสัมพันธ์ต่อหน่วยงานผู้เกี่ยวข้องที่ต้องร่วมกันขับเคลื่อน
นโยบายเดินหน้าไปด้วยกันรวดเร็ว และมีประสิทธิภาพ ซึ่งจะทำให้การแก้ไขปัญหาในการจัดการ
ขยะมูลฝอยและของเสียอันตรายในพื้นที่ดังกล่าวสามารถดำเนินการได้อย่างรวดเร็ว

2.2 วาระแห่งชาติว่าด้วยขยะ : นโยบาย/ Roadmap

ปัญหาขยะมูลฝอยและของเสียอันตรายในปัจจุบันถือว่าอยู่ในความสนใจของหน่วยงานระดับชาติ
โดยกรมควบคุมมลพิษ กระทรวงทรัพยากรธรรมชาติและสิ่งแวดล้อมได้นำข้อเสนอปัญหา คือ
สถานการณ์ปัญหาขยะมูลฝอยและของเสียอันตรายในปี 2556 ดังที่นำเสนอข้างต้น หรือเทียบเคียง
ได้กับ*ข้อเสนอของนโยบาย (Policy proposal)* เข้าสู่คณะรักษาความสงบแห่งชาติ (คสช.) เพื่อให้
การบริหารจัดการขยะมูลฝอยและของเสียอันตรายจำเป็นต้องได้รับการสนับสนุนเชิงนโยบายใน

ทุกระดับและต่อเนื่อง และให้ได้รับการจัดลำดับความสำคัญของการดำเนินการแก้ไขปัญหาและ
การจัดสรรงบประมาณ ดังที่ John W. Kingdon (1984,1985) กล่าวว่าที่มาของการจัดระเบียบวาระ
นโยบายสาธารณะเกิดขึ้นจาก 3 กระแสที่มาบรรจบกันได้แก่ กระแสปัญหา (promblem stream)
เป็นกระแสที่มุ่งเน้นไปที่ความสนใจของประชาชนและของผู้กำหนดนโยบายในปัญหาทางสังคม
โดยเฉพาะเจาะจงในปัญหาไดปัญหาหนึ่ง หลังจากมีการนำปัญหาดังกล่าวมากำหนดเป็นนโยบาย
เพื่อหาทางแก้ไขปัญหา ร่วมด้วยกระแสการเมือง (political stream) เป็นกระแสที่รัฐบาลหรือฝ่าย
การเมืองเป็นฝ่ายกำหนดปัญหาหรือเห็นว่าเป็นประเด็นปัญหาที่ควรได้รับการแก้ปัญหา และได้รับ
การก่อตัวหรือกำหนดมาจากการปฏิสัมพันธ์ของพลังต่างๆ ในที่นี้เช่น ฝ่ายบริหารที่มีตำแหน่ง
การเมืองระดับสูง สื่อมวลชน กลุ่มผลประโยชน์ เป็นต้น จนเห็นพ้องต้องกัน และกระแสที่สามคือ
กระแสนโยบาย (policy stream) กระแสนี้เกี่ยวกับการจัดระเบียบวาระการตัดสินใจโดยผู้มีส่วน
เกี่ยวข้องในการกำหนดนโยบายที่ใช้ในการตัดสินใจที่มักอยู่เบื้องหลังคือ นักรัฐประศาสนศาสตร์
นักวิชาการ เป็นต้น หรือเรียกว่า hidden cluster ดังนั้นเมื่อ 3 กระแสมาบรรจบกันก็จะนำมาสู่
ระเบียบวาระนโยบาย หรือ หน้าต่างนโยบาย (window policy) ซึ่งจะนำไปสู่นโยบายสาธารณะ
(จุมพล หนิมพานิช, 2554, น.41)

ดังนั้นถือเป็นจุดแห่งการก่อตัวของนโยบายสาธารณะ *(agenda setting)* ที่เป็นการจัดระเบียบวาระ
ให้เป็นวาระแห่งชาติ จึงทำให้ข้อเสนอของปัญหาขยะมูลฝอยและของเสียอันตรายที่ถูกนำเสนอโดย
กรมควบคุมมลพิษ ผลักดันเข้าสู่การพิจารณาของคณะรักษาความสงบแห่งชาติ (คสช.) จนทำให้
ได้รับความสนใจจากคสช. ซึ่งเป็นผู้ตัดสินใจในนโยบายหรือวาระสำคัญ จนมีการกำหนดให้ขยะ
มูลฝอยเป็นวาระแห่งชาติ มีนโยบายการจัดการขยะมูลฝอยและของเสีย และมอบหมายให้กระทรวง
ทรัพยากรธรรมชาติและสิ่งแวดล้อม โดยกรมควบคุมมลพิษจัดทำ Roadmap การจัดการขยะมูลฝอย
และของเสียอันตราย ซึ่งคสช.หรือรัฐบาลในปัจจุบันเห็นชอบและอนุมัติเมื่อวันที่ 26 สิงหาคม 2557

ในการเห็นชอบและตัดสินใจอนุมัติ Roadmap การจัดการขยะมูลฝอยและของเสียอันตราย ถือเป็น
ขั้นตอนการกำหนดนโยบายสาธารณะ (policy formulation) เป็นการพิจารณากำหนดเป็นนโยบาย
โดยมีการให้ความเห็นชอบข้อเสนอทางเลือกตามที่เสนอมา (Dye & Zeigler, 1981, อ้างถึงในจุมพล
หนิมพานิช, น.44) และเป็นแรงขับเคลื่อนให้หน่วยงานต่างๆ ที่เกี่ยวข้องทั้งภาครัฐ ภาคเอกชน และ
ภาคประชาชน เข้ามามีส่วนร่วมและดำเนินการตามนโยบายและตามแนวทาง Roadmap

ดังนั้นการเพิ่มขึ้นของขยะมูลฝอยและของเสียอันตราย ตลอดวิธีการบริหารจัดการของหน่วยงานที่
เกี่ยวข้องยังไม่สามารถจัดการได้อย่างถูกต้องเหมาะสม จึงเป็นประเด็นปัญหาสาธารณะ (public
issue) ที่รัฐบาลให้ความสนใจถึงขั้นที่นำประเด็นเข้าสู่วาระทางนโยบาย (agenda-setting) สู่การ

ตัดสินใจทางนโยบาย (policy decision-making) ออกมาเป็นรูปธรรม ประเด็นเหล่านี้จึงอยู่ที่การ
ตัดสินใจของผู้กำหนดนโยบายที่เป็นทางการ (officer policy) เป็นสำคัญ

เมื่อ คสช.ตัดสินใจกำหนดยกระดับขยะขึ้นมาเป็นวาระแห่งชาติ ผู้เขียนพิจารณาว่าเป็นสัญญาณ
เร่งด่วนที่รัฐบาลให้ความสำคัญ และแสดงถึงความรับผิดชอบต่อสังคมซึ่งสิ่งเหล่านี้จะบ่งบอกถึง
ภาวะผู้นำของผู้บริหารประเทศซึ่งผู้เขียนเห็นด้วยกับทัศนะของประธานกรรมการโรงงานคัดแยก
ขยะเพื่อรีไซเคิลวงษ์พาณิชย์ (สมไทย วงษ์เจริญ, 2557: ระบบออนไลน์) แสดงทัศนะว่า "คนไทย
ไม่รับผิดชอบต่อสังคม ในขณะที่สังคมโลกกำลังมองว่าผู้นำประเทศไทยมีวิสัยทัศน์หรือไม่ ทั้ง
ความรับผิดชอบต่อสังคมโลก ความรับผิดชอบต่อสิ่งแวดล้อม ความรับผิดชอบต่อแผ่นดิน แผ่นน้ำ
ต้นน้ำลำธาร การรักษามนุษย์ และการรักษาบ้านหลังใหญ่ซึ่งก็คือโลกของเราให้สะอาดน่าอยู่ การ
เผาขยะในประเทศไทยต้องไม่มีอีกต่อไป การประกาศสงครามกับขยะน่าจะเป็นวาระแห่งชาติ
ความคิดเห็นส่วนตัวนี้อาจจะเล็ก แต่ถ้าผู้ใหญ่ในสังคมเห็นความคิดนี้ นั่นคือ ในวันนี้ความคิดของ
คนใหญ่ยิ่งกว่าโลกแล้ว ในโลกนี้ไม่มีขยะแต่เป็นเพียงทรัพยากรที่วางไว้ผิดที่ ดังนั้นนักวิชาการ
น่าจะร่วมมือกันจัดการปัญหานี้ โดยมีบทบาทในการให้ความรู้และบริหารจัดการความรู้เรื่องขยะ
ให้สังคม" (สมไทย วงษ์เจริญ, 2557: ระบบออนไลน์) ดังนั้นเมื่อรัฐบาลมีมติเห็นชอบวาระแห่งชาติ
ว่าด้วยขยะ อย่างน้อยก็สะท้อนวิสัยทัศน์ และความจริงจังในการขับเคลื่อน ซึ่งเป็นการกระตุ้นทุก
ภาคส่วนที่เกี่ยวข้องให้เกิดการประสานบูรณาการความร่วมมือกันในการประสานนโยบายเพื่อนำ
นโยบายไปสู่การปฏิบัติต่อไป

ในขั้นตอนการนำนโยบายสู่การปฏิบัติ (policy implementation) คือ การแสวงหากลไกที่จะ
เปลี่ยนตัวนโยบายที่เป็นนามธรรมไปสู่การปฏิบัติหรือการกระทำให้เกิดขึ้นจริงในทางปฏิบัติที่เป็น
รูปธรรม รวมไปถึงการพิจารณาหาหน่วยงานหรือองค์กรที่จะเป็นผู้รับตัวนโยบายไปดำเนินการ
บังคับใช้ หรือทำให้เกิดขึ้น โดยส่วนราชการที่เกี่ยวข้องได้แก่ ส่วนราชการระดับภารกิจคือ
กระทรวง กรม ซึ่งกระทรวง กรมที่เกี่ยวข้องคือ

กระทรวงทรัพยากรธรรมชาติและสิ่งแวดล้อม กรมควบคุมมลพิษ โดยกำหนดหน้าที่คือ สนับสนุน
คำปรึกษาและเอกสารทางวิชาการ รายงานต่อสาธารณะในความสำเร็จตามเป้าหมายที่กำหนด และ
มีมาตรการส่งเสริมการบริหารจัดการขยะมูลฝอยคือ ยกร่าง พรบ. การบริหารจัดการขยะมูลฝอย
แห่งชาติ และรับฟังความคิดเห็น เสนอร่าง พรบ. การจัดการซากผลิตภัณฑ์เครื่องใช้ไฟฟ้า และ
อิเล็กทรอนิกส์ ต่อคณะรัฐมนตรีและสภานิติบัญญัติแห่งชาติ พิจารณาแผนปฏิบัติการให้เป็นไป
ตามแผนแม่บทการบริหารจัดการขยะมูลฝอยของประเทศ และประสานทุกส่วนราชการ

สำหรับกรมส่งเสริมคุณภาพสิ่งแวดล้อม มีหน้าที่คือ ประชาสัมพันธ์ปรับพฤติกรรมของประชาชน ในการลดใช้บรรจุภัณฑ์ฟุ่มเฟือยและบรรจุภัณฑ์พลาสติก และโฟม   เผยแพร่ประชาสัมพันธ์ กฎระเบียบเกี่ยวกับการจัดการขยะมูลฝอยให้กับประชาชน ประชาสัมพันธ์ให้ผู้ประกอบการผลิต ผลิตภัณฑ์และบรรจุภัณฑ์ที่เป็นมิตรต่อสิ่งแวดล้อม ประชาสัมพันธ์ส่งเสริมให้องค์กรเอกชนและ ห้างสรรพสินค้าในการลด/เลิกการใช้ถุงพลาสติกและกล่องโฟม

สำนักงานนโยบายและแผนทรัพยากรธรรมชาติและสิ่งแวดล้อม มีหน้าที่ในมาตรการร่วมพิจารณา แผนปฏิบัติการให้เป็นไปตามแผนแม่บทการบริหารจัดการขยะมูลฝอยของประเทศ

สำนักงานทรัพยากรธรรมชาติและสิ่งแวดล้อมจังหวัด มีหน้าที่ประสานงานในจังหวัด/อปท. ที่เป็น พื้นที่ต้นแบบ ดำเนินการจัดการขยะมูลฝอยที่เหมาะสมประสานงานในจังหวัด/อปท. เก็บรวบรวม และส่งของเสียอันตรายมาที่ศูนย์รวบรวมของเสียอันตรายประสานงานในพื้นที่ให้ อปท. มีการ บังคับใช้กฎหมายกับเอกชนผู้รับจ้างจัดการขยะมูลฝอยแบบที่ไม่ถูกต้องเป็นฝ่ายเลขานุการของ คณะกรรมการระดับจังหวัด จัดทำแผนปฏิบัติการให้เป็นไปตามแผนแม่บทการบริหารจัดการขยะ มูลฝอยทั้งในการดำเนินงานตาม Roadmap นอกจากนี้การบริหารจัดการตามหน้าที่เฉพาะกระทรวง ใดกระทรวงหนึ่งอาจจะยากต่อความสำเร็จ แต่กระทรวงอื่นๆ ต้องร่วมขับเคลื่อนประสานให้การ สนับสนุน คือ

กระทรวงมหาดไทย ได้แก่ สำนักปลัดกระทรวงมหาดไทย ทำหน้าที่ ติดตาม/กำกับดูแลจังหวัด/ อปท. ให้เกิดพื้นที่ต้นแบบการจัดการขยะมูลฝอยที่เหมาะสม กำกับดูแลจังหวัด/อปท. เก็บรวบรวม และส่งของเสียอันตรายมาที่ศูนย์รวบรวมของ เสียอันตราย กำกับดูแลจังหวัด/อปท. ปรับปรุงฟื้นฟู สถานที่กำจัดขยะมูลฝอยที่ไม่ถูกต้อง กำกับดูแลจังหวัด/อปท. ทำข้อตกลงในการส่งขยะมูลฝอยมา ที่ศูนย์กำจัดขยะมูลฝอยรวม (S M L) กำกับดูแลจังหวัดจัดทำแผนปฏิบัติการให้เป็นไปตามแผน แม่บทการบริหารจัดการขยะมูลฝอย

กระทรวงศึกษาธิการ ติดตาม และ พัฒนาโรงเรียน และสถาบันการศึกษา ให้เป็นต้นแบบ/แหล่ง เรียนรู้ในการลดและคัดแยกขยะมูลฝอย

กระทรวงอุตสาหกรรม มีหน้าที่สนับสนุนการใช้ผลิตภัณฑ์และบรรจุภัณฑ์ที่เป็นมิตรต่อ สิ่งแวดล้อม กำกับดูแลการขนส่ง กากของเสียอุตสาหกรรมที่เป็นอันตราย ดำเนินการทางกฎหมาย กับผู้ลักลอบทิ้ง กากอุตสาหกรรม กำกับดูแลโรงงานกำจัด/บำบัดของเสีย อันตราย โรงงานรีไซเคิล ขยะมูลฝอยและของเสียอันตรายให้ดำเนินการได้ตามมาตรฐานส่งเสริมองค์กรเอกชน และ

ห้างสรรพสินค้าในการลด/เลิกการใช้ถุงพลาสติกและกล่องโฟม สนับสนุนการผลิตผลิตภัณฑ์และ
บรรจุภัณฑ์ที่เป็นมิตรต่อสิ่งแวดล้อม เพื่อให้สามารถแข่งขันในตลาดได้

กระทรวงพลังงาน ดำเนินการเรื่องระบบการอนุญาตการประกอบกิจการแปรรูปขยะมูลฝอยเพื่อ
ผลิตพลังงาน ให้มีความรวดเร็ว สำหรับกระทรวงการคลัง โดยสำนักงานคณะกรรมการนโยบาย
รัฐวิสาหกิจพิจารณาข้อเสนอโครงการที่ต้องปฏิบัติตามข้อกำหนดของ พรบ.การให้เอกชนร่วม
ลงทุนในกิจการของรัฐพ.ศ.2556 ให้รวดเร็ว และกระทรวงเกษตรและสหกรณ์ โดยกรมพัฒนาที่ดิน
สร้างตลาดเพื่อรองรับปุ๋ยที่ได้จากการกำจัดขยะมูลฝอย (กรมควบคุมมลพิษ, 2557)

สำหรับส่วนราชการระดับพื้นที่ต้องประสานรับนโยบายจากส่วนกลางมาปฏิบัติคือ จังหวัด อำเภอ
ตำบล หมู่บ้าน โดยเป็นอำนาจหน้าที่ของผู้ว่าราชการจังหวัดสนับสนุน/กำกับดูแล อปท. ที่เป็นพื้นที่
ต้นแบบ ดำเนินการจัดการขยะมูลฝอยที่เหมาะสม สนับสนุน/กำกับ อปท. ให้เก็บรวบรวมและส่ง
ของเสียอันตรายมาที่ศูนย์รวบรวมของเสียอันตราย สนับสนุน อปท. ในการบังคับใช้กฎหมายกับ
เอกชนที่ดำเนินการกำจัดขยะมูลฝอยไม่ถูกต้อง สนับสนุนการจัดตั้งศูนย์กำจัดขยะมูลฝอยรวมแบบ
เตาเผาเพื่อผลิตพลังงานไฟฟ้า โดยให้เอกชนลงทุนในพื้นที่เป้าหมายที่ ทส. กำหนด สนับสนุน
อปท. ดำเนินการปรับปรุงฟื้นฟูสถานที่กำจัดขยะมูลฝอยที่ไม่ถูกต้อง กำกับดูแลให้ อปท. จัดส่งขยะ
มูลฝอยมาที่ศูนย์กำจัดขยะมูลฝอยรวม (S M L) ตามข้อตกลง จัดทำแผนบริหารจัดการขยะมูลฝอย
ของจังหวัด ส่ง ทส. ภายในธันวาคม 2557 ปฏิบัติตามระเบียบสำนักนายกรัฐมนตรีว่าด้วยการ
จัดระบบบริหารจัดการขยะมูลฝอยของประเทศ พ.ศ.2557 ปฏิบัติตามระเบียบสำนักนายกรัฐมนตรี
ว่าด้วยการแก้ไขปัญหาการจัดการขยะมูลฝอยในท้องที่จังหวัดนครปฐม จังหวัดปทุมธานีจังหวัด
พระนครศรีอยุธยา จังหวัดลพบุรีจังหวัดสมุทรปราการ และจังหวัดสระบุรี พ.ศ. 2557 (กรมควบคุม
มลพิษ, 2557)

และองค์กรปกครองส่วนท้องถิ่น โดยเฉพาะองค์กรปกครองส่วนท้อง ซึ่งมีความเกี่ยวข้องกับการ
บริหารจัดการขยะโดยตรงตามกฎหมาย คือ องค์การบริหารส่วนจังหวัด เทศบาล และองค์การ
บริหารส่วนตำบล รวมถึงรูปแบบพิเศษกรุงเทพมหานคร และเมืองพัทยา รัฐธรรมนูญปี 2550
มาตรา 289 และ 290 ได้กำหนดให้องค์กรปกครองส่วนท้องถิ่นมีหน้าที่ในการจัดการ บำรุงรักษา
และใช้ประโยชน์จากทรัพยากรธรรมชาติและสิ่งแวดล้อมที่อยู่ในเขตพื้นที่ และตาม
พระราชบัญญัติกำหนดแผนและขั้นตอนการกระจายอำนาจให้แก่องค์กรปกครองส่วนท้องถิ่น พ.ศ.
2542 ซึ่งมีบทบัญญัติในมาตรา 17 (11) และมาตรา 17 (12) ให้องค์การบริหารส่วนจังหวัดมีหน้าที่
ในการจัดระบบกำจัดขยะมูลฝอยรวมและการจัดการสิ่งแวดล้อมและมลพิษต่างๆ และบทบัญญัติใน
มาตรา 16, 17 และ 18 กำหนดให้เทศบาล เมืองพัทยาและองค์การบริหารส่วนตำบลมีหน้าที่ในการ

จัดระบบการรักษาความสะอาดและความเป็นระเบียบเรียบร้อยของบ้านเมือง การกำจัดขยะมูลฝอย สิ่งปฏิกูล และน้ำเสีย (พระราชบัญญัติกำหนดแผนและขั้นตอนการกระจายอำนาจให้แก่องค์กร ปกครองส่วนท้องถิ่น พ.ศ. 2542)

ซึ่งหน้าที่ตาม Roadmap ขององค์กรปกครองส่วนท้องถิ่น คือ ออกข้อบัญญัติท้องถิ่นเกี่ยวกับการคัด แยก เก็บขนแบบแยกประเภท และกำจัดมูลฝอยแบบถูกต้อง สนับสนุนชุมชน/บ้านเรือนลดและคัด แยก ขยะมูลฝอยที่ต้นทาง (รวมของเสียอันตราย) จัดระบบการเก็บรวบรวมแบบคัดแยก และนำไป กำจัดอย่างถูกต้อง (พื้นที่ต้นแบบ)ออกข้อบัญญัติท้องถิ่นประกาศอัตราค่าธรรมเนียมการเก็บขน และกำจัดมูลฝอย รวบรวมของเสียอันตรายจากแต่ละบ้านเรือน และส่งมาที่ศูนย์ฯ ของจังหวัด บังคับใช้กฎหมายกับเอกชนผู้รับจ้างจัดการขยะมูลฝอย ดำเนินการปรับปรุงฟื้นฟูสถานที่กำจัดขยะ มูลฝอยที่ไม่ถูกต้อง ทำข้อตกลงการส่งขยะมูลฝอยมาที่ศูนย์กำจัดขยะมูลฝอยรวม (S M L) (กรม ควบคุมมลพิษ, 2557)

ดังนั้นระบบราชการจึงเป็นหน่วยงานกลไกต่างๆ ของรัฐ ซึ่งเป็นทรัพยากรสำคัญในการนำนโยบาย ไปปฏิบัติ ทั้งในแง่ของเครือข่ายระบบราชการที่เชื่อมโยงนโยบายให้สามารถนำไปปฏิบัติได้อย่าง ครอบคลุม รวมไปถึงทักษะหรือองค์ความรู้ในระบบราชการที่จะทำให้การนำนโยบายไปปฏิบัติ เกิดขึ้นได้อย่างมีประสิทธิภาพ และถือได้ว่าเป็นหัวใจสำคัญของการนำนโยบายไปปฏิบัติ ความสำเร็จหรือล้มเหลวก็ขึ้นอยู่กับการบริหารจัดการของระบบราชการ ดังที่ Eugence Bardach (1977) กล่าวว่า ความสำเร็จของนโยบายหนึ่งจะสัมฤทธิผลหรือจะบรรลุผลมากน้อยแค่ไหนขึ้นอยู่ กับความชัดเจนของนโยบายรวมทั้งความสัมพันธ์ของเป้าหมายประกอบกับหน่วยงานที่รับผิดชอบ ในการนำนโยบายไปสู่การปฏิบัติว่าเข้าใจวัตถุประสงค์ของนโยบาย ตลอดจนให้ความร่วมมือกับ ฝ่ายการเมือง (รัฐบาล) และมีความจริงใจที่จะนำนโยบายไปสู่การปฏิบัติมากน้อยเพียงใด

นอกจากส่วนราชการที่เป็นหน่วยงานของรัฐ ภาคส่วนต่างๆ ไม่ว่าจะเป็นภาคเอกชน ภาคประชาชน สถาบันการศึกษาต่างๆ ต้องให้ความร่วมมือ การมีวาระแห่งชาติจึงจะไม่เป็นเพียงวาทกรรมที่จะพูด หรือกล่าวถึงอย่างพร่ำเพรื่อเพียงแค่กระตุ้นจิตสำนึกการบริหารจัดการร่วมกันเป็นครั้งคราว หรือ ตามกระแสที่พอมีปัญหาเกิดขึ้นก็จัดทำเป็นวาระเร่งด่วน หากแต่ควรทำให้วาระเร่งด่วนมีความเป็น จริงในทางปฏิบัติซึ่งเป็นระเบียบ ระบบ วิธีการที่มีการนำสู่การปฏิบัติจริง และต่อเนื่อง ให้เป็น ภารกิจเร่งด่วนอย่างเสมอต้นเสมอปลาย โดยสิ่งที่ผู้รับผิดชอบต้องพิจารณาคือ วิธีการที่เป้าหมาย ของนโยบาย/แผนงาน/โครงการจะต้องได้รับการนำไปปฏิบัติเพื่อให้เกิดการบรรลุผลสัมฤทธิ์ตาม เป้าหมายและสิ่งที่เป็นจุดหมายปลายทางหรือผลลัพธ์ของการนำนโยบายไปสู่การปฏิบัติ คือ ความสามารถในการเปลี่ยนแปลงปัญหาสังคม นั่นก็คือจุดหมายปลายทางของการนำนโยบายไป

ปฏิบัติก็จะได้รับการแก้ไขบรรเทาเบาบางลงไป (Ibid.,p. 34. อ้างถึงในจุมพล หนิมพานิช, 2554, น.46-47) โดย Roadmap การจัดการขยะมูลฝอยและของเสียอันตรายสามารถแสดงสาระสำคัญตามตารางที่ 1

ตารางที่ 1 Roadmap การจัดการขยะมูลฝอยและของเสียอันตราย ฉบับผ่านความเห็นชอบจากคณะรักษาความสงบแห่งชาติ เมื่อวันที่ 26 สิงหาคม 2557

ขั้นตอน	แนวทางการดำเนินงานระยะเร่งด่วน (6 เดือน)	แนวทางการดำเนินงานระยะปานกลาง (1 ปี)	แนวทางการดำเนินงาน ระยะยาว (1 ปีขึ้นไป)
1. กำจัดขยะมูลฝอยตกค้างสะสมในสถานที่กำจัดขยะมูลฝอยในพื้นที่วิกฤติ (ขยะมูลฝอยเก่า)	1. สำรวจ ประเมิน ขยะมูลฝอยเพื่อปิดหรือจัดทำแผนงานฟื้นฟูสถานที่กำจัดขยะมูลฝอย 2. ฟื้นฟูสถานที่กำจัดขยะมูลฝอยเดิมเพื่อจัดการขยะมูลฝอยเก่าและรองรับขยะมูลฝอยใหม่ ทางเลือก ดังนี้ 2.1 ปิดสถานที่กำจัดขยะมูลฝอย หรือปรับปรุงสถานที่กำจัดขยะมูลฝอยเดิมให้ดำเนินการได้ถูกต้องตามหลักวิชาการ 2.2 กำจัดในสถานที่กำจัดขยะมูลฝอยของเอกชน หรือใช้เป็นเชื้อเพลิงทดแทนโดยตรงให้กับโรงงานของเอกชนที่มีอยู่เดิม หรือผลิตเป็นแท่ง	1. สำรวจ ประเมิน ขยะมูลฝอยเพื่อปิดหรือจัดทำแผนงานฟื้นฟูสถานที่กำจัดขยะมูลฝอย 2. ฟื้นฟูสถานที่กำจัดขยะมูลฝอยเดิมเพื่อจัดการขยะมูลฝอยเก่าและรองรับขยะมูลฝอยใหม่ ทางเลือก ดังนี้ 2.1 ปิดสถานที่กำจัดขยะมูลฝอย หรือปรับปรุงสถานที่กำจัดขยะมูลฝอยเดิมให้ดำเนินการ ได้ถูกต้องตามหลักวิชาการ 2.2 กำจัดในสถานที่กำจัดขยะมูลฝอยของเอกชน หรือใช้เป็นเชื้อเพลิงทดแทนโดยตรงให้กับโรงงานของเอกชนที่มีอยู่เดิม หรือผลิตเป็นแท่ง	1. สำรวจ ประเมิน ขยะมูลฝอยเพื่อปิดหรือจัดทำแผนงานฟื้นฟูสถานที่กำจัดขยะมูลฝอย 2. ฟื้นฟูสถานที่กำจัดขยะมูลฝอยเดิมเพื่อจัดการขยะมูลฝอยเก่าและรองรับขยะมูลฝอยใหม่ ทางเลือก ดังนี้ 2.1 ปิดสถานที่กำจัดขยะมูลฝอย หรือปรับปรุงสถานที่กำจัดขยะมูลฝอยเดิมให้ดำเนินการ ได้ถูกต้องตามหลักวิชาการ 2.2 กำจัดในสถานที่กำจัดขยะมูลฝอยของเอกชน หรือใช้เป็นเชื้อเพลิงทดแทนโดยตรงให้กับโรงงานของเอกชนที่มีอยู่เดิม

เชื้อเพลิง (RDF) หรือ ส่งเสริมการลงทุนของเอกชนเพิ่มเติม 3. กรณีสถานที่กำจัดขยะมูลฝอยเป็นของเอกชนและดำเนินงานไม่ถูกต้อง ให้บังคับใช้กฎหมายให้ดำเนินการอย่างถูกต้อง พื้นที่เป้าหมายขั้นตอนที่ 1: จำนวน 6 จังหวัด : พระนครศรีอยุธยา ลพบุรี นครปฐม สระบุรี สมุทรปราการ (เอกชน) และปทุมธานี (เอกชน)	เชื้อเพลิง (RDF) หรือ ส่งเสริมการลงทุนของเอกชนเพิ่มเติม 3. กรณีสถานที่กำจัดขยะมูลฝอยเป็นของเอกชนและดำเนินงานไม่ถูกต้อง ให้บังคับใช้กฎหมายให้ดำเนินการอย่างถูกต้อง พื้นที่เป้าหมายขั้นตอนที่ 1 : จำนวน 20 จังหวัด:กาญจนบุรี นครศรีธรรมราช เพชรบุรี สุราษฎร์ธานี ราชบุรี ขอนแก่น ปราจีนบุรี ประจวบคีรีขันธ์ ชลบุรี นครราชสีมา ลำปาง แพร่ ชัยนาท เพชรบูรณ์ ระนอง ชุมพร ยะลา ฉะเชิงเทรา กระบี่ และ สมุทรสาคร เป้าหมาย : ลดขยะมูลฝอยตกค้างสะสมได้ 11.40 ล้านตัน (ร้อยละ 41 ของขยะมูลฝอยตกค้างสะสมทั้งประเทศ 28 ล้านตัน)	หรือผลิตเป็นแท่งเชื้อเพลิง (RDF) หรือ ส่งเสริมการลงทุนของเอกชนเพิ่มเติม 3. กรณีสถานที่กำจัดขยะมูลฝอยเป็นของเอกชนและดำเนินงานไม่ถูกต้อง ให้บังคับใช้กฎหมายให้ดำเนินการอย่างถูกต้อง พื้นที่เป้าหมายขั้นตอนที่ 1 : จำนวน 47 จังหวัด : ตรัง ตาก มหาสารคาม สมุทรสงคราม พะเยา นราธิวาส พัทลุง สระแก้ว ศรีสะเกษ สุโขทัย ชัยภูมิ พิจิตร หนองบัวลำภู สุรินทร์ บึงกาฬ กาฬสินธุ์ อุตรดิตถ์ น่าน ตราด กำแพงเพชร สิงห์บุรี นครนายก สตูล อำนาจเจริญ อุดรธานี พิษณุโลก สกลนคร พังงา จันทบุรี ยโสธร แม่ฮ่องสอน นครสวรรค์ มุกดาหาร อุทัยธานี อุบลราชธานี เชียงราย ระยอง ลำพูน

			หนองคาย เชียงใหม่ นครพนม ปัตตานี ร้อยเอ็ด อ่างทอง บุรีรัมย์ เลย และ สุพรรณบุรี เป้าหมาย : ลดขยะมูล ฝอยตกค้างสะสมได้ 2.5.0 ล้านตัน (ร้อยละ 9 ของขยะมูล ฝอยตกค้างสะสมทั้ง ประเทศ 28 ล้านตัน)
2. สร้างรูปแบบ การจัดการขยะ มูลฝอยและของเสีย อันตรายที่เหมาะสม (ขยะมูลฝอยใหม่) - เน้นการลดและ คัดแยกขยะมูลฝอย ตั้งแต่ต้นทาง - จัดการขยะมูลฝอย แบบศูนย์รวม - กำจัดโดย เทคโนโลยี แบบผสมผสานเน้น การแปรรูปเป็น พลังงาน หรือทำให้เกิด ประโยชน์ สูงสุด	1. นำร่องรูปแบบการ จัดการขยะมูลฝอยและ ของเสียอันตราย 1.1 รูปแบบ Model L ศูนย์กำจัดขยะมูลฝอย รวมที่รองรับปริมาณ ขยะมูลฝอย ตั้งแต่ 300 ตัน/วัน ขึ้นไป โดย ดำเนินการ ดังนี้ 1.1.1 จัดระบบคัดแยก ขยะมูลฝอยทั่วไปที่ต้น ทาง 1.1.2 คัดแยกของเสีย อันตรายชุมชนออกจาก ขยะมูลฝอยทั่วไป และ เก็บรวบรวม ณ สถานที่ เก็บรวบรวมของ จังหวัด และส่งไปกำจัด ยังสถานที่กำจัดของ เอกชน 1.1.3 จัดทำ ระบบการ	1. นำร่องรูปแบบการ จัดการขยะมูลฝอยและ ของเสียอันตราย 1.1 รูปแบบ Model L ศูนย์กำจัดขยะมูลฝอย รวมที่รองรับปริมาณ ขยะมูลฝอย ตั้งแต่ 300 ตัน/วัน ขึ้นไป โดย ดำเนินการ ดังนี้ 1.1.1 จัดระบบคัดแยก ขยะมูลฝอยทั่วไปที่ต้น ทาง 1.1.2 คัดแยกของเสีย อันตรายชุมชนออก จาก ขยะมูลฝอยทั่วไป และ เก็บรวบรวม ณ สถานที่เก็บรวบรวม ของจังหวัด และส่งไป กำจัดยังสถานที่กำจัด ของเอกชน	1. นำร่องรูปแบบการ จัดการขยะมูลฝอย และของเสียอันตราย 1.1 รูปแบบ Model L ศูนย์กำจัดขยะมูลฝอย รวมที่รองรับปริมาณ ขยะมูลฝอย ตั้งแต่ 300 ตัน/วัน ขึ้นไป โดย ดำเนินการ ดังนี้ 1.1.1 จัดระบบคัดแยก ขยะมูลฝอยทั่วไปที่ ต้นทาง 1.1.2 คัดแยกของเสีย อันตรายชุมชนออก จากขยะมูลฝอยทั่วไป และเก็บรวบรวม ณ สถานที่เก็บรวบรวม ของจังหวัด และส่งไป กำจัดยังสถานที่กำจัด ของเอกชน 1.1.3 จัดทำ ระบบการ

จัดการขยะมูลฝอยแบบผสมผสาน และแปรรูปขยะมูลฝอยไปเป็นพลังงาน เพื่อผลิตกระแสไฟฟ้า 1.1.4 ปรับปรุงบ่อฝังกลบเดิมให้ถูกต้องตามหลักวิชาการ เพื่อเพิ่มระยะเวลาการใช้งาน 1.2 รูปแบบ Model M ศูนย์กำจัดขยะมูลฝอยรวมที่รองรับปริมาณขยะมูลฝอย ตั้งแต่ 50 - 300 ตัน/วัน โดยดำเนินการ ดังนี้ 1.2.1 จัดระบบคัดแยกขยะมูลฝอยทั่วไปที่ต้นทาง 1.2.2 คัดแยกของเสียอันตรายชุมชนออกจากขยะมูลฝอยทั่วไป และเก็บรวบรวม ณ สถานที่เก็บรวบรวมของจังหวัด และส่งไปกำจัดยังสถานที่กำจัดของเอกชน 1.2.3 จัดทำระบบการจัดการขยะมูลฝอยแบบผสมผสาน อาทิ ทำ ปุ๋ย หรือแปรรูปเป็นพลังงาน เช่น ก๊าซ	1.1.3 จัดทำ ระบบการจัดการขยะมูลฝอยแบบผสมผสาน และแปรรูปขยะมูลฝอยไปเป็นพลังงาน เพื่อผลิตกระแสไฟฟ้า 1.1.4 ปรับปรุงบ่อฝังกลบเดิมให้ถูกต้องตามหลักวิชาการ เพื่อเพิ่มระยะเวลาการใช้งาน 1.2 รูปแบบ Model M ศูนย์กำจัดขยะมูลฝอยรวมที่รองรับปริมาณขยะมูลฝอย ตั้งแต่ 50 – 300 ตัน/วัน โดยดำเนินการ ดังนี้ 1.2.1 จัดระบบคัดแยกขยะมูลฝอยทั่วไปที่ต้นทาง 1.2.2 คัดแยกของเสียอันตรายชุมชนออกจากขยะมูลฝอยทั่วไป และเก็บรวบรวม ณ สถานที่เก็บรวบรวมของจังหวัด และส่งไปกำจัดยังสถานที่กำจัดของเอกชน 1.2.3 จัดทำระบบการจัดการขยะมูลฝอยแบบผสมผสาน อาทิ ทำ ปุ๋ย	จัดการขยะมูลฝอยแบบผสมผสาน และแปรรูปขยะมูลฝอยไปเป็นพลังงาน เพื่อผลิตกระแสไฟฟ้า 1.1.4 ปรับปรุงบ่อฝังกลบเดิมให้ถูกต้องตามหลักวิชาการ เพื่อเพิ่มระยะเวลาการใช้งาน 1.2 รูปแบบ Model M ศูนย์กำจัดขยะมูลฝอยรวมที่รองรับปริมาณขยะมูลฝอย ตั้งแต่ 50 - 300 ตัน/วัน โดยดำเนินการ ดังนี้ 1.2.1 จัดระบบคัดแยกขยะมูลฝอยทั่วไปที่ต้นทาง 1.2.2 คัดแยกของเสียอันตรายชุมชนออกจากขยะมูลฝอยทั่วไป และเก็บรวบรวม ณ สถานที่เก็บรวบรวมของจังหวัด และส่งไปกำจัดยังสถานที่กำจัดของเอกชน 1.2.3 จัดทำระบบการจัดการขยะมูลฝอยแบบผสมผสาน อาทิ

ชีวภาพ ผลิต กระแสไฟฟ้า 1.2.4 ปรับปรุงบ่อฝัง กลบเดิมให้ถูกต้องตาม หลักวิชาการ เพื่อเพิ่ม ระยะเวลาการใช้งาน 1.3 รูปแบบ Model S ศูนย์กำจัดขยะมูลฝอย รวมที่รองรับปริมาณ ขยะมูลฝอย น้อยกว่า 50 ตัน/วัน โดย ดำเนินการ ดังนี้ 1.3.1 จัดระบบคัดแยก ขยะมูลฝอยทั่วไปที่ต้น ทาง 1.3.2 คัดแยกของเสีย อันตรายชุมชนออกจาก ขยะมูลฝอยทั่วไป และ เก็บรวบรวม ณ สถานที่ เก็บรวบรวมของชุมชน และส่งไปยังสถานที่ เก็บรวบรวมของ จังหวัด 1.3.3 จัดทำ ระบบการ จัดการขยะมูลฝอยแบบ ผสมผสาน โดยนำขยะ มูลฝอยที่เหลือจากการ คัดแยกไปฝังกลบและ/ หรือ นำ ขยะมูลฝอยที่ ผ่านการคัดแยกไปใช้ ประโยชน์อื่น อาทิ ทำ ปุ๋ย	หรือแปรรูปเป็น พลังงาน เช่น ก๊าซ ชีวภาพ ผลิต กระแสไฟฟ้า 1.2.4 ปรับปรุงบ่อฝัง กลบเดิมให้ถูกต้องตาม หลักวิชาการ เพื่อเพิ่ม ระยะเวลาการใช้งาน 1.3 รูปแบบ Model S ศูนย์กำจัดขยะมูลฝอย รวมที่รองรับปริมาณ ขยะมูลฝอย น้อยกว่า 50 ตัน/วัน โดย ดำเนินการ ดังนี้ 1.3.1 จัดระบบคัดแยก ขยะมูลฝอยทั่วไปที่ต้น ทาง 1.3.2 คัดแยกของเสีย อันตรายชุมชนออก จากขยะมูลฝอยทั่วไป และเก็บรวบรวม ณ สถานที่เก็บรวบรวม ของชุมชน และส่งไป ยังสถานที่เก็บรวบรวม ของจังหวัด 1.3.3 จัดทำระบบการ จัดการขยะมูลฝอย แบบผสมผสาน โดย นำ ขยะมูลฝอยที่เหลือ จากการคัดแยกไปฝัง กลบและ/หรือนำ ขยะ มูลฝอยที่ผ่านการคัด	ทำ ปุ๋ย หรือแปรรูป เป็นพลังงาน เช่น ก๊าซ ชีวภาพ ผลิต กระแสไฟฟ้า 1.2.4 ปรับปรุงบ่อฝัง กลบเดิมให้ถูกต้อง ตามหลักวิชาการ เพื่อ เพิ่มระยะเวลาการใช้ งาน 1.3 รูปแบบ Model S ศูนย์กำจัดขยะมูลฝอย รวมที่รองรับปริมาณ ขยะมูลฝอย น้อยกว่า 50 ตัน/วัน โดย ดำเนินการ ดังนี้ 1.3.1 จัดระบบคัดแยก ขยะมูลฝอยทั่วไปที่ ต้นทาง 1.3.2 คัดแยกของเสีย อันตรายชุมชนออก จากขยะมูลฝอยทั่วไป และเก็บรวบรวม ณ สถานที่เก็บรวบรวม ของชุมชน และส่งไป ยังสถานที่เก็บ รวบรวมของจังหวัด 1.3.3 จัดทำระบบการ จัดการขยะมูลฝอย แบบผสมผสาน โดย นำ ขยะมูลฝอยที่เหลือ จากการคัดแยกไปฝัง กลบและ/หรือนำ ขยะ

2. จัดให้มีสถานที่เก็บรวบรวมของเสียอันตรายชุมชนของจังหวัด จังหวัดละ 1 แห่ง 3. ส่งเสริมภาคเอกชนลงทุนหรือดำเนินงานระบบเก็บรวบรวม ขนส่ง และกำจัดขยะมูลฝอยและของเสียอันตรายพื้นที่เป้าหมายขั้นตอนที่ 2 :(1) Model L ได้แก่ จ.นนทบุรี จ.ภูเก็ต ทน.หาดใหญ่ และทน.สงขลา จ.สงขลา กรุงเทพมหานคร และ จ.เชียงราย (2) Model M ได้แก่ ทม.น่าน จ.น่าน และ ทต.เมืองแกลง จ.ระยอง (3) Model S ได้แก่ ทต.ท่าวังผา จ.น่าน ทม.สีคิ้ว ทต.โนนแดง จ.นครราชสีมา และ ทต.ลำปลายมาศ ทต.อิสาณ จ.บุรีรัมย์	แยกไปใช้ประโยชน์อื่น อาทิ ทำปุ๋ย 2. จัดให้มีสถานที่เก็บรวบรวมของเสียอันตรายชุมชนของจังหวัดจังหวัดละ1แห่ง 3. ส่งเสริมภาคเอกชนลงทุนหรือดำเนินงานระบบเก็บรวบรวม ขนส่ง และกำจัดขยะมูลฝอยและของเสียอันตรายพื้นที่เป้าหมายขั้นตอนที่ 2 : จำนวน 26 จังหวัด:นครปฐม อยุธยา สระบุรี ปทุมธานี ลพบุรี สมุทรปราการ กาญจนบุรี นครศรีธรรมราช เพชรบุรี สุราษฎร์ธานี ราชบุรี ขอนแก่น ปราจีนบุรี ประจวบคีรีขันธ์ ชลบุรี นครราชสีมา (ยกเว้น ทม.สีคิ้ว ทต.โนนแดง) ลำปาง แพร่ ชัยนาท เพชรบูรณ์ ระนอง ชุมพร ยะลา ฉะเชิงเทรา กระบี่ และ สมุทรสาคร	มูลฝอยที่ผ่านการคัดแยกไปใช้ประโยชน์อื่น อาทิ ทำปุ๋ย 2. จัดให้มีสถานที่เก็บรวบรวมของเสียอันตรายชุมชนของจังหวัด จังหวัดละ 1 แห่ง 3. ส่งเสริมภาคเอกชนลงทุนหรือดำเนินงานระบบเก็บรวบรวม ขนส่ง และกำจัดขยะมูลฝอยและของเสียอันตรายพื้นที่เป้าหมายขั้นตอนที่ 2 : จำนวน 46 จังหวัด : ตรัง ตาก มหาสารคาม สมุทรสงคราม พะเยา นราธิวาส พัทลุง สระแก้ว ศรีสะเกษ สุโขทัย ชัยภูมิ พิจิตร หนองบัวลำภู สุรินทร์ บึงกาฬ กาฬสินธุ์ อุตรดิตถ์ น่าน (ยกเว้น ทต.ท่าวังผา ทม.น่าน) ตราด กำแพงเพชร สิงห์บุรี นครนายก สตูล อำนาจเจริญ อุดรธานี พิษณุโลก สกลนคร

			พังงา จันทบุรี ยโสธร แม่ฮ่องสอน นครสวรรค์ มุกดาหาร อุทัยธานี อุบลราชธานี ระยอง (ยกเว้น ทม.แกลง) ลำพูน หนองคาย เชียงใหม่ นครพนม ปัตตานี ร้อยเอ็ด อ่างทอง บุรีรัมย์ (ยกเว้น ทต.ลำปลาย มาศ ทต.อิสาณ) เลย และ สุพรรณบุรี
3. วางระเบียบ มาตรการการบริหาร จัดการขยะมูลฝอย และของเสียอันตราย	1. ออกระเบียบให้ผู้ว่า ราชการจังหวัดเป็นผู้กำ กับดูแลการบริหาร จัดการขยะมูลฝอยของ องค์กรปกครองส่วน ท้องถิ่นภายในจังหวัด ให้มีประสิทธิภาพและ ถูกต้องตามหลัก วิชาการ 2. ออกระเบียบให้มี คณะกรรมการชุดหนึ่ง ซึ่งมีผู้ว่าราชการ จังหวัด เป็นประธานทำ หน้าที่จัดทำแผนแม่บท และบริหารจัดการขยะ มูลฝอยและของเสีย อันตรายในภาพรวม ของจังหวัด โดยมี องค์ประกอบและ	1. พิจารณาเรื่องการ ออกใบอนุญาตสถานที่ กำจัดขยะมูลฝอย (Permitting system) (ทส.) 2. จัดทำ โครงการนำ ร่องการเรียกคืนซาก ผลิตภัณฑ์ เครื่องใช้ไฟฟ้าและ ผลิตภัณฑ์ อิเล็กทรอนิกส์ตาม หลักการขยายความ รับผิดชอบของผู้ผลิต (Extended Producer Responsibility : EPR) (ทส./อก.) 3. กำหนดหลักเกณฑ์ ระเบียบบังคับใช้ใน การนำวัสดุรีไซเคิล	1. ออกกฎหมายด้าน การจัดการซาก ผลิตภัณฑ์ไฟฟ้าและ อิเล็กทรอนิกส์ (Waste Electrical and Electronic Equipment – WEEE) ตาม หลักการขยายความ รับผิดชอบของผู้ผลิต (Extended Producer Responsibility : EPR) /ค่าธรรมเนียม ผลิตภัณฑ์ (Product charge) (ทส.) 3. ออกข้อบัญญัติ ท้องถิ่นให้มีการคัด แยกขยะมูลฝอย (ขยะ ทั่วไป ขยะอินทรีย์ ขยะรีไซเคิล ของเสีย

อำนาจหน้าที่อื่นตามที่กระทรวงทรัพยากรธรรมชาติและสิ่งแวดล้อมจะกำหนด 3. จัดทำแผนแม่บทการบริหารจัดการขยะมูลฝอยของประเทศและกำหนดรูปแบบเทคโนโลยีทางเลือกสำหรับการกำจัดขยะมูลฝอยของศูนย์กำจัดขยะมูลฝอยรวมแต่ละขนาด (ทส.) 4. พิจารณาผ่อนปรนกฎหมายที่เกี่ยวข้อง เช่น การจัดทำรายงานการวิเคราะห์ผลกระทบสิ่งแวดล้อม (EIA) พระราชบัญญัติการให้เอกชนร่วมลงทุนในกิจการของรัฐพ.ศ.2556 พระราชบัญญัติการผังเมืองพ.ศ. 2518 ประกาศกระทรวงอุตสาหกรรมเรื่องการทำรายงานเกี่ยวกับการศึกษามาตรการป้องกันและแก้ไขผลกระทบต่อคุณภาพสิ่งแวดล้อมและความปลอดภัย	เป็นวัตถุดิบในกระบวนการผลิตบรรจุภัณฑ์/ผลิตภัณฑ์ในภาคอุตสาหกรรม (อก.) 4. จัดทำ มาตรการเพื่อการป้องกัน และแก้ไขปัญหาการลักลอบทิ้งกากอุตสาหกรรมที่เป็นอันตราย (อก./ทส.) 5. ส่งเสริมการก่อสร้างโรงงานบำบัด/กำจัด/รีไซเคิลเพิ่มเติม (อก.) 6. ออกข้อบัญญัติท้องถิ่นให้มีการคัดแยกขยะมูลฝอย(ขยะทั่วไป ขยะอินทรีย์ ขยะรีไซเคิล ของเสียอันตราย) และห้ามทิ้งของเสียอันตรายปนกับขยะมูลฝอยทั่วไปตามกฎกระทรวงที่กระทรวงสาธารณสุขกำหนด (อปท./มท.) 7. พิจารณาเสนอกฎหมายที่จะใช้ในการบริหารจัดการขยะมูลฝอยของประเทศให้เป็นเอกภาพ (ทส./มท./	อันตราย) และห้ามทิ้งของเสียอันตรายปนกับขยะมูลฝอยทั่วไปตามกฎกระทรวงที่กระทรวงสาธารณสุขกำหนด (อปท./มท.)

	พ.ศ.2552 และหรือออก มาตรการเพื่อ ส่งเสริมให้เกิดการ ลงทุนของภาคเอกชน ในการจัดการขยะมูล ฝอยและของเสีย อันตราย (ทส./กค./ พน./มท./อก.)	สธ./อก.)	
	5.ออกกฎกระทรวง กำหนดอัตรา ค่าธรรมเนียม ค่าบริการ หลักเกณฑ์และ มาตรฐานการลด คัด แยก เก็บรวบรวม ขนส่งและกำจัดขยะมูล ฝอย ของเสียอันตราย ชุมชน และมูลฝอยติด เชื้อ (สธ./ทส.)		
	6. ออกกฎระเบียบเรื่อง ระบบการตรวจสอบ ควบคุมการจัดตั้งและ ดำเนินงานสถานที่ กำจัดขยะมูลฝอย (สธ./ ทส.)		
	7. ออกข้อบัญญัติ ท้องถิ่นให้มีการคัดแยก ขยะมูลฝอย(ขยะทั่วไป ขยะอินทรีย์ ขยะรี ไซเคิล ของเสีย อันตราย) และ ห้ามทิ้งของเสียอันตราย ปนกับขยะมูลฝอย		

	ทั่วไปตามกฎกระทรวงที่กระทรวงสาธารณสุขกำหนด (อปท./มท.)		
4. สร้างวินัยของคนในชาติมุ่งสู่การจัดการที่ยั่งยืน - ให้ความรู้ประชาชน - บังคับใช้กฎหมาย	1. ตรวจสอบและดำเนินการทางกฎหมายแก่ผู้ลักลอบทิ้งลักลอบกำจัด ขยะมูลฝอยชุมชน กากอุตสาหกรรม กากกัมมันตรังสี ของเสียอันตรายและมูลฝอยติดเชื้อที่ไม่ถูกต้องตามหลักเกณฑ์ที่กำหนด (อก./สธ./วท./สตช./มท./อปท.) 2. รณรงค์ประชาสัมพันธ์ให้ความรู้ ปลูกจิตสำนึก สร้างความตระหนักให้ประชาชนเข้ามามีส่วนร่วมในการจัดการขยะมูลฝอย ตั้งแต่การลดคัดแยกที่ต้นทางจนถึงการกำจัดขั้นสุดท้ายตลอดจนลดการใช้ถุงพลาสติกและหันมาใช้วัสดุอื่นแทน (ทส./สนร.) 3. สร้างจิตสำนึกและวินัยในการจัดการขยะมูลฝอยให้แก่ นักเรียนและเยาวชน โดยให้มี	1.ตรวจสอบและดำเนินการทางกฎหมายแก่ผู้ลักลอบทิ้งลักลอบกำจัด ขยะมูลฝอยชุมชน กากอุตสาหกรรม กากกัมมันตรังสี ของเสียอันตรายและมูลฝอยติดเชื้อที่ไม่ถูกต้องตามหลักเกณฑ์ที่กำหนด (อก./สธ./วท./สตช./มท./อปท.) 2. ควบคุมการประกอบกิจการร้านรับซื้อของเก่าทั้งการให้อนุญาตประกอบกิจการและการดำเนินกิจการ(มท./อปท.) 3. รณรงค์ประชาสัมพันธ์ให้ความรู้ ปลูกจิตสำนึก สร้างความตระหนักให้ประชาชนเข้ามามีส่วนร่วมในการจัดการขยะมูลฝอย ตั้งแต่การลดคัดแยกที่ต้นทางจนถึงการกำจัดขั้นสุดท้ายตลอดจนลดการใช้ถุงพลาสติกและหันมา	1. ตรวจสอบและดำเนินการทางกฎหมายแก่ผู้ลักลอบทิ้ง ลักลอบกำจัด ขยะมูลฝอยชุมชน กากอุตสาหกรรม กากกัมมันตรังสี ของเสียอันตรายและมูลฝอยติดเชื้อที่ไม่ถูกต้องตามหลักเกณฑ์ที่กำหนด (อก./สธ./วท./สตช./มท./อปท.) 2. ควบคุมการประกอบกิจการร้านรับซื้อของเก่าทั้งการให้อนุญาตประกอบกิจการและการดำเนินกิจการ(มท./อปท.) 3 .รณรงค์ประชาสัมพันธ์ให้ความรู้ ปลูกจิตสำนึก สร้างความตระหนักให้ประชาชนเข้ามามีส่วนร่วมในการจัดการขยะมูลฝอย ตั้งแต่การลด คัดแยกที่ต้นทางจนถึงการกำจัดขั้นสุดท้าย ตลอดจนลดการใช้ถุงพลาสติก

	การปฏิบัติเป็นรูปธรรมในโรงเรียนและสถานศึกษาทุกแห่งเป็นตัวอย่าง (ศธ.)	ใช้วัสดุอื่นแทน (ทส./สนร.) 4. สร้างจิตสำนึกและวินัยในการจัดการขยะมูลฝอยให้แก่นักเรียนและเยาวชน โดยให้มีการปฏิบัติเป็นรูปธรรมในโรงเรียนและสถานศึกษาทุกแห่งเป็นตัวอย่าง (ศธ.)	และหันมาใช้วัสดุอื่นแทน (ทส./สนร.) 4. สร้างจิตสำนึกและวินัยในการจัดการขยะมูลฝอยให้แก่นักเรียนและเยาวชน โดยให้มีการปฏิบัติเป็นรูปธรรมในโรงเรียนและสถานศึกษาทุกแห่งเป็นตัวอย่าง (ศธ.)

(ที่มา: กรมควบคุมมลพิษ, 2557)

จากตารางสามารถสรุปการดำเนินงานตาม roadmap มี 4 ขั้นตอนสำคัญดังนี้ ขั้นตอนที่ 1 กำจัดขยะมูลฝอยตกค้างสะสมในสถานที่กำจัดขยะมูลฝอยในพื้นที่วิกฤติ (ขยะมูลฝอยเก่า) ขั้นตอนที่ 2 สร้างรูปแบบการจัดการขยะมูลฝอยและของเสียอันตรายที่เหมาะสม (ขยะมูลฝอยใหม่) โดยเน้นการลดและคัดแยกขยะมูลฝอยตั้งแต่ต้นทาง มีการจัดการขยะมูลฝอยแบบศูนย์รวม กำจัดโดยเทคโนโลยีแบบผสมผสานเน้นการแปรรูปเป็นพลังงานหรือทำให้เกิดประโยชน์สูงสุด ขั้นตอนที่ 3 วางระเบียบมาตรการการบริหารจัดการขยะมูลฝอยและของเสียอันตราย ขั้นตอนที่ 4 สร้างวินัยของคนในชาติมุ่งสู่การจัดการที่ยั่งยืน คือ ให้ความรู้ประชาชน และบังคับใช้กฎหมาย โดยแต่ละขั้นตอนจะแบ่งระยะเวลาการดำเนินงานระยะ 6 เดือน 1 ปี และ 1 ปีขึ้นไป (กรมควบคุมมลพิษ, 2557) ตามแนวทางการดำเนินงานตาม Roadmap ที่ปรากฏตามตาราง จะพบว่าเป็นการนำหลักการสำคัญที่เป็นหลักการพื้นฐานทั่วไปของการจัดการขยะ คือ หลักการ 3 Rs อันได้แก่ Reduce หมายถึง ลดการเกิดขยะมูลฝอย Reuse หมายถึง นำกลับมาใช้ซ้ำ Recycle หมายถึง หมุนเวียนกลับมาใช้ใหม่ นอกจากนี้มีการนำเทคโนโลยีการแปรรูปขยะมูลฝอยให้เป็นพลังงานโดยเทคนิควิธีการที่สอดคล้องกับแท่งเชื้อเพลิงขยะ (Refuse Derived Fuel, RDF) หลักการทำงานของเทคโนโลยีแท่งเชื้อเพลิงขยะเริ่มจากการคัดแยกขยะมูลฝอยที่ไม่สามารถเผาไหม้ได้ (เช่น โลหะ แก้ว เศษหิน โลหะ) ขยะอันตราย และขยะรีไซเคิลออกจากขยะมูลฝอยรวม จากนั้นจึงป้อนขยะมูลฝอยไปเข้าเครื่องบดเพื่อลดขนาด อาจมีการป้อนเข้าเตาอบเพื่อลดความชื้นของขยะมูลฝอยโดยการใช้ความร้อนจากไอน้ำหรือลมร้อนเพื่ออบขยะมูลฝอยให้แห้งซึ่งจะทำให้น้ำหนักลดลงเกือบ 50% (ความชื้นเหลือไม่เกิน 15%) และสุดท้ายจะส่งไปเข้าเครื่องอัดเม็ด (Pellet) หรือทำเป็นแท่งเพื่อทำให้ได้เชื้อเพลิงขยะอัดเม็ดหรือเป็นแท่งที่มีขนาดและความหนาแน่นเหมาะสมต่อการขนส่งหรือการใช้งาน

โดยภาพรวมสามารถสรุปได้ว่าการจัดการขยะมูลฝอยและของเสียอันตรายตาม Roadmap เป็น ขั้นตอนการบริหารจัดการขยะตามหลักวิชาการทั่วๆ ไปประกอบด้วย ขั้นตอนการลดและคัดแยก ณ แหล่งกำเนิด ขั้นตอนการเก็บรวบรวม ขั้นตอนการเก็บกัก ขั้นตอนการขนส่ง ขั้นตอนการแปร สภาพ และขั้นตอนการกำจัดหรือทำลาย (อาณัติ ต๊ะปินตา, 2553, น. 69 – 107) และสอดคล้องตาม มาตรฐานเกี่ยวกับระบบรวบรวมและเก็บขนขยะมูลฝอยดังนี้ 1) ระบบรวบรวมขยะมูลฝอยการ รวบรวมหรือเก็บกัก หมายถึง การเก็บรวบรวมขยะมูลฝอย ณ แหล่งกำเนิด เพื่อรอการเก็บขนนำไป กำจัด 2) การเก็บขนขยะมูลฝอย หมายถึง การเก็บรวบรวมขยะมูลฝอยจากอาคารสถานที่ต่างๆ ซึ่ง เป็นแหล่งกำเนิดขยะมูลฝอยและนำมาเทลงในรถเก็บขนเพื่อขนส่งไปกำจัด โดยประเด็นที่ควร นำมาพิจารณาในการเก็บขนขยะมูลฝอย 3) การขนส่งขยะมูลฝอยการขนส่งขยะมูลฝอยจากชุมชน ไปยังสถานที่กำจัดขยะมูลฝอย และตามคู่มือการปฏิบัติงานของเจ้าหน้าที่องค์กรปกครองส่วน ท้องถิ่นในการจัดการของเสียอันตรายจากชุมชนสำหรับการบริหารจัดการขยะมูลฝอยอันตรายจาก ชุมชน (กรมควบคุมมลพิษ, 2550) โดยแบ่งเป็นขั้นตอนต่างๆ ได้แก่ ขั้นตอนที่ 1 การสร้างกลไก การคัดแยกของเสียอันตรายจากต้นทาง ขั้นตอนที่ 2 การแยกทิ้งเป็นการกำหนดวิธีการคัดแยกของ เสียอันตรายจากต้นทางและจัดสิ่งอำนวยความสะดวกที่เหมาะสม ขั้นตอนที่ 3 การเก็บรวบรวมของ เสียอันตรายจากชุมชน ขั้นตอนที่ 4 การเก็บกัก ขั้นตอนที่ 5 การขนส่งของเสียอันตราย ที่เก็บ รวบรวมไว้ในสถานที่เก็บกักของเสียอันตรายจากชุมชน นอกจากนี้การจัดการของเสียอันตราย ยังมี อีก 2 ขั้นตอน ซึ่งไม่อยู่ในระบบการรวบรวมและเก็บขน คือ ขั้นตอนที่ 6 การรีไซเคิลของเสีย อันตราย และขั้นตอนที่ 7 การบำบัด/กำจัดของเสียอันตราย ซึ่งต้องดำเนินการโดยการฝังกลบหรือ การเผา ซึ่งในขั้นตอนที่ 1-4 องค์กรปกครองส่วนท้องถิ่นควรดำเนินการเอง ส่วนขั้นตอนที่ 5-7 นั้น ควรเป็นหน่วยงานเอกชนที่มีศักยภาพและได้รับอนุญาตเป็นผู้ดำเนินการ โดยในขั้นตอนการขนส่ง ของเสียอันตรายนั้น ต้องปฏิบัติตามประกาศกระทรวงอุตสาหกรรม เรื่อง ระบบเอกสารกำกับการ ขนส่งของเสียอันตราย พ.ศ. 2547

2.3 ผลการบริหารจัดการตาม Roadmap

หลังจากมีการดำเนินงานตาม Roadmap การจัดการขยะมูลฝอยและของเสียอันตรายตามขั้นตอน และแนวทางในระยะเวลา 6 เดือนเร่งด่วน นำมาสู่ผลการดำเนินงาน ซึ่งในการวัดผลการดำเนินงาน หรือการประเมินผลนโยบาย *(policy evaluation)* กล่าวคือหลังจากที่มีการนำนโยบายไปสู่การ ปฏิบัติว่าในที่สุดแล้วเกิดสัมฤทธิ์ผลตามที่พึงปรารถนาหรือเจตนารมณ์ที่กำหนดไว้หรือไม่ (จุมพล หนิมพานิช, 2554, น.49) โดยกรมควบคุมมลพิษ ดำเนินการรายงานผลการดำเนินงาน โดยจำแนก เป็นขยะประเภทต่างๆ ดังต่อไปนี้

ขยะมูลฝอยพบว่า หลังจากการดำเนินงานตาม Roadmap ระยะหนึ่งเมื่อสิ้นสุดปี 2557 สามารถ
จัดการขยะตกค้างสะสมได้รวม 13.2 ล้านตัน และในช่วง 6 เดือนแรกของปี 2558 (มกราคม –
มิถุนายน) จัดการได้เพิ่มขึ้นเป็น 15 ล้านตัน ร้อยละ 50 ของปริมาณขยะตกค้างสะสมทั้งหมด
แบ่งเป็นการดำเนินงานในพื้นที่ 6 จังหวัดเร่งด่วน ได้แก่ จังหวัดพระนครศรีอยุธยา สระบุรี ลพบุรี
นครปฐม สมุทรปราการ และปทุมธานี จำนวน 11.04 ล้านตัน กำจัดได้ 9.22 ล้านตัน และอีก 71
จังหวัด จำนวน 18.96 ล้านตัน กำจัดได้ 5.78 ล้านตัน

ของเสียอันตรายชุมชน ซึ่งการจัดการขยะมูลฝอยและของเสียอันตราย กำหนดให้มีการคัดแยกของ
เสียอันตรายชุมชนออกจากขยะมูลฝอยทั่วไปที่ต้นทางเก็บรวบรวม ณ สถานที่เก็บรวบรวมของ
จังหวัดและส่งไปกำจัดยังสถานที่กำจัดที่ถูกต้องและได้รับใบอนุญาตจากทางราชการผลจากการ
ดำเนินงานของจังหวัดและองค์กรปกครองส่วนท้องถิ่น มีการตั้งศูนย์รวบรวมของเสียอันตราย
ชุมชนของจังหวัด จำนวน 83 แห่งครอบคลุมองค์กรปกครองส่วนท้องถิ่น 5,310 แห่ง ปัจจุบันศูนย์
รวบรวมของเสียอันตรายชุมชนของจังหวัดดำเนินการเก็บรวบรวมของเสียอันตรายชุมชนแล้ว 42
แห่ง (องค์กรปกครองส่วนท้องถิ่น1,127 แห่ง) รวบรวมส่งของเสียอันตรายชุมชนเข้าสู่ศูนย์ฯ
ประมาณ 250 ตัน และส่งไปกำจัดแล้วประมาณ 174 ตัน (กรมควบคุมมลพิษ, 2558, น.29-38)

จากผลการดำเนินงานในช่วง 6 เดือนเร่งด่วน ถือเป็นผลงานที่สำเร็จตามแผน ทั้งนี้ทั้งนั้น
ความสำเร็จโดยรวมของroadmap ไม่ได้จบเพียงใน 6 เดือน ยังมีการเดินหน้าต่อไปในระยะปาน
กลาง 1 ปี และระยะยาว 1 ปีขึ้น ซึ่งการที่ความสำเร็จจะเกิดขึ้นอย่างสมบูรณ์นั้น ทุกภาคส่วนที่
เกี่ยวข้องต้อง ไม่หยุดนิ่ง หากแต่ควบคุมการดำเนินงานให้เป็นตามแผนเพื่อขับเคลื่อนสู่เป้าหมาย
และเมื่อดำเนินตามแผนในระยะเวลาตามกำหนดสิ่งที่ผู้รับผิดชอบต้องพิจารณาทบทวนต่อคือ
นโยบายควรจะมีการเปลี่ยนแปลงหรือไม่ หรือจะสิ้นสุดยุติ หรือจะดำเนินนโยบายต่อไป ซึ่งหาก
พิจารณาแล้วผู้เขียนเห็นว่านโยบายการจัดการขยะมูลฝอยและของเสียอันตรายเดินมาถูกทางแล้ว
ดังนั้นควรมีการสืบต่อนโยบายอย่างต่อเนื่องไม่ว่าจะเปลี่ยนแปลงรัฐบาลกลับสู่รัฐบาลปกติ หรือใน
ทุกๆ รัฐบาล เพราะสิ่งที่ควรเกิดขึ้นกับประเทศไม่ใช่เพียงแค่การสร้างความเจริญเติบโตทาง
เศรษฐกิจ หากแต่ต้องรับผิดชอบต่อสังคม และสิ่งแวดล้อมโดยรวมด้วย เพื่อขับเคลื่อนสู่การพัฒนา
อย่างสมดุลที่แท้จริง

บทสรุป

จากสถานการณ์ปัญหาขยะมูลฝอยและของเสียอันตรายที่สะสมล้นเมือง และการขาดการบริหาร
จัดการที่เหมาะสมสู่การก่อตัวเป็นนโยบายได้รับความสนใจจากคณะรักษาความสงบแห่งชาติ จน

กลายเป็นวาระแห่งชาติว่าด้วยขยะ และเห็นชอบอนุมัติ Roadmap การจัดการขยะมูลฝอยและของ
เสียอันตราย ซึ่งเป็นการกำหนดนโยบาย สู่การให้ส่วนราชการทุกภาคส่วนทั้งในส่วนกลาง ส่วน
ภูมิภาคและองค์กรปกครองส่วนท้องถิ่นนำไปสู่การปฏิบัติตามแผนให้เกิดขึ้นจริงเป็นรูปธรรมตาม
อำนาจหน้าที่ที่ถูกกำหนดขึ้น โดยการจัดการขยะมูลฝอยและของเสียอันตราย มีทิศทางการ
ดำเนินงานที่สามารถสรุปสาระสำคัญได้ดังนี้ 1) การกำจัดขยะมูลฝอยตกค้างสะสม (ขยะมูลฝอย
เก่า) 6 จังหวัดวิกฤต ได้แก่ จังหวัดพระนครศรีอยุธยา จังหวัดนครปฐม จังหวัดสระบุรี จังหวัด
ลพบุรี จังหวัดปทุมธานี และจังหวัดสมุทรปราการ ตามแผนปฏิบัติการการแก้ไขปัญหาในพื้นที่
วิกฤติที่ต้องเร่งแก้ไขปัญหากำจัดขยะมูลฝอยไม่ถูกต้องและตกค้างสะสม (ระยะเร่งด่วน 6 เดือน)
และจังหวัดทั่วประเทศอีก 71 จังหวัด ดำเนินการปรับปรุงฟื้นฟูสถานที่กำจัด ขยะมูลฝอย และนำ
ขยะมูลฝอยตกค้างสะสมไปกำจัดอย่างถูกต้อง 2) ผลักดันให้มีระเบียบสำนักนายกรัฐมนตรีว่าด้วย
การจัดระบบบริหารจัดการขยะมูลฝอยของประเทศ พ.ศ. 2557 และระเบียบสำนักนายกรัฐมนตรีว่า
ด้วยการแก้ไขปัญหาการจัดการขยะมูลฝอยในท้องที่ จังหวัดนครปฐม จังหวัดปทุมธานี จังหวัด
พระนครศรีอยุธยา จังหวัดลพบุรี จังหวัดสมุทรปราการ และจังหวัดสระบุรี พ.ศ. 2557 โดยมีผล
บังคับใช้เมื่อวันที่ 20 กันยายน 2557 3) กระทรวงทรัพยากรธรรมชาติและสิ่งแวดล้อมได้ร่วมกับ
กระทรวงมหาดไทยดำเนินโครงการ "เมือง สะอาดคนในชาติมีสุข" เฉลิมพระเกียรติ
พระบาทสมเด็จพระเจ้าอยู่หัว เนื่องในโอกาสทรงเจริญพระชนมพรรษา 87 พรรษา โดยรณรงค์
ประชาสัมพันธ์ จัดนิทรรศการให้ความรู้ ปลูกจิตสำนึก ประชาชนด้านการจัดการคุณภาพ
สิ่งแวดล้อม โดยเฉพาะการเก็บและคัดแยกขยะมูลฝอยตั้งแต่ต้นทางจนถึงการกำจัด และทำความ
สะอาดสถานที่สาธารณะต่างๆ ทุกจังหวัด 4) จังหวัดดำเนินการคัดเลือกพื้นที่ต้นแบบการจัดการ
ขยะมูลฝอยที่เหมาะสม เพื่อผลักดันให้เกิดการคัดแยกขยะมูลฝอยตั้งแต่ต้นทาง การเก็บขนขยะมูล
ฝอยแบบแยกประเภท และการกำจัดขยะมูลฝอยแบบถูกต้อง 5) จังหวัดดำเนินการคัดเลือกพื้นที่
ศูนย์รวบรวมของเสียอันตรายชุมชนของจังหวัด 6) กระทรวงสาธารณสุขดำเนินการตรวจสอบ
ระบบเอกสารกำกับการขนส่ง (Manifest) สำหรับมูลฝอยติดเชื้อจากสถานบริการสาธารณสุขขนาด
ใหญ่อย่างเข้มงวด เพื่อป้องกันปัญหาการลักลอบทิ้งมูลฝอยติดเชื้อ 7) กระทรวงอุตสาหกรรม
ดำเนินการกำกับดูแลการขนส่งกากของเสียอุตสาหกรรมที่เป็นอันตรายอย่างเข้มงวด เพื่อป้องกัน
ปัญหาลักลอบทิ้งกากอุตสาหกรรม 8) การสำรวจพื้นที่ที่มีศักยภาพในการแปรรูปขยะมูลฝอยเพื่อ
ผลิตพลังงานเพิ่มเติม ซึ่งขณะนี้ได้มีการเปิดดำเนินการ โครงการแปรรูปขยะมูลฝอยเพื่อผลิต
พลังงานแล้ว 2 แห่ง คือ เทศบาลนครภูเก็ต จังหวัดภูเก็ต และเทศบาลนครหาดใหญ่ จังหวัดสงขลา
และอยู่ระหว่างการก่อสร้าง จำนวน 3 แห่ง คือ กรุงเทพมหานคร เทศบาลนครขอนแก่น จังหวัด
ขอนแก่น และเทศบาลตำบลแม่ขรี จังหวัดพัทลุง 9) จังหวัดได้จัดทำแผนบริหารจัดการขยะมูลฝอย
ของจังหวัด จัดส่งให้กรมควบคุมมลพิษ กระทรวงทรัพยากรธรรมชาติและสิ่งแวดล้อม ครบทั้ง 77
จังหวัด 10) ดำเนินการพัฒนาและปรับปรุงกฎหมายเพื่อเพิ่มประสิทธิภาพการจัดการขยะมูลฝอย

และของเสียอันตราย ได้แก่ กระทรวงทรัพยากรธรรมชาติและสิ่งแวดล้อม กำลังดำเนินการยกร่าง
พระราชบัญญัติการจัดการ ซากผลิตภัณฑ์เครื่องใช้ไฟฟ้าและอิเล็กทรอนิกส์ และพระราชบัญญัติ
การบริหารจัดการขยะมูลฝอยแห่งชาติ กระทรวงสาธารณสุขกำลังดำเนินการปรับปรุงกฎกระทรวง
ตามพระราชบัญญัติการสาธารณสุข พ.ศ. 2535 เกี่ยวกับการคัดแยก เก็บขนแบบแยกประเภท และ
กำจัดมูลฝอยแบบถูกต้อง และอัตรา ค่าธรรมเนียมการเก็บขนและกำจัดมูลฝอย และจากการ
ดำเนินงานจัดการปัญหาขยะมูลฝอยและของเสียอันตรายตาม Roadmap ส่งผลถึงสถานการณ์ในปี
2557 ที่ มีการประเมินผลการดำเนินงาน คือ ปริมาณขยะมูลฝอยตกค้างสะสมลดน้อยลง มีสถานที่
กำจัดขยะมูลฝอยดำเนินการอย่างถูกต้องเพิ่มมากขึ้น เป็นต้น ซึ่งนับเป็นสัญญาณที่ดีของประเทศ
ไทย และหวังว่าการดำเนินการตามแผนอย่างต่อเนื่องสามารถทำให้ประเทศหลุดพ้นจากวิกฤติ
ปัญหาขยะล้นเมือง หากรัฐบาลสานต่อนโยบายอย่างต่อเนื่อง กระทรวงต่างๆ ผนึกกำลัง
ประสานงานกันอย่างบูรณาการเป็นองค์รวม องค์กรปกครองส่วนท้องถิ่นมีบุคลากรกลไกการ
บริหารจัดการขยะที่มีประสิทธิภาพและถูกต้องตามหลักวิชาการ สู่การร่วมมือกับภาคเอกชนที่
สามารถแปรรูปขยะเป็นมูลค่าเพื่อเป็นพลังงานทางเลือกในการผลิตกระแสไฟฟ้าอนาคต ผนวกกับ
ประชาชนในประเทศมีจิตสำนึกร่วมมีวินัยในการจัดการเชิงป้องกันปัญหามากกว่าการสั่งสมปัญหา
แล้วค่อยตามแก้ไข ทุกอย่างล้วนมีความเป็นไปได้หากภาครัฐผลักดันสืบต่อนโยบายเป็นวาระสำคัญ
และทุกภาคส่วนร่วมมือกันอย่างต่อเนื่อง

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Public Policy/ Public Reform

Policy Reforms to Improve the Quality of Public Services in the Philippines

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Abstract

The last decade has witnessed significant government focus on quality service delivery and good public administration. Significantly driven by two broad factors: public sector inefficiencies, and liberal economic ideology, these reforms have emphasized public service that is high in quality, efficient, continually improving and responsive to the needs of the people and provided in a manner that is transparent, accountable, participatory and predictable, in terms of the application of the rule of law.

Against this background, this paper examines recent (2010-2016)[*] policy reforms in the public sector in the Philippines, which aspire to improve the quality of public services. These include governance reforms that aim to curb corruption, improve the delivery of public services especially to the poor, and enhance the business and economic environment of the country as a whole. Focus will be on reforms in government procurement, bottom up budgeting, seal of good (local) governance, anti-red tape, and citizen satisfaction index system.

The paper will be descriptive and exploratory, relying mainly on secondary materials on the topic at hand. It will study the nature and progress, challenges and concerns of these policy reforms, with the end in view of recommending ways forward to better and higher quality delivery of public services.

Keywords: Policy reforms/ Quality of Public Services/ Philippines

Development Challenges

The Aquino III administration took office at the time when corruption was perceived to have undermined the economy and the credibility of the country (http://www.gov.ph/aquino-administration/good-governance-and-anti-corruption/). The President believed that the nation needed transformational change and a vision of governance beyond political survival and self-enrichment (http://www.gov.ph/about/gov/exec/bsaiii/platform-of-government/).

Turning these challenges as opportunities to change mindsets and systems, the administration instituted a comprehensive set of policy reforms and good governance initiatives that aspires to engender a culture of integrity, accountability and transparency in the country. This was anchored on Aquino III's campaign slogan of "tuwidnadaan" (literally translated as "the straight path") arguing that "kung walang corrupt, walang mahirap" (, i.e., "if there is no corruption, there are no poor").

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[*] *During the President Aquino III Administration*

Recently, such strategy seems to have bore fruits. The Philippines has been among the dynamically emerging markets in the region with its sound economic fundamentals and highly skilled workforce. Growth in the Philippines is on average about 5% since 2002, significantly higher than the rate achieved in the previous two decades (http://www.worldbank.org/en/country/philippines/overview).

Amid global uncertainties and a string of calamities that hit the country that included typhoon Haiyan (Yolanda), the economy posted 7.2% GDP growth in 2013, driven by the robust services and industry sector, and boosted by strong household consumption and government spending. Growth momentum was maintained at 6% in the first half of 2014, and remained one of the fastest in East Asia region, surpassed only by China (7.4%) and Malaysia (6.3%) (Ibid)

While the country is making headway in the economic front, inclusive growth is not yet felt by many of the Filipinos in the bottom of the pyramid. Also, some 25% of our population is still poor (Philippine Statistical Authority, 2014). Thus the Philippine government needs to intensify efforts in reducing poverty, achieving universal primary education and in improving child and maternal health. It also needs to address the lack of good jobs among low- income earners, especially those from rural area where many poor people reside (http//www.worldbank.org/en/country/philippines/overview). It has also to deliver public services to its growing population not only efficiently and effectively, but also satisfactorily better in the new norms of good public administration and governance.

These challenges have been approached based on the Aquino III's philosophy of "good governance is good economics", which as earlier mentioned, is anchored on his campaign slogan of "kung walang corrupt…walang mahirap."(Fig. 1). Literally, this means, "if there is no corruption, there are no poor."

This basically summarizes his Social Contract with the Filipino people, which subscribe to good governance and anti-corruption as prerequisites to inclusive growth and poverty alleviation and all the progressive collaterals of development, e.g., lasting peace and the rule of law, integrity of the environment. A Governance Cluster within the Cabinet was also formed in 2011under E.O. 43, which was tasked to pursue the following:

1. Upholding transparency in government transactions and commitment to combating graft and corruption
2. Strengthening of the capacity of government institutions to link their respective budgets with performance outcomes and enabling citizens and civil society to monitor and evaluate these
3. A professional, motivated, and energized bureaucracy with adequate means to perform their public service missions
4. Improvement of public sector asset and resource management and revenue performance
5. Establishing an improved policy and regulatory environment that will reduce the cost of doing business in the country and improve competition (E.O. 43 s 2011).

This governance framework focuses on quality service delivery and good public administration. Significantly driven by two broad factors: public sector inefficiencies (corruption and low credibility) in the past, and liberal economic ideology, New Public Management, e-governance and New Public Service, these reforms have emphasized public service that is high in quality, efficient, continually improving and responsive to the needs of the people and provided in a manner that is transparent, accountable, participatory and predictable, in terms of the application of the rule of law.

Figure 1: The Governance Framework of the Aquino III Administration, 2011-2016

Source: NEDA 2010. Good Governance Cluster Plan 2011-2016

Against this background, this paper examines recent (2010-present) policy reforms in the public sector in the Philippines, which aspire to improve the quality of public services. These will include governance reforms that aim to curb corruption, improve the delivery of public services especially to the poor, and enhance the business and economic environment of the country as a whole. Focus will be on reforms in government procurement, bottom up budgeting, seal of good (local) governance, anti-red tape, and citizen satisfaction index system.

The paper will be descriptive and exploratory, relying mainly on secondary materials on the topic at hand. It will critically study the nature and progress, challenges and concerns of these policy reforms, with the end in view of recommending ways forward to better and higher quality delivery of public services.

Policy Reforms and Good Governance Initiatives

    A. Open Government

The Philippines is one of the eight founding members of the Open Government Partnership (OGP). The OGP is a multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. In the spirit of multi-stakeholder collaboration, OGP in the Philippines is overseen by a Steering Committee composed of representatives from government, business and civil society organizations (Governance Cluster, 2014).

For the second OGP Plan (2013-2015) nine commitments were included which adhere to the core principles adopted by OGP- transparency, citizen participation, account ability, use of technology and promotion of public accountability innovation (Mangahas, 2014; OGP 2013-2015 Assessment Report).

To promote transparency, the Philippine government committed to disclose key plan and budget documents at the national and sub-national levels, develop a single portal where government data can be accessed in open formats, and support the passage of an access to information law.

For mainstreaming citizen participation, initiatives that engage civil society in sub-national planning and budgeting, and audit of key infrastructure programs were implemented. Commitments to promote public accountability include a law that protects whistleblowers, as well as participatory audit. As part of its commitment to utilize technology for transparent and efficient processes, the government will enhance its electronic procurement system through the addition of e-bidding functions (Ibid.)

While these commitments are independently implemented by various government agencies, they collectively address the three main OGP challenges such as 1) increasing public integrity; 2) more effectively managing public resources; and 3) improving public service delivery.

All these are embedded in the Governance Cluster and the Good Governance Initiatives under the Aquino III administration.

    B. Good Governance and Anti-Corruption Goals

To achieve the goals of the Cluster, an Action Plan was crafted that outlines the key reform programs or initiatives of the Aquino administration in pursuit of good governance (NEDA, 2011). This includes the goals of the Governance Cluster of improved public services delivery, curbed corruption, and enhanced business environment, with the following priority outcomes identified for 2013-2016:

        1. Improved transparency and citizens' empowerment
        2. Improved public sector performance
        3. Improved anti-corruption measures
        4. Improved policy environment for good governance

For each outcome, sub-outcomes were identified. Indicators for each sub-outcome are tracked for the corresponding initiatives included in the Plan. These goals and outcomes are shown in Fig. 2below:

Figure 2: Policy Outcomes Framework of the Philippines, 2011-2016
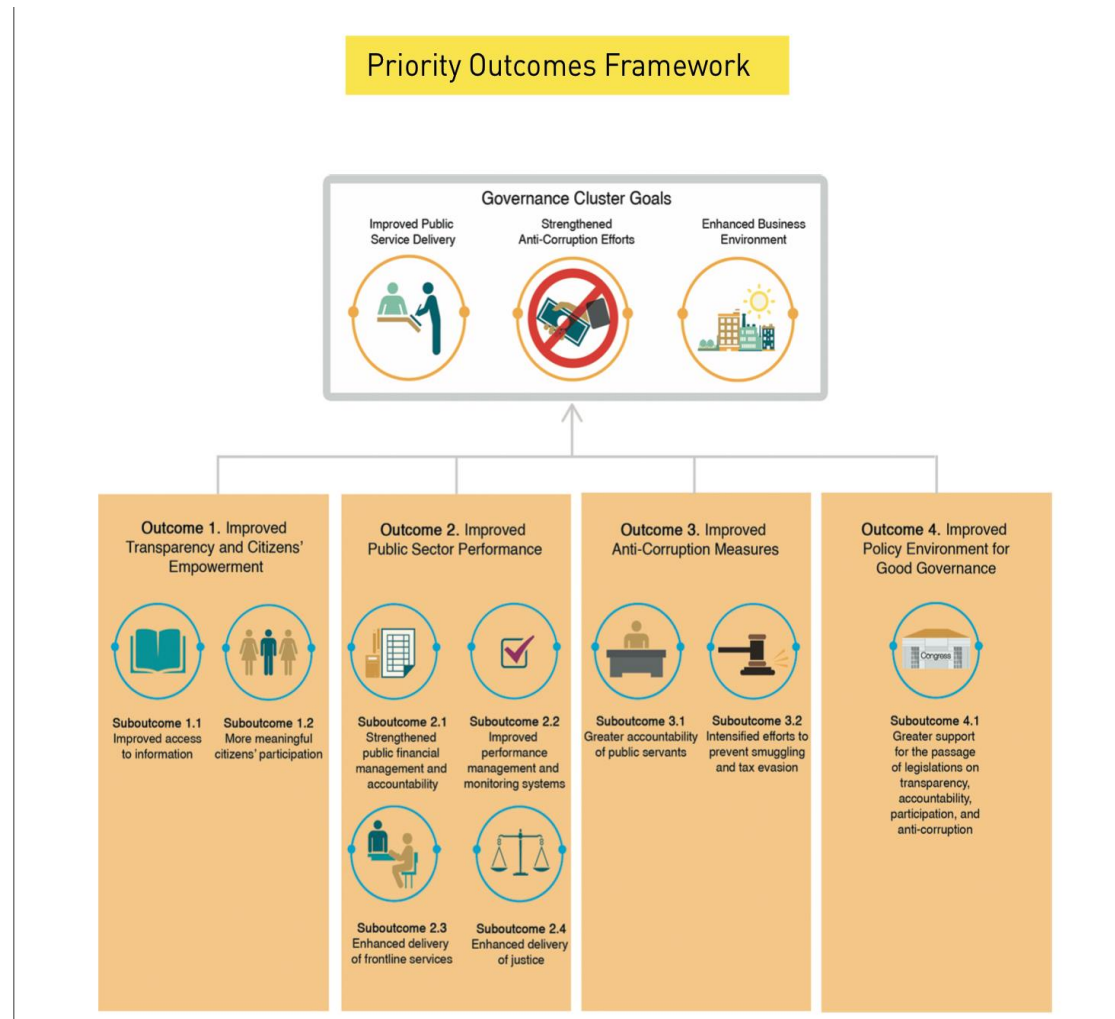
Source: Cabinet Cluster on Good Governance 2014 Good Governance Initiatives of the Aquino Government 2013-2016 A Primer

C. Outcomes

As explained in the Governance Cluster Action Plan for 2011-2016, these outcomes in Fig. 2 are below:

Outcome 1. Improved transparency and citizens' empowerment
Transparency, as defined, is the exercise of openness in government processes, actions, and decisions through regular disclosure of pertinent information to the public, ensuring citizen's access to information on government affairs, and effectively communicating to the public (UNDP, 1997).

In its broadest sense, empowerment is the expansion of freedom of choice and action. It means increasing one's authority and control over the resources and decisions that

affect one's life. As people exercise real choice, they gain increased control over their lives (Governance Cluster, 2011)

Sub-Outcome 1.1. Improved access to information
Access to information as mandated by law (Article 3, Section 7 of the 1987 Philippine Constitution) is a requisite for good governance. Further, various policies have been issued that mandates LGUs to make local plans, reports, and budgets publicly accessible. These include provisions from the Local Government Code and the Government Procurement Reform Act. Information disclosure is not an end in itself, but elements of transparency should be considered, such as accessibility, timeliness, and quality of disclosed information.

Sub-Outcome 1.2. More meaningful citizens' participation in governance processes
Good governance entails opening as many areas of governance as possible to the participation of stakeholders, particularly civil society groups, grassroots organizations, business, academe, and development partners, among others. Crucial areas for participation are the planning and budgeting process and monitoring government performance.

Outcome 2. Strengthened public sector performance

Sub-Outcome 2.1. Strengthened public financial management and accountability
Public Financial Management (PFM) is a system of rules, procedures and practices for government to manage public finances. It encompasses budgeting, accounting, auditing, cash management, management of public debt, revenue generation, and public reporting on public sector financial operations. PFM seeks to address the key challenges of controlling government spending and making agencies operate efficiently and effectively. It drives government policy-makers, managers, and implementers to ask: Is government spending within limits? Is it spending on the right things? Does it obtain best value for money? In the long run, a sound PFM contributes to better delivery of government services to the people (Governance Cluster, 2011).

Sub-Outcome 2.2. Improved performance management and monitoring systems
Performance monitoring, evaluation, information, and reporting are essential components of an effective and efficient performance management system. Crucial to measuring performance is how it leads to results and how these results contribute to a higher order goal. One mode of performance management is through an incentives system where good performance is rewarded.
Similarly, good performance of the public sector leads to effective and efficient delivery of services to the people. This could pertain to frontline services of national and local governments that are regularly accessed by citizens for personal and business concerns.

Sub-Outcome 2.3. Enhanced delivery of frontline services
As defined in the Anti-Red Tape Act (ARTA) of 2009, frontline services refers to the process or transaction between clients and government offices or agencies involving applications for any privilege, right, permit, reward, license, concession, or for any modification, renewal or extension of the enumerated applications or requests. Enhancing the delivery of these services is a change that will be directly felt by the citizens. Improving business-related services such as registering a business name and

securing permits is an effective method to attract investors, thereby contributing to economic growth.

Sub-Outcome 2.4. Enhanced delivery of justice
When good governance is practiced, it ensures that those who are in power exercise fairness in managing public institutions and resources. It necessitates a system that not only enforces order but deters wrongdoing of citizens through punishments. Efficient delivery of justice translates to adherence to the principles of equitable, fair, and impartial administration of justice. It also entails a system that is adequate, inclusive, responsive, and sensitive to the rights of victims, accused, offenders, marginalized or vulnerable groups, and the general public.

Outcome 3. Improved anti-corruption measures

Sub-Outcome 3.1. Greater accountability of public servants
According to Robert Klitgaard (1998), monopoly of power, when combined with discretion and absence of accountability, will result to corruption. Thus, the formula Corruption = Monopoly + Discretion − Accountability. Article XI of the Philippine Constitution outlines provisions for the accountability of public officers. Further, Republic Act No. 3019 or the Anti-Graft and Corrupt Practices Act defined what constitute corrupt practices. These may include persuading, inducing, or influencing another public officer to perform an act violating any rules or regulations duly promulgated, or receiving any gift in connection with any government contract or transaction.

Sub-Outcome 3.2. Intensified efforts to prevent smuggling and tax evasion
As defined in the Tariff and Customs Code of the Philippines, smuggling generally refers to the importation of prohibited commodities, as well as the mis-declaration/misclassification/undervaluation of imported goods or products. On the other hand, tax evasion refers to an illegal practice where a person, organization, or corporation intentionally avoids paying its true tax liability. Both smuggling and tax evasion practices reduce government's revenues that will affect the capacity of government to provide for the needs of its citizens.

Outcome 4. Improved policy environment for good governance

Sub-Outcome 4.1. Greater support for the passage of priority legislations on transparency, accountability, participation, and anti-corruption Policies provide the enabling environment to deter corrupt practices. Policies are necessary to make good governance more enforceable—that is, mandating transparency, accountability, and participation in government operations. Further, one of the modes to sustain good governance practice is by institutionalizing the reforms in our government processes. Existing policies need also to be amended to adapt to a changing political, social, and economic environment (Governance Cluster, 2014).

D. Good Governance Initiatives

In sum, the Governance Cluster goals aspire to "institutionalize open, transparent, accountable and participatory governance." These could be achieved through various

initiatives that could address the goals of again, curbing corruption, improving the delivery of public services especially to the poor, and enhancing the business and economic environment (Governance Cluster, 2014).

The 2013-2016 Governance Cluster Action Plan consists of 30 initiatives and 9 priority legislative measures. These include, among others, reforms in government procurement, bottom up budgeting, seal of good (local) governance, anti-red tape, and citizen satisfaction index system. The list and description of these initiatives are in Figs. 3 and 4 below.

Figure 3: List of Good Governance Initiatives
Under the Aquino III Administration, 2011-2016

Initiatives	Implementing Agencies
Outcome 1. Improved Transparency and Citizens' Empowerment	
Sub-outcome 1.1. Improved access to information	
1. Transparency Seal	DBM
2. Philippine Government Electronic Procurement System (PhilGEPS) Software Modernization	DBM
3. National Government Portal	PCDSPO
4. Open Data-Philippines	PCDSPO, DBM, OPS
5. LGU Disclosure Portal	DILG
6. Extractive Industries Transparency Initiative (EITI)	DOF
Sub-outcome 1.2. More meaningful citizens' participation in governance processes	
7. Citizens Participatory Audit	COA
8. Grassroots Participatory Budgeting Process	DILG, DBM, NAPC, DSWD, NEDA
9. Civil Society Engagement in the National Budget Process	DBM
Outcome 2. Improved public sector performance	
Sub-outcome 2.1. Strengthened public financial management and accountability	
10. Government Integrated Financial Management Information System (GIFMIS)	DBM, DOF, BTr, COA
11. Comprehensive Human Resource Information System (CHRIS)-National Payroll System (NPS)	DBM, DOF, COA, BTr, DOST
12. Local Government Units Public Financial Management (LGU PFM)	DBM, DILG, DOF, NEDA, COA
Sub-outcome 2.2. Improved performance management and monitoring systems	
Monitoring Initiatives:	
13. Seal of Good Local Governance (SGLG)	DILG
14. Anti-Red Tape Program	CSC
15. Citizen Satisfaction Index System (CSIS)	DILG
16. Medium-Term Information and Communication Technology Harmonization Initiative (MITHI)	DBM, DOST, NEDA
17. Monitoring and Evaluation of Government Services	NCC
18. Cabinet Performance Contracts	OCS
Incentive Systems:	
19. Performance Challenge Fund (PCF)	DILG
20. Results-Based Performance Management System (RBPMS)	AO25 Task Force (DBM, OES, NEDA, DOF, PMS)
21. Philippine Quality Award (PQA) for the Public Sector	DTI, DAP
Sub-outcome 2.3. Enhanced delivery of frontline services	
22. Business Permit and Licensing System (BPLS)	DILG, DTI
23. Gameplan for Competitiveness	NCC
Sub-outcome 2.4. Enhanced delivery of justice	
24. National Justice Information System (NJIS)	DOJ
25. Justice Sector Initiative	SC, DOJ, DILG

Outcome 3. Improved anti-corruption measures	
Sub-outcome 3.1. Exact greater accountability of public servants	
- Prosecution of High Profile Corruption Cases	IAAGCC
26. Revenue Integrity Protection Services (RIPS) Program	DOF
27. Income and Asset Declaration System Project	OMB
Sub-outcome 3.2. Intensified efforts to prevent smuggling and tax evasion	
28. Run After the Smugglers (RATS) Program	DOF-BOC
29. Run After Tax Evaders (RATE) Program	DOF-BIR, DOJ
30. Bureau of Customs Reform Project	DOF-BOC
Outcome 4. Improved policy environment for good governance	
Sub-outcome 4.1. Greater support for the passage of priority legislations	
1. Amendments to the Ombudsman Act	OMB
2. Freedom of Information Bill	PCDSPO
3. Civil Service Code	CSC
4. Uniformed Personnel Pension Reform Bill	DBM, DND
5. Whistleblowers Protection Act	DOJ
6. Amendments to the Witness Protection, Security, and Benefit Act	DOJ
7. Fiscal Responsibility Bill	DBM
8. Criminal Investigation Bill	DOJ
9. Criminal Code	DOJ

Source: Cabinet Cluster on Good Governance 2014 Good Governance Initiatives of the Aquino Government 2013-2016 A Primer

Figure 4. Brief Description of the Good Governance Initiatives
Under the Aquino III Administration, 2011-2016.

9. Civil Society Engagement in the National Budget Process (DBM)
An initiative to enhance the policy framework and capacities of CSOs to participate in the national budget process. Select national government agencies (NGAs) and GOCCs have been mandated to hold public consultations with civil society on their proposed annual budgets.

OUTCOME 2. Improved Public Sector Performance

Sub-outcome 2.1. Strengthened Public Financial Management and Accountability

10. Government Integrated Financial Management Information System (DBM, DOF, BTr, COA)
An integrated IT solution that will improve efficiency in the use of public resources through real-time online accounting, monitoring and control of public funds, an improved cash management system, and a more systematic recording of all real and contingent liabilities of government

11. Comprehensive Human Resource Information System-National Payroll System (DBM, DOF, COA, BTr, DOST)
An integrated system encompassing the full cycle of human resource management—from recruitment and hiring to retirement—initially focusing on a National Payroll System that will remove ghost employees in the government payroll, as well as ensure the timely payment of government employees' insurance premiums

12. LGU Public Financial Management (DBM, DILG, DOF, NEDA, COA)
An initiative that seeks to enhance fiscal and expenditure management among LGUs and selected national government agencies with oversight functions

Sub-outcome 2.4. Enhanced Delivery of Justice

24. National Justice Information System (DOJ)
A system linking the processes and databases on law enforcement, corrections, and judiciary for a holistic approach to crime prevention and resolution

25. Justice Sector Initiative (SC, DOJ, DILG)
Conduct of priority reforms in the justice sector, including the harmonization and simplification of criminal justice processes and inter-agency anti-corruption efforts and enforcement procedures, such as the monitoring of high-profile corruption cases

OUTCOME 3. Improved Anti-Corruption Measures

Sub-outcome 3.1. Greater Accountability of Public Servants

***Prosecution of High-Profile Corruption Cases (IAAGCC)**
Subsumed under the Justice Sector Initiative
Harmonization of inter-agency anti-corruption enforcement processes that are expected to result in the filing of strong cases—particularly against high-profile government officials suspected of corruption—in a collaborative and expeditious manner

26. Revenue Integrity Protection Service Program (DOF)
Enhance the capacity of RIPS to detect and investigate allegations of graft and corruption within revenue agencies

27. Income and Asset Declaration System Project (OMB)
Development of an IT-based system for electronic filing and disclosure of SALN of government employees

Sub-outcome 3.2. Intensified Efforts to Prevent Smuggling and Tax Evasion

28. Run After the Smugglers Program (DOF-BOC)
Program that focuses on monitoring or profiling, case-building, and prosecution of smugglers

29. Run After Tax Evaders Program (DOF-BIR, DOJ)
Initiative to identify and prosecute high-profile tax evaders, including deterring tax evasion through an extensive information campaign and periodic news reports on the prosecution of prominent individuals or entities engaged in tax fraud schemes

30. Bureau of Customs Reform Project (DOF-BOC)
Implementation of key reforms in the Bureau of Customs (BOC) that started with the appointment of new Deputy Commissioners and the creation of two new offices in DOF that will review the current system and propose policy and procedural reform to improve revenue collection and enable BOC to comply with international trade agreements

OUTCOME 4. Improved Policy Environment for Good Governance

Sub-outcome 4.1. Greater Support for the Passage of Priority Legislations

1. Amendments to the Ombudsman Act (OMB)

2. Freedom of Information Bill (PCDSPO)

3. Civil Service Code (CSC)

4. Uniformed Pension Reform Bill (DBM, DND)

5. Whistleblowers Protection Act (DOJ)

6. Amendments to the Witness Protection Act (DOJ)

7. Fiscal Responsibility Bill (DBM)

8. Criminal Investigation Bill (DOJ)

9. Criminal Code (DOJ)

Source: Cabinet Cluster on Good Governance 2014 Good Governance Initiatives of the Aquino Government 2013-2016, A Primer.

The detailed profiles and targets for 2013-2015 of each initiative are shown in the full Report of the Governance Cluster Action Plan 2013-2016. For the purpose of this paper, focus will be on the on reforms and initiatives in government procurement, bottom up budgeting, seal of good (local) governance, anti-red tape, and citizen satisfaction index system. These were selected because of the their greater potential in achieving the goals of civic engagement, promotion of transparency, curbing corruption and improving the delivery of public services.

E. Snippets of Good Governance Initiatives

1. Philippine Government Electronic Procurement System (PhilGEPS)

The PhilGEPS is an electronic bulletin board of bid notices and awards. The web portal seeks to establish an open, transparent, efficient and competitive marketplace for government procurement. The current PhilGEPS system was designed in 2004 and there is a need to re-design the system to include additional functionalities and related system integration, configuration and maintenance services. The initiative for 2010-2016 is a modernization of the software that aims to achieve the following: 1) Provide a total e-Government Procurement solution to achieve transparency in all stages of government procurement, i.e. from procurement planning to project management/ contract implementation, 2) Ensure that the PhilGEPS can be linked with the Government Integrated Financial Management Information System (GIFMIS) for tracking budget and expenditure (Governance Cluster 2014).
The new system will be developed in phases:

Phase 1 – Installation of Base System Requirements	Phase 2 – Development of Management Information System	Phase 3 --Installation of features for e-Contract/Project Management (Contract Implementation) and linkage with the GIFMIS and other e-government systems

1. Annual Procurement Plan 2. Dashboard 3. Central Registrations Facility for System Administrators and Procuring entities 4. Site Administration 5. Government of the Philippines Official Merchant Registry 6. Electronic Bulletin Board 7. E-bid Submission 8. Bid opening, Bid evaluation and Post-qualification 9. E-payment for the E-bid Submission 10. Security and Audit Logs 11. Integrated Notices Publication 12. Virtual Store (Common Use Goods) E-payment for Virtual Store	1. Pre-bid Conference 2. Procurement Management Information System (PMIS) 3. Financial Management Information System 4. Feedback Mechanism 5. Mobile Application for Android and IOS tablets and smartphones	

The Plan was for Phase I of the three-phase Software Modernization Program be completed by 2014. The Department of Budget and Management (DBM) is the lead agency for this initiative (Governance Cluster 2014 pp. 11-12).

2. Bottom Up Budgeting

Bottom up budgeting or BUB is now called Grassroots Participatory Budgeting (GPB). The initiative's main development objective is the empowerment of the citizenry in the focus municipalities for poverty reduction so they are able to participate in governance and benefit from inclusive and sustainable socio- economic development and sound political systems in their communities and the broader society. Grassroots organizations are mandated to take part in the crafting of Local Poverty Reduction Action Plans through their inclusion in the Local Poverty Reduction Action Team.

The Department of Interior and Local Government (DILG), particularly its Office of the Undersecretary for Urban Poor, Informal Settler Families and Other Special Concerns, is the lead implementing agency, together with the DBM, the National Anti-Poverty Commission (NAPC) and the Department of Social Welfare and Development (DSWD) (Governance Cluster 2014, pp. 16-17).

3. Monitoring Mechanisms to Improve the Delivery of Public Services through

    a. The Seal of Good Local Governance
    b. Anti-Red Tape
    c. Citizen Satisfaction Index

a. *Seal of Good Local Governance*.

The DILG, in its unwavering commitment of scaling up interventions to elevate the practice of local governance that values development outcomes into institutionalized status, introduced the Seal of Good Local Governance (SGLG) in 2014. The SGLG distinguishes exemplary inclusive local governance by putting premium on performance measures, which are results-oriented. The SGLG aims for a condition where an LGU:

1. Sustains the practice of accountability and transparency, and espouses a pro-active financial management (Good Financial Housekeeping);
2. Adequately and effectively prepares for the challenges posed by disasters (Disaster Preparedness);
3. Is sensitive to the needs of vulnerable and marginalized sectors of the society like Women, Children, Indigenous People and Persons with Disabilities (Social Protection);
4. Encourages investment and employment (Business-Friendly and Competitiveness);
5. Protects the constituents from threats to life and security (Law and Order and Public Safety)
6. Safeguards the integrity of the environment. At the minimum, comply with the mandates of the Ecological Solid Waste Management Act of 2000 (Environmental Protection) (Governance Cluster 2014, pp. 20-21).

The Seal of Good Housekeeping is in line with the Department's commitment to aggressively scale up interventions aimed at elevating the practice of good governance that values desirable development outcomes into institutionalized status. Recipients of the Seal are eligible to access the Performance Challenge Fund (PCF), a support fund to finance local development initiatives in furtherance of national government goals and strategic thrusts (DILG 2015).

b. *Anti-Red Tape*.

The Philippine Congress, recognizing the pervasive impression of inefficiency, passed Republic Act No. 9485, better known as the Anti-Red Tape Act of 2007 (ARTA). The Civil Service Commission (CSC) has started implementing the Anti-Red Tape Program (initially via the Report Card Survey) in 2010. Since then, other program components have been added. The major activities of the program are as follows:

Conduct of ARTA-Report Card Survey (RCS) in high density/most complained agencies Section 10 of ARTA subjects all offices and agencies providing frontline to a Report Card Survey (RCS) to be initiated by the CSC, in coordination with the DAP, which will be used to obtain feedback on how provisions in the Citizen's

Charter are being followed and how the agency is performing. Further, ARTA outlines that the RCS will also be used to obtain information and/or estimates of hidden costs incurred by clients to access frontline services which may include, but is not limited to, bribes and payment to fixers. Thus, the CSC has developed evaluation tools for the RCS and has drawn up plans for the conduct of the survey.

Surprise visits to government agencies in coordination with Civil Society Organizations (CSOs) (ARTA WATCH). The ARTA Watch, aside from being a mechanism to promote awareness and level of compliance of government agencies with the Act, also serves as a support to the ARTA RCS. The spot check is aimed at providing measures to agencies to correct/improve their frontline service delivery based on the observations obtained during the visit, particularly on the posting of the agency's Citizens Charter, observance of the "No Noon Break Policy" and Anti-Fixer Campaign. The ARTA Watch Team also provides general information on the ARTA, CSC Seal of Excellence and Service Delivery Excellence Program during said visit.

Conduct of Service Delivery Excellence Program (SDEP) to agencies, which failed in the ARTA – RCS. The SDEP is one of the programs of the CSC designed for agencies to review systems and procedures and identify appropriate interventions to address concerns, if any. The result of the RCS will be the basis of the level of SDEP assistance to agencies. It is aimed at providing immediate solutions and assistance particularly to agencies, which failed to comply with its Citizen's Charter.

Awarding of the Citizen's Satisfaction Center Seal of Excellence to agencies with excellent rating on ARTA- RCS. The Citizen's Satisfaction Center Seal of Excellence Award is conferred annually to government agencies, which were subjected to the RCS and have demonstrated excellence in public service performance as selected by the CSC. It is awarded to agencies that passed all the areas of the RCS with an overall score of 90 – 100 points or a descriptive rating of Excellent and have passed the two-phased validation process.

All activities are undertaken on a service office level. For the purpose of this program, a service office is defined as an office under a government agency offering an array of face-to-face transactions/services to the public. Central, regional, provincial, city, municipal, district, satellite, branch and extension offices offering frontline services are all considered service offices.

The key performance targets and indicators of this Program are as follows:

Key Performance Indicators	Targets		
	2013	2014	2015
Percentage of surveyed service offices passing the ARTA-RCS	85%	95%	98%
Percentage of agencies with "Failed" rating provided with SDEP	100%	100%	100%
Number of offices assessed under ARTA Watch	614	820	1,023

Source: Governance Cluster 2014, pp. 21-22

c. Client Satisfaction Index System (CSIS).

The CSIS is a set of data tools designed to collect and generate relevant citizens' feedback on local governments' service delivery performance. It conceptualizes the citizen as the center of local government performance. The CSIS will gauge the delivery of LGU services in the following areas:

a) Health
b) Education
c) Social welfare
d) Governance and participation (responsiveness of officials and local agencies, participation in local   assemblies, peace and order)
e) Public works and infrastructure
f) Environmental management
g) Agricultural management
h) Tourism support services.

The CSIS data complements the Local Governance Performance Management System of the DILG. A target city or municipality has a sample size of 150 respondents regardless of population, with a +/-8% margin of error. Multi-staged random sampling is utilized wherein barangays, households, and respondents are randomly drawn in order to have a population-representative sample. Data gathering is administered by field interviewers using questionnaires, rating boards, and show cards (Governance Cluster 2014, pp. 22-23).

Progress and Accomplishments

Based on self-assessment of the Aquino III government, the following are the (self-proclaimed) achievements of the good governance initiatives as of 2015 (Fig 4.).

Figure 4: Achievements on Good Governance of the Aquino III Government, 2011-2013

Improved Transparency

All 22 line departments complied with the mandate of posting a Transparency Seal in their websites where major information on budget and plans are posted.

PhilGEPS now includes an e-bulletin board for posting of procurement activities and documents, automatic bid matching, and a virtual store for commonly used supplies.

DILG adopted the full disclosure policy which mandates LGUs to post plans, budgets, and fund utilization reports in a designated web portal, print media, and in conspicuous places. As of 2013, 43% of LGUs have fully complied with the policy, while 57% have partially complied.

The Electronic Transparency and Accountability Initiative for Lump-sum Funds (e-TAILS)—a page in the DBM website where citizens can access information on lump-sum funds—was also developed.

An interactive website, Budget ng Bayan, was launched to help citizens learn about and access information on the national budget. The website features an interactive people's budget, budget cycle, and citizen's portal. The People's Budget, a less technical version of the national budget, was also published in print and electronic form and disseminated to the public in 2012 and 2013.

Deepened Citizens' Participation

Budget Partnership Agreements (BPAs) were forged between government and civil society organizations (CSOs) as part of participatory budgeting initiatives. In 2012, six national agencies and three GOCCs were included in this exercise. This was expanded to cover twelve national agencies and six GOCCs in 2013.

More than P8.3 billion worth of priority poverty reduction projects for 595 cities and municipalities were identified through a grassroots participatory budgeting process. These have been incorporated in the 2013 National Budget and are currently being implemented. Furthermore, 1,226 cities and municipalities carried out participatory budgeting for the 2014 budget preparation process, and allocated roughly P20.0 billion for identified local projects in the 2014 national budget.

Enhanced Accountability and Performance Measurement Systems

A performance-based incentive system (PBIS) was implemented on a pilot basis in 2012. Participation rate of national government agencies in the PBIS in 2012 is at 96% with more than 945,000 government employees granted with the performance-based bonus.

Activities to monitor the compliance of government agencies in the Anti-Red Tape Act have been conducted. In 2013, 725 out of 929 (78%) surveyed government service offices got Execellent or Good ratings in the 2013 ARTA Report Card Survey (RCS).

Seal of Good Housekeeping is conferred to LGUs that exercise transparency and sound fiscal management. In 2012, 1,365 or 86% of LGUs were awarded with the Seal.

As one of the building blocks for the Government Integrated Financial Management Information System (GIFMIS), the account code structures of government were unified and used in the preparation of the 2014 national budget. The design and implementation plan for the integrated system was also finalized in mid 2013.

Significant progress was made in resolving and going after corruption-related high profile cases, including the successful impeachment of the former Ombudsman and Chief Justice, as well as the pursuit of cases involving the former President, the former COMELEC Chair, and the dismissal from service of PNP officials involved in the anomalous procurement of helicopters, Senators and Congressmen involved in the PDAF scam, among others.

Source: Cabinet Cluster on Good Governance 2014 Good Governance Initiatives of the Aquino Government 2013-2016, A Primer

These numerous initiatives benefited from consultations with various stakeholders who recommended the streamlining of these initiatives to commitments with greater impact, wide reach and directly adhere to the Open Government Partnership principles.

As of 2014, the 30 or so initiatives were reduced to nine, as follows:

Commitment	Initiative/Program	Implementing Agencies
Sustain transparency in national government plans and budgets	Transparency Seal (National) Full Disclosure Policy (Sub-national)	DBM DILG
Support for the passage of legislation on access to information and protection of whistleblowers	Freedom of Information Bill, Whistleblowers Protection Bill	PCDSPO, DOJ, PLLO
Engage civil society in public audit	Citizens Participatory Audit	COA
Enhance performance benchmarks for local governance	Seal of Good Local Governance	DILG
Enhance the government procurement system	PhilGEPS Modernization	DBM
Strengthen grassroots participation in local planning and budgeting	Bottom-Up Budgeting Program	DILG, DBM, DSWD, NAPC
Provide more accessible government data in a single portal and open format	Open Data Philippines	PCDSPO, DBM, OPS
Initiate fiscal transparency in the extractive industry	Extractive Industries Transparency Initiative-Philippines	DOF
Improve the ease of doing business	Game plan for Competitiveness	NCC

Source: Governance Cluster 2015. Philippine OGP Action Plan 2013-2015, Assessment Report Draft.

With the reduced number of initiatives, tracking of progress, reporting of progress and addressing the challenges should have become more effective.

Challenges and Prospects and Some Concluding Notes

The scanning of assessment reports on the policy reforms and good governance initiatives of the Aquino III administration left the author with mostly self-assessments (and therefore more favorable reviews), interim reports and preliminary reviews. In fine, these assessments paint a favorable picture of successful or succeeding initiatives, with almost 75% of the targets met.

As of the last quarter of 2014, the Governance Cluster (2015b) reported that of the 30 initiatives that aim to curb corruption, improve service delivery and enhance the business and economic environment, 15 were on-time in their implementation and with Good Performance (75-100% of milestones/KPIs are achieved); 12 were delayed in their implementation (by 3 months or less) and with average performance (50-75%

achieved milestones/KPIs); and 3 were very delayed (for more than 3 months) with poor performance (less than 50% of milestones/KPIs).

Among the poor performers is PhilGEPS as the Phases 2 and 3 of the software modernization are not yet completed and additional functionalities have to be installed by 2015 (Governance Cluster, 2015b). Among the very good performers are on the Seal of Good Local Governance and the Integrated ARTA. This may be explained by the fact that these are mainly monitoring mechanisms that are tied up with incentives and awards. Local governments scoring high in the Seal are eligible for the Performance Challenge Fund (PCF), a P1-million support fund to finance local development initiatives in furtherance of national government goals and strategic thrusts. High scorers (excellent ratings) in the ARTA-Report Card System are awarded the Citizen's Satisfaction Center Seal of Excellence, which could be bragging rights of public agencies and service centers.

The interim report (Mangahas, 2014) meanwhile, raised some concerns such as more work has to be done; participatory road map has to be designed; "selectivity' in the choice of CSOs to be engaged in the processes has to be corrected; project is slow moving and disbursements were 'clouded with controversy" (e.g., the BUB appears to be politically infected and there is a need to insulate the process from partisan politics; in addition, the budgeted amounts for the BUB projects have to be verified because "it seems to be a discretionary fund like pork barrel,…"); lack of capacity for such participatory audits. In addition, particularly for the Seal, it needs to be validated by independent assessors or citizens and stakeholders at the town level in order not to make the award "a dime a dozen"; it is also "incentivized" by a grant of P1 million even as the requirements are "very low," that is, financial disclosure online of a few public funds documents, and getting Commission on Audit reports with no adverse findings.

The 'adverse' observations are basically to improve the implementation of these initiatives and enhance the capacity of stakeholders to do their parts in these reform initiatives. These are not harsh criticisms or very bad reviews. This may mean that the policy reforms and good governance initiatives are perceived to be successful or working well. This is complemented by the sustained high trust ratings of the present administration, despite recent controversies in the country (the Supreme Court ruling on the unconstitutionality of the pork barrel funds of the Legislature-Priority Development Assistance Fund or PDAF and to some extent, that of the Executive-Disbursement Acceleration Program or DAP; the Mamasapano incident and the peace process in Mindanao).

To be fair, though some of these initiatives have started as early as the Ramos and Macapagal administrations, these recent reforms have been perceived and accepted as good governance initiatives that work. Reports have it that good governance has contributed to some extent in curbing corruption, engaging citizens in governance, improving the delivery of public services as well as improving the trust and confidence of stakeholders, particularly investors, in government.

Consequently, the country's credit rating and competitiveness have improved. Our fiscal and macroeconomic fundamentals have improved as well, contributing to increased revenues and savings, greater economic and other gains. To what extent

these are verifiable or have indeed trickled down to the poor, promoted the rule of law or contributed to inclusive growth is however another matter.

Nevertheless, fine-tuning and correcting infirmities as observed above have to be done in order to ensure that these initiatives are done more properly, consultatively and transparently. Alternative assessments of these initiatives are also needed. In addition, with the coming changing of the guards in 2016 as the present administration's term expires that year, efforts have to be exerted to sustain the gains in these policy reforms so that the quality of public service is continuously assured and the agenda of reforms for true and honest government continues. We should accelerate the momentum for the sake of our present and future generations.

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Urban Policy in Thailand: Looking Back and Moving Forward[1]

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Abstract

This paper claims that to understand urban policy that makes changes could not be reflected only from urban planning, legal framework, the development following national development plan and urban development strategies. To define urban policy as the governor or the mayor visions and missions are also not really true as sometimes the central governmental policy can make more changes to the city. In some cases, private policy contributes to city development much more than the contribution of the public policy. Besides, if we analyse the anatomy of the forces for urban change, we will see other hidden active forces including the policy as initiatives, collaborative projects and collective actions driven by civil society organisations or even each urban community itself. Thus, there are many policy actors in developing a city by which each one can either cooperate or compete the others. Their policies are either too wide or too specific. They are also intersect, repetitive, and paradox that reflect the complexity of urban development policy in Thai history. This paper attempts to capture that complexity for a better understanding of structures and mechanisms that drive the city development in the past. In addition, this paper analyses the policy direction by asking the key questions including what urban policy in the past leads us to, how far we are away from having liveable and sustainable cities, whether and how the existed policies respond to the challenge of being resilient and just cities. By exploring these boundaries would help bridging the gaps of the urban development in the past and pave the way toward future urban development.

Keywords: Urban Policy/ Policy Network/ Thailand

Introduction

By mentioning urban development in Thailand, most of the people think about the development of urbanity such as industrial zone, commercial zone, educational zone, airport, bus and railway station, food markets that selling products transported from the rural area, the expansion of housing development programmes, the convenience of transportation systems, the improvement of quality of city life by creating public parks and other open spaces, and of-course the modernity. However, by asking how those changes are made or what can be urban policy behind them, many people seem to puzzle or even fail to define as the structures and mechanisms driving urban development policy both in the metropolis as such Bangkok and municipal territory in the regions is complicate.

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as the governor or the mayor visions and missions are also not really true as sometimes the central governmental policy can make more changes to the city. In some cases, private policy contributes to city development much more than the contribution of the public policy. Besides, if we analyse the anatomy of the forces for urban change, we will see other hidden active forces including the policy as initiatives, collaborative projects and collective actions driven by civil society organisations or even each urban community itself.

Thus, there are many policy actors in developing a city by which each one can either cooperate or compete the others. Their policies are either too wide or too specific. They are also intersect, repetitive, and paradox that reflect the complexity of urban development policy in Thai history. This paper attempts to capture that complexity for a better understanding of structures and mechanisms that drive the city development in the past. In addition, this paper analyses the policy direction by asking the key questions including what urban policy in the past leads us to, how far we are away from having liveable and sustainable cities, whether and how the existed policies respond to the challenge of being resilient and just cities. By exploring these boundaries would help bridging the gaps of the urban development in the past and pave the way toward future urban development.

To address the above issues, this paper divides into 5 sections. The first section provides theoretical background by starting with what urban development policy is about, its importance, its challenges and how to analyse it. Then, the following sections address urban policy structures in Thailand before explaining urban development policy in Bangkok and in the regional cities over the past decade through case studies. For the last section, the paper proposes the direction and suggestion for the next decade.

Theoretical background

Urban policy?

By asking urban planners what urban policy is, they usually inform that we need to look at the urban physical plan that zones how land should be used. By asking policy analysts and strategists, the answer usually is the city development strategies and projects. By asking lawyers, they think about building control and other related laws. By asking local politicians, they point us to see visions and campaigns of the winer of the local election. By asking street-level bureaucrats, they would suggest us to look at their missions and what they do as the routine. In case of asking general city dwellers, they would talk about mixing things by ignoring the clear boundary of the city and tend to link to central governmental policy, such as 'the first car's subsidy policy', the expansion of overground and underground systems, minimum rate of income per day, employment etc. Some of them mention about local government, such as the Bangkok Metropolitan Administration and a municipality, while some among them refer to particular investment of private sector, civil society initiatives and other forces whether link to public sector or not.

Thus, there are many perspectives to conceptualise urban policy and the nature of urban policy is to relate to plural policy actors. No any single unit can control and shape a city by only itself. To monopolise city development and to determine the city

future by one force are also impossible. These conditions become a nature of world-wide city development under liberal democracy and capitalism as a basis of the development (Cochrane, 2006; Blackman, 1994). If we interpret public policy as public programme and projects initiated by the state, we will fail to understand the complexity of the real urban changes in which development programme and projects initiated by other sectors also contribute to the urban dynamics. Consequently, from this beginning, this paper sets the scope of urban policy covering all initiatives and actions led by plural actors that influence the urban changes and the livelihood of city dwellers either in the whole city or the urban community. By this view, urban policy is not only identified by urban physical plan, urban laws and regulations, the state policy that affects urban development, and the formal urban development strategies proposed by the city governor, the sheriff and the mayor. Urban policy conceptualised here also includes street-level bureaucrats' guidelines for service delivery and non-state led urban development projects operated in the urban context. These projects might be proposed by temples, schools, local universities, hospitals, business organisations, non-governmental organisations or urban community committees.

It should be noted here that the national policy in the Global South for developing the country usually contributes to city development in one way or another. We experience that to promote the national economic growth and rural development are to urbanise. The urbanisation have been a result of national policy after the industrial revolution over three decades. It reflects that the city has its own particular problems and requires specific measures in coping with those problems, such as urban poor, informal settlement, pollution, hygiene, transportation, food quality and urban green spaces. In the same time, distributive policies for rural development then creat new cities such as through infrastructure development and tourist promotion. In other words, such policies finally transform themselves to be urban policies. Thus, to focus particular policy for the cities becomes important for solving particular problems of urban conditions and urbanisation as well as for balancing urban development. In doing so, national, rural and urban policies are driven in the same time. These policies are interrelate by either supporting or even constraining and conflicting each other. As a consequence, the study of urban development policy is complicate.

Reframing analytical framework

To develop an analytical framework for understanding Thai urban policy requires the basic conceptualisation of public policy that is the decision to either action or inaction which makes an impact to the public (Dye, 1992). The examples of inaction aspect of policy are uncontrolled prostitutes, informal lottery and street food trading. Next, to analyse the urban policy requires a reframe of an analytical framework to capture policy phenomena of the case of both the capital city and the regional cities of Thailand that there are plural actors and actions related in the same agenda. The concept of 'policy networks', thus, is useful to be adopted here for understanding such phenomena. Policy networks refer to the policy approach in which there are a variety of related policy actors and policy actions active in the same policy issue. In this view, policy actors are autonomous but interdependent. The interaction among policy network actors takes place mainly in the form of resource exchange, such as sharing budget and information. One important focus of the approach is that there are unequal power among different actors. Their relations, however, shape policies that go beyond both top-down and bottom up approaches by which they are vertical approach that

analyses policy as an output from state hierarchic structure (Rhodes and Marsh, 1992; Rhodes, 2006).

The policy network approach has been developed mainly in the European context, particularly by the Anglo-Governance School led by Rhodes and Marsh. In the US, a similar approach has been developed, known as the 'Advocacy Coalition Framework' (ACF) proposed by Sabatier (2007, 1988). The development of the policy network approach has a long history. The first scholar who proposed this approach was Heclo in his work on issue networks published in 1978 (Fischer, 2003, p.31). However, it seems clear that a strong starting point is the classic study of Rhodes and Marsh in 1992. Interest in this approach widened after Rhodes published 'Understanding Governance: Policy Networks, Governance, Reflexivity and Accountability' in 1997, which has been cited in no fewer than 520 articles in key international journals (Kjaer, 2011, p.101).

As suggested by Schneider (1992, p.109), the policy network approach is an alternative to traditional rationalist policy approaches which are state- and market-centred. The word 'beyond' seems ambiguous because we cannot specify where the policy network approach is located. Powell (1990; cited in Schneider, ibid) contends that networks are configurations located between markets and hierarchies. However, Rhodes (2006, 1997) argues that the policy network approach merges state-centred and market-centred approaches while at the same time challenging the conventional state-market dichotomy. Jones, Hesterly and Borgatti (1997, pp.911-45) add that the policy network approach has advantages over both hierarchy and market solutions in terms of adapting, coordinating and exchanging.

In addition, the classic differentiation between types of policy networks in the literature is established between issue networks and policy communities, as developed by Rhodes and Marsh (1992, p.251). According to Rhodes and Marsh, policy networks can be categorised by establishing a continuum running from issue networks at one end to policy communities at the other. The former represents the loosest relations among a largely fluctuating group of policy actors, the most open but limited interaction, the highest conflicting policy preferences, and extremely unequal power relations, while the latter has polar opposite characteristics. The different types of policy networks are placed along the continuum depending on the degree of indicators ranging from large, diverse, unequal and fluctuating issue networks to smaller, cohesive, equilibrated and stable policy communities. Marsh and his colleagues (2009) also argued that there might be policy communities within any issue network and that within any policy community there could be policy networks.

However, this paper sees that to categorise by establishing a continuum running from issue networks at one end to policy communities at the other is not easy to operationalise and frame an analysis. On the other hand, this paper found that the alternative typology proposed by Schneider (1992) and the idea of Sabatier (2007, 1988) are more practical and fit in framing this project. This paper argues that 'corporatist policy network' mentioned by Schneider can well explain urban policy phenomena of the regional cities of Thailand. According to Schneider (1992, pp.109-29), within any policy networks, there usually are intermediary organisations that play an important role in the network above subordinate organisations and groups. Intermediary organisations usually hold more resources and play the role as the

centrality of the policy networks. This type is different from the 'pluralist policy network' in which power is equally distributed among network members. It is also different from 'clientelist policy network' in which policy network actors have a patron-client relation with one another.

Regarding urban policy networks in the capital city, this paper argues that it is different. It is better conceptualised as 'advocacy coalitions driven policy networks' adapted from the idea of Sabatier (1988). According to Sabatier (ibid), within this type, there are different coalitions of policy actors. Each coalition has its idea and development approach as well as aiming to advocate for its particular goal. So, there are clashes among different coalitions. They complete in leading the development for achieving their ideals in the tug of war game.

However, from the above it does not mean that these arguments can be generalised as some regional cities and some parts of the capital city require different frames. To capture all differences are the impossible project. The framework proposed here, thus, is just for guiding the overview analysis. It is not perfect, but we need one. Apart from that, it should be noted here that the urban policy networks in Thailand over the last decade are driven without continuity as a result of various changes particularly the political changes and the urban crises, such as the confrontation of chaos and disasters. These conditions affect the way to analyse the policy particularly from the traditional approaches such as the system and stages approaches which expect that policy would have its linear flow from inputs to outputs and from the formulation to the evaluation. In fact, urban policies in Thailand usually fluctuate as they are interrupted by changes and crises.

To further understand how a policy network is governed requires more explanation, which this approach alone could not provide effectively as it still needs to be framed its various focuses proposed by different scholars. As argued by Dowding (1995, pp.145–46), the approach itself seems to be a metaphor rather than an explanatory theory. He argues that the policy network approach does not provide details on 'how' and 'why' questions. His main point is that the analysis of interactions within a policy network is undeveloped and even confused as it pays most attention to describing typologies of policy networks, their characteristics, and their effects on policy outcomes or policy changes. Although this approach mentions resource interdependence as a reason for interaction, details of why and how resources are exchanged are not clear. This argument is supported by Walker (2004, p.8) who suggests that if policy network analysis is to move beyond descriptive boundaries, there is a need to 'marry' it with theory. This paper therefore requires theories that can both frame various approaches and provide more powerful explanations of policy network governance.

On the one hand, the institutional rational choice is the first theory that is helpful for understanding policy network governance. It is developed from micro-level analysis of rational individual choice to scale up to analyse rule-governed interactions in collective actions (Ostrom, 2010, 1999b, Scharpf, 1998, 1994). It proposes that the network is driven by effective incentives. It assumes that individual organisations and groups are rational beings in the pursuit of self-interest by means of a logic of consequentiality; to capture potential benefits and avoid or minimise costs, self-interested individual organisations and groups always attempt to maximise short-term

self-benefits or achieve net benefits for themselves (Marsh and Olsen, 1989; Toye, 1999). By this view, policy networks are the result of conscious choices made by fairly rational actors interested in benefiting from cooperation. Thus, cooperation problems such as free-riding are explained as the result of ineffective incentives.

On the other hand, the deliberative policy inquiry should be taken into account to understand how networks work. It fulfils the gap of the previous approach. While the institutional rational choice assumes that individuals are self-interested, the first basic assumption of the deliberative policy inquiry is that people's moral consciousness is influenced by a socially constructed impersonal collective will rather than driven by their self-interest (Habermas, 1990). Forester (1999, pp.223-4), a Habermasian, supports this assumption by arguing that there are moral and aesthetic concerns in our daily practice such as fairness and the distributive character of outcomes. He also mentions that such concerns are meta-interests, which mean that they require ethical judgement instead of benefit calculations. This assumption contributes to an understanding of policy network governance because network constituent organisations and groups do not engage with policy networks only to maximise their self-interests, but also to achieve their collective will.

From this viewpoint, the deliberative policy inquiry proposes that a network is driven by communication in a public sphere where interactive actors share and learn data, information, interests and skills in coping with common problems from each other. In more specific to this project, this theory guides that policy networks are driven by communicative interactions among interdependent policy actors through a deliberative process. Policy network actors, therefore, try to make impacts by exercising communicative power for persuading, bargaining and deal making that enhance collaboration and handle conflicts (Healey, 2006; Hajer and Wagenaar, 2003, Fischer, 2003, Forester, 1999, Dryzek, 1990, Habermas, 1987)

Moving on, by analysing policy directions, this paper adopts the common concerned urban development goals proposed worldwide to be set as platforms to evaluate include discourses of liveable city, healthy city and sustainable city. These discourses can guide the progressive steps of urban development that goes beyond growth dependence following capitalist rules (Rydin, 2013). To evaluate urban development in the past is also made through the critical considerations of how far it away from being resilient city that focuses the capability of the city to adapt to the change (Pelling, 2011, 2008, and from being just-city that focuses priority regimes of the city and the distribution of equal opportunities in the city including an equality of urban environmental impacts (Khalil, 2013).

Methodology

This paper had been developed from the documentary research project. The research aimed to understand urban policy in Thailand by examining how it was conceptualised by the previous works and what were the limitations. This project also evaluated urban policy direction of the last decade (roughly from 2005-2015). In doing so, the research measured from reviewing the past researches, reports and grey literatures to determine how far the urban development away from being liveable city, healthy city, sustainable city, resilient city, and just-city, which were discussed in the last section. To analyse the information, this research project adopted the policy

network analysis, incentive analysis, interaction analysis, and the content analysis regarding how progressive city development was perceived through world-wide urban planning theories particularly on sustainability, resilience and justice.

Urban policy in Thailand over the last decade

From the last decade, both Bangkok and cities in the regions either big (city municipality) or small (sub-district municipality) had a complex structure that intersects between central, regional and local government bodies and compounded with non-public sectors. Each actor in such structure had some degrees of autonomy; some had more and others had less. They did not always collaborate strongly and formally. Sometime they engaged in the policy networks through a soft collaboration (loose networking) and an informal way. Some of them could walk into and walk away anytime without clear policy system and process. Besides, no one could make a policy monopoly as a need to be interdependent with others. The following is an analysis of urban policy in Thailand over the last decade by separating the cases of Bangkok and cities in the regions in the overview.

Key characteristics of urban policy in the capital city

For Bangkok urban policy, key policy actors in policy networks were competitive. They had their own advocated ideas by which in many cases they could be distinguished into different polars as could be called the different policy advocacy coalitions. Therefore, this city was not only a primate city, but it also had an unique structure called a special local government that facilitates such policy phenomena. Within 1,500 km2, there were 2,000 urban communities (Bangkok Metropolitan Administration, 2012). This city was the cosmopolitan city like many capital cities of other countries as a result of the variety of urban population. It was also the centre of power, interests and national policy basis that their changes affected national political stability.

Bangkok development had been forced mainly by both the central government and the central government known as the Bangkok Metropolitan Administration (BMA). For the central government, Bangkok was perceived like another ministry that political parties wanted to seize the seat. The competition for wining the governor election was intensive, even the national medias paid attention sound like it was the election of the governor of the whole country. The number of voters for the Bangkok governor was higher than that of a member of parliament, and this led to the high legitimacy of the position of Bangkok governor, although the power and responsibility were still limited. Thus, to drive Bangkok development in overview was the competition to make a leading role between the central government and the BMA.

Apart from that, Bangkok had a one tire system and that made it is the huge local government controlled by only one governor. Thus, it was a city region that was hard to make a comparison to any municipalities as the general regional cities. Consequently, to drive Bangkok development was impossible to be expected from only the role of BMA. The role of 50 District Administration Offices (DAOs) was also significant, but they were not under the control of the BMA as the chief officers of the DAOs were appointed by the central government and needed to work under the central government control. Through this structure, no single unit can drive the whole

Bangkok development as it faced complex problems, challenges and populations both in the holistic and particular scales. By this gap, a plenty of actors both formal and informal ones played the role in joining Bangkok development both in integrate and separate ways. BMA also realised its limitation and open policy spaces for other sectors to join in.

From above, Bangkok development was not only a result of the competition between the central and local governments, but also the spaces where various forces - both public and non-public sectors - exercised their influences through a variety of initiatives. These forces could not be put into any clear policy hierarchies, but rather be conceptualised as policy networks by which different actors found their places to play the role in determining the city development in particular policy agenda. In relation to that, policy coalitions were created either intentionally or naturally. Some coalitions aggregated only public organisations, while some aggregated only non-public organisations (particular the coalitions of business actors to push common strategies). It was also found that some policy coalitions emerged from the mix of both public and non-public organisations. The vintage point was the different ones proposed different development approaches and that became the identity of metropolis development both here and elsewhere.

The policy coalitions within policy networks were also formulated by the fact that Bangkok development was made across authority boundaries. The Bangkok and its vicinity required the connected development, but again BMA and nearby municipalities had their own developmental goals and means. They then also developed different coalitions that completed with one another in cross-governance systems. The development, therefore, was a result of the tug of war. It was not always a zero-sum game. The development sometime was a consequence of the bargaining and compromising games. The games were changed depending on the changing political and administrative conditions as well as the stronger or weaker of policy coalitions.

As Bangkok was complex, different urban communities required different policy interventions. They also faced with different policy problems. For example, the farming areas in peri-urban fringe faced with different problems in comparison with housing and commercial zones. As a consequence, the nature of policy networks was multiple scales. Some areas had a low intensity of policy networks, while others had a density of policy networks. Some policy networks were small, and other policy networks were big. Some networks functioned at the fringe, and others functioned at the inner city. Some were linked, and others were fragmented. The linked policy networks were, for example, the promotion of slum upgrading, urban environment governance and urban food security enhancement. These policy networks were found linking unintentionally. The policy network on slum upgrading promotion realised that good housing development for low-income people should come along with good urban environment governance and urban food security enhancement. In the same time, the policy network on urban environment governance realised that edible green space should be promoted and that link this policy network to meet the policy network on urban food security promotion.

Moreover, some policy networks made an impact to others. For example, the policy networks on industrial development made the impact to the policy networks on urban

environment protection. In some cases, one policy network was a starting point that facilitates the emergence of another policy network, and this was the challenge in mapping policy network relations. For instance, the policy network on traditional communities' conservation within Bangkok facilitated the emergence of the policy network on cultural tourism promotion.

Key characteristics of urban policy in the regional cities

Cities in the regions of Thailand apart from Pattaya City had the same structure and looked similar. Three types of regional cities can be defined by Thai legal framework including the city municipality, the town municipality, and the sub-district municipality. They functioned by sharing the area with the regional government, and this became the entry point that no single authority can determine the urban development alone without networking across different hierarchies. Apart from the link that needed to make between regional and local governments, the link of inter-local governments was also there particularly between the Provincial Administration Organisation and municipalities as their authority territories were intersected. Besides, the increasing role of the private sector in regional development could not look over particular the provincial industries council, the provincial commerce association, and the provincial banks association. Non-governmental organisations were also found actively in many places, although they could make merely a small impact and needed to be established formally. As a consequence, it can be concluded here that there were policy networks in regional cities as well, and those policy actors can be both public and non-public organisations.

In overview, to drive the urban policy in the regions based mainly on reciprocate relations. However, different policy actors had different bargaining powers, resources, images and public attentions. The policy actors that usually found the most influence to policy changes were the regional government and the municipality, while other actors usually just worked in supporting them. These general characters can be conceptualised as the corporatist policy network as aforementioned. By this conceptualisation, the regional government and the municipality were the intermediary organisations, who played the central role in driving existing policy networks. Over the last decade, high-level bureaucrats from the Ministry of Interior played the leading role by which the mayor usually worked incorporation with them rather than in competition with.

It should be noticed that the outstanding role of the regional government was also a consequence of the limitations of decentralisation in Thailand. Municipalities could propose policies merely in a small boundary, and that forced them to try to be boundary spanners that seek for cooperation with others to make their intention possible. Apart from that, the importance of the strategic planning as a new policy tool became the new political instrument for the regional government to have influences to the local authorities. This advantage, however, did not always make the high-level bureaucrats from the regional government negative control the mayor as they did not have a legitimacy to do that and they still seek for a benefit from positive position with the local government as it usually connected to local business. These relations within the policy networks were more complicate in the particular cases, such as the border towns, the campus cities and the tourism cities.

Moving forward to the future urban policy development

The research that was developed to be this paper evaluated that the urban development in Thailand in overview was still far away from being liveable city, healthy city, sustainable city, resilient city, and just-city. In short, the huge constraint was that we usually lied to ourselves that we were going to be more sustainable, but what policy makers did were in a small scale, less sensitive to urban metabolism, without a continuity and under growth dependence approach. In relation to that, urban policy initiatives still operated within the in-resilient and un-just structures called the bias priority regime in which the urban poor and marginalised people were promoted and protected the last, while the investors and payable customers benefited the first from most urban policy initiatives.

To move forward, the research proposes that we need to reshape the existing policy networks to be policy communities. This means we need to make them closer and more collaborate. In relation to that, we need to develop the urban policy analysts who understand urban policy phenomena out off the old frame (e.g. policy as land-used/ physical planning) to make that happen. The new generation of urban policy analysts should have facilitation and mediation skills rather than a skill of technical analysis. These people should also be able to map existing relations, open spaces for creative interactions, cope with distorted communication, and set effective incentives for motivating different policy actors to work together. In doing so, they must think out of the box, such as out of the system and stages approaches

Moreover, we need to go beyond managerialism as city problems are too complex to be assumed that policy toolbox will always handle with them. We then should engage more in collaborative policy making and planning, which both promote cities by and for the people and contribute to policy network governance. Aside from that, we should still be continue promoting the sustainability discourse to allow alternative policy proposals to be created as this discourse is productive and depoliticised in its nature. However, the sustainability discourse should be used more for enhancing resilience, making a transition to better phase, and transforming the real and permanent structural changes, such as by challenging the existing bias priority regime. Last but not least, to reframe the urban policy is also a productive way to reframe urban-rural dichotomy. In this consideration, the urban policy for the future should recognise the blurred boundaries of rural and urban areas. The good urban policy should not consider only to make a city progress without thinking about the gap of city growth and rural recession. To balance urban-rural development and to bridge the gaps of their linkages as a consequence of urban metabolism should be taken into account more seriously. In this sense, good future urban policy should put the city to the remote rural areas through the process of urbanisation as well as bringing the rural sense back to the big city that faces the problem of over-urbanisation through the process of ruralisation (e.g. promoting green spaces and urban agriculture).

Conclusion

This paper was developed from the research project that was seen from the beginning that it was impossible project as it aimed to address the overview of the urban policy in Thailand. This project, of-course, recognises that to generalise is impossible, but someone needs to do it as we need to draw the overview of this scene. Thus, this

project is not perfect, but an attempt to do this challenging task. It tries to avoid claiming the huge and clear conclusions, while it rather pays attention to frame and reframe how to understand urban policy in Thailand over the past decade in overview. The future researches should go deeper by realising that each city may have its own spirit, but need to inductive their specific findings to reflect something to the whole picture. Another possible project is to try wider and harder in capturing the holistic urban policy and development through both quantitative and historical analysis.

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Public Policy of Cycling Promotion in Mahasarakham City

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Abstract

The research aims to explore policy of cycling promotion in Mahasarakham city, regarding its obstacles and supportive factors. This study is a qualitative research with a descriptive data. Content analysis is employed for analyzing data collected from observation, in-depth interviews, a public hearing, literature review and trace evidence. A suitable assessment tool is set up for analysis involving 9 necessary issues. The results showed that 1) attitudes of relevant public decision makers towards the cycling promotion are both positive and negative; though all public decision makers supported it on speech, there is neither public policy written, nor cycling plan implemented; 2) The municipality as the main responsible organization has insufficient authority to push the cycling system forward; 3) There is a Cycling Plan available, but it is ineffective in terms of implementation; 4) There is no cycling plan renew process according to the lack of regular data collection; 5) There is no direct municipal budget for cycling, but only relevant budget sources are available; 6) There is insufficient cycling infrastructure to ensure safety and convenience to people; 7) Formal cycling education is missing; 8) There are campaigning projects that have high potentials to change the travel behavior of people and 9) supportive factors in cycling system are tourism promotion and local university policy of transportation.

Keywords: Bicycle / Municipality / Transport / Cycling Measure / Assessment / Public Policy/Mahasarakham City / Thailand

Introduction

Bicycles ware first imported to Thailand in the late 19th. It is supposed to be a relaxing instrument among aristocrats. In an early 20th, bicycles are used for military force mobility. Later they became an important means of transport among ordinary people. During the time of Thailand's progress oriented development, the government promoted cars and automobiles. Car streets are constructed across the country and within cities. City trams and boats are left behind; and finally the tram network is replaced. And cycling is declined as well. Currently, cycling had gained significance again in Thai society. This trend initiated by civil society; then the national administrations began to play an important role later (Thai Cycling Club, 2012). This phenomenon is similarly to any cities worldwide (Buehler and Pucher, 2012). Several attempts regarding cycling promotion had been realized in Thailand. This research aimed to assess the policy of cycling promotion in city. A main research question is 'To much extend had the cycling policy developed in a city level'. Eight issues are focused, including 1) attitudes of public decision makers, 2) authority of responsible organizations, 3) authorized policy and plan, 4) budget, 5) infrastructure development, 6) public relation and education, 7) campaign and 8) relevant supportive factors. These eight issues are taken from a study of a progressive cycling assessment tool combining with literature reviews on cycling measure, and adopted to suite with the

Thai circumstance. There are two main measures necessary for cycling promotion, including the soft measure and the hard measure (Lanzendorf and Busch-Geertsema, 2014; Aldred and Jungnickel, 2014).The hard measure intended to alter physical conditions towards safety, convenience and comfort (McClintock, 2002).Whereas the soft measures focused more on cultural attitudes (CTC, 1995). Bypad–Bicycle Policy Audit - is selected to be a modelling tool. It is official recommended by the central organization for local cycling plan assessment (Bypad, 2003). Mahasarakham city is chosen to be a research area. It is a medium-sized city, concentrated of university students. This condition made the city having high potential for cycling promotion.

Methodology

This study is a qualitative research with a descriptive data. Content analysis is employed for analyzing data. It is collected from observation, in-depth interviews, a public hearing, literature review and trace evidence. For the observation phase, the researcher participated cycling activities taking place in the area, including Car-free Day event, relevant cycling campaigns, and cycling infrastructure. The in-depth interview are made with the mayor, the governor, the head of local police department, relevant provincial and municipal officials, school leaders, university leaders, cycling shop owners and local cycling activists. And finally, the public hearing is held, inviting all significant people to participate. The public hearing aimed to collect additional data, ensure the collected one and present the cycling plan, formulated from the research.

Results

According to the review of policy assessment tools, there are eight points to discuss, including 1) attitudes of public decision makers, 2) authority of responsible organizations, 3) authorized policy and plan, 4) budget, 5) infrastructure development, 6) public relation and education, 7) campaign and 8) relevant supportive factors. The detail of each point is descript below.

Attitudes of Public Decision Makers

Public decision makers involving in cycling work are a governor, a mayor, a head of local police department and local and provincial administrators regarding in public works, city planning, traffic control and public health. They had both negative and positive attitudes towards cycling. They believed that the cycling associated to sustainable development. It benefited environment, provided people's fitness, reduced traffic congestion and cost of traveling, and promoted an anti-consumerism trend. These benefits are main considerations in urban management, however, there are least factorsof people's consideration in choosing mode of transport. For the negative attitudes, the public decision makers believed that cycling is inconvenient and unsafe to use. Because of these factors are the main concerns of people, there are a few demand of public in cycling. Hence, the public decision makers had an ambiguity in attitudes towards cycling. If there is no inherent will of cycling promotion coming from the local decision makers, there should be the pro cycling policy from top like national administrations, or strong cycling will from bottom, like civil society organizations.

Authority of Responsible Organizations

Thesaban or a municipality is supposed to be a leading organization responsible for cycling promotion in city (Decentralization to Local Administration Act 2542). However, it did not gain sufficient authority to drive the cycling promotion effectively. Thesaban needed to work coordinately with local police department regarding cycling way provision. As both organizations had mutual authority status, it must be a fully agreement of the two parties in determining cycling ways. This circumstance cause serious trouble to cycling way provision. Besides, some parts of city road network are under authorizations of different public organizations, for instance, Department of Rural Roads, Department of Highways and local administrations. In order to solve the broad organization involvement and mutual authority status, a leading public administration in cycling promotion must be appointed. It could be in a form of cycling committee having a provincial governor as a head.

Authorized Policy and Plan

There are four authorized policies and plans in the city relevant to cycling promotion, including 1) Mahasarakham City Comprehensive Plan, 2) Mahasarakham City 3-Year Development Plan, 3) Mahasarakham City Transportation Plan, and 4) Mahasarakham City Cycling Plan. The Mahasarakham City Cycling Plan is the most direct authorized policy and plan regarding cycling promotion. At that time, it is unusual for cities in Thailand having a specific cycling plan. Mahasarakham is among another few cities chosen from the central administration to be a pilot project in this cycling initiation. The city cycling policy is highly supported by the city mayor at that time, and the City Cycling Plan is commissioned to an academic team in Suranaree University of Technology, located in Nakhon Ratchasima. The mayor and a relevant municipal official left the office just a short period after the Cycling Plancompletion. There is only one project of the Cycling Plan is realized. There is no Cycling Plan renewal process. Besides, the cycling plan became unknown for new municipal administrators, and the plan report is missing. The main cause of this failure is this Cycling Plan is an occasional plan, emerged from the central policy with the support of a local individual, the mayor. This circumstance made the plan depending on individual persons rather than a legal duty. The solution might be that the central administration included the cycling plan in the City Comprehensive Plan which is a local administration's obligation.

Budget

Budget in cycling promotion could be divided into two parts. The first part is for implementing hard measures like bikeways and infrastructure building; and the second part is for soft measures like campaigning, information provision or education. The budget for the hard measures took the biggest amount of money. According to legal statements, it is a duty of municipalities to deal with this cost. The research revealed that there is no concrete or regular budget for cycling infrastructure building. While the soft measure implementation gained budget regularly from various organizations, including the municipality, the national cycling organization, local civil society organizations, and local business organizations.This back behind condition of budgeting for the hard measure implementation implied the unclear cycling policy, insufficient autonomy and budget of the local administration in dealing with the

cycling issue. Solutions might be, first the attitudes of local administrations must be altered to be pro-cycling rather than neutral or negative. This could be done by the top-down policy, incentive measures, or education. Second, the local governments should be provided sufficient autonomy and budget so that they could process the implementation phase.

Infrastructure Development

There is one bikeway in the city. This less than 1 kilometer bikeway is built along the city boulevard. This bikeway is quite renowned for local people because it is equipped with traffic signage, a street island separated the cycling lane from the car lane, the beautiful tree lines and a clock tower as a landmark located on the roundabout at the end of the street. However, bicycle users found it is still inconvenient for cycling as it is a shared lane with motorcycles. The higher speed of motorcycles made bicycle users felt unsafe. Beside the current bikeway, the city included bikeways in the City Comprehensive Plan and the new street design. The municipality stated that streets with bikeways must be planned in the initial stage, rather than stuff up the current streets with a bike lane. The current condition of limited cycling infrastructure in the city showed the insufficient understanding in this issue. There are plenty of solutions to cope with the existing narrow streetsin the city, like street calming elements. Therefore, this knowledge should be transferred to responsible administrations.

Public Relation and Education

Local cycling clubs played the main role in providing cycling information to public. Their messages are publicized mainly through Facebook, a website and personal conversation. These media are well accessible for club's members; however, it is difficult to reach for another who didn't have a smartphone or high technology devices. Therefore, the public relation done solely by local cycling club made a few impact in cycling promotion. The solution is that the national or local government had to be in charge in this issue. National events like 'Bike for Mom' and 'Bike for Dad' proved the abilities of the public administrations and the high impacts of the events.

Concerning the education, there are no official cycling class or training available in schools. Relevant training like a traffic safety training took place in every school. This one day activity is done by a local police department. It aimed to mitigate road safety problems. The course provided knowledge about traffic signage andsafe riding behavior. The Department of Land Transport and local cycling clubs also provided a one-day cycling training course occasionally. Pupils could learn how to ride safely and try to ride in a cycling demonstration road. Unlike the training by the local police department, these cycling training programs did not take place in every school and irregular. Therefore, only a few pupils got a standard of cycling knowledge and skills. The cycling training is crucial and all pupils are needed to get trained. As the standard is an issue, this action must be done in a national level. The training could be included in the school curriculum, or it could be done via civil society organizations which is a British model.

Campaign

There are various cycling campaigns taking place in the city. These campaigns could be divided into two groups: official campaigns and unofficial campaigns. The official ones are mostly annual events like Car-free Day, Bike Rally and Fitness Promotion campaign. Activities including a bike parade, rally, trade fair, or exhibition. As they are big events, high collaborations of public, private and civil society organizations are needed, and vice versa, they also gained public attention. The unofficial campaigns are done by local cycling clubs. As there are a lot of cycling clubs in the area, there are various cycling programs in various purposes available, like Bike Friday, Bike to City, or Bike to another town. These unofficial events are held more regular than the official one, the activities are more intensive and the participants had closer relationships to each other. Both the official and unofficial campaigns emphasized on a recreational purpose; while campaigns for daily transportation purpose are missing. Hence the relevant organizations should consider this issue.

Relevant Supportive Factors

There are three obvious supportive factors having muchimpact in cycling promotion, including 1) cycling tourism, 2) cycling for fitness and 3) cycling to university. Concerning tourism, cycling is fun, relaxed, good for health and convenient in well prepared environment. Therefore, the cycling could be a mean of tourist transport to reach tourist attractions; or it could be an end of tourist activity. In many successful tourist area, there are always cycling infrastructure or programs provided like bikeways, bike for rent, cycling route or bike tours. In Germany where cycling tourism is highly successful, a national organization like ADFC is in charge of cycling tourism.Cycling infrastructure and necessary tourist elements are evaluated and standardized. In Mahasarakham city, the city tourism is still not a leading business. In order to attract local and external tourists, existing tourist infrastructure is needed to be improved including cycling infrastructure and program. Once the city made a one-day trip program for pupilscalled 'Historical Bike Tour'. It is a combination of learning and fun. Pupils learned the origin of the city by visiting some important historical places by bike. As tourist programs are necessary for tourism, they should be more variety.

In the last decade, the fitness had gained attention from people; and the cycling is one of the most popular activity regarding health promotion. There are high demand on a public park, especially equipped with cycling infrastructure. In Mahasarakham city, there are many public parks in various sizes and purposes available. However, there are no public park provided standard cycling infrastructure. As there is no cycling infrastructure provision in a park, people who did cycling for fitnessmust rode a bike on normalshared streets where accidents potentially happened. In order to promote cycling for fitness, public parks equipped with cycling infrastructure must be built close to residential areas, under the coverage of cycling distance. And the way from home to the parks must be designed with considerations in cycling, so people could reach the parks with bike safe and comfort.

For cycling to university, Mahasarakham city is nicknamed a 'Knowledge city' because there are many high academic institutions located comparing to another medium-sized cities in Thailand. Even, the numbers of university students exceeded the numbers of registered population of the local administrations. Therefore, university students' trips dominated the entire city transportation. Currently, a

motorcycle is the most means of transport of students. They had short trips from their dormitory rooms to university. It is still within a cycling coverage. Hence, the cycling to university had a high potential to promote cycling use. Collaboration of a university, a local administration and private organizations is needed for realization.

Conclusion

To sum up, there are less attempts or progress regarding the attitudes of public decision makers and the authority of responsible organizations. This circumstance caused the absence or ineffectiveness of the authorized policy and plan, budget, infrastructure development, public relation and education and campaign. While the relevant supportive factors are still not well promoted. This poor attitudes of public decision makers and limited authority of responsible organization took place in the local administration level that is the spearhead in city cycling promotion. To solve this problem,both top-down and bottom-up supports must be done. The top-down supports is supposed to get done by national administrations. The supports are, for instance, the national cycling policy and plan, national budget provision, regular national cycling campaigns and education, and national incentives. The bottom-up supports are supposed to be taken by civil society organizations like local cycling clubs. Their supports are expected to collaborate with the national and local programs and also activities according to their wills. With these two-side supports, the local administrations would be able to have a clear statement in cycling promotion, then the cycling policy and plan would be produced by an appointed cycling committee.

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Enforcement of the Alcoholic Drink Control ACT, B.E. 2551, Around Mahasarakham University

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Abstract

This study aims to investigate 1) the recognition of and the compliance with the Alcohol Control Act B.E. 2551 of Mahasarakham University students and the alcoholic entrepreneurs around Mahasarakham University, 2) the recognition of and the enforcement of the Alcohol Control Act B.E. 2551 around Mahasarakham University authority, and 3) the factors influencing the recognition of and the compliance with the Alcohol Control Act B.E. 2551 of Mahasarakham University students. The study employs mixed-method research, both quantitative and qualitative. There are three groups of a total of 449 samples selected by using different sampling approaches. The first group is the 398 Mahasarakham University students who are selected by Stratified Sampling. The second and the third groups are selected by purposive sampling with 31 alcoholic entrepreneurs and 20 officials, respectively. Three sets of questionnaires and semi-structured in-depth interviews are employed to collect data. Then the data collected are analyzed by using descriptive statistics with variable frequency, percentage, average and standard deviation as well as the inferential statistics tested with the Independent Sample t-Test, One Way ANOVA. The double comparison with the Scheffe Test is up to determine the level of significance at 0.05 in hypothesis testing.

The research revealed that:

1) More than half of Mahasarakham University students recognize the Alcohol Control Act B.E. 2551 and a higher proportion of Mahasarakham University students comply with the Alcohol Control Act B.E. 2551; 2) only a smaller proportion of alcoholic entrepreneurs recognizes and complies with the Alcohol Control Act B.E. 2551; 3) a higher proportion of the authority recognize the Alcohol Control Act B.E. 2551, but with a smaller proportion of the enforcement of the Alcohol Control Act B.E. 2551. This is due to the lack of effective law enforcement such as the law is not strictly enforced against the violator; also there is insufficient authorized power to enforce the law; there are insufficient human resources and budget, as well as there are heavy workloads. 4) The factors influencing the recognition of and the compliance with the Alcohol Control Act B.E. 2551 of Mahasarakham University students are: gender, monthly income, and expenses, which are based on the difference of distributing and drinking places accounting with 0.05 level of significance.

The recommendations proposed by the research are: 1. raising the awareness of the disadvantages of alcoholic drinking, 2. seminar on related laws to enhance the understanding of laws, this would help obeying and eventually dealing with law violations, 3. the University; the community and the authorities should collaborate to problem solve, 4. the specific unit may be established to monitor new drinkers, 5. zoning distribution should be defined to limit alcoholic trading areas, 6. such as alcoholic trading areas should be far away from the university with the distance of at

least 1,500 meters;the authority should be trained to enforce the law strictly; and strict punishment in cases of law infringement should take place.

Keywords: Law Recognition/ Law Compliance/ Law Enforcement / Mahasarakham University/ Thailand

การบังคับใช้พระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์พ.ศ. 2551 รอบเขตมหาวิทยาลัยมหาสารคาม

พลัฏฐ์ แก้วศุภสวัสดิ์, นักศึกษาปริญญาโท, คณะสังคมศาสตร์และมนุษยศาสตร์ มหาวิทยาลัยมหิดล.

บทคัดย่อ

การศึกษาวิจัยนี้มีวัตถุประสงค์เพื่อศึกษา 1) เพื่อศึกษาการรับรู้และการปฏิบัติตามพระราชบัญญัติ ควบคุมเครื่องดื่มแอลกอฮอล์พ.ศ. 2551 ของนิสิตมหาวิทยาลัยมหาสารคามและผู้จำหน่ายเครื่องดื่ม แอลกอฮอล์รอบเขตมหาวิทยาลัยมหาสารคาม 2) เพื่อศึกษาถึงการรับรู้และการบังคับใช้ พระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์พ.ศ.2551 ของเจ้าหน้าที่ตามกฎหมายรอบเขต มหาวิทยาลัยมหาสารคามและ 3) เพื่อศึกษาปัจจัยที่ทำให้เกิดความแตกต่างกันในการรับรู้และการ ปฏิบัติตามพระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์พ.ศ. 2551 ของนิสิตมหาวิทยาลัย มหาสารคามโดยใช้วิธีการวิจัยแบบผสมผสาน (Mixed-method) ทั้งเชิงปริมาณ (Quantitative method) และเชิงคุณภาพ(Qualitative method)โดยสุ่มตัวอย่างด้วยวิธีการสุ่มตัวอย่างแบบชั้นภูมิ (Stratified Sampling) สำหรับกลุ่มตัวอย่างของนิสิตมีจำนวนตัวอย่างรวม 398 คนใช้วิธีการเลือก ตัวอย่างแบบเจาะจงสำหรับผู้จำหน่ายเครื่องดื่มแอลกอฮอล์รอบเขตมหาวิทยาลัยมหาสารคาม (Purposive sampling) ได้จำนวน 31 คนและเจ้าหน้าที่ตามกฎหมายใช้วิธีการเลือกตัวอย่างแบบ เจาะจง (Purposive sampling) มีจำนวน 20คนรวมกลุ่มตัวอย่างทั้ง 3 กลุ่มมีจำนวน 449 คนทำการ เก็บรวบรวมข้อมูลโดยใช้แบบสอบถามจำนวน 3 ชุดและแบบสัมภาษณ์เชิงลึกแบบกึ่งมีโครงสร้าง วิเคราะห์ข้อมูลด้วยสถิติเชิงพรรณนาคุณสมบัติตัวแปรด้วยค่าความถี่ค่าเฉลี่ยและส่วนเบี่ยงเบน มาตรฐานและสถิติเชิงอนุมานทดสอบด้วยค่าt-test (Independent Sample t-Test), One Way ANOVA และทำการเปรียบเทียบรายคู่ด้วยวิธีการของเชฟเฟ่ (ScheffeTest) กำหนดค่านัยสำคัญที่ 0.05

ผลการวิจัยสรุปได้ดังนี้

1) การรับรู้และการปฏิบัติตามพระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์พ.ศ. 2551 ของนิสิต
พบว่านิสิตมีการรับรู้กฎหมายในภาพรวมอยู่ในสัดส่วนเกินครึ่งหนึ่งของกลุ่มตัวอย่างและมีการ
ปฏิบัติตามกฎหมายในภาพรวมอยู่ในสัดส่วนที่สูง 2) ผู้จำหน่ายเครื่องดื่มแอลกอฮอล์มีการรับรู้
กฎหมายในสัดส่วนที่น้อยและมีการปฏิบัติตามกฎหมายในสัดส่วนน้อยที่เช่นกัน 3) เจ้าหน้าที่ตาม
กฎหมายมีการรับรู้กฎหมายจำนวนมากแต่มีการบังคับใช้กฎหมายแก่ผู้ที่กระทำผิดในสัดส่วนที่น้อย
เพราะไม่ดำเนินการทางคดีอย่างเคร่งครัดจริงจังกับผู้ที่ฝ่าฝืนกฎหมายรวมถึงขาดประสิทธิภาพใน
การบังคับใช้กฎหมายเพราะขาดอำนาจในการดำเนินการมีจำนวนบุคลากรที่จำกัดงบประมาณไม่
เพียงพอและมีภารกิจอย่างอื่นที่ต้องรับผิดชอบเป็นจำนวนมาก 4) ปัจจัยที่ทำให้เกิดความแตกต่างใน
การรับรู้และการปฏิบัติตามกฎหมายของนิสิตมหาวิทยาลัยมหาสารคามได้แก่เพศรายได้ต่อเดือน
และค่าใช้จ่ายต่อเดือนโดยแตกต่างกันในด้านสถานที่จำหน่ายและด้านสถานที่ดื่มอย่างมีนัยสำคัญ
ทางสถิติที่ 0.05

ข้อเสนอแนะจากการวิจัยควรมีการรณรงค์ปลูกฝังจิตสำนึกการตระหนักรู้แก่นิสิตผู้จำหน่าย
เครื่องดื่มแอลกอฮอล์ในด้านพิษภัยของการดื่มเครื่องดื่มแอลกอฮอล์และให้ทำความรู้ความเข้าใจ
กฎหมายที่เกี่ยวข้องให้ถ่องแท้เพื่อที่จะไม่ได้มีการละเมิดกฎหมายรวมถึงมหาวิทยาลัยชุมชนและ
หน่วยงานของรัฐควรมีการร่วมมือแก้ไขปัญหาด้วยกันและมีการจัดตั้งหน่วยเฉพาะกิจร่วมกันเพื่อ
สำรวจการดื่มรอบเขตมหาวิทยาลัยอันเป็นการลดนักดื่มหน้าใหม่ในหมู่วัยรุ่นรวมถึงควรมีการ
กำหนดโซนนิ่งการจำหน่ายการจัดตั้งสถานประกอบการเป็นการเฉพาะพื้นที่ให้ห่างไกลไปจาก
สถานศึกษาเป็นระยะห่างอย่างน้อย 1,500 เมตรและควรสร้างความรู้ความเข้าใจและเข้มงวดกับ
เจ้าหน้าที่ตามกฎหมายในการปฏิบัติหน้าที่อย่างเคร่งครัดต่อเนื่องและจริงจังรวมถึงมหาวิทยาลัย
ควรมีกฎระเบียบลงโทษแก่นิสิตที่ฝ่าฝืนกฎหมายควบคุมเครื่องดื่มแอลกอฮอล์อย่างจริงจัง

คำสำคัญ: การรับรู้กฎหมาย/การปฏิบัติตามกฎหมาย/การบังคับใช้กฎหมาย/พื้นที่รอบเขต
มหาวิทยาลัยมหาสารคาม/ ประเทศไทย

บทนำ

จังหวัดมหาสารคามเป็นจังหวัดหนึ่งของภาคตะวันออกเฉียงเหนือที่ขนานนามกันว่าเป็น "ตักสิลา
นคร" เลื่องชื่อในด้านสถานศึกษาที่มีจำนวนมากและมีการเปิดสอนในทุกระดับการศึกษาทำให้รอบ
บริเวณสถานศึกษาในจังหวัดมหาสารคามคราคร่ำไปด้วยแหล่งอบายมุข แหล่งบันเทิง หอพัก
รวมถึงร้านค้าที่มีจำนวนหลากหลายโดยเฉพาะรอบเขตมหาวิทยาลัยมหาสารคาม จากการสำรวจ

ร้านค้าและร้านนั่งดื่มที่มีการจำหน่ายเครื่องดื่มแอลกอฮอล์เมื่อวันที่ 27 มิถุนายน พ.ศ. 2557 พบว่า
มีจำนวน 61 ร้าน โดยแบ่งเป็น 2 รูปแบบ คือ แบบ On-sale: ร้านค้าที่ให้บริการนั่งดื่ม
(club/bar/restaurant)จำนวน 15 ร้าน และแบบ Off-sale: ร้านค้าขายปลีกทั่วไป (ร้านค้าขายปลีก/ร้าน
ขายสุรา/ ร้านสะดวกซื้อ)จำนวน46 ร้าน จากสัดส่วนการดื่มที่เพิ่มขึ้นและร้านจำหน่ายที่มีจำนวน
มากจึงมีผู้ทำการศึกษาวิจัยเพื่อศึกษาถึงการรับรู้และการปฏิบัติตามกฎหมายของนิสิตและผู้จำหน่าย
เครื่องดื่มแอลกอฮอล์รอบเขตมหาวิทยาลัยมหาสารคาม ผลวิจัยส่วนใหญ่ชี้ให้เห็นว่านิสิตมีการรับรู้
กฎหมายในสัดส่วนที่สูงแต่กลับมีการปฏิบัติตามกฎหมายในสัดส่วนที่น้อย (บุณฑริกา บุญไชยแสน
และคณะ,2555) และผู้จำหน่ายเครื่องดื่มแอลกอฮอล์มีการรับรู้กฎหมายควบคุมเครื่องดื่ม
แอลกอฮอล์แต่กลับไม่ปฏิบัติตามกฎหมายเช่นกัน (สุรศักดิ์ ไชยสงค์และคณะ,2554)

จากสภาพปัญหาการเพิ่มขึ้นของนักดื่มหน้าใหม่ที่อยู่ในช่วงวัยรุ่นประกอบกับการดื่มที่มีอายุน้อยลง
และการเพิ่มขึ้นของแหล่งจำหน่ายเครื่องดื่มแอลกอฮอล์รอบสถานศึกษาส่งผลให้ภาครัฐเกิดความ
ตระหนักถึงปัญหาดังกล่าวจึงมีมาตรการและนโยบายที่สำคัญในการควบคุมแก้ไขป้องกันปัญหา
ออกมาอย่างต่อเนื่อง ดังนั้น เพื่อที่จะทราบว่าในขณะนี้นิสิตมหาวิทยาลัยมหาสารคาม ผู้จำหน่าย
เครื่องดื่มแอลกอฮอล์และเจ้าหน้าที่ตามกฎหมายมีการรับรู้ และปฏิบัติตามกฎหมายเพื่อสนองตอบ
มาตรการ หรือนโยบายอันสำคัญของภาครัฐเพิ่มขึ้นหรือไม่ และการบังคับใช้กฎหมายของเจ้าหน้าที่
ตามกฎหมายมีการปฏิบัติตามกฎหมายอย่างเคร่งครัด จริงจังเพื่อสนองนโยบายภาครัฐ รวมถึงมีการ
ร่วมกันปฏิบัติตามกฎหมายอันเป็นการป้องปรามการเพิ่มขึ้นของนักดื่มที่เป็นเยาวชนหรือไม่
อย่างไร ทั้งนี้ เพราะการบังคับใช้กฎหมายของเจ้าหน้าที่จะเป็นส่วนสำคัญอันมากในการที่จะยับยั้ง
หรือป้องกันการกระทำผิดกฎหมายหรือการฝ่าฝืนกฎหมายทั้งนิสิตและผู้จำหน่ายเครื่องดื่ม
แอลกอฮอล์ ผู้วิจัยจึงมีความสนใจที่จะทำการศึกษาการบังคับใช้พระราชบัญญัติควบคุมเครื่องดื่ม
แอลกอฮอล์ พ.ศ.2551 รอบเขตมหาวิทยาลัยมหาสารคามโดยมีกลุ่มเป้าหมายในการศึกษา คือ นิสิต
มหาวิทยาลัยมหาสารคาม ผู้จำหน่ายเครื่องดื่มแอลกอฮอล์ และเจ้าหน้าที่ตามกฎหมาย โดยมีคำถาม
ที่ต้องการคำตอบ คือ กลุ่มเป้าหมายเหล่านี้มีการรับรู้และการปฏิบัติตามกฎหมายหรือไม่ในระดับ
มากน้อยเพียงใด การบังคับใช้กฎหมายของเจ้าหน้าที่ตามกฎหมายเป็นอย่างไรและปัจจัยใดที่ทำให้
เกิดความแตกต่างกันในการรับรู้และการปฏิบัติตามพระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์
พ.ศ.2551 ของนิสิตมหาวิทยาลัยมหาสารคาม ทั้งนี้เพื่อนำผลวิจัยมาเป็นแนวทางในการกำหนด
มาตรการ แนวทางที่สำคัญในเรื่องของการบังคับใช้กฎหมายต่อไป

วัตถุประสงค์ของการวิจัย

1. เพื่อศึกษาการรับรู้และการปฏิบัติตามพระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ พ.ศ. 2551 ของนิสิตมหาวิทยาลัยมหาสารคาม และผู้จำหน่ายเครื่องดื่มแอลกอฮอล์รอบเขตมหาวิทยาลัยมหาสารคาม

2. เพื่อศึกษาถึงการรับรู้และการบังคับใช้พระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ พ.ศ.2551 ของเจ้าหน้าที่ตามกฎหมายรอบเขตมหาวิทยาลัยมหาสารคาม

3. เพื่อศึกษาปัจจัยที่ทำให้เกิดความแตกต่างกันในการรับรู้และการปฏิบัติตามพระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ พ.ศ. 2551 ของนิสิตมหาวิทยาลัยมหาสารคาม

วิธีดำเนินการวิจัย

การศึกษาครั้งนี้มุ่งที่จะศึกษาถึงการบังคับใช้พระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ พ.ศ. 2551 รอบเขตมหาวิทยาลัยมหาสารคาม ซึ่งแบ่งการศึกษาวิจัยเป็นแบบผสมผสาน (Mixed – method) โดยการศึกษาด้วย**วิธีวิจัยเชิงปริมาณ** ตัวแปรอิสระ คือ ปัจจัยส่วนบุคคล ได้แก่ เพศ อายุ รายได้ต่อเดือน ค่าใช้จ่ายต่อเดือน และที่พักอาศัย ตัวแปรตามได้แก่ การรับรู้และการปฏิบัติตามกฎหมายของนิสิตมหาวิทยาลัยมหาสารคาม ประชากร คือ นิสิตที่กำลังศึกษาอยู่ในมหาวิทยาลัยมหาสารคาม ประจำปีการศึกษา 2557 ทั้งเพศชายและเพศหญิงทุกชั้นปี จำนวน 20 คณะ และกำหนดกลุ่มตัวอย่างด้วยวิธีการสุ่มตัวอย่างแบบชั้นภูมิ (Stratified Sampling) และแบบบังเอิญ จนได้จำนวน 398 คน ทำการเก็บรวบรวมข้อมูลโดยใช้แบบสอบถามที่ผ่านการตรวจสอบความเที่ยงตรงเชิงโครงสร้างและเนื้อหาจากผู้ทรงวุฒิ โดยผ่านการทดสอบความเชื่อมั่นได้ค่าความเชื่อมั่นแบบสอบถามส่วนที่เป็นการวัดการรับรู้กฎหมายที่ระดับ 0.88 วิเคราะห์ข้อมูลด้วยเครื่องคอมพิวเตอร์ใช้โปรแกรมสำเร็จรูปสำหรับวิจัยทางสังคมศาสตร์ ด้วยสถิติเชิงพรรณนา อันประกอบด้วย ค่าความถี่ (Frequency) ค่าร้อยละ (Percentage) ค่าเฉลี่ย ($\overline{X}$) และค่าเบี่ยงเบนมาตรฐาน (S.D.) และสถิติเชิงอนุมาน ทดสอบด้วยค่าIndependent Sample t-Testและ One Way ANOVA ทำการเปรียบเทียบรายคู่ด้วยวิธีการของเชฟเฟ่(Scheffe'Test)กำหนดค่านัยสำคัญ 0.05 ในการทดสอบสมมติฐาน **ส่วนวิธีวิจัยเชิงคุณภาพ** ทำการศึกษาผู้จำหน่ายเครื่องดื่มแอลกอฮอล์ ใช้วิธีการเลือกตัวอย่างแบบเจาะจง (Purposive sampling) จากประชากรจำนวน 61 ร้านค้าที่อยู่รอบเขตมหาวิทยาลัยมหาสารคาม จนได้จำนวนกลุ่มตัวอย่าง จำนวน 31 คน และเจ้าหน้าที่ตามกฎหมายประชากร คือ เจ้าพนักงานผู้มีหน้าที่รับผิดชอบโดยตรงหรือมีส่วนเกี่ยวข้องในปฏิบัติงานเกี่ยวกับ

การควบคุมเครื่องดื่มแอลกอฮอล์ ได้แก่ นักวิชาการสาธารณสุขชุมชนและเจ้าหน้าที่สาธารณสุข
ประจำโรงพยาบาลส่งเสริมสุขภาพบ้านขามเรียง นักวิชาการสุขาภิบาลประจำองค์การบริหารส่วน
ตำบลบ้านขามเรียง นายตำรวจชั้นสัญญาบัตรและเจ้าหน้าที่ตำรวจชั้นประทวนประจำสถานีตำรวจ
เขวาใหญ่ ตำรวจภูธรจังหวัดมหาสารคาม และเจ้าหน้าที่สรรพสามิต ประจำอำเภอกันทรวิชัย
จังหวัดมหาสารคาม โดยใช้วิธีการเลือกตัวอย่างแบบเจาะจง (Purposive sampling) จนได้จำนวน
กลุ่มตัวอย่าง จำนวน 20 คน เก็บรวบรวมข้อมูลด้วยแบบสอบถาม วิเคราะห์ข้อมูลต่างๆ ของกลุ่ม
ตัวอย่างด้วยสถิติเชิงพรรณนา อันประกอบด้วย ค่าความถี่ (Frequency) ค่าร้อยละ (Percentage)
ค่าเฉลี่ย ($\overline{X}$) และค่าเบี่ยงเบนมาตรฐาน (S.D.) รวมถึงใช้แบบสัมภาษณ์เชิงลึกแบบกึ่งมีโครงสร้าง
เพื่อสัมภาษณ์เจ้าหน้าที่ตามกฎหมายในส่วนของการบังคับใช้กฎหมาย จำนวน 20 คนซึ่งเป็นกลุ่ม
ตัวอย่างเดียวกับผู้ให้ข้อมูลเชิงปริมาณวิเคราะห์และนำเสนอเนื้อหาด้วยการพรรณนา

แนวคิดและทฤษฎีที่เกี่ยวข้อง

1.แนวคิดทฤษฎีการบังคับใช้กฎหมาย

อาชญากรรมหรือการกระทำผิดมักจะเกิดขึ้นเนื่องจากมนุษย์มีเจตจำนงอิสระติดตัวมาแต่กำเนิด
มนุษย์มักจะทำในสิ่งที่เกิดประโยชน์แก่ตนเองมากกว่าโทษจึงมักจะหลีกเลี่ยงหากมีโทษมากกว่า
ประโยชน์ การที่จะกระทำผิดจึงมีการคิดพิจารณาว่าตนจะได้ประโยชน์มากกว่าโทษที่จะได้รับ
ดังนั้น แนวทางการป้องกันอาชญากรรมจึงมุ่งเน้นไปที่การบังคับใช้กฎหมายให้มีประสิทธิภาพ
สูงสุดเพื่อเป็นการป้องกันการเกิดอาชญากรรมอันทำให้ผู้คนในสังคมเกิดความเกรงกลัวต่อ
กฎหมายและบทลงโทษ ดังนั้น การบังคับใช้กฎหมาย (Law enforcement) จึงมีความสำคัญเป็น
อย่างยิ่งเพราะเป็นการนำกฎหมายที่เป็นลายลักษณ์อักษรไปสู่การบังคับใช้ให้เกิดผลในทางปฏิบัติ
(ประเสริฐ สุขสบาย, 2542) อันเป็นมาตรการอย่างหนึ่งที่จะส่งผลให้กฎหมาย ระเบียบ ข้อบังคับ
ต่างๆ ของรัฐเกิดประสิทธิภาพโดยการบังคับใช้กฎหมายนั้นย่อมกระทำผ่านเจ้าหน้าที่ของรัฐ หาก
เจ้าหน้าที่ของรัฐมีการบังคับใช้กฎหมายอย่างเคร่งครัด ยุติธรรม ความเสมอภาคมีการดำเนินการกับ
ผู้ฝ่าฝืนกฎหมายหรือหลีกเลี่ยงกฎหมายอย่างทันทีและจริงจังย่อมจะทำให้ผู้คนเกิดความยำเกรงต่อ
การที่จะกระทำผิดกฎหมาย ดังนั้น เจ้าหน้าที่ของรัฐจึงเป็นตัวแปรที่สำคัญที่อาจจะทำให้การบังคับ
ใช้กฎหมายสัมฤทธิ์ผลตามที่บัญญัติไว้หรือไม่ อย่างไรก็ดีหากเจ้าหน้าที่ของรัฐฝ่ายหนึ่งฝ่ายใดแม้
เพียงฝ่ายเดียวใช้อำนาจหรือดุลยพินิจของตนเพื่อการบังคับใช้กฎหมายนอกเหนือจากเจตนารมณ์
ของกฎหมายแล้วก็ไม่อาจที่จะประสบผลตามความมุ่งหมายของกฎหมายได้ (ณัฐริกา วายุภาพ,
2536) โดยเฉพาะการบังคับใช้กฎหมายอย่างมีประสิทธิภาพและเสมอภาคในส่วนของตำรวจที่เน้น

การป้องกันปราบปรามอาชญากรรมอันนำไปสู่การควบคุมการกระทำผิดในสังคมได้ตามความมุ่ง
หมายที่กฎหมายนั้นได้กำหนดไว้

2.แนวคิดทฤษฎีเกี่ยวกับกฎหมายควบคุมสังคม

การบริหารงานหรือปกครองประเทศให้บรรลุเป้าหมายตามแนวนโยบายต่างๆ ที่ได้กำหนดไว้ รัฐ
จำเป็นอย่างยิ่งที่ต้องใช้ทั้งกำลัง (force) และอำนาจ (power) ควบคู่กันไปในการดำเนินกิจกรรมทาง
การเมืองโดยมีกฎหมายสนับสนุนรองรับและกำหนดขอบเขตในการใช้กำลังและอำนาจให้เป็นไป
โดยชอบธรรม (legitimacy) กฎหมายจึงเป็นเครื่องมืออันสำคัญที่รัฐจะนำมากล่าวอ้างเพื่อควบคุม
พฤติกรรมของสมาชิกในสังคมที่อยู่ใต้ปกครองโดยทั่วไปกฎหมายจะมีอำนาจบังคับแก่สมาชิกใน
สังคมทันทีเมื่อผ่านขั้นตอนและกระบวนการต่างๆ ทางนิติบัญญัติและรัฐได้ประกาศบังคับใช้ ทั้งนี้
โดยอาศัยอำนาจทางการเมืองเป็นลักษณะร่วมกับกฎหมายเหล่านี้เพื่อบังคับให้ประชาชนต้องปฏิบัติ
ตามโดยเฉพาะกฎหมายมหาชน (public law) ที่มีวัตถุประสงค์ในอันที่จะมุ่งคุ้มครองความเป็น
ระเบียบเรียบร้อยและความสงบสุขในสังคมเป็นกฎหมายที่ถูกบัญญัติขึ้นเพื่อนำมาบังคับใช้หรือ
ควบคุมพฤติกรรมสมาชิกในสังคมมิให้เบี่ยงเบนออกนอกกติกาอันเป็นแนวปกติของสังคมจึง
จำเป็นอย่างยิ่งที่กฎหมายประเภทดังกล่าวนี้จะต้องมีสภาพบังคับ (sanction) อยู่ด้วยเสมอโดยมี
องค์กรของรัฐเป็นกลไกบังคับใช้กฎหมายเหล่านี้ (โกเมท ทองภิญโญชัย,2534 อ้างในสมหมาย
โง้วสกุล,2554)

ผลการวิจัย
ผลการวิจัยสรุปได้ดังนี้
1.ด้านข้อมูลส่วนบุคคล
1.1กลุ่มนิสิต
กลุ่มตัวอย่างส่วนใหญ่เป็นเพศหญิง จำนวน 269 คน (ร้อยละ 67.6) และเป็นเพศชายจำนวน 129 คน
(ร้อยละ 32.4) ส่วนใหญ่มีอายุระหว่าง 18-21 ปี (ร้อยละ 81.9) มีผลการเรียนระดับพอใช้มากที่สุด
(ร้อยละ 84.7) กำลังศึกษาอยู่ในชั้นปีที่ 3 มากที่สุด (ร้อยละ 37.4) ส่วนใหญ่จะเป็นกลุ่มสายศิลป์
(ร้อยละ 77.4) มีรายได้ต่อเดือน เป็น 2 ใน 3 คือ (ร้อยละ 65.6) ซึ่งมีรายได้น้อยกว่า 6,000 บาทต่อ
เดือน และมีค่าใช้จ่ายต่อเดือน 2 ใน 3 คือ (ร้อยละ 65.8) ซึ่งมีค่าใช้จ่ายน้อยกว่า 6,000 บาทต่อเดือน
ส่วนใหญ่จะพักอาศัยตามหอพัก/อพาร์ทเมนต์/คอนโดมากที่สุด (ร้อยละ 71.6) และเป็นผู้ที่ดื่ม
เครื่องดื่มแอลกอฮอล์ (ร้อยละ 57.0)

1.2 กลุ่มผู้จำหน่ายเครื่องดื่มแอลกอฮอล์

ผู้จำหน่ายเครื่องดื่มแอลกอฮอล์ มีจำนวน 31 คน ส่วนใหญ่จะเป็นเพศชายมากที่สุด (ร้อยละ 93.5) มีอายุระหว่าง 18-34 ปี (ร้อยละ 83.9) มีสถานภาพโสดมากที่สุด (ร้อยละ 93.5) มีการศึกษาระดับชั้นปริญญาตรี (ร้อยละ 58.1) มีรายได้จากการจำหน่ายเครื่องดื่มแอลกอฮอล์ต่อเดือนน้อยกว่า 15,000 บาท (ร้อยละ 54.8) ผู้ให้ข้อมูลส่วนใหญ่จะเป็นลูกจ้าง หรือเป็นผู้ดูแลร้านมากที่สุด (ร้อยละ 83.9) ประเภทของร้านค้าจะเป็นร้านเครื่องดื่ม (ร้อยละ 38.7) เป็นผับ/เธค/บาร์/คาราโอเกะ (ร้อยละ 32.3) และเป็นร้านอาหาร (ร้อยละ 29.0) ตามลำดับ ส่วนใหญ่จะมีใบอนุญาต (ร้อยละ 90.3) และเป็นใบอนุญาตประเภทที่ 3 มากที่สุด (ร้อยละ 57.2)

1.3 กลุ่มเจ้าหน้าที่ตามกฎหมาย

เจ้าหน้าที่ตามกฎหมาย มีจำนวน 20 คน โดยเป็นเพศชาย (จำนวน 14 คน) และเป็นเพศหญิง (จำนวน 6 คน) มีอายุระหว่าง 40-59 ปี (จำนวน 11 คน) สมรสแล้ว (จำนวน 15 คน) มีการศึกษาในระดับชั้นปริญญาตรี (จำนวน 14 คน) ประกอบอาชีพเป็นเจ้าหน้าที่ตำรวจ (จำนวน 10 คน) เป็นนักวิชาการสาธารณสุขชุมชน/นักวิชาการสุขาภิบาล/สาธารณสุข (จำนวน 8 คน) และเจ้าหน้าที่สรรพสามิต (จำนวน 2 คน) ตามลำดับ และเป็นผู้ที่ดื่มเครื่องดื่มแอลกอฮอล์ (จำนวน 12 คน)

2. การรับรู้และการปฏิบัติตามพระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ พ.ศ. 2551 ของนิสิตมหาวิทยาลัยมหาสารคาม

นิสิตมหาวิทยาลัยมหาสารคามมีการรับรู้พระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ พ.ศ. 2551 ในภาพรวมอยู่ในสัดส่วนที่เกินครึ่งหนึ่งของกลุ่มตัวอย่าง โดยมีการรับรู้ด้านสถานที่ดื่มมากที่สุด และมีการรับรู้ด้านสถานที่จำหน่าย ด้านการโฆษณา ด้านการจำหน่ายในสัดส่วนที่เกินครึ่งหนึ่งเช่นกัน และมีการรับรู้ด้านเวลาจำหน่ายน้อยที่สุด ส่วนกรณีที่มีการรับรู้ไม่ถึงครึ่งหนึ่งของกลุ่มตัวอย่าง ได้แก่ ด้านการจำหน่ายโดยเฉพาะกรณีห้ามจำหน่ายเวลา 14.00-17.00 น. (ร้อยละ 40.2) และด้านการจำหน่ายกรณีห้ามจำหน่ายเครื่องดื่มแอลกอฮอล์แก่คนเมา (ร้อยละ 49.5) และมีการรับรู้น้อยที่สุดด้านสถานที่จำหน่ายโดยเฉพาะกรณีห้ามจำหน่ายในวัด/ศาสนสถานต่างๆ (ร้อยละ 4.3) ในส่วนของการปฏิบัติตามพระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ พ.ศ. 2551 นิสิตมหาวิทยาลัยมหาสารคามมีการปฏิบัติตามกฎหมายด้านสถานที่ซื้อเครื่องดื่มแอลกอฮอล์และด้านสถานที่ดื่มเครื่องดื่มแอลกอฮอล์ในสัดส่วนที่สูง (ร้อยละ 85.2 และ 70.9) แต่อย่างไรก็ดี ยังมีนิสิตบางส่วนที่เคยมีการฝ่าฝืนกฎหมายทั้งด้านสถานที่ซื้อเครื่องดื่มแอลกอฮอล์และด้านสถานที่ดื่มเครื่องดื่มแอลกอฮอล์ เพราะเคยมีการหาซื้อเครื่องดื่มจากหอพัก สถานีบริการน้ำมันเชื้อเพลิง และมีการนั่งดื่ม

ในหอพัก ในโรงเรียน/มหาวิทยาลัย/สถาบันการศึกษาต่างๆ ในวัด/ศาสนสถานต่างๆ ในสถานี
น้ำมันเชื้อเพลิง รวมถึงด้านเวลาโดยเคยหาซื้อเครื่องดื่มช่วงเวลา 24.00-11.00 หรือ 14.00-17.00 น.
(ร้อยละ 53.8) โดยหาซื้อได้จากร้านของชำ/โชว์ห่วย (ร้อยละ 34.1) และจากผับ/เธค/บาร์/คาราโอ
เกะ (ร้อยละ 31.8)ในส่วนของการส่งเสริมการโฆษณาเครื่องดื่มนั้น นิสิตเคยมีการพบเห็นรูปแบบ
การโฆษณาผ่านสื่อ (ร้อยละ 71.1) โดยพบเห็นผ่านสื่อโทรทัศน์มากที่สุด (ร้อยละ 43.5) และเห็นว่า
รูปแบบการส่งเสริมการดื่มเครื่องดื่มแอลกอฮอล์มีอิทธิพลต่อการดื่มมากที่สุด (ร้อยละ 79.6) ทั้ง
คิดเห็นว่าการดื่มเครื่องดื่มแอลกอฮอล์มีแนวโน้มการเกิดอาชญากรรมได้ (ร้อยละ 79.6) โดยเฉพาะ
อาชญากรรมจำพวกทะเลาะวิวาท ตบตี ทำร้ายร่างกายมากที่สุด (ร้อยละ 53.0) ดังนั้น กล่าวได้ว่า
เมื่อมีการรับรู้ด้านเวลาจำหน่ายน้อยที่สุด จึงมีการปฏิบัติตามกฎหมายด้านเวลาจำหน่ายน้อยที่สุด
เช่นกัน

3. การรับรู้และการปฏิบัติตามพระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ พ.ศ. 2551 ของผู้จำหน่ายเครื่องดื่มแอลกอฮอล์

ผู้จำหน่ายเครื่องดื่มแอลกอฮอล์มีการรับรู้พระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ พ.ศ.2551
ในสัดส่วนที่น้อยมากโดยเฉพาะด้านสถานที่ดื่ม ที่พบว่าทุกคนไม่มีการรับรู้ว่าห้ามดื่มในสถานที่
บริการสาธารณสุขหรือโรงพยาบาลของรัฐและเอกชน ในสถานที่ทางราชการต่างๆ และใน
โรงเรียน/มหาวิทยาลัย/สถาบันการศึกษาต่างๆ (ร้อยละ100.0) รวมถึงด้านสถานที่จำหน่ายที่ผู้
จำหน่ายเครื่องดื่มแอลกอฮอล์ทั้งหมด (ร้อยละ100.0) ไม่มีการรับรู้ว่าห้ามจำหน่ายในวัด/ศาสน
สถานต่างๆ สถานที่บริการสาธารณสุขหรือโรงพยาบาลของรัฐและเอกชน และสถานที่ราชการ
ต่างๆ ส่วนด้านมาตรการอื่นๆ แม้จะมีการรับรู้แต่เป็นการรับรู้ในสัดส่วนที่ต่ำมากเมื่อเทียบกับ
สัดส่วนของจำนวนผู้จำหน่ายเครื่องดื่มแอลกอฮอล์ ส่วนมาตรการที่ผู้จำหน่ายเครื่องดื่มแอลกอฮอล์
รับรู้มากที่สุด คือ ด้านการจำหน่ายกรณีที่ห้ามจำหน่ายเครื่องดื่มแอลกอฮอล์ให้แก่คนเมา (ร้อยละ
58.1)ในส่วนของการปฏิบัติตามพระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ พ.ศ.2551 นั้น ผู้
จำหน่ายเครื่องดื่มแอลกอฮอล์มีการปฏิบัติตามกฎหมายเพียงบางส่วนเท่านั้นโดยจะมีการปฏิบัติตาม
กฎหมายสูงสุดด้านเวลาห้ามจำหน่ายช่วงเวลาหลัง 24.00-11.00 น. และด้านสถานที่จำหน่ายที่ไม่
เคยจำหน่ายในบริเวณสถานบริการสาธารณสุข/โรงพยาบาลของรัฐและเอกชน บริเวณสถานที่
ราชการต่างๆ รวมถึงบริเวณสวนสาธารณะของทางราชการ (ร้อยละ 100.0) แต่อย่างไรก็ดี พบว่ามี
การฝ่าฝืนไม่ปฏิบัติตามกฎหมายด้านการจำหน่ายมากที่สุดเพราะมีการขายแบบขายพ่วง ขายเร่มาก
ที่สุด (ร้อยละ100.0) ขายแบบเป็นสมาชิก (ร้อยละ 96.8) และขายแบบให้เครดิต (ร้อยละ 90.3)
ตามลำดับ เหตุผลเพราะอ้างว่าไม่รู้ว่าผิดระเบียบ และผลที่ตามมาส่วนใหญ่จะไม่เกิดอะไรขึ้น มี
เพียงส่วนน้อยเท่านั้นที่ถูกเจ้าหน้าที่ตามกฎหมายดำเนินการตักเตือน ทั้งๆ ที่ผู้จำหน่ายเครื่องดื่ม

แอลกอฮอล์ส่วนใหญ่ (ร้อยละ 64.5) ทราบดีว่าการดื่มเครื่องดื่มแอลกอฮอล์ของนิสิตจะก่อให้เกิด
ผลเสียหายแก่สังคมและก่อให้เกิดอาชญากรรมได้ดังนั้น กล่าวได้ว่าผู้จำหน่ายเครื่องดื่มแอลกอฮอล์
มีการรับรู้ด้านการจำหน่ายมากที่สุด แต่กลับกระทำผิดกฎหมายมากที่สุดในด้านการจำหน่ายเช่นกัน

4. การรับรู้พระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ พ.ศ.2551 ของเจ้าหน้าที่ตามกฎหมาย

เจ้าหน้าที่ตามกฎหมายมีการรับรู้พระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ พ.ศ.2551 เป็น
จำนวนมากด้านสถานที่จำหน่ายโดยเฉพาะรับรู้ว่าห้ามจำหน่ายในบริเวณวัด/ศาสนาสถานต่างๆ ใน
หอพัก รวมทั้งหมด (จำนวน 20 คน) และรับรู้ด้านสถานที่ดื่มโดยเฉพาะการห้ามดื่มในโรงเรียน/
มหาวิทยาลัย/สถาบันการศึกษาต่างๆ นั้น เจ้าหน้าที่ตามกฎหมายทั้งหมดมีการรับรู้เช่นกัน (จำนวน
20 คน) และรับรู้ว่า ห้ามดื่มในวัด/ศาสนาสถานต่างๆ ในสถานที่บริการสาธารณสุข/โรงพยาบาล
ของรัฐและเอกชน รวมถึงในสถานที่ทางราชการต่างๆ (จำนวน 19 คน) สอดคล้องกับข้อมูล
สัมภาษณ์ที่ส่วนใหญ่เจ้าหน้าที่ตามกฎหมายจะมีการรับรู้กฎหมายในสัดส่วนที่สูงเช่นกันโดยเฉพาะ
การรับรู้ด้านสถานที่ดื่มมากที่สุด ทั้งนี้เนื่องจากเป็นเจ้าหน้าที่ตามกฎหมายที่ปฏิบัติงานในระดับสูง
มักจะได้รับการอบรมเพื่อรองรับนโยบายของรัฐ และนำความรู้ดังกล่าวมาถ่ายทอดผู้ใต้บังคับบัญชา
ในการนำไปสู่การปฏิบัติงาน แต่อย่างไรก็ดีพบว่า มีเจ้าหน้าที่ตามกฎหมายบางส่วนที่ไม่ได้เป็น
เจ้าหน้าที่ที่รับผิดชอบเกี่ยวกับการบังคับใช้กฎหมายโดยตรงจึงอาจไม่ได้มีการรับฝึกอบรมหรือรับ
การเสริมความรู้ให้เป็นการเฉพาะจึงทำให้ขาดความรู้ความเข้าใจในกฎหมายควบคุมเครื่องดื่ม
แอลกอฮอล์ดังกล่าว แต่เป็นที่น่าสังเกตว่า เจ้าหน้าที่ตามกฎหมายจะมีการรับรู้น้อยที่สุดด้านสถานที่
จำหน่ายโดยเฉพาะกรณีห้ามจำหน่ายในโรงเรียน/มหาวิทยาลัย/สถาบันการศึกษาต่างๆ เพราะมีการ
รับรู้เพียง (จำนวน 1 คน) เท่านั้น รวมถึงมีการรับรู้ด้านการจำหน่ายในสัดส่วนที่น้อยเช่นกัน
โดยเฉพาะในกรณีห้ามจำหน่ายเครื่องดื่มแอลกอฮอล์แก่คนเมา (จำนวน 10 คน) จะเห็นได้ว่าเป็น
สัดส่วนเพียงครึ่งหนึ่งของกลุ่มตัวอย่างเท่านั้น ดังนั้น กล่าวได้ว่า เจ้าหน้าที่ตามกฎหมายมีการรับรู้
ในระดับมากโดยเฉพาะด้านสถานที่ดื่ม ด้านสถานที่จำหน่าย ด้านการโฆษณา ด้านการจำหน่ายและ
ด้านเวลาจำหน่าย แต่ขณะเดียวกลับมีการรับรู้น้อยมากในด้านการจำหน่ายเครื่องดื่มแอลกอฮอล์แก่
คนเมา (จำนวน 10 คน) และรับรู้ด้านสถานที่จำหน่ายน้อยที่สุดกรณีห้ามจำหน่ายในโรงเรียน/
มหาวิทยาลัย/สถาบันการศึกษาต่างๆ (จำนวน 1 คน)

5. การบังคับใช้กฎหมายของเจ้าหน้าที่ตามกฎหมายสามารถสรุปผลโดยภาพรวมได้ ดังนี้

การบังคับใช้กฎหมายในด้านสถานที่นั้น เจ้าหน้าที่ตามกฎหมายเคยพบเห็นการกระทำผิดในสัดส่วน
ที่น้อยมีเพียง (จำนวน 5 คน) ที่เคยพบเห็นการกระทำผิดโดยที่พบเห็นมากที่สุดในการซื้อ-ขาย

เครื่องดื่มแอลกอฮอล์ในด้านสถานที่ต้องห้าม คือ มีการซื้อขายในหอพัก สวนสาธารณะของทาง ราชการ ในวัด/ศาสนสถานต่างๆ และสถานีบริการเชื้อเพลิงปั๊มน้ำมัน/ร้านค้าบริเวณใกล้สถานี และเคยพบเห็นการดื่มเครื่องดื่มแอลกอฮอล์ด้านสถานที่ห้ามดื่ม คือ ในหอพัก ในวัด/ศาสนสถาน ต่างๆ และสถานีบริการสาธารณสุขหรือโรงพยาบาลของรัฐ แต่อย่างไรก็ดี เมื่อเจ้าหน้าที่ตาม กฎหมายได้พบเห็นการกระทำผิดส่วนใหญ่จะไม่ได้ดำเนินการใดๆ ต่อผู้กระทำผิดด้วยเหตุผลว่าไม่ มีอำนาจในการดำเนินการ

การบังคับใช้กฎหมายในด้านเวลานั้น เจ้าหน้าที่ตามกฎหมายเคยพบเห็นการกระทำผิดสูงสุด (จำนวน 7 คน) มีการพบเห็นการซื้อ-ขายเครื่องดื่มแอลกอฮอล์ในช่วงระหว่างเวลา 14.00-17.00 น. โดยพบเห็นมากที่สุดในร้านอาหาร ทั้งเคยพบเห็นการซื้อขายในช่วงเวลาต้องห้าม คือ ร้านขายของ ชำ/โชว์ห่วย ผับ/เธค/บาร์/คาราโอเกะ และร้านเครื่องดื่ม ร้านขายเร่ ร้านยาดอง ร้านเหล้าปั่นและ ร้านมินิมาร์ทแต่ไม่ได้ดำเนินการใดๆ เพราะไม่มีอำนาจดำเนินการ รวมถึงอยู่ในช่วงพักเที่ยง

การบังคับใช้กฎหมายในด้านการโฆษณานั้น เจ้าหน้าที่ตามกฎหมายเคยพบเห็นการกระทำผิดใน สัดส่วนที่มาก โดยพบเห็นการโฆษณา ณ จุดขายโดยสื่อบุคคลมากที่สุด (จำนวน 9 คน) และเคยพบ เห็นการส่งเสริมการขายเครื่องดื่มในรูปแบบต่างๆ แต่มีเพียงสัดส่วนน้อย ซึ่งพบเห็นได้จากรูปแบบ ขายตรง รูปแบบลองชิม ลองดื่ม และจับฉลาก/ชิงรางวัล อย่างไรก็ดี เมื่อพบเห็นแล้วเจ้าหน้าที่ตาม กฎหมายกลับไม่ได้ดำเนินการใดๆ ด้วยเหตุผลว่าไม่มีอำนาจ ไม่ได้อยู่ในเขตรับผิดชอบ รวมถึงมอง ว่าเป็นอาชีพทางการค้าขาย

การบังคับใช้กฎหมายกับนิสิตรอบเขตมหาวิทยาลัยมหาสารคามนั้น เจ้าหน้าที่ตามกฎหมายมีการ พบเห็นการกระทำผิดในสัดส่วนที่สูงสุด (จำนวน 14 คน) โดยพบเห็นด้านอายุผู้ซื้อ และด้านเวลา ในการซื้อขายมากที่สุด ลักษณะที่พบเห็น คือ พบเห็นการซื้อ-ขายเครื่องดื่มแอลกอฮอล์ของนิสิตที่มี อายุต่ำกว่า 20 ปีในช่วงหลังเวลา 24.00-11.00 น. หรือ ช่วงเวลา 14.00-17.00 น.โดยเคยพบเห็นใน ร้านขายของชำ/โชว์ห่วย ร้านสะดวกซื้อ และร้านมินิมาร์ทมากที่สุด นอกจากนี้ เจ้าหน้าที่ตาม กฎหมาย (จำนวน 10 คน) ยังเคยพบเห็นการกระทำผิดในสถานที่ดื่มโดยเฉพาะการดื่มเครื่องดื่ม แอลกอฮอล์ของนิสิตที่มีอายุต่ำกว่า 20 ปี ตามร้านจำหน่ายเครื่องดื่มแอลกอฮอล์ หรือร้านนั่งดื่มรอบ เขตมหาวิทยาลัยมหาสารคาม แต่มีเพียง (จำนวน 4 คน) ที่ดำเนินการจับกุม และตักเตือน ทั้งนี้เพราะ อยู่ในช่วงการลงตรวจตราพื้นที่และกวดขันตามนโยบายเชิงรุกของภาครัฐจึงต้องมีการดำเนินการ เข้มงวดกับนิสิตผู้ที่มาดื่มเครื่องดื่มแอลกอฮอล์ตามร้านนั่งดื่มที่อยู่รอบสถานศึกษา ส่วนเหตุผลที่ เจ้าหน้าที่ตามกฎหมายไม่ได้ดำเนินการเพราะไม่มีอำนาจหน้าที่โดยตรงในการดำเนินการจับกุม อีก

ทั้งไม่มีกฎหมายรองรับในการดำเนินการ และอยู่นอกเขตรับผิดชอบของตนรวมถึงเห็นว่าเป็นเรื่อง
ส่วนตัว

การบังคับใช้กฎหมายรอบเขตมหาวิทยาลัยมหาสารคามนั้น เจ้าหน้าที่ตามกฎหมายมีการลงตรวจ
ตราร้านจำหน่ายเครื่องดื่มแอลกอฮอล์ และร้านนั่งดื่มเครื่องดื่มแอลกอฮอล์รอบเขตมหาวิทยาลัย
มหาสารคามในสัดส่วนที่น้อยครั้ง มีเพียงเจ้าหน้าที่ตามกฎหมาย (จำนวน 8 คน) เท่านั้นที่เคยลง
ตรวจตรา และเมื่อพบเห็นการกระทำความผิดหรือฝ่าฝืนกฎหมายกลับมีการดำเนินคดีในสัดส่วนที่
น้อยเช่นกัน ส่วนการรับแจ้งความ/ร้องเรียนเกี่ยวกับการก่ออาชญากรรมที่มีผลมาจากการดื่ม
เครื่องดื่มแอลกอฮอล์ของนิสิตมีเจ้าหน้าที่ตามกฎหมาย (จำนวน 4 คน) ที่เคยรับแจ้งความ/ร้องเรียน
แต่เจ้าหน้าที่ตามกฎหมาย (จำนวน 3 คน) กลับไม่ได้ดำเนินการใดๆ เพราะเป็นเรื่องของวัยรุ่นเป็น
เรื่องของคนเมา ทั้งๆ ที่เจ้าหน้าที่ตามกฎหมาย (จำนวน 18 คน) ทราบดีว่าการดื่มเครื่องดื่ม
แอลกอฮอล์ของนิสิตมีแนวโน้มที่จะก่อให้เกิดอาชญากรรมได้ และส่วนใหญ่ (จำนวน 16 คน)
คิดเห็นว่าเป็นอาชญากรรมประเภทการทะเลาะวิวาท ตบตี ทำร้ายร่างกายมากที่สุด และในส่วนของ
คดีที่มีผลมาจากการดื่มเครื่องดื่มแอลกอฮอล์ของนิสิต เจ้าหน้าที่ตามกฎหมาย (จำนวน 12 คน) ให้
ข้อมูลว่าเป็นคดีทะเลาะวิวาท ตบตี ทำร้ายร่างกายมากที่สุด รองลงมาเป็นคดีลักทรัพย์ ล่วงละเมิด
ทางเพศ ตามลำดับ

จากผลการวิจัยการบังคับใช้กฎหมายจึงเป็นการแสดงให้เห็นว่า เจ้าหน้าที่ตามกฎหมายมีการปฏิบัติ
ตามกฎหมาย รวมถึงการบังคับใช้กฎหมายที่น้อยเมื่อเทียบสัดส่วนจำนวนของเจ้าหน้าที่ตาม
กฎหมายทั้งหมด กรณีจึงเป็นการแสดงให้เห็นถึงการไม่เข้มงวด เคร่งครัด และจริงจังต่อการปฏิบัติ
ตามกฎหมาย เพราะเจ้าหน้าที่ตามกฎหมายจะดำเนินการเมื่อมีนโยบายเชิงรุก หรือมีนโยบายเร่งด่วน
หากเกิดเหตุหรือมีผลสืบเนื่องมาจากการดื่มเครื่องดื่มแอลกอฮอล์เท่านั้น มีการตรวจตราเป็นครั้ง
คราวเท่านั้นตามสภาพการณ์ รวมถึงการที่เจ้าหน้าที่ตามกฎหมายจะมีทัศนคติเชิงบวกเกี่ยวกับการ
ดื่มเครื่องดื่มแอลกอฮอล์ ประกอบกับปัญหาอุปสรรคที่เจ้าหน้าที่ตามกฎหมายที่เกี่ยวข้องมีภารกิจ
เกี่ยวกับงานในหน้าที่ของตนเป็นจำนวนมากการให้ความสำคัญกับควบคุมเรื่องการดื่มเครื่องดื่ม
แอลกอฮอล์ หรือการกวดขันผู้กระทำผิดกฎหมายจึงมีความสำคัญเป็นลำดับรองลงมา รวมถึงการ
ขาดแคลนงบประมาณในการดำเนินการที่มีงบประมาณดำเนินการที่น้อย จำนวนบุคลากรที่ไม่
เพียงพอ และเจ้าหน้าที่ตามกฎหมายบางส่วนขาดความรู้ความเข้าใจพระราชบัญญัติควบคุม
เครื่องดื่มแอลกอฮอล์อย่างถ่องแท้ จึงเป็นปัญหาอุปสรรคต่อการปฏิบัติตามกฎหมายและนำสู่ปัญหา
การบังคับใช้กฎหมายในลำดับต่อมา

6. ปัจจัยที่ทำให้เกิดความแตกต่างกันในการรับรู้และการปฏิบัติตามพระราชบัญญัติควบคุม เครื่องดื่มแอลกอฮอล์ พ.ศ. 2551 ของนิสิตมหาวิทยาลัยมหาสารคาม

ปัจจัยส่วนบุคคลที่ทำให้เกิดความแตกต่างกันในการรับรู้และการปฏิบัติตามพระราชบัญญัติควบคุม เครื่องดื่มแอลกอฮอล์ พ.ศ. 2551 ของนิสิตมหาวิทยาลัยมหาสารคาม คือ นิสิตที่มีเพศที่แตกต่างกันมี การรับรู้และการปฏิบัติตามกฎหมายในภาพรวมที่แตกต่างกันในด้านสถานที่จำหน่าย (t= -4.799) และด้านสถานที่ดื่ม (t= -4.497) นิสิตที่มีรายได้ต่อเดือนที่แตกต่างกันมีการรับรู้และการปฏิบัติตาม กฎหมายในภาพรวมที่แตกต่างกันในด้านสถานที่จำหน่าย (F= 9.927) และด้านสถานที่ดื่ม (F=9.407) และนิสิตที่มีค่าใช้จ่ายต่อเดือนที่แตกต่างกันมีการรับรู้และการปฏิบัติตามกฎหมายใน ภาพรวมที่แตกต่างกันในด้านสถานที่จำหน่าย (F=6.520) และด้านสถานที่ดื่ม (F=6.073) อย่างมี นัยสำคัญสำคัญทางสถิติที่ 0.05

สรุปและอภิปรายผล

1. ปัจจัยที่ทำให้เกิดความแตกต่างกันในการรับรู้และการปฏิบัติตามพระราชบัญญัติควบคุม เครื่องดื่มแอลกอฮอล์ พ.ศ. 2551 ของนิสิตมหาวิทยาลัยมหาสารคาม

นิสิตที่มีเพศ รายได้ต่อเดือนและค่าใช้จ่ายเดือนที่แตกต่างกันมีการรับรู้และการปฏิบัติตามกฎหมาย ที่แตกต่างกันในด้านสถานที่จำหน่าย และด้านสถานที่ดื่ม ทั้งนี้เพราะผู้ตอบแบบสอบถามส่วนใหญ่ เป็นผู้หญิง (ร้อยละ 67.6) สอดคล้องกับงานวิจัยของสุภาณี พันธุ์ประพันธ์ (2549) ที่พบว่า เพศ ต่างกันมีผลต่อพฤติกรรมป้องกันการดื่มเครื่องดื่มแอลกอฮอล์ของนักศึกษาแตกต่างกันและอาจ ส่งผลต่อการปฏิบัติตามกฎหมายที่แตกต่างกัน

2. การรับรู้และการปฏิบัติตามพระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ พ.ศ.2551 ของนิสิต มหาวิทยาลัยมหาสารคาม

นิสิตมหาวิทยาลัยมหาสารคามมีการรับรู้กฎหมายในภาพรวมอยู่ในสัดส่วนที่เกินครึ่งหนึ่งของกลุ่ม ตัวอย่าง โดยเฉพาะการรับรู้ด้านสถานที่ดื่ม ด้านสถานที่จำหน่าย ด้านการจำหน่าย ด้านการโฆษณา แต่มีการรับรู้ด้านเวลาน้อยที่สุดเมื่อเทียบกับด้านอื่นๆ ส่วนในการปฏิบัติตามกฎหมายนั้นนิสิตมีการ ปฏิบัติตามกฎหมายทั้งในด้านสถานที่ และด้านสถานที่ดื่มในสัดส่วนที่สูงมาก (ร้อยละ 85.2 และ 70.9) แต่มีการปฏิบัติตามกฎหมายในด้านเวลาน้อยที่สุด (ร้อยละ 46.2) เมื่อพิจารณาเปรียบเทียบกัน จึงกล่าวได้ว่า เมื่อมีการรับรู้ด้านเวลาน้อยที่สุด จึงปฏิบัติตามกฎหมายด้านเวลาน้อยที่สุดเช่นกันจึงมี

ความสมเหตุสมผลที่เมื่อรับรู้น้อยย่อมปฏิบัติตามกฎหมายน้อยเพราะขาดความรู้ความเข้าใจในด้าน
มาตรการข้อห้ามของกฎหมาย จึงย่อมนำมาซึ่งการฝ่าฝืนกฎหมายนั้นๆ และการที่นิสิตส่วนใหญ่มี
ระดับการรับรู้พระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ พ.ศ. 2551 ในภาพรวมทุกด้านใน
สัดส่วนเกินครึ่ง ทั้งนี้อาจเนื่องจากผู้ตอบแบบสอบถามส่วนใหญ่จะเป็นเพศหญิงมากกว่าเพศชายถึง
(ร้อยละ 67.6) แม้จะมีการรับรู้ด้านสถานที่ดื่มมากที่สุดแต่ในขณะเดียวกันกลับมีการรับรู้ด้านการ
จำหน่ายน้อยที่สุด แต่อย่างไรก็ดี การที่ผลวิจัยนี้ชี้ว่า นิสิตมีการรับรู้ด้านสถานที่ดื่มมากกว่าด้าน
อื่นๆ จึงสอดคล้องกับงานวิจัยของบุณฑิกา บุญไชยแสนและคณะ (2555) ที่ทำการศึกษา เรื่องการ
เข้าถึงแอลกอฮอล์ การรับรู้และการปฏิบัติตามพระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ พ.ศ.
2551 ของนิสิตมหาวิทยาลัยมหาสารคามรอบเขตมหาวิทยาลัยมหาสารคามที่พบว่า นิสิตทราบว่ามี
มาตรการด้านสถานที่มากกว่าด้านอายุและเวลา แต่เป็นที่น่าสังเกตว่าผลวิจัยชิ้นนี้ นิสิตกลับมีการ
รับรู้ห้ามว่าจำหน่ายในวัด/ศาสนสถานน้อยที่สุด (ร้อยละ 4.3) ทั้งนี้อาจเกิดจากการที่ในท้องถิ่น
อีสานเมื่อมีงานบุญมักจะมีเครื่องดื่มแอลกอฮอล์เข้ามาเกี่ยวข้องด้วยเสมอจึงทำให้นิสิตขาดความรู้
ความเข้าใจในประเด็นส่วนนี้เช่นเดียวกับงานวิจัยของพระไพศาล จนฺทธมฺโม (วงศ์ภูงา) (2556) ที่
ทำการศึกษาเรื่องความคิดเห็นของประชาชนที่มีต่อค่านิยมและผลกระทบของการดื่มสุราและ
แนวทางแก้ปัญหาตามหลักพุทธจริยธรรมของชาวพุทธในชุมชนพระลับแลและชุมชนชัยณรงค์-
สามัคคี เทศบาลขอนแก่น เขต 2 พบว่า ในสังคมไทยมีความเชื่อผิดคิดว่าการดื่มสุราเป็นวัฒนธรรม
เป็นส่วนหนึ่งของวิถีชีวิตเป็นธรรมเนียมปฏิบัติที่แทรกซึมอยู่ในทัศนคติของผู้คนในสังคมโดยมอง
ว่าการดื่มเป็นเรื่องปกติแม้งานบุญก็เช่นกัน นอกจากนี้ในผลของการวิจัยนี้ยังพบอีกว่า นิสิตมีการ
รับรู้ด้านเวลาจำหน่ายในสัดส่วนที่ไม่ถึงครึ่งหนึ่งของกลุ่มตัวอย่าง คือ กรณีห้ามจำหน่ายใน
ช่วงเวลา 14.00-17.00 น. เพียง (ร้อยละ 40.2) เท่านั้นเมื่อพิจารณาประกอบกับกรณีการจำหน่ายของ
ผู้จำหน่ายเครื่องดื่มแอลกอฮอล์บางส่วนที่ยังมีการฝ่าฝืนกฎหมายด้วยเหตุผลว่า ไม่คิดว่าผิดระเบียบ
เมื่อประกอบกับเจ้าหน้าที่ตามกฎหมายส่วนหนึ่ง (จำนวน 6 คน) ยังเคยมีการพบเห็นการซื้อ-ขาย
เครื่องดื่มในช่วงเวลาดังกล่าวในร้านขายของชำ/โชว์ห่วย แต่ไม่ได้ดำเนินการจึงเป็นอาจเป็นส่วน
หนึ่งทำให้นิสิตรับรู้และเข้าใจได้ว่า เมื่อร้านค้าสามารถจำหน่ายได้และเจ้าหน้าที่ตามกฎหมายไม่ได้
ดำเนินการเอาผิดใดๆ จึงสามารถที่จะกระทำได้จึงเป็นการบ่มเพาะนิสัยที่ไม่ตระหนักถึงกฎระเบียบ
มาตรการของภาครัฐและเป็นการฝึกนิสัยที่หย่อนยานในการไม่เคารพต่อกฎหมายและสร้างวินัยที่
ไม่ดีแก่ทั้งนิสิตและผู้จำหน่ายเครื่องดื่มแอลกอฮอล์ นอกจากนี้การนิสิตมีการปฏิบัติตามกฎหมายด้าน
เวลาน้อยที่สุด (ร้อยละ 46.2) ซึ่งสอดคล้องกับการรับรู้ที่นิสิตมีการรับรู้กฎหมายด้านเวลาน้อยที่สุดจึงมี
การปฏิบัติตามกฎหมายด้านเวลาน้อยที่สุดเช่นกันสาเหตุส่วนหนึ่งเกิดจากการที่ผู้จำหน่ายเครื่องดื่ม
แอลกอฮอล์ขาดการตระหนักถึงมาตรการทางกฎหมายที่กำหนด หรือเกิดจากการ ไม่รู้ถึงมาตรการ
ทางกฎหมายดังกล่าวจึงยังมีการจำหน่ายเครื่องดื่มแอลกอฮอล์ให้กับนิสิต รวมถึงนิสิตเองที่ขาดการ
เคารพต่อกฎหมาย ส่วนด้านสถานที่ห้ามนั่งดื่มนั้น พบว่า นิสิตส่วนใหญ่ไม่มีการดื่มในสถานที่

กฎหมายห้าม (ร้อยละ 70.9) มีเพียงส่วนน้อยเท่านั้นที่มีการฝ่าฝืนกฎหมายโดยมีการดื่มในหอพัก (ร้อยละ 26.4) และในบริเวณโรงเรียน/มหาวิทยาลัย/สถาบันการศึกษาต่างๆ (ร้อยละ 2.0) และ บริเวณวัด/ศาสนสถานต่างๆ (ร้อยละ 1.8) สอดคล้องกับงานวิจัยของบุณฑริกา บุญไชยแสนและ คณะ (2555) ที่พบว่า นิสิต ร้อยละ 13.6 มีการดื่มในสถานที่ห้ามดื่มและมีการดื่มในกิจกรรมของ มหาวิทยาลัยถึง ร้อยละ 21.8 ส่วนด้านการโฆษณา พบว่า ส่วนใหญ่พบเห็นการส่งเสริมการโฆษณา เครื่องดื่มแอลกอฮอล์โดยผ่านสื่อโทรทัศน์มากที่สุด (ร้อยละ 43.5) และการส่งเสริมการโฆษณามี อิทธิพลต่อการดื่มเครื่องดื่มแอลกอฮอล์ (ร้อยละ 79.6) สอดคล้องกับงานวิจัยของพงษ์เดช สารการ (2552) ที่ทำการศึกษาวิจัยเรื่อง การประเมินผลพระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ในพื้นที่ จังหวัดอุบลราชธานี ที่พบว่า เคยเห็น/ได้ยินโฆษณาเครื่องดื่มแอลกอฮอล์ผ่านสื่อโทรทัศน์โดย ภาพรวม และสอดคล้องกับงานวิจัยของเพ็ญพักตร์ มุงคุณคำซาว (2552) ที่ทำการศึกษาวิจัยเรื่อง ปัจจัยที่มีอิทธิพลต่อพฤติกรรมการดื่มเครื่องดื่มแอลกอฮอล์ของนักเรียนระดับมัธยมศึกษาตอนต้น ในจังหวัดชัยภูมิ พบว่า อิทธิพลจากสื่อโฆษณามีผลต่อการทำให้ผู้ดื่มรู้จักเครื่องดื่มชนิดใหม่ๆ จาก การโฆษณาทางโทรทัศน์และเห็นตัวละครในโทรทัศน์มีการดื่มจึงเห็นว่าเป็นเรื่องที่ปกติ

3. การรับรู้และการปฏิบัติตามพระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ พ.ศ. 2551 ของผู้ จำหน่ายเครื่องดื่มแอลกอฮอล์

ผู้จำหน่ายเครื่องดื่มแอลกอฮอล์มีระดับการรับรู้ในสัดส่วนที่น้อยมากโดยเฉพาะในด้านสถานที่ดื่ม และด้านสถานที่จำหน่าย แต่จะมีการรับรู้ด้านการจำหน่ายมากที่สุด คือ กรณีห้ามจำหน่ายให้แก่คน เมา (ร้อยละ 58.1) ทั้งนี้ อาจเนื่องจากผู้ตอบแบบสอบถามส่วนใหญ่เป็นลูกจ้างหรือผู้ดูแลร้าน (ร้อย ละ 83.6) จึงอาจขาดความรู้ความเข้าใจในเรื่องเกี่ยวกับกฎหมายอย่างถ่องแท้ ผลการวิจัยนี้จึง แตกต่างกับงานวิจัยของสุรศักดิ์ ไชยสงค์และคณะ (2554) ที่ทำการศึกษาวิจัยเรื่องการรับรู้และการ ปฏิบัติตามกฎหมายควบคุมเครื่องดื่มแอลกอฮอล์ของผู้จำหน่ายเครื่องดื่มแอลกอฮอล์รอบเขต มหาวิทยาลัยมหาสารคาม วิทยาเขตขามเรียงที่พบว่า ผู้จำหน่าย ร้อยละ 93.8 รับรู้พระราชบัญญัติ ควบคุมเครื่องดื่มแอลกอฮอล์ และส่วนใหญ่มีการรับรู้มาตรการทุกด้านทั้งด้านการห้ามดื่ม ห้ามขาย และห้ามส่งเสริมการขาย โดยเฉพาะมีการรับรู้มากที่สุด คือ ห้ามดื่มในวัด/โรงเรียน (ร้อยละ 97.9) แต่มีการรับรู้น้อยที่สุด คือ ห้ามดื่ม/ขายในปั๊มน้ำมัน (ร้อยละ 39.6) แต่อย่างไรก็ดี ผลของการวิจัยชิ้น นี้สอดคล้องกับงานวิจัยของสุรศักดิ์ ไชยสงค์และคณะ (2554) ในประเด็นที่ว่ามาตรการที่ผู้จำหน่าย รับรู้น้อยที่สุด คือ ห้ามดื่ม/ขายในปั๊มน้ำมันซึ่งงานวิจัยนี้มีข้อค้นพบเช่นกันว่าผู้จำหน่ายมีการรับรู้ ด้านสถานที่จำหน่ายต่ำที่สุด โดยเฉพาะการห้ามจำหน่ายในสถานีบริการน้ำมันเชื้อเพลิงที่ผู้จำหน่าย เครื่องดื่มแอลกอฮอล์ไม่รับรู้ถึง (ร้อยละ 87.1) เช่นกันส่วนการรับรู้ด้านสถานที่จำหน่าย การวิจัยนี้ พบว่า ผู้จำหน่ายเครื่องดื่มแอลกอฮอล์ไม่มีการรับรู้ในสัดส่วนที่สูงมากเพราะไม่มีการรับรู้ถึงการ

ห้ามจำหน่ายในวัด/ศาสนสถานต่างๆ ในสถานที่ราชการและในสถานที่บริการสาธารณสุขหรือ
โรงพยาบาลของรัฐและเอกชน ในสัดส่วนถึง (ร้อยละ 100.0) ซึ่งสอดคล้องกับงานวิจัยของสุรศักดิ์
ไชยสงค์และคณะ (2554) ที่พบว่า ผู้จำหน่ายมีการรับรู้น้อยที่สุด คือ ห้ามดื่ม/ขายในปั๊มน้ำมัน (ร้อย
ละ 39.6) เช่นกัน ส่วนการรับรู้ด้านอายุบุคคลของการจำหน่ายเครื่องดื่มแอลกอฮอล์ พบว่า มีการ
รับรู้ในสัดส่วนที่น้อยมากเพราะสัดส่วนการไม่รับรู้และไม่แน่ใจอยู่ในระดับที่สูงมากโดยการห้าม
จำหน่ายเครื่องดื่มแอลกอฮอล์แก่เด็กอายุต่ำกว่า 20 ปี มีสัดส่วนที่ตอบไม่แน่ใจ (ร้อยละ 74.2) และ
ไม่แน่ใจว่าหากมีการฝ่าฝืนไม่ปฏิบัติตามมาตรการควบคุมพระราชบัญญัติเครื่องดื่มแอลกอฮอล์
พ.ศ. 2551 มีโทษจำหรือปรับ (ร้อยละ 96.8) สอดคล้องกับงานวิจัยของสายัญ บุญเลิศ (2556) ที่
ทำการศึกษาวิจัยเรื่อง ผลการบังคับใช้กฎหมายตามพระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์
พ.ศ. 2551 ตำบลละลาย อำเภอกันทรวิชัย จังหวัดศรีสะเกษ พบว่า ผู้จำหน่ายมีการรับรู้เกี่ยวกับ
กฎระเบียบและมาตรการควบคุมเครื่องดื่มแอลกอฮอล์ ร้อยละ 18.8 และยังปรากฏว่ายังมีการ
จำหน่ายเครื่องดื่มแอลกอฮอล์ให้กับเด็กอายุต่ำกว่า 18 ปี โดยตำรวจได้มีการกวดขันร้านค้าเป็นบาง
โอกาส ร้อยละ 65.9 และมีการจับกุม ร้อยละ 39.0 ในส่วนของการปฏิบัติตามกฎหมายของผู้
จำหน่ายเครื่องดื่มแอลกอฮอล์ พบว่า ผู้จำหน่ายเครื่องดื่มแอลกอฮอล์มีการปฏิบัติตามกฎหมาย
บางส่วนและมีบางส่วนที่ยังคงมีการฝ่าฝืนกฎหมายในแต่ละด้านโดยเฉพาะด้านการจำหน่ายที่เคยมี
การจำหน่ายแบบขายพ่วง ขายเร่ (ร้อยละ 100.0) เท่ากัน เหตุผลที่ขายเพราะ ไม่รู้ว่าเพราะผิดระเบียบ
รวมถึงรู้ว่าผิดแต่ไม่คิดว่าจะถูกจับกุม ทั้งนี้อาจเพราะผู้จำหน่ายส่วนใหญ่เป็นลูกจ้างหรือผู้ดูแลร้าน
เท่านั้นจึงไม่ทราบถึงมาตรการของกฎหมาย จึงทำให้ไม่ตระหนักถึงผลเสียที่จะตามมาทั้งๆ ที่ผู้
จำหน่ายเครื่องดื่มแอลกอฮอล์ส่วนใหญ่ (ร้อยละ 64.5) ทราบดีว่า การดื่มเครื่องดื่มแอลกอฮอล์ของ
นิสิตจะก่อให้เกิดผลเสียหายต่อสังคมและก่อให้เกิดอาชญากรรมได้ สำหรับผลที่ตามมาจากการฝ่า
ฝืนกฎหมายส่วนใหญ่จะไม่มีผลใดๆ เกิดขึ้นมีเพียงส่วนน้อยที่ถูกตักเตือนหรือถูกจับกุมอันเป็นการ
แสดงให้เห็นถึงการหย่อนยานในการบังคับใช้กฎหมายของเจ้าหน้าที่จึงส่งผลให้ผู้จำหน่ายไม่
ตระหนักที่จะปฏิบัติตามกฎหมายอย่างเคร่งครัด รวมถึงการขาดประสิทธิภาพการบังคับใช้กฎหมาย
ของเจ้าหน้าที่ตามกฎหมาย สอดคล้องกับงานวิจัยของยุทธพล บุญเกิด (2552) ที่ทำการศึกษาวิจัย
เรื่อง ปัญหาทางกฎหมายในการบังคับใช้พระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ พ.ศ. 2551 :
ศึกษาเฉพาะกรณีการควบคุมสถานที่ พบว่า ทั้งผู้ผลิต ผู้จำหน่าย ผู้บริโภค รวมถึงผู้ประกอบการใน
สถานบริการต่างๆ ที่เกี่ยวกับเครื่องดื่มแอลกอฮอล์ไม่มีความเกรงกลัวต่อตัวบทกฎหมายที่จะ
ลงโทษต่อผู้ที่ฝ่าฝืนแต่อย่างใด

4. การรับรู้พระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ พ.ศ. 2551 ของเจ้าหน้าที่ตามกฎหมาย

เจ้าหน้าที่ตามกฎหมายมีการรับรู้พระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ พ.ศ. 2551 ในระดับ มาก โดยกลุ่มตัวอย่างทั้งหมด (จำนวน 19-20 คน) มีการรับรู้ด้านสถานที่ดื่มมากที่สุด รวมถึงด้าน สถานที่จำหน่ายด้วย แต่ขณะเดียวกันมีการรับรู้ด้านการจำหน่ายน้อยที่สุดเพียง (จำนวน 14 คน) แต่ อย่างไรก็ดี ยังคงถือว่าเป็นสัดส่วนที่เกินครึ่งหนึ่งของจำนวนกลุ่มตัวอย่าง สอดคล้องกับข้อมูล สัมภาษณ์ที่ส่วนใหญ่เจ้าหน้าที่ตามกฎหมายจะมีการรับรู้กฎหมายโดยเฉพาะการรับรู้ด้านสถานที่ ดื่มมากที่สุด ทั้งนี้เนื่องจากเจ้าหน้าที่ตามกฎหมายที่อยู่ในระดับสูงจะได้รับการอบรม การปฏิบัติการ เพื่อรองรับนโยบายของรัฐและเพื่อนำถ่ายทอดผู้ใต้บังคับบัญชาในการนำสู่การปฏิบัติงานหรือ ปฏิบัติภารกิจให้สำเร็จลุล่วงต่อไป มีเพียงบางส่วนที่ไม่ได้เป็นเจ้าหน้าที่ที่รับผิดชอบโดยตรงจึง ไม่ได้มีการรับฝึกอบรมหรือรับการเสริมความรู้ให้เป็นการเฉพาะ สอดคล้องกับงานวิจัยของดุษฎี อายุวัฒน์และวณิชชา ณรงค์ชัย (2553) ที่ทำการศึกษาวิจัยเรื่อง โครงการประเมินผลการบังคับใช้ กฎหมายตามพระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ พ.ศ. 2551 ในเขตภาค ตะวันออกเฉียงเหนือ (จังหวัดอุดรธานีและจังหวัดขอนแก่น) ที่พบว่า เจ้าหน้าที่ตามกฎหมายมีการ รับรู้เกี่ยวกับมาตรการควบคุมสถานที่จำหน่ายและสถานที่ดื่มในระดับมากเป็นสัดส่วนสูง ถึงร้อย ละ 80-85 และสอดคล้องกับงานวิจัยของพงษ์เดช สารการ (2552) ที่ทำการศึกษาวิจัยเรื่อง การ ประเมินผลพระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ในพื้นที่อุบลราชธานี พบว่า เจ้าหน้าที่ตาม กฎหมายมีการรับรู้ กฎระเบียบหรือมาตรการเพื่อควบคุมเครื่องดื่มแอลกอฮอล์เกี่ยวกับสถานที่ห้าม จำหน่ายแอลกอฮอล์อยู่ในระดับมาก

5. การบังคับใช้กฎหมายควบคุมเครื่องดื่มแอลกอฮอล์ของเจ้าหน้าที่ตามกฎหมาย

เจ้าหน้าที่ตามกฎหมายมีการปฏิบัติตามกฎหมาย รวมถึงการบังคับใช้กฎหมายที่น้อยเมื่อเทียบกับ จำนวนสัดส่วนของเจ้าหน้าที่ทั้งหมดที่เป็นกลุ่มตัวอย่างทั้งหมด (จำนวน 20 คน) แม้จะมีสัดส่วน เพียง (จำนวน 1-14 คน) ที่เคยมีการพบเห็น แต่มีเพียงเจ้าหน้าที่ตามกฎหมายส่วนน้อยเท่านั้นที่ ดำเนินการทางคดี คือ (จำนวน 1-9 คน) เท่านั้น กรณีจึงเป็นการแสดงให้เห็นถึงการไม่เข้มงวด เคร่งครัด และจริงจังต่อการปฏิบัติตามกฎหมาย สอดคล้องกับข้อมูลเชิงสัมภาษณ์ที่ส่วนใหญ่จะมี การดำเนินการเมื่อมีนโยบายเชิงรุก หรือมีนโยบายเร่งด่วนกรณีที่เกิดเหตุหรือมีผลสืบเนื่องมาจาก การดื่มเครื่องดื่มแอลกอฮอล์ มีการตรวจตราเป็นครั้งคราวเท่านั้นตามสภาพการณ์ รวมถึงการที่ เจ้าหน้าที่ตามกฎหมายมีทัศนคติเชิงบวกเกี่ยวกับการดื่มเครื่องดื่มแอลกอฮอล์ และมีมุมมองที่ว่าเมื่อ รัฐผลิตออกมาหรือสนับสนุนในการจำหน่ายและเป็นสิ่งที่ถูกกฎหมาย ดังนั้น การดื่มกิน หรือการ จำหน่ายจึงสามารถกระทำโดยประกอบกับภารกิจในหน้าที่ที่มีจำนวนมากทำให้มีงานล้นมือ

โดยเฉพาะเจ้าหน้าที่ตำรวจที่มีภารกิจครอบคลุมที่หลากหลายส่งผลให้เจ้าหน้าที่ต้องแบก
ภาระหน้าที่ในการดำเนินการทุกเรื่อง จึงต้องดำเนินการในเรื่องที่ส่งผลกระทบต่อสวัสดิภาพความ
ปลอดภัยประโยชน์สูงสุดของประชาชนเป็นสำคัญมากกว่าการควบคุมเรื่องการดื่มเครื่องดื่ม
แอลกอฮอล์ หรือการกวดขันผู้กระทำผิดกฎหมายเกี่ยวกับเครื่องดื่มแอลกอฮอล์ นอกจากนี้เจ้าหน้าที่
ตามกฎหมายประสบปัญหาเกี่ยวกับงบประมาณในการดำเนินการที่มีงบประมาณดำเนินการที่น้อย
จำนวนคนไม่เพียงพอ และเจ้าหน้าที่ตามกฎหมายบางส่วนขาดความรู้ความเข้าใจพระราชบัญญัติ
ควบคุมเครื่องดื่มแอลกอฮอล์อย่างถ่องแท้ จึงเป็นปัญหาอุปสรรคต่อการปฏิบัติตามกฎหมายและ
นำสู่ปัญหาการบังคับใช้กฎหมายในลำดับต่อมา เมื่อประกอบกับทัศนคติส่วนตัวของเจ้าหน้าที่ที่เมื่อ
พบเห็นผู้กระทำผิดกลับไม่ได้มีการดำเนินการใดๆ ด้วยเหตุผลที่ว่า ไม่มีอำนาจดำเนินการ เป็นเรื่อง
ธรรมดาของทางการค้าขาย อีกทั้งเป็นเรื่องธรรมดาของวัยรุ่นที่มีการดื่มเครื่องดื่มแอลกอฮอล์ จึง
สอดคล้องกับงานวิจัยของดุษฎี อายุวัฒน์และวณิชชา ณรงค์ชัย (2553) ที่ทำการศึกษาวิจัยเรื่อง
โครงการประเมินผลการบังคับใช้กฎหมายตามพระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ พ.ศ.
2551 ในเขตภาคตะวันออกเฉียงเหนือ (จังหวัดอุดรธานีและจังหวัดขอนแก่น) ที่พบว่า เจ้าหน้าที่
ตามกฎหมาย ร้อยละ 53 เคยพบเห็นการกระทำผิดตามพระราชบัญญัติ ซึ่งได้ตักเตือนถึง ร้อยละ 61
แต่มีเจ้าหน้าที่ตามกฎหมายถึง 1 ใน 4 ไม่ได้ดำเนินการแต่อย่างใด รวมถึงจากผลวิจัยนี้พบว่า
เจ้าหน้าที่ตามกฎหมายยังคงมีการดื่มเครื่องดื่มแอลกอฮอล์ในสัดส่วนถึง (จำนวน 12 คน) จึงเป็น
การแสดงให้เห็นถึงทัศนคติเชิงบวกของเจ้าหน้าที่ตามกฎหมายที่มีต่อการดื่มเครื่องดื่มแอลกอฮอล์
สอดคล้องกับงานวิจัยของพงษ์เดช สารการ (2552) ที่ทำการศึกษาวิจัยเรื่อง การประเมินผล
พระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ในพื้นที่จังหวัดอุบลราชธานี อันเป็นการสนับสนุนให้
เห็นว่า แท้จริงแล้วเจ้าหน้าที่ตามกฎหมายนั้น ไม่ว่าจะเป็นเจ้าหน้าที่สาธารณสุข และนายตำรวจชั้น
ประทวนมีการพบเห็นการซื้อการดื่มในสถานที่และเวลาต้องห้ามแต่ไม่มีการดำเนินการเนื่องจากไม่
มีความชัดเจนในบทบาทและมาตรการลงโทษทางกฎหมาย แม้ส่วนใหญ่จะมีการรับรู้ถึงมาตรการ
ด้านกฎหมายควบคุมเครื่องดื่มแอลกอฮอล์ในระดับมากก็ตามสอดคล้องกับความคิดเห็นในงานวิจัย
ของปิยอรพงศ์ ฟั่นอ้ายและคณะ (ม.ป.ท.) ที่ทำการศึกษาวิจัยเรื่อง ปัญหาทางกฎหมายในการจัด
ระเบียบร้านเครื่องดื่มแอลกอฮอล์ ที่พบว่า แท้จริงแล้วการควบคุมการจำหน่ายนั้นไม่มีความชัดเจน
และขาดมาตรการบังคับที่จะทำให้เกิดผลตามกฎหมายอย่างเพียงพอ ไม่มีประสิทธิภาพทั้งในแง่การ
รับรู้กฎหมายและการปฏิบัติตามกฎหมาย นอกจากนี้ จากผลวิจัยจากการสัมภาษณ์ที่พบว่า ยังมีการ
โฆษณาเครื่องดื่มแอลกอฮอล์โดยแฝงมากับสินค้าต่างๆ ไม่ว่าจะเป็นเสื้อผ้า การแข่งกีฬา ของที่
ระลึกต่างๆ สอดคล้องกับงานวิจัยของธีรวุฒิ ทองทับ (2552) ทำการศึกษาวิจัยเรื่อง มาตรการทาง
กฎหมายในการคุ้มครองด้านการโฆษณาเครื่องดื่มแอลกอฮอล์ของประเทศไทยที่พบว่า กฎหมายที่
ใช้บังคับอยู่ยังไม่มีความครอบคลุมทำให้เกิดปัญหาขึ้น ได้แก่ การโฆษณาแฝงสินค้าเครื่องดื่ม
แอลกอฮอล์ การใช้รูปแบบของการโฆษณา ณ จุดขายสินค้า การโฆษณาเครื่องดื่มแอลกอฮอล์ในสื่อ

วิทยุกระจายเสียงและวิทยุโทรทัศน์ที่ฝ่าฝืนกฎหมาย ทำให้มาตรการควบคุมการโฆษณาเครื่องดื่ม
แอลกอฮอล์ที่ใช้บังคับอยู่ไม่มีประสิทธิภาพ รวมถึงมาตรการลงโทษผู้ประกอบธุรกิจที่กระทำ
ความผิดที่ไม่เด็ดขาด จึงยังพบการโฆษณาเครื่องดื่มแอลกอฮอล์ได้ทั่วไป

6. ความสัมพันธ์ของการรับรู้และการปฏิบัติตามกฎหมายของนิสิตมหาวิทยาลัยมหาสารคามที่มีผล
ต่อการบังคับใช้กฎหมายของเจ้าหน้าที่ตามกฎหมาย

จากการทดสอบสมมติฐานที่พบว่า เพศ รายได้ต่อเดือน และค่าใช้จ่ายต่อเดือนของนิสิตมหาวิทยาลัย
มหาสารคามมีความสัมพันธ์ต่อการรับรู้และการปฏิบัติตามกฎหมายที่แตกต่างกัน กล่าวคือ
เนื่องจากในงานวิจัยชิ้นนี้ผู้ตอบแบบสอบถามจะเป็นเพศหญิงมากกว่าเพศชาย ดังนั้น เพศจึงส่งผล
ต่อการรับรู้และปฏิบัติตามกฎหมาย จะมีการรับรู้ด้านสถานที่จำหน่ายและสถานที่ดื่มเป็นสำคัญ
นอกจากนี้ รายได้ต่อเดือนของนิสิตที่ได้รับมีผลต่อการรับรู้และการปฏิบัติตามกฎหมายในด้าน
สถานที่จำหน่ายและด้านสถานที่ดื่ม และค่าใช้จ่ายต่อเดือนของนิสิตที่แตกต่างกันมีผลต่อการรับรู้
และการปฏิบัติตามกฎหมายในด้านสถานที่จำหน่ายและด้านสถานที่ดื่มเช่นกัน กล่าวได้ว่า เมื่อนิสิต
มีการรับรู้และมีการปฏิบัติตามกฎหมายที่ยังไม่เคร่งครัด จึงส่งผลให้มีเพียงบางส่วนที่มีการฝ่าฝืน
กฎหมาย แต่อย่างไรก็ดี แม้จะมีนิสิตส่วนน้อยที่ฝ่าฝืนกฎหมายแต่มีผลต่อการปฏิบัติหน้าที่ของ
เจ้าหน้าที่ตามกฎหมาย จากข้อมูลสัมภาษณ์พบว่า เจ้าหน้าที่ตามกฎหมายมีมุมมองว่า การกระทำผิด
ในเรื่องการดื่มเครื่องดื่มแอลกอฮอล์ของนิสิต หรือการฝ่าฝืนกฎหมายของนิสิตเป็นเรื่องที่ธรรมดา
เป็นเรื่องปกติเพราะเป็นช่วงที่อยู่ในวัยรุ่นเมื่อเจ้าหน้าที่ตามกฎหมายมีทัศนคติเช่นนี้จึงเกิดการ
ละเลยและไม่ปฏิบัติตามกฎหมายอย่างเคร่งครัดจริงจัง จึงเป็นช่องทางรวมถึงเป็นการเปิดโอกาสให้
นิสิตเหล่านี้ยังคงมีพฤติกรรมการฝ่าฝืนกฎหมายอันเป็นการบ่มเพาะนิสัยที่กระทำผิดกฎหมายอยู่
เนืองๆ และขาดความยำเกรงในผลบังคับของกฎหมาย จึงส่งผลทำให้การบังคับใช้กฎหมายของ
เจ้าหน้าที่ตามกฎหมายขาดประสิทธิภาพในการที่จะควบคุมการดื่มเครื่องดื่มแอลกอฮอล์ รวมถึงการ
ควบคุมเครื่องดื่มแอลกอฮอล์รอบเขตสถานศึกษา สอดคล้องกับงานวิจัยของดุษฎี อายุวัฒน์ และ
วณิชชา ณรงค์ชัย (2553) ที่พบว่า เจ้าพนักงานตามกฎหมาย 1 ใน 4 ไม่ได้ดำเนินการต่อผู้ฝ่าฝืน
กฎหมายแต่อย่างใด นอกจากนี้ จากผลวิจัยชิ้นนี้ พบว่า จากการที่เจ้าหน้าที่ตามกฎหมายบางส่วน
ไม่ได้มีอำนาจโดยตรงในการดำเนินการทางคดีจึงทำให้เกิดช่องว่าง และเกิดการปล่อยปละละเลย
กับปัญหาที่นิสิตมีการฝ่าฝืนกฎหมาย สอดคล้องกับงานวิจัยของพงษ์เดช สารการ (2552)
ทำการศึกษาวิจัยเรื่อง การประเมินผลพระราชบัญญัติควบคุมเครื่องดื่มแอลกอฮอล์ในพื้นที่จังหวัด
อุบลราชธานี พบว่า เจ้าหน้าที่สาธารณสุขและนายตำรวจชั้นประทวน เคยพบเห็นการซื้อการดื่มใน
สถานที่และเวลาต้องห้าม แต่ไม่ได้ดำเนินการเนื่องจากไม่มีความชัดเจนในบทบาทและมาตรการ
ทางกฎหมาย

ข้อเสนอแนะที่ได้จากการวิจัย

1) เชิงวิชาการ:1) ควรมีการรณรงค์ให้ความรู้ มีการปลูกจิตสำนึก สร้างความตระหนักถึงผลเสียที่จะเกิดขึ้นจากการฝ่าฝืนกฎหมาย 2) มหาวิทยาลัยควรร่วมมือกับคณะนิติศาสตร์ในพื้นที่เพื่อทำการเผยแพร่ความรู้กฎหมายแก่นิสิต ผู้จำหน่ายเครื่องดื่มแอลกอฮอล์และเจ้าหน้าที่ตามกฎหมายตลอดจนงดเครื่องดื่มแอลกอฮอล์ในทุกกิจกรรมของมหาวิทยาลัย ชุมชนและหน่วยงานต่างๆ

2) เชิงนโยบาย:1) สร้างเครือข่ายระหว่างมหาวิทยาลัย กับชุมชน หน่วยงานที่เกี่ยวข้องเน้นการทำงานด้านความร่วมมือและสร้างความเข้มแข็งในการต่อสู้กับปัญหาการดื่ม การจำหน่าย การเปิดสถานประกอบการรอบเขตมหาวิทยาลัย โดยต้องมีรัฐเป็นผู้สนับสนุนในทุกมิติตามความต้องการและจำเป็นและต้องดำเนินการอย่างจริงจังต่อเนื่อง2) การออกใบอนุญาตจำหน่าย/ให้บริการเครื่องดื่ม รัฐควรมีมาตรการในการควบคุมการออกใบอนุญาตที่เข้มงวดและรัดกุมขึ้น 3) ควรมีนโยบายมาตรการห้ามโฆษณาแฝงเครื่องดื่มแอลกอฮอล์ในเชิงรูปแบบต่างๆ โดยเฉพาะการโฆษณาผ่านช่องทางโทรทัศน์ สื่อโซเชียลมีเดีย หรือบิลบอร์ดต่างๆ 4) หน่วยงานที่เกี่ยวข้องควรมีการวางแผน ออกมาตรการและนโยบายเพื่อควบคุมการจำหน่ายหรือการเปิดสถานประกอบการรอบเขตสถานศึกษาโดยการกำหนดโซนนิ่งที่เป็นสถานที่ให้บริการหรือจำหน่ายเป็นการเฉพาะ โดยกำหนดผังเมืองแบ่งพื้นที่เขตจำหน่ายให้ชัดเจนโดยไม่ควรอยู่ใกล้สถานศึกษาในระยะ 1,500 เมตร 5) เพิ่มมาตรการบังคับใช้กฎหมาย โดยตั้งหน่วยเฉพาะกิจของเจ้าหน้าที่ตามกฎหมายที่เกี่ยวข้องร่วมกับ มหาวิทยาลัย ในการออกตรวจตราตามสถานที่ต้องห้ามจำหน่าย สถานที่ห้ามดื่ม ร้านค้าและสถานบริการต่างๆ และ 6) ควรมีมาตรการสร้างแรงจูงใจในหน่วยงานที่ปฏิบัติหน้าที่โดยกำหนดรางวัลสำหรับเจ้าหน้าที่ตามกฎหมายที่กำกับดูแลควบคุมให้เป็นไปตามกฎหมายเพื่อเป็นขวัญกำลังใจ

3) เชิงปฏิบัติการ: 1) มหาวิทยาลัยควรที่จะต้องดำเนินการลงสำรวจการดื่มของนิสิตรอบสถานศึกษาเป็นประจำโดยร่วมมือกับเจ้าหน้าที่ตามกฎหมาย 2) นิสิต ผู้จำหน่ายเครื่องดื่มแอลกอฮอล์และเจ้าหน้าที่ตามกฎหมาย ควรต้องมีการปฏิบัติตามกฎหมายอย่างเคร่งครัด 3) เจ้าหน้าที่ตามกฎหมายต้องเป็นแบบอย่างในการ ไม่ดื่มเครื่องดื่มแอลกอฮอล์ 4) บทลงโทษผู้ฝ่าฝืนหรือผู้กระทำผิด ควรจะมีการลงโทษอย่างจริงจัง และ ไม่ควรมองเป็นเรื่องธรรมดาของการดื่มเครื่องดื่มแอลกอฮอล์ และเจ้าหน้าที่ตามกฎหมายควรตระหนักถึงหน้าที่ความรับผิดชอบอย่างแท้จริง

ข้อเสนอแนะสำหรับการศึกษาวิจัยครั้งต่อไป

1) ควรมีการศึกษาวิจัยเพื่อพัฒนาการเผยแพร่ความรู้เกี่ยวกับกฎหมายควบคุมเครื่องดื่มแอลกอฮอล์ และประกาศกระทรวงที่เกี่ยวข้องเพื่อให้บุคคลทุกฝ่ายที่เกี่ยวข้องได้รับความรู้อย่างกว้างขวางอัน อาจจะนำไปสู่การปฏิบัติตามกฎหมายที่มีประสิทธิภาพมากยิ่งขึ้นต่อไป

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Policy Regarding the Increasing the Role of Standing Committee, the Senate on Controlling State Administration

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Abstract

This study aims to develop a preliminary framework for increasing and enhancing the role of the Standing Committees of the Thai Senate. It will explore the current status and roles of the Committees in monitoring and policy controlling of the House of the Representatives. Officially, the roles of the Committees cover five aspects (1) giving comments to the policy statement of the cabinet; (2) policy inquiring and questioning; (3) parliamentary debate; (4) establishing ad hoc committee; and (5) political impeachment. Practically, based on several research works and preliminary observations, the roles of the committees are still very limited and no so efficient. This research tries to surveys the key factors that affect the roles and authorities of the committees in practices and will try to develop a guideline that might help to increase and enhance the roles of the committees.

Keywords: Constitution/ Administrative System/ Thailand

ข้อเสนอแนะเชิงนโยบายในการเพิ่มบทบาทการควบคุมการบริหารราชการแผ่นดิน

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บทคัดย่อ

การศึกษานี้มีจุดประสงค์เพื่อหาข้อเสนอเชิงนโยบายในการเพิ่มบทบาทการควบคุมการบริหาร
ราชการแผ่นดินของคณะกรรมาธิการสามัญประจำวุฒิสภา ในครั้งนี้ มีวัตถุประสงค์เพื่อศึกษาสภาพ
ทั่วไปของการปฏิบัติหน้าที่ในการพิจารณาศึกษาของคณะกรรมาธิการสามัญประจำวุฒิสภา และ
ศึกษาหาข้อเสนอแนะเชิงนโยบายในการเพิ่มบทบาทการควบคุมการบริหารราชการแผ่นดินของ
คณะกรรมาธิการสามัญประจำวุฒิสภา ให้มีประสิทธิภาพมากยิ่งขึ้น ซึ่งการควบคุมการบริหาร
ราชการแผ่นดินโดยฝ่ายนิติบัญญัติเป็นแนวทางหนึ่งในการควบคุมและตรวจสอบการดำเนินงาน
ของฝ่ายบริหารให้เป็นไปตามที่ได้มีการแถลงนโยบายต่อรัฐสภา รวมทั้งเป็นไปตามบทบัญญัติของ
รัฐธรรมนูญและกฎหมาย ซึ่งจะเป็นการก่อให้เกิดการถ่วงดุลอำนาจของฝ่ายนิติบัญญัติและฝ่าย

บริหารให้อยู่ในภาวะที่สมดุลระหว่างกันทั้งสองฝ่ายโดยการควบคุมการบริหารราชการแผ่นดิน นับว่าเป็นปัจจัยที่มีความสำคัญประการหนึ่งในการปกครองระบอบประชาธิปไตยในระบบรัฐสภา ซึ่งในปัจจุบันการควบคุมการบริหารราชการแผ่นดินโดยฝ่ายนิติบัญญัติอาจแบ่งออกได้เป็น 5 กระบวนการ ดังนี้ (1) การแถลงนโยบายต่อรัฐสภา (2) การตั้งกระทู้ถาม (3) การเปิดอภิปรายทั่วไป (4) การตั้งคณะกรรมาธิการ (5) การถอดถอนผู้ดำรงตำแหน่งทางการเมืองและผู้ดำรงตำแหน่ง ระดับสูง

ซึ่งในส่วนที่ศึกษาเพื่อหาข้อเสนอเชิงนโยบายเกี่ยวกับการเพิ่มประสิทธิภาพการควบคุมการบริหาร ราชการแผ่นดิน จะศึกษาในส่วนของบทบาทของคณะกรรมาธิการสามัญประจำวุฒิสภา ที่ถือว่าเป็น ส่วนที่เกี่ยวข้องกับการควบคุมการบริหารราชการแผ่นดิน ที่เป็นหนึ่งในกลไกที่มีความสำคัญและ เป็นการสร้างดุลภาพแห่งอำนาจกับฝ่ายบริหาร แต่ที่ผ่านมาภายหลังจากที่คณะกรรมาธิการได้มีการ พิจารณาศึกษา รวมทั้งให้ข้อคิดเห็นและข้อเสนอแนะไปยังหน่วยงานต่าง ๆ ที่เกี่ยวข้อง แต่ไม่ค่อย ประสพผลสัมฤทธิ์ในทางปฏิบัติเท่าที่ควร ซึ่งอาจเป็นผลมาจากการพิจารณาของคณะกรรมาธิการฯ ไม่มีสภาพบังคับใช้ตามกฎหมาย จึงทำให้ถูกละเลยหรือไม่ได้ใช้ประโยชน์จากการศึกษาดังกล่าว อย่างแท้จริง จึงเป็นที่มาในการศึกษาเพื่อหาทางเลือกที่จะมีแนวทางการพัฒนาประสิทธิภาพการ ปฏิบัติหน้าที่การพิจารณาศึกษาของคณะกรรมาธิการสามัญประจำวุฒิสภาให้เป็นที่ยอมรับและ สร้างความน่าเชื่อถือทั้งในทางการเมืองและทางวิชาการ โดยในการศึกษาได้ดำเนินการศึกษา เบื้องต้นในการทบทวนวรรณกรรมที่เกี่ยวข้องกับความสัมพันธ์ระหว่างฝ่ายนิติบัญญัติกับฝ่าย บริหาร ระบบกรรมาธิการทั้งในประเทศและต่างประเทศ การควบคุมการบริหารราชการแผ่นดิน ตลอดจนงานวิจัยต่าง ๆ ที่มีความเกี่ยวข้องกับเรื่องดังกล่าว ซึ่งใช้เป็นฐานข้อมูลในการวิเคราะห์ เพื่อให้ได้มาซึ่งข้อเสนอเชิงนโยบาย

คำสำคัญ: ข้อเสนอแนะเชิงนโยบาย/ การบริหารราชการ/ ประเทศไทย

บทนำ

ประเทศไทยได้มีการเปลี่ยนแปลงการปกครองจากระบอบสมบูรณาญาสิทธิราชย์ มาเป็นระบอบประชาธิปไตย อันมีพระมหากษัตริย์ทรงเป็นประมุข และกำหนดให้รัฐธรรมนูญ เป็นกฎหมายสูงสุดของประเทศ ซึ่งที่ผ่านมารัฐธรรมนูญแห่งราชอาณาจักรไทย ทุกฉบับได้มีการ กำหนดให้ประเทศไทย มีรูปแบบการบริหารการปกครองประเทศในระบบรัฐสภา (Parliamentary System) รัฐสภาในฐานะองค์กรนิติบัญญัติ ถือเป็น 1 ใน 3 อำนาจหลักที่ใช้บริหารการปกครองของ ประเทศ ที่ประกอบด้วย อำนาจนิติบัญญัติ อำนาจบริหาร และอำนาจตุลาการ แต่รัฐสภาในช่วงแรก

ได้มีการกำหนดให้รัฐสภาเป็นระบบสภาเดียว คือ สภาผู้แทนราษฎร ต่อมาใน พ.ศ. 2489 ได้มีการ
แก้ไขเพิ่มเติมรัฐธรรมนูญและได้ปรับระบบจากสภาเดียว เป็นสองสภา หรือ สภาคู่ คือ สภา
ผู้แทนราษฎรและพฤฒสภา และเมื่อพ.ศ. 2490 จึงได้เปลี่ยนชื่อจากพฤฒสภา เป็น วุฒิสภา โดยนับ
จากนั้น เป็นต้นมา สมาชิกวุฒิสภาล้วนมาจากการแต่งตั้งจนกระทั่งแห่งรัฐธรรมนูญราชอาณาจักร
ไทยพุทธศักราช 2540 มาตรา 121ได้มีการกำหนด "วุฒิสภาประกอบด้วยสมาชิกซึ่งราษฎรเลือกตั้ง
จำนวนสองร้อยคน" และได้มีการเปลี่ยนแปลงอีกครั้ง ตามรัฐธรรมนูญราชอาณาจักรไทย
พุทธศักราช 2550 มาตรา 111ที่กำหนดให้ "วุฒิสภาประกอบด้วยสมาชิกจำนวนรวมหนึ่งร้อยห้าสิบ
คน ซึ่งมาจากการเลือกตั้งในแต่ละจังหวัดจังหวัดละหนึ่งคน และมาจากการสรรหาเท่ากับจำนวน
รวมข้างต้น หักด้วยจำนวนสมาชิกวุฒิสภาที่มาจากการเลือกตั้ง" ซึ่งบทบาทหน้าที่ของรัฐสภาใน
ฐานะฝ่ายนิติบัญญัติของไทยที่ผ่านมา นอกจากการทำหน้าที่ตรากฎหมาย ยังทำหน้าที่อื่น ๆ เพื่อเป็น
การสร้างสมดุลในการบริหารปกครองประเทศ อาทิ การเสนอญัตติ การอภิปราย การลงมติ การตั้ง
กระทู้ถามการตั้งกรรมาธิการ

วุฒิสภา ที่ผ่านมาได้ถูกกำหนดบทบาทให้ทำหน้าที่ในลักษณะเป็นสภาพี่เลี้ยงให้แก่สภาผู้แทนราษฎร
ให้ทำหน้าที่ช่วยในการกลั่นกรองกฎหมายต่าง ๆ ที่ผ่านการพิจารณาของสภาผู้แทนราษฎร แต่อีก
บทบาทหนึ่งที่มีความสำคัญและได้รับความสนใจจากประชาชนคือ การทำหน้าที่ในฐานะ
"กรรมาธิการสามัญประจำวุฒิสภา" ซึ่งกรรมาธิการ คือ บุคคลที่สภาแต่งตั้งขึ้นประกอบเป็น
คณะกรรมาธิการ เพื่อกระทำ กิจการ พิจารณา สอบสวน หรือศึกษาเรื่องใด ๆ อันอยู่ในอำนาจหน้าที่
ของสภา แล้วรายงานต่อสภา และเนื่องจากการที่วุฒิสภาในรัฐธรรมนูญแห่งราชอาณาจักรไทย
พุทธศักราช 2550 ได้มีเจตนารมณ์ให้วุฒิสภาเป็นสภาที่ทรงคุณวุฒิที่มีความหลากหลายและมีความ
เป็นกลางมากที่สุด รวมทั้งต้องเป็นผู้ที่ไม่เป็นบุพการี คู่สมรสหรือบุตรของสมาชิกสภาผู้แทนราษฎร
ซึ่งได้ถูกกำหนดไว้ในลักษณะต้องห้ามของผู้ที่จะสมัครรับเลือกตั้งหรือได้รับการเสนอชื่อเพื่อเข้ารับ
การสรรหาเป็นสมาชิกวุฒิสภา ตามมาตรา 115แห่งรัฐธรรมนูญแห่งราชอาณาจักรไทย พุทธศักราช
2550 เพื่อสร้างความน่าเชื่อถือในสายตาของประชาชนต่อการทำหน้าที่ที่เป็นกลางมากยิ่งขึ้นของ
สมาชิกวุฒิสภาและคณะกรรมาธิการซึ่งในระบบกรรมาธิการมีความสำคัญของในการช่วยแบ่งเบา
ภาระของสภา ซึ่งสภาไม่อาจจะพิจารณาได้อย่างละเอียดรอบคอบ จึงจะต้องมอบหมายให้
คณะกรรมาธิการช่วยเหลือพิจารณากลั่นกรองเพื่อสภาจะได้วินิจฉัยปัญหา หรือ ดำเนินกิจการต่าง ๆ
ได้อย่างถูกต้องและมีประสิทธิภาพ ทั้งยังประหยัดเวลาให้สภาอีกด้วย รวมทั้งทำให้ได้ผู้เชี่ยวชาญ
เฉพาะด้านในกรณีที่สภามีปัญหาที่จะต้องพิจารณา และต้องอาศัย ความรู้จากผู้เชี่ยวชาญในด้านนั้น
โดยเฉพาะและทำให้ได้รับข้อมูลที่ถูกต้อง นอกจากนี้ยังสามารถติดตามผลการบริหารราชการ
แผ่นดินของฝ่ายบริหารได้อย่างมีประสิทธิภาพ เพราะกรรมาธิการนับเป็นกลไกสำคัญของสภาที่ช่วย
ให้สามารถติดตามผลการบริหารราชการแผ่นดินได้อย่าง มีประสิทธิภาพอันจะยังผลให้สภาได้

รับทราบปัญหาและอุปสรรคต่าง ๆ โดยเฉพาะอย่างยิ่งการติดตามผลการปฏิบัติงานตามนโยบายของ
รัฐบาลที่ได้แถลงไว้ต่อรัฐสภา

โดยในการปฏิบัติหน้าที่ของคณะกรรมาธิการจะสังเกตได้ถึงการให้ความไว้วางใจและความเชื่อมั่น
จากประชาชนในการที่จะใช้กลไกในระบบกรรมาธิการที่จะเป็นตัวช่วยในแก้ไขปัญหาต่าง ๆ ซึ่งจะ
เห็นได้จากสถิติการรับเรื่องร้องทุกข์ของฝ่ายเลขานุการของคณะกรรมาธิการสามัญประจำสภา
วุฒิสภา ฝ่ายเลขานุการคณะกรรมาธิการวิสามัญกิจการวุฒิสภา หรือกลุ่มงานรับเรื่องราวร้องทุกข์
สำนักงานประธานวุฒิสภาจะปรากฏให้เห็นอย่างเด่นชัดว่ามีจำนวนเรื่องร้องเรียน ของประชาชนใน
กรณีต่าง ๆ จำนวนมากและมีแนวโน้มสูงขึ้นอย่างต่อเนื่อง จึงทำให้เห็นว่าบทบาทของ
คณะกรรมาธิการสามัญประจำวุฒิสภาจะมีบทบาทในส่วนที่จะเป็นอีกกลไกหนึ่งในการที่จะช่วย
ควบคุมการบริหารราชการแผ่นดินของฝ่ายบริหาร รวมทั้งภาคส่วนต่าง ๆ ที่เกี่ยวข้องเพื่อให้เกิด
ความสอดคล้องกับหลักการถ่วงดุลอำนาจ (balance of power) และหลักการตรวจสอบและถ่วงดุล
(check and balance) ของฝ่ายนิติบัญญัติฝ่ายบริหารและฝ่ายตุลาการ ให้เป็นไปตามหลักนิติรัฐ (legal
stage) นิติธรรม (rule of law) จนเกิดผลสัมฤทธิ์สูงสุดแก่ประชาชน

และจากการวิจัยเรื่อง "ความสัมพันธ์ระหว่างฝ่ายนิติบัญญัติกับฝ่ายบริหารและเสถียรภาพ
ของรัฐบาล" (รศ.ดร.มนตรี รูปสุวรรณ,2547) ระบุว่า "...การควบคุมการบริหารราชการแผ่นดิน
โดยผ่านกลไกระบบกรรมาธิการของสภาดังกล่าวนี้ ถือเป็นการควบคุมการบริหารราชการโดยอ้อม
และผลของการควบคุมไม่ได้ส่งผลกระทบต่อเสถียรภาพของฝ่ายบริหารหรือสร้างความกังวลใจ
ต่อฝ่ายบริหารมากนัก..." และระบุว่า "...เป็นการเพิ่มภาระให้แก่ฝ่ายบริหารที่ต้องมาชี้แจง
ต่อคณะกรรมาธิการ..." โดยจากรายงานวิจัยดังกล่าว จะเห็นได้ว่าการควบคุมการบริหารราชการ
แผ่นดินในรูปแบบคณะกรรมาธิการไม่มีสภาพบังคับทางกฎหมายและไม่มีผลผูกพันกับฝ่ายบริหาร
ที่จะนำเอาข้อคิดเห็นหรือข้อเสนอแนะดังกล่าวไปปฏิบัติใช้อย่างเป็นรูปธรรม จนทำให้ต้องมีการ
ตราพระราชบัญญัติคำสั่งเรียกของคณะกรรมาธิการของสภาผู้แทนราษฎรและวุฒิสภา พ.ศ. 2554
ที่กำหนดให้ "คณะกรรมาธิการมีอำนาจออกคำสั่งเรียกเอกสารจากบุคคลใดหรือเรียกบุคคลใด
มาแถลงข้อเท็จจริงหรือแสดงความเห็นในกิจการที่กระทำหรือในเรื่องที่พิจารณาสอบสวนหรือ
ศึกษาอยู่นั้นได้" รวมทั้งมีกำหนดบทลงโทษสำหรับผู้ที่ฝ่าฝืนหรือไม่ปฏิบัติตามคำสั่งเรียกดังกล่าว
ซึ่งจากข้อมูลข้างต้นจะเห็นได้ว่าคณะกรรมาธิการเป็นเพียงบทบาทหนึ่งของฝ่ายนิติบัญญัติ
แต่ยังไม่สามารถขับเคลื่อนกลไกการตรวจสอบและถ่วงดุลได้อย่างเต็มรูปแบบ จึงต้องมีการตรา
พระราชบัญญัติคำสั่งเรียกของคณะกรรมาธิการของสภาผู้แทนราษฎรและวุฒิสภา พ.ศ. 2554
เพื่อเป็นเครื่องมือในการสนับสนุนการดำเนินงานของคณะกรรมาธิการให้มีประสิทธิภาพสูงขึ้น
โดยแนวทางการดำเนินงานและบริหารจัดการเกี่ยวกับการพิจารณาศึกษาของแต่ละ

คณะกรรมาธิการจะมีความแตกต่างกันตามแนวทางที่คณะกรรมาธิการกำหนด ซึ่งในการพิจารณา
ศึกษาของคณะกรรมาธิการจะดำเนินการศึกษาและสอบสวนตามกรอบอำนาจหน้าที่ที่ระบุไว้ใน
ข้อบังคับการการประชุมซึ่งส่วนใหญ่แล้วเมื่อมีการพิจารณาเสร็จแล้ว คณะกรรมาธิการจะจัดทำเป็น
รายงานผลการศึกษา รวมทั้งจะมีการให้ข้อสังเกต ข้อเสนอแนะเกี่ยวกับเรื่องนั้น ๆ ส่งไปยัง
หน่วยงานที่เกี่ยวข้องใช้ในการประกอบการพิจารณาดำเนินการตามกรอบอำนาจหน้าที่ หรืออาจจะมี
การเสนอเข้าสู่สภาเพื่อให้ความเห็นชอบและนำเสนอต่อรัฐบาลเพื่อประกอบการพิจารณากำหนด
แนวนโยบายต่อไป ด้วยข้อมูลและปัจจัยต่าง ๆที่ได้กล่าวมาในข้างต้นแสดงให้เห็นถึงความบทบาท
และการทำหน้าที่ของคณะกรรมาธิการสามัญประจำวุฒิสภา ที่แม้จะไม่มีการกำหนดให้การ
พิจารณาของคณะกรรมาธิการสามัญประจำวุฒิสภา มีสภาพการบังคับใช้แต่ยังเป็นอีกช่องทางที่
ประชาชนเลือกจะนำปัญหาต่าง ๆ มาเสนอเพื่อให้ได้รับการช่วยเหลือและแก้ไขปัญหา

ประเด็นปัญหา

การควบคุมการบริหารราชการแผ่นดินโดยฝ่ายนิติบัญญัติเป็นแนวทางหนึ่งในการควบคุม
และตรวจสอบการดำเนินงานของฝ่ายบริหารให้เป็นไปตามที่ได้มีการแถลงนโยบายต่อรัฐสภา
รวมทั้งเป็นไปตามบทบัญญัติของรัฐธรรมนูญและกฎหมาย ซึ่งจะเป็นการก่อให้เกิดการถ่วงดุล
อำนาจของฝ่ายนิติบัญญัติและฝ่ายบริหารให้อยู่ในภาวะที่สมดุลระหว่างกันทั้งสองฝ่าย โดยการ
ควบคุมการบริหารราชการแผ่นดินนับว่าเป็นปัจจัยที่มีความสำคัญประการหนึ่งในการปกครอง
ระบอบประชาธิปไตยในระบบรัฐสภาซึ่งในปัจจุบันการควบคุมการบริหารราชการแผ่นดินโดยฝ่าย
นิติบัญญัติอาจแบ่งออกได้เป็น 5 กระบวนการ ดังนี้ (1) การแถลงนโยบายต่อรัฐสภา (2) การตั้ง
กระทู้ถาม (3)การเปิดอภิปรายทั่วไป (4) การตั้งคณะกรรมาธิการ (5) การถอดถอนผู้ดำรงตำแหน่ง
ทางการเมืองและผู้ดำรงตำแหน่งระดับสูง

การศึกษาเพื่อหาข้อเสนอเชิงนโยบายในครั้งนี้จะเป็นการศึกษาถึงการดำเนินบทบาท
ของคณะกรรมาธิการสามัญประจำวุฒิสภา ในส่วนที่เกี่ยวข้องกับการพิจารณาศึกษาของ
คณะกรรมาธิการที่ถือว่าเป็นหนึ่งในกลไกที่มีความสำคัญและเป็นการสร้างดุลภาพแห่งอำนาจกับ
ฝ่ายบริหารในการที่จะเป็นการตรวจสอบการบริหารราชการแผ่นดิน รวมทั้งเป็นการแบ่งเบาภาระ
ของฝ่ายบริหารที่จะได้รับทราบประเด็นปัญหาต่าง ๆ หรือได้รับข้อคิดเห็นและข้อเสนอแนะในการ
ที่จะดำเนินนโยบาย ให้เป็นไปตามหลักความถูกต้องและสอดคล้องกับความต้องการของประชาชน
อย่างแท้จริง แต่ที่ผ่านมาภายหลังจากที่คณะกรรมาธิการได้มีการพิจารณาศึกษาและจัดทำเป็นรายงาน
ผลการศึกษาของคณะกรรมาธิการ เพื่อเสนอไปยังหน่วยงานต่าง ๆที่เกี่ยวข้องหรือส่งไปยังรัฐบาล เพื่อ
เป็นหนึ่งในเครื่องมือการตรวจสอบอำนาจแต่ไม่ค่อยประสพผลสัมฤทธิ์ในทางปฏิบัติเท่าที่ควร

เนื่องจากรายงานผลการพิจารณาของคณะกรรมาธิการสามัญประจำวุฒิสภา ไม่มีสภาพบังคับใช้ตาม
กฎหมาย จึงทำให้ถูกละเลยหรือไม่ได้ใช้ประโยชน์จากการศึกษาดังกล่าวอย่างแท้จริง

ซึ่งในการดำเนินการพิจารณาของคณะกรรมาธิการสามัญประจำวุฒิสภา เพื่อพิจารณาศึกษาเรื่องใด
เรื่องหนึ่ง จะมีกระบวนการและขั้นตอนซึ่งให้ได้มาซึ่งผลการพิจารณาของคณะกรรมาธิการ รวมทั้ง
มีการใช้งบประมาณจำนวนมากที่จะให้ได้มาซึ่งข้อสรุปหรือข้อเสนอแนะในประเด็นใดประเด็น
หนึ่ง ยกตัวอย่างเช่น การประชุม การเรียกเอกสารหรือบุคคลเพื่อเป็นข้อมูลประกอบการพิจารณา
การเดินทางไปศึกษาดูงานการจัดโครงการสัมมนา ซึ่งกระบวนการต่างๆที่กล่าวมาในข้างต้นล้วน
จะต้องผ่านความเห็นชอบและมีมติของคณะกรรมาธิการเพื่อให้ดำเนินการดังกล่าวได้ รวมทั้งเมื่อ
จัดทำเป็นรายงานผลการพิจารณาก็จะต้องผ่านความเห็นชอบจากที่ประชุมคณะกรรมาธิการเช่นกัน
จึงแสดงให้เห็นว่าในการดำเนินงานในฐานะคณะกรรมาธิการเพื่อทำการศึกษาเรื่องใดเรื่องหนึ่งเป็น
การดำเนินการภายใต้มติของคณะกรรมาธิการ ไม่ได้ดำเนินการเพียงบุคคลใดบุคคลหนึ่งเป็นการ
เฉพาะ แต่ในการใช้พิจารณาศึกษาของคณะกรรมาธิการสามัญประจำวุฒิสภา อันเป็นเครื่องมือใน
การช่วยควบคุมการบริหารราชการแผ่นดินควรเป็นไปในลักษณะไม่ให้การก้าวก่ายฝ่ายบริหารจน
ไม่สามารถทำงานได้

โดยที่ผ่านมาในการที่ฝ่ายบริหาร ไม่ค่อยได้ให้ความสนใจหรือใส่ใจต่อผลการพิจารณาศึกษา
ของคณะกรรมาธิการสามัญประจำวุฒิสภามากนัก มีอาจเกิดมาจากเป็นการป้องกันไม่ให้ฝ่ายนิติ
บัญญัติเข้ามามีบทบาทหรือแทรกแซงการทำงานของฝ่ายบริหารมากจนเกินไป รวมทั้งความเป็น
กลางของคณะกรรมาธิการและความน่าเชื่อในเชิงวิชาการของผลการพิจารณาศึกษาของ
คณะกรรมาธิการดังนั้น เพื่อจะนำไปสู่การยอมรับผลการพิจารณาศึกษาของคณะกรรมาธิการสามัญ
ประจำวุฒิสภา จึงควรที่จะมีแนวทางการพัฒนาประสิทธิภาพการปฏิบัติหน้าที่การพิจารณาศึกษา
ของคณะกรรมาธิการสามัญประจำวุฒิสภา ให้เป็นที่ยอมรับและสร้างความน่าเชื่อถือ ทั้งในทาง
การเมืองและทางวิชาการ

วัตถุประสงค์

1. เพื่อศึกษาสภาพทั่วไปของการปฏิบัติหน้าที่ในการพิจารณาศึกษาของคณะกรรมาธิการ
สามัญประจำวุฒิสภา

2. เพื่อศึกษาหาข้อเสนอแนะเชิงนโยบายในการการเพิ่มบทบาทการควบคุมการบริหาร
ราชการแผ่นดินของคณะกรรมาธิการสามัญประจำวุฒิสภา

ประโยชน์ที่จะได้รับจากการศึกษา

      1. ได้ทราบถึงบทบาทของการปฏิบัติหน้าที่ในการควบคุมการบริหารราชการแผ่นดินของคณะกรรมาธิการสามัญประจำวุฒิสภา

      2. เพื่อเป็นการเพิ่มประสิทธิภาพและยกระดับผลสัมฤทธิ์และความสำเร็จในการปฏิบัติหน้าที่เพื่อควบคุมการบริหารราชการแผ่นดินของคณะกรรมาธิการสามัญประจำวุฒิสภา

      3. เพื่อนำผลการศึกษาเพื่อใช้เป็นแนวทางในการเพิ่มบทบาทการควบคุมการบริหารราชการแผ่นดินของคณะกรรมาธิการสามัญประจำวุฒิสภา

กรอบการวิเคราะห์และขอบเขตการศึกษา

1. ขอบเขตด้านเนื้อหา มุ่งเน้นการศึกษาปฏิบัติหน้าที่ในการการควบคุมการบริหารราชการแผ่นดินของคณะกรรมาธิการสามัญประจำวุฒิสภา ในการพิจารณาศึกษาและให้ข้อสังเกตข้อเสนอแนะ อันส่งผลต่อการพัฒนาประสิทธิภาพปฏิบัติหน้าที่ของคณะกรรมาธิการสามัญประจำวุฒิสภา เพื่อให้ได้ข้อมูลที่ตรงประเด็นและสอดคล้องกับหัวข้อการวิจัย โดยใช้รูปแบบการสัมภาษณ์แบบเจาะลึก (In – depth -Interview) จากประชากรที่ใช้ในการศึกษาและใช้การวิจัยแบบศึกษาเฉพาะกรณี/กรณีศึกษา (case study) ซึ่งจะใช้ชุดคำถามที่กำหนดกรอบคำถามที่เกิดความสอดคล้องกับหัวข้อการวิจัย

2. ขอบเขตด้านประชากร ศึกษาผู้ที่ส่วนร่วมและส่วนเกี่ยวข้อง รวมทั้งผู้ที่อยู่ในขอบข่ายผู้ที่ได้รับผลจากการดำเนินการของคณะกรรมาธิการสามัญประจำวุฒิสภา อาทิ ประธานกรรมาธิการ กรรมาธิการ ในคณะกรรมาธิการสามัญประจำวุฒิสภา นักวิชาการ หัวหน้าส่วนราชการที่ได้รับผลจากการดำเนินการของคณะกรรมาธิการสามัญประจำวุฒิสภา

วรรณกรรมและงานวิจัยที่เกี่ยวข้อง

ในส่วนนี้ผู้ศึกษาได้ดำเนินการศึกษาเบื้องต้นในการทบทวนวรรณกรรมที่เกี่ยวข้องแนวการเพิ่มบทบาทการควบคุมการบริหารราชการแผ่นดิน ของคณะกรรมาธิการสามัญประจำวุฒิสภา ศึกษาสภาพความเป็นจริง ของเหตุการณ์ทั้งในอดีตและปัจจุบัน และทำให้ทราบแนวโน้มที่จะเกิดขึ้นในอนาคตด้วย เพื่อมาปรับปรุงและหาแนวทางการในการเพิ่มบทบาทการควบคุมการบริหารราชการแผ่นดินของคณะกรรมาธิการสามัญประจำวุฒิสภา โดยได้นำวรรณกรรมและงานวิจัยที่เกี่ยวข้อง ดังนี้

1. แนวคิดเกี่ยวกับความสัมพันธ์ระหว่างฝ่ายนิติบัญญัติกับฝ่ายบริหาร โดยส่วนที่เกี่ยวกับแนวคิด
ดังกล่าว จะมีที่มาจากการที่ในระบบรัฐสภาความสัมพันธ์ระหว่างฝ่ายนิติบัญญัติกับฝ่ายบริหาร ย่อม
มีความสัมพันธ์ในลักษณะที่พึ่งพาอาศัยระหว่างกันและทั้ง 2 องค์กรต้องอาศัยความร่วมมือเพื่อให้
บรรลุวัตถุประสงค์

2. แนวคิดเกี่ยวกับระบบกรรมาธิการ ในส่วนที่เกี่ยวข้องกับแนวคิดเกี่ยวกับระบบกรรมาธิการ จะ
เป็นการนำเสนอการปฏิบัติหน้าที่ของคณะกรรมาธิการประเทศต่างที่ปกครองในระบบรัฐสภา
รวมถึงระบบกรรมาธิการในประเทศไทย โดยมีการนำเสนอ ดังนี้

   - ระบบคณะกรรมาธิการของรัฐสภาอังกฤษ

   - ระบบคณะกรรมาธิการของรัฐสภาฝรั่งเศส

   - ระบบคณะกรรมาธิการของรัฐสภาสหรัฐอเมริกา

   - ระบบคณะกรรมาธิการของรัฐสภาไทย

3. ผลงานวิจัยที่เกี่ยวกับระบบกรรมาธิการในการศึกษางานวิจัยที่เกี่ยวข้องกับการดำเนินงานของ
คณะกรรมาธิการในประเทศไทยที่เกี่ยวข้องกับบทบาทหน้าที่ และอุปสรรคในการปฏิบัติงานของ
คณะกรรมาธิการเพื่อควบคุมการบริหารราชการแผ่นดิน โดยได้จำแนกงานวิจัยออกเป็น 2 ส่วน
ดังนี้

  3.1 งานวิจัยที่เกี่ยวข้องกับบทบาทหน้าที่ของคณะกรรมาธิการ

  3.2 งานวิจัยที่เกี่ยวกับอุปสรรคและแนวทางการพัฒนาในการปฏิบัติหน้าที่ของ
คณะกรรมาธิการ

  3.1 งานวิจัยที่เกี่ยวข้องกับบทบาทหน้าที่ของคณะกรรมาธิการ

   (1) ไพบูลย์ วราหะไพฑูรย์ (2541) บทบาทอำนาจหน้าที่ของคณะกรรมาธิการ
สามัญประจำวุฒิสภา

   (2) ลิขิต เพชรสว่าง (2540) การทำงานของคณะกรรมาธิการ

   (3) ศักดิ์ชัย จีรพรชัย (2542) บทบาทของคณะกรรมาธิการในระบบรัฐสภาไทย :
กรณีศึกษาคณะกรรมาธิการตามรัฐธรรมนูญแห่งราชอาณาจักรไทย พุทธศักราช 2540

  3.3 อุปสรรคและแนวทางการพัฒนาในการปฏิบัติหน้าที่ของคณะกรรมาธิการ

   (1) มนตรี รูปสุวรรณ (2547) ความสัมพันธ์ระหว่างฝ่ายนิติบัญญัติกับฝ่ายบริหาร
และเสถียรภาพของรัฐบาล

(2) ธงทอง จันทรางศุ (2538) การปรับปรุงการทำงานของคณะกรรมาธิการสภาให้
มีประสิทธิภาพเพิ่มขึ้น

วิธีดำเนินการศึกษา

ผู้ศึกษาได้ดำเนินการศึกษาแนวทางแนวทางในการเพิ่มบทบาทการควบคุมการบริหารราชการ
แผ่นดิน ของคณะกรรมาธิการสามัญประจำวุฒิสภา โดยการสัมภาษณ์

ผู้ศึกษาได้กำหนดกลุ่มบุคคลเพื่อใช้ในการสัมภาษณ์ โดยกำหนดบุคคลที่มีความเกี่ยวข้องกับการ
ดำเนินของคณะกรรมาธิการสามัญประจำวุฒิสภาในการควบคุมการบริหารราชการแผ่นดิน
โดยได้กำหนดกลุ่มตัวอย่างออกเป็น 3 กลุ่ม ดังนี้

1. อดีตประธานคณะกรรมาธิการ หรือกรรมาธิการ ในคณะกรรมาธิการสามัญประจำ
วุฒิสภา ประกอบด้วย

1.1 สมาชิกวุฒิสภา ที่มาจากการเลือกตั้ง

- นางสาวสุมล สุตะวิริยะวัฒน์ (อดีตสมาชิกวุฒิสภา จังหวัดเพชรบุรี และอดีต
ประธานคณะกรรมาธิการศึกษา ตรวจสอบเรื่องทุจริต และเสริมสร้างธรรมาภิบาล วุฒิสภา)

- นายสุรจิต ชิรเวทย์ (อดีตสมาชิกวุฒิสภาจังหวัดสมุทรสงคราม และอดีตรอง
ประธานคณะกรรมาธิการทรัพยากรธรรมชาติและสิ่งแวดล้อม วุฒิสภา)

1.2 สมาชิกวุฒิสภา ที่มาจากการสรรหา

- นายสุรชัย เลี้ยงบุญเลิศชัย (รองประธานสภานิติบัญญัติแห่งชาติ คนที่หนึ่ง และ
อดีตประธานคณะกรรมาธิการทรัพยากรธรรมชาติและสิ่งแวดล้อม วุฒิสภา)

- นายประสาร มฤคพิทักษ์ (อดีตสมาชิกวุฒิสภาจากการสรรหา และกรรมาธิการ
ในคณะกรรมาธิการศึกษา ตรวจสอบเรื่องทุจริต และเสริมสร้างธรรมาภิบาล วุฒิสภา)

2. นักวิชาการหรือผู้มีความรู้ความเชี่ยวชาญด้านนิติศาสตร์และรัฐศาสตร์หรือบุคคลที่ได้มี
การศึกษาเกี่ยวกับระบบกรรมาธิการ

- นายไพบูลย์ วราหะไพฑูรย์ (ตุลาการศาลปกครอง อดีตกรรมการสิทธิมนุษยชนแห่งชาติ
อดีตเลขาธิการศาลรัฐธรรมนูญ และอดีตสมาชิกสภาร่างรัฐธรรมนูญ)

- นายคมสันต์ โพธิ์คง(อาจารย์ประจำคณะนิติศาสตร์ มหาวิทยาลัยสุโขทัยธรรมาธิราช และ
อดีตสมาชิกสภาร่างรัฐธรรมนูญ)

- ผู้ช่วยศาสตราจารย์ ดร.ภูมิ มูลศิลป์ (หัวหน้าสาขานิติศาสตร์มหาบัณฑิต คณะนิติศาสตร์ มหาวิทยาลัยอัสสัมชัญ อดีตคณะอนุกรรมการพิจารณากฎหมายว่าด้วยการเข้าชื่อเสนอกฎหมาย คณะกรรมการปฏิรูปกฎหมาย)

- นายสมเกียรติ รอดเจริญ (อดีตประธานคณะกรรมการภาคประชาสังคม สภา พัฒนาการเมืองและอดีตกรรมยกร่างรัฐธรรมนูญ)

3. ส่วนราชการ หรือภาคเอกชนที่เกี่ยวข้อง

- นายสุรพล ปัตตานี (อดีตรองปลัดกระทรวงทรัพยากรธรรมชาติและสิ่งแวดล้อม)

- นายสิริวัฒน์ ไชยชนะ (เลขาธิการวิศวกรรมสถานแห่งประเทศไทย)

- นายสิริภพ พูนเพชร (ผู้อำนวยการกลุ่มนิติการ กรมทรัพยากรทางทะเลและชายฝั่ง)

- นายอนุชัย มณีโรจน์ (อดีตเจ้าพนักงานที่ดินจังหวัดนนทบุรี สาขาบางใหญ่)

สรุป

ในการดำเนินการเก็บข้อมูลโดยใช้คำถามและบทสัมภาษณ์กลุ่มตัวอย่างเป้าหมาย ได้กำหนดบุคคล ที่มีความเกี่ยวข้องกับการดำเนินของคณะกรรมาธิการสามัญประจำวุฒิสภา ในการควบคุมการ บริหารราชการแผ่นดิน โดยได้กำหนดกลุ่มตัวอย่างออกเป็น 3 กลุ่ม ดังนี้ 1. อดีตประธาน คณะกรรมาธิการสามัญประจำวุฒิสภาหรือกรรมาธิการสามัญประจำวุฒิสภา 2. นักวิชาการ เชี่ยวชาญด้านนิติศาสตร์และรัฐศาสตร์ หรือบุคคลที่ได้มีการศึกษาเกี่ยวกับระบบกรรมาธิการ และ 3. ส่วนราชการ โดยจะใช้ผลการสัมภาษณ์จากทั้ง 3 กลุ่มตัวอย่าง เพื่อนำมาวิเคราะห์ข้อมูลถึงข้อดี ข้อเสีย และความเป็นไปได้ของทางเลือก เพื่อจะให้ได้มาซึ่งข้อเสนอเชิงนโยบายที่เป็นทางเลือกที่ เหมาะสมในการเพิ่มบทบาทการควบคุมการบริหารราชการแผ่นดินของคณะกรรมาธิการสามัญ ประจำวุฒิสภา รวมทั้งจะเป็นทำให้ได้ทราบถึงบทบาทของการปฏิบัติหน้าที่ในการควบคุมการ บริหารราชการแผ่นดินของคณะกรรมาธิการสามัญประจำวุฒิสภา และยกระดับผลสัมฤทธิ์และ ความสำเร็จในการปฏิบัติหน้าที่ของคณะกรรมาธิการสามัญประจำวุฒิสภา รวมทั้งนำผลการศึกษา ไปใช้เป็นแนวทางในการเพิ่มบทบาทการควบคุมการบริหารราชการแผ่นดินของคณะกรรมาธิการ สามัญประจำวุฒิสภา ต่อไป

บรรณานุกรม

งานวิจัยนี้เป็นการสัมภาษณ์ผู้เกี่ยวข้องกับคณะกรรมาธิการสามัญประจำวุฒิสภา

A Study for Developing Policy Recommendations for Road Accidents Reduction in the Area of Bangkok Metropolitan: A Case of Sai Mai District

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Abstract

Street accident in Bangkok and suburban areas is a serious problem that causes high rate of dead and casualty. It also leads to economic problem, health and life degeneration, and property loss. All these troubles have been frightening people for long time. Nowadays, the problem seems to be more severe. The researcher, therefore, investigated factors affecting street accident in Bangkok: Saimai District. The solutions on traffic problem from both governmental and private sectors were also studied to create more possible guidance. Interview was approached to obtain the data. Related people including traffic policy governor, police, scholars, insurance company officers, rescue team, and personnel from governmental and private sectors were interviewed. Moreover, accident reducing campaign participants, private and public car drivers were also approached. The study found that: 1. Factors affecting street accident in Bangkok: Saimai District were human, vehicles, street condition, and environment. These four dimensions were significantly related to each other causing possible street accident; 2. The researcher suggested that the solutions for traffic problem in Bangkok: Saimai District were divided into three phases including (1) urgent period which takes 1-3 years, (2) medium period which takes 3-5 years, and (3) long-term period which takes more than 5 years. The solutions solving the traffic problem in Bangkok: Saimai District ought to cover all stated dimensions.

Keywords: Public Policy/ Road Accidents/ Bangkok Metropolitan/ Thailand

ข้อเสนอแนะเชิงนโยบายเพื่อลดอุบัติเหตุการจราจรทางบกในกรุงเทพมหานคร : เขตสายไหม

ดรุณี ศรีมณีรัตน์, นักศึกษาปริญญาโทสาขา การเมืองการปกครอง, คณะรัฐศาสตร์ มหาวิทยาลัยธรรมศาสตร์ (ผู้ช่วยศาสตราจารย์ ดร.ทวิดา กมลเวชช, อาจารย์ที่ปรึกษา)

บทคัดย่อ

ปัญหาอุบัติเหตุทางถนนในเขตกรุงเทพมหานครและพื้นที่ปริมณฑล เป็นปัญหาที่สำคัญซึ่งกำลัง เผชิญอยู่โดยมีแนวโน้มผู้เสียชีวิตและผู้บาดเจ็บสูงขึ้น ทำให้เกิดความสูญเสียทางเศรษฐกิจ ผลเสีย

ต่อสุขภาพ ชีวิต ทรัพย์สินและความสูญเสียทางงบประมาณและการลงทุนอย่างมหาศาล ซึ่งเป็น
ปัญหาที่สะสมมาเป็นระยะเวลาที่ยาวนานจนกระทั่งปัจจุบัน ปัญหาดังกล่าว ยิ่งทวีความรุนแรงมาก
ขึ้น ผู้วิจัยจึงสนใจที่จะศึกษาถึง ปัจจัยที่มีผลต่อการเกิดอุบัติเหตุการจราจรทางบกใน
กรุงเทพมหานคร: เขตสายไหม และการดำเนินงานแก้ไขปัญหาอุบัติเหตุการจราจรของทั้ง
หน่วยงานภาครัฐและภาคเอกชน เพื่อหาแนวทางและข้อเสนอแนะในการแก้ไขปัญหาอุบัติเหตุ
การจราจรทางบกโดยการสัมภาษณ์ ผู้บริหารหน่วยงานต่างๆ ที่มีความเกี่ยวข้องกับปัญหาจราจรทั้ง
ในระดับนโยบายและระดับปฏิบัติการ ได้แก่ฝ่ายปกครอง และเจ้าหน้าที่ตำรวจ ผู้รู้ ผู้ให้ข้อมูล
ความเห็นที่เกี่ยวข้องกับปัญหาการจราจรและข้อมูลอุบัติเหตุในพื้นที่ เช่น เจ้าหน้าที่บริษัท
ประกันภัย เจ้าหน้าที่หน่วยกู้ภัย และบุคลากรหน่วยงานภาครัฐและองค์กรภาคเอกชน ภาคีเครือข่าย
ด้านการรณรงค์ลดอุบัติเหตุ ภาคประชาชน ผู้ขับขี่รถยนต์ส่วนบุคคล ผู้ขับขี่รถสาธารณะ เพื่อความ
ปลอดภัยทางถนนในการลดปัญหาการเกิดอุบัติเหตุการจราจรทางบกผลการศึกษาพบว่า

1.ปัจจัยที่มีผลต่อการเกิดอุบัติเหตุการจราจรทางบกในกรุงเทพมหานคร: เขตสายไหม มี
ดังนี้ปัจจัยด้านคน ปัจจัยด้านยานพาหนะ ปัจจัยด้านถนน และปัจจัยด้านสภาพแวดล้อม ซึ่งปัจจัยทั้ง
4 ปัจจัยนี้มีความสัมพันธ์เชื่อมโยงกันอย่างมีนัยสำคัญเป็นอย่างยิ่งในการส่งผลให้เกิดอุบัติเหตุ
การจราจรทางบก

2.ผู้วิจัยได้ให้ข้อเสนอแนะในการแก้ไขปัญหาอุบัติเหตุการจราจรทางบกในเขต
กรุงเทพมหานคร: เขตสายไหมโดยแบ่งเป็น 3 ระยะดังนี้ (1) การแก้ไขปัญหาระยะเร่งด่วน 1-3 ปี
(2) การแก้ไขปัญหาระยะกลาง 3-5 ปี (2) การแก้ไขปัญหาระยะยาว 5 ปีขึ้นไป ซึ่งการแก้ไขปัญหา
อุบัติเหตุการจราจรทางบกในเขตกรุงเทพมหานคร :   เขตสายไหม จำเป็นต้องดำเนินการให้
ครอบคลุมทุกด้าน

คำสำคัญ: นโยบายสาธารณะ/ อุบัติเหตุทางถนน/ กรุงเทพมหานคร/ ประเทศไทย

ความเป็นมาและความสำคัญของปัญหา

ปัญหาอุบัติเหตุทางถนนเป็นปัญหาสำคัญที่ทุกประเทศกำลังเผชิญอยู่โดยมีแนวโน้มผู้เสียชีวิตและ
ผู้บาดเจ็บสูงขึ้น โดยองค์การอนามัยโลกคาดการณ์ว่า ปี พ.ศ.2573 หากแต่ละประเทศไม่มีมาตรการ
ที่ดีในการป้องกันอุบัติภัยทางถนน จำนวนผู้เสียชีวิตทั่วโลกจะเพิ่มสูงขึ้นอย่างมากเฉลี่ยปีละ 2 .4
ล้านคน ซึ่งทำให้อันดับสาเหตุการเสียชีวิตจากอุบัติเหตุขยับสูงขึ้นจากอันดับ 9 ในปี พ.ศ. 2547 เป็น
อันดับ 3 ในปี พ.ศ. 2563 นำหน้าโรคร้ายหลายโรค รวมถึงโรคเอดส์และโรคมะเร็ง ความรุนแรง
ของอุบัติเหตุการจราจรดังกล่าวมีค่าความสูญเสียที่เป็นค่าใช้จ่ายของประเทศ ซึ่งเทียบมูลค่า
ประมาณ 1 ถึง 3 ของผลิตภัณฑ์รวมของประเทศ

จากสภาพปัญหาดังกล่าวจึงได้มี การเรียกร้องให้ทุกประเทศให้ความสำคัญเรื่องความปลอดภัยทาง
ถนน โดยองค์การสหประชาชาติได้เรียกร้องให้ประเทศสมาชิกดำเนินการตามกรอบปฏิญญา
มอสโก จึงกำหนดให้ ค.ศ. 2011- 2020 (พ.ศ. 2554 – 2563) เป็นทศวรรษแห่งความปลอดภัยทาง
ถนน (International Decade for Road Safety) ประกอบด้วย 5 เสาหลักตามองค์การสหประชาชาติ
ได้แก่

      1.การบริหารจัดการ (Road safety management)

      2.ถนนและการสัญจรปลอดภัย (Infrastructure)

      3.ยานพาหนะปลอดภัย (Safe vehicle)

      4.ผู้ใช้ถนนปลอดภัย (Road user behavior)

      5.การตอบสนองหลังเกิดเหตุ (Post-crash care)

เพื่อให้แต่ละประเทศกำหนดทิศทาง แผนงาน มาตรการในการแก้ไขปัญหาอุบัติเหตุ ทางถนนโดยมี
เป้าหมายลดอัตราการเสียชีวิตจากอุบัติเหตุทางถนนของทั่วโลกถึงร้อยละ 50 หรือต่ำกว่า 10 คน ต่อ
ประชากรแสนคน ในปี ค.ศ. 2020 (พ.ศ. 2563)

สภาพการณ์ด้านความปลอดภัยทางถนนของประเทศไทย

      จากรายงานสถานการณ์ด้านความปลอดภัยทางถนนของโลกสถาบันวิจัยคมนาคม
มหาวิทยาลัยมิชิแกน USAกับWHOรายงาน 10 อันดับ สถิติผู้เสียชีวิตจากอุบัติเหตุทางถนนปี 2557
ประเทศไทยมีผู้เสียชีวิตจากอุบัติเหตุทางถนน เป็นอันดับ ที่ 2 ของโลก รองจากอันดับที่ 1 คือ
นามิเบีย อันดับที่ 3 คือ อิหร่าน ซึ่งประเทศไทยเป็นอันดับที่ 1 ของอาเซียน

ประเทศไทยเป็นหนึ่งในหลายประเทศทั่วโลกที่กำลังเผชิญกับผลกระทบจากอุบัติเหตุจราจรอย่าง
หนักหน่วง ภาพลักษณ์ของประเทศไทยจากมุมมองนานาชาติพบว่า การสัญจรทางถนนของ
ประเทศไทยไม่ปลอดภัย โดยประเทศอังกฤษ ออสเตรเลีย และสหรัฐอเมริกาได้ออกประกาศแจ้ง
เตือนนักท่องเที่ยวให้ระวังการเดินทางมายังประเทศไทยเป็นพิเศษ (ที่มา: ไทยรัฐ 25 ก.ค. 2556) ทำ
ให้รัฐบาลต้องยกให้ปัญหาดังกล่าวเป็นวาระแห่งชาติ โดยกำหนดให้ปี 2554-2563 ให้ทุกภาคส่วน
ดำเนินโครงการทศวรรษความปลอดภัยทางถนน
(http://www.hiso.or.th/hiso/picture/reportHealth/tonkit31.pdf)

ความมุ่งมั่นในประเทศไทยกับการแก้ไขปัญหาอุบัติเหตุตามแนวทางสากล

การจัดทำแผนแม่บทความปลอดภัยทางถนนและแผนปฏิบัติการเพื่อรองรับแผนแม่บทและแผนทศวรรษความปลอดภัยทางถนนในการลดปัญหาการเกิดอุบัติเหตุการจราจรของประเทศไทยมีดังนี้

ฉบับที่ 1 ช่วงปี 2548-2551	ฉบับที่ 2 ช่วงปี 2552 -2555	ฉบับที่ 3 ช่วงปี 2556-2559
Oวิสัยทัศน์ "เพื่อพัฒนาคุณภาพชีวิตของประชาชนให้ดีขึ้นโดยยกระดับความปลอดภัยทางถนนของประเทศไทยสู่มาตรฐานสากล" Oยุทธศาสตร์หลัก 5 ยุทธศาสตร์	Oวิสัยทัศน์ "บนถนน ทุกชีวิตปลอดภัยตามมาตรฐานสากล" Oยุทธศาสตร์หลัก 6 ยุทธศาสตร์	Oวิสัยทัศน์ "ร่วมกันสร้างการสัญจรที่ปลอดภัยตามมาตรฐานสากล" Oยุทธศาสตร์ 4 ยุทธศาสตร์
1.การบังคับใช้กฎหมาย (Law Enforcement) 2.ด้านวิศวกรรม (Engineering) 3.การให้ความรู้ (Education) 4.การบริการการแพทย์ฉุกเฉิน EMS (Emergency Medical Service System) 5.การประเมินผลและสารสนเทศ(Evaluation and Information)	1.การปรับนโยบายให้เป็นนโยบายเร่งด่วนระดับชาติ 2.การสร้างเสถียรภาพในการแก้ไขปัญหาอย่างยั่งยืน 3.การทำแผนนิติบัญญัติ 4.การป้องกันและแก้ไขปัญหาความปลอดภัยทางถนนในส่วนกลาง 5.การป้องกันและแก้ไขปัญหาความปลอดภัยทางถนนในภูมิภาคและท้องถิ่น 6.วิจัย พัฒนา และติดตาประเมินผลด้านความปลอดภัยทางถนน	1.พัฒนาระบบบริหารจัดการด้านความปลอดภัยทางถนนสู่ระดับสากล 2.การเสริมสร้างความปลอดภัยแบบมุ่งเป้า 3.ลดความสูญเสียในปัจจัยเสี่ยงหลักอย่างยั่งยืน 4.เสริมสร้างความปลอดภัยทางถนนในท้องถิ่นอย่างมีส่วนร่วม คณะรัฐมนตรีมีมติเมื่อวันที่ 24 กุมภาพันธ์ 2558 เห็นชอบแผนแม่บทความปลอดภัยทางถนน พ.ศ. 2556 -2559

จากสถิติสำนักการบริหารการทะเบียน กรมการปกครอง กระทรวงมหาดไทย ระบุตั้งแต่ปี พ.ศ. 2551-2557 กรุงเทพมหานครเป็นจังหวัดที่มีประชากรมากที่สุดใน 77 จังหวัดของประเทศไทย แต่มีรถจดทะเบียนสะสมเฉพาะในเขตกรุงเทพมหานคร ณ วันที่ 31 มกราคม 2559 พบว่ามีจำนวนรถมากถึง 9,060,715 คัน ซึ่งถือเป็นตัวเลขที่สูงหากเทียบกับข้อมูลจากสำนักการจราจรและขนส่ง สำนักงานกรุงเทพมหานคร ที่ให้ข้อมูลเกี่ยวกับถนนในกรุงเทพมหานครสามารถรองรับรถยนต์ได้ประมาณ 1.6 ล้านคันเท่านั้น

ตารางที่ 1 จำนวนรถที่จดทะเบียนสะสมเฉพาะในเขตกรุงเทพมหานคร ณ วันที่ 31 มกราคม 2559

ประเภทรถ	จำนวน(คัน)
ก. รวมรถตามกฎหมายว่าด้วยรถยนต์	8,882,223
รย. 1 รถยนต์นั่งส่วนบุคคลไม่เกิน 7 คน Sedan (Not more than 7 Pass.)	3,821,526
รย. 2 รถยนต์นั่งส่วนบุคคลเกิน 7 คน Microbus & Passenger Van	214,265
รย. 3 รถยนต์บรรทุกส่วนบุคคล Van & Pick Up	1,246,620
รย. 4 รถยนต์สามล้อส่วนบุคคล Motortricycle	832
รย. 5 รถยนต์รับจ้างระหว่างจังหวัด Interprovincial Taxi	-
รย. 6 รถยนต์รับจ้างบรรทุกคนโดยสาร ไม่เกิน 7 คน Urban Taxi	99,579
รย. 7 รถยนต์สี่ล้อเล็กรับจ้าง Fixed Route Taxi	2,468
รย. 8 รถยนต์รับจ้างสามล้อ Motortricycle Taxi (Tuk Tuk)	9,020
รย. 9 รถยนต์บริการธุรกิจ Hotel Taxi	711
รย.10 รถยนต์บริการทัศนาจร Tour Taxi	1,388
รย.11 รถยนต์บริการให้เช่า Car For Hire	58
รย.12 รถจักรยานยนต์ส่วนบุคคล Motorcycle	3,300,135
รย.13 รถแทรกเตอร์ Tractor	88,572
รย.14 รถบดถนน Road Roller	3,495
รย.15 รถใช้งานเกษตรกรรม Farm Vehicle	6
รย.16 รถพ่วง Automobile Trailer	2,056
รย.17 รถจักรยานยนต์สาธารณะ Public Motorcycle	91,492
ข. รวมรถตามกฎหมายว่าด้วยการขนส่งทางบก	178,492
รวมรถโดยสาร Bus : Total	42,734
แยกเป็น - ประจำทาง Fixed Route Bus	24,487
- ไม่ประจำทาง Non Fixed Route Bus	15,186
- ส่วนบุคคล Private Bus	3,061
รวมรถบรรทุก Truck : Total	135,758
แยกเป็น - ไม่ประจำทาง Non Fixed Route Truck	71,752
- ส่วนบุคคล Private Truck	64,006
โดยรถขนาดเล็ก Small Rural Bus	-
รวมทั้งสิ้น	9,060,715

ที่มา : กลุ่มสถิติการขนส่ง กองแผนงาน กรมการขนส่งทางบก

เมื่อวันที่ 30 กันยายน พ.ศ.2555 บรรษัทการกระจายเสียงแห่งอังกฤษระบุว่า กรุงเทพมหานคร เป็น
เมืองหลวงที่มีการจราจรทางถนนและสะพานหนาแน่นหนาแน่นที่สุดของโลก ด้วยเหตุนี้ส่งผลให้
กรุงเทพมหานครประสบปัญหาการเกิดอุบัติเหตุการจราจรทางบก ซึ่งนับเป็นปัญหาที่สำคัญลำดับ
ต้นๆ ที่ทวีความรุนแรงมากขึ้นเป็นลำดับ ตามอัตราการขยายตัวทางเศรษฐกิจที่เพิ่มสูงขึ้น การ
เพิ่มขึ้นของจำนวนประชากรจากการย้ายถิ่นที่อยู่เข้าสู่เมือง ประกอบกับการที่ระบบขนส่งสาธารณะ
และ โครงข่ายถนนมี ไม่เพียงพอและขาดการเชื่อมโยงที่ดี อีกทั้งการขยายตัวของเมืองขาดการ
ควบคุม และการประสานงานในการแก้ไขปัญหายังไม่มีเอกภาพเท่าที่ควร รวมถึงระเบียบวินัยของ
ผู้ใช้รถใช้ถนนยังมีความบกพร่อง ซึ่งสิ่งต่างๆ เหล่านี้ ล้วนเป็นปัจจัยสำคัญที่ทำให้เกิดปัญหา
อุบัติเหตุการจราจรมากยิ่งขึ้นในปัจจุบัน

จากข้อมูลจำนวนประชากร แยกตามเพศ จำแนกตามเขตในกรุงเทพมหานคร   ปรากฏว่าเขตสาย
ไหมเป็น 1 ใน 50 เขตการปกครองของกรุงเทพมหานครซึ่งอยู่ในกลุ่มเขตกรุงเทพเหนือ เป็นเขตที่มี
จำนวนประชากรมากที่สุดในกรุงเทพมหานครตั้งแต่ปี พ.ศ. 2557

อีกทั้งเขตสายไหมยังมีบ้านเรือนประชากรอาศัยอยู่หนาแน่นมากที่สุดในเขตกรุงเทพมหานคร จาก
สถิติล่าสุดปี 2557 คือ 4,359.76 คน/ตร.กม.รองลงมาคือเขตบางแคมีความหนาแน่น 4,318.11 คน/
ตร.กม.   รวมถึงอยู่ในแหล่งพื้นที่ประกอบกิจการ การให้บริการ ที่มีการจดทะเบียนพาณิชย์ในปี
2557 มากเป็นอันดับ 3 ใน 50 เขตของกรุงเทพมหานครรองจากเขตบางกะปิ และเขตบางขุนเทียน
ตามลำดับ รวมไปถึงแนวโน้มการใช้ประโยชน์ที่ดินและอาคารเพิ่มขึ้นทั้งนี้เนื่องจากที่ดินในบริเวณ
ดังกล่าวมีมูลค่าทางเศรษฐกิจสูงจึงมีการใช้ประโยชน์ที่ดินเพื่อการอยู่อาศัยไปเป็นการใช้ที่ดินเพื่อ
กิจกรรมทางเศรษฐกิจ

จากข้อมูลสถิติแสดงอุบัติเหตุการจราจรทางบกซึ่งส่งผลให้เกิดการได้รับบาดเจ็บในเขตจังหวัด
กรุงเทพมหานคร ระหว่างปี 2554-2558 ของศูนย์รับแจ้งเหตุบริษัทกลางคุ้มครองผู้ประสบภัยจากรถ
จำกัด แสดงให้เห็นถึงยอดผู้ได้รับบาดเจ็บต่อปีที่มีแนวโน้มเพิ่มขึ้น ซึ่งในปี 2554 มีผู้ได้รับบาดเจ็บ
ทั้งสิ้น 24,218คน ปี 2555 เท่ากับ 27,215คน ปี 2556 เท่ากับ 28,175คน ปี 2557 เท่ากับ 30,150คน
และล่าสุดปี 2558 มีผู้ได้รับบาดเจ็บทั้งสิ้น 31,181คน ซึ่งเขตสายไหมเป็น 1 ใน 50 เขตที่มียอด
ผู้เสียชีวิตเป็นลำดับต้นๆ และมีแนวโน้มเพิ่มมากขึ้นทุกปีเช่นกันและ ไม่มีแนวโน้มจะลดลงคือ ปี
2554 มีผู้ได้รับบาดเจ็บทั้งสิ้น 601คน(คิดเป็น 2.5%) ปี 2555 เท่ากับ 712คน(คิดเป็น 2.6%) ปี 2556
เท่ากับ 775คน(คิดเป็น 2.7%)ปี 2557 เท่ากับ 811คน(คิดเป็น 2.7%) และล่าสุดปี 2558 มีผู้เสียชีวิต
ทั้งสิ้น 929คน(คิดเป็น 3.0%)

อุบัติเหตุการจราจรทางบก เขตจังหวัดกรุงเทพมหานคร จำแนกตามเขตระหว่างปี พ.ศ. 2554-2558

จังหวัด	เขต	จำนวนครั้งที่เกิดอุบัติเหตุ	2554			2555			2556			2557			2558		
			พิการ	บาดเจ็บ	เสียชีวิต	พิการ	บาดเจ็บ	เสียชีวิต	พิการ	บาดเจ็บ	เสียชีวิต	พิการ	บาดเจ็บ	เสียชีวิต	พิการ	บาดเจ็บ	เสียชีวิต
กรุงเทพมหานคร	คลองเตย	3,034		574	9	1	592	3	2	684	11		730	11	3	803	8
	คลองสาน	1,139	1	229	8		267	2	1	236	3		301	8		246	4
	คลองสามวา	1,863	2	331	10		461	8	1	502	13	1	507	13		473	8
	คันนายาว	1,862		368	12		495	10		492	8	1	470	15	1	408	6
	จตุจักร	3,526	1	702	14		781	17	1	830	8		851	12	1	843	18
	จอมทอง	3,613	3	746	7	3	744	10		799	8		1,112	12		1,033	16
	ดอนเมือง	2,033	1	456	8	2	526	9	1	441	14		411	12	1	389	11
	ดินแดง	1,967	2	418	6		442	3	3	399	6	1	429	6	2	520	5
	ดุสิต	1,481		367	9	1	324	11		271	10		309	6	1	334	2
	ตลิ่งชัน	2,847		537	14	1	616	10		693	13	2	735	17		787	15
	ทวีวัฒนา	1,283	2	211	4	1	303	7	1	296	13		318	10		390	11
	ทุ่งครุ	2,541		494	3		570	2	1	624	5	1	641	4		785	8
	ธนบุรี	3,146	1	648	5	1	702	9		774	6	2	791	7	1	715	6
	บางกอกน้อย	2,851		516	12		624	10	1	684	1	2	776	16	1	778	6
	บางกอกใหญ่	1,266		268	6		296	9	1	290	3		312	4		303	2
	บางกะปิ	3,963	2	748	5		859	9		899	9		1,006	21		1,051	12
	บางขุนเทียน	5,415	1	1,195	12	2	1,408	19	2	1,285	23		1,309	20	1	1,303	28
	บางเขน	3,112	1	566	6	3	707	9	3	760	7		735	13		778	19
	บางคอแหลม	876		166	6	1	190	3	2	180	5	1	186	1		222	4
	บางแค	3,876	3	651	13		1,037	14	2	944	8	1	978	7		862	12
	บางซื่อ	1,963		361	8		451	4	2	477	12		446	12		434	5
	บางนา	2,977	1	589	14		618	17		681	9	2	751	17		785	7
	บางบอน	4,514	2	802	6	1	1,111	8		1,096	11		1,170	9	2	1,461	12
	บางพลัด	1,231	1	241	6	1	267	4	3	250	2		309	6		274	6
	บางรัก	755		148	1		135	3		129	3		155	1		231	3
	บึงกุ่ม	2,866	1	531	6		652	5	1	819	7	2	792	8	1	684	10
	ปทุมวัน	1,387		260	2		318	1	1	292	3		321	8	2	321	7
	ประเวศ	4,551	3	925	12	1	952	19	1	1,104	16	1	1,170	15	2	1,208	22
	ป้อมปราบ	792		154	2		189	2		166	4		176	3		160	2
	พญาไท	1,534	1	363	2		301	8		287	7		347	6		371	3
	พระโขนง	1,802		371	4		326	7		373	5	1	475	9		497	3
	พระนคร	817		190	2	1	185	4	1	173		1	193	3		131	5
	ภาษีเจริญ	2,623	1	489	5		582	8		616	6		693	5		684	7
	มีนบุรี	3,186	2	698	16	2	781	14	2	716	20	5	726	21	1	835	16
	ยานนาวา	1,359		269	7	2	246	6	2	323	8	1	333	10	2	274	8
	ราชเทวี	1,598		329	9	2	302	8		314	3		408	6		425	4
	ราษฎร์บูรณะ	2,460		555	13		529	6	3	560	7		678	8		701	8
	ลาดกระบัง	4,548		985	25	2	1,047	22	5	993	21	5	1,072	24	3	1,069	26
	ลาดพร้าว	5,506	1	1,174	7	1	1,217	5	1	1,335	11	1	1,330	16		1,452	16
	วังทองหลาง	2,372	1	645	6	1	570	4	1	484	10		504	3		544	5
	วัฒนา	2,255	1	413	3		427	6		468	2	1	525	4	1	624	
	สวนหลวง	2,656		546	11		503	6		577	8		642	12		667	9
	สะพานสูง	1,329	2	312	7	1	293	3	1	313	5	1	289	8		346	5
	สัมพันธวงศ์	202		37			43	2		53			41	2		44	
	สาทร	1,100		200	6		247	1		251	2		276	4		209	3
	สายไหม	3,333		601	14	5	712	8	1	775	5	3	811	15	4	929	17
	หนองแขม	3,857	1	676	10	1	985	7	1	995	7	2	1,051	21	1	1,125	6
	หนองจอก	1,767	1	413	14	3	404	20	2	422	20	3	366	20		409	15
	หลักสี่	1,138		242	5		253	8		250	4		245	3		236	5
	ห้วยขวาง	3,435		508	7	1	625	9	2	800	7	1	948	8		1,028	5
รวมทุกเขต		121,607	39	24,218	401	41	27,215	399	53	28,175	395	42	30,150	502	32	31,181	441

ที่มา : ศูนย์รับแจ้งเหตุบริษัทกลางคุ้มครองผู้ประสบภัยจากรถ จำกัด

เนื่องจากลักษณะการเติบโตของกรุงเทพมหานครเป็นเมืองแบบศูนย์กลาง ซึ่งมีลักษณะที่ย่านธุรกิจ การค้าที่สำคัญตั้งอยู่ในใจกลางเมือง และบริเวณที่พักอาศัยของประชาชนจะล้อมรอบออกไปทุก ทิศทางและมีความหนาแน่นลดหลั่นกันไปซึ่งเส้นทางกรุงเทพตอนเหนือตามแนวถนนพหลโยธิน ซึ่งเป็นถนนในกรุงเทพมหานครที่ล่าสุดกองบังคับการตำรวจจราจร เปิดเผยข้อมูลจากการสำรวจ สภาพปัญหาจราจรติดขัดสูงสุดของศูนย์ควบคุมและสั่งการจราจร (บก.02) พบว่าเส้นทางที่ได้รับ การร้องเรียนมากที่สุด 1 ใน 10 เส้นทาง โดยเฉพาะในเขตสายไหม สืบเนื่องถึงอำเภอลำลูกกา และ อำเภอคลองหลวง จังหวัดปทุมธานี ที่ใช้ประโยชน์ที่ดินเพื่อการอยู่อาศัยมาก และมีประชากรตาม ทะเบียนราษฎร์รวมกว่า 900,000 คน และปริมาณประชากรแฝงที่เช่าที่พักอาศัยอยู่อีกมาก อีกทั้งยัง ใช้เป็นจุดเริ่มต้นของการเดินทางเข้าสู่ศูนย์กลางธุรกิจการค้าของกรุงเทพมหานคร ด้วยเหตุนี้จึงทำ ให้เขตสายไหมมีแนวโน้มของการเกิดอุบัติเหตุจราจรทางบกสูง ดังนั้นจึงต้องหาแนวทางการ แก้ปัญหาเพื่อลดการเกิดอุบัติเหตุที่ส่งผลต่อชีวิตและทรัพย์สิน

การเกิดอุบัติเหตุจราจรสามารถป้องกันได้และปัจจัยที่ก่อให้เกิดอุบัติเหตุจราจรได้แก่ ปัจจัยด้าน บุคคล ยานพาหนะ ถนนและสิ่งแวดล้อม การป้องกันหรือการแก้ไขปัญหาอุบัติเหตุจราจรที่มี ประสิทธิภาพนั้น จำเป็นต้องมีการดำเนินการหลายๆมาตรการอย่างเป็นระบบ ในประเทศที่มีรายได้ สูงหลายแห่งได้แสดงให้เห็นว่า สามารถลดอัตราการเกิดอุบัติเหตุและอัตราการตายได้อย่างรวดเร็ว ในช่วงสองทศวรรษที่ผ่านมา ทั้งนี้เป็นผลจากการพิจารณาปัญหาอย่างเป็นระบบ (systems approach) และเน้นมาตรการทั้งปัจจัยด้านสิ่งแวดล้อม ยานพาหนะ ถนนและผู้ใช้ถนน มากกว่าการ เน้นที่การเปลี่ยนแปลงพฤติกรรมของผู้ใช้ถนนแต่เพียงอย่างเดียว โครงการวิจัยเรื่องลักษณะการชน และปัจจัยที่เกี่ยวข้องกับอุบัติเหตุของรถโดยสารประจำทางขนาดใหญ่ระหว่างจังหวัดประเภท รุนแรงได้วิเคราะห์และสรุปปัจจัยที่เป็นสาเหตุของการเกิดอุบัติเหตุที่เกิดจากคนเพียงอย่างเดียวร้อย ละ 17.95 ปัจจัยด้านยานพาหนะเพียงอย่างเดียวร้อยละ 7.69 และปัจจัยทางถนนเพียงอย่างเดียวร้อย ละ 10.26 สำหรับปัจจัยร่วมที่เกิดขึ้นพร้อมกันระหว่างคนและยานพาหนะร้อยละ 12.82 คนและ ถนนร้อยละ 30.77 ยานพาหนะและถนน ร้อยละ 5.13 และปัจจัยทางด้านคน ยานพาหนะและถนน ร้อยละ 15.38
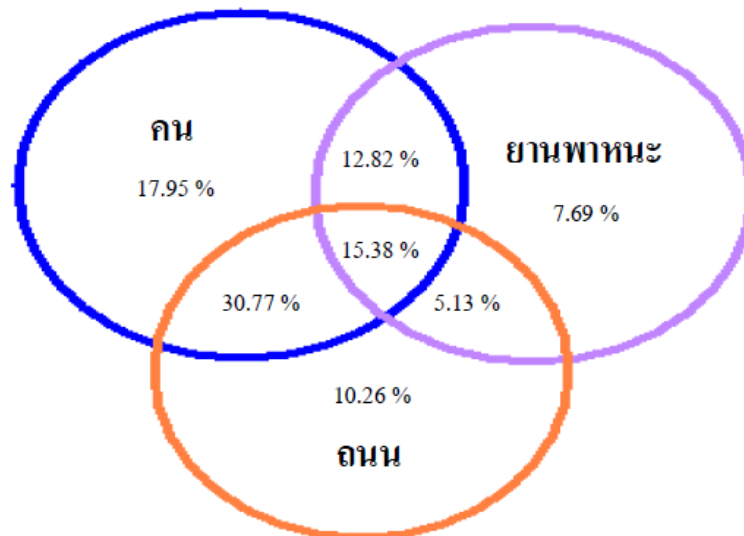
ปัจจัยที่เกี่ยวข้องกับการเกิดอุบัติเหตุ

ปัญหาอุบัติเหตุการจราจรทางบกนับเป็นปัญหาที่สำคัญยิ่ง เป็นสาเหตุที่ทำให้ประเทศชาติต้อง สูญเสียทั้งชีวิตและทรัพย์สินของประชาชนไปเป็นจำนวนมาก และแนวโน้มของปัญหาก็ยิ่งทวี ความรุนแรงเพิ่มมากขึ้นเรื่อย ๆ ซึ่งการแก้ไขปัญหาไม่สามารถดำเนินการได้เพียงหน่วยงานเดียว จำเป็นต้องร่วมมือกันระหว่างหน่วยงานและใช้แรงผลักดันจากรัฐบาลในการขับเคลื่อนการแก้ไข ปัญหา

ด้วยสภาพของปัญหาดังกล่าวข้างต้น   ดังนั้นผู้วิจัยจึงมีความสนใจที่จะทำการวิจัยเรื่อง "ข้อเสนอแนะเชิงนโยบายเพื่อลดอุบัติเหตุการจราจรทางบกในกรุงเทพมหานคร :   เขตสายไหม" เพื่อที่จะหาคำตอบในประเด็นของปัจจัย   สาเหตุที่แท้จริงของปัญหาอุบัติเหตุการจรจรในเขต กรุงเทพมหานครเพื่อหาวิธีการ แนวทาง และข้อเสนอแนะในการแก้ไขปัญหาอย่างยั่งยืน เพื่อความ อยู่ดี มีสุขของคนในเขตกรุงเทพมหานครและความเจริญรุ่งเรืองของประเทศสืบไป

โดยการวิจัยในครั้งนี้ ผู้วิจัยได้ศึกษา แนวคิด ทฤษฎี และงานวิจัยที่เกี่ยวข้อง เพื่อนำมาเป็นกรอบ และแนวทางในการศึกษา ดังนี้

    1.แนวคิดเกี่ยวกับการนำนโยบายไปปฏิบัติ

    2.แนวคิดเกี่ยวกับกฎหมาย

    3.แนวคิดของประสิทธิภาพการบังคับใช้กฎหมาย

    4.แนวคิดเกี่ยวกับการเกิดอุบัติภัยและการเกิดอุบัติภัยจราจร

    5.แนวคิดและทฤษฎีเกี่ยวกับการป้องกันอุบัติเหตุจราจร

    6.แนวคิดเกี่ยวกับการบังคับใช้กฎหมายจราจร

ขอบเขตและแนวทางของการวิจัยซึ่งมีรายละเอียดดังนี้

1. ขอบเขตของพื้นที่ทำการศึกษาค้นคว้าคือ กรุงเทพมหานคร: เขตสายไหม

    1.1 แขวงคลองถนน

    1.2 แขวงสายไหม

    1.3 แขวงออเงิน

2. ขอบเขตของประชากรที่ใช้ในการศึกษา ใช้วิธีการเลือกแบบเฉพาะเจาะจง (purposive) ซึ่งประกอบด้วย

    2.1 ผู้บริหารหน่วยงานต่างๆ ที่มีความเกี่ยวข้องกับปัญหาการจราจร ทั้งในระดับนโยบายและระดับปฏิบัติการได้แก่

        2.1.1 ฝ่ายปกครอง ผู้อำนวยการเขตสายไหม หรือผู้รับผิดชอบฝ่ายเทศกิจ

        2.1.2 เจ้าหน้าที่ตำรวจรองผู้กำกับการจราจร และเจ้าหน้าที่ตำรวจจราจร สถานีตำรวจนครบาลสายไหม

    2.2 ผู้รู้ (key informant) ผู้ให้ข้อมูลความเห็นที่เกี่ยวข้องกับปัญหาการจราจรและข้อมูลอุบัติเหตุในพื้นที่ ได้แก่

        2.2.1 เจ้าหน้าที่บริษัทประกันภัยที่ให้บริการเกี่ยวกับการประกันภัยจากรถยนต์ในพื้นที่เขตสายไหม กรุงเทพมหานคร

        2.2.2 เจ้าหน้าที่หน่วยกู้ภัย หรือหน่วยบรรเทาสาธารณภัยที่ปฏิบัติงานเกี่ยวกับอุบัติเหตุในพื้นที่เขตสายไหม กรุงเทพมหานคร

    2.3 บุคลากรหน่วยงานภาครัฐและองค์กรภาคเอกชน ภาคีเครือข่ายด้านการรณรงค์ลดอุบัติเหตุ ภาคประชาชน ผู้ขับขี่รถยนต์ส่วนบุคคล ผู้ขับขี่รถสาธารณะ

    3.ขอบเขตของระยะเวลาในการเก็บรวบรวมข้อมูล

    การศึกษาครั้งนี้ใช้เวลาในการเก็บรวบรวมข้อมูลระหว่าง วันที่ 1 เมษายน 2559-30 เมษายน 2559 รวมระยะเวลา 30 วัน

เครื่องมือที่ใช้ในการเก็บรวบรวมข้อมูล

1. ศึกษาจากเอกสาร (documentary studies) เป็นการศึกษาจากเอกสาร งานวิจัยและทฤษฎีที่เกี่ยวข้องจากแหล่งข้อมูลต่างๆ เพื่อใช้เป็นกรอบแนวคิด และข้อมูลเบื้องต้น โดยแบ่งเป็นประเด็นในการศึกษา ดังนี้

1.1 ข้อมูลพื้นฐานของกรุงเทพมหานคร สถิติต่างๆ ที่เกี่ยวข้องกับปัญหาการจราจร ปัญหา และสาเหตุของอุบัติเหตุ และการดำเนินงานในการแก้ไขปัญหาการจราจร

1.2 ข้อมูลเกี่ยวกับปัญหาจราจร และอุบัติเหตุที่เกิดขึ้นในเขตพื้นที่สายไหม กรุงเทพมหานคร จากสำนักงานเขตสายไหม และสถานีตำรวจนครบาลสายไหม

2 การสัมภาษณ์ (interview) ใช้การสัมภาษณ์เชิงลึก (in-depth) โดยใช้ 2 รูปแบบคือ

2.1 การสัมภาษณ์แบบไม่มีโครงสร้าง (unstructured interview) เก็บข้อมูลโดยการพูดคุย สนทนา กับกลุ่มเป้าหมายในเรื่องต่างๆ ที่ไม่มีในแบบสัมภาษณ์ที่มีโครงสร้าง แต่เป็นข้อมูลที่เป็น ประโยชน์ต่อการทำสารนิพนธ์ เช่น ในเรื่องของความรู้สึกนึกคิด ความหมาย วัฒนธรรม เป็นต้น ซึ่งได้แก่

2.1.1 ผู้บริหารหน่วยงานต่างๆ ที่มีความเกี่ยวข้องกับปัญหาจราจรทั้งในระดับ นโยบายและระดับปฏิบัติการ ได้แก่ฝ่ายปกครอง และเจ้าหน้าที่ตำรวจ

2.1.2 ผู้รู้ (Key informant) ผู้ให้ข้อมูลความเห็นที่เกี่ยวข้องกับปัญหาการจราจรและ ข้อมูลอุบัติเหตุในพื้นที่ เช่น เจ้าหน้าที่บริษัทประกันภัย เจ้าหน้าที่หน่วยกู้ภัย

2.1.3 บุคลากรหน่วยงานภาครัฐและองค์กรภาคเอกชน ภาคีเครือข่ายด้านการ รณรงค์ลดอุบัติเหตุ ภาคประชาชน ผู้ขับขี่รถยนต์ส่วนบุคคล ผู้ขับขี่รถสาธารณะ เพื่อความปลอดภัย ทางถนนในการลดปัญหาการเกิดอุบัติเหตุการจราจรทางบกของประเทศไทย

2.2 การสัมภาษณ์แบบมีโครงสร้าง หรือการสัมภาษณ์แบบเป็นทางการ (structural interview or formal interview) คือ มีคำถาม และข้อกำหนดที่แน่นอน ตามวัตถุประสงค์ของการวิจัย เช่นทัศนคติและความคิดเห็นที่มีต่อการปฏิบัติตามนโยบาย ความต้องการปรับปรุงแนวทางการลด อุบัติเหตุการจราจร และความต้องการให้เพิ่มมาตรการแก้ไข เป็นต้น

วิธีการสัมภาษณ์ ผู้วิจัยจะเป็นผู้สัมภาษณ์ โดยขออนุญาตใช้เครื่องบันทึกเสียงขณะสัมภาษณ์ พร้อม ทั้งจดประเด็นสำคัญด้วยโดยมีคำถามประกอบการสัมภาษณ์

การวิเคราะห์ข้อมูล

1. ใช้การวิเคราะห์แบบอุปนัย (analytic induction) คือ วิธีตีความสร้างข้อสรุป ข้อมูลที่ได้ จากรูปธรรม หรือปรากฏการณ์ที่มองเห็น โดยได้ทำการวิเคราะห์ข้อมูล หรือสรุปข้อมูลเป็นระยะๆ ระหว่างนั้น ก็เก็บรวบรวมข้อมูลเพิ่มเติม เพื่อความถูกต้องสมบูรณ์ของข้อสรุปที่ได้

2. นำข้อมูลที่ได้มาจัดเข้าหมวดหมู่ ตามประเด็นที่ศึกษา

3. เรียบเรียงข้อมูลที่สมบูรณ์ เพื่อเขียนรายงานการศึกษา

4. เสนอผลการศึกษาด้วยวิธีการพรรณนาวิเคราะห์ (descriptive analysis) และตาราง
แผนภาพ

จากการทบทวนเอกสารและงานวิจัยที่เกี่ยวข้องดังที่กล่าวมาแล้วข้างต้น สรุปได้ว่าปัญหาอุบัติเหตุ
จราจร ทางบกเป็นปัญหาที่มีความสำคัญอย่างยิ่ง โดยเฉพาะในประเทศไทยซึ่งติดอันดับที่ 2 ของ
โลก และเป็นอันดับที่ 1 ของอาเซียน ข้อเสนอแนะเชิงนโยบายเพื่อลดอุบัติเหตุการจราจรทางบกที่
ชัดเจนและนำไปสู่การปฏิบัติแบบบูรณาการร่วมกันในทุกภาคส่วนโดยใช้มาตรการสากล คือ
มาตรการทางการศึกษาและอบรม มาตรการทางกฎหมาย และมาตรการทางวิศวกรรมจราจร เป็น
แนวทางหนึ่งที่จะป้องกันและแก้ไขปัญหาอุบัติเหตุจากการจราจรทางบกได้เป็นอย่างดี และจาก
การศึกษาอุบัติเหตุจากการจราจรทางบกทำให้ทราบถึงปัจจัยสำคัญที่ทำให้เกิดอุบัติเหตุคือ ปัจจัย
ด้านคน ปัจจัยด้านยานพาหนะ ปัจจัยด้านถนน และปัจจัยด้านสภาพแวดล้อม ซึ่งปัจจัยทั้ง 4 ปัจจัยนี้
มีความสัมพันธ์เชื่อมโยงกันอย่างมีนัยสำคัญเป็นอย่างยิ่ง รวมไปถึงความทันสมัยของการดำเนินงาน
การพัฒนามาตรการ และแผนนโยบายของภาครัฐ และภาคเอกชนในการแก้ไขปัญหาที่ดำเนินการ
มาอย่างต่อเนื่องจนกระทั่งถึงปัจจุบัน อันจะเป็นองค์ประกอบโดยรวมที่จะนำไปสู่การเกิดอุบัติเหตุ
การจราจรทางบกได้โดยไม่คาดคิด ดังนั้นผู้วิจัยจึงสนใจที่จะศึกษาข้อเสนอแนะเชิงนโยบายเพื่อลด
อุบัติเหตุการจราจรทางบกในกรุงเทพมหานคร ในพื้นที่เขตสายไหมเพื่อเป็นแนวทางในการลด
อุบัติเหตุการจราจรทางบกในเขตพื้นที่ได้อย่างลึกซึ้งและยั่งยืนต่อไปในอนาคตโดยแบ่งเป็น 3 ระยะ
ดังนี้ (1) การแก้ไขปัญหาระยะเร่งด่วน 1-3 ปี (2) การแก้ไขปัญหาระยะกลาง 3-5 ปี (2) การแก้ไข
ปัญหาระยะยาว 5 ปีขึ้นไป ซึ่งการแก้ไขปัญหาอุบัติเหตุการจราจรทางบกในเขตกรุงเทพมหานคร :
เขตสายไหม จำเป็นต้องดำเนินการให้ครอบคลุมทุกด้าน

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Loeng Faek Model: Driving Policy Mechanism to support a Sub-district Children and Youth Council, Reflecting Collaborative Local Governance[*]

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Abstract

The purpose of this article is to present part of the results of the research project entitled "The Development of policies and mechanism to support the model of sub-district children and youth council : A case study of Loeng Faek Sub-district, Kutrang District, Mahasarakham Province", particularly the result responding to the objective "to achieve knowledge, obtained by integrating public policy subject and Child and Adolescent Community Psychiatry subject, on how to drive policies and mechanism to support the model of sub-district children and youth council to strengthen the community." The research result has been synthesized and became the Loeng Faek Model. The core procedures that have been used to achieve this model encompass; 1. An analysis of common problems and needs in order to drive a sub-district children and youth council via policy mechanism; 2. Efficiency development and improvement of policy mechanism to drive a sub-district children and youth council, 3. A collaborative-design of policies via available mechanisms to develop a sub-district children and youth council, 4. Work in cooperation by policy mechanisms to implement the policy and periodically follow-up and evaluate the result of operation. Based on this research, the policy recommendation is that, **firstly** Loeng Faek Sub-district Children and Youth Council should be run using a policy network approach; gathering cooperation from various partners will contribute to the utmost benefits. **Secondly**, the Loeng Faek Model should be promoted or shared among neighboring sub-districts or related sectors in order to further strengthen the policy mechanism development. **Thirdly**, to promote a children and youth council in sub-district level, formal and informal collaboration should be given by all policy-related sectors for the benefits of resource raising and flexibility and adaptability to changing circumstances. The research result proposes the action-oriented recommendations as follows. Firstly, meetings should be held once in every six months (twice a year) in order to follow-up how the children and youth council operates and to assess situations and design proper activities in line with the current social situations of the community. Secondly, each year the lessons learned from working in cooperation between policy mechanisms should be distilled, particularly in terms of strong points, success, problems and obstacles that have been found. The distilled lessons will lead to suggestion for better cooperation in the future. As for suggestions for further research, a study should be conducted to analyze an efficiency of collaborative local governance of the policy

mechanism, from a case of a sub-district children and youth council, with an aim to raise the level of cooperation among related-partners. In addition, knowledge of other subjects related to a sub-district children and youth council operation, apart from public policy, should be integrated in responding to challenging agenda and social demand in the future.

เลิงแฝกโมเดล :   การขับเคลื่อนกลไกนโยบายเพื่อส่งเสริมสภาเด็กและเยาวชนตำบลบท สะท้อนการบริหารจัดการท้องถิ่นแบบร่วมมือกัน[*]

วชิรวัตติ์ อาริยะสิริโชติ, อาจารย์, วิทยาลัยการเมืองการปกครอง มหาวิทยาลัยมหาสารคาม

บทคัดย่อ

บทความนี้มุ่งนำเสนอส่วนหนึ่งของผลการวิจัย จากโครงการวิจัย "การพัฒนานโยบายและกลไกเพื่อ ส่งเสริมสภาเด็กและเยาวชนตำบลต้นแบบ กรณีศึกษา ตำบลเลิงแฝก อำเภอกุดรัง จังหวัดมหาสารคาม โดย มุ่งนำเสนอผลจากกการวิจัยในวัตถุประสงค์ ข้อที่ว่า"เพื่อวิเคราะห์และสังเคราะห์องค์ความรู้ใน การขับเคลื่อนนโยบายและกลไกเพื่อส่งเสริมสภาเด็กและเยาวชนตำบลต้นแบบ อันมาจากการบูรณา การศาสตร์ด้านนโยบายสาธารณะร่วมกับศาสตร์ด้านสาธารณสุขเรื่องจิตเวชศาสตร์ชุมชนในเด็กและ วัยรุ่น เพื่อเสริมสร้างความเข้มแข็งของชุมชน" ผลการวิจัยดังกล่าวได้นำมาสังเคราะห์ เป็น เลิงแฝก โมเดล โดยมีกระบวนการสำคัญ จากโมเดล คือ 1.การวิเคราะห์ปัญหาและความต้องการร่วมเพื่อนำไปสู่ การขับเคลื่อนสภาเด็กและเยาวชนระดับตำบลโดยกลไกนโยบาย 2. การพัฒนาและเสริมศักยภาพกลไก นโยบายขับเคลื่อนสภาเด็กและเยาวชนตำบล 3.การออกแบบแนวนโยบายร่วมกันโดยกลไกเพื่อพัฒนา สภาเด็กและเยาวชนตำบล   4.นำแนวนโยบายไปร่วมปฏิบัติร่วมกันและมีการติดตามประเมินผลเป็น ระยะ และมีข้อเสนอแนะจากการวิจัย คือ ข้อเสนอแนะในเชิงนโยบายนั้น ประเด็นแรก การดำเนินงาน ของสภาเด็กและเยาวชนตำบลเลิงแฝก อำเภอกุดรังจังหวัดมหาสารคาม นั้น ควรดำเนินการโดยรูปแบบ

ใช้เครือข่ายนโยบาย (Policy Network) เพื่อให้เกิดประโยชน์สูงสุดโดยการสร้างการมีส่วนร่วมจาก
หลายภาคส่วน ประเด็นที่สอง ควรมีการนำ เลิงแฝกโมเดล อันเป็นโมเดลการขับเคลื่อนกลไกนโยบาย
เพื่อส่งเสริมสภาเด็กและเยาวชนตำบลนั้นไปร่วมประชาสัมพันธ์เป็นต้นแบบหรือแลกเปลี่ยนวิธีการ
ขับเคลื่อนกลไกกับตำบลใกล้เคียงหรือภาคส่วนที่เกี่ยวข้องเพื่อให้เกิดการพัฒนาต่อยอดระบบการ
ขับเคลื่อนกลไกนโยบาย ประเด็นที่สาม การส่งเสริมสภาเด็กและเยาวชนระดับตำบลนั้น ควรมีการ
สร้างความร่วมมือโดยกลไกนโยบายทุกภาคส่วนทั้งแบบเป็นทางการและไม่เป็นทางการ เพื่อประโยชน์
ในเชิงของการระดมทรัพยากร การปรับตัวตามสถานการณ์แวดล้อมได้อย่างคล่องตัว ข้อเสนอแนะเชิง
ปฏิบัติ ประเด็นแรก ให้มีการจัดเวทีการติดตามประเมินผลการดำเนินงานร่วมกันของสภาเด็กและ
เยาวชนตำบลในอนาคต ในราย 6เดือน ปีละ 2ครั้ง เพื่อเป็นการติดตามและแลกเปลี่ยนสถานการณ์เพื่อ
วางแผนการดำเนินงานของสภาเด็กและเยาวชนรวมทั้งเป็นการร่วมออกแบบกิจกรรมที่เข้ากับ
สถานการณ์ทางสังคมของตำบลในขณะนั้น ประเด็นที่สอง การบริหารจัดการท้องถิ่นแบบร่วมมือกัน
โดยสภาเด็กและเยาวชนตำบลเลิงแฝก นั้น ควรมีการถอดบทเรียนการทำงานร่วมกันของกลไกนโยบาย
ในประเด็น จุดเด่น ความสำเร็จ ปัญหาอุปสรรค ของการร่วมมือกันในแต่ละปี เพื่อนำมาสู่ข้อเสนอใน
การปรับปรุงและพัฒนาการสร้างความร่วมมือในอนาคต ข้อเสนอแนะสำหรับการวิจัยครั้งต่อไป
ประเด็นแรก มีการวิจัยเพื่อวิเคราะห์ประสิทธิภาพของการบริหารจัดการท้องถิ่นแบบร่วมมือกันของ
กลไกนโยบาย จากกรณีของสภาเด็กและเยาวชนตำบลเพื่อประโยชน์ในการยกระดับการสร้างความ
ร่วมมือของภาคส่วนที่เกี่ยวข้อง ประเด็นที่สอง มีการนำศาสตร์ที่เกี่ยวข้องกับการดำเนินงานของสภา
เด็กและเยาวชนตำบลนอกจากศาสตร์ด้านนโยบายสาธารณะแล้วมาบูรณาการในประเด็นที่ท้าทายและ
ตอบสนองความต้องการของสังคมในอนาคต

คำสำคัญ : กลไกนโยบาย/ สภาเด็กและเยาวชนตำบล/ การบริหารจัดการท้องถิ่นแบบร่วมมือกัน

บทนำ

สถานการณ์ทางสังคมของโลกในปัจจุบันได้รับผลกระทบจากการเปลี่ยนแปลงทางสังคมและวัฒนธรรม
ทำให้วิถีการดำเนินชีวิตของประชาชนในชุมชนมีการเปลี่ยนแปลงไปอย่างไม่หยุดนิ่งวิถีการดำเนินชีวิต
ของประชาชนในท้องถิ่นมีพัฒนาการไปสู่ความเป็นเมือง ส่งผลให้เกิดระบบการดำเนินชีวิตที่
ปรับเปลี่ยนไป เกิดการอพยพเคลื่อนย้ายแรงงานหนุ่มสาวของคนวัยทำงาน เกิดสังคมผู้สูงอายุเพิ่มมาก
ขึ้น เหล่านี้เป็นส่วนหนึ่งที่ทำให้ระบบความสัมพันธ์ของคนในชุมชนเปลี่ยนไปจากเดิมและ เกิดภาวะ

ของการขาดคนหนุ่มสาว หรือเยาวชนในช่วงที่เป็นกำลังสำคัญ ในการพัฒนาชุมชนท้องถิ่น อาทิ ทั้งจาก
การไปเป็นกำลังแรงงาน การเคลื่อนย้ายเข้าไปศึกษาต่อในเมืองและประเด็นอื่นๆ ทำให้เกิดการขาด
เครือข่ายในการร่วมพัฒนาท้องถิ่นและชุมชนของเด็กและเยาวชนตำบลเลิงแฝก อำเภอกุดรัง จังหวัด
มหาสารคามเป็นพื้นที่หนึ่งที่มีสภาพของความเป็นชนบทผสมเมืองของ ซึ่งพบปัญหาดังกล่าวมาแล้ว
จากสถานการณ์ข้างต้น และมีความต้องการในการขับเคลื่อนพัฒนานโยบายให้ส่งเสริมสภาเด็กและ
เยาวชนที่มีอยู่แล้วให้ดำเนินงานได้มีประสิทธิภาพมากขึ้นซึ่งปัญหาที่พบในการดำเนินงานของสภาเด็ก
และเยาวชนในระดับตำบลคือการมีข้อจำกัด ซึ่งเป็นการดำเนินงานตามโครงสร้าง ตามภารกิจเป็นครั้ง
คราวทำให้การขับเคลื่อนงานนั้นไม่สอดรับกับวิถีการดำเนินการพัฒนาและนโยบายสาธารณะของ
ชุมชนที่มีความต้องการขับเคลื่อนอย่างมีส่วนร่วมทั้งในแง่ของเชิงภารกิจและวิธีปฏิบัติซึ่งองค์ประกอบ
อันเป็นหัวใจสำคัญคือ นโยบายและกลไกในการขับเคลื่อนที่ยังไม่ได้รับการทบทวนและวิเคราะห์
พิจารณาร่วมกันเพื่อการพัฒนา จากสถานการณ์ดังกล่าวชุมชนจึงมีความต้องการที่จะสร้างเครือข่ายเด็ก
และเยาวชนในพื้นที่เพื่อเป็นกำลังสำคัญมาร่วมสร้างสรรค์งานเพื่อประโยชน์ของชุมชนในพื้นที่กับ
ประชาชนในชุมชน และการแก้ปัญหาเด็กและเยาวชนในรูปแบบต่างๆ กฎหมายที่เกี่ยวข้องและให้
อำนาจในการจัดตั้งสภาเด็กและเยาวชน คือพระราชบัญญัติการส่งเสริมสภาเด็กและเยาวชนแห่งชาติ
พ.ศ.2550 ที่ส่งเสริมการตั้งสภาเด็กและเยาวชนระดับ ตำบลซึ่งเด็กและเยาวชนในมาตรา 4 ตาม
พระราชบัญญัติ นี้ เด็ก" หมายความว่า บุคคลซึ่งมีอายุต่ำกว่าสิบแปดปีบริบูรณ์ "เยาวชน" หมายความ
ว่า บุคคลซึ่งมีอายุตั้งแต่สิบแปดปีบริบูรณ์ถึงยี่สิบห้าปีบริบูรณ์

ในปัจจุบันนั้น การดำเนินงานด้านเด็กและเยาวชนนั้น มีผู้ขับเคลื่อนร่วมตัวแทนของสถานศึกษาของ
ตำบลที่มีระดับประถม 4แห่ง ระดับมัธยม1 แห่ง โรงเรียนขยายโอกาส 1แห่ง และบุคลากรขององค์การ
บริหารส่วนตำบล และเยาวชนบางส่วนในตำบล ที่ยังเป็นเครือข่ายอย่างหลวมๆ เน้นทำงานตามภารกิจ
และยังขาดความต่อเนื่องในการสืบทอดการทำงานของเด็กและเยาวชน จากสถานการณ์ดังกล่าว
ต้องการการหนุนเสริมจากหน่วยงานภาครัฐที่เขาร่วมส่งเสริมเพื่อการดำเนินงานสานต่อสภาเด็กและ
เยาวชนที่มีอยู่แล้ว โดยลักษณะโครงสร้างการทำงานตามกิจกรรมในแต่ละปีงบ ที่ภาครัฐจัดสรรอันเป็น
โครงสร้างการทำงานตามภารกิจเป็นครั้งๆไป ซึ่งความต้องการของชุมชนนั้นต้องการพัฒนาโครงสร้า
สภาเด็กและเยาวชนดังกล่าวให้ขับเคลื่อนการดำเนินงานพัฒนาร่วมกับชุมชนในแบบเครือข่ายที่เข้มแข็ง
เกิดการมีส่วนร่วมระหว่างเด็กเยาวชนและประชาชนในทุกกระบวนการเพื่อให้งานพัฒนาและการ
ดำเนินนโยบายชุมชนนั้นเป็นงานที่มาจากการมีส่วนร่วมของทุกภาคส่วนและเป็นประโยชน์ต่อคนทุก
ช่วงอายุถือเป็นเจ้าของชุมชนร่วมกัน และนอกจากศาสตร์ทางด้านนโยบายสาธารณะแล้ว งานวิจัยนี้ยัง

ได้บูรณาการศาสตร์ทางด้านสาธารณสุขในประเด็นจิตเวชศาสตร์ในเด็กและวัยรุ่น ซึ่งเป็นมิติสำคัญ
มาร่วมในการวิจัยเพื่อวิเคราะห์ ทำความเข้าใจ เด็กและวัยรุ่น โดยประยุกต์ใช้ศาสตร์ให้เกิดประโยชน์ทั้ง
ในแง่การขับเคลื่อนนโยบายชุมชนและการขับเคลื่อนงานด้านเด็กและวัยรุ่นซึ่งมีความสอดคล้องกับ
สภาเด็กและเยาวชน ก่อให้เกิดการสังเคราะห์องค์ความรู้ เป็นองค์รวมเพื่อร่วมสร้างชุมชนเข้มแข็ง

ดังนี้ "การพัฒนานโยบายและกลไกเพื่อส่งเสริมสภาเด็กและเยาวชนตำบลต้นแบบ กรณีศึกษา ตำบล
เลิงแฝก อำเภอกุดรัง จังหวัดมหาสารคาม" จึงได้ใช้ วิธีวิทยาในการวิจัยเชิงคุณภาพ (Qualitative
Research) โดยใช้รูปแบบ การวิจัยเชิงปฏิบัติการแบบมีส่วนร่วม (Participatory Action Research : PAR)
เพื่อให้เกิดการมีส่วนร่วมของกลุ่มเป้าหมาย และนักวิจัย โดยร่วมคิด ร่วมทำ ร่วมวางแผน เพื่อให้เกิด
ประโยชน์สูงสุด ต่อชุมชน โครงการวิจัยดังกล่าว จึงมีความสำคัญในการเข้าไปส่งเสริมในเชิงการ
พัฒนานโยบายสาธารณะ พัฒนาระบบกลไกการดำเนินงานและขับเคลื่อนนโยบายร่วมกับภาคีเครือข่าย
และหน่วยงานที่เกี่ยวข้องในเชิงการบูรณาการศาสตร์ทางด้านนโยบายสาธารณะกับศาสตร์ทางด้าน
สาธารณสุขในประเด็นจิตเวชศาสตร์ในเด็กและวัยรุ่นเกิดการบูรณาการทั้งด้านองค์ความรู้และร่วม
สร้างชุมชนเข้มแข็ง ให้เกิดสภาเด็กและเยาวชนซึ่งเป็นตำบลต้นแบบในพื้นที่เพื่อการขยายผลสู่ตำบล
อื่นๆในระดับอำเภอ ของอำเภอกุดรัง จังหวัดมหาสารคาม ทั้งยังเป็นประโยชน์ในการนำมาประยุกต์ใช้
ในการเรียนการสอนและเป็นประโยชน์ให้กับสังคมและบุคคลผู้สนใจต่อไป ซึ่งบทความนี้ได้นำเสนอ
ผลส่วนหนึ่งของการวิจัย ซึ่งได้นำมาสังเคราะห์ให้เห็นถึงประโยชน์และคุณค่าการดำเนินการ โดย
"กลไกนโยบายร่วม" สะท้อนให้เห็นถึงการบริหารจัดการท้องถิ่นแบบร่วมมือกัน โดยทำการ
สังเคราะห์ในรูปแบบโมเดล "เลิงแฝกโมเดล" เพื่อประโยชน์ในการต่อยอดการบริหารจัดการท้องถิ่น
แบบร่วมมือกัน (Collaborative   Governance) ในประเด็นที่เกี่ยวข้องกับเด็กและเยาวชนรวมถึง
ประยุกต์ใช้ในประเด็นอื่นๆเพื่อการพัฒนาชุมชนตำบลเลิงแฝกและสังคมวงกว้างต่อไป

ที่มาของสภาเด็กและเยาวชนตำบล เลิงแฝก อ.กุดรัง จ.มหาสารคาม

สภาเด็กและเยาวชนในระดับตำบลนั้น เป็นผลมาจาก พรบ.การส่งเสริมเด็กและเยาวชนแห่งชาติ พ.ศ.
2550 ซึ่งมีการส่งเสริมให้จัดตั้งสภาเด็กและเยาวชน ในระดับ จังหวัด อำเภอ รวมถึงตำบล ซึ่งสอดคล้อง
กับมติ คณะกรรมการส่งเสริมการพัฒนาเด็กและเยาวชนแห่งชาติ ซึ่งมีนายกรัฐมนตรี เป็นประธาน ได้
มีมติในการประชุมครั้งที่ 2/2553 เมื่อวันศุกร์ที่ 11 มิถุนายน 2553 เรื่องการจัดตั้งสภาเด็กและเยาวชน
ตำบลโดยขอให้องค์กรปกครองส่วนท้องถิ่นสนับสนุนให้มีการจัดตั้งสภาเด็กและเยาวชนตำบล เพื่อ

ส่งเสริมสนับสนุนให้เด็กและเยาวชนของท้องถิ่นได้มีส่วนร่วมในการจัดกิจกรรมที่เป็นประโยชน์ต่อ
สังคม เป็นแกนนำในการทำกิจกรรมที่เกี่ยวกับการพัฒนาเด็กและเยาวชนรวมทั้งให้ข้อเสนอแนะความ
คิดเห็นในการพัฒนาเด็กและเยาวชนในท้องถิ่น   ซึ่งสภาเด็กและเยาวชนตำบลเลิงแฝก อ.กุดรัง จ.
มหาสารคามนั้น มีการก่อตั้งดำเนินการในช่วงปี พ.ศ.2555 โดยการผลักดันขององค์การบริหารส่วน
ตำบลเลิงแฝก อ.กุดรัง จ.มหาสารคาม เพื่อเป็นศูนย์รวมในการส่งเสริมเด็กและเยาวชนของตำบลเพื่อให้
สอดคล้องกับ พรบ.การส่งเสริมเด็กและเยาวชนแห่งชาติ พ.ศ.2550

การวิเคราะห์การดำเนินงานของกลไกนโยบายเพื่อส่งเสริมสภาเด็กและเยาวชนของตำบลเลิงแฝก

จากการวิจัยโดยการวิเคราะห์ กลไกนโยบายการส่งเสริมสภาเด็กและเยาวชนตำบลเลิงแฝกนั้น จากการ
สนทนากลุ่ม (Focus group) พบว่า กลไกของการส่งเสริมสภาเด็กและเยาวชนนั้น ในระยะเริ่มแรกเมื่อ
ปี พ.ศ.2555มีผู้กระทำการ (Actor) เริ่มตั้งแต่ เจ้าภาพ คือ องค์การบริหารส่วนตำบลเลิงแฝก อ.กุดรัง จ.
มหาสารคาม และมีภาคีร่วม เช่นประชาชนในพื้นที่ กลุ่มเด็กเยาวชน ซึ่งตั้งเป็นคณะกรรมการในระดับ
ตำบล ซึ่งหากจำแนกบทบาทนั้น องค์การบริหารส่วนตำบลเลิงแฝกนั้น มีลักษณะการดำเนินการในการ
ส่งเสริมและสนับสนุนให้เกิดคณะกรรมการเด็กและเยาวชนในลักษณะการบอกข่าวสารให้เด็กเยาวชน
ในระดับตำบล มาร่วมตั้งคณะกรรมการ เมื่อเกิดคณะกรรมการเด็กเยาวชนแล้วนั้นได้ส่งเสริมการดำเนิน
กิจกรรมดึงเด็กเยาวชนเข้ามีส่วนร่วมในตำบล เช่น การจัดกีฬาตำบล การร่วมกิจกรรมที่องค์การ
บริหารส่วนตำบลเลิงแฝกนั้นได้จัด ซึ่งเป็นการขับเคลื่อนในลักษณะ ตามภารกิจจากแผนขององค์การ
บริหารส่วนตำบลซึ่งยังขาดมิติการมีส่วนร่วมในการร่วมคิด และส่งเสริมการแก้ปัญหาหรือร่วมพัฒนา
ตำบลอย่างเป็นระบบ ซึ่งกลไกร่วม ได้แก่ เด็กเยาวชนและประชาชนในพื้นที่นั้น ได้สะท้อนบทบาทใน
รูปแบบการร่วมกิจกรรมตามการประกาศชักชวน ยังขาดมิติในการร่วมคิด ร่วมเสนอ ยังไม่ได้ร่วม
ออกแบบกิจกรรมหรือสะท้อนความต้องการมากนักในระยะแรกเริ่ม ซึ่งในระยะต่อมา ช่วงปี พ.ศ.2556
นั้น เริ่มมีภาคีร่วมคือ โรงเรียนในระดับตำบล ที่ได้มี ครูและนักเรียนของโรงเรียน เข้ามาร่วมกิจกรรม
กับสภาเด็กและเยาวชน แต่ทว่ายังมีลักษณะตามภารกิจ สภาเด็กและเยาวชนตำบลเลิงแฝกนั้น ยังถูกจัด
วางในลักษณะ "ผู้เข้าร่วม" ซึ่งความเห็นร่วมกันของกลไกนโยบาย ได้สะท้อนความต้องการว่า สภาเด็ก
และเยาวชนตำบลนั้น ควรยกระดับการทำงานเป็น ลักษณะ เจ้าภาพหลัก เจ้าภาพร่วม และ ภาคีร่วม ใน
ลักษณะ กิจกรรมที่มีความสำคัญกับเด็กและเยาวชน และเชื่อมโยงกับ ระบบการดำเนินกิจกรรมที่ต้องมี
การถ่ายทอดวิธีคิด กระบวนการทำงาน ให้เด็กและเยาวชนในอนาคตมากกว่าการกระจุกอยู่กับผู้ใหญ่วัย
กลางคนและผู้สูงอายุในการขับเคลื่อนหลัก กระทั่ง ในช่วงปี   พ.ศ.2557ได้มีโครงการหนึ่งหลักสูตร

หนึ่งชุมชน *(โครงการหนึ่งหลักสูตรหนึ่งชุมชน เป็นโครงการในรูปแบบการบริการวิชาการ ของ มหาวิทยาลัยมหาสารคาม ซึ่งให้แต่ละหลักสูตรในมหาวิทยาลัยดำเนินการร่วมกับชุมชน ซึ่ง วิทยาลัย การเมืองการปกครองโดยหลักสูตรรัฐศาสตร์ ได้ดำเนินการ ปี พ.ศ.2557-พ.ศ.2558 โครงการ โรงเรียน ชีววิถีอีสานเพื่อความมั่นคงทางอาหารอย่างยั่งยืน –โครงการ โรงเรียนชีววิถีอีสานเพื่อตลาดอาหาร ปลอดภัยสานสายใยครอบครัว ซึ่งในปีพ.ศ.2558 โครงการได้มีการบูรณาการกับการวิจัยเรื่อง "การ พัฒนานโยบายและกลไกเพื่อส่งเสริมสภาเด็กและเยาวชนตำบลต้นแบบ"กรณีศึกษาตำบลเลิงแฝก อำเภอกุดรัง จังหวัด มหาสารคาม ได้รับทุนอุดหนุนและส่งเสริมการวิจัยจากวิทยาลัยการเมืองการป ครอง มหาวิทยาลัยมหาสารคาม) งบประมาณปี พ.ศ.2558)* ในนามโครงการ "โรงเรียนชีววิถีอีสานเพื่อ ความมั่นคงทางอาหารอย่างยั่งยืน"(พ.ศ.2557) ได้มาดำเนินการร่วมกับตำบลเลิงแฝก ซึ่งเป็นโครงการ ในลักษณะ การใช้ชุมชนเป็นฐาน (Community based) โดยการเรียนรู้ร่วมกันทั้งจากทางวิทยาลัย การเมืองการปกครอง ชาวชุมชน บ่อแกบ่อทอง ชาวบ้านตำบลเลิงแฝก และภาคีร่วม อาทิ อบต.เลิงแฝก สำนักงานเกษตรอำเภอกุดรัง สำนักงานสาธารณสุขอำเภอกุดรัง เมื่อโครงการเสร็จสิ้นเกิดศูนย์การ เรียนรู้ชีววิถีอีสานเพื่อความมั่นคงทางอาหารอย่างยั่งยืนที่เป็นต้นแบบ และ มีการขยายวิธีคิดในการ ปรับเปลี่ยนพฤติกรรม มาเพาะปลูกผลิตอาหารปลอดภัย และเกิดกลุ่มผู้ปลูกพืชผักปลอดสารผลิตอาหาร ปลอดภัย ซึ่งกล่าวได้ว่า เป็น ภาคประชาสังคม ในตำบลแล้วนั้น จึงมีการร่วมกันพูดคุยทั้งอย่างไม่เป็น ทางการรวมถึงการถอดบทเรียน(Lesson learned) ร่วมกันกับภาคีทุกภาคส่วนในการดำเนินโครงการ หนึ่งหลักสูตรหนึ่งชุมชนร่วมกัน เมื่อปี พ.ศ.2557 เพื่อ ดำเนินการต่อยอดในปี พ.ศ.2558

ซึ่งพบ ประเด็นสำคัญ จากการถอดบทเรียน คือ การเข้ามามีส่วนร่วมของตัวเด็กและเยาวชนในตำบล ซึ่ง ถือเป็นกลุ่มที่จะได้เห็นภาพความเป็นไปของตำบล ของชุมชนในอนาคตนั้น พวกเขายัง ไม่ได้มาร่วมคิด ร่วมออกแบบ ซึ่งกลไกนโยบายร่วม ร่วมหลายฝ่ายซึ่งประกอบด้วย วิทยาลัยการเมืองการปกครอง มหาวิทยาลัยมหาสารคาม องค์การบริหารส่วนตำบลเลิงแฝก ตัวแทนเด็กและเยาวชน ตัวแทนประชาชน โรงพยาบาลส่งเสริมภาพสุขตำบลเลิงแฝก สำนักงานสาธารณสุขอำเภอเลิงแฝก โรงเรียนในตำบล เห็น ว่าเป็นจุดสำคัญอย่างยิ่งที่ต้อง เกิดการยกระดับ การดำเนินงานของสภาเด็กและเยาวชนให้เป็นลักษณะ เจ้าภาพร่วม มากกว่าการถูกเรียก ตามภารกิจ ซึ่งทำให้เกิดความต้องการในการวิจัยร่วมกันเพื่อพัฒนา นโยบายและกลไกเพื่อส่งเสริมสภาเด็กและเยาวชนตำบลเลิงแฝก (พ.ศ.2558) และมุ่งหวังขยายผลเป็น ต้นแบบให้กับตำบลอื่นใกล้เคียงต่อไป

เลิงแฝกโมเดล: การขับเคลื่อนกลไกเพื่อส่งเสริมสภาเด็กและเยาวชนระดับตำบล

บทสะท้อนการบริหารจัดการท้องถิ่นแบบร่วมมือกัน

จากวัตถุประสงค์ของโครงการวิจัยนั้น พบว่า ผลจากการศึกษาที่สอดคล้องกับวัตถุประสงค์ของการวิจัย ในประเด็น "เพื่อวิเคราะห์และสังเคราะห์องค์ความรู้ในการขับเคลื่อนนโยบายและกลไกเพื่อส่งเสริม สภาเด็กและเยาวชนตำบลต้นแบบ อันมาจากการบูรณาการศาสตร์ด้านนโยบายสาธารณะร่วมกับ ศาสตร์ด้านสาธารณสุขเรื่องจิตเวชศาสตร์ชุมชนในเด็กและวัยรุ่น เพื่อเสริมสร้างความเข้มแข็งของ ชุมชน" โดยโครงการวิจัยดังกล่าวเป็นลักษณะการบูรณาการศาสตร์ ด้วยการวิเคราะห์ร่วมกันของกลไก นโยบายว่า นอกจากศาสตร์ทางรัฐประศาสนศาสตร์เพื่อเข้าใจนโยบายและกลไกแล้ว อีกประเด็นสำคัญ ต้องเข้าใจ คือ ระบบคิด พฤติกรรมเด็กเยาวชน หรือเราเรียกกันในชุมชนว่า วัยรุ่น จึงได้มีการเชิญชวน นักวิจัยร่วมด้านสาธารณสุข ประเด็น จิตเวชศาสตร์ชุมชนในเด็กและวัยรุ่น ซึ่งเป็นศาสตร์ที่เกี่ยวข้องกับ ความเข้าใจในสุขภาพจิต พฤติกรรมการแสดงออกของเด็กและวัยรุ่น มาร่วมวิจัยในโครงการดังกล่าว ซึ่งองค์ความรู้จากการวิจัย ส่วนหนึ่งจากการวิจัยที่ผู้วิจัยเห็นว่าเป็นประโยชน์ และประเด็นสำคัญคือ การถอดองค์ความรู้ในลักษณะ โมเดล เพื่อเป็นการพัฒนานโยบายและขับเคลื่อนกลไกนโยบายที่ เกี่ยวกับสภาเด็กและเยาวชน โดยสังเคราะห์เป็น โมเดล ในการขับเคลื่อนสภาเด็กและเยาวชนจากการ วิจัยเชิงบูรณาการศาสตร์ในการร่วมวิเคราะห์ เพื่อผู้สนใจและหน่วยงานที่เกี่ยวข้องนำไปปรับใช้ต่อไป จึง ใช้ชื่อว่า "เลิงแฝกโมเดล" ซึ่งได้นำชื่อตำบลมาเป็นชื่อโมเดล ซึ่งจากการวิจัยพบว่า การดำเนินการ ขับเคลื่อสภาเด็กและเยาวชนนั้นต้องมีความสัมพันธ์สอดคล้อง 3 มิติสำคัญ คือ วิธีคิด เป้าหมาย กระบวนการร่วมกันที่เป็นระบบซึ่งสะท้อนผ่านการขับเคลื่อนกลไกเพื่อการส่งเสริมสภาเด็กและ เยาวชนนั้นจึงจะต้องเป็นลักษณะ กระบวนการ (process)ที่เป็นเหตุเป็นผลอย่างเป็นระบบขั้นตอน ดังนี้

เลิงแฝกโมเดล : โมเดลต้นแบบการขับเคลื่อนกลไกเพื่อส่งเสริมสภาเด็กและเยาวชนตำบล

| 1.วิเคราะห์ปัญหาและความต้องการร่วมเพื่อนำไปสู่การขับเคลื่อนสภาเด็กและเยาวชนระดับตำบล โดยกลไกนโยบาย | 2. การพัฒนาและเสริมศักยภาพกลไกนโยบายขับเคลื่อนสภาเด็กและเยาวชนตำบล | 3.การออกแบบแนวนโยบายร่วมกันโดยกลไกเพื่อพัฒนาสภาเด็กและเยาวชนตำบล | 4.นำแนวนโยบายไปปฏิบัติร่วมกันและมีการติดตามประเมินผลเป็นระยะ |

(วิเคราะห์ความต้องการและสร้างความเข้าใจร่วม) วิเคราะห์ปัญหาความต้องการ กิจกรรม "เรามาเข้าใจกัน" เป็นกระบวนการวิเคราะห์แลกเปลี่ยนความคิดเห็นทัศนคติร่วมกันโดยศาสตร์จิตเวชศาสตร์ครอบครัวในเด็กและวัยรุ่น คำถามสำคัญร่วมกัน คือ 1. เด็กเยาวชนต้องการสิ่งใดจากผู้ใหญ่ 2. ผู้ใหญ่ต้องการสิ่งใดจากเด็กและเยาวเยาวชน

(เสริมสร้างวิธีคิด สู่การปฏิบัติ) เมื่อเด็กเยาวชนและผู้ใหญ่เข้าใจร่วมกันแล้วถึงวิธีคิดและการแสดงออกของแต่ละฝ่าย มีการดำเนินกิจกรรมร่วมกัน เพื่อเป็นการเสริมศักยภาพและเข้าใจบทบาทของตนเองในฐานะที่เป็นกลไกสำคัญ โดยเป็นกิจกรรมที่เปิดพื้นที่ในการร่วมคิด ร่วมปฏิบัติ

(สร้างพื้นที่ร่วมในการออกแบบแนวนโยบาย) หลังจากมีประสบการณ์ในการดำเนินกิจกรรมที่ได้แสดงศักยภาพร่วมกันกลไกจะเกิดความเข้าใจและสะท้อนความต้องการร่วมออกมาเป็นแนวนโยบาย

(เกิดแนวนโยบายผลักดันสู่การปฏิบัติและติดตามประเมินผลร่วมกัน) อาทิ วิสัยทัศน์หลักในระยะ 2ปี / กิจกรรมที่ควรจะมี/การติดตามประเมินผลโดยกลไกร่วม

อธิบายโมเดล :   กลไกนโยบายในที่นี้ คือ ผู้นำ อบต.เลิงแฝก /สภาเด็กและเยาวชนตำบลเลิงแฝก/ นักวิชาการ มหาวิทยาลัยมหาสารคาม (วิทยาลัยการเมืองการปกครอง อ.วชิรวัตติ์ อาริยะสิริโชติ (หัวหน้าโครงการวิจัย) ร่วมกับ คณะสาธารณสุขศาสตร์ อ.สุวิมล สงกลาง (นักวิจัยร่วม) /โรงเรียนในตำบล (ครู) /ประชาชน /สำนักงานสาธารณสุข อ.กุดรัง/โรงพยาบาลส่งเสริมสุขภาพตำบลเลิงแฝก จากการวิจัยพบว่า การขับเคลื่อนของกลไกสภาเด็กและเยาวชนตำบลนั้น หากจะยกระดับให้เป็นหนึ่งในหน่วยสังคมในระดับตำบลที่มีบทบาทสำคัญในการสร้างเสริมความเข้มแข็งของชุมชนในการร่วมกันดำเนินการพัฒนาหรือการทำงานร่วมกับภาคีเครือข่ายอื่นๆที่เกี่ยวข้องกับชุมชน แล้วนั้น การขับเคลื่อนของกลไก ต้องเป็นไปอย่างมีระบบ เป็นกระบวนการ(process) ซึ่งจากผลการวิจัยนั้น กระบวนการดังกล่าว ควรมีลักษณะสำคัญเป็นขั้นตอน คือ 1.วิเคราะห์ปัญหาและความต้องการร่วมเพื่อนำไปสู่การขับเคลื่อนสภาเด็กและเยาวชนระดับตำบล โดยกลไกนโยบาย โดยใช้รูปแบบโดยเครือข่ายนโยบาย (policy Network) *"เครือข่ายนโยบายสามารถถูกมองว่าเป็นการดำเนินนโยบายที่หลากหลายบนฐานความร่วมมือผ่านเครือข่ายของตัวแสดงที่แตกต่างแต่ต้องพึ่งพากัน ซึ่งศักยภาพในการทำงานร่วมกันของตัวแสดงทั้งหลายเป็นเงื่อนไขสำคัญของการแก้ปัญหา"* (Marsh,1998,P.8) ที่มีความรู้ทักษะความเชี่ยวชาญในแต่ละภาคส่วน   มาร่วมกันวิเคราะห์ปัญหาและความต้องการ โดยเป็นกิจกรรมเพื่อสร้างความเข้าใจร่วมกันซึ่งในโครงการวิจัยได้ใช้ กิจกรรม "เรามาเข้าใจซึ่งกันและกัน" เป็นกระบวนการวิเคราะห์แลกเปลี่ยนความคิดเห็นทัศนคติร่วมกันโดยประยุกต์ใช้ศาสตร์จิตเวชศาสตร์ครอบครัวในเด็กและวัยรุ่นซึ่งมีการตั้งคำถามสำคัญร่วมกัน คือ 1)เด็กเยาวชนต้องการสิ่งใดจากผู้ใหญ่ 2)ผู้ใหญ่ต้องการสิ่งใดจากเด็กและเยาวชน และจัดเวทีและแลกเปลี่ยนเรียนรู้ตอบคำถามประเด็นดังกล่าวในตำบลเลิงแฝก สรุปได้ว่า ผู้ใหญ่มีความต้องการและเห็นว่าเด็กเยาวชนนั้นมีพลังในการร่วมดำเนินกิจกรรมกับชุมชนรวมทั้งสามารถร่วมคิดร่วมออกแบบกิจกรรมที่เกี่ยวข้องให้ชุมชนได้แต่ยังขาดช่องทางในการสร้างการมีส่วนร่วม ส่วนเด็กเยาวชนก็มีความมุ่งหวังต่อผู้ใหญ่ ให้สร้างพื้นที่การมีส่วนร่วมและเห็นว่าเด็กและเยาวชนเป็นส่วนสำคัญในการร่วมกำหนดทิศทางการดำเนินไปของชุมชนและตำบลไม่ใช่อยู่ที่เพียงวิธีคิดแบบผู้ใหญ่ฝ่ายเดียว และจากการวิจัยเมื่อได้ข้อมูลเข้าใจถึงปัญหาและความต้องการร่วมแล้วนำมาสู่ ขั้นตอนที่ 2. การพัฒนาและเสริมศักยภาพกลไกขับเคลื่อสภาเด็กและเยาวชนตำบล โดยการเสริมศักยภาพกลไกนโยบายร่วมกัน คือ ผ่านโครงการหนึ่งหลักสูตรหนึ่งชุมชน "โรงเรียนชีววิถีอีสานเพื่อตลาดอาหารปลอดภัยสานสายใยครอบครัว (ปี พ.ศ.2558) " ที่กลไกหลายๆ ฝ่าย ได้มีส่วนร่วมออกแบบกิจกรรมในโครงการ ซึ่งเด็กและเยาวชนได้มีส่วนร่วมทั้งในกิจกรรมค่าย ระยะกลางน้ำ ที่เด็กเยาวชนมาร่วมเรียนรู้ออกแบบร่วมกับกลไก นำมาสู่ ตลาดอาหารปลอดภัยในช่วงปลายน้ำ ซึ่ง สภาเด็กและเยาวชน ได้มาร่วมปฏิบัติการในตลาดชุมชนดังกล่าวเป็นอีกภาคีร่วมจากหลายๆฝ่ายที่มาร่วมใน

กิจกรรมเปิดตลาดอาหารปลอดภัยสานสานใยครอบครัว ทั้งกิจกรรมการแลกเปลี่ยนเรียนรู้ปฏิบัติการ ตลาด และ ออกแบบการแสดงเพื่อร่วมประชาสัมพันธ์ ถือเป็นการเสริมสร้างศักยภาพกลไกภาคี เครือข่าย "กลไก"ผ่านโครงการหนึ่งหลักสูตรหนึ่งชุมชน จากนั้น มาสู่ ขั้นตอนที่ 3.การออกแบบ แนวนโยบายร่วมกันโดยกลไกเพื่อพัฒนาสภาเด็กและเยาวชนตำบลซึ่งเกิดจากการระดมสมองของ กลไก ทำให้ได้แนวนโยบายสำคัญ ดังนี้ 1)สภาเด็กและเยาวชนได้มีส่วนร่วมกับตำบลเป็น "เจ้าภาพ ร่วม" กับภาคีอื่นในตำบลเมื่อมีกิจกรรมโครงการที่เกี่ยวข้องกับตำบล 2) สภาเด็กและเยาวชนได้รับการ ส่งเสริมศักยภาพโดยการผลักดันจากองค์กรปกครองส่วนท้องถิ่น (อบต.เลิงแฝก) 3)เด็กและเยาวชนใน ตำบลได้มีส่วนร่วมในการออกแบบความเป็นไปของชุมชนในกิจกรรมตามความเหมาะสม ซึ่งจาก แนวนโยบายที่เกิดขึ้น 3ข้อดังกล่าวนำมาสู่ขั้นตอนที่ 4.เกิดแนวนโยบายที่เกิดขึ้นไปร่วมกันวางแผน ปฏิบัติและมีการติดตามประเมินผลเป็นระยะ เพื่อให้สภาเด็กและเยาวชนมีพื้นที่ในระบบสังคมมีความ เป็นตัวตนและยกระดับการดำเนินงานปรับจากระบบในอดีตให้เข้มข้นมากขึ้นโดยมี การสร้างวิสัยทัศน์ ร่วมกันของสภาเด็กและเยาวชน คือ ร่วมคิด ร่วมสร้าง เคียงข้างชุมชน เพื่อให้เกิดภารกิจที่สอดคล้องกับ วิสัยทัศน์นั้น โดยมีภารกิจหลักคือ การสร้างพื้นที่ทางสังคมให้กับเด็กและเยาวชนได้มีส่วนร่วมโดย ร่วมคิด ร่วมทำกิจกรรมของชุมชนและตำบล ซึ่งมีแผนกิจกรรมอย่างกว้าง เพื่อง่ายต่อการนำไปใช้ กำหนด แผนกิจกรรม ในปีแรก คือ การเปิดพื้นที่ทางสังคมให้เด็กเยาวชนมีส่วนร่วมในกิจกรรมของ ชุมชนในทุกๆกิจกรรม ปีที่สอง คือ การยกระดับให้เด็กและเยาวชนร่วมให้ข้อเสนอสำคัญๆ ตามวาระที่ เกิดขึ้นในชุมชนหรือตำบล ส่วนการติดตามประเมินผลนั้น เป็นไปในลักษณะการใช้กลไกสภาเด็กโดย มีคณะกรรมการตัวแทนสภาในการร่วมให้ข้อเสนอข้อคิดเห็นจากการติดตามผลแต่ละโครงการที่จะ เกิดขึ้นในอนาคต ซึ่ง เลิงแฝกโมเดล เป็นโมเดลกระบวนการนั้นได้สะท้อนถึงการร่วมคิด ร่วมออกแบบ ของกลไก จากการวิเคราะห์ในรายละเอียดนั้น พบว่า การดำเนินการขับเคลื่อนร่วมกันของกลไกนั้น มี ลักษณะเป็น เครือข่ายนโยบาย (Policy Network) ที่หนุนเสริมซึ่งกันและกันไม่ใช่แค่เพียงการมีส่วน ร่วมแต่เป็นการแบ่งปันแลกเปลี่ยนทรัพยากร ของเครือข่ายนโยบายที่เราเรียกว่า "กลไก" ซึ่งเป็นการ ขับเคลื่อนอย่างมีพลังและเหมาะสมกับแต่ละรูปแบบภารกิจ กระทั่งเรียกได้ว่า ไม่เพียงแค่มีส่วนร่วม หรือร่วมมือกัน แต่เป็นการสะท้อนสะท้อนถึง การบริหารจัดการท้องถิ่นแบบร่วมมือกัน(Collaborative Local Governance) เป็นกรอบแนวคิดที่ผู้วิจัยวิเคราะห์ว่ามีความเหมาะสมและน่าสนใจ ในการร่วมอธิบายปรากฏการณ์ที่เกิดขึ้นของกลไกนโยบายที่ร่วมกันส่งเสริมสภาเด็กและเยาวชนตำบล เลิงแฝกดังกล่าว ซึ่ง ***"การบริหารจัดการท้องถิ่นแบบร่วมมือกัน(Collaborative Local Governance หมายถึง การก้าวข้ามการปกครองท้องถิ่น (beyond local government) ที่ไม่ใช่เพียงการจัดโครงสร้าง การบริหารจัดการแบบใหม่ที่เน้นแนวระนาบมากขึ้นเท่านั้น (horizontal oriented structure) หากแต่ยัง***

เป็นการเน้นการสร้างความร่วมมือกันระหว่างตัวแสดงต่างๆ ในท้องถิ่นในการบริหารจัดการไม่ว่าจะใน
ภาพรวมหรือในประเด็นเฉพาะ ทั้งที่มีศูนย์กลางความร่วมมือหรือไม่มีศูนย์กลาง (centred or decentred
collaboration) ทั้งที่เป็นทางการหรือที่ไม่เป็นทางการ (formal or informal collaboration) ทั้งเฉพาะ
กิจ/ ระยะสั้น (ad hoc) หรือถาวร/ระยะยาว และทั้งที่เป็นความร่วมมือที่เข้มข้นอย่างการบูรณาการกัน
(integration) และความร่วมมือในเชิงของการเป็นพันธมิตรกัน (coalition) หรือ แค่เพียงการให้ความ
ร่วมมือกัน (cooperation) การประสานงานกัน (coordination) และแม้แต่ที่อยู่ในรูปเครือข่ายความ
ร่วมมือ (networking) โดยไม่จำเป็นที่จะต้องอยู่ในระบบหรือกลไกภายใต้โครงสร้างที่ชัดเจนตายตัว
เพราะอาจจะเป็นเรื่องที่เกิดขึ้นตามธรรมชาติและอย่างเรียบง่าย อีกทั้งไม่ใช่เรื่องที่มองได้เพียงผ่าน
มุมมองเชิงสถาบันและกฎหมายเท่านั้น (legal-institutional perspective) หากแต่ต้องทำความเข้าใจใน
เชิงสังคมและวัฒนธรรมด้วย (socio-cultural perspective) โดยเฉพาะอย่างยิ่งเมื่อต้องอธิบายกาวที่เชื่อม
ร้อยตัวแสดงเข้าด้วยกัน (glue) มักจะพบว่าคือทุนทางสังคม (social capital) มากกว่าหลักเกณฑ์หรือ
กติกาใดๆ (ปิยพงษ์ บุษบงก์ ; 2559)" โดย เลิงแฝกโมเดล นั้น ได้สะท้อนกระบวนการร่วมมือกันใน
ระดับท้องถิ่นรูปแบบดังกล่าว อันเป็นการยกระดับการร่วมกันขับเคลื่อนของกลไกนโยบายที่เหมาะสม
กับสถานการณ์ความร่วมมือใน สังคมแบบใหม่ที่ไม่จำเป็นต้องมีโครงสร้างอย่างแข็งกระด้างตายตัว
แต่หยืดหยุ่นและบูรณาการเพื่อการบรรลุเป้าหมาย โดยผู้วิจัยวิเคราะห์ว่าการร่วมมือกันของกลไกเพื่อ
ส่งเสริมและยกระดับการดำเนินงานสภาเด็กและเยาวชนตำบลเลิงแฝกนั้นมีข้อสังเกตสำคัญ คือ **ประการ
แรก** ความร่วมมือของกลไกเพื่อส่งเสริมสภาเด็กและเยาวชนตำบลนั้นเป็นการก้าวข้ามการปกครอง
ท้องถิ่นในแบบโครงสร้างตายตัว ไม่ยึดติดโครงสร้าง แต่เป็นจุดเด่นในเรื่องการบูรณาการความร่วมมือ
ของกลไกเพื่อช่วยกันแก้ไขปัญหาหรือตอบสนองความต้องการร่วมกันในประเด็นสภาเด็กและเยาวชน
ประการที่สอง ความร่วมมือดังกล่าวของกลไกนั้น เป็นไปในเชิงของความร่วมมือที่มีทั้งความเป็น
ทางการในการปรึกษาหารือผ่านกันร่วมกิจกรรมวิจัยปฏิบัติการแบบมีส่วนร่วม และ ทั้งไม่เป็นทางการ
ในการปรึกษาหารือกันตามวิถีชุมชนผ่านกิจกรรมเช่นการทานอาหารร่วมกัน ทำให้เกิดความสัมพันธ์
ทางสังคมของเครือข่ายนโยบาย **ประการที่สาม** รูปแบบความร่วมมือนั้นไม่ได้มองเพียงผ่านมุมมองเชิง
สถาบันและกฎหมายเท่านั้น (legal-institutional perspective) โดยสภาเด็กและเยาวชนตำบลสนับสนุน
โดยองค์การบริหารส่วนตำบลเลิงแฝกพบว่าความร่วมมือนั้นเป็นลักษณะ การที่เครือข่ายนโยบายหรือ
กลไกนั้นได้มาร่วมมือกันในเชิงสังคมและวัฒนธรรม (socio-cultural perspective) ที่ได้ใช้ทั้งความเป็น
ทางการและไม่เป็นทางการ ในการร่วมหนุนเสริมสภาเด็กและเยาวชนตำบลเลิงแฝกให้ขับเคลื่อน ทั้งใน
เชิงภารกิจและเสริมสร้างความคล่องตัวในการเข้ามีส่วนร่วมกับตำบลและชุมชน ซึ่งมีข้อสังเกตสำคัญที่
พบคือ การใช้ทุนทางสังคมที่มีของ กลไก ในการร่วมมือกันดำเนินการส่งเสริมสภาเด็กและเยาวชน

ตำบล ซึ่งทุนทางสังคมนั้น มีทั้งต้นทุนทางเครือญาติ การมีความร่วมมือเชิงวิชาการกับมหาวิทยาลัย ผู้นำมีศักยภาพในการเชื่อมร้อยเครือข่ายในระดับตำบลและอำเภอ ซึ่งเป็นรูปแบบการบริหารจัดการ ท้องถิ่น (Collaborative Local Governance) ที่มีพลังในการขับเคลื่อนและเข้ากับวิถีชีวิตบริบทชุมชน สอดรับกับระบบคิดรวมทั้งการดำเนินชีวิตของคนในชุมชน เหมาะสมกับการขับเคลื่อนกิจกรรมใน ลักษณะที่ผู้ขับเคลื่อนหลัก "เจ้าภาพหลัก" มาจากคนในชุมชน นั่นคือ "ตัวเด็กและเยาวชน" ซึ่งได้ ร่วมมือกับกลไกนโยบายที่เกี่ยวข้อง ในการขับเคลื่อนสภาเด็กและเยาวชนให้มีคุณค่า ที่ไม่ใช่เพียงตาม ภารกิจ แต่เป็นหน่วยทางสังคมที่ตอบสนองวิถีชีวิตและความเป็นอยู่ของคนในชุมชนและเท่าทันการ เปลี่ยนแปลงจากภายนอกได้เป็นอย่างดี

สรุปและอภิปรายผล

จากผลการวิจัย การพัฒนานโยบายและกลไกเพื่อส่งเสริมสภาเด็กและเยาวชน ต.เลิงแฝก   อ.กุดรัง จ.มหาสารคาม บทความนี้ได้นำส่วนหนึ่งของผลการวิจัยทั้งหมด โดยการวิเคราะห์กระบวนการ ขับเคลื่อนของกลไกเพื่อส่งเสริมสภาเด็กและเยาวชนนั้น นำมาสู่ **เลิงแฝกโมเดล** ซึ่งเป็นโมเดลการ ขับเคลื่อนกลไกเพื่อส่งเสริมสภาเด็กและเยาวชนตำบลให้เกิดการดำเนินงานที่เป็นรูปธรรมมีส่วนร่วม ในการกำหนด ร่วมคิด ร่วมปฏิบัติกับหน่วยหรือภาคส่วนอื่นๆของตำบลและภาคีเครือข่าย โดยเลิงแฝก โมเดล มีกระบวนการสำคัญ 4 ขั้นตอน คือ 1.วิเคราห์ปัญหาและความต้องการร่วมเพื่อนำไปสู่การ ขับเคลื่อนสภาเด็กและเยาวชนระดับตำบล โดยเครือข่ายนโยบาย (policy Network) 2. การพัฒนาและ เสริมศักยภาพกลไกขับเคลื่อสภาเด็กและเยาวชนตำบล 3.การออกแบบแนวนโยบายร่วมกัน โดยกลไก เพื่อพัฒนาสภาเด็กและเยาวชนตำบล 4.เกิดแนวนโยบายนำไปร่วมปฏิบัติร่วมกันและมีการติดตาม ประเมินผลเป็นระยะ ซึ่งในแต่ละขั้นตอนนั้นเป็นเหตุเป็นผลซึ่งกันและกันอย่างเป็นระบบและมีการ ร่วมกันของเครือข่ายนโยบาย หรือ "กลไก" ที่ได้ร่วมกันคิด สะท้อนปัญหาความต้องการผ่านกิจกรรมที่ มีความเข้าใจจิตเวชศาสตร์เด็กและวัยรุ่นจากนั้นจึงร่วมกันพัฒนาศักยภาพผ่านกิจกรรมโครงการหนึ่ง หลักสูตรหนึ่งชุมชนของวิทยาลัยการเมืองการปกครองมหาวิทยาลัยมหาสารคามที่เด็กและเยาวชน รวมทั้งกลไกนโยบายได้ร่วมคิดออกแบบและดำเนินกิจกรรม จากนั้นจึงมาออกแบบแนวนโยบายสภา เด็กและเยาวชนร่วมกัน กระทั่งเกิด แนวนโยบายที่โดยมี การสร้างวิสัยทัศน์ร่วมกันของสภาเด็กและ เยาวชนตำบลเลิงแฝก คือ ร่วมคิด ร่วมสร้าง เคียงข้างชุมชน เพื่อให้เกิดภารกิจที่สอดคล้องกับวิสัยทัศน์ นั้น โดยมีภารกิจหลักคือ การสร้างพื้นที่ทางสังคมให้กับเด็กและเยาวชนได้มีส่วนร่วมใน ร่วมคิด ร่วม ทำกิจกรรมของชุมชนและตำบล ซึ่งมีแผนกิจกรรมอย่างกว้าง เพื่อง่ายต่อการติดตั้งในรายละเอียด แผน

กิจกรรม ในปีแรก คือ การเปิดพื้นที่ทางสังคมให้เด็กเยาวชนมีส่วนร่วมในกิจกรรมของชุมชนในทุกๆ กิจกรรม ปีที่สอง คือ การยกระดับให้เด็กและเยาวชนร่วมให้ข้อเสนอสำคัญๆ ตามวาระที่เกิดขึ้นใน ชุมชนหรือตำบล ส่วนการติดตามประเมินผลนั้น เป็นไปในลักษณะการใช้กลไกสภาเด็กโดยมี คณะกรรมการตัวแทนสภาในการร่วมให้ข้อเสนอข้อคิดเห็นจากการติดตามผลแต่ละโครงการที่จะ เกิดขึ้นในอนาคต

ซึ่งจากกระบวนการที่สะท้อนถึงความร่วมมือของกลไกนโยบายดังกล่าวทั้งหมดนั้น สามารถเรียกได้ว่า เป็นการบริหารจัดการท้องถิ่นแบบร่วมมือกัน (Collaborative Local Governance) อันเป็นเป็น ประโยชน์ในการนำกระบวนการที่ได้ร่วมมือกันดังกล่าวไปประยุกต์ใช้และพัฒนาในการขับเคลื่อนเชิง นโยบายโดยสามารถอภิปรายจากผลการวิจัย เชิงแฝกโมเดล ที่สะท้อนการบริหารจัดการท้องถิ่นแบบ ร่วมมือกันเพื่อส่งเสริมสภาเด็กและเยาวชนตำบลนั้น เป็นประเด็นสำคัญ ดังนี้ **ประเด็นแรก** การร่วมมือ กันดังกล่าว **เป็นการเปิดพื้นที่ทางสังคม (Social space)** ให้เกิดการระดมทรัพยากร แลกเปลี่ยน ทรัพยากร ทั้งยังเกิดกรบวนการเรียนรู้ร่วมกันเพื่อสะท้อนประสบการณ์ ความต้องการของแต่ละฝ่าย เพื่อหาประเด็นร่วมในการดำเนินงานของสภาเด็กและเยาวชนตำบลให้เกดคุณค่าการทำงานอย่างแท้จริง ในรูปแบบที่เป็นระบบและกลไกที่ไม่ใช่เป็นเพียงหน่วยทางสังคม ที่ไม่มีบทบาทร่วมหรือเป็นเพียงตัว แสดงเพื่อตอบสนองกิจกรรมตามวาระเท่านั้น **ประเด็นที่สอง** เมื่อเปิดพื้นที่ทางสังคมสังคม (Social space) แล้วนั้น ย่อมเป็นการ**ดึงผู้คนหรือกลไกที่เกี่ยวข้องออกจากความเป็นปัจเจก** มาสู่การร่วมกันเพื่อ สาธารณะ เพราะผู้คนที่ถูกดึงออกจากความปัจเจกนั้นมีพื้นที่ในการสะท้อนความคิด ความเชื่อ สะท้อน ความต้องการ และสนใจในการร่วมมือกับสาธารณะ **ประเด็นที่สาม** การร่วมกันของกลไก อย่างเป็น กระบวนการนั้น เป็นกระบวนการที่ทำให้เกิด **การสร้างคน คือ เป็นการพัฒนาศักยภาพบุคคล เด็ก เยาวชน ชาวบ้านในตำบลให้ได้เกิดพัฒนาทั้งในวิธีคิด โดยเป็นทั้งผู้ให้ ผู้แลกเปลี่ยน และผู้รับ จากการ ได้แลกเปลี่ยนเรียนรู้กับเครือข่าย เกิดการพัฒนาศักยภาพในการดำเนินการร่วมมือกับภาคีอื่น รวมทั้ง ทักษะการสื่อสารการเป็นวิทยากรชุมชน และประเด็นที่สี่** คือการเสริมสร้างความเข้มแข็งของชุมชน ผ่านการร่วมมือกับกลไกซึ่ง ในขณะนี้ ชุมชน ได้เรียนรู้ เพื่อนำพาตัวชุมชน ไปสู่วิถีทางของการดำเนิน ชีวิตเพื่อความเข้มแข็ง ยั่งยืนในแบบที่ชุมชนต้องการ ซึ่งถือว่าการกระทำแบบนี้ของชุมชน ได้กำลัง เดินทางเพื่อตอบโจทย์ความยั่งยืนของตัวชุมชนเอง โดยสอดคล้องกับการหนุนเสริมซึ่งเป็น สิ่งที่ น่าชื่นชม และ ปรับตัวเพื่อรับมือกับประเด็นหรือสถานการณ์ที่จะท้าทายชุมชนในอนาคต การมอง ความยั่งยืนจึงมองเรื่องการที่ชุมชนสามารถ ระดมทรัพยากร และ ปรับตัวตามสถานการณ์แวดล้อม โดย

ไม่ทิ้งเป้าหมายและเอกลักษณ์ที่มีอยู่ ซึ่งขณะนี้ถือได้ว่าชุมชนกำลังดำเนินการเสริมสร้างความเข้มแข็ง
และยั่งยืนได้อย่างเป็นระบบ เพื่อรองรับการเปลี่ยนแปลงของกระแสสังคมในอนาคต

ข้อเสนอแนะ

จากการวิจัย การพัฒนานโยบายและกลไกเพื่อส่งเสริมสภาเด็กและเยาวชนตำบลต้นแบบ โดยได้นำผล
การศึกษาส่วนหนึ่ง คือ โมเดลจากการวิเคราะห์ สังเคราะห์ คือ **เลิงแฝกโมเดล** มานำเสนอเป็นบทความ
เลิงแฝกโมเดล : การขับเคลื่อนกลไกนโยบายเพื่อส่งเสริมสภาเด็กและเยาวชนตำบล บทสะท้อนการ
บริหารจัดการท้องถิ่นแบบร่วมมือกัน นั้นให้ข้อเสนอแนะ ได้ดังนี้ **ข้อเสนอแนะในเชิงนโยบายนั้น**
ประเด็นแรก การดำเนินงานของสภาเด็กและเยาวชนตำบลเลิงแฝก อำเภอกุดรังจังหวัดมหาสารคาม นั้น
ควรดำเนินการ โดยรูปแบบใช้เครือข่ายนโยบาย (Policy Network) เพื่อให้เกิดประโยชน์สูงสุดโดยการ
สร้างการมีส่วนร่วมจากหลายภาคส่วน ที่ได้มาร่วมคิดร่วมปฏิบัติ ทั้งในปัจจุบันรวมถึงการดำเนินการ
ต่อยอดในอนาคตโดยให้มีภาคีเครือข่ายร่วมดำเนินกิจกรรมที่เกี่ยวข้องกับการพัฒนาเด็กและเยาวชน
รวมทั้งการร่วมพัฒนาชุมชน ประเด็นที่สอง ควรมีการนำ เลิงแฝกโมเดล อันเป็นโมเดลการขับเคลื่อน
กลไกนโยบายเพื่อส่งเสริมสภาเด็กและเยาวชนตำบลนั้นไปร่วมประชาสัมพันธ์เป็นต้นแบบหรือ
แลกเปลี่ยนวิธีการขับเคลื่อนกลไกกับตำบลใกล้เคียงหรือภาคส่วนที่เกี่ยวข้องเพื่อให้เกิดการพัฒนาต่อ
ยอดระบบการขับเคลื่อนกลไกนโยบาย ประเด็นที่สาม การส่งเสริมสภาเด็กและเยาวชนระดับตำบลนั้น
ควรมีการสร้างความร่วมมือโดยกลไกนโยบายทุกภาคส่วนทั้งแบบเป็นทางการและไม่เป็นทางการ เพื่อ
ประโยชน์ในเชิงของการระดมทรัพยากร การปรับตัวตามสถานการณ์แวดล้อมได้อย่างคล่องตัว
ข้อเสนอแนะเชิงปฏิบัติ ประเด็นแรก ให้มีการจัดเวทีการติดตามประเมินผลการดำเนินงานร่วมกันของ
สภาเด็กและเยาวชนตำบลในอนาคต ในราย 6เดือน ปีละ 2ครั้ง เพื่อเป็นการติดตามและแลกเปลี่ยน
สถานการณ์เพื่อวางแผนการดำเนินงานของสภาเด็กและเยาวชนรวมทั้งเป็นการร่วมออกแบบกิจกรรมที่
เข้ากับสถานการีทางสังคมของตำบลในขณะนั้น ประเด็นที่สอง การบริหารจัดการท้องถิ่นแบบร่วมมือ
กันโดยสภาเด็กและเยาวชนตำบลเลิงแฝก นั้น ควรมีการถอดบทเรียนการทำงานร่วมกันของกลไก
นโยบายในประเด็น จุดเด่น ความสำเร็จ ปัญหาอุปสรรค ของการร่วมมือกันในแต่ละปี เพื่อนำมาสู่
ข้อเสนอในการปรับปรุงและพัฒนาการสร้างความร่วมมือในอนาคต ข้อเสนอแนะสำหรับการวิจัยครั้ง
ต่อไป ประเด็นแรก มีการวิจัยเพื่อวิเคราะห์ประสิทธิภาพของการบริหารจัดการท้องถิ่นแบบร่วมมือกัน
ของกลไกนโยบาย จากกรณีของสภาเด็กและเยาวชนตำบลเพื่อประโยชน์ในการยกระดับการสร้างความ
ร่วมมือของภาคส่วนที่เกี่ยวข้อง ประเด็นที่สอง มีการนำศาสตร์ที่เกี่ยวข้องกับการดำเนินงานของสภา

เด็กและเยาวชนตำบลนอกจากศาสตร์ด้านนโยบายสาธารณะแล้วมาบูรณาการในประเด็นที่ท้าทายและตอบสนองความต้องการของสังคมในอนาคต

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Corruption and Its Impact on the Confidence of Transnational Corporations Electronic Industries' Investment in Thailand

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Abstract

Corruption is a deep-seated problem in society for a long time that many nations have to unavoidably face. The age of globalization created global economy which resulted with transnational investment by Multi-national Corporations. The factors that impact the decision for transnational investment are e.g., marketing, resources, and culture. Another important factor that Multi-nation Corporations consider is the corruption factor i.e., because bribes for officials in different countries increases the cost factor, as well as creating unfair competitions.

Presently there are international organizations that investigate, analyze, and distribute their findings on corruption situations in various countries. The indicators utilized in the studies of corruptions are as following: 1) Corruption Perceptions Index – CPI; 2) Global Competitiveness Index – GCI; 3) Worldwide Governance Indicators – WGI.

To study the effect of aforementioned indicators on decision making by Transnational Corporations Electronic Industries' Investment in Thailand, interviews were conducted with Multi-national corporate investors in Thailand, scholars & experts who are knowledgeable and experienced in opposing corruption, and business association representatives.

Keywords: Corruption/ Globalization/ Multi-National Corporations/ Investment/ Public Policy/ Thailand

การคอร์รัปชันกับผลกระทบต่อความเชื่อมั่นของบรรษัทข้ามชาติ
ที่ประกอบธุรกิจประเภทเครื่องใช้ไฟฟ้าที่เข้ามาลงทุนในประเทศไทย

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บทคัดย่อ

การคอร์รัปชัน (Corruption) เป็นปัญหาที่ฝังรากลึกในสังคมมาอย่างยาวนาน ซึ่งประเทศต่างๆ ทั่ว โลกต้องเผชิญอย่างหลีกเลี่ยงไม่ได้ และในยุคโลกาภิวัตน์ที่ได้มีการเกิดขึ้นของโลกาภิวัตน์ทาง เศรษฐกิจ อันส่งผลให้มีการลงทุนข้ามชาติในรูปแบบของบรรษัทข้ามชาติ (Multi-national Corporations) โดยปัจจัยที่ส่งผลต่อการตัดสินใจในการลงทุนของบรรษัทข้ามชาติ เช่น ปัจจัยด้าน การตลาด ปัจจัยด้านทรัพยากร ปัจจัยด้านวัฒนธรรม เป็นต้น และปัจจัยสำคัญอีกประการหนึ่งที่

บรรพัทข้ามชาติได้ให้ความสำคัญ คือ ปัจจัยด้านการคอร์รัปชัน เนื่องจากทำให้มีต้นทุนในการ
ลงทุนสูงขึ้นจากการจ่ายสินบนเจ้าหน้าที่รัฐในต่างประเทศและยังทำให้เกิดการแข่งขันที่ไม่เท่าเทียม
กันอีกด้วย

ปัจจุบันนี้ ได้มีองค์กรระหว่างประเทศทำการสำรวจ วิเคราะห์ และเผยแพร่สถานการณ์การคอร์รัป
ชันที่เกิดขึ้นในประเทศต่าง ๆ ซึ่งดัชนีชี้วัดที่เกี่ยวข้องกับการคอร์รัปชันที่ทำการศึกษา ได้แก่ *หนึ่ง*
ดัชนีชี้วัดภาพลักษณ์คอร์รัปชัน (Corruption Perceptions Index – CPI) *สอง* การจัดอันดับ
ความสามารถในการแข่งขัน (Global Competitiveness Index – GCI) และ *สาม* ดัชนีธรรมาภิบาลโลก
(Worldwide Governance Indicators - WGI) ทั้งนี้ เพื่อศึกษาผลกระทบของดัชนีชี้วัดดังกล่าวที่มีต่อการ
ตัดสินใจในการลงทุนของบรรพัทข้ามชาติที่ประกอบธุรกิจเครื่องใช้ไฟฟ้าในประเทศไทย   ซึ่ง
ทำการศึกษาโดยการสัมภาษณ์บรรพัทข้ามชาติที่เข้ามาลงทุนในประเทศไทย นักวิชาการและนัก
ปฏิบัติที่มีความรู้ความเชี่ยวชาญในการต่อต้านการคอร์รัปชัน และผู้แทนจากสมาคมธุรกิจ โดยผล
การศึกษาพบว่าปัจจัยด้านการคอร์รัปชันส่งผลต่อการตัดสินในการลงทุนน้อยมากเมื่อเทียบกับ
ปัจจัยอื่น ๆ โดยเฉพาะอย่างยิ่งโอกาสเติบโตของธุรกิจและผลตอบแทนที่ได้รับ

คำสำคัญ: การคอร์รัปชัน/ โลกาภิวัตน์/ บรรพัทข้ามชาติ/ การลงทุน/ นโยบายสาธารณะ/
        ประเทศไทย

บทนำ

ปัญหาการคอร์รัปชัน ได้ฝังรากลึกในสังคมมาอย่างยาวนาน และเป็นปัญหาที่ประเทศต่าง ๆ ทั่วโลก
ต้องเผชิญอย่างหลีกเลี่ยงไม่ได้ ในปัจจุบันนี้ทุกประเทศทั่วโลกถูกเชื่อมโยงด้วยโลกาภิวัตน์
(Globalization) เรื่องราวที่เกิดขึ้นถูกทำให้รับรู้ได้อย่างรวดเร็วผ่านเทคโนโลยีการสื่อสารอันทันสมัย
อีกทั้งยังมีการ เชื่อมโยงกันในหลายมิติ ไม่ว่าจะเป็นด้านการเมือง เศรษฐกิจ สังคม และวัฒนธรรม
ด้วยเหตุจึงทำให้ปัญหาการคอร์รัปชันที่ในเกิดขึ้นในประเทศหนึ่ง ถูกรับรู้โดยประเทศต่าง ๆ ทั่ว
โลก และผลกระทบของการคอร์รัปชันมิได้จำกัดขอบเขตอยู่ในพื้นที่ของรัฐใดรัฐหนึ่ง หากแต่ได้
ส่งผลกระทบทั้งในระดับรัฐ ระดับภูมิภาค และในระดับโลก

นอกจากนี้ ในยุคโลกาภิวัตน์ที่ได้มีการเกิดขึ้นของโลกาภิวัตน์ทางเศรษฐกิจที่การค้าการลงทุน
เป็นไปอย่างไร้พรมแดน โดยการลงทุนข้ามชาติจะอยู่ในรูปแบบของบรรพัทข้ามชาติ (Multi-
national Corporations) ที่มีเครือข่ายของบริษัทอยู่ในประเทศต่าง ๆ ซึ่งมีปัจจัยที่ส่งผลต่อการ
ตัดสินใจในการลงทุนของบรรพัทข้ามชาติ เช่น ปัจจัยด้านเศรษฐกิจ ปัจจัยด้านการเมือง ปัจจัยด้าน

ทรัพยากร เป็นต้น และปัจจัยสำคัญอีกประการหนึ่งที่บรรษัทข้ามชาติให้ความสำคัญ คือ ปัจจัยด้าน
การคอร์รัปชัน เนื่องจากทำให้มีต้นทุนในการลงทุนสูงขึ้นจากการจ่ายสินบนเจ้าหน้าที่รัฐใน
ต่างประเทศและทำยังทำให้เกิดการแข่งขันที่ไม่เป็นธรรมอีกด้วย

เมื่อการคอร์รัปชันได้ส่งผลกระทบต่อทุกประเทศทั่วโลก จึงได้มีองค์กรระหว่างประเทศที่จัดตั้งขึ้น
เพื่อสำรวจ วิเคราะห์ และเผยแพร่สถานการณ์การคอร์รัปชันที่เกิดขึ้นในประเทศ ต่าง ๆ ได้แก่ ดัชนี
ชี้วัดภาพลักษณ์คอร์รัปชัน (Corruption Perception Index: CPI) จัดทำโดยองค์กรเพื่อความโปร่งใส
นานาชาติ (Transparency International – TI) การจัดอันดับความสามารถในการแข่งขัน (Global
Competitiveness Index – GCI) จัดทำโดยเวทีเศรษฐกิจโลก (World Economic Forum - WEF) และ
ดัชนีธรรมาภิบาลโลก (Worldwide Governance Indicators - WGI) จัดทำโดยธนาคารโลก (World
Bank) ซึ่งภาคส่วนที่ได้รับผลกระทบจากการคอร์รัปชันจากการลงทุนระหว่างประเทศ คือ บรรษัท
ข้ามชาติ เนื่องจากการคอร์รัปชันส่งผลให้ต้นทุนการผลิตสูงขึ้นและเกิดการแข่งขันที่ไม่เป็นธรรม
โดยบรรษัทข้ามชาติที่นำมาเป็นกรณีศึกษา คือ บรรษัทข้ามชาติที่ประกอบอุตสาหกรรมประเภท
เครื่องใช้ไฟฟ้าที่เข้ามาลงทุนในประเทศไทย

ดังนั้น ในฐานะที่ประเทศไทยเป็นประเทศหนึ่งที่มีความเกี่ยวพันกับเศรษฐกิจโลกและมีบรรษัท
ข้ามชาติเข้ามาลงทุน หากแต่ยังคงมีปัจจัยด้านการคอร์รัปชันที่มีภาพลักษณ์ด้านลบในสายตา
นานาชาติ และมีแนวโน้มที่จะส่งผลต่อการตัดสินใจที่จะเข้ามาลงทุนของบรรษัทข้ามชาติ การศึกษา
ถึงผลกระทบของประเด็นที่เกี่ยวกับการคอร์รัปชันของดัชนีต่าง ๆ ที่มีต่อการตัดสินใจในการลงทุน
ของนักลงทุนข้ามชาติในเชิงทัศนคติและการรับรู้ของบรรษัทข้ามชาติในฐานะผู้ลงทุนจึงมีความ
จำเป็นและมีความสำคัญอย่างยิ่ง เนื่องจากการลงทุนของบรรษัทข้ามชาติมีส่วนสำคัญทำให้
เศรษฐกิจของไทยเติบโต

CPI, WGI และ GCI และความสัมพันธ์กับการคอร์รัปชัน

ปัจจุบันนี้ ได้มีองค์กรระหว่างประเทศที่ทำการสำรวจและเผยแพร่ภาพลักษณ์และสถานการณ์
การคอร์รัปชันที่เกิดขึ้นในประเทศต่าง ๆ อย่างต่อเนื่องเป็นประจำทุกปี โดยผลการสำรวจได้รับการ
ยอมรับและนำใช้เป็นข้อมูลอ้างอิงของหน่วยงานต่าง ๆ ในทุกประเทศ ซึ่งการศึกษานี้ได้
ทำการศึกษาดัชนีชี้วัด 3 ดัชนี ได้แก่ ดัชนีชี้วัดภาพลักษณ์คอร์รัปชัน (Corruption Perception Index
– CPI) ดัชนีธรรมาภิบาลโลก (Worldwide Governance Indicators – WGI) และการจัดอันดับ
ความสามารถในการแข่งขัน (Global Competitiveness Index – GCI)

ดัชนีชี้วัดภาพลักษณ์คอร์รัปชัน (Corruption Perception Index – CPI)

1. ความเป็นมา

องค์การเพื่อความโปร่งใสนานาชาติ (Transparency International - TI) เป็นองค์กรภาคประชาสังคมเพื่อ
ต่อต้านการคอร์รัปชันระหว่างประเทศ มีสำนักงานใหญ่ตั้งอยู่ที่กรุงเบอร์ลิน ประเทศเยอรมัน ก่อตั้ง
ขึ้นในปี พ.ศ. 2536 มุ่งเน้นการต่อต้านปัญหาการคอร์รัปชันในการทำธุรกิจข้ามชาติ ซึ่งเป็นองค์กรที่
ทำหน้าที่ติดตามและช่วยปรับปรุงประสิทธิภาพการทำงานขององค์กรที่ทำหน้าที่ปราบปรามการ
ทุจริตในประเทศต่าง ๆ โดยได้สำรวจประเมินสถานการณ์ความรุนแรงของการทุจริตคอร์รัปชันใน
ประเทศต่าง ๆ เป็นประจำทุกปี ซึ่งจะประเมินใน 3 ลักษณะ คือ (1) Corruption Perception Index
(CPI) (2) Global Corruption Barometer และ (3) Bribe Payers' Index ซึ่งในส่วนของ CPI เป็นดัชนี
ที่พัฒนาขึ้นครั้งแรกในปี พ.ศ. 2538 มีจุดมุ่งหมายเพื่อประเมินภาพลักษณ์การคอร์รัปชันในแต่ละ
ประเทศ โดยวัดจากความรู้สึกของนักธุรกิจ และผู้สื่อข่าวด้านการเงิน และใช้ข้อมูลจากการสำรวจ
ความคิดเห็นที่จัดทำขึ้นโดยองค์กรและสถาบันต่าง ๆ แล้วนำมาจัดทำเป็นดัชนีรวมและจัดอันดับ
ประเทศ ตามคะแนนเฉลี่ยที่ได้รับจากการสำรวจ โดยคะแนนเฉลี่ย
มีค่าระหว่าง 0-10 คะแนน ต่อมาในปี พ.ศ. 2555 ได้ปรับฐานคะแนนจาก 10 เป็น 100 ซึ่งคะแนน
100 หมายถึง การประกอบธุรกิจในประเทศนั้นไม่มีปัญหาจากการคอร์รัปชัน คะแนน 0 หมายถึง
การประกอบธุรกิจในประเทศนั้นเต็มไปด้วยปัญหาการคอร์รัปชัน ซึ่งการดำเนินการขององค์กร
ความโปร่งใสนานาชาติ (Transparency International - TI) นับได้ว่ามีบทบาทสำคัญอย่างยิ่งในการ
สำรวจและประเมินจัดอันดับของประเทศต่าง ๆ ที่มีกว่า 180 ประเทศ เพื่อสะท้อนสถานการณ์คอร์รัป
ชันในประเทศนั้น ๆ โดยเปรียบเทียบกับประเทศอื่นในรอบปีเป็นประจำทุกปี (วิชัย รูปขำดี, 2557:
38 - 39)

2. ผลการประเมิน CPI ของประเทศไทย

ประเทศไทยได้เข้าร่วมการประเมินสถานการณ์การทุจริตคอร์รัปชันขององค์กรความโปร่งใส
นานาชาติ (Transparency International – TI) ตั้งแต่ปี พ.ศ. 2538 ซึ่งในช่วง20 ปี (พ.ศ. 2538 – 2557) ที่
ผ่านมาประเทศไทยจะได้คะแนน CPI อยู่ระหว่าง 3.00 ถึง 3.80 โดยมีคะแนนเฉลี่ยในช่วง ประมาณ
3.3 ซึ่งค่า CPI และการจัดอันดับสามารถแสดงได้ดังตารางต่อไปนี้

ตารางที่ 2: ดัชนีชี้วัดภาพลักษณ์คอร์รัปชันและการจัดอันดับ ในปี พ.ศ. 2538 – 2557

ปีที่	พ.ศ.	คะแนนที่ได้ (เต็ม 10)	อันดับที่ของประเทศไทย	จำนวนประเทศที่เปรียบเทียบ	อันดับที่ของประเทศไทย (กรณีประเมินครบ 180 ประเทศ)
1	2538	2.79	34	41	149
2	2539	3.33	37	54	123
3	2540	3.06	39	52	135
4	2541	3.00	61	85	129
5	2542	3.20	68	98	125
6	2543	3.20	60	90	120
7	2544	3.20	61	91	121
8	2545	3.20	64	102	113
9	2546	3.30	70	133	95
10	2547	3.60	64	146	79
11	2548	3.80	59	159	67
12	2549	3.60	63	163	70
13	2550	3.30	84	179	84
14	2551	3.50	80	180	80
15	2552	3.40	84	180	84
16	2553	3.50	78	178	79
17	2554	3.40	80	182	79
18	2555	37	88	176	90
19	2556	35	102	177	104
20	2557	38	85	175	87
21	2558	38	76	168	83

ที่มา: Transparency International, http://www.transparency.org

ดัชนีธรรมาภิบาลโลก (Worldwide Governance Indicators - WGI)

1. ความเป็นมา

ดัชนีชี้สภาวะธรรมาภิบาล (Worldwide Governance Indicators – WGI) เป็นโครงการที่ดำเนินการศึกษา และวิเคราะห์ธรรมาภิบาล (Governance) ในภาครัฐของประเทศต่าง ๆ ทั่วโลกของธนาคารโลก (World Bank) โดยได้ให้นิยามว่า "ธรรมาภิบาล" หมายถึง ลักษณะและวิถีทางในการใช้อำนาจของ ภาครัฐเพื่อสร้างประโยชน์ให้แก่ประเทศชาติ (ศุภเจตน์ จันทร์สาส์น, 2555: 51) โครงการดังกล่าวได้ เริ่มต้นโครงการตั้งแต่ปี ค.ศ.1996 (พ.ศ.2539) ซึ่งดำเนินการศึกษาโดย Daniel Kaufmann, Aart Kraay และ Massimo Mastruzzi ภายใต้โครงการดังกล่าวมีการสำรวจธรรมาภิบาลในภาครัฐของประเทศ ต่าง ๆ ทั่วโลกรวม 215 ประเทศ โดยทำการเก็บรวบรวมข้อมูลความคิดเห็นของผู้ตอบแบบสอบถาม หลายหมื่นรายทั่วโลก รวมถึงผู้เชี่ยวชาญอีกหลายพันรายในภาครัฐ ภาคองค์กรพัฒนาเอกชน และ ภาคเอกชนจากแหล่งข้อมูล 33 แหล่ง โดยให้คะแนนตั้งแต่ 0 ถึง 1 ซึ่งค่าคะแนน 0 คือ มีความเป็นธรร มาภิบาลต่ำ และค่าคะแนน 1 คือ มีความเป็นธรรมาภิบาลสูง โดยได้มีการวัดธรรมาภิบาลของภาครัฐ รวม 6 มิติ ได้แก่ (1) เสรีภาพของประชาชนในการแสดงความคิดเห็น (2) ความมีเสถียรภาพทาง การเมืองและปราศจากการก่อการร้าย (3) ความมีประสิทธิผลของภาครัฐ (4) คุณภาพของกฎระเบียบ (5) หลักนิติธรรม และ (6) การควบคุมการคอร์รัปชัน

2. ผลการประเมินดัชนีธรรมาภิบาลโลก 6 มิติของประเทศไทย

การจัดทำดัชนีธรรมาภิบาลโลก (Worldwide Governance Indicators - WGI) ได้มีการสำรวจและวัด ธรรมาภิบาลของภาครัฐรวม 6 มิติ ดังนี้

1) เสรีภาพของประชาชนในการแสดงความคิดเห็น (Voice and Accountability)
เป็นการวัดความสามารถของภาครัฐในการให้เสรีภาพแก่ประชาชนในประเทศในการเลือกรัฐบาล อย่างอิสระ รวมทั้งการให้เสรีภาพของประชาชนในการแสดงความคิดเห็น เสรีภาพในการรวมกลุ่ม และการให้เสรีภาพของสื่อมวลชนในการแสดงความคิดเห็นและนำเสนอข่าวสารต่าง ๆ ซึ่งในกรณี ของประเทศไทยมีการให้ค่าคะแนนด้านเสรีภาพของประชาชนในการแสดงความคิดเห็นดังแผนภูมิ ต่อไปนี้

แผนภูมิที่ 1: ดัชนีด้านเสรีภาพของประชาชนในการแสดงความคิดเห็น ตั้งแต่ พ.ศ. 2548 - 2557
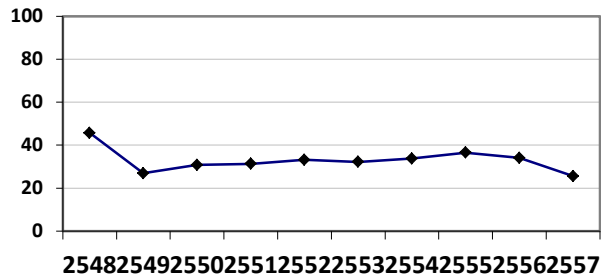
ที่มา: Worldwide Governance Indicators, Country Data Report for Thailand,

1996 – 2014

2) ความมีเสถียรภาพทางการเมืองและปราศจากการก่อการร้าย (Political Stability and Absence of Violence/ Terrorism)

เป็นการวัดความสามารถของภาครัฐในการควบคุม ไม่ให้เกิดความไร้ซึ่งเสถียรภาพของรัฐบาล อันเนื่องมาจากวิถีทางแห่งความรุนแรง อีกทั้งยังเป็นการพิจารณาเรื่องของโอกาสความเป็นไปได้ที่ รัฐบาลจะไร้เสถียรภาพหรือถูกโค่นล้มโดยวิธีการที่ไม่เป็นไปตามบทบัญญัติของรัฐธรรมนูญ ซึ่งใน กรณีของประเทศไทยมีการให้ค่าคะแนนด้านความมีเสถียรภาพทางการเมืองและปราศจากการก่อ การร้ายดังแผนภูมิต่อไปนี้

แผนภูมิที่ 2: ดัชนีด้านความมีเสถียรภาพทางการเมืองและปราศจากการก่อการร้าย

ตั้งแต่ปี พ.ศ. 2548 - 2557
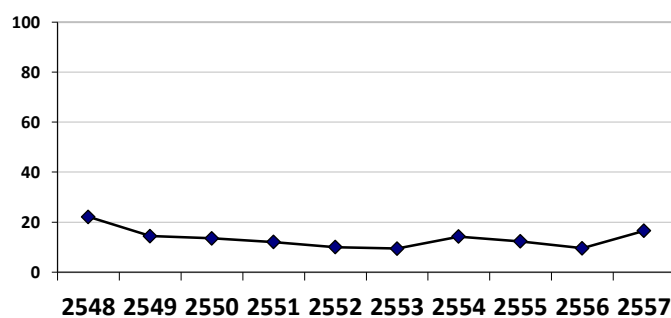
ที่มา: Worldwide Governance Indicators, Country Data Report for Thailand,

1996 – 2014

3) ความมีประสิทธิผลของภาครัฐ (Government Effectiveness)

เป็นการวัดความสามารถของภาครัฐในการให้บริการสาธารณะและความสามารถของข้าราชการ
หรือเจ้าหน้าที่ของรัฐที่มีคุณภาพ โดยมีการดำเนินงานที่อิสระปราศจากการแทรกแซงและปราศจาก
แรงกดดันทางการเมือง รวมทั้งคุณภาพการกำหนดนโยบายและการนำนโยบายไปปฏิบัติให้ประสบ
ความสำเร็จตามที่ได้วางนโยบายไว้ ซึ่งในกรณีของประเทศไทยมีการให้ค่าคะแนนด้านความมี
ประสิทธิภาพของภาครัฐดังแผนภูมิต่อไปนี้

แผนภูมิที่ 3: ดัชนีด้านความมีประสิทธิภาพของภาครัฐ ตั้งแต่ปี ค.ศ. 2548 - 2557
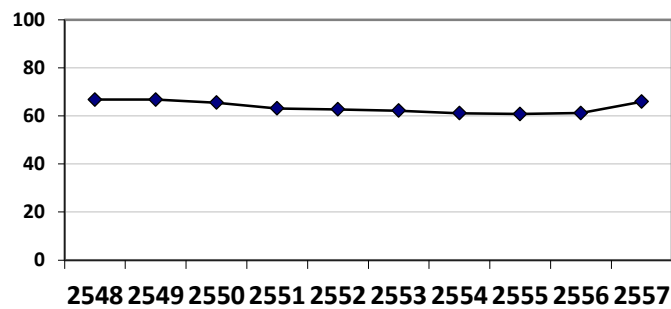
ที่มา: Worldwide Governance Indicators, Country Data Report for Thailand, 1996 - 2014

4) คุณภาพของกฎระเบียบ (Regulatory Quality)

เป็นการวัดความสามารถของภาครัฐในการกำหนดนโยบายและสร้างระเบียบข้อบังคับที่เหมาะสม
ต่อการยกระดับการพัฒนาของภาคเอกชน รวมถึงการบังคับใช้นโยบายและมาตรการดังกล่าวให้
เป็นไปอย่างเหมาะสมและเอื้อต่อการส่งเสริมให้ภาคเอกชนสามารถพัฒนาได้ ซึ่งในกรณีของ
ประเทศไทยมีการให้ค่าคะแนนด้านคุณภาพในการควบคุมดังแผนภูมิต่อไปนี้

แผนภูมิที่ 4: ดัชนีด้านคุณภาพในการคุณภาพของกฎระเบียบ ตั้งแต่ปี พ.ศ. 2548 - 2557
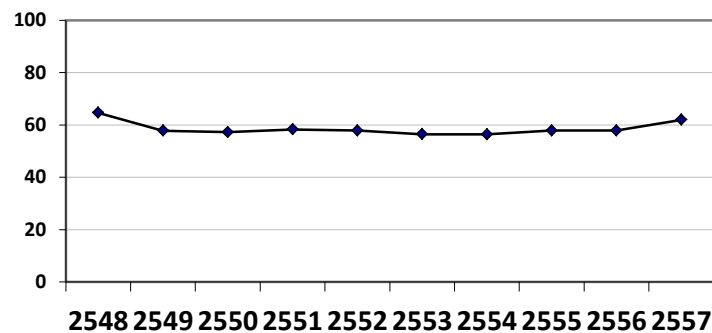
ที่มา: Worldwide Governance Indicators, Country Data Report for Thailand,

1996 - 2014

5) หลักนิติธรรม (Rule of Law)

เป็นการวัดความสามารถของภาครัฐในการทำให้ภาคส่วนต่าง ๆ มีความเชื่อมั่น มีความเคารพ และ
ยอมรับปฏิบัติตามกติกาในการอยู่ร่วมกันในสังคม รวมถึงมีการสร้างคุณภาพในการบังคับใช้
กฎหมาย คุณภาพของกฎหมายเกี่ยวกับสิทธิในทรัพย์สิน คุณภาพของกระบวนการยุติธรรม และ
คุณภาพในการควบคุมอาชญากรรมและความรุนแรง โดยเฉพาะคุณภาพของการบังคับให้ปฏิบัติ
ตามเงื่อนไขสัญญา ตำรวจ และการอำนวยความยุติธรรม รวมถึงโอกาสความเป็นไปได้ที่จะเกิด
อาชญากรรมและความรุนแรง ซึ่งในกรณีของประเทศไทยมีการให้ค่าคะแนนด้านหลักนิติธรรมดัง
แผนภูมิต่อไปนี้

แผนภูมิที่ 5: ดัชนีด้านหลักนิติธรรม ตั้งแต่ปี พ.ศ. 2548 – 2557
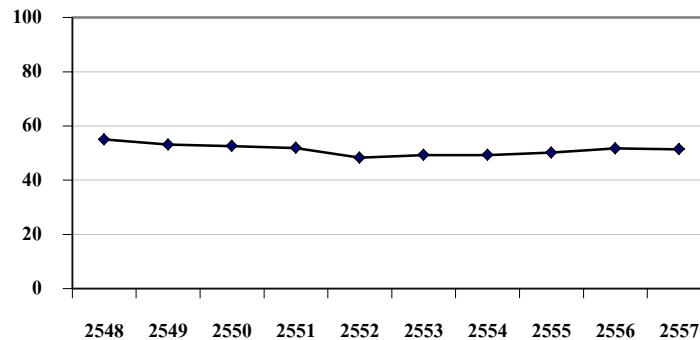
ที่มา: Worldwide Governance Indicators, Country Data Report for Thailand,

1996 – 2014

6) การควบคุมการคอร์รัปชัน (Control of Corruption)

เป็นการวัดความสามารถของภาครัฐในการควบคุมไม่ให้ใช้อำนาจของภาครัฐเพื่อสร้างผลประโยชน์
ให้แก่ภาคเอกชนทั้งทางตรงและทางอ้อม ทั้งในรูปแบบของการทุจริตประพฤติมิชอบเพียงเล็กน้อย
หรือขนานใหญ่ รวมถึงการเข้าครอบครองรัฐโดยชนชั้นนำทางการเมืองและนักธุรกิจเอกชนที่มุ่ง
แสวงหาผลประโยชน์ ซึ่งในกรณีของประเทศไทยมีค่าคะแนนด้านการควบคุมการคอร์รัปชัน ดัง
แผนภูมิต่อไปนี้

แผนภูมิที่ 6: ดัชนีด้านการควบคุมการคอร์รัปชัน ตั้งแต่ปี พ.ศ. 2548 - 2557
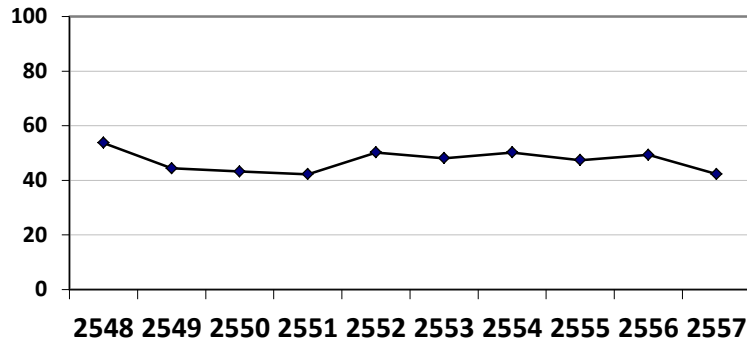
ที่มา: Worldwide Governance Indicators, Country Data Report for Thailand,

1996 – 2014

การจัดอันดับความสามารถในการแข่งขัน (Global Competitiveness Index – GCI)

1. ความเป็นมา

โครงการวิจัยรายงานการจัดอันดับความสามารถในการแข่งขัน (The Global Competitiveness Report) เป็นการจัดทำโดย World Economic Forum ที่ได้เริ่มดำเนินโครงการโดย Professor Klaus Schwab ในปี ค.ศ. 1979 (พ.ศ. 2522) ภายใต้ชื่อโครงการ "The Competitiveness of European Industry" และ จากนั้นได้เปลี่ยนชื่อโครงการเป็น "The Global Competitiveness Report" โดยการรายงานครั้งแรก ได้ทำการวิเคราะห์ความสามารถในการแข่งขันประเทศในยุโรป 16 ประเทศ ซึ่งทำการศึกษาบน พื้นฐานแนวคิดเกี่ยวกับการแข่งขันของ Professor Klaus Schwab กล่าวคือ การรายงานช่วงแรก กำหนดให้ "การแข่งขัน" เป็นความสามารถของผู้ประกอบการในการดำเนินการที่ดีหรือมีผลการ ประกอบการดีกว่าบริษัทหรือกลุ่มบริษัทอื่น ๆ โดยคำนึงถึงกรอบเงื่อนไขภายในประเทศ

การสำรวจได้จัดทำเป็น 3 ภาษา ได้แก่ อังกฤษ ฝรั่งเศส และเยอรมัน โดยได้ส่งไปยังผู้ตอบ แบบสอบถามที่มีศักยภาพทั่วยุโรป ได้แก่ ประธานบริหารของบริษัทต่าง ๆ ในยุโรป กรรมการ ผู้จัดการบริษัทของสหรัฐอเมริกาที่ดำเนินกิจการสาขาย่อยในยุโรปทั้ง 16 ประเทศ ตัวแทนชั้นนำ ของสมาคมอุตสาหกรรมและสมาคมนายจ้าง สหภาพแรงงาน สถาบันทางเศรษฐกิจและสังคม คณะ เศรษฐศาสตร์และคณะบริหารธุรกิจของมหาวิทยาลัยต่าง ๆ และสื่อด้านเศรษฐกิจ ซึ่งการสำรวจ ดังกล่าวได้เสร็จสิ้นและจัดทำรายงานในเดือนพฤศจิกายน ค.ศ.1979 (พ.ศ. 2522) โดยการรายงาน ดังกล่าว นับได้ว่าเป็นความพยายามครั้งแรกเพื่อสนับสนุนให้ผู้กำหนดนโยบายและผู้นำทางธุรกิจ ให้สามารถพัฒนานโยบายเศรษฐกิจและองค์กรให้ดีขึ้น รวมทั้งในระยะเวลา 35 ปีต่อมา (พ.ศ. 2557) การรายงานการจัดอันดับความสามารถในการแข่งกันได้ครอบคลุมมากถึง 140 ประเทศทั่ว

โลก โดยได้แสดงให้เห็นถึงปัจจัยสำคัญที่มีความเกี่ยวข้องกับการเติบโตทางเศรษฐกิจ การจัดอันดับ
ความสามารถในการแข่งขันของประเทศต่าง ๆ และแนวโน้มของการเติบโตในอนาคต โดยมี
จุดมุ่งหมายเพื่อให้เกิดความเข้าใจร่วมกันเกี่ยวกับจุดแข็งและจุดอ่อนทางเศรษฐกิจ (World
Economic Forum: ออนไลน์)

2. การจัดอันดับความสามารถในการแข่งขันของประเทศไทย

การจัดอันดับความสามารถในการแข่งขันล่าสุดประจำปี 2014 – 2015 โดย World Economic Forum
ประเทศไทยถูกจัดอยู่ในอันดับที่ 37   จากทั้งหมด 148   ประเทศ และเมื่อพิจารณาปัจจัยหลักที่
นำมาใช้ในการจัดอันดับความสามารถในการแข่งขัน ซึ่งประกอบด้วยดัชนีพื้นฐาน ดัชนีการเพิ่ม
ประสิทธิภาพ และดัชนีนวัตกรรมและปัจจัยที่มีความซับซ้อน พบว่า ปัจจัยหลักทั้ง 3 ด้านได้รับการ
จัดอันดับเป็น 40, 39 และ 54 ตามลำดับ ซึ่งผลการจัดอันดับความสามารถในการแข่งขันของไทย
ตั้งแต่ในปี 2006 – 2014 สามารถแสดงได้ดังตารางต่อไปนี้

ตารางที่ 6: อันดับความสามารถในการแข่งขันของไทย ปี 2006 – 2014

ดัชนี	ปี									
	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016
ดัชนีพื้นฐาน	38	40	43	43	48	46	45	49	40	42
ดัชนีการเพิ่มประสิทธิภาพ	43	29	36	40	39	43	47	40	39	42
ดัชนีนวัตกรรมและปัจจัยที่มีความซับซ้อน	36	39	46	47	49	51	55	52	54	48
GCI	35	28	34	36	38	39	38	37	37	32
จำนวนประเทศทั้งหมด	125	131	134	133	139	142	144	148	144	140

ที่มา: World Economic Forum, The Global Competitiveness Report

จากตารางดังกล่าวจะเห็นได้ว่าอันดับความสามารถในการแข่งขันของไทยจะอยู่ในอันดับต้น ๆ หากแต่ WEF ได้ประเมินขีดความสามารถในการแข่งขันของไทยอยู่ในระดับกลาง โดยมีคะแนนค่อนข้างดีโดยเฉพาะอย่างยิ่งด้านสภาพแวดล้อมทางเศรษฐกิจมหภาคและพัฒนาการเงิน

อย่างไรก็ตาม ในการจัดอันดับความสามารถในการแข่งขัน (Global Competitiveness Index) ทั้ง 12 เสาหลัก จะเห็นได้ว่าไม่ได้มีเสาหลักใดที่มีการวัดเฉพาะในประเด็นของการคอร์รัปชัน หากแต่ WEF ได้มีการวิเคราะห์ปัจจัยที่เป็นปัจจัยที่เป็นปัญหาสำคัญที่สุดสำหรับการดำเนินธุรกิจ (The most problematic factors for doing business) ซึ่งมีทั้งหมด 15 ปัจจัย โดยการสำรวจปัจจัยที่เป็นปัญหาสำคัญที่สุดสำหรับ การดำเนินธุรกิจในปี พ.ศ. 2558 พบว่า ปัจจัยด้านความไม่มั่นคงของรัฐบาล (Government instability/coups) เป็นปัจจัยที่มีผลต่อการดำเนินธุรกิจมากที่สุด (ร้อยละ 18.1) รองลงมาคือ ปัจจัยด้านการคอร์รัปชัน (ร้อยละ 12.5) และเมื่อพิจารณาแนวโน้มปัจจัยด้านการคอร์รัปชันระหว่างปี พ.ศ. 2551 – 2558 จะเห็นได้ว่าการคอร์รัปชันมีผลต่อการดำเนินธุรกิจในประเทศมากขึ้นจาก ร้อยละ 10.3 ในปี พ.ศ. 2551 เพิ่มเป็นร้อยละ 21.4 ในปี พ.ศ.2557 แต่เป็นที่น่าสังเกตว่าในปี พ.ศ.2558 มีคะแนนด้านการคอร์รัปชันลดลงเป็นร้อยละ 12.5 ซึ่งลดลงจากปี พ.ศ. 2557 อันสืบเนื่องมาจากมีการรัฐประหาร ที่อาจส่งผลกระทบต่อดำเนินธุรกิจในทัศนะของนักลงทุนต่างชาติ ซึ่งแสดงให้เห็นว่าเมื่อประเทศเกิดความไม่มั่นคงทางการเมืองหรือการเมืองอยู่ในสภาวะที่ไม่ปกติ จะทำให้นักลงทุนต่างชาติหันมาให้ความสำคัญกับปัจจัยด้านความมั่นคงของประเทศมากกว่าการคอร์รัปชัน ซึ่งสามารถแสดงได้ดังแผนภูมิต่อไปนี้

แผนภูมิที่ 8: ปัจจัยที่เป็นปัญหาสำคัญที่สุดสำหรับการดำเนินธุรกิจในประเทศไทยประจำปี 2558

ที่มา: World Economic Forum, The Global Competitiveness Report 2015-2016

ในกรณีของปัจจัยด้านการคอร์รัปชันที่เป็นปัญหาสำหรับการดำเนินธุรกิจในประเทศไทย สามารถ
แสดงได้ดังตารางต่อไปนี้

ตารางที่ 10: ปัจจัยด้านการคอร์รัปชันที่เป็นอุปสรรคต่อการดำเนินธุรกิจในประเทศไทยในปี พ.ศ.
2551 – 2558

ปี (พ.ศ.)	คะแนน (เต็ม 100)	อันดับ
2551	10.3	4
2552	11	4
2553	11.4	4
2554	14.5	2
2555	16.7	2
2556	20.2	1
2557	21.4	1
2558	12.5	2

ที่มา: World Economic Forum, The Global Competitiveness Report

จากตารางดังกล่าว แสดงให้เห็นว่า "การคอร์รัปชัน" เป็นปัจจัยที่ผู้ประกอบการในธุรกิจส่วนใหญ่
ต่างเห็นพ้องต้องกันว่าเป็นเป็นอุปสรรคต่อการดำเนินธุรกิจและเป็นอุปสรรคที่กีดขวางการพัฒนา
ขีดความสามารถในการแข่งขันของไทยในเวทีนานาชาติในอันดับต้น ๆ และมีแนวโน้มที่จะเพิ่ม
มากขึ้นตามลำดับ ซึ่งในปี พ.ศ. 2557 การคอร์รัปชันเป็นปัจจัยที่เป็นอุปสรรคต่อการทำธุรกิจเป็น
อันดับหนึ่ง และแม้ว่าในปี พ.ศ. 2558 การคอร์รัปชันจะลดอันดับมาเป็นอันดับสอง หากแต่ก็ยังคง
เป็นปัญหาสำคัญที่นักธุรกิจต้องเผชิญ และสะท้อนให้เห็นว่าการแก้ไขปัญหาการ คอร์รัปชันของ
ประเทศไทยในภาคธุรกิจยังคงไม่มีประสิทธิภาพและประสิทธิผลมากนัก นอกจากนี้ WEF ยังได้มี
การวิเคราะห์ถึงจุดแข็งและจุดอ่อนของประเทศไทยในเรื่องของตลาดที่เอื้อต่อการขยายตัวของ
ธุรกิจ และปัญหาสุขภาพ สิ่งแวดล้อม การศึกษา รวมทั้งการลงทุนวิจัยและพัฒนาเทคโนโลยี
ตลอดจนกฎหมายที่มีอยู่ไม่เอื้อต่อการพัฒนาหรือเป็นอุปสรรคต่อการพัฒนาและประยุกต์ใช้
เทคโนโลยีด้วย

ความสัมพันธ์ของดัชนีต่าง ๆ กับการคอร์รัปชันและการลงทุนจากต่างประเทศในประเทศไทย

ประเทศไทย นับได้ว่าเป็นประเทศหนึ่งที่เป็นแหล่งรองรับการลงทุนที่บรรษัทข้ามชาติที่ประกอบธุรกิจประเภทต่างๆ จากนานาประเทศเข้ามาลงทุนจำนวนมาก เนื่องจากการมีศักยภาพในด้านต่าง ๆ ที่มีความพร้อมและรัฐบาลมีนโยบายที่เอื้อต่อการลงทุน เช่น มาตรการจูงใจด้านภาษี การยกเว้นหรือลดอากรขาเข้า เป็นต้น ซึ่งจากผลการสำรวจบรรษัทข้ามชาติในการจัดลำดับประเทศที่เป็นแหล่งรองรับการลงทุน (host economics) 10 อันดับแรกในปี พ.ศ.2557 พบว่า จีน เป็นประเทศแรกที่บรรษัทข้ามชาติส่วนใหญ่ให้ความสนใจลงทุน รองลงมาได้แก่ สหรัฐอเมริกา อินโดนีเซีย อินเดีย บราซิล และเยอรมนีตามลำดับ โดยประเทศไทยอยู่ในลำดับที่ 8 (สำนักงานคณะกรรมการส่งเสริมการลงทุน, 2557: 4)

ในส่วนของการลงทุนของบรรษัทข้ามชาติที่ประกอบธุรกิจประเภทเครื่องใช้ไฟฟ้าที่เข้ามาลงทุนในประเทศไทยเพื่อเป็นฐานการผลิตสินค้าในการส่งออกและขยายตลาดในประเทศ ซึ่งมูลค่าการลงทุนโดยตรงจากต่างประเทศประเภทการผลิตเครื่องใช้ไฟฟ้า สามารถแสดงได้ดังต่อไปนี้

แผนภูมิที่ 10: เงินลงทุนโดยตรงจากต่างประเทศ ประเภทการผลิตอุปกรณ์ไฟฟ้าในปี พ.ศ. 2548 – 2557
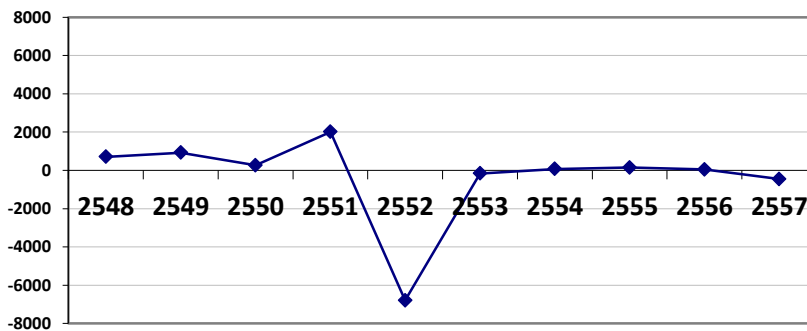
หมายเหตุ 1. เป็นข้อมูลการลงทุนฯ ในรูปของเงินลงทุนสุทธิของทุกภาคเศรษฐกิจ โดยตัวเลขบวกหมายถึง มีการลงทุนเพิ่ม (ไม่ว่าจะในรูปของการลงทุนในทุนเรือนหุ้น กำไรสะสมที่นำกลับมาลงทุน หรือการกู้ยืมจากบริษัทในเครือในต่างประเทศ) สูงกว่าการลดการลงทุน (ไม่ว่าจะในรูปของการลดสัดส่วนการถือหุ้น การถอนเงินลงทุน หรือการคืนเงินกู้ให้บริษัทในเครือในต่างประเทศ) ขณะที่ตัวเลขติดลบ หมายถึง ในช่วงเวลานั้น ๆ มีการเพิ่มการลงทุนต่ำกว่าการลดการลงทุน

    2. ตั้งแต่ปี พ.ศ. 2552 ได้รวมการลงทุนในตราสารหนี้ระหว่างบริษัทในเครือ และตั้งแต่ปี พ.ศ.2554 ได้รวมสินเชื่อการค้าระหว่างบริษัทในเครือเข้าไว้ด้วย

ที่มา: ธนาคารแห่งประเทศไทย, 29 กุมภาพันธ์ 2559

การลงทุนโดยตรงจากต่างประเทศ (Foreign Direct Investment: FDI) คือ การที่บริษัทที่ตั้งอยู่ใน ต่างประเทศหรือประเทศที่จะมาลงทุน (source countries) ต้องการมาลงทุนทำธุรกิจในประเทศไทย และเมื่อพิจารณาเงินลงทุนโดยตรงจากต่างประเทศของการลงทุนสาขาการผลิตเครื่องใช้ไฟฟ้าที่เข้า มาลงทุนในประเทศไทย พบว่า ในปี พ.ศ. 2548 – 2551 การเงินลงทุนจากต่างประเทศมีแนวโน้ม เพิ่มขึ้น กล่าวคือ จากที่มีการลงทุน 708.98 ล้านดอลลาร์ สรอ. ในปี พ.ศ. 2548 เพิ่มเป็น 2,011.33 ล้าน ดอลลาร์ สรอ. ในปี พ.ศ. 2554 ซึ่งมีอัตราการลงทุนเพิ่มขึ้นเป็นร้อยละ 41.56 ต่อปี และในปี พ.ศ. 2552 เกิดวิกฤตเศรษฐกิจโลก ส่งผลให้การลงทุนเศรษฐกิจของไทยหดตัวมาก ซึ่งต่างประเทศมีการ ลงทุนลดลงถึง 6,795.25 ล้านดอลลาร์ สอร. ต่อมาในช่วงครึ่งหลังของปี พ.ศ. 2552 เศรษฐกิจไทย เริ่มฟื้นตัวจากเศรษฐกิจโลก ประกอบกับนโยบายการเงินการคลังที่มีส่วนช่วยในการกระตุ้น เศรษฐกิจและสนับสนุนให้ความเชื่อมั่นของผู้ผลิตและผู้บริโภค ดีขึ้นเป็นลำดับ ส่งผลให้ต่างประเทศเข้ามาลงทุนในประเทศไทยเพิ่มขึ้น และเมื่อนำแผนภูมิข้างต้น มาเปรียบเทียบกับประเด็นการคอร์รัปชันของดัชนีชี้วัดต่าง ๆ เพื่อวิเคราะห์ถึงแนวโน้มและความ สอดคล้องของการลงทุนของบรรษัทข้ามชาติกับการคอร์รัปชัน ซึ่งสามารถแสดงได้ดังต่อไปนี้

แผนภูมิที่ 11: เงินลงทุนโดยตรงจากต่างประเทศ ประเภทการผลิตอุปกรณ์ไฟฟ้ากับดัชนีชี้วัดภาพลักษณ์ คอร์รัปชัน ในปี พ.ศ. 2548 - 2557
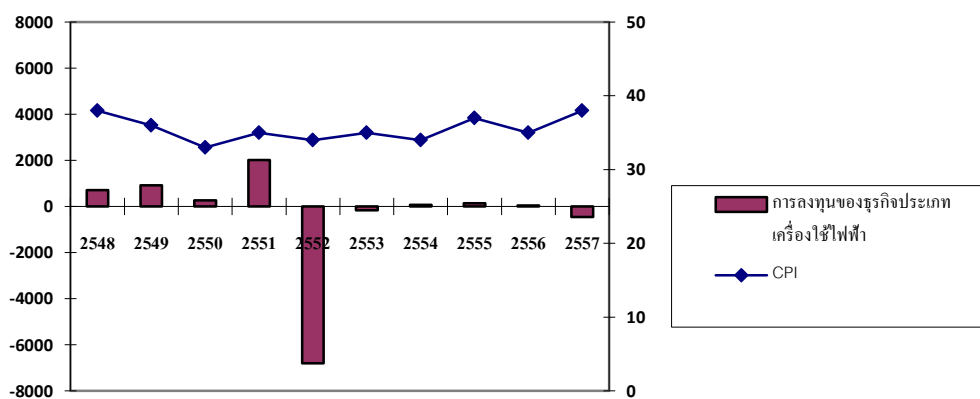
จากแผนภูมิดังกล่าว แสดงให้เห็นว่าเงินลงทุนโดยตรงจากต่างประเทศของธุรกิจการผลิตอุปกรณ์ ไฟฟ้ากับค่าคะแนนดัชนีชี้วัดภาพลักษณ์คอร์รัปชัน (CPI) ไม่ได้มีความสัมพันธ์กันอย่างเป็นระบบ กล่าวคือ การที่ค่าคะแนน CPI ลดลง (มีการคอร์รัปชันสูงขึ้น) ไม่ได้ทำให้เงินลงทุนลดลงเสมอไป ดังเช่น ในปี พ.ศ. 2549 ประเทศไทยมีค่า CPI ลดลง แต่มีเงินลงทุนเพิ่มขึ้นจากปี พ.ศ. 2548 ที่มีค่า CPI สูงกว่า เป็นต้น หรือ ในทางกลับกัน การที่ค่าคะแนน CPI สูงขึ้น (มีการคอร์รัปชันลดลง) ไม่ได้ ทำให้มีเงินลงทุนเพิ่มขึ้นเสมอไป ดังเช่น ในปี พ.ศ. 2557 แม้ว่าประเทศไทยมีค่า CPI สูงขึ้น แต่มีเงิน ลงทุนลดลงจากปี พ.ศ. 2556 ที่มีค่า CPI ต่ำกว่า เป็น หรือในอีกกรณีหนึ่ง การที่ค่า CPI ลดลง (มีการ

คอร์รัปชันสูงขึ้น) เงินลงทุนก็ลดลงตามไปด้วย ดังเช่น ในปี พ.ศ. 2552 ที่มีค่า CPI และเงินลงทุน
ลดลงจากปี พ.ศ. 2551 เป็นต้น ซึ่งจากที่กล่าวมาแสดงให้เห็นอย่างชัดเจนว่าความสัมพันธ์ของเงิน
ลงทุนกับค่าคะแนน CPI ไม่ได้มีความสัมพันธ์กันอย่างเป็นระบบ

**แผนภูมิที่ 12: เงินลงทุนโดยตรงจากต่างประเทศประเภทการผลิตอุปกรณ์ไฟฟ้ากับดัชนีธรรมาภิบาล
โลกในมิติด้านการควบคุมการคอร์รัปชัน ในปี พ.ศ. 2548 - 2557**
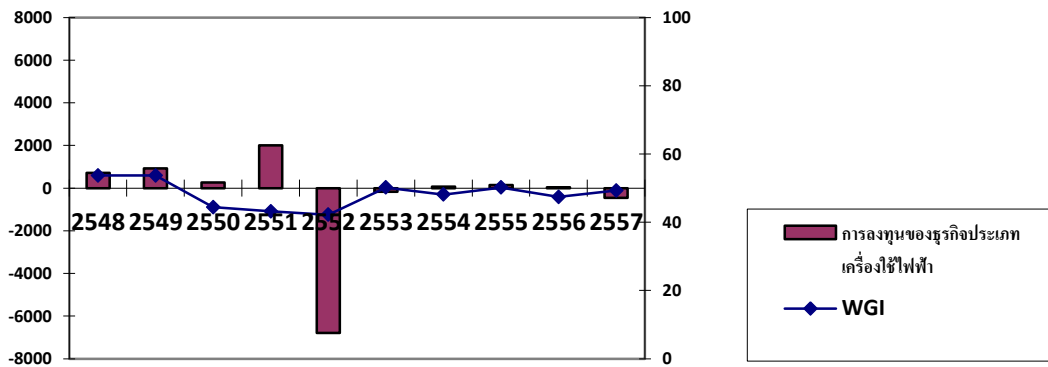
จากแผนภูมิดังกล่าว แสดงให้เห็นว่าเงินลงทุนโดยตรงจากต่างประเทศของธุรกิจการผลิตอุปกรณ์
เครื่องใช้ไฟฟ้ากับดัชนีธรรมาภิบาลโลก (WGI) ในมิติด้านการควบคุมการคอร์รัปชัน ไม่ได้มี
ความสัมพันธ์กันอย่างเป็นระบบ กล่าวคือ การที่ค่าคะแนนดัชนีธรรมาภิบาลโลก (WGI) ในมิติด้านการ
ควบคุมการคอร์รัปชันลดลง (มีการคอร์รัปชันสูงขึ้น) ไม่ได้ทำให้เงินลงทุนลดลงเสมอไป ดังเช่น ในปี
พ.ศ. 2551 ประเทศไทยมีค่าคะแนน WGI ในมิติด้านการควบคุมการคอร์รัปชันลดลง แต่มีเงินลงทุน
เพิ่มขึ้นจากปี พ.ศ. 2550 ที่มีค่าคะแนนสูงกว่า เป็นต้น หรือในทางกลับกันการที่ค่าคะแนน CPI สูงขึ้น
(มีการคอร์รัปชันลดลง) ไม่ได้ทำให้มีเงินลงทุนเพิ่มขึ้นเสมอไป ดังเช่น ในปี พ.ศ. 2557 แม้ว่าประเทศ
ไทยมีค่าคะแนน WGI ในมิติด้านการควบคุมการคอร์รัปชันสูงขึ้น แต่มีเงินลงทุนลดลงจากปี พ.ศ.
2556 ที่มีค่าคะแนนต่ำกว่า เป็นต้น หรือในอีกกรณีหนึ่งการที่ค่าคะแนนดัชนีธรรมาภิบาลโลก
(WGI) ในมิติด้านการควบคุมการคอร์รัปชันลดลง (มีการคอร์รัปชันสูงขึ้น) เงินลงทุนก็ลดลงตาม
ไปด้วย ดังเช่น ในปี พ.ศ. 2552 ที่มีค่าคะแนนดัชนีธรรมาภิบาลโลก (WGI) ในมิติด้านการควบคุม
การคอร์รัปชันและเงินลงทุนลดลงจากปี พ.ศ. 2551 เป็นต้น ซึ่งจากที่กล่าวมาแสดงให้เห็นอย่าง
ชัดเจนว่าความสัมพันธ์ของเงินลงทุนกับค่าคะแนนดัชนีธรรมาภิบาลโลก (WGI) ในมิติด้านการ
ควบคุมการคอร์รัปชัน ไม่ได้มีความสัมพันธ์กันอย่างเป็นระบบ

แผนภูมิที่ 13: เงินลงทุนโดยตรงจากต่างประเทศประเภทการผลิตอุปกรณ์ไฟฟ้ากับปัจจัยที่เป็นปัญหา อุปสรรค ต่อการประกอบธุรกิจ ในปี พ.ศ. 2551 - 2557
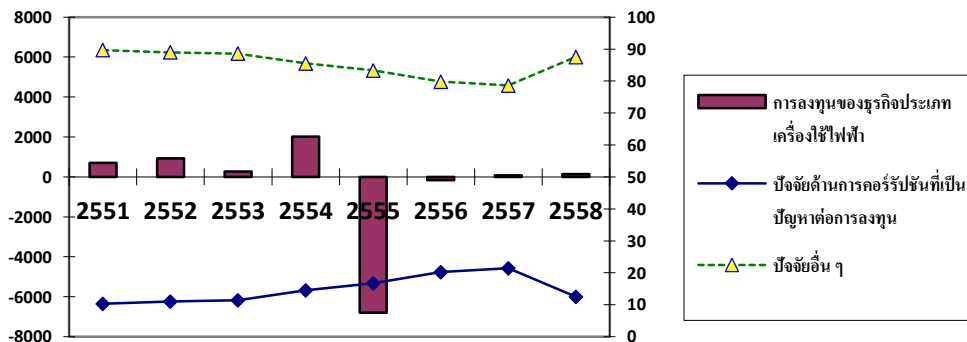
จากแผนภูมิดังกล่าว แสดงให้เห็นว่าเงินลงทุนโดยตรงจากต่างประเทศของธุรกิจการผลิตอุปกรณ์ เครื่องใช้ไฟฟ้าไม่ได้มีความสัมพันธ์อย่างเป็นระบบกับปัญหาอุปสรรคต่อการประกอบธุรกิจด้านการ คอร์รัปชัน เนื่องจากแนวโน้มของปัญหาด้านการคอร์รัปชันที่เป็นอุปสรรคต่อการดำเนินธุรกิจมี แนวโน้มเพิ่มขึ้น หากแต่เงินลงทุนในแต่ละปีมีทั้งเพิ่มขึ้นและลดลง ซึ่งไม่แปรผันตามค่าคะแนนของ ปัญหาอุปสรรคด้านการคอร์รัปชันที่มีผลต่อการลงทุน

ดังนั้น จากแผนภูมิทั้ง 3 แผนภูมิข้างต้น แสดงให้เห็นอย่างชัดเจนว่าประเด็นการคอร์รัปชันในดัชนี ต่าง ๆ ที่ทำการศึกษา ไม่ว่าจะเป็นดัชนีภาพลักษณ์การคอร์รัปชัน (CPI) ดัชนีธรรมาภิบาลโลก (WGI) ในมิติด้านการคอร์รัปชัน และปัจจัยที่เป็นปัญหาสำคัญในการลงทุน ไม่มีความสัมพันธ์อย่าง เป็นระบบกับการลงทุนของบรรษัทข้ามชาติที่ประกอบธุรกิจเครื่องใช้ไฟฟ้าในประเทศไทย ซึ่ง สะท้อนให้เห็นว่าปัจจัยที่ส่งผลต่อการตัดสินใจการลงทุนมิได้ขึ้นอยู่กับการคอร์รัปชันเป็นสำคัญ แต่จะขึ้นอยู่กับปัจจัยอื่น ๆ ด้วย เช่น โครงสร้างพื้นฐาน สิ่งอำนวยความสะดวก แรงงาน นโยบาย รัฐบาล เป็นต้น

อย่างไรก็ตาม การศึกษาครั้งนี้ได้ทำการสัมภาษณ์แบบเจาะลึกเกี่ยวกับมุมมองของบรรษัทข้ามชาติ ที่ประกอบธุรกิจเครื่องใช้ไฟฟ้าที่เข้ามาลงทุนในประเทศไทย เพื่อให้ทราบถึงข้อเท็จจริงและ ทัศนคติว่าภาพลักษณ์การคอร์รัปชันที่มีการเผยแพร่ผ่านดัชนีต่าง ๆ มีผลกระทบต่อการตัดสินใน การลงทุนหรือไม่ และมีปัจจัยใดที่ส่งผลต่อการตัดสินใจในการลงทุนของบรรษัทข้ามชาติ ซึ่ง รายละเอียดจะได้นำเสนอต่อไป

**ประเด็นการคอร์รัปชันต่อการตัดสินใจในการลงทุนของบรรษัทข้ามชาติที่ประกอบธุรกิจ
เครื่องใช้ไฟฟ้าในประเทศไทย**

ประเทศไทยนับได้ว่าเป็นประเทศที่เป็นฐานการลงทุนของบรรษัทข้ามชาติจำนวนมาก เนื่องจากมี
ศักยภาพและความพร้อมในด้านต่าง ๆ ที่เอื้อต่อการลงทุน ไม่ว่าจะเป็นทรัพยากร แรงงาน
โครงสร้างพื้นฐาน และนโยบายส่งเสริมการลงทุนที่มุ่งเน้นการเปิดเสรีและสนับสนุนการค้า จึง
สามารถดึงดูดบรรษัทข้ามชาติให้เข้ามาลงทุนจำนวนมาก โดยการลงทุนของบรรษัทข้ามชาติใน
ประเทศไทยมีการกระจุกตัวอยู่ใน สาขาการผลิตยานยนต์ อิเล็กทรอนิกส์และเครื่องใช้ไฟฟ้า ซึ่ง
ประเทศที่เข้ามาทำการลงทุนในประเทศไทยเป็นอันดับต้น ๆ ได้แก่ ญี่ปุ่น สหรัฐอเมริกา กลุ่ม
ประเทศยุโรป และอาเซียน

อย่างไรก็ตาม การเข้ามาลงทุนของบรรษัทข้ามชาติในประเทศไทยยังคงมีอุปสรรคที่ต้องเผชิญคือ
การคอร์รัปชันที่เกิดขึ้นในกระบวนต่าง ๆ ของภาครัฐที่ทำให้ขั้นตอนการดำเนินการเป็นไปอย่าง
ล่าช้า หากบรรษัทข้ามชาติไม่มีการให้สินบนแก่เจ้าหน้าที่ที่เกี่ยวข้องเพื่อให้มีการดำเนินการหรือ
ดำเนินการให้รวดเร็วยิ่งขึ้น อีกทั้งยังเป็นการเพิ่มต้นทุนในการลงทุนของบรรษัทข้ามชาติและสร้าง
ภาพลักษณ์ในด้านลบให้แก่ประเทศไทยอีกด้วย จึงได้ศึกษาถึงผลของการคอร์รัปชันต่อการ
ตัดสินใจในการลงทุนของบรรษัทข้ามชาติ โดยการสัมภาษณ์บรรษัทข้ามชาติที่ประกอบธุรกิจ
เครื่องใช้ไฟฟ้าที่เข้ามาลงทุนในประเทศไทย 4 บรรษัท ได้แก่ (1) บริษัท ฟิลิปส์ อิเล็กทรอนิกส์
(ประเทศไทย) ของประเทศเนเธอร์แลนด์ (2) บริษัท อิเลคโทรลักซ์ ประเทศไทย จำกัด ของประเทศ
สหรัฐอเมริกา (3) บริษัท โตชิบา ไทยแลนด์ จำกัด ของประเทศญี่ปุ่น และ (4) บริษัท แอลจี
อีเล็กทรอนิกส์ (ประเทศไทย) ของประเทศเทศเกาหลีใต้ รวมถึงผู้เชี่ยวชาญ นักวิชาการ และนัก
ปฏิบัติด้านการต่อต้านการคอร์รัปชัน และผู้แทนจากสมาคมธุรกิจ

ผลการศึกษาจากการสัมภาษณ์ในประเด็นที่เกี่ยวข้องกับผลกระทบของดัชนีที่เกี่ยวข้องกับ
ภาพลักษณ์การคอร์รัปชันที่จัดทำและเผยแพร่โดยองค์กรระหว่างประเทศต่อการตัดสินใจในการ
ลงทุนของบรรษัทข้ามชาติที่ประกอบธุรกิจประเภทเครื่องใช้ไฟฟ้า มีรายละเอียดดังต่อไปนี้

1. การจัดอันดับความสำคัญของประเด็นที่เกี่ยวข้องกับการคอร์รัปชันในดัชนีต่าง ๆ ของบรรษัทข้ามชาติ

จากการศึกษาประเด็นที่เกี่ยวข้องกับการคอร์รัปชันใน 3 ดัชนี ได้แก่ *หนึ่ง* การจัดอันดับ
ความสามารถในการแข่งขัน (Global Competitiveness Index – GCI) *สอง* ดัชนีสภาวะธรรมาภิบาล
โลก (Worldwide Governance Indicators – WGI) และ *สาม* ดัชนีชี้วัดภาพลักษณ์คอร์รัปชัน

(Corruption Perception Index – CPI) ซึ่งดัชนีต่าง ๆ เหล่านี้ได้รับความเชื่อถือและการยอมรับใน
ระดับสากล เนื่องจาก ผลการสำรวจดังกล่าวมีที่มาจากการรวบรวมข้อมูลขององค์กรต่าง ๆ ที่มี
มุมมองและฐานข้อมูลที่ต่างกัน จึงแสดงให้เห็นถึงความหลากหลายของข้อมูลที่ไร้ซึ่งอคติ อีกทั้งยัง
ได้วิเคราะห์ข้อมูลบนพื้นฐานของหลักวิชาการ ซึ่งการสำรวจและเผยแพร่ข้อมูลผ่านทางดัชนี
ดังกล่าวทำให้บรรษัทข้ามชาติสามารถรับรู้ถึงสถานการณ์ในประเด็นต่าง ๆ ของประเทศทั่วโลกใน
เบื้องต้น หากแต่บรรษัทข้ามชาติได้ให้ความสำคัญกับดัชนีดังกล่าวต่างกัน กล่าวคือ บรรษัทข้าม
ชาติได้ให้ความสำคัญกับการจัดอันกับความสามารถในการแข่งขัน (Global Competitiveness Index
– GCI) มากที่สุด รองลงมา คือ ดัชนีสภาวะธรรมาภิบาลโลก (Worldwide Governance Indicators –
WGI) และดัชนีชี้วัดภาพลักษณ์คอร์รัปชัน (Corruption Perception Index – CPI) ตามลำดับ

การจัดอันกับความสามารถในการแข่งขัน (Global Competitiveness Index – GCI) ที่จัดทำโดย
World Economic Forum (WEF) เป็นดัชนีที่บรรษัทข้ามชาติให้ความสำคัญมากที่สุด เนื่องจากได้
สำรวจถึงปัจจัยต่าง ๆ ที่เกี่ยวข้องกับการตัดสินการลงทุนอย่างรอบด้านได้แก่ สถาบัน (Institution)
โครงสร้างพื้นฐาน (Infrastructures) ความมั่นคงทางเศรษฐกิจมหภาค (Macroeconomic Stability)
สุขภาพและการศึกษาขั้นพื้นฐาน (Health and primary education) การศึกษาและการอบรมขั้นสูง
(Higher education and training) ประสิทธิภาพของตลาดสินค้า (Goods market efficiency)
ประสิทธิภาพของตลาดแรงงาน (Labor market efficiency) การพัฒนาตลาดการเงิน (Financial
market development) ความพร้อมด้านเทคโนโลยี (Technology readiness) ขนาดของตลาด (Market
size) ความซับซ้อนทางธุรกิจ (Business Sophistication) และ นวัตกรรม (Innovation) โดยสามารถ
ใช้เป็นข้อมูลเพื่อพิจารณาถึงจุดแข็งและจุดอ่อนของประเทศต่าง ๆที่สนับสนุนและเป็นอุปสรรค
สำหรับการดำเนินธุรกิจ และจะเลือกประเทศที่มีศักยภาพที่เอื้อต่อความสามารถในการแข่งขันของ
บริษัทในตลาดโลก อีกทั้ง GCI ยังได้ให้ข้อมูลประกอบการตัดสินใจประกอบการลงทุนในหลายมิติ
กล่าวคือ การลงทุนของบรรษัทข้ามชาติ นอกจากจะให้ความสำคัญกับปัจจัยที่เกี่ยวข้องโดยตรงกับ
การลงทุนแล้ว ยังคงต้องคำนึงถึงปัจจัยอื่น ๆ ประกอบด้วย เช่น ปัจจัยด้านสุขภาพและการศึกษา
พื้นฐาน เนื่องจากการทำงานของบุคลากรและผู้เชี่ยวชาญที่มีความจำเป็นต้องมีการโยกย้ายที่อยู่
อาศัยมาพร้อมกับครอบครัวในต่างประเทศ จึงต้องการชีวิตที่ปลอดภัยและมีการศึกษาที่ดีสำหรับ
บุตรหลานของพนักงานทุกคนของบริษัท เป็นต้น

ดัชนีต่อไปที่บรรษัทข้ามชาติที่ประกอบธุรกิจเครื่องใช้ไฟฟ้าให้ความสำคัญต่อการจัดสินใจในการ
ลงทุน คือ ดัชนีสภาวะธรรมาภิบาลโลก (Worldwide Governance Indicators – WGI) ซึ่งจัดทำโดย
ธนาคารโลก (World Bank) เนื่องจากดัชนีดังกล่าวมีการสำรวจถึงปัจจัยต่าง ๆ ที่มีผลต่อการลงทุนใน
หลายมิติ และสามารถพิจารณารูปแบบความเหมาะสมของการลงทุนในประเทศต่าง ๆ ได้ แต่มี

ความรอบด้านน้อยกว่าการสำรวจของ GCI โดยปัจจัยที่บรรษัทข้ามชาติให้ความสำคัญมากที่สุด คือ ความมีเสถียรภาพทางการเมืองและปราศจากการก่อการร้าย (Political Stability and Absence of Violence/ Terrorism) เนื่องจากสถานการณ์ทางการเมืองจะส่งผลกระทบต่อรูปแบบการค้าและการ ลงทุนของบรรษัทข้ามชาติ ซึ่งแม้ว่าประเทศนั้น ๆ จะมีความไร้เสถียรภาพทางการเมืองมากเพียงใด หากแต่การดำเนินธุรกิจยังคงต้องดำเนินต่อไป ดังนั้นบรรษัทข้ามชาติจะมีการปรับรูปแบบการค้า และการลงทุนให้มีความเหมาะสมกับสถานการณ์ทางการเมือง เช่น บริษัทฟิลิปส์ ยังคงมีการค้าขาย ในประเทศปากีสถาน แม้ว่าจะมีการก่อการร้าย โดยจะประกอบธุรกิจในลักษณะของการขายสินค้า ไม่ใช้ลงทุนในลักษณะของการตั้งฐานการผลิต เป็นต้น รวมถึงการที่ประเทศที่มีความไร้เสถียรภาพ ทางการเมือง ได้ส่งผลให้นโยบายเปลี่ยนแปลงตามรัฐบาลที่เปลี่ยนไป จึงทำให้เกิดความไม่แน่นอน ในการดำเนินการ ซึ่งนักลงทุนข้ามชาติมีความต้องการความชัดเจนของนโยบายระยะยาว เพราะ แม้ว่าต้นทุนในการประกอบธุรกิจจะสูงขึ้นแต่มีความชัดเจนในการประกอบธุรกิจในระยะยาว ก็ยัง เป็นสิ่งที่พอยอมรับได้มากกว่าการที่ต้องเผชิญกับต้นทุนสูงขึ้นและความเสี่ยงต่อความไม่ชัดเจน และความไม่แน่นอนในระยะยาวซึ่งอาจก่อให้เกิดความเสียต่อการดำเนินธุรกิจในอนาคตได้

ในส่วนของมิติด้านการควบคุมการคอร์รัปชัน (Control of Corruption) ซึ่งเป็นปัญหาธรรมาภิบาล ในมิติหนึ่งที่ประเทศไทยประเทศไทยกำลังเผชิญ และยังส่งผลกระทบต่อธรรมาภิบาลในภาพรวม ด้วย โดยบรรษัทข้ามชาติจะมีการนำมาประกอบการพิจารณาบ้าง แต่หากเมื่อบริษัทมีการคำนวณ แล้วว่าต้นทุนที่เกิดขึ้นจากการคอร์รัปชันแล้วพบว่าอาจไม่ใช่อุปสรรคสำคัญมากนักเมื่อเทียบกับ โอกาสในการเติบโตทางธุรกิจในการลงทุนและความเสี่ยงในการลงทุนอยู่ทุกหนแห่งในลักษณะที่ แตกต่างกัน เมื่อบรรษัทข้ามชาติได้รับรู้ถึงปัญหาการคอร์รัปชันที่เกิดขึ้น จะทำการพิจารณาถึงความ เหมาะสมและรูปแบบของการลงทุนโดยหาวิธีการลดผลกระทบต่าง ๆ ที่เกิดขึ้นเพื่อให้สูญเสียเงิน ลงทุนไปกับการคอร์รัปชันน้อยที่สุด

ดัชนีสุดท้ายที่บรรษัทข้ามชาติให้ความสำคัญน้อยที่สุดเพื่อใช้ประกอบการตัดสินใจในการลงทุน คือ ดัชนีชี้วัดภาพลักษณ์คอร์รัปชัน (Corruption Perception Index – CPI) เนื่องจากมีข้อมูลที่ใช้ ประกอบการตัดสินใจในการลงทุนเพียงเรื่องเดียว คือ เรื่องของการคอร์รัปชัน โดยบรรษัทข้ามชาติ มีมุมมองว่าการลงทุนในประเทศที่มีการคอร์รัปชันสูงจะเสี่ยงต่อการมีต้นทุนสูงขึ้น เนื่องจากถ้ามี การลงทุนในลักษณะของการตั้งโรงงานหรือตั้งฐานการผลิตจะต้องมีการสูญเสียเงินจำนวนมากกับ การคอร์รัปชันในกระบวนการต่าง ๆ ทั้งในเรื่องการก่อตั้งโรงงาน การขอมาตรฐานอุตสาหกรรม เป็น ต้น รวมถึงการคอร์รัปชันเป็นเหตุที่ทำให้เกิดต้นทุนไม่คงที่และเป็นต้นทุนที่ไม่สามารถคาดการณ์ ได้แน่นอน หากแต่เป็นปัจจัยที่บรรษัทข้ามชาติสามารถหาทางลดความเสี่ยงและลดผลกระทบได้

จากที่กล่าวมาจะเห็นได้ว่า สาเหตุหลักที่บรรษัทข้ามชาติใช้ในการจัดลำดับการให้ความสำคัญกับ
ดัชนีทั้ง 3 ดัชนีดังกล่าว คือ ความครอบคลุมและความรอบด้านที่เกี่ยวข้องกับปัจจัยที่ส่งผลต่อการ
ลงทุน กล่าวคือ เหตุผลสำคัญที่ทำให้บรรษัทข้ามชาติให้ความสำคัญกับ GCI มากที่สุด เนื่องจาก
เป็นดัชนีที่ประกอบด้วยปัจจัยที่ส่งผลต่อการลงทุนอย่างรอบด้าน ซึ่งข้อค้นพบดังกล่าวสะท้อนให้
เห็นว่า การตัดสินใจลงทุนของบรรษัทข้ามชาติจะมีการพิจารณาถึงหลายปัจจัย และการคอร์รัปชันก็
มิใช่ปัจจัยที่บรรษัทข้ามชาติให้ความสำคัญมากที่สุด

2. ปัจจัยอื่น ๆ ที่ส่งผลต่อการตัดสินใจในการลงทุนของบรรษัทข้ามชาติ

การลงทุนของบรรษัทข้ามชาติในต่างประเทศต้องใช้เงินลงทุนและทรัพยากรจำนวนมาก จึงทำให้
การตัดสินใจการลงทุนต้องเป็นไปอย่างรอบคอบและมีข้อมูลประกอบการตัดสินที่เพียงพอและ
น่าเชื่อถือ ซึ่งบรรษัทข้ามชาติได้พิจารณาถึงปัจจัยที่ส่งผลต่อการลงทุนอย่างรอบด้าน โดยปัจจัยที่
บริษัทให้ความสำคัญเบื้องต้นที่จะดำเนินธุรกิจในต่างประเทศ คือ โอกาสในการเติบโตของธุรกิจ
โอกาสในการขายและความสามารถในการขยายตลาดทั้งภายในและภายนอกประเทศ ลำดับต่อไป
จะพิจารณาในเรื่องโครงสร้างพื้นฐานที่เอื้อต่อการดำเนินธุรกิจ และบรรยากาศในการลงทุน เช่น
ความสามารถในการใช้ภาษาอังกฤษ ความมีประสิทธิภาพของระบบราชการ เป็นต้น ซึ่งการ
ตัดสินใจในการลงทุนและการวางแผน การลงทุน ของบรรษัทข้ามชาติจะมีการสำรวจวิจัยเป็นราย
ประเทศโดยทีมงานวิจัยจากบริษัทแม่ และศึกษาข้อมูลจากเจ้าหน้าที่ผู้เชี่ยวชาญและผู้บริหารฝ่าย
ต่าง ๆ ที่อยู่ในประเทศที่บริษัทได้เข้ามาลงทุนตามความรู้ความชำนาญ เช่น อัตราค่าแรงตาม
นโยบายของรัฐบาลและการคำนวณค่าแรงที่พิจารณาจากเงินเฟ้อ ความเพียงพอของแรงงาน เป็นต้น
โดยมีเป้าหมายเพื่อให้ได้ผลตอบแทนจากการลงทุนที่คุ้มค่าและสร้างโอกาสในการเติบโตของธุรกิจ

นอกจากนี้ นโยบายของรัฐบาลเป็นปัจจัยประการสำคัญที่ส่งผลต่อการตัดสินใจในการลงทุนของ
บรรษัทข้ามชาติ โดยเฉพาะอย่างยิ่งมาตรการส่งเสริมการลงทุนเรื่องภาษีของสำนักงาน
คณะกรรมการส่งเสริมการลงทุน (The Broad of Investment of Thailand – BOI) เนื่องจากส่งผลให้
มีต้นทุนการผลิตที่ต่ำลง เช่น บริษัท อิเลคโทรลักซ์ ประเทศไทย จำกัด ได้ตัดสินใจยุบโรงงานการ
ผลิตที่ประเทศออสเตรเลีย และย้ายฐานการผลิตมาที่ประเทศไทย เพื่อเป็นฐานผลิตส่งออกไปยุโรป
ในแถบเอเชียแฟซิฟิกและสามารถแข่งขันในตลาดได้ เนื่องจากประเทศไทยมีนโยบายด้านภาษีที่
ดึงดูดการลงทุนมากกว่า เป็นต้น รวมถึงยังมีการส่งเสริมการลงทุนและให้สิทธิประโยชน์ต่าง ๆ แก่
นักลงทุนต่างชาติให้มาลงทุนในประเทศไทย ทั้งเรื่องภาษี เครื่องจักร เครื่องมือการผลิตต่าง ๆ
รวมถึงการนำเข้าแรงงานฝีมือ เช่น ผู้ชำนาญการด้านต่าง ๆ เพื่อถ่ายทอดเทคโนโลยีและนวัตกรรม

ใหม่ ๆ ให้กับประเทศไทย อีกทั้งประเทศไทยยังเป็นสามารถเป็นตลาดที่ขายสินค้าภายในประเทศ และเป็นฐานการผลิตเพื่อการส่งออกได้อีกด้วย

ในกรณีของปัจจัยด้านแรงงาน นับได้ว่าเป็นปัจจัยสำคัญอย่างยิ่งสำหรับการลงทุนในประเทศไทย ซึ่งประเทศไทยยังคงมีแรงงานฝีมือ (skilled labor) ที่มีความพร้อมในรองรับการลงทุนจากต่างชาติ หากแต่นโยบายของรัฐบาล เช่น นโยบายค่าแรงขั้นต่ำ 300 บาท ได้ส่งผลกระทบต่อการลงทุนที่ทำ ให้ต้นทุนการผลิตสูงขึ้น แต่ไม่สามารถขึ้นราคาสินค้าได้ เพราะต้องมีการแข่งขันกับผู้ประกอบการ รายอื่น จึงแก้ไขปัญหาโดยการผลิตจำนวนมากขึ้นเพื่อให้ต้นทุนต่ำลง รวมถึงปัจจุบันนี้ประเทศไทย มีแนวโน้มที่จะขาดแรงงานไร้ฝีมือในกลุ่มของผู้ที่จบ ปวช. และ ปวส. เนื่องจากคนไทยมีค่านิยมที่ จะศึกษาในระดับปริญญาตรีมากยิ่งขึ้น จึงมีการจ้างแรงงานต่างด้าว เช่น กัมพูชา ลาว พม่า เป็นต้น แต่แรงงานเหล่านี้กำลังจะมีแนวโน้มที่จะกลับประเทศของตน เพราะประเทศเหล่านั้นมีการเปิดเสรี ในการลงทุนจากต่างประเทศมากยิ่งขึ้น แต่เมื่อพิจารณาถึงโครงสร้างพื้นฐาน ระบบการขนส่ง เทคโนโลยี และนวัตกรรมต่าง ๆ ของประเทศไทย ก็นับได้ว่ามีศักยภาพสูงเมื่อเปรียบเทียบกับ ประเทศอื่น ๆ ในอาเซียน หากแต่ควรมีการพัฒนาบุคลากรทั้งในด้านทักษะการทำงานและทักษะ ด้านภาษาอังกฤษเพิ่มเติม

นอกจากนี้ การพิจารณาเกี่ยวกับปัจจัยด้านแรงงานนั้น บรรษัทข้ามชาติจะเลือกประเทศที่จะไป ลงทุนให้มีความเหมาะสมกับรูปแบบของธุรกิจ กล่าวคือ ธุรกิจที่เน้นขนาดตลาดและแรงงานจะไป ลงทุนที่ประเทศกัมพูชาและเมียนมาร์ บางธุรกิจจะเน้นเรื่องแรงงานฝีมือ (skilled labour) บรรษัท ข้ามชาติจะไปลงทุนที่ประเทศฟิลิปปินส์และมาเลเซีย เป็นต้น

จากที่กล่าวมา จะเห็นได้ว่าการลงทุนของบรรษัทข้ามชาติได้คำนึงถึงองค์ประกอบต่าง ๆ ทั้งในเรื่อง ของโอกาสในการเติบโตในการดำเนินธุรกิจ ซึ่งเป็นปัจจัยที่บรรษัทข้ามชาติให้ความสำคัญมาก ที่สุด รวมทั้งยังมีในเรื่องของนโยบายรัฐบาล ปัจจัยด้านแรงงาน ทรัพยากร เป็นต้น โดยบรรษัทข้าม ชาติจะเลือกประเทศที่มีความเหมาะสมกับประเภทธุรกิจเพื่อให้เกิดความเป็นไปได้ในการ ดำเนินการและความคุ้มค่าในการลงทุน แต่หากประเทศที่บริษัททำการพิจารณาว่าจะไปลงทุนมี ศักยภาพใกล้เคียงกัน ทางบริษัทจึงจะพิจารณาปัจจัยอื่น ๆ ประกอบ เช่น เสถียรภาพทางการเมือง การคอร์รัปชัน เป็นต้น

3. การเปรียบเทียบปัจจัยที่ส่งผลต่อการลงทุนของบรรษัทข้ามชาติระหว่างประเด็นที่เกี่ยวข้องกับการคอร์รัปชันในดัชนีต่าง ๆ กับปัจจัยอื่น ๆ ที่เกี่ยวข้องกับการลงทุน

จากการสัมภาษณ์ตัวแทนของบรรษัทข้ามชาติที่ประกอบธุรกิจเครื่องใช้ไฟฟ้าในประเทศไทย จำนวน 4 บริษัท นักวิชาการ และสมาคมธุรกิจ พบว่า แม้ว่าบรรษัทข้ามชาติจะมีการรับรู้ถึงผ่านทางสื่อต่าง ๆ แต่ก็มิได้นำมาเป็นปัจจัยสำคัญที่ใช้ประกอบการตัดสินใจในการลงทุน โดยปัจจัยที่บรรษัทข้ามชาติให้ความสำคัญต่อการตัดสินใจในการลงทุน คือ โอกาสในการเติบโตทางเศรษฐกิจที่เอื้อต่อการเติบโตของการทำธุรกิจ โครงสร้างพื้นฐานที่เอื้อต่อการดำเนินธุรกิจ และบรรยากาศในการลงทุน และในส่วนของภาพลักษณ์การคอร์รัปชันและการคอร์รัปชันที่เกิดขึ้นนั้นเมื่อมีการคำนวณแล้วว่าต้นทุนที่เกิดขึ้นจากการคอร์รัปชันอาจไม่ใช่อุปสรรคสำคัญอะไรมากนักเมื่อเทียบกับโอกาสในการเติบโตทางธุรกิจและผลกำไรที่ได้รับ รวมถึงจะให้ความสำคัญและความเชื่อถือกับข้อมูลที่ได้จากการสำรวจที่ของทีมงานวิจัยของบรรษัทข้ามชาติมากกว่าดัชนีที่จัดทำโดยองค์กรระหว่างประเทศ

นอกจากนี้ บรรษัทข้ามชาติได้มีการคำนวณถึงประโยชน์ที่ได้รับจากการลงทุนกับการคอร์รัปชันในรูปแบบของการให้สินบนเจ้าหน้าที่รัฐ พบว่า มีความคุ้มค่าและมองว่าการติดสินบนเป็นเรื่องปกติสำหรับประเทศไทย ดังเช่นในกรณีของบริษัทโตชิบา ซึ่งบริษัทแม่ในประเทศญี่ปุ่นทราบดีว่ายังคงต้องมีการจ่ายค่าสินบนหรือค่าอำนวยความสะดวกเมื่อมีการดำเนินการต่าง ๆ ที่เกี่ยวข้องกับหน่วยงานราชการ เช่น การขออนุญาตก่อตั้งโรงงาน การขออนุญาตขยายโรงงาน เป็นต้น เพื่อให้การดำเนินงานมีความรวดเร็วมากยิ่งขึ้นแม้ว่าการดำเนินการนั้นจะถูกต้องตามกฎหมาย ซึ่งในมุมมองของนักลงทุนชาวญี่ปุ่น การจ่ายเงินสินบนได้กลายเป็นธรรมเนียมปฏิบัติไปแล้ว และเมื่อมีการจ่ายค่าสินบนหรือค่าอำนวยความสะดวกให้กับหน่วยงานราชการ หรือมีการมอบของขวัญเนื่องในโอกาสพิเศษจะต้องมีการรายงานไปยังบริษัทแม่ที่ประเทศญี่ปุ่นด้วย เป็นต้น

ในการลงทุนและดำเนินธุรกิจของบรรษัทข้ามชาติ แม้ว่าจะมีความตระหนักและประสบกับปัญหาการคอร์รัปชันจากการดำเนินธุรกิจในประเทศไทย และรับรู้ถึงภาพลักษณ์การคอร์รัปชันผ่านดัชนีต่าง ๆ แต่ก็ไม่ได้ให้ความสำคัญที่จะใช้เป็นปัจจัยหลักในการตัดสินใจเข้ามาลงทุนในประเทศไทย และในท้ายที่สุดก็ยังมาลงทุนในไทยแม้ว่าจะมีคอร์รัปชัน เนื่องจากปัจจัยที่บรรษัทชาติให้ความสำคัญ คือ โอกาสที่เอื้อให้ธุรกิจมีความเจริญเติบโต ความคล่องตัวในการดำเนินธุรกิจ และโครงสร้างพื้นฐานที่เอื้อต่อการดำเนินธุรกิจ โดยให้ความสำคัญกับข้อมูลที่ได้จากการวิจัยของบริษัทเพื่อใช้ประกอบการตัดสินใจการลงทุน มากกว่าข้อมูลจากดัชนีที่จัดทำโดยองค์กรระหว่าง

ประเทศ อีกทั้งยังได้มีการคำนวณแล้วว่าแม้ว่าบริษัทจะต้องเผชิญกับ การคอร์รัปชันแต่ก็ยังมีความ
คุ้มค่าในการลงทุน บริษัทจึงยังคงทำการลงทุนและดำเนินธุรกิจต่อไป

สรุป

จากการศึกษาถึงผลกระทบของประเด็นที่เกี่ยวข้องกับการการคอร์รัปชันของทั้ง 3 ดัชนีชี้วัด ได้แก่
การจัดอันดับความสามารถในการแข่งขัน (Global Competitiveness Index – GCI) ดัชนีธรรมาภิ
บาลโลก(Worldwide Governance Indicators - WGI) และดัชนีชี้วัดภาพลักษณ์คอร์รัปชัน
(Corruption Perception Index - CPI) ที่มีต่อการตัดสินใจในการลงทุนของบรรษัทข้ามชาติที่
ประกอบอุตสาหกรรมประเภทเครื่องใช้ไฟฟ้าที่ลงทุนในประเทศไทย พบว่า บรรษัทข้ามชาติมีการ
รับรู้ภาพลักษณ์การคอร์รัปชันผ่านทางดัชนีที่มีการสำรวจและเผยแพร่ โดยองค์กรระหว่างประเทศ
และรับรู้ผ่านประสบการณ์ตรงเมื่อมีการไปติดต่อกับหน่วยงานรัฐในการดำเนินการต่าง ๆ เช่น การ
ขออนุญาตก่อตั้งโรงงาน การยื่นขอมาตรฐานอุตสาหกรรม (มอก.) การควบคุมมลพิษและการกำจัด
ของเสียของโรงงาน เป็นต้น ซึ่งการดำเนินการเหล่านี้ต้องมีการให้สินบนแก่เจ้าหน้าที่รัฐเพื่อให้การ
ดำเนินการมีความสะดวกและเป็นไปอย่างรวดเร็วยิ่งขึ้น

อย่างไรก็ตาม แม้ว่าบรรษัทข้ามชาติจะรับรู้ถึงปัญหาการคอร์รัปชันในประเทศไทย หากแต่ยังคงเข้า
มาลงทุนในประเทศไทยอย่างต่อเนื่อง และเมื่อพิจารณาถึงดัชนีทั้ง 3 ดัชนีข้างต้น จะพบว่าบรรษัท
ข้ามชาติรับรู้และให้ความเชื่อถือดัชนีดังกล่าว แต่มิได้ศึกษาข้อมูลที่เกี่ยวข้องกับดัชนีเหล่านั้นอย่าง
ลึกซึ้ง โดยดัชนีชี้วัดทั้ง 3 ดัชนี มีผลต่อการตัดสินใจในการลงทุนของบรรษัทข้ามชาติน้อยมากเมื่อ
เปรียบเทียบกับปัจจัยอื่น ๆ ที่เกี่ยวข้อง กล่าวคือ บรรษัทข้ามชาติจะให้ความสำคัญกับกำไรที่ได้รับ
จากการประกอบธุรกิจและโอกาสเติบโตทางธุรกิจมากที่สุด รวมถึงยังให้ความสำคัญในเรื่องของ
ศักยภาพของประเทศไทยที่เอื้อต่อการดำเนินธุรกิจทั้งในด้านของการเป็นตลาดขายสินค้าใน
ประเทศ การเป็นฐานการผลิตเพื่อการส่งออก การมีโครงสร้างพื้นฐานที่พร้อมสำหรับการลงทุน
และการมีระบบขนส่งที่ดี อีกทั้งบรรษัทข้ามชาติยังได้มีทีมงานจากบริษัทแม่ที่มาสำรวจและศึกษา
ข้อมูลของประเทศต่าง ๆ ที่จะเข้ามาทำการลงทุนเพื่อใช้เป็นข้อมูลในการตัดสินใจและกำหนด
ทิศทาง การลงทุน ซึ่งบรรษัทข้ามชาติจะให้ความสำคัญกับข้อมูลที่ได้รับจากการสำรวจโดยทีมงาน
ที่มาทำการสำรวจเพื่อประกอบการตัดสินใจการลงทุนมากกว่าข้อมูลที่รับรู้ผ่านดัชนีชี้วัดที่จัดทำ
โดยองค์กรระหว่างประเทศ

เมื่อพิจารณาเปรียบเทียบความสำคัญของดัชนีชี้วัดทั้ง 3 ดัชนีดังกล่าว พบว่า บรรษัทข้ามชาติจะให้
ความสำคัญกับการจัดอันดับความสามารถในการแข่งขัน (Global Competitiveness Index - GCI) ที่

จัดทำโดย World Economic Forum มากที่สุด เนื่องจากมีการสำรวจปัจจัยต่าง ๆ ที่มีผลต่อการลงทุน
อย่างรอบด้าน มิใช่เพียงแค่การสำรวจถึงการคอร์รัปชันที่เป็นปัจจัยที่เป็นอุปสรรคสำคัญต่อการ
ลงทุนเท่านั้น ซึ่งสะท้อนให้เห็นว่าการตัดสินใจลงทุนของบรรษัทข้ามชาติได้ให้ความสำคัญกับ
ปัจจัยที่ส่งผลต่อโอกาสในการเติบโตในการดำเนินธุรกิจมากกว่าปัจจัยด้านการคอร์รัปชัน

นอกจาก GCI แล้ว ดัชนีที่บรรษัทข้ามชาติส่วนใหญ่รวมถึงนักวิชาการให้ความสำคัญเป็นลำดับ
ถัดไป คือ ดัชนีธรรมาภิบาลโลก (Worldwide Governance Indicators - WGI) ที่จัดทำโดยธนาคารโลก
(World Bank) เนื่องจากมีการสำรวจบริบทแวดล้อมที่ส่งผลต่อการลงทุน ซึ่งบริบทแวดล้อมของ
ประเทศต่าง ๆ ในมิติเหล่านี้จะมีส่วนช่วยในการวางแผนการลงทุนให้เหมาะสมกับบริบทของ
ประเทศ หากแต่มีการให้ความสำคัญน้อยกว่า GCI เนื่องจากมีการสำรวจปัจจัยที่มีผลต่อการลงทุน
น้อยกว่า

ดัชนีสุดท้ายที่บรรษัทข้ามชาติจะให้ความสำคัญในการประกอบเพื่อพิจารณาในการลงทุน คือ
ดัชนีชี้วัดภาพลักษณ์คอร์รัปชัน (Corruption Perception Index - CPI) เนื่องจากมีการสำรวจปัจจัยที่
มีผลกระทบต่อการลงทุนเพียงด้านเดียว คือ การคอร์รัปชัน ซึ่งในความเป็นจริงแล้วแม้ว่าการ
คอร์รัปชันจะส่งผลการทบต่อการลงทุนทั้งเป็นการเพิ่มต้นทุน ทำให้การดำเนินการต่าง ๆ เป็นไป
อย่างล่าช้าและไม่เป็นไปตามกระบวนการที่ควรจะเป็น อีกทั้งยังส่งผลให้เกิดการแข่งขันที่ไม่เป็น
ธรรม แต่บรรษัทข้ามชาติได้ให้ความสำคัญกับปัจจัยอื่น ๆ ที่ส่งผลต่อการลงทุนมากกว่าปัญหาการ
คอร์รัปชัน เนื่องจากเป้าหมายที่สำคัญที่สุดในการลงทุนของบรรษัทข้ามชาติ คือ โอกาสในการ
เติบโตของการประกอบธุรกิจ แม้ว่าจะต้องมีการเผชิญกับการคอร์รัปชันโดยการให้สินบนเจ้าหน้าที่
รัฐ แต่เมื่อเทียบกับผลประโยชน์และกำไรที่ได้รับจากการลงทุนที่มีความคุ้มค่า บรรษัทข้ามชาติก็
ยังคงดำเนินกิจการต่อไป

จากที่กล่าวมาจะเห็นได้ว่า ประเด็นการคอร์รัปชันที่สะท้อนผ่านทางดัชนีต่าง ๆ มีผลกระทบต่อ
ความเชื่อมั่นของนักลงทุนและบรรษัทข้ามชาติที่ประกอบธุรกิจเครื่องใช้ไฟฟ้าที่เข้ามาลงทุนใน
ประเทศไทย ไม่มากเมื่อเทียบกับผลกำไรและโอกาสในการเติบโตของการลงทุนที่บรรษัทข้ามชาติ
ได้รับ ซึ่งการที่บรรษัทข้ามชาติให้ความสำคัญกับ GCI มากที่สุด สะท้อนให้เห็นว่าการลงทุนของ
บรรษัทข้ามชาติจะพิจารณาถึงปัจจัยต่าง ๆ ประกอบการตัดสินใจในการลงทุนจำนวนมาก ซึ่งปัจจัย
ที่บรรษัทข้ามชาติให้ความสำคัญมากที่สุดในการลงทุน คือ โอกาสในการเติบโตของการประกอบ
ธุรกิจ และนโยบายรัฐบาลที่เอื้อต่อการลงทุน โดยเฉพาะอย่างยิ่งนโยบายด้านภาษี และในส่วนของ
ปัญหาการคอร์รัปชันที่บรรษัทข้ามชาติต้องเผชิญจากการลงทุนเมื่อเปรียบเทียบกับปัจจัยอื่น ๆ พบว่า
การคอร์รัปชันเป็นเพียงปัจจัยรองที่บรรษัทข้ามชาติจะให้ความสำคัญ และหากบรรษัทข้ามชาติยังคง

ได้รับผลประโยชน์ที่คุ้มค่าและมีโอกาสเติบโตทางธุรกิจ ก็ยังคงดำเนินธุรกิจต่อไปแม้ว่าจะต้อง
เผชิญกับปัญหาการคอร์รัปชันก็ตาม

ข้อเสนอแนะ

ปัญหาที่แท้จริงที่ทำให้การคอร์รัปชันยังคงอยู่ในการลงทุนของบรรษัทข้ามชาติในประเทศไทย คือ
การที่บรรษัทข้ามชาติยังคงให้ความสำคัญกับโอกาสในการเติบโตทางธุรกิจและผลกำไรที่ได้รับ
จากการประกอบธุรกิจโดยไม่คำนึงถึงผลกระทบต่อสังคมอันเนื่องมาจากปัญหาการคอร์รัปชัน ซึ่ง
ในเบื้องต้น ควรเริ่มจากการดำเนินการภายในของบริษัท กล่าวคือ บริษัทต้องมีแผนงานหรือ
มาตรการที่มีประสิทธิภาพในการควบคุมการบริหารจัดการภายใน มีการควบคุมจริยธรรมของ
พนักงานบริษัท และประเมินสถานการณ์ความเสี่ยงที่ต้องเผชิญกับการคอร์รัปชันที่มีพลวัตร เพื่อให้
มีแผนงานและมาตรการในการควบคุมและการป้องกันการคอร์รัปชันที่เกิดขึ้นได้อย่างเท่าทัน ซึ่ง
ปัจจัยประการสำคัญในเบื้องต้น คือ ผู้บริหารระดับสูงของบริษัทต้องมีความมุ่งมั่นในการต่อต้าน
การคอร์รัปชันและการให้สินบนอย่างจริงจังผ่านการกำหนดนโยบายและมาตรการของบรรษัทที่
ห้ามไม่ให้มีการให้สินบน การเสนอสินบน และการสัญญาว่าจะให้สินบนแก่บุคคลที่สาม เช่น
เจ้าหน้าที่รัฐ ที่ปรึกษา คนกลาง ผู้แทน ผู้จัดจำหน่าย เป็นต้น โดยต้องเป็นนโยบายที่ชัดเจนและ
สื่อสารไปยังพนักงานบริษัทอย่างทั่วถึง ซึ่งนโยบายดังกล่าวต้องมีมาตรการบังคับใช้เป็นกฎของ
บรรษัทให้พนักงานทุกคนต้องปฏิบัติตาม หากฝ่าฝืนจะต้องมีการลงโทษอย่างเด็ดขาดโดยไม่มีการ
ละเว้นหรือผ่อนผันการลงโทษ

นอกจากนี้ ในปัจจุบันบริษัทต่าง ๆ มีการดำเนินการที่เรียกว่า "ความรับผิดชอบต่อสังคมของบรรษัท"
(Corporate Social Responsibility – CSR) โดยการทำ CSR ของบริษัทควรเป็นการทำ CSR อย่าง
แท้จริง เพื่อให้การดำเนินธุรกิจประสบความสำเร็จทั้งการส่งเสริม CSR และการดำเนินธุรกิจแบบ
"Win-Win" คือ บริษัทและสังคมได้รับประโยชน์ที่แท้จริงจากการประกอบธุรกิจ ซึ่งแก่นแท้ของ
CSR ที่องค์กรสหประชาชาติกำหนด เรียกว่า "UN Global Compact" มีหลักการทั้งหมด 10 ประการ
เกี่ยวเนื่องกับสิทธิมนุษยชน มาตาฐานแรงงาน สิ่งแวดล้อม และการไม่ยอมรับการคอร์รัปชัน โดย
ในส่วนของการดำเนินธุรกิจที่ไม่เกี่ยวข้องกับการคอร์รัปชันนั้น ผู้ประกอบการอาจมองว่าไม่ใช่
เรื่องของการทำ CSR เนื่องจากตามความเข้าใจของคนส่วนใหญ่แล้วมักมองว่าการทำ CSR คือ การ
คืนกำไรสู่สังคมในรูปแบบของการดำเนินโครงการต่าง ๆ เพื่อสังคม แต่ในความเป็นจริงแล้ว การ
ทำ CSR อย่างแท้จริงจะต้องมีการดำเนินธุรกิจอย่างโปร่งใสและไม่เกี่ยวข้องกับการคอร์รัปชัน
เพื่อให้เกิดการรับผิดชอบต่อสังคมของบรรษัทอย่างแท้จริง

ในส่วนของมาตรการทางกฎหมายเพื่อป้องกันการคอร์รัปชันในภาคธุรกิจ การกำหนดให้บริษัทต้อง
มีการดำเนินการตรวจสอบการติดสินบน และให้ความร่วมมือกับหน่วยงานรัฐที่เกี่ยวข้องกับการ
ต่อต้านการคอร์รัปชันก็มีความสำคัญเช่นกัน ซึ่งการที่จะให้ภาคธุรกิจให้ร่วมมือและรายงานความผิด
ของตนเองต่อหน่วยงานภาครัฐที่เกี่ยวข้อง จำเป็นต้องมีโครงสร้างทางกฎหมายเพื่อสร้างแรงจูงใจ
ให้ภาคธุรกิจมีการดำเนินการที่เป็นไปตามแนวคิดดังกล่าวโดยการมีมาตรการทางกฎหมายที่บังคับ
ให้บริษัทต้องรายงานเรื่องการติดสินบนของพนักงานบริษัทต่อหน่วยงานรัฐที่เกี่ยวข้อง และหาก
พบในภายหลังว่าบริษัทไม่รายงานตามกฎหมาย จะต้องรับผิดโดยมีบทลงโทษที่สูงและจะไม่ได้
ร่วมงานกับหน่วยงานภาครัฐอีก เพื่อเป็นการสร้างแรงจูงใจให้บริษัทให้ความร่วมมือกับภาครัฐใน
การรายงานเรื่องการติดสินบนของพนักงานบริษัทแก่เจ้าหน้าที่รัฐ ทั้งนี้ เพื่อให้บริษัทตระหนักถึง
การสูญเสียผลประโยชน์ในการดำเนินธุรกิจจากการปกปิดการติดสินบนเจ้าหน้าที่รัฐของพนักงาน
บริษัทและให้ความร่วมมือกับภาครัฐ

จากที่กล่าวมาจะเห็นได้ว่า การป้องกันและปราบปรามการคอร์รัปชันในการดำเนินธุรกิจของ
บรรษัทข้ามชาติ จะต้องเริ่มต้นจากการดำเนินการภายในของบรรษัท ทั้งในเรื่องของการให้ความ
ร่วมมือกับหน่วยงานภาครัฐและหน่วยงานที่เกี่ยวข้องกับการต่อต้านการคอร์รัปชัน และมีการทำ
CSR ที่แท้จริงโดยการไม่ข้องเกี่ยวกับการคอร์รัปชัน รวมถึงต้องมีมาตรการบังคับใช้และบทลงโทษ
ทางกฎหมายอย่างจริงจัง เพื่อให้การป้องกันและปราบปรามการทุจริตมีประสิทธิภาพและ
ประสิทธิผลมากยิ่งขึ้น

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Kingdon's model of Agenda Setting of Rail Transit System in Thailand: A Case Study of Thailand's High Speed Train Project

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Abstract

This research aims to study the process of an agenda setting of rail transit system in Thailand by using Thailand's high speed train project during Yingluck Shinawatra's administration as a case study. The research uses John W. Kingdon's Multiple Streams model to explain the origins and the influential factors of the policies, including the roles of policy entrepreneurs. The research method is qualitative deriving from documentary research and in-depth interviews. From the study, influential factors driving the government to the agenda-setting correspond to Kingdon's multiple streams model, which were political, problem and policy streams. The policy entrepreneurs also play influential roles to the agenda setting of high speed rail project. In the Thai political context, however, the three streams were not independent from one another as Kingdon had suggested. The research points out that the Kingdon's model needed to be considered together with Thailand's societal predisposition as well as the global stream. Moreover, the research indicates that political stability was also the key to determine the on-set of high speed train project coupled with an economic readiness for mega project investment and public consciousness.

Keywords: Agenda Setting/ Kingdon/Public Policy/ High Speed Train/ Yingluck Shinawatra

การเข้าสู่วาระนโยบายระบบขนส่งทางรางในประเทศไทย: กรณีศึกษาโครงการรถไฟความเร็วสูงโดยใช้ตัวแบบของคิงด็อน[*]

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บทคัดย่อ

งานวิจัยชิ้นนี้มุ่งศึกษากระบวนการการเข้าสู่วาระนโยบายของระบบขนส่งทางรางในประเทศไทย โดยยกโครงการรถไฟความเร็วสูงในสมัยรัฐบาลนางสาวยิ่งลักษณ์ ชินวัตรเป็นกรณีศึกษา และการนำตัวแบบพหุกระแสของจอห์น คิงด็อนเข้ามาเป็นกรอบในการทำความเข้าใจความเป็นมาของ

นโยบาย ปัจจัยที่มีอิทธิพลต่อการเกิดขึ้นของนโยบาย รวมไปถึงบทบาทของผู้มีส่วนเกี่ยวข้องใน
การผลักดันนโยบาย ตลอดไปจนถึงการสร้างตัวแบบเพื่ออธิบายการเข้าสู่วาระนโยบายของ
โครงการรถไฟความเร็วสูง โดยใช้วิธีวิทยาทางการวิจัยเชิงคุณภาพซึ่งได้ข้อมูลมาจากการวิจัย
เอกสารและการสัมภาษณ์เชิงลึก

จากผลการวิจัยพบว่าปัจจัยที่มีอิทธิพลต่อการเข้าสู่วาระนโยบายมาจากสามกระแสซึ่งสอดคล้องกับ
ตัวแบบพหุกระแสของคิงด็อน ได้แก่ กระแสการเมือง กระแสปัญหา กระแสนโยบาย และผู้ผลักดัน
นโยบายก็มีบทบาทสำคัญต่อการเข้าสู่วาระนโยบายของโครงการรถไฟความเร็วสูงอย่างมาก แต่ใน
บริบทการเมืองไทย กระแสทั้งสามอาจไม่ได้ดำรงอยู่อย่างเป็นอิสระตามที่คิงด็อนเสนอ ซึ่งชี้ให้เห็น
ว่ากรอบแนวคิดดังกล่าวยังต้องอาศัยการพิจารณาภูมิสังคมและกระแสโลกร่วมด้วย อย่างไรก็ตาม
ผลการวิจัยยังชี้ให้เห็นอีกว่าหากต้องการให้โครงการรถไฟความเร็วสูงเกิดขึ้นนั้น ปัจจัยทาง
การเมืองต้องมีเสถียรภาพ อีกทั้งยังต้องมีความพร้อมทางเศรษฐกิจที่รองรับการลงทุนด้วยวงเงิน
มหาศาลและความตระหนักร่วมกันถึงปัญหาจากประชาชนทั่วไปด้วย

คำสำคัญ: การเข้าสู่วาระนโยบาย/คิงด็อน/นโนบายสาธารณะ/รถไฟความเร็วสูง/ยิ่งลักษณ์ ชินวัตร

บทนำ

เมื่อกล่าวถึงระบบขนส่งทางรางในประเทศไทย ก็มักถือกันว่าเริ่มต้นตั้งแต่รัชสมัยพระบาทสมเด็จ
พระจุลจอมเกล้าเจ้าอยู่หัวที่ทรงริเริ่มกิจการรถไฟไทยอย่างเป็นรูปธรรมก่อนจะมีการขยายกิจการ
ดังกล่าวตามลำดับ หลายรัฐบาลก็มีนโยบายพัฒนาระบบการขนส่งทางรางเรื่อยมากระทั่งปัจจุบัน
(พ.ศ.2558) ทั้งนี้ "โครงการรถไฟความเร็วสูง" (High Speed Train Project) ก็ถือเป็นโครงการหนึ่ง
ที่ได้รับการกล่าวถึงตั้งแต่สมัยรัฐบาลนายชวน หลีกภัย ในช่วงปลายทศวรรษ 2530 ก่อนแนวคิด
ดังกล่าวจะได้รับการสานต่อในสมัยรัฐบาล พ.ต.ท.ทักษิณ ชินวัตรอย่างเด่นชัด หากแต่ด้วยปัจจัย
หลายประการ โครงการดังกล่าวก็กลับปรากฏผลเป็นวาระนโยบายที่เป็นรูปธรรมที่สุดในสมัย
รัฐบาลนางสาวยิ่งลักษณ์ ชินวัตร ระหว่างปี พ.ศ.2554-2557 แม้ว่าในเวลาต่อมาโครงการดังกล่าวก็
ต้องหยุดชะงักไปด้วยปัจจัยทางการเมืองก็ตาม แต่จากปรากฏการณ์ที่เกิดขึ้นกับโครงการรถไฟ
ความเร็วสูงที่ใช้เวลาร่วม 20 ปีกว่าที่จะเริ่มปรากฏอย่างเด่นชัดนั้นก็น่าสนใจว่า บริบทในช่วง
รัฐบาลนางสาวยิ่งลักษณ์ ชินวัตร มีปัจจัยเช่นไรที่ทำให้นโยบายดังกล่าวก่อร่างได้อย่างเด่นชัด อีก
ทั้งมีปัจจัยใดไม่ว่าจะเป็นปัญหาในสังคม ผู้มีบทบาทต่อการผลักดันนโยบาย รวมถึงกระแสต่างๆ
ในสังคมขณะนั้นที่เอื้ออำนวยให้นโยบายดังกล่าวสามารถก่อร่างและสานต่อจนเป็นเกิดเป็นร่าง
พระราชบัญญัติที่เข้าเสนอต่อรัฐสภาด้วย

โครงการดังกล่าวได้รับการกล่าวถึงและพยายามผลักดันจากรัฐบาลหลายยุคหลายสมัยเป็นเวลาร่วม 20 ปี ตั้งแต่ทศวรรษ 2530 ถึงทศวรรษ 2550 หากแต่ยังไม่มีรัฐบาลใดสามารถผลักดันเป็นวาระ นโยบายที่เป็นรูปธรรมได้ชัดเจน กระทั่งภายหลังการเลือกตั้งทั่วไปเมื่อกลางปี พ.ศ. 2554 พรรคเพื่อ ไทยนำโดยนางสาวยิ่งลักษณ์ ชินวัตร ชนะการเลือกตั้งและสามารถจัดตั้งจัดรัฐบาลได้สำเร็จก็ได้ยก ให้โครงการรถไฟความเร็วสูงเป็นหนึ่งในโครงการขนาดใหญ่ (Mega Project) ของรัฐบาล ทั้งนี้ เมื่อ เดือนธันวาคม พ.ศ. 2554 รัฐบาลไทยได้ลงนามบันทึกความเข้าใจ (MoU) กับรัฐบาลจีน ซึ่งมี รายละเอียดเกี่ยวข้องกับโครงการรถไฟความเร็วสูงเส้นทางสายกรุงเทพฯ-เชียงใหม่รวมอยู่ด้วย บันทึกความเข้าใจฉบับดังกล่าว จึงเป็นสัญญาณเริ่มต้นต่อการลงทุนด้านการพัฒนาระบบขนส่งทาง รางในประเทศไทย กระทั่งต่อมาในปี พ.ศ. 2556 รัฐบาลได้ยก *"ร่างพระราชบัญญัติให้อำนาจ กระทรวงการคลังกู้เงินเพื่อการพัฒนาโครงสร้างพื้นฐานด้านคมนาคมขนส่งของประเทศ พ.ศ. ...."* จำนวน 2 ล้านล้านบาท สำหรับใช้พัฒนาระบบโครงสร้างพื้นฐานของประเทศ โดยเนื้อหาในร่าง พระราชบัญญัติฉบับดังกล่าวมีสาระสำคัญ คือ รัฐบาลไทยจะเป็นเจ้าของระบบรางและให้เอกชน เป็นผู้รับสัมปทานและผ่านการอนุมัติจากรัฐสภาในเดือนพฤศจิกายน พ.ศ. 2556 แต่ในท้ายที่สุดร่าง พระราชบัญญัติดังกล่าวก็ตกไปด้วยคำวินิจฉัยของศาลรัฐธรรมนูญว่าร่างพระราชบัญญัติดังกล่าวไม่ ชอบด้วยกฎหมายนั่นเอง

จากที่กล่าวมาข้างต้นนั้นอาจสรุปได้ว่า แม้โครงการรถไฟความเร็วสูงในสมัยรัฐบาลนางสาว ยิ่งลักษณ์ ชินวัตร ยังไม่เกิดขึ้นเป็นรูปธรรมถึงขั้นการลงมือปฏิบัติก็ตาม หากกระบวนการดังกล่าว ได้เข้าใกล้ความเป็นจริงมากที่สุดถึงขั้นกระบวนกำหนดนโยบาย (Policy Formulation) โดยน่า ศึกษาต่อไปให้ละเอียดว่า ในบริบทเวลาดังกล่าว เหตุใดโครงการรถไฟความเร็วสูงจึงเกิดขึ้นและ สามารถก่อตัวจนสามารถพัฒนาเป็นวาระนโยบายของรัฐบาลได้สำเร็จ เนื่องจากโครงการดังกล่าวนี้ ก็ได้รับความสนใจจากประชาชนรวมถึงได้รับการวิพากษ์วิจารณ์ในวงกว้างทั้งด้านบวกและด้านลบ ด้วยจำนวนเงินงบประมาณมหาศาลที่รัฐต้องการจะทุ่มเพื่อผลักดันนโยบายดังกล่าว หรือกล่าวอีก นัยหนึ่งว่า ความน่าสนใจของประเด็นดังกล่าวอาจไม่ได้อยู่ที่ผลสุดท้ายที่ว่าโครงการต้องปิดตัวลง ไปเท่านั้น เพราะขั้นตอน "การเข้าสู่วาระนโยบาย" ของโครงการนี้ก็มีประเด็นให้วิเคราะห์อย่าง ละเอียดลึกซึ้งอยู่ไม่น้อย

วัตถุประสงค์

1. เพื่อศึกษาวิเคราะห์ปัจจัยที่มีอิทธิพลต่อการเข้าสู่วาระนโยบายระบบขนส่งทางรางใน ประเทศไทย: กรณีศึกษาโครงการรถไฟความเร็วสูง

2. เพื่อศึกษาวิเคราะห์บทบาทของผู้มีส่วนเกี่ยวข้องในการเข้าสู่วาระนโยบายระบบขนส่งทาง รางในประเทศไทย: กรณีศึกษาโครงการรถไฟความเร็วสูง

3. เพื่อสร้างตัวแบบในการอธิบายการเข้าสู่วาระนโยบายระบบขนส่งทางรางในประเทศไทย: กรณีศึกษาโครงการรถไฟความเร็วสูง

ขอบเขตการวิจัย

การศึกษาวิจัยนี้กำหนดขอบเขตการศึกษานโยบายระบบขนส่งทางรางในประเทศไทยโดยมุ่งศึกษา เฉพาะโครงการรถไฟความเร็วสูง ในรัฐบาลของนางสาวยิ่งลักษณ์ ชินวัตร ดำรงตำแหน่ง นายกรัฐมนตรี (พ.ศ.2554-2557) เนื่องจากเป็นช่วงเวลาที่โครงการรถไฟความเร็วสูงเป็นรูปธรรม ชัดเจนที่สุด โดยเน้นที่ขั้นตอนการเข้าสู่วาระนโยบายอันนำไปสู่การสร้างตัวแบบในการอธิบาย ขั้นตอนดังกล่าว

ตัวแบบที่เกี่ยวข้อง

การเข้าสู่วาระนโยบายตามทัศนะของคิงด็อน (Kingdon, 1984, pp. 90-164) ถือเป็นคำอธิบายที่มี คุณูปการต่อการอธิบายการข้ามผ่านวาระนโยบายจากกล่องวาระนโยบายของรัฐบาล (Government Agenda Box) มาสู่กล่องวาระนโยบายการตัดสินใจ (Decision Agenda Box) อย่างยิ่ง ในที่นี้จึงจะขอ ขยายความกระแสทั้งสาม ดังต่อไปนี้

กระแสปัญหา (Problem Stream) คิงด็อนไม่ได้ให้นิยามคำว่า "กระแสปัญหา" โดยตรง เพียงแต่ กำหนดเป็นกรอบสำหรับการอภิปรายกว้างๆ ไว้ว่า กระแสปัญหาคือ กระแสที่เกิดขึ้นเนื่องจากผู้คน จำนวนหนึ่งในสังคมเกิดข้อวิตกกังวลจากการตระหนักถึงความเปลี่ยนแปลงหรือมาจากอิทธิพล บางอย่าง เช่น กระแสปัญหาที่เกิดจากภัยพิบัติ กระแสปัญหาที่เกิดจากเหตุการณ์ที่ประทับใจ กระแสปัญหาที่เกิดจากความสนใจของสื่อมวลชนต่อประเด็นหนึ่งๆ ในระยะยาวซึ่งก่อให้เกิดความ รับรู้และความรู้สึกร่วมกันของสาธารณชน กระแสปัญหาจากตัวเลือกนโยบายที่เริ่มต้นด้วยเจตนาดี แต่กลับเกิดผลลัพธ์ไม่น่าพึงพอใจ กระแสปัญหาที่เกิดจากการทับถมของปัญหาจากระดับย่อยจน กลายเป็นภาวะวิกฤต เป็นต้น (Kingdon, 1984, pp. 108-113)

กระแสการเมือง (Political Stream) เป็นกระแสจากการเปลี่ยนแปลงภายในระบบราชการและ ระบบการเมือง เช่น การเปลี่ยนแปลงการบริหารราชการแผ่นดิน หรือพรรคใหญ่ในสภา การ เลือกตั้ง การลงประชามติ ทัศนคติทางการเมือง และสภาพอารมณ์โดยทั่วไปของผู้มีสิทธิเลือกตั้งใน ขณะนั้น (National Moods) ซึ่งตัวอย่างทั้งหมดที่กล่าวมานี้ อาจส่งผลกระทบเกี่ยวเนื่องกับกระแส

อื่นๆ ด้วยในเวลาเดียวกันก็ได้ ทั้งนี้ เมื่อพิจารณากระแสการเมืองควบคู่กับกระแสปัญหาก็พบว่าทั้ง
สองกระแสมีอิทธิพลต่อการผลัก "วาระนโยบาย" เป็นอย่างมากเพื่อเปิดหน้าต่างนโยบาย (Policy
Window) ก่อนเข้าสู่กระบวนการตัดสินใจเชิงนโยบาย (Decision Agenda) ภายในระบบการเมือง
(Kingdon, 1984, p. 188; Larkin & Paul, 2012, p. 29)

กระแสนโยบาย (Policy Stream) เป็นกระแสที่เกิดขึ้นภายหลังจากกระแสปัญหาและกระแส
การเมืองได้ร่วมผลักดันวาระนโยบายดังกล่าว จนสามารถจัดระเบียบวาระการตัดสินใจหรือระบุ
รายละเอียดทางเลือกที่ใช้ในการตัดสินใจก่อนออกนโยบายอย่างเป็นรูปธรรม เช่น การออก
กฎหมายหรือกฎเกณฑ์ข้อบังคับต่างๆ เพื่อแก้ไขปัญหา การมีเทคโนโลยีเพื่อรองรับการแก้ไขปัญหา
กระแสการยอมรับของสาธารณะต่อแนวทางในการแก้ไขปัญหา เป็นต้น (Kingdon, 1984, p. 188;
นพดล อุดมวิศวกุล, 2548, p. 34; ปิยากร หวังมหาพร, 2546, p. 40) ซึ่งคิงด็อนอุปมากระแสนโยบาย
ดังกล่าวเสมือนน้ำซุปก้นหม้อ หมายถึง เมื่อถึงเวลาหนึ่งความคิดจะตกตะกอนอยู่ก้นหม้อเพื่อรอตัว
ช่วยมาทำละลายซุป ตัวช่วยดังกล่าวปรากฏในฐานะชุมชนนโยบายและรัฐบาลว่าสุดแท้แต่ว่า
นโยบายนั้นจะมีผู้ผลักดันนโยบาย (Policy Entrepreneurs) ว่าวนอยู่ในซุปมากน้อยเพียงใดเพื่อให้
ได้น้ำซุปที่พร้อมรับประทาน (Kingdon, 1984, p. 116)

ทั้งนี้ คิงด็อน (Kingdon, 1984, p. 188) มองว่ากระแสทั้งสามประการดำเนินการอย่างเป็นอิสระต่อ
กันและเคลื่อนไหวอยู่ตลอดเวลา กล่าวคือ กระแสปัญหาและกระแสการเมืองมีอิทธิพลเป็นอย่าง
มากต่อการผลักดันวาระนโยบายไปสู่การเปิดหน้าต่างนโยบาย (Policy Window) ทั้งที่เป็นหน้าต่าง
นโยบายด้านปัญหา (Problem Window) และหน้าต่างนโยบายด้านการเมือง (Political Window)

จากนั้นหน้าต่างทั้งสองต่างก็มีความสัมพันธ์กับกระแสนโยบายในลำดับถัดไป ดังที่หน้าต่าง
นโยบายด้านปัญหามักปรากฏขึ้นเมื่อผู้ตัดสินใจถูกชักจูงใจว่าปัญหาที่เกิดขึ้นนั้นสำคัญ โดยจะเข้าสู่
กระแสนโยบายเพื่อแสวงหาทางเลือกที่เป็นทางออกในขณะนั้น ส่วนหน้าต่างนโยบายด้านการเมือง
จะปรากฏเมื่อนักการเมืองรับเอาประเด็นปัญหามาประยุกต์ใช้กับการบริหารราชการแผ่นดิน
จากนั้นก็เริ่มต้นกำหนดประเด็นปัญหาดังกล่าวเป็นข้อเสนอใช้สำหรับการเลือกตั้งครั้งต่อไป โดยจะ
เข้าสู่กระแสนโยบายเพื่อสร้างข้อเสนอ (Kingdon, 1984, p. 182) ก่อนเข้าสู่ขั้นตอนการพิจารณาของ
รัฐบาลและกำหนดออกมาเป็นนโยบายเพื่อนำไปปฏิบัติในอนาคตต่อไป (ปิยากร หวังมหาพร,
2546, pp. 40-41; ศุภชัย ยาวะประภาษ และ ปิยากร หวังมหาพร, 2555, p. 9)

ระเบียบวิธีวิทยาในการศึกษาวิจัย

แม้ว่าการทำวิจัยทางสังคมศาสตร์ การเข้าถึงความจริงแท้สมบูรณ์ (Absolute Truth) เป็นสิ่งที่เป็นไป
ได้ยาก เพราะผู้วิจัยสามารถค้นหาความจริงได้บางระดับเท่านั้นก็ตาม แต่ในทางสังคมศาสตร์สิ่งที่
เรียกว่าระดับความพึงพอใจที่สมเหตุสมผลถือว่าเป็นสิ่งที่ยอมรับได้ในการศึกษาวิจัย(เอก ตั้งทรัพย์
วัฒนา, 2556, p. 4) โดยในการศึกษาครั้งนี้ใช้วิธีวิทยา การวิจัยเชิงคุณภาพ (Qualitative Research)
โดยข้อมูลที่จะใช้ในการศึกษาวิเคราะห์มีทั้งข้อมูลปฐมภูมิ (Primary Data) และ ข้อมูลทุติยภูมิ
(Secondary Data) ซึ่งได้มาจากแหล่งข้อมูล 2 แหล่ง คือ **การค้นคว้าเอกสาร (Documentary
Research)** และ **การสัมภาษณ์เชิงลึก (In-depth Interview)** เป็นการสัมภาษณ์ที่ผู้สัมภาษณ์จะทำ
การสอบถามรายละเอียดในแต่ละด้านอย่างครบถ้วนมากที่สุดเท่าที่จะทำได้ ผู้เขียนได้สรุปบัญชี
รายชื่อของผู้ให้ข้อมูลสำคัญ (Key Informants) ที่ใช้ในการศึกษาครั้งนี้ ได้แก่

1. รองศาสตราจารย์ ดร. ชัชชาติ สิทธิ
   พันธุ์ อดีตรัฐมนตรีว่าการกระทรวง
   คมนาคม ในรัฐบาลนางสาวยิ่ง
   ลักษณ์ ชินวัตร

2. นายนคร จันทศร ที่ปรึกษา
   ผู้อำนวยการสำนักงานพัฒนา
   วิทยาศาสตร์และเทคโนโลยีแห่งชาติ
   (สวทช.) โครงการจัดตั้งสถาบัน
   พัฒนาเทคโนโลยีระบบขนส่งทาง
   รางแห่งชาติและอดีตรองผู้ว่าการ
   รถไฟแห่งประเทศไทย

3. ดร.สุเมธ องกิตติกุล ผู้อำนวยการ
   วิจัยด้านนโยบายการขนส่งและโลจิ
   สติกส์ TDRI

4. นายแพทย์รักษ์พงศ์ เวียงเจริญ
   ประธานเว็บไซต์รถไฟไทยดอทคอม

5. รองศาสตราจารย์ ดร.วิศณุ ทรัพย์
   สมพล อดีตที่ปรึกษารัฐมนตรีว่าการ
   กระทรวงคมนาคม

6. อาจารย์ ดร.ศิรดล ศิริธร
   คณะกรรมการศึกษาความเป็นไปได้
   โครงการรถไฟความเร็วสูง ใน
   รัฐบาลนางสาวยิ่งลักษณ์ ชินวัตร

ผลการวิจัย

งานวิจัยนี้มุ่งหาคำตอบของงานวิจัยสองประการ ได้แก่ ประการแรก ปัจจัยที่มีอิทธิพลต่อการเข้าสู่
วาระนโยบายดังกล่าว ส่วนอีกประการหนึ่ง คือ บทบาทของผู้มีส่วนเกี่ยวข้องในการเข้าสู่วาระ
นโยบาย เมื่อได้คำตอบดังกล่าวแล้วจะนำมาสู่การสร้างตัวแบบเพื่ออธิบายกระบวนการเข้าสู่วาระ
นโยบายทั้งหมดอีกครั้งหนึ่ง

ก่อนที่ผู้เขียนจะตอบคำถามดังกล่าว ผู้เขียนได้รวบรวมข้อมูลเกี่ยวกับความเป็นมาของโครงการ
รถไฟความเร็วสูงตั้งแต่ยุคเริ่มต้นมาจนถึงยุคที่ผู้เขียนศึกษา ผลการรวบรวมนี้แสดงให้เห็นถึง
พัฒนาการของโครงการรถไฟความเร็วสูงตั้งแต่ยุค "ก่อร่าง" สมัยนายชวน หลีกภัย (พ.ศ.2535-
2538) ที่ถือเป็นจุดเริ่มต้นของโครงการรถไฟความเร็วสูงในประเทศไทย รัฐบาลในขณะนั้นได้มีการ
อนุมัติโครงการและการศึกษาความเป็นไปได้ของโครงการหากแต่ยังไม่สำเร็จ จนในยุคต่อมาคือ
"ยุคสาน(ไม่)ต่อ" ก็เป็นยุคที่มีรัฐบาลหลายชุด อันได้แก่ รัฐบาลนายบรรหาร ศิลปอาชา รัฐบาล
พล.อ.ชวลิต ยงใจยุทธ พยายามนำโครงการนี้มาใช้ แต่ไม่สำเร็จเพราะการขาดเสถียรภาพทาง
การเมืองของรัฐบาล ประกอบกับวิกฤตเศรษฐกิจในปีพ.ศ. 2540 ที่ทำให้มีการเปลี่ยนแปลงผู้นำ
รัฐบาลเปิดทางให้นายชวน หลีกภัยเป็นนายกรัฐมนตรีอีกครั้งและตัดสินใจชะลอโครงการไว้ก่อน
ความพยายามนำโครงการดังกล่าวนำมาสานต่อปรากฏอีกครั้งเมื่อ พ.ต.ท.ทักษิณ ชินวัตร เป็น
นายกรัฐมนตรี พ.ต.ท.ทักษิณ ชินวัตรได้บรรจุโครงการดังกล่าวเป็นหนึ่งในนโยบายสำคัญของ
รัฐบาลและเป็นที่รู้จักในวงกว้าง หากแต่ท้ายที่สุดโครงการนี้ก็ไม่สามารถต่อยอดได้สำเร็จเมื่อการ
เปลี่ยนแปลงทางการเมืองจากการรัฐประหารปีพ.ศ. 2549 หรือกระทั่งภายหลังรัฐประหารไปแล้วก็
ตาม ผลพวงของความวุ่นวายทางการเมืองก็ไม่ยุติลงไป ทำให้เสถียรภาพทางการเมืองของรัฐบาล
พลเรือนนำโดยนายสมัคร สุนทรเวช นายสมชาย วงศ์สวัสดิ์ กระทั่งนายอภิสิทธิ์ เวชชาชีวะก็หวังจะ
นำโครงการนี้มาสานต่ออีกครั้ง หากแต่ปัจจัยทางการเมืองที่ไม่เอื้ออำนวยจึงทำได้เพียงแค่การศึกษา
ความเป็นไปได้ในรูปของแผนแม่บทไว้เท่านั้น

จนมาถึงยุครัฐบาลนางสาวยิ่งลักษณ์ ชินวัตรนั้นถือเป็น "ยุคก่อความฝัน" กล่าวคือเป็นยุคที่นำความ
คาดหวังจากรัฐบาลก่อนมาสานต่อ ทั้งจากแผนแม่บทที่ได้ศึกษาไว้ เส้นทางที่รัฐบาลชุดก่อนได้
วางแผนไว้ จนเกือบจะสำเร็จด้วย ความน่าสนใจประการหนึ่งคือ โครงการรถไฟความเร็วสูงใน
ช่วงเวลานี้มีพัฒนาการที่ไปไกลไปกว่ายุคก่อนหน้า เพราะยุคก่อนความเป็นไปได้มากที่สุดก็
เดินทางมาแค่มติคณะรัฐมนตรีเท่านั้น หากในยุครัฐบาลนางสาวยิ่งลักษณ์ ชินวัตร รัฐบาลได้ผ่าน
โครงการดังกล่าวในที่ประชุมคณะรัฐมนตรี ส่งเรื่องต่อต่อไปพิจารณาในรูปของร่างพระราชบัญญัติ
2 ล้านล้านและได้รับความเห็นชอบจากฝ่ายนิติบัญญัติด้วย แต่ท้ายที่สุดโครงการนี้ไปไม่ถึงความฝัน
ที่ก่อไว้ด้วยอำนาจขององค์กรอิสระตามรัฐธรรมนูญ คือ ศาลรัฐธรรมนูญ ที่ตัดสินว่าร่าง
พระราชบัญญัติ 2 ล้านล้านบาทนั้นขัดต่อข้อกฎหมาย และโครงการดังกล่าวก็ต้องสิ้นสุดลงไป
พร้อมกับรัฐบาลชุดนี้ด้วยการชุมนุมที่ยืดเยื้อและลงท้ายด้วยการรัฐประหารเดือนพฤษภาคม พ.ศ.
2557

ผู้เขียนเห็นว่าไม่เพียงแต่การรวบรวมภูมิหลังความเป็นมาของโครงการรถไฟความเร็วสูง
จะชี้ให้เห็นพัฒนาการในภาพรวมเท่านั้น หากแต่ได้ชี้ให้เห็นจุดร่วมของโครงการรถไฟความเร็วสูง

ที่ว่า ปัจจัยทางการเมืองเป็นส่วนสำคัญอย่างมากต่อการถือกำเนิดและสิ้นสุดโครงการ ดังที่เห็นได้ว่า
แทบทุกรัฐบาลอยู่ในวาระเพียงระยะเวลาสั้นๆ และมักเผชิญกับวิกฤตการณ์ทางการเมืองใน
หลากหลายรูปแบบ โครงการดังกล่าวจึงไม่สามารถเกิดขึ้นได้ อีกทั้งปัจจัยทางเศรษฐกิจก็เป็นส่วน
สำคัญอย่างยิ่ง การตัดสินใจของรัฐบาลในการลงทุนจึงถูกจับตามองจากทั้งภาคการเมืองและภาค
ประชาชนด้วย

จากปัจจัยทางการเมืองและปัจจัยทางเศรษฐกิจที่มีร่วมกันต่อโครงการรถไฟความเร็วสูง หากนำมา
อธิบายบริบทแวดล้อมทางการเมืองในสมัยรัฐบาลนางสาวยิ่งลักษณ์ ชินวัตรก็ทำให้เห็นภูมิสังคม
ประการหนึ่งว่า รัฐบาลชุดนี้ในช่วงแรกมีเสถียรภาพทางการเมืองค่อนข้างมาก การดำเนินนโยบาย
ขนาดใหญ่อย่างโครงการรถไฟความเร็วสูงที่ต้องอาศัยภาวะการเมืองที่นิ่งจึงเริ่มก่อตัวและสาน
ต่อไปได้ไกลกว่ายุคอื่น แต่ด้วยบริบททางการเมืองที่รัฐบาลต้องเผชิญกับความขัดแย้งจากความคิด
สองขั้วอันยังคงดำรงอยู่ ก็ทำให้โครงการรถไฟความเร็วสูงถูกจับตามอง ถูกวิพากษ์วิจารณ์ ยิ่งเมื่อมี
การผ่านร่างพระราชบัญญัติ 2 ล้านล้านบาทที่ต้องกู้ยืมเงินมหาศาลมาเพื่อลงทุนในโครงการ
โครงสร้างพื้นฐานต่างๆด้วยแล้ว ก็ทำให้ความวิตกกังวลและขยายตัวเป็นการต่อต้านนั่นเอง

กล่าวได้ว่า ปัจจัยทางการเมืองและเศรษฐกิจถือเป็นปัจจัยพื้นฐานของการเข้าสู่วาระนโยบายของ
โครงการดังกล่าว และเมื่อผู้เขียนนำตัวแบบพหุกระแสของคิงด็อนมาประยุกต์ใช้ด้วยแล้ว ยิ่ง
ชี้ให้เห็นถึงปัจจัยต่างๆที่มีส่วนเข้าคู่และประกอบกันอย่างเป็นระบบ กล่าวคือ ปัจจัยที่มีอิทธิพลต่อ
การเข้าสู่วาระนโยบายมาจาก 3 กระแส ได้แก่ กระแสการเมือง กระแสปัญหา และกระแสนโยบาย

กระแสการเมืองเป็นกระแสสำคัญที่ซึ่งมีทั้งฝ่ายที่เห็นด้วยและไม่เห็นด้วยกับโครงการ ความคิดเห็น
จากประชาชน การหวังผลต่อการเลือกตั้งครั้งต่อไปมาเกี่ยวข้อง ผลการศึกษาแสดงให้เห็นชัดว่า
บทบาทของผู้ที่มีส่วนเกี่ยวข้องที่สำคัญที่สุดต่อการผลักดันวาระนโยบาย คือ กลุ่มผู้มีอำนาจ
ตัดสินใจของรัฐบาล บทบาทของกลุ่มคนเหล่านี้มีส่วนสำคัญยิ่งต่อการตัดสินใจดำเนินโครงการ
และโครงการดังกล่าวยังมีส่วนช่วยสร้างฐานเสียงให้แก่กลุ่มคนเหล่านี้ในเวลาต่อไปด้วย

สำหรับกระแสการเมือง ผู้มีส่วนเกี่ยวข้องที่มีอิทธิพลต่อการเข้าสู่วาระนโยบาย ก็มีหลายกลุ่ม แต่ที่มี
บทบาทชัดเจนที่สุดคือ ผู้ผลักดันนโยบายที่มองเห็นได้ (Visible   Policy   Entrepreneurs)
ซึ่งปรากฏในกระแสการเมืองและกระแสปัญหา กลุ่มดังกล่าวเป็นกลุ่มที่มีอำนาจในการตัดสินใจ
นโยบายได้อย่างเด่นชัด ขณะเดียวกันก็มีผู้ผลักดันนโยบายที่มองไม่เห็น (Hidden   Policy
Entrepreneurs) ในกระแสนโยบายมีส่วนเกี่ยวข้องด้วย หากแต่ไม่ปรากฏในฐานะตัวแสดงอย่าง
ชัดเจนเท่ากับผู้มีส่วนเกี่ยวข้องที่เป็นฝ่ายการเมือง

ส่วนกระแสปัญหาที่นำมาสู่การเข้าสู่วาระนโยบายประกอบด้วยเหตุผลสำคัญ 3 ประการ ได้แก่ ปัญหาการหยุดนิ่งของการพัฒนาระบบขนส่งทางรางของประเทศ ปัญหาการกระจายความเจริญทาง เศรษฐกิจ และปัญหาการด้านพลังงานและการรักษาสิ่งแวดล้อม จะสังเกตได้ว่าประเด็นปัญหาถูก ชี้นำโดย ผู้ผลักดันนโยบายที่มองเห็นได้ อันซึ่งเป็นผู้มีบทบาทสำคัญในการเข้าสู่วาระนโยบาย และ ปัญหาดังกล่าวก็เปรียบเสมือนการสร้างความชอบธรรมให้แก่การเข้าสู่วาระนโยบายของผู้มีอำนาจ ในการตัดสินใจนั่นเอง

ส่วนสุดท้าย กระแสนโยบายแสดงให้เห็นชัดว่า นอกจากผู้ผลักดันนโยบายที่มองเห็นได้แล้วยังมีผู้ ผลักดันนโยบายที่มองไม่เห็น ที่ปรากฏในรูปของ กลุ่มผลประโยชน์จากภาคเอกชน หรือกลุ่มทุน จากต่างประเทศ เข้ามาเกี่ยวข้องเพื่อส่งเสริมให้เกิดเป็นข้อเสนอทางนโยบายที่ตนต้องการ โดยไม่ใช่ ตัวแสดงหลักที่เป็นทางการ ร่างพระราชบัญญัติ 2 ล้านล้านก็เป็นส่วนหนึ่งที่ชี้ให้เห็นว่า เมื่อกระแส การเมือง และกระแสปัญหา เข้าคู่กันแล้ว ก็ต้องมีกระแสนโยบายเกิดขึ้นเพื่อสร้างข้อเสนอทาง นโยบายให้เกิดขึ้นเป็นรูปธรรม ท้ายที่สุดหน้าต่างนโยบายด้านการเมืองและหน้าต่างนโยบายด้าน ปัญหาจึงเปิดออกเพื่อให้ ร่างพระราชบัญญัติ 2 ล้านล้านเข้าสู่วาระการตัดสินใจต่อไป

ข้อค้นพบอีกประการหนึ่ง "วาระ" ของโครงการรถไฟความเร็วสูง ในสมัยรัฐบาลนางสาว ยิ่งลักษณ์ ชินวัตร ในเริ่มแรกถือได้ว่าเป็นวาระที่อยู่ในระดับ "วาระสถาบัน" (Institutional Agenda) กล่าวคือ เป็นวาระที่รัฐบาลหรือผู้มีอำนาจในการตัดสินใจให้ความสนใจหรือเห็นว่ามีความ เหมาะสมขึ้นมาได้ ดังจะเห็นได้จากที่กล่าวมาข้างต้นด้วย

ทั้งหมดนี้ชี้ให้เห็นลักษณะสำคัญของโครงการรถไฟความเร็วสูงในสมัยรัฐบาลนางสาวยิ่งลักษณ์ ชินวัตรนี้ได้ประการสำคัญว่า โครงการนี้มีปัจจัยสำคัญจากฝ่ายการเมืองเป็นเบื้องต้น การเมืองยังมี ส่วนสร้างความตระหนักว่า ปัญหาดังกล่าวจำเป็นต้องแก้ไขอย่างเร่งด่วน ลักษณะดังกล่าวจึงสร้าง ความชอบธรรมแก่การเข้าสู่วาระนโยบายของโครงการนี้ และอาจกล่าวต่อไปได้ด้วยว่า เมื่อโครงการนี้ เกิดขึ้นก็ย่อมส่งผลย้อนกลับมาสู่การสร้างฐานเสียงทางการเมืองและการสร้างภาพประทับจำของ ฝ่ายการเมืองนั้นๆไว้ โครงการดังกล่าวก็จึงเกิดขึ้นโดยหวังผลทางการเมืองอยู่ด้วย หรือกล่าวโดย สรุปได้ว่า โครงการนี้เป็นโครงการที่แทบทุกองค์ประกอบมีการเมืองเป็นทั้งปัจจัยและบทบาทที่ ขับเคลื่อนให้เกิดขึ้น ควบคู่ไปกับปัจจัยอื่นๆและผู้มีส่วนเกี่ยวข้องที่ประสานกันอย่างเชื่อมโยงถึงกัน อย่างแนบแน่นด้วย

อภิปรายผลการวิจัย

จากผลการศึกษาที่กล่าวมาทั้งหมดนี้ ผู้เขียนพบว่า การเข้าสู่วาระนโยบายของโครงการรถไฟ
ความเร็วสูงอาจเกิดขึ้นได้ในรัฐบาลทุกยุคทุกสมัย หากแต่การนำวาระนโยบายดังกล่าวไปสานต่อ
ให้เกิดขึ้นจริงนั้นต้องอาศัยเสถียรภาพทางการเมืองอย่างยิ่ง กล่าวคือ ในช่วงเวลาที่ผ่านมาทุกรัฐบาล
ที่ทำโครงการรถไฟความเร็วสูงนั้นต่างเป็นรัฐบาลพลเรือนที่อยู่ในวาระได้ไม่นานนักและเผชิญกับ
ความไม่มั่นคงของการเมืองภายในรัฐบาลก็ทำให้โครงการดังกล่าวต้องชะลอตัวลง หรือกระทั่ง
รัฐบาลพลเรือนที่มีเสถียรภาพอย่างนางสาวยิ่งลักษณ์ ชินวัตร แต่ความผันผวนทางการเมืองก็ทำให้
โครงการดังกล่าวไปไม่ถึงจุดสูงสุดของการดำเนินนโยบาย ผลการวิจัยจึงทำให้นำไปสู่ข้อสรุปได้
ประการหนึ่งว่า หากต้องการให้โครงการรถไฟความเร็วสูงก้าวพ้นจากการเข้าสู่วาระนโยบายไปสู่
ขั้นตอนถัดๆไปได้นั้น การเมืองต้องมีเสถียรภาพ อีกทั้งยังต้องมีความพร้อมทางเศรษฐกิจที่รองรับ
การลงทุนด้วยวงเงินมหาศาลด้วยเช่นกัน

งานวิจัยชิ้นนี้ยังชี้ให้เห็นต่อไปด้วยว่า นอกจากปัจจัยทางการเมืองที่ต้องมีเสถียรภาพและปัจจัยทาง
เศรษฐกิจที่มีความพร้อมแล้ว โครงการดังกล่าวยังต้องมี "จุดวิกฤต" อันหมายถึง จุดที่ประชาชน
และทุกภาคส่วนในสังคมเห็นพ้องไปในทิศทางเดียวกันว่า รถไฟความเร็วสูงจำเป็นต่อประเทศไทย
อย่างแท้จริง เพราะเท่าที่ผ่านมาเหตุผลจากฝ่ายการเมืองที่ยกมายังไม่ทำให้ประชาชนและภาคส่วน
อื่นๆ ประจักษ์ชัดว่า รถไฟความเร็วสูงสามารถแก้ไขความเหลื่อมล้ำทางรายได้ การหยุดนิ่งของการ
พัฒนาและการอนุรักษ์สิ่งแวดล้อมได้อย่างชัดเจน เมื่อเหตุผลยังไม่เพียงพอต่อการชักนำประชาชน
ให้คล้อยตามและตระหนักว่า รถไฟความเร็วสูงสามารถแก้ไขปัญหาของประเทศได้ โครงการนี้อาจ
ไม่เกิดขึ้น หรือหากเกิดขึ้นเฉพาะจากฝ่ายการเมือง ก็อาจทำให้ประชาชนและภาคส่วนอื่นๆเกิดการ
ตั้งคำถามถึงความชอบธรรมของโครงการ การวิพากษ์วิจารณ์กระทั่งถึงการต่อต้านได้อีกด้วย หรือ
กล่าวโดยสรุปได้ว่า โครงการนี้อาจเป็นโครงการที่มีปัจจัยทางการเมืองมีบทบาทสำคัญต่อการ
เกิดขึ้นและการดำเนินนโยบายต่อไป แต่อาจไม่สำเร็จได้อย่างดีหากขาดความตระหนักร่วมกันถึง
ปัญหาจากประชาชนทั่วไปนั่นเอง

นอกจากประเด็นที่ผู้เขียนค้นพบในเชิงเนื้อหาของโครงการรถไฟความเร็วสูงแล้วนั้น งานวิจัยชิ้นนี้
มีส่วนที่ประยุกต์ใช้ตัวแบบพหุกระแสของคิงด้อน ก็ทำให้เกิดข้อค้นพบในเชิงทฤษฎีไปพร้อมกัน
ด้วย กล่าวคือ การประยุกต์ใช้กรอบความคิดทฤษฎีในงานวิจัยเชิงสังคมศาสตร์นั้น นอกจากเราต้อง
เข้าใจตัวแบบอย่างถ่องแท้แล้ว เรายังต้องเห็นขีดจำกัดของตัวแบบที่เราเลือกใช้ด้วย และผู้เขียนก็
พบว่า ตัวแบบพหุกระแสของคิงด้อนนั้นมุ่งเน้นแต่การวิเคราะห์ปัจจัยภายในประเทศเพียงเท่านั้น
ยังมิได้มุ่งเน้นปัจจัยทางนโยบายที่อาจจะมีอิทธิพลจากต่างประเทศด้วย เหตุที่เป็นเช่นนี้ก็เพราะตัว

แบบพหุกระแสของคิงด็อนได้จากการศึกษาการเข้าสู่วาระนโยบายในบริบทของประเทศ
สหรัฐอเมริกา ซึ่งอาจจะไม่ได้รับอิทธิพลทางความคิดหรือปัจจัยของการต่างประเทศมาเพื่อกำหนด
นโยบายเท่ากับในบริบทสังคมไทย ดังที่สังเกตได้ว่า บางนโยบายของไทยที่ประสบความสำเร็จก็
ได้รับเค้าความคิดมาจากต่างประเทศ เช่น กรณีที่ปิยากร หวังมหาพร(2546) เสนอว่าอิทธิพลของ
องค์การสหประชาชาติมีส่วนผลักดันให้เกิดแผนผู้สูงอายุในไทย หรือนพดล อุดมวิศวกุล (2548)
กล่าวไว้ว่า อิทธิพลสำคัญจากองค์กรระหว่างประเทศ การทำข้อตกลงระหว่างประเทศ รวมไปถึง
การให้ทุนไปศึกษาดูงานมีผลต่อการเข้าสู่วาระนโยบายมาตรฐานสินค้าเกษตรและอาหารใน
ประเทศไทย เป็นต้น รวมถึงหากย้อนถึงช่วงเวลาที่คิงด็อนทำการศึกษาและเสนอไว้ในปี ค.ศ. 1984
ก็อาจถือว่าเป็นช่วงเวลาที่แตกต่างไปจากบริบทปัจจุบัน เพราะปัจจุบันกระแสโลกาภิวัตน์
(Globalization) ส่งผลให้มีการเชื่อมโยงและย่อโลกให้แคบลงอย่างรวดเร็ว การเลือกรับและปรับใช้
นโยบายจากต่างชาติต่างวัฒนธรรมจึงย่อมมีอิทธิพลอย่างหลีกเลี่ยงไม่ได้ ผู้เขียนจึงขอเสนอว่า ใน
ปัจจุบันการวิเคราะห์เฉพาะปัจจัยภายในประเทศเพียงอย่างอาจไม่รอบด้านเพียงพอและอาจไม่
สามารถตอบสนองความซับซ้อนของกระบวนการเข้าสู่วาระนโยบายได้อย่างครบถ้วน ผู้เขียนจึงขอ
เสนอว่าควรมีการพิจารณากระแสโลก (Global Stream) ซึ่งหมายถึง แนวโน้มและอิทธิพลของ
นโยบายจากประเทศต่างๆ องค์การระหว่างประเทศ รวมถึงการรวมกลุ่มทางเศรษฐกิจระหว่าง
ประเทศด้วย เพื่อวิเคราะห์ปัจจัยและผู้มีอิทธิพลต่อนโยบายดังกล่าวจากภายนอกประเทศด้วย

พร้อมกันนี้ ผลการวิจัยยังชี้ให้เห็นอีกด้วยว่า กรอบแนวคิดพหุกระแสอาจไม่สามารถนำมาเป็น
อธิบายได้ทั้งกระบวน และยังมีช่องว่างให้ผู้เขียนต้องพิจารณาถึงความเป็นจริงที่เกิดขึ้นในสังคม
นั้นๆด้วย ดังที่ปรากฏว่า ตามแนวคิดของคิงด็อนได้เสนอว่ากระแสต่างๆในสังคมดำรงอยู่อย่างเป็น
อิสระต่อกัน และจะเข้าคู่กันก็ต่อเมื่อเกิดกระแสการเมืองและกระแสปัญหาเป็นไปในทิศทาง
เดียวกัน แล้วจึงค่อยประสานกับกระแสนโยบายเพื่อให้หน้าต่างนโยบายเปิดออกในเวลาต่อไป
หากแต่ในกรณีศึกษานี้ ผู้เขียนพบว่า กระแสการเมืองและกระแสปัญหามีความเกี่ยวเนื่องกันเพราะผู้
ที่มีบทบาทต่อการออกนโยบายดังกล่าวคือคนกลุ่มเดียวกัน ที่ทั้งนำโครงการและชี้ให้เห็นถึงปัญหา
ความสัมพันธ์ของกระแสสองส่วนนี้จึงเกี่ยวเนื่องสัมพันธ์กันอย่างแยกไม่ออก ดังนั้น กล่าวได้ว่าใน
บริบทสังคมการเมืองไทย กระแสต่างๆจึงอาจไม่ได้ดำรงอยู่อย่างเป็นอิสระตามที่คิงด็อนเสนอ อัน
ชี้ให้เห็นว่ากรอบแนวคิดดังกล่าวยังต้องอาศัยการวิเคราะห์และการพิจารณาภูมิสังคมร่วมด้วย

ท้ายที่สุดแล้ว ทั้งข้อค้นพบในเชิงเนื้อหาและในเชิงการประยุกต์ใช้กรอบความคิดดังกล่าวก็แสดงให้
เห็นว่ายังมีประเด็นให้ถกเถียงและต่อยอดต่อไปอีกหลายประเด็น ตามที่จะเสนอไว้ในข้อเสนอแนะ
ดังนี้

ข้อเสนอแนะ

1. หากมีโครงการรถไฟความเร็วสูงเกิดขึ้นในอนาคต อาจนำข้อค้นพบจากงานวิจัยชิ้นไปใช้เป็นแนวทางในการวางแผนหรือใช้ศึกษาเทียบเคียงโครงการในอนาคตได้

2. สำหรับบริบททางการเมืองของไทยตัวแบบชนชั้นนำ (Elite Model) ก็สามารถนำมาใช้วิเคราะห์ร่วมกับตัวแบบพหุกระแสด้วย เพื่อให้เห็นมิติทางด้านการเมืองจากฝ่ายผู้มีอำนาจในการตัดสินใจมากขึ้นและลุ่มลึกขึ้นด้วย

3. อาจนำโครงการรถไฟความเร็วสูงมาวิเคราะห์ผ่านกระแสโลก (Global Stream) ตามที่ผู้เขียนเสนอไว้เพื่อให้เห็นมิติที่กว้างออกไป อาจจะทำให้พบข้อค้นพบใหม่ๆ ซึ่งจะสามารถกลับมาอธิบายโครงการบริบททางการเมืองไทยได้อีกด้วย

4. ในวิจัยชิ้นนี้มุ่งเน้นศึกษาเพียงการเข้าสู่วาระนโยบายของโครงการรถไฟความเร็วสูงเพียงเท่านั้นแต่ยังไม่ได้ศึกษากระบวนการในขั้นถัดๆไป ดังนั้นหากศึกษาในกระบวนอื่นด้วยจะทำให้เห็นและเข้าใจโครงการนี้ได้อย่างลึกซึ้งรอบด้านมากยิ่งขึ้นด้วย

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Strategic Management/ Social Responsibilities

Corporate Social Responsibility Strategic Implementation of Listed Companies in the Stock Exchange of Thailand: Set Sustainability Awards 2015

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Abstract

This article bases on research proposal conducting to study and extract lessons learned from 8 public companies limited, awarded SET Sustainability in implementing Corporate Social Responsibility Strategy. The researcher aims to investigate similarities and differences of the companies to reflect management factors driven the success of CSR strategic implementation. This research deploys qualitative methodology using document analysis and in-depth interviews with various groups of stakeholder including management level, operational staffs, and scholars. The conceptual framework used to analyze factors focuses on components of strategic management, CSR, and management models. The researcher expect to learn what drive the companies to sustain the result of CSR throughout various stakeholders

Keywords: Corporate Social Responsibility (CSR)/ Strategic Implementation/ SET Sustainability Award/Public Company/ Management

การดำเนินกลยุทธ์ความรับผิดชอบต่อสังคมของบริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทย กรณีศึกษา บริษัทจดทะเบียนด้านความยั่งยืนยอดเยี่ยม ประจำปี 2558

มาลิลินน์ ประเสริฐสังข์, *นักศึกษาปริญญาโทสาขา การเมืองการปกครอง, คณะรัฐศาสตร์ มหาวิทยาลัยธรรมศาสตร์ (ผู้ช่วยศาสตราจารย์ ดร.ทวิดา กมลเวชช, อาจารย์ที่ปรึกษา)*

บทคัดย่อ

การค้นคว้าอิสระเรื่อง "การดำเนินกลยุทธ์ความรับผิดชอบต่อสังคมของบริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทย กรณีศึกษา บริษัทจดทะเบียนด้านความยั่งยืนยอดเยี่ยม ประจำปี 2558" มีวัตถุประสงค์เพื่อถอดบทเรียนความสำเร็จการดำเนินกลยุทธ์ความรับผิดชอบต่อสังคมอย่างยั่งยืนของบริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทยที่ได้รับรางวัล บริษัทจดทะเบียนด้านความยั่งยืนยอดเยี่ยมประจำปี 2558 (SET Sustainability Awards 2015) โดยผู้วิจัยดำเนินการวิจัยเชิงคุณภาพ โดยการสัมภาษณ์เชิงลึก (In-Depth Interview) ผู้บริหารที่รับผิดชอบงานด้านความรับผิดชอบต่อสังคม, ตัวแทนพนักงาน และตัวแทนชุมชนรอบบริษัทหรือรอบโรงงาน ของบริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทยที่ได้รับรางวัล บริษัทจดทะเบียนด้านความยั่งยืนยอดเยี่ยมประจำปี 2558 (SET Sustainability Awards 2015) ทั้ง 8 บริษัท รวมทั้งนักวิชาการและ

ผู้บริหารที่รับผิดชอบงานด้านความรับผิดชอบต่อสังคมของตลาดหลักทรัพย์แห่งประเทศไทย รวม 26 คน และการวิจัยเอกสาร (Documentary Analysis) จากข้อมูลในเว็บไซต์และรายงานด้านความรับผิดชอบต่อสังคมของบริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทยที่ได้รับรางวัล

คำสำคัญ: ความรับผิดชอบบริษัทต่อสังคม/ การจัดการกลยุทธ์/ บริษัทจดทะเบียนด้านความยั่งยืน/ การจัดการ

ที่มาและความสำคัญของปัญหา

กระแสของการเปลี่ยนแปลงด้านสังคม การเศรษฐกิจ การเมือง สิ่งแวดล้อมและเทคโนโลยี ส่งผลทำให้เกิดสภาวะของการแข่งขันอย่างรุนแรงในทุกมุมโลก องค์กรทุกภาคส่วนต่างเร่งพัฒนาและปรับตัวเพื่อให้สามารถดำรงอยู่ได้อย่างเท่าทันกับสภาวะการเปลี่ยนแปลงที่เกิดขึ้น โดยให้ความสำคัญกับการพัฒนาและความเจริญเติบโตทางเศรษฐกิจเป็นหลัก แต่ผลจากการพัฒนาในแนวทางดังกล่าว กลับส่งผลให้ทุกมุมโลกกำลังเผชิญกับสภาวะวิกฤตด้านสังคมและสิ่งแวดล้อม เพราะเป็นการพัฒนาที่ขาดความสมดุล ปัจจุบันจึงได้มีการให้ความสำคัญกับการพัฒนาที่คำนึงถึงผลกระทบทั้งทางตรงและทางอ้อมในด้านเศรษฐกิจ สังคม และสิ่งแวดล้อม เพื่อนำไปสู่การพัฒนาอย่างยั่งยืน และ ได้มีการตระหนักถึงความรับผิดชอบต่อสังคมขององค์กร(Corporate Social Responsibility: CSR) อย่างแพร่หลายมากขึ้น

ความรับผิดชอบต่อสังคมขององค์กร (Corporate Social Responsibility: CSR) คือแนวคิดที่องค์กรดำเนินการสนับสนุนให้สังคมดีขึ้นและสิ่งแวดล้อมสะอาดผ่านกระบวนการจัดการการปฏิสัมพันธ์กับผู้มีส่วนได้เสียขององค์กรด้วยความสมัครใจ (ธีรพร ทองขะโชค และอาคม ใจแก้ว, 2556) ความรับผิดชอบต่อสังคมขององค์กรเป็นสิ่งที่มีการกล่าวถึงกันมากทั่วโลก ว่าเป็นแนวทางที่เหมาะสมในการประยุกต์ใช้ในการดำเนินธุรกิจ เพราะเชื่อมั่นว่าการดำเนินธุรกิจอย่างมีความรับผิดชอบต่อสังคมนั้น จะทำให้องค์กรประสบความสำเร็จได้อย่างยั่งยืนและสามารถก่อให้เกิดประโยชน์ที่หลากหลาย เช่น การสร้างภาพลักษณ์ที่ดี การสร้างเพิ่มมูลค่าตราสินค้า และสร้างชื่อเสียงให้กับองค์กร ตลอดจนช่วยลดการเผชิญความเสี่ยงขององค์กรในด้านแรงกดดันทางสังคม ดังนั้นความรับผิดชอบต่อสังคมขององค์กรจึงเป็นแนวคิดของการบริหารจัดการเชิงกลยุทธ์ที่มีส่วนสำคัญในการช่วยพัฒนาธุรกิจให้ประสบความสำเร็จและมีความยั่งยืนภายใต้สภาวะการแข่งขันที่รุนแรงในยุคปัจจุบัน

สำหรับประเทศไทยนั้น การพัฒนาทางเศรษฐกิจที่ผ่านมาอยู่ภายใต้กระแสการเติบโตของระบบทุน
นิยมและการให้ความสำคัญต่อการพัฒนาทางเศรษฐกิจเป็นเป้าหมายหลัก จึงนำมาสู่การจัดตั้งตลาด
ทุนซึ่งเป็นสัญลักษณ์ที่สำคัญประการหนึ่งของระบบทุนนิยม โดยเปิดทำการซื้อขายอย่างเป็น
ทางการในปีพ.ศ.2518 เพื่อเป็นกลไกขับเคลื่อนระบบเศรษฐกิจ กระจายความมั่งคั่ง ส่งเสริมการ
ออม เป็นแหล่งระดมเงินทุนระยะยาว เป็นศูนย์กลางในการซื้อขายหลักทรัพย์และให้บริการที่
เกี่ยวข้อง อีกทั้งสนับสนุนให้ประชาชนมีส่วนร่วมในการเป็นเจ้าของกิจการธุรกิจและอุตสาหกรรม
ภายในประเทศ ซึ่งต่อมาได้พัฒนาเป็นตลาดหลักทรัพย์แห่งประเทศไทยและถือเป็นแหล่งเงินทุน
ที่มีความสำคัญในการขยายตัวทางเศรษฐกิจ พัฒนาคุณภาพชีวิตของประชาชน และสร้างความเจริญ
แก่ประเทศ (ตลาดหลักทรัพย์แห่งประเทศไทย, 2548)

ตลาดหลักทรัพย์แห่งประเทศไทยเล็งเห็นถึงความสำคัญของการพัฒนาประเทศอย่างสมดุลและ
ตระหนักถึงความสำคัญของการพัฒนาศักยภาพของผู้มีส่วนได้เสีย เพื่อสร้างความมั่นคงให้แก่ตลาด
ทุนในระยะยาว จึงได้ดำเนินการพัฒนาศักยภาพของบริษัทจดทะเบียนในตลาดหลักทรัพย์แห่ง
ประเทศไทย ซึ่งถือว่ามีบทบาทสำคัญต่อการพัฒนาตลาดทุนและการเติบโตทางเศรษฐกิจอย่าง
มั่นคง ควบคู่ไปกับการดูแลรับผิดชอบต่อสังคมและสิ่งแวดล้อม โดยจัดโครงการและกิจกรรมต่างๆ
เพื่อพัฒนาความรู้ความเข้าใจเรื่องการพัฒนาธุรกิจอย่างยั่งยืนและได้จัดให้มีการมอบรางวัลด้าน
ความรับผิดชอบต่อสังคม (Best Corporate Social Responsibility Awards: CSR Awards) นับตั้งแต่
ปี 2549 เพื่อประกาศเกียรติคุณบริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทย ที่มีความโดด
เด่นในการดำเนินธุรกิจอย่างยั่งยืนและยกย่องให้เป็นแบบอย่างแก่บริษัทอื่นๆ รวมถึงเป็นกำลังใจให้
ผู้บริหารและผู้ปฏิบัติงานของบริษัทที่ได้รับรางวัลที่มีความมุ่งมั่นในการพัฒนาธุรกิจสู่ความยั่งยืน
และในปี 2558 ตลาดหลักทรัพย์แห่งประเทศไทยได้มีการยกระดับรางวัลด้านคุณภาพของบริษัทจด
ทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทย ให้สามารถสะท้อนถึงการดำเนินงานตามแนว
ทางการพัฒนาอย่างยั่งยืนได้ชัดเจนยิ่งขึ้น โดยรวมรางวัลด้านการรายงานบรรษัทภิบาล (Top
Corporate Governance Report Awards) และรางวัลด้านความรับผิดชอบต่อสังคม (Best Corporate
Social Responsibility Awards: CSR Awards) เข้าด้วยกันเป็นรางวัลด้านความยั่งยืนประเภทใหม่
คือรางวัลบริษัทจดทะเบียนด้านความยั่งยืนยอดเยี่ยม (SET Sustainability Awards)

โดยรางวัลบริษัทจดทะเบียนด้านความยั่งยืนยอดเยี่ยม (SET Sustainability Awards) มีเกณฑ์การ
ประเมินความยั่งยืนของบริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทย 3 ขั้นตอน คือขั้นที่
1 การคัดกรองคุณสมบัติเบื้องต้นและขั้นที่ 2 คัดเลือกจากบริษัทจดทะเบียนในตลาดหลักทรัพย์
แห่งประเทศไทยที่ให้ความร่วมมือในการตอบแบบประเมินความยั่งยืนโดยพิจารณาจากนโยบาย
วิสัยทัศน์และการมีส่วนร่วมส่งเสริมความยั่งยืนขององค์กรตลอดจนข้อมูลการดำเนินงานใน

กระบวนการดำเนินธุรกิจหลักของบริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทยซึ่ง
เกี่ยวข้องกับผู้มีส่วนได้เสียทั้งภายในและภายนอกใน18 ประเด็นจาก 3 มิติ คือ มิติด้านเศรษฐกิจจะ
พิจารณาใน 7 ประเด็น ได้แก่ ประเด็นบรรษัทภิบาล, ประเด็นการบริหารความเสี่ยงและภาวะวิกฤต,
ประเด็นจรรยาบรรณธุรกิจ (Code of Conduct) และการต่อต้านการทุจริต, ประเด็นการบริหาร
จัดการความสัมพันธ์กับลูกค้า, ประเด็นการบริหารจัดการห่วงโซ่อุปทาน, ประเด็นการดำเนินการ
ด้านภาษี, และประเด็นนวัตกรรมทางธุรกิจและสังคม ส่วนมิติด้านสังคมนั้นจะพิจารณาใน 7
ประเด็น คือ ประเด็นการเปิดเผยข้อมูลด้านสังคม, ประเด็นการปฏิบัติต่อแรงงานอย่างเป็นธรรมและ
สิทธิมนุษยชน, ประเด็นการพัฒนาศักยภาพแก่พนักงาน, ประเด็นการดูแลพนักงาน, ประเด็นสุข
ภาวะความปลอดภัยในสภาพแวดล้อมการทำงาน, ประเด็นการมีส่วนร่วมกับชุมชน, ประเด็นการมี
ส่วนร่วมของผู้มีส่วนได้เสีย สำหรับมิติด้านสิ่งแวดล้อมจะพิจารณาใน 4ประเด็น คือ ประเด็นการ
เปิดเผยข้อมูลด้านสิ่งแวดล้อม, ประเด็นการจัดการสิ่งแวดล้อม, ประเด็นการใช้ทรัพยากรอย่างมี
ประสิทธิภาพ,ประเด็นความหลากหลายทางชีวภาพ และขั้นที่ 3 โดยการสัมภาษณ์ซึ่งคัดเลือกจาก
การนำเสนอข้อมูล และตอบข้อซักถามเกี่ยวกับการดำเนินงานด้านความยั่งยืนอย่างเป็นรูปธรรมของ
บริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทย ต่อคณะทำงานพิจารณารางวัลบริษัทจด
ทะเบียนด้านความยั่งยืนยอดเยี่ยม

ซึ่งในปี 2558 มีบริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทยที่ได้รับรางวัล ทั้งสิ้น 8
บริษัท จากบริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทย ทั้งหมด 517 บริษัท ได้แก่ บริษัท
ปตท. จำกัด (มหาชน), บริษัท พีทีที โกลบอลเคมิคอล จำกัด (มหาชน) และบริษัท ปูนซิเมนต์ไทย
จำกัด (มหาชน) ซึ่งทั้ง 3 บริษัทเป็นบริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทยที่มีมูลค่า
หลักทรัพย์ตามราคาตลาดสูงกว่า 100,000 ล้านบาท สำหรับบริษัทจดทะเบียนในตลาดหลักทรัพย์
แห่งประเทศไทยที่มีมูลค่าหลักทรัพย์ตามราคาตลาดระหว่าง 30,000 - 100,000 ล้านบาท บริษัทที่
ได้รับรางวัลได้แก่บริษัท บ้านปู จำกัด (มหาชน) และบริษัท ไทยออยล์ จำกัด (มหาชน) ส่วนบริษัท
จดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทยที่มีมูลค่าหลักทรัพย์ตามราคาตลาดระหว่าง
10,000 - 30,000 ล้านบาทนั้น บริษัทที่ได้รับรางวัล คือ บริษัท ศรีตรังแอโกรอินดัสทรี จำกัด
(มหาชน) สำหรับบริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทยที่มีมูลค่าหลักทรัพย์ตาม
ราคาตลาดระหว่าง 3,000 - 10,000 ล้านบาท บริษัทที่ได้รับรางวัล ได้แก่ บริษัท สมบูรณ์ แอ๊ดวานซ์
เทคโนโลยี จำกัด (มหาชน) และบริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทยที่มีมูลค่า
หลักทรัพย์ตามราคาตลาดไม่เกิน 3,000 ล้านบาท บริษัทที่ได้รับรางวัล ได้แก่ บริษัท ไทยออพติคอล
กรุ๊ป จำกัด (มหาชน)

โดยทั้ง 8 บริษัทดังกล่าว ได้รับการยกย่องจากตลาดหลักทรัพย์แห่งประเทศและเป็นที่ยอมรับใน
ระดับประเทศว่าเป็นบริษัทจดทะเบียนที่มีความโดดเด่น เป็นต้นแบบแห่งการดำเนินธุรกิจอย่าง
ยั่งยืน ด้วยความมุ่งมั่นในการขับเคลื่อนธุรกิจสู่การเติบโตบนพื้นฐานของการสร้างคุณค่าให้แก่ผู้มี
ส่วนได้เสียทุกภาคส่วนอย่างสมดุล

จากที่มาและความสำคัญข้างต้น ผู้วิจัยจึงมีความสนใจที่จะมุ่งศึกษาการถอดบทเรียนความสำเร็จการ
ดำเนินกลยุทธ์ความรับผิดชอบต่อสังคมของบริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทย
ที่ได้รับรางวัล บริษัทจดทะเบียนด้านความยั่งยืนยอดเยี่ยมประจำปี 2558 (SET Sustainability
Awards 2015) ทั้ง 8 บริษัท ได้แก่ ปตท. จำกัด (มหาชน), บริษัท พีทีที โกลบอลเคมิคอล จำกัด
(มหาชน), บริษัท ปูนซิเมนต์ไทย จำกัด (มหาชน), บริษัท บ้านปู จำกัด (มหาชน), บริษัท ไทยออยล์
จำกัด (มหาชน), คือ บริษัท ศรีตรังแอโกรอินดัสทรี จำกัด (มหาชน), บริษัท สมบูรณ์ แอ๊ดวานซ์
เทคโนโลยี จำกัด (มหาชน) และบริษัท ไทยออปติคอล กรุ๊ป จำกัด (มหาชน) เพื่อให้ได้บทเรียน
ความสำเร็จในการดำเนินกลยุทธ์ความรับผิดชอบต่อสังคมอย่างยั่งยืนจากบริษัทจดทะเบียนใน
ตลาดหลักทรัพย์แห่งประเทศไทยที่ได้รับรางวัล บริษัทจดทะเบียนด้านความยั่งยืนยอดเยี่ยม
ประจำปี 2558 (SET Sustainability Awards 2015) และได้แนวทางในการดำเนินกลยุทธ์ความ
รับผิดชอบต่อสังคมอย่างยั่งยืนสำหรับผู้บริหารบริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศ
ไทยรายอื่น และบริษัทต่างๆ รวมทั้งผู้ที่สนใจได้นำไปประยุกต์ใช้ให้เกิดประโยชน์แก่องค์กรของ
ตนเองต่อไป

วัตถุประสงค์ในการวิจัย

เพื่อถอดบทเรียนความสำเร็จการดำเนินกลยุทธ์ความรับผิดชอบต่อสังคมอย่างยั่งยืนของบริษัทจด
ทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทยที่ได้รับรางวัล บริษัทจดทะเบียนด้านความยั่งยืนยอด
เยี่ยมประจำปี 2558 (SET Sustainability Awards 2015)

คำถามการวิจัย

1. วิสัยทัศน์ พันธกิจ และเป้าหมายทางธุรกิจ ของบริษัทจดทะเบียนในตลาดหลักทรัพย์
แห่งประเทศไทย ที่ได้รับรางวัลบริษัทจดทะเบียนด้านความยั่งยืนยอดเยี่ยมประจำปี 2558 (SET
Sustainability Awards 2015) กำหนดไว้ว่าอย่างไร

2. การให้คำนิยามหรือการกำหนดจุดยืนด้านความรับผิดชอบต่อสังคม ของบริษัทจด ทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทย ที่ได้รับรางวัลบริษัทจดทะเบียนด้านความยั่งยืนยอด เยี่ยมประจำปี 2558 (SET Sustainability Awards 2015) กำหนดไว้ว่าอย่างไร

3. การกำหนดกรอบการดำเนินงานความรับผิดชอบต่อสังคม ของบริษัทจดทะเบียนใน ตลาดหลักทรัพย์แห่งประเทศไทย ที่ได้รับรางวัลบริษัทจดทะเบียนด้านความยั่งยืนยอดเยี่ยม ประจำปี 2558 (SET Sustainability Awards 2015) มีลักษณะใด

4. การวางแผนกลยุทธ์ความรับผิดชอบต่อสังคม ของบริษัทจดทะเบียนในตลาดหลักทรัพย์ แห่งประเทศไทย ที่ได้รับรางวัลบริษัทจดทะเบียนด้านความยั่งยืนยอดเยี่ยมประจำปี 2558 (SET Sustainability Awards 2015) มีรูปแบบใด

5. กระบวนการถ่ายทอดความรับผิดชอบต่อสังคมของบริษัทจดทะเบียนในตลาด หลักทรัพย์แห่งประเทศไทย ที่ได้รับรางวัลบริษัทจดทะเบียนด้านความยั่งยืนยอดเยี่ยมประจำปี 2558 (SET Sustainability Awards 2015) มีกระบวนการใด

6. การดำเนินกลยุทธ์ความรับผิดชอบต่อสังคมเชื่อมโยงกับผู้มีส่วนได้เสีย ของบริษัทจด ทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทย ที่ได้รับรางวัลบริษัทจดทะเบียนด้านความยั่งยืนยอด เยี่ยมประจำปี 2558 (SET Sustainability Awards 2015) มีการดำเนินงานอย่างไร

7. การบริหารจัดการความรับผิดชอบต่อสังคมของบริษัทจดทะเบียนในตลาดหลักทรัพย์ แห่งประเทศไทย ที่ได้รับรางวัลบริษัทจดทะเบียนด้านความยั่งยืนยอดเยี่ยมประจำปี 2558 (SET Sustainability Awards 2015) มีระบบอย่างไร

ขอบเขตการวิจัย

ในการศึกษาวิจัยครั้งนี้ ผู้วิจัยมุ่งศึกษาการดำเนินกลยุทธ์ความรับผิดชอบต่อสังคมของบริษัทจด ทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทยที่ได้รับรางวัล บริษัทจดทะเบียนด้านความยั่งยืนยอด เยี่ยม ประจำปี 2558 (SET Sustainability Awards 2015) จำนวน 8 บริษัท ประกอบด้วย บริษัท ปตท. จำกัด (มหาชน), บริษัท พีทีที โกลบอลเคมิคอล จำกัด (มหาชน), บริษัท ปูนซิเมนต์ไทย จำกัด (มหาชน), บริษัท บ้านปู จำกัด, (มหาชน)บริษัท ไทยออยล์ จำกัด (มหาชน), บริษัท ศรีตรังแอโกร อินดัสทรี จำกัด (มหาชน), บริษัท สมบูรณ์ แอ๊ดวานซ์ เทคโนโลยี จำกัด (มหาชน) และบริษัท ไทย ออพติคอล กรุ๊ป จำกัด (มหาชน)

นิยามศัพท์ที่ใช้ในการวิจัย

บริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทย หรือ บริษัทจดทะเบียน (Listed Companies) หมายถึง บริษัทที่มีข้อมูลตามรายชื่อบริษัทจดทะเบียนในตลาดหลักทรัพย์ ซึ่งจำแนก

เป็น 6 กลุ่ม คือ กลุ่มที่ 1 บริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทยที่มีมูลค่าหลักทรัพย์
ตามราคาตลาดสูงกว่า 100,000 ล้าน กลุ่มที่ 2 บริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศ
ไทยที่มีมูลค่าหลักทรัพย์ตามราคาตลาดระหว่าง 30,000 - 100,000 ล้านบาท กลุ่มที่ 3 บริษัทจด
ทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทยที่มีมูลค่าหลักทรัพย์ตามราคาตลาดระหว่าง 10,000 -
30,000 ล้านบาท กลุ่มที่ 4 บริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทยที่มีมูลค่า
หลักทรัพย์ตามราคาตลาดระหว่าง 3,000 - 10,000 ล้านบาท กลุ่มที่ 5 บริษัทจดทะเบียนในตลาด
หลักทรัพย์แห่งประเทศไทยที่มีมูลค่าหลักทรัพย์ตามราคาตลาดไม่เกิน 3,000 ล้านบาท โดยบริษัท
จดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทย หรือ บริษัทจดทะเบียน (Listed Companies) ใน
การวิจัยครั้งนี้ ไม่รวมถึงบริษัทจดทะเบียนในตลาดหลักทรัพย์ เอ็ม เอ ไอ (mai)

ชุมชนรอบบริษัท หรือชุมชนรอบโรงงาน ได้แก่ ชุมชนที่องค์กรตั้งอยู่รวมถึงสิ่งแวดล้อมรอบข้างใน
รัศมี 5 กม.รอบพื้นที่ ซึ่งถือเป็นผู้ที่มีส่วนเกี่ยวข้องใกล้ชิดกับองค์กรโดยตรง

ประโยชน์ที่คาดว่าจะได้รับ

1. ได้บทเรียนความสำเร็จในการดำเนินกลยุทธ์ความรับผิดชอบต่อสังคมอย่างยั่งยืนจาก
บริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทยที่ได้รับรางวัล บริษัทจดทะเบียนด้านความ
ยั่งยืนยอดเยี่ยมประจำปี 2558 (SET Sustainability Awards 2015)

2.ได้แนวทางในการดำเนินกลยุทธ์ความรับผิดชอบต่อสังคมอย่างยั่งยืนสำหรับผู้บริหาร
บริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทยรายอื่นและบริษัทต่างๆ รวมทั้งผู้ที่สนใจได้
นำไปประยุกต์ใช้

กรอบแนวคิดการวิจัย

การศึกษาวิจัยเรื่องการดำเนินกลยุทธ์ความรับผิดชอบต่อสังคมของบริษัทจดทะเบียนในตลาด
หลักทรัพย์แห่งประเทศไทย กรณีศึกษา: บริษัทจดทะเบียนด้านความยั่งยืนยอดเยี่ยมประจำปี 2558
(SET Sustainability Awards 2015) ครั้งนี้ ผู้วิจัยได้พัฒนากรอบแนวคิดการวิจัยจากการทบทวน
วรรณกรรมโดยรวบรวมข้อมูลแนวคิด ทฤษฎีจากหนังสือ บทความจากวารสาร วิทยานิพนธ์
เอกสารทางวิชาการ ตลอดจนงานวิจัยต่างๆ ที่เกี่ยวข้อง โดยผู้วิจัยได้เล็งเห็นว่ากรอบแนวคิดในการ
วิจัยครั้งนี้ ควรเริ่มจากการศึกษาเป้าหมายทางธุรกิจขององค์กร (Corporate Goal) และการให้คำ
นิยามหรือการกำหนดจุดยืนด้านความรับผิดชอบต่อสังคมขององค์กร (CSR Concepts) ผ่าน
วิสัยทัศน์ (Vision), พันธกิจ (Mission), นโยบายขององค์กร (Policy), ค่านิยม (Core value), คำขวัญ
(slogan) และ ปรัชญาในการทำธุรกิจ (Company Philosophy) ของบริษัทจดทะเบียนในตลาด

หลักทรัพย์แห่งประเทศไทย ที่ได้รับรางวัลบริษัทจดทะเบียนด้านความยั่งยืนยอดเยี่ยมประจำปี 2558 (SET Sustainability Awards 2015) ทั้ง 8 บริษัท เป็นอันดับแรก เพื่อให้เห็นถึงเป้าหมายสูงสุด ของแต่ละองค์กรเชื่อมโยงกับการให้ความหมายหรือการกำหนดจุดยืนด้านความรับผิดชอบต่อ สังคม เพราะการกำหนดจุดยืนที่เป็นเอกลักษณ์ที่แตกต่างจากแนวปฏิบัติขององค์กรอื่นๆ และมีการ สร้างความแตกต่าง (Differentiation) ในวิธีการในการดำเนินงานด้านความรับผิดชอบต่อสังคม หากมีความเหมาะสมจะเอื้อต่อการพัฒนาขีดความสามารถทางการแข่งขัน (Competitiveness) ให้กับองค์กรได้เป็นอย่างดี และกรอบแนวคิดในการวิจัยครั้งนี้ ควรมีการศึกษากลยุทธ์ความ รับผิดชอบต่อสังคมองค์กร (CSR Strategy) ผ่านกรอบการดำเนินงานความรับผิดชอบต่อสังคมของ องค์กร (CSR Framework), โครงสร้างการดำเนินงานด้านความรับผิดชอบต่อสังคม (CSR Structure), แผนกลยุทธ์ความรับผิดชอบต่อสังคมองค์กร (Strategic CSR), โครงการ/ กิจกรรมด้าน ความรับผิดชอบต่อสังคม(CSR   Activities), กระบวนเชื่อมโยงกับผู้มีส่วนได้เสียขององค์กร (Stakeholder   Engagement) และกระบวนการถ่ายทอดความรับผิดชอบต่อสังคมขององค์กร (Effective CSR Communication) ของบริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทย ที่ ได้รับรางวัลบริษัทจดทะเบียนด้านความยั่งยืนยอดเยี่ยมประจำปี 2558 (SET Sustainability Awards 2015) ทั้ง 8 บริษัท รวมทั้งควรศึกษา การบริหารจัดการความรับผิดชอบต่อสังคมขององค์กร (CSR Management) ผ่าน การชี้วัดผลการดำเนินงานด้านความรับผิดชอบต่อสังคมองค์กร   (KPIs & Indicators) และรายงานความรับผิดชอบต่อสังคมขององค์กร (CSR/ SD Report) ของบริษัทจด ทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทย ที่ได้รับรางวัลบริษัทจดทะเบียนด้านความยั่งยืนยอด เยี่ยมประจำปี 2558 (SET Sustainability Awards 2015) ทั้ง 8 บริษัทด้วย เพราะการดำเนินงานด้าน ความรับผิดชอบต่อสังคม ไม่ใช่เพียงกิจกรรมทางสังคมหรือสิ่งแวดล้อมเท่านั้น แต่เป็นการสร้าง และพัฒนากระบวนการภายในด้วยแนวคิดความยั่งยืน ดังนั้นวงจรด้านความรับผิดชอบต่อสังคมจึง เหมือนวงจรธุรกิจที่ต้องมีการพัฒนาอย่างต่อเนื่องเชื่อมโยงกับเป้าหมายทางธุรกิจขององค์กรจึงจะ ก้าวสู่ความยั่งยืน และประสบความสำเร็จดังเช่นบริษัทที่ได้รับรางวัลบริษัทจดทะเบียนด้านความ ยั่งยืนยอดเยี่ยมประจำปี 2558 (SET Sustainability Awards 2015) ทั้ง 8 บริษัทนี้ และเมื่อผู้วิจัย ทำการศึกษาตามกรอบแนวคิดในการวิจัยที่กล่าวมาข้างต้น ย่อมได้มาซึ่งบทเรียนความสำเร็จในการ ดำเนินกลยุทธ์ความรับผิดชอบต่อสังคมอย่างยั่งยืนจากบริษัทจดทะเบียนในตลาดหลักทรัพย์แห่ง ประเทศไทยที่ได้รับรางวัลบริษัทจดทะเบียนด้านความยั่งยืนยอดเยี่ยมประจำปี 2558 (SET Sustainability Awards 2015) ตรงตามวัตถุประสงค์การวิจัยที่ได้ตั้งไว้

แผนภูมิภาพที่ 1 กรอบแนวคิดการวิจัย

ความสำเร็จของบริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทยที่ได้รับรางวัลบริษัท
จดทะเบียนด้านความยั่งยืนยอดเยี่ยม ประจำปี 2558 (SET Sustainability Awards 2015) ทั้ง 8
บริษัท

เป้าหมายทางธุรกิจขององค์กร (Corporate Goal) และการให้คำนิยามหรือการกำหนดจุดยืนด้านความรับผิดชอบต่อสังคมขององค์กร (CSR Concepts)

- วิสัยทัศน์ (Vision)
- พันธกิจ (Mission)
- นโยบายขององค์กร (Policy)
- ค่านิยม (Core value)
- คำขวัญ (Slogan)
- ปรัชญาในการทำธุรกิจ (Company Philosophy)

กลยุทธ์ความรับผิดชอบต่อสังคมองค์กร (CSR Strategy)

- กรอบการดำเนินงานความรับผิดชอบต่อสังคมขององค์กร (CSR Framework)
- โครงสร้างการดำเนินงานด้านความรับผิดชอบต่อสังคม (CSR Structure)
- แผนกลยุทธ์ความรับผิดชอบต่อสังคมองค์กร (Strategic CSR)
- โครงการ/ กิจกรรมด้านความรับผิดชอบต่อสังคม (CSR Activities)
- กระบวนเชื่อมโยงกับผู้มีส่วนได้เสียขององค์กร (Stakeholder Engagement)
- กระบวนการถ่ายทอดความรับผิดชอบต่อสังคมขององค์กร (Effective CSR Communication)

การบริหารจัดการความรับผิดชอบต่อสังคมขององค์กร (CSR Management)

- รายงานความรับผิดชอบต่อสังคมขององค์กร (CSR/ SD Report)
- การชี้วัดผลการดำเนินงานด้านความรับผิดชอบต่อสังคมองค์กร (KPIs & Indicators)

บทเรียนความสำเร็จในการดำเนินกลยุทธ์ความรับผิดชอบต่อสังคมอย่างยั่งยืนจากบริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทยที่ได้รับ**รางวัลบริษัทจดทะเบียนด้านความยั่งยืนยอดเยี่ยมประจำปี 2558 (SET Sustainability Awards 2015)**

ประชากรและกลุ่มตัวอย่าง

ในการศึกษาวิจัยครั้งนี้ ผู้วิจัยมุ่งศึกษาการดำเนินกลยุทธ์ความรับผิดชอบต่อสังคมของบริษัทจด
ทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทยที่ได้รับรางวัล บริษัทจดทะเบียนด้านความยั่งยืนยอด
เยี่ยม ประจำปี 2558 (SET Sustainability Awards 2015) ด้วยการสัมภาษณ์แบบเจาะลึก (In-depth
Interview) ผู้บริหารที่รับผิดชอบงานด้านความรับผิดชอบต่อสังคมจำนวน 1 ท่านตัวแทนพนักงาน
บริษัท จำนวน 1 ท่าน และตัวแทนชุมชนรอบบริษัท หรือรอบโรงงาน จำนวน 1 ท่าน จาก 8 บริษัท
ซึ่งประกอบด้วย บริษัท ปตท. จำกัด (มหาชน), บริษัท พีทีที โกลบอลเคมิคอล จำกัด (มหาชน),
บริษัท ปูนซิเมนต์ไทย จำกัด (มหาชน), บริษัท บ้านปู จำกัด, (มหาชน)บริษัท ไทยออยล์ จำกัด
(มหาชน), บริษัท ศรีตรังแอโกรอินดัสทรี จำกัด (มหาชน), บริษัท สมบูรณ์ แอ๊ดวานซ์ เทคโนโลยี
จำกัด (มหาชน) และบริษัท ไทยออพติคอล กรุ๊ป จำกัด (มหาชน) และทำการสัมภาษณ์แบบเจาะลึก
(In-depth Interview) นักวิชาการผู้เชี่ยวชาญด้านความรับผิดชอบต่อสังคมขององค์กร (Corporate
Social Responsibility: CSR) จำนวน 1 ท่าน และผู้บริหารที่รับผิดชอบงานด้านความรับผิดชอบต่อ
สังคมของตลาดหลักทรัพย์แห่งประเทศไทย จำนวน 1 ท่านรวมทั้งสิ้น 26 ท่าน

เครื่องมือที่ใช้ในการวิจัย

ทำการสัมภาษณ์แบบเจาะลึก (In-depth Interview) โดยอิงตามวัตถุประสงค์ และคำถามงานวิจัย ใน
เรื่องความคิดเห็นเกี่ยวกับการดำเนินกลยุทธ์ความรับผิดชอบต่อสังคมของบริษัทจดทะเบียนใน
ตลาดหลักทรัพย์แห่งประเทศไทย จากกรณีศึกษา: บริษัทจดทะเบียนด้านความยั่งยืนยอดเยี่ยม
ประจำปี 2558 (SET Sustainability Awards 2015)

การตรวจสอบคุณภาพเครื่องมือ

ผู้วิจัยมีแผนจัดทำร่างคำถามในการสัมภาษณ์แบบเจาะลึก (In-Depth Interview)โดยพิจารณาจากตัว
แปรที่ศึกษาและนำไปปรึกษาอาจารย์ที่ปรึกษาเพื่อขอคำแนะนำและปรับปรุงข้อคำถามให้ชัดเจนอีก
ครั้งตามเนื้อหาที่ทำการศึกษาก่อนนำไปใช้ในการสัมภาษณ์กับกลุ่มตัวอย่างจริง

วิธีการเก็บรวบรวมข้อมูล
ผู้วิจัยทำการเก็บรวบรวมข้อมูลที่ใช้ในการวิจัยครั้งนี้ประกอบด้วย
1. แหล่งข้อมูลปฐมภูมิ (Primary Data)เป็นข้อมูลที่ได้จากการเก็บรวบรวมจากการ
สัมภาษณ์แบบเจาะลึก (In-Depth Interview) ผู้บริหารที่รับผิดชอบงานด้านความรับผิดชอบต่อ
สังคม, ตัวแทนพนักงาน และตัวแทนชุมชนรอบบริษัทหรือรอบโรงงาน ของบริษัทจดทะเบียนใน

ตลาดหลักทรัพย์แห่งประเทศไทยที่ได้รับรางวัล บริษัทจดทะเบียนด้านความยั่งยืนยอดเยี่ยม ประจำปี 2558 (SET Sustainability Awards 2015) ทั้ง 8 บริษัท และทำการสัมภาษณ์แบบเจาะลึก (In-depth Interview) นักวิชาการผู้เชี่ยวชาญด้านความรับผิดชอบต่อสังคมขององค์กร (Corporate Social Responsibility: CSR) จำนวน 1ท่าน และผู้บริหารที่รับผิดชอบงานด้านความรับผิดชอบต่อ สังคมของตลาดหลักทรัพย์แห่งประเทศไทย จำนวน 1 ท่านรวมทั้งสิ้น 26 ท่าน

    2. แหล่งข้อมูลทุติยภูมิ (Secondary Data) ทำการรวบรวมเอกสารที่เกี่ยวข้องในงานวิจัยที่ เกี่ยวข้องจากห้องสมุดของสถาบันการศึกษารวมทั้งการค้นจากข้อมูลผ่านอินเทอร์เน็ตเพื่อรวบรวม ข้อมูลสรุปผลเพื่อใช้อ้างอิงแนวคิดและทฤษฎีจากหนังสือต่างๆ และทำการศึกษา วิเคราะห์ข้อมูล จากเว็บไซต์ รวมทั้งรายงานด้านความรับผิดชอบต่อสังคมของบริษัทจดทะเบียนในตลาดหลักทรัพย์ แห่งประเทศไทยที่ได้รับรางวัล บริษัทจดทะเบียนด้านความยั่งยืนยอดเยี่ยมประจำปี 2558 (SET Sustainability Awards 2015)

การวิเคราะห์ข้อมูล

วิเคราะห์เอกสาร (Documentary Analysis) จากข้อมูลในเว็บไซต์และรายงานด้านความรับผิดชอบ ต่อสังคมของบริษัทจดทะเบียนในตลาดหลักทรัพย์แห่งประเทศไทยที่ได้รับรางวัล บริษัทจด ทะเบียนด้านความยั่งยืนยอดเยี่ยมประจำปี 2558 (SET Sustainability Awards 2015) ประกอบกับ เว็บไซต์ของตลาดหลักทรัพย์แห่งประเทศไทยสำหรับจากการสัมภาษณ์แบบเจาะลึก (In-Depth Interview) ใช้วิธีการวิเคราะห์ข้อมูลเชิงพรรณนา (Descriptive Analysis) วิเคราะห์ข้อมูลโดย พิจารณาเนื้อหาจากผู้ให้สัมภาษณ์และสรุปเป็นประเด็นตามวัตถุประสงค์และกรอบแนวคิดในการ วิจัย

ผลที่คาดว่าจะได้รับจากการศึกษา

จากการศึกษาวรรณกรรมที่เกี่ยวข้อง ผู้วิจัยจะใช้แนวคิดความรับผิดชอบต่อองค์กรของนักวิชาการ หลายท่าน เมื่อนำมาวิเคราะห์การดำเนินกลยุทธ์ความรับผิดชอบต่อสังคมของบริษัทจดทะเบียนใน ตลาดหลักทรัพย์แห่งประเทศไทย เพื่อค้นหาบริษัทที่จดทะเบียนด้านความยั่งยืนยอดเยี่ยม

บรรณานุกรม

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The Entry into the Labor market of Migrant Burmese: Case of Seafood Supply Chain, Samutsakorn Province

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Abstract

This research aims to study the factors affecting the flow of Burmese migrant workers in supply chain of seafood processing industry including the entry of the said workers into Thai labor market. In addition, it aimes to study the management system of governmental sectors towards the migration of those workers by determining the reason why they illegally migrate as well as become illegal migrants despite the fact that almost all Thai governments established the policy regarding registration system especially for 3 migrant nations- Burmese, Lao and Cambodian.

Samutsakhon province, one of the most important seafood processing industrial zones, is the target area of the study. It is expected that the results of this research will be practical guidelines for both public and private sectors by assisting them to manage and handle with the entry of migrant workers into Thai labor market in the near future.

Keywords: Burmese Migration / Seafood Supply Chain/ Labor market/ Samutsakorn/ Thailand

กระบวนการเข้าสู่ตลาดแรงงานของแรงงานต่างด้าวสัญชาติพม่า กรณีศึกษา : อุตสาหกรรมห่วงโซ่อุปทานการผลิตอาหารทะเลแปรรูป จังหวัดสมุทรสาคร

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บทคัดย่อ

งานวิจัยฉบับนี้มีวัตถุประสงค์เพื่อศึกษาปัจจัยที่ส่งผลให้แรงงานต่างด้าวสัญชาติพม่าเลือกเข้ามาทำงานในอุตสาหกรรมห่วงโซ่อุปทานการผลิตอาหารทะเลแปรรูป รวมถึงกระบวนการในการเข้าสู่ตลาดแรงงานของแรงงานต่างด้าวสัญชาติพม่า และศึกษาระบบการบริหารจัดการแรงงานต่างด้าวในอุตสาหกรรมห่วงโซ่อุปทานการผลิตอาหารทะเลแปรรูปของภาครัฐว่าเพราะเหตุใดในปัจจุบันจึงมีแรงงานต่างด้าวสัญชาติพม่ายังเลือกใช้วิธีการหลบหนีเข้าเมืองโดยผิดกฎหมาย หรือแรงงานงานต่างด้าวที่ได้รับการผ่อนผันให้เป็นบุคคลที่เข้าเมืองโดยถูกกฎหมายแล้ว แต่เลือกที่จะกลับไปเป็นแรงงานต่างด้าวที่ผิดกฎหมาย ทั้งที่รัฐบาลหลายสมัยที่ผ่านมาจนถึงปัจจุบันมีนโยบายสนับสนุนการเข้ามาทำงานอย่างถูกต้องมีเปิดโอกาสให้แรงงานที่ผิดกฎหมายสามารถดำเนินการเข้ามาอย่างถูกต้อง โดยการผ่อนผันให้มีการขึ้นทะเบียนแรงงานต่างด้าว 3 สัญชาติ พม่า ลาว กัมพูชา อยู่เป็น

ระยะ ในการวิจัยนี้ เลือกใช้พื้นที่จังหวัดสมุทรสาครเป็นกรณีศึกษา เนื่องจากเป็นพื้นที่ที่แรงงาน
ต่างชาติสัญชาติพม่าเข้ามาในตลาดแรงงานเป็นจำนวนมากโดยเฉพาะในอุตสาหกรรมห่วงโซ่
อุปทานการผลิตอาหารทะเลแปรรูป ซึ่งเป็นอุตสาหกรรมหลักของจังหวัด โดยคาดหวังว่าผลที่ได้
จากการวิจัยฉบับนี้ จะเป็นประโยชน์ให้กับหน่วยงานภาครัฐและเอกชน นำไปประยุกต์ใช้เป็น
แนวทางในการบริหารจัดการแรงงานต่างด้าวสัญชาติพม่าที่เข้าสู่ตลาดแรงงานของประเทศไทย ใน
โอกาสต่อไป

คำสำคัญ: แรงงานต่างด้าวในประเทศไทย/ อุตสาหกรรมห่วงโซ่อาหารอุปทาน/ การผลิตอาหาร
แปรรูป/ จังหวัดสมุทรสาคร/ ประเทศไทย

ความเป็นมาและความสำคัญของปัญหา

จังหวัดสมุทรสาคร ตั้งอยู่บริเวณปากอ่าวไทย มีพื้นที่ติดชายฝั่งทะเลยาว 41.8 กิโลเมตร ประชาชน
ส่วนใหญ่ประกอบอาชีพทำการประมงและประมงต่อเนื่อง ซึ่งมีลักษณะการเชื่อมโยงกันเป็นห่วง
โซ่อุปทาน ตั้งแต่ต้นน้ำจนถึงปลายน้ำ คือ เริ่มจากการเพาะเลี้ยงสัตว์น้ำ การทำการประมงใน
น่านน้ำไทย การประมงนอกน่านน้ำไทย เรือบรรทุกสัตว์น้ำ ท่าเทียบเรือขนถ่ายสัตว์น้ำ รถขนส่ง
สินค้าสัตว์น้ำ แพปลา สถานแปรรูปเบื้องต้น (ล้ง) และส่งเข้าโรงงานอุตสาหกรรมทำการผลิตผ่าน
กระบวนการแปรรูปอาหารทะเลเป็นผลิตภัณฑ์สำเร็จรูปต่าง ๆ เพื่อจำหน่ายในประเทศและเพื่อการ
ส่งออกไปยังต่างประเทศ

จากวงจรอุตสาหกรรมห่วงโซ่อุปทานดังกล่าวส่งผลให้จังหวัดสมุทรสาครเป็นเมืองเศรษฐกิจที่มี
ศักยภาพในด้านอุตสาหกรรมการผลิตอาหารทะเลแปรรูปเพื่อจำหน่ายในประเทศและเพื่อการ
ส่งออกไปยังต่างประเทศ มีความต้องการใช้แรงงานระดับแรงงานไร้ฝีมือเป็นจำนวนมาก และ
ถึงแม้ว่าประเทศไทยจะมีจำนวนแรงงานสูงถึง 38.90 ล้านคน คิดเป็นร้อยละ 57.40 ของจำนวน
ประชากรแต่กลับพบว่าประเทศไทยยังคงประสบปัญหาด้านการขาดแคลนแรงงานไทยเป็นอย่าง
มาก ซึ่งการขาดแคลนแรงงานไทยนั้น เกิดจากหลายสาเหตุ เช่น โครงสร้างประชากรของประเทศ
ไทยกำลังก้าวเข้าสังคมผู้สูงอายุ สภาพการทำงานของอุตสาหกรรมแปรรูปสัตว์น้ำเป็นงานประเภท
3D   คือ งานสกปรก (Dirty Job) งานยาก (Difficult Job) และงานอันตราย (Dangerous Job)
ประกอบกับอัตราค่าจ้างขั้นต่ำที่ได้รับไม่เพียงพอต่อการครองชีพ ระบบการศึกษามีความไม่
สอดคล้องต่อระบบการกำหนดอัตราค่าจ้างและความต้องการแรงงาน ทำให้แรงงานไทยที่อยู่ใน
กลุ่มของแรงงานระดับไร้ฝีมือและมีการศึกษาต่ำกว่าเกณฑ์ภาคบังคับ จึงผลักดันตนเองเข้าสู่ระบบ
การศึกษาในระดับที่สูงขึ้น เพื่อสร้างโอกาสในการสรรหางานในตำแหน่งที่สูงกว่า ลักษณะงาน

สบาย มีรายได้ ค่าตอบแทน และมีความมั่นคงทางอาชีพ เมื่อแรงงานระดับไร้ฝีมือของไทยได้รับ
การพัฒนายกระดับคุณภาพการศึกษาที่สูงขึ้น จึงส่งผลให้ปริมาณแรงงานไทยระดับไร้ฝีมือลดลง
เป็นจำนวนมาก และประกอบกับสภาวการณ์ในปัจจุบันแนวโน้มของคนรุ่นใหม่ที่จบการศึกษา
ระดับปริญญาตรี มีความต้องการประกอบอาชีพอิสระมากกว่าการทำงานประจำจึงทำให้ประเทศ
ไทยประสบปัญหาการขาดแคลนแรงงาน

จากผลการศึกษาของสถาบันวิจัยเพื่อการพัฒนาประเทศไทย (Thailand Development Research
Institute :TDRI) พ.ศ. 2554 พบว่ามีการขาดแคลนบุคลากรในเชิงคุณภาพของทุกห่วงโซ่
อุตสาหกรรมแรงงานส่วนใหญ่เป็นแรงงานระดับล่างหรือที่เรียกว่าแรงงานไร้ฝีมือ ซึ่งก็รวมถึงห่วง
โซ่อุตสาหกรรมการผลิตอาหารทะเลแปรรูปด้วยเช่นกัน จึงเป็นสาเหตุให้มีการนำคนต่างด้าวเข้ามา
ทำงานทดแทนแรงงานไทยเพื่อแก้ไขปัญหาการขาดแคลนแรงงานในห่วงโซ่อุตสาหกรรม

คนต่างด้าวสัญชาติพม่า เริ่มเข้ามาทำงานในประเทศไทยนับแต่ประเทศไทยประสบปัญหาการขาด
แคลนแรงงานในภาคธุรกิจต่าง ๆ จนถึงปัจจุบันเป็นเวลากว่า 20 ปี หากจะกล่าวถึงความต้องการใช้
แรงงานต่างด้าวในอุตสาหกรรมห่วงโซ่อุปทานการผลิตอาหารทะเลแปรรูปจังหวัดสมุทรสาครนั้น
ผู้ประกอบการ ส่วนใหญ่มีความต้องการใช้แรงงานต่างด้าวสัญชาติพม่า เนื่องจากมีความขยัน
อดทน สู้งานหนัก ต้องการทำงานปริมาณมากๆ และต้องการการทำงานล่วงเวลา เพื่อแลกกับ
ค่าตอบแทนที่มากขึ้นตามไปด้วย และด้วยความที่จังหวัดสมุทรสาครเป็นเมืองเศรษฐกิจที่มี
ศักยภาพในด้านอุตสาหกรรมการผลิตอาหารทะเลแปรรูปสูง จึงทำให้มีความต้องการใช้แรงงานต่าง
ด้าวสัญชาติพม่ามากขึ้นตามไปด้วย ส่งผลให้คนต่างด้าวสัญชาติพม่าต่างพยายามทุกวิถีทางในการ
ที่จะเดินทางเข้ามาทำงานในประเทศไทย และจังหวัดสมุทรสาครก็เป็นเป้าหมายอันดับต้น ๆ ของ
ประเทศไทย ที่คนต่างด้าวสัญชาติพม่ามุ่งหวังที่จะเข้ามาทำงาน โดยไม่คำนึงว่าจะการเดินทางเข้า
มานั้นจะถูกกฎหมายหรือผิดกฎหมายก็ตาม และถึงแม้ว่าการเดินทางเข้ามายังประเทศไทยจะต้อง
ประสบกับความยากลำบาก บางครั้งต้องหลบซ่อนตัวด้วยการเดินลัดเลาะมาตามป่าทึบ ข้ามแม่น้ำ
หรืออาศัยมากับเรือประมง อีกทั้งระหว่างการเดินทางยังต้องประสบปัญหาต่าง ๆ ทั้งในเรื่องของ
การบังคับใช้กฎหมายของเจ้าหน้าที่ การผ่านด่านตรวจคนเข้าเมืองตามแนวตะเข็บชายแดน นโยบาย
การกวาดล้างจับกุมของทหารและตำรวจ เสียค่าใช้จ่ายในการเดินทาง และค่าใช้จ่ายที่ต้องจ่ายให้กับ
คนนำพาหรือนายหน้า หรือหากเลือกที่จะใช้การหลบหนีเข้าเมืองด้วยวิธีการซ่อนตัวมากับรถส่ง
สินค้า รถโดยสาร หรือมากับเรือประมง ก็เสี่ยงที่จะประสบอันตรายหรืออุบัติเหตุที่อาจเกิดขึ้นได้
หรือต้องเผชิญกับการปฏิบัติของเจ้าหน้าที่ภาครัฐอย่างไม่เป็นธรรม และเป็นช่องว่างทำให้เกิดการ
คอรัปชั่นของเจ้าหน้าที่ภาครัฐก็ตาม

การหลบหนีเข้าเมืองโดยผิดกฎหมายของแรงงานต่างด้าวสัญชาติพม่า ส่งผลกระทบต่อประเทศไทย
ไม่ว่าจะเป็นเรื่องความมั่นคงเนื่องจากไม่ทราบจำนวนที่แท้จริงของแรงงานสัญชาติพม่า ระบบการ
จัดทำฐานข้อมูลประชากรจึงไม่ชัดเจน ทำให้ไม่ทราบแหล่งที่พักอาศัย เกิดภัยทางสังคมซึ่งส่งผล
กระทบต่อความมั่นคงของประเทศ การบริหารจัดการด้านการสาธารณสุขซึ่งทำให้จำนวนการเกิด
โรคติดต่อเพิ่มขึ้น เช่น โรควัณโรค โรคเท้าช้าง เป็นต้น เป็นผลมาจากการเข้าเมืองโดยผิดกฎหมาย
ทำให้แรงงานต่างด้าวเหล่านั้น ไม่ได้รับการตรวจสุขภาพ การประกันสุขภาพ การรักษาพยาบาล
และถูกจำกัดในการเข้าถึงบริการสาธารณะต่าง ๆ

จากสถิติในรายงานสถานการณ์แรงงานจังหวัดสมุทรสาคร รองรับประชาคมอาเซียน (AC) ไตร
มาส 3 ปี 2558 (กรกฎาคม – กันยายน) ได้รายงานการจัดหางานและส่งเสริมการมีงานทำของคนต่าง
ด้าว จังหวัดสมุทรสาครมีคนต่างด้าวที่ได้รับอนุญาตทำงานคงเหลือทั้งสิ้น 250,786 คน ซึ่งสามารถ
แยกตามประเภทลักษณะการเข้าเมืองของคนต่างด้าว ณ วันที่ 30 กันยายน 2558 ดังนี้

ตารางที่ 1.1 คนต่างด้าวที่ได้รับอนุญาตทำงาน แยกตามประเภทลักษณะการเข้าเมืองของคนต่างด้าว

ประเภท	จำนวน (คน)	ประเภท	จำนวน (คน)	ประเภท	จำนวน (คน)
คนต่างด้าว ที่ได้รับอนุญาต ทำงาน	250,786.00	คนต่างด้าว เข้าเมืองโดย ถูกกฎหมาย	183,103.00	คนต่างด้าวเข้าเมือง ถูกกฎหมาย มาตรา 9 ประเภทพิสูจน์สัญชาติ	150,783.00
				คนต่างด้าวเข้าเมือง ถูกกฎหมาย มาตรา 9 ประเภทบันทึกข้อตกลง	29,209.00
				คนต่างด้าวเข้าเมือง ถูกกฎหมาย มาตรา 9 ประเภททั่วไป	2,984.00
				คนต่างด้าวเข้าเมือง ถูกกฎหมาย มาตรา 12 ประเภทส่งเสริมการ ลงทุน	127.00
		คนต่างด้าว เข้าเมืองโดยผิด กฎหมาย	67,863.00	คนต่างด้าวเข้าเมือง ผิดกฎหมาย มาตรา 13	63,683.00
				กลุ่มคนต่างด้าว เข้าเมืองโดยผิดกฎหมาย	4,319.00

จากตารางดังกล่าวจะเห็นได้ว่ายังคงมีจำนวนแรงงานต่างด้าวที่เข้าเมืองโดยผิดกฎหมายอยู่เป็น
จำนวนถึง 4,319 คน และจะทำอย่างไรให้คนเหล่านี้เข้าสู่ระบบแรงงานอย่างถูกต้องตามกฎหมาย

ดังนั้นการวิจัยนี้ จึงเป็นการศึกษาเพื่อให้ทราบถึงปัจจัยที่มีผลทำให้แรงงานต่างด้าวสัญชาติพม่า
เลือกเข้ามาทำงานในอุตสาหกรรมห่วงโซ่อุปทานการผลิตอาหารทะเลแปรรูป ทราบถึง
กระบวนการในการเข้าสู่ตลาดแรงงานของแรงงานต่างด้าวสัญชาติพม่าในอุตสาหกรรมห่วงโซ่
อุปทานการผลิตอาหารทะเลแปรรูป จังหวัดสมุทรสาคร และในการศึกษาถึงกระบวนการการเข้า
มาสู่ตลาดแรงงานนั้น ผู้วิจัยต้องการทราบว่าเพราะเหตุใดในปัจจุบันจึงมีแรงงานต่างด้าวสัญชาติ
พม่ายังเลือกใช้วิธีการหลบหนีเข้าเมืองโดยผิดกฎหมาย หรือแม้กระทั่งแรงงานต่างด้าวสัญชาติพม่า
ที่หลบหนีเข้าเมืองโดยผิดกฎหมายและได้เป็นเปลี่ยนสถานะเป็นแรงงานงานต่างด้าวที่ได้รับการ
ผ่อนผันให้เป็นบุคคลที่เข้าเมืองโดยถูกกฎหมายแล้ว แต่เลือกที่จะกลับไปเป็นแรงงานต่างด้าวที่ผิด
กฎหมาย ทั้งที่รัฐบาลหลายสมัยที่ผ่านมาจนถึงปัจจุบันได้มีการผ่อนผันโดยการเปิดให้มีการขึ้น
ทะเบียนแรงงานต่างด้าว 3 สัญชาติ พม่า ลาว กัมพูชา ที่ทำงานอยู่ในประเทศไทยขึ้นทะเบียนอยู่เป็น
ระยะ   และผลจากการวิจัยนี้ ผู้วิจัยมุ่งหวังให้ภาครัฐและภาคเอกชนได้นำไปประยุกต์ใช้ในการ
บริหารจัดการแรงงานต่างด้าวสัญชาติพม่าเพื่อให้กระบวนการการเข้าสู่ตลาดแรงงานของ
อุตสาหกรรมในห่วงโซ่อุปทานการผลิตอาหารทะเลแปรรูป จังหวัดสมุทรสาครและตลาดแรงงาน
ของประเทศไทยอย่างถูกต้องตามกฎหมายและเกิดประสิทธิภาพในการบริหารจัดการ

วัตถุประสงค์ของการวิจัย

    1. เพื่อศึกษาปัจจัยและกระบวนการที่ส่งผลให้แรงงานต่างด้าวสัญชาติพม่าเลือกเข้ามา
ทำงานในอุตสาหกรรมห่วงโซ่อุปทานการผลิตอาหารทะเลแปรรูป จังหวัดสมุทรสาคร
    2. เพื่อศึกษาระบบการบริหารจัดการแรงงานต่างด้าวของภาครัฐ ในการเข้าสู่ตลาดแรงงาน
ของแรงงานต่างด้าวสัญชาติพม่าในอุตสาหกรรมห่วงโซ่อุปทานการผลิตอาหารทะเลแปรรูป
จังหวัดสมุทรสาคร
    3. เพื่อให้หน่วยงานภาครัฐและเอกชน นำผลที่ได้จากการศึกษาวิจัยนี้ ประยุกต์ใช้เป็น
แนวทางในการบริหารจัดการแรงงานต่างด้าวสัญชาติพม่าที่เข้าสู่ตลาดแรงงานของประเทศไทย

ขอบเขตของการวิจัย

การศึกษาเรื่อง "กระบวนการเข้าสู่ตลาดแรงงานของแรงงานต่างด้าวสัญชาติพม่ากรณีศึกษา :
อุตสาหกรรมห่วงโซ่อุปทานการผลิตอาหารทะเลแปรรูป จังหวัดสมุทรสาคร" มีขอบเขตใน
การศึกษา ดังนี้

1. ขอบเขตด้านเนื้อหา เป็นการศึกษาวิจัยถึงปัจจัยที่มีผลทำให้แรงงานต่างด้าวสัญชาติพม่าเลือกเข้าเดินทางมาทำงานในอุตสาหกรรมห่วงโซ่อุปทานการผลิตอาหารทะเลแปรรูป และศึกษากระบวนการเข้าสู่ตลาดแรงงานของแรงงานต่างด้าวสัญชาติพม่าในอุตสาหกรรมห่วงโซ่อุปทานการผลิตอาหารทะเลแปรรูป จังหวัดสมุทรสาคร

2. ขอบเขตด้านประชากร ใช้ประชากรในอุตสาหกรรมห่วงโซ่อุปทานการผลิตอาหารทะเลแปรรูป ที่อยู่ในพื้นที่จังหวัดสมุทรสาคร ซึ่งประกอบด้วย แรงงานต่างด้าวสัญชาติพม่า ผู้ประกอบการเรือประมง สถานประกอบการแปรรูปเบื้องต้น (ล้ง) ผู้ประกอบการโรงงานอุตสาหกรรม เจ้าหน้าที่ภาครัฐด้านการบริหารจัดการแรงงาน คือ จัดหางานจังหวัด สวัสดิการและคุ้มครองแรงงานจังหวัด ตำรวจ ตรวจคนเข้าเมือง และภาคเอกชนที่เกี่ยวข้อง คือ นายหน้าจัดหาแรงงานต่างด้าว และเจ้าหน้าที่ด้านสิทธิมนุษยชน (NGO)

วรรณกรรมและงานวิจัยที่เกี่ยวข้อง

ผู้วิจัยได้ศึกษาค้นคว้าจากวิทยานิพนธ์ เอกสารทางวิชาการ และเว็บไซต์ขององค์กรที่เกี่ยวข้องเพื่อนำมาประกอบการศึกษาวิจัย ดังต่อไปนี้

1. การศึกษาปัจจัยที่มีผลทำให้คนต่างด้าวสัญชาติพม่าเลือกเข้ามาทำงานในประเทศไทย
2. ทฤษฎีและแนวคิดที่เกี่ยวข้อง
   - ทฤษฎีแรงจูงใจ (Motivation Theory)
   - ทฤษฎีสัญชาตญาณ (Instinct Theory)
   - ทฤษฎีแรงขับ (Drive Reduction Theory)
3. ทฤษฎีห่วงโซ่อุปทาน (Supply Chain)
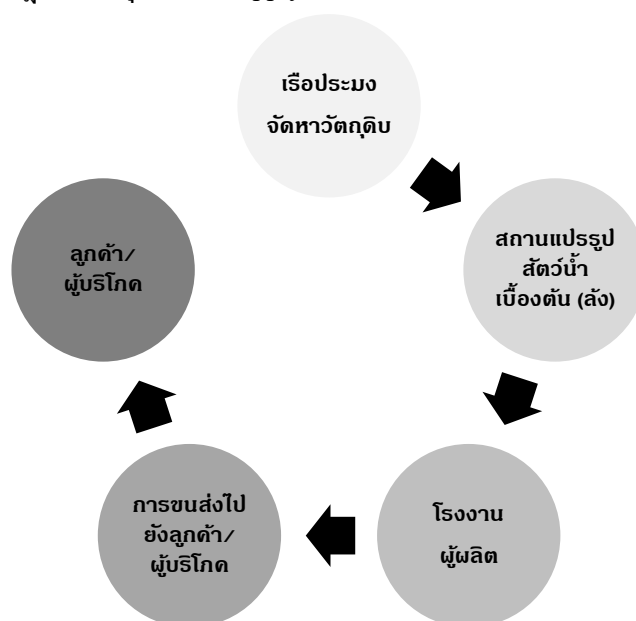
รูปแสดงความสัมพันธ์ของอุตสาหกรรมในห่วงโซ่อุปทานการผลิตอาหารทะเลแปรรูป

4. ปัจจัยที่มีผลทำให้แรงงานต่างด้าวสัญชาติพม่าเลือกเข้ามาทำงานในอุตสาหกรรมห่วงโซ่อุปทานการผลิตอาหารทะเลแปรรูป จังหวัดสมุทรสาคร

5. กระบวนการเข้าสู่ตลาดแรงงานของแรงงานต่างด้าวสัญชาติพม่าในอุตสาหกรรมห่วงโซ่อุปทานการผลิตอาหารทะเลแปรรูป จังหวัดสมุทรสาคร

- กระบวนการเข้าสู่ตลาดแรงงานของแรงงานต่างด้าวสัญชาติพม่า

- กฎหมายที่เกี่ยวข้องกับกระบวนการเข้าสู่ประเทศไทยและการเข้าสู่การทำงานของแรงงานต่างด้าวสัญชาติพม่า

กรอบแนวคิดที่ใช้ในการวิจัย

การวิจัย "เรื่องกระบวนการเข้าสู่ตลาดแรงงานของแรงงานต่างด้าวสัญชาติพม่า กรณีศึกษา : อุตสาหกรรมห่วงโซ่อุปทานการผลิตอาหารทะเลแปรรูป จังหวัดสมุทรสาคร" ใช้กรอบการศึกษา ดังนี้

พฤติกรรมของมนุษย์ ที่เกิดจากความต้องการ พลังกดดัน หรือความปรารถนาที่จะพยายามดิ้นรน เพื่อให้บรรลุผลสำเร็จตามวัตถุประสงค์

ความเชื่อมโยงการผลิต และการผลัดเปลี่ยนหมุนเวียนแรงงานต่างด้าวสัญชาติพม่าในห่วงโซ่อุปทานการผลิตอาหารทะเลแปรรูป

กฎหมาย ระเบียบปฏิบัติ ข้อบังคับที่เกี่ยวข้องกับแรงงานต่างด้าวสัญชาติพม่า

กระบวนการบริหารจัดการแรงงานต่างด้าวสัญชาติพม่าของภาครัฐ

แรงงานต่างด้าวสัญชาติพม่าเข้าสู่ตลาดแรงงานในอุตสาหกรรมห่วงโซ่อุปทานการผลิตอาหารทะเลแปรรูป จังหวัดสมุทรสาคร อย่างถูกต้องตามกฎหมาย

ระเบียบวิธีการวิจัย

วิธีวิทยาในการวิจัย

ผู้วิจัยได้ทำการศึกษาเรื่องปัจจัยจูงใจและกระบวนการเข้าสู่ตลาดแรงงานของแรงงานต่างด้าว สัญชาติพม่ากรณีศึกษาอุตสาหกรรมห่วงโซ่อุปทานการผลิตอาหารทะเลแปรรูป จังหวัดสมุทรสาคร โดยใช้การวิจัยเชิงคุณภาพในการเก็บรวบรวมข้อมูล ด้วยแบบสอบถามและแบบสัมภาษณ์กึ่ง โครงสร้าง โดยใช้แบบสอบถาม ในการสอบถามแรงงานต่างด้าวสัญชาติพม่า ด้วยการใช้ล่าม สัญชาติพม่า เพื่อให้แรงงานต่างด้าวได้เข้าใจถึงประเด็นคำถามอย่างชัดเจน และใช้แบบสัมภาษณ์ กึ่งโครงสร้างในการสัมภาษณ์ผู้ประกอบการ เจ้าหน้าที่หน่วยงานภาครัฐที่เกี่ยวข้อง นายหน้าจัดหา แรงงานต่างด้าว และนักสิทธิมนุษยชน (NGO) เพื่อให้ทราบถึงปัจจัยที่มีผลทำให้แรงงานสัญชาติ พม่าเลือกเข้ามาทำงานในจังหวัดสมุทรสาคร และเพื่อให้เข้าใจถึงกระบวนการในการเข้าสู่ ตลาดแรงงานของแรงงานสัญชาติพม่า ซึ่งวิธีการดำเนินการวิจัยมีรายละเอียดดังนี้

ประชากรที่ใช้ในการวิจัย

ในการวิจัยครั้งนี้ ใช้วิธีวิทยาการวิจัยเชิงคุณภาพ โดยกำหนดกลุ่มประชากรที่ใช้ในการศึกษา ออกเป็น 5 กลุ่ม ดังนี้

- **แรงงานต่างด้าวสัญชาติพม่า**
  - เรือประมง   จำนวน 15 คน
  - สถานแปรรูปเบื้องต้น (ล้ง)   จำนวน 15 คน
  - โรงงานอุตสาหกรรมแปรรูปอาหารทะเล   จำนวน 15 คน
- **ผู้ประกอบการ**
  - เรือประมง   จำนวน 2 คน
  - สถานแปรรูปเบื้องต้น (ล้ง)   จำนวน 2 คน
  - โรงงานอุตสาหกรรมแปรรูปอาหารทะเล   จำนวน 2 คน
- **เจ้าหน้าที่ภาครัฐ**
  - จัดหางานจังหวัด   จำนวน 1 คน
  - สวัสดิการและคุ้มครองแรงงาน   จำนวน 1 คน
  - ตำรวจ   จำนวน 1 คน
  - ตำรวจตรวจคนเข้าเมือง   จำนวน 1 คน
- **นายหน้าจัดหาแรงงานต่างด้าว**   จำนวน 1 คน
- **เจ้าหน้าด้านสิทธิมนุษยชน (NGO)**   จำนวน 1 คน

เครื่องมือที่ใช้ในการวิจัย

1.การสัมภาษณ์แบบกึ่งโครงสร้าง (Semi-structured or guided interviews)

ผู้วิจัยลงพื้นที่เพื่อสัมภาษณ์และเก็บรวบรวมข้อมูลด้วยตนเอง การเตรียมหัวข้อคำถามที่กำหนด
กรอบแบบกว้างๆ เป็นลักษณะคำถามปลายเปิดที่มีคำสำคัญที่ต้องการ และพร้อมที่จะปรับเปลี่ยน
คำถามหรือถ้อยคำให้สอดคล้องต่อสถานการณ์และสอดคล้องกับผู้ให้สัมภาษณ์แต่ละคน เพื่อให้
การสัมภาษณ์เป็นไปอย่างยืดหยุ่น และได้ข้อมูลที่ครบถ้วน

2.การใช้แบบสอบถาม (Questionnaire)

การเก็บรวบรวมข้อมูลใช้แบบสอบถามที่กำหนดกรอบคำถามแบบกว้างๆ เป็นลักษณะปลายเปิด
เพื่อเป็นการเปิดโอกาสให้ผู้ตอบแบบสอบถามได้ตอบและแสดงความคิดเห็นได้อย่างกว้างขวาง
เพื่อให้ทราบคำตอบที่ชัดเจน ตรงประเด็น

แหล่งที่มาของข้อมูล

1. แหล่งข้อมูลทุติยภูมิ (Secondary data Sources)

ได้จากการสืบค้นเอกสาร หนังสือ บทความวิชาการ วิทยานิพนธ์ รายงานการวิจัย ข้อมูลวิชาการ
เว็บไซด์ที่เกี่ยวข้องต่างๆ และการสัมภาษณ์ผู้เกี่ยวข้องทั้งภาครัฐและเอกชน

2. แหล่งข้อมูลปฐมภูมิ (Primary Data Source)

ได้จากการทำแบบสอบถามแรงงานต่างด้าวสัญชาติพม่า และการสัมภาษณ์ โดยผู้วิจัยเป็นผู้
สัมภาษณ์และลงพื้นที่ด้วยตนเอง ซึ่งจะเป็นการสัมภาษณ์เชิงลึกกับผู้ให้ข้อมูลหลักจำนวน 5 กลุ่ม
ตัวอย่าง ได้แก่ แรงงานต่างด้าวสัญชาติพม่า ผู้ประกอบการเรือประมง ผู้ประกอบการสถานแปรรูป
เบื้องต้น (ล้ง) ผู้ประกอบการโรงงานอุตสาหกรรมในอุตสาหกรรมห่วงโซ่อุปทานการผลิตอาหาร
ทะเลแปรรูป เจ้าหน้าที่จากหน่วยงานภาครัฐที่เกี่ยวข้องกับการบริหารจัดการแรงงานต่างด้าว
นายหน้าจัดหาแรงงานต่างด้าว และนักสิทธิมนุษยชน (NGO)

การพิทักษ์สิทธิกลุ่มผู้ให้ข้อมูล

ในการทำวิจัยเรื่องนี้ เนื่องจากผู้วิจัยต้องการศึกษาถึงปัจจัยที่ส่งผลให้แรงงานต่างด้าวสัญชาติพม่า
ต้องการเข้ามาทำงานในประเทศไทย และกระบวนการเข้าสู่การทำงานในอุตสาหกรรมห่วงโซ่
อุปทานการผลิตอาหารทะเลแปรรูป จังหวัดสมุทรสาคร ซึ่งบางส่วนของงานวิจัยผู้วิจัยใช้เครื่องมือ
วิจัยคือการสัมภาษณ์แบบกึ่งโครงสร้าง (Semi-structured or guided interviews) ด้วยการลงพื้นที่

สัมภาษณ์ผู้เกี่ยวข้องกับแรงงานต่างด้าวสัญชาติพม่าในเชิงลึกทั้งประเด็นการเข้าประเทศไทยอย่าง
ผิดกฎหมายและถูกกฎหมาย กระบวนการการบังคับใช้กฎหมาย กฎระเบียบ และมาตรการผ่อนผัน
ต่าง ๆ ของภาครัฐ ซึ่งอาจส่งผลให้ผู้ให้สัมภาษณ์ไม่กล้าเปิดเผยข้อมูล ดังนั้น ก่อนทำการ
สัมภาษณ์ผู้วิจัยจะชี้แจงวัตถุประสงค์ของการวิจัย พร้อมทั้งแจ้งให้กลุ่มผู้ที่ให้สัมภาษณ์ทราบว่า
ข้อมูลที่ได้จากการวิจัยนี้เป็นเพียงข้อมูลที่ใช้ทางการศึกษาเท่านั้น จะไม่ส่งผลกระทบใดๆ ต่อผู้ให้
สัมภาษณ์ และผู้ให้สัมภาษณ์มีสิทธิที่จะให้สัมภาษณ์หรือไม่ให้สัมภาษณ์ในการวิจัยนี้ได้

ประโยชน์ที่คาดว่าจะได้รับ

การวิจัยนี้จะเป็นประโยชน์ต่อการศึกษาปัญหาของแรงงานพม่าที่เข้ามาในประเทศไทย ซึ่งมีทั้ง
Push และ Pull Factors ที่ส่งผลต่อการเข้ามาในประเทศ ซึ่งมาจากการวิเคราะห์ตามกรอบแนวคิดที่
ผู้วิจัยเสนอ

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Factors affecting the engagement of government personnel Merchant Marine Training Centre Marine Department, Ministry of Transport

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Abstract

The study of factors affecting the engagement of government personnel Merchant Marine Training Centre Marine Department, Ministry of Transport. Aims to 1) the level of engagement of government personnel in the Merchant Marine Training Centre Marine Department 2) to study the factors that affect the engagement of government personnel in the Merchant Marine Training Centre Marine Department 3). as a guide to improve and promote the engagement of government personnel in the Merchant Marine training Centre Marine Department were used in the study was a questionnaire and interviews. The data were collected from a total population of 118 people, the staff of Merchant Marine Training Centre Marine Department statistics used for data analysis were percentage, mean, standard deviation. The statistical hypothesis tests (t-test) and F-test. Factors affecting the engagement of government personnel in the Merchant Marine Training Centre. There were statistically significant differences in the levels. Some factors were not significant statistically.

Keywords: Organization Commitment/ Merchant Marine Training/ Marine
Department/ Thailand

ปัจจัยที่มีผลกับความผูกพันต่อองค์กรของบุคลากรภาครัฐศูนย์ฝึกพาณิชย์นาวี กรมเจ้าท่า กระทรวงคมนาคม

นิตยา บ้านโก้, นักศึกษาปริญญาโท, คณะรัฐศาสตร์ มหาวิทยาลัยธรรมศาสตร์

บทคัดย่อ

การศึกษาเรื่องปัจจัยที่มีผลกับความผูกพันต่อองค์กรของบุคลากรภาครัฐศูนย์ฝึกพาณิชย์นาวี กรมเจ้าท่า กระทรวงคมนาคม มีวัตถุประสงค์เพื่อ 1) เพื่อศึกษาระดับความผูกพันต่อองค์กรของบุคลากรภาครัฐในศูนย์ฝึกพาณิชย์นาวี กรมเจ้าท่า 2) เพื่อศึกษาปัจจัยที่มีผลกับความผูกพันต่อองค์กรของบุคลากรภาครัฐในศูนย์ฝึกพาณิชย์นาวี กรมเจ้าท่า 3) เพื่อเป็นแนวทางการปรับปรุงและส่งเสริมความผูกพันต่อองค์กรของบุคลากรภาครัฐในศูนย์ฝึกพาณิชย์นาวี กรมเจ้าท่า เครื่องมือที่ใช้ในการศึกษาคือแบบสอบถามและแบบสัมภาษณ์ โดยเก็บข้อมูลจากกลุ่มประชากรทั้งหมด 118 คน ซึ่งเป็นบุคลากรทั้งหมดของศูนย์ฝึกพาณิชย์นาวี กรมเจ้าท่า สถิติที่ใช้ในการวิเคราะห์ข้อมูลคือ ค่าร้อยละ ค่าเฉลี่ย ค่าเบี่ยงเบนมาตรฐาน ทำการทดสอบสมมติฐานโดยสถิติ (t-test) และ F-test ปัจจัยที่มี

ผลกับความผูกพันต่อองค์กรของบุคลากรภาครัฐในศูนย์ฝึกพาณิชย์นาวี   มีนัยสำคัญทางสถิติใน
ระดับที่แตกต่างกัน และบางปัจจัยไม่มีนัยสำคัญทางสถิติ

คำสำคัญ: ความผูกพันต่อองค์กร/ ศูนย์ฝึกพาณิชย์นาวี/ กรมเจ้าท่า/ ประเทศไทย

ความเป็นมาของปัญหา

สืบเนื่องจากความก้าวหน้าของเทคโนโลยีในปัจจุบันมีมากและแพร่หลายขึ้น การบริหารองค์กรใน
ปัจจุบันเป็นที่ยอมรับกันโดยทั่วไปว่าทรัพยากรมนุษย์ขององค์กรจัดเป็นทรัพยากรที่มีคุณค่าที่สุด
ในองค์กร ยิ่งการนำเทคโนโลยีใหม่ๆ เข้ามาใช้มากขึ้นเท่าไหร่ ก็ยิ่งต้องการบุคลากรที่มีความรู้
ความสามารถมากยิ่งขึ้น ฉะนั้นเพื่อความอยู่รอดโดยทั่วไปจะนำโยบายการบริหารทรัพยากร
มนุษย์ที่เน้นทำให้บุคลากรเกิดความพึงพอใจที่จะทำงานอยู่กับองค์กร ในเรื่องการตอบสนองความ
ต้องการพื้นฐาน เช่น เงินเดือน สวัสดิการ หรือเงินโบนัสประจำปี เป็นต้น ทั้งนี้ผู้บริหารจะต้องมี
นโยบายที่มีคุณภาพเกี่ยวกับการจัดการด้านทรัพยากรมนุษย์ในการสรรหา การคัดเลือก และรักษา
บุคลากรที่มีความรู้ ความสามารถและประสบการณ์ให้อยู่กับองค์กรให้นานที่สุด เช่นเดียวกับศูนย์
ฝึกพาณิชย์นาวี ซึ่งเป็นหน่วยงานภาครัฐระดับสำนักในสังกัดกรมเจ้าท่า กระทรวงคมนาคม ทำ
หน้าที่ผลิตบุคลากรประจำเรือเพื่อตอบสนองตลาดแรงงานของประเทศและฝึกอบรมบุคลากร
ประจำเรือให้มีความรู้ความสามารถให้สอดคล้องและทันต่อวิทยาการและเทคโนโลยีด้านการขนส่ง
ทางทะเลบุคลากรที่ทำงานด้านพาณิชย์นาวี ซึ่งเป็นบุคลากรที่มีความเชี่ยวชาญเฉพาะทางโดยเฉพาะ
อย่างยิ่งทางด้านการเดินเรือ จะต้องผ่านการรับรองจากหน่วยงานรัฐบาลของประเทศ หรือสถาบันที่
รับรองโดย International Maritime Organization (IMO) ซึ่งในกลุ่มประเทศทางยุโรป กลุ่มบุคลากร
ทางด้านการเดินเรือ (Ship Navigator) สภาพการทำงานและสภาพแวดล้อมในการประกอบอาชีพ
ชาวเรือจัดเป็นอาชีพพิเศษเฉพาะอีกอาชีพหนึ่ง ซึ่งเมื่อสำเร็จการศึกษาจากศูนย์ฝึกพาณิชย์นาวีและ
สอบได้ประกาศนียบัตรแสดงความรู้ความสามารถของคนประจำเรือ(ตั๋ว) จากกรมเจ้าท่า ส่วนใหญ่
ก็จะประกอบอาชีพในกิจการที่เกี่ยวข้องกับธุรกิจทางเรือ เช่น หน่วยงานราชการ (ตำแหน่งที่รองรับ
มีจำนวนจำกัด) กรมเจ้าท่า กรมศุลกากร กรมประมง รัฐวิสาหกิจ (ตำแหน่งที่รองรับมีจำนวนจำกัด)
การท่าเรือแห่งประเทศไทย การไฟฟ้าฝ่ายผลิตแห่งประเทศไทย (ส่วนงานที่เกี่ยวข้องกับเรือ)
บริษัทเอกชน (ตำแหน่งงานที่พร้อมรองรับมีจำนวนมาก) บริษัทเรือต่างๆ ทั้งของประเทศไทยและ
ต่างประเทศทั่วโลก (ทำงานในระดับนายเรือประจำเรือ) บริษัทต่างๆ ที่เกี่ยวเนื่องกับการเดินเรือ
บริษัทที่เกี่ยวกับแท่นขุดเจาะน้ำมันกลางทะเล กิจการขุดแร่ในทะเล อู่ต่อเรือ และอู่ซ่อมเรือ(ทำงาน
ในระดับนายช่างกล) บริษัทอะไหล่เรือ (ทำงานในระดับวิศวกร) รายได้ของคนประจำเรือ เมื่อเทียบ

คนทำงานบนบกที่มีความรู้เท่าเทียมกันจะมีรายได้สูงกว่าอย่างน้อยสามถึงสี่เท่า (50,000-80,000 บาท เมื่อเริ่มต้นทำงานครั้งแรก)

จากลักษณะความก้าวหน้าในอาชีพและอัตราเงินเดือนของบุคลากรด้านการเดินเรือที่ได้กล่าว ข้างต้นจะเห็นว่าเมื่อจบการศึกษาจะมีรายได้สูง และมีโอกาสความก้าวหน้าในอาชีพอย่างรวดเร็ว เนื่องจากอาชีพทางด้านการเดินเรือเมื่อมีประสบการณ์ทำงานครบตามจำนวนปีที่กำหนด จะ สามารถสอบเพื่อเลื่อนชั้นประกาศนียบัตรที่มีชั้นสูงกว่า และนำไปเลื่อนตำแหน่งรวมถึงเพิ่มอัตรา เงินเดือน ในขณะที่เทียบกับบุคลากรผู้ปฏิบัติงานเกี่ยวกับการเดินเรือในศูนย์ฝึกพาณิชย์นาวี หรือ แม้แต่วิทยาจารย์ที่ทำการสอนในวิชาสามัญ ที่มีอัตราเงินเดือนเริ่มต้นเฉลี่ย 15,000-20,000 บาท ต่อ เดือน ไม่มีเงินประจำตำแหน่งทางวิชาการและการที่ศูนย์ฝึกพาณิชย์นาวีทำหน้าที่สร้างบุคลากร ประจำเรือที่มีความรู้ความเชี่ยวชาญทางด้านการเดินเรือที่มีคุณภาพ ย่อมต้องมีบุคลากรทาง การศึกษาที่มีความรู้ความสามารถในการปฏิบัติหน้าที่ตามภารกิจ ในฐานะที่ศูนย์ฝึกพาณิชย์นาวีเป็น หน่วยงานภาครัฐ ประกอบด้วยบุคลากรหลายประเภท ได้แก่ ข้าราชการ ลูกจ้างประจำ พนักงาน ราชการ และลูกจ้างชั่วคราว การเป็นหน่วยงานภาครัฐ จึงไม่สามารถตอบสนองความต้องการขั้น พื้นฐานในเรื่องเงินเดือน สวัสดิการ หรือเงินโบนัสประจำปี ได้เหมือนหรือเท่ากับหน่วยงาน ภาคเอกชนได้ ผู้วิจัยจึงตระหนักถึงความสำคัญของความผูกพันต่อองค์กร และเป็นที่น่าสนใจมาก ว่าปัจจัยใดที่ส่งผลต่อความผูกพันต่อองค์กรของบุคลากรภาครัฐในศูนย์ฝึกพาณิชย์นาวี กรมเจ้าท่า กระทรวงคมนาคม เพื่อนำผลการศึกษาค้นคว้าไปใช้เป็นแนวทางในการวางแผน ปรับปรุงการ บริหารบุคลากรของฝ่ายบริหารและผู้ที่เกี่ยวข้องและจะเป็นประโยชน์ ในการนำมาพิจารณา แนวทางที่เหมาะสมในการเสริมสร้างความผูกพันต่อองค์กรของบุคลากรศูนย์ฝึกพาณิชย์นาวี อันจะ ทำให้บุคลากรคงอยู่ในองค์กรและทำงานด้วยความร่วมมืออย่างเต็มใจ และนำไปสู่ความ เจริญก้าวหน้าทั้งต่อบุคลากรและศูนย์ฝึกพาณิชย์นาวีในอนาคต

คำถามวิจัย (Research questions)

1.ความผูกพันต่อองค์กรของบุคลากรภาครัฐในศูนย์ฝึกพาณิชย์นาวี กรมเจ้าท่า กระทรวง คมนาคมอยู่ในระดับใด

2.ปัจจัยใดบ้างที่มีผลกับความผูกพันต่อองค์กรของบุคลากรภาครัฐในศูนย์ฝึกพาณิชย์นาวี กรม เจ้าท่า กระทรวงคมนาคม

ข้อสมมติฐาน (Hypothesis)

1. ปัจจัยด้านประชากรศาสตร์ที่แตกต่างกันมีผลต่อความผูกพันต่อองค์กรแตกต่างกัน

2. ปัจจัยด้านการปฏิบัติงานที่แตกต่างกันมีความผูกพันต่อองค์กรแตกต่างกัน

วัตถุประสงค์ในการวิจัย (Research objective)

1. เพื่อศึกษาระดับความผูกพันต่อองค์กรของบุคลากรภาครัฐในศูนย์ฝึกพาณิชย์นาวี กรมเจ้าท่า

2. เพื่อศึกษาปัจจัยที่มีผลกับความผูกพันต่อองค์กรของบุคลากรภาครัฐในศูนย์ฝึกพาณิชย์นาวี กรมเจ้าท่า

3. เพื่อเป็นแนวทางการปรับปรุงและส่งเสริมความผูกพันต่อองค์กรของบุคลากรภาครัฐในศูนย์ฝึกพาณิชย์นาวี กรมเจ้าท่า

ขอบเขตการศึกษา

การศึกษาหัวข้อวิจัย ปัจจัยที่มีผลกับความผูกพันต่อองค์กรของบุคลากรภาครัฐศูนย์ฝึกพาณิชย์นาวี กรมเจ้าท่า กระทรวงคมนาคม

1. ขอบเขตด้านเนื้อหา
ในการศึกษาครั้งนี้ เป็นการศึกษาตัวแปรที่ใช้ในการศึกษาเรื่องปัจจัยที่มีผลกับความศึกษาผูกพันต่อองค์กรของบุคลากรภาครัฐศูนย์ฝึกพาณิชย์นาวี กรมเจ้าท่า กระทรวงคมนาคม ความหมายองค์ประกอบของความผูกพัน และปัจจัยที่มีต่อความผูกพันในองค์กร ในกลุ่มประชากร ซึ่งผู้วิจัยได้กำหนดตัวแปรอิสระและตัวแปรตาม ดังต่อไปนี้

1.1 ตัวแปรอิสระ ได้แก่

ปัจจัยส่วนบุคคล

1. เพศ

2. อายุ

3. สถานภาพการสมรส

4. ระดับการศึกษา

5. ระดับตำแหน่ง

6. ระยะเวลาในการปฏิบัติงาน

7. อายุงาน

8. ระดับรายได้

ปัจจัยด้านแรงจูงใจในการปฏิบัติงาน

ปัจจัยจูงใจ

1. ความสัมฤทธิ์ผลในการทำงาน

2. การยอมรับนับถือ

3. ลักษณะของงานที่น่าสนใจ

  4. ความรับผิดชอบ

  5. ความก้าวหน้า

ปัจจัยค้ำจุน

  1. ค่าตอบแทนและสวัสดิการ

  2. ความสัมพันธ์กับผู้บังคับบัญชา

  3. ความสัมพันธ์กับเพื่อนร่วมงาน

  4. เทคนิคการควบคุมดูแล

  5. นโยบายและการบริหารองค์กร

  6. สภาพการทำงาน

  7. ชีวิตส่วนตัว

  8. ความมั่นคงในงาน

1.2 ตัวแปรตาม ได้แก่ ความผูกพันต่อองค์กร

  1. ความเชื่อมั่นอย่างแรงกล้าและการยอมรับเป้าหมายและค่านิยมขององค์กร

  2. ความปรารถนาอย่างแรงกล้าที่จะดำรงไว้ซึ่งความเป็นสมาชิกภาพขององค์กร

  3. ความเต็มใจที่จะทุ่มเทความพยายามอย่างมากในการปฏิบัติงานเพื่อประโยชน์ขององค์กร

2. ขอบเขตด้านประชากร

ประชากรที่ใช้ในการศึกษาครั้งนี้ คือ บุคลากรภาครัฐ ศูนย์ฝึกพาณิชย์นาวี กรมเจ้าท่า กระทรวงคมนาคม จำนวน 170 คน ข้าราชการ จำนวน 74 คน พนักงานราชการ จำนวน 24 คน ลูกจ้างประจำ จำนวน 31 คน ลูกจ้างชั่วคราว จำนวน 41 คน

กลุ่มตัวอย่างที่ใช้ในการศึกษาครั้งนี้ ใช้การสุ่มตัวอย่างแบบเจาะจง (Purposive Sampling) จากบุคลากรภาครัฐของศูนย์ฝึกพาณิชย์นาวี จำนวน 118 คน

3. ขอบเขตด้านระยะเวลาการศึกษาวิจัย

ระยะเวลาในการทำการศึกษา คือ ตั้งแต่เดือนมกราคม ถึงเดือนเมษายน พ.ศ. 2559

นิยามเชิงปฏิบัติการ

"บุคลากร" หมายถึง ข้าราชการ พนักงานราชการ ลูกจ้างประจำ และลูกจ้างชั่วคราวที่ปฏิบัติงานในศูนย์ฝึกพาณิชย์นาวี

"ปัจจัยส่วนบุคคล" หมายถึง ลักษณะที่เป็นคุณสมบัติเฉพาะตัวของบุคคลนั้นๆ ได้แก่ เพศ อายุ สถานภาพการสมรส ระดับการศึกษา ระดับตำแหน่ง ระยะเวลาในการปฏิบัติงาน อายุงาน และ ระดับรายได้

"ระยะเวลาในการดำรงตำแหน่ง" หมายถึง ระยะเวลาตั้งแต่เข้ามาทำงานในตำแหน่งฯ จนถึงปัจจุบัน

"อายุงาน" หมายถึง ระยะเวลาตั้งแต่ที่บรรจุเข้าทำงานในศูนย์ฝึกพาณิชย์นาวีครั้งแรกจนถึงปัจจุบัน

"ปัจจัยจูงใจ" หมายถึง ปัจจัยที่เกิดจากภายในของงาน เป็นปัจจัยกระตุ้นที่มีประสิทธิภาพ ที่ทำให้ บุคลากรใช้ความพยายามที่จะทำให้ได้ผลงานและปฏิบัติงานด้วยความพึงพอใจและดียิ่งขึ้น ซึ่งเป็น ปัจจัยที่เกี่ยวข้องกับความสัมพันธ์กับงานโดยตรง

"ความสัมฤทธิ์ผลในการทำงาน" หมายถึง การที่บุคลากรสามารถปฏิบัติงานที่ได้รับมอบหมาย สำเร็จตามวัตถุประสงค์ บรรลุเป้าหมาย ทันตามกำหนดเวลา มีความสามารถในการแก้ปัญหาต่างๆ รู้จักป้องกันปัญหาที่เกิดขึ้นได้สำเร็จและผลการปฏิบัติงานนั้น

"การยอมรับนับถือ" หมายถึง การได้รับการยอมรับนับถือ ไม่ว่าจากผู้บริหาร จากเพื่อนร่วมงาน หรือจากบุคลากรอื่นในหน่วยงาน ในความรู้ความสามารถเมื่อได้ปฏิบัติงานอย่างใดอย่างหนึ่ง บรรลุผลสำเร็จ การยอมรับนี้อาจอยู่ในรูปของการได้รับความไว้วางใจยอมรับฟังความคิดเห็น การ กล่าวคำยกย่องชมเชย การประกาศให้ทราบทั่วกัน

"ลักษณะของงานที่น่าสนใจ" หมายถึง ลักษณะของงานที่เป็นแบบแผนประจำเป็นงานที่ส่งเสริม ความคิดริเริ่มสร้างสรรค์ ท้าทายต่อความรู้ความสามารถ บุคลากรมีความตั้งใจ สนใจปฏิบัติงาน จนบรรลุผลสำเร็จได้เป็นอย่างดี

"ความรับผิดชอบ" หมายถึง ภาระหรือพันธะผูกพันที่บุคคลจะทำงานด้วยความมุ่งมั่นตั้งใจที่จะทำ การปฏิบัติหน้าที่ด้วยความผูกพัน ละเอียดรอบคอบ เพื่อให้บรรลุผลสำเร็จตามความมุ่งหมาย และ พยายามที่จะปรับปรุงการปฏิบัติหน้าที่ให้ดียิ่งขึ้น รับผิดชอบตนเองในการทำงานและรับผิดชอบ งานที่ได้รับมอบหมายจากผู้บังคับบัญชา สามารถปฏิบัติงานที่ได้รับมอบหมายสำเร็จได้ทันภายใน กำหนดเวลา

"ความก้าวหน้า" หมายถึง การที่บุคลากรได้รับการเลื่อนขั้นเลื่อนตำแหน่งให้สูงขึ้น รวมถึงการได้มี โอกาสได้รับการศึกษาต่อเพื่อเพิ่มวุฒิและความรู้หรือได้รับการฝึกอบรม สัมมนา ศึกษาดูงาน เพื่อ เพิ่มพูนความรู้

"ปัจจัยค้ำจุน" หมายถึง เกิดจากปัจจัยภายนอกของงานเรียกว่าปัจจัยค้ำจุนหรือปัจจัยอนามัย (Maintenance of Hygiene Factors) เป็นปัจจัยที่ไม่ได้เกี่ยวข้องกับงานที่ปฏิบัติโดยตรงแต่จะเป็นปัจจัยสภาพแวดล้อมที่สนับสนุนทำให้พึงพอใจในการปฏิบัติงานนั้นๆ มากขึ้น

"ค่าตอบแทนและสวัสดิการ" หมายถึง เงินเดือนที่ได้รับประจำตำแหน่งและเงินค่าตอบแทนประเภทอื่นๆ ที่ได้รับ ความเหมาะสมของเงินเดือนกับงานที่รับผิดชอบ และความเหมาะสมของเงินเดือนกับความรู้ความสามารถ และความเหมาะสมของเงินเดือนในการพิจารณาการเลื่อนขั้นเงินเดือน รวมไปถึงผลประโยชน์เกื้อกูลสวัสดิการต่างๆ ที่ได้รับ เช่น ค่ารักษาพยาบาล ค่าการศึกษาบุตร และประโยชน์เกื้อกูลอื่น ๆ

"ความสัมพันธ์กับผู้บังคับบัญชา และเพื่อนร่วมงาน" หมายถึง การติดต่อไม่ว่าจะเป็นกิริยาหรือวาจาที่แสดงถึงความสัมพันธ์อันดีต่อกัน สามารถทำงานร่วมกัน มีความเข้าใจซึ่งกันและกันอย่างดี มีความเป็นกันเอง เคารพนับถือซึ่งกันและกัน การยอมรับฟังแลกเปลี่ยนข้อเท็จจริงและความคิดเห็นซึ่งกันและกัน ผู้บังคับบัญชาเข้าใจปัญหาผู้ใต้บังคับบัญชา การมีส่วนร่วมในการปฏิบัติงาน การสนับสนุนช่วยเหลือซึ่งกันและกัน มีลักษณะความเป็นมิตรความผูกพัน ไม่มีความขัดแย้ง มีความจริงใจต่อกัน

"เทคนิคการควบคุมดูแลหรือการนิเทศงาน" หมายถึง การที่ผู้บังคับบัญชามอบหมายงาน สั่งงาน หรือการปกครองบังคับบัญชาตามสายงานโดยให้ความรู้ ให้คำปรึกษาแนะนำทั้งในเรื่องงานและเรื่องส่วนตัวแก่ผู้ใต้บังคับบัญชาอย่างเหมาะสม ผู้บริหารตั้งใจสอนงานและให้งานตามหน้าที่รับผิดชอบ

"นโยบายและการบริหารองค์กร" หมายถึง การที่บุคลากรมีความรู้สึกว่าฝ่ายบริหารมีการสื่อสารกับบุคลากรเป็นอย่างดีทำให้ได้รู้ถึงนโยบายขององค์กรที่ทำงานอยู่และเป้าหมายอย่างชัดเจนทิศทางการบริหารงาน การจัดการ การติดต่อสื่อสารภายใน การจัดระบบงานที่มีประสิทธิภาพ การมีส่วนร่วมในการกำหนดนโยบายเป้าหมายของหน่วยงาน บุคลากรรู้สึกว่าผู้บริหารมีการสื่อสารที่ดีและเขารู้ถึงนโยบายขององค์กรที่เขาอยู่

"สภาพการทำงาน" หมายถึง การรับรู้ของบุคลากรที่มีต่อสภาพทั่วไปขององค์กรที่เกี่ยวข้องกับการทำงานและองค์ประกอบที่เป็นเครื่องช่วยในการทำงานให้มีความคล่องตัว ได้แก่ ขนาดห้องทำงานที่ไม่แออัด ไฟฟ้าสว่างพอในการทำงาน ความเป็นระเบียบเรียบร้อยของที่ทำงาน การดูแลรักษาความสะอาดของที่ทำงาน บริเวณที่ทำงานปราศจากสิ่งรบกวน ความเพียงพอของวัสดุอุปกรณ์ในการทำงาน คุณภาพของเครื่องมือเครื่องใช้

"ชีวิตส่วนตัว" หมายถึง ความรู้สึกของบุคลากรที่รู้สึกว่าชั่วโมงการทำงานไม่ได้กระทบต่อชีวิตส่วนตัวของเขา

"ความมั่นคงในงาน" หมายถึง ความมั่นคงของตำแหน่งงาน การได้รับการสนับสนุนจากผู้บังคับบัญชา ความเป็นธรรมของการประเมินผลการปฏิบัติงานและการได้รับความเป็นธรรมเมื่อมีปัญหาการทำงาน

"ความผูกพันต่อองค์กร" หมายถึง ความรู้สึกของบุคลากรที่มีต่อเป้าหมายและค่านิยมขององค์กร มีความซื่อสัตย์ จงรักภักดี มีทัศนคติทางบวกต่อองค์กร และมีการแสดงออกทางพฤติกรรมอย่างต่อเนื่องและสม่ำเสมอในการทำงาน เป็นความรู้สึกที่เชื่อมั่นและเป็นอันหนึ่งอันเดียวกับองค์กร การยอมรับเป้าหมายและค่านิยมขององค์กร ความเต็มใจทุ่มเทความพยายามอย่างมาก เพื่อประโยชน์ขององค์กร และเพื่อจะปฏิบัติงานให้องค์กรบรรลุเป้าหมายที่ตั้งไว้ การมีส่วนร่วมในองค์กร และการมีความสุขในการได้เป็นสมาชิกองค์กร แม้ว่าองค์กรจะอยู่ในภาวะปกติหรือประสบกับภาวะวิกฤติ

ประโยชน์ที่ได้จากงานวิจัย

1. ทำให้ทราบถึงปัจจัยที่มีผลกับความผูกพันต่อองค์กรของบุคลากรภาครัฐ ศูนย์ฝึกพาณิชย์นาวี กรมเจ้าท่า กระทรวงคมนาคม

2. ทำให้ทราบถึงความผูกพันต่อองค์กรของบุคลากรภาครัฐ ศูนย์ฝึกพาณิชย์นาวี กรมเจ้าท่า กระทรวงคมนาคม

3. ผลที่ได้รับจากการศึกษาสามารถนำไปใช้เป็นแนวทางในการปรับปรุง และพัฒนาความผูกพันต่อองค์กรของของบุคลากรภาครัฐ ศูนย์ฝึกพาณิชย์นาวี กรมเจ้าท่า กระทรวงคมนาคม

การวิจัยนี้จะเป็นประโยชน์ต่อการศึกษาต่อในอนาคต เพื่อพัฒนาองค์กรและเป็นตัวอย่างให้องค์กรในลักษณะเดียวกัน

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Quality of Life Improvement the Outsourcing Security Officers Bank of Thailand

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Abstract

This article bases on research proposal aiming to study factors affecting quality of life of outsourcing security officers at Bank of Thailand for improvement. Recently, most of organizations, public or private, outsource many tasks and responsibility to private entities because of their expertise and risk management. BOT also outsources security unit to other entities. This, later, raises the questions whether the outsourcing unit is loyal to BOT as well as being secured enough. The researcher, therefore, has the assumptions that outsourcing workers also require satisfied condition of work including quality of life provided by BOT as well as their own company. This research deploys quantitative methodology using questionnaires aiming to find correlation between quality of live and work factors. Using result from quantitative analysis, the researcher conducts interview with focused group who work in certain conditions to explain more comprehensively.

Keywords: Quality of Life/ Outsourcing Staffs/ Security/ Bank of Thailand/ Work Factor/ Personnel Management/ Strategic Management/ Thailand

การยกระดับคุณภาพชีวิตพนักงานจ้างเหมาบริการรักษาความปลอดภัย ธนาคารแห่งประเทศไทย

สุภาพพงศ์ เหล่าแสนสุข, นักศึกษาปริญญาโท, คณะรัฐศาสตร์, มหาวิทยาลัยธรรมศาสตร์

บทคัดย่อ

การศึกษาเรื่อง การยกระดับคุณภาพชีวิตพนักงานจ้างเหมาบริการรักษาความปลอดภัย ธนาคารแห่งประเทศไทย มีวัตถุประสงค์ของการวิจัยเพื่อศึกษาโครงสร้างปัญหา ปัจจัยที่มีอิทธิพล และเสนอแนวทางในการพัฒนาและยกระดับคุณภาพชีวิตของพนักงานจ้างเหมาบริการ (Outsource) ในรูปแบบ "สัญญาจ้างเหมาบริการ" กลุ่มพนักงานจ้างเหมาบริการประเภทงานรักษาความปลอดภัยของธนาคารแห่งประเทศไทย โดยจำแนกเป็นปัจจัยส่วนบุคคล ได้แก่ อายุ เพศ ระดับการศึกษา สถานภาพ สถานที่ปฏิบัติงาน ระยะเวลาปฏิบัติงาน รายได้ อาชีพเสริม สวัสดิการ ปัจจัยที่สอง

ได้แก่ด้านลักษณะงาน ได้แก่ ความสำเร็จในงาน ความรับผิดชอบ ความก้าวหน้า ลักษณะงานที่
ปฏิบัติ สภาพแวดล้อมการทำงานและความมั่นคงปลอดภัยในการทำงาน และปัจจัยสุดท้าย ได้แก่
นโยบาย ค่าจ้าง ข้อจำกัดด้านกฎหมาย ความรับผิดชอบต่อสังคม ที่อาจส่งผลต่อคุณภาพชีวิตของ
พนักงานจ้างเหมาบริการรักษาความปลอดภัยใน 4 ด้าน ได้แก่ สุขภาพด้านร่างกาย สภาพจิตใจ
สถานทางสังคม และสถานะทางเศรษฐกิจ สำหรับในขั้นแรกจะทำการเก็บข้อมูลเชิงปริมาณจาก
ประชากรที่ประกอบอาชีพรักษาความปลอดภัยโดยใช้แบบสอบถามก่อน เพื่อให้ทราบปัจจัยส่วน
บุคคล ปัจจัยด้านลักษณะงาน ปัจจัยด้านข้อกำหนดสัญญาจ้าง ปัจจัยการยกระดับคุณภาพชีวิต และ
ข้อเสนอแนะ จากนั้นนำข้อมูลที่ได้ใช้ต่อยอดในการเก็บข้อมูลเชิงคุณภาพโดยการสัมภาษณ์ ซึ่งจะ
นำข้อมูลที่ได้จากแบบสอบถามไปเพิ่มเติมในส่วนของคำถามในการสัมภาษณ์ เพื่อให้ได้ข้อมูลที่
สามารถอธิบายถึงตัวแปรต่าง ๆ ที่เกี่ยวข้อง หลังจากนั้นนำข้อมูลที่ได้มาวิเคราะห์ เพื่อหาปัจจัยที่จะ
ส่งผลต่อการยกระดับคุณภาพชีวิต

คำสำคัญ : ปัจจัยการทำงาน/ สัญญาคุณภาพชีวิต/ พนักงานจ้างเหมาบริการ OUTSOUCE/
ธนาคารแห่งประเทศไทย

บทนำ

ในการบริหารงานในช่วง 20 ปีที่ผ่านมาพัฒนาการของการปฏิรูปที่สำคัญและจำเป็นที่จะเผชิญกับ
ความไม่แน่นอน และรองรับความเปลี่ยนแปลงที่เกิดขึ้นอย่างรวดเร็ว ซึ่งการปฏิรูปที่เกิดขึ้นส่วน
ใหญ่อิงแนวคิดจาก การจัดการภาครัฐแนวใหม่ (New Public Management หรือ NPM) โดยริเริ่ม
เป็นครั้งแรกในสมัยรัฐบาลของนางมาร์กาเร็ต แธทเชอร์ นายกรัฐมนตรีของอังกฤษ ซึ่งได้ขยายไป
ยังประเทศที่พัฒนาแล้ว และได้รับการยอมรับนำมาปรับใช้ในองค์การระหว่างประเทศ อาทิ
ธนาคารโลก และกองทุนการเงินระหว่างประเทศ (IMF) ทัศนะหนึ่งของแนวคิดการจัดการภาครัฐ
ใหม่ คือ พอลลิตต์ (2003) เขาได้สรุปลักษณะเด่นของแนวคิดนี้จากประสบการณ์การบริหารที่
เกิดขึ้นในภาครัฐทั่วโลก จำนวน 8 องค์ประกอบหลัก และในหนึ่งในองค์ประกอบหลัก ในข้อ 4
กำหนดไว้ว่า ใช้วิธีการทำสัญญาจ้างเหมาภาระหน้าที่บางอย่างของรัฐให้หน่วยงานที่มิใช่ภาครัฐทำ
แทน

จากแนวคิดการจัดการภาครัฐแนวใหม่ที่ส่งผ่านมายังประเทศโลกที่สามที่เป็นประเทศกำลังพัฒนา
รวมทั้งประเทศไทย โดยพบว่าในประเทศไทยมีการการปฏิรูประบบบริการภาครัฐอย่างจริงจัง มี
การจัดกระบวนการทำงานใหม่ ภายใต้กรอบของระบบบริหารจัดการภาครัฐแนวใหม่ ซึ่งเป็นระบบ
บริหารโดยมุ่งผลสัมฤทธิ์ เมื่อมีมติคณะรัฐมนตรี วันที่ 26 พ.ค.41 และ 28 ก.ค.41 ให้ถ่ายโอน

ภารกิจรองให้แก่องค์กรประชาชน ภาคเอกชน หรือจ้างเหมาหรือซื้อบริการจากภาคเอกชน ซึ่งเป็น
ผลพวงจากการเกิดวิกฤติเศรษฐกิจขึ้นในประเทศไทยในปี 2540 โดยการถ่ายโอนภารกิจรองให้แก่
ภาคเอกชนดำเนินการแทนหรือการว่าจ้าง Outsourcing มีวัตถุประสงค์เพื่อควบคุมต้นทุนและ
ประหยัดค่าใช้จ่ายขององค์กร

งานจ้างเหมาบริการที่มีมูลค่าทางเศรษฐกิจสูงและมีอัตราการเติบโตสูง ได้แก่งานจ้างเหมาบริการ
รักษาความปลอดภัย ซึ่งในปี 2558 มีมูลค่าทางการตลาดสูงกว่า 50,000.- ล้านบาท รวมทั้ง ภาครัฐ
ได้ให้ความสำคัญกับงานจ้างเหมาบริการรักษาความปลอดภัย โดยได้ออกพระราชบัญญัติธุรกิจ
รักษาความปลอดภัย พ.ศ.2558 เพื่อเป็นการมุ่งเน้นการยกระดับมาตรฐานวิชาชีพการรักษาความ
ปลอดภัย และมุ่งเน้นยกระดับคุณภาพชีวิตบุคลากรที่ปฏิบัติงานวิชาชีพรักษาความปลอดภัย

จากข้อมูลเปรียบเทียบจากหน่วยงานที่ใช้การจ้างเหมาบริการรักษาความปลอดภัย ที่ผู้วิจัยเลือกโดย
สุ่มหน่วยงานในพื้นที่เขตพระนคร จำนวน 3 แห่ง ได้แก่ ธนาคารแห่งประเทศไทย สำนักงาน
ทรัพย์สินส่วนพระมหากษัตริย์ และกระทรวงเกษตรและสหกรณ์ (กรมตรวจบัญชีสหกรณ์และกรม
ส่งเสริมสหกรณ์) พบข้อมูลที่เป็นปัญหาเหมือนกันกล่าวคือ อัตราการลาออกของพนักงานจ้างเหมา
บริการรักษาความปลอดภัยที่มีอัตราสูงมาก ซึ่งการลาออกของพนักงานจ้างเหมาบริการรักษา
ปลอดภัยส่งผลกระทบอย่างมากต่อความเสี่ยงของการรักษาความปลอดภัย

ปี 2559 ธนาคารแห่งประเทศไทยมีบุคลากรปฏิบัติหน้าที่รักษาความปลอดภัย จำนวน 2 ประเภท
คือ พนักงานประจำ และพนักงานจ้างเหมาบริการรักษาความปลอดภัย (Outsource) ซึ่งมีอัตราส่วน
ที่ใกล้เคียงกัน โดยธนาคารแห่งประเทศไทยได้เริ่มจ้างเหมางานบริการรักษาความปลอดภัย มา
ตั้งแต่ปี 2537 จนถึงปัจจุบัน โดยพบว่างานจ้างรักษาความปลอดภัยมีงบประมาณการจ้าง ปีละ
ประมาณ 40 ล้านบาท

ดังนั้น งานวิจัยชิ้นนี้ได้ทำการศึกษาจากกลุ่มตัวอย่างจากพนักงานจ้างเหมาบริการรักษาความ
ปลอดภัย หน่วยงานธนาคารแห่งประเทศไทย โดยทำการศึกษาปัญหาการลาออกของพนักงานจ้าง
เหมาบริการรักษาความปลอดภัย จากผู้เกี่ยวข้องทั้ง 3 ส่วนคือ พนักงานจ้างเหมาบริการรักษาความ
ปลอดภัย นายจ้างของพนักงาน และผู้ว่าจ้างเหมาบริการรักษาความปลอดภัย เพื่อที่จะหาวิธีหรือ
แนวทางในการบริหารงานอันจะนำไปสู่การพัฒนา การปรับปรุงแก้ไข ในการยกระดับคุณภาพชีวิต
ให้บุคลากรเหล่านี้เกิดความพึงพอใจในการปฏิบัติงานสูงสุด ไม่ตัดสินใจลาออกจากงาน เมื่อ
พนักงานไม่ลาออกจากงานจะเป็นผลดีต่อการลดความเสี่ยงต่อระบบรักษาความปลอดภัย ท้ายที่สุด
แล้วยังประโยชน์ไปยังผู้เกี่ยวข้องทั้ง 3 ส่วน คือ ส่งผลให้พนักงานรักษาความปลอดภัยมีคุณภาพ

ชีวิตที่ดีขึ้น การลด "ค่าปรับ" ของผู้รับจ้างจากกรณีการส่งพนักงานไม่ครบตามสัญญาจ้าง การเพิ่ม
ประสิทธิภาพงานรักษาความปลอดภัยแก่ผู้ว่าจ้าง และยังส่งผลต่อสภาพแวดล้อมทางสังคม
เศรษฐกิจ ของประเทศอย่างยั่งยืน

วัตถุประสงค์ของการวิจัย

เพื่อศึกษาโครงสร้างปัญหา ปัจจัยที่มีอิทธิพล และเสนอแนวทางในการพัฒนาและยกระดับคุณภาพ
ชีวิตของพนักงานจ้างเหมาบริการ   (Outsource) ในรูปแบบ "สัญญาจ้างทำของ/สัญญาจ้างเหมา
บริการ" กลุ่มพนักงานจ้างเหมาบริการประเภทงานรักษาความปลอดภัยของธนาคารแห่งประเทศ
ไทย

ขอบเขตการวิจัย

ขอบเขตด้านเนื้อหา

เป็นการศึกษาปัญหาการลาออกของพนักงานจ้างเหมาบริการรักษาความปลอดภัย จากผู้เกี่ยวข้องทั้ง
3 ส่วนคือ พนักงานจ้างเหมาบริการรักษาความปลอดภัย นายจ้างของพนักงาน และผู้ว่าจ้างเหมา
บริการรักษาความปลอดภัย โดยศึกษารายละเอียดของโครงสร้างปัญหาการปฏิบัติงานรักษาความ
ปลอดภัย ระเบียบปฏิบัติ คุณภาพชีวิตของพนักงานจ้างเหมาบริการรักษาความปลอดภัย ระดับ
รายได้ สวัสดิการ รูปแบบระเบียบในการจ้าง รูปแบบสัญญาจ้างที่ต้องดำเนินการในรูปแบบ
"สัญญาจ้างทำของ/สัญญาจ้างเหมาบริการ" ธรรมาภิบาลของผู้รับจ้างที่เป็นนายจ้างของพนักงาน
จ้างเหมาบริการ   ปัจจัยที่มีผลต่อรูปแบบการปฏิบัติงานที่แตกต่างจากงานประเภทอื่น ได้แก่
ช่วงเวลาทำงานที่ต้องปฏิบัติงาน 12 ชั่วโมง ซึ่งเป็นปัจจัยที่มีผลต่อการยกระดับคุณภาพชีวิตของ
พนักงานจ้างเหมาบริการ (Outsource) ในรูปแบบ "สัญญาจ้างทำของ/สัญญาจ้างเหมาบริการ"
ประเภทงานรักษาความปลอดภัยของธนาคารแห่งประเทศไทย

ขอบเขตด้านประชากร

ประชากรในการศึกษา คือ พนักงานจ้างเหมาบริการประเภทงานรักษาความปลอดภัย ธนาคารแห่ง
ประเทศไทย ได้แก่ พนักงานจ้างเหมาบริการรักษาความปลอดภัยระดับปฏิบัติการ, พนักงานจ้าง
เหมาบริการรักษาความปลอดภัยระดับ Supervisor, ผู้บริหารธนาคารแห่งประเทศไทย และ
ผู้บริหารของ "ผู้รับจ้าง" ตามสัญญาจ้างเหมาบริการรักษาความปลอดภัย

กรอบการวิจัย

กรอบแนวคิด (Analytical framework)

ตัวแปรต้น   ตัวแปรตาม

ปัจจัยส่วนบุคคล (X1)
1. อายุ (X11)
2. เพศ (X12)
3. ระดับการศึกษา (X13)
4. สถานภาพ (X14)
5. สถานที่ปฏิบัติงาน (X15)
6. ระยะเวลาปฏิบัติงาน (X16)
7. รายได้ (X17)
8. อาชีพเสริม (X18)
9. สวัสดิการ (X19)

ปัจจัยด้านลักษณะงาน (X2)
1. ความสำเร็จในงาน (X21)
2. ความรับผิดชอบ (X22)
3. ความก้าวหน้า (X23)
4. ลักษณะงานที่ปฏิบัติ (X24)
   - ความกดดันจากเรื่องต่าง
   - รูปแบบการบริหารของผู้บังคับบัญชา
   - เวลาปฏิบัติงาน
5. สภาพแวดล้อมการทำงานและความมั่นคง
   ปลอดภัยในการทำงาน (X25)

ปัจจัยด้านข้อกำหนดสัญญาจ้าง (X3)
1. นโยบาย (X31)
2. ค่าจ้าง (X32)
3. ข้อจำกัดด้านกฎหมาย (X33)
4. ความรับผิดชอบต่อสังคม (CSR)
   (X34)

**คุณภาพชีวิตของพนักงาน
จ้างเหมาบริการ
รักษาความปลอดภัย
ในรูปแบบ
"สัญญาจ้างทำของ"
กลุ่มพนักงานจ้างเหมาบริการ
ประเภทงานรักษาความ
ปลอดภัยของธนาคารแห่ง
ประเทศไทย**

1. สุขภาพด้านร่างกาย (Y1)
2. สภาพจิตใจ (Y2)
3. สถานะทางสังคม (Y3)
4. สถานะทางเศรษฐกิจ (Y4)

วิธีการวิจัย

การศึกษาปัจจัยที่จะส่งผลต่อการยกระดับคุณภาพชีวิตของพนักงานจ้างเหมาบริการ (Outsource) ประเภทงานรักษาความปลอดภัย ธนาคารแห่งประเทศไทย ในครั้งนี้ใช้วิธีผสม (Mixed Methods Research) กล่าวคือ ใช้ทั้งวิธีวิทยาวิจัยเชิงปริมาณ (Quantitative Research) และเชิงคุณภาพ (Qualitative Research) โดยวิเคราะห์จากเอกสาร และประสบการณ์ของผู้เกี่ยวข้องโดยตรงเพื่อ ทราบสภาพปัญหา การแก้ไข และข้อเสนอแนะต่าง ๆ

ผู้วิจัยจึงกำหนดรายละเอียดของการดำเนินการวิจัยในขั้นตอนการเก็บข้อมูล 2 รูปแบบ คือ

1 ใช้แบบสอบถาม (Questionnaires) ทั้งในรูป Hardcopy และ Online เพื่อเก็บข้อมูลเชิง
ปริมาณ ใช้การสุ่มตัวอย่างแบบง่าย (Simple random sampling) เป็นการสุ่มตัวอย่างจากหน่วย
ประชากรเป้าหมายโดยทุกหน่วยมีโอกาสที่จะถูกเลือกเท่าๆ กัน ประชากร ได้แก่ พนักงานจ้างเหมา
บริการประเภทงานรักษาความปลอดภัย ธนาคารแห่งประเทศไทย รวมประมาณ 170 คน ซึ่งปฏิบัติ
หน้าที่สำนักงานใหญ่ และสาขาในภูมิภาคทั่วประเทศ จากนั้นนำมาวิเคราะห์ทางสถิติโดยใช้
โปรแกรมสำเร็จรูปสำหรับการวิจัยทางสังคมศาสตร์ (Statistical Package for the Social Science :
SPSS for windows)

2 ใช้การสัมภาษณ์แบบไม่มีโครงสร้าง (Unstructured Interview) หรือการสัมภาษณ์แบบ
เจาะลึก (In-depth Interview) และการสนทนากลุ่มแบบเจาะจง (Focus group discussion) เพื่อเก็บ
รวบรวมข้อมูลเชิงคุณภาพ โดยสัมภาษณ์ประชากรและกลุ่มตัวอย่างเพื่อให้ได้ข้อมูลเชิงลึก ดังนี้

- พนักงานจ้างเหมาบริการรักษาความปลอดภัยระดับปฏิบัติการ และระดับ Supervisor ใช้
การสุ่มตัวอย่างแบบกลุ่ม (Cluster Sampling) ในรูปแบบกึ่งทางการ (Semi Structured Interview)
โดยใช้ชุดคำถามที่กำหนดกรอบคำถามที่เกี่ยวข้องกับหัวข้อวิจัยไว้อย่าง
คร่าว ๆ เพื่อให้การสัมภาษณ์เป็นไปอย่างยืดหยุ่น และสามารถปรับให้เหมาะสมกับผู้ให้ข้อมูลแต่
ละคนที่มีความแตกต่างในด้านหน้าที่การทำงาน

- ผู้บริหารของ "ผู้รับจ้าง" ตามสัญญาจ้างเหมาบริการรักษาความปลอดภัย และผู้บริหาร
ของธนาคารแห่งประเทศไทย ใช้การสุ่มตัวอย่างแบบง่าย (Simple random sampling) โดยใช้ชุด
คำถามที่กำหนดกรอบคำถามที่เกี่ยวข้องกับหัวข้อวิจัยไว้อย่างคร่าว ๆ เพื่อให้การสัมภาษณ์เป็นไป
อย่างยืดหยุ่น และสามารถปรับให้เหมาะสมกับผู้ให้ข้อมูลแต่ละคนที่มีความแตกต่างในด้านหน้าที่
การทำงาน

ผลการวิจัย

1 ผลการวิเคราะห์ข้อมูลส่วนบุคคลของกลุ่มตัวอย่าง ทั้ง 170 คน พบว่าเป็นเพศชาย
มากกว่าเพศหญิง โดยมีเพศชาย จำนวน 130 คน หรือคิดเป็นร้อยละ 76.5 และเป็นเพศหญิง 40 คน
คิดเป็นร้อยละ 23.5 โดยในจำนวนทั้งหมดพบจบการศึกษาสูงกว่าปริญญาตรี จำนวน 1 คน หรือ
ร้อยละ 0.6 และมีระดับการศึกษาต่ำสุดคือประถมศึกษา จำนวน 9 คน หรือร้อยละ 5.3 โดยส่วน
ใหญ่จบระดับมัธยมศึกษาตอนปลาย ในจำนวน 170 คนพบว่ามีสถานภาพโสดมากกว่าครึ่ง คือมี
จำนวน 95 คน หรือร้อยละ 55.9 พนักงานที่มีระยะเวลาปฏิบัติงานไม่เกิน 2 ปี จำนวน 71 คน หรือ
ร้อยละ 41.8 แสดงให้เห็นถึงอัตราการลาออกที่สูงมาก โดยพบว่าพนักงานที่มีระยะเวลาการทำงาน
มากกว่า 7 ปี มีจำนวน 48 คน หรือร้อยละ 28.2 สำหรับรายได้ต่อเดือนพบว่า มีพนักงานจำนวน 79

คน หรือร้อยละ 46.5 ที่มีรายได้ต่อเดือนระหว่าง 10,001 – 13,000.- บาท และด้วยอาชีพรักษาความ
ปลอดภัยมีเวลาปฏิบัติงาน 12 ชั่วโมงต่อผลัด จึงพบว่าพนักงานไม่มีอาชีพเสริม จำนวน 150 คน
หรือ ร้อยละ 88.2 สำหรับสวัสดิการอื่น ๆ ที่ได้รับพบว่าพนักงานทั้งหมดจำนวน 170 คนได้รับ
เพียงสวัสดิการประกันสังคมเท่านั้น

2. ผลการวิเคราะห์ความคิดเห็นของกลุ่มตัวอย่างเกี่ยวกับปัจจัยด้านลักษณะงาน ใน
ภาพรวมอยู่ในระดับมาก โดยมีค่าคะแนนเฉลี่ยเท่ากับ 3.63 เมื่อพิจารณาในประเด็นย่อยของแต่ละ
ด้านมีรายละเอียดดังนี้

2.1 ด้านความสำเร็จในงาน พนักงานจ้างเหมาบริการ (Outsource) ,มีความมุ่งมั่นที่จะ
ปฏิบัติงานที่ได้รับมอบหมายให้ประสบผลสำเร็จ ไม่ต่างจากพนักงานประจำ และพร้อมที่จะปฏิบัติ
หน้าที่ด้วยความสามารถของตนเอง โดยที่นายจ้างไม่ต้องกำกับ สั่งการ หรือเข้ามาก้าวก่ายการ
ทำงาน โดยงานที่มอบหมายพนักงานจ้างเหมาบริการ (Outsource) สามารถปฏิบัติงานได้สำเร็จ
ตามที่พนักงานคาดหวัง ในส่วนนี้นายจ้างต้องมีการสื่อสารมาตรฐานความสำเร็จของงานให้มีความ
เข้าใจตรงกันทั้งนายจ้างและผู้ปฏิบัติ และเมื่อพนักงานจ้างเหมาบริการเกิดความชื่นชอบ ยินดีใน
ผลงานที่เกิดจากความสามารถของตน การตอบสนองโดยให้มีการจัดให้มีนโยบายยกระดับคุณภาพ
ชีวิตเป็นการตอบแทน จะส่งผลโดยตรงกับพนักงานเองรวมทั้งส่งผลให้เกิดการเพิ่มประสิทธิภาพ
ของงานด้วย

2.2 ด้านความรับผิดชอบ พนักงานได้รับอำนาจในการรับผิดชอบอย่างเต็มที่โดยมีส่วนเข้า
ไปกำหนดวิธีการทำงาน และมีงานที่อยู่ในความรับผิดชอบไม่มากเกินไปสามารถบริหารจัดการได้
จากความรู้ความสามารถที่มีอยู่ ซึ่งในการหาแนวทางยกระดับคุณภาพชีวิตจะต้องไม่ละเลยการ
ติดตามความรับผิดชอบงานของพนักงานที่จะแปรเปลี่ยนไปตามสถานการณ์ให้มีความเหมาะสม
ตามความสามารถ

2.3 ด้านความก้าวหน้า ธนาคารมีการมอบหมายงานที่มีความรับผิดชอบมากขึ้นจากเดิมที่
เคยได้รับ อีกทั้งพนักงานได้รับการอบรมเพื่อเพิ่มทักษะความสามารถ โดยการแปลผลยังพบว่ามี
ปัจจัยด้านความก้าวหน้าที่ส่งผลกระทบต่อแรงจูงใจในการทำงาน คือ การคาดหวังในการเลื่อน
ตำแหน่ง ที่ต้องนำมาพิจารณาในการหาแนวทางยกระดับคุณภาพชีวิต เพราะการปฏิบัติหน้าที่โดย
ไม่ได้การพิจารณาเลื่อนตำแหน่งในระยะเวลานานจะส่งผลต่อความตั้งใจในการทำงาน ซึ่งจะเป็น
ผลเสียต่อประสิทธิภาพการทำงาน

2.4 ด้านลักษณะงานที่ปฏิบัติ พนักงานมีความรู้สึกที่ดีต่องานที่ปฏิบัติ ทั้งในเรื่อง การใช้
กริยาคำพูดของผู้บังคับบัญชา การปฏิบัติงานได้ทั้งผลัดกลางวัน หรือ ผลัดกลางคืน โดยที่พนักงาน
มีความรู้สึกที่ไม่ดีต่องานที่ปฏิบัติได้แก่ การงานจำนวน 12 ชั่วโมงต่อ 1 ผลัดส่งผลต่อสุขภาพของ
พนักงาน งานที่ปฏิบัติพบการบังคับบัญชาที่เข้มงวดเกินไป และได้รับความกดดัน รวมถึงมีความ

กังวลต่อเรื่องต่าง ๆ งานมีความซ้ำซาก จำเจ และปฏิบัติงานในสถานที่ที่มีสิ่งแวดล้อมที่ไม่ดี ซึ่ง
ต้องมีการพิจารณาในส่วนงานที่ปฏิบัติที่ส่งผลต่อความรู้สึก

      2.5 ด้านสภาพแวดล้อมการทำงานและความมั่นคงปลอดภัยในการทำงาน สภาพแวดล้อม
การทำงานและความมั่นคงปลอดภัยในการทำงาน โดยพบปัจจัยที่ส่งผลต่อความไม่พอใจในงาน
ได้แก่ การไม่สามารถขอหยุดพักผ่อนได้ตามต้องการ เวลาพักในแต่ละวันอย่างเพียงพอและ
เหมาะสม และการมีทักษะในเรื่องศิลปะป้องกันตัว สำหรับปัจจัยที่ลดความไม่พอใจในงาน ได้แก่
ความรู้สึกปลอดภัยและไม่กลัวที่ต้องปฏิบัติงานคนเดียว การมีเครื่องมือที่มีสภาพสมบูรณ์พร้อมใช้
งาน การได้รับการคุ้มครอง หรือได้รับคำปรึกษาเมื่อพบปัญหาในการปฏิบัติงาน การมีความเชื่อมั่น
ว่าไม่ถูกเลิกจ้าง หากไม่กระทำผิดร้ายแรง การมีสภาพแวดล้อมในการปฏิบัติงานที่เหมาะสมและ
ไม่เป็นอันตราย และการมีวันหยุด 1 วันในแต่ละสัปดาห์ ซึ่งในปัจจัยทั้งหมดที่กล่าวมาจะเป็นปัจจัย
สภาพแวดล้อมการทำงานและความมั่นคงปลอดภัยในสถานที่ปฏิบัติงาน ที่นายจ้าง และผู้ว่าจ้าง
ของนายจ้างสามารถหาแนวทางที่เหมาะสม อันจะส่งผลต่อการยกระดับคุณภาพชีวิตพนักงาน

3. ผลการวิเคราะห์ความคิดเห็นของกลุ่มตัวอย่างเกี่ยวกับปัจจัยด้านข้อกำหนดสัญญาจ้าง
ในภาพรวมอยู่ในระดับมาก โดยมีค่าคะแนนเฉลี่ยเท่ากับ 3.60 เมื่อพิจารณาในประเด็นย่อยของแต่
ละด้าน มีรายละเอียดดังนี้

      3.1 ด้านนโยบาย ในด้านนโยบาย ไม่พบปัจจัยที่ส่งผลต่อความไม่พอใจในงาน ฉะนั้นใน
งานวิจัยด้านนโยบายมีความสำคัญอย่างมากในสถานที่ที่พนักงานไปปฏิบัติงานหากพนักงานต้อง
ไปปฏิบัติในสถานที่ที่เจ้าหน้าของสถานที่ไม่ใส่ใจดูแลพนักงาน ทั้งในเรื่องนโยบายของเจ้าของ
สถานที่ที่มีความชัดเจนต่อตัวพนักงาน Outsource การที่สถานที่ที่ไปปฏิบัติงานมีระบบรักษาความ
ปลอดภัย หรือสถานที่ ที่เอื้อต่อการปฏิบัติงานของพนักงานให้มีความปลอดภัย เช่น มีรั้วป้องกัน
การเข้าถึง มีระบบรักษาความปลอดภัย เช่น ระบบควบคุมการผ่านเข้าออก Access Control, ระบบ
โทรทัศน์กล้องวงจรปิด CCTV, ระบบแจ้งเตือนการบุกรุก, การมีระบบแจ้งส่งสัญญาณสถานีตำรวจ
เพื่อขอความช่วยเหลือ รวมทั้งห้อง Safety สำหรับพนักงานเมื่อเกิดเหตุฉุกเฉิน เป็นต้น รวมทั้งการ
ที่เจ้าของสถานที่ที่พนักงานปฏิบัติงานให้ความเป็นธรรมแก่พนักงาน รวมทั้งการพิจารณา
ความสามารถของพนักงานเพื่อรับเข้าทำงานในตำแหน่งงานที่เหมาะสม ซึ่งจะเป็นแนวทางที่
นายจ้าง และผู้ว่าจ้างของนายจ้าง สามารถกำหนดนโยบายที่เหมาะสม อันจะส่งผลต่อการยกระดับ
คุณภาพชีวิตพนักงานจ้างเหมาบริการรักษาความปลอดภัย

      3.2 ด้านค่าจ้าง พบปัจจัยในด้านค่าจ้างที่ส่งผลต่อความไม่พอใจในการทำงาน ได้แก่ การมี
เงินออมเก็บในทุก ๆ เดือน ซึ่งต้องทำการศึกษาเพิ่มเติมจากรายจ่ายว่ามีส่วนของรายจ่ายที่ไม่จำเป็น
มากเพียงใดจึงส่งผลต่อการออม และรวมถึงค่าครองชีพว่าเพียงพอต่อเงินได้หรือไม่ ต่อมาเป็น
เรื่องจำนวนชั่วโมงทำงานในแต่ละวัน เนื่องด้วยงานรักษาความปลอดภัยต้องปฏิบัติงานต่อผลัดไม่

น้อยกว่า 12 ชั่วโมง การเพิ่มอัตรากำลังคนเพิ่มเพื่อหมุนเวียนเพิ่มระยะเวลาเวรพักจากการปฏิบัติงาน 12 ชั่วโมง เป็นสิ่งที่ต้องพิจารณา สำหรับปัจจัยที่ส่งผลต่อการลดความไม่พอใจในการทำงานคือ การกำหนดเบี้ยขยัน นอกเหนือจากการลดความไม่พอใจในการทำงานแล้วยังส่งผลต่อแรงจูงใจต่อ การทำงานด้วย

3.3 ด้านข้อจำกัดด้านกฎหมาย จากประเด็นข้อจำกัดด้านกฎหมาย ผู้ว่าจ้างซึ่งเป็นเจ้าของ สถานที่ของพนักงานจ้างเหมาบริการ (Outsource) สามารถกำหนดรายละเอียดต่าง ๆ ที่เพิ่มแรงจูงใจ และลดความไม่พอใจ ในข้อกำหนดสัญญาจ้างได้

3.4 ด้านความรับผิดชอบต่อสังคม พนักงานจ้างเหมาบริการมีแรงจูงใจจากการที่ผู้ว่าจ้างมี การกำหนดรายละเอียดต่าง ๆ ที่เพิ่มแรงจูงใจ และลดความไม่พอใจ ในข้อกำหนดสัญญาจ้างที่มี ส่วนรับผิดชอบต่อสังคม อาทิเช่น การกำหนดให้มีการฝึกอบรมเพื่อพัฒนาบุคลากรของ Outsource ไม่เฉพาะแต่พนักงานประจำ เพื่อให้สามารถปฏิบัติงานได้อย่างมีประสิทธิภาพ การมีความ รับผิดชอบในการจ่ายค่าจ้างให้ตรงต่อเวลา การจัดสภาพแวดล้อมในการทำงานให้มีความปลอดภัย และอาชีวอนามัย โดยที่องค์กรได้รับประโยชน์จากงบประมาณที่จ่ายไปอย่างคุ้มค่าเช่นกัน

4. ผลการวิเคราะห์ระดับพึงพอใจต่อปัจจัยคุณภาพชีวิตในแต่ละด้าน

4.1 ด้านสุขภาพร่างกาย การปฏิบัติงานรักษาความปลอดภัยโดยมีระยะเวลาทำงาน 12 ชั่วโมง ส่งผลต่อเวลาใช้ชีวิตกับครอบครัว รวมทั้งการออกกำลังกาย เนื่องจากกลุ่มตัวอย่างมีอายุตัว ค่าฐานนิยมเท่ากับ 33 และ 35 ปี จึงยังไม่เห็นผลการวิจัยในเรื่องสุขภาพที่ต้องเข้ารับการ รักษาพยาบาล หากมีการปฏิบัติงานจนมีอายุตัวมากกว่านี้การมีเวลาไม่เพียงพอจะส่งผลกระทบต่อ สุขภาพโดยตรง ฉะนั้นแนวทางการยกระดับคุณภาพชีวิตในส่วนของสุขภาพร่างกายควรกำหนด ระยะเวลาปฏิบัติงานจำนวน 12 ชั่วโมงให้ลดลงกว่านี้ ซึ่งมีข้อพิจารณาถึงระยะเวลาเดินทางจากที่ พักมาถึงสถานที่ปฏิบัติงานหากถัวเฉลี่ยเที่ยวไป และเที่ยวกลับ เที่ยวละ 30 นาที จะต้องใช้เวลา เดินทางไปกลับ 1 ชั่วโมง รวมเวลาปฏิบัติงาน 12 ชั่วโมง รวมเป็น 13 ชั่วโมง เหลือเวลา 11 ชั่วโมง หักเวลาพักผ่อน 8 ชั่วโมง เหลือเวลาสำหรับการทำกิจกรรมอื่น ๆ เพียง 3 ชั่วโมงต่อวัน หาก กำหนดเวลาทำงาน 12 ชั่วโมงต่อผลัด ทั้งนี้หากคุณภาพชีวิตด้านสุขภาพร่างกายดีจะส่งผลต่อ คุณภาพชีวิตด้านอื่น ๆ ด้วยเช่นกัน

4.2 ด้านสุขภาพจิตใจ พนักงานจ้างเหมาบริการรักษาความปลอดภัยมีคุณภาพชีวิตด้าน จิตใจอยู่ในเกณฑ์ดี ทั้งในเรื่องสถานที่ปฏิบัติงานและขวัญกำลังใจในการปฏิบัติงาน ทั้งนี้ การ บริหารงานในส่วนของนายจ้างส่งผลกระทบด้านคุณภาพชีวิตของพนักงานจ้างเหมาบริการโดยตรง ฉะนั้นผู้ว่าจ้างที่เป็นเจ้าของสถานที่ควรหาวิธีการคัดเลือกผู้รับจ้างที่เป็นนายจ้างของพนักงานจ้าง เหมาบริการที่มีการบริหารงานที่ดีตามหลักธรรมาภิบาล เพราะการประมูลโดยใช้ราคาเป็นตัวตัดสิน

ไม่สามารถคัดเลือกผู้รับจ้างที่ดีได้ จึงควรใช้เกณฑ์การพิจารณาในเรื่องอื่น ๆ ด้วยเป็นตัวตัดสิน คัดเลือกผู้รับจ้าง

      4.3 ด้านสถานะทางสังคม   พนักงานจ้างเหมาบริการรักษาความปลอดภัยมีคุณภาพชีวิต ด้านสถานะทางสังคมจากการประกอบอาชีพพนักงานจ้างเหมาบริการรักษาความปลอดภัยโดย สังคมให้การยอมรับ โดยพบว่า การมีส่วนร่วมในการเสนอข้อคิดเห็นที่เป็นประโยชน์ต่อผู้บริหารที่ เป็นเจ้าของสถานที่ปฏิบัติงานยังไม่มีช่องทางในการสื่อสาร รวมทั้งโอกาสแสดงความคิดเห็นใน การส่วนร่วมแก้ไขปัญหา ในเรื่องนี้จึงมีความจำเป็นที่ควรให้มีการเสนอความคิดเห็นที่เป็น ประโยชน์เพื่อเปิดโอกาสการมีส่วนร่วมอันจะส่งผลให้มีการยกระดับคุณภาพชีวิตในด้านสถานะ ทางสังคม

      4.4 ด้านสถานะทางเศรษฐกิจ พนักงานจ้างเหมาบริการรักษาความปลอดภัยยังมีคุณภาพ ชีวิตด้านสถานะเศรษฐกิจอยู่ในระดับปานกลาง โดยผลวิจัยยังไม่สามารถตัดสินในเรื่องสถานะ เศรษฐกิจจะส่งผลในการเลือกสถานที่ปฏิบัติงานที่ทำให้มีรายได้เพียงพอ หรือ มีค่าครองชีพที่ถูก กว่า หรือ มีสวัสดิการที่ดีกว่า อย่างชัดเจน และยังพบว่ากลุ่มตัวอย่างส่วนมากไม่ได้เป็นเจ้าของ ทรัพย์สินประเภทอสังหาริมทรัพย์ ด้วยรายได้ต่อเดือนที่ต่ำการให้ได้มาในทรัพย์สินที่เป็น อสังหาริมทรัพย์จึงทำได้ยาก ฉะนั้นการยกระดับคุณภาพชีวิตพนักงานจ้างเหมาบริการรักษาความ ปลอดภัยจึงต้องใช้แนวคิด "เศรษฐกิจพอเพียง" มาเป็นแนวทางในการยกระดับคุณภาพชีวิตด้าน เศรษฐกิจต่อไป

อภิปรายผลการวิจัย

จากข้อค้นพบ สามารถนำมาอภิปรายผลได้ดังนี้

      1. จากผลการวิจัยพบว่า ปัจจัยข้อกำหนดสัญญาจ้างของพนักงานจ้างเหมาบริการรักษา ความปลอดภัย ธนาคารแห่งประเทศไทย ในภาพรวมมีความสัมพันธ์ค่อนข้างสูงกับคุณภาพชีวิต ด้านสถานะทางสังคม และด้านสถานะทางเศรษฐกิจ เมื่อพิจารณารายปัจจัยของข้อกำหนดสัญญา จ้าง 4 ปัจจัย พบว่า นโยบาย มีความสัมพันธ์กับคุณภาพชีวิตด้านสถานะทางสังคม ค่าจ้างมี ความสัมพันธ์กับคุณภาพชีวิตด้านสถานะทางเศรษฐกิจ ความรับผิดชอบต่อสังคมมีความสัมพันธ์ กับคุณภาพชีวิตด้านสถานะทางสังคม ข้อจำกัดด้านกฎหมายมีความสัมพันธ์กับคุณภาพชีวิตด้าน สถานะทางเศรษฐกิจ ทั้งนี้อาจเป็นเพราะว่าพนักงานจ้างเหมาบริการรักษาความปลอดภัยมี ความรู้สึกพอใจที่ได้มาปฏิบัติงานในหน่วยงานธนาคารแห่งประเทศไทยที่เป็นสถาบันที่สังคมรอบ ข้างให้การยอมรับ เนื่องจากธนาคารแห่งประเทศไทยมีชื่อเสียงด้านการมีระบบรักษาความปลอดภัย ที่ทันสมัย อาทิเช่น ระบบควบคุมการผ่านเข้าออก Access Control, ระบบโทรทัศน์กล้องวงจรปิด CCTV, ระบบแจ้งเตือนการบุกรุก, การมีระบบแจ้งส่งสัญญาณสถานีตำรวจเพื่อขอความช่วยเหลือ

รวมทั้งห้อง Safety สำหรับพนักงานเมื่อเกิดเหตุฉุกเฉิน เป็นต้น ซึ่งประชาชนที่อยู่ในระแวก
ธนาคารแห่งประเทศไทยจึงให้การยอมรับผู้ที่ปฏิบัติหน้าที่รักษาความปลอดภัยในธนาคารแห่ง
ประเทศไทย นอกเหนือจากระบบรักษาที่ทันสมัยแล้ว ระบบรักษาความปลอดภัยยังมีส่วนช่วยใน
การคุ้มครองการทำงานรักษาความปลอดภัยของพนักงานให้มีความปลอดภัย เพราะอาชีพรักษา
ความปลอดภัยเป็นอาชีพที่มีความเสี่ยง ดังนั้นเพื่อเป็นการยกระดับคุณภาพชีวิตจึงควรให้มีนโยบาย
ที่ตอบสนองคุณภาพชีวิตด้านสถานะสังคมมากขึ้นกว่าได้ อาทิเช่น นโยบายดูแลพนักงานจ้างเหมา
บริการรักษาความปลอดภัย เช่น ให้มีการประเมินความพึงพอใจ หรือให้แสดงความคิดเห็นต่อ
ปัญหาอุปสรรคที่พบ รวมทั้งให้มีข้อเสนอแนะ อย่างน้อยปีละ 1 ครั้ง จะเป็นแนวทางในการบริหาร
จัดการให้มีการปรับปรุงพัฒนางาน ก่อให้เกิดประสิทธิผลของงานต่อหน่วยงาน "ผู้ว่าจ้าง" รวมทั้ง
การรับรู้ Feedback ต่าง ๆ จะส่งผลต่อการยกระดับคุณภาพชีวิตด้านสุขภาพจิตใจ ที่พนักงานจ้าง
เหมาบริการรักษาความปลอดภัยได้มีโอกาสในการแสดงความคิดเห็นในเรื่องต่าง ๆ อย่างชัดเจน
นโยบายจัดให้มีการคัดเลือกพนักงานดีเด่นประจำเดือน หรือเมื่อมีผลงานที่เสียสละอย่างเด่นชัด เช่น
กรณีการขัดขวางการโจรกรรม การแจ้งเมื่อพบเห็น "เบาะแส" ที่จะเป็นอันตรายต่อชีวิตและ
ทรัพย์สิน เป็นต้น เพื่อเป็นการยกย่องการปฏิบัติงานของพนักงานรวมทั้งการมีเงินรางวัลและ
สัญลักษณ์การเป็นพนักงานดีเด่น เช่น ปลอกแขน ทั้งเกณฑ์การคัดเลือกพนักงานดีเด่นต้องมีความ
ชัดเจนและมีความยุติธรรม ส่วนหนึ่งของคะแนนควรมาจากการ Vote ของเพื่อนพนักงานด้วยกัน
ด้วย การกำหนดรางวัลพนักงานดีเด่นเป็นส่วนหนึ่งการให้มีการยอมรับนับถือจากบุคคลอื่น ซึ่งจะ
เป็นแรงจูงใจแก่พนักงาน และเป็นแนวทางการยกระดับคุณภาพชีวิตด้านสถานะทางสังคม รวมทั้ง
นโยบายที่ส่งผลต่อคุณภาพชีวิตด้านสถานะทางเศรษฐกิจ ได้แก่ นโยบายกำหนดอัตราค่าจ้างสูงกว่า
ที่กฎหมายกำหนด โดยผู้ว่าจ้างสามารถจะได้พนักงานจ้างเหมาบริการรักษาความปลอดภัยที่มี
คุณสมบัติที่ดีกว่าคุณสมบัติมาตรฐานในท้องตลาด เช่น ปัจจุบันอัตราค่าแรงตามกฎหมาย
ปฏิบัติงาน 12 ชั่วโมง ได้วันละ 450.- บาท "ผู้ว่าจ้าง" สามารถกำหนดอัตราค่าแรงที่สูงกว่ากฎหมาย
กำหนด โดยกำหนดเป็นการประกันค่าจ้างอย่างชัดเจนในสัญญาจ้างที่ "ผู้รับจ้าง" ต้องจ่ายให้กับ
พนักงานของผู้รับจ้างถ้าพนักงานคนนั้นมาปฏิบัติงานในพื้นที่ของ "ผู้ว่าจ้าง" การที่ผู้ว่าจ้างกำหนด
อัตราค่าจ้างที่สูงกว่าท้องตลาดถือเป็นส่วนของนโยบายที่ช่วยยกระดับมาตรฐานวิชาชีพรักษาความ
ปลอดภัย และเป็นแนวทางในการยกระดับคุณภาพชีวิตด้านสถานะทางสังคม ในการประกอบ
อาชีพรักษาความปลอดภัยที่มีรายได้สูงไม่แพ้อาชีพอื่น รวมทั้งเป็นการแสดงความรับผิดชอบต่อ
สังคมที่ "ผู้ว่าจ้าง" ใช้บริการ Outsource เพียงเพราะการมุ่งลดต้นทุน นอกเหนือจากนี้อาจมี
นโยบายให้มีการประกันค่าจ้างที่ผู้รับจ้างต้องจ่ายให้กับพนักงานอย่างชัดเจน โดยกำหนดราคา
ค่าจ้างที่ไม่ต่ำกว่ากฎหมายกำหนด หรืออาจพิจารณาสูงกว่ากฎหมายกำหนดไว้ในสัญญาจ้างเพื่อให้
ได้คุณสมบัติพนักงานที่ดีกว่า รวมถึงการกำหนดบทปรับจนถึงการยกเลิกสัญญาหากฝ่าฝืนไม่มี
การจ่ายเงินค่าแรงตามที่ระบุไว้ และการตรวจสอบบัญชีรายรับรายจ่ายที่ "ผู้รับจ้าง" จ่ายเงินค่าแรง

ให้กับพนักงาน ซึ่งมีข้อมูลในเรื่องการกำหนดค่าจ้างตามที่ตกลงในสัญญาจริง แต่พบรายการหักที่ไม่ถูกต้องตามที่ควรจะเป็น จึงต้องมีการกำหนดการตรวจสอบไว้ในสัญญาด้วย นอกเหนือการกำหนดไว้ในสัญญาแล้วในการขั้นตอนการจัดทำงบประมาณสำหรับการว่าจ้างควรคำนวณบนฐานของค่าแรงที่บังคับจ่ายให้กับพนักงานแล้วบวกในส่วนของค่าใช้จ่ายบริหารจัดการและกำไร เมื่อมีการประมูลแข่งขันต้องเป็นการแข่งขันราคาในส่วนของค่าใช้จ่ายบริหารจัดการและกำไรเท่านั้น การจ่ายเงินค่างวดตรงเวลา เพราะผู้รับจ้างในงานรักษาความปลอดภัย ใช้ระบบ Factoring ค่างวดตามสัญญากับธนาคาร เมื่อไม่มีการจ่ายตามงวดจะส่งผลต่อการจ่ายเงินค่าแรงให้กับลูกจ้างของ "ผู้รับจ้าง" ด้วย สรุปได้ว่าด้านนโยบายของผู้ว่าจ้าง ควรมีการประกันค่าจ้าง การขอตรวจสอบบัญชีรายรับรายจ่ายที่ผู้รับจ้างจ่ายให้ลูกจ้าง การจัดทำงบประมาณบนฐานของค่าการประกันค้าจ้าง การจ่ายค่างวดตรงเวลา จะเป็นแนวทางยกระดับคุณภาพชีวิตด้านสถานะทางเศรษฐกิจของพนักงานจ้างเหมาบริการรักษาความปลอดภัยที่ได้รับเงินจากการปฏิบัติงานได้ครบถ้วนตรงเวลา และ ไม่ถูกเอารัดเอาเปรียบและยังเป็นการแสดงให้เห็นถึงการมีความรับผิดชอบต่อสังคมในด้านการดูแลพนักงาน Outsource นอกเหนือจากการดูแลพนักงานประจำ รวมทั้งการที่ "ผู้ว่าจ้าง" กำหนดรายละเอียดต่าง ๆ ในสัญญาจ้างเหมาบริการรักษาความปลอดภัย ที่เป็นคุณประโยชน์ต่อสิทธิและสวัสดิการของพนักงานจ้างเหมาบริการ และเป็นการแสดงออกให้เห็นถึงความรับผิดชอบต่อสังคม ซึ่งการกำหนดสิทธิ์และสวัสดิการในสัญญาจ้างเท่ากับเป็นการบังคับให้ "ผู้รับจ้าง" ต้องมอบสิทธิและสวัสดิการให้แก่พนักงานที่เป็นลูกจ้างของ "ผู้รับจ้าง"และ"ผู้ว่าจ้าง" เองก็ไม่ติดกับดักของข้อจำกัดด้านกฎหมาย ส่งผลให้พนักงานจ้างเหมาบริการได้รับสิทธิและสวัสดิการตามกำหนดไม่ถูกเอารัดเอาเปรียบ ซึ่งเป็นแนวทางในการยกระดับคุณภาพชีวิตด้านสุขภาพจิตใจแก่พนักงานจ้างเหมาบริการรักษาความปลอดภัย และส่งผลดีต่อประสิทธิผลการทำงานให้กับ "ผู้ว่าจ้าง" ด้วย

2. ปัจจัยลักษณะงานของพนักงานจ้างเหมาบริการงานรักษาความปลอดภัยของธนาคารแห่งประเทศไทย พบว่าตัวแปรสภาพแวดล้อมการทำงาน และความมั่นคงปลอดภัยในการทำงาน ในภาพรวมมีความสัมพันธ์ค่อนข้างสูงกับคุณภาพชีวิตด้านสถานะทางสังคม และด้านสถานะทางเศรษฐกิจ เช่นเดียวกับปัจจัยด้านข้อกำหนดสัญญาจ้าง ดังนั้นเพื่อเป็นการยกระดับคุณภาพชีวิตด้านสถานะทางสังคม และด้านสถานะทางเศรษฐกิจ ให้กับพนักงานจ้างเหมาบริการงานรักษาความปลอดภัยจึงควรให้มีการจัดการอบรม โดยเฉพาะในต่างจังหวัด หรือจัดเลี้ยงให้กับพนักงานจ้างเหมาบริการและครอบครัว เพื่อให้พนักงานจ้างเหมาบริการรักษาความปลอดภัยเป็นประจำทุกปี เพื่อให้พนักงานมีความรู้สึกรักในอาชีพรักษาความปลอดภัย เป็นอาชีพหนึ่งที่มีเกียรติ และมีศักดิ์ศรีในสังคมไทย รวมทั้งเป็นการตอบแทนในความรับผิดชอบและความสำเร็จในงาน ซึ่งจะเป็นแนวทางการยกระดับคุณภาพชีวิตด้านสถานะทางสังคม หรือการที่นายจ้างของพนักงานจ้างเหมาบริการรักษาความปลอดภัย จัดให้มีการตรวจสุขภาพร่างกายพนักงานจ้างเหมาบริการรักษาความปลอดภัยไม่น้อยกว่าปีละ 1 ครั้ง รวมทั้งการติดตามผลกรณีพบเหตุบ่งชี้ผิดปกติ การตรวจร่างกาย

ดังกล่าวเป็นการตรวจตามวิธีทางการแพทย์เพื่อให้ทราบถึงความเหมาะสมและผลกระทบต่อ
สุขภาพของพนักงานอันอาจเกิดจากการทำงาน ซึ่งจะเป็นแนวทางที่มีส่วนช่วยส่งเสริมคุณภาพชีวิต
ในด้านสุขภาพร่างกายอันจะส่งผลต่อสถานะทางเศรษฐกิจที่เป็นการป้องกันหรือตรวจพบโรคใน
ระยะแรก ทั้งนี้หากไม่มีการตรวจและพบภายหลังย่อมต้องมีค่ารักษาพยาบาลที่แพงซึ่งจะส่งผล
กระทบต่อฐานะเศรษฐกิจโดยตรง   ในด้านความรับผิดชอบที่มีความสัมพันธ์กับคุณภาพชีวิตด้าน
สถานะทางสังคม และด้านสถานะทางเศรษฐกิจ และความสำเร็จในงานที่มีความสัมพันธ์กับ
คุณภาพชีวิตด้านสุขภาพจิตใจ ได้แก่ การกำหนดเรื่องความก้าวหน้าให้กับพนักงานจ้างเหมาบริการ
รักษาความปลอดภัย โดยนายจ้างควรต้องมี Career Path หรือเส้นทางเติบโตในอาชีพ เช่น เส้นทาง
เติบโตเป็นครูฝึก หรือตำแหน่งควบคุมงาน Supervisor   และในส่วนของ "ผู้ว่าจ้าง" อาจมีการ
พิจารณรับพนักงาน Outsource ที่มีผลการปฏิบัติงานที่ดีเข้ามาเป็นพนักงานประจำ สรุปได้ว่าการมี
Career Path หรือเส้นทางเติบโตในอาชีพ ส่งผลต่อคุณภาพชีวิตด้านสุขภาพจิตใจในการวางแผน
อาชีพของตนเองในอนาคตได้รวมทั้งส่งผลต่อคุณภาพชีวิตด้านสังคมในเรื่องเกียรติ์และศักดิ์ศรี
หรือการกำหนดรูปแบบความก้าวหน้าโดยผูกกับอายุงานของพนักงานและเงินรางวัล เช่น ถ้า
พนักงานมีอายุงาน 10 ปี จะได้รับเงินพิเศษบวกเพิ่มในทุกเดือนไม่รวมเงินค่าจ้างที่ได้รับในแต่ละ
วัน การกำหนดดังกล่าวส่งผลต่อรายได้ของพนักงาน ก็มีส่วนช่วยในการยกระดับคุณภาพชีวิตด้าน
เศรษฐกิจ

ข้อเสนอแนะในการศึกษาครั้งต่อไป

1. ตามแนวทฤษฎีคุณภาพชีวิตพบว่าผลการวัดคุณภาพชีวิต ณ เวลาหนึ่ง ย่อมมีผลต่างกัน
กับช่วงเวลาหนึ่ง ทั้งนี้ ขึ้นอยู่กับเป้าหมายของแต่ละบุคคลที่มีความพึงพอใจในระดับต่างกัน จึงควร
ทำการศึกษาอย่างสม่ำเสมอซึ่งจะทำให้ค้นพบแนวทางหรือวิธีการใหม่ ๆ และเป็นการสะสมองค์
ความรู้อย่างต่อเนื่อง เพื่อนำแนวทางหรือวิธีการนั้นมาสนับสนุนเพื่อยกระดับคุณภาพชีวิตพนักงาน
จ้างเหมาบริการรักษาความปลอดภัย

2. การศึกษาวิจัยในครั้งนี้เป็นการศึกษาเพื่อหาแนวทางในการยกระดับคุณภาพชีวิต
พนักงานจ้างเหมาบริการรักษาความปลอดภัยเท่านั้น ซึ่งยังไม่ได้ศึกษาประสิทธิภาพการทำงาน
การศึกษาในอนาคตจึงควรจะมีการศึกษาความสัมพันธ์ระหว่างคุณภาพชีวิตการทำงานกับ
ประสิทธิภาพการทำงานของพนักงานจ้างเหมาบริการรักษาความปลอดภัย เพื่อหาแนวทางในการ
เพิ่มคุณภาพชีวิตการทำงานและประสิทธิภาพการทำงานด้วย

บรรณานุกรม

หนังสือและบทความในหนังสือ

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The Study of Structural System in Providing Assistance between the War Veterans Organization of Thailand under Patronage of His Majestry the King and U.S.Department of Veterans Affairs

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Abstract

This Research studied about structural system in providing assistance between The War Veterans Organization of Thailand under Patronage of His Majestry the King and U.S.Department of Veterans Affairs in aiming to analyze the weakness and strength of providing assistance for Thai Veterans by comparision with U.S. Department of Veterans Affairs. The problems and needs of Thai Veterans were studied too. All data would be used to enhance the level of helping Thai Veterans for getting better life and good benefits.

The Research had used sampling group from 30 Thai Veterans, 5 American Veterans who lived in Thailand and 15 authorities who worked for assistance. This qualitative research regarded interpretive paradigm as survey research. The data were analyzed form documentary
researchs and field reserchs. The Questionnaries and Interviews were used as collected instruments for data about a providing assistance , satisfaction of service including the problems and needs of Thai Veterans.

Keywords: Structural System/ The War Veterans Organization/ Providing Assistance/ Thailand

การศึกษาระบบโครงสร้างการสงเคราะห์แก่ทหารผ่านศึก: กรณีศึกษาองค์การสงเคราะห์ทหารผ่านศึก ในพระบรมราชูปถัมภ์ และกระทรวงกิจการทหารผ่านศึกสหรัฐอเมริกา

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บทคัดย่อ

การวิจัย เรื่อง การศึกษาระบบโครงสร้างการสงเคราะห์ กรณีศึกษาองค์การสงเคราะห์ทหารผ่านศึก ในพระบรมราชูปถัมภ์ และกระทรวงกิจการทหารผ่านศึก สหรัฐอเมริกา มีวัตถุประสงค์เพื่อศึกษา จุดอ่อนและจุดแข็งของระบบการสงเคราะห์ทหารผ่านศึกของประเทศไทย โดยเทียบเคียงกับระบบ การสงเคราะห์ทหารผ่านศึกของสหรัฐอเมริกา รวมทั้งศึกษาปัญหาและความต้องการของทหาร

ผ่านศึกไทย สำหรับนำข้อมูลที่ได้มาใช้ในการพัฒนาแนวทางการให้การสงเคราะห์แก่ทหารผ่าน
ศึก ให้ทหารผ่านศึกมีคุณภาพชีวิตและสวัสดิการที่ดีขึ้น

ในการวิจัยครั้งนี้ ใช้กลุ่มตัวแทนประชากรจากทหารผ่านศึกและครอบครัว ทหารผ่านศึกอเมริกัน
ที่พำนักในประเทศไทย และผู้บริหารขององค์การสงเคราะห์ทหารผ่านศึกที่เกี่ยวข้องกับภารกิจ
กำกับดูแลงานการให้การสงเคราะห์ การวิจัยนี้เป็นการวิจัยเชิงคุณภาพ ที่ยึดถือกระบวนทัศน์การ
ตีความ (Qualitative Research) เป็นการศึกษาเชิงสำรวจ การรวบรวมข้อมูลจะการศึกษาข้อมูลจาก
เอกสารที่เกี่ยวข้อง และการเก็บข้อมูลจากภาคสนาม ซึ่งเครื่องมือที่ใช้ในการเก็บข้อมูลจะใช้แบบใช้
สอบถามและการสัมภาษณ์เชิงลึก ในเรื่องการสงเคราะห์ ความพึงพอใจของทหารผ่านศึกที่มารับการ
สงเคราะห์ ตลอดจนปัญหาและความต้องการของทหารผ่านศึกที่ต้องการให้องค์การสงเคราะห์
ช่วยเหลือ

คำสำคัญ: องค์การสงเคราะห์ทหารผ่านศึกษาแห่งประเทศไทย/ กระทรวงกิจการทหารผ่านศึก
สหรัฐอเมริกา

ที่มาและความสำคัญของปัญหา

ปัจจุบัน ประเทศไทยมีทหารผ่านศึก ไม่น้อยกว่า 600,000 คน ซึ่งครั้งหนึ่งทหารผ่านศึกเหล่านี้ ได้
ทำหน้าที่ในการปกป้องประเทศชาติด้วยความเสียสละ ให้ปลอดภัยจากภัยความมั่นคงต่างๆ ที่
เกิดขึ้นทั้งภายในประเทศ ไม่ว่าจะเป็นสงครามในการป้องกันประเทศ หรือการสู้รบที่เกิดจาก
ความคิดที่แตกต่างทางการเมือง ทางศาสนา รวมทั้งภัยอันที่เกิดขึ้นภายนอกประเทศ เช่นการเข้าร่วม
รบในสงครามโลกครั้งที่ 1 สงครามอินโดจีน สงครามมหาเอเชียบูรพา หรือสงครามที่ประเทศ
เกาหลี ซึ่งทหารผ่านศึกของไทยได้แสดงศักยภาพและความกล้าหาญในการต่อสู้ จนเป็นที่ยอมรับ
ในนานาประเทศ

จากเหตุการณ์การสู้รบในสมรภูมิต่าง ๆ ที่ผ่านมา ทำให้ทหารผ่านศึกจำนวนมากได้รับผลกระทบ
จากการสู้รบ ไม่ว่าปัญหาในการดำรงชีวิต ซึ่งเป็นผลกระทบที่ได้จากภัยสงคราม เช่น สูญเสียอวัยวะ
สูญเสียชีวิต หรือมีปัญหาทางสุขภาพจิต ดังนั้น หลังจากในสมัยสงครามโลกครั้งที่ 2 สิ้นสุดลง
รัฐบาลในขณะนั้น ซึ่งมี พลเรือตรี ถวัลย์ ธำรงนาวาสวัสดิ์ เป็นนายกรัฐมนตรี จึงได้มอบหมาย
ให้กระทรวงกลาโหม พิจารณาดำเนินการช่วยเหลือ กระทรวงกลาโหมจึงได้ตั้งคณะกรรมการ
พิจารณาหาทางช่วยเหลือทหารกองหนุนขึ้น เมื่อวันที่ 11 กันยายน พ.ศ. 2486 มีที่ทำการอยู่ในกรม
เสนาธิการทหาร (ปัจจุบันคือ กองบัญชาการทหารสูงสุด) และใช้เจ้าหน้าที่ของกรมเสนาธิการเป็น

ต่อมาเมื่อมีการขยายการสงเคราะห์เพิ่มมากขึ้น กระทรวงกลาโหมจึงได้เสนอเป็นพระราชบัญญัติ
จัดตั้ง องค์การสงเคราะห์ทหารผ่านศึก หรือ ที่เรียกโดยย่อว่า "อผศ." ขึ้นเป็นหน่วยงานถาวร เพื่อ
ทำหน้าที่ ในการสงเคราะห์ทหารผ่านศึกโดยตรง   พระราชบัญญัติฉบับนี้ประกาศใน
ราชกิจจานุเบกษา เมื่อวันที่ 3 กุมภาพันธ์ พ.ศ. 2491 จึงนับเป็นวันแรกที่มีกฎหมายรองรับการ
จัดตั้งองค์การสงเคราะห์ทหารผ่านศึก และการเป็นทหารผ่านศึก ดังนั้น วันที่ 3 กุมภาพันธ์ของทุก
ปี จึงถือเป็นวันสถาปนาองค์การสงเคราะห์ทหารผ่านศึก และเป็น "วันทหารผ่านศึก" และใน
ปี พ.ศ. 2510 สภาทหารผ่านศึก สภากลาโหม และรัฐบาล ได้พิจารณาปรับปรุงระราชบัญญัติองค์การ
สงเคราะห์ทหารผ่านศึก โดยได้ขยายการสงเคราะห์ครอบคลุมไปถึงทหาร ตำรวจ ข้าราชการพล
เรือนและพลเรือน ซึ่งปฏิบัติหน้าที่ป้องกันหรือปราบปรามการกระทำอันเป็นภัยต่อความ
มั่นคง หรือความปลอดภัยแห่งราชอาณาจักร ทั้งในและนอกประเทศตามที่กระทรวงกลาโหมหรือ
สำนักนายกรัฐมนตรีกำหนด รวมทั้งทหารนอกประจำการด้วย   และได้ประกาศพระราชบัญญัติ
ฉบับนี้ได้ประกาศใช้ในราชกิจจานุเบกษา เมื่อวันที่28 ธันวาคม พ.ศ.2510 เรียกว่า "พระราชบัญญัติ
องค์การสงเคราะห์ทหารผ่านศึก พ.ศ. 2510" ซึ่งเป็นฉบับที่ใช้อยู่ในปัจจุบัน

สำหรับประเทศสหรัฐอเมริกา   เป็นประเทศหนึ่งที่ได้ให้ความสำคัญอย่างมากในการดูแลและ
ช่วยเหลือทหารผ่านศึกที่เป็นพลเมืองของประเทศ ซึ่งปัจจุบันสหรัฐอเมริกามีทหารผ่านศึก
ประมาณ 19 ล้านกว่าคน ซึ่งประกอบด้วยทหารผ่านศึกที่เป็นผู้ชายประมาณจำนวนมากกว่า 17.4
ล้านคน และหญิง จำนวนประมาณ 1.6 ล้านคน (ข้อมูลจำนวนทหารผ่านศึกในปี 2014) และยัง
ประกอบด้วยหลายเชื้อชาติไม่ว่าจะเป็นชาวอเมริกันผิวขาว และผิวดำ คนเอเชีย หรือคนที่มีเชื้อชาติ
อินเดียนแดง ซึ่งพบว่าทหารผ่านศึกของสหรัฐอเมริกาประมาณ 9 ล้านกว่าคน มีอายุมากกว่า 65 ปี
และจำนวนที่เหลืออายุน้อยกว่า 35 ปี ดังนั้นใน 21 กรกฎาคม   1930 ประธานาธิบดี เฮอร์เบิร์ต ฮู
เวอร์ ได้ลงนามให้จัดตั้งหน่วยงานขึ้นอย่างเป็นทางการ   โดยได้มีการจัดตั้งหน่วย Department of
Veterans Administration เพื่อดูแลและช่วยเหลือทหารผ่านศึก ในเรื่องเงินช่วยเหลือและเงินบำนาญ
และหลังจากนั้น เมื่อ 15 มีนาคม 1989 ประธานาธิบดี George H. W. ได้ยกระดับให้จัดตั้งและ
เปลี่ยนชื่อหน่วยมาเป็น กระทรวงกิจการทหารผ่านศึก **(Department of Veterans Affairs ; VA.)**
โดยเป็นกระทรวงที่มีขนาดใหญ่อันดับ 2 ซึ่งมีภารกิจหน้าที่ในการช่วยเหลือทหารผ่านศึก ทั้งใน
เรื่องเงินช่วยเหลือ เงินบำนาญ การรักษาพยาบาล การช่วยให้มีที่อยู่อาศัย ตลอดจนช่วยเหลือให้มี
อาชีพเพื่อให้ทหารผ่านศึกมีคุณภาพชีวิตที่ดี เพื่อเป็นการตอบแทนแก่ความเสียสละที่ได้ปฏิบัติ
หน้าที่ในการต่อสู้และปกป้องประเทศชาติจากภัยความมั่นคงต่าง ๆ รวมทั้งได้ส่งทหารเข้าร่วมรบ
ในสมรภูมิต่าง ๆ ทั่วภูมิภาค ได้แก่ สงครามโลกครั้งที่ 1 สงครามโลกครั้งที่ 2 สงครามเกาหลี สงคราม
เวียดนาม สงครามอ่าวเปอร์เซีย สงครามอิรัก สงครามอัฟกานิสถาน ตลอดจนสงครามต่อต้านการร้าย
ทั่วโลก ซึ่งรัฐบาลสหรัฐอเมริกาได้ให้คุณค่าและความสำคัญของทหารผ่านศึกเป็นอย่างมาก โดย

ได้รับการจัดสรรงบประมาณในแต่ละปี เป็นเงินจำนวนมาก ประมาณ 78 พันล้านดอลล่าร์ ซึ่งส่วน
ใหญ่ของงบประมาณกระทรวงกิจการทหารผ่านศึก ได้ใช้จ่ายในการดูแลในด้านการรักษาพยาบาล
ให้แก่ทหารผ่านศึก มีเครือข่ายด้านการรักษาทั่วประเทศ ไม่ว่าจะเป็นโรงพยาบาลของรัฐและ
เอกชน สถานพยาบาลในมลรัฐต่าง ๆ   รวมทั้งคลินิกเอกชนที่ให้การสงเคราะห์แก่ทหารผ่านศึก
อเมริกัน และครอบครัวจำนวนมาก สำหรับการช่วยเหลือด้านที่อยู่อาศัย กระทรวงกิจการทหาร
ผ่านศึกได้ให้ความสำคัญด้านสวัสดิการที่อยู่อาศัย โดยให้เงินทุนแก่ทหารผ่านศึกสำหรับจัดหาที่อยู่
อาศัยเป็นของตนเอง ขณะเดียวกันยังมีการช่วยเหลือในด้านต่าง ๆ ไม่ว่าจะเป็นการลดหย่อนภาษีให้กับ
ทหารผ่านศึกที่มีภาระในการเลี้ยงดู บุตร และบิดามารดา การช่วยเหลือด้านการศึกษาแก่ทหารผ่าน
ศึกและครอบครัว ให้มีการศึกษาจนถึงระดับปริญญาตรี ช่วยเหลือในการจัดหางานให้ทหารผ่านศึก
อเมริกัน ซึ่งมีเครือข่ายกับภาคเอกชนในมลรัฐต่าง ๆ อีกทั้งการจัดพิธีศพให้แก่ทหารผ่านศึกที่เสียชีวิตจาก
การปฏิบัติหน้าที่อย่างสมเกียรติ และจัดให้มีการจัดงาน **Memorial Day** ในวันจันทร์สุดท้ายของ
เดือนพฤษภาคมของทุกปี และการจัดงานวันทหารผ่านศึกในวันที่ 11 พฤศจิกายนของทุกปี

จากรูปแบบการให้ช่วยการช่วยเหลือทหารนอกประจำการที่เคยผ่านสู้รบในสมรภูมิต่าง ๆ และ
ทหารที่บาดเจ็บทุพพลภาพ ที่เกิดจากการปฏิบัติหน้าที่ในการสู้รบปกป้องประเทศชาติ ดังนั้น
กระทรวงกลาโหมจึงได้มีการจัดตั้งหน่วยงานขึ้นมาเพื่อให้การช่วยเหลือและดูแลทหารเหล่านั้น ใน
การจัดตั้งองค์การสงเคราะห์ทหารผ่านศึก ในพระบรมราชูปถัมภ์ ของประเทศไทย โดยได้นำ
รูปแบบการให้การสงเคราะห์แก่ทหารผ่านศึกของประเทศสหรัฐอเมริกามาใช้เป็นต้นแบบในการ
จัดรูปแบบในด้านสวัสดิการการรักษาพยาบาล ด้านเงินทุนสงเคราะห์ ตลอดจนด้านการส่งเสริม
สิทธิและเกียรติแก่ทหารผ่านศึก ซึ่งสหรัฐอเมริกามีหน่วยงานที่ทำหน้าที่ในการดูแลทหารผ่านศึก
ตั้งแต่ปี 1930 ซึ่งก่อตั้งมาก่อนที่ประเทศไทยจะก่อตั้งองค์การสงเคราะห์ทหารผ่านศึก ของประเทศ
ไทยมากกว่า 20 ปี ประกอบกับสหรัฐอมริกาเป็นประเทศมหาอำนาจและมีการปกครองในรูปแบบ
ประชาธิปไตย ซึ่งถือเป็นต้นแบบของหลายประเทศทั่วโลก การจัดองค์กรและภารกิจของ
หน่วยงานต่าง ๆ ถูกนำมาใช้เป็นต้นแบบของประเทศอื่นจำนวนมาก

ทั้งนี้จากการสำรวจขององค์การสงเคราะห์ทหารผ่านศึก ฯ พบว่าในปัจจุบันมีทหารผ่านศึกมากกว่า
ร้อยละ 80 โดยเฉพาะทหารผ่านศึกที่อยู่ในส่วนภูมิภาค ซึ่งพื้นฐานชีวิตประกอบอาชีพเกษตรกร มี
ฐานะยากจน ไม่มีอาชีพที่มั่นคง ไม่มีที่ดินและที่อยู่อาศัยเป็นของตนเอง รวมทั้งยังมีทหารผ่านศึก
บางส่วนที่ยังไม่สามารถเข้าถึงบริการสงเคราะห์ ถึงแม้นว่าองค์การสงเคราะห์จะพยายามที่จะ
ให้การสงเคราะห์แก่ทหารผ่านศึกอย่างต่อเนื่อง ไม่ว่าจะเป็นการสงเคราะห์ด้านสวัสดิการ การ
รักษาพยาบาล ด้านเงินทุน   ด้านอาชีพ เป็นต้น เพื่อให้ทหารผ่านศึกเหล่านั้นมีรายได้ และคุณภาพ
ชีวิตที่ดี เพื่อจะได้เลี้ยงดูตนเองและครอบครัวได้อย่างยั่งยืน แต่อย่างไรก็ตามปัญหาดังกล่าวยัง

เกิดขึ้นอย่างต่อเนื่อง อาจจะมีที่มาจากการดำเนินงานขององค์การสงเคราะห์ทหารผ่านศึกฯ ที่ไม่สามารถตอบสนองกับปัญหาและความต้องการของทหารผ่านศึก ประกอบกับรูปแบบการบริหารงานขององค์การสงเคราะห์ทหารผ่านศึก ไม่ว่าจะเป็นการจัดโครงสร้างหน่วยที่ยังเป็นในลักษณะรวมศูนย์ ข้อจำกัดทางด้านงบประมาณที่ได้รับการสนับสนุนจากกระทรวงกลาโหม ตลอดจนรูปแบบการให้การสงเคราะห์ไม่สามารถแก้ปัญหาที่แท้จริงให้แก่ทหารผ่านศึกได้อย่างยั่งยืน อีกทั้งที่ผ่านมาสังคมไทยยังให้ความสำคัญต่อคุณค่าของทหารผ่านศึกน้อยมาก ทำให้ไม่ได้รับการสนับสนุนอย่างจริงจัง ทำให้ช่องทางในการให้โอกาสยกระดับคุณภาพชีวิตของทหารผ่านศึกน้อยลง

ดังนั้น ในการศึกษาวิจัยในเรื่องนี้จึงเป็นการศึกษาเชิงเปรียบเทียบในเรื่องของการให้การสงเคราะห์แก่ทหารผ่านศึก ระหว่างองค์การสงเคราะห์ทหารผ่านศึก ฯ กับกระทรวงกิจการทหารผ่านศึกของประเทศสหรัฐอเมริกา ซึ่งเป็นประเทศที่มีหน่วยงานที่สามารถกำกับดูแลทหารผ่านศึกที่มีประสิทธิภาพ โดยจะศึกษาวิจัยโครงสร้างระบบการให้การสงเคราะห์แก่ทหารผ่านศึกขององค์การสงเคราะห์ทหารผ่านศึกและโครงสร้างระบบการให้การสงเคราะห์แก่ทหารผ่านศึกของประเทศสหรัฐอเมริกา เพื่อหาจุดแข็ง และจุดอ่อนของระบบการสงเคราะห์ที่มีประสิทธิภาพ สำหรับพัฒนาโครงสร้างระบบการให้การสงเคราะห์แก่ทหารผ่านศึกให้สามารถตอบสนองความต้องการและปัญหาของทหารผ่านศึกได้อย่างมีประสิทธิภาพ มีเกียรติเป็นที่ยอมรับของสังคม เพื่อนำผลการวิจัยมาใช้เป็นแนวทางในการยกระดับคุณภาพชีวิตของทหารผ่านศึกของไทยที่ดีขึ้นนั้นควรจะดำเนินการอย่างไร โดยได้กำหนดคำถามการวิจัย คือ "แนวทางในการยกระดับการให้การสงเคราะห์ที่จะทำให้ทหารผ่านศึกมีคุณภาพชีวิตที่ดีขึ้นนั้นควรจะดำเนินการอย่างไร"

รูปแบบการศึกษาวิจัยแบบเชิงคุณภาพ (Qualitative Research)

ซึ่งเป็นการศึกษาเชิงสำรวจ (Survey Research) เนื่องจากเป็นการศึกษาปรากฏการณ์ในภาพรวมในการให้การสงเคราะห์แก่ทหารผ่านศึกขององค์การสงเคราะห์ทหารผ่านศึก ที่ต้องการศึกษาหาเหตุและผล รวมทั้งกระบวนการการให้การสงเคราะห์ที่ได้เทียบเคียงกับการให้การสงเคราะห์แก่ทหารผ่านศึกของกระทรวงกิจการทหารผ่านศึกของประเทศสหรัฐอเมริกา ประกอบกับมีรายละเอียดทางด้านข้อมูลที่เกี่ยวข้องเป็นข้อเท็จจริงที่มีลักษณะเป็นความคิดเห็น เช่น ปัญหาและความต้องการ ความพึงพอใจ คุณภาพชีวิต ซึ่งเป็นเชิงนามธรรม ทำให้ยากต่อการวัดความสัมพันธ์ในเชิงตัวเลข โดยจะทำการศึกษาและรวบรวมข้อมูล ดังนี้

1. การศึกษาข้อมูลจากเอกสารที่เกี่ยวข้อง (Documentary Research)

2. การศึกษาข้อมูลภาคสนาม (Field Research)

ทั้งนี้ เมื่อทำการเก็บข้อมูลทั้งหมดแล้ว ประกอบด้วยข้อมูลจากการศึกษาเอกสารที่เกี่ยวข้องและ
ข้อมูลจากระบบโครงสร้างการให้การสงเคราะห์แก่ทหารผ่านศึก รวมทั้งความพึงพอใจและปัญหา
ความต้องการของทหารผ่านศึก ที่ได้จากการสำรวจ จะนำมาประมวลผล โดยจะดำเนินการ
วิเคราะห์ภายใต้กรอบทฤษฎีต่าง ๆ และวรรณกรรมที่เกี่ยวข้อง ไม่ว่าจะเป็นแนวคิดในการจัด
โครงสร้าง กรอบการให้การสงเคราะห์แก่ทหารผ่านศึกของทั้งสองหน่วย ทฤษฎีความพึงพอใจ
และแนวคิดเกี่ยวกับปัญหาและความต้องการ โดยการพรรณาและอภิปรายข้อมูลให้สอดคล้องกับ
ข้อเท็จจริง สำหรับใช้เป็นกรอบในการสังเคราะห์ประเด็นที่สำคัญ ที่จะส่งผลต่อการที่จะทำให้การ
สงเคราะห์เกิดประสิทธิผลแก่ทหารผ่านศึกให้มีคุณภาพชีวิตที่ดีขึ้น

แนวคิดและทฤษฎีที่เกี่ยวข้อง

1. พระราชบัญญัติองค์การสงเคราะห์ทหารผ่านศึก พ.ศ.2510
2. แนวความคิดเกี่ยวกับโครงสร้างองค์กรและการจัดองค์กร
3. ความหมายของขอบเขตโครงสร้างองค์การ
4. การรวมศูนย์และการกระจายอำนาจ (Centralization and decentralization)
5. แนวคิดและทฤษฎีเกี่ยวกับความพึงพอใจ
6. ทฤษฎีความต้องการของมนุษย์

ในการศึกษาครั้งนี้ เป็นการศึกษาถึงโครงสร้างระบบการให้การสงเคราะห์ขององค์การสงเคราะห์
ทหารผ่านศึก โดยจะเทียบเคียงกับโครงสร้างระบบการให้การสงเคราะห์ของกระทรวงกิจการ
ทหารผ่านศึกของประเทศสหรัฐอเมริกา รวมทั้งจะศึกษาปัญหาต่าง ๆ ที่ส่งผลต่อการพัฒนาแนวทาง
ในการยกระดับการให้การสงเคราะห์ ที่จะทำให้ทหารผ่านศึกมีคุณภาพชีวิตที่ดีขึ้น โดยจะ
ทำการศึกษา ดังนี้

1. โครงสร้างระบบการให้การสงเคราะห์แก่ทหารผ่านศึกโดยจะศึกษาความเหมือนและความ
แตกต่าง รวมทั้งจุดเด่นและจุดอ่อนของระบบการให้การสงเคราะห์แก่ทหารผ่านศึกทั้งของไทยและ
สหรัฐอเมริกา ซึ่งมีผลกระทบต่อประสิทธิผลในการสงเคราะห์แก่ทหารผ่านศึกให้มีคุณภาพชีวิตที่ดี
ขึ้น โดยจะแบ่งรูปแบบการให้การสงเคราะห์ เป็น 2 รูปแบบ ประกอบด้วย

- รูปแบบการสงเคราะห์ที่เป็นตัวเงิน (Monetary Aids)
- รูปแบบการสงเคราะห์ที่ไม่เป็นตัวเงิน (Non-monetary Aids)

2. การจัดโครงสร้างองค์กรขององค์การสงเคราะห์ทหารผ่านศึก ซึ่งส่งผลต่อการ
ประสิทธิภาพต่อการดำเนินการให้การสงเคราะห์ โดยการจัดรูปแบบการจัดโครงสร้างในการ
บริหารงานขององค์การสงเคราะห์ทหารผ่านศึกในปัจจุบัน เป็นองค์กรที่เป็นทางการ (Formal

Organization) มีการจัดองค์การแบบเดิม โดยลักษณะโครงสร้างองค์การเป็นแบบรูปทรงปิระมิด
(Hierarchy)

       3. ปัญหาและอุปสรรคในการยกระดับการให้การสงเคราะห์ที่จะทำให้ทหารผ่านศึกของ
ไทยมีคุณภาพชีวิตที่ดีขึ้น ประกอบด้วย การสร้างความพึงพอใจให้แก่ทหารผ่านศึก โดยสร้าง
ความรู้สึกที่มีความสุขของทหารผ่านศึก ที่ตอบสนองต่อการได้รับการสงเคราะห์ประเภทต่างๆ
หรือบริการอื่น โดยจะต้องตอบสนองทั้งทางด้านร่างกายและจิตใจ แล้วสามารถทำให้ทหารผ่านศึก
บรรลุวัตถุประสงค์ของตนเองได้สำเร็จ แล้วเกิดความพอใจและชอบใจ   โดยเกี่ยวข้อง ด้าน
เจ้าหน้าที่/บุคลากรที่ให้บริการ   ด้านกระบวนการ/ขั้นตอนการให้บริการ   ด้านสิ่งอำนวยความ
สะดวก ด้านสถานที่และสภาพแวดล้อม ด้านการรับรู้ข้อมูลข่าวสาร

ผลการวิจัย

จากการศึกษาและวิเคราะห์รูปแบบการจัดหน่วยขององค์การสงเคราะห์ทหารผ่านศึก และกระทรวง
กิจการทหารผ่านศึก สหรัฐอเมริกา จากเอกสารและข้อมูลที่เกี่ยวข้อง พบว่า

1. การจัดโครงสร้างขององค์การสงเคราะห์ทหารผ่านศึก   มีการจัดโครงสร้างองค์การแบบระบบ
ราชการ (Bureaucratic Structure) ซึ่งมีความซับซ้อนสูง และมีความเป็นทางการสูง เป็นระบบการ
จัดการ โดยถือเกณฑ์โครงสร้างงานที่เป็นทางการของอำนาจหน้าที่ ซึ่งกำหนดไว้อย่างเคร่งครัดมี
การติดตามการทำงานอย่างรัดกุม โดยมีการแบ่งงานตามกลุ่มภารกิจและมีการกำหนด กรอบหน้า
ของแต่ละหน่วยอย่างเป็นทางการและลายลักษณ์อักษร เพื่อให้หน่วยต่าง ๆ ใช้สำหรับเป็นกรอบใน
การปฏิบัติงาน โครงสร้างการจัดหน่วยขององค์การสงเคราะห์ทหารผ่านศึก มีรูปแบบ ดังนี้

    (1) ลักษณะเฉพาะของงาน (Work specification)   โดยในการจัดหน่วยมีการแบ่งงานตาม
ประเภทของงานที่จะต้องรับผิดชอบที่ชัดเจน ซึ่งบ่งชี้ว่างานสามารถแบ่งออกเป็นงานย่อยตาม
ลักษณะเฉพาะแต่ละอย่างสำหรับใช้เป็นกรอบในการปฏิบัติ โดยมีข้อบังคับและระเบียบเป็น
ตัวกำหนดหน้าที่ ได้แก่
       - กลุ่มงานสงเคราะห์ มีหน้าที่ในการให้การสงเคราะห์แก่ทหารผ่านศึกทางด้าน
สวัสดิการ ด้านเงินกองทุน ด้านการฌาปนกิจสงเคราะห์ ตลอดจนการส่งเสริมสิทธิและเกียรติ
ให้แก่ทหารผ่านศึก การสงเคราะห์ทางด้านอาชีพ การแนะนำและส่งเสริมการประกอบอาชีพ การ
ฝึกอบรมอาชีพ การค้ำประกันการเข้าทำงาน   การสงเคราะห์ด้านการรักษาพยาบาลแก่ทหารผ่าน
ศึก ครอบครัวทหารผ่านศึก ทหารนอกประจำการ และบุคคลทั่วไป รวมทั้งให้บริการในการฟื้นฟู
สมรรถภาพทั้งด้านร่างกายและจิตใจแก่ทหารผ่านศึกพิการทุพพลภาพ รวมทั้งจัดทำอวัยวะเทียมและ

อุปกรณ์ช่วยสภาพความพิการ ทหารผ่านศึกพิการทุพพลภาพจากโรงพยาบาลของเหล่าทัพมาให้การดูแลรักษาต่อไป   ซึ่งมีหน่วยงานที่รับผิดขอบ ประกอบด้วยฝ่ายสวัสดิการสงเคราะห์ฝ่ายอาชีวสงเคราะห์ และโรงพยาบาลทหารผ่านศึก

- กลุ่มงานอำนวยการ มีหน้าที่ในวางแผน ประสาน กำกับดูแลงานให้เป็นไปตามนโยบาย ตลอดจนอำนวยการงานต่าง ๆ ให้กับหน่วยงานอื่น ๆ ซึ่งประกอบด้วย สำนักผู้อำนวยการองค์การสงเคราะห์ทหารผ่านศึก สำนักงานเลขานุการ และฝ่ายนโยบายและแผน

- กลุ่มงานสนับสนุน มีหน้าที่ส่งเสริมและสนับสนุน รวมทั้งให้การช่วยเหลือ หรือให้ความสะดวกในการดำเนินงานของหน่วยอื่นให้บรรลุวัตถุประสงค์ตามเป้าหมายที่กำหนด ซึ่งประกอบด้วยฝ่ายปลัดบัญชี ฝ่ายส่งกำลังบำรุง และกองตรวจสอบภายใน

- กลุ่มงานสงเคราะห์ในส่วนภูมิภาค มีหน้าที่ในการให้การสงเคราะห์ทางด้านสวัสดิการด้านเงินกองทุน ด้านการฌาปนกิจสงเคราะห์ ตลอดจนการส่งเสริมสิทธิและเกียรติให้แก่ทหารผ่านศึก การสงเคราะห์ทางด้านอาชีพ การแนะนำและส่งเสริมการประกอบอาชีพ การฝึกอบรมอาชีพ การค้ำประกันการเข้าทำงาน ซึ่งประกอบด้วย สำนักงานสงเคราะห์ทหารผ่านศึกในส่วนภูมิภาค จำนวน 24 สำนักงาน

- กลุ่มงานจัดหารายได้ มีหน้าที่   จัดหารายได้สนับสนุนงบประมาณในการดำเนินงานขององค์การสงเคราะห์ทหารผ่านศึก ซึ่งประกอบด้วย หน่วยงานกิจการพิเศษจำนวน 7 หน่วย ได้แก่ สำนักงานกิจการศาลหลักเมือง สำนักงานกิจการการเกษตรการอุตสาหกรรมและการบริการ สำนักงานกิจการโรงพิมพ์ สำนักงานรักษาความปลอดภัย สำนักงานจัดจำหน่ายสลากกินแบ่งและบุหรี่ สำนักงานกิจการโรงงานในอารักษ์ และสำนักงานกิจการพลังงาน

(2) สายการบังคับบัญชา (Chain of command) ซึ่งบ่งชี้ผู้ปฏิบัติงานแต่ละคน หรือกลุ่มว่าอยู่ภายใต้การบังคับบัญชาของใคร และต้องรายงานกับใคร   โดยการกำกับดูแลขององค์การสงเคราะห์ทหารผ่านศึก ผู้อำนวยการองค์การสงเคราะห์ทหารผ่านศึก เป็นผู้บังคับบัญชาสูงสุดและมีการมอบอำนาจหน้าที่ให้ผู้อำนวยการฝ่ายต่าง ๆ กำกับดูแลหน่วยกลุ่มงานของแต่ละหน่วยในส่วนกลางจะมี ผู้อำนวยการฝ่าย/ผู้อำนวยการสำนัก ผู้อำนวยการสำนักงาน เป็นผู้บังคับตามสายงานสูงสุด ส่วนในระดับกอง จะมีผู้อำนวยการกองเป็นผู้บังคับสูงสุด และในแต่ละแผนกจะมีหัวหน้าแผนกทำหน้ากำกับดูแลการปฏิบัติงาน ในส่วนงานภูมิภาค จะมี หัวหน้าสำนักงานสงเคราะห์ทหารผ่านศึกเป็นผู้บังคับบัญชาสูงสุด และมีการมอบอำนาจให้รองหัวหน้าสำนักงานสงเคราะห์ทหารผ่านศึกเป็นผู้บริหารจัดการภายในหน่วย โดยการดำเนินงานของส่วนภูมิภาคจะถูกกำกับดูแลจากหน่วยงานส่วนกลางอีกทางด้วยสายการบังคับบัญชา จะเป็นการใช้อำนาจบังคับบัญชาโดยขององค์การสงเคราะห์ทหารผ่านศึก จะใช้ระดับอัตราเงินเดือนของการครองตำแหน่งเป็นเกณฑ์ ในการกำหนดสายการบังคับบัญชาประกอบด้วย

(3) ขอบเขตการควบคุม (Span of control) หมายถึง จำนวนของผู้ใต้บังคับบัญชาที่เหมาะสมสำหรับหัวหน้าคนหนึ่งจะสามารถควบคุมดูแลได้ทั่วถึงอย่างมีประสิทธิภาพและประสิทธิผล ซึ่งองค์การสงเคราะห์ได้กำหนดขอบเขตของฝ่ายต่าง ๆ ดังนี้

- หน่วยงานระดับฝ่ายจะประกอบด้วย 3 กอง

- หน่วยงานระดับกอง จะประกอบด้วย 3 แผนก

- หน่วยงานระดับแผนก จะประกอบ ด้วยเจ้าหน้าที่ โดยเฉลี่ยแล้วประมาณ 7-10 คน

ทั้งนี้เนื่องจากองค์การสงเคราะห์ได้มีการแบ่งกลุ่มงานอย่างชัดเจน และมีการกำหนดภารกิจให้แต่ละหน่วยดำเนินอย่างละเอียด

4) การรวมศูนย์และการกระจายอำนาจ (Centralization and decentralization) ซึ่งบ่งบอกให้ทราบว่า อำนาจในการตัดสินใจอยู่ตรงจุดใดขององค์การ โดยองค์การสงเคราะห์ทหารผ่านศึกได้มีการกำหนดหน้าที่และมีการมอบอำนาจให้แต่ละหน่วยดำเนินการ ตามขอบเขตที่ได้กำหนดในข้อบังคับ และระเบียบ ต่าง ๆ เช่นข้อบังคับองค์การสงเคราะห์ทหารผ่านศึก ระเบียบว่าด้วยการสงเคราะห์ ระเบียบว่าด้วยการจัดซื้อจัดจ้าง หรือ คำสั่งมอบอำนาจหน้าที่ในการทำการแทน เป็นต้น

- ส่วนกลาง ได้มอบอำนาจในการตัดสินใจให้กับผู้อำนวยการฝ่าย ซึ่งขอบเขตของการมอบอำนาจจะขึ้นอยู่กับวงเงินที่ได้รับอำนาจอนุมัติ ระดับการตัดสินใจของผู้อวยการฝ่ายก็จะถูกกำหนดจากระดับความสำคัญของแต่ละเรื่องหรือแต่ละภารกิจ

- ส่วนภูมิภาค ได้มอบอำนาจในการตัดสินใจให้กับหัวหน้าสำนักงาน และรองหัวหน้าสำนักงานสงเคราะห์ ซึ่งขอบเขตของการมอบอำนาจจะขึ้นอยู่กับวงเงินที่ได้รับอำนาจอนุมัติ ระดับการตัดสินใจ จะถูกกำหนดจากระดับความสำคัญของแต่ละเรื่องหรือแต่ละภารกิจเช่นเดียวกัน แต่ขณะเดียวกันในการดำเนินภารกิจก็ยังถูกกำกับดูแลจากหน่วยงานจากส่วนกลาง ทั้งนี้ ถึงแม้นว่าจะมีการมอบอำนาจให้ส่วนภูมิภาคมีอำนาจในการตัดสินใจได้เอง ซึ่งส่วนใหญ่เป็นภารกิจที่หน่วยจะต้องทำอยู่แล้ว แต่อย่างไรต้องถูกกำกับดูแลและอนุมัติจากหน่วยงานส่วนกลาง หรือจากผู้อำนวยการสงเคราะห์ทหารผ่านศึกก่อน

(5) ความเป็นทางการ (Formalization) ซึ่งบ่งบอกว่าองค์การเน้นการมีกฎเกณฑ์ระเบียบต่าง ๆสำหรับเป็นเครื่องมือการดำเนินงานของผู้บริหารและพนักงานมากน้อยระดับใด โดยองค์การสงเคราะห์มีระเบียบว่าด้วยการกำหนดหน้าที่ของแต่ละหน่วย มีการกำหนดรายละเอียดการปฏิบัติงานของแต่ละตำแหน่งอย่างชัดเจน (job description)

2. การจัดโครงสร้างของกระทรวงกิจการทหารผ่านศึก ของประเทศสหรัฐอเมริกา เป็นการจัด
โครงสร้างองค์กรแบบงานหลักและงานที่ปรึกษา (Line and Staff Organization Structure) โดย
โครงสร้างของกระทรวงกิจการทหารผ่านศึกจะมีหน่วยงานที่ปรึกษาเข้ามา เพื่อช่วยศึกษาค้นคว้า ให้
คำแนะนำให้บริการและแก้ปัญหาต่างๆ ให้หน่วยงานหลัก หน่วยงานที่ปรึกษานี้จะเป็นอิสระขึ้น
ตรงกับผู้บริหารในฝ่ายหรือแผนกนั้นๆ หน่วยงานที่ปรึกษาสามารถเกิดขึ้นได้ทุกระดับการบริหาร
จัดการ โครงสร้างการจัดหน่วยของกระทรวงกิจการทหารผ่านศึก มีรูปแบบ ดังนี้

(1) ลักษณะเฉพาะของงาน (Work specification) โดยในการจัดหน่วยมีการแบ่งงาน
ตามประเภทของงานที่จะต้องรับผิดชอบที่ชัดเจน ที่สะท้อนถึงพันธกิจหลักของกระทรวงกิจการ
ทหารผ่านศึก ซึ่งบ่งชี้ว่างานสามารถแบ่งออกเป็นงานย่อยตามลักษณะเฉพาะแต่ละอย่างสำหรับใช้
เป็นกรอบในการปฏิบัติ ได้แก่

- กลุ่มงานการบริหารจัดการการดูแลสุขภาพของทหารผ่านศึก **Veterans Health
Administration** ที่ทำหน้าที่ในการบริหารจัดการสุขภาพให้กับทหารผ่านศึก ดูแลสุขภาพแบบ
บูรณาการ ซึ่งมีโรงพยาบาล, คลินิก, ศูนย์การดำรงชีวิตของชุมชน domiciliaries, ศูนย์ให้คำปรึกษา
การจัดรูปและสิ่งอำนวยความสะดวกอื่น

- กลุ่มงานการบริหารจัดการค่าตอบแทนและผลประโยชน์แก่ทหารผ่านศึก **Veterans
Benefits Administration** ได้แก่ การจ่ายค่าชดเชยต่าง ๆ การให้การศึกษาและฝึกอบรมฟื้นฟูการ
ประกอบอาชีพ การให้สินเชื่อบ้าน และการประกันชีวิต

- กลุ่มงานการบริหารจัดการสุสานชาติ **The National Cemetery Administration**
มีหน้าที่รับผิดชอบในการจัดพิธีศพและจัดสถานที่สำหรับฝังศพในสถานที่ปูชนีสถาน ในการเชิดชู
วีรกรรม

- กลุ่มงานที่ปรึกษาและสนับสนุน จะทำหน้าที่ในการกำกับดูแล ให้การสนับสนุน
อำนวยการ ตลอดจนให้คำปรึกษาในการปฏิบัติงานของหน่วยงานต่าง ๆ โดยจะหน่วยงานที่ทำ
หน้าที่ในการให้คำปรึกษาโดยตรงกับการดำเนินงานของหน่วยงานที่ทำหน้าที่ตามภารกิจหลัก
ได้แก่ Office of General Counsel ที่ทำหน้าที่ให้คำปรึกษาด้านข้อกฎหมายต่าง ๆ , Office of
Acquisition Logistics and Construction มีหน้าที่ในการให้คำแนะนำด้านการการเงินหรือการทำ
ธุรกิจให้กับทหารผ่านศึก โดยที่ทำหน้าที่ให้คำปรึกษาแก่กลุ่มงานบริหารจัดการผลประโยชน์ทหาร
ผ่านศึก Veterans Benefits Administration

(2) สายการบังคับบัญชา (Chain of command) ซึ่งบ่งชี้ผู้ปฏิบัติงานแต่ละคน หรือกลุ่ม
ว่าอยู่ภายใต้การบังคับบัญชาของใคร และต้องรายงานกับใคร การกำกับดูแลของกระทรวงกิจการ

ทหารผ่านศึก จะมีเลขาธิการกระทรวงกิจการทหารผ่านศึก เป็นผู้บังคับบัญชาสูงสุด สำหรับการ
บริหารจัดการกลุ่มงานหลัก จะมีเลขาธิการของกลุ่มงานนั้นเป็นผู้บังคับบัญชา
 โดยอยู่ภายใต้การกำกับดูแลของ เลขาธิการกระทรวงกิจการทหารผ่านศึก โดยตรง

     - กลุ่มงานการบริหารจัดการการดูแลสุขภาพของทหารผ่านศึก **(Veterans   Health
Administration)** จะมี **Secretary for Health** กำกับดูแลการดำเนินงาน

     - กลุ่มงานการบริหารจัดการค่าตอบแทนและผลประโยชน์แก่ทหารผ่านศึก Veterans
Benefits Administration จะมี **Secretary for Benefits** กำกับดูแลการดำเนินงาน

     - กลุ่มงานการบริหารจัดการสุสานชาติ **The National Cemetery Administration**
จะมี **Secretary for Memorial Affairs** กำกับดูแลการดำเนินงาน

     (3) ขอบเขตการควบคุม (Span of control) หมายถึง จำนวนของผู้ใต้บังคับบัญชาที่
เหมาะสมสำหรับหัวหน้าคนหนึ่งจะสามารถควบคุมดูแลได้ทั่วถึงอย่างมีประสิทธิภาพและ
ประสิทธิผล ซึ่งกระทรวงกิจการทหารผ่านศึก มีพนักงานกระจายตัวทั่วประเทศ มากกว่า 340,000
คน โดยในส่วนมลรัฐจะมีสำนักงานที่ทำหน้าที่ บริหารจัดการการดูแลสุขภาพของทหารผ่านศึก
บริหารจัดการค่าตอบแทนและผลประโยชน์แก่ทหารผ่านศึก บริหารจัดการสุสานชาติ ตลอดจน
ดำเนินการต่าง ๆ ให้กับทหารผ่านศึกที่อาศัยในมลรัฐนั้น ๆ
โดยทำหน้าที่ให้ความช่วยเหลือ ให้คำแนะนำ

     (4) การรวมศูนย์และการกระจายอำนาจ (Centralization and decentralization) ซึ่งบ่งบอก
ให้ทราบว่า อำนาจในการตัดสินใจอยู่ตรงจุดใดขององค์การ โดยกระทรวงกิจการทหารผ่านศึก ได้มี
การกำหนดหน้าที่และมีการมอบอำนาจให้แต่ละมลรัฐดำเนินงาน โดยจัดตั้ง State Veterans Affairs
Offices ดูแลงาน

     - การให้บริการด้านผลประโยชน์แก่ทหารผ่านศึกในพื้นที่ เช่น   การจ่ายค่าชดเชยต่าง
ๆ การให้การศึกษาและฝึกอบรมฟื้นฟูการประกอบอาชีพ การให้สินเชื่อบ้าน และการประกันชีวิต

     - การให้บริหารจัดการการดูแลสุขภาพของทหารผ่านศึก โดยจะมีการประสานและให้
ความช่วยเหลือในการใช้บริการด้านสุขภาพ จากโรงพยาบาล, คลินิก, ศูนย์การดำรงชีวิตของชุมชน
domiciliaries, ศูนย์ให้คำปรึกษาการจัดรูปและสิ่งอำนวยความสะดวกอื่น

     - การให้บริการเกี่ยวกับการจัดพิธีศพ โดยจะมีการให้ความช่วยเหลือเกี่ยวกับพิธีต่าง
ๆ เกี่ยงกับงานศพของทหารผ่านศึก

(5) ความเป็นทางการ (Formalization) ซึ่งบ่งบอกว่าองค์การเน้นการมีกฎเกณฑ์ระเบียบ
ต่าง ๆ สำหรับเป็นเครื่องมือการดำเนินงานของผู้บริหารและพนักงานมากน้อยระดับใด โดยองค์การ
สงเคราะห์มีระเบียบว่าด้วยการกำหนดหน้าที่ของแต่ละหน่วย มีการกำหนดรายละเอียดการ
ปฏิบัติงานของแต่ละตำแหน่งอย่างชัดเจน (job description)

สรุปจากการเปรียบเทียบการจัดโครงสร้างขององค์การสงเคราะห์ทหารผ่านศึก กับกระทรวงกิจการ
ทหารผ่านศึก ภายใต้แนวคิดการจัดโครงสร้างองค์การ โดยวิเคราะห์จาก รูปแบบการจัดโครงสร้างและ
ลักษณะของโครงสร้างองค์การ ซึ่งมีผลต่อการบริหารจัดการที่ต่างๆ กัน พบว่า

1. รูปแบบการจัดโครงสร้างขององค์การสงเคราะห์ทหารผ่านศึก มีการจัดแบบราชการ ซึ่งการจัด
โครงสร้างองค์การแบบนี้ เน้นในการใช้อำนาจหน้าที่เป็นทางการ **(Authority)** ซึ่งมีการออกคำสั่ง
ให้ผู้อยู่ใต้บังคับบัญชาต้องปฏิบัติตาม การบริหารจัดการมีลักษณะจากบนลงล่าง TOP – DOWN
เห็นได้จากนโยบายในการปฏิบัติงาน เกิดจากการกำหนดจากผู้บริหารส่วนกลาง และอำนาจในการ
ตัดสินใจอยู่ภายใต้ผู้อำนวยการองค์การสงเคราะห์ทหารผ่านศึก เท่านั้น ขณะเดียวกัน เมื่อศึกษา
รูปแบบการจัดโครงสร้างของกระทรวงกิจการทหารผ่านศึกของอเมริกา จะเห็นได้ว่ามีรูปแบบการ
จัดโครงสร้างองค์การ แบบงานหลักและงานที่ปรึกษา (Line and Staff Organization Structure) ซึ่ง
จะเห็นได้จาก มีการแบ่งงานตามพันธกิจหลัก และมีที่ปรึกษาทำหน้าที่กำกับดูแลและให้คำแนะนำ
และออกแบบนโยบายในการ โดยในการบริหารจัดการจะมีเลขาธิการและผู้ช่วยเลขาธิการกำกับ
ดูแลภารกิจที่ได้รับมอบหมายในการกำกับดูแลสำหรับงานอำนวยการและงานสนับสนุนต่าง ๆ
และในการดำเนินการภารกิจหลักด้านการช่วยเหลือทหารผ่านศึกจะมี **Secretary for Benefits
Secretary for Health** และ **Secretary for Memorial Affairs** กำกับดูแลภารกิจในการดูแลทหาร
ผ่านศึก อีกทั้งในมลรัฐต่าง ๆ ได้มีการจัดตั้งสำนักงานกิจการทหารผ่านศึกกระจายตัวอยู่ทั่วประเทศ
เพื่อทำหน้าที่ในการให้ความช่วยเหลืออย่างทั่วถึง อีกทั้ง การจัดรูปแบบโครงสร้างหน่วยของ
กระทรวงกิจการทหารผ่านศึกจะทำให้การบริหารจัดการงานตามภารกิจหลักของสำนักงานมลรัฐ
เป็นอย่างมีประสิทธิภาพ สามารถตัดสินใจในการแก้ปัญหาต่าง ๆ ของทหารผ่านศึกได้อย่างรวดเร็ว
ทันเวลาในการแก้ปัญหา ในขณะที่หน่วยงานอื่นที่อยู่ที่ส่วนกลางสามารถที่จะทำหน้าที่ในการ
อำนวยการและสนับสนุน ได้อย่างมีประสิทธิผล

ทั้งนี้ เมื่อวิเคราะห์ถึงรูปแบบการจัดการจัดโครงสร้างของทั้งสองประเทศแล้วจะเห็นได้ว่ารูปแบบ
การจัดโครงสร้างแบบงานหลักและงานที่ปรึกษา ของกระทรวงกิจการทหารผ่านศึก จะทำให้การ
ดำเนินงานเกิดความยืดหยุ่นมากกว่า โดยการปฏิบัติงานจะให้ความสำคัญในเรื่องการปฏิบัติงานตาม
ภารกิจหลัก การบริหารจัดการ โดยหน่วยที่รับผิดชอบโดยตรงจะทำให้เข้าใจปัญหาของการ

ดำเนินการมากขึ้นหน่วยสนับสนุนจะทำหน้าที่เพียงให้คำปรึกษาและคำแนะนำในกรณีที่ภารกิจ
หลักเกิดปัญหา ในทางตรงกันข้ามองค์การสงเคราะห์ทหารผ่านศึกจะเน้นการตามเนินการตาม
ขั้นตอน และรายละเอียดการปฏิบัติมากกว่าประกอบกับการที่มีรูปแบบโครงสร้างแบบระบบ
ราชการจะทำให้การปฏิบัติงานเป็นไปด้วยความล่าช้า และไม่สามารถแก้ไขปัญหาและความ
ต้องการของทหารผ่านศึกได้อย่างเต็มที่

2. ลักษณะของการจัดโครงสร้างขององค์การสงเคราะห์ทหารผ่านศึกและกระทรวงกิจการทหาร
ผ่านศึก ของอเมริกา ถึงแม้นว่าจะมีการแบ่งภารกิจตามกลุ่มงานเหมือนกัน แต่อำนาจหน้าที่ของกลุ่ม
งานหลักที่จะดำเนินการให้ความช่วยเหลือแก่ทหารผ่านศึก ยังมีข้อจำกัดในเรื่องการกระจายอำนาจ
การตัดสินใจในการดำเนินงานสงเคราะห์ โดยองค์การสงเคราะห์ทหารผ่านศึก จะมอบอำนาจ
บางส่วนให้สำนักงานสงเคราะห์ในส่วนภูมิภาคบางส่วน ที่เป็นเรื่องทั่วไปมากกว่าการให้อำนาจ
อย่างเบ็ดเสร็จในการให้การสงเคราะห์แก่ทหารผ่านศึก การให้อำนาจในการช่วยเหลือทางการเงิน
ถ้าเป็นการสงเคราะห์ทั่วไป สำนักงานสงเคราะห์สามารถดำเนินการได้ทันทีตามที่ได้กำหนดใน
ระเบียบข้อบังคับต่าง ๆ ที่ส่วนกลางกำหนดไว้ แต่ถ้านอกเหนือจากที่ได้กำหนดไว้ในระเบียบ
จะต้องส่งเรื่องขออนุมัติในส่วนกลางเท่านั้น ซึ่งบางครั้งไม่ทันเวลาและไม่สามารถเนื่องจากการ
ปฏิบัติงานต้องเป็นไปตามสายการบังคับบัญชาที่ค่อยข้างซับซ้อน ในขณะเดียวกัน กระทรวง
กิจการทหารผ่านศึก มีการมอบอำนาจให้ สำนักงานในแต่ละมลรัฐสามารถดำเนินการได้อย่างอิสระ
ภายในนโยบายการปฏิบัติงานที่กระทรวงกิจการทหารผ่านศึกกำหนดไว้อย่างชัดเจน ทำให้การ
ตัดสินใจเป็นไปด้วยความรวดเร็ว สามารถแก้ปัญหาได้ทันกับความต้องการของทหารผ่านศึกได้
อย่างมีประสิทธิภาพ หากเกิดปัญหาใดในการปฏิบัติงาน ก็จะรายงานขอคำปรึกษาจากกระทรวง
กิจการทหารผ่านศึก ซึ่งจะมีหน่วยงานให้คำปรึกษา อำนวยการ และให้คำแนะนำ

ดังนั้นจะเห็นได้ว่าการจัดโครงสร้างที่แตกต่างกันจะส่งผลต่อการบริหารจัดการและอำนาจการ
ตัดสินใจของทั้งสองหน่วยงานแตกต่างกันด้วย อันจะส่งผลให้ประสิทธิภาพการดำเนินการ
สงเคราะห์แก่ทหารผ่านศึกแตกต่างกันเช่นเดียวกัน และจากรูปแบบการจัดโครงสร้างขององค์การ
สงเคราะห์ทหารผ่านศึกตามรูปแบบระบบราชการ ส่งผลทำให้การสงเคราะห์แก่ทหารผ่านศึกไม่มี
ประสิทธิภาพเท่าที่ควร ซึ่งถือว่าเป็นปัจจัยหนึ่งที่ทำให้การสงเคราะห์ทหารผ่านศึกไม่สามารถทำ
ให้หารผ่านศึกมีความรู้สึกไม่พึงพอใจ และไม่ส่งผลต่อการเสริมสร้างให้ทหารผ่านศึกมีคุณภาพ
ชีวิตที่ดีขึ้น

การสงเคราะห์ทหารผ่านศึก

จากการศึกษาและวิเคราะห์รูปแบบการสงเคราะห์แก่ทหารผ่านศึกขององค์การสงเคราะห์ทหารผ่าน
ศึก และกระทรวงกิจการทหารผ่านศึก สหรัฐอเมริกา จากเอกสารและข้อมูลที่เกี่ยวข้อง พบว่า

1. องค์การสงเคราะห์ทหารผ่านศึก จัดโครงสร้างระบบการให้การสงเคราะห์แก่ทหารผ่านศึก
แบ่งออกเป็น 2 ระบบ

     - ระบบการสงเคราะห์ที่เป็นตัวเงิน (MONETARY AIDs)

     - ระบบการสงเคราะห์ที่ไม่เป็นตัวเงิน (NON MONETARY AIDs)

ระบบการสงเคราะห์ที่เป็นตัวเงิน (MONETARY AIDs) เป็นการให้ความช่วยเหลือเบื้องต้นแก่
ทหารผ่านศึกที่กำลังได้รับความเดือดร้อนในการแก้ปัญหาเฉพาะหน้า หรือช่วยเหลือในการลดภาระ
ค่าใช้จ่ายให้กับทหารผ่านศึก โดยจ่ายเงินช่วยเหลือในรูปของเงินสงเคราะห์ให้กับทหารผ่านศึก ซึ่ง
ทหารผ่านศึกและครอบครัวจะได้รับสิทธิตามเงื่อนไขและหลักเกณฑ์ตามที่องค์การสงเคราะห์ทหารผ่าน
ศึกกำหนดไว้ในพระราชบัญญัติองค์การสงเคราะห์ทหารผ่านศึก พ.ศ.2510 และข้อบังคับว่าด้วยการ
สงเคราะห์ ระเบียบต่าง ๆ ได้แก่

1. การสงเคราะห์ด้านสวัสดิการและการศึกษา โดยจะจ่ายเงินให้กับทหารผ่านศึกและครอบครัว
ได้แก่ ค่าคลอดบุตร เงินเลี้ยงชีพรายเดือน เงินช่วยเหลือเป็นค่าครองชีพพิเศษ เงินช่วยค่าครองชีพ
เพื่อผดุงเกียรติเป็นรายเดือน เงินเชิดชูเกียรติ เงินช่วยเหลือรายเดือนแก่ครอบครัวทหารผ่านศึกบัตร
ชั้นที่ 1 เงินช่วยเหลือรายเดือนแก่ทหารผ่านศึกนอกประจำการ บัตรชั้นที่ 2, 3 และ 4 เงินเลี้ยงชีพ
พิเศษ การส่งเสริมสิทธิและเกียรติ เยี่ยมเยียนทหารผ่านศึกและครอบครัวเป็นครั้งคราว เยี่ยมเยียน
ทหารผ่านศึกที่ได้รับบาดเจ็บหรือเจ็บป่วยจากการปฏิบัติหน้าที่ เงินช่วยเหลือครั้งคราว ค่าประสบ
ภัยพิบัติ การสงเคราะห์ค่าการศึกษาการสงเคราะห์ค่ารักษาพยาบาล การสงเคราะห์ค่าจัดการ
ศพ และการสงเคราะห์เงินช่วยเหลือแก่ทายาท

2. การสงเคราะห์ด้านการให้สินเชื่อ โดยจะให้การช่วยเหลือด้านเงินทุนแก่ทหารผ่านศึกในการ
ประกอบอาชีพ หรือค่าใช้จ่ายประจำเดือนของครอบครัว รวมทั้ง สำหรับ จัดหาที่อยู่อาศัย โดยการ
กู้ยืมจากเงินกองทุนสินเชื่อขององค์การสงเคราะห์ทหารผ่านศึก ภายใต้การดอกเบี้ยในอัตราต่ำ
ได้แก่ สินเชื่อเพื่อการเกษตรระยะสั้น สินเชื่อเพื่อการประกอบอาชีพ สินเชื่อเพื่อการสวัสดิการ
และสินเชื่อเพื่อที่อยู่อาศัยและที่ดินทำกิน

ระบบการสงเคราะห์ที่ไม่เป็นตัวเงิน (NON MONETARY AIDs) เป็นการสงเคราะห์ที่ให้ความ
ช่วยเหลือแก่ทหารผ่านศึกที่กำลังได้รับความเดือดร้อน เพื่อสามารถช่วยเหลือให้ทหารผ่านผ่านศึก
ได้แก่

- การสงเคราะห์ด้านอาชีพ ประกอบด้วย การแนะแนวและส่งเสริมอาชีพ การฝึกอาชีพการฝึก
หาความชำนาญ การจัดหางาน และการค้ำประกันการเข้าทำงาน ซึ่งทางองค์การสงเคราะห์ทหาร
ผ่านศึก ได้ให้ความสำคัญเป็นอย่างมากในการส่งเสริมทักษะทางอาชีพให้แก่ทหารผ่านศึก ทั้ง
ทางด้านเกษตรกรรม ทางด้านแรง เพื่อสอบสนองความต้องการของตลาดแรงงาน โดยมีการออก
หน่วยเคลื่อนที่ในการไปฝึกอาชีพให้กับทหารผ่านศึกในแต่ละพื้นที่ เพื่อให้ทหารผ่านศึกมีอาชีพที่
ยั่งยืน มีรายได้เพียงพอ ในการเลี้ยงดูตนเองและครอบครัวได้

- การสงเคราะห์นิคมเกษตรกรรม โดยจัดหาที่ดินจากภาครัฐและเอกชน มาตั้งเป็นนิคม-
เกษตรกรรมขึ้น เพื่อจัดสรรที่ดินให้กับทหารผ่านศึก สำหรับสร้างที่อยู่อาศัยและมีที่ดินทำกิน รวมทั้ง
มีการส่งเสริมอาชีพทางการเกษตรให้กับทหารผ่านศึกในนิคมเกษตรกรรม

- การสงเคราะห์ด้านการรักษาพยาบาล โดยให้การดูแลรักษาพยาบาลแก่ทหารผ่านศึกและ
ครอบครัวที่เข้ารับการรักษาที่โรงพยาบาลทหารผ่านศึก

- การส่งเสริมสิทธิและเกียรติ โดยมีจะดำเนินการขอสิทธิพิเศษต่างจากหน่วยงานภาครัฐและ
เอกชนให้แก่ทหารผ่านศึก และครอบครัว เพื่อเป็นการสงเสริมเกียรติให้แก่ทหารผ่านศึกรวมทั้งมี
การจัดงานวันทหารผ่านศึก เพื่อเป็นการระลึกถึงวีรกรรมของทหารผ่านศึกที่ได้เสียสละชีวิตในการ
ปกป้องประเทศชาติ

ทั้งนี้ในการให้สงเคราะห์แต่ละประเภท ขึ้นอยู่กับประเภทชั้นบัตรของทหารผ่านศึกและครอบครัว
ซึ่งเป็นตัวกำหนดสิทธิและผลประโยชน์ที่แตกต่างกัน ที่จะได้รับการช่วยเหลือจากองค์การ
สงเคราะห์ทหารผ่านศึก และจากการวิเคราะห์ พบว่า

1. ทหารผ่านศึกบัตรชั้นที่ 1 ซึ่งเป็นทหารผ่านศึกพิการที่เกิดจากการปฏิบัติหน้าที่ในการรักษาความ
มั่นคงของรัฐ ปัจจุบันมีทหารผ่านศึกพิการบัตรชั้นที่ 1 มากกว่า 6,000 คน และมีแนวโน้มจะเพิ่มขึ้น
เรื่อย ๆ จากสถานการณ์ความรุนแรงในสามจังหวัดชายแดนใต้ โดยจะได้สิทธิประโยชน์อย่างมาก
ได้แก่

- การได้รับความช่วยเหลือด้านสวัสดิการ โดยองค์การสงเคราะห์ทหารผ่านศึกจ่ายเป็นเงิน
ประกอบด้วย เงินเลี้ยงชีพรายเดือนจะได้เดือนละ 8,060 บาท เงินช่วยเหลือเป็นค่าครองชีพพิเศษ
เดือนละ 1,000 บาท เงินช่วยค่าครองชีพเพื่อผดุงเกียรติเป็นรายเดือน เดือนละ 4,000 บาท เงินเชิดชู
เกียรติ เดือนละ

5,000 บาท เยี่ยมเยียนทหารผ่านศึก ครั้งละ 500 บาท ดังนั้นในแต่ละเดือนทหารผ่านศึกพิการบัตร
ชั้นที่ 1 จะได้การสงเคราะห์ด้านสวัสดิการรวมเดือนละ ไม่น้อยกว่า 18,560 บาท ต่อเดือน อีกทั้งยัง
ได้รับเงินบำนาญจากหน่วยต้นสังกัดอีกทอดหนึ่ง โดยจำนวนเงินบำนาญนั้นจะขึ้นกับตำแหน่งของ
ทหารผ่านศึกพิการ และเมื่อเกิดกรณีภัยพิบัติต่าง ๆ ที่ทำให้ทรัพย์สินของทหารผ่านศึกพิการบัตรชั้น
ที่ 1 เสียหาย องค์การสงเคราะห์ทหารผ่านศึกก็จะช่วยเหลือ 3,500 บาท ประกอบองค์การสงเคราะห์
ทหารผ่านศึกยังให้การสนับสนุนแก่ทหารผ่านศึกนอกประจำการ บัตรชั้นที่ 1 ให้ได้รับการศึกษาจนจบ
ระดับปริญญาโท โดยจ่ายเงินสงเคราะห์ค่าเล่าเรียน ค่าบำรุง ค่าธรรมเนียม ค่าอุปกรณ์การศึกษา และ
อื่นๆ คนละ ไม่เกิน 120,000 บาท แบ่งจ่ายเป็นรายปี นอกจากนี้สามารถเบิกค่ารักษาพยาบาลทั่วไปปี
ละ ไม่เกิน 3,000 บาท และหากเจ็บป่วยสามารถเข้ารับการรักษาที่โรงพยาบาลทหารผ่านศึก โดยไม่
เสียค่าใช้จ่ายใดๆ

        - การให้ความช่วยเหลือด้านที่อยู่อาศัยและที่ดินทำกิน โดยองค์การสงเคราะห์ทหารผ่านศึก
จะให้กู้ยืมภายในวงเงินให้กู้ยืมคนละ ไม่เกิน 400,000 บาท มีกำหนดระยะเวลากู้ยืมไม่
เกิน   25 ปี เพื่อนำไปซื้อที่ดินทำกิน หรือซื้อที่ดินพร้อมบ้าน ,ไถ่ถอนจำนองที่ดินทำกิน หรือไถ่
ถอนจำนองที่ดินพร้อมบ้าน ,ไถ่ถอนขาย ฝากที่ดินทำกิน หรือไถ่ถอนขายฝากที่ดินพร้อมบ้าน หรือ
ปลูกสร้างที่พักอาศัย หากซ่อมแซมต่อเติม หรือปลูกสร้างที่อยู่อาศัย ให้กู้ยืมเงินได้ อีกครั้ง บ้านที่
จะซ่อมแซมหรือต่อเติม จะต้องเป็นของผู้กู้ ในวงเงินคนละ ไม่เกิน 200,000 บาทมี
กำหนด ระยะเวลากู้ยืมไม่เกิน 6 ปี จะต้องเสียดอกเบี้ย ในอัตราร้อยละ 2 ต่อปี หรือผู้กู้ไม่ต้องเสีย
ดอกเบี้ย กรณีกู้ยืมเงินเกินกว่า 100,000 บาท จะต้องผ่านการพิจารณาจากคณะกรรมการ ที่องค์การ
สงเคราะห์ทหารผ่านศึกแต่งตั้ง

ขณะเดียวกันทหารผ่านศึกพิการบัตรชั้นที่ 1 ยังได้รับการช่วยเหลือโดยองค์การสงเคราะห์ทหารผ่าน
ศึกยังให้สินเชื่อเพื่อการเกษตรระยะสั้นสมาชิกกลุ่มเกษตรกรทหารผ่านศึก ในวงเงินให้กู้ยืมคน
ละ ไม่เกิน 20,000 บาท รวมทั้งได้รับความช่วยเหลือในด้านอาชีพ ไม่ว่าจะเป็นเรื่องการฝึกอาชีพ
การเข้ารับทำงาน ส่วนในด้านที่ดินทำกินก็จะได้รับการจัดสรรให้ทำกินในนิคมเกษตรกรรมที่อยู่
ตามพื้นที่ต่าง ๆ ที่นิคมเกษตรกรรมตั้งอยู่ ตลอดจนได้รับการฟื้นฟูบำบัดทางด้านร่างกายและ
ทางด้านจิตใจในฐานะคนไข้ในที่โรงพยาบาลทหารผ่านศึก โดยไม่ต้องเสียค่าใช้จ่ายใดๆ เช่นกัน

2. ทหารผ่านศึกบัตรชั้นที่ 2, 3 และ 4 ซึ่งปัจจุบันมีประมาณ 700,000 กว่าคน มีแนวโน้มเพิ่มขึ้น
เช่นกัน เนื่องจากทหารกองหนุนที่เคยปฏิบัติหน้าที่ในการรักษาความสงบในประเทศแล้วปลด
ประจำการจะได้รับบัตรทหารผ่านศึกชั้นที่ 4 เช่นเดียวกัน โดยองค์การสงเคราะห์ทหารผ่านศึกจะ
ให้การช่วยเหลือทางด้านสวัสดิการ โดยจะจ่ายเงินช่วยเหลือรายเดือนที่พิการจากการปฏิบัติหน้าที่
หรือพิการทุพพลภาพหรือพิการจนเป็นอุปสรรคสำคัญในการประกอบอาชีพจากเหตุอื่นและอัตคัด

ขัดสนขาดผู้อุปการะเดือนละไม่เกิน 3,120 บาท อีกทั้งจะจ่ายเงินเยียนทหารผ่านศึกและครอบครัว เป็นครั้งคราว ในวงเงินคนละไม่เกิน 500 บาท เช่นเดียวกัน ทหารผ่านศึกชั้นบัตร 2 , 3 และ 4 จะได้รับ การช่วยเหลือค่ารักษาพยาบาล ครอบครัวละปีละไม่เกิน 3,000 บาท

สำหรับการสงเคราะห์ด้านเงินทุน องค์การสงเคราะห์จะให้การช่วยเหลือโดยให้สินเชื่อเกษตรระยะ สั้น สมาชิกกลุ่มเกษตรกรทหารผ่านศึก ในวงเงินให้กู้ยืมคนละ ไม่เกิน 20,000 บาท และให้สินเชื่อ เพื่อการประกอบอาชีพ เพื่อเป็นทุนในการประกอบอาชีพทางการเกษตร และอาชีพต่าง ๆ เช่น ค้าขาย โดยจะต้องมีที่ดินจำนองเป็นประกันหนี้ กำหนดระยะเวลากู้ยืมไม่เกิน 5 ปี ให้กู้ยืม คนละไม่เกิน 100,000 บาท

ในขณะเดียวกันองค์การสงเคราะห์ทหารผ่านศึกยังให้การช่วยเหลือในการฝึกอาชีพ จัดหางาน เพื่อให้ทหารผ่านศึกมีอาชีพที่มั่นคง หากทหารผ่านศึกบัตรประจำตัวชั้นที่ 2, 3 และ 4 ที่ไม่มีที่ดิน ทำกิน องค์การสงเคราะห์ทหารผ่านศึกจะจัดสรรที่ดินทำกินในนิคมเกษตรกรรมให้ ตามลำดับความ เร่งด่วน

ดังนั้น เมื่อวิเคราะห์ถึงผลประโยชน์และสิทธิต่างๆ ที่ทหารผ่านศึกจะได้ พบว่าทหารผ่านศึกบัตร ประจำตัวชั้นที่ 1 จะได้รับการช่วยเหลือเป็นอย่างมาก ขณะเดียวกันทหารผ่านศึกบัตรประจำตัวชั้น ที่ 2 , 3 และ 4 จะได้รับสิทธิและผลประโยชน์น้อยมาก ซึ่งเมื่อมองจากการปฏิบัติหน้าที่ปกป้อง ประเทศทหารผ่านศึกทุกคนล้วนแต่ได้ปฏิบัติตามหน้าที่มาแล้ว เพียงแต่ว่าทหารผ่านศึกส่วนใหญ่ ไม่ได้รับความพิการหรือเสียชีวิตจากการปฏิบัติหน้าที่ แต่กับได้การสงเคราะห์ที่น้อยมาก ซึ่งทำให้ ช่องว่างของการให้การสงเคราะห์ระหว่างทหารผ่านศึกบัตรประจำตัวชั้นที่ 1 และทหารผ่านศึกบัตร ประจำตัวชั้นอื่น มีความแตกต่างกันอย่างมากมาย ยิ่งทำให้ทหารผ่านศึกส่วนใหญ่มีฐานะยากจน เนื่องจากเป็นเกษตรกร มีรายได้ไม่สม่ำเสมอ ซึ่งช่องว่างของการสงเคราะห์ เป็นปัจจัยหนึ่งที่ องค์การสงเคราะห์ไม่สามารถทำให้ทหารผ่านศึกมีคุณภาพชีวิตที่ดีขึ้น

2. กระทรวงกิจการทหารผ่านศึก จัดโครงสร้างระบบการให้การสงเคราะห์แก่ทหารผ่านศึก แบ่ง ออกเป็นสามกลุ่มด้วยกัน ประกอบด้วย

    - การให้ความช่วยเหลือด้านสิทธิประโยชน์ต่าง ๆ (benefits, social support)

    - การให้ความช่วยเหลือด้านบริการสุขภาพ (medical care)

    - การจัดพิธีฝังศพและการจัดหาสุสาน (lasting memorials promoting)

การให้ความช่วยเหลือด้านสิทธิผลประโยชน์ (Benefits) กระทรวงกิจการทหารผ่านศึกได้จัดหา
สิทธิประโยชน์และบริการที่หลากหลายทั้งในรูปแบบการช่วยเหลือทางการเงินและที่ไม่ใช่ทางการ
เงิน เพื่อที่ให้ความช่วยเหลือแก่ทหารผ่านศึก Service members และผู้ที่อยู่ในความอุปการะของ
ทหารผ่านศึก และผู้รอดชีวิต ทั้งนี้สิทธิผลประโยชน์ต่าง ๆ ที่กระทรวงกิจการทหารผ่านศึกกำหนด
ไว้ จะขึ้นอยู่กับการออกไปปฏิบัติราชการทหารภายใต้เงื่อนไขอื่นๆ ซึ่งประกอบด้วย การจ่าย
ค่าชดเชย การให้การศึกษาและฝึกอบรมฟื้นฟูการประกอบอาชีพ การให้สินเชื่อบ้าน การประกัน
ชีวิต

การจ่ายค่าชดเชย (Compensation)

การชดเชยความทุพพลภาพของกระทรวงกิจการทหารผ่านศึกโดยให้สิทธิผลประโยชน์รายเดือนแก่
ทหารผ่านศึกที่ได้รับผลกระทบจากความพิการ โรคภัย หรือการบาดเจ็บที่เกิดขึ้น หรือที่กำเริบ
ระหว่างการรับราชการทหาร นอกจากนี้ยังมีโปรแกรมการชดเชยให้เงินรายเดือนกับคู่สมรสที่ยังมี
ชีวิต เด็กและ บิดามารดาที่อยู่ในการเลี้ยงดู โดยคำนึงถึงการสูญเสียทางเศรษฐกิจอันเป็นผลมาจาก
ความพิการทุพพลภาพจากการปฏิบัติหน้าที่หรือเกิดจากหลังออกจาการรับราชการทหารที่เป็นผล
เชื่อมโยงของความพิการทุพพลภาพ โดยจะจ่ายค่าชดเชย ดังนี้

ค่าการชดเชยความทุพพลภาพ Disability Compensation คือ ผลประโยชน์เงินปลอดภาษีที่จ่าย
ให้กับทหารผ่านศึกทุพพลภาพ ที่เป็นผลมาจากโรคหรือการบาดเจ็บที่เกิดขึ้นหรือกำเริบระหว่างรับ
ราชการทหารโดยจำนวนเงินผลประโยชน์ที่ได้รับ จะเพิ่มขึ้นตามระดับของความพิการทหารผ่าน
ศึกที่ตั้งแต่ 10 เปอร์เซ็นต์ จนถึง 100 เปอร์เซ็นต์ นอกจากนี้ยังอาจจ่ายค่าตอบแทนสำหรับความ
พิการที่ได้รับการพิจารณาว่าเป็นที่เกี่ยวข้องความบกพร่องทางร่างกายที่เกิดขึ้นในการให้รับราชการ
และความพิการ โดยเกิดจากการสันนิษฐานว่าจะเกี่ยวข้องกับสถานการณ์ของการรับราชการทหาร
ถึงแม้นว่าจะเพิ่มขึ้นหลังที่รับราชการผ่านไปแล้ว

การพึ่งพาและการชดเชยค่าเสียหาย (Dependency and Indemnity Compensation จะเป็น
ผลประโยชน์ทางการเงินปลอดภาษี โดยทั่วไปที่จ่ายให้กับคู่สมรสที่รอด บุตรหรือผู้ปกครองของ
Service members ผู้ที่เสียชีวิตในขณะที่ปฏิบัติหน้าที่ประจำการสำหรับการฝึกอบรม หรือเจ้าหน้าที่
งานฝึกอบรม หรือทหารผ่านศึกที่มีชีวิตอยู่แล้วเสียชีวิตจากความทุพพลภาพที่เกี่ยวเนื่องจากการ
ปฏิบัติหน้าที่

(1) ค่าชดเชยและการชดใช้ที่จ่ายให้บิดามารดาที่จะต้องดูแล **parents' Dependency and
Indemnity Compensation** (DIC) คือ ผลประโยชน์ทางรายได้รายเดือนที่ปลอดภาษีสำหรับบิดา

มารดาของ Service members ที่ได้เสียชีวิตในระหว่างปฏิบัติหน้าที่ หรือทหารผ่านศึกที่เสียชีวิตที่
เกิดขึ้นและเกี่ยวข้องกับการบาดเจ็บ หรือเจ็บป่วย จากการปฏิบัติหน้าที่

(2) ค่าตอบแทนรายเดือนพิเศษ Special Monthly Compensation (SMC) คือผลประโยชน์
จะเป็นสิทธิประโยชน์ปลอดภาษีเพิ่มเติม ที่สามารถจ่ายเงินให้กับทหารผ่านศึกคู่สมรสคู่สมรส ที่
รอดตายและผู้ปกครอง ที่สามารถนำมาจ่ายให้กับทหารผ่านศึกคู่สมรสคู่สมรสที่รอดตายและ
ผู้ปกครอง สำหรับทหารผ่านศึกแล้ว ค่าตอบแทนพิเศษรายเดือน จะจ่ายในอัตราที่สูงของการจ่าย
ค่าตอบแทนทั่วไป ในกรณีพิเศษ เช่น ความต้องการของความช่วยเหลือหรือการดูแลรักษา หรือ
ความพิการที่เฉพาะเจาะจง เช่น การสูญเสียของการใช้มือข้างหนึ่ง หรือขา สำหรับคู่สมรสสำหรับคู่
สมรสและคู่สมรสมีชีวิตรอด ผลประโยชน์นี้มักจะจะอ้างอิงถึงการช่วยเหลือ การดูแลรักษา ซึ่งจะ
จ่ายตามความต้องการช่วยเหลือความต้องการดูแลรักษา0==

(3) สิทธิประโยชน์อื่น Other Benefits: จะเป็นสิทธิประโยชน์ที่ กระทรวงกิจการทหารผ่าน
ศึกได้จัดหาให้กับทหารผ่านศึก Service members ได้แก่ การให้ที่อยู่อาศัยและประกันภัย รวมทั้ง ให้
เงินทุนในการต่อเติมที่อยู่อาศัย บริการประกันภัยของทหารผ่านศึกพิการ ประกันชีวิตของทหารผ่าน
ศึกที่มาขอสินเชื่อ ได้แก่ Housing Grants for Disabled Veterans The Service-Disabled Veterans
Insurance (S-DVI)   จัดหาบริการประกันภัยทหารผ่านศึก (S-DVI) ระยะเวลาของประกันภัยที่มี
ความหลากหลาย ซึ่งไม่เกิน $10,000 Veterans' Mortgage Life Insurance

บำนาญ Pension

1. รายได้เพิ่มเติมสำหรับทหารผ่านศึกสงคราม Supplemental Income for Wartime Veterans
กระทรวงกิจการทหารผ่านศึกช่วยให้ทหารผ่านศึกและครอบครัว รับมือกับความท้าทายทางการเงิน
โดยการให้รายได้เพิ่มเติมผ่านผลประโยชน์เงินบำนาญทหารผ่านศึก บำเหน็จบำนาญทหารผ่านศึก
เป็นผลประโยชน์เป็นตัวเงินปลอดภาษีที่จ่ายให้กับผู้มีรายได้ต่ำในช่วงสงครามทหารผ่านศึก โดยมี
เงื่อนไข ขั้นต่ำ ดังนี้ มีอายุ 65 ปี หรือมากกว่านั้น หรือมีความพิการอย่างถาวร หรือเป็นผู้ป่วยที่
จะต้องรักษาดูแลที่บ้านและได้รับการดูแลพยาบาล หรือ ได้รับประกันสังคมความพิการ

2.   บำเหน็จบำนาญสำหรับครอบครัวของทหารผ่านศึกที่เสียชีวิตSurvivors Pension สิทธิ
ประโยชน์เงินบำนาญผู้รอดชีวิต ซึ่งอาจจะเรียกว่าบำเหน็จบำนาญความตาย คือผลประโยชน์ที่เป็น
ตัวเงินปลอดภาษีที่จ่ายให้กับผู้มีรายได้ต่ำ คู่สมรสที่ไม่ได้แต่งงานใหม่/ หรือเด็กที่ยังไม่แต่งงาน
ของทหารผ่านศึกที่เสียชีวิตในช่วงสงครามกับการรับใช้ประเทศ

การศึกษาและการฝึกอบรม Education and Training

Education Programs

เป็นสิทธิประโยชน์มากมายที่มีอยู่เพื่อความก้าวหน้าของการศึกษาและทักษะของทหารผ่านศึกและ Service members   ตลอดจน คู่สมรสและสมาชิกในครอบครัวก็อาจจะมีสิทธิ์ได้รับการศึกษาและการฝึกอบรม ซึ่งในความเป็นจริงแล้วร้อยละ 25 ของผู้ที่ได้รับประโยชน์จากโปรแกรมการศึกษา VAS ไม่ได้เป็นทหารผ่านศึก โดยมีการประสานกับมหาวิทยาลัยและวิทยาลัยทั่วประเทศ เพื่อเปิดโอกาสให้ทหารผ่านศึกและครอบครัวมีโอกาสได้รับการศึกษาที่สูงขึ้น

การฟื้นฟูสมรรถภาพด้านอาชีพและการจ้างงาน Vocational Rehabilitation and Employment (VR&E)

กระทรวงกิจการทหารผ่านศึก จะให้บริการฟื้นฟูการประกอบอาชีพและการจ้างงาน (VR & E) เพื่อช่วยให้มีการฝึกอบรมงานประกอบอาชีพ การจ้างงาน การพัฒนาประวัติการทำงานและการหางาน การฝึกทักษะ สำหรับบริการอื่นๆ อาจจะให้การให้ความช่วยเหลือทหารผ่านศึกในการเริ่มต้นธุรกิจของตัวเองหรือบริการอิสระสำหรับผู้ที่พิการความรุนแรงไม่สามารถทำงานได้ในการจ้างงานแบบดั้งเดิม โดยจะร่วมมือกับกระทรวงกลาโหม และกระทรวงแรงงาน ในการสำรวจและจัดสรรหาอาชีพ ตลอดจนให้การแนะแนวอาชีพแก่ทหารผ่านศึกและ Service members

การกลับมาจ้างงานอีกครั้ง Reemployment

VR&E จะช่วยให้ทหารผ่านศึกและ Service members กลับเข้ามาทำงานอีกครั้งกับอดีตผู้ว่าจ้างเดิม โดยให้การสนับสนุนให้ผู้ว่าจ้างจัดหาตำแหน่งที่เหมาะสมที่เคยทำงานหรือตำแหน่งที่มีงานใกล้เคียงกับตำแหน่งเดิม

การให้บริการด้านที่อยู่อาศัย Home Loans Administration
สินเชื่อที่อยู่อาศัย Home Loans

 กระทรวงกิจการทหารผ่านศึก จะช่วยให้ Service members ทหารผ่านศึก และคู่สมรสที่ยังมีชีวิตได้มีสิทธิ์เป็นเจ้าของที่อยู่อาศัย ซึ่งเป็นภารกิจหลักส่วนหนึ่งของ กระทรวงกิจการทหารผ่านศึก โดยจะจัดหาสิทธิประโยชน์ในการรับรองสินเชื่อในการซื้อที่อยู่อาศัย และยังเกี่ยวข้องกับการขาย สร้างซ่อมแซมรักษาหรือปรับแต่งที่อยู่อาศัยให้เหมาะสมสำหรับการพักอาศัย เช่น ธนาคาร และบริษัท สินเชื่อที่อยู่อาศัย

สินเชื่อเช่าซื้อ Purchase Loans

กระทรวงกิจการทหารผ่านศึก จะช่วยให้ Service members ทหารผ่านศึก และคู่สมรสที่ยังมีชีวิต ซื้อบ้านในอัตราดอกเบี้ยตลาด และไม่ต้องมีเงินดาวน์ หรือการประกันสินเชื่อที่อยู่อาศัยส่วนตัว อีก ทั้ง สินเชื่อ Refinance ช่วยให้คุณสามารถแปลงทรัพย์สินเป็นเงินสด เพื่อช่วย Service members ทหารผ่านศึก และคู่สมรสที่ยังมีชีวิต มีเงินในการชำระหนี้ หรือมีเงินในการปรับปรุงที่อยู่อาศัย

อัตราดอกเบี้ยลด Refinance เงินกู้ยืม (IRRRL)

สินเชื่อรีไฟแนนซ์ปรับปรุง จะช่วยให้ Service members ทหารผ่านศึก และคู่สมรสที่ยังมีชีวิต สามารถได้รับอัตราดอกเบี้ยต่ำกว่า โดยการปรับโครงสร้างสินเชื่อ กับกระทรวงกิจการทหารผ่าน ศึก

เงินช่วยเหลือปรับปรุงและดัดแปลงที่อยู่อาศัย Adapted Housing Grants

กระทรวงกิจการทหารผ่านศึก จะช่วยให้ Service members ทหารผ่านศึก และคู่สมรสที่ยังมีชีวิต กู้ยืมเงิน เพื่อให้นำไปใช้ในการปรับปรุงหรือดัดแปลงที่อยู่อาศัย ให้เหมาะสม และสามารถอำนวย ความสะดวกให้เหมาะสมกับความพิการ

การให้บริการด้านการดูแลสุขภาพสำหรับทหารผ่านศึก Veterans Health Administration

การบริหารจัดการสุขภาพทหารผ่านศึก เป็น ระบบการดูแลสุขภาพแบบบูรณาการที่ใหญ่ที่สุดของ อเมริกา ซึ่งมีโรงพยาบาล, คลินิก, ศูนย์การดำรงชีวิตของชุมชน domiciliary, ศูนย์ให้คำปรึกษาการ จัดรูปและสิ่งอำนวยความสะดวกอื่น ๆ ที่ให้การดูแลสุขภาพมากกว่า 1,700 แห่ง ให้บริการในการ รักษาดูแลทหารผ่านศึกปีละไม่น้อยกว่า 8.76 ล้านคน ซึ่งการดำเนินงานของกระทรวงกิจการ ทหารผ่านศึก มีวัตถุประสงค์คือการให้สิทธิประโยชน์และบริการด้านสุขภาพแก่ เจ้าหน้าที่ที่ปฏิบัติ หน้าที่ในกองทัพ และบุคคลที่ได้ลาออกจากกองทัพภายใต้เงื่อนไขใดๆที่อื่นที่ไม่ใช่สำให้เกิดความ เสื่อมเสียเกียรติ หรือคนที่เป็นทหารผ่านศึก ก็มีสิทธิ์ได้รับสิทธิประโยชน์ในการดูแลสุขภาพ เจ้าหน้าที่ของ Reserves or National Guard ทั้งอดีตและปัจจุบัน ที่ถูกสั่งให้มาปฏิบัติหน้าที่ ในนาม ของรัฐบาลกลาง ก็จะได้รับสิทธิที่ประโยชน์ด้านสุขภาพจากกระทรวงกิจการทหารผ่านศึกเช่นกัน

สำหรับครอบครัวของทหารผ่านศึก ในบางสถานการณ์สมาชิกในครอบครัวของทหารผ่านศึกที่มี สิทธิ์ได้รับสิทธิประโยชน์ด้านสุขภาพได้ ซึ่งบางโปรแกรม ของthe Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) โรคกระดูกไขสันหลังปิดไม่สนิท (SB) , Children of Women Vietnam Veterans (CWVV) (CWVV) โปรแกรมทางการแพทย์จาก

ต่างประเทศ (FMP) และเจ้าหน้าที่ผู้ดูแลได้ โดยใช้โปรแกรมเหล่านี้อาจช่วยลดค่าใช้จ่ายสำหรับ
อุปกรณ์ทางการแพทย์และการตรวจโรค หรือค่าใบสั่งยาได้

กำหนดค่าใช้จ่ายในการดูแลการ Determine Cost of Care
ทหารผ่านศึกจำนวนมากมีคุณสมบัติสำหรับมีสิทธิเข้าร่วมในการดูแลสุขภาพที่ไม่ต้องเสียค่าตาม
เงื่อนไขในการให้บริการและเชื่อมต่อกับปัจจัยอื่นๆได้

การร่วมจ่าย Copays
ทหารผ่านศึกบางส่วนอาจต้องชำระค่า copay สำหรับการรักษาของพวกเขาที่มีเงื่อนไขการเชื่อมต่อ
ที่แบบ ในขณะที่บางส่วนของทหารผ่านศึกที่มีสิทธิสำหรับการดูแลสุขภาพโดยไม่เสียค่าใช้จ่ายตาม
เกณฑ์ , ทหารผ่านศึกส่วนมากจะต้องทำการประเมินผลทางการเงินในช่วงเวลาของการลงทะเบียน
เพื่อกำหนด แล้วสูงกว่ารายได้ขีดจำกัดที่ทางกระทรวงกิจการทหารผ่านศึก กำหนดไว้ ทหารผ่าน
ศึกอาจต้องเสีย copay สำหรับให้บริการการดูแลสุขภาพ

การประกันภัยการดูแลสุขภาพส่วนตัว Insurance Private Health
การให้ข้อมูลการประกันสุขภาพอาจลดหรือกำจัด copays ทั้งนี้ทหารผ่านศึกอาจเลือกใช้ประกัน
สุขภาพของเอกชน เพื่อเป็นส่วนเสริมสำหรับการรับสิทธิประโยชน์ การชำระเงินจากประกัน
สุขภาพ โดยปกติแล้วค่าใช้จ่ายจะครอบคลุม ค่าใช้จ่าย copay สำหรับค้าใช้จ่ายในการดูแลสุขภาพ
ตามที่กระทรวงกิจการทหารผ่านศึกกำหนด อย่างไรก็ตามการมีการประกันสุขภาพของเอกชนจะ
ไม่ส่งผลต่อการมีสิทธิ์ได้รับการดูแลสุขภาพ

การประเมินผลทางการเงินและการตรวจสอบความถูกต้องของรายได้ Financial Assessment
& Income Verification
ทหารผ่านศึกจำนวนมากที่ไม่ได้รับค่าชดเชยทุพพลภาพ หรือจ่ายเงินบำนาญจาก กระทรวงกิจการ
ทหารผ่านศึกจะต้องมีการทำการประเมินผลทางการเงินในช่วงเวลาของการลงทะเบียน เพื่อ
พิจารณาว่าจะมีสิทธิ์ได้รับการบริการสุขภาพฟรีจาก กระทรวงกิจการทหารขณะเดียวกัน หากรายได้
ครัวเรือนของทหารผ่านศึก ต่ำกว่ารายได้ขั้นต่ำที่กระทรวงกิจการทหารผ่านศึกกำหนดไว้ ก็จะได้รับ
การพิจารณาเช่นกัน

จากการวิเคราะห์การให้การสงเคราะห์แก่ทหารผ่านศึกของกระทรวงกิจการทหารผ่านศึกการให้
ความช่วยเหลือด้านสิทธิประโยชน์ต่าง ๆ (benefits, social support) ได้แก่ การจ่ายค่าชดเชย การให้
การศึกษา และฝึกอบรมฟื้นฟูการประกอบอาชีพ   การจัดหาเงินทุนให้เช่าซื้อที่อยู่อาศัย และการ

ประกันชีวิต   พบว่า กระทรวงกิจการทหารผ่านศึก มีโครงสร้างระบบการสงเคราะห์ ในลักษณะ
ดังนี้

- ระบบการสงเคราะห์ที่เป็นตัวเงิน (MONETARY AIDs)

- ระบบการสงเคราะห์ที่ไม่เป็นตัวเงิน (NON MONETARY AIDs)

ระบบการสงเคราะห์ที่เป็นตัวเงิน (MONETARY AIDs)

การจ่ายค่าชดเชยให้กับทหารผ่านศึก Service members และครอบครัว โดยจะช่วยเหลือทางด้าน
การเงินให้กับทหารผ่านศึก Service members ที่พิการทั้งที่เกิดก่อนและหลังอันเป็นผลจากการปฏิบัติ
หน้าที่ในการรบและการฝึก จะขึ้นอยู่กับสภาพความพิการซึ่งทหารผ่านศึกพิการแต่ละคนจะได้รับ
สิทธิในการช่วยเหลือที่แตกต่างกัน อย่างไรก็ตามในกรณีที่ทหารผ่านศึกพิการเสียชีวิต จะจ่ายเงิน
ช่วยเหลือแก่ครอบครัวทหารผ่านศึก ทั้งบุตร บิดามารดา และภรรยาที่ไม่ได้แต่งงานใหม่

ระบบการสงเคราะห์ที่ไม่เป็นตัวเงิน (NON MONETARY AIDs)

หมายถึงการช่วยเหลือทหารผ่านศึก ที่ทางกระทรวงกิจการทหารผ่านศึกในด้านต่าง ๆ ที่ไม่ได้จ่าย
เป็นเงิน แต่อยู่ในรูปการช่วยเหลือด้านการบริการที่จะทำให้ทหารผ่านศึกมีความมั่นคงในชีวิตทั้งใน
ด้านอาชีพ ด้านสุขภาพ ด้านการศึกษา ตลอดจนด้านที่อยู่อาศัย ให้มีคุณภาพชีวิตที่ดีขึ้น

ด้านศึกษา กระทรวงกิจการทหารผ่านศึกได้ให้การสนับสนุนให้ทหารผ่านศึกและครอบครัวได้มี
โอกาสในการพัฒนาความรู้   สำหรับการฟื้นฟูการประกอบอาชีพและการจ้างงาน จัดให้มีการ
ฝึกอบรมแล้วจัดหาอาชีพ โดยได้บูรณาการในการช่วยเหลือ กับกระทรวงกลาโหม และกระทรวง
แรงงาน มีการจัดโครงการให้ความช่วยเหลือการฟื้นฟูอาชีพสำหรับบุคคลที่มีความพิการเพื่อพัฒนา
บุคลิกภาพ มีอาชีพเลี้ยงดูตนเองได้ ทั้งนี้เพื่อยกระดับคุณภาพชีวิตของทหารผ่านศึกให้ดีขึ้น

การจัดหาเงินทุนให้เช่าซื้อที่อยู่อาศัย เพื่อช่วยให้ทหารผ่านศึกได้มีสิทธิ์เป็นเจ้าของที่อยู่อาศัย การ
สร้างซ่อมแซมรักษาหรือปรับแต่งที่อยู่อาศัยให้เหมาะสมสำหรับการพักอาศัย โดยจะรับประกันใน
เงินกู้ เพื่อสร้างความเชื่อมั่นให้กับผู้ให้กู้ยืม และจะทำให้ได้รับอัตราดอกเบี้ยตลาด ประกอบกับไม่
ต้องมีเงินดาวน์ เพื่อลดภาระในการที่จะเกิดขึ้นจากการที่จะมีที่อยู่อาศัย

การส่งเสริมสิทธิและเกียรติ เพื่อเชิดชูและยกย่องในวีรกรรม โดยให้ความสำคัญในการจัดการศพ
ของทหารผ่านศึกที่เสียชีวิต ซึ่งเป็นการอำนวยความสะดวกให้กับครอบครัวของทหารผ่านศึกที่
เสียชีวิตตลอดจนการมีการเชิดชูเกียรติ โดยจัดให้มีวันที่ระลึกวีรกรรมทหารผ่านศึก และการจัดงาน
วันทหารผ่านศึกอย่างยิ่งใหญ่

ดังนั้นเมื่อทำการศึกษาโดยเปรียบเทียบการให้สงเคราะห์แก่ทหารผ่านศึกของทั้งสองประเทศ พบว่า มีความคล้ายกันในการกำหนดโครงสร้างของระบบการให้การสงเคราะห์แก่ทหารผ่านศึก โดยแบ่ง ออกเป็นสองลักษณะเหมือนกัน ประกอบด้วย

การช่วยเหลือที่เป็นตัวเงิน ซึ่งได้จ่ายเป็นเงินช่วยเหลือต่างๆ ซึ่งหลักเกณฑ์ในการกำหนดสิทธิและ ผลประโยชน์ของทหารผ่านศึก จะมีแตกต่างกัน โดยทหารผ่านศึกของไทย จะได้รับสิทธิตาม ประเภทชั้นบัตรประจำตัว ที่กำหนดจากการห้วงเวลาและสถานที่ที่ออกไปปฏิบัติหน้าที่ และความ พิการที่เกิดขึ้นจากการปฏิบัติหน้าที่ หรือการเสียชีวิตจากการปฏิบัติหน้าที่ ขณะเดียวกัน การให้ ความช่วยเหลือทหารผ่านศึกของอเมริกา ได้กำหนดสิทธิและผลประโยชน์ จากสภาพและระดับ ความพิการ สถานภาพภาระของทหารผ่านศึกเช่น จำนวนสมาชิกในครอบครัวที่อยู่ภายใต้การดูแล ของทหารผ่านศึก ซึ่งจะทำให้ทหารผ่านศึกพิการ ได้รับสิทธิประโยชน์ไม่แตกต่างกันมากนัก ซึ่ง ตรงกันข้ามกับการสงเคราะห์ทหารผ่านศึกของไทย ที่มีความเหลื่อมล้ำกันเป็นอย่างมาก ระหว่าง ทหารผ่านศึกพิการ ครอบครัวทหารผ่านศึกที่เสียชีวิต กับทหารผ่านศึกที่ไม่ได้พิการ แต่เคยปฏิบัติ หน้าที่ในสมรภูมิรบเหมือนกัน ซึ่งสัดส่วนไทยส่วนใหญ่ไม่ได้พิการมีเป็นจำนวนมาก จึงเป็น ปัญหาและอุปสรรคอย่างหนึ่งที่องค์การสงเคราะห์ทหารผ่านศึกต้องกลับมาทบทวนถึงแนวทาง หรือกรอบในการจัดสรรการสงเคราะห์ว่ามีความเหมาะสมหรือไม่ ต่อทหารผ่านศึกที่ทุกคนที่ได้ ยินดีเสียสละชีวิตเพื่อปกป้องประเทศชาติ

สำหรับการช่วยเหลือที่ไม่ใช่ตัวเงิน เป็นการให้ความช่วยเหลือและบริการเพื่อให้ทหารผ่านศึกของ ทั้งสองประเทศมีคุณภาพชีวิตที่ดีขึ้น ไม่ว่าจะเป็นด้านการส่งเสริมการประกอบอาชีพ การให้การ สนับสนุนเสริมสร้างความรู้ ตลอดจนการรักษาพยาบาล ซึ่งทั้งสองประเทศให้ความสำคัญและ ดำเนินการเหมือนกันแต่จะแตกต่างกันในระบบการบริการประการหนึ่ง คือการให้บริการด้านการ รักษาพยาบาล ซึ่งกระทรวงกิจการทหารผ่านศึกได้บูรณาการกับหน่วยงานที่ดูแลเกี่ยวกับการ รักษาพยาบาลทั่วทุกแห่งของประเทศทำให้ทหารผ่านศึกของสหรัฐอเมริกา ได้รับความสะดวกเป็น อย่างมาก ในทางตรงกันข้าม ทหารผ่านศึกไทยจะต้องสำรองจ่ายเงินในการรักษาพยาบาลใน โรงพยาบาลอื่น ที่ไม่ใช่การรักษาที่โรงพยาบาลทหารผ่านศึกในกรุงเทพมหานคร ซึ่งถือเป็นภาระ ในด้านค่าใช้จ่ายอย่างยิ่ง

2. การศึกษาข้อมูลภาคสนาม (Field Research)

ได้ทำการเก็บรวบรวมข้อมูลโดยใช้แบบสอบถาม (Questionnaires) เป็นเครื่องมือในการหาข้อมูลที่ จะนำมาวิเคราะห์ จากกลุ่มตัวอย่าง ดังนี้

- ทหารผ่านศึก จะใช้แบบสัมภาษณ์ (Interview) เพื่อศึกษาความพึงพอใจในการมารับการสงเคราะห์ ตลอดจนปัญหาและความต้องการของทหารผ่านศึก ประกอบด้วย ความพึงพอใจในด้านต่าง ๆ ต่อ หน่วยงานผู้ให้บริการ ได้แก่ ด้านกระบวนการ/ขั้นตอนการให้บริการ ด้านเจ้าหน้าที่ผู้ให้บริการ ด้านสิ่งอำนวยความสะดวก และด้านคุณภาพการให้บริการ พบว่าทหารผ่านศึกที่มารับการ สงเคราะห์ส่วนใหญ่มีความพึงพอใจค่อนข้างมาก เนื่องจากทางหน่วยได้มีเจ้าหน้าที่ในการให้ คำแนะนำและอำนวยการอย่างใกล้ชิด ตลอดจน มีการจัดทำ flow chart ขั้นตอนต่าง ๆ ในการ สงเคราะห์อย่างชัดเจน และมีทหารผ่านศึกบางส่วนรู้สึกไม่ค่อยพอใจในเรื่องสถานที่ตั้งของ หน่วยงาน เนื่องจากสำนักงานสงเคราะห์ทหารผ่านศึกในส่วนภูมิภาคมีที่ตั้งอยู่ในค่ายทหาร ซึ่งที่ตั้ง ของค่ายทหารส่วนใหญ่จะอยู่นอกเมือง ซึ่งไกลจากชุมชน พร้อมทั้งได้เสนอแนะให้ทางสำนักงาน สงเคราะห์ ให้มีการปรับปรุงสำนักงานให้กว้างขวางมากกว่านี้ เนื่องจากสถานที่คับแคบสำหรับ ระดับความเชื่อมั่นในคุณภาพการให้บริการ ประกอบด้วย การให้บริการอย่างเสมอภาค การ ให้บริการที่ตรงเวลา การให้บริการอย่างเพียงพอ การให้บริการอย่างต่อเนื่อง และการให้บริการ อย่างก้าวหน้า ซึ่งพบว่า ทหารผ่านศึกที่มารับการสงเคราะห์มีความรู้สึกค่อนข้างเชื่อมั่นในคุณภาพ ของการบริการเช่นเดียวกัน

สำหรับปัญหาและความต้องการของทหารผ่านศึกที่ต้องการให้องค์การสงเคราะห์ทหารผ่านศึก ช่วยเหลือเพิ่มเติม คือเรื่องการรักษาพยาบาล ซึ่งทหารผ่านศึกไม่ได้รับความสะดวกที่จะเดินทางมา รักษาพยาบาลที่โรงพยาบาลทหารผ่านศึก ที่กรุงเทพมหานคร ทำให้เสียค่าใช้จ่ายในการเดินทางและ เสียเวลา โดยอยากให้องค์การสงเคราะห์ประสานกับโรงพยาบาลต่าง ๆ ให้ทหารผ่านศึกสามารถใช้ บริการฟรี โดยไม่ต้องสำรองจ่ายก่อน แล้วเบิกคืนจากองค์การสงเคราะห์ภายหลัง หรือให้ปรับปรุง สวัสดิการด้านการรักษาพยาบาลให้สูงขึ้นกว่าเดิม พร้อมทั้งให้ปรับปรุงสิทธิการสงเคราะห์ด้าน สวัสดิการของทหารผ่านศึกบัตรประจำตัว ชั้นที่ 2 3 และ 4 ให้มากกว่าเดิม ซึ่งปัจจุบันสิทธิ ประโยชน์ดังกล่าวที่ได้รับน้อยกว่าทหารผ่านศึกบัตรชั้นที่ 1 อย่างมาก ทั้งที่ได้เคยปฏิบัติหน้าที่ใน การปกป้องประเทศเช่นเดียวกัน

- ผู้บริหารและผู้ปฏิบัติที่เกี่ยวข้องกับภารกิจในการให้การสงเคราะห์แก่ทหารผ่านศึกทั้งใน ส่วนกลาง กรุงเทพมหานคร และหัวหน้าสำนักงานสงเคราะห์ในส่วนภูมิภาค ใช้แบบสัมภาษณ์ แบบไม่มีโครงสร้าง (Non – Structured Interview) เพื่อเก็บข้อมูลในการให้การสงเคราะห์แก่ทหาร ผ่านศึก ที่เป็นผลจากการกำหนดโครงสร้างหน่วย และระบบการให้การสงเคราะห์ที่ใช้เป็นกรอบใน การปฏิบัติ โดยผลการสัมภาษณ์เกี่ยวกับระบบการให้การสงเคราะห์ พบว่า ผู้ปฏิบัติคิดว่านโยบาย การสงเคราะห์มีความชัดเจน และเหมาะสมกับการช่วยเหลือทหารผ่านศึกให้มีคุณภาพชีวิตที่ดีขึ้น โดยเฉพาะนโยบายในการพัฒนาอาชีพที่ให้ความสำคัญในการสร้างอาชีพและส่งเสริมการฝึกอาชีพ

ให้กับทหารผ่านศึก ซึ่งเป็นการให้ความช่วยเหลือที่ทำให้ทหารผ่านศึกมีอาชีพที่มั่นคง มีรายได้ที่
ยั่งยืน และเห็นว่าเป็นจุดเด่นของการสงเคราะห์ที่ต้องการมีการดำเนินการอย่างจริงจัง รวมทั้งมี
ความเห็นว่า การให้การสงเคราะห์แก่ทหารผ่านศึกมีความเหมาะต่อสภาพแวดล้อมทางเศรษฐกิจ
เนื่องจากมีการปรับปรุงตลอดเวลา สำหรับปัญหาและอุปสรรคที่เกิดขึ้นจากการบริหารจัดการใน
การให้การสงเคราะห์ พบว่า การจัดโครงสร้างหน่วยมีความเหมาะสม เนื่องจากมีการกำหนดให้
หน่วยต่าง ๆ ปฏิบัติหน้าที่ตามภารกิจหลักอย่างชัดเจน ยกเว้นผู้ปฏิบัติที่สำนักงานสงเคราะห์ในส่วน
ภูมิภาคมีความเห็นว่า ยังไม่มีการกระจายให้หน่วยมีอำนาจให้ตัดสินใจในเรื่องที่สำคัญที่เกี่ยวข้อง
กับปัญหาของทหารผ่านศึก เนื่องจากมีหลายภารกิจที่จะต้องได้รับการอนุมัติจากส่วนกลางก่อนที่
จะดำเนิน ซึ่งบางครั้งไม่ทันต่อความต้องการของทหารผ่านศึก ขณะเดียวกันเจ้าหน้าที่ยังขาด
ศักยภาพในการทำงาน เนื่องจากระบบอุปถัมภ์ซึ่งทำให้การสรรหาบุคลากร ไม่สอดคล้องกับ
สมรรถนะของงานที่รับผิดชอบ และที่สำคัญที่สุดที่เป็นอุปสรรคสำคัญคือ ความต้องการและปัญหา
ของทหารผ่านศึกที่มีหลากหลาย เกินขอบเขตภารกิจที่องค์การสงเคราะห์ทหารผ่านศึกจะสามารถ
ให้การช่วยเหลือได้ เนื่องจากเป็นความต้องการดังกล่าวเกี่ยวข้องกับหน่วยราชการอื่น

ดังนั้น เมื่อได้วิเคราะห์ข้อมูลที่ได้จากการเก็บข้อมูลแล้ว พบว่าข้อปัญหาต่าง ๆ ที่ได้ จะต้อง
ดำเนินการแก้ไข เพื่อนำไปสู่การพัฒนาการให้การสงเคราะห์ที่จะนำไปสู่การที่จะทำให้ทหารผ่าน
ศึกมีคุณภาพคุณภาพชีวิตที่ดี และยั่งยืน ดังนี้

    1. องค์การสงเคราะห์ จะต้องมีการกระจายอำนาจในการตัดสินใจให้สำนักงานส่วนภูมิภาค
มากขึ้นเพื่อให้สามารถช่วยเหลือทหารผ่านศึกทันต่อความต้องการและปัญหาของทหารผ่านศึก

    2. ปรับปรุงระบบการสงเคราะห์สำหรับทหารผ่านศึกบัตรชั้นที่ 2 3 และ 4 ให้หลายหลายและ
สูงขึ้นเนื่องจากทหารผ่านศึกส่วนใหญ่ที่มีฐานะยากจน ส่วนใหญ่เป็นทหารผ่านศึกบัตรชั้นที่ 2 3
และ 4 หากมีการปรับปรุงแล้วจะช่วยลดช่องว่างสิทธิประโยชน์กับทหารผ่านศึกบัตรชั้นที่ 1

    3. ปรับปรุงระบบการรักษาพยาบาล โดยจะต้องบูรณาการด้านการรักษาพยาบาลกับ
หน่วยงานที่ให้การรักษาพยาบาลและฟื้นฟูสุขภาพทั่วประเทศ เช่นเดียวกับประเทศสหรัฐอเมริกา
เพื่ออำนวยความสะดวกและลดภาระด้านค่าใช้จ่ายให้กับทหารผ่านศึก

    4. ยกระดับการสงเคราะห์ด้านอาชีพเพื่อเสริมสร้างศักยภาพให้กับทหารผ่านศึก ให้สามารถ
แข่งขันและเป็นที่ต้องการของตลาดแรงงานได้ ตลอดจนให้ความสำคัญในการพัฒนาอาชีพทาง
การเกษตรซึ่งทหารผ่านศึกส่วนใหญ่มีอาชีพเป็นเกษตรกร ให้สามารถมีรายได้เลี้ยงดูตนเองและ
ครอบครัวได้

    5. ยกระดับการเชิดชูเกียรติ โดยให้หน่วยงานภาครัฐและเอกชนเข้ามามีส่วนร่วมในการ
ส่งเสริมสิทธิและเกียรติแก่ทหารผ่านศึก เพื่อเป็นการตอบแทนที่ทหารผ่านศึกได้เสียสละชีวิตใน

การปกป้องประเทศชาติเช่นเดียวกับประเทศสหรัฐอเมริกาที่ให้ความสำคัญเป็นอย่างมาก โดยจัด
กิจกรรมต่าง ๆ ที่จะทำให้เอกชนเข้ามามีส่วนร่วมในการเชิดชูเกียรติทหารผ่านศึก

สรุป

ปัจจุบันองค์การสงเคราะห์ทหารผ่านศึก ได้จัดทำยุทธศาสตร์เพื่อใช้เป็นกรอบในการดำเนินการ
ยกระดับการสงเคราะห์ทหารผ่านศึกให้ทหารผ่านศึกมีคุณภาพชีวิตที่ดีขึ้น ซึ่งพันธกิจที่สำคัญที่สุด
คือการให้ความสำคัญในการเสริมสร้างอาชีพให้กับทหารผ่านศึก เพื่อมีรายได้อย่างยั่งยืน องค์การ
สงเคราะห์ได้เน้นการสงเคราะห์เชิงรุก โดยจัดให้การฝึกและส่งเสริมอาชีพทางการเกษตร ตามแนว
พระราชดำริของสมเด็จ ฯ พระเจ้าอยู่หัว ให้กับทหารผ่านศึก เนื่องจากทหารผ่านศึกส่วนใหญ่มี
อาชีพเป็นเกษตรกร และมีความประสงค์ที่ไม่ต้องการย้ายถิ่นฐาน หรือไม่ต้องการประกอบอาชีพอื่น
สำหรับการฝึกอาชีพอื่นเพื่อรองรับตลาดแรงงาน องค์การสงเคราะห์ทหารผ่านศึก ได้ร่วมมือกับ CP
และ SCG ในการเข้ามาฝึกอบรมอาชีพให้แก่ทหารผ่านศึกสำหรับครอบครัวทหารผ่านศึก ได้มีการ
จัดฝึกอาชีพเสริมให้กับภรรยา และบุตร เพื่อเป็นการใช้ เวลาว่างให้เป็นประโยชน์ และมีรายได้
เสริม สำหรับในการเชิดชูเกียรติทหารผ่านศึก องค์การสงเคราะห์ทหารผ่านศึกได้จัดกิจกรรมต่างๆ
เพื่อให้หน่วยงานภาครัฐเข้ามีส่วนร่วมในการจัดงาน เพื่อที่จะทำให้สังคมยอมรับและยกย่องใน
วีรกรรมของทหารผ่านศึก และได้เข้ามามีส่วนร่วมในการสงเคราะห์แก่ทหารผ่านศึกยิ่งขึ้น

บรรณานุกรม

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Education Governance in ASEAN

An Assessment on Needs of developing Teacher Competency in Student Assessment in the University of Danang, Vietnam

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Abstract

The aims of this study is (1) to investigate the current state and desired state of teacher competency in student assessment, (2) to explore the needs for development of teacher competency in student assessment at The University of Danang (UD), Vietnam. The participants consisted of 311 teachers; who are currently working in UD; obtained using stratified sampling technique. The research instrument used was five-point rating scale Questionnaires which was employed to measure the level of current and desired state of teacher competency in student assessment, with $\propto$-coefficient = 0.95. Additionally, $PNI_{modified}$ was used to assessment the needs of developments competency in student assessment at UD. The data analysis employed descriptive statistics. The results of this study revealed that the overall current competency level of five components of teacher competency in student assessment were rated at high level, while UD teachers rated overall desired competency level of at very high level. Base on the results the largest gap and most significant difference between the current and desired competency level occurred in the competency areas of Developing Assessment Method and Feedback.

Keywords: Teacher/ Competency/ Student assessment/ The University of Danang (UD)/ Vietnam

Introduction

Under the trend of internalization and globalization all over the world, education and training play an essential role in the preservation, development and continuation of human civilization. Therefore, the quality of education is one of the top concerns of almost countries that wish to sustain human resources in general and high qualified human resources in particular to serve the needs of socio-economic development. Because of the underlying pervasiveness, educational quality has thus become an increasingly important topic at both local and international levels (Pham, 2008; Stimac & Katic, 2015). In Vietnam, Article 35 of the current Constitution (issued in 1992) stipulates: Education is the first priority of the national policy. The Second Plenary Session of the Central Party Standing Committee VIII has issued the Resolution on the strategic orientation for the development of education and training during the period of industrialization and modernization. Article 86 of the Education law stipulates the framework of governmental management of education, including firstly the formulating and guiding, scheming and planning strategy and policy for educational development. Therefore, Vietnamese Government, in pace with other socio-economic development

strategies, has planned a strategy to year 2011 with steps to year 2020 for the national education and training development, which is stipulated in Chapter II of the Education Law.

In order to achieve high level of development in education and training, several things must be done and conducted in sync and higher education has so far been considered as one of the priorities in the countries' strategy for the development of education and training. Currently in Vietnam, higher education is seen as an effective tool for developing high- quality human resources for national development. In this meaning, teachers in higher education and their competencies play a crucial role and significant attention from Educational Administration research community in recent years been devoted to this topic (Nguyen, 2015).

Various concepts have been used to describe the term teacher competencies. In general view, teacher competencies are defined as the level of integration of knowledge, skills and attitudes (Stoof, Martens & Van Merrienboer, 2000). It is likely more obvious when Kaur & Talwar (2014) defined teacher competencies as the knowledge, attitude, skills and self-perception that come from by mixing behaviors and resulting in consistent pattern of behavior leading to the attainment of expected outcomes. Teacher competencies are classified into different clusters, for example planning and preparation, classroom environment, instruction and professional responsibilities (Danielson, 2007). Korthagen (2004) classified teacher competencies into subject-oriented competency, methodological competency, communicative/ reflective thinking competency, and organizational competency. Honga, Horgnga, Lin and ChanLin (2008) integrated several of these teacher competencies into mental capability, interpersonal skills, management ability, professional capability, and personal traits. It can be said that majority of studies on teacher competencies focus on components relating to standards that teacher should attain in their teaching. However, there has been recently a growing concern in studying more specific components of teacher competencies such as ability to assess student learning. Cizek, Fitzgerald & Rachor (1996) stated that assessment competency depends on the kind of experience and training that teachers receive in their pre-service years. Plake and Impara (1999) found that teacher received little or no formal assessment training in the preparatory programs. Results were found that teachers are no well-prepared to conduct accurate classroom assessment (Schafer & Lissitz, 1987). According to studies on teacher competencies to assess student learning mentioned above, teachers seem to be poorly prepared to face the increasing challenges of classroom assessment.

It indicates that training and equipping knowledges and abilities related to teacher competency in student assessment need to be focused. In Vietnam, few researches have been conducted in this field. There have been studies related to enhancing the system of quality management of student assessment activities as well as training courses to support and guide teacher about enhancing pedagogical competency, but they still do not focus on training and equipping knowledge and skills related to teacher competency in student assessment.

Altogether, this research focus mainly on determining the needs for developments of teacher competency in student assessment. Furthermore, the findings from this research are expected to provide a basis fundamental knowledges, abilities of teacher competency in student assessment for the teachers in The University of Danang, Vietnam as well as for further study on teacher competency in student assessment.

Research Objectives

1) To investigate the current state and desired state of teacher competency in student assessment.
2) to explore the needs for development of teacher competency in student assessment at The University of Danang (UD), Vietnam

Population and Sample

The population were 1407 teachers who are working at the universities, colleges, faculties, units of The University of Danang. The Stratified Random Sampling Technique was conducted to find the sample size of the research by using Taro Yamane's formula. The sample size were 311 UD teachers.

Instruments

An evaluation form was employed to check the validity of questionnaire through Index of Item-Objectives Congruence (IOC) and a rating scale survey questionnaire was employed to measure the level of current and desired competency level of UD teachers. The questionnaire was divided into 3 parts consisted of demographic, five-point rating scale close-ended questions, and the questions for suggestions.

Methodology

The quantitative research method was used for investigating current and desired competency level in student assessment of teachers in UD. First, the assessment form of questionnaire was verified to assess the validity of questionnaire by five expert through IOC, and the pilot test was used to find out the reliability of questionnaire with 30 non-representative samples who are teachers in UD, with $\propto$-coefficient was 0.95. Then, the final questionnaire was delivered to respondent through hard-copy or email. Descriptive statistic was use for analyzing data. Analyzed data were percentage, frequency, mean, and standard deviation. The statistical package computer software was used to analyze the data in order to find out level of teachers' current and desired competency in The University of Danang, Vietnam. For the rating-scale data, means were interpreted (Srisa-ard, 2003) as follows:

- 4.51 – 5.00 Refer to level of teacher competency in student assessment is *very high.*
- 3.51 – 4.50 Refer to level of teacher competency in student assessment is *high.*
- 2.51 – 3.50 Refer to level of teacher competency in student assessment is *medium.*

- 1.51 – 2.50 Refer to level of teacher competency in student assessment is *low.*
- 1.00 – 1.50 Refer to level of teacher competency in student assessment is *very low.*

Additionally, the researcher used Priority Need Index (PNI $_{modified}$) to assess the needs for development of teacher competency in student assessment at UD. The modified PNI value was normally in the range of 0.00 - 1.00 to facilitate an interpretation. The teacher competency in student assessment that had modified PNI value was equal with 0.30 or higher were considered critical and would be required to be improved urgently.

Research Result

1) The result of analyzing of investigating current state and desired state of teacher competency in student assessment at UD.

Table 1: Self – Assessment Current and Desired Competency in student assessment level of teacher in UD (n = 311)

Items	Teacher competency in student assessment	Current Competency			Desired Competency		
		$\overline{X}$	S.D	Level of Performance	$\overline{X}$	S.D	Level of Performance
1	Selecting Assessment Method	3.75	.53	High	4.53	.40	Very High
2	Monitoring and Evaluating Student Learning	3.58	.51	High	4.54	.42	Very High
3	Using Assessment Result	3.54	.62	High	4.35	.66	High
4	Feedback	3.42	.55	Medium	4.57	.42	Very High
5	Developing Assessment Method	3.38	.66	Medium	4.56	.51	Very High
	Total	3.53	.49	High	4.51	.34	Very High

The result above shown that the overall current state of teachers' competencies in student assessment in The University of Danang was at the high level. The highest mean score was Selecting Assessment Method, followed by Monitoring and Evaluating Student Learning, Using Assessment Result, Feedback, and Developing Assessment Method. In short, This indicated that the UD teachers have had good competency in current state

While the overall desired state of teachers' competencies in student assessment was at very high level, the highest mean score was Developing Assessment Method, followed by Selecting Assessment Method, Using Assessment Result, Monitoring and Evaluating Student Learning, and Feedback. This indicated that those competency were very essential for development needs of teacher competency in student assessment.

2) The results of analyzing of exploring the needs for development on teacher competency in student assessment at The University of Danang, Vietnam

Table 25: Priority Need Index for teacher competency in student assessment

Items	Components of teacher competency in student assessment	$\bar{X}$		PNI modified (I-D)/D (GAP)	Priority
		Current competency level (D)	Desired competency level (I)		
1	Selecting assessment method	3.75	4.53	0.21	5
2	Monitoring and evaluating student learning	3.58	4.54	0.27	3
3	Using assessment result	3.54	4.35	0.23	4
4	Feedback	3.42	4.57	0.34	2
5	Developing assessment method	3.38	4.56	0.35	1

Mean for the self-assessment in all areas of current competency level in student assessment of UD teachers were lower than the mean for the self-assessment desired competency level. And the scores of Priority needs index (PNI modified) of Developing Assessment Method, and Feedback were higher than 0.3, this indicated that these competencies in student assessment were considered critical and were required to be improved urgently. The highest priority of development needs of teacher competency in student assessment after having been investigated by UD's teacher was Developing Assessment Method; second priority ranking was Feedback, followed by Monitoring and Evaluating Student Learning, Using Assessment Result; and Selecting Assessment Method was at the lowest score of PNI modified. Based on this result, it can be conclude that the largest gap between UD teachers' current competency level and desired competency level were the aspects of Developing Assessment Method (0.35) and Feedback (0.34).

Discussion

According to the results which were found out, the current competency level of each teacher competency in student assessment rated lower than desired competency level. The current UD' teacher competency in student assessment was rated at the high level

and the desired UD' teacher competency in student assessment was rated at the very high level.

For the outcomes of assessing development needs of teacher competency in student assessment at The University of Danang, Vietnam; the researcher measured/found out the needs for development of Teacher Competency in Student Assessment or the gaps between the their desirable competency level and how their current competency level they perceived to be at those competencies in student assessment. The results presented that the largest and most significant difference between the current and desired teacher competency level occurred in Teacher competency in student assessment areas of Feedback and Developing Assessment Method where the both of the gaps between the current and desired teacher competency level, and priority development needs were highest level; followed by Monitoring and Evaluating Student Learning, Using Assessment Result, and Selecting Assessment Method. Altogether, it can be concluded that the gaps of five teacher competency in student assessment were not too large distance, but these five competencies areas should be developed more to achieve the highest level of performance possible as well as to enhance teacher competency in student assessment.

Nowadays, the role of teacher and their competency seems have gained far more attention from many countries on the world, especially teacher competency in student assessment. However, many university seem still face to problems in enhancing teacher competency in student assessment. The finding of this study is hoped for developing a program to bridge the gap between the current state and desired state and enhance teacher competency in student assessment level in The University of Danang as well as other universities.

Recommendation

The recommendations for the future study can be presented as follows:
- There should be research studies of the programs for developing other teacher competencies in student assessment at The University of Danang, Vietnam
- There should be a research applying the result of this assessing needs for developing program on enhancing teacher competency in student assessment.
- There should be a research study in assessing needs of developing other teacher competency.

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An Assessment Needs of Primary School Principals' Transformational Leadership in Thua Thien Hue Province,Vietnam

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Abstract

The objective of this research is to identify the needs for the development of primary school principals' transformational leadership in Thua Thien Hue province, Vietnam. The total of the sample was 280 included 140 principals and 140 teachers who have at least 5 years' working experiences of 140 primary school by using stratified random sampling techniques. A five-point rating scale questionnaire was designed based on four components of transformational leadership to measure the level of existing and desired situations of primary school principals. The Priority Needs Index was modified to measure the needs for the transformational leadership development of primary school principals. The findings showed that the existing level of primary school principals' transformational leadership was rated highly, but lower than desired level. The highest existing level was Idealized influence, followed by Inspirational motivation, Individualized consideration and Intellectual stimulation. The highest desired level was Individualized consideration, followed by Intellectual stimulation, Idealized influence, and Inspirational motivation. The first priority ranking for the needs of transformational leadership development was Individualized consideration and Intellectual stimulation while Inspirational motivation and Idealized influence had the smallest priority needs index. The result of this research will be used as a fundamental basis for further study.

Keywords: Transformational Leadership/ Primary School Principals/ Thua Thien Hue Province

Introduction

Education in the 21st century will develop in the context of fast and complex changes of the world. Thus, the school principals are expected to cope with a rapidly changing world of work to be effective at their schools (Lewis, Fandt & Goodman, 1998). For this reason, they require abilities such as being team-oriented, strong communicators, problem solvers, team players, change-makers, and transformational leaders.

Many studies have been made to define the roles of leaders in organizations. In this regard, transformational leadership has been frequently studied in the leadership fields (Bass, 1998; Heck & Hallinger, 1999). In the late 1980s and early 1990s, many studies were initiated by Leithwood and his colleagues have shown positive relationships between transformational leadership and various school and teacher organizational conditions (Anderson, 2008).

Northouse (2001) defined transformational leadership in the simplest terms, is the ability to get people to want to improve, change, and be led. It involves assessing the

motives of associates, satisfying their needs, and valuing them. Besides, some studies claim that transformational leadership is the ability of a leader to increase commitment, capacity, and engagement in meeting goals of the organizational members (Bass & Avolio, 1997; Jung & Avolio, 2000; Leithwood & Jantzi, 2006; Marks & Printy, 2003).

According to Hallinger (2003) transformational leadership models conceptualize leadership as an entity of the organization rather than the task of a single individual. In this context, Evers & Lakomski (1996) suggested that these models rely too heavily on the leader's transformational skills. It is claimed by many studies that transformational leadership behaviors have direct and indirect effects on the behavior of the followers, their psychological states and the performance in the organization (Leithwood, Jantzi & Steinbach, 1999; Leithwood & Jantzi, 2006; Moolenaar, Daly & Sleegers, 2010; Marks & Printy, 2003). It has influences on the commitment of the teachers to change in vision building, high performance expectations, developing consensus about group goals and intellectual stimulation, supportive leadership, communication, and personal recognition (Chew & Chan, 2008; Gronn, 1995; Leithwood & Jantzi, 2006; Leithwood et al., 2004).

Transformational leadership is positively related to schools' innovative climate and transformational leadership motivates associates to do more than they are expected in terms of extra effort and greater productivity (Bass, 1985; Bass & Avolio, 1994; Leithwood, Harris & Hopkins, 2008; Moolenaar, Daly & Sleegers, 2010), changed teacher practices, organizational learning (Leithwood et al., 2004; Geijsel et al., 2009; Silins, Mulford & Zarins, 2002), organizational commitment and extra effort for change (Yu, Leithwood & Jantzi, 2002; Geijsel, Sleegers, Leithwood & Jantzi, 2003), and collective teacher efficacy in a variety of international settings (Leithwood, Steinbach & Jantzi, 2002; Rafferty & Griffin, 2004)

There are three basic functions of transformational leadership. Firstly, transformational leaders sincerely serve the followers' needs, empower and inspire them to achieve great success. Next, they charismatically lead, build a vision, instill trust, confidence and pride in working with them. Finally, transformational leaders offer followers of the same caliber as the leader through the intellectual stimulation (Castanheira & Costa, 2011). In this model, the functions of school as its own transforming agent and it becomes less bureaucratic. The school will be empowered as a collective unit instead of empowering selected individuals. Transformational leaders focus on capacity building for the purpose of organizational change (Bass & Avolio, 1994). They sharpen the skills of their subordinates and enhance their knowledge from their own experiences (Bennis & Nanus, 1997). Furthermore, Hall et al., (2008) assert that this approach can help school principals become excellent leaders.

All these characteristics of transformational leadership in educational settings largely fall into four components comprised idealized influence, inspirational motivation, intellectual stimulation, and individualized consideration (Popper, Mayseless & Castelnovo, 2000). Firstly, Idealized influence is defined as considering the followers' needs before their own personal needs, setting high standards of performance, and showing power and confidence. Second, Inspirational motivation refers to the ways of the leader to motivate and inspire the followers as sharing a vision, displaying

enthusiasm and optimism, communicating high expectations, and demonstrating commitment to the goals. Third, Intellectual stimulation refers to the leader's effort to help followers to be innovative and creative. Finally, individualized consideration is demonstrated when leaders pay attention to the developmental needs of followers and act as coach or mentor to develop their followers' potential. These components create "additive" effect if managers combine these components to reach "performance beyond expectations" (Northouse, 2001).

In order to make any school a better performing place, principals' transformational leadership behaviors become more important because they are the dynamics of change for the society in which they operate. However, how much of these characteristics of transformational leadership are demonstrated by school principals during their daily practices and what are their desired for the transformational leadership development. This research proposed to investigate the level of the existing situation and desired situation of transformational leadership and to identify the needs for the development of primary school principals' transformational leadership in Thua Thien Hue province, Vietnam. The result of this research may offer helpful information for the leaders, policy makers in Thua Thien Hue province in particular and Vietnam in general in designing the training system of them. Furthermore, the result of this research will be used as a fundamental basis for further study.

Research objective

To identify the needs for the development of primary school principals' transformational leadership in TTH province, Vietnam.

Population and Samples

The population was 219 principals and 219 teachers who have at least 5 years' working experiences of 219 primary schools in TTH province in academic year 2014-2015. The total of the sample was 280 included 140 school principals and 140 teachers in the same primary schools. The number of samples gained by comparing total population to Krejcie and Morgan's table (Krejcie and Morgan, 1970) and sampling by using Stratified Random Sampling technique.

Instruments

The questionnaires were designed base on four components of transformational leadership by using a five - point rating scales to rate the level of existing situation included: 5= "Very High"; 4= "High"; 3= "Medium"; 2= "Low" and 1= "Very Low", and the level of desired situation included: 5 = "Very Desirable"; 4= "Desirable"; 3= "Neutral"; 2= "Undesirable"; and 1= "Very Undesirable".

Methodology

The quantitative research method was used, the questionnaires were delivered to 280 respondents in which contain 39 items to investigate the level of existing and desired situations of primary school principals' transformational leadership by using the hard copy and by email. In addition, to assess the needs of primary school principals' transformational leadership, the researcher used the calculation Mean of desired

situation level minus Mean of existing situation level and divided by Mean of existing situation level. The needs for transformational leadership development of the primary school principals were analyzed by modified Priority Needs Index ($PNI_{modified}$) (Wongwanich, 2005). The modified PNI analysis could reflect the needs of primary school principals' transformational leadership to be developed. A high index represents high need, which is supposed to be more developed rather than a lower index. The transformational leadership element showing a high value of modified PNI would result in the higher priority of that transformational leadership element to be further developed. The transformational leadership that had modified PNI value of 0.30 or higher was considered critical and would be required to be improved urgently. The statistics as Mean and Standard Deviation were analyzed the data.

Research Result

1) The results of the analysis level of the existing situation of primary school principals' transformational leadership in TTH province were shown in table 1

Table 1: Mean, Standard Deviation level of the existing situation of primary school principals' transformational leadership

Items	Transformational leadership	Mean ($\overline{X}$)	Standard Deviation (S.D.)
1	Idealized influence	3.73	.79
2	Inspirational motivation	3.72	.80
3	Intellectual stimulation	3.62	.77
4	Individualized consideration	3.65	.83
	Total	3.68	.80

According to table 1, the primary school principals' transformational leadership were as a whole as a high level ($\overline{X}$=3.68, S.D.=.80). When specifically considering ordering from the highest to lowest was the Idealized influence, followed by Inspirational motivation, Individualized consideration, and Intellectual stimulation. On the whole, this indicated that primary school principals in TTH province had good basic abilities in all transformational leadership areas.

2) The results of the analysis level of the desired situation of primary school principals' transformational leadership in TTH province were shown in table 2
Table 2: Mean, Standard Deviation level of the desired situation of primary school principals' transformational leadership

Items	Transformational leadership	Mean ($\overline{X}$)	Standard Deviation (S.D.)
1	Idealized influence	4.62	.56
2	Inspirational motivation	4.63	.55
3	Intellectual stimulation	4.63	.55
4	Individualized consideration	4.68	.51
	Total	4.64	.54

The results in table 2 showed that the needs and aspirations of primary school principals in all transformational leadership areas very high ($\overline{X}$=4.64, S.D.=.54). When specifically considering each area of mean scores was also very high, the highest were Individualized consideration, followed by Intellectual stimulation, Inspirational motivation, and Idealized influence. In short, those transformational leadership areas were very essential for the primary school principals' success in TTH province.

3) The needs for the development of primary school principals' transformational leadership in TTH province, Vietnam.

The needs for transformational leadership development of the primary school principals were analyzed through PNI modified. The school principals and teachers assessed existing level of school principals of each transformational leadership area and perceived their desired level of transformational leadership. The results of the needs assessment were analyzed through PNI modified were shown in Table 3.

Table 3: The difference between Mean of the existing and desired level of primary school principals' transformational leadership

Items	Transformational leadership	Existing level ($\overline{X}$)	Desired level ($\overline{X}$)	PNI_{mod}
1	Idealized influence	3.73	4.62	0.23
2	Inspirational motivation	3.72	4.62	0.24
3	Intellectual stimulation	3.62	4.63	0.27
4	Individualized consideration	3.65	4.68	0.28
Total		3.68	4.64	0.26

According to table 3, Means for the assessment of the desired level of primary school principals' transformational leadership in all areas were higher than the means for the assessment existing level. Individualized consideration was at highest priority ranking, followed by Intellectual stimulation, Inspirational motivation, and Idealized influence was the lowest. The largest gap between mean scores was in the transformational leadership areas of Individualized consideration for a difference of 0.28, and Intellectual stimulation for a difference of 0.27.

Discussion

The findings found that the existing situation of transformational leadership of prinmary school principals were rated at high level of performance. It means that primary school principals in TTH province had good basic abilities at all transformational leadership areas. The findings also explored that the majority of respondents showed their highly needs and aspirations. They believed that those transformational leadership aspects were essential for the school principals' success and mostly rated four transformational leadership areas at very high level. This indicated that respondents highly desired to perfect transformational leadership abilities in order to be successful school leadership.

For the needs of the transformational leadership development, the results presented that the largest and most significant difference between the existing situation level and desired situation level occurred in transformational leadership areas of Individualized consideration and Intellectual stimulation where desired level for the abilities were rated higher and the existing level for the abilities was rated lower. The transformational leadership areas with the smallest gap between the existing and desired level were the areas of Idealized influence and Inspirational motivation. The results also found that the modified PNI values in four transformational leadership areas were lower than 0.30. It means that the gaps between the existing situation level and desired situation level of four transformational leadership areas were not too large distance, but these four transformational leadership areas should be developed more to achieve the highest level of performance.

Suggestion

The suggestions through the results obtained in this research as follows:

(1) The program of transformational leadership development should be provided in order to enhance primary school principals' abilities.

(2) Training programs should be focused on the needs of primary school principals in transformational leadership development.

(3) Primary school principals should be encouraged to participate in training programs, in order to improve transformational leadership abilities.

(4) The finding of this research will be used as a fundamental basis for further study.

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The Study of Components and Indicators of the Program to Develop Student's Discipline under Mahasarakham Primary Education Service Area 1

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Abstract

The objectives were to investigate the components and indicators of student's discipline. This study utilized 132 schools as participants in which there were 3 each school: therefore, there totally were 396 people, by using stratified random sampling techniques. The program was intended to use training. To collect data was applied by survey questionnaire with five rating scale to explore existence and desire state of student's discipline. As for the final, there would be a tentative program to develop student's discipline.

Keywords: Student's Discipline/ Primary Education/ Training Program/ Thailand

Introduction

Things have rapidly been changed day by day; it is the era of advancement of technology. To be able to live happily in society is that people have to adjust themselves and be flexible to the progression and the condition of changing. Therefore, education plays an important role in developing the society. Educational management has to be arranged altogether with the virtue and the morality or promoting the progress of the objects regarding to people's psychological growth in social (Office of the Basic Education Commission of Thailand. 2002). Due to the economy crisis in Thailand formerly, there were a huge gap between the rich and the poor that decreased the virtue and the morality of people contradicting the progress of the objects which have been increasing. As mentioned, it has obviously been effecting to every part. Hence, the society requires more the responsibilities to cure such a crisis.

Hence, the discipline is the significant behavior which is a small part in the discipline but very important and it should be instilled and educated in order to develop people qualified. Also, it will naturally happen by learning through experiences and real practices that lead to the familiarity; therefore, instilling about the discipline is an important basis of orderly and systematic society. In other words, if a society runs disorder and unsystematic because of self-discipline as well as responsibility, it will definite be visible by people's behaviors in that place, particularly in being undisciplined and doing against the set of regulations, for instance, lettering in the public places as well as being irresponsible for their own duties which causes the muddle in society and having to be rapidly solved by improving and educating the responsible behavior for the youth.

In the society of developing every section such as economics, social, and politics, those need to be applied with many factors in order to support. However, the factor of

developing also requires efficient human resources in which an efficient person has to be qualifiable in physical efficiency and good mind as well as having wisdom, knowledge, capability, hard-working, and dare to face any problem with the intention. Therefore, those should be taught to build up in an individual as self-discipline. Self-discipline is a social culture that everybody has to follow because it can assist people living happily together. Likewise, it is one of a morality which people should hold for controlling themselves in order to complete life's objective. Teachers, thus, should educate this to students because if students are self-disciplined, it will help students to control themselves to the right way and accomplish for life. Students are the youth of the society who are the most important human resource of the nation: therefore, if they cannot get appropriate development to be well resource, the national development will be difficult. Because of spending living throughout these days that full of the competition, to instruct the personality and the beating or the selfishness are difficult to be instructed (Trithipsirisin, 2009).

Thereby, student's discipline holds an important of childhood development such as if the behavior, which affects to children in the long term, is not got resolving initially, growing as elders will definitely be adjoined with problems in the future; the failure of education, the problem of aggressiveness, the problem of lifelessness, and the problem of compatibility (Office of the Basic Education Commission of Thailand. 2002). However, teachers or instructors, and involved people have to realize and pay attention to instruct students by learning and seeking for styles and procedures of educating students throughout the responsibility and the disciplines. Because of lacking of being responsible students, it maybe make trouble in learning time, social characteristics and living in which it is going to be critical for the society later if there is no any solution.

Consequently, the researcher aims to study this current problem in Mahasarakham Primary Education Service Area 1. Due to the poverty and the impoverishment of the populations in this area and mostly carrying on an occupation as farmers, immigrating away from birthplace to find jobs in working age, and entrusting their own children to their parents or cousins to look after, some children have a shortage of good disciplines and the irresponsibility in which they should have good teaching and the best things that parents always give and hand for them warmly (Office of Mahasarakahm Primary Education Service Area 1. 2009). All above, the problem issue indicates that the task which should be conducted, rectified, and developed at the first state is involving student's discipline. This can be utilized to make students in primary level realize the desirable responsibility and also students in this level are suitable age to educate in order that they can grow as qualified people. Moreover, the research can be the role model for who related to apply in the real places appropriately.

Research Objectives

To investigate the components and indicators of student's discipline

Sample

Analyzing of texts, academic documents, and research articles, 19 issues

Instruments

A five rating scale, three rating scale and open-ended survey questionnaire were applied to collect data.

Methodology

There was to conduct this research as follows: studying components and indicator of student's discipline. Documentary analysis

Result

The components of student's discipline

Components	Suwannarod	Phakbongkoch	Tantiplachiwa	Baruch	Ausubel	Phuntumanawin	Chudech	Stapawn	Total
1. Responsibility	✓	✓	✓	✓	✓	✓	✓	✓	8
2. Self-confident	✓	✓	✓	✓		✓	✓		6
3. Patience	✓		✓		✓		✓	✓	5
4. Honesty	✓		✓				✓		3
5. Punctuality	✓		✓						2
6. Leadership	✓	✓						✓	3
7. Determined		✓						✓	2
8. Self-Control		✓							1
9. Reasonability		✓							1
10. Self-Controlled in Body, Speech and Mind					✓	✓			2
11. Accepting own Action			✓						1
12. Open Mind			✓						1
13. Keeping in order			✓	✓					2
14. Self-supporting person					✓				1
15. Following social regulations					✓	✓	✓		3
16. Able to control needs						✓			1
17. Expecting the outcomes						✓			1
18. Focusing on future goals						✓			1

Due to table, it can be concluded as the component of self-disciplined person. The researcher has chosen in particular the one which is often mentioned concerning to experts' thoughts above. Therefore, it is shown that "Responsibility" is used the most. Because of the necessary and importance of responsibility which students should have first in order to complete their duties, the researcher has also studied on that specifically in which it will be described in the next topic in this chapter.

In addition, there, as shown in table, are 18 items indicating about student's discipline in which those can be grouped together in order to make it clearer and understand easily. Likewise, some of them have been mentioned in the same way. Therefore, there are 7 items as the components which are responsibility, self-confidence, patience, honest, punctuality, high-leadership, and self-control ability. And the below table is going to be shown which one are included in each chosen component.

Items	Components	Items
1.	Responsibility	-Following social regulations
2.	Self-confidence	-Accepting own action -Expecting the outcomes
3.	Patience	
4.	Honesty	
5.	Punctuality	
6.	Leadership	-Determined Reasonable -Open mind -Self-supporting person -Focusing on future goals -Able to control needs
7.	Ability in Self-control	-Self-controlled in body, speech and mind -Keeping in order

Indicators of student's discipline

Items	Student's Discipline
1	**Responsibility**
1.1	Self-responsibility and self-action Acceptation
1.2	Be responsible for studying and learning
1.3	Be responsible for educational institute
1.4	Taking greater responsibility for the learning of all students.
1.5	Considering the punctuality
1.6	Prioritizing what should do first
1.7	Perceiving self-duty such as knowing who you are or what condition you have including knowing one's own duty
1.8	Bewaring of health and sanitation
1.9	Staying abreast of relevant issues and developments in instruction, policy, and the association
2	**Self-Confidence**
2.1	Positive thinking
2.2	Having constant mind
2.3	Having fresh face,
2.4	Keeping in elegant of gesture and speech, and
2.5	Being active or enthusiasm,
2.6	Be able to be both a giver and a receiver of admirations with expressing of adoration and pride
2.7	Be open-minded to stand for the criticisms
2..8	Holding both speech and movement without the anxious as in nature
2.9	Being well-consistent with speaking, acting, expressing, and moving
2.10	Having good attitude, being curious about thoughts and new experience as well as new opportunities in life
2.11	Be able to be joyful with one's life and others
2.12	Having adjustable attitude for responding to any situations and challenge
2.13	Being confident appropriately
2.14	Being oneself even when being in trouble and stress
3	**Patience**

3.1	Emotion control ability
3.2	Be strong whenever encountering unexpected situations
3.3	Being adaptable and flexible in behavior and mood condition
3.4	Listening to others' opinions with consciousness, consideration, realization, and thinking before speaking
3.5	Being neutral in expressing and receiving for something effecting to your mind
3.6	Being good listener and trying to comprehend for decreasing a confliction
3.7	Binge always conscious and able to follow one's thinking and any other effect matter
3.8	Applying the consciousness to the problem
3.9	Trying to ask and understand others' questions
3.10	Being still, stable, prudent, and able to control emotion with reasonable reasons
3.11	Speaking softly and carrying a big stick (service)
3.12	Being ready to every information and any situations
3.13	Dividing individual thinking with reason
3.14	Comprehending others' needs
4	**Honesty**
4.1	Honest for oneself
4.2	Honest for others by behaving sincerely
4.3	Honest for duties without cheating
4.4	Honest for collective and nation
4.5	Doing without the stratagem or secret
4.6	Keeping in words (promise)
4.7	Being dared to confess when doing something wrong
4.8	Being on time to finish assignment
5	**Punctuality**
5.1	Having well-planning
5.2	Knowing how to manage the time in order to suit with the activities for peace in life
5.3	Practicing to know how to spare or specify the time for activities or situations
5.4	Coming on time when having the appointment
5.5	Should finish working before time
5.6	Setting a target for private and working to know what to do timely
5.7	Rating what to do which one important need to be done first
6	**Leadership**
6.1	Concentrating importantly working will behave as dictator
6.2	Considering the achievement and the satisfaction of every part
6.3	Regarding the working efficiency due to the kindness will believe that the kindness or rewards are significant which can motivate working efficient
6.4	Keeping on objectives, regulations, benefits of an institute significantly though sometimes a leader breaks down others' feeling because of the concentration of the institute
6.5	Holding on the opinions and self-decision making
6.6	Being strong for any criticisms
6.7	Being dare to face the reality
6.8	Trying to do new things
7	**Self-Control**
7.1	Positive thinking
7.2	Be able to behave with changing environment

7.3	The more a person learns of self-control, the more a person will be influent for one's life as well
7.4	Be happy with what a person has
7.5	Be flexible to any situation
7.6	Be acceptable with action and outcome

Conclusion

According to the table of the components and indicators, those are important to get improved in order to develop a program of student's discipline. As reviewing from many texts, academic documents, and research articles from the experts, they generalized the indicators as in the table which is a little bit different. Also, They said that to make good in student's discipline should have and involve as mentioned. The indicators will help each components complete because each of the indicators are essential elements and appropriate to apply in developing.

Related Research

Kartloon (2006: 132-142) studied the development of instilling self-discipline in students at Moomonponsawang School, Pen District, Udon Thani Province. Before working on the study, it was found that the target students were lack of consideration, self-controlled or doing right as self-disciplined, keeping clean for their own body and in school's areas. The researchers, thus, worked on those problems to enhance the discipline for those students in order that they would be able to control themselves and performing as school's regulations in terms of the cleanliness by arranging the activities as prevention development and assisting them with assigning advising teachers picking and sending students at school gate in school days and checking the uniform clean as well. Then, teachers had to follow those students altogether with the admiration when performed rightly and supported to do better. Moreover, school would have the ceremony every Friday to present good student with the certificate as role model for other students. Finally, the study was found that the behavior of target group was better in which they were able to keep clean for their clothes, classrooms, and responsive areas.

Phakbongkoch (1999) surveyed the characteristics of desirable disciplines in Thai society by collecting data about the discipline from the thoughts, principles, and theories including the opinions of the discipline from experts in order to study the behavior and personal psychological factor leading to discipline development. It was found that personal psychological factor, which affected to the discipline, was generosity, kindness, sacrifice, patience, self-control, and self-confidence. Moreover, it was found that the behavior which affected to self-confidence was to respect others' rights, to keep in words, and to apply reasons.

Klahann (1997) studied a development of self-disciplinary morality with group dynamic activity for 15 grade 4 students at first semester, academic year 1996, Ban Lamduan School. It was about studying 4 subject matters which were 1) responsibility, 2) punctuality, 3) honor, and 4) discipline, by using Participatory Action Research. Thus, it was found that self-disciplinary morality of students after developing with activities the group dynamic, was higher than the disciplinary morality before developing with group dynamic at significance and frequency of

undesirable behavior of students in class after developing with group dynamic which decreasing less than the frequency of undesirable behavior of students in class. In addition, it was found that 80 percent of students in class got the study results by testing over 80 percent and the result from statistical test was met that the study results of students after developing with group dynamic was higher than the group before used the same method significantly at the statistical level .01.

Laursen (2003) studied the principles of important discipline in which it was found that the principles, which made up the effectiveness, was based on the relationship of self-discipline development and self-respected by holding on the discipline to build up the strength for students.

Balderson (2007) studied the Effects of a Personal Responsibility Model on Individual Student and Class-wide Social Behavior. The result was found that students in supporting self-responsibility group were the group shown in changing the behavior as desired way. More important, it is affected more to the complicated behavior, for instance, the sociability behavior in positive way, and conflict resolution behavior between students.

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Program Development to Enhance Instructional Leadership of Primary School Principals in Banten Province, Indonesia

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Abstract

Improvement from time to time is needed by school to create school environment conducive to teaching and learning process. This indicates that the emerging practice of school leader who is able to focus on students and their learning become necessary. In Banten Province of Indonesia, implementing basic education still faces crisis in where there are huge numbers of primary schools, but it is not balanced by good management agenda. Therefore, the role of principals as instructional leadership is very important. This research aims at exploring the current state and desired state, and developing program. A Survey questionnaire was employed to 322 participants to measure the level of current and desired state of Instructional Leadership practiced by principals in Banten province, and ten respondents participated in interviews. The follow-up questionnaire results were intended to calculate the gap between current and desired state as formulated by Priority Needs Index modified.

The findings were as follows: (1) on whole of current state was rated medium level of proficiency. Meanwhile, overall desired state was rated high level of proficiency. (2) Continuous professional development was the highest level of priority to develop a program, followed by supervision, managing instructional program and defining mission.

Keywords: Instructional Leadership/ Primary School Principals/ Program/ Indonesia

Introduction

As developing country, teaching practices in Indonesia are not conducive yet to student learning, especially, in basic education. Teaching practices often put instruction for the whole class that emphasizes on lectures activity by the teacher then student just copy from the blackboard and only offering them few chances to ask questions or even active participate in learning. And this teaching practice of teacher reflected how is teacher quality so far. Furthermore, the matters most nowadays are not how much the students know, but the important thing is that what they can do with what they know (Wagner, 2012). Remembrance of student to texts with few chances to work actively becomes characteristics of how classroom teaching in Indonesia is.

In Banten Province, Indonesia, is the newest officially admitted province in Indonesa has shown low completion rate of Primary School according to the statistic data, it has shown the completion rate Banten province is there 99.77 % in 2012 (MONECI, 2015). Unlike another province namely Jakarta Province, in where is located closely

to Banten Province. This capital city of Indonesia has shown 99.94% of completion rate in 2012. It indicated that Banten province has been low ability in term of teaching and learning or even in management agendas. It can be assumed that the huge number of schools needs to be balanced by quality of the leader who manages.

And hence, such condition above indicates that management in school and teaching and learning process have similarity to become priority. In addition, School requires improvement from time to time and this process of change needs to be led by leader who is strong enough not only in giving ideas, but also in implementation. Therefore, The emerging practiced by principal as school leader to lead teacher and students is always associated with how important the role of principal leadership in helping teacher and student. Because, there are numerous studies has shown that the role of principal has been affecting on student achievement (Greb, 2011).

In addition, Principal are confronted with the new era which differ with the way they led in the past may not be the same as the way they need to lead now. Moreover, school is welcomed by 21st century in which there are many skills that school must have and provide. Thus, the presence of qualified teacher in school is playing very important role. Teachers who have high commitment and passion in teaching and learning are needed to help student learn. Not only teacher, but also the presence of principal who play a major role in how effective schools respond to social changes and the multitude of challenges schools face is necessary. Principals who is able to make school conducive for teaching and learning, to work towards improving student performance and be accountable for the result is successful role of principals. Leadership practices of principal seem to have quite positive effects on teacher's performance, because principal have the potential to empower teachers towards a commitment to change and enhance teachers' learning in school organization (Bogler, 2001; Fullan, 2002; Day et al, 2001).

Therefore, schools needs innovation by acting from the effective school leader as well as innovative classroom leader, schools requires program which stimulates both principal and teacher to understand task and responsibility each other, program that is able to create similarity of perception toward students' development, because school as well as organization focuses on not only in upgrading management activities but also supporting teaching and learning. It must therefore be recognized that, an instructional leadership is required for school in running education, because it can maximize management activity in school as well as the quality of teaching and learning through sharing leadership matters together by principals and teachers (Hoy and Hoy, 2009).

In order to develop Instructional leadership model, it is needed to have current and desired state as perception toward instructional leadership practiced by principals. To complete that, research instrument was constructed based on the theories which has been synthesized and analyzed by reviewing some literatures, documents, books and related research. It had been evaluated by experts from Indonesia and Thailand. There were results found from synthesizing step; explaining the components and indicators of instructional leadership (Hallinger & Murphy's (1985); Maher's (1986); Murphy's Model (1990); Krug (1992); Webber (1996); Glanz's Model (2006)). The components and indicators were used as the formula to construct research instruments. Four components were synthesized: 1) Defining mission. 2) Managing instructional

program. 3) Managing Supervision. 4) Increasing Professional development. And there were 13 indicators included; they are 1) framing the School's Goal, 2) Identifying data to develop goal, 3) Communicating the school goal, 4) Coordinating Curriculum, 5) Monitoring Curriculum, 6) Protecting Instructional Time, 7) Providing Learning Environment, 8) Evaluating Instruction, 9) Maintaining High Visibility, 10) Supporting Administrative agenda 11) Providing Incentives for Teacher, 12) Developing Collaborative work, 13) Creating community engagement.

Research Objectives

This research was aimed to explore the current state and desired state and to develop program to enhance instructional leadership of primary school principals in Banten province, Indonesia.

Population and Sample

Public Primary Schools is the study area of this research. The population size is 231 principals and 1884 Teachers who are working in Primary School in Serang Municipality. By applying the stratified random sampling technique, the criteria such as high and low national examination score and accreditation of school determines to be elected as the size population and sample of this research. Krejcie & Morgan (1970) table was used to determine the sample size. The sample was 35 principals and 287 teachers.

Instruments

The interviews of this study were designed as structured interviews and a five rating scale questionnaire were constructed to collect data.

Methodology

There were three phases to complete this research, they are as follows:

Phase 1: Investigating the components and indicators Instructional Leadership of Primary School Principals

Phase 2: Exploring the current and desired states and strategies to enhance Instructional Leadership of Primary School Principals in Banten province, Indonesia

Phase 3: Developing program to enhance Instructional Leadership of Primary School Principals in Banten province, Indonesia

Research Result

Items	Instructional Leadership	Current States			Desired States		
		$\bar{X}$	S.D	Level of Proficiency	$\bar{X}$	S.D	Level of Priority
1.	Defining Mission	3.31	0.18	Medium	4.36	0.33	High
	- Framing the School's Goal	3.38	0.33	Medium	4.48	0.37	High
	- Identifying data to develop goal	3.20	0.25	Medium	4.14	0.28	High
	- Communicating the school goal	3.35	0.28	Medium	4.43	0.39	High
2.	Managing Instructional Program	2.91	0.19	Medium	4.17	0.19	High
	- Coordinating Curriculum	3.36	0.54	Medium	4.57	0.42	Very High
	- Monitoring Curriculum	2.73	0.34	Medium	3.72	0.29	High
	- Protecting Instructional Time	3.11	0.48	Medium	4.49	0.43	High
	- Providing Learning Environment	2.66	0.36	Medium	4.21	0.36	High
3.	Managing Supervision	2.53	0.17	Medium	4.15	0.23	High
	- Evaluating Instruction	3.05	0.35	Medium	3.91	0.31	High
	- Maintaining High Visibility	2.51	0.28	Medium	4.27	0.35	High
	- Administrative support	2.13	0.32	Low	4.42	0.34	High
	- Providing Incentives for Teacher	2.27	0.42	Low	4.01	0.52	High
4.	Increasing Professional Development	2.72	0.22	Medium	4.50	0.93	High
	- Developing Collaborative work	2.53	0.38	Medium	4.44	0.33	High
	- Creating Community Engagement	2.81	0.28	Medium	4.54	0.33	Very High
	Total	2.86	0.10	Medium	4.28	0.22	High

Table 1 The following table was the results of exploring current and desired state of instructional leadership in Banten province.

1. As can be seen in from table 1 that the overall current states of instructional leadership of principal in Banten province was at medium level, meanwhile the

overall desired states of instructional leadership of principal was at high level. In the desired states of instructional leadership of principal, all indicators were at high level, except indicator of Framing the School's Goal, coordinate curriculum and Community Engagement were at very high level of priority. In the current states of instructional leadership of principal, none indicators were at high level, instead administrative support as lowest level of proficiency.

2. Based on the result of PNI modified, the items that had highest significantly gap between current and desired state of instructional leadership were as follows: 1) Stimulate teachers to take an active role in school-wide decision making, 2) Use formal or informal method to convey the ideas in framing the goal, 3) Encourage Students to realize learning expectations in this school, 4) Be role model of teaching practices, 5) Help teachers take advance for improving their teaching practices. 6) Involve teacher in discussion concerning curriculum setting, 7) Decrease in teacher's administrative/managerial responsibilities, 8) Reinforce superior performance by teachers in meetings, newsletters, and/or memo. 9) Show appreciation for teachers for special effort or accomplishment. 10) Having meeting with parents and the community about other school matters regularly 11) Allocating funds for teachers' professional growth 12) Work together to develop teaching materials or activities for particular classes. All of these items were included into program development.as aspects that need to be developed.

3. The strategy was mostly chosen by respondents was training program. Factor of program including: rationale, objective, contents, methods, resources and evaluation. To abolish gaps, there was a program development that can enhance Instructional Leadership to cover the needs. It explained as spectrums of Training below which is as result of transforming from components of instructional leadership to be the words that interpret to each other based on level of human capital. They are depicted as follows.

Figure 1 instructional leadership development

Training program development was evaluated by several experts rated on suitability level and feasibility level of training program. The training program would be conducted in four big modules as follows.

Module 1: Supervision (Personal Superiority)
Module 2: Managing Instructional Program (Interpersonal Core)
Module 3: Professional Development (Professional Excellence and Expertise)
Module 4: Defining Mission (Visionary Leadership)

Discussion

From the data analysis, the following major was discussed based on the components of Instructional leadership.

1). Defining Mission

School has vision and mission which is being important to be set together. The awareness of school to create vision and mission together is very important. It means that the involvement of stakeholders in defining school's vision and mission become necessary. It is about sending message that school cannot run education without supporting from other. But, the result showed that Principal's role in framing, identifying and communicating the school vision and mission in Banten province gave less emphasis to involve another element of school. High level of contribution reflects good Promoting sense of belonging toward school.

2). Managing Instructional program

The results of managing instructional program in Banten province, showed principals just deliver the things without understand comprehensively. In other words, principals did not put emphasis on how curriculum should be applied, principals lack of attention to conceive supporting system of implementing curriculum is necessary. If the principals have good teaching practice, it is useful for them to be confident to convey and do everything in terms of implementing curriculum agendas. This implies principals need to upgrade teaching and learning skill regularly to make the easy leading at school.

3). Managing Supervision

This supervise competence is one of the important competences that principals must have. In Banten province, supervision of principals was usually agendas not provide continues support to teacher and evaluation. Moreover, in terms of teacher's administrative responsibility, it indicated that principals considered to have done supervision for evaluation performance just for administrative purpose only, rather than formative evaluation that enable teachers to develop their teaching ability growth. Therefore, the presence of principals using instructional leadership, it is hoped that principals is not to try to solve the problem. Administrative is important, but the way how to implement must be considered not to put burden ahead of teacher.

4) Improving

It is imperative for teachers to get chance to improve their quality teaching and learning. In order to improve the quality of teaching and learning, it is therefore fundamental that the principals should promote staff development program in schools. However, in Banten province, allocating funds for teachers' professional growth also

was less allocation. This indicates that principal is challenged to create program although it is difficult to finance.

Suggestion

The following suggestions are as follows

a. This research investigates principals' needs in the aspects of defining mission, managing instructional program, supervision and professional development, then; further researches are recommended to study the aspects of instructional leadership for managing special students.

b. Principal should involve teachers, students and stakeholders in formulation of vision and mission and communicate to them frequently not only that but also evaluate their daily activities toward what has been set in the mission statement

c. Principals need to upgrade supervision competence. Do not performance evaluation is only as purpose of administrative requirement. Classroom need improvement, it is meaningful to conduct evaluation as effort to develop teacher and students learning progress.

d. It is important for principal to practice clinical curriculum. It is suggestion to provincial policy maker of education office. There must be platform that provides principal as well as teacher to upgrade their knowledge and skills in terms of implementing curriculum regularly

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Global education and Research in Thai Education

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Abstract

Global education is becoming a more commonplace for universities today. The term is a result of globalization in the modern age which global forces will intensify in many fronts. Global education results from having a global dimension in the curriculum; or when it is referred to in the plural form it is equal to the fact that there are different cultural and political perspectives on global matters (Hicks, 2003, p. 274). The concept is mostly adopted in a school level starting from younger age. Global education was initiated in the 1920s in the U.K. when a group of progressive teachers set up the World Education Fellowship with the journal. From then, global education evolved through time and gradually changes its components to suit today's global need. Global education is a fairly new concept for Thai education. Wichit Srisa-an (2003) outlines global education as the conveyor of 21st century competence and is developed through borderless learning. However, the document analysis illustrates that global education research is limited to a school context (Kumpeerathud, 1993; Lawthong, 2003; Vongnim, 1988).

This paper explores the theoretical concept of global education as well as the changes related to this development, and the development of research on global education in Thailand. This paper involves literature review and document analysis from different sources. Global education has evolved as a result of a global force. Nevertheless, it is shown in the research that global education in the Thai context is still in its developmental stage because the delivery of global education in school is still lacking important components of global education.

Keywords: Global Education/ Thailand Universities and Schools/ School Curriculum/ Citizenship Education/ Borderless Education/ Thailand

Internationalization of Higher Education

Many scholars believe that globalization has effects on the macro-dimensions of economy, politics, technology and culture (Beerkens, 2003; Hick, 2003; Singh, 2004). Globalization is the "economic, political and societal forces pushing 21st century higher education toward greater international involvement" (Altbach & Knight, 2007, p. 290). Transformation of a production economy to a knowledge economy is becoming a global phenomenon and a priority for many nations. The phenomenon underlies the emergence of knowledge economy which focuses on the highly skilled workforce and the creation of new knowledge and technology. On the other hand, internationalization is a more restricted cross-border control from the government and entails protectionism from the states (Scheinin, 2007, p. 8). Internationalisation of higher education is more related to "the cross-border delivery of education and are a consequence of the impact of

globalization of society on higher education: borderless education, education across borders, global education, offshore education and international trade of educational services" (de Wit, 2010, p. 15). Today's world is full of supranational or transnational challenges which permeate the society.

Global Education

Global education results from having a global dimension in the curriculum; or when it is referred to in the plural form it is equal to the fact that there are different cultural and political perspectives on global matters (Hicks, 2003, p. 274). It encompasses many dimensions in the global level. The National Council for the Social Studies (1982) defines global education as "the process by which people acquire a global perspective to explain events in recognition of the increasing interdependence of nations and cultures" (as cited in Merryfield, 1992, p. 19). Global education addresses a range of issues that emerge from the increasing interdependence of nations and cultures. The term 'global education' emerged along with international education, human rights education and global citizenship education. Many education programs included global education as an essential element, for example, teacher education program. Global education seeks to reevaluate the content, organization and purpose of schooling in line with a transformative vision of education in a planetary context (E. O' Sullivan, 1996, as cited in Pike, 2000, p. 64). Hanvey's *An Attainable Global Perspective* (1976) listed five dimensions that prepare students to develop global awareness: (1) perspective consciousness, (2) state-of-the planet awareness, (3) cross-cultural awareness (4) knowledge of global dynamics, and (5) awareness of human choices. The aims of global education are defined as:

(1) Systems consciousness: students should acquire the ability to think in a systems mode; acquire an understanding of the systematic nature of the world; and acquire a 'holistic' conception of their capacities and potential.

(2) Perspective consciousness: students should recognize that they have a view of the world that is not universally shared and develop receptivity to other perspectives.

(3) Health of planet awareness: students should acquire an awareness and understanding of the global condition and of global developments and trends; develop an informed understanding of the concepts of justice, human rights and responsibilities and be able to apply that understanding to the global condition and to global developments and trends; and develop a future orientation in their reflection upon the health of the planet.

(4) Involvement consciousness and preparedness: students should become aware that the choices they make and the actions they take individually and collectively have repercussions for the global present and the global future; and develop the social and political action skills necessary for becoming effective participants in democratic decision-making at a variety of levels, grassroots to global.

(5) Process mindedness: Students should learn that learning and personal development are continuous journeys with no fixed or final destination; and learn that new ways of seeing the world are revitalizing but risky
(Pike & Selby, 1988, pp. 34-35, as cited in Marshall, 2007, p. 357).

It is noted that global education addresses a shift from the rationale of traditional teaching toward a more inclusive pedagogical model. Educational institutions were invited to explore the new global discourse in their teaching. However, global education is still ambiguous in its definition and the term needs to be clearly defined (Kirkwood, 2001). The fluid definition of global education can cause confusion to educators and teachers in many countries which then produce unplanned results.

The Development of Global Education

In the 1920s, a group of progressive teachers initiated the World Education Fellowship with the journal. The movement was then continuously developed. In 1973, Robin Richardson directed the World Studies Project which ran a series of conferences attended by secondary teachers, tutors in initial teacher education and the NGO educators. Richardson developed the conceptual framework that focuses on the global issues i.e. poverty, oppression, conflicts and environment (Figure 1).
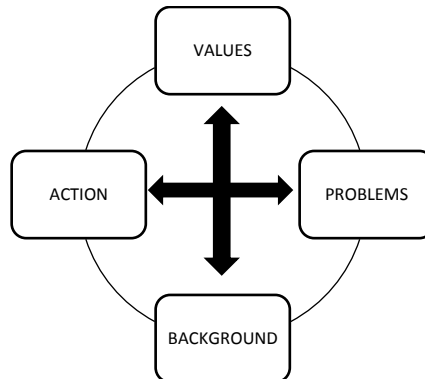

Figure 1. Framework for exploring global issues (Richardson, 1976, as cited in Hick, 2003, p. 266).

The framework of Richardson was further developed in the World Studies 8-13 Project in 1980. The project was developed to work with 8-13-year-old-students and covers five themes: ourselves and others, rich and poor, peace and conflict, our environment, and the world tomorrow. The World Studies 8-13 was first implemented in 50 Local Education Authorities (LEAs). Half of them are in England and the other half in Wales. In the same period, David Selby and Graham Pike started the Centre of Global Education at the University of York. They developed the four dimensions of globality including: (1) the spatial dimension, (2) the temporal dimension, (3) the issues dimension, and (4) the human potential dimension. Their development of four dimensions was intended for secondary schools in the UK. (Hicks, 2003, pp. 266-267). However, global education was under attack by the Conservative politicians due to the concern of indoctrination,

politicization, improper teaching methods and the lowering educational standard. Later in the mid-1990s, Selby and Pike moved to Canada and established the International Institute for Global Education at the University of Toronto. The establishment had a great impact on the Canadian educational landscape and in other countries. Currently, global education is supported by DfEE[1]'s (2000) *Developing a Global Dimension in the School Curriculum* as well as Oxfam's (1997) work on global citizenship in primary and secondary schools (as cited in Hicks, 2003, p. 265).

Schools can develop global dimensions in a number of ways. Hicks stated that schools can integrate global interdependence, global issues, and events into the curriculum holistically or the can be separately taught subjects in the curriculum (p. 274). Moreover, schools can choose one or some curricular or extra-curricular elements (Marshall, 2007, p. 360). A similar study of Lawthong (2003) which relates to global-mindedness in schools adds that studying abroad and exchange programs are often taken as indicators of cultivating global-mindedness. The other elements are that schools need to promote global education in the policy or the values and principles associated with global social justice, democracy and diversity or they can work with NGOs in promoting global education. The Figure 2 illustrates the methods of developing a global dimension in schools
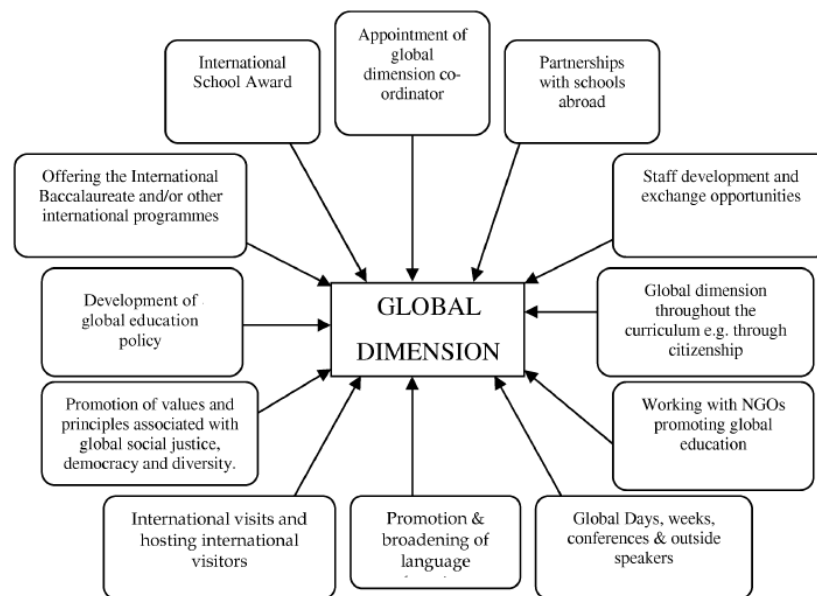
Figure 2. Methods of developing a global dimension in schools (Marshall, 2007, p. 361)

However, for UK schools, global education becomes a great challenge because it is not easy to apply to the school context. Marshall (2007) conducted research on the relationship with global education curricula, pedagogy and mainstream education practice. She conducted 36 semi-structured interviews with teachers and two with non-teaching staff and six focus groups with students from different age groups from 12-17

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[1]*the Department for Education, UK.*

years. The results revealed that the ideal model of global education relates to 'the right' experience, values and knowledge. Teachers reported feeling of powerlessness in relation to global knowledge and global education. One teacher has articulated "global education has to be something empowering but this is complicated when you have non-empowering subjects to teach ordinarily" (p. 360). On the other hand, students' results pointed out the need for contemporary topics e.g. global politics, war and terrorism. They further stated the need of personalized pedagogy, interactive teaching and frequent outside visitors. It is imperative that teachers empower students with knowledge, skills and values but this has to strike a balance in the delivery process (p. 369). Parker, Ninomiya and Cogan (1999) have created the school curriculum recommendations that are multinational on educating world citizens. They collaborated with scholars and practitioners in different fields from nine countries i.e. Japan, Thailand, Canada, the United States, United Kingdom, the Netherlands, Hungary, Germany and Greece. The curriculum design covers three areas: trends, citizenship characteristics and educational strategies. The trends outline the events that need immediate attentions and those that are less urgent but require monitoring. They are comprised of crises, areas that need to monitor and areas to encourage. Secondly, citizen characteristics have eight competencies that ranged from the ability to look at and approach problems as a member of a global society to the ability to be sensitive toward and defend human rights. Third, the consensus developed 16 strategies that are highly recommended by the policymakers (see appendix I). The curricular recommendations were constructed to equip primary and secondary school students in many countries to be able to encounter a set of complex ethical questions that address problems and crises. However, there is a concern. Universities may adopt global models only as a symbol and subsequently lack results. Similarly, global models maybe "reinvented and localized" causing the universities to lead to other unintended results (Beerkens, 2008, p. 17).

The Development in Thailand Education

In Thailand, global education begins with borderless education in the 1970s. This term is referred to as long-distance education. Myriad problems occurred in the early development of borderless education, such as limitations and inefficient quality of telecommunication systems. From its beginning, borderless education has been gradually improved in quality and efficiency in the passing decades. Until today, learning through information technology has enabled learners to learn in their chosen time. They can also control their learning activities and monitor the progress. The global education is conveyed through borderless education.

The society now is becoming more global. As a result of this, graduates of schools and colleges are facing the challenges of a borderless community. Global competencies are promoted among the graduates. They consist of (1) ability to use international or regional language, (2) knowledge and understanding of others, (3) ability to use information technology/computers, (4) possessions of learning and management skills and some degree of competence in various technical fields, and (5) knowledge and appreciation of global values. (Srisa-an, 2002, p. 2). Lawthong (2003) clarified the term "global-mindedness" in Thai understanding as:

An extensive view of the world, which takes into consideration cultural pluralism and care of global issues especially the use of resources and the preservation of the environment. All countries are interconnected and live peacefully together. Every human being is a citizen of the world who bears equal rights and freedoms. (p. 64)

Global education needs to be encouraged in Thai education; however, it needs to be applied to Thai education with sustainability (see appendix II).

Research of Global Education in Thailand

The initial study of global education is Vongnim's master thesis (1988) that conducted a quantitative study of the concept of global education in 800 Matayomsuksa three students in 20 schools in Bangkok. The results indicate that the students have the concept of global education 60% less than the desirable level. There is no difference perception of the concept between male and female students. It can be seen from Vongnim's thesis that 1980s is the early stage of global/international education in Thailand. The results therefore are low compared to the expectation.

A study of Lawthong (2003) of global-mindedness was also conducted in a school context. She concluded that global mindedness in the Thai context incorporates: "acceptance of different cultures; care for the world problems; interconnectedness and peace; and world citizenship" (p. 60). Kumpeerathud (1993) studied global education by conducting an experimental study. The subjects were 60 students from Matayomsuksa three at Pattananikom School in Lob Buri. The students were divided into an experimental group and a control group. The experimental group received forecasting techniques. On the other hand, the control group received the traditional instruction. Each group also received ten periods of experimental treatment. However, the results show that there is no difference between the experimental group and the control group at 0.05. This study then presents that teaching global education by forecasting techniques yields no significant result compared to those who learn by the traditional method. Thanosawan and Laws (2013) studied the element of global citizenship in Thai higher education. They found that in a university in Thailand, global element is incorporated into teaching and learning. However, the perception of the students showed that the awareness of global education did not match the expectation of the university. The activities that students can contribute to being a global citizen are also lacking. Global education in universities needs to be improved and holistically embedded in the curricula.

Conclusion

It is evident that global education has evolved as a result of a global force and knowledge society. In the development of global education, it must include a requirement that students develop competencies that will prepare them to survive in a world characterized by accelerating growth and increasing inequities (Anderson, 1990, as cited in Kirkwoord, 2001, p. 12). Much research has been developed in the timeline from the beginning in 1920s. Global education evolved through time into the method that incorporates the

modern-day issues and global elements into the students' mindset. It has also undergone an attack by the politician of being one-sided and indoctrination. Global education is often employed by incorporating it within the curriculum or extra-curricular activities. Prominent scholars in Thailand who work on global education are Srisa-an and Lawthong. Srisa-an's interest in global education lies within the borderless education while Lawthong is on the application of global education in a school context. Nevertheless, there is little research in the area of global education in the Thai context. It is fair to say that the research on global education in Thailand is still in the developmental stage because the delivery of global education in school is still lacking important components of global education.

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Appendix I

Parker, Ninomiya and Cogan's trends (1999)
Trends

I Increasingly significant challenges (crises)
- The economic gap among countries and between people within countries will widen significantly.
- Information technologies will dramatically reduce the privacy of individuals.
- The inequalities between those who have access to information technologies and those who do not will increase dramatically.
- Conflict of interest between developing and developed nations will increase dueto environmental deterioration,
- The cost of obtaining adequate water will rise dramatically due to population growth and environmental deterioration.
- Deforestation will dramatically affect diversity of life, air, soil, and water quality.
- In developing countries, population growth will result in a dramatic increase in the percentage of people, especially children, living in poverty.

II. Areas to monitor
Undesirable but only moderately probable:
- Individuals, families, and communities will lose political influence due to the increased level of regulation and control by governments.
- It will be increasingly difficult to develop a shared belief of the common good.
- Drug-related crime will increasingly dominate social life in urban areas.
- People's sense of community and social responsibility will decline significantly.
- Consumerism will increasingly dominate social life.

Very probable but only moderately desirable:
- Migration that flows from poor to rich areas, both within countries and between countries, will have a major impact on the internal and external order of nations.

• The increased use of genetic engineering will create more complex ethical questions.

III. Areas to encourage

Highly desirable and highly probable:

• Economic growth will be fueled by knowledge (ideas, innovations, and inventions) more than by natural resources.

Very highly desirable but only moderately probable:

• Corporations will increasingly adopt measures of environmental conservation inorder to remain competitive.

• Systematic inequalities (e.g., racism, ethnocentrism, sexism) will decrease significantly.

Highly desirable and moderately probable:

• Previously marginalized groups of individuals (e.g., women, ethnic minorities)will occupy more positions of power.

• More regional alliances will be developed as a way of achieving peace and security.

Citizenship Characteristics

• Ability to look at and approach problems as a member of a global society.

• Ability to work with others in a cooperative way and to take responsibility for one's roles/duties within society.

• Ability to understand, accept, appreciate, and tolerate cultural differences.

• Capacity to think in a critical and systemic way.

• Willingness to resolve conflict in a nonviolent manner.

• Willingness and ability to participate in politics at local, national, and international levels.

• Willingness to change one's lifestyle and consumption habits to protect the environment.

• Ability to be sensitive toward and to defend human rights (e.g., rights of women, ethnic minorities).

Educational Strategies

Very highly recommended:

• Support the teaching of subject matter in a manner that encourages children to think critically.

• Emphasize students' ability to critically assess information in an increasingly media-based society.

Highly recommended:

• Establish a curriculum which uses the potential of information-based technologies.

• Establish extensive international links among educational institutions at all levels to support international studies and research and curriculum development focusing on citizenship education.

• Cultivate a teaching population with international experience and cross-cultural sensitivity.
• Implement programs of international student exchange in order to promote mutual understandings among different cultures.
• Increase attention in the curriculum to global issues and international studies.
• Establish extensive liaisons and joint projects among schools and other social institutions (e.g., industry, NGOs, churches, community groups) to support education.
• Require that opportunities for community action and involvement be an important feature of the school curriculum.
• Promote schools as active centers of community life and as agents for community development.
• Decentralize decision making so that local communities and individual schools have considerable control of curriculum and educational administration.
• Increase opportunities for students to be involved in cooperative learning activities.
• Demand that the mass media act in a socially responsible, educative manner.
• Implement programs that effectively use the talents and skills of an aging population.
• Demand that all major social institutions and their officials set high standards of civic responsibility.
• Ensure that all social institutions (including the family and educational religious institutions) have an abiding respect for the basic rights of children and contribute to their well-being.

Appendix II

Wichit Srisa-an's three factors that make global education sustainable (2002, pp. 3-4):

1. Accessibility to learners contributes to lifelong learning via virtual learning. The accessibility of virtual leaning will benefit multiple groups of learners: people who do not have first degree, those who want to obtain additional degrees, those who want to change their field of specialization, those who would like to enhance experience without obtaining a degree and those who want to study for pleasure.

2. Quality knowledge base means the quality virtual knowledge base. It compiles knowledge in various forms of information and experience. This can be achieved by networks or linkages between universities nationally, regionally and internationally as well as exchange of courseware, mobility of professors and students and collaborative research. The quality knowledge base can be made available to a great number of learners though interactive electronic media.

3. Experiential learning promotes the real experience relevant to knowledge. In experiential learning, it allows the use of knowledge that learner obtained in university in a real work context. Workforce from private sectors and industries should be supported to study in borderless education programs to continuously update their knowledge and skills.

Developing a Program to Enhance Teachers' Leadership for Luangprabang TeacherTraining College, Lao PDR

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Abstract

The purposes of this research are to study the components and indicators of teachers' leadership, to explore the existing and desired state and strategies to enhance teachers' leadership of Luangprabang Teacher training College (LPB TTC), and to design a program to enhance teachers' leadership for LPB TTC. The population of this study is 124, all teachers from LPB TTC by the Purposive Sampling Technique. A five rating scales survey questionnaire was utilized as the research instrument to collect data. The study found that the components of teachers' leadership, that had been analyzed and synthesized, are 1) professional learning, 2) teamwork, 3) visionary, 4) constructive dialogue, 5) ability to change, 6) leadership practice, 7) work ethics, and 8) reflective practice and cover of 66 indicators along. Further, the findings show that there is a large gap between the existing state and desired state of teachers' leadership performance at the college. Therefore, based on the research findings, a training program with cooperation of mentoring and coaching is required to enhance teachers' leadership for LPB TTC in Lao People's Democratic Republic (Lao PDR).

Keywords: Teachers' Leadership/ Components/ Training Program/ Desired State/ Thailand

Introduction

In order to improve educational quality in the 21st century, teachers are required to have vision extends beyond their own classrooms, their teams and departments. These teachers are aware of their students' experiences depend not only on interaction with individual teachers, but also on the complex situations in places throughout the school and the society. Teachers are exercising their leadership skills in their own professionals while they perform critically to produce high-level student learning and achievement, share their experiences with their peers and take formally and informally the initiative to address a problem or institute a new program without positional authority; their influence stems from the respect they control from their colleagues through their expertise and practice, (Danielson, 2007).

While teaching today is a more compound set of roles and responsibilities than ever before, teachers need to have leadership basic characteristics which are to be responsible for improving school culture, influencers as well as mentors in improving colleagues' instructional practices. The skills and knowledge also include successful engagement of students and preparation for the quickly-changing societies that how teachers lead within and out the classroom, (ASCD, 2015).

Teachers, as leaders, are the ones who always practice their art and learn how to improve their teaching techniques in order for accomplishment of their important tasks. Therefore, they have various levels of leadership qualities which are learned and some are part of their personality. These leadership qualities are seen as the respects from students, parents, peers and the community. This is because teachers are committed to their profession and have similar qualities to leaders in other areas. They do not just consider about themselves, but how their efforts will generate benefits for all of those who are a part of their profession, students and others at the school, (Leithwood, *nd)*.

In terms of teacher competencies, in Lao People's Democratic Republic (Lao PDR), according to the National Charter of Teacher Competencies (NCTC), there are standards for teacher competency areas that have been formed up and applied in any educational teaching levels. These competency areas are A. Competency Area of Acting in an exemplary manner, B. Competency Area of Educating, C. Competency Area of Teaching, D. Competency Area of Assessment, and E. Competency Area of Self-Development and Innovation, (Soysouvanh, Bohlmann, Khammounty, Phoumilay, Virivong & Vilaychaleun, 2012).

Further, along with those competencies, teachers are required to have necessary aspects (knowledge, skills and attitudes) to be able to implement the policies and methodologies. They also need action research skills to self-monitor and self-evaluate. The necessary knowledge, skills and attitudes must be seen as critical elements of the standards expected of vocational teachers and be incorporated into their pre-service and on-going training programs, (Soysouvanh, 2013). These competencies clearly reflect on principles of inclusive education of Laos that are teachers should support children with special educational needs, teachers should be aware that children's backgrounds affect their learning and teachers should offer consistent and fair treatment to pupils whatever their gender, social, cultural, linguistic, religious or ethnic background, (Lachanthaboun, 2008). These, therefore, also relate to the standards of teacher qualifications set by Lao Ministry of Education and Sports (MoES) and NCTC for the teachers which include (a) teachers' characteristics and professional ethics, (b) knowledge of children, and (c) subject knowledge and practical teaching wisdom, (Soysouvanh, 2013).

Even though, there are teacher competency standards for teaching in Laos, teachers are considered low qualified and still needed more professional trainings in order to meet the teacher competencies. This is because in the standards, there is no teacher leadership competence specifically stated; just some interrelated indicators. Whereas teacher is a center to improve education quality and students' achievement, as well as their tasks are complex, they should receive more ongoing strategic trainings to handle with any issues. These are linked to the leadership characteristics and roles as teachers do not only transfer knowledge, they are people who give advice, train and suggest positive things to students, (Soysouvanh, *et.al*, 2012).

To those mentioned problems, I, as the researcher and a teaching staff at LPB TTC, personally believe that the teacher leadership will play the essential roles in the educational development processes and high quality of teacher's performance. Moreover, to develop the program to enhance teacher leadership, there is a critical requirement to identify and synthesize all the components of the teacher leadership as

well as the type and procedures of the program in order to gain more benefits from this enhancement and to meet the national teacher competency standards. Also, this can result in the improvement and guarantee for the prospect learning and skills development for all children, youth and adult learners, it must have sufficient, quality teachers. Therefore, to ensure this enhancement, all the administrators, staff, teachers and students must have a high initial practice, support and cooperation all the way throughout any processes of the particularly training.

Research Objectives

1. To investigate the components and indicators of Teacher Leadership
2. To explore the existing and desired states, and strategies to enhance Teacher Leadership of LPB TTC
3. To design a program to enhance Teacher Leadership for LPB TTC

Research Methodology

Population

Population of this study is all the present teachers at LPB TTC, in total of 124 by the Purposive Sampling Technique.

Instruments

The research employed a five-point scale questionnaire for gaining information of existing and desired states and strategies of teachers' leadership and a three-point scale interview form for evaluating the training program.

Procedures and Methodology

There are three phases in this research, such as:

Phase I: Studying components and indicators of teachers' leadership by viewing and synthesizing from literature reviews, then evaluating by experts to verify level of suitability

Phase II: Exploring the existing, desired states and strategies of teachers' leadership by using questionnaire and to seek the gap between existing and desired states to develop a program

Phase III: Designing an appropriate program to enhance teachers' leadership through synthesizing the information and then evaluating by expert to verify of level suitability and feasibility

Data Analysis

The data was analyzed by Utilizing descriptive statistic such as IOC, means (μ), percentage (%), frequency, Priority Needs Index (PNI), and standard deviation (Ϭ).

Research Results

Phase I Analyzing components and indicators of teachers' leadership of LPB TTC

This phase was analyzed through checking components and indicators of teacher leadership by five experts. And the results are found that there are eight components with 66 indicators all together such as Professional Learning (9 indicators), Teamwork (9 indicators), Visionary (8 indicators), Constructive dialogue (9 indicators), Ability to change (8 indicators), Leadership practice (7 indicators), Work ethics (7 indicators), and Reflective practice (9 indicators).

Phase II Exploring the existing and desired states and strategies to enhance teachers' leadership

Table 1. The results of the existing and desired states of Components of Teachers' Leadership at LPB TTC

Components of Teachers' Leadership	Existing State (N= 124)		Level of Existing	Desired State (N=124)		Level of Desired
	μ	Ϭ		μ	Ϭ	
Professional Learning	2.09	.59	Low	4.48	.23	High
Teamwork	2.39	.70	Low	4.50	.26	High
Visionary	2.17	.65	Low	4.51	.28	Very High
Constructive dialogue	2.08	.57	Low	4.24	.63	High
Ability to change	2.07	.63	Low	4.12	.22	High
Leadership practice	1.96	.59	Low	3.95	.24	High
Work ethics	1.54	.53	Low	4.66	.36	Very High
Reflective practice	2.01	.56	Low	4.38	.38	High
Total	**2.04**	**.53**	**Low**	**4.36**	**.15**	**High**

Above table shows that there is a large gap between the existing state and desired state of teachers' leadership at the college as the total level of existing state is at low, (μ =2.04); while desired state shows High ((μ =4.36). This can be affirmed that there is a need to improve the teachers' performance and a program to enhance this essential practice in order to improve the student's achievement and learning quality.

Phase III Analyzing of the program to enhance teachers' leadership for LPB TTC

The program drafted by the researcher which covers 6 components, namely, Rationales, Objectives, Contents, Strategies, Materials, and Evaluation.

Table 2 Training Program to Enhance Teacher's Leadership for LPB TTC

No.	Items
1	**Rationales**
	1. The majority of the teachers at the college still require more training for their professional and skills
	2. Their leadership skills are not recognized or supported in general situations
	3. Most teachers practice their teacher's leadership skills in only classroom not among their group or colleague

| 4. | Many teachers at the college are more interested in leadership practice and eager to know more about leadership |
| 5. | Not many teachers understand or can explain about the teacher leadership or even realize about this. |

2	**Training Objectives**
	1. To increase or greater the teacher leadership awareness, understanding and implementation of the skills.
	2. To apply or practice in real situations as day to day teaching.
	3. To improve the teachers' roles, responsibilities, skills and performance in order to enhance students' learning expectation and achievement.
	4. To enhance teachers, and mentors and coaches' disciplines.
3	**Contents of Training**
	Leadership, Teacher leadership skills, concepts, components and indicators or standards of the teacher leadership
4	**Training Methods**
	Mentoring and Coaching, Group discussion, Presentation, Report, Brainstorming, Role plays and Demonstration
5	**Length of Training**
	At 8:00-12:00; 1:30-3:30, 2 days/wk (Weekends) and last for 1 month
6	**Size of Training**
	All present teachers: 124
7	**Location of Training**
	In the Main Hall at LPB TTC
8	**Training Materials and support resources**
	Space, room set-up, and technology/ Visual Aids, hand-outs
9	**Evaluation**
	Evaluation Form includes contents, delivery, facilities/resources, activities, time, trainers, staff and manager, practice and reflection

Discussion

Phase I: Leadership is one of the teachers' competences and standards that play an important role to improve students' learning outcome and quality. Teachers acts as leaders, concluded by Jackson, *et.al*, (2010) with their personal skills. Thus, these skills and the components and indicators of the teachers' leadership relate to more inner capacity through practicing. These are also supported by The Office of the Basic Education Commission in Thailand, (2010).

Phase II: There is a large gap between the existing and desired states of teachers' leadership at LPB TTC. Amongst the components, work ethics are seen as the urgent item to develop while teamwork is not the issue.

As most teachers observed and realized that not many of them work by heart or love their job or work happily. This may be the causes of environmental, social and economic or workload forces and lead to unsatisfactorily and low students' learning outcomes. Fortunately, the teachers are still aware of this and consider that this is the first fundamental value and asset for all to have at the workplace in order to create and maintain the organization values and ethics as suggested by Fountain, (2012).

Although, teamwork has seen as the last priority to improve, it is an essential aspect along with the leadership skills for goal achievement. It is important to keep maintain and develop these skills for teachers. As concluded by Hughes & Jones, (2011), Sohmen, (2013) and Fapohunda, (2013) that teamwork is a set of skills that individuals employ to advance the success of groups or teams to ensure self development, positive communication, leadership skills and ability to work closely together as a team to problem solving.

Phase III While there are various approaches to enhance individuals' knowledge and skills, training can give rise to individual, team, organization and community enhancement in terms of both directly and indirectly as shown in Aguinis and Kraiger's research in 2009. Added to this, there will be more beneficial if the trainees are monitored, supported and obtained more helps or even enabled by a mentor or a coach during training and practicing the skills.

Recommendations

Based on the study, recommendations are made as follows:
1. Leadership training programs should be provided to enhance the quality and ability of administers, managers and teachers at schools as well as for the future study.
2. All training programs should focus on developing the relevant characteristics, knowledge and ability of school norms and administration.
3. Leadership characteristics should be introduced in any teaching curriculum for especially students-teachers in order to basically train and enhance their leadership capability.

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Knowledge, Availability of Hand Washing Facilities, Perceived, and Hand Washing Behavior among Elementary Schools in Indonesia

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Abstract

Indonesia also faces the problems of wide-spread diseases   infection of acute respiratory and diarrhea. Hands hygiene is a key factor of reducing transmission of diseases in the community setting. Washing hands with soap could significantly reduce the risk of diseases. The objective of this study was to identify relationships between knowledge, availability of hand washing facilities, and perception with hand washing behavior among students of public elementary school in Belitung district, Indonesia. The results showed that 71.8% of the students were not hand washing properly. The results also showed that availability of hand washing facilities and knowledge were not related with hand washing behavior. However, perceived susceptibility of diseases (χ^2 =13.73, p < .01) and perceived seriousness of diseases (χ^2 =6.857, p < .01) were related with hand washing behavior. Based on these findings, health care providers in Indonesia should be strengthening health promotion of hand washing behavior.

Keywords: Hand Washing/ Elementary Schools / Indonesia

Introduction

The Centre for Disease Control and Prevention declared in 2011 that the primary causes of morbidity and mortality among young children in developing countries were acute respiratory infection and diarrhea which were also the major causes of diseases and death worldwide. As one of the developing countries, Indonesia also faces these problems and has experienced of the impact of the wide-spread of infection caused by acute respiratory infection and diarrhea.

Belitung, one of the districts located within Bangka Belitung province, currently faces this common problem with acute respiratory infection and diarrhea. In 2013, Health Department of Belitung District revealed that the number of incidences of acute respiratory infection and diarrhea were 33,296 and 1,652 respectively. Environmental Health Risk Assessment (EHRA) reported that in 2014, approximately 23.5% of population living in Belitung district had suffered with acute respiratory infection and diarrhea. A study of EHRA in 2014 was revealed that 20% of the households in Belitung were not using soap while washing hands before having meals and after visiting toilets. .

Acute respiratory infection and diarrhea are also commonly transmitted within the compound of elementary schools. Crowded settings and lack of self-care awareness,

these are the conducive factors for the transmission of micro-organisms . Through their contaminated hands micro-organisms are transmitted directly among the children with inanimate objects serving as medium of transmission of diseases . This would imply that these elementary school students could potentially spread the acute respiratory infection and diarrhea unknowingly, and not only among the children themselves but also to the community.

Hand washing is the most effective method of preventing the transmission of diseases through hands. The previous study reported hand washing with clean water and soap was a good intervention resulting in 53% reduction of influenza and diarrhea. In addition, Hands hygiene was also specifically recommended for the prevention of diseases with pandemic potential such as severe acute respiratory syndrome. The objective of the study was to identify relationship between knowledge, availability of hand washing facilities, perceived susceptibility of diseases related to hand washing, and perceived seriousness of diseases related to hand washing with hand washing behavior among sixth grade students of public elementary school.

Methodology

Design and Sample

A cross-sectional research study was used in this study. 309 participants were recruited in 11 public elementary schools from 3 sub districts that has been implemented the hand washing program in Belitung, Indonesia. Purposive sampling method was used to select the participants with inclusion criteria were as follows: (1) sixth grade students who were studying at the public elementary schools, (2) students who were allowed by their parents or guardian to participate, and (3) students who are willingly volunteer to participate in the study. This study was used a self-administered questionnaire with minimal interference in order to minimize bias and by emphasizing to the students that this is not an examination.

Operational Definitions

In this study, availability of hand washing facilities refers to perception of sixth grade students of public elementary school in Belitung district, Indonesia about sufficiency and accessibility of the infrastructure for supporting hand washing practice including location, hand washing stand, soap, tap water, and clean water. Knowledge of hand washing refers to general understanding of students about definition of proper hand washing, critical time of hand washing, hand washing as preventing some diseases, and advantage of hand washing. Perceived susceptibility of disease related to hand washing refers to the belief of students about possibility of exposure to the diseases, possibility of diseases prevention by hand washing, and consequences of influenza and diarrhea. Perceived seriousness of diseases related to hand washing refers to the belief of about the effects of improper hand washing in terms of harms, seriousness, and covering time from the diseases related to hand washing.

Instruments

The instruments were tested for the content validity and reliability before data collection process. The instrument was examined for content validity by panel of experts. The panel of experts consisted of 3 scholar persons in the areas of pediatric nursing, community health nursing, and health promotion. Panel experts were reviewed and assessed all of items of question by checking the content clarity and content relevance. All three experts were asked to rate the clarity and relevance of the instrument using Content Validity Index Item (CVI-I) . The experts were asked to rate each item clarity and relevancy using 4- point rating scale: 1 = not relevant, 2 = items needs revision, 3 = relevant, it takes a bit revision and 4 = very relevant. Panel experts were also welcome to give suggestion and add any other items that important and relevant to the study. The result of content validity index was given by panel experts were 99% for content relevance and clarity. Then, the researcher tested the reliability of the questionnaires. The questionnaire in Indonesia language version was administered to the 30 sixth grade students in one public elementary school of Belitung district. The Cronbach's alpha coefficient was used to assess internal reliability coefficient (ICR) of hand washing behavior questionnaire since the questionnaire was in multi point scaled item.

Data Collection Process

The study was approved by Committee and Ethics Review Board (ERB) Committee for Research Involving Human Research Subjects, Boromarajonani College of Nopparat Vajira, Bangkok, Thailand. The permissions for data collection were obtained from Head of Belitung district Health Department, Head of Belitung district Educational Department, Head of the Elementary Schools selected for data collection, and Head of Public Health Centers (PHC) of each sub-district involved in this study. Data were collected from October to November 2015. The participants were assured that the rights and confidentiality during the study were protected. The participants were informed about the objectives, procedures, and benefits of the study through information sheet. Those parents who were willing to allow their children to participate in this study were signed the informed consent. Then, the participants who were agreed to participate in the study were asked to sign the informed consent. This study was used a self-administered questionnaire. Name, or any identify of students were not filled in the questionnaire. After the participants finishing with the questionnaire, the researcher checked and- picked up the completed questionnaires from participants and then kept in the sealed envelope. Data was kept in the locked cabinet and secured computer.

Data Analysis

Chi-square test was used to identify the relationships between knowledge, availability of hand washing facilities, perceived susceptibility of diseases, perceived seriousness of diseases and hand washing behavior among sixth grade students of public elementary schools since the data were nominal scale. Phi statistic was used to examine the strength of the relationships.

Result and Discussion

Results

The results shows that majority of students had high level of knowledge of hand washing (86.4%). The students who had moderate level of knowledge of hand washing were 9.1% and low level of knowledge of hand washing were 4.5% Regarding hand washing facilities at the schools, the results shows the majority of clean water, soap, and hand washing stands for hand washing had available at the schools (98.1%, 98.4%, and 85.8%). Furthermore, about 45.3.1% of students had high level of perceived susceptibility of diseases related to hand washing followed by the participants who had moderate level of perceived susceptibility were 43.0%. The students who had low level of perceived susceptibility were 11.7% The students who had high level of perceived seriousness of diseases related to hand washing were 76.1% The students who had moderate level and low level of perceived seriousness were 22.0% and 1.9%.

Furthermore, this study shows knowledge ($\chi^2 = 3.172$, p > .05), availability of clean water at schools ($\chi^2 = 1$, p > .05) availability of soap at schools ($\chi^2 = 0.623$, p > .05), and availability of hand washing stands at schools ($\chi^2 = 0.049$, p > .05) were not significantly related to hand washing behavior. However, the results of this study shows perceived susceptibility of diseases related to hand washing ($\chi^2 = 13.73$, p < .01) and perceived seriousness of diseases related to hand washing ($\chi^2 = 6.857$, p < .01) were significantly related to hand washing behavior. The strength of the relationship between perceived susceptibility and hand washing behavior was positively moderate (Phi = 0.21). The strength of the relationship between perceived seriousness and hand washing behavior was positively weak (Phi = 0.14). The results of this study were presented in **Table 1** and **Table 2**.

Table1. Summary Results

Variables	Frequency	Percent
Knowledge		
High	267	86.4
Low	42	13.6
Availability of clean water		
Available	303	98.1
Not available	6	1.9
Availability of soap		
Available	304	98.4
Not available	5	1.6
Availability of hand washing stands	265	85.8
Available	44	14.2
Not available		
Perceived susceptibility		
High	140	45.3
Low	169	54.7
Perceived seriousness		
High	235	76.1
Low	74	23.9

Table2. Summary Results

Variables	Proper Hand Washing		χ²
	Yes	No	
Perceived susceptibility			13.73**
Low	33 (19.5%)	136 (80.5%)	
High	86 (61.4%)	54 (38.6%)	
Perceived seriousness			6.857**
Low	12 (16.2%)	62 (83.8%)	
High	75 (31.9%)	160 (68.1%)	

**p*-value < .01

Discussion

Within this study, it has been found that there was no significant relationship between knowledge and hand washing behavior among sixth grade students of public elementary schools. The This finding is inconsistent with the previous studies mentioned that knowledge was related with hand washing behavior. The possible reasons of this finding because knowledge did not always related to hand washing practice and also could not reflect the actual practice. In spite the participants in this study had higher level of knowledge but they did not lead the proper hand washing practice.

Regarding availability of hand washing facilities, the results shows that there were not relationship between availability of hand washing facilities and hand washing behavior among sixth grade students of public elementary schools. This study finding was inconsistent with the previous studies mentioned that facilities affected proper hand washing in the schools, including the availability, supplies, functionality of water, soap, and toilets. The possible reason of this finding due to the hand washing facilities was placed in the unseen area and uneasy to reach. For example, hand washing stands were not in the front of class, soap were not always available in the washing stands and toilets, even supporting by clean water sufficiency. According to (previous study) conducted in the schools showed that hand washing compliance was greater when the availability of hand washing facilities were clean and posted in the strategic places could improve awareness and also remind the student to wash hands.

The results of this study has been shown that perceived susceptibility of diseases toward hand washing related with hand washing behavior among sixth grade students of public elementary schools. The results of the study were as expected as the hypothesis and also consistent with the HBM theory mentioned the greater of perceived susceptibility will engage the people in behavior to decrease the risk. When the people believe that they are at risk for a disease, they will be more likely to do something to prevent the disease happening. The students who believe that

they are in the risk of diseases would increase the awareness about illness prevention by performing hand washing properly. These reasons were also supported by the previous study mentioned that high perceived susceptibility was encouraged the students in performing hand washing and reducing absenteeism related to infection illness .

The result of this study has been shown relationship between perceived seriousness of disease related to hand washing and hand washing behavior among sixth grade students of public elementary schools. The possible reason of this finding because the hand hygiene campaign that have been implemented in the public elementary schools was effectively in increasing the perceived seriousness of disease related to hand washing. The hygiene campaign that emphasize the consequences of improper hand washing related to the illness and absenteeism could influence the students' believe about seriousness of diseases.The finding and reason is supported by the previous studies mentioned that hand hygiene intervention in the schools was improved perceived seriousness of disease and 21% reduced absenteeism caused by illness.

Conclusions

In conclusions, the results of this study shows that 28.2% of participants washed their hands properly, and majority of participants (71.8%) did not washed their hand properly. This study also shows that knowledge and availability of hand washing facilities were not related with hand washing behavior among sixth grade students of public elementary schools in Belitung district, Indonesia. However, study also shows that perceived susceptibility and perceived seriousness were related with hand washing behavior among sixth grade students of public elementary schools in Belitung district, Indonesia.

According to the findings of this study, health care provider could develop specific intervention programs based on HBM to promote perceived susceptibility and perceived seriousness among elementary schools students since these perceived can motivate hand washing behavior among elementary schools students effectively. The results of this study could be used as evidence, supporting information, and health education to design programs in nursing curriculum especially in family and community health.

Limitations

The findings of this study could be applied for the schools that had implemented the hand washing program, may not be generalized to the schools that had not implemented the program of hand washing. Further, the results of this study may not be able as reference of explanation the hand washing behavior in the private elementary schools and in other regions.

Acknowledgment

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Accountability and Problems of Network Governance: Case Study of the Teachers Council of Thailand

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Abstract

The Teachers Council of Thailand is the quasi- governmental organization that operates as the teacher license regulator. This article has three parts. It cavers the Teachers Council of Thailand and network governance concept that shows the characteristic of organization structure with networking governance concept; the methodology and the finding which addresses the accountability problems which focuses on the teachers Council committee structure under accountability concept and describe who accountable to whom, what process, what standard and what effect. For, et revealed the conclusion that revealed the arguments to the problems of networking governance.

Keywords: Accountability/ Network Governance/ Quasi-Government/ Thailand

ความพร้อมถูกตรวจสอบ ปัญหาของธรรมาภิบาลแบบเครือข่าย : กรณีคุรุสภา

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บทคัดย่อ

คุรุสภาเป็นหน่วยงานกึ่งอิสระจากรัฐบาล มีหน้าที่ในการควบคุม (regulator) ออกใบอนุญาตผู้ประกอบวิชาชีพครูและบุคลากรทางการศึกษา บทความนี้จะเสนอความพร้อมถูกตรวจสอบ (Accountability) ของคุรุสภาโดยจะอธิบายถึงโครงสร้างส่วนกรรมการ (board) ว่ารับผิดชอบหรือขึ้นต่อใคร (to whom) ในเรื่องอะไร (What) ผ่านกระบวนการอะไร (what process) โดยมีมาตรฐานอะไร (what standards) และมีการให้คุณให้โทษอย่างไร (what effect) โดยชี้ให้เห็นถึงข้อเท็จจริงของปัญหาในทางปฏิบัติซึ่งเผยให้เห็นถึงจุดอ่อนของโครงสร้างที่ใช้แนวคิดธรรมาภิบาลแบบเครือข่าย

คำสำคัญ: การตรวจสอบ/ ปัญหาธรรมาภิบาล/ เครือข่าย/ คุรุสภา

บทนำ

คุรุสภากับหลักธรรมาภิบาลแบบเครือข่าย (Network Governance)

คุรุสภา เป็นหนึ่งในหน่วยงานของรัฐประเภทองค์การมหาชนที่จัดตั้งตามพระราชบัญญัติสภาครู และบุคลากรทางการศึกษา พ.ศ.2546 หรือหน่วยงานในกำกับของกระทรวงศึกษา มีหน้าที่กำหนด มาตรฐานวิชาชีพครู ออกและเพิกถอนใบอนุญาตประกอบวิชาชีพ กำกับ ดูแล การปฏิบัติตาม มาตรฐานวิชาชีพและจรรยาบรรณของวิชาชีพครู เพราะฉะนั้นคุรุสภาจึงเป็นหน่วยงานหนึ่งที่มี สถานะเป็นองค์การกึ่งอิสระจากรัฐบาล (quasi- governmental organization) ซึ่งไม่อยู่ภายใต้การ บังคับบัญชาตามระบบราชการของกระทรวงศึกษาธิการ ยังคงได้รับงบประมาณประจำปีจาก รัฐบาล แต่การบริหารมีความยืดหยุ่น คล่องตัว มีประสิทธิภาพ และเป็นอิสระกว่าองค์การในระบบ ราชการ (Jonathan GS Koppell, 2003)

โครงสร้างการบริหารคุรุสภา แบ่งออกเป็น 2 ส่วนหลัก คือ ส่วนคณะกรรมการ (Board) ได้แก่ คณะกรรมการคุรุสภา และคณะกรรมการมาตรฐานวิชาชีพ ซึ่งทำหน้าที่ในการกำหนดโยบายและ ทิศทาง (policy board) และกำหนดมาตรฐานวิชาชีพ ตามลำดับ ในขณะที่ส่วนการบริหารส่วน สำนักงาน มีเลขาธิการคุรุสภาเป็นผู้บริหารสูงสุด (CEO) ของสำนักงาน ซึ่งขึ้นต่อคณะกรรมการคุรุ สภา โดยมีการแบ่งโครงสร้างภายในออกเป็น 9 สำนัก มีผู้บริหารระดับผู้อำนวยการขึ้นต่อ เลขาธิการคุรุสภา (สำนักงานเลขาธิการคุรุสภา, 2555)

บทความนี้จะมุ่งวิเคราะห์ที่โครงสร้างส่วนคณะกรรมการคุรุสภาซึ่งถูกออกแบบให้มีลักษณะเป็น เครือข่าย ประกอบไปด้วยกรรมการจากกลุ่มต่างๆ 4 กลุ่ม จำนวนรวมทั้งสิ้น 39 คน ได้แก่ กลุ่ม กรรมการโดยตำแหน่งซึ่งเป็นหัวหน้าส่วนราชการทางการศึกษาจำนวน 8 คน กลุ่มกรรมการ ผู้ทรงคุณวุฒิ 7 คน(ในจำนวนนี้ต้องเคยเป็นครูหรือผู้บริหารสถานศึกษาไม่น้อยกว่า 3 คน) โดย คณะรัฐมนตรีแต่งตั้ง กลุ่มกรรมการจากตำแหน่งคณบดีคณะครุศาสตร์ ศึกษาศาสตร์ 4 คน และกลุ่ม กรรมการจากผู้ประกอบอาชีพทางการศึกษา 19 คน ซึ่งมาจากการเลือกตั้งกันเองของครูทั่วประเทศ ทั้งนี้ มีประธานผู้ทรงคุณวุฒิ 1 คนโดยคณะรัฐมนตรีแต่งตั้ง (พระราชบัญญัติสภาครูและบุคลากร ทางการศึกษา, 2546)

จะเห็นได้ว่า องค์ประกอบของคณะกรรมการคุรุสภานั้น มีการกำหนดบุคคลซึ่งมีที่มา และวิธีการ ได้มาค่อนข้างหลากหลายที่อยู่ในวงการการศึกษา ทำให้โครงสร้างการบริหารองค์การในระดับ คณะกรรมการ (Board) จึงมีลักษณะเป็นเครือข่าย (network) หากพิจารณาตามแนวคิดธรรมาภิบาล

แบบเครือข่าย (Network Governance) (Eva Sørensen , Jacob Torfing, 2007) แล้วมีความสอดคล้อง เพราะ

1.องค์ประกอบของตัวแสดงที่เป็นกรรมการนั้นประกอบไปด้วยบุคคลที่มาจากโรงเรียนเอกชน โรงเรียนรัฐ เจ้าหน้าที่รัฐ มีความสัมพันธ์กันในแนวระนาบ (horizontal) ในฐานะกรรมการที่มีสิทธิ มีเสียง เท่ากัน แต่ต้องทำงานพึ่งพาอาศัยกัน (interdependent) โดยยังคงมีอิสระ (autonomous) ใน ตัวเองอยู่

2. บรรดาตัวแสดงที่เป็นกรรมการในเครือข่าย มีปฏิสัมพันธ์ด้วยการเจรจาที่มีลักษณะการต่อรอง ภายใต้กรอบความเข้าใจร่วมกัน ซึ่งมีเวทีการต่อรองคือที่ในประชุมคณะกรรการ

3. การต่อรองดังกล่าวกระทำภายในกรอบของระเบียบ ค่านิยม ความคิด ซึ่งเป็นการกำกับตนเอง (self-regulation) ก็คือ ความเป็นองค์กรวิชาชีพครู ที่ครูดูแลครูด้วยกันเอง

4. มีวัตถุประสงค์ในการสนับสนุนเป้าหมายสาธารณะ (public purpose) ก็คือ การพัฒนาวิชาชีพครู ให้มีมาตรฐาน จริยธรรมตามที่สังคมคาดหวัง

ดังนั้น ลักษณะดังกล่าวแสดงให้เห็นถึงความพร้อมถูกตรวจสอบ (accountability) ของกรรมการคุรุ สภา จึงถูกออกแบบให้เป็นลักษณะการถ่วงดุลกันระหว่างบรรดาตัวแสดง (actors) ที่เป็นกรรมการ ซึ่งที่มีที่มา สถานะ ต่างกัน หากพิจารณาเฉพาะโครงสร้างจะพบว่าเป็นเครือข่ายธรรมาภิบาลอย่าง หนึ่งที่ทำให้เกิดการตรวจสอบในตนเอง

ระเบียบวิธีวิจัย

การศึกษานี้เป็นการศึกษาเชิงคุณภาพ (qualitative research) ประกอบด้วยข้อมูลปฐมภูมิ ใช้วิธีการ สัมภาษณ์เชิงลึก (in-depth interview) จากผู้ให้ข้อมูลสำคัญ (key informant) ซึ่งดำรงตำแหน่งอดีต ประธานกรรมการ กรรมการ อดีตกรรมการ หรือเลขาธิการคุรุสภา และข้อมูลทุติยภูมิอื่นๆ เช่น กฎหมาย ระเบียบ ที่เกี่ยวข้อง และรายงานการวิจัย โดยศึกษาในช่วงก่อนมีคำสั่งหัวหน้าคณะรักษา ความสงบแห่งชาติ ที่ 7/2558 เรื่อง การปฏิบัติหน้าที่ของคณะกรรมการคุรุสภา คณะกรรมการ ส่งเสริมสวัสดิการและสวัสดิภาพครูและบุคลากรทางการศึกษา และคณะกรรมการบริหารองค์การ ค้าของสำนักงานคณะกรรมการส่งเสริมสวัสดิการและสวัสดิภาพครูและบุคลากรทางการศึกษา (2558) ให้ยุบคณะกรรมการคุรุสภา เมื่อวันที่ 17 เมษายน 2559

ข้อค้นพบ : ปัญหาความพร้อมถูกตรวจสอบของคุรุสภา

การวิเคราะห์ถึงปัญหาความพร้อมถูกตรวจสอบ(Accountability) ในการศึกษานี้ หมายถึง ระบบ
ความสัมพันธ์ที่แสดงว่าใคร (Who) รับผิดชอบต่อใคร(ขึ้นต่อใคร) (to whom) ในเรื่องอะไร (What)
ผ่านกระบวนการอะไร (what process) โดยมีมาตรฐานอะไร (what standards) และจะเกิดผล หรือมี
การให้คุณให้โทษอย่างไร (what effect) หากผิดไปจากมาตรฐานดังกล่าว (Jerry L.Mashaw, 2006,
pp. 117-118)

คณะกรรมการขึ้นต่อใคร (to whom)

ตามพระราชบัญญัติสภาครูและบุคลากรทางการศึกษา (2546) คณะกรรมการคุรุสภาขึ้นต่อ
รัฐมนตรีว่าการกระทรวงศึกษาธิการ ตามมาตรา 75 แต่รัฐมนตรี ไม่มีอำนาจปฏิบัติต่อคณะกรรมการ
คุรุสภาในลักษณะสายการบังคับบัญชา (hierarchy) แต่เป็นในลักษณะการกำกับดูแลเท่านั้น เช่น
กำกับการดำเนินงาน การจัดสรรงบประมาณ การให้มีหนังสือชี้แจงเกี่ยวกับการดำเนินงาน และการ
ให้ความเห็นชอบในการออกข้อบังคับต่างๆของคุรุสภา ตามมาตรา 8 (11)

ในขณะที่เลขาธิการคุรุสภา ขึ้นต่อคณะกรรมการคุรุสภา ซึ่งมีอำนาจในการสรรหา แต่งตั้ง และถอด
ถอนเลขาธิการ

Board รับผิดชอบในเรื่องอะไร (What)

คณะกรรมการคุรุสภารับผิดชอบในเรื่องการทำหน้าที่ ตามที่พระราชบัญญัติสภาครูและบุคลากร
ทางการศึกษา พ.ศ.2546 กำหนดไว้ในมาตรา 20   อันได้แก่ การดำเนินงานตามวัตถุประสงค์ของ
องค์การ การให้คำแนะนำปรึกษาแก่คณะกรรมการมาตรฐานวิชาชีพ การวินิจฉัยอุทธรณ์คำสั่งของ
คณะกรรมการมาตรฐานวิชาชีพ การแต่งตั้งอนุกรรมการต่างๆ การควบคุมการบริหารงานทั่วไป
ตลอดจนการออกระเบียบข้อบังคับ ประกาศของคุรุสภา การกำหนดนโยบายการบริหารและให้
ความเห็นชอบแผนการดำเนินงานของสำนักงานเลขาธิการคุรุสภา ดังนั้นคณะกรรมการคุรุสภาจึง
เป็นทั้ง policy board และ administrative board ในตัว (อดีตประธานกรรมการคุรุสภา, 2558)

ผ่านกระบวนการอะไร (what process)

คณะกรรมการคุรุสภาใช้กระบวนการประชุมเป็นพื้นที่การปฏิบัติงาน อย่างน้อยเดือนละ 1 ครั้ง ทั้ง
วาระเพื่อทราบ เพื่อพิจารณา โดยใช้เสียงข้างมากในที่ประชุมเป็นมติชี้ขาดผลของมติ (กรรมการคุรุ

สภาโดยตำแหน่ง, 2558; อดีตกรรมการคุรุสภาประเภทคณบดีคณะครุศาสตร์, 2558; อดีตประธาน
กรรมการคุรุสภา, 2558)

มาตรฐานอะไร (what standards)

คุรุสภามีพระราชบัญญัติสภาครูและบุคลากรทางการศึกษา พ.ศ.2546 เป็นมาตรฐานหลักในการ
ปฏิบัติงาน ตลอดจนระเบียบภายในเป็นอำนาจของคุรุสภาที่สามารถกำหนดได้เอง ผ่าน
กระบวนการประชุมของคณะกรรมการคุรุสภา เช่น การออกมาตรฐาน จริยธรรม จรรยาบรรณ ใบ
ประกอบวิชาชีพ การรับรองปริญญาทางการศึกษา ในรูปข้อบังคับ และระเบียบคุรุสภา (คุรุสภา,
2555)

มีคุณให้โทษอย่างไร (what effect)

คณะกรรมการสามารถถูกลงโทษได้ โดยการเสนอของรัฐมนตรีว่าการกระทรวงศึกษาธิการให้
คณะรัฐมนตรีอนุมัติ ด้วยเหตุบกพร่องต่อหน้าที่ ประพฤติเสื่อมเสียหรือหย่อนความสามารถ หรือ
ขาดคุณสมบัติ หรือมีลักษณะต้องห้าม ในขณะที่ระเบียบคุรุสภาว่าด้วยประมวลจริยธรรมของ
คณะกรรมการและพนักงานเจ้าหน้าที่ของคุรุสภา (2552) ซึ่งเป็นบทบัญญัติที่กำหนดมาตรฐานทาง
จริยธรรมของคณะกรรมการคุรุสภา มีเพียงขั้นตอนการลงโทษ แต่ไม่ได้กำหนดบทลงโทษเอาไว้
อย่างชัดเจนแต่อย่างใด

ดังนั้นจากการศึกษาพบว่า ในทางปฏิบัติ ความพร้อมถูกตรวจสอบของคุรุสภามีประเด็นปัญหา
ดังต่อไปนี้

     1. สัดส่วนกรรมการคุรุสภาไม่สมดุล ถูกครอบงำโดยกรรมการกลุ่มใดกลุ่มหนึ่ง กลไก
การตรวจสอบจึงไม่เกิดโดยเฉพาะกรรมการจากผู้ประกอบอาชีพทางการศึกษามีมากถึง 19 คน
ประกอบกับกรรมการผู้ทรงคุณวุฒินั้นถูกกำหนดให้ต้องมี 3 คนที่เป็นครูหรือผู้บริหารสถานศึกษา
ดังนั้น ตามสัดส่วนที่กฎหมายกำหนดกรรมการที่เป็นกลุ่มครู จึงมีจำนวนถึง 22 เกินกึ่งหนึ่งของ
กรรมการทั้งหมดจำนวน 39 คน ซึ่งนำไปสู่การใช้เสียงข้างมากในการตัดสิน (block vote)

     "เพราะเขาใช้ระบบพวกมาก คุรุสภาช่วงหลังที่เข้ามาคือการหาเสียง
กันเข้ามา เมื่อมีเสียงก็ต้องรักษาพวกพ้อง" (กรรมการคุรุสภาโดยตำแหน่ง,
2558)
     "เขาใช้เสียงข้างมาก เพราะเสียงเขาใหญ่ คือ พ.ร.บ.เอื้อให้เขาทำได้
ด้วย การตรวจสอบจะไม่ work ทันทีเมื่อมีคนกลุ่มหนึ่งคุมเสียงข้างมากได้"
(อดีตกรรมการคุรุสภาประเภทคณบดีคณะครุศาสตร์, 2558)

2. โครงสร้างกรรมการ (Board) ลอยอยู่เหนือการตรวจสอบไม่ได้ขึ้นต่อใครแต่ในความเป็นจริงโครงสร้างกรรมการลอยอยู่เหนือการตรวจสอบไม่ได้ขึ้นต่อใคร (กรรมการคุรุสภาโดยตำแหน่ง, 2558; อดีตกรรมการคุรุสภาประเภทคณบดีคณะครุศาสตร์, 2558) แม้ว่าตามกฎหมายจะมีรัฐมนตรีว่าการกระทรวงศึกษากำกับ แต่ในทางปฏิบัติคณะกรรมการคุรุสภา มีอำนาจในการดำเนินงานเป็นอิสระ

"ร.ม.ต.ว่าการกระทรวงศึกษาธิการสามารถ veto มติ board คุรุสภาได้ แต่ถ้าในท้ายสุดหาก board ยืนยันมติ ร.ม.ต.ก็ไม่สามารถทำอะไรได้" (กรรมการคุรุสภาโดยตำแหน่ง, 2558)

"ร.ม.ต.มีสิทธิ veto เฉพาะในส่วนมติที่ต้องประกาศ หรือออกเป็นประกาศเป็นระเบียบ ข้อบังคับตามพ.ร.บ.(มาตรา 6) ต้องให้ร.ม.ต.เห็นชอบ ถ้าร.ม.ต.ไม่เซ็นboard ก็ต้องกลับมาแก้ไข ไม่ใช่ทุกเรื่องนะ เฉพาะเรื่องใหญ่ๆ....จริงๆคนเซ็นประกาศคือประธานกรรมการคุรุสภา ไม่ใช่ร.ม.ต.เซ็น แต่ต้องให้ร.ม.ต.เห็นชอบก่อนจะเซ็นประกาศใช้ ถ้าร.ม.ต.ไม่เห็นชอบ ก็เซ็นไม่ได้ ประธานก็ผิด

ที่สำคัญคือ ร.ม.ต.มาจากรัฐบาล เขามองผู้แทนครูว่าเป็นกลุ่มอิทธิพล เพราะเขามาจากการเลือกตั้ง....กรรมการคุรุสภาครึ่งหนึ่งมากจากผู้แทนครู ซึ่งเป็นหัวคะแนนของรัฐบาล" (อดีตกรรมการคุรุสภาประเภทคณบดีคณะครุศาสตร์, 2558)

3.การกำหนดกฎหมาย/ระเบียบที่เปิดช่องให้เอื้อประโยชน์แก่กลุ่มตนเองดังที่ได้กล่าวมาก่อนหน้านั้นในเรื่องสัดส่วนกรรมการที่ไม่สมดุล ซึ่งตัวกฎหมายเองก็กำหนดโครงสร้างให้มีความโน้มเอียงไปยังกลุ่มผู้แทนครู นอกจากนี้ ในเรื่องการดำเนินการต่อเรื่องการประพฤติผิดจรรยาบรรณ มาตรา 51 วรรค 2 วางหลักให้ระยะเวลาการใช้สิทธิกล่าวโทษครูที่ประพฤติผิดจรรยาบรรณ นับจากวันที่ผู้กล่าวโทษรู้เรื่องการทำผิดมีระยะเวลาเพียง 1 ปี ซึ่งถือว่าน้อยมากเมื่อเทียบกับวิชาชีพอื่น เช่นแพทย์ มีอายุความย้อนหลังได้ถึง 10 ปี (กรรมการคุรุสภาโดยตำแหน่ง, 2558) ซึ่งเป็นการจำกัดโอกาสของผู้เสียหาย หรือผู้ร้องเรียน

ในขณะที่องค์ประกอบของคณะกรรมการมาตรฐานวิชาชีพ ซึ่งมีหน้าที่พิจารณา อนุมัติ ยกเลิก เพิกถอนใบอนุญาติประกอบวิชาชีพ กำกับดูแลมาตรฐาน แต่มาตรา 21 พระราชบัญญัติสภาครูและบุคลากรทางการศึกษา (2546) กำหนดให้องค์ประกอบของคณะกรรมการมาตรฐานวิชาชีพมีจำนวน 16 คน แต่มีจำนวน 4 คนดำรงตำแหน่งเป็นคณะกรรมการคุรุสภาด้วย ซึ่งโดยหลักความเป็นกลางใน

การวินิจฉัย ควรแยกโครงสร้างองค์กรวินิจฉัยข้อพิพาทออกเป็น 2 ชั้น โดย คณะกรรมการมาตรฐาน
วิชาชีพเป็นโครงสร้างการวินิจฉัยชั้นต้น โครงสร้างคณะกรรมการคุรุสภาเป็นชั้นอุทธรณ์ แต่
กฎหมายกลับระบุให้มีกรรมการจากคณะกรรมการคุรุสภา 4 คน อยู่ในคณะกรรมการมาตรฐาน
วิชาชีพด้วย จึงมีความเสี่ยงต่อการขัดกับหลักความเป็นกลาง (ทิพย์คันธา แก้วสุข, 2556)

4. ไม่มีเครื่องมือ กลไกในการตรวจสอบอย่างเป็นรูปธรรมที่ผ่านมาไม่มีเครื่องมือในการ
ตรวจสอบกรรมการคุรุสภาแต่อย่างใด เพราะจากที่กล่าวมาข้างต้น กรรมการคุรุสภาลอยและไม่ยึด
โยงกับกระทรวงในลักษณะการบังคับบัญชา อำนาจของรัฐมนตรีก็จำกัด เหลือเพียงการควบคุม
กันเองซึ่งก็มีสัดส่วนของกลุ่มผู้แทนครูมากกว่ากลุ่มอื่น การตรวจสอบถ่วงดุลจึงไม่มี

"ที่ผ่านมาพบว่า มันไม่มีกลไกการตรวจสอบเลย แม้แต่ว่าใคร
เป็นคนตรวจสอบ ก็ยังไม่เจอ" (ปฏิบัติหน้าที่เลขาธิการคุรุสภา
, 2558)

5. ไม่มีการลงโทษ (sanction) อย่างจริงจังแม้ว่าตามกฎหมาย ค.ร.ม.สามารถให้คุณให้
โทษแก่กรรมการได้ด้วยการปลดออก แต่ที่ผ่านมาไม่เคยมีการใช้อำนาจดังกล่าว

"ค.ร.ม.เป็นผู้ตั้ง board สามารถให้คุณให้โทษได้ แต่ที่ผ่านมาไม่
เคยมี" (ปฏิบัติหน้าที่เลขาธิการคุรุสภา, 2558)

เช่น กรณีกรรมการคุรุสภา 2 คน เรียกรับผลประโยชน์จากผู้สมัครเพื่อให้คุรุสภาเลือกให้เป็นผู้แทน
ของคุรุสภา เข้าไปเป็นอนุกรรมการข้าราชการครูและบุคลากรทางการศึกษา (อ.ก.ค.ศ.) ของ
สำนักงานคณะกรรมการข้าราชการครูและบุคลากรทางการศึกษา (ก.ค.ศ.) ซึ่งทั่วประเทศจะมี อ.
ก.ค.ศ.เขตพื้นที่ 169 เขตนั้น[1] คณะกรรมการคุรุสภาไม่มีอำนาจในการลงโทษผู้ถูกกล่าวหาแต่อย่าง
ใด มีเพียงการลงมติให้ส่งเรื่องต่อให้ต้นสังกัดของผู้ถูกกล่าวหาไปพิจารณาต่อเท่านั้น

"มีคนมาร้องเรียนผม ผมก็ถามว่ามีหลักฐานไหม เขามีสลิปเงิน
มาให้ แล้วมันจริง ผมเลยถามว่าถ้าผมตั้งกรรมการสอบสวน
คุณจะมาให้ปากคำไหม ซึ่งปกติเขามักจะไม่มา ปรากฏว่าเขา
มาจริง เขากล้า ผมก็ตั้งกรรมการสอบข้อเท็จจริง มันก็มีมูล ก็

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[1] *ดูเพิ่มเติมใน http://www.thairath.co.th/content/463774*

เอาเข้ากรรมการคุรุสภา กรรมการต้องส่งเรื่องให้เจ้าสังกัด
สอบสวนทางวินัย ก็คือ สพฐ. เพราะคุรุสภาไม่มีอำนาจลงโทษ
เรื่องก็เลยไม่รู้ไปถึงไหนแล้ว...แต่ถ้าเป็นสมัยก่อน เรื่องแบบนี้
มีแนวโน้ม board จะไม่ให้ผ่าน" (อดีตประธานกรรมการคุรุ
สภา, 2558)

สรุป

จากที่กล่าวมาจะเห็นได้ว่าปัญหาในเชิงความพร้อมถูกตรวจสอบของคณะกรรมการคุรุสภา แม้ว่า
โดยโครงสร้างจะมีลักษณะเป็นเครือข่ายของกลุ่มต่างๆที่มาร่วมกันเป็นองค์คณะกรรมการ และเป็น
อิสระไม่ขึ้นกับสายการบังคับบัญชาของกระทรวง แต่ในความเป็นจริงเมื่อพิจารณาลงไปถึงเนื้อหา
สาระในทางปฏิบัตินั้น โครงสร้างความเป็นเครือข่ายนั้นเป็นภาพลวงตาของความเป็นธรรมาภิบาล
แบบเครือข่าย เนื่องจากโครงสร้างส่วนคณะกรรมการคุรุสภานั้นลอยอยู่เหนือการตรวจสอบ ทั้งยังมี
สัดส่วนไม่สมดุล ไม่มีเครื่องมือกลไกในการตรวจสอบ มาตรฐานเอื้อประโยชน์ตนเอง และไม่มี
การลงโทษอย่างจริงจัง จึงทำให้ธรรมภิบาลแบบเครือข่ายนั้นล้มเหลว และเสี่ยงต่อการขาดธรรมาภิ
บาล

บรรณานุกรม

คำสั่งหัวหน้าคณะรักษาความสงบแห่งชาติ ที่ 7/2558 เรื่อง การปฏิบัติหน้าที่ของคณะกรรมการคุรุ
สภา คณะกรรมการส่งเสริมสวัสดิการและสวัสดิภาพครูและบุคลากรทางการศึกษา และ
คณะกรรมการบริหารองค์การค้าของสำนักงานคณะกรรมการส่งเสริมสวัสดิการและสวัสดิ
ภาพครูและบุคลากรทางการศึกษา. (2558). **ราชกิจจานุเบกษา**. เล่ม *132*(ตอนพิเศษ 87 ง),
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Developing a Program Developing a Program to Strengthen Teachers' Servant Leadership at Sustainable Cambodia organization in Pursat, Cambodia

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Abstract

This study was aimed: (1) to investigate the components and indicators of teachers' servant leadership, (2) To explore the current state, desired state, and the strategy to strengthen teachers' servant, and (3) to develop the program to strengthen the teachers' servant leadership at Sustainable Cambodia Organization in Pursat, Cambodia. A five-point rating scales questionnaire was distributed to 326 samples to measure the level of the current and desired states of teachers' servant leadership at Sustainable Cambodia organization in Pursat province, Cambodia. In addition, the Priority Needs Index modified was used to analyze the gaps between the current and desired states of teachers' servant leadership. The research findings were as follows: (1) there were six components of teachers' servant leadership including serving others, empowerment, caring for others, humility, trust and wisdom and 33 indicators. (2) The research showed that the overall current state of teachers' leadership at Sustainable Cambodia organization was at the medium level while the overall desired state of teachers' leadership was at the very high level. In the desired state of teachers' leadership, all the components were at very high levels. (3) Trust was ranked as the first priority, second priority ranking was Caring for Others, Humility was ranked as the third priority, Wisdom was the fourth priority ranking, Empowerment was ranked as the 5th priority and Serving others was the last priority. In conclusion, a training program was developed and evaluated on suitability and feasibility level to strengthen teachers' servant leadership at Sustainable Cambodia Organization in Pursat province, Cambodia.

Keywords: Teachers' Servant Leadership / Training Program / Teachers Cambodia

Introduction

After undergoing civil war for decades, Cambodia finally restored peace in the 1990s and moved from isolation and stagnation to a market-based economy, which fostered development in every sector, including education. To improve the quality of education in Cambodia, teachers are the most important resource and strengthening the effectiveness of their teaching is highly needed, especially teachers in NGOs who deal with a great population of impoverished students. Teachers actually play different roles in the classroom. They are judges, participants, facilitators, organizers, and also leaders. They need a great leadership to help the students learn more effectively, especially with the impoverished students from the disadvantaged families with many different backgrounds, sensitive emotions, and personal

and social issues as well as the challenges from their families. There is clear evidence that developing servant leadership of the teachers is one of the most effective ways to improve quality of education in Cambodia.

The synthesized components of Teachers' servant leadership are serving others, empowerment, caring for others, humility, trust and wisdom (Spears, 1995; Jim Laub, 1999; Patterson, 2003; Don Page & Paul Wong, 2003; Dennis & Bocarnea, 2005; Whittington et al., 2006; Barbuto & Wheeler, 2006; Wong & Davey, 2007; Liden et al., 2008; Sendjaya et al., 2008; Dierendonck et al., 2011; Lora Reed et al., 2011; Mittal et al., 2012; Focht et al., 2015).

Research Objectives

1. To investigate the components and indicators of teachers' servant leadership at Sustainable Cambodia Organization in Pursat, Cambodia.
2. To explore the current state, desired state, and the strategy to strengthen teachers' servant leadership at Sustainable Cambodia Organization in Pursat, Cambodia.
3. To design the program to strengthen teachers' servant leadership at Sustainable Cambodia Organization in Pursat, Cambodia.

Population and Sample

The population size was 950 students and 59 teachers currently working at Sustainable Cambodia organization, Cambodia. The sample size was 326 consisting of 274 of the students and 52 teachers and these sample sizes were obtained by comparing the total population to the Krejcie and Morgan's table and sampling by using a Stratified Random Sampling technique.

Instruments

A five rating scale and open-ended survey questionnaire were applied to collect data.

Methodology

There were three phases to conduct this research as follows: studying components and indicator of teachers' servant leadership, exploring the current, desire states and the strategy to strengthen teachers' servant leadership and designing a program to strengthen teachers' servant leadership at Sustainable Cambodia organization in Pursat, Cambodia.

Research Result

Table 1: The results of Teachers' Servant Leadership in Sustainable Cambodia organization

Items	Teachers' Servant Leadership	Current State			Desired State		
		$\overline{X}$	S.D	Level of Leadership	$\overline{X}$	S.D	Level of Priority
1.	Serving others	3.29	0.38	Medium	4.70	0.38	Very High
2.	Empowerment	3.03	0.36	Medium	4.66	0.45	Very High
3.	Caring for Others	2.70	0.52	Medium	4.66	0.43	Very High
4.	Humility	2.63	0.60	Medium	4.51	0.59	Very High
5.	Trust	2.64	0.60	Medium	4.61	0.60	Very High
6.	Wisdom	2.83	0.43	Medium	4.67	0.49	Very High
	Total	2.85	0.39	Medium	4.63	0.41	Very High

a. The overall current state of teachers' leadership at Sustainable Cambodia organization was at the medium level while the overall desired state of teachers' leadership was at very high level. In the desired state of teachers' leadership, all the components were at the very high levels.
b. The suitable strategy is a training program, which was developed to offer knowledge and ability of teachers' servant leadership. The elements of the training program included 1/Training Objectives, 2/Content of the Training, 3/Training Methods, 4/Length of the training, 5/Trainees, 6/Size of the training, 7/Trainer, 8/Location of the Training, 9/Training Materials and 10/ Training Evaluation.

Training Program of Teachers' Servant Leadership

1/Training Objectives	Upon the successful completion of this training program, the teachers will be able to understand more about the servant components of teachers' servant leadership including Serving others, Empowerment, Caring for Others, Humility, Trust and Wisdom and be able apply them in their daily work with the students and staff at SC.
2/Content of the Training	- Definition of teachers' servant leadership - Detailed descriptions and examples of Serving others - Detailed descriptions and examples of Empowerment

	- Detailed descriptions and examples of Caring for Others - Detailed descriptions and examples of Humility - Detailed descriptions and examples of Trust - Detailed descriptions and examples of Wisdom
3/Training Methods	Brainstorming, role playing, lecturing, presentation, coaching, mentoring, group discussions, case studies and classroom visit
4/Length of the training	2 days (6 hours/day)
5/Trainees	All teachers currently working at SC
6/Size of the training	59 teachers
7/Trainer	SC's Education Program Manager
8/Location of the Training	Meeting hall at SC's main office in Pursat province, Cambodia
9/Training Materials	Laptop, LCD projector, red and blue markers, flipchart, Tape, PowerPoint files, name tags, sticky notes, pens, rulers, note books, handouts, scissors, attendance list, evaluation form and certificates of accomplishment
10/ Training Evaluation	The formative and summative assessment through feedback, questionnaire, demonstration, participants' reflection and interview to determine if the teachers obtain the knowledge, skills, or attitudes identified as the goal and objective of the training program

Discussion

The entire discussion of the results of this study was discussed according to the research question sequences as follows:

1. Components and indicators of teachers' servant leadership in Sustainable Cambodia organization

In the first stage, findings showed that there were six components of teachers' servant leadership in Sustainable Cambodia organization namely Serving others, Empowerment, Caring for Others, Humility, Trust and Wisdom. Serving others consisted of 5 indicators which were all agreed by the respondents and those indicators were Teachers work with self-sacrifice and high commitment to the growth of students, Teachers are willing to help all co-workers to grow altogether, Teachers are willing to help the organization as needed, Teachers serve the needs of the students before their own, and Teachers try to develop people, organization and the community. Empowerment also had five indicators including Teachers value the students and others in all situations, Teachers provide good leadership to the students and others, Teachers consult with the students and others and involve them in making any important decisions, Teachers work as a team, and Teachers try to build a good collaboration with the students and others which were all agreed by the respondents. Caring for others, had seven indicators including Teachers intently and receptively listen to the students to help them determine their own learning needs and

other personal needs, Teachers try to understand, identify and empathize with all the concerns of the students, Teachers accept that some students will fail at some point, Teachers understand that failing is an important part of the learning process, Teachers know how to rebuild the student's self-confidence after a failure, Teachers rely on the power of persuasion (not their authority) and focus on helping the students understand why a certain answer (or approach) is correct, and Teachers inspire the students study hard which were all agreed by the respondents. Humility had five indicators including Teachers are always humble, Teachers are happy to get feedback from the students and others, Teachers do not promote themselves; they promote their students and others, Teachers readily admit when they are wrong, and Teachers always put the students and others first which were all agreed by the respondents. Trust had five indicators including Teachers try to be a good model with high moral integrity for their students, Teachers are willing to build trust through honesty and empathy, Teachers are willing to be vulnerable in order to be transparent, Teachers promote tolerance, kindness, and honesty in the work place and Teachers behaving ethically, authentically and accountably which were all agreed by the respondents. Wisdom had five indicators including Teachers know how the students react to the lesson plan, teaching methods and other issues, Teachers are able to adapt to serve the needs of the students, Teachers have a clear vision for their students, Teachers have good knowledge and skills to help the students learn and develop effectively, Teachers are very focused and disciplined at work, and Teachers always keep learning and improving their knowledge and skills which were all agreed by the respondents.

2. Current and desired states of teachers' servant leadership

The current state of teachers' servant leadership in Sustainable Cambodia organization: the findings found that the respondents rated the six teachers' servant leadership areas at the medium level of performance including Serving others, Empowerment, Caring for Others, Humility, Trust and Wisdom. Among these, the highest level was Serving others and followed by other components.

2.1. Serving others

The current state of teachers' servant leadership in Sustainable Cambodia organization was rated at a medium level in term of serving others. It was rated the highest among the six teachers' servant leadership areas ($\overline{X} = 3.29$).

2.2. Empowerment

The current state of teachers' servant leadership in Sustainable Cambodia organization was rated at a medium level in term of empowerment ($\overline{X} = 3.03$).

2.3. Caring for Others

The current state of teachers' servant leadership in Sustainable Cambodia organization was rated at a medium level in term of caring for others ($\overline{X} = 2.70$).

2.4. Humility

The current state of teachers' servant leadership in Sustainable Cambodia organization was rated at a medium level in term of Humility ($\overline{X} = 2.63$).

2.5. Trust

The current state of teachers' servant leadership in Sustainable Cambodia organization was rated at a medium level in term of Trust ($\overline{X} = 2.64$).

2.6. Wisdom

The current state of teachers' servant leadership in Sustainable Cambodia organization was rated at a medium level in term of Wisdom ($\overline{X} = 2.83$).

3. Training Program

Based on the research findings, training Program to enhance teachers' teachers' servant leadership in Sustainable Cambodia organization was developed and it consisted of training objectives, content of the training, training methods, length of the training, trainees, size of the training, trainer, location of the training, training materials and training evaluation. Furthermore, this training program was developed with the evaluation and suggestions from the experts with experience and knowledge in education field. A result, all components of the training program were very appropriate.

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Political Leadership/ Democracy Building

Malaysia under Najib Razak

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Abstract

This paper examines the political and executive leadership in Malaysia, with reference to the sixth Prime Minister, Dato' Sri Najib Tun Razak. The Prime Minister is an important autonomous actor, leading the government party and managing public bureaucracy. More importantly Najib is seen as the leader of the people. The political agenda depends on the Prime Minister's authority to either impact or bring changes. This paper will address the Najib's leadership style in the executive and policy-making spheres. It will also discuss what kind of influences he provides in policy-making and its implications in Malaysia's political environment.

Keywords: Najib Razak/United Malays National Organization/Barisan Nasional/ Leadership/Malaysia

Introduction

Since gaining independence in 1957, Malaysia has been under the respective leadership of six Prime Ministers, each possessing his own values and authority required to accommodate the needs and surroundings of which they led while in power. The 6th Prime Minister, Dato' Sri Najib Tun Razak presided as the country's leader on April 3, 2009. This date plays a significant role in the history of Malaysian political leadership, due mainly to the stepping down of Tun Abdullah Ahmad Badawi. Najib announced his inaugural Cabinet on 9 April 2009.

This paper will attempt to study the factors which may be associated with Najib's leadership style and its implications towards his attitude and behaviour of political leadership. The following section will provide emphasis on Najib's background and the history of his involvement in the world of politics which will help to evaluate how each phase of his life grealty influenced his style of administrative leadership as the sixth Prime Minister of Malaysia.

Who is Najib Razak?

Najib, the eldest son of the second Prime Minister, Tun Abdul Razak Hussein, was born in the district of Kuala Lipis in the state of Pahang. He received his primary education at one of the country's leading schools--St. John's Institution. He continued his secondary education at the Malvern Boys' College in Worcestershire, England.Upon completion of his secondary education, Najib enrolled at the University of Nottingham and graduated in 1974 in Industrial Economics. Najib is married to Datin Sri Rosmah Mansor and has five children.

On his return to Malaysia in the same year, Najib joined the national oil company Petronas as an executive where he served for two years before taking the plunge into politics following the sudden demise of his father in 1976.   He was the obvious

choice of the ruling National Front coalition to contest the Pekan parliamentary seat left vacant by his late father. The national outpouring of grief following Tun Razak's death and the respect for his father's tremendous contributions to Malaysia's development saw Najib elected unopposed as Member of Parliament at the very young age of 23.

This marked the start of Najib's long association with politics and government service. Following his unopposed victory as Member of Parliament in 1976, Najib was appointed the Deputy Minister of Energy, Telecommunications and Post. He later served as Deputy Minister of Education and Deputy Minister of Finance. In the 1982 general elections, he stood in the state seat of Bandar Pekan and was subsequently appointed the Menteri Besar of Pahang until 1986.

Following the general elections in 1986 where he re-contested and won the parliamentary seat of Pekan, Najib was appointed the Minister of Culture, Youth and Sports. Under his stewardship, Malaysia had its best ever showing in the SEA Games where the country emerged top in the medal tally for the first time in the history of the games. He also introduced the National Sports Policy which outlined the development of sports in the country and introduced monetary incentives for Malaysian athletes who won medals at the Olympics.

A paper read at the 4th International Conference on Magsaysay Awardees Good Governance and Transformative Leadership, at COPAG, Mahasarakham University, 31 May 2016. In 1990, Najib was appointed Minister of Defence, a senior position within the government by the then Prime Minister, Dato' Seri Dr Mahathir Mohamad. He embarked on the modernisation of the armed forces, making it a leaner fighting force capable of handling any conventional threats. This, among others, saw Malaysia's acquisition of new assets such as the Russian MiG 29 aircraft, the Boeing F18 Super Hornet, the F-2000 frigates, the 155 m artillery gun and the upgrading of the country's air defense with the acquisition of a new radar system. The welfare and well-being of the armed forces personnel were given due attention including improvement to their housing facilities and allowances.

In 1995, Najib was appointed to a much more prominent ministry, the Ministry of Education. During his tenure, the country's education system underwent a major reform with the passing of six laws, the main one being
the Education Act 1996, to facilitate a more market-driven education system.

The legal framework saw the country's education system undergo massive reforms and sweeping changes to institutions of learning. It allowed them to offer a wider range of courses, different options and approaches to learning and new teaching methods. Today, there are greater choices and places for Malaysians to pursue their higher education locally or abroad. In addition, an increasing number of foreign students are pursuing their studies at institutions of learning in Malaysia.

Indeed, Najib had a major role in this move to build a world-class education system that is flexible and innovative in Malaysia as well as turning the country into a regional education hub and center of excellence. Apart from that, due attention was given the well-being of teachers with the introduction of time-based promotion, a better starting salary for new teachers and special housing projects for teachers.

During the 1999 general elections, Najib received a major setback when he scraped through with a majority of 241 votes for the predominantly Malay Pekan parliamentary seat compared to the over 10,000 majority in the previous election. It came as a shock for him and political observers. However, it was not a complete surprise as the election came at the height of the 1999 political upheaval.

Following the elections, he was appointed Minister of Defence for the second time and continued with the modernisation of the armed forces which had come to a halt following the financial crisis of 1997. Major acquisitions included the purchase of the new Russian fighter aircraft, Sukhoi Su30 MKM, submarines which the Royal Malaysian Navy had sought after for years and Polish tanks. The short-range air-defense system, Jernas, was also acquired for the army. For armed forces personnel, several allowances were raised in particular the flying allowances for air force pilots and higher starting salaries for new recruits. The 2004 general elections which came a few months after Najib's elevation as the Deputy Prime Minister saw him winning his parliamentary seat with a whopping 22,922 majority. It was one of the highest majorities in the elections and undoubtedly the most improved performance by a candidate.

In the 2008 general elections, Najib was re-elected to the Pekan parliamentary seat with a majority of 26,464. It was the highest majority for Barisan Nasional despite the overall drop in support for the coalition government in the general elections.

He remained the Minister of Defence until September 2008 when he took over as Minister of Finance from Abdullah in 2008. In March 2009, Najib was elected unopposed as Umno President after Abdullah decided not to seek re-election. Subsequently, Abdullah announced in April that he was stepping down and Najib was sworn in as Prime Minister. He continued to hold the post of Finance Minister. (Office of The Prime Minister of Malaysia, 30 April 2012)

Najib as Prime Minister (2009 –)
Transformation of Malaysia

Under his premiership, the nation embarked on a journey of transformation within Malaysia's multi-racial, multi-religious context. If Malaysia is to achieve its objective of Vision 2020, the transformation must start from the 1.2 million members of the civil service. Najib has already begun the nation's transformation program based on the Eight Pillars consisting of four key thrusts and four complementary values in his administration of the government.

The four key thrusts are the "1Malaysia, People First, Performance Now" concept, Government Transformation Programme (GTP), New Economic Model (NEM) and the 10th Malaysia Plan (10MP). The four complementary values are: a culture of creativity and innovation, priority in prompt action-doing and decision-making; striving to provide value for taxpayers' money; and giving emphasis to the virtue of integrity at work. The first two pillars are to unite and give priority to the people of Malaysia. The third and fourth pillars, namely the NEM and 10MP are two economic strategies that will provide a road map of the country's direction in the immediate, medium and long terms. The four key thrusts and four complementary values are supporting one another.

His initial entry into office was not easy with major challenges inherited from the previous administration. He was further weighted with the economic downturn and alarming deficit levels that hit Malaysian shores and the rest of the world. Topping his list then were radical political reforms and spurring domestic economic initiatives. To restore political confidence, his immediate strategy was the 1Malaysia concept. The message of unity in diversity is the key element in order to leverage a change in the government service and in order to affect changes to the Malaysian populace at large. The business community too demanded a reform, both internally and externally. The Premier quickly saw the need for a comprehensive master plan that included logical economic stimulus packages, bold moves to liberalize both the services and financial sectors, formation of the Special Taskforce to Facilitate Business (PEMUDAH) and the GTP, thus making way for the entry of Key Performance Indicators (KPIs) and Key Performance Review Areas (KPRAs) in government service.

Under the Prime Minister, the government implemented many measures to increase transparency and accountability. These include the use of KPRAs and KPIs to hold Ministers and their ministries accountable for their performance results. Other measures include opening up previously closed government tenders to public scrutiny and participation as well as asking for public feedback on government spending through the transformation of the Public Inquiry Commission spearheaded by non-partisan community and business leaders. The Prime Minister championed the use of emerging technologies such as the 1Malaysia website and new social media such as Twitter and Facebook to communicate with the people and to be hands-on with the recent developments. It is estimated that an astounding figure of 180,000 fans are in contact directly with him through Facebook. (The Leaders, 8 February 2013)

In his maiden speech as Prime Minister, he placed emphasis on his commitment to eradicating poverty, reforming Malaysian society, expanding equal access to quality education for all and promoting excellence and passion for public service.

Malaysia: People First, Performance Now

Initially, the 1Malaysia concept was announced by Najib on 16th September 2008, before he assumed premiership. The working concept for 1Malaysia calls for the Cabinet, government agencies and civil servants to focus on national unity, ethnic harmony and efficient governance. This working concept was later championed and broadened to include all the people of Malaysia. The 8 core values expounded are: perseverance, excellence, acceptance, loyalty, education, humility, integrity and meritocracy. To summarize, he clearly wanted to implant unity as the main key element to nation building, factoring in everyone, regardless of beliefs and political agenda, in order to achieve a common goal of prospering the nation, while setting commendable benchmarks for the next generation to follow. This concept received favorable response from the people, many of whom found it to be a worthwhile cause to follow.

The Government Transformation Programme (GTP)

Najib also launched the Government Transformation Programme to improve the quality of public services, increase efficiency and make the government more transparent. The programme sets key performance indicators to measure the

performance of officials and agencies and national key result areas to define goals for specific areas of public policy. He also introduced a new cabinet position in charge of unity and performance management to implement the KPI system.

The GTP is an aggressive and bold plan designed to re-vitalize the Government machinery in tackling the country's outstanding woes in the following key areas:

Reducing crime
Fighting corruption
Improving student outcome
Implementing rural basic infrastructures
Implementing public transport
Raising living standards of low income households

This program involves all government ministries and related agencies, calling for new ways to solve existing issues and a drastic mindset change to prioritize public service above one's self. These steps proved to be formidable as a majority of the government agencies are quite set in their ways of governance of the public at large. However, some worthy changes are noticeable, especially in agencies such as the Education Program for Employers (EPF), Inland Revenue Board of Malaysia (Lembaga Hasil Dalam Negari – LHDN) and Social Security Organisation (SOCSO). Not spared were direct services to clients-based ministries, many of whom have begun focusing on customer care as their core value. The Premier enforced a very stringent set of guidelines and must-have criteria to ensure consistency of delivering good services to the general public, tax payers and economic generators of the nation.

Economic Liberalization Initiatives

To drive the nation forward, Najib introduced the New Economic Model with reforms to create a business environment conducive to economic growth, development and investment. The goal is to make Malaysia a high-income nation and a developed country by 2020. Transformation and further liberalisation of the economy are vital to this.

These initiatives called for the implementation of specific measures designed to maintain and attract foreign direct investment due to global competition for this vital resource. Some of these measures include allowing foreign investors to hold majority stakes in most enterprises with the exception of certain "strategic" areas such a telecom-munications, energy, banking and financial institutions, easing the authority of the Foreign Investment Committee and reducing the minimum quota for Malay ownership in publicly traded companies from 30 percent to 12.5 percent. These measures received favorable response by foreign investors. (The Star Online, 28 April 2015)

Prime Minister Najib has introduced 'changes' in the following areas:

Cabinet

2009
Keeping his promise to make the government smaller but more efficient, Najib has done away with two ministries, their portfolios folded into the newly formed Ministry

of Energy, Green Technology and Water. He has appointed a total of 28 ministers – four fewer than the last regime. He also appointed Tan Sri Dr. Koh Tsu Koon to be the Minister of Unity and Performance, reflecting his commitment to reducing ethnic and religious tension. This year also saw the appointment of Dato' Sri Idris Jala to strengthen the KPIs areas of focus and the creation of brainstorming incubators (new concept) to improve governance. (Malaysiakini Online, 9 April 2009)

2013
The country's administration which had once involved 3 main parties representing its ethnicities now fell to the leader of UMNO as the only elected party. Najib repositioned the new government to reflect this, which Sabah and Sarawak received 8 ministerial positions as coalitions who managed to maintain their seats. He gave politicians and non-politicians a 70:30 share of the seats to push the nation towards the Vision 2020 goal. Najib hoped to achieve this by enlisting professionals such as Idris Jala to take part in the reformation of the government service system and drive the economy. His other recruits included Abdul Wahid Omar, President and CEO of Maybank, and Paul Low, President of Transparency International Malaysia.The Second Najib Cabinet consisted of 30 ministers and 26 deputy ministers, 6 of which are senators.(Shukry,2013)

2014
The Third Najib Cabinet reshuffle was a result of the MCA and Gerakan parties' decision to join the government after the Hindraf leader resigned from all government positions.(Malaysian Today Online, 25 June 2014)

2015
Finally, the removal of the Deputy Prime Minister led to vacancies in government positions. The Fourth Najib Cabinet made 9 changes including 1 minister controlling concurrent posts, 1 minister changing ministries, and 7 new ministers.(Shazli, 2015)

Other Areas of Initiative
Foreign Relations and Overseas State Visits

From the onset of his premiership, the Prime Minister has worked relentlessly on enhancing foreign relationships and to solicit foreign investments by overseas state visits. An overview of the countries visited and results:

China

Najib made a four-day visit to China on 2–5 June 2009. During the visit, Najib mentioned his family's special relationship with China, noting that his father--Malaysia's second Prime Minister--first established diplomatic relations with China in 1974. During the visit, several substantive issues were discussed in meetings between Najib and Chinese President Hu Jintao and Chinese Premier Wen Jiabao. The two sides signed an endorsed strategic action plan covering 13 major areas, which will serve as the guideline for relations between Malaysia and China. Najib described the trip as most fruitful. He also received an honorary doctorate in international relations from the Beijing Foreign Studies University. (Xinhua Online, 3 June 2009)

Malaysian and Chinese officials meet together at the Strategic Consultation meetings which are held alternately between Malaysia and China every year. The Strategic Consultation meetings began as bilateral consultations in 1991. The consultation meetings were made to share and exchange views on various bilateral, regional and issues of mutual interest and also to follow up on matters discussed by the leaders of both countries. The bilateral consultations were later renamed as strategic consultation in 2010 to reflect the growing importance of Malaysia-China relations within the political-security framework of the Asia-Pacific region. The first one was held in Putrajaya in 2011 while the second was held in Beijing in 2012.

Bilateral exchange activities that have been done by Malaysia and China are, as of 2012, the establishment of China-Malaysia Qinzhou Industrial Park and Malaysia-China Kuantan Industrial Park in (the latter officially opened on 5 February 2013), and the speedy approval by China to loan a pair of giant pandas to Malaysia. Both countries also exchange views on current developments happening in the Southeast Asia. Both countries are adhered to the letter Declaration on the Conduct of Parties in the SEA (South East Asia) which continues the peace and stability that benefits China and the South East Asia region.

On 28 August 2012, Malaysia and China officials at the 2nd Strategic Consultation between Malaysia and China in Beijing agreed to make 2014 the "Malaysia-China Friendship Year" to commemorate the 40th anniversary of the establishment of diplomatic relations. The Malaysian delegation led by the Malaysia's Foreign Ministry's secretary-general Tan Sri Mohd Radzi Abdul Rahman and China's Vice-Foreign Minister Fu Ying also agreed that appropriate activities would be organised to celebrate the occasion.

On 16 April 2014, China planned to send two pairs of pandas named Fu Wa and Feng Yi to Malaysia to mark their 40-year anniversary of diplomatic ties, but were postponed following the Malaysia Airlines Flight 370 incident. The two pandas later arrived at Kuala Lumpur International Airport on 21 May 2014 and were placed at the National Zoo of Malaysia (Zoo Negara).(Nik Anis, 2014)

India

Najib travelled to India on a five-day state visit in January 2010. His 200-strong entourage included cabinet ministers, deputy ministers, state government officials, members of parliament, and prominent business leaders. During his visit, Najib pushed for a free-trade agreement and co-operation across a wide range of fields. He and Indian Prime Minister Manmohan Singh signed an extradition treaty and agreements to co-operate in the areas of higher education and finance. The two countries agreed to sign a free-trade agreement before the end of 2010 and Najib called for signing a "Comprehensive Economic Cooperation Agreement" by the same date. These economic agreements resulted in plans for RM 1.6 trillion in investment for Malaysia. In January 2010, Najib announced plans to develop a new visa regime for Indian nationals, specifically for managers and knowledge workers to visit Malaysia. (Embassy of India)

USA

Najib and President Barack Obama met just before the Nuclear Security Summit in Washington on 12 April 2010. This meeting was thought by many to represent a significant improvement in relations. This was their first one-on-one meeting. During their talk, Obama sought further assistance from Malaysia in stemming nuclear proliferation, which Obama described as the greatest threat to world security. During the summit, Najib stressed that Malaysia only supported nuclear programmes designed for peaceful purposes. Najib's attendance at the summit was part of a week-long official visit to the United States.

On 16 May 2011, Najib made a working visit to the United States from May 16 to 24, 2011, in a bid to further bilateral ties in commerce and science. (People's Daily Online, 16 May 2011). On 21 October 2013, Secretary Of State, John Kerry and Secretary of Commerce Penny Pritzker visited Kuala Lumpur to participate in the Global Entrepreneurship Summit. Secretary Kerry visited Malaysia again from 4 to 6 August 2015 to attend the ASEAN Regional Forum (ARF). On 26 April 2014, President Barack Obama made a state visit to Malaysia. (The Star Online, 2 May 2014) He is the second US President to visit Malaysia since Lyndon B. Johnson in 1966.

Singapore

Najib made a two-day visit to Singapore on 21–22 May 2009 during which, both Najib and Singaporean Prime Minister Lee Hsien Loong agreed to move bilateral relations forward in a more productive manner and will either set aside or resolve the "legacy" problems between the two countries. During a speech in Singapore, Najib said he hoped his visit would signal "the beginning of a new era" between the two countries. (Prime Minister Office Singapore, 22 May 2009)

In 2010 Najib resolved a key diplomatic problem between the two countries by ending the impasse over transportation links and Singaporean investment in Iskandar Malaysia. Najib and Lee Hsien Loong agreed to modify the Points of Agreement signed in 1990. Specifically, the two sides promised to move the KTM railway station from Tanjung Pagar to Woodlands, set up a joint venture to be called M-S Pte Ltd to develop Marina One, and DUO in Bugis but the railway tracks were replaced by the "Green Corridor", develop a rapid transit and high-speed rail links, and allow Temasek and Khazanah to set up a joint venture for the purpose of developing a town in Iskandar Malaysia.

Singapore and Malaysia also agreed to build the Kuala Lumpur-Singapore High Speed Rail in 2013. The project is expected to be completed by 2020, and would connect Kuala Lumpur and Johor Bahru to Singapore.

Indonesia

Najib made a visit to Indonesia on 22–24 April 2009. Several issues were discussed, including co-operation in the tourism, oil and gas, and high-technology industries, as well as electricity supply from the Bakun dam to Kalimantan. Najib and his entourage

also attended an official dinner hosted by Indonesian President Susilo Bambang Yudhoyono and his wife Ani Yudhoyono. (The Sunday Daily Online, 24 April 2009)

Philippines and the Moro people of Mindanao

The Moro Islamic Liberation Front has always favoured Malaysia as a mediator in their effort to become an autonomous state. On 15 October 2012, the Moro rebels and the Philippines authority devised a peace agreement to maintain the safety and security of the nation. Malaysia plays an important part in making this particular notion accepted by both parties. Najib follows his father the late Tun Abdul Razak in becoming a key figure in promoting peace and harmony in the region. During the official ceremony of signing the agreement, the Malaysian government was invited as a witness to the long due treaty. Malaysia played an important part, not just as a mediator but also as a confidante for both the Philippines government and also the MORO rebels (now a valid authority in Mindanao)
(Official Gazette, 15 October 2012)

Challenges and controversies

Corruption

Najib faced corruption allegations over the purchase of two French submarines in 2002 while he was defence minister. Najib denied any wrongdoing. (Sithraputhran, 2012)

Aviation

In 2014, Malaysia was rocked by two aviation disasters - the disappearance of Malaysia Airlines MH370 in March of that year, and the shooting down of MH17 in Ukraine in July. Najib and his team of leaders came under fire for mismanaging the government's response to the first incident and providing inadequate and tardy information to families. He learnt his lesson with a speedier response to the MH17 incident, and successfully negotiated with Ukrainian rebel leaders to secure the bodies of victims and the flight recorders. (Xinhua Online, 21 December 2014)

1MBD

One of the most politically damaging accusations to be levelled at Najib relates to the ailing 1Malaysia Development Berhad state investment fund (1MBD). Created in 2009 with the aim of transforming the country into a high-income economy, the fund however racked up a huge debt, and Najib has been accused of transferring nearly $700m (£450m) from the fund to his personal bank accounts.

Najib has denied this allegation, saying he is a victim of "political sabotage". He accused former prime minister Mahathir Mohamed--who remains influential in Malaysian politics and has called for Najib's resignation--of orchestrating a smear campaign. Najib refused to step down and in July 2015 he replaced his deputy who had criticised his handling of the affair. The attorney-general investigating the case was also dismissed for health reasons. The anti-corruption commission later said that

the money in Najib's account was a donation from Middle Eastern supporters, not from 1MDB.

In January 2016 the new attorney-general cleared Najib of wrongdoing, saying the money had come as a personal donation from the Saudi royal family, and that Najib had returned $620m of the money. (Murad, 2016)

Critics however say there are many still unanswered questions. The urgent need for transparency led the government to establish the National Consultative Committee on Political Funding (NCCPF/ JKNMPP) to oversee such matters. Its aims were to establish regulations on donations to political parties.

On August 14, 2015 Prime Minister Datuk Seri Najib Razak announced the formation of the bipartisan panel to gather input for a law to regulate political funding, saying this was necessary to ensure the country practiced "healthy" politics. (Free Malaysia Today Online, 14 August 2015)

The consultative committee would come up with an action plan for political funding through reforms and improvement of the law within one year and implement it before the 14th General Election (GE14). Najib said he had personally raised the matter since 2009 but this did not get any response.

Poll

Najib Razak's approval rating as prime minister fell again

According to a survey by Merdeka Center conducted from January 21 to 30, sampled 1,008 voters aged 21
and above across peninsula Malaysia show that rating dropping four percentage points to 44 per cent.

In the previous edition of the survey last October, Najib recorded a positive rating of 48 per cent, down from 54 per cent in August and his personal best of 72 per cent in May 2010.The negative sentiments were largely driven by economic factors, such as concerns over high cost of living, the general condition of the economy, as well as concerns over the impact of the upcoming implementation of the Goods and Services Tax (GST) on the public. (Malay Mail Online, 27 February 2015)

An overwhelming majority of university students no longer support the administration of Prime Minister Najib Razak

According to a survey by youth group the Challenger, the survey conducted on youth aged between 18 and 30.The poll off 5,006 Malaysian students attending universities both in and outside Malaysia showed that 4,586 (91.61%) had lost confidence in Najib's administration. Asked if they believed Najib was a leader with integrity, 4,460 (89.09%) of the respondents replied with a resounding "no". Asked what actions the government should take to recapture the hearts of Malaysian youths, 4,889 respondents, who answered this question, said it included an increase in job opportunities and wages to cope with the rising cost of living. (Firdaws, 2016)

Conclusion

Najib, as the 6th Prime Minister of Malaysia, saw a real test of his perseverance to withstand internal and external challenges facing the nation. In all fairness, he had to inherit several unsolved challenges from the previous administration. As a leader with a specific mission and the country's interests at heart, he has introduced several initiatives to help steer the country out of the economic slump as well as bring the people of Malaysia together despite their differences in race, religion, creed, and language. By propagating unity to overcome problems faced, he is starting to change the people's mindset; to be more proactive rather than waiting for it to happen. He has asked for feedback via websites and social media tools such as Twitter and Facebook in order to communicate with the people as a whole.

Internal factors shaking the Premier's integrity such as the lack of financial transparency spread into a crisis of the nation's credibility. Amidst the economic down turn and weakened Ringgit, will the government be able to restore the faith?

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Joko Widodo's Leadership

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Abstract

After more than over a year in office, approval rating of President Joko Widodo by middle of February 2016 was 84.4%, an all-time high. This opinion survey by Kompas daily shows that people think that he has done a good job and people are impresses by Jokowi's personal communication style. Popularity associated with Joko Widodo dated back to the time he served as governor at Jakarta and mayor of Surakarta. Popularity he earned was due to his leadership in enhancing successful changes in two locations, particularly in Surakarta. Fused with endeared personality, Jokowi provides vision as well as means to solve endemic problems to the satisfaction of the people. He represents a new breed of political leadership that is in need in Indonesia.

Keywords: Joko Widodo/ Transformative Leadership/ Indonesia

Introduction

As the seventh president of the Republic of Indonesia, in office since 20 October 2014, Joko Widodo or Jokowi is comparatively not well-known nationally. His first emergence on the national scene with the title of presidency was rather explosive and surprising in nature since his name was not familiar compared to his running mate, Jusuf Kallawho has been a veteran politician who was a member of MPR from South Sulawesi for 1992, 1997, and 1999, becoming a minister in the Wahid and Megawati's cabinets helping settle peace in Paso, Ambon and Maluku during 2001 and 2002 before serving as Vice-President in the Yudhoyono's administration (2004-2009); while in 2009, he paired with General Wiranto in the presidential election and finishing third. All of these took place at the national level. True that Joko Widodo is a house-hold name for the Surakartans and even perharpsJakartans; yet this is of local status. Considering this fact, it is naturally obvious to ask as to how Joko Widodo could occupy that presidential palace in Jakarta in 2014 while he was serving as the governor of Jakarta only half-term (2012-2014). Unlike all presidential candidates running in 2004, 2009 and 2014 who were all chairman of parties they represented, Joko Widodo was a mere "functionary" of the PDI-P headed by Megawati Sukarnoputri. Yet his party backed him. It is known that when he ran for mayoral post of Surakarta in 2005, he represented the PDI-P. How long he has been affiliated with the party, it was not known. We know only that his running mate as vice-mayor at that time was the chair of PDI-P chapter of Surakarta. However, Joko Widodo won the presidency at the first round of the running. There must be something that catapults him to the position amid all big names that entered the presidential race. Popularity is the catch word that can be quite elusive because it waxes and wanes. We posit that leadership that Joko Widodo exhibits while serving as mayor of Solo and governor of Jakarta earns him that status. Leadership is defined as "a process of social influences in which a person can enlist the aid and support of others in the accomplishment of a common task"

(Chemers, 1997). Leadership involves individual and activity. It entrails clear vision, sharing it with others, realizing that vision, and coordinating activities.

Joko Widodo is reputedly singled out by media as a new breed of politician who is not part of the conventional political elite with high social status. He has no military connection. He was supposed to come from a poor family background who was evicted three times and this is assured to help him to understand the problem of relocating peoples. He studied for the primary and secondary education in Surakarta where he was born in 1961. He graduated in forestry from GadjahMada University in 1986. He worked in forestry service in Aceh for three years and returned to Solo in 1989 where he learned the furniture making from his uncle. He started his own furniture business from small loan from his father and government business sponsorship scheme and made it into thriving business when once he employed over 1,000 people. He exported his products to South Korea, Japan and Germany and made frequent trips overseas. His business associated urged him to run and serve as head of newly established branch of furniture manufacturers association in 2002. Upon this success, he was pushed into local politics when he ran for mayor of Solo in 2005. He then paired with F.X. HadiRudyatmo who was a Christian and won 36% of the votes cast. But when they ran again for the second term in 2010, they got 90.9% of votes. (RushdaMajeed, 2012:17). Being a successful business operator of an enterprise he created himself, Joko Widodo experienced first-hand management and attention that is needed for a good running of the business which helped him in serving as executive727. He knows how a business must respond to the customers 'need and this paves him the way to run local government. When presenting himself to the people, he offers his personal likeability, simplicity and reachability. He prefers to engage the people by talking to them, rather than sitting in the office. He takes good care of the poor by providing them education, health care and basic service. His hands-on style of leadership ensures the success. He pleases businessmen through his policy of anti-corruption and does away with bureaucratic practice of government. He also seeks help from those who can help him to solve problems he confronts. The way he dresses simply and consistently, becomes his trademark. His unannounced drop-in at offices to check on officials is well-known. Refusing to buy a new office car and later opting for the locally made one earn him reputation. As for his salary as mayor, he donates it for public welfare purpose. His personal wealth leaves him no taint of money politics and cronyism. He is reputed to be "not driven by ideology and is a pragmatic, astute problem solver with deep commitment to reform".(Bob Lowry, 2014). With all of these attributes, we can look at him stage by stage.

Mayor of Surakarta/Solo (28 July 2005 – 1 October 2012)

Surakarta is the former seat of Mataram kingdom with its own rulers known by the title of suman. The present ruler is SunanPakubuwono XIII. This kingdom was sliced to create smaller princedom known as managunegaranwhose present ruler is AdipatiMangunegara IX. Dutch once made Surakarta a residency which included six other regencies. With the creation of Surakarta city, it comprises five Kecamatan (now translated as district) and 51 Kalurahan (village). But the Surakarta municipality has the area of about 44.03 km^2. We are here dealing Surakarta municipality.

By 2005, Solo had a population of about 500,000, 16% of which lived below the national poverty line (US$ 1.55 per day) in the city area of 44 square kilometers, with Chinese minority with a long history of distrust with Javanese residents; and with 73% Muslim and 25% Christians. Civil unrest in 1998 in which crowdsprotested against rising oil price, food shortage and unemployment ruined 300 business and 900 vehicles mostly belonging to the Chinese. In 1999, Megawati's supporters burned down the City Hall in protest against her loss in presidential run. The roots of Jemaah Islamiyah (JI) was also traced to Solo. (Majeed, 2012:3).

As for Joko Widodo, by 2005, he has run his business for about 19 years and was well-known in the business community of Surakarta. That he decided to enter local politics might be motivated by a number of factors. At the matured age of 44, Joko might like to try his luck in politics. He might have been persuaded by his running mate Rudyatmo who led the PDI-P chapter of Surakarta and who might have had good impression of Joko who was ready to try a new page of life. Rudyatmo was happy to run with him and Joko must also have known that his running mate was able to make use of grassroots. Rudyatmo has been a seasoned politician. Besides PDI-P has been popular in Surakarta. The year 2005 was the year that decentralization process dictated to have first direct election of local chief and his deputy. The winner must garner 30% of the votes cast in which case Joko-Rudyatmo got 36%, testifying that Joko was not that well-known. A campaign theme was the slogan "BerseritanpaKorupsi" (Beautyful without corruption) Joko was to revitalize a clean and safe place to live and work.

Like other big city, Solo faced problems of local poor vendors who use the city roadsides to sell their wares and good to the distaste of the shopkeepers, causing congestion, littering and loss of open space. Supporters of the PDI-P were the poor and the marginalized. The municipality government was recovering from the fiscal crisis. Joko has to work for good coordination and build trust within the office and constituency, plus to maintain good cooperation from wealthy businessmen. The first challenge picked up by Joko was the Banjarsari Park Around 1,000 street vendors occupied the park and was protested by residents in the area while the vendors complained about abuses by authority and illegal fees they have to pay per day to stay there (Majeed, 2012:4). Mayor of Solo has the power to relocate, renovate, expand or demolish markets, yet only a few of Solo's 49 traditional markets were turned into modern shopping centers.

Pursuing the policy of beautiful city, Joko started to relocate street vendors from the Banjarsari Park. The vendors strongly protested and refused to move, challenging the municipality to use force. Joko reversed tactics to talking with them over lunch and dinner. Joko held more than 50 lunch talks with them for six month period. After well-prepared study and inner work with councillors, a new venue was offered: the KithilanSemanggi and a number of help and facility were offered the vendors. By December 2005, agreement was reached, six months after election. Concessions given to vendors was assured by Joko to return in benefit in full after seven years (Majeed, 2012:7-8). By July 2006 there was a celebration of relocation by the vendors led by Joko.

Between Joko and Rudyatmo, Joko will develop vision and strategy for reform and build public support while Rudyatmo concentrates on civil servants implementation of policy and to secure support from councilors. Joko believed in openness and dialogue

to enforce the reform and to resolve contentious issues through negotiation. As businessman, he mastered brokering agreement informally. He was open to ideas suggested by citizen.

Joko exploited his credibility and strong image while initiating reforms. His salary of 6.2 million rupiahs (about $700) per month was donate to the city. He made use of old official car and flew economy class. He opened opportunities for city official to be trained in order to deal with problem they faced such as street vendors, tourism, service by sending them to observe the management in Singapore, South Korea, Spain and Germany. He urged officials in different department of the city office to work closely together. He met department heads every Monday and kept close check on what were communicated. He visited different offices unannounced, having monthly evaluation meetings with officials. He hold regular meetings at his official residence. Hespoke with all classes of citizens. On Friday morning, Joko with vice mayor and department heads bycicled to meet resident of some neighborhoods. He made impromptu visits to certain areas to hear complain from the local people. This practice is known as blusukan. He also hold meeting at his official residence with business owners including Chinese which complemented bimonthly "coffee morning" (Majced, 2012:7). "One-Stop-Service" was adopted in December 2005 after examples from other places. It facilitated people who come in for licenses, permit at the city hall office. Customers filled out one form for most service and after validation and consideration, customers can pick them up within six days 10,000 permit were issued per year compared with 5,000 before 2005. Service at Solo was best in speed and simplicity compared with other places that adopted the some practice (Majed, 2012:11). Joko make good use of Surakarta's richness in arts and culture which he used to tourism and economic growth through branding like "Solo: Spirit of Java" or "Solo's future is solo past" feathering traditional orchestral performance, traditional dances, shadow puppet show.

By the end of his first term in June 2010, Solo was named a World Heritage City. Tempo, the national magazine named him as one of the "10 Best Indonesian Mayors of 2008." By 2009 Solo was known widely as one of Indonesia's most business-friendly cities. In 2010, another newspaper "Republika" gave him the Changemakers Award. As supporter of good government, in 2010, he earned the national Bung Hatta Anti-Corruption Award. (He forbidded his family members from bidding for city projects). Solo was promotionally tagged, "Shining without Corruption. The Ministry of Home Affairs of Indonesia named him "Best Mayor 2011". In 2012, Joko won third place for the Best Mayor awarded by World Mayor Foundation. Solo became a hub for MICE (Meeting, Incentive, Convention, Exhibition) launching International Ethnic Music Festival in 2007 Solo Batik Carnival in 2008, International Performing Arts Festival in 2009, and during 2011 hosting some meeting for ASEAN Asia-Pacific, etc. Reputation of Solo under management of Joko Widodo,enabled him to say "People come from Indonesia cities, and also from China, Cambodia, Thailand and Laos to see how we have managed traditional markets and street vendors" (Majeed, 2012:16, 17).

Jokowi and Rudyatmo won the second terms in 2010 with the votes of 90.9%. With greater visibility, his actions became well-known over Indonesia and Joko was drown into national politics. An academic summed up his leadership role as a success one because he could establish interactional relationship with people of Solo. (ChayatiIndranants, June 2012)

As Governor of Jakarta (5 October 2012 – 16 October 2014)

Jakarta was a city of about 10 million and run by Fauzi Bobo (Foke) during 2007-2012, a former regional government secretary (Sekda) which was the highest position for a regional bureaucrat. Bowo also served as a vice-governor in 2002 before becoming the governor in 2007. As a new governor of Jakarta, Bowo used the slogan "Give Jakarta to the Expert". This was based on his more than 20 years of work with Jakarta. He got a master and the doctorate degrees in regional planning from Germany. Bowo also capitalized on popular idea during the decentralization period that promote local son to the highest position. Bowo was a half Betawi for his mother was a leader of the Betawi Consultative Body. Bowo was also the former leader of the Jakarta Regional Branch of NadhlatulUlama. These two factors helped push Bowo to be chosen as governor. But then Bowo got involved in sour relationship with his vice-governor, Prijanto, who questioned lack of transparency in the bureaucracy and the appointment of some high ranking positions, plus the complaint that he was assigned no job. Prijanto resigned and Bowo accepted it but the Jakarta Representative Council (DPRD) reinstated him as vice governor. This underminedBowo's power and image. (Hamid, 2014:91-2)

It was in late 2011, the Cyrus Network and the Political Psychology Laboratory from the University of Indonesia conducted an elite survey called "Looking for the Best Jakarta Governor Candidate". It was not a survey of candidate popularity, rather it nominated political figures with high capability and quality as best governor. Jokowi get the highest score in the survey (6.98), followed by Faisal Basri (6.7), Fadel Muhammad (6.53) while Bowo scored only 5.44 (Hamid, 2014:90). In the Jakarta gubernatorial election, PDI-P, on 18 March 2012 nominated Joko Widodo as its candidate. It was slated that PrabowoSubianto, the founder of Gerindra Party (Greater Indonesia Movement Party) offered Megawati his full support of Joko, plus campaign fund. Prabowo then paired him with Basuki Tjahaja Purnama or Ahok who resigned as MP of Golkar to join Gerindra. Six candidates contested in the first round of the election on 11 July 2012; they were (1) FauziBowo and NaehroviRamli supported by PD, PAN, Hanura, and PKB with 34.5%, (2) HendradjiSoepandji and Ahmad Riza Patria running in depently with 1.98%, (3) Joko and Basuki supported by PDI-P and Gerindra with 42.60%, (4) HidayatNur Wahid and Didik J. Rachbini supported by PKS with 11.72%, (5) Faisal Basri and Biem T. Berjamin running independently with 4.98% and (6) Alex Nurdin and NonoSampano supported by Golkar, PPP, PDS with 4.67% Joko first round victory defied almost all pre-election polls (Hamid, 2014:92-3). The second round took place on 20 September 2012 in which Bowo and Ramli won 2,120,815 votes as 46.18% while Joko-Basuki got 2,472,130 votes or 53.82% (https://en.wikipedia.org/wiki/jakarta_gubernatarial_election_292 accessed on 3/10/2016). Hamid (2014) argued at length of the root cause of why Joko won this election Hecited (1) Jakartans were uneasy, with the weakening of social order and the political system's feeble ability to achieve restoration; (2) decreasing trust in political parties; (3) the profound changes at the level of economy, culture and society through process such as urbanization, economic modernisation and globalization, and (4) forms of political representation outside of tradition political institutions were emerging, especially the mass media as "representative institution". Hamid even wrote: "Jokowi's story became something of a legend, written about in many books before, during and after the Jakarta elections. At least 20 books on Jokowi are sold in Gramedia, the largest bookstore chain in Indonesia". (Hamid, 2014:103)

Joko was blessed in enthusiastic support of the mass media which connected Joko directly with Jakartans and Indonesian population. His impromptu direct visit (blusukan) to Kampung daily was well covered. This was applied also with his sudden and uninformed visit to some offices but he cajoled the officials to relieve their distress, yet emphasized the work culture. Yet after six months in office, he introduced the "lelangjabatan" (literally auction of office position) or open recruitment of civil servants with proper qualification which, in this case, applied to the positions of camat and lurah. He broadcast live on national television the discussion with stakeholders on mass rapid transport (MRT) planning. The Jakarta MRT was put to construction on 10 October 2013 and on 16 October 2013 Joko restarted the construction of the green line Jakarta monorail. In late 2012, Joko introduced the universal health care programs in Jakarta through implementing the Jakarta healthcare card (Kartu Jakarta Sehat). The popularity of the scheme raised demand for health service across Jakarta by 70% in the first few months. Confusion over detail of implementation and the very long queues of waiting caused dissatisfaction. Yet when the Jakartan members of House of Representatives threatened him with interpellation that could lead to impeachment, public responded by issuing petition to fire those members. Some even circulated their names and pictures, advising people not to vote them in again in 2014 legislative election (https://wn.wikipedia.org/wiki/Joko_Widodo, accessed on 5/11/2016:5). "Smart Jakarta Card" was put on use on 1 December 2012 allowing students to withdraw allowances from the ATM to buy school books and uniforms.

Not long after his inauguration, Joko decided to raise regional minimum wage by 44% from to 1.56 million rupiah (US$ 132.4) to 2.2 million rupiah (US$ 186.7),welcomed by workers but disappointed employers. For transparency, Joko and his vice governor published their salaries and the city budget. They initiated online taxes, e-budgeting, e-purchasing and a cash management system. He relocated street venders in PasarMinggu and Pasar Tanah Abang to a new building. He built and renovated five traditional markets in 2013 and four more in 2014. These vendors was not charged for rent. They must keep their kiosk and pay fees for maintenance, electricity and water. To lessen flood hazard in Jakarta, in 2013, normalization ofpluit reservoir and Ria Rio reservoirs were made and dredging of Pesanggrahan river. Joko used tactics of lunch talk with people who lived around the reservoires in order to relocate them to new place. The movement gained praise from Mark Rutle, the prime minister of the Netherlands. Joko's style of doing things were imitated by politicians in order to garner support even at national level.

As President (20 October 2014 -   )

Why, or what factors contributing to, Joko deciding to enter 2014 presidential election, was not known. The PDI-P nominated him as its candidate early on 14 March 2014 and why Joko decided to enter national politics after serving about half time as governor of Jakarta was not clear either. Megawati, the PDI-P chairperson contested the direct presidential election twice in 2004 and 2009 and failed both times. The party thus must look for a new comer. Joko, under the party which put him in the seat of governor of Jakarta, must have been the best option and Joko must also have been easily persuaded, taking the queue to hit the iron while it is hot as his popularity has been souring. In the 9 July 2014 direct presidential election, Joko Widodo paired with Jusuf Kalla from Golkar and the pair was endorsed by the Indonesia Hebat group comprising PDI-P, Hanura, Nasdem and PKB. The other

groups the Red and White, comprising Gerindra, Golkar, PPP, PKS, PAN and PD, supported PrabowoSubianto who paired with Hatta Radjasa. After some confusion, the KPU officially announced the result on 22 July 2014 that Joko-Jusuf won 70,997,833 votes or 53.15% while Prabowo-Hatta won 62,576,444 vote or 46.85%. Politics now shifted to the parliament where Joko's supporters backed up by 246 seats while those of Prabowo was 314 seats. Tension occurred when Prabowo's group tried to monopolize the chairmanship and vice-chairmanship of the various parliamentary commission. On 26 November 2014, Joko announced his cabinet of 36 member, comprising 14 politicians of which 5 were from the PDI-P, 3 from Nasdem, 3 from PKB, 2 from Hanura and 1 from PPP while 20 were professional and academic.

Joko's administration inherited rather weak economic performance which saw the first quarter of 2015 year-on-year growth at 4.92%, with 4.6% grow in the second quarter, 6% growth is needed each year for Indonesia to absorbs new entrants to the labour market. Rupiah weakened falling to Rp 14,000 per dollar in August 2015. The year-on-year inflation in June 2015 was 7.26 Fuel subsidy reduction since Yudhoyono's administration has been unpopular but a necessary measure. Joko's government implemented a fixed diesel subsidy of 1,000 rupiah a liter while subsidy for gasoline were reduced or scrapped. This caused demonstration, yet the government pushed on arguing that money was needed to fund infrastructure, education and health programs.

In his inauguration speech on 20 October 2014, he talked about being a big nation, to engage in transforming Indonesia to be a sovereign state politically, economically, and culturally. He encouraged Indonesia as a maritime power. Indonesia would maintain the practice of free and active foreign policy, looking after the national interest while also contributed to the world order. He also urged all Indonesia to embark on national ship setting sail towards Indonesia Raya (Great Indonesia).

In his address at Naypidaw on 13 November 2014 at the East Asian Summit, President Widodo expounded the concept of global maritime axis (parosmaritimdania) and set clear the position of Indonesia in between Indian and Pacific Oceans. It composed of five pillars, reproduced in full hereunder. (Witular, 2014)

1) Rebuild Indonesia's maritime culture. As a country consisting of 17,000 islands, Indonesia should be aware of and see the ocean as part of the nation's identity, its prosperity and its future are determined by how we manage the oceans.
2) Maintain and manage marine resources with the focus on building marine food sovereignty through the development of the fishing industry.
3) Provide priority to the development of maritime infrastructure and connectivity by constructing sea highways along the shore of Java, establish deep seaports and logistical networks as well as developing the shipping industry and maritime tourism.
4) Through maritime diplomacy, Indonesia invites other nations to cooperate in the marine field and eliminate the source of conflict at sea, such as illegal fishing, violation of sovereignty, territorial disputes piracy and marine pollution.
5) Indonesia has an obligation to develop its maritime defense forces. This is necessary not only to maintain maritime sovereignty and wealth, but also as a form of our responsibility to maintain the safety of shipping and maritime security.

Soon after taking office, Joko caused quite a stir when it was learned in December 2014 that he authorized the sinking of Thai and Vietnam fishing that poached in Indonesian water. He later on elaborated about the loss of around 300 Trillion rupiah or about 24.4 billion dollar per year because of illegal fishing of about 5,400 foreign fishing boats. Newspaper reported that he had to tell official concerned three times of his order to sink the boats. The other issue was the execution of drug offenders in January and March 2015. They were a Brazillian, a Dutch, two Australians yet a Filipino was spared after Philippine's president appealed in person.

Joko's administration has vowed to develop and upgrade infrastructures particularly road and railway expansion, seaports and airports development and irrigation projects. State budget for 2016 allotted the infrastructure sector Rp 290 trillion or $22 billion, the biggest ever. His hand-on style of management makes him to personally check on works implemented. He was supposed to inform ASEAN journalists whom he met in Jakarta that he "like to go around" meaning frequent visit to follow up on construction work, meeting and talking with officials and local people. Heexplained that by talking to people, he gained firsthand information and it forced officials to pay good attention on works carried out. He said he did not like to sit in the office but preferred to be out in the field to check (The Nation: April 28, 2016:6A). Joko maintains his simple life style flying Garuda economy class with his wife to Singapore in late November 2014 to attend his younger son on graduation and had a selfie-photo session with his son's classmate. (The Nation, 24 November 2014:4A) although he had to comply with premier Lee Kuan Yew's insistence to have lunch with him.

As president, Joko has yet to make an imprint on Indonesian politics while question has been raised whether, under him, Indonesia would lead ASEAN or neglect it. As of now he is preoccupied with internal problems of corruption in various places, slow economic growth, security issue and religious intolerance.

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The Integrated Mechanism of ASEAN Democracy Building Governance for Sustainable Development

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Abstract

The research has objectives to focus the study what extent and how ASEAN Community and its members states can duly establish an integrated mechanism of ASEAN democracy building governance for sustainable development in the globalization world of new democracy. The study applied qualitative research by documentary research methodology for data collection and comparative analysis of related documents. The research results found that ASEAN member states remain vast diverse in terms of their political characteristics of democracy governance. Thailand and the Philippines are still struggling to consolidate democracy under the constitutional monarchy and presidential system respectively. Myanmar is changing from military rule to democracy. Malaysia and Singapore continue to provide a successful regime of authoritarian democracy. Vietnam and Laos are Leninist-Socialist states. While Cambodia continues to exercise one-man rule under the constitutional monarchy, is hardly a democracy and Brunei Darussalam is a sultanate. Only Indonesia could be considered a more stable democracy in the ASEAN region. In October 2003, the 9th ASEAN Summit reached a historic agreement of ASEAN Concord II, providing a platform of transformation itself into an ASEAN Community in which ASEAN Political and Security (APSC) is one of three pillars of democracy building governance. In 2004, the APSC has adopted the ASEAN Security Community Plan of Action (ASCPA) as promise by ASEAN for democracy building commitment. The democracy governance is one of the key successes to sustainable development. It is now well that democratic governance processes, regulations and institutions play a major role in economic growth and social development. The research conclusion recommends therefore that the ASEAN Inter-Parliamentary Assembly (AIPA), together with the APSC, shall play their major roles as transformative leadership in taking their initiative to establish an integrated mechanism of ASEAN democracy building governance for sustainable development in order to foster and harmonize the common standard process of democracy governance building development in ASEAN Community and its ten member states.

Keywords: Integrated Mechanism/Democracy Building/Governance/Sustainable
Development/ ASEAN

Introduction

The gradual integration of ASEAN Community into world economy needs the reform of democracy building governance for sustainable development. "Democracy and human rights are of fundamental significance for development" and "good governance is basic to the economic and social progress of all countries": these statements are not the new development of creed of Western donor countries in the

North-South relations (Hans Peter Repnik and Ralf-Mathias Mohs, 1992:28-29;Ronald U. Mendoza and others. 2015). At the UNGA Millennium Summit in New York, September 2000, world leaders committed to Millennium Declaration of the United Nations that set key objectives for the 21st centuries, outlining a common vision of peace and security, development and eradication of poverty, securing human rights, democracy and good governance(Adel M. Abdellatif, 2003). All ASEAN member states shall adopted jointly core responsibilities of governments in any state activities: governments shall be accountable to the people and society; transparency and information access availability shall be a feature of all government activities; governments under the rule of law shall establish and enforce a stable legal and economic framework which ensures the predictability of state and individual action within this framework; governments' own activities and programs shall be geared towards sustainable development with improving the well-being of the poor and shall leave self-help non-governmental organizations sufficient room to maneuver for sustainable development. This study focuses on what extent and how ASEAN Community and its member states can establish and enforce an integrated mechanism of ASEAN democracy building governance for sustainable development in the globalization world of new democracy. A proposed model shall be designed for the promotion and harmonization of ASEAN mechanism of democracy building governance for sustainable development to be integrated into the political reform of its ten member states.

Scope of Problem

The scope of the research question and problem is that if no single model of democracy building governance may be suitable for all ASEAN member states, who vast diverse in terms of their political characteristics of democracy governance, shall it be necessary to establish an integrated mechanism of ASEAN democracy building and democratic governance to harmonize diverse democratic regimes of all member states.

Research Hypothesis

The research hypothesis is that the harmonized integration of ASEAN and its member states' democracy building governance shall be realized under the conceptual framework for an inseparable linkage analysis of the rule of law, democracy building and democratic governance, human dignity and civil rights protection, as well as human sustainable development.

Research Methodology

The study is a qualitative research and applied the methodology of documentary research. The data collection management of all related documents was studies by comparative content analysis of related ASEAN legal instruments and national legislations of its member states.

Finding results

The research can itemize finding results as follows:

The existing nature of diverse political regimes of ASEAN member states

(1) ASEAN member states remain diverse in their political characteristics between authoritarian single party and multiparty liberal democracy. Thailand and the Philippines are still struggling to consolidate democracy under the constitutional monarchy and presidential system. Myanmar is changing from military rule to democracy. Malaysia and Singapore continue to provide a successful regime of soft authoritarian democracy (Panakorn Dejthumrongwat, 2012).Vietnam and Laos are Leninist-Socialist states. Cambodia continues to exercise one-man rule under the constitutional monarchy, is hardly a democracy. Brunei Darussalam is a sultanate. Only Indonesia can be considered a more stable democracy in ASEAN (Rizal Sukma, 2009: 3). By upholding the principle of non-interference in internal affairs of member states, ASEAN constitutes an important democratic peace and virtual absence of war among ASEAN members since 1967 have been accomplished without the glue of liberal democracy (Amitav Acharya, 1998: 11). Whether ASEAN members had adopted the liberal democracy or authoritarian regime, the process of democratization shall be promoted inside the ASEAN Community.

(2) In October 2003, the 9th ASEAN Summit in Bali, Indonesia, reached jointly a historic agreement of ASEAN Concord II, providing a real platform of transformation itself into an ASEAN Community, in which ASEAN Political-Security Community (APSC), together with ASEAN Economic Community (AEC) and ASEAN Socio-Cultural Community (ASCC) are three pillars for democracy building governance for sustainable development (Rizal Sukma, 2009: 4-5).In 2004, the APSC has adopted the ASEAN Security Community Plan of Action (ASCPA) as a promise by all ASEAN member states for democracy building governance commitment. In March 2009, the Roadmap for ASEAN Community 2009-2015 was jointly adopted by the 14th ASEAN Summit in Cha-am, Thailand (ASEAN Secretariat, 2009). The foundation for pro-democracy is to integrate all the measures, process, and institutions contained in this three instruments - no matter how vague -into a coherent plan for integrated mechanism for democracy building governance in ASEAN Community and its members states.

(3) Hoping to strengthen ASEAN Community, ASEAN leaders and former secretary-general Surin Pitsuwan, have pushed the ASEAN to abandon the practice of making all decisions by consensus and proposed that pressing decisions be made by voting, to increase speed efficiency of decision-making; since the organization could take a position on critical issues within one member state without the approval of all ASEAN members, this would allow ASEAN to comment on other members' internal affairs(Joshua Kurlantzick, 2012: 3). Inthe new charter, ASEAN maintained the principles of consensus and nonintervention of the original ASEAN Declaration. Through the new charter did commit to creating "just, democratic, and harmonious environment in the region", it did not define any of these terms and contained no provisions for members to intervene in other members' affairs in the case of gross abuses of human rights.

Inseparable links of governance, democracy and development in ASEAN region

(1) It is a core confident assentation that good governance and democracy are not simply desirable but essential conditions for sustainable development in all any states

and societies. Taken together "democratic good governance" refers generally to a political regime based on the model of a liberal–democratic polity, which protects human dignity and civil rights, combined with a competent, non-corrupt and accountable public administration (Leftwich, Adrian, 1993: 605). Thus, good governance is now becoming more and more commonplace as key success factors of democracy building, democratic governance, and sustainable development. In fact, the success of sustainable development in ASEAN as a who leis duly dependent on good governance of democracy building in both regional and national levels of ASEAN Community and its member states respectively.

(2) The region of ASEAN Community is not poor; it is poorly governed by the ASEAN Secretariat and governments of its member states. Although governments of ASEAN members have a crucial role to play in achieving the United Nations Millennium Development Goals for sustainable development and reducing poverty, knowing how to obtain "good" governments and "better" policies is not as clear cut. How is it possible to explain that governments in some of ASEAN members can promote economic prosperity and social equality, whilst others are at best weak and at worst involved in plundering their national resources, especially human resources? As one of the key to sustainable government, the democracy building and democratic governance seems to provide part of the answer since the worst examples of unsustainable development are usually not democracies (Samarasinghe, 1994). It is now recognized that democratic institutions, processes and regulations play a major role in economic growth and sustainable development.

Model for integrated mechanism of ASEAN democracy building governance

(1) Democracy is directly linked to the concept of governance. In fact, it is governance that has to meet individuals' needs and not the other way around. The principle of elections, and therefore enforceable accountability, is a cornerstone of democratic governance. However, elections are not enough; democratic governance also requires a legislature which represents the people. It requires an independent judiciary that is able to uphold the rule of law in a non-discrimination way for all citizens. It requires thus not only professional and politically neutral security forces that act in the interest of common good, but also accessible media which are free, independent and unbiased. Last but not least, it relied on an active civil society that is able to question public authorities and suggest different methods of political participation (Carl Michiels and Olivier Bailly, 2009). In short, everyone agrees on guiding basic principles for governance: the rule of law, equality, transparency, participation, responsiveness, accountability and so forth.

(2) The success of a liberal democracy depends on achieving a balance between strong state power and checks and balances constituted by the legal and electoral systems. Unchecked state power is dangerous; at the same time, liberal democracies that are weak or paralyzed do not produce any good outcomes for their citizens (Francis Fukuyama, 2012:15). However, in the same way as democracy is not confined only to holding elections. The prerequisites for democratic governance are also respect for human rights and freedoms, the rejection of all form of discrimination based on race, ethnicity or gender and gender equality in both the public and private spheres (Gyimah-Boadi, 2005). As a result, the democratic governance is not only

restricted to more efficient and uncorrupted administration of public institutions, but also enforced more effective the principles of rule of law and good governance.

(3) Democracy justifiably constitutes therefore an integral part of the development paradigm in the 1990s.(Gita Welch and Zahra Nuru, Lead Editors, 2006).ASEAN Community cannot develop without democracy, and that democracy in ASEAN and its member states ultimately cannot be realized and sustained without sustainable human development. Therefore, democracy building and democratic governance are duly one of the keys successes to sustainable development in ASEAN Community and its member states. It is now well that all democratic governance processes, regulations, and institutions play a major role in sustainable economic growth and sustainable human development.

Regarding the above analysis and synthesis of finding results, the researcher designs a Proposed Model for Integrated Mechanism of ASEAN Democracy Building Governance for Sustainable Development in the Figure 1 as follows:
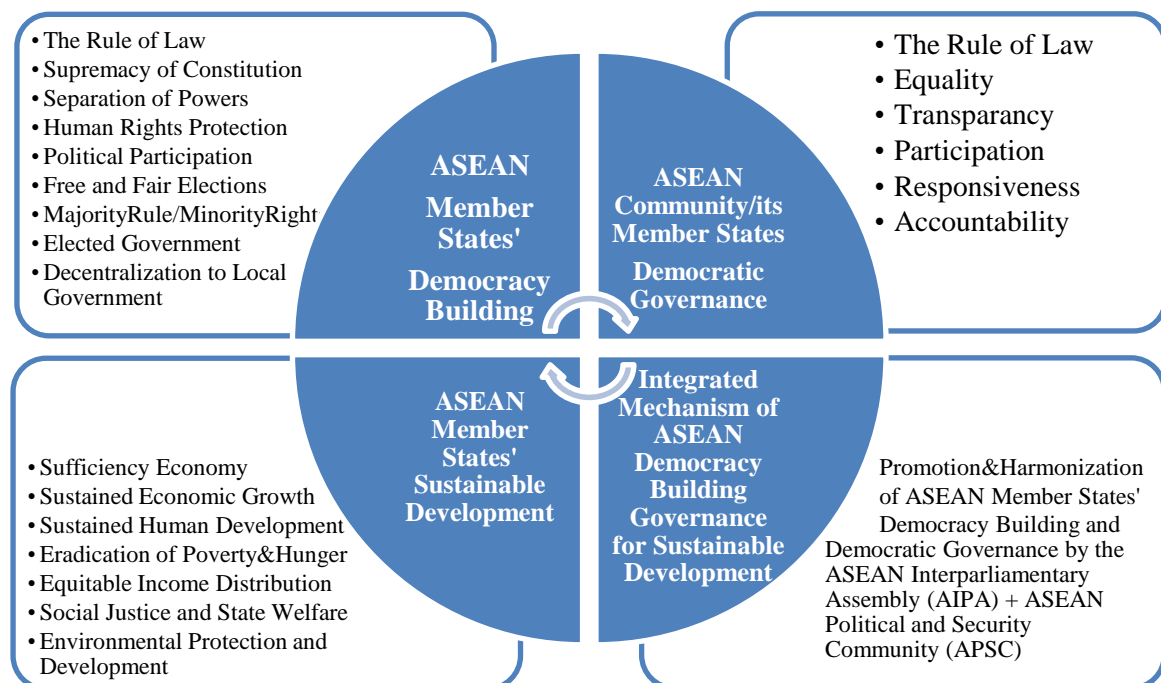

Figure 1 Proposed Model for Integrated Mechanism of ASEAN Democracy Building Governance for Sustainable Development

From the figure 1, the researcher designs a proposed model for integrated mechanism of ASEAN democracy governance for sustainable development by analyzing and synthesizing inter relationship and inseparable linkages between democracy, governance, and development.Good governance helps development and promotes democracy. The nexus relationship between democracy and development is thus a two ways process (A. Samarasinghe, 1994;Idris Evans and others, 2013). **Firstly**, ASEAN member states shall implement **democracy building** process by upholding nine fundamental principle of democracy: the rule of law, supremacy of constitution, separation of powers, human rights protection, political participation, free and fair elections, majority rule and minority rights, elected government, decentralization to

local government(G. Shabbir Cheema and Linda Maguire, 2015).**Secondly**, **democratic governance** is seen thus as a subset of the democratization process for sustainability of democracy by six factors: the rule of law, equality, transparency, participation, responsiveness, and accountability, which help ASEAN Community and its member states attaining sustainable development goals: sufficiency economy, sustained economic growth, sustained human development, eradication of poverty and hunger, equitable income distribution, social justice and state welfare as well as environmental protection and development (Hal Hil, 20; G. Shabbir Cheema and Linda Maguire, 2015).In the democratization process of ASEAN Community and its member states, ASEAN Inter-Parliamentary Assembly (AIPA), together with the ASEAN Political-Security Community (APSC) shall take an imitative jointly to launch the establishment of an Integrated Mechanism of ASEAN Democracy Building Governance for Sustainable Development in order to promote and harmonize democracy building and democratic governance in diverse democracy regimes of ASEAN member states.

Conclusion and Discussion

To discuss the conclusion, here we address the questions, "Do democracy building and democratic governance help sustainable development (economic growth and competitiveness) of ASEAN Community and its member states; and do they help the rule of law, equity, and sustainability of democracy in ASEAN Community and its member states?" The answers to both are a qualified "yes", which have significant policy implications for necessity to launch the establishment and enforcement of an integrated mechanism of ASEAN democracy building governance for sustainable development in order to foster and harmonize a common process of democracy building and democratic governance for sustainable development inside ASEAN Community, together with its all member states.

Recommendations

The research recommends that ASEAN Inter-Parliamentary Assembly (AIPA), together with the APSC, shall play their major roles to establish an integrated mechanism of ASEAN democracy building governance for sustainable development in order to foster and enforce the common process of democracy building for sustainable development in ASEAN Community, together with its all member states.

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Woman's Leadership

Women's Participation in the Local Politics of Ilocos Sur

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Abstract

The Universal Declaration of Human Rights recognizes the equal rights of men and women. Women can now vote and stand for elections. Gender equality in political participation is essential in a democratic society, however, political participation remains to be dominated by men. This paper analysed women's participation in the local politics of Ilocos Sur, Philippines, their profile, motivation in entering politics, and contributions to local governance. Data were gathered from the profile of women elected for the term 2013-2016 and through an open-ended questionnaire answered by 39 respondents. The findings reveal that women are represented in 33 of 37 local government units (89%), however, of the 356 elected officials, only 69 are women (19% or 1:5 in favour of the men). There are lady mayors, vice mayors and members of legislative councils, a great number re-elected once or twice, and affiliated with the two dominant parties. They are of middle to senior years, Catholic, married with a bachelor's degree. They entered politics mainly to serve their constituents, continue where a relative has ended his/her term of office, and contributed to promoting women's welfare. Women's participation in governance should be increased and women's studies should be integrated in the curriculum.

Keywords: Gender Equality in Local Politics/ Profile of Women in Local Governance/ Women Politics/ Politics in Ilocos Sur/ Women Leadership/ Philippines

Introduction

The United Nations recognizes the equal right of men and women to participate fully in all facets of the political process. The principle of the equal rights of women and men is contained in the Charter of the United Nations, the Universal Declaration of Human Rights and all subsequent major international human rights instruments. Such universal recognition reinforces gender equality in political participation which is essential in a democratic society like the Philippines.

In thebeginning of the 21st century, women's suffrage did not only become universal but more significantly, over 95% of all countries in the world have granted women the two most fundamental democratic rights: the right to vote and the right to stand for election. Unfortunately however, gender equality in terms of representation in political structures remains to be challenged (Ballington, 2005).

Some prominent women have marked their presence in the political arena as heads of state and parliament. Among them are Prime Minister Sirimavo Ratwatte Dias Bandaranaike of Sri Lanka (May 29, 1970-July 23, 1977), Prime Minister Indira Gandhi

of India (January 1, 1966-Marh 24, 1977), Minister President Golda Meir of Israel (March 17, 1969-April 10, 1974), Prime Minister Margaret Thatcher of the United Kingdomof Great Britain (May 3, 1979 – November 11, 1990) and PresidentCorazon Aquino of the Philippines (February 25, 1986 – June 30, 1992). Some incumbent lady heads of state are Federal Chancellor Angela Merkel of Germany (November 11, 2005--), President Park Geun-hye of South Korea (February 25, 2013--) and President DilmaVanaLinharesRowsseff of Brazil (January 1, 2011--). This year, Hillary Clinton is in the race to the White House as US President.

The right of suffrage has extended to the protection and promotion of women's welfare through the Convention of the Elimination of All Forms of Discrimination against Women (CEDAW), which codifies women's rights to non-discrimination on the basis of sex, and equality as standing norms in international law. It also establishes that women and men are entitled, on the basis of equality, on the basis of quality, to the enjoyment and exercise of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. Moreover, CEDAW covers critical issues, such as political participation and access to equal opportunity in public life and in the professions.

The Philippines being a state signatory to all these international instruments has endeavored to further advance women empowerment and gender equality. This has been manifested by continuous adoption of various laws, policies and programs. Likewise, the Philippines became one of the main players in the international women's arena and this is anchored on a very vibrant local women's movement. Numerous organizations and non-government organizations (NGO's) exist for the cause of gender equality and other related women issues.

Parenthetically, the gender situation in the Philippines is characterized by sharp contradictions. It graphically showcases samples of women's advancement in politics, academic and professional excellence, and even legislations. But this is contrasted by images of prostituted women, battered wives, economically disadvantaged women and exploited migrant workers (Anonuevo, 2000).

This puts the gender equality issues at the forefront of national discourse and precludes further downslide of women status in the modern Philippine society. Indeed, there are many hurdles for the changes to happen. These legal and policy gain resulted from the strong voice of women that started even during the anti-dictatorship struggle and culminated with the ascension of President Corazon Aquino as the first woman president of the country.

The fundamental law of the land, the Constitution, enshrines state recognition of the role of women in nation-building and ensures the fundamental equality before the law of women and men (Philippine Constitution, Article II Section, 14).

Anchored on the Constitutional mandate, numerous legislations were enacted that relate to the various aspects of women and gender concerns, which include among others,

Gender and Development Law, Party-List in which women is a particular sector for representation in the legislature, Anti-Sexual Harassment Law and Anti-Rape Law.

More specifically, Philippine policies promoting women's leadership and political participation were likewise adopted, such as RA 7192 or the Women in Development and Nation Building, RA 7160 or the Local Government Code of the Philippines, R.A. 7688 An Act Giving Representation to Women in the Social Security Commission, the Labor Code, Philippine Plan for Gender Responsive Development (1995-2025), and Gender and Development (GAD).

The signing into law of Republic Act 9710 otherwise known as the Magna Carta of Women or the Bill of Rights of Filipino Women by Philippine President Gloria Macapagal Arroyo, the second woman President of the Philippines, narrows the continuing quest for gender equality and women's empowerment since the filing of the bill in the bicameral Philippine Congress and since the suffrage movement in the eras of 1920 which secured women's right to vote in the Philippines since 1937.

It may have been a long and challenging quest for gender equality and women's empowerment, but it clearly demonstrates the effective dynamics of a responsive Philippine leadership and forceful but peaceful influence of individual and group stakeholders in Philippine Government decision-making.

While the legal framework is there however, the actual situation and reality reflect the deep gender divide, more especially in the aspect of politics. While there may be notable successes of several women in politics, these are overshadowed by the actual ground level statistics both in terms of numbers and actual positions occupied from the highest functionary to the lowest functionary of government. This is to say that women are still dominated by men in the realm of politics.

Worthy to take note also is the fact that strong voice in politics has surely contributed to several landmark pieces of legislation to promote women's welfare, protecting what used to be called the weaker sex from various forms of discrimination, harassment, abuse and violence. However, implementation of the laws, including those promoting the right to reproductive health, and protecting women and children from domestic violence remains weak (*The Philippine Star*, 2016).

Genuine gender equality and enhancing women's capability in a given society would allow broad women's participation in politics and women's access to decision-making.

This study aimed to determine the participation of women in the local politics of Ilocos Sur. Specifically, it sought answers to the following questions:

What is the level of political representation of women in the province of Ilocos Sur?
What is the profile of the women who were elected into public office in 2013?
What is the women's motivation in participating in the local politics?
What are the significant contributions of women as local executives and legislators?
What are the problems encountered by the women in their performance of their functions as elective officials?

Gender equality is equality between women and men in all aspects of life including political opportunity. In public office, gender equality has become an obligation of the government motivated by the reason that women's inclusion is crucial to achieve justice, promote women's interests and make use of women's resources for the good of the country.

This study is significant as it seeks to determine whether gender equality in terms of political representation of women is experienced in the Province of Ilocos Sur and in various municipalities and cities of Ilocos Sur.

Moreover, the significance of the study lies not only in its ability to determine the level of political participation of women in Ilocos Sur but also in its examination of the motivation of women in local politics as well as analysis of the problems they encountered in the performance of their functions as elected officials and most importantly their significant contributions to governance and development.

The government has been emphasizing that it is vital to actively promote women's political participation through affirmative and appropriate policies and programs. Hence, the data that will be gathered from this study are hoped to lead to new policies that will enhance gender mainstreaming and equal participation in municipal and city government structures.

This study was limited to women's political participation in local governments in Ilocos Sur in terms of the number of women elected to provincial and municipal elective positions [i.e. Provincial Governor, Vice Governor, SangguniangPanlalawigan (Privincial Legislative Council) Member, City Mayor, City Vice Mayor, SangguniangPanglunsod (City Legislative Council) Member, Municipal Mayor, Municipal Vice Mayor and Sangguniang Bayan (Municipal Legislative Council) Member] based on the results of the elections conducted in 2013. It also determined the women's motivation in entering politics, the problems they encountered as elected officials and their significant contributions in governance with information gathered through an open-ended questionnaire.

Conceptual Framework

The study was anchored on the paradigm presented below:
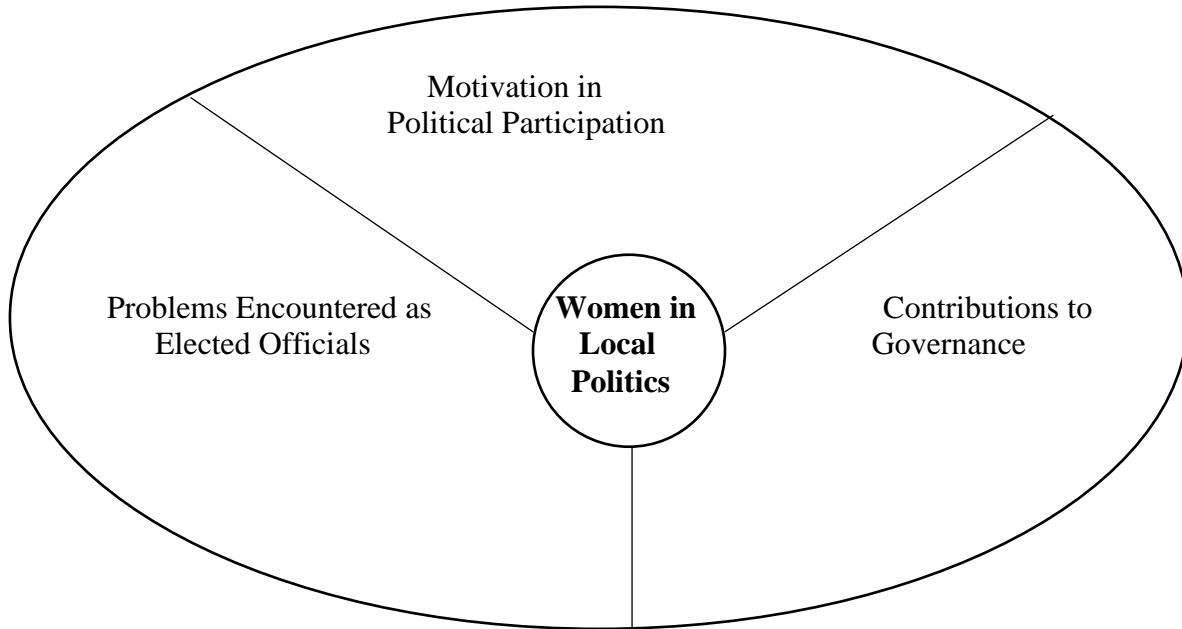
Figure 1. The Research Paradigm

The paradigm illustrates that women are motivated to enter politics. Although they encounter problems in performing their jobs as elected public officials, they do have significant contributions to local governance.

Theoretical Framework

The following studies discuss the concept of women's political participation and representation in government structures.

Rai (2013) posits that political participation can be described as any voluntary act with the purpose of influencing elections or public policy. It can be in the form of casting a vote or running for office, and has always been taken as an essential indicator to measure empowerment in the political process. This concept can be linked with having control and gaining further control in decision making bodies as well as in family and society.

Fox and Lawless (2010) provided a thorough analysis of how gender affects women and men's efficacy to run for office. Based on their findings, it was revealed that despite comparable credentials, background, and experiences, accomplished women are substantially less likely than similarly situated men to perceive themselves as qualified to seek office.

Mendez, et al (2012) found out a gender gap in evaluations of competence and maturity by merely looking at the faces of political candidates revealing that people are more likely to prefer men candidates than women candidates.

McDonagh (2010) argued that the state's public policies constitute a political environment that has an impact on public attitudes about women's suitability as political leaders and women's election to political office. Therefore, what promotes women's political representation is a state that combines democratic polities affirming women's sameness with men and maternalist policies representing women's group difference from men.

A joint publication of the International Centre for Research on Women(ICRW) and United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) entitled "Opportunities and Challenges of Women's Political Participation in India: A Synthesis of Research Finding from Select Districts in India" authored by Bhatla, Walia, Khanna, &Verma, R. (2012) noted that women in local governments face a number of barriers such as low literacy, poor preparatory training, a high household work burden and negative attitudes towards women in public office that constrain their ability to fulfil their governance roles or that make them unlikely to recontest.

On the other hand, True, Niner, Parashar& George (2012) examined the patterns of women's political participation in the four sub- regions (Eastern Asia, South-- Eastern Asia, South Asia and the Pacific Islands) of the Asia–Pacific region and analyzed the key enablers and obstacles to women's equal participation in formal politics (legislative institutions) and public life. The study revealed that high status for women has been claimed in South Eastern Asian societies, yet relative gender disparity and low levels of women's political representation compared with the rest of the word is pronounced.

Methodology

The study is a descriptive research that utilized the mixture of quantitative and qualitative approaches. Data were obtained through an open-ended questionnaire that was administered to 39 key informants (KI) and documentary analysis. The study was conducted fromJanuary 2015 to March 2016.

The level of women's participation in all 32 municipalities and two (2) cities of Ilocos Sur was determined from the election results of 2013 obtained from the Provincial Office of the Department of Interior and Local Government (DILG) of Ilocos Sur. From the report, the profile of the women officials were derived in terms of position to which they were elected, age, civil status, religious affiliation, party affiliation, rank in the legislative council, term of office served and education. Selected data of the existing policies in the Philippines which promote women's leadership and political participation were obtained from various references and resources.

Thekey informants were taken from among the women who were elected officials in the 2013 elections.

The data gathered though the questionnaire and documentary sources were subjected to content analysis. Data obtained from the election results were analyzed by taking their frequencies and percentages.

Results And Discussion

A. Level of political representation of women in the Province of Ilocos Sur

Women are represented in 89% or 33 out of 37local government units (LGUs) in Ilocos Sur particularly in the Provincial Government, the City Government of Candon, the City Government of Vigan and 30 of the 34 municipal governments (88%) of the First and Second Districts of Ilocos Sur. Table 1 presents the distribution of women in elective positions in the province.

Table 1.Distribution of Women in Elective Positions in ILOCOS Sur (2013 Election)

AREA Province	Governor	Vice Governor	SangguniangPanlalawigan Member	Total	Percentage % to Total Officials
Ilocos Sur			1	1	8
Total Officials				12	
City	Mayor	Vice Mayor	SangguniangPanglunsod Member		
Vigan	1	1	2	4	17
Candon			2	2	8
Total Women	1	1	4	6	25
Total Officials				24	
Municipalities	Mayor	Vice Mayor	SangguniangBayan Member	Total	Percentage % to Total Officials
First District					
Bantay				0	0
Cabugao			4	4	4
Caoayan	1		2	3	3
Magsingal		1		1	1
San Ildefonso			2	2	2
San Juan		1	3	4	4

San Viccente		1	1	2	2
Santa Catalina			2	2	2
Santo Domingo			1	1	1
Sinait			1	1	1
Total Women	1	3	16	20	20
Total Officials				100	
Second District					
Alilem				0	0
Banayoyo		1	1	2	1
Burgos	1		3	4	2
Cervantes			1	1	.5
Galimuyod				0	0
Del Pilar	1			1	.5
Lidlidda			2	2	1
Nagbukel		1	4	5	2
Narvacan		1	3	4	2
Quirino			1	1	.5
Salcedo		1	1	2	1
San Emilio			1	1	.5
San Esteban		1	2	3	1
Santa			2	2	1
Santa Cruz	1		3	4	2
Santa Lucia	1			1	.5
Santa Maria				0	0
Santiago		1	2	3	1
Sigay			1	1	.5
Sugpon			1	1	.5
Suyo		1	1	2	1
Tagudin			2	2	1
Total Women	4	7	31	42	19
Total Officials				220	
Grand Total Women	6	11	52	69	19
Grand Total Officials				356	
Ratio – 1:5					

No. of LGUs :		LGUs with women	
Province	- 1	Province	- 1
Cities	- 2	Cities	- 2
Municipalities	- 34	Municipalities	- 30
Total	**- 37**	**Total**	**- 33**

Percentage of LGUs with women officials – 89%
Percentage of Women Officials – 19%

The LGUs with no woman elected official are the municipalities of Bantay in the First District, and Alilem, Galimuyod and Santa Maria in the Second District.

Of the 356 elective officials in the entire province, only 69 are women (19%) or the ratio is 1:5 in favor of the men. This finding does not present a good picture of gender equality in terms of political representation, but it only proves further the fact that political power is still controlled by the men, a patriarchal system that pervades in the entire Philippine society.

In the SangguniangPanlalawigan, only one of the 10 Provincial Board Members is a woman. In Vigan City, the mayor, the vice mayor and two of the 10 SangguniangPanglunsod members are women (33% share of political power). In Candon City, there is no share of women in the executive branch, only two SangguniangPanglunsod seats (17% share of the political power) are occupied by the women. In both cities combined, political power is in the hands of six women or 25% of the elected officials. This situation proves true the findings of Fox and Lawless (2010) that gender biases affect the chances of women in getting elected although their qualifications are comparable to those of the men.

Only the Municipal Government of Nagbukel has an equal representation of women (50%) with the men, followed by five municipalities with 40% women representation. These LGUs are those of Cabugao and San Juan in the First District and Burgos, Narvacan and Santa Cruz in the Second District. These five LGUs with 40-50% representation of women comprise only 18% of the municipalities.

In terms of positions held by the women, only the LGU of Caoayan in the First District, out of 10 LGUs (10%) has a lady mayor while four LGUs (Burgos, Del Pilar, Santa Cruz and Santa Lucia) out of 22 LGUs (18%) are headed by lady mayors in the Second District.

There are more lady vice mayors: they are in three out of 10 LGUs (30%) in the First District (Magsingal, San Juan and San Vicente) and seven out of 22 LGUs (32%) in the Second District (Banayoyo, Nagbukel, Narvacan, Salcedo, San Esteban, Santiago and Suyo).

The male officials dominate the legislative councils in all the LGUs. It is only in Cabugao where there is an equal distribution of male and lady councilors. With the minimal voice due to very low representation, women's welfare or interests may not easily and necessarily be in the agenda of the LGUs.

Based on the foregoing data, the disparity in political representation in Ilocos Sur is similar to the "pronounced relative gender disparity and low levels of women's political representation in four-sub regions of the Asia-Pacific region" found out by True, Niner, Parashar& George (2012).

B. Profile of the women in elective positions in ILOCOS Sur

The profile of the women who were elected in 2013 is based on the data gathered from the Provincial Office of the Department of Interior and Local Government. Table 2 presents the distribution of women in elective positions in terms of age, civil status, religious affiliation, party affiliation, rank in the legislative council, number of terms of office served and education.

Table 2.Profile of Women In Elective PositionsiIn ILOCOS Sur

VARIABLES	N	%
AGE (as of 10-17-15)		
71-80	3	4
61-70	15	22
51-60	19	27.5
41-50	19	27.5
31-40	9	13
21-30	4	6
Total	**69**	100
CIVIL STATUS		
Married	42	61
Single	11	16
Widow	12	17
Separated	1	1
Not indicated	3	4
Total	**69**	100
RELIGIOUS AFFILIATION		
Roman Catholic	57	83
Others	11	16
Not Indicated	1	1
Total	**69**	100

PARTY AFFILIATION		
Liberal Party	29	42
Nationalista Party	11	16
LP Bileg	8	12
NP Bileg	8	12
Nationalist Peoples' Coalition	3	4
NPC Bileg	1	1.4
Independent	5	7
Bileg	1	1.4
AksyonDemokratiko	1	1.4
Not Indicated	2	3
Total	**69**	100

RANK in the Council		
1st	6	11.5
2nd	10	19
3rd	9	17
4th	5	10
5th	6	11.5
6th	6	11.5
7th	6	11.5
8th	4	8
Total	**52**	100
TERM OF OFFICE		
1st	32	46.4
2nd	21	30.4
3rd	16	23.2
Total	**69**	100
EDUCATION		
Elementary	1	1.4
High School	2	3
Vocational	3	4.4
College	56	81.2
Post Grad/DDM	5	7
Not Indicated	2	3
TOTAL	69	100

1. On Age

A great percentage of the women officials are in their middle age of 41-50 (27.5%) and an equal number of 51-60 years of age (27.5%) accounting for a majority of the two combined age brackets (55%). A big number too are considered as senior citizens aged 61-70 (22%). Only a few officials (4 women or 6%) are young adults, 21-30 years old.

The data imply that the older folks are more interested to enter the political field. Probably, the younger generations are more interested in other fields in which to establish a career. Probably, the political game requires maturity and experience, thus, the presence of older generations in the executive and legislative branches.

2. On Civil Status

Majority of the women in elective positions are married (61%), a few have remained single (16%) while the widows (17%) have also found themselves engaged in public service through the power of the ballot. Having a family is not a deterrent to a political career, so, too is being single and widowed. Probably, being single is also advantageous for it allows more time for one to focus on her political career and on attending to the needs of her clientele and public service.

3. On Religious Affiliation

A great majority of the lady officials (83%) are Roman Catholic. The other religious sects with which the woman politicians are affiliated are United Methodist Church, Anglican Church, Church of Christ, Pentecost, United Church of Christ in the Philippines in Gregorio del Pilar, Lidlidda, Quirino, Salcedo, Sigay and Suyo which are upland municipalities in the Second District.

4. On Party Affiliation

A great percentage of the women in elective positions belong to the Liberal Party (LP) which is the Administration Party (42%). Members of the Nationalista Party account for 16% of the women officials. There is an observed alignment of the local party Bileg with the two dominant parties (LP-Bileg, 12% and an equal number of NP-Bileg, 12%). It is also observed that some women ran as independent candidates in the last election and won (7.2%).

5. On Rank in the Council

Many women officials ranked second (19%) and third (17%) with the men getting the top rank in the local legislative councils. This implies that women can compete with the men for political supremacy, however, the society still sees to it that the woman stays as the power behind the man literally.

6. On Number of Terms in Office

A great percentage of women officials are newcomers in the political game (46.4%; however, a big percentage have served on second term (30.4%) and on third term (23.2%). These data imply that majority of the women officials have gained experience in the field of politics and operations of government. Likewise, these imply that women would like to serve longer as public officials.

7. On Education

A great majority of the lady officials are college graduates (81.2%). Their educational qualification stands out as their asset to remain in office as a local chief executive or as a legislator for such works surely demand mental ability and technical skills in administration and management.

The foregoing data imply that women in public office have the maturity in terms of age and experience, high education and religious and party affiliations that could support one's bid for a public office. These also indicate that women in the Philippines are in better position compared to women in India where Bhatla, Walia, Khanna&Verma (2012) noted that "women in local governments face a number of barriers such as low literacy, poor preparatory training, a high household work burden and negative attitudes towards women in public office that constrain their ability to fulfil their governance roles or that make them unlikely to recontest." In Ilocos Sur, successful women in politics find themselves seeking a second or a third term and even bidding for a higher office at the end of their term.

C. Motivation of the women in participating in the local politics

In today's generation more and more women are motivated and accommodated in politics. In Ilocos Sur, 19% of the total number of the elected officials are women.

From their responses, not one of the key informants admitted that being in politics washer ultimate dream. The respondents, however were motivated to join politics because of some other reasons as follows:

1. To render help and service to the constituents
2. To continue the service of a relative whose term has expired or who died
3. To gain friends in the public service
4. To change the present economic condition of the municipality

Most of the respondents answered that their main motivation in entering politics is to render help and service towards the constituents in the place. Accordingly, as women, they have a strong desire to help the needy since they know that a family's needs are numerous and these women politicians manage their home after their office hours. The answer might be considered as a motherhood statement for all politicians in the country but it remains to be the best motivation in entering politics. Worthy to take note is the findings in the paper of Bari (2005), on Women's Political Participation: Issues and Challenges, where it was found out that women in politics bring a special caring focus and female values to politics since they served as mothers who understand better the help and the services needed by the constituents.Through their active involvement in community work and women's movements, local women politicians are fully aware of issues faced by women in their communities and are uniquely positioned to address them.

In the country, political dynasty is practised in both national and local politics. The respondents admitted that they were only motivated to join politics because they were encouraged by a family member whose term has expired. Only one however said that her being into politics was because of an inspiration to continue the service of a dead relative. Anywhere in the Philippines, a great number of families controlled the politics of a certain place whereby positions held by one member of the family is passed on to another member. A review of the profile of the respondents reveals that many of the elected women are related to officials who are either their spouses or parents/siblings who

currently hold executive or legislative positions. A great number of the respondents in this study considered the family's influence as a motivation in joining the politics.

Some of the respondents said that they were motivated to join politics in their earnest desire to gain friends in the public service. Accordingly, their positions have made them gain friends in politics and in the government service. To them, they do not only serve the people, but they also gain friends. This social need to belong to a circle of friends, most importantly from the political arena gives them prestige and status as they rub elbows with those in power and with political influence.

Among all the respondents, there were two representing upland municipalities who answered that they wanted to change the economic conditions of their municipalities. To them, their being into politics was due to their exposure to the very hard life in their area and they believe that somehow by joining politics, they could do something to change the present economic condition of their municipalities. This desire is supported by the paper "Women in Local Governments" by iKNOWpolitics (July 15, 2013) which found out that the local government's political and socio-economic status improves when women become more involved in decision making and policy development at all levels of governance

D. Significant contributions of women as local executives and legislators

Around the world, women are entering the field of politics and government in growing number signifying political participation, role in civil society, and government decision-making. It is a simple fact that women leaders are becoming more involved in politics and that they have significant contributions as local executives and legislators. In Ilocos Sur, the following were the significant findings on the contributions of women local chief executives. The Mayors, found the following as their significant contributions:

1. Managing of all the affairs in the city/municipality
2. Supervision towards the employees whether they are doing their job well
3. Checking on whether projects are implemented well
4. Signing of pertinent laws that will help the municipality of city

The Local Chief Executives considered the management of the affairs of the city/municipality as their main tasks assuring the constituents they served that everything is well taken care of. The lady Mayors also gave emphasis on supervising the works done by their employees which is an integral part of decentralization. Accordingly, they check whether the employees are performing their tasks and are not putting the city/municipality in jeopardy. Anent hereto, is the checking whether or not projects are fully implemented and that these are executed legitimately. Lastly, as the Local Chief Executive, the signing of pertinent laws/ordinances that will help the municipality, also forms an integral part of their significant contributions to governance.

For the legislators particularly the Vice Mayors, the Sangguniang Panlungsod Member and the Sangguniang Bayan Members, the following were found out to be their main contributions to governance.

     1. Propose a bill/ordinance that protects women and children
     2. Join in the deliberation of laws that will help the constituents and the place
     3. Attend programs/gatherings that will represent the city/municipality
     4. Help those who come to the office for personal problems

They found proposing a bill or ordinance that protects women and children as a significant contribution. Being in an elective position gave them the chance to prioritize pertinent laws that would uplift the role of women in politics as well as those that will protect both the women and the children. This finding is supported in the paper of Melanne Verveer entitled "Women as Agents of Change: Advancing the Role of Women in Politics and Civil Society" (June 9, 2010), which states that there is a strong evidence that women elected to office tend to emphasize issues that reflect the priorities of families, women, and ethnic and racial minorities.

Being elected into a public office assures their presence in the deliberation or hearing of laws that will surely help their constituents. They see to it that the ordinance/law caters to the needs of the people. The legislators also considered attending programs/gatherings representing their city or municipality as a contribution in the field of governance. They see to it that people see them as not only functioning within the four corners of the office but that they are also visible and functioning outside the office.

E. Problems encountered by the women in their performance of their functions as elective officials

Women face numerous obstacles in achieving representation in governance."Around the world, women are entering the field of politics and government in growing numbers, yet their gains have been uneven and their leadership often goes unrecognized" (Women as Agents of Change: Advancing the Role of Women in Politics and Civil Society, Melanne Verveer, June 9, 2010). The problems encountered by these women leaders are categorized into their three main function, official function, social function and family relations. Their responses as to the problems they encountered are discussed below.

     1. Official function

Official function problems are those encountered by the women leaders in their functions as local chief executives or legislators. They are enumerated as follows:

     a. Feel discriminated because most of the committees are headed by men and women politicians only serve as members
     b. Conflict of schedules of the different meetings and events
     c. Problem in party affiliation since the mayor picked those from the same party
     d. Have to attend to the needs of the place even if already at home

Majority of the elected women considered feeling discriminated against the menofficials since majority of the committees in the municipality are headed by men and the women leaders only serve as members. Although some women were given the opportunity to chair a committee, still a great number felt discriminated. The same findings were revealed in the study "Breaking the Glass Ceiling: Women in Management" by Linda Wirth (May 2001,) where the hierarchical industry structures have men occupying nearly all decision making positions.

Another problem faced by the women leaders is the conflict of schedules, meetings and events in their official capacity. It is either they missed one of the meetings or events or that they missed both activities. Party-affiliation problem also occurred where those who are included before in the political line up are more given committees to handle, including a say in every projects. Women leaders who do not belong to the party were discriminated. Some even jokingly said that they were not given the same treatment as men because of a bias against the womenas the weaker sex since "mas mahina daw ang loob nila" (they have a softer heart).

 In the paper of Angelica Galiano (2013) "Women for Women,"it is accepted by some male leaders that although women can have good business minds and are efficient heads of households, in the public eye, they appear amateurish and weak and men are better for political office.

Lastly, they view as a problem in their official function that of attending to the needs of their community even if they are already at home. Admittedly, they realized that their being into public office extends to their homes since they can be called anytime of the day if the need arises. As public figures, their official life coincides with their private life; they acknowledge the fact that public service does not choose the time and place for it to be rendered.

2. Social function

In social function, the following were viewed as problems encountered by women officials. Though they do not entirely see them as problems, there were times that they could not express the real emotions that they felt inside because of the notion that as political figures, they should always appear warm and accommodating to the public.

a. Should always deal with people nicely and always smiling even if having some personal problems
b. Should never appear to be moody or angry at public places
c. Should never chose the people they deal with
d. Should cancel personal appointments because of an obligation or an event in the community.

It is a must that they should always deal with people nicely and always be smiling even if they have their own personal problems. This to them is something difficult because it is

not easy to smile and appear nice when troubled. To them they are like the local artists who should always appear beautiful and friendly to the public. Another problem that is related to the foregoing is that they should never appear moody or get angry at public places

Women leaders and all politicians should never chose the people they deal with since this could negatively affect their popularity. Most of the constituents look up to them as someone they could turn to and not someone who drives them away. Lastly, the women officials saw as a problem cancelling their personal appointments because of an obligation in their service commnity or because of an event that they need to attend. Cancelling a doctor's appointment was given as an example.

3. Family relations

To the respondents, the women officials also encounter problems pertaining to their own family relations. Being in an elective position is actually the major sacrifice that they have to bear. They were sworn into office to serve the constituents regardless of time, place and day thus resulting into the reduced family time. The following personal relations problems were found out in the study.

     a. Time with the family is sacrificed since even if it's already late, they need to be at the office
     b. Cannot attend to important family gatherings like reunions since it conflicts with work
     c. Missed some programs of the kids because of an obligation to attend to the needs of the place
     d. No longer have enough time to bond with kids

The women leaders admitted that public office entails being always ready to serve even outside the official time for a government employee. Though they completely understand that when they embraced politics, their time with the family would be sacrificed, still they see it as a problem. Instead of them supposedly sleeping or resting soundly, if the need arises, they have to be at the office.

Another problem is that they are unable to attend important family gatherings or reunions because of conflict in schedule with their work. This is completely understandable by them since they knew that when family gatherings coincide with their work, they have to prioritize their work. Missing some programs of the kids because of an obligation is somewhat heartbreaking to them. Though they said that they are able to attend some recognition programs of their kids, most often, they are not able to because of some conflicts in the work. Mothers who are also women leaders as much as possible would like to be always able to attend to their kids and be their number one fan. However, sometimes they cannot do their responsibilities as a mother when there is an important thing that needs to be done in connection with their being women leaders.

Lastly, they see as a problem their little bonding time for their kids unlike when they were still ordinary citizens. It is either they attend meetings, programs or events beyond their official time or are being away from home because of seminars, trainings or conferences, making them leave home and miss their family.

Conclusions and Recommendations

The women are represented in the local government units in IlocosSur, however their representation is limited with only one woman official to every five male officials in elective positions. Local politics is still dominated by the men. There is still no genuine gender equality in terms of representation in local politics in Ilocos Sur.

The women in elective positions in Ilocos Sur are of middle age, married, Roman Catholic and a bachelor's degree holder. They are affiliated with the dominant Administration party, the Liberal Party, and are serving their first term in office. Many of the women are on their second and third term in their respective offices.

The elected womenofficials were motivated to join politics because they wanted to render help and service to their constituents, to continue the service of a relative whose term has expired or who died, to gain friends in the public service and lastly, to change the present economic condition of the municipality where they live.

They have also significant contributions in the field of governance: for the Local Chief Executives or the Mayors, management of all the affairs in the city/municipality, supervision towards the employees whether they are doing their job well checking on whether projects are implemented well and the signing of pertinent laws that will help the municipality or city; for the women legislators, proposal of a bill/ordinance that protects women and children, attendance in the deliberation of laws that will help the constituents and the place, representing the city/municipalityin programs/gatherings and rendering help to those who come to their office for assistance in their personal problems.

The elected women officials encountered problems along their official function, social function and family relations. On their official function, they feel discriminated over the men in heading committees. On social function, women leaders should always deal with people nicely and must always be smiling even if having some personal problems. On family relations, their time with the family is sacrificed since public service is prioritized over their family concerns.

Recommendations

Based on the findings and conclusions, the following recommendations are forwarded:

The importance of increasing women's representation in decision-making and policy-making in local government units should be disseminated in schools through the integration of gender and development in the curriculum.

More qualified women should be encouraged and supported by communities and civic organizations to run for public office to ensure that women's welfare and rights are

promoted and safeguarded in local governance. Further, all LGUs should implement women's representation in the local legislative bodies as mandated by RA 7160 or the Local Government Code of 1991.

The women leaders should be engaged with activities that would lead to empowering women and creating their ability to critically engage with the state and the society for social change and gender equality. This is to give them more motivation to enter politics.

Discrimination among women leaders due to their gender and party affiliation should be eliminated and give way to gender equality in politics.

Research, documentation and dissemination of successful experiences in the world is needed to promote women's participation in politics and development.

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Carmeling Pichay Crisologo:Leadership of the Most Influential Woman in Ilocos Sur Politics

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Abstract

The study revolves around the leadership of the first woman governor of the Philippines and the most influential woman in Ilocos Sur politics. It aims to inform readers about the to fame, success and influence in the Province of Ilocos Sur. People may learn on her personality traits, events in her life, work management and ethics, knowledge of her ideals, aspirations, value system, leadership style and determination to rule can help readers to excel, improve work techniques or be inspired to become true leaders. The descriptive method of research is used in the study. The study reveals that her unflinching influence is responsible in the appointment and removal of top administrators of a University, a survivor when her husband was assassinated, and a living legacy of women power in Ilocos Sur. An authoritarian leader, she wants things to be done on time with no excuses. She criticizes women for not wearing appropriate dresses in church, in school, and in social gatherings. Her enthusiasm in playing the Chinese game "madjong" is viewed not only as her stress-reliever but also as her secret for longevity and sharp memory. At 93, she still commands power whenever she wants things done for the good of the people.

Introduction

At one point in life, one encounters someone who greatly influences his perspective of life and of the world. Someone who has high standards, strong determination, and firm decisions. Someone who inspires, motivates and teaches him to dream, to set a vision for himself and instils the confidence to achieve that dream. Such is the researcher's belief of a true and great leader.

Today, a great number of leaders can be found in the government, in business, in education and in every corner of the society. A leader steers his organization or institution into the attainment of their goals and objectives, sets priorities and mobilizes his people to become productive. He widens their perspectives and continuously inspires them to reach for their dreams.

A leader's source of power comes from his expertise and reference, the capability to make other people do what they want, legitimate authority or the ability to make decisions and actions on their own as mentioned at Wiley.com [15]. When a leader has the capacity to direct people to do what he/she wants shows that the leader has the

influence over them. Furthermore, Hennessey [5] mentioned that influence is a derivative of power, and it can be controlled more easily and with greater effect. This is not about simple charisma. It is about the kind of leader who can sit down, engage and get personally involved, who can take the authority of the position and use it to work with others to get things done, fast and easy.

The subject of this study, Carmeling Pichay Crisologo, is a very influential woman leader. Aside from being raised in a family of politicians, she is the wife of a congressman and she successfully succeeded in being elected as Governor of Ilocos Sur. This was her main source of power to command people including money, business, and private armies. She ruled the province with a vision of a "unique Ilocos Sur through symbols" to improve the life of the people. In order to get things done, she needed to wrangle disparate interests and use influence to literally cajole people into her camp. According to an interviewee, once she gets the job done the campaign is not over; she continuous to a different group, different people. Another interviewee shared that the Crisologos' actually started political dynasty in Ilocos Sur.

It is frustrating to discover that her name has not been included in the list of women governors of the Philippines. Students see her as special guest during programs in the university wondering probably about the significance of her presence. People say there are politicians who believe in her wisdom and hence, seek her for advice. This motivated the researcher to discover how Carmeling, one if not the most influential women in the province of Ilocos Sur, led her constituents.

Objective of the Study

This study revolved around the leadership of the first woman governor of Ilocos Sur and one if not the most influential women in Ilocos Sur politics. It aimed to inform readers of her rise to fame and of success and influence in the province of Ilocos Sur. There had been a dearth of literature about her, despite her many contributions and sacrifices as a woman leader. If people would ask anything about Carmeling, people would know only bits of information about her and so would give information about her husband's assassination or her son's cause of imprisonment. This has been the observations and telltale of people in the province. The main objective of this study is to provide the people of Ilocos Sur, and the whole Filipino people, readings about Carmeling as a great and influential woman leader, as a visionary, a generous friend and benefactor, a strict but loving mother to everyone, a sister to the community and a righteous follower of the Catholic faith.

Methodology

The researcher utilized the descriptive method of research which is qualitative in nature. The interviewees were the subject herself, a priest, a teacher, two staff, seven former colleagues in the university, and three acquaintances/friends. The researcher made use of purposive sampling in choosing the interviewees. An outlined theme and predetermined questions were made before the conduct of the interview. Based from the result of interviews, common answers from interviewees were used as basis to set the parameters

that formed the main focus of discussing facts about the subject. The old Crisologo family files and files at the UNP Museum were also used as a source of information.

The research revolved around the leadership style of Carmeling Pichay Crisologo in relation to her accomplishment in Ilocos Sur politics.

A Leadership Style Survey Questionnaire was adopted from the updated work of Clark (3).

Results and Discussions

Who is Carmeling Pichay Crisologo?

Carmeling Moreno Pichay was born on June 5, 1923, at Intramuros, Manila. She is the youngest daughter of the late Don Rafael Pichay and Doña Felisa Moreno. She was born to a wealthy and religious family.

Carmeling finished her elementary and secondary education at St. Scholastica's College in Manila and graduated from the Philippine Women's University with the degree of Bachelor of Science in Business Administration in 1961. She then attended graduate school at the University of the Philippines and completed in 1977 her Master in Public Administration. A relative describes Carmeling as always focused and driven whose passion is to lead even within the family. She was always persistent and competitive.

As a young beautiful woman, Carmeling was a lover of the arts. Her passions are acting the major role of a Princess in Ilokano plays (komedya) shown in different towns of Ilocos Sur, collecting ivory religious statues dressed in gold threads and adorned with precious gems, and intricately made jewelries like tambourines. She meticulously chooses her collections. She is very particular to details not only in the arts but also in her personal belongings like dresses, shoes, bags, and even her hairdo. As mentioned by her personal assistant, Carmeling is "dressed up to the nines" which means that from head to foot, she exudes a unique fashion style. She is organized and neat, a confirmed Obsessive-Compulsive (OC) by her friends and personal staff. Her hobby is playing the Chinese game "Madjong" with her friends almost every day and on some occasions until the wee hours in the morning. However, one of her close friends said that she never plays the game during the Lenten season – for 40 days – as her form of penitence. Her enthusiasm in playing the game is her stress-reliever and her secret for long life and sharp memory.

Marriage to Floro Singson Crisologo

Carmeling Pichay was married to Floro Singson Crisologo on December 8, 1941 at Cervantes Ilocos Sur. The backdrop of World War II prevented them from having a pompous and grandiose wedding celebration. Their union was blessed with seven children namely Teresa, Vincent, Socorro, Piat, Jose, Carmelita and Benedicto.

As a wife of a congressman, she was a target of opposition groups. There were two attempts to her life while she was pregnant and serving as the wife of a congressman. Her child was given the nickname of "Bullet" because of the incident. The ambush happened on May 10, 1961 at Bacsil, San Juan, Ilocos Sur and Narvacan, Ilocos Sur. Despite these incidents, she continued to pursue her dream to serve the province as she is already influenced by her husband. She was successfully elected as the first woman governor of the province in 1964.

The husband and wife team as political leaders to initiated and completed the construction of bridges in the Ilocos Region, public hospitals, and municipal town halls, and established relevant livelihood projects. They established the FACOMA, a corporation that bought the tobacco planted by farmers. Some people have accused her family of monopolizing the tobacco industry in the province when they put up the tobacco re-drying plant. Most of her allies became rich because of the tobacco business. However, some interviewees said that it was also during this period when the people were in great fear because opposition groups were formed. The Crisologos' desire to perpetuate their power to rule the province prompted them to form a private army which the local folks called as "saka-saka" (Ilocano, literally "bare-footed"). Many killings were done but no one dared to speak-up or stand as witness. No one even dared to stay out of their houses after sunset.

A personal blog posted at withonespast.wordpress.com [1] says that Ilocos Sur's violent political wars reached its peak on a Sunday in October 1970, when Carmelings' husband, Congressman Floro S. Crisologo was inside the St. Paul's Metropolitan Cathedral, was shot in the head by a still unidentified gunman. As a strong and courageous woman that she is known, she was able to accept the assassination of her husband and publicly announced in a national tabloid that her bereaved family will not take any action to exact revenge whoever shot her husband. An interviewee perceived that this was maybe because she knew that a more powerful person ordered the killing of her husband. The murder of her husband during that bloody period in Philippine politics remains unsolved up to this day.

The 1970's were dark periods for the province as armed men terrorized the province as cited by Jaramillo [ ]. The event that followed the murder of her husband was swift. Two villages in Bantay town – Ora East and Ora Centro-- were razed by fire. Witnesses pointed to his son, Vincent, popularly known as Bingbong, as the culprit. At the end of the trial, Crisologo was meted out a "double-life" sentence for arson and sent to the New Bilibid Prisons in Muntinlupa in 1976. In 1981, President Ferdinand Marcos gave him back his liberty.

These are two of the most difficult trials of Carmeling as a wife and a mother. Despite these, she continued to serve and influence the people of Ilocos Sur even though it was the start of her downfall from power.

Leading Ilocos Sur and Leading UNP

She was in her early 20's when she knew that someday she will be committed to serve the people of Ilocos Sur. Her civic and religious works and accomplishments started to be recognized in 1960 as appointed member of Censors for Moving Pictures by former President Diosdado Macapagal, as president of some organizations in Vigan and in the province such as the Ilocos Sur Nationalista Party, Ilocos Sur Development Bank, Ilocos Sur Girls Scout, Ilocos Sur Anti-Tuberculosis Association, Vigan Parish Council, Vigan Catholic Women's League, and Mother Butlers' Mission Guild, and as Technical Assistant in the House of Representative to name a few. These showed her interest and commitment to public service.

Forbes.com [11] article on the qualities of a great leader states that showing or proving commitment to serve will not only earn the respect of people, but will also instill hardworking energy among them. Likewise, it is important to keep promises, not only his commitment to serve, to become a great leader.

Her commitment has earned her respect from her constituents in Ilocos Sur and her staff. Most of the interviewees say that Carmeling means what she says and says what she means. Her words are rules. She believes that she is a person of authority. However, as a woman leader with a heart, she is compassionate and gives due respect to her staff, a leader who goes down to their level by undertaking by herself programs she wants to implement and directly supervising them.

Rohn, as cited by WHG Staff [14], puts forth in his quote, an authoritative and a compassionate leader go hand in hand when leading people and getting the best results. This leadership quality motivated most of Carmeling's staff to be loyal to her through the years. Some of her staff have dedicated themselves in her service and have served her for life. Some are still with her and have been continuously serving her in the past forty years.

During her term as the governor, she streamlined the provincial offices and organized various programs and projects to carry out her vision and goals for the province. It was her obsession to see Ilocos Sur to be self-sufficient in food and the people are in good health.

The Provincial Economic Development Council (PEDCO), organized by Carmeling, was a step forward in the economic development of the province. Among the projects undertaken were: increased production of corn, rice, vegetables, meat, poultry and fish, improved health and sanitation through the construction of water-sealed toilets, blind drainage and compost pits; beautified public plazas and buildings; assisted cottage industries and constructed and/or repaired roads, bridges, buildings and irrigation systems. Her efforts were not left unnoticed because she was awarded by Malacañang Palace for her initiative and leadership in actively promoting Home Garden Movement on a nationwide basis that contributed to the President of the Philippines' intensive efforts toward greater food sufficiency.

She promoted and fostered high standards for her staff and closely supervised them. An article written by Nayab et al. [8], states that authoritarian leaders distrust their subordinate's ability so they closely supervise and control people under them. They anticipate problems. Carmeling's staff are required to always have paper clips in their pockets, pens and pocket dictionaries. She wanted her staff to consult the dictionary if they cannot decipher her handwriting. The clerks were often on their toes when she is around or when she calls one of them to encode her letters. She requires no erasures in the documents she signs. When her signature is required, the staff must have a pen with him. Most of the respondents said that they are very thankful for their experience working with her because they would not have been what they are today if not because of the learnings they had with her. Most of the interviewees, who were her former staff are now occupying top level positions in different government agencies.

Carmeling's aspirations have always been to improve the quality of life in every community particularly focusing in giving assistance to mothers and reaching out to marginalized families. One of her most recognized achievements, is the mothers' class that she personally organized and implemented which aimed to empower mothers of Ilocos Sur. Mothers who were enrolled in the special class were required to attend the livelihood trainings on sewing and baking. Carmeling provided them with free sewing machines and initial capital to start up a small business. She also organized the Catholic Women's League and the Mother Butlers' Guild which until now are active religious organizations providing assistance and active services at the Archdiocese of Nueva Segovia. As described by Sulpizio [9], impact leaders recognizes the importance of partnership and collaboration on projects because it establishes connection.

She relentlessly led and campaigned funds for the Philippine National Red Cross for six years. The thrust of the organization inspired her to reach out to generous benefactors. She initiated the program "Operation Salun-at" where she brought the Department of Health to far flung communities and would stay there for two nights, to provide medical check-up, medicines, and other needs. Her efforts, helping her constituents in the province on their immediate medical needs, earned for her the Doña Aragon Medal Award from the Philippine National Red Cross in 1970. As a woman leader she believes in the saying "Be prepared" which is a girl scouts motto. This may be the reason why until today, Carmeling is still the principal benefactor of the Girl Scout of the Philippines. The interviewees believe that GSP is the organization closest to her heart.

Carmeling is very supportive to the University of Northern Philippines established through Republic Act 4449 authored by her husband. She dedicated her heart and soul to the growth and development of this university. The establishment of the University provided low cost but quality tertiary education to the youth of Ilocos Sur and even of nearby provinces. The university supplied the province as well as nearby provinces with the manpower professionals along different fields.

After her term as Governor in 1971, she entered the academe where she sits as a member of the Board of Regents for almost 21 years. She closely monitored the internal policies

of the university and its governance. She occupied positions as Vice President for External Affairs, Dean of the College of Business Administration, and is recognized as the founder of the College of Nursing. She is likewise recognized as the Mother of UNP because of her dedication, commitment and concern in the overall welfare of the University up to this day.

She had personal scholars in the University. During her stay in the academe, most of the respondents said that she was very strict and a perfectionist top level administrator. Being a meticulous person, she did not like to see erasures on typewritten communications and emphasized letter formats and margins. She wore the prescribed uniforms and even exhibited the proper hair style. When work was not done properly, she gets angry and utters demeaning words. She had very low tolerance on mistakes. She would personally investigate rumors, then validates and later confronts concerned employees. If she finds out that top officials are not doing the right thing in the University, she would use her influence, power, charisma, to remove them from office and position somebody she likes. She has a record of removing from office two presidents of the University and position three presidents whom she thinks better deserves the position.

It has become a part of the tradition during the yearly Founder's Day Celebration of the University to provide relevant extension activities to external communities. Carmeling is always invited to attend this activity where she is asked to speak words of inspiration and hope to the people. Her financial support in the conduct of skills training to out of school youth, farmers, and mothers is something that makes her happy.

Leadership Style

Leadership style is the manner and approach of providing direction, implementing plans, and motivating people. The first major study of leadership styles was performed in 1939 by Lewin [6] who led a group of researchers to identify different styles of leadership. This early study has remained influential that it was able to establish three major leadership styles: authoritarian or autocratic, participative or democratic, and delegative or laissez-fair.

Based on the result of the Leadership Survey, Carmeling as a woman leader, is authoritarian. Her authoritarian leadership style obtain the highest score of 44 points while participative leadership style obtain a score of 29 and delegative leadership style obtain a score of 25. The result is validated by the interviewees who said that she wants things to be done on time with no excuses. She dictates what she wants people to do. The result of the survey is attested by her staff for 20 years that Carmeling always has the final say in matters along politics, domestic issues, and other concerns. Her personal assistant said that Carmeling is a boss, who most often, does not consider suggestions made by people under her and that major decisions are usually made by her. She can courageously speak what she wants and what she wants done immediately. This is in consonance to the characteristics of an authoritarian leader by Nayab et al [8], that autocratic leaders adopt one-way communication and issues threats when want works

done. They do not consult their subordinates or give them a chance to share their opinions, no matter the potential benefit of such inputs.

Winston Churchill, as mentioned by Tracy [10], said that courage is rightly considered the foremost of the virtues of a leader, for upon it, all other virtues depend. There is no certainty in life or in politics, every commitment a true leader makes and every action a leader takes entails a lot of risk. Carmeling believes she possesses the courage to lead because she willingly took all the risks in the achievement of her dreams and ambitions for Ilocos Sur and UNP with no assurance of success. As a woman leader, she was able to withstand all the trials during her husband's assassination and his son's imprisonment.

Furthermore, Economy [4] mentioned in his article entitled "The Leadership Guy", that courage is something that can be developed and also considered something blessed as a virtue, because not all people are naturally fearless but practicing fearlessness can make them achieve their role as an amazing leader. Carmeling was perceived as an amazing leader in the academe. Though some personnel fear her presence, she exuded the aura of a powerful woman with a heart. She is known to criticize women not properly dressed in school that is why some women employees hide when they see her coming or change direction when they can see her approaching for fear that Carmeling will look sternly at them. She can either criticize them in front of their faces or stammer demeaning words or look at the ladies from the eyes to the tip of their toes. An interviewee mentioned that an incident happened recently with Carmeling and a commentator in church. The commentator redundantly announced an activity during the mass. Carmeling, meticulous as she is, approached the commentator after the mass and frankly gave her observations.

Work Ethics

Carmeling is an obsessive-compulsive type of person. Neat and meticulous. She is true to her words. She dictates what she wants done because she is confident that she can attain it no matter what. Most of her constituents may fear her, but the people closest to her heart say she is most caring and is concerned for others' needs. Some interviewees personally experienced her care and concern.

She values and rewards people who are open and shares their honest opinion. In her office, nobody dares to lie to her because if they are found out lying, she would immediately terminate them. Trust is very important to her. She is accountable in all her decisions. She does not make promises which she cannot fulfill and she wants others to do the same for her.

Work Values

Most of the interviewees, who worked for her, speak of these common values about Carmeling:

1. Temperament
> "A temper of a lion" as the interviewees say. She speaks demeaning words to a person in front of other people, but with reasons.

2. Openness, Honesty and Integrity
> She would always tell people what she wants them to hear. However, she would not be afraid to raise unpleasant issues. By doing so she can challenge everyone to be different and stand.

3. Innovation and Creativity
> Carmeling always dares to be different, and creates something unique in her goals. A priest interviewee mentioned that her ideas are unique and it is mostly for the good of everyone. However, most of the time, things are done as she wants because of fear.

4. Courage
> She led Ilocos Sur with much courage: courage to try new things; courage to make mistakes; and the courage to believe in oneself, courage to face all the trials and courage to accept her downfall.

Building and Changing Ilocos Sur

Great leaders have great vision. They dream what they can already see into the future. They have a clear and exciting idea of where they are going and how they are going to implement and accomplish. Raplh Lauren, as cited by Bechervaise [2] says, "A leader has the vision and conviction that a dream can be achieved. He inspires the power and energy to get it done."

Carmeling wants a "unique Ilocos Sur through symbols". She wants symbols identified with Ilocos Sur so that when people see them, they immediately see the identity of the province. From one end to the other end of Ilocos Sur spanning 130.7 km (a two and a half drive by car), she wanted bougainvillea, to become the provincial flower and this be planted along the national road. This project is one integral part of her personality that shows how meticulous she is.

A teacher interviewee said that, Carmeling initiated the wearing of a common uniform among the elementary and high school teachers of the province and she chose the color pink, cool to the eyes of the children. Today, the wearing of the uniform for teachers is being adopted by the Department of Education in the province and in the entire country.

One of Philippine governments' thrust as stated in the 2017-2022 Roadmap 2 is to provide quality education. In 1963 as the Governor, she really wanted to establish an educational system that provides quality education. To show how committed she was to establish and achieve quality education, Carmeling, said the interviewee, personally conducted regular written and oral examinations for teachers. This exercise caused some of the teachers to hate her. In front of an audience, she would frankly speak to the

teachers to go back to school and learn more because what they know is not enough to attain quality education. No teacher faltered to her because the consequences were far harder.

She introduced the singing of the Ilocos Hymn. She would shame the teachers when they cannot pronounce properly the lyrics of the song. Furthermore, she stood by her decision, despite the opposition of everyone around her, to preserve the "Kalesa" (horse-driven carriage) as a means of transportation in Vigan, At present, the "kutchero" (handlers of Kalesa) are making enough money, as tourists flux in the province, because riding the "kalesa" is the best mode of transportation in visiting the different historic spots of Vigan.

On the economic side, the main source of living of the farmers is planting tobacco. Tobacco is considered as one of the main crops because it is fitting to the weather condition of the place. Many believe that tobacco uplifted the life of the people. However, there are some who have accused the Crisologos' monopoly of the tobacco and did not uplift the lives of the farmers but of their allies. An interviewee said that, Congressman Floro Crisologo, who saw this development, conceptualized and drafted a resolution to promote the tobacco industry, but unfortunately due to his death, he was not able to submit the paper to the House of Representatives. It was kept and filed on old shelves.

Today, Carmeling believes that she still has the power to command and dictate as long as it is for the good of the people of Ilocos Sur. Molinaro [7] stated that relevant leaders have staying power because they still take creative risks and continue to be curious about the world. Most of the interviewees believe that she still has the power even in the church because her children are into politics, hotel business, own vast tracks of land and a reckoning name in the University of Northern Philippines, which is considered as the center of education in the north.

Conclusions and Recommendations

Conclusions

Based from the interviews and readings, the following conclusions are drawn:

1. Carmeling is an educated woman, an actress, a collector of arts and antiques, a fashionable and meticulous woman and enjoys playing "madjong". Carmelings' marriage to Floro was the start of a political dynasty in the Province of Ilocos Sur. Their desire to perpetuate their power to rule the province prompted them to form the "saka-saka".
2. Carmeling was obsessed to make the province self-sufficient in food and the people are in good health.
3. As a recognized administrator in the academe, Carmeling was dedicated towards developing the University as an excellent provider of quality education.

4. Carmelings' leadership style is definitely authoritarian that may have contributed in inculcating discipline to her constituents.
5. Carmeling is an obsessive-compulsive type of person.
6. Carmelings' work values are: "temper of a lion, openness, honesty, and integrity, innovation and creativity and courage may have contributed in the development of Ilocos Sur.
7. Carmeling is an influential woman in politics and in the church during her term as governor and up to this day because her name is still recognized in the university, her children are into politics, the family has a network of businesses and she still has the "landlord image" in the province of Ilocos Sur.

Recommendations

Based on the findings and conclusions arrived at, the researcher recommends the following:

1. People may choose leaders that have a strong character, competence and charisma to face all forms of challenges in Leadership and Management. Leaders must be advocates of "leading by example", religious and righteous.
2. The anti-dynasty bill pending in the House of Representative needs to be approved to discourage political leaders, coming from the same family to rule so that there is check and balance in management and governance.
3. Leaders should spearhead programs, activities or projects that include relevant livelihood projects derived from the result of conducted "Needs Assessment Survey", skills and technology transfer programs derived from research and the utilization of transferred technology in order to uplift the life of the people.
4. Leaders should formulate and implement plan of action aligned to its vision, mission, goals and objectives as a roadmap to achieve quality education.
5. Best leaders can operate out of the participative style and use delegative style and authoritarian style of leadership as needed. When a leader who has a new staff or temporary work force, a leader would probably need to operate out of the authoritarian style most of the time. On the other hand, a leader who has staff of professionals that know more than she is, would probably operate out of the delegative style.
6. Fairness, freedom to encourage, allow subordinates to grow in knowledge, skills and scope of responsibility, ability to keep commitment, participative-consultative form of management, adherence to performance system that rewards employees could be good ethical practices of leaders.
7. Leaders must practice values that define their character and live them visibly every day at work. Some work values that they must also possess are: respectfulness, accuracy, dedication, excellence, accountability, empowerment, efficiency, loyalty, compassion, discipline/order, generosity, persistency, and optimism,
8. Influential leaders must also have the willingness to invigorate change in the economy, pursues the good of the nation over political ambition, embrace and promote spirituality.

9. True leaders may sustain their influence, even when they are no longer in power, when there is "service above self".
10. Future studies on Carmeling may be conducted by comparing her governance and management with other women leaders in Ilocos Sur.

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Informants

1. Monsignor Vicente Avila, 72 years old, Parish Priest of the St. Pauls'
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2. Dr. Gilbert R. Arce, 47 years old, University of Northern Philippines (UNP)
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3. Dr. Rolando Ragasa, 60 years old, Director, PASUC Zonal Center, UNP
4. Wilfreda Pipo, 62 years old, Budget Officer, UNP
5. Carlope Quadra, 62 years old, Administrative Officer IV
6. Norma Naval, 56 years old, Head, Property and Supply Management, UNP
7. Myrna Anicoche, 56 years old, Chief Administrative Officer, UNP
8. Lito Rivada, 69 years old, Retired Cashier, UNP
9. Andring Avila, 76 years old, Personal Assistant in the last 40 years
10. Jane Leones, 56 years old, Head, Human Resources Management
11. Gloria Avila, 74 years old, Retired Elementary School Teacher
12. Yolanda Herrera, 78 years old, Retired Business Woman
13. Pacita Bautista, 76 years old, Retired Business Woman

Developing a Program to Enhance Women Leadership Challenge of Primary School Principals in Banjar City, West-Java Province, Indonesia

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Abstract

Women leader is growing rapidly. Regardless, women leader movement still faces many obstacles and constrains. To maximize women leadership skills, this study aimed to develop a program in Banjar City, West-Java Province, Indonesia in order to enhance women leadership of primary school principals through leadership challenge. Component of leadership challenge are as follows; 1) model the way, 2) inspire a shared vision, 3) challenge the process, 4) enable others to act, and 5) encourage the heart that evidently has covered women leadership characteristic and style. Thus, this study also utilized 263 participants by using stratified random sampling techniques. A five rating scale, three rating scale and open-ended survey questionnaire were applied to collect data that aimed to explore existence and desire state as well as strategy of women leadership challenge of primary school principal. Research finding proved that there was significant gap between existence and desire of women leadership challenge. Hence, according to research findings, a training program was designed to enhance women leadership challenge of primary school principals in Banjar City, West-Java Province, Indonesia.

Keywords: Women Leadership/ Leadership Challenge/ Primary School Principals/ Training

Introduction

Nowadays women leadership has grown rapidly in Indonesia, especially in political field. It has been occurred since the 19th century that African-American women in the US have fought for equal right, mainly in working section. This regards, ultimately, has worldwide become a new fervor for all women. Women had chance to involve in education field. At that time they educated other women until the top momentum they could be administrator in public and private school in 1820 (Avanti, 2006;Shakeshaft, 2011 p. 218).

When perception of a person is negative, definitely, it is hard to be altered. It emerges to make stereotype. Stereotype is generalization to build "differentiate" categories of group in which stereotype is unbeneficial for women. Perception of women leadership is inferior level relatively that becomes seriously underestimated by people. It leads people to discrimination actions. People believe that leadership is seen as desirable for men than women. Women are malleable and intuitive, have limited and specific abilities, behave traditional feminine ways, work on an emotional level, so they cannot be logical decision makers naturally. In Indonesia women are perceived as less equal than men. A survey was conducted by Norris in 2008 found that it was from

100 people, 17 people are strongly agree and 44 people are agree that "men make leader better than women do". Moreover, all mainstream religions have stereotypical roles for men and women are often separated into their assigned roles. For instance, Hinduism, Islam and Christian men are generally valued and empowered by their religions in many ways (Catalyst, 2005 p.5-7; Kiamba, 2008 p. 13; Steyn and Parsaloi, 2014; Poudel, 2013 p.7).

Hence, women have opportunities to be leader and discourage myth of stereotype. Gender defines as social status, a personal identity, and a set of relationships among women and men. Moreover, gender defines as understanding and challenge of cultural value to place on someone's biological sex, and unequal power hierarchies and discourage assumption of women, because gender is created by society appraisal that can be leant from culture (Lorber, 2010; UNESCO, 2003). The idea of different gender affects perception of leadership. The leadership style is differences outcomes that affect performance of organization, so gender leadership style influences organization. (Patel, 2013; Madden, 2011; Eagly, 2013 p.4).

Women leadership characteristics are 1) emotional, 2) cooperative, 3) intuitive, 4) tactful, 5) emphatics and 6) submissive. Likewise men leadership characteristics are as follows; 1) aggression, 2) independence, 3) objective, 4) analytical though, 5) confident and 6) assertive (Brinia, 2011; Growe and Montgomery, 2010; Sanchez and Thornton, 2010).

Women leadership style is emphasized on relationship, democratic, collaborative and cooperation, inspiring and emphasized on process. Meanwhile men leadership styles are autocratic, command and control, individualistic, emphasized on achieving goals and task-oriented (Eagly and Carli, 2003, p. 815; Hoyt, 2010; Bronznick&Goldenhar, 2008, p. 5; Growe& Montgomery, 2010; Underdahl, et al., 2014, p. 1130-1331).

To maximize women potential and ability of leadership, it has been predicted that leadership challenge (Kouzes and Posner's leadership model) is accordance with circumstance of 21stCentury. Kouzes and Posner believed leadership is not a position, but a collection of practices, behaviors and relationship. These practices provide as guidance for leaders to accomplish their achievements or "to get extraordinary things done". Essentially, leadership challenge consists of five components such as model the way, inspire a shared vision, challenge the process, enable others to act, model the way, and encourage the heart (Kouzes and Posner, 2007; Abu-Tineh, et.al., 2009; Hirsh, 2009 p. 24). In this case, training is chosen as the appropriate strategy. Noe (2010) said training refers to a planned effort by company to facilitate employees' learning of job related competencies of systematic development of knowledge, skills and attitudes required to work effectively.

Research Objectives

To design an appropriate program to enhance women leadership challenge of primary school principals.

Population and Sample

Population size was 765 people consisting of women primary school principals, teachers under responsibility of Ministry of Education and school boards. According to Formula Yamane (1973), the sample are 263 people.

Instruments

A five rating scale, three rating scale and open-ended survey questionnaire were applied to collect data.

Methodology

There were three phases to conduct this research as follows: studying components and indicator of women leadership challenge, exploring existence, desire and strategy of women leadership challenge and designing appropriate program of women leadership challenge.

Research Result

Table 1. The results of existence and desire state of women leadership challenge of primary school principals

Components of Women Leadership Challenge of Primary School Principals	Existence (n=263)		Level of Interpretation	Desire (n=263)		Level of Interpretation	$PNI_{modiefied}$
	$\overline{X}$	S.D.		$\overline{X}$	S.D		
Model the way	2.32	0.68	Low	4.92	0.25	Very High	1
Inspiring a shared vision	2.36	0.76	Low	4.92	0.24	Very High	2
Challenge the process	2.50	0.68	Low	4.93	0.24	Very High	3
Enable others to act	2.72	0.64	Medium	4.92	0.23	Very High	4
Encourage the heart	2.74	0.60	Medium	4.89	0.24	Very High	5
Total	2.53	0.67	Medium	4.92	0.24	Very High	-

a. The interpretation of existence states were medium level meanwhile the desire states were very high level. Even though model the way, inspire a shared vision, and challenge the process were low level, it can be concluded based on the

obtained data that there is a large gap between existence and desire state of women leadership challenge of primary school principal level.
b. The suitable strategy is training program which is developed to offer knowledge and ability of leadership challenge. The women leaders, particularly, require to optimal their potential due to that their characteristic and style of leadership are covered by leadership challenge.

Training Program of Women Leadership Challenge as follows;
Program objectives:

I.   Identify the own leadership strengths and areas to improve.
II.   Inspire others to share a common vision.
III.   Search for opportunities to take the risks needed for growth.
IV.   Build collaboration, teamwork and trust.
V.   Strengthen the ability of others to excel.
VI.   Recognize the accomplishments of others.
VII.   Make work enjoyable while still working hard.
VIII.   Apply the Five Practices of Exemplary Leadership to desire women leadership challenge.

Length of Training:
Training program will be held for two weeks from 08.00 – 16.30. Two meetings are for pre- and post-test. 10 meetings are for enhancing women leadership challenge.

Supported Resources and Method of Program:
Program will be held at indoor and outdoor classroom. They will have a lot of chances to discuss and conduct project. Outdoor classroom will be offered in order to strengthen their mentality on dealing with the real situation. All participants will be offered a handout and learn regarding leadership challenge through reflection and assignment.

Evaluation of Program:
Evaluation mostly, will be conducted by peer participants, they will learn to appraisal others. Moreover, trainer also appraisal them in order to understand their progress.

Discussion

Evidently, leadership challenge covers the women leadership style and characteristic. There are synthesized of women leadership characteristic and style related to leadership challenge, as follows:

Model the way is emphasized on having understanding and clear philosophy of leadership and organization from leader. Leaders are required to have credibility which is value of trust and belief. Trust emerges from their relationship, leaders have to set an example and execute effectively. It is indicatorof model the way in which leaders prefer to have interaction with all individuals as well as leaders have to be in the line and person who is able to be pioneer. In this regard is related to relationship and intuitive as women leadership characteristic and style (Kouzes& Posner, 2007 p. 43; McBee, 2013; Hirsh, 2009 p. 24).

Inspire a shared vision is pivotal component to bring people together to foster a commitment to shared future and also is the ability of a leader to see potential future and to motivate others to pursue it. Furthermore, leaders breathe life into visions-through vivid language and an expressive style. Leaders uplift people's spirits with an ennobling perspective about why they should strive to be better than they are today. Definitely, this regard is related to women leadership characteristic and style on inspiring, sharing and tactful(Eisler, 2009; Kouzes&Posner, 2003 and 2007, p. 103;Abu Tineh, et. al., 2009).

Challenge the process means creating, recognizing and supporting new ideas, also leaders look for opportunities by seeking innovative ways to change, grow and improve. They experiment and take a risk by constantly generating small wins and learning from mistakes. Challenge the process involves leader's risk taking behavior as well as emphasizes on process. It relates to women leadership style and characteristic as risk taker and focusing on process (Krzyzewski, 2011; Eisler, 2009).

Enable other to act means foster collaboration and empowerment. Enable to act means also involve others in planning and give them freedom to make decision. Leader turns followers into leaders by creating climate where participant are involved and empowered. Its matter is related to women leadership characteristic and style such as cooperation, collaboration, democratic, facilitative and submissive (Goewey, 2012; Kouzes& Posner 2003; Hirsh, 2009 p. 24; Mc Bee, 2013).

Encourage the heart means that leader recognizes subordinate ability in achieving extraordinary things, included celebrating their accomplishment, and supporting their goals. The leaders recognize contribution by showing appreciation for individual excellence. They celebrate the values and victories by creating a spirit of community. Encourage the heart statements to evaluate the ways in which a leader celebrates accomplishment of an organization and its members' contributions (Krzyzewsky, 2011; Eisler, 2009; Hirsh 2009, p. 24; Townley 2010).

It had significant gaps between existence and desire state of women leadership challenge of primary school principals in Banjar-City, West-Java Province, Indonesia as follows:

Model the way showed that the most women leaders have inferior on setting a personal example of what she expects of others as her intuitive and asking for feedback on how her actions affect other people's performance. It was occurred that they obviously do not recognize their vision and values, so they have lack indirectly ability on setting personal example. Mostly, they do not have sufficient confidence to recognize themselves as an example. It affects that they rarely to ask feedback on their actions. They believe that as leader is hard work(Sarsons&Xu, 2015 p. 4).

Inspire a shared vision showed that women have lack the ability to show others how their long-term interest can be realized by enlisting in a common vision. It is indicated that women leader have less ability as visionary. They focused on small things and short-time term goal only, so they are good in making internal system school. It has been showed that they make a lot of small regulation in order to make school better(Ibarra &Obodaru, 2009 p.6).

Challenge the process components indicated that women leaders require to develop their challenges people to try out new and innovative ways to do their work. It was definitely caused that women leader are inferior creative- and critical thinking. They have lost inspiration that affected to their though in which never open minded to changing(Ruff, 2005 p.47).

Enable others to act indicated that they need to actively listen to diverse points of view. Women leader involves their emotional on their leadership. Occasionally, they have lack ability to control their emotion. For several women leaders they listen the view of problem only from one diverse point. It will become constrain on unfair justice(Crawford, 2001 p. 4; Shakeshaft, 2011 p. 218).

Encourage the heart reflected that women leaders are less ability to publicly recognize people who exemplify commitment to shared values with emphatics feeling to understand the potential of subordinate. Actually, women leader gave emphatics feeling, however they do not have sufficient ability to encourage the subordinate. Even though they are good in using their instinct, they still need to have commitment on complementing everyone. Their feeling influences more their logical thinking. Occasionally, they afraid of the subordinate can be more potential than them(Glick & Fiske, 1996 p. 3).

The program of women leadership challenge is required to develop their ability of leadership. Training is decided for 12 meetings and will offer the special lecture about gender studies and psychology. They require to understand of social changing. They mostly do not recognize their potential so they need an activity to strengthen their ability. This training will offer knowledge and practice of women leadership challenge. The end of this training they are expected to have big picture of women leader in the 21st century.

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Women and Transformative Leadership[*]

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Abstract

The cooperative movement is one among the most important institutions being recognized because of the various benefits it can give to the community and all of its stakeholders. It is a catalyst of the government in bringing livelihood and economic opportunities especially those living in the grassroots. Cooperatives offer diversified services that are helping the people within the communities. However, among the challenges that a cooperative needs to handle in order to become effective institution is its governance and leadership ability.

Recognizing this important role of a cooperative, a leader of the cooperative should be inspired to dedicate self and work hard for the good of the community. What makes a good leader? If based on experience, the following made me into who I am today, as CEO of Nueva Segovia Consortium of Cooperatives: 1. Good Foundation – values of perseverance and humility is what I learned when working with the church and with the church leaders that organized NSCC; 2. Experience is a good teacher – indeed, trials and failure during earlier years of the coop but still managed to cope up with it and learn from there; 3. Opportunities knock once – when opportunities of networking came, I knew I made the right choice of saying yes; 4. Risk taking – courage to take risk and not afraid to make mistakes, there is where good lessons are learned; 5. Divine providence – recognizing always that there is a good mentor up there always ready to give you the strength, blessing and wisdom to move forward; 6. The good in the workforce – motivating and recognizing the effort of the workforce. These and other qualities which include Fairness Accountability Responsibility and Transparency and many more are qualities that can turn a thousand into a billion.

Everyone is born a leader but not everyone have the ability and character to be a good and effective leader. The reason behind successful cooperatives are its good leaders for they lead and make things happen.

Keywords: Women Leadership/ Transformative Leadership/ Nueva Segovia Consortium Cooperatives/ Vigan City/ Philippines

Cooperative Background

The cooperative is a group of people acting together to meet the common needs and aspirations of its members, sharing ownership and making decisions democratically.

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[*] *This article presented by the manager who initiate NSCC herself*

What Cooperatives Provide To Members

1. Social &economic opportunities – providing livelihood opportunities and fast access to diffferent programs and services -providing members with benefits such as tax privileges, higher income and savings mobilization, medical mission, coop social gathering

2. Empowerment – cooperatives are community-based, rooted in democracy, flexible, and have participatory involvement, capacity building

Cooperatives have different challenges like any organization… but the most fragile is the issue on governance.

"Statistics reveals that some cooperatives prospered but many have survived quite miserably if not dead. We have studied carefully and analyzed the causes of the coop's operational success or failure and we have discovered that the single most important factor to which we can attribute the kind of performance that a coop would have is simply about Good Governance or the Lack of It."

Good governance is essential for sustainability of cooperatives:
– To prevent fraud and mismanagement,
– promote sound decision-making,
– avoid costly fines,
– create/maintain a positive image,
– attract and retain financing and investment.
– Attract new members and retain the existing.

Effective Cooperative Leadership ‰

Effective cooperation leadership should be :
1. Autonomous and independent ‰
2. Member driven -accountable to members ‰
3. Knowledge about business dimension
4. Vision and business acumen‰
5. Transparent decision making ‰
6. Monitor and direct cooperative towards its objectives active and responsive to social needs
7. Active to market practices and technological innovation
8. Open for ideas and sensitive to market changes. handling conflict
9. Visualise the future

Coop Leadership by Experience

Cooperation leadership should have experience as follows:
Recognizing humble beginnings
1. Where you started to work is the foundation of your work values
2. Worked first as volunteer church worker until i was assigned as founding manager of NSCC

3. Here is where i learned the value of perseverance and humility, sacrifice time and hard work for the sake of the cooperative

Cardinal Orlando Quevedo, Quemi, MBA OMI, DD

Msgr. Ambrose Cabildo, MSW, JCC

Mrs. Divina C.

*NSCC was organized as a secondary level cooperative in the archdiocese of Nueva Segovia under the caritas Nueva Segovia program

Eagerness to Learn

I may not know everything but I am willing to learn either by means of attending different activities, observing best coop practices, actively participating in forums, meetings and other coop learning activities

Experience Is a Good Teacher

- Challenges and trials were met but managed to cope up with it, learned from it and found opportunities from it some challenges encountered
- Handling difficult officers and employees unsuccessful programs
- Competition

Formulation of human resource policies
- Innovations continue
  * From savings and credit to diversified services
- Opportunities knock once
  - When opportunities of networking came, i knew i made the right choice of saying yes
- What are these?
  * Opportunity to offer microfinance in the coop
  * Opportunity to establish tourism businesses
  * Opportunity to network with other cooperatives, business partners, lgus, financial institutions and others
  Always believing in divine providence
  - Recognizing always that there is a good mentor up there always ready to give you the strength, blessing and wisdom to move forward

   * Give importance to spiritual activities in the cooperative like conduct of regular or monthly holy mass and recollection activities

   Be Bold
1. Challenge self to go beyond ordinary...
2. Doing the impossible possible...
   * Courageous to take risks and not afraid to commit mistakes, there is Where good lessons are learned.Important decisions made: putting up microfinance, hotel operations, agro-enterprise, branching.

With all these ventures, we are now billionaire!
Active participations to different assemblies: now the chairperson of natcco and hold several positions in different coop organizations.

   The Good in the Workforce
   - Motivating and recognizing the effort and contribution of the workforce in the progress of the cooperative.
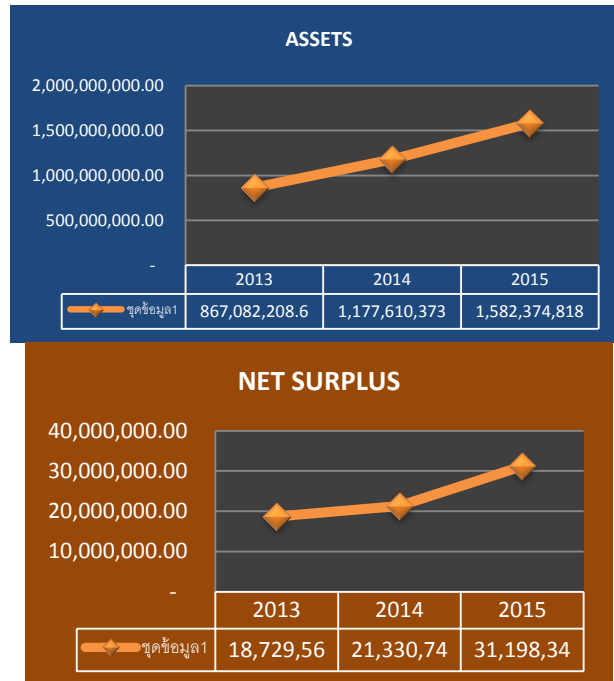   - If you inspire them to reach for the stars, they just might bring you back the moon.
   - You teach them and you learn from them

* Conduct regular meetings, assemblies with employees and hear their concerns

   Adherence to fairness, accountability, responsibility and transparency
– Implement policies
– Conduct internal and external audit
– Sanction employees who commits mistakes and at the same time promote well deserved employees
– Doing everything to protect the name of the cooperative
– Sustainability is always monitored

ASSETS

	2013	2014	2015
ชุดข้อมูล1	867,082,208.6	1,177,610,373	1,582,374,818

NET SURPLUS

	2013	2014	2015
ชุดข้อมูล1	18,729,56	21,330,74	31,198,34

Sharing the Blessings

It is always nice to share and give back what you have received

* Every year-end a christmas gathering is being done to provide members with gifts, and services like free medical dental and optical mission

Why NSCC was organized

1992 – NSCC was organized to empower cooperatives and implement projects that help erradicate poverty thru extending financial assistance, trainings and community development activities

TODAY – NSCC has embraced innovations on its programs and services and widened its area of operation to achieve the following goals:

- Help in employment generation
- Empower cooperatives
- Enhance agriculture production and marketing
- Promote tourism activities
- Uphold education and capability building activities of officers and staff in the cooperative movement
-

The Initial Operation of NSCC
- Wholesale lending to primary cooperatives
- Consumer store

Present business operation NSCC F-A-C-T-S
1. Financial services
   Finance in COOP have been analysed as follows:
- Coop wholesale lending program
  where cooperative members are entrusted with financial loan assistance
- Savings mobilization
  NSCC is where members can save their money

Livelihood tie-up with local government units

2. Agro-enterprise program are as follows:
1. Boost agriculture industry of Ilocos
2. Supply coops and farmers with farm inputs
3. Help market palay and rice products of members
4. Assists cooperatives under the farmers entrep program

Farmers entrepreneurship program providing assistance to 3 coops by delivery of white onions to institutional buyers and the results are:
2013 total deliveries to institutional buyers– 19,970 kgs
2014 total deliveries – 80,000 kgs
2015 total deliveries (as of March 11, 2015) - 70,000 kgs

The arisp III(agrarian reform infrastructure support project III) a tie-up project with dept of agrarian reform
The agrarian information and marketing center
Warehouse, training center, admin office and solar drier operate as marketing and agriculture center that will serve farmers and cooperatives of ilocos sur and abra partners for this project: Dar, Jica, Lgu Caoayan

The activities of marketing Center are:
- Palay Buying
  * White corn buying and drying & storage processing
- Fertilizer marketing – organic and inorganic

1. Warehouse operation in agua-oro warehouse for cooking oil distribution
2. Capacity building/training services accredited by cda as coop training provider
3. Block time coop program at PTV Ilocos "Coop ti Communidad
4. Coaching and assistance to primary cooperatives
5. Provides trainings to microfinance members
   *** Skills trainings / financial literacy and values formation seminars
6. Community organizing helps small groups organize themselves into a cooperative and register it to the cooperative development authority

The MACRO-NSCC colleges, INC.

Courses Offered

- College courses

1. Bs in formation technology
2. Bs in information system
3. Bs in business administration
4. Bs in microfinance technology

- Tesda courses

1. Computer technician
2. House keeping
3. Front office services
4. Commercial cooking
5. Bartending
6. Baking
7. Food and beverage

K To 12 Programs
Pre-elementary
Elementary grades
Senior high school

Coop Tourism Program is managed in properly
Why NSCC ventured into tourism business
- Ilocos sur particularly vigan is one of top tourism destinations in the country and one of the new 7wonder cities
- Coop can widen its network thru tourism activities in the cooperative
- Promote and market products of members

- Agri products of members are used for catering services

NSCC Hotels

Many hotel and convention center accredited by dept of tourism for example

1. NSCC plaza hotel & convention center
2. NSCC hotel vigan
3. NSCC bath and coffee

Social/Support services

Gender sensitivity program

1. Advocates gender equality
2. Promotes gender sensitive programs

Other support services

NSCC MBA Program

- Now on the process of registration
- NSCC is being assisted by the risk management solutions, INC. (RIMANSI) business opportunities for members
- Support service to NSCC hotel service
- Water refilling station
- Tarpaulin printing
- ATM machine at NSCC pagudpud brancg
- social security system

Conclusion from the beginning up to today

The humble beginning	NSCC today
Initial capital – php 13,500.00	Total assets – php 1.5 billion pesos (first coop billionaire in northern luzon)
Formed by 18 church based coops In ilocos sur	Membership – 137 primary coops from nationwide
Area of operation - provincewide	Area of operation – nationwide
Pioneer employees - 3	Total employees - 149

Awards received

Awards received by Ms. Divina C. Quemi		Awarding body	Date
2012	Most outstanding cooperative leader – region 1 – CDA gawad parangal award	CDA	October 10, 2012
2013	Padre jose burgos award as outstanding coop leader	Provincial govt of ilocos sur	February 3, 2013
	Most outstanding narvacaneo	Narvacan, ilocos sur	December 2013
2014	Certificate of excellence as top performing chief executive officer (CEO)	CDA region 1	November 2014
2015	Outstanding alumna in the field of tourism	University of northern phils	October 15, 2015
	3rd most outstanding coop leader - national - cda gawad parangal	CDA	October 22, 2015
	Cooperative ambassadress	CDA region 1	October 29, 2015

Significant awards received by NSCC
Gawad parangal winner as best performing cooperative federation by
the coop development authority – 2013 / 2014 / 2015
2012, 2013 and 2014 SIPAG awards winner as most outstanding microfinance
institution in luzon 1 by the national livelihood development corporation
   NSCC offices and branches with financial services
   • Vigan city
   • Laoag city
   • Batac city
   • Pagudpud, ilocos norte
   • Cabugao, ilocos sur
   • Caoayan, ilocos sur
   • Sta. Maria, ilocos sur
   • Cervantes, ilocos sur
   • Bauang, la union
   • Baguio city
   • Urdaneta city
   • Lingayen, pangasinan

Reference

This article presented by the resource person who initiated the NSCC hersrlf

Civic Political Culture/ Interest Groups

Youth and Political Participation in the Philippines: Voices and Themes from a Democracy Project

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Abstract

There appears to be a prevailing perception that the generation of young people today are uninterested if not apathetic to politics. But is that really the case? Are today's young generation truly disengaged from politics? This paper focuses on this question, drawing from a democracy project in the Philippines that involved young university students as volunteers in an election monitoring exercise. A content analysis of focus group data and reflection papers of students about their subjective experiences, feelings, insights and views regarding their participation in the project and politics in general belie the conventional wisdom that the young are a politically impassive and indifferent generation. The youths are interested in political life around them and hold critical views about the behavior of politicians and political candidates. And even as they recognize the weaknesses and deficits in the political system, the youths are interested in political participation not just in voting but in other engagements that support democracy and good government. The paper concludes that today's youths are a promising generation of political activists whose energies, enthusiasm and aspirations can be mobilized and harnessed to strengthen democratic processes and achieve their aspirations for what they call 'good society,' 'good government' and 'good politics.'

Keywords: Democracy/ Election Monitoring/ Political Participation/ Youth/
          Youth Voice/ Philippines

Introduction

A pattern of apathy and disengagement with politics among the youth exists across much of the world (Youniss et al 2002). In the Philippines, the traditional perception that the Filipino youths are uninterested if not apathetic to politics remains unchallenged. Some studies in fact tend to confirm this view. A survey of Filipino youths showed that the young consider being politically involved as least important in their life compared to having a good marriage, family life, steady job and good education(Sandoval, Mangahas and Guerrero, 1998). Another study noted that the youths' less than positive attitude towards being responsible voters, minimal social involvement and being uninformed about government have not improved over the years (Velasco n.d. as cited by Sta. Maria and Diestro, 2009). Still another study (Trends-MBL for Global Filipino Foundation 2001 as cited by Sta. Maria and Diestro, 2009) claimed that the youth's apathy and cyncism towards cultural values and national affairs would extend to government, politics and life in general by the time

they reach the age of 19; they are cynical of government and the political institutions and processes in the country (PSSC 2003). And even as they participate in elections, the youths prefer being a follower and recipient of information and seldom act as activist-initiator or leader on political issues (National Youth Commission, 2010). In contrast, some studies noted that youths historically had been at the forefront of social movements, widely practicing their political rights and figuring as one of the most militant and active political groups for social change (Lanuza, 2004; Ogena, 1999). Whether or not the distinction of the political youth in the past is defined by 'period effect,' thus distinguishing them from contemporary generation, Deserves deeper analysis that a separate study can do.

Today's youth comprise roughly one third of the country's 100 million population with a median age of 23.5 As a distinct sector and critical component of societal change, they constitute a major stakeholder and political actor in shaping the country's present and future. They also provide a valuable reservoir for the country's future leaders, policymakers, innovators and change agents. Trite as it may seem, how the future will transform rests on the hands of the young. No less than the Philippine national hero Jose Rizal extolled the youths as hope of motherland. The crucial role of the youth in nation building has also been enshrined in Philippine laws and in country's governance structures and practices. It is by no means relevant to know if today's young generation, as the conventional wisdom suggests, are apathetic and disengaged from politics for it poses profound implications on the political life and future of the country.

This paper attempts to respond to the opening statement made above by examining what the Filipino youths think about politics in the country and whether or not they are indeed apathetic as commonly perceived. It is a preliminary exploration of the views and attitudes of the youth toward politics and does so by drawing meanings and nuances from the subjective experiences, insights, thoughts, feelings and perspectives of young university students who participated as volunteer monitors in a democracy project in the Philippines on campaign finance monitoring.

Youth and Political Participation

Defining who the youths are may draw different interpretations as this can be bound by a society's demographic, political, economic and socio-cultural contexts. It can be fairly assumed that countries around the world conceive youth differently. As a demographic concept (Atal, 2005), youth has biological and sociological aspects. It relates to an age group that is transiting from childhood to adulthood. Certain roles and expectations are associated with the youth, however, these social constructions can vary from culture to culture.

In social research, conceptualizing youth invokes three notions: as a generation, as a life stage and as a social group (Kovacheva, 2005). The concept of generation locates the young as a specific age groupings or generations within socio-historical contexts. Each generation is said to have developed its own brand of habits and outlook, including political awareness, shaped and influenced as it were by major historic and social change that happened during their formative years. The second notion relates to young people's search for self-identity and the values that shape their consciousness. As a social group, youth is understood as a transition stage when the young start to

establish their independence, seek a job after graduation and move out of parental home to live autonomously and establish own family.

Internationally, age is a common approach to distinguish the youth. There is, however, no universal agreement on what age cohort will be considered as youth or young people. What exist are age groups that vary depending on who is making the definition. The United Nations, for example, defines 'youth' as those persons between the ages of 15 and 24 years. Within the UN family itself, agencies use different age categories. The UN Secretariat, UNESCO, and ILO identify the youth as belonging to the age group 15-34. For the UN Habitat, the youths are aged 15 to 32 years old. The UNICEF uses the term adolescent to describe those in the age bracket of 10-19. WHO groups the young people in the 10-24 range while UNFPA puts the youth in the 15-24 ages.(http://www.un.org/esa/socdev/documents/youth/fact-sheets/youth-definition.pdf).

In the Philippines, the youths are officially defined as those persons with ages ranging from 15 to 30 years old, which the government considers as a "critical period in a person's growth and development from the onset of adolescence towards the peak of mature, self-reliant and responsible adulthood" (R.A. 8040). The definition is politically significant for it legally sets the minimum age for the youth's participation in youth councils. These youth councils are mandated by national law and serve as platforms for the young to implement socio-civic and community development activities that directly benefit their sector. But to be able to vote in general elections, existing law sets the voting age at 18.

As a transition period between childhood and adulthood, youth is a challenging stage when many significant events and decisions happen in a person's life. It is a phase when the young experience dramatic changes in their mental, emotional, behavioral and relational processes, and begin to develop their self identities, frames of mind and world views (Ogena, 2000), the period when the young become politically aware (Kovacheva, 2005).

Political participation is paramount in making democracy work for people and societies. It enables citizens to ventilate their views and concerns to government and officials and exert pressure on them to act on these concerns. It involves political engagement and public involement in decision making (Lamprianou, 2013). Political participation relates to individual or collective action that supports or opposes state structures, authorities, and/or decisions regarding allocation of public goods. It can happen at the national or local level and can be expressed in verbal or written forms. Political participation can be, violent or non-violent and can be of any intensity (Conge, 1988). As a significant sector of society, the political involvement of the young in the processes and institutions of democracy has assumed a particular relevance. Youth involvement in politics makes government cater to their specific needs as a sector and enables them to be co-author of transformation and further evolution of democracy and its institutions (Forbig, 2005).

A normative conception of youth participation in politics is about engaging in forming opinions and taking actions to bring about positive change in society Their participation can take different forms such as voting in general elections, joining political parties and events, participation in youth organisations or issue-based NGOs or volunteering, participation in debates on youth or community issues, opinion-

shaping through written press or youth radio, participating in online discussion for a writing or following blogs, and seeking information and learning about democracy such as participating in simulations of political processes, attending training or learning at school, engaging in youth organisations (EACEA, 2013).

New forms of social and political involvement in public life are emerging particularly among the young suggesting that youth politics is not confined solely to actions that aim to influence government policy but encompasses issues of wider social concerns (Kovacheva, 2005). Their political participation is expressed not necessarily through the conventional democratic politics like elections and campaigns but through novel modes such as leisure activities, volunteering and social work, boycotts, lifestyle politics, protest demonstrations and new social movements. From this point of view, the young of today are creating new forms of political engagement that are more appealing to them than those they inherited from their parents and grandparents (Forbig, 2005), consistent with their interpretations of what politics means and likely more attuned to their own needs, lifestyles and individuality (Sloam, 2007; Kovacheva, 2005).

The work of Ekman and Amna (2012) on political participation typology is instructive of how civic engagement is now construed as new form of political behavior. Civic engagement and social involvement such as taking interest in politics and society, discussing politics and societal issues with friends, writing to editors, belonging to a group with societal focus, volunteering in social work, and activity within community-based organizations arevenues by which citizens can express their participation in political process. They categorize these as latent in contrast to manifest political participation like voting in elections and referenda, running for public office, contacting political representatives or civil servants, donating money to political parties or organizations, protest actions like boycott, signing petitions, demonstrations and strikes, even illegal protests such as civil disobedience or participating in violent demonstration. Not voting in elections and avoiding political discussion are forms of non-participation and disengagement from politics.

Political participation of the youth can thus take many forms ranging from the conventional democratic politics to more creative, novel and remarkably distinctive of contemporary generation, shaped and influenced as it is by their specific socio-political contexts and global social movements. And with the massive penetration of cellular phones, Internet, social networking sites, blogs and other ICT inventions in the everyday life of Filipinos, politically active youths have used these technologies in their engagements, civic and political wise (David, 2013).

The Democracy Project: A Background

In the run up to the 2013 national elections for senators, the Association of Schools of Public Administration in the Philippines (ASPAP Inc.) implemented a project called STAMP Program Extension: Sustaining Advocacy for Campaign Finance Awareness and Accountability[1] within the broad framework and objective of deepening

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[1]*ASPAP implemented the project with a grant from the International Foundation for Electoral Systems and the US AID. This paper is written for academic purposes; the views and analyses expressed therein are solely those of the author.*

democracy and advancing electoral reforms. Nine ASPAP member universities[2]from across the country participated in the project. Parenthetically, the Filipino youth start their college education normally at the age of 16 or 17 and spend four to five years to earn a baccalaureate degree. By the time they leave the university, they are in their early 20's. Three hundred thirty-two female and 161 male college students volunteered to participate. As monitors, the volunteers conducted field observation and inspection of printed campaign materials of senatorial candidates such as posters and flyers that were posted in public places in their respective communities. They also computed the estimated costs of these election paraphernalia. A group of faculty members per school coordinated and supervised the students for the duration of the project (ASPAP, 2013).

A series of meetings and consultative workshops with election experts were organized by the project team ahead of the field monitoring to discuss the design of the monitoring tool to be used by the student monitors. Reviewing and distilling lessons from similar campaign finance monitoring initiatives in the country informed the development of the tool. A crucial component of the project involved preparing and capacitating the students for their task as monitors. A two-day training was organized in each participating university to orient the students about the project as a whole and the tools and processes involved in monitoring. The training included presentations and open discussions of topics such as democracy and citizenship, relevance and contribution of citizen monitoring to clean elections, citizens' rights and responsibilities to monitor election spending, monitoring tools and processes, electoral laws, regulation of election campaign spending, and enforcement issues and constraints in the Philippines. During the training, the students organized themselves into working teams and identified the areas that will be covered in monitoring, specifically public places such as streets and parksthat usually were used by politicians as staging grounds for their campaing materials. The students were given a modest allowance for their transportation fares and meals (ASPAP, 2013).

The actual monitoring covered the first 45 days of the senatorial campaign period beginning from 12 February to 2 April 2013. The students used the monitoring tool and price computation scheme that the project developed for monitoring purposes. Apart from monitoring the election campaign paraphernalia, the students also observed whether or not the candidates were following the election rules on sizes and location for posting and displaying the posters, tarps and related materials (ASPAP, 2013). As a caveat, it is worth repeating here that the paper's focus is on the political views of the students. It is not the objective of the paper to analyze the campaign expenses of the candidates. That exercise is worthy of a more thoughtful study than can be done here.

Exploring Themes, Meanings and Nuances: Voices of the Filipino Youth

This section discusses the attitudes of the student monitors towards politics and democracy in the Philippines. It explores their general political orientations by searching for meanings from the their subjective experiences, insights, thoughts,

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[2]*These include six state universities and three private universities: Nueva Vizcaya State University, University of Sto. Tomas, Ateneo de Naga University, West Visayas State University, Cebu Normal University,Western Mindanao State University, Mindanao State University Marawi, Mindanao State University - Iligan Institute of Technology and Ateneo de Davao University.*

feelings and perspectives that they shared in focus group discussions and in the reflection essays that they submitted to the project. It needs to be pointed out that the FGDs were organized as sharing sessions for the monitors to give their feedback and general assessment of how the monitoring was implemented. They were also asked to share how their monitoring experience affected their thoughts and views about politics and elections. A focus group discussion was each held in every participating university after completing the monitoring activities. On the average, ten to fifteen students participated in each focus group discussion. The essays were more directed at capturing the general reflections of the students about their experience, feelings, impressions, and learnings. It also asked a question about how their learnings from their experience can be applied and carried forward.

Basically, content and thematic analysis of the focus group documentations and reflection essays was done to capture the message and essence of the voices of the youths who participated in the project. And having been directly involved in the project, the author also drew from her own observations, insights and analysis in writing the paper. Project documents such as concept proposals, reports and pre- and post-training assessments were also used as additional sources in describing the project background and elaborating on the themes.

Certain themes characterize the youths' voices as the students participated in the project and expressed their views and thoughts about politics. The themes provide a window through which one can 'see,' understand and appreciate the meanings and nuances of the subjective experiences, thoughts, feelings and perspectives of the young about politics in the country. The analysis leads to a certain characterization of the youth's political outlook and attitudes, albeit it is important to mention that it is only indicative and the emerging picture is not necessarily representative of the country's young people in this age group.

Interest to Engage and Participate in Politics and Public Sphere

Are today's youth interested in politics and are they willing to participate? Campaign finance monitoring is relatively unheard of among the students and, likely in the whole country, especially as a distinct and specific advocacy for electoral and democracy reform. It is noted that, based on the pre-training diagnostic assessments that were done before the students were oriented on the project, most students never heard about campaign finance monitoring nor had they knowledge or idea what campaign finance was about until they joined the project as monitors. But perhaps when presented the opportunity and support for their engagement, the youth will take interest and participate. Indeed, the monitoring project showed that contrary to being uninterested and apathetic, the youths have interest in and inclinations to engage in political activities.

A hearty eagerness to participate generally characterized the engagement of the students with the project. This is demonstrated by the number of students who joined, which exceeded expectations that some had to be declined because of logistical reasons, and their active attendance and participation throughout the project implementation, beginning from the two-day training to subsequent team meetings that they themselves organized to plan their activities and assignments, to strategizing

how best to do their field work, to actual field monitoring, to processing of the data they collected and to the holding of focus group discussions as a last activity.

The actual monitoring entailed difficulties and to some extent physical risks on the part of the students. Students described how they walked the streets under the heat of sun, got lost, walked long distances, painstakingly scanned the street so as not to miss any single poster, sought the help of community elders/residents for safe mobility in the community, dodged stray dogs, experienced exhaustion due to exposure and walking, avoided fast moving vehicles in highways and, using a ladder that they ingeniously obtained from someplace, climbed walls/trees in their desire to get the exact measurements of posters. These were just some of the physical hurdles that the students experienced as they conducted monitoring in their communities. Worth mentioning, too, was how the students switched schedules and swapped places among themselves so that neither their attendance in classes nor their participation in monitoring would be sacrificed. It was natural to expect that, given the difficulties they encountered, the students would prioritize their studies and could have just put aside their involvement in monitoring. There was also no pressure for them to continue as their involvement was on a voluntary basis. Yet, the students chose to stay with the project, fulfilled their monitoring responsibilities up to the last day and "shared their precious time to finish the task without expecting anything in return."

That the students were interested in political participation became evident in the post-training evaluation. When asked if there was an opportunity to apply the knowledge and skills they learned in monitoring election campaign spending would they be willing to do it, the students overwhelmingly responded in the affirmative. Their interest to participate in political advocacy like the campaign finance monitoring was also apparent throughout the focus groups and the essays. There was a general sentiment among them that advocacies like monitoring should be continued. They expressed their desire to participate again in future campaign finance monitoring.

Political Expectations and Behavioral Issues

Young as they may be, the youth have definite views about politics and share common political issues of national importance. It was evident from the focus groups and essays that the youths have clear expectations of how politicians should behave not only when they are campaigning to win in elections but also when they eventually assume their post as public officials. At the same time they are aware and observant that politicians often stray from straight path

The students feel strongly about political corruption and seriously watch how politicians behave. They think that election campaigns are a breeding ground for corruption. They believe that the politicians will get back the "money invested on campaign" when they win in the elections, recognizing as well that without 'much money,' candidates can never win in elections, To them, this is a disturbing scenario, and they consider this kind of political behavior as "threat to the attainment of good public service." Having been involved in the campaign monitoring made them realize to be careful with their votes and to keenly watch how politicians conduct themselves during elections.

There was a general sentiment among the students that they have to watch the politicians if they were following the election laws and rules. They expect that politicians should not be the first to violate the law because they are seeking public office. It was important for them to know this because it will indicate whether the politicians will be good followers of law especially when they are already occupying public office. They were skeptical about politicians being good leaders of the nation if they cannot abide first with the laws governing election campaigns.

The students also mentioned that citizens were unaware of the rules and regulations about campaign spending. To them, this lack of knowledge on the part of the citizens made it easy for politicians to violate the rules.

Volunteerism, Citizenship and Nationalism

If there is one thing that can be nuanced from the students' thoughts and feelings, it is about how the they felt that they were doing something for the country and how the experience aroused the spirit of citizenship and volunteerism within them. The focus groups and essays showed that students connect their participation to political values such as volunteerism, citizenship and nationalism. They expressed that they were serving the public in their own little way when they served as volunteers for election monitoring. They considered it a privilege to participate as election campaign monitors, an activity that "positively fosters volunteerism, heightens awareness and critical thinking about issues affecting the people and the nation." The students stated that their participation as monitors gave them a sense of awareness as a Filipino and that what they were doing was a concrete expression of their citizenship, saying that they were "happy and proud to be part of this patriotic activity." They saw their participation as a means of helping the country, a way for "paving the way for a clean and honest elections."

It was also evident in the focus groups and written reflections that the students recognize the importance of citizen involvement in political activities. To them, citizen involvement in the election campaign monitoring was a step forward in making "great changes" in the Philippines because "citizens are being educated and made aware of reality." As mentioned in the focus groups, the students realized that there is need to increase citizen involvement and awareness and expressed the hope that soon the citizens will wake up to the call for changes.

In a broader context, the students saw a bigger picture of elections in terms of what politicians should do and not do during elections, that "voters must not just be contented in casting their votes but should be more concerned on how to assess candidates especially those running at the national level. " As voters the students recognized that they themselves must be "mindful of whom they give their vote to," that they should become "watchful agent" of elections and campaign expenses of candidates.

The students also saw that their political participation and applying what they learned from their experience can be expanded by sharing their knowledge to student organizations that they are members of, and to their families and friends. Involvement in social activities and not just election-related activities was also seen as way of

enhancing one's awareness about social and political issues in the country. These results belie public perception that the young are a disinterested and apathetic group.

Awareness, Empowerment and Need for Political Participation

The students expressed that their experience and involvement in election monitoring provided them with an increased awareness in Philippine politics. They considered their engagement in the democracy project as enriching and fulfilling for it gave them the opportunity to experience "real politics."

Being involved in the project had afforded them to monitor how politicians spend to win elections and identify those who follow and violate the election laws. Their participation enabled them to assess whether a candidate can be considered "good in office" based on their compliance with election rules and regulation. They came to realize and became "aware that some national officials seeking re-election were actually violators of election campaign rules and regulations." Because of this, the students said that they have become more careful and "protective of whom they shall give their vote to."

Their participation served as an eye-opener and made them realize how important it is to be vigilant during election. They also saw the importance of having an educated electorate. As monitors, the student became informed and abreast about what was happening in the political arena. They had also become more conscious and their 'critical thinking was heightened' especially about choosing the leaders of the country. Among the first time voters, they considered their exposure to 'real politics' as relevant and useful to them especially when they decide on their choice of leaders. As one student said, "awareness about the kind of candidate that should be selected during election must be given a lot of thinking."

There were also expressions of sense of fulfilment among the students for having been involved in the monitoring activity. They felt grateful that they were part of the advocacy. They considered it a patriotic act and felt a sense of pride for doing it. The students were happy that they had a chance, some called it a rare opportunity, to help the country through their participation in the project. Their real life participation in a political activity such as election monitoring has raised their interest and most everyone agreed that more volunteers should be encouraged and mobilized for future monitoring.

Students' articulations on how they can 'discipline the politicians' through their monitoring indicates a sense of power that the youth have when they participate in democratic exercises like election monitoring. The students believed that through their monitoring, politicians will be more wary in their expenses because they are being watched and can be reported to the country's electoral body for violations. The students believe that monitoring "gives the public the power to participate, encourage and take part in the election process."

Change and Faith in Democratic Process

Despite the many issues that the youth see in the behavior of politicians, the students still expressed their faith in democracy. Many expressed the view that the democratic way of life is still the best system for the country. It also surfaced in the FGDs and

essays that they still regard elections as the best way to select the leaders of the country, even after having observed during their monitoring the election violations committed by politicians. As pointed out by one student, "elections are the cornerstone of creating a democratic political system."

And as they continue to support elections, they also voiced out their aspiration for clean and honest elections. In this regard, they look up to the Commission on Elections, the country's electoral body, to enforce the law and to ensure that politicians obey the rules and laws of elections.

Conclusion

The paper starts by pointing out a common perception of youths as uninterested and even apathetic with politics. But is that really the case, particularly in the Philippines? Are today's young generation truly disengaged from politics? This paper tried to answer this question, drawing from a democracy project in the Philippines that involved young university students as volunteers in an election monitoring exercise. To capture the thoughts and voices of the youths, a content analysis of focus groups and reflection papers of students about their subjective experiences, feelings, insights and views and other project documents was done. The results tend to belie what conventional wisdom suggests about the young being politically disinterested and indifferent.

In summary, what do the youth's voices tell us? It can be argued that, based on results, the youths are not disconnected from the political affairs in the country. They are interested in political life around them and have rather clear and unequivocal views and ideas about politics and democracy in the country. They hold critical views about the behavior of politicians and political candidates. Notwithstanding, they continue to have faith in democracy and believe in electoral process for installing leaders of the country.

The youths recognize the weaknesses and deficits in the political system. They express serious concern about the political future of the country noting that politicians do not mind violating election campaign rules to win elections. But even as they do, they manifest interest in political participation not just in voting but in other engagements that support democracy and good government.

Their participation has empowered them to believe that they can do something to help achieve or influence social and political change, by watching closely how politicians behave, being dutiful and conscientious voter and by sharing knowledge to families, friends and their own organizations. The monitoring experience itself proved to be an enlightening and worthy political awareness building process for the youths themselves who soon were going to make choices about the nation's political leaders as they voted in the 2013 election. The experience and analysis showed that involving and mobilizing young people in political processes affirms that the youth can provide an encouraging and fresh reservoir of enthusiasm, nationalism and idealism in having an active democracy. Their political experience with the democracy project kindled their sense of citizenship, volunteerism and love for the country.

The democracy project suggests that direct engagement of the youth can be an effective way of empowering the students. Participating in the project enabled the

students to realize the efficacy of their participation in political process. Their experience in monitoring the campaign finances of the candidates gave them a collective sense of power over the politicians. It has made them realize to be careful and discriminating in entrusting their votes to politicians.

Engaging the youth to increase their interest and participation in political and democratic processes may be a daunting exercise especially in a political environment that is perceived as corrupt and the balance of power is dominated by a few political and economic elite. But when given the opportunity and support, and accompanied by adequate knowledge and skill building efforts, they are enthused to participate and to get involved. Their sense of citizenship and volunteerism, enthusiasm and energy can be mobilized and harnessed towards such democratic ends and aspirations they identified as 'good politics,' 'good government,' and 'good society.' Young as they are, and considering that that they constitute a considerable segment of the population, they indeed can be a potent force in influencing social and political change in the country. Optimistically speaking, there is reason to hope that the youths of today can become the country's future political activists.

Some implications for policy (action) and research can also be drawn from the students' experience and the democracy project in general. In terms of policy and action, opportunities can be created to encourage and enable the youth to realize the efficacy of their political participation. These opportunities can be in the form, for example, of democracy projects like the pre-electoral monitoring activity discussed in the paper. And with the new lease of life given to the youth councils in the country, government can lead in the creation of citizen initiatives for citizenship among the youths and generally an environment that engenders citizenship as well as leadership among the young. The academe and civil society including international organizations can also be encouraged and tapped as partners in engendering a culture of political participation among the youth in the country.

In the area of research, investigations can explore the trajectory of youth political participation in the country, whether their 'early' involvement in politics will be carried forward to adulthood as constructive political and civic participation. Modes of political participation of the youth from the civic engagement perspective can also be pursued, taking note especially of the popularity of the Internet and social media among the young and how this is being used nowadays for self-expressions and political participation. Whether involvement in civic and community life and processes of political participation prepares the young to be good political leaders also presents an interesting research inquiry to pursue. In this regard, it will be instructive to know how the youth councils in the country are able to contribute in the political maturation of the youth, particularly towards good citizenship and political leadership.

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The Development of Civic Politics within the Community Democracy Development Process: A Case Study of Na Chum Saeng Sub-district, Phu Wiang District, Khon Kaen Province

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Abstract

This study was in order to study the development of civic politics and community democracy in Na Chum Saeng sub-district, Phu Wiang district, Khon Kaen province, to compare people's opinions in the area regarding the development of civic politics and community democracy and to identify the problems and constitute suggestions concerning the development of civic politics and community democracy in the area. The research was conducted with mixed methods consisting of qualitative and quantitative data. The research findings of the qualitative data showed that much of the civic politics development related to the participation and decision making activities of the people who worked with; the Tambol Administration Organization, non-government organizations, local state agencies, including social capital, beliefs, culture, and faith. Conversely, community democracy development related to the community development processes participating with Tambol Administration Organization, support from external agencies (Community Organizations Development Institute, and Office of Politics Development, King Prajadhipok, during 2008-2010). In addition, the roles of community leaders (president and members of the Tambol Administration Organization, village heads, monks, and teachers) contributed crucial moves within civic politics and community democracy development.

From the quantitative data, it was found that over 56.8% of the informants placed their opinions at medium level for civic politics development, across all age-range groups. However, the informants who placed their opinions at a high level regarding civic politics development consisted of the group aged 18-29, which accounted for 31.1%, followed by the group aged 40-49, accounting for 16.7%. It was noteworthy that these numbers appeared similar to the same group placing development at a low level, accounting for 15.4%. The research findings of democracy development mostly found that informants placed their opinions at medium level, especially the group aged 51-59 which accounted highest amount at 76.0%, followed by the group of 60 years up who accounted for 69.8%. The groups aged 30-39 and 18-29 years placed their opinions on democracy development at the highest level, accounting for 25.9% and 25.7 % respectively. It was also noted that the groups aged 30-39 and 40-49 years placed their opinions at a low level, accounting for 12.3 % and 11.5 % respectively.

The obtained problems and suggestions concerning civic politics and community democracy development consisted of; strengthening new leadership, developing knowledge and understanding issues related to civic politics, community democracy development and the role of the community organization council, people's participation through their activities. This should include continual or periodical support from external agencies such as Community Organizations Development Institute, Civic Politics Development Fund and local state agencies for projects and

activities organized by communities. Moreover, decentralization for a self-management of the communities had been suggested and supported by the people.

Keywords: Civic Politics/ Community Democracy/ Community Organization Council/ People Participation/ Thailand

การพัฒนาการเมืองภาคพลเมืองกับกระบวนการพัฒนาประชาธิปไตยชุมชน : กรณีศึกษา ตำบลนาชุมแสง อำเภอภูเวียง จังหวัดขอนแก่น

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บทคัดย่อ

การศึกษาครั้งนี้ มีวัตถุประสงค์เพื่อศึกษาการพัฒนาการเมืองภาคพลเมืองและกระบวนการพัฒนา ประชาธิปไตยชุมชน ตำบลนาชุมแสง อำเภอภูเวียง จังหวัดขอนแก่น เพื่อศึกษาเปรียบเทียบความ คิดเห็นของประชาชนเกี่ยวกับการพัฒนาการเมืองภาคพลเมืองและกระบวนการพัฒนา ประชาธิปไตยชุมชน ตำบลนาชุมแสง อำเภอภูเวียง จังหวัดขอนแก่น และเพื่อศึกษาปัญหา ข้อเสนอแนะเกี่ยวกับการพัฒนาการเมืองภาคพลเมืองและกระบวนการพัฒนาประชาธิปไตยชุมชน ตำบลนาชุมแสง อำเภอภูเวียง จังหวัดขอนแก่น ดำเนินการวิจัยโดยใช้ระเบียบวิธีวิจัยแบบผสม (Mixed Methods) ซึ่งประกอบด้วยการวิจัยเชิงคุณภาพและการวิจัยเชิงปริมาณ ผลการวิจัยจากข้อมูล เชิงคุณภาพ พบว่า การพัฒนาการเมืองภาคพลเมืองส่วนใหญ่เกี่ยวข้องกับการมีส่วนร่วม การ ตัดสินใจและการดำเนินกิจกรรม โครงการพัฒนาของประชาชนร่วมกับ อบต. องค์กรพัฒนาเอกชน หน่วยงานภาครัฐในพื้นที่ระดับอำเภอ รวมทั้งทุนทางสังคม วัฒนธรรมที่เกี่ยวข้องกับประเพณีความ เชื่อ ความศรัทธา สำหรับกระบวนการพัฒนาประชาธิปไตยชุมชนเกี่ยวข้องกับกระบวนการพัฒนา ของชุมชน ร่วมกับ อบต. การสนับสนุนจากองค์กรภายนอกชุมชน (สถาบันพัฒนาองค์กรชุมชน และสำนักงานพัฒนาการเมือง สถาบันพระปกเกล้า ตั้งแต่ พ.ศ. 2551-2553) นอกจากนี้พบว่า บทบาทของผู้นำชุมชน (นายก อบต. สมาชิก อบต. ผู้ใหญ่บ้านบางคน พระสงฆ์บางรูป ครูอาจารย์ที่ เป็นแกนนำชุมชน) มีส่วนสำคัญในการขับเคลื่อนกระบวนการพัฒนาการเมืองภาคพลเมืองและ ประชาธิปไตยชุมชน

จากข้อมูลเชิงปริมาณ พบว่า ผู้ให้ข้อมูลส่วนใหญ่ในพื้นที่ตำบลนาชุมแสง กว่าร้อยละ 56.8   มี ความเห็นเกี่ยวกับการพัฒนาการเมืองภาคพลเมืองของตำบลในระดับปานกลาง ซึ่งเป็นแบบแผน เดียวกันในทุกกลุ่มช่วงอายุ อย่างไรก็ตามผู้ให้ข้อมูลอายุระหว่าง 18-29 ปี มีความเห็นเกี่ยวกับการ พัฒนาการเมืองภาคพลเมืองของตำบลในระดับสูง มากที่สุด คิดเป็นร้อยละ 31.1 รองลงมาคือ กลุ่ม

อายุระหว่าง 40 - 49 ปี คิดเป็นร้อยละ 16.7 และเป็นที่น่าสังเกตว่า มีจำนวนร้อยละใกล้เคียงกับ
ความเห็นเกี่ยวกับการพัฒนาการเมืองภาคพลเมืองของตำบลในระดับต่ำคิดเป็นร้อยละ 15.4 สำหรับ
กระบวนการพัฒนาประชาธิปไตยชุมชนของตำบล พบว่า ผู้ให้ข้อมูลส่วนใหญ่ในตำบลนาชุมแสงมี
ความเห็นเกี่ยวกับกระบวนการพัฒนาประชาธิปไตยชุมชนของตำบลในระดับปานกลาง โดยเฉพาะ
ในกลุ่มอายุระหว่าง 51-59 ปี มากที่สุดคิดเป็นร้อยละ 76.0 และผู้ให้ข้อมูลอายุ 60 ปีขึ้นไป รองลงมา
คิดเป็นร้อยละ 69.8 ส่วนอายุระหว่าง 30-39 ปี และอายุระหว่าง 18-29 ปี มีความเห็นเกี่ยวกับ
กระบวนการพัฒนาประชาธิปไตยชุมชนของตำบลในระดับสูง มากที่สุด คิดเป็นร้อยละ 25.9 และ
25.7 ตามลำดับ และเป็นที่น่าสังเกตว่า ผู้ให้ข้อมูลอายุระหว่าง 30-39 ปี และกลุ่มอายุระหว่าง 40-49
ปี มีความเห็นเกี่ยวกับกระบวนการพัฒนาประชาธิปไตยชุมชนของตำบลในระดับต่ำ มากที่สุด คือ
ร้อยละ 12.3 และ 11.5 ตามลำดับ

ปัญหาและข้อเสนอแนะเกี่ยวกับการพัฒนาการเมืองภาคพลเมืองและกระบวนการพัฒนา
ประชาธิปไตยชุมชน พบว่า ต้องสร้างความต่อเนื่องในการพัฒนาการเมืองภาคพลเมือง เช่น การ
สร้างผู้นำชุมชนรุ่นใหม่ การพัฒนาความรู้ ความเข้าใจเกี่ยวกับการเมืองภาคพลเมือง ประชาธิปไตย
ชุมชนและบทบาทของสภาองค์กรชุมชนตำบลร่วมกับประชาชนในตำบลโดยอาศัยการดำเนิน
กิจกรรมการเมืองภาคพลเมืองและกระบวนการพัฒนาประชาธิปไตยชุมชนแบบประชาชนมีส่วน
ร่วมอย่างแท้จริง รวมทั้งการสนับสนุนการดำเนินงานของสภาองค์กรชุมชนตำบลอย่างต่อเนื่องหรือ
เป็นระยะๆ จากองค์กรภายนอกชุมชน เช่น สถาบันพัฒนาองค์กรชุมชน กองทุนพัฒนาการเมืองภาค
พลเมืองและองค์กรภาครัฐในพื้นที่ นอกจากนี้ประชาชนในพื้นที่สนับสนุนให้มีการกระจายอำนาจ
การปกครองท้องถิ่นเพื่อการจัดการตนเองมากขึ้น

คำสำคัญ: การเมืองภาคพลเมือง/ ประชาธิปไตยชุมชน/ สภาองค์กรชุมชน/ การมีส่วนร่วมของ
           ประชาชน

บทนำ

ปัจจุบันการพัฒนาประชาธิปไตยและการกระจายอำนาจของไทยนับว่ามีความก้าวหน้าในเชิง
รูปแบบมากพอสมควร แต่เมื่อพิจารณาถึงเนื้อหาและสาระสำคัญที่นำไปสู่การปฏิบัติจริงและเกิดผล
ประโยชน์ต่อสาธารณะ ยังพบว่ามีปัญหาเพราะนักธุรกิจและนักการเมือง ซึ่งมักเป็นบุคคลคน
เดียวกันมุ่งทำการเมืองแบบการเมืองภาคนักการเมือง อาศัยประชาธิปไตยแบบผ่านผู้แทน
(Representative Democracy) ที่เปลี่ยนจากการเมืองแบบอมาตยาธิปไตย อำมาตยาธิปไตยหรือ
ระบบข้าราชการประจำ (Bureaucratic Polity) มาเป็นการเมืองแบบนักธุรกิจการเมือง

(Businessmen-politicians) ทั้งในระดับท้องถิ่นและระดับชาติ ซึ่งมุ่งรักษาผลประโยชน์ทางธุรกิจของตนหรือกลุ่มผลประโยชน์ที่เกี่ยวข้องเป็นหลัก ดังนั้นแนวคิดการพัฒนาประชาธิปไตยแบบมีส่วนร่วมหรือการส่งเสริมการเมืองภาคพลเมือง (Civic Politics) นับว่ามีความสำคัญอย่างยิ่งต่อการพัฒนาประชาธิปไตย การกระจายอำนาจและการพัฒนาสังคมไทยให้มีคุณภาพสูงขึ้น

พัฒนาการและการเปลี่ยนแปลงจากการปกครองของไทยแบบอมาตยาธิปไตย (Bureaucratic Polity) เปลี่ยนผ่านไปสู่ประชาธิปไตยแบบผ่านผู้แทน ซึ่งปัจจุบันเป็นการเมืองแบบนักธุรกิจการเมือง (Businessmen-politicians) ทั้งในระดับท้องถิ่นและระดับชาติ ทำให้เห็นความสำคัญของการพัฒนาประชาธิปไตยแบบมีส่วนร่วมหรือการส่งเสริมการเมืองภาคพลเมือง (Civic Politics) มากขึ้น นับจากรัฐธรรมนูญแห่งราชอาณาจักรไทยพุทธศักราช 2540 ซึ่งได้ชื่อว่าเป็นรัฐธรรมนูญฉบับประชาชน เจตนารมณ์ของรัฐธรรมนูญ พ.ศ. 2540 คือการปฏิรูปการเมืองโดยมีเป้าหมาย 3 ประการ 1) ขยายสิทธิ เสรีภาพและส่วนร่วมของพลเมืองในการเมือง 2) การเพิ่มการตรวจสอบการใช้อำนาจรัฐโดยประชาชน 3) เพื่อให้เกิดความสุจริตและโปร่งใสในระบอบการเมือง การทำให้ระบบการเมืองมีเสถียรภาพและประสิทธิภาพ (สำนักงานเลขาธิการและวุฒิสภา, 2540:4-5) และต่อมารัฐธรรมนูญแห่งราชอาณาจักรไทยพุทธศักราช 2550 คงยังให้ความสำคัญเกี่ยวกับการมีส่วนร่วมโดยตรงของประชาชน (มาตรา 163 – 165) (สำนักงานเลขาธิการและวุฒิสภา, 2554:131-134) นอกจากนี้รัฐธรรมนูญฉบับนี้ ยังได้ยึดตามแนวทางและแก้ไขจุดอ่อนของ รัฐธรรมนูญแห่งราชอาณาจักรไทย พุทธศักราช 2540 เพื่อให้ประชาชนได้รับประโยชน์จากรัฐธรรมนูญนี้ 4 ประการ คือ 1) คุ้มครอง ส่งเสริม ขยายสิทธิและเสรีภาพของประชาชน 2) ลดการผูกขาดอำนาจรัฐ และเพิ่มอำนาจประชาชน 3) การเมืองมีความโปร่งใส มีคุณธรรม และจริยธรรม 4) ทำให้องค์กรตรวจสอบมีความอิสระ เข้มแข็ง และทำงานอย่างมีประสิทธิภาพ รัฐธรรมนูญแห่งราชอาณาจักรไทยพุทธศักราช 2550 ได้ให้ความสำคัญต่อการพัฒนาการเมืองโดยให้ประชาชนทุกภาคส่วนได้ให้เข้ามามีส่วนร่วมในการกำหนดทิศทางการพัฒนาของประเทศ และมาตรา 78 (7) บัญญัติให้มีแผนพัฒนาการเมืองรวมทั้งให้มีสภาพัฒนาการเมืองให้มีความเป็นอิสระ เพื่อติดตามสอดส่องให้มีการปฏิบัติตามแผนดังกล่าวอย่างเคร่งครัด เมื่อวันที่ 29 มกราคม พ.ศ. 2551 ได้มีการประกาศใช้พระราชบัญญัติสภาพัฒนาการเมือง วัตถุประสงค์ตามมาตรา 5 แห่งพระราชบัญญัติสภาพัฒนาการเมือง พ.ศ. 2551 เพื่อส่งเสริมให้ประชาชนมีความเข้มแข็งทางการเมือง และเมื่อวันที่ 31 มกราคม พ.ศ. 2551 ได้มีการประกาศใช้พระราชบัญญัติสภาองค์กรชุมชน พ.ศ. 2551 และจัดให้มีกฎหมายจัดตั้งกองทุนพัฒนาการเมืองภาคพลเมือง เพื่อช่วยเหลือการดำเนินกิจกรรมสาธารณะของชุมชน รวมทั้งสนับสนุนการดำเนินการของกลุ่มประชาชนที่รวมกันในลักษณะเครือข่ายทุกรูปแบบให้สามารถแสดงความคิดเห็นและเสนอความต้องการของชุมชนในพื้นที่เพื่อให้เจตนารมณ์ตามรัฐธรรมนูญดังกล่าวบรรลุผล

ประชาธิปไตยแบบผ่านผู้แทน (Representative Democracy) ในสังคมไทยที่ทำให้เมืองไทย กลายเป็น "รัฐนิยม" ซึ่งรัฐนิยมในที่นี่หมายถึงการเห็นว่าปัญหาของส่วนร่วมต้องแก้โดยรัฐเท่านั้น โดยไม่คิดว่าประชาชนและประชาสังคมก็มีส่วนร่วมแก้ไขได้ ผลของการปฏิรูปการบริหารงานของ ภาครัฐซึ่งทำให้ประชาชนกลายเป็นลูกค้าหรือผู้รับบริการแทนที่จะเป็นพลเมือง (เอนก เหล่าธรรม ทัศน์,2551:2) ความจริงรัฐธรรมนูญ ปี พ.ศ. 2540 ถ้าใช้ไปอีก 10 ปี 20 ปี อาจทำให้กระบวนการ ประชาชนทั้งหลายมีความเข้มแข็งขึ้นเรื่อยๆ และจะเป็นผู้กระทำการ (Actors) คานอำนาจรัฐที่มา จากฝ่ายการเมืองและระบบราชการ ซึ่งการเมืองภาคนักการเมือง ที่เห็นก็ทำเท่าที่ต้องทำ ทำตาม หน้าที่ แต่ทรัพยากรทั้งหมดต้องไปทำเกี่ยวกับการเมืองภาคพลเมือง ไปอยู่กับเยาวชน ไปอยู่กับผู้นำ ทางความคิด เช่น ครู ผู้นำศาสนา ผู้นำชุมชนให้มากขึ้น เพราะมีความหวังจากการเมืองภาค นักการเมืองลดลงเรื่อยๆ ในอนาคตสถาบันพระปกเกล้าน่าจะร่วมกับสถาบันพัฒนาการเมือง ส่งเสริมและพัฒนาการเมืองภาคพลเมืองเป็นหลัก (บวรศักดิ์ อุวรรณโณและคณะ,2552:257) ดังนั้น แนวคิดประชาธิปไตยที่ให้ประชาชนมีส่วนร่วมทางการเมือง (Participatory Democracy) เห็น ความสำคัญของประชาชนทางการเมืองมากขึ้นจากแต่เดิมที่เน้นให้ประชาชนมีส่วนร่วมด้วยการ ลงคะแนนเสียงเลือกตั้งอย่างเดียว อุปสรรคขัดขวางการไปสู่ประชาธิปไตยที่เข้มแข็งกว่า มัก เกี่ยวข้องกับกติกาใหญ่ทางการเมือง(รัฐธรรมนูญ) นักการเมือง กลุ่มอิทธิพล ผลประโยชน์ ทำให้ ความเป็นพลเมืองในระบอบประชาธิปไตยอ่อนแอลงและเมื่อพลเมืองรู้สึกว่าถูกผลักออกไปจาก การเมืองแบบเดิม ๆ บ่อยครั้งที่พวกเขาเอาเรื่องราวต่าง ๆ มาทำเองหรืออาจจะพูดให้ดีขึ้นว่า พลเมืองหันมาทำอะไรที่พวกเขาทำเองได้ พวกเขาทำการเมืองภาคพลเมือง (Citizen Politics) (เดวิท แมทธิวส์: แปลและเรียบเรียง วันชัย วัฒนศัพท์, 2552: 168) การมีส่วนร่วมของประชาชนในการ สานเสวนาหาทางออก (Deliberative Dialogue) หรือการประชาเสวนาหาทางออก (Public Deliberation) เป็นการพยายามเปิดพื้นที่สาธารณะให้ประชาชนทำการเมืองภาคพลเมืองมากขึ้น การ ตัดสินใจแบบมีส่วนร่วม (Participative Decision Making - PDM.) และการสร้างพลัง (Empowerment) ของประชาชน ในฐานะที่เป็นกลุ่มทำงานเพื่อแก้ไขปัญหาให้กับท้องถิ่นของ ตนเองมากขึ้นและยังเป็นเครื่องชี้วัดถึงความเข้มแข็งของกลุ่มหรือองค์กรของประชาชน (Abraham Segie and Meni Koslowsky, 2000: 116) นอกจากนี้การเมืองภาคพลเมืองยังมีบทบาทเสริมสร้าง ความสามารถให้กับภาครัฐ (Nation-states) หรือประเด็นที่ภาครัฐยังไม่มีบทบาทชัดเจนในการ ป้องกันหรือแก้ไขปัญหาดังกล่าว เช่น ปัญหาทางด้านสิ่งแวดล้อม การศึกษาและการเมืองท้องถิ่น เป็นต้น (Wapner,Paul Kevin: 153)
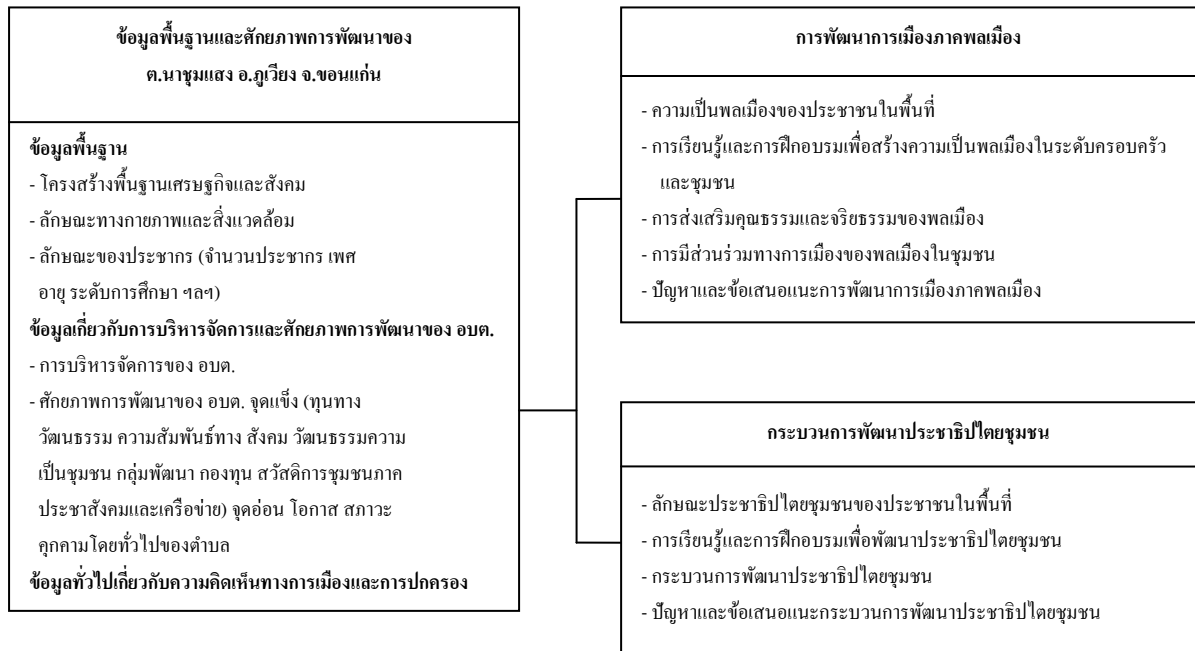
การเมืองภาคพลเมืองและกระบวนการพัฒนาประชาธิปไตยชุมชน เป็นแนวคิดและหลักการสำคัญ ของการพัฒนาการเมืองภาคพลเมืองและการพัฒนาประชาธิปไตยชุมชนแบบมีส่วนร่วม เป้าหมาย ของประชาธิปไตยชุมชน คือ การปลุกความตื่นตัว ปลุกความตระหนักถึงสิทธิความเป็นประชาชน

ของคนในชุมชนท้องถิ่น ตามสิทธิชุมชนในรัฐธรรมนูญ ให้คนในชุมชนลุกขึ้นมาปกป้อง ลุกขึ้นมา
จัดการปัญหาและแก้ไขปัญหาด้วยตนเอง มีความเสมอภาคมีส่วนในการตัดสินใจในเรื่องของ
ส่วนรวมและเรียนรู้ร่วมกันในเรื่องของประชาธิปไตยโดยตรง ทำให้เป็นประชาธิปไตยที่กินได้คือ
ประชาธิปไตยที่สามารถแก้ปัญหาปากท้องของชาวบ้านได้จริงๆ กระบวนการประชาธิปไตยชุมชน
เป็นเครื่องมือหรือเป็นกลไกหนึ่งที่รวมคนให้มาเรียนรู้ร่วมกัน มาแก้ไขปัญหาร่วมกันและมาทำงาน
พัฒนา โดยมีมิติทางการเมือง คือ เข้าไปเป็นส่วนหนึ่งของการพัฒนาท้องถิ่นร่วมกับองค์กรปกครอง
ส่วนท้องถิ่นและเข้าไปมีส่วนร่วมในการกำหนดนโยบายในระดับจังหวัด รวมทั้งยกระดับจิตของ
คนขึ้นให้มีความกล้าหาญ ให้มีความรู้สึกรับผิดชอบต่อชุมชนของตนเองและต่อนักการเมืองที่ได้
เลือกมาด้วย (สน รูปสูง, 2553: 3) ประชาธิปไตยที่เริ่มต้นจากระดับฐานรากแม้ว่าจะต้องอาศัย
ระยะเวลาเพื่อพัฒนาแนวคิดและสร้างความตระหนักให้เกิดขึ้นทั้งในระดับปัจเจกและชุมชน หาก
สามารถทำได้สำเร็จจะเป็นการพัฒนาที่ต่อเนื่องและยั่งยืนรวมทั้งเป็นการสร้างและปลูกฝังจิต
วิญญาณประชาธิปไตยแบบมีส่วนร่วมให้กับประชาชน ซึ่งสำนักงานสภาพัฒนาการเมือง สถาบัน
พระปกเกล้า ได้ดำเนินการส่งเสริมการเมืองภาคพลเมืองและพัฒนาพื้นที่ต้นแบบประชาธิปไตย
ชุมชนหลายๆพื้นที่ของประเทศไทย สำหรับจังหวัดขอนแก่น ได้มีการดำเนินโครงการที่ตำบลนา
ชุมแสง อำเภอภูเวียง จังหวัดขอนแก่น ตั้งแต่ปี พ.ศ. 2551

วัตถุประสงค์ของการวิจัย

1) เพื่อศึกษาการพัฒนาการเมืองภาคพลเมืองและกระบวนการพัฒนาประชาธิปไตยชุมชน
ตำบลนาชุมแสง อำเภอภูเวียง จังหวัดขอนแก่น

2) เพื่อศึกษาเปรียบเทียบความคิดเห็นของประชาชนเกี่ยวกับการพัฒนาการเมืองภาค
พลเมืองและกระบวนการพัฒนาประชาธิปไตยชุมชน ตำบลนาชุมแสง อำเภอภูเวียง จังหวัด
ขอนแก่น

3) เพื่อศึกษาปัญหาและข้อเสนอแนะเกี่ยวกับการพัฒนาการเมืองภาคพลเมืองและ
กระบวนการพัฒนาประชาธิปไตยชุมชน ตำบลนาชุมแสง อำเภอภูเวียง จังหวัดขอนแก่น

กรอบแนวคิดการวิจัย (Conceptual Framework)

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┌─────────────────────────────────────┐      ┌──────────────────────────────────────────┐
│  ข้อมูลพื้นฐานและศักยภาพการพัฒนาของ        │      │         การพัฒนาการเมืองภาคพลเมือง              │
│    ต.นาชุมแสง อ.ภูเวียง จ.ขอนแก่น          │      ├──────────────────────────────────────────┤
├─────────────────────────────────────┤      │ - ความเป็นพลเมืองของประชาชนในพื้นที่            │
│ ข้อมูลพื้นฐาน                            │      │ - การเรียนรู้และการฝึกอบรมเพื่อสร้างความเป็นพลเมืองในระดับครอบครัว │
│ - โครงสร้างพื้นฐานเศรษฐกิจและสังคม          │      │   และชุมชน                                │
│ - ลักษณะทางกายภาพและสิ่งแวดล้อม            │      │ - การส่งเสริมคุณธรรมและจริยธรรมของพลเมือง      │
│ - ลักษณะของประชากร (จำนวนประชากร เพศ     │      │ - การมีส่วนร่วมทางการเมืองของพลเมืองในชุมชน     │
│   อายุ ระดับการศึกษา ฯลฯ)                 │      │ - ปัญหาและข้อเสนอแนะการพัฒนาการเมืองภาคพลเมือง  │
│ ข้อมูลเกี่ยวกับการบริหารจัดการและศักยภาพการพัฒนาของ อบต. │      └──────────────────────────────────────────┘
│ - การบริหารจัดการของ อบต.                 │
│ - ศักยภาพการพัฒนาของ อบต. จุดแข็ง (ทุนทาง  │      ┌──────────────────────────────────────────┐
│   วัฒนธรรม ความสัมพันธ์ทาง สังคม วัฒนธรรมความ │      │       กระบวนการพัฒนาประชาธิปไตยชุมชน          │
│   เป็นชุมชน กลุ่มพัฒนา กองทุน สวัสดิการชุมชนภาค │      ├──────────────────────────────────────────┤
│   ประชาสังคมและเครือข่าย) จุดอ่อน โอกาส สภาวะ │      │ - ลักษณะประชาธิปไตยชุมชนของประชาชนในพื้นที่      │
│   คุกคามโดยทั่วไปของตำบล                  │      │ - การเรียนรู้และการฝึกอบรมเพื่อพัฒนาประชาธิปไตยชุมชน │
│ ข้อมูลทั่วไปเกี่ยวกับความคิดเห็นทางการเมืองและการปกครอง │      │ - กระบวนการพัฒนาประชาธิปไตยชุมชน            │
└─────────────────────────────────────┘      │ - ปัญหาและข้อเสนอแนะกระบวนการพัฒนาประชาธิปไตยชุมชน │
                                              └──────────────────────────────────────────┘
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วิธีการศึกษาวิจัย

ดำเนินการวิจัยโดยใช้ระเบียบวิธีวิจัยแบบผสม (Mixed Methods) (Teddlie and Tashakkori, 2009) ซึ่งประกอบด้วย การวิจัยเชิงคุณภาพ (Qualitative Research) และการวิจัยเชิงปริมาณ (Quantitative Research) โดยมีระเบียบวิธีการวิจัย ดังนี้

รูปแบบที่ใช้ในการศึกษา

ระเบียบวิธีวิจัยแบบผสม โดยเริ่มจากการวิจัยเชิงคุณภาพ ร่วมกับดำเนินการวิจัยเชิงปริมาณ ทั้งนี้ เพราะการวิจัยเชิงคุณภาพทำให้ได้ข้อมูลเชิงลึกจากกลุ่มผู้นำชุมชน เจ้าหน้าหน่วยงานที่เกี่ยวข้อง และประชาชนผู้มีสิทธิเลือกตั้งในพื้นที่ตำบลนาชุมแสง อำเภอภูเวียง จังหวัดขอนแก่น ซึ่งสะท้อน ให้เห็นภาพพัฒนาการเมืองภาคพลเมืองและกระบวนการพัฒนาประชาธิปไตยชุมชนในพื้นที่ ซึ่งมี ความเป็นพลวัตรตามเงื่อนไขในบริบทของสังคมนั้นๆ ในขณะที่การวิจัยเชิงปริมาณทำให้ได้ข้อมูล ในภาพกว้าง และทำให้สามารถเห็นภาพข้อมูลความคิดเห็นทั่วไปของประชาชนในเรื่องการพัฒนา การเมืองภาคพลเมืองและกระบวนการพัฒนาประชาธิปไตยชุมชนในพื้นที่ ที่นำมาสู่การ เปรียบเทียบความคิดเห็นของประชาชนเกี่ยวกับการพัฒนาการเมืองภาคพลเมืองและ กระบวนการพัฒนาประชาธิปไตยชุมชนในตำบลนาชุมแสง อำเภอภูเวียง จังหวัดขอนแก่น ทั้งนี้จึง ใช้ผลการศึกษาทั้งสองส่วนนำไปสู่การสังเคราะห์ปัญหาและข้อเสนอแนะเกี่ยวกับการพัฒนา

การเมืองภาคพลเมืองและกระบวนการพัฒนาประชาธิปไตยชุมชนในตำบลนาชุมแสง อำเภอภูเวียง จังหวัดขอนแก่น ต่อไป

หน่วยที่ใช้ในการวิเคราะห์

สำหรับการศึกษาในครั้งนี้ การวิจัยเชิงคุณภาพใช้หน่วยในการวิเคราะห์ข้อมูลระดับองค์กร (Organizational Unit) คือ ตำบลนาชุมแสง อำเภอภูเวียง จังหวัดขอนแก่น เพื่อศึกษาการพัฒนาการเมืองภาคพลเมืองและกระบวนการพัฒนาประชาธิปไตยชุมชน ปัญหาและข้อเสนอแนะเกี่ยวกับการพัฒนาการเมืองภาคพลเมืองและกระบวนการพัฒนาประชาธิปไตยชุมชน สำหรับการวิจัยเชิงปริมาณใช้หน่วยการวิเคราะห์ระดับปัจเจกบุคคล (Individual Unit) ในการศึกษาเปรียบเทียบความคิดเห็นของประชาชนเกี่ยวกับการพัฒนาการเมืองภาคพลเมืองและกระบวนการพัฒนาประชาธิปไตยชุมชนในตำบลนาชุมแสง อำเภอภูเวียง จังหวัดขอนแก่น

พื้นที่ในการศึกษา

พื้นที่เป้าหมาย ได้แก่ ตำบลนาชุมแสง อำเภอภูเวียง จังหวัดขอนแก่น ครอบคลุมพื้นที่ 12 หมู่บ้าน ได้แก่ หมู่ที่ 1 บ้านนาชุมแสง หมู่ที่ 2 บ้านหนองทุ่ม หมู่ที่ 3 บ้านหนองย่างแลน หมู่ที่ 4 บ้านกุดน้ำใส หมู่ที่ 5 บ้านหัวฝาย หมู่ที่ 6 บ้านหนองขาม หมู่ที่ 7 บ้านบุ่งแสง หมู่ที่ 8 บ้านหนองลุมพุก หมู่ที่ 9 บ้านโนนรัง หมู่ที่ 10 บ้านนาชุมแสง หมู่ที่ 11 บ้านชัยมงคล หมู่ที่ 12 บ้านหัวฝาย

ประชากรและกลุ่มเป้าหมายที่ใช้ในการศึกษา

1) กลุ่มเป้าหมายในการวิจัยเชิงคุณภาพ
กลุ่มเป้าหมายที่ใช้ในการวิจัยเชิงคุณภาพ คือ ผู้ให้ข้อมูลสำคัญ (Key Informants) ได้แก่ กลุ่มผู้นำชุมชน (กำนัน ผู้ใหญ่บ้าน ครูในชุมชน พระสงฆ์ อสม. ปราชญ์ชาวบ้าน แกนนำชุมชน) คณะกรรมการกิจการสภาองค์กรชุมชนตำบล สมาชิกองค์การบริหารส่วนตำบล (อบต.) ชาวบ้าน และเจ้าหน้าที่ของรัฐและเอกชน (NGO) ที่เกี่ยวข้องในตำบลนาชุมแสง อำเภอภูเวียง จังหวัดขอนแก่น รวมทั้งสิ้น 50 คน

2) ประชากรที่ใช้ในการวิจัยเชิงปริมาณ
ในการวิจัยครั้งนี้ใช้การศึกษาจากตัวอย่าง (Sample) จากประชาชนอายุมากกว่า 18 ปีขึ้นไป ที่มีสิทธิ์เลือกตั้งในตำบลนาชุมแสง อำเภอภูเวียง จังหวัดขอนแก่น โดยกำหนดขนาดตัวอย่าง (Sample Size) จากสูตรหาขนาดตัวอย่างของ Taro Yamane โดยกำหนดขอบเขตระดับความเชื่อมั่นที่ร้อยละ 95 คือ

วิจัยใช้สูตรของทาโร ยามาเน่ (Taro Yamane, อ้างถึง ใน สุทธนู ศรีไสย์, 2551) กำหนดขอบเขต
ความคลาดเคลื่อน 0.05 สูตรการคำนวณหากลุ่มตัวอย่างดังนี้คือ เมื่อ n = จำนวนกลุ่ม   ตัวอย่าง N =
จำนวนประชากรทั้งหมด

$\quad$ e = ค่าความคลาดเคลื่อนสูงสุดที่ยอมให้มีได้

$\quad$ n $\quad=\quad$ N/1+Ne2

เมื่อ $\quad$ N $\quad=\quad$ จำนวนประชากรทั้งหมดที่มีสิทธิ์เลือกตั้ง (กุมภาพันธ์ พ.ศ. 2559)

$\quad\quad\quad$ n $\quad=\quad$ ขนาดตัวอย่าง

$\quad\quad\quad$ e $\quad=\quad$ ค่าความคลาดเคลื่อนที่กำหนด หรือระดับนัยสำคัญทางสถิติ
$\quad\quad\quad\quad\quad\quad$ ที่ใช้ในการศึกษาครั้งนี้กำหนดให้เท่ากับ 0.05

แทนค่าในสูตร $\quad$ n $\quad=\quad$ N/1+Ne2

$\quad\quad\quad\quad\quad\quad$ n $\quad=\quad$ (5,194) / [1+ (5,194 x 0.0025)]

$\quad\quad\quad\quad\quad\quad$ n $\quad=\quad$ 371 $\quad$ คน

วิธีการสุ่มตัวอย่าง เมื่อได้ขนาดตัวอย่างจำนวนประชากรผู้มีสิทธิ์เลือกตั้งในตำบลนาชุมแสง อำเภอ
ภูเวียง จังหวัดขอนแก่น จึงสุ่มตัวอย่างด้วยวิธีการสุ่มตัวอย่างแบบแบ่งชั้น (Stratified   Random
Sampling) โดยมีการดำเนินการในพื้นที่ตำบลนาชุมแสง จำแนกพื้นที่เป็นระดับหมู่บ้านทั้งหมด 12
หมู่บ้าน อนึ่งในการเก็บรวบรวมข้อมูลผู้วิจัยได้เลือกมาอย่างเจาะจง (Purposive Selection) ตามแต่
ละพื้นที่

เครื่องมือการวิจัยและวิธีการในการเก็บรวบรวมข้อมูล

การดำเนินการวิจัย สามารถสาระและรายละเอียดได้ดังนี้

$\quad$ 1) ประชุมจัดทำขอบข่ายการดำเนินงาน ค้นคว้าเอกสารที่เกี่ยวข้อง แนวคิด ขั้นตอน/วิธีการ
วัตถุประสงค์ แผนการดำเนินงาน และขอบเขตการดำเนินงาน

$\quad$ 2) ศึกษาข้อมูลทุติยภูมิจากเอกสารของหน่วยงานที่เกี่ยวข้อง เพื่อให้ได้ข้อมูลเกี่ยวกับ
สถานการณ์ที่เกี่ยวข้องกับการพัฒนาการเมืองภาคพลเมืองและกระบวนการพัฒนาประชาธิปไตย
ชุมชน อนึ่งการหาข้อมูลจากหน่วยงานต่างๆ ทั้งภาครัฐและเอกชน ทั้งการสืบค้นข้อมูลทาง
อินเตอร์เน็ตและการติดต่อขอข้อมูลจากหน่วยงานที่เกี่ยวข้องร่วมด้วย

$\quad$ 3) ดำเนินการพัฒนาแนวทางการสัมภาษณ์เชิงลึก (In-depth Interview Guideline) ซึ่งเป็น
เครื่องมือสำหรับการวิจัยเชิงคุณภาพ และพัฒนาเครื่องมือสำหรับการวิจัยเชิงปริมาณ คือ แบบ
สัมภาษณ์ (Interview Schedule) ซึ่งเครื่องมือทั้งสองมีประเด็นคำถามที่สอดคล้องกับการพัฒนา

การเมืองภาคพลเมืองและกระบวนการพัฒนาประชาธิปไตยชุมชนในตำบลนาชุมแสง อำเภอภูเวียง จังหวัดขอนแก่น

4) ดำเนินการเก็บรวบรวมข้อมูลภาคสนามเชิงคุณภาพ โดยสัมภาษณ์เชิงลึก (In-depth Interview) และการสนทนากลุ่มเฉพาะ (Focus Group) กับผู้ให้ข้อมูลสำคัญ ได้แก่ กลุ่มผู้นำชุมชน (กำนัน ผู้ใหญ่บ้าน ครู-อาจารย์ในชุมชน พระสงฆ์ ปราชญ์ชาวบ้าน อสม.) คณะกรรมการกิจการ สภาองค์กรชุมชนตำบล สมาชิกองค์การบริหารส่วนตำบล (อบต.) ชาวบ้านและเจ้าหน้าที่ของรัฐ และเอกชน (NGO) ที่เกี่ยวข้องในตำบลนาชุมแสง อำเภอภูเวียง จังหวัดขอนแก่น ขณะเดียวกันใช้ การสังเกตแบบมีส่วนร่วม (Participant Observation) ร่วมด้วย

5) ดำเนินการเก็บรวบรวมข้อมูลภาคสนามเชิงปริมาณ โดยการสัมภาษณ์ตามแบบ สัมภาษณ์ กับประชากรอายุ 18 ปีขึ้นไปที่มีสิทธิ์เลือกตั้งในตำบลนาชุมแสง อนึ่งในการเก็บรวบรวม ข้อมูลได้เลือกมาอย่างเจาะจงตามแต่ละพื้นที่ทั้งหมด 12 หมู่บ้าน ซึ่งจากกลุ่มตัวอย่าง 371 คน ผู้วิจัย สามารถเก็บรวบรวมข้อมูลได้ 371 คน คิดเป็นร้อยละ 100.0

การประมวลผลและวิเคราะห์ข้อมูล

ในการศึกษาครั้งนี้ได้มีการวิเคราะห์ข้อมูลในสองส่วน โดยเริ่มจากการวิเคราะห์ข้อมูลเชิงคุณภาพ (Qualitative Data) ใช้การวิเคราะห์ตามเทคนิคการวิเคราะห์เชิงเนื้อหา (Content Analysis) ซึ่งข้อมูล ที่นำมาวิเคราะห์ได้ผ่านการตรวจสอบข้อมูลแบบสามเส้า (Triangulation) ที่ได้จากการศึกษาทัศนะ คนใน (Emic View) ในพื้นที่ที่ทำการวิจัย รวมทั้งการศึกษาจากทัศนะคนนอก (Etic View) แล้วใช้ วิธีการสร้างข้อสรุปอย่างเป็นองค์รวม (Holistic Approach) โดยใช้การวิเคราะห์และจำแนกชนิด ข้อมูล (Typological Analysis) ใช้แนวคิดทฤษฎีที่เกี่ยวข้องอธิบายปรากฏการณ์ พฤติกรรมและการ เปลี่ยนแปลงที่เกิดขึ้นว่ามีความสัมพันธ์สอดคล้องกันอย่างไร เพื่อให้สามารถสร้างข้อสรุปหรือ สร้างคำอธิบาย (Construct) และพิสูจน์ข้อสรุปได้โดยเข้าใจ ให้ความหมาย อธิบายความสัมพันธ์ ความหลากหลายของปรากฏการณ์ พฤติกรรมและการเปลี่ยนแปลงได้อย่างชัดเจนถูกต้อง และอยู่ ในบริบทของพื้นที่ทางกายภาพ สังคม วัฒนธรรม เศรษฐกิจและการพัฒนา การเมืองภาคพลเมือง กับกระบวนการพัฒนาประชาธิปไตยชุมชน ของตำบลนาชุมแสง อำเภอภูเวียง จังหวัดขอนแก่น รวมทั้งการใช้แนวคิด ทฤษฎีทางสังคมศาสตร์ สังคมวิทยาการเมืองและทฤษฎีการพัฒนาการเมืองที่ เกี่ยวข้องมาอธิบาย นำเสนอข้อมูลในลักษณะพรรณนาเชิงวิเคราะห์ (Analytical Description)

สำหรับการวิเคราะห์ข้อมูลเชิงปริมาณ (Quantitative Data) ใช้การวิเคราะห์ตัวแปรทางเดียวด้วย สถิติพรรณนา (Descriptive Statistics) ได้แก่ ร้อยละ ค่าเฉลี่ย ค่ามัธยฐาน ค่าส่วนเบี่ยงเบนมาตรฐาน ค่ามากที่สุด และค่าน้อยที่สุด ส่วนการวิเคราะห์เปรียบเทียบ 2 ตัวแปร ใช้การวิเคราะห์ตารางไขว้

(Cross Tabulation) ร่วมกับการใช้สถิติ Chi-Square ในการทดสอบความสัมพันธ์ระหว่างตัวแปร
รายคู่ เพื่อพิจารณาการกระจายตัวของข้อมูลและพิจารณาความสอดคล้องของที่มีอยู่ในคุณลักษณะ
หรือคุณสมบัติของข้อมูลตั้งแต่ 2 ชุดขึ้นไป

การแปรผล

1) พัฒนาการเมืองภาคพลเมือง ได้แก่ ความคิดเห็นของประชาชนที่มีต่อพัฒนาการเมือง
ภาคพลเมืองในตำบลนาชุมแสง อำเภอภูเวียง จังหวัดขอนแก่น โดยมีระดับการวัดเป็นระดับอันตร
ภาค (Interval Scale) ตามมาตราส่วนประมาณค่า 5 ระดับ ได้แก่ น้อยที่สุด น้อย ปานกลาง มาก มาก
ที่สุด ให้ค่าคะแนนเป็น 1-5 ตามลำดับ ทั้งนี้ในการวิเคราะห์ในระดับสองตัวแปรหรือการวิเคราะห์
เปรียบเทียบได้มีการปรับตัวแปรให้มีการวัดเป็นระดับอันดับ (Ordinal Scale) ด้วยการแบ่งกลุ่มเป็น
3 กลุ่ม ได้แก่ (1) ระดับสูง (2) ระดับปานกลาง และ (3) ระดับต่ำ โดยวัดจากค่าคะแนนของแต่ละข้อ
คำถามที่ได้รวมกัน มีค่าคะแนนอยู่ระหว่าง 46-107 คะแนน ในการแปลผลเป็นระดับพัฒนา
การเมืองภาคพลเมือง ผู้วิจัยได้กำหนดการจัดกลุ่มโดยการอิงกลุ่ม ดังนี้

ระดับสูง   มีค่าคะแนนมากกว่า 88 คะแนนขึ้นไป
ระดับปานกลาง   มีค่าคะแนนระหว่าง 68-88 คะแนน
ระดับต่ำ   มีค่าคะแนนน้อยกว่า 67 คะแนน

2) กระบวนการพัฒนาประชาธิปไตยชุมชน ได้แก่ ความคิดเห็นของประชาชนที่มีต่อ
กระบวนการพัฒนาประชาธิปไตยชุมชนในตำบลนาชุมแสง อำเภอภูเวียง จังหวัดขอนแก่น โดยมี
ระดับการวัดเป็นระดับอันตรภาค (Interval Scale) ตามมาตราส่วนประมาณค่า 5 ระดับ ได้แก่ น้อย
ที่สุด น้อย ปานกลาง มาก มากที่สุด ให้ค่าคะแนนเป็น 1-5 ตามลำดับ ทั้งนี้ในการวิเคราะห์ในระดับ
สองตัวแปรหรือการวิเคราะห์เปรียบเทียบได้มีการปรับตัวแปรให้มีการวัดเป็นระดับอันดับ (Ordinal
Scale) ด้วยการแบ่งกลุ่มเป็น 3 กลุ่ม ได้แก่ (1) ระดับสูง (2) ระดับปานกลาง และ (3) ระดับต่ำ โดย
วัดจากค่าคะแนนของแต่ละข้อคำถามที่ได้รวมกัน มีค่าคะแนนอยู่ระหว่าง 18-88 คะแนน ในการ
แปลผลเป็นระดับกระบวนการพัฒนาประชาธิปไตยชุมชน ผู้วิจัยได้กำหนดการจัดกลุ่มโดยการอิง
กลุ่ม ดังนี้

ระดับสูง   มีค่าคะแนนมากกว่า 66 คะแนนขึ้นไป
ระดับปานกลาง   มีค่าคะแนนระหว่าง 43-66 คะแนน
ระดับต่ำ   มีค่าคะแนนน้อยกว่า 42 คะแนน

ผลการศึกษา

จากการวิจัยการพัฒนาการเมืองภาคพลเมืองกับกระบวนการพัฒนาประชาธิปไตยชุมชน
กรณีศึกษา: ตำบล นาชุมแสง อำเภอภูเวียง จังหวัดขอนแก่น ตามวัตถุประสงค์ของการวิจัย ข้อมูล
และผลที่ได้จากการศึกษา พบว่า

การพัฒนาการเมืองภาคพลเมืองในตำบลนาชุมแสง เกิดจากกระบวนการพัฒนาภายในและภายนอก
ชุมชน กระบวนการพัฒนาการเมืองภาคพลเมืองภายในชุมชนเกี่ยวข้องกับทุนทางสังคม วัฒนธรรม
และความเชื่อของท้องถิ่น อาจเรียกว่าเป็นวัฒนธรรมประชาธิปไตยท้องถิ่น ทำให้สมาชิกในชุมชน
เข้ามามีส่วนร่วมในกิจกรรมสาธารณะ โดยมีผู้นำชุมชนที่สำคัญ ได้แก่ ผู้นำทางความคิดทางการ
เมืองและการพัฒนา (นายก อบต.และผู้นำท้องถิ่นบางท่าน) ผู้นำทางความเชื่อ ศรัทธาและจิต
วิญญาณ (เจ้าคณะตำบล พระสงฆ์บางรูปในชุมชน) และผู้นำทางความคิดทางด้านการศึกษาและ
สังคม (ผู้นำครูในชุมชน 2-3 ท่าน) ซึ่งผู้นำทั้งสามฝ่ายมีแนวคิดและแนวปฏิบัติที่เกี่ยวข้องกับการ
พัฒนาการเมืองภาคพลเมือง สอดคล้อง สัมพันธ์และยึดโยงในเชิงแนวร่วมทางด้านความคิดและ
การปฏิบัติ ผู้นำทั้งสามฝ่ายดังกล่าว มีบทบาทสำคัญในการพัฒนาการเมืองภาคพลเมือง โดยผ่านบุญ
ประเพณี โครงการและกิจกรรมการพัฒนาในพื้นที่ ได้แก่ โครงการจัดการพื้นที่สาธารณะโคกน้ำ
เกลี้ยง โครงการบวชป่า โครงการปลูกป่า โครงการครอบครัวมั่นคง การแก้ไขปัญหาน้ำเพื่อ
การเกษตร โครงการเกษตรตำบลนาชุมแสง โครงการเยาวชนจิตอาสารักบ้านเกิด (หนังสั้นชุมชน)
โครงการฝึกอบรมเชิงปฏิบัติการหมู่บ้านเศรษฐกิจพอเพียง โครงการอบรมความรู้สภาองค์กรชุมชน
ตำบล โครงการแก้ไขปัญหาความยากจนร่วมกับ ม.ขอนแก่น จากการศึกษาข้อมูลเชิงปริมาณ พบว่า
การมีส่วนร่วมของประชาชนในโครงการและกิจกรรมดังกล่าว โดยเรียงลำดับจากการเคยเข้าร่วม
กิจกรรมการพัฒนาของประชาชนในตำบลนาชุมแสง คือ การปลูกป่า (30.1%) การบวชป่า (19.1%)
โครงการเกษตรตำบลนาชุมแสง (9.6%) การจัดการพื้นที่สาธารณะโคกน้ำเกลี้ยง (9.0%) การแก้ไข
ปัญหาน้ำเพื่อการเกษตร (8.7%) โครงการหมู่บ้านเศรษฐกิจพอเพียง (7.2%) โครงการครอบครัว
มั่นคง (6.0%) โครงการเยาวชนจิตอาสารักบ้านเกิด (4.1%) การอบรมความรู้สภาองค์กรชุมชน
(3.1%) โครงการแก้ไขปัญหาความยากจนร่วมกับ ม.ขอนแก่น (3.1%) สำหรับกิจกรรมที่ประชาชน
ในตำบลนาชุมแสงเป็นสมาชิกกลุ่ม กองทุน กิจกรรมการพัฒนาหมู่บ้าน โดยเรียงลำดับจากจากการ
เป็นสมาชิก คือ กองทุนหมู่บ้านและชุมชนเมือง (20.2%) กองทุนโลงศพ/ กองทุนฌาปนกิจศพ
(14.6%) กองทุนวันละบาท (12.1%) สภาผู้เฒ่า/ กลุ่มผู้สูงอายุ (8.0%) กลุ่มออมทรัพย์เพื่อการผลิต
(6.7%) กลุ่มพัฒนาสตรีหมู่บ้าน (6.2%) กลุ่มธนาคารข้าว (6.1%) กลุ่มอนุรักษ์ป่าชุมชน (3.4%) กลุ่ม
พันธุ์ข้าว (3.0%) สภาองค์กรชุมชนตำบล (2.5%) กลุ่มผ้าทอพื้นบ้านและหัตถกรรม (2.4%) กลุ่ม
เยาวชน (2.4%) อาสาสมัครป้องกันภัยฝ่ายพลเรือน (2.1%) กลุ่มสถานีรักบ้านเกิด (1.5%) กลุ่ม

ส่งเสริมภูมิปัญญาและประเพณีท้องถิ่น (1.9%) กลุ่มจัดการน้ำเพื่อการเกษตรในฤดูแล้ง (1.4%)
อาสาสมัครสาธารณสุขมูลฐาน (1.1%) กลุ่มพัฒนาอาชีพการเกษตรและรายได้ชุมชน (1.1%) กลุ่ม
ลูกเสือชาวบ้าน (1.0%) กลุ่มเลี้ยงควายเพื่ออนุรักษ์และทำนา (0.9%) กลุ่มปุ๋ยชีวภาพ (0.8%) กลุ่ม
อนุรักษ์ควายไทย (0.5%)

การพัฒนาการเมืองภาคพลเมืองจากภายนอกที่สำคัญของตำบลนาชุมแสง คือ สำนักงานสภาพัฒนา
การเมือง สถาบันพระปกเกล้า ได้ดำเนินการส่งเสริมการเมืองภาคพลเมืองและพัฒนาพื้นที่ต้นแบบ
ประชาธิปไตยชุมชนหลาย ๆ พื้นที่ของประเทศไทย สำหรับจังหวัดขอนแก่น ได้มีการดำเนิน
โครงการที่ตำบลนาชุมแสง อำเภอภูเวียง จังหวัดขอนแก่น ตั้งแต่ปี พ.ศ. 2551 และสถาบันพัฒนา
องค์กรชุมชน (องค์การมหาชน) รวมทั้งพันธมิตรเครือข่ายทางความคิด ทางการเมืองและ
ประชาธิปไตยแบบจัดการตนเอง ได้แก่ อาจารย์สน รูปสูง นายกสุภี ทองมีค่า นายก อบต.หนองแวง
โสกพระ อำเภอพล จังหวัดขอนแก่น นายบำรุง คะโยธา นายก อบต. สายนาวัง อำเภอนาคู จังหวัด
กาฬสินธุ์ เป็นต้น รวมทั้งการได้รับอิทธิพลทางความคิด การเคลื่อนไหวทางการเมืองในอดีตของ
แกนนำและผู้นำชุมชนบางท่านในพื้นที่อำเภอภูเวียง ซึ่งเป็นเขตพื้นที่สีแดง มีการเคลื่อนไหวของ
พรรคคอมมิวนิสต์ประเทศไทยในอดีต ซึ่งผู้นำในพื้นที่บางคนได้เข้าไปอยู่ในป่าร่วมกับขบวนการ
เคลื่อนไหวทางการเมืองตามแนวคิดของพรรคคอมมิวนิสต์แห่งประเทศไทย (พคท.) ปัจจุบัน
กระบวนการพัฒนาทางการเมืองภาคพลเมืองควบคู่ไปกับกลุ่มพัฒนาที่ดำเนินกิจกรรม โครงการ
พัฒนาในพื้นที่ โดยสภาองค์กรชุมชนตำบลมีบทบาทสำคัญในการเคลื่อนไหวการเมืองภาคพลเมือง
ในพื้นที่อยู่เป็นระยะ ครั้งล่าสุดการประชุมสภาองค์กรชุมชนตำบลนาชุมแสง เมื่อวันที่ 3 มีนาคม
พ.ศ. 2559 ที่ห้องประชุม อบต. นาชุมแสง ที่ประชุมได้พูดคุยแลกเปลี่ยนความเห็นเกี่ยวกับการ
ดำเนินงานเกี่ยวกับสภาองค์กรชุมชนตำบล 4 เรื่อง คือ 1) การปลูกป่า 2) การแก้ปัญหาพื้นที่
สาธารณะโคกน้ำเกลี้ยง (การจัดการพื้นที่สาธารณะ) 3) โครงการครอบครัวมั่นคง 4) การแก้ไข
ปัญหาน้ำเพื่อการเกษตร

กระบวนการพัฒนาประชาธิปไตยชุมชนของตำบลนาชุมแสง จากการศึกษาข้อมูลเชิงคุณภาพ พบว่า
ประชาชนในตำบลนาชุมแสง ส่วนใหญ่ให้ความศรัทธาและสนับสนุนนายก อบต. คนปัจจุบัน
(นายธีระศักดิ์ แสนกอง) ซึ่งดำรงตำแหน่งนายก อบต. ติดต่อมาแล้ว 4 สมัย ซึ่งก่อนจะรับการ
เลือกตั้งเป็น นายก อบต. ได้รับการเลือกตั้งเป็น สมาชิกองค์การบริหารส่วนตำบล 1 สมัย มาก่อน
เป็นผู้ที่มีความซื่อสัตย์โปร่งใส เข้าถึงชุมชนโดยอาศัยวัฒนธรรม ประเพณีท้องถิ่น ความเป็นกันเอง
และพยายามแก้ปัญหาตามความต้องการของชุมชนโดยกระบวนการมีส่วนร่วมจากภาคประชาชน มี
ความขัดแย้งทางด้านความคิดเห็น อุดมการณ์และการดำเนินงานอยู่บ้างระหว่างกลุ่มผู้นำท้องถิ่นกับ
ท้องที่ ซึ่งผู้นำท้องที่ ได้แก่ กำนัน ผู้ใหญ่บ้านทั้ง 12 หมู่บ้าน พบว่า ผู้นำที่ยึดโยงความสัมพันธ์

ทางการเมืองและสนับสนุนการทำงานของนายก อบต. ที่สำคัญ และอยู่ในระดับมาก มีจำนวน 5 หมู่บ้าน อีก 5 หมู่บ้าน ให้การสนับสนุนและเป็นแนวร่วมอยู่ในระดับปานกลาง เนื่องจาก ผู้ใหญ่บ้านบางคนใกล้เกษียณการดำรงตำแหน่งผู้ใหญ่บ้าน ความสนใจทางการเมืองในเชิงแข่งขัน เริ่มลดลง และอีก 2 หมู่บ้าน มีความเห็นทางการเมือง อุดมการณ์และการทำงานขัดแย้งกับ นายก อบต. โดยเฉพาะอย่างยิ่งเกี่ยวกับความโปร่งใสการทำงาน การซื้อเสียง การเลือกตั้งและการถอนทุน ทางการเมือง ความขัดแย้งในกลุ่มผู้นำชุมชนเกิดจากกลุ่มไม่ซื้อเสียง พยายามทำงานโดยสุจริต ใช้ ทุนทางสังคม วัฒนธรรม ประเพณีท้องถิ่นเป็นกระบวนการขับเคลื่อนประชาธิปไตยชุมชน ขัดแย้ง กับกลุ่มที่ซื้อเสียงการเลือกตั้ง ทำงานอาศัยอำนาจนิยมและระบบพรรคพวก อย่างไรก็ตาม กระบวนการพัฒนาประชาธิปไตยชุมชนตำบลนาชุมแสง นายก อบต. ได้ให้ความสนใจและ ดำเนินการอย่างต่อเนื่อง โดยอาศัยแนวคิดที่อาจารย์สน รูปสูง ซึ่งเป็นผู้นำทางความคิดร่วม อุดมการณ์และการสนับสนุนจากสถาบันพระปกเกล้าและสถาบันพัฒนาองค์กรชุมชน (พอช.) ประกอบกับคุณลักษณะทางการเมือง (Political Traits) ของนายก อบต. คนปัจจุบัน เป็นคนซื่อสัตย์ จริงใจในการทำงาน เข้าถึงชุมชน มีแนวความคิดทางการเมืองเชิงอุดมการณ์สูง วิธีคิดการทำงาน พยายามพึ่งพาตนเองโดยอาศัยชุมชนเป็นฐาน เนื่องจาก อบต. มีรายได้น้อย วิสัยทัศน์ของนายก อบต. พยายามใช้บุคลากรในองค์กรให้ได้ประโยชน์และเกิดประสิทธิภาพสูงสุด คน ๆ หนึ่งอาจ ทำงานหลายหน้าที่ หากไม่จำเป็นจะไม่รับเจ้าหน้าที่ทำงานเพิ่ม หากใครย้ายไปทำงานที่อื่น ในส่วน คนที่เหลือทำงานแทนได้จะให้ทำแทน เคยมีเจ้าหน้าที่ย้ายมาที่อบต. นาชุมแสง โดยจะให้เงิน จำนวนหนึ่งเพื่อเป็นค่าโยกย้ายตำแหน่ง นายก อบต. บอกว่าไม่รับ ที่นี้ต้องการคนทำงานที่มีความ สุจริตและไม่เป็นหนี้บุญคุณต่อกัน จะทำให้การทำงานแสดงความคิดเห็นได้อย่างอิสระ วิสัยทัศน์ การทำงานของ นายก อบต. ยังแสดงให้เห็นถึงการสนับสนุนและพัฒนาพลังของชุมชนในการ จัดการปัญหา เช่น ปัญหาขยะ โดยสร้างความตระหนักและจิตสำนึกร่วมกับประชาชนในตำบลใน การจัดการขยะด้วยตนเอง การลดปริมาณขยะในครัวเรือน การนำขยะที่เป็นเศษพืชและอาหารมาทำ เป็นปุ๋ย และการนำขยะไปทิ้งด้วยตนเองบริเวณที่ทางอบต. จัดให้ นายก อบต. ไม่มีแนวคิดที่จะซื้อ รถขยะเพราะเป็นภาระทางด้านงบประมาณของอบต. ซึ่งเปลืองน้ำมันเชื้อเพลิงและการจ้างพนักงาน ขับรถ การดูแลบำรุงรักษา ต้องการให้ชุมชนจัดการขยะด้วยตนเอง โดยเชื่อมโยงกับการสร้าง จิตสำนึก รับผิดชอบต่อชุมชน ปัญหาการทิ้งขยะในชุมชนบางครั้งเกิดจากพ่อค้า แม่ค้า จากตำบลอื่น เวลาขับรถผ่านเพื่อไปซื้อสินค้าในอำเภอเมือง จังหวัดขอนแก่นมาขายจะโยนขยะทิ้งในระหว่างทาง ของหมู่บ้าน บางส่วนเป็นขยะที่เกิดขึ้นจากชุมชน

กระบวนการพัฒนาประชาธิปไตยชุมชนตำบลนาชุมแสงที่ดำเนินการอย่างจริงจัง ในช่วง พ.ศ. 2551 -2553 โดยเริ่มจากกระบวนการศึกษาปัญหาและความต้องการของชุมชน จัดเวทีประชาคมแต่ละ หมู่บ้าน การอบรมเยาวชนในชุมชน มีส่วนร่วมสำรวจข้อมูลชุมชนของตนเอง กระบวนการนำ

ปัญหาและความต้องการของชาวบ้าน จัดทำเป็นนโยบายสาธารณะของตำบล โดยผ่านเวทีของสภา องค์กรชุมชนตำบลร่วมกับ อบต. เพื่อจัดทำเป็นแผนพัฒนา อบต. นายก อบต.นาชุมแสง ให้การ สนับสนุนการดำเนินงานของสภาองค์กรชุมชนตำบลนาชุมแสง เพราะช่วยจัดทำแผนพัฒนาของ ตำบลให้สอดคล้องกับปัญหาและความต้องการอย่างแท้จริง นอกจากนี้พยายามให้ประชาชนใน ชุมชนมีส่วนร่วม ในกระบวนติดตามและประเมินผลงานของท้องถิ่นตนเอง โดยผ่านผู้นำหรือ ตัวแทนของชุมชนและเปิดโอกาสผู้ที่สนใจสามารถเข้าร่วมรับฟังในระหว่างการประชุมของ องค์การบริหารส่วนตำบลนาชุมแสงและสภาองค์กรชุมชนตำบลนาชุมแสงได้

จากการศึกษาข้อมูลเชิงปริมาณพบว่า กระบวนการพัฒนาประชาธิปไตยชุมชน ประชาชนมีความ คิดเห็นอยู่ในระดับมากทั้ง 7 ด้าน ตามลำดับ ดังนี้ การรวบรวมปัญหาและความต้องการของชุมชน (การจัดเวทีระดมปัญหาและความต้องการ การจัดลำดับความสำคัญและความเร่งด่วนของปัญหา คณะกรรมการหรือผู้แทนชุมชน รวบรวมปัญหาและความต้องการของทุกหมู่บ้านในตำบล) (47.8%) จัดเวทีและเสนอปัญหาและความต้องการต่อท้องถิ่นและหน่วยงานที่เกี่ยวข้อง (43.8%) การพัฒนาชุมชนโดยชุมชน (การมีส่วนรวมของประชาชนคุณภาพ ศักยภาพของผู้นำชุมชนและ ประชาชนในพื้นที่) (43.6%) กระบวนการนำปัญหา/ความต้องการชาวบ้านเป็นแผนพัฒนาของ องค์กรปกครองส่วนท้องถิ่นและหน่วยงานที่เกี่ยวข้อง (42.8%) กระบวนการนำปัญหา/ ความ ต้องการของชาวบ้านเป็นนโยบายการพัฒนาขององค์กรปกครองส่วนท้องถิ่นและหน่วยงานที่ เกี่ยวข้อง (41.0%) การติดตามผลการพัฒนาชุมชนโดยกลุ่มหรือองค์กรประชาชน (40.6%) การ เสนอปัญหา/ความต้องการที่เกินขีดความสามารถของตำบลไปยังจังหวัดหรือหน่วยงานที่เกี่ยวข้อง ในระดับชาติ (38.4%)

ปัจจุบันสภาองค์กรชุมชนระดับตำบล ได้รับการสนับสนุนจากอบต. เกี่ยวกับการประชุม ค่าอาหาร และค่าน้ำมันรถ (จักรยานยนต์) ปีละ 20,000 บาท ซึ่งส่วนใหญ่ทำงานด้วยความเสียสละและตั้งใจ ทำงาน เวลามาประชุมบางครั้งทุกคนต้องเตรียมอาหารมากินเองและได้รับค่าเบี้ยเลี้ยงเป็นค่าน้ำมัน รถ คนละ 100 บาท การเสริมสร้างประชาธิปไตยชุมชน ประชาชนในพื้นที่ให้ความเห็นเกี่ยวกับการ เลือกตั้งผู้นำท้องที่ (กำนัน ผู้ใหญ่บ้าน) ส่วนใหญ่ให้ความเห็นว่าควรมีการเลือกตั้งและให้กำนันมา จากการเลือกตั้งมาจากประชาชน ไม่ใช่มาจากการเลือกตั้งจากผู้ใหญ่บ้านด้วยกันเองทำให้มีการซื้อ เสียงและให้ผลประโยชน์ตอบแทนเพื่อหวังได้ตำแหน่งกำนัน จากข้อมูลเชิงปริมาณ ประชาชนส่วน ใหญ่เห็นด้วยกับการเลือกตั้งผู้ใหญ่บ้าน ทุก ๆ 5 ปี คิดเป็นร้อยละ 91.1 และไม่เห็นด้วยร้อยละ 8.9 ผู้ให้ข้อมูลส่วนใหญ่ที่เห็นด้วยให้ความเห็นว่าหากผู้ใหญ่บ้านหรือกำนันทำงานไม่ดี สามารถ เลือกตั้งเปลี่ยนแปลงกำนัน ผู้ใหญ่บ้านได้ อยากเห็นการเปลี่ยนแปลงและการพัฒนาการทำงานที่ ก้าวหน้า จากการพูดคุยกับผู้นำชุมชนบางท่านพบว่า ปัจจุบันมีผู้ที่เรียนจบการศึกษาในระดับ

ปริญญาตรีแต่ยังไม่มีงานทำ จะได้มีโอกาสรับเลือกตั้งเป็นผู้นำชุมชนได้เพราะเป็นคนรุ่นใหม่อาจมี
แนวคิดและวิสัยทัศน์ที่ดีในการพัฒนาชุมชนของตนเอง ส่วนผู้ให้ข้อมูลที่ไม่เห็นด้วยกล่าวว่าการ
ทำงาน การพัฒนาไม่ต่อเนื่องและการเกิดความขัดแย้งในชุมชน

ความคิดเห็นของประชาชนเกี่ยวกับการพัฒนาการเมืองภาคพลเมืองและกระบวนการพัฒนา
ประชาธิปไตยชุมชน จากการศึกษาข้อมูลเชิงปริมาณ พบว่า ความคิดเห็นระหว่างกลุ่มอายุ 18-29 ปี
30-39 ปี 40-49 ปี 50-59 ปี และ 60 ปี ขึ้นไป เกี่ยวกับการพัฒนาการเมืองภาคพลเมืองในตำบลนา
ชุมแสง ดังนี้ ผู้ให้ข้อมูลส่วนใหญ่แสดงความคิดเห็นว่าประชาชนในตำบลนาชุมแสง กว่าร้อยละ
55.0 มีการพัฒนาการเมืองภาคพลเมืองในระดับปานกลาง ซึ่งเป็นแบบแผนเดียวกันในทุกกลุ่มช่วง
อายุ อย่างไรก็ตามผู้ให้ข้อมูลอายุระหว่าง 18-29 ปี แสดงความคิดเห็นว่าประชาชนในตำบลนา
ชุมแสงมีการพัฒนาการเมืองภาคพลเมืองในระดับสูง มากที่สุด คิดเป็นร้อยละ 31.1 รองลงมาคือ
กลุ่มอายุระหว่าง 40 - 49 ปี คิดเป็นร้อยละ 16.7 และเป็นที่น่าสังเกตว่า มีจำนวนใกล้เคียงกับกลุ่มมี
การพัฒนาการเมืองภาคพลเมืองในระดับต่ำคิดเป็นร้อยละ 15.4

ความคิดเห็นของประชาชนเกี่ยวกับกระบวนการพัฒนาประชาธิปไตยในชุมชน จากการศึกษาข้อมูล
เชิงปริมาณ พบว่า พบว่า ความคิดเห็นระหว่างกลุ่มอายุ 18-29 ปี 30-39 ปี 40-49 ปี 50-59 ปี และ 60
ปี ขึ้นไป เกี่ยวกับกระบวนการพัฒนาประชาธิปไตยชุมชนตำบลนาชุมแสง ดังนี้ ผู้ให้ข้อมูลส่วน
ใหญ่แสดงความคิดเห็นว่าประชาชนในตำบลนาชุมแสงมีกระบวนการพัฒนาประชาธิปไตยใน
ชุมชนในระดับปานกลาง โดยเฉพาะในกลุ่มอายุระหว่าง 51-60 ปี มากที่สุดคิดเป็นร้อยละ 76.0
ในขณะที่ผู้ให้ข้อมูลอายุระหว่าง 30-39 ปี รองลงมา อายุระหว่าง 18-29 ปี มีกระบวนการพัฒนา
ประชาธิปไตยในชุมชนในระดับสูง มากที่สุด คิดเป็นร้อยละ 25.9 และ 25.7 ตามลำดับ และเป็นที่
น่าสังเกตว่า ผู้ให้ข้อมูลอายุระหว่าง 30-39 ปี และกลุ่มอายุระหว่าง 40-49 ปี แสดงความคิดเห็นว่า
ประชาชนในตำบลนาชุมแสง มีกระบวนการพัฒนาประชาธิปไตยชุมชนในระดับต่ำ มากที่สุด คือ
ร้อยละ 12.3 และ 11.5

การเปรียบเทียบความเข้าใจหลักการประชาธิปไตยกับระดับกระบวนการพัฒนาประชาธิปไตย
ชุมชน เมื่อพิจารณาความเข้าใจหลักการประชาธิปไตยของผู้ให้ข้อมูลสำคัญในตำบลนาชุมแสง เพื่อ
ดูการกระจายข้อมูลในส่วนของระดับกระบวนการพัฒนาประชาธิปไตยชุมชน พบว่า ผู้ให้ข้อมูล
ส่วนใหญ่แสดงความคิดเห็นว่าประชาชนในตำบลนาชุมแสงมีความเข้าใจหลักการประชาธิปไตย
ในระดับปานกลาง รองลงมาคือ กลุ่มที่มีความเข้าใจหลักการประชาธิปไตยในระดับน้อย มี
กระบวนการพัฒนาประชาธิปไตยชุมชนในระดับปานกลาง มากถึงร้อยละ 78.1   และ 66.4
ตามลำดับ ในขณะที่ผู้ให้ข้อมูลแสดงความคิดเห็นว่าประชาชนในตำบลนาชุมแสงมีความเข้าใจ

หลักการประชาธิปไตยในระดับมาก มีกระบวนการพัฒนาประชาธิปไตยชุมชนในระดับสูง มาก ที่สุดคิดเป็นร้อยละ 34.8 และเป็นที่น่าสังเกตว่ามีสัดส่วนใกล้เคียงกับกลุ่มผู้ให้ข้อมูลที่ไม่มีความ เข้าใจหลักการประชาธิปไตย ที่มีกระบวนการพัฒนาประชาธิปไตยชุมชนในระดับสูง มากถึงร้อย ละ 30.2   ทั้งนี้เมื่อทดสอบความสัมพันธ์ด้วยสถิติ Chi-Square   พบว่า ความเข้าใจหลักการ ประชาธิปไตยกับระดับกระบวนการพัฒนาประชาธิปไตยชุมชน มีความสัมพันธ์กันอย่างมี นัยสำคัญทางสถิติที่ระดับ 0.05 ซึ่งเป็นความสัมพันธ์ระดับต่ำ เท่ากับ 0.194

การเปรียบเทียบระดับการพัฒนาการเมืองภาคพลเมืองกับระดับกระบวนการพัฒนาประชาธิปไตย ชุมชน เมื่อพิจารณาระดับการพัฒนาการเมืองภาคพลเมืองของผู้ให้ข้อมูลสำคัญในตำบลนาชุมแสง เพื่อดูการกระจายข้อมูลในส่วนของระดับกระบวนการพัฒนาประชาธิปไตยชุมชน พบว่า ผู้ให้ ข้อมูลส่วนใหญ่แสดงความคิดเห็นว่าประชาชนในตำบลนาชุมแสงมีระดับการพัฒนาการเมืองภาค พลเมืองในระดับปานกลางและระดับต่ำ มีกระบวนการพัฒนาประชาธิปไตยชุมชนในระดับปาน กลาง ในสัดส่วนใกล้เคียงกัน คิดเป็นร้อยละ 73.9 และ 78.3 ตามลำดับ ในขณะที่ผู้ให้ข้อมูลแสดง ความคิดเห็นว่าประชาชนในตำบลนาชุมแสงมีการพัฒนาการเมืองภาคพลเมืองในระดับสูง ก็มี กระบวนการพัฒนาประชาธิปไตยชุมชนในระดับสูง มากที่สุดคิดเป็นร้อยละ 57.4 รองลงมาคือมี กระบวน การพัฒนาประชาธิปไตยชุมชนในระดับปานกลาง คิดเป็นร้อยละ 40.2 ทั้งนี้เมื่อทดสอบ ความสัมพันธ์ด้วยสถิติ Chi-Square   พบว่า ระดับการพัฒนาการเมืองภาคพลเมืองกับระดับ กระบวนการพัฒนาประชาธิปไตยชุมชน มีความสัมพันธ์กันอย่างมีนัยสำคัญทางสถิติที่ระดับ 0.05 ซึ่งเป็นความสัมพันธ์ระดับต่ำ เท่ากับ 0.407

สรุปและข้อเสนอแนะ

การพัฒนาการเมืองภาคพลเมืองมีความสำคัญต่อการพัฒนาประชาธิปไตย ประชาธิปไตยที่มี คุณภาพเกิดจากพลเมืองที่มีคุณภาพและมีความอิสระในฐานะความเป็นพลเมือง (Autonomous Being) ไม่เพียงแต่มีรัฐธรรมนูญที่ดีเท่านั้น แต่การยึดโยงความสัมพันธ์ระหว่างความเป็นพลเมืองที่ มีคุณภาพกับประชาธิปไตยที่ยั่งยืนจะเกิดขึ้นได้ต้องอาศัยกระบวนการศึกษาเพื่อสร้างความเป็น พลเมืองให้พลเมืองมีสำนึกรับผิดชอบรู้จักสิทธิและหน้าที่ของตน การเห็นประโยชน์ของสาธารณะ สำคัญ โดยเฉพาะพื้นที่สาธารณะทางการเมือง (Political Public Sphere) รวมทั้งการส่งเสริม พัฒนา จิตสาธารณะและการเป็นพลเมืองต้องมีคุณธรรม

จากการศึกษาการพัฒนาการเมืองภาคพลเมืองกับกระบวนการพัฒนาประชาธิปไตยชุมชน สรุปได้ ว่า การเมืองการปกครองและการพัฒนา 1 ตำบล 2 ระบบ คือ ระบบท้องถิ่นกับระบบท้องที่ มี

ความสำคัญหากพิจารณาในแง่ประชาธิปไตยจากบนลงล่างและประชาธิปไตยจากล่างสู่บน ซึ่งต้อง
อาศัยการกระจายอำนาจและการจัดทำโครงสร้างการบริหารจัดการ ให้มีการปกครองส่วนกลางและ
ส่วนท้องถิ่น ให้ประชาชนมีส่วนร่วมในการจัดการปัญหา รับผิดชอบชุมชนร่วมกัน เช่น การจัดการ
ศึกษาเพื่อท้องถิ่น การจัดการตนเองเกี่ยวกับทรัพยากรธรรมชาติและสิ่งแวดล้อม รวมทั้งเศรษฐกิจ
และวัฒนธรรมของชุมชน จะทำให้การยึดโยงระหว่างอำนาจของท้องถิ่นผ่านองค์การบริหารส่วน
ตำบลกับประชาชน มีความสัมพันธ์และยึดโยงกันเพื่อพัฒนาการเมืองภาคพลเมืองและ
กระบวนการพัฒนาประชาธิปไตยชุมชน คุณธรรมของความเป็นพลเมืองและความเป็นพลเมือง
สามารถสร้างขึ้นได้ในหลายระดับ ตั้งแต่ระดับครอบครัว โรงเรียน วัดและชุมชน สำหรับความเป็น
พลเมืองในชุมชนตามทัศนะของชาวบ้าน พบว่า กรณีความเสมอภาค ความสัมพันธ์ที่เท่าเทียมกัน
ตามศักดิ์ศรีของความเป็นมนุษย์ ชาวบ้านจะพูดถึงการให้เกียรติกัน การเคารพสิทธิผู้อื่น การบอก
เล่าสารทุกข์ สุกดิบ การทำมาหากินอย่างสุจริต ชาวบ้านยกตัวอย่าง เช่น การไม่ปลอมเป็นพระไป
ขอทาน ไม่ลักลอบตัดต้น ไม่ทำลายป่า ไม่ค้ายาเสพติด ส่วนความรับผิดชอบต่อชุมชน ชาวบ้าน
หมายถึง การร่วมแรงร่วมใจกันทำบุญของชุมชน (เอาบุญบ้าน) ความสมัครใจร่วมกัน กวาดขยะ
และทำความสะอาดบริเวณหน้าบ้านและถนน ซึ่งเน้นระบบคนมากกว่าระบบเงินที่ต้องจ้างคนเก็บ
ขยะ ส่วนการเคารพความแตกต่างทางด้านความคิดเห็นในพื้นที่ชาวบ้านอธิบายในกรณีความขัดแย้ง
เกี่ยวกับสีเสื้อทางการเมือง (รสนิยมทางการเมือง) กลุ่มสีเหลืองและกลุ่มสีแดง ซึ่งก่อนการ
รัฐประหารครั้งล่าสุดกลุ่มเสื้อการเมืองสีแดงมีจำนวนมากกว่า 90 % แต่ปัจจุบันความคิดเห็นและ
ความแตกต่างดังกล่าวได้หยุดการเคลื่อนไหวลง ส่วนคนที่มีความเห็นการเมืองในทางตรงกันข้าม
ซึ่งเป็นส่วนน้อยจะใช้วิธีการหลีกเลี่ยง ไม่แสดงความคิดเห็นทางการเมืองต่อหน้ากันหรืออยู่ในงาน
บุญประเพณีต่าง ๆ

ในการศึกษายังพบว่า ผู้นำความคิดทางการเมืองในพื้นที่ที่สำคัญ ได้พูดถึงทฤษฎีการวิเคราะห์และ
การพัฒนาการเมืองแบบชาวบ้านที่สำคัญอยู่ 3 ทฤษฎี คือ **ทฤษฎีหงายสุ่มไก่ ทฤษฎีหัวภูและทฤษฎี
ขนมครก** ซึ่งเป็นแนวคิดและทฤษฎีการเมืองของชาวบ้านที่เปรียบเปรยให้เข้ากับวิถีชีวิต
สภาพแวดล้อมของชุมชนและปัญหาการบริหารจัดการขององค์กรภาครัฐ โดยเฉพาะอย่างยิ่งใน
ระดับอำเภอและจังหวัด **ทฤษฎีหงายสุ่มไก่** หมายถึง เป็นสัญลักษณ์ที่ทำให้เข้าใจง่ายยิ่งขึ้น กล่าวคือ
การให้อิสระกับประชาชนมีส่วนร่วมคิด วิเคราะห์และจัดการปัญหาของตนเองมากขึ้น ซึ่งหมายถึง
การกระจายอำนาจอย่างชัดเจนให้กับท้องถิ่น การจัดการตนเองเสมือนเปิดสุ่มไก่ให้ไก่ออกมาอย่าง
อิสระ **ทฤษฎีหัวภู** หมายถึง ภูเขาที่ถูกจับจองโดยกลุ่มผลประโยชน์หรือผู้มีอิทธิพลทางการเมือง
รวมทั้งปัญหาที่เกิดขึ้นในชุมชนได้แก่ ปัญหาเรื่องน้ำเพื่อการเกษตร ต้นทุนการผลิต ราคาพืชผล
การเกษตร แต่สาระสำคัญของทฤษฎีนี้ คือ การที่หน่วยงานราชการได้จัดสรรงบประมาณให้กับ
หน่วยงานของภาครัฐและดำเนินงานที่เกี่ยวข้อง รวมทั้งกลุ่มผลประโยชน์ผู้มีอิทธิพลที่เข้าถึงอำนาจ

การตัดสินใจ ได้แบ่งสรรงบประมาณไปทั้งหมด ทำให้ไม่มีงบประมาณจัดสรรให้กับโครงการของ
ชาวบ้าน **ทฤษฎีขนมครก** หมายถึง ต้องการให้เกิดความต่อเนื่อง การทำงานต้องมีความสอดคล้อง
กัน ซึ่งปัจจุบันไม่มีเป็นคนละฝาคนละใบ ไม่สอดคล้องกัน แก้ไขปัญหาไม่ตรงกับความต้องการ
ของท้องถิ่น

ปัญหาการพัฒนาการเมืองภาคพลเมือง ได้แก่ ความต่อเนื่องในการพัฒนาการเมืองภาคพลเมืองที่
ฐานราก (เช่น การสร้างและพัฒนาผู้นำรุ่นใหม่ การสร้างความรู้ ความเข้าใจ บทบาทของสภา
องค์กรชุมชนตำบล สภาองค์กรชุมชนระดับเครือข่ายอำเภอ การพัฒนาศักยภาพแกนนำสภาองค์กร
ชุมชน การพูดคุยปัญหาและการมีส่วนร่วมจัดทำแผนพัฒนาตำบล จัดทำฐานข้อมูลชุมชนโดย
ชุมชน/ ภูมิปัญญา การถอดบทเรียน เป็นต้น) การสนับสนุนจากกลุ่ม/องค์กรภายในชุมชน (เช่น
สภาองค์กรชุมชน กลุ่มพัฒนาในชุมชน ประชาคมตำบล) และการสนับสนุนจากองค์กรภายนอก
ชุมชน เช่น สภาพัฒนาการเมือง ภาคประชาสังคม องค์กรภาครัฐในพื้นที่)

ปัญหากระบวนการพัฒนาประชาธิปไตยชุมชน ได้แก่ ความต่อเนื่องของกระบวนการพัฒนา
ประชาธิปไตยชุมชน การส่งเสริมการมีส่วนร่วมรับผิดชอบของประชาชน การมีส่วนร่วมตรวจสอบ
ความโปร่งใสในการบริหารงานของ ผู้นำท้องถิ่นและผู้นำท้องที่ ความรับผิดชอบตามหน้าที่ของ
ผู้นำท้องถิ่นและผู้นำท้องที่ (ส.อบต. / อบต. กำนัน/ผู้ใหญ่บ้าน) การกระจายอำนาจสู่ชุมชน การมี
ส่วนร่วมของชุมชน การส่งเสริมให้ชุมชนจัดการตนเองและการส่งเสริมความรู้ด้านประชาธิปไตย
สิทธิและหน้าที่ของประชาชน ซึ่งจากการศึกษาข้อมูลเชิงคุณภาพ พบว่า ประชาชนส่วนใหญ่ยัง
เข้าใจว่าประชาธิปไตยสำคัญอยู่ที่การเลือกตั้งและการเลือกตัวบุคคล ยังไม่เข้าใจกระบวนการ
ประชาธิปไตย บทบาทหน้าที่ของประชาตามระบอบประชาธิปไตย การยึดโยงอำนาจหน้าที่
ระหว่างประชาชนกับกติกา ระเบียบ ข้อบังคับของท้องถิ่นและกฎหมายรัฐธรรมนูญ แม้กระทั่ง
เยาวชนที่ไม่ได้ศึกษาต่อยังไม่เข้าใจประชาธิปไตยที่แท้จริงและมีความเบื่อหน่ายการเมืองเพราะ
ความขัดแย้งของนักการเมือง

ข้อเสนอแนะเกี่ยวกับการพัฒนาการเมืองภาคพลเมืองและกระบวนการพัฒนาประชาธิปไตยชุมชน
พบว่า ต้องสร้างความต่อเนื่องในการพัฒนาการเมืองภาคพลเมือง เช่น การส่งเสริม พัฒนาค่านิยม
และวัฒนธรรมทางการเมือง (Political Culture) แบบประชาธิปไตย การเข้าร่วมกิจกรรม โครงการ
พัฒนาของชุมชน การทำงานเป็นทีม การพัฒนาความรู้ ความเข้าใจเกี่ยวกับการเมืองภาคพลเมือง
ประชาธิปไตยชุมชนและบทบาทของสภาองค์กรชุมชนตำบลร่วมกับประชาชนในตำบลโดยอาศัย
การดำเนินกิจกรรมการเมืองภาคพลเมืองและกระบวนการพัฒนาประชาธิปไตยชุมชนแบบ
ประชาชนมีส่วนร่วมอย่างแท้จริง เพื่อสร้างและพัฒนาพลเมืองที่เข้มแข็ง ตื่นรู้ เป็นพลังของชุมชน

(Active Citizenship) สำหรับการศึกษาของโรงเรียนในชุมชน รัฐควรส่งเสริมให้มีการเรียนรู้และ
การปฏิบัติเกี่ยวกับวิชาพลเมืองศึกษา (Civic Education) ซึ่งหน้าที่พลเมืองเป็นเพียงส่วนหนึ่งของ
ความเป็นพลเมือง ทั้งนี้เพื่อพัฒนาความเป็นพลเมืองให้กับเด็กและเยาวชนเพื่อเป็นฐานรากสำหรับ
การพัฒนาประชาธิปไตยที่ยั่งยืน รวมทั้งการสนับสนุนการดำเนินงานของสภาองค์กรชุมชนตำบล
อย่างต่อเนื่องหรือเป็นระยะ ๆ จากองค์กรภายนอกชุมชน เช่น สถาบันพัฒนาองค์กรชุมชน กองทุน
พัฒนาการเมืองภาคพลเมืองและองค์กรภาครัฐในพื้นที่ นอกจากนี้ประชาชนในพื้นที่สนับสนุนให้มี
การกระจายอำนาจการปกครองท้องถิ่นเพื่อการจัดการตนเองมากขึ้น ส่งเสริมและสนับสนุนให้มี
การพัฒนาความรู้ ความเข้าใจและการปฏิบัติจริงเกี่ยวกับการเมืองภาคพลเมืองและประชาธิปไตย
ชุมชน จากการศึกษาข้อมูลเชิงปริมาณ พบว่า ประชาธิปไตยแบบปรึกษาหารือ/การสานเสวนา
หาทางออก (ประชาธิปไตยแนวราบ/ประชาชนกับประชาชน) อยู่ในระดับมาก (51.5%) ประชาชน
มีความคุ้นเคยและใกล้ชิดมากที่สุดและเป็นกระบวนการที่ประชาชนมีส่วนร่วมพิจารณา วิเคราะห์
ปัญหาเพื่อหาทางออกของปัญหาร่วมกัน ซึ่งอาจจะอาศัยผู้รู้ ผู้เชี่ยวชาญในและนอกชุมชน ให้
ความรู้หรือข้อคิดเห็นเพื่อแก้ปัญหาร่วมกันอย่างสมานฉันท์ สำหรับประชาธิปไตยแบบมีส่วนร่วม
ซึ่งหมายถึงการติดต่อและความสัมพันธ์ระหว่างประชาชนกับอบต. ประชาชนมีความใกล้ชิดและ
ความสัมพันธ์อยู่ในระดับมาก (47.0%) และประชาธิปไตยแบบตัวแทนระดับชาติ ซึ่งหมายถึงการ
ติดต่อและความสัมพันธ์ระหว่างประชาชนกับ สส. พบว่า อยู่ในระดับปานกลาง (34.9%) สำหรับ
ประชาธิปไตยแบบตัวแทนระดับชาติ จากการศึกษาข้อมูลเชิงคุณภาพ พบว่า ประชาชนส่วนใหญ่มี
ความคุ้นเคยกับวัฒนธรรมทางการเมืองแบบชาวบ้าน คือ สส. ควรใกล้ชิดกับประชาชนหลังได้รับ
การเลือกตั้ง เช่น มาร่วมงานบุญประเพณี งานบวช งานมงคลสมรส งานศพ รับรู้ปัญหาและ
แก้ปัญหาของประชาชนในพื้นที่ แต่ความจริงแล้วบทบาทของสส. คือ มีอำนาจในการตรากฎหมาย
มีอำนาจในการควบคุมการบริหารราชการแผ่นดิน นำปัญหาและความต้องการของประชาชนเสนอ
รัฐบาลและเสริมสร้างความสัมพันธ์อันดีระหว่างประเทศไทยกับต่างประเทศ ปัจจุบันประชาชนใน
ชุมชนมีความเข้าใจมากขึ้นจากการพูดคุยกับผู้นำชุมชน ผู้รู้ในชุมชน รวมทั้งการรับรู้ข้อมูลข่าวสาร
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The Formation and Movement of the Associations of Sub-District Administrative Organization (SAO) Officials After 1994

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Abstract

This research, initially, has tried to point out the importance and interest in the study groups of people who work in local government. The study was restricted to a specific group of SAO officials is key. Since the establishment of the SAO in the year 1994 onwards, until a range of the first event, the group has shown that the public has a role in driving policy and proposed legislation, including the proposed new measures on local government. Especially related to personnel management, welfare and other benefits. In this research, mentioned groups, associations and the confederations of the SAO and some other subdivision. But only partially related to the primary and secondary groups studied in this research only. The study sample of primary and secondary groups and found that the formation and the role of groups, associations, confederations of the SAO officials after the establishment of the SAO in the year 1994. In the first set on the basis of protecting their own interests prevail which looks similar to the formation and the role of interest groups.

Keywords: Interest Groups/ Sub-District Administrative Organization /
Social SAO Officials / Movement / Associations / Personnel
Management / Benefits/ Local Government/ Thailand

การก่อตัวและการเคลื่อนไหวของกลุ่มพนักงานส่วนตำบลภายหลังการจัดตั้งองค์การบริหารส่วนตำบล ในปี พ.ศ.2537

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บทคัดย่อ

งานวิจัยชิ้นนี้ ในเบื้องต้นได้พยายามชี้ให้เห็นถึงความสำคัญและความน่าสนใจในการศึกษากลุ่มบุคคลที่ปฏิบัติงานอยู่ในองค์กรปกครองส่วนท้องถิ่น โดยได้จำกัดขอบเขตการศึกษาลงไปเฉพาะกลุ่มของพนักงานส่วนตำบลที่เป็นฝ่ายราชการประจำที่ปฏิบัติงานอยู่ในองค์การบริหารส่วนตำบลเป็นหลัก นับตั้งแต่ภายหลังจากการจัดตั้งองค์การบริหารส่วนตำบล ในปี พ.ศ.2537 เป็นต้นมาจนกระทั่งถึงในช่วงของการ เข้าไปดำเนินกิจกรรมแรก ๆ ที่กลุ่มได้แสดงให้สาธารณะชนได้เห็น

ถึงบทบาทในการผลักดันและเสนอแนะนโยบาย ร่างกฎหมาย รวมถึงการนำเสนอมาตรการใหม่ ๆ เกี่ยวกับการปกครองท้องถิ่น โดยเฉพาะที่เกี่ยวข้องกับการบริหารงานบุคคล สวัสดิการ และ ประโยชน์ตอบแทนอื่น ซึ่งในงานวิจัยชิ้นนี้ ได้กล่าวถึงกลุ่ม ชมรม สมาคม และสมาพันธ์ต่าง ๆ ของ องค์การบริหารส่วนตำบลและของค์กรปกครองส่วนท้องถิ่นอื่นอยู่บ้าง แต่ก็เฉพาะในบางส่วนที่ เกี่ยวข้องกับกลุ่มหลักและกลุ่มรองที่ได้ทำการศึกษาในงานวิจัยชิ้นนี้เท่านั้น ซึ่งจากการศึกษากลุ่ม ตัวอย่างหลักและกลุ่มตัวอย่างรอง แล้วพบว่า การก่อตัวและการแสดงบทบาทของกลุ่ม ชมรม สมาคม หรือ สมาพันธ์ ต่าง ๆ ของพนักงานส่วนตำบลภายหลังการจัดตั้งองค์การบริหารส่วนตำบล ในปี พ.ศ.2537 ในช่วงเริ่มแรกนั้น ตั้งอยู่บนพื้นฐานของการปกป้องผลประโยชน์ของตนเองเป็น หลัก ซึ่งมีลักษณะที่คล้ายคลึงกับการก่อตัวและการแสดงบทบาทของกลุ่มผลประโยชน์ (Interest Group)

คำสำคัญ: กลุ่มผลประโยชน์/ กลุ่มพนักงานส่วนตำบล/ องค์การบริหารส่วนตำบล/ การเคลื่อนไหว/ สวัสดิการสังคม/ ประเทศไทย

ที่มาและความสำคัญของปัญหา

ภายหลังการจัดตั้งองค์การบริหารส่วนตำบลขึ้นมาตามพระราชบัญญัติสภาตำบลและองค์การ บริหารส่วนตำบล ในปี พ.ศ.2537 ได้ทำให้องค์กรปกครองส่วนท้องถิ่นจากเดิมที่เคยมีอยู่ประมาณ 1,200 แห่ง จนกระทั่งถึงช่วงปลายปี พ.ศ.2539 ได้เพิ่มจำนวนขึ้นเป็น 7,636 แห่ง ซึ่งแน่นอนว่า จำนวนบุคลากรที่ปฏิบัติงานในองค์กรปกครองส่วนท้องถิ่นก็จะต้องมีจำนวนเพิ่มขึ้นตามไปด้วย ประกอบกับต่อมา อีกประมาณเกือบ 3 ปี เมื่อวันที่ 11 ตุลาคม พ.ศ.2540 ในช่วงสมัยรัฐบาลพลเอก ชวลิต ยงใจยุทธ ก็ได้มีการประกาศบังคับใช้รัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2540 ที่ทำให้ บรรยากาศทางการเมืองหรือ

โครงสร้างโอกาสทางการเมือง (Political Opportunity Structure) มีความเป็นประชาธิปไตยสูงขึ้น เนื่องจากรัฐธรรมนูญฉบับดังกล่าว ที่ถูกร่างขึ้นมาตั้งแต่สมัยรัฐบาลของ นายบรรหาร ศิลปอาชา ได้ มีการแต่งตั้งคณะกรรมการปฏิรูปการเมืองเข้ามาดำเนินการ รวมถึงได้มีการแต่งตั้งคณะกรรมาธิการ วิสามัญ เพื่อพิจารณาร่างรัฐธรรมนูญขึ้นมา และมีการเลือกตั้งสมาชิกสภาร่างรัฐธรรมนูญ จำนวน 99 คน โดย 76 คนเป็นตัวแทนของแต่ละจังหวัด และอีก 23 คนมาจากผู้เชี่ยวชาญหรือผู้มี ประสบการณ์ ซึ่งถือว่ารัฐธรรมนูญฉบับดังกล่าวเป็นรัฐธรรมนูญที่มาจากการเลือกตั้งฉบับเดียวของ ประเทศไทย โดยที่ก่อนหน้านี้รัฐธรรมนูญทั้ง 15 ฉบับ ล้วนมาจากคณะรัฐมนตรีที่มาจากการแต่งตั้ง

หรือรัฐบาลทหาร   ดังนั้น รัฐธรรมนูญฉบับนี้จึงมักจะถูกกล่าวขานว่าเป็น "รัฐธรรมนูญฉบับ
ประชาชน" เนื่องจาก การมีส่วนร่วมของประชาชนในการร่าง และนอกจากนี้รัฐธรรมนูญฉบับ
ดังกล่าวก็ยังเป็นรัฐธรรมนูญฉบับที่ 3 ที่ได้มีการบัญญัติเนื้อหาเกี่ยวกับการปกครองท้องถิ่นขึ้นไว้
เป็นลักษณะหมวด ต่อจากรัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2517 และรัฐธรรมนูญแห่ง
ราชอาณาจักรไทย พ.ศ.2534 อีกด้วย ซึ่งการบัญญัติเนื้อหาเกี่ยวกับการปกครองท้องถิ่น ขึ้นไว้เป็น
ลักษณะหมวดนี้เป็นภาพสะท้อนให้เห็นว่า ในช่วงระยะเวลาการร่างรัฐธรรมนูญและในระหว่างการ
ประกาศบังคับใช้รัฐธรรมนูญฉบับดังกล่าว บรรยากาศทางการเมืองได้เปิดโอกาสให้มีการกระจาย
อำนาจการปกครองเพิ่มมากขึ้น

จากบรรยากาศทางการเมืองที่ได้เปิดโอกาสให้มีการกระจายอำนาจการปกครองเพิ่มมากขึ้นภายหลัง
การประกาศบังคับใช้รัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2540 นี้เอง ทำให้การรวมตัวกันของ
บุคลากรที่ปฏิบัติงานในองค์กรปกครองส่วนท้องถิ่นโดยมีวัตถุประสงค์เพื่อการเปลี่ยนแปลงหรือ
การปฏิรูป (Reform) การปกครองท้องถิ่นเพิ่มจำนวนมากขึ้นเป็นเงาตามตัว ซึ่งจากข้อมูลเกี่ยวกับ
ประวัติการจัดตั้งกลุ่ม ที่สามารถเข้าไปค้นหาได้จากเว็บไซต์ของกลุ่ม ชมรม สมาคม หรือ สมาพันธ์
ต่าง ๆ จะพบว่าก่อนหน้าการประกาศบังคับใช้รัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2540
นับตั้งแต่ภายหลังการเปลี่ยนแปลงการปกครอง พ.ศ.2475 เป็นต้นมา ได้มีการรวมตัวกันของกลุ่ม
บุคคลที่ปฏิบัติงานท้องถิ่นเกิดขึ้นจำนวนน้อยมาก โดยเกิดขึ้นแค่เพียงจำนวน 2 กลุ่ม กล่าวคือ

ในปี พ.ศ.2503 สมาคมสันนิบาตเทศบาลแห่งประเทศไทย ได้ถือกำเนิดขึ้นเป็นกลุ่มแรก เนื่องจาก
เกิดมาจากแรงผลักดันในปี พ.ศ.2502 สหพันธ์เทศบาลนานาชาติ (International Union of Local
Authorities: IULA) ได้มีการจัดประชุมใหญ่ ครั้งที่ 24 ณ กรุงเบอร์ลิน ประเทศเยอรมนี และได้เชิญ
ประเทศไทยให้ส่งผู้แทนไปร่วมประชุมด้วย กระทรวงมหาดไทยจึงมอบหมายให้นายชำนาญ
ยุวบูรณ์ อธิบดีกรมการปกครองซึ่งได้ดำรงตำแหน่งนายกเทศมนตรีนครกรุงเทพในขณะนั้นด้วย
เป็นหัวหน้าคณะนำกลุ่มบุคคลที่ปฏิบัติงานเทศบาลไปประชุมตามคำเชิญ ซึ่งการเดินทางไปประชุม
ในครั้งนั้นได้ทำให้ผู้แทนไทยเรียนรู้เรื่องราวต่าง ๆ และได้ประจักษ์ชัดว่าองค์กรปกครองท้องถิ่น
ในต่างประเทศ ได้มีการก่อตั้งสมาคมกันมานาน กระทั่งสามารถรวมตัวกันเป็นระดับนานาชาติที่
เป็นการทำงานในระดับโลก รวมถึงสหพันธ์เทศบาลนานาชาติก็มีความแข็งแกร่ง สามารถนำมา
เป็นต้นแบบของการพัฒนาการบริหารงานในการร่วมกันแก้ไขปัญหา จึงสอดคล้องกับแนวคิดของ
กระทรวงมหาดไทย ดังนั้น เมื่อกลับมาแล้วจึงได้มีการพิจารณาจัดตั้งสมาคมเทศบาลเป็นครั้งแรก
ในประเทศไทย ในวันที่ 7 มีนาคม พ.ศ.2503 โดยมีเรียกชื่อว่า "สันนิบาตเทศบาล แห่งประเทศ
ไทย" (National Municipal League of Thailand) โดยมีสมาชิกที่เป็นเทศบาลจำนวน   124 แห่ง แต่
ภายหลังจากนั้นเป็นต้นมาเป็นระยะเวลากว่า 36 ปี ก็ไม่ได้มีกลุ่มบุคคลที่ปฏิบัติงานท้องถิ่นรวมตัว

กันเพื่อจัดตั้งกลุ่ม ชมรม สมาคม หรือ สมาพันธ์ ต่าง ๆ อีกเลย จนกระทั่งในช่วงต้นปี พ.ศ.2539 จึง
ได้เกิดการรวมกลุ่มกันของกลุ่มบุคคลที่ปฏิบัติงานในองค์การบริหารส่วนจังหวัดภายใต้แรงกดดัน
จากการจัดตั้งองค์การบริหารส่วนตำบลขึ้นมา ในปี พ.ศ.2537

การรวมกลุ่มกันของกลุ่มบุคคลที่ปฏิบัติงานในองค์การบริหารส่วนจังหวัดโดยเฉพาะเหตุการณ์การ
จัดตั้งและการเคลื่อนไหวของ "สหพันธ์สมาชิกสภาจังหวัดแห่งประเทศไทย" ได้กลายมาเป็น จุด
เปลี่ยนสำคัญที่ได้ก่อให้เกิดการเคลื่อนไหวขององค์กรปกครองส่วนท้องถิ่นโดยกลุ่มบุคคลที่
ปฏิบัติงานท้องถิ่นในฐานะ "ตัวแสดง" แทนที่รัฐ ในการเสนอแนะนโยบาย ร่างกฎหมาย รวมถึง
การนำเสนอมาตรการใหม่ ๆ เพื่อการเปลี่ยนแปลงและการปฏิรูปท้องถิ่น ซึ่งต่อมาจะนำไปสู่การจุด
ประกายความคิดที่จะมีการรวมตัวกันเพื่อจัดตั้งกลุ่ม ชมรม สมาคม สมาพันธ์ ฯลฯ ต่าง ๆ ที่
เกี่ยวข้องกับการดำเนินงานหรือเกี่ยวข้องกับสายอาชีพด้านการปกครองท้องถิ่น จนถึงขั้นที่นำไปสู่
การจัดตั้งพรรคการเมือง เพื่อเข้าไปมีบทบาทในการกำหนดอนาคตการปกครองท้องถิ่นในเวที
ระดับชาติในที่สุด

เหตุการณ์การจัดตั้งและการเคลื่อนไหวของ "สหพันธ์สมาชิกสภาจังหวัดแห่งประเทศไทย" เริ่มต้น
มาจากการที่พระราชบัญญัติระเบียบบริหารราชการส่วนจังหวัด พ.ศ.2498 ได้ประกาศใช้มาเป็น
เวลานาน แม้จะได้มีการแก้ไขปรับปรุงอยู่บ่อยครั้ง แต่การปรับปรุงแก้ไขครั้งสุดท้ายก็ได้ผ่านมา
เป็นเวลากว่า 15 ปี นับตั้งแต่ปี พ.ศ.2523 จึงทำให้บทบัญญัติต่าง ๆ ล้าสมัยไม่สอดคล้องกับแนว
ทางการพัฒนาด้านการปกครองท้องถิ่นในขณะนั้น อีกทั้งยังมีบทบัญญัติที่ให้มีการเลือกตั้ง
ประธานสภาจังหวัดใหม่เป็นประจำทุกปี ทำให้เกิดการแข่งขันกันค่อนข้างสูงจนนำไปสู่ความ
แตกแยกซึ่งทำให้ไม่สามารถดำเนินงานเพื่อแก้ไขปัญหาให้กับประชาชนได้อย่างมีประสิทธิภาพ
ประกอบกับได้มีการประกาศใช้พระราชบัญญัติสภาตำบลและองค์การบริหารส่วนตำบล พ.ศ.2537
ทำให้ในปี พ.ศ.2538 สภาตำบลทุกแห่งมีฐานะเป็นนิติบุคคล และตำบลที่มีรายได้เฉลี่ยย้อนหลัง
สามปีไม่ต่ำกว่า 150,000 บาท ก็ได้ถูกยกฐานะเป็นองค์การบริหารส่วนตำบล ซึ่งได้ก่อให้เกิด
ผลกระทบกับองค์การบริหารส่วนจังหวัดในเรื่องความซ้ำซ้อนของพื้นที่ ความซ้ำซ้อนในเรื่องของ
อำนาจหน้าที่ และความซ้ำซ้อนในเรื่องของรายได้

ผลกระทบดังกล่าวทำให้เกิดการเคลื่อนไหวของบรรดาสมาชิกสภาจังหวัดทั่วประเทศ ขึ้นเป็น
ระยะๆ และเป็นรูปธรรมมากขึ้นเมื่อได้มีการจัดประชุมใหญ่ที่จังหวัดเชียงใหม่ เมื่อวันที่ 26-27
พฤษภาคม 2539 โดยได้มีการจัดตั้ง "สหพันธ์สมาชิกสภาจังหวัดแห่งประเทศไทย" ขึ้น เพื่อ
ดำเนินการเรียกร้องให้รัฐออกพระราชบัญญัติองค์การบริหารส่วนจังหวัดขึ้นมาบังคับใช้โดยเร็ว ซึ่ง
ในที่สุดก็ได้มีการตราพระราชบัญญัติองค์การบริหารส่วนจังหวัด พ.ศ. 2540 ขึ้นบังคับใช้ โดย

ประกาศในราชกิจจานุเบกษา เมื่อวันที่ 31 ตุลาคม 2540 และมีผลบังคับใช้ตั้งแต่วันที่ 1 พฤศจิกายน
พ.ศ. 2540 เป็นต้นไป

โดยมีสาระสำคัญคือ ให้สมาชิกสภาจังหวัดเลือกสมาชิกคนใดคนหนึ่งขึ้นเป็นนายกองค์การบริหาร
ส่วนจังหวัดทำหน้าที่เป็นหัวหน้าในฝ่ายบริหาร และให้นายกองค์การบริหารส่วนจังหวัดสามารถ
แต่งตั้งสมาชิกสภาจังหวัดอีกสองคนเป็นรองนายกองค์การบริหารส่วนจังหวัด ส่วนในฝ่ายนิติ
บัญญัติ ก็ยังคงกำหนดให้สมาชิกสภาจังหวัดเลือกสมาชิกคนใดคนหนึ่งขึ้นเป็นประธานสภา
องค์การบริหารส่วนจังหวัดทำหน้าที่เป็นประมุขของฝ่าย นิติบัญญัติและเลือกสมาชิกสภาจังหวัด
อีกสองคนทำหน้าที่เป็นรองประธานสภาองค์การบริหารส่วนจังหวัดเหมือนดั่งเช่นใน
พระราชบัญญัติฉบับก่อน นอกจากนี้ ยังได้มีการกำหนดอำนาจหน้าที่ขององค์การบริหารส่วน
จังหวัด ไว้อย่างเป็นรูปธรรมมากยิ่งขึ้นเพื่อลดความซ้ำซ้อนในการทำงานกับองค์กรปกครองส่วน
ท้องถิ่น ที่ได้เกิดขึ้นมาใหม่ก่อนหน้านี้เพียงไม่กี่ปี นั่นก็คือ "องค์การบริหารส่วนตำบล" ซึ่งกรณี
ดังกล่าวได้มีหลักฐานอย่างชัดเจนเกี่ยวกับสภาวะความกังวลและการคาดการณ์ผลกระทบที่อาจ
เกิดขึ้นภายหลังจากการจัดตั้งองค์การบริหารส่วนตำบลของกลุ่มบุคคลที่ปฏิบัติงานในองค์การ
บริหารส่วนจังหวัด จนกระทั่งกลายมาเป็นมูลเหตุที่สำคัญในการยกเลิกและในการตรากฎหมาย
เกี่ยวกับการจัดตั้งองค์การบริหารส่วนจังหวัดขึ้นมาใหม่ โดยได้ปรากฏข้อความที่สื่อให้เห็นถึง
สภาวการณ์ดังกล่าวอยู่ในหลักการและเหตุผลประกอบการตราพระราชบัญญัติองค์การบริหารส่วน
จังหวัด พ.ศ.2540 ซึ่งได้มีการระบุไว้อย่างชัดเจนว่า

"โดยที่องค์การบริหารส่วนจังหวัดที่จัดตั้งขึ้น ตามพระราชบัญญัติระเบียบบริหารราชการ
ส่วนจังหวัด พ.ศ.2498 เป็นองค์กรปกครองท้องถิ่น ที่รับผิดชอบในพื้นที่ทั้งจังหวัดที่อยู่นอกเขต
สุขาภิบาลและเทศบาล เมื่อได้มีพระราชบัญญัติสภาตำบลและองค์การบริหารส่วนตำบล พ.ศ. 2537
ออกใช้บังคับเพื่อกระจายอำนาจการปกครองให้แก่องค์การบริหารส่วนตำบลในการนี้สมควร
ปรับปรุงบทบาทและอำนาจหน้าที่ขององค์การบริหารส่วนจังหวัด ให้สอดคล้องกันและปรับปรุง
โครงสร้างขององค์การบริหารส่วนจังหวัดให้เหมาะสมยิ่งขึ้น จึงจำเป็นต้องตราพระราชบัญญัตินี้"

นอกจากนี้ ผลที่ได้จากการตราพระราชบัญญัติองค์การบริหารส่วนจังหวัด พ.ศ.2540 ที่ได้มีการ
กำหนดอำนาจหน้าที่ขององค์การบริหารส่วนจังหวัดไว้อย่างชัดเจนมากยิ่งขึ้นเพื่อลดความซ้ำซ้อน
ในการทำงานกับองค์กรปกครองส่วนท้องถิ่นอื่นโดยเฉพาะกับองค์การบริหารส่วนตำบลแล้ว ยังทำ
ให้โครงสร้างการปกครองท้องถิ่นของไทยนับตั้งแต่นั้นเป็นต้นมาจนถึงปัจจุบัน ได้มีลักษณะถูก
แบ่งเป็น 2 ชั้น หรือ 2 ระดับ (two tier system) ในทุกจังหวัด ยกเว้นกรุงเทพมหานคร

ต่อมาภายหลังจากการประกาศใช้บังคับรัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2540 การรวมตัว
กันของกลุ่มบุคคลที่ปฏิบัติงานท้องถิ่นก็ได้มีจำนวนเพิ่มขึ้นมากกว่าแต่ก่อน แต่ก็ยังถือว่ามีจำนวน
เพิ่มขึ้นไม่มาก โดยในปี พ.ศ.2541 สมาคมพนักงานเทศบาลแห่งประเทศไทย ได้ถูกจัดตั้งขึ้นมาโดย
นายสรณะ เทพเนาว์ ปลัดเทศบาลตำบลแม่สะเรียง อำเภอแม่สะเรียง จังหวัดแม่ฮ่องสอน เมื่อวันที่ 7
ตุลาคม พ.ศ.2541

ในปี พ.ศ.2542 สมาพันธ์ปลัด อบต. แห่งประเทศไทย ก็ได้ถูกจัดตั้งขึ้นมาโดย นายเชื้อ ฮั่นจินดา
ปลัดองค์การบริหารส่วนตำบลเขาพระ อำเภอเมืองนครนายก จังหวัดนครนายกและผ่านมาอีกเกือบ
6 ปี ในปี พ.ศ.2548 สมาคมข้าราชการส่วนตำบลและเทศบาล ก็ได้ถูกจัดตั้งขึ้นมาโดย นายสมศักดิ์
สนองผัน ปลัดองค์การบริหารส่วนตำบลโคกไทย อำเภอปักธงชัย จังหวัดนครราชสีมา เมื่อวันที่ 23
กันยายน พ.ศ.2548

แต่ภายหลังจากเกิดเหตุการณ์การรัฐประหารในปี พ.ศ.2549 รวมถึงได้มีการประกาศ บังคับใช้
รัฐธรรมนูญแห่งราชอาณาจักรไทย (ฉบับชั่วคราว) พ.ศ.2549 และรัฐธรรมนูญแห่งราชอาณาจักร
ไทย พ.ศ.2550 ตามลำดับ จะสามารถสังเกตได้ว่า ได้มีการรวมตัวกันของกลุ่มบุคคลที่ปฏิบัติงาน
ท้องถิ่นเพิ่มขึ้นจากช่วงก่อนหน้านี้หลายเท่าตัว กล่าวคือ ได้มีกลุ่ม ชมรม สมาคม สมาพันธ์ ฯลฯ
ต่าง ๆ ที่เกี่ยวข้องกับการดำเนินงานหรือเกี่ยวข้องกับสายวิชาชีพด้านการปกครองท้องถิ่นถูกจัดตั้ง
ขึ้นในช่วงนี้โดยประมาณ 38 กลุ่ม จากเดิมที่เคยมีมาก่อนหน้านี้เพียงแค่ 5 กลุ่ม เท่านั้น

มูลเหตุที่เกิดการรวมตัวกันของกลุ่มบุคคลที่ปฏิบัติงานท้องถิ่นเพิ่มขึ้นในช่วงนี้ เริ่มต้นจาก
เหตุการณ์สภาวะความผันผวนทางการเมือง ในปี พ.ศ.2548 ที่มีการเคลื่อนไหวของกลุ่มคนซึ่งมี
ความเห็นว่า พันตำรวจโท ทักษิณ ชินวัตร นายกรัฐมนตรีในขณะนั้นควรลาออกจากตำแหน่ง
เนื่องจากข้อกล่าวหาในการบริหารประเทศของรัฐบาลที่อาจมีผลประโยชน์ทับซ้อนในเรื่องต่าง ๆ
รวมทั้งปัญหาทุจริตคอรัปชั่น   และได้มีการขยายตัวเป็นวงกว้างมากยิ่งขึ้นภายใต้การนำของนาย
สนธิ ลิ้มทองกุล ในนามพันธมิตรประชาชนเพื่อประชาธิปไตย (พธม.) แต่หลังจากนั้นก็มีกลุ่มคนที่
สนับสนุนนายกรัฐมนตรีออกมาเคลื่อนไหวเช่นเดียวกัน ทำให้เกิดความเห็นต่างทางการเมืองและ
ก่อให้เกิดความแตกแยกอย่างรุนแรงในสังคมไทย จนกระทั่ง เกิดเหตุการณ์รัฐประหารเมื่อวันที่ 19
กันยายน พ.ศ.2549 โดยฝ่ายทหารในนามคณะปฏิรูปการปกครอง ในระบอบประชาธิปไตยอันมี
พระมหากษัตริย์ทรงเป็นประมุข (คปค.) ซึ่งภายหลังเปลี่ยนชื่อมาเป็นคณะมนตรีความมั่นคง
แห่งชาติ (คมช.) นำโดยพลเอกสนธิ บุญยรัตกลิน กระทำการยึดอำนาจการปกครองและ ได้ประกาศ
ยกเลิกรัฐธรรมนูญแห่งชาติอาณาจักรไทย พ.ศ.2540 รวมถึงได้มีการประกาศบังคับใช้รัฐธรรมนูญ
แห่งราชอาณาจักรไทย (ฉบับชั่วคราว) พ.ศ.2549 ทดแทน จึงทำให้บรรยากาศที่เอื้ออำนวยให้

สามารถกระทำการรวมกลุ่มและเคลื่อนไหวเพื่อเสนอแนะนโยบาย ร่างกฎหมาย รวมทั้งการนำเสนอมาตรการใหม่ ๆ เกี่ยวกับการปกครองท้องถิ่นภายใต้รัฐธรรมนูญที่มีความเป็นประชาธิปไตยต้องหยุดชะงักลง ซึ่งจะพบว่าภายหลังจากเหตุการณ์การรัฐประหารเมื่อวันที่ 19 กันยายน พ.ศ.2549 จนถึงก่อนการประกาศบังคับใช้รัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2550 ได้มีชมรมของกลุ่มบุคคลที่ปฏิบัติงานท้องถิ่นก่อตั้งขึ้นมาเพียงชมรมเดียว นั่นก็คือ "ชมรมนิติกรองค์กรปกครองส่วนท้องถิ่น" ที่มีวัตถุประสงค์เกี่ยวข้องกับการรวมตัวกันเพื่อช่วยเหลือกันในการทำงานและเพื่อการปรึกษาหารือกันตามสายวิชาชีพ มากกว่าการมุ่งเพื่อก่อให้เกิดการเปลี่ยนแปลงหรือปฏิรูปโครงสร้างและอำนาจหน้าที่หลัก ๆ ขององค์กรปกครองส่วนท้องถิ่นในภาพรวม

แต่ถึงกระนั้นภายหลังจากการประกาศบังคับใช้รัฐธรรมนูญแห่งราชอาณาจักรไทย (ฉบับชั่วคราว) พ.ศ.2549 ประมาณ 10 เดือน ร่างรัฐธรรมนูญที่ได้มาจากสภาร่างรัฐธรรมนูญ (สสร.) ภายใต้การกำกับดูแลของคณะรัฐประหาร ก็ได้ประกาศบังคับใช้เป็นรัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2550 ซึ่งรัฐธรรมนูญฉบับดังกล่าวก็ได้มีการบัญญัติเนื้อหาเกี่ยวกับการปกครองท้องถิ่นขึ้นไว้เป็นลักษณะหมวดเช่นเดียวกันกับรัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2517 รัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2534 และรัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2540 แต่ถ้าหากศึกษาลงลึกในรายละเอียดสาระสำคัญเกี่ยวกับองค์กรปกครองส่วนท้องถิ่นแล้ว ก็จะพบว่า มีความคล้ายคลึงกับรัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2540 มากที่สุด เนื่องจากภายหลังการรัฐประหารเมื่อปี พ.ศ.2549 การปกครองท้องถิ่นไม่ได้รับผลกระทบมากเท่ากับความพยายามของคณะรัฐประหารที่จะลดความเข้มแข็งของฝ่ายบริหารหรือคณะรัฐมนตรี การเพิ่มความเข้มแข็งให้กับฝ่ายรัฐสภา และให้อำนาจกับฝ่ายตุลาการในการตรวจสอบเพิ่มมากยิ่งขึ้น ดังนั้น เนื้อหา ที่เกี่ยวข้องกับการปกครองท้องถิ่นในรัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2550 จึงมีลักษณะที่ถูกบัญญัติ "เพิ่มเติม" มากกว่าการแก้ไขเปลี่ยนแปลงให้มีสาระสำคัญที่แตกต่างไปจากรัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2540

ฉะนั้น เมื่อสาระสำคัญเกี่ยวกับองค์กรปกครองส่วนท้องถิ่นของรัฐธรรมนูญ แห่งราชอาณาจักรไทย พ.ศ.2550 คล้ายคลึงกับของรัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2540 จึงทำให้บรรยากาศทางการเมืองหรือโครงสร้างโอกาสทางการเมือง มีลักษณะที่เปิดโอกาสให้สามารถกระทำการรวมกลุ่มและเคลื่อนไหวเพื่อเสนอแนะนโยบาย ร่างกฎหมาย รวมทั้งการนำเสนอมาตรการใหม่ ๆ เกี่ยวกับการปกครองท้องถิ่นได้เช่นเดียวกับช่วงก่อนเกิดเหตุการณ์รัฐประหารในปี พ.ศ.2549 โดยจะเห็นได้ว่า ภายใต้

การประกาศบังคับใช้รัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2550 ได้เกิดกลุ่ม ชมรม สมาคม สมาพันธ์ ต่าง ๆ ที่เกี่ยวข้องกับการดำเนินงานหรือเกี่ยวข้องกับสายอาชีพด้านการปกครองท้องถิ่น เพิ่มมากขึ้น โดยในปี พ.ศ.2552 ได้มีการจัดตั้งสมาคมข้าราชการองค์การบริหารส่วนจังหวัด พระนครศรีอยุธยา ขึ้นเมื่อวันที่ 11 สิงหาคม พ.ศ.2552

ในปี พ.ศ.2553 ได้มีการจัดตั้งชมรมนักจัดเก็บรายได้องค์กรปกครองส่วนท้องถิ่น แห่งประเทศไทย เมื่อวันที่ 22 มิถุนายน พ.ศ.2553 และสมาคมข้าราชการและพนักงานจ้างท้องถิ่น เมื่อวันที่ 24 กันยายน พ.ศ.2553

ในปี พ.ศ.2554 ได้มีการจัดตั้งชมรมผู้ตรวจสอบภายใน เมื่อประมาณวันที่ 18 กรกฎาคม พ.ศ.2554

ในปี พ.ศ.2555 ได้มีการจัดตั้งสมาพันธ์ปลัดเทศบาลแห่งประเทศไทย เมื่อวันที่ 24 พฤษภาคม พ.ศ. 2555 และสมาคมนักบริหารการศึกษาและบุคลากรทางการศึกษาท้องถิ่น เมื่อวันที่ 10 กันยายน พ.ศ. 2555

ในปี พ.ศ.2556 ได้มีการจัดตั้งชมรมพัฒนาชุมชนองค์กรปกครองส่วนท้องถิ่น (แห่งประเทศไทย) เมื่อวันที่ 21 เมษายน พ.ศ.2556 และสมาคมปลัด อบต.ภาคอีสาน เมื่อวันที่ 21 พฤศจิกายน พ.ศ.2556

นอกจากนี้ ยังมีกลุ่ม ชมรม สมาคม สมาพันธ์ ฯลฯ อีกหลายกลุ่มที่ไม่สามารถจัดกลุ่มได้ว่าเริ่มมีการ จัดตั้งขึ้นเมื่อใด แต่เชื่อได้ว่าส่วนใหญ่อาจถูกจัดตั้งขึ้นในช่วงเวลานี้ เพราะมีหลายชมรมได้เคยมีชื่อ ปรากฏอยู่ในการดำเนินกิจกรรมการเคลื่อนไหวต่าง ๆ และพบว่าในปัจจุบันหลายกลุ่ม ชมรม สมาคม สมาพันธ์ ฯลฯ ได้มีการยุบเลิกการดำเนินการไปแล้ว หรือเป็นแค่เพียงการตั้งเว็บไซต์ขึ้นมา เพื่อช่วยเหลือกันในการทำงานและเพื่อการปรึกษาหารือกันตามสายวิชาชีพแล้วมีการตั้งชื่อให้มี ลักษณะเหมือนหรือคล้ายคลึงกับกลุ่ม ชมรม สมาคม สมาพันธ์ ฯลฯ เป็นต้น

ดังนั้น ถ้านับเฉพาะตั้งแต่มีการประกาศบังคับใช้รัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2550 เป็น ต้นมา ก็จะมีกลุ่ม ชมรม สมาคม สมาพันธ์ ต่าง ๆ ที่เกี่ยวข้องกับการดำเนินงานหรือเกี่ยวข้องกับสาย อาชีพด้านการปกครองท้องถิ่นเกิดขึ้นมามากมาย โดยประมาณ 37 กลุ่ม ซึ่งเป็นการชี้ให้เห็นถึง บรรยากาศทางการเมืองที่เปิดโอกาสให้สามารถกระทำการรวมกลุ่มและเคลื่อนไหวเพื่อเสนอแนะ นโยบาย ร่างกฎหมาย รวมทั้งการนำเสนอมาตรการใหม่ ๆ เกี่ยวกับการปกครองท้องถิ่นได้ไม่ แตกต่างไปจากในช่วงของการประกาศบังคับใช้รัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2540 เท่าใดนัก หรือถ้าจะเปรียบเทียบจำนวนกลุ่ม ชมรม สมาคม สมาพันธ์ ต่าง ๆ ที่เกิดขึ้นมาระหว่าง

ห้วงเวลาของการประกาศบังคับใช้รัฐธรรมนูญ แห่งราชอาณาจักรไทย พ.ศ.2540 กับรัฐธรรมนูญ แห่งราชอาณาจักรไทย พ.ศ.2550 แล้ว ก็จะพบว่า

บรรยากาศทางการเมืองหรือโครงสร้างโอกาสทางการเมืองในช่วงของการประกาศบังคับใช้ รัฐธรรมนูญ แห่งราชอาณาจักรไทย พ.ศ.2550 ดูจะมีลักษณะที่เปิดโอกาสให้สามารถกระทำการ รวมกลุ่มและเคลื่อนไหวเพื่อเสนอแนะนโยบาย ร่างกฎหมาย รวมทั้งการนำเสนอมาตรการใหม่ ๆ เกี่ยวกับการปกครองท้องถิ่นสูงกว่าในช่วงของการประกาศบังคับใช้รัฐธรรมนูญแห่งราชอาณาจักร ไทย พ.ศ.2540 เสียอีก

แต่ทั้งนี้ ปรากฏการณ์ในการรวมกลุ่มกันจำนวนมากมายดังกล่าวของกลุ่มบุคคลที่ปฏิบัติงาน ท้องถิ่นภายหลังจากการประกาศบังคับใช้รัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2550 นอกจาก บรรยากาศทางการเมืองหรือโครงสร้างโอกาสทางการเมือง (Political Opportunity) ที่เอื้ออำนวย แล้ว อาจเกิดจาก การที่องค์การบริหารส่วนตำบลได้ถูกจัดตั้งมาแล้วเป็นเวลานานเกือบ 2 ทศวรรษ จึงทำให้กลุ่มบุคคล ที่ปฏิบัติงานในองค์การบริหารส่วนตำบลและองค์กรปกครองส่วนท้องถิ่นอื่น เริ่มมีจำนวนเพิ่มมากขึ้น และเริ่มมีความอยู่ตัวในการรวมกลุ่มกัน อีกทั้ง อาจเกิดจากการสะสมของ ปัญหาต่าง ๆ ในการปฏิบัติงานตามกฎหมายที่เกี่ยวข้องกับองค์กรปกครองส่วนท้องถิ่นโดยเฉพาะที่ เกิดจากนโยบายของรัฐ (Public Policy) จึงได้กลายมาเป็นอีกปัจจัยหนึ่งที่ทำให้การรวมกลุ่ม (Group) มีเป้าหมายที่ชัดเจนในการเสนอแนะนโยบาย ร่างกฎหมาย รวมถึงการนำเสนอมาตรการ ใหม่ ๆ เกี่ยวกับการปกครองท้องถิ่นมากยิ่งขึ้น โดยเริ่มแรก กลุ่ม ชมรม สมาคม และสมาพันธ์ต่าง ๆ ขององค์กรปกครองส่วนท้องถิ่นจะประสบความสำเร็จดังกล่าวได้ ก็ต่อเมื่อต้องแสดงพลังร่วมกัน ในการผลักดัน (pressure) และก้าวที่สำคัญดังกล่าวนี้เอง ได้ทำให้กลุ่มบุคคล

ที่ปฏิบัติงานในองค์กรปกครองส่วนท้องถิ่น "ถูกให้ความสำคัญ" จนกระทั่งได้มีโอกาสหรือถูก เลือกให้เข้าไป มีส่วนร่วมในเวทีการปฏิรูปด้านการปกครองท้องถิ่นในระดับชาติภายหลังการ รัฐประหารในปี พ.ศ.2557

ดังนั้น ในเบื้องต้นของงานวิจัยชิ้นนี้ จึงได้พยายามชี้ให้เห็นถึงความสำคัญและความน่าสนใจ ในการศึกษากลุ่มบุคคลที่ปฏิบัติงานอยู่ในองค์กรปกครองส่วนท้องถิ่น โดยจะจำกัดขอบเขต การศึกษา ลงไปเฉพาะกลุ่มของพนักงานส่วนตำบลที่เป็นฝ่ายราชการประจำที่ปฏิบัติงานอยู่ใน องค์การบริหารส่วนตำบลเป็นหลัก นับตั้งแต่ภายหลังจากการจัดตั้งองค์การบริหารส่วนตำบล ในปี พ.ศ.2537 เป็นต้นมา จนกระทั่ง ถึงในช่วงของการเข้าไปดำเนินกิจกรรมแรก ๆ ที่กลุ่มได้แสดงให้ สาธารณะชนได้เห็นถึงบทบาทในการผลักดันและเสนอแนะนโยบาย ร่างกฎหมาย รวมถึงการ

นำเสนอมาตรการใหม่ ๆ เกี่ยวกับการปกครองท้องถิ่น โดยเฉพาะที่เกี่ยวข้องกับการบริหารงาน
บุคคล สวัสดิการ และประโยชน์ตอบแทนอื่น ซึ่งในงานวิจัยชิ้นนี้ อาจมีการกล่าวถึงกลุ่ม ชมรม
สมาคม และสมาพันธ์ต่าง ๆ ขององค์การบริหารส่วนตำบลและของ องค์กรปกครองส่วนท้องถิ่น
อื่นอยู่บ้าง แต่ก็เฉพาะในบางส่วนที่เกี่ยวข้องกับกลุ่มหลักและกลุ่มรองที่จะทำการศึกษาในงานวิจัย
ชิ้นนี้เท่านั้น

คำถามวิจัย

ภายหลังการจัดตั้งองค์การบริหารส่วนตำบลขึ้นมา ตามพระราชบัญญัติสภาตำบลและองค์การ
บริหารส่วนตำบล ในปี พ.ศ.2537 กระบวนการก่อตัวของกลุ่ม ชมรม สมาคม หรือ สมาพันธ์ ต่าง ๆ
ของพนักงานส่วนตำบลในช่วงเริ่มแรกนั้น ตั้งอยู่บนพื้นฐานของ (1) การปกป้องผลประโยชน์ของ
ตนเอง หรือ (2) เพียงเพื่อต้องการพลังในการผลักดันนโยบายในลักษณะตัวแทนของพนักงานส่วน
ตำบล หรือ (3) เพียงเฉพาะแค่ต้องการสร้างเครือข่ายกลุ่มเพื่อช่วยเหลือกันในการทำงานและเพื่อ
การปรึกษาหารือกันตามสายวิชาชีพ เท่านั้น

สมมติฐานการศึกษาวิจัย

การก่อตัวและการแสดงบทบาทของกลุ่ม ชมรม สมาคม หรือ สมาพันธ์ ต่าง ๆ ของพนักงานส่วน
ตำบลภายหลังการจัดตั้งองค์การบริหารส่วนตำบล ในปี พ.ศ.2537 ในช่วงเริ่มแรกนั้น ตั้งอยู่บน
พื้นฐานของการปกป้องผลประโยชน์ของตนเองเป็นหลัก คล้ายคลึงกับลักษณะการก่อตัวของกลุ่ม
ผลประโยชน์ (Interest Group)

วัตถุประสงค์ของการวิจัย

1. เพื่อศึกษาถึงกระบวนการก่อตัวของกลุ่ม ชมรม สมาคม หรือ สมาพันธ์ ต่าง ๆ ของ
พนักงานส่วนตำบลในช่วงเริ่มแรก ภายหลังการจัดตั้งองค์การบริหารส่วนตำบล ในปี พ.ศ.2537

2. เพื่อศึกษาถึงวัตถุประสงค์ในการรวมกลุ่มของกลุ่ม ชมรม สมาคม หรือ สมาพันธ์ ต่าง ๆ
ของพนักงานส่วนตำบลในช่วงเริ่มแรกว่าตั้งอยู่บนพื้นฐานใดเป็นหลัก

3. เพื่อศึกษาว่ามีปัจจัยใดบ้างที่ส่งผลต่อการดำรงอยู่ของกลุ่มสมาคม หรือ สมาพันธ์ ต่าง ๆ
ของพนักงานส่วนตำบล

4. เพื่อศึกษาถึงบทบาทของกลุ่ม ชมรม สมาคม หรือ สมาพันธ์ ต่าง ๆ ของพนักงานส่วน
ตำบลผ่านกิจกรรมแรก ๆ ที่กลุ่มแสดงต่อสาธารณะชนในการผลักดันนโยบายในเรื่องเกี่ยวกับการ
บริหาร งานบุคคล สวัสดิการ และประโยชน์ตอบแทนอื่น

ประโยชน์ที่จะได้รับจากการศึกษา

1. ทำให้ทราบถึงกระบวนการก่อตัวของกลุ่ม ชมรม สมาคม หรือ สมาพันธ์ ต่าง ๆ ของพนักงานส่วนตำบลในช่วงเริ่มแรก ภายหลังการจัดตั้งองค์การบริหารส่วนตำบล ในปี พ.ศ.2537

2. ทำให้ทราบถึงวัตถุประสงค์ในการรวมกลุ่มของกลุ่ม ชมรม สมาคม หรือ สมาพันธ์ ต่างๆ ของพนักงานส่วนตำบลในช่วงเริ่มแรกว่าตั้งอยู่บนพื้นฐานใดเป็นหลัก

3. ทำให้ทราบว่ามีปัจจัยใดบ้างที่จะส่งผลต่อการดำรงอยู่ของกลุ่ม ชมรม สมาคม หรือ สมาพันธ์ต่าง ๆ ของพนักงานส่วนตำบล

4. ทำให้ทราบถึงบทบาทของกลุ่ม ชมรม สมาคม หรือ สมาพันธ์ ต่าง ๆ ของพนักงานส่วนตำบลในช่วงเริ่มแรกภายหลังการจัดตั้งองค์การบริหารส่วนตำบล ในปี พ.ศ.2537

ขอบเขตของการวิจัย

ผู้วิจัยจะทำการเลือกศึกษาเพียงเฉพาะกลุ่มที่มีบทบาทหรือมีกิจกรรมการเคลื่อนไหว ให้สาธารณชนได้เห็นอย่างประจักษ์ชัดในการผลักดันนโยบายโดยเฉพาะในเรื่องเกี่ยวกับการบริหารงานบุคคล สวัสดิการ และประโยชน์ตอบแทนอื่นภายหลังการจัดตั้งองค์การบริหารส่วนตำบล ในปี พ.ศ.2537 เป็นต้นมาโดยได้เลือกสมาพันธ์ปลัด อบต.แห่งประเทศไทย เป็นกลุ่มหลักที่ใช้ในการศึกษา และเลือก (1) สมาคมข้าราชการส่วนท้องถิ่นแห่งประเทศไทย (2) สมาคมข้าราชการส่วนตำบลและเทศบาล เป็นกลุ่มรองที่ใช้ ในการศึกษา

นิยามศัพท์

1. กลุ่มบุคคลที่ปฏิบัติงานในองค์กรปกครองส่วนท้องถิ่น หมายถึง การรวมกลุ่มของปัจเจกบุคคลในรูปแบบของกลุ่ม ชมรม สมาคม หรือ สมาพันธ์ ของทั้งฝ่ายการเมือง ฝ่ายราชการประจำ ลูกจ้าง และพนักงานจ้าง ในสังกัด เทศบาล องค์การบริหารส่วนจังหวัด และองค์การบริหารส่วนตำบล

2. องค์กรปกครองส่วนท้องถิ่น หมายถึง เทศบาล องค์การบริหารส่วนจังหวัด และองค์การบริหารส่วนตำบล ไม่รวมถึงกรุงเทพมหานคร และเมืองพัทยา

3. การผลักดันนโยบาย หมายถึง การแสดงเจตนารมณ์รวมถึงการกระทำในนามของ กลุ่ม ชมรม สมาคม หรือ สมาพันธ์ ต่าง ๆ ของพนักงานส่วนตำบล ในการต่อรองกับรัฐ เพื่อแก้ไขปรับปรุง หรือยกเลิกนโยบายและการประกาศใช้กฎหมายที่เกี่ยวข้องกับการบริหารงานบุคคล สวัสดิการ และประโยชน์ตอบแทนอื่น "ในสาระสำคัญ"

รวมถึงการสนองตอบ (reaction) ต่อการแก้ไขปรับปรุง หรือยกเลิกนโยบายและการประกาศใช้กฎหมายที่เกี่ยวข้องดังกล่าว หากเกิดจากการที่ "รัฐ" หรือ กลุ่มบุคคลที่ปฏิบัติงานในองค์กรปกครองส่วนท้องถิ่น "กลุ่มอื่น" ที่มิใช่กลุ่มของตนเป็นผู้ดำเนินการ

4. พนักงานส่วนตำบล หมายถึง ข้าราชการหรือพนักงานส่วนท้องถิ่น (ฝ่ายประจำ) ที่ปฏิบัติหน้าที่อยู่ในองค์การบริหารส่วนตำบล

ระเบียบวิธีการวิจัย

การศึกษาเรื่องการก่อตัวและการเคลื่อนไหวของกลุ่มพนักงานส่วนตำบลภายหลังการจัดตั้งองค์การบริหารส่วนตำบล ในปี พ.ศ.2537 เป็นการศึกษาวิจัยเชิงคุณภาพ (Qualitative Method) ซึ่งเป็นการวิจัยที่จะต้องลงไปศึกษาและสังเกตกลุ่มบุคคลที่ต้องการศึกษาโดยละเอียดทุกด้านในลักษณะเจาะลึก โดยใช้วิธีการสังเกตแบบมีส่วนร่วม และการสัมภาษณ์แบบไม่เป็นทางการเป็นหลักในการเก็บรวบรวมข้อมูลการวิเคราะห์ข้อมูลจะใช้การวิเคราะห์เชิงเหตุผลไม่ได้มุ่งเก็บเป็นตัวเลขมาทำการวิเคราะห์

วิธีการจัดเก็บและรวบรวมข้อมูล

โดยใช้การค้นคว้าและวิเคราะห์เอกสาร (Documentary Research) ทั้งจากแหล่งข้อมูลปฐมภูมิ (Primary source) และทุติยภูมิ (Secondary source) ประกอบกับการใช้วิธีการสังเกตการณ์ (observation) ซึ่งเป็นการเก็บข้อมูลโดยใช้การรับรู้ปรากฏการณ์ภายใต้กรอบแนวคิด ทฤษฎี หรือสมมติฐาน ที่กำหนดไว้ล่วงหน้า โดยการวางแผนการสังเกตอย่างเป็นระบบ มีการบันทึกข้อมูลที่สังเกตได้ และให้ความสำคัญกับการควบคุมความถูกต้อง รวมถึงความเชื่อถือได้ของข้อมูล เพื่อให้ได้ข้อมูลเชิงปฐมภูมิ (Primary source)

วิธีการสังเกตการณ์ก็จะใช้วิธีการสังเกตแบบมีส่วนร่วม (participatory observation) โดยการที่ผู้วิจัยจะเข้าไปมีส่วนร่วมในกิจกรรมกับผู้ถูกศึกษาเป็นระยะเวลานานเท่าที่จะทำได้ เพื่อให้ผู้วิจัยได้รับการยอมรับและกลมกลืนเข้าเป็นสมาชิกของกลุ่มเป้าหมายโดยปริยาย แต่หากมีระยะเวลาที่ใช้ในการศึกษาจำกัด หรือ ต้องการสังเกตเฉพาะพฤติกรรมภายนอกบางอย่าง ผู้วิจัยก็อาจไม่เข้าไปมีส่วนร่วม ในกิจกรรมกับผู้ถูกศึกษา (non-participatory observation)

โดยผู้วิจัยจะมีข้อพึงระวังในการใช้วิธีการสังเกตแบบมีส่วนร่วม กล่าวคือ ในประการแรก การที่ผู้วิจัยเข้าไปมีส่วนร่วมในกิจกรรมกับผู้ถูกศึกษา อาจก่อให้เกิดการเปลี่ยนแปลงทางโครงสร้างและ

องค์ประกอบของกลุ่มทำให้ความสัมพันธ์ของกลุ่มเปลี่ยนแปลงไป พฤติกรรมที่กลุ่มแสดงออกจึง
อาจ ไม่เป็นไปตามธรรมชาติ และอีกประหนึ่งก็คือ การป้องกันอคติอันเนื่องมาจากความสนิทสนม
กับกลุ่มจน เป็นเหตุให้เกิดความลำเอียงในที่สุด

นอกจากนี้ผู้วิจัยยังจะใช้การสัมภาษณ์แบบกึ่งทางการ (Unstructured Interview) ที่เป็นการสัมภาษณ์
ที่ไม่ใช้แบบสอบถามที่มีโครงสร้าง และมิได้มีมาตรฐานเดียวกัน โดยผู้วิจัยจะมีการตั้งแนวหัวข้อ
การสัมภาษณ์ (interview guide) อันประกอบด้วยคำถามปลายเปิดหลายคำถาม ที่ระบุถึงประเด็นใน
การสนทนาประมาณ โดยแต่ละข้อเป็นเพียงประเด็นกว้าง ๆ ดังนั้น ทั้งผู้สัมภาษณ์   และผู้ให้
สัมภาษณ์ จึงมีอิสระ ในการถามและตอบ จึงสามารถเข้าถึงข้อมูลที่มีความสลับซับซ้อนและลึกซึ้ง
ได้

ดังนั้น ในเบื้องต้นของงานวิจัยชิ้นนี้ จึงได้พยายามชี้ให้เห็นถึงความสำคัญและความน่าสนใจ
ในการศึกษากลุ่มบุคคลที่ปฏิบัติงานอยู่ในองค์กรปกครองส่วนท้องถิ่น โดยจะจำกัดขอบเขต
การศึกษา ลงไปเฉพาะกลุ่มของพนักงานส่วนตำบลที่เป็นฝ่ายราชการประจำที่ปฏิบัติงานอยู่ใน
องค์การบริหารส่วนตำบลเป็นหลัก นับตั้งแต่ภายหลังจากการจัดตั้งองค์การบริหารส่วนตำบล ในปี
พ.ศ.2537 เป็นต้นมา จนกระทั่ง ถึงในช่วงของการเข้าไปดำเนินกิจกรรมแรก ๆ ที่กลุ่มได้แสดงให้
สาธารณชนได้เห็นถึงบทบาทในการผลักดันและเสนอแนะนโยบาย ร่างกฎหมาย รวมถึงการ
นำเสนอมาตรการใหม่ ๆ เกี่ยวกับการปกครองท้องถิ่น โดยเฉพาะที่เกี่ยวข้องกับการบริหารงาน
บุคคล สวัสดิการ และประโยชน์ตอบแทนอื่น ซึ่งในงานวิจัยชิ้นนี้ อาจมีการกล่าวถึงกลุ่ม ชมรม
สมาคม และสมาพันธ์ต่าง ๆ ขององค์การบริหารส่วนตำบลและของ องค์กรปกครองส่วนท้องถิ่น
อื่นอยู่บ้าง แต่ก็เฉพาะในบางส่วนที่เกี่ยวข้องกับกลุ่มหลักและกลุ่มรองที่จะทำการศึกษาในงานวิจัย
ชิ้นนี้เท่านั้น โดยมีสมมติฐานในการศึกษาวิจัยว่า การก่อตัวและการแสดงบทบาทของกลุ่ม ชมรม
สมาคม หรือ สมาพันธ์ ต่าง ๆ ของพนักงานส่วนตำบลภายหลังการจัดตั้งองค์การบริหารส่วนตำบล
ในปี พ.ศ.2537 ในช่วงเริ่มแรกนั้น ตั้งอยู่บนพื้นฐานของการปกป้องผลประโยชน์ของตนเองเป็น
หลัก   ซึ่งคล้ายคลึงกับลักษณะการก่อตัวและการแสดงบทบาทของกลุ่มผลประโยชน์ (Interest
Group)

อ้างอิงท้ายบทความ

[1] ประกาศในราชกิจจานุเบกษา เล่ม ๑๑๑/ตอนที่ ๕๓ ก/หน้า ๑๑/๒ ธันวาคม ๒๕๓๗ โดยหน่วยงาน
ของรัฐที่ถูกเรียกชื่อว่า "องค์การบริหารส่วนตำบล" นั้น เคยมีอยู่และได้ถูกยกเลิกไปเมื่อกว่ายี่สิบปี

ก่อน ซึ่งในห้วงระยะเวลาดังกล่าวองค์การบริหารส่วนตำบลจะมีโครงสร้างองค์กรและรูปแบบการ
บริหารแตกต่างไปจากปัจจุบัน มีการจัดตั้งขึ้นเป็นครั้งแรกเมื่อปี พ.ศ.๒๔๔๙ ตามคำสั่ง
กระทรวงมหาดไทย ที่ ๒๒๒/๒๔๔๙ ลงวันที่ ๙ มีนาคม ๒๔๔๙ ต่อมาได้มีการตราพระราชบัญญัติ
ระเบียบบริหารราชการส่วนตำบล พ.ศ.๒๔๔๙ ขึ้นมารองรับ และได้มีการปรับปรุงรูปแบบอีกครั้ง
หนึ่งตามคำสั่งกระทรวงมหาดไทย ที่ ๒๓๕/๒๕๐๘ ลงวันที่ ๑ มีนาคม ๒๕๐๘ และสุดท้ายได้ถูก
ยุบเลิกไปโดย ผลของประกาศคณะปฏิวัติ ฉบับที่ ๓๒๖ ลงวันที่ ๑๓ ธันวาคม ๒๕๑๕ โดยให้เหลือ
เพียงแต่สภาตำบล ใน นวพร แสงหนุ่ม, ประสิทธิผลในการดำเนินงานองค์การบริหารส่วนตำบลใน
จังหวัดเชียงใหม่, วิทยานิพนธ์ปริญญารัฐประศาสนศาสตรมหาบัณฑิต สาขาวิชารัฐประศาสน
ศาสตร์, (เชียงใหม่: มหาวิทยาลัยเชียงใหม่, ๒๕๔๔) หน้า ๑

[2] เทียบเคียงกับข้อมูลในปี พ.ศ.2542 ที่มีจำนวน อปท. ที่ไม่รวม อบต. = 1,239 แห่ง ประกอบไปด้วย
1) อบจ. จำนวน 75 แห่ง 2) เทศบาล จำนวน 149 แห่ง 3) กรุงเทพมหานคร จำนวน 1 แห่ง 4) เมือง
พัทยา จำนวน 1 แห่ง และ 5) สุขาภิบาลก่อนที่จะมีพระราชบัญญัติเปลี่ยนแปลงฐานะของสุขาภิบาล
เป็นเทศบาลตำบล พ.ศ.2542 อีกจำนวน 1,013 แห่ง

[3] ในระหว่างปี พ.ศ.2538-2539 มีการจัดตั้งองค์การบริหารส่วนตำบลขึ้นเป็นจำนวนทั้งสิ้น 6,397
แห่ง โดยมีรายละเอียดดังนี้ มีการจัดตั้งองค์การบริหารส่วนตำบล จำนวน 617 แห่ง ปรากฏใน ราช
กิจจานุเบกษา, ประกาศกระทรวงมหาดไทย เรื่อง จัดตั้งองค์การบริหารส่วนตำบล เล่ม 112, ตอน
พิเศษ 6ง, ฉบับประกาศทั่วไป, 3 มีนาคม 2538 มีการจัดตั้งองค์การบริหารส่วนตำบล จำนวน 2,143
แห่ง ปรากฏใน ราชกิจจานุเบกษา, ประกาศกระทรวงมหาดไทย เรื่อง จัดตั้งองค์การบริหารส่วน
ตำบล เล่ม 113, ตอนที่ 9ง, ฉบับประกาศทั่วไป, 30มกราคม 2539 มีการจัดตั้งองค์การบริหารส่วน
ตำบล จำนวน 3,637 แห่ง ปรากฏใน ราชกิจจานุเบกษา, ประกาศกระทรวงมหาดไทย เรื่อง จัดตั้ง
องค์การบริหารส่วนตำบล เล่ม 113, ตอนที่ 52ง, ฉบับประกาศทั่วไป, 25 ธันวาคม 2539

[4] ถูกเรียกโดย ประภาส ปิ่นตบแต่ง, การเมืองของขบวนการชาวบ้านด้านสิ่งแวดล้อมในสังคมไทย,
วิทยานิพนธ์ปริญญาดุษฎีบัณฑิต คณะรัฐศาสตร์, (กรุงเทพฯ: จุฬาลงกรณ์มหาวิทยาลัย, 2540)

[5] จากบทความเรื่อง "THE THAI CONSTITUTION OF 1997 AND ITS IMPLICATION ON
CRIMINAL JUSTICE REFORM"ของ ดร.กิตติพงษ์ กิตยารักษ์ ซึ่งเป็นอดีตอธิบดีกรมคุมประพฤติ
และอดีตปลัดกระทรวงยุติธรรม

[6] ผู้ก่อตั้งพรรคท้องถิ่นก้าวหน้า ซึ่งดำเนินการอยู่ในปี พ.ศ.2514 และในช่วงระหว่างปี พ.ศ.2531-
2540

[7] สืบค้นจากเว็บไซต์สมาคมสันนิบาตเทศบาลแห่งประเทศไทย เมื่อวันที่ 20 เมษายน 2558: http://www.nmt.or.th/DocLib1/index.html

[8] ซึ่งในขณะนั้นมีเทศบาลนคร 3 แห่ง คือ เทศบาลนครกรุงเทพ เทศบาลนครธนบุรี และเทศบาลนครเชียงใหม่

[9] เมื่อวันที่ 30 มีนาคม พ.ศ.2555 ได้มีการจัดตั้ง "พรรคท้องถิ่นไท" หรือในภายหลังได้เปลี่ยนชื่อเป็น "พรรคพลังท้องถิ่นไท" ซึ่งเป็นการจัดตั้งโดยตัวแทนจากสมาคมองค์การบริหารส่วนตำบลแห่งประเทศไทย และถึงแม้ว่าก่อนหน้านี้ นายชำนาญ ยุวบูรณ์ จะได้ทำการก่อตั้งพรรคการเมืองที่มีชื่อเรียกว่า "พรรคท้องถิ่นก้าวหน้า" ขึ้นมา ในปี พ.ศ.2514 (ได้ปรากฏชื่อพรรคการเมืองนี้อีกครั้งหนึ่งในช่วงระหว่างปี พ.ศ.2531-พ.ศ.2540) ภายหลังจากการประกาศใช้พระราชบัญญัติพรรคการเมือง พ.ศ.2511 ที่ได้มีการอนุญาตให้มีการจดทะเบียน พรรคการเมือง แต่ก็เชื่อได้ว่าวัตถุประสงค์เพื่อการพัฒนาทางด้านการปกครองท้องถิ่นอาจยังไม่เป็นที่ชัดเจนนัก เพราะตัวนายชำนาญเองนั้น ก็ได้เคยดำรงตำแหน่งอธิบดีกรมการปกครอง และเคยดำรงตำแหน่งผู้ว่าราชการกรุงเทพมหานครที่มาจากการแต่งตั้งโดยกระทรวงมหาดไทย ก่อนที่จะมีการเปลี่ยนแปลงมาใช้ระบบการเลือกตั้งโดยตรงจากประชาชนในภายหลัง ซึ่งก็น่าเพียงพอที่จะทำให้เชื่อได้ว่านายชำนาญยังคง เป็นผู้ที่มีประสบการณ์ในด้านการปฏิบัติงานท้องถิ่นที่เคยอยู่ภายใต้การกำกับดูแลของรัฐอย่างใกล้ชิด จึงมีความเป็นไปได้ยากที่นายชำนาญจะมีแนวความคิดเกี่ยวกับการปกครองท้องถิ่นในลักษณะที่ก้าวหน้า และการจัดตั้งพรรคการเมืองดังกล่าว อาจจัดตั้งขึ้นมาเพื่อมุ่งหวังผล ทางการเมืองในระดับชาติหรือเพียงแค่ในระดับท้องถิ่น เพราะไม่ปรากฏหลักฐานว่านายชำนาญ และรวมถึงสมาชิกพรรคได้เคยทำการเคลื่อนไหวเพื่อเรียกร้องให้มีการพัฒนาและปฏิรูปในด้านการปกครองท้องถิ่นเลยแม้แต่ครั้งเดียว

[10] จำนวน 10 ครั้ง

[11] จนถึงปี พ.ศ.2538 ที่ได้มีการจัดตั้งองค์การบริหารส่วนตำบลรุ่นแรก ๆ ขึ้นตามพระราชบัญญัติสภาตำบลและองค์การบริหารส่วนตำบล พ.ศ.2537

[12] ซึ่งถือว่ามีฐานะเป็นหน่วยงานการปกครองส่วนท้องถิ่น

[13] และอาจแฝงไปด้วยความหวาดระแวงว่าจะถูกยุบเลิก ซึ่งความรู้สึกร่วมเช่นนี้จะปรากฏขึ้นอีกครั้งหนึ่งภายหลังเหตุการณ์การรัฐประหาร พ.ศ.2557 ที่เป็นผลพวงจากความพยายามที่จะ "ปฏิรูปประเทศไทย"

[14] สามารถอ่านรายละเอียดการจัดตั้งสหพันธ์ฯ เพิ่มเติมได้ที่ เว็บไซต์สมาคมองค์การบริหารส่วนจังหวัดแห่งประเทศไทย http://www.paoc.or.th/agencies

[15] ราชกิจจานุเบกษา, พระราชบัญญัติองค์การบริหารส่วนจังหวัด พ.ศ.2540 เล่ม 114, ตอนที่ 62ก, ฉบับประกาศทั่วไป, 31 ตุลาคม 2540

[16] มาตรา 2 พระราชบัญญัตินี้ให้ใช้บังคับตั้งแต่วันถัดจากวันประกาศในราชกิจจานุเบกษาเป็นต้นไป

[17] มาตรา 45 องค์การบริหารส่วนจังหวัดมีอำนาจหน้าที่ดำเนินกิจการภายในเขตองค์การบริหารส่วนจังหวัด ดังต่อไปนี้

(1) ตราข้อบัญญัติโดยไม่ขัดหรือแย้งต่อกฎหมาย

(2) จัดทำแผนพัฒนาองค์การบริหารส่วนจังหวัด และประสานการจัดทำแผนพัฒนาจังหวัดตามระเบียบที่คณะรัฐมนตรีกำหนด

(3) สนับสนุนสภาตำบลและราชการส่วนท้องถิ่นอื่นในการพัฒนาท้องถิ่น

(4) ประสานและให้ความร่วมมือในการปฏิบัติหน้าที่ของสภาตำบลและราชการส่วนท้องถิ่นอื่น

(5) แบ่งสรรเงินซึ่งตามกฎหมายจะต้องแบ่งให้แก่สภาตำบลและราชการส่วนท้องถิ่นอื่น

(6) อำนาจหน้าที่ของจังหวัดตามพระราชบัญญัติระเบียบบริหารราชการส่วนจังหวัด พ.ศ. 2498 เฉพาะภายในเขตสภาตำบล

(7) คุ้มครอง ดูแล และบำรุงรักษาทรัพยากรธรรมชาติและสิ่งแวดล้อม

(8) จัดทำกิจการใด ๆ อันเป็นอำนาจหน้าที่ของราชการส่วนท้องถิ่นอื่นที่อยู่ในเขตองค์การบริหารส่วนจังหวัด และกิจการนั้นเป็นการสมควรให้ราชการส่วนท้องถิ่นอื่นร่วมกันดำเนินการหรือให้องค์การบริหารส่วนจังหวัดจัดทำ ทั้งนี้ ตามที่กำหนดในกฎกระทรวง

(9) จัดทำกิจการอื่นใดตามที่กำหนดไว้ในพระราชบัญญัตินี้หรือกฎหมายอื่นกำหนดให้เป็นอำนาจหน้าที่ขององค์การบริหารส่วนจังหวัด บรรดาอำนาจหน้าที่ใดซึ่งเป็นของราชการส่วนกลางหรือราชการส่วนภูมิภาค อาจมอบให้องค์การบริหารส่วนจังหวัดปฏิบัติได้ ทั้งนี้ ตามที่กำหนดในกฎกระทรวง

[18] พระราชบัญญัติองค์การบริหารส่วนจังหวัด พ.ศ.2540

[19] การจัดรูปแบบโครงสร้างการปกครองท้องถิ่น 2 ชั้นนี้ อยู่ภายใต้แนวคิดเพื่อให้องค์กรปกครองส่วนท้องถิ่น 2 ขนาด ได้มีระดับ ความรับผิดชอบที่แตกต่างกันไป โดยท้องถิ่นขนาดใหญ่ หรือระดับบน (Upper tier) ก็ให้รับผิดชอบในการดำเนินกิจการขนาดใหญ่ หรือมีพื้นที่กว้างขวางและเป็นงานที่เกินขีดความสามารถของท้องถิ่นที่มีขนาดเล็กกว่าที่จะสามารถกระทำได้โดยลำพัง ขณะที่ท้องถิ่นขนาดเล็ก (lower tier) ก็มีไว้เพื่อรับผิดชอบในการดำเนินกิจการที่มีขนาดเล็กหรือมีพื้นที่รับผิดชอบเป็นการเฉพาะ เช่นตัวอย่างในประเทศญี่ปุ่น ได้แบ่งโครงสร้างการปกครองท้องถิ่นออกเป็น 2 ระดับ ได้แก่ (1) ระดับจังหวัด (Prefectures)   มี 47 prefectures   ซึ่งแต่ละจังหวัดประกอบด้วย   city, village และ town และ (2) ระดับ เทศบาล (Municipal) ซึ่งมีอยู่ประมาณ 1,724 แห่ง แบ่งเป็น เทศบาลนคร (Cities/Shi) เทศบาลเมือง (Towns/Cho or Machi) และเทศบาลหมู่บ้าน

(Village/Son or Mura) สรุปจากเอกสารประกอบการบรรยายในรายวิชา รม.622 การเมืองและ การปกครองท้องถิ่น

[20] ที่ใช้คำว่า "ประมาณ" เนื่องจากอาจมีการตกสำรวจเพราะข้อมูลโดยส่วนใหญ่ได้มาจากการสืบค้นโปรแกรมค้นหา (search engine) ของเว็บไซต์ Google จึงทำให้ไม่สามารถเข้าถึงข้อมูลของกลุ่มชมรม สมาคม สมาพันธ์ ฯลฯ ต่าง ๆ ที่อาจมีการดำเนินการงานอยู่หรือเคยมีการดำเนินงานอยู่แต่ไม่เป็นที่รู้จักหรือมีชื่อปรากฏอยู่ในฐานข้อมูลของโปรแกรมค้นหาดังกล่าว

[21] โดยเฉพาะกรณีการขายหุ้นกลุ่มบริษัทชินคอร์ป

[22] ความไม่สงบในชายแดนภาคใต้ของประเทศไทย การทุจริตในโครงการก่อสร้างท่าอากาศยานสุวรรณภูมิ รวมถึงการใช้อำนาจแทรกแซงกรณีรายการเมืองไทยรายสัปดาห์ถูกสั่งระงับการออกอากาศทางสถานีโทรทัศน์โมเดิร์นไนน์ทีวีอย่างไม่มีกำหนด

[23] ประกาศในราชกิจจานุเบกษาเมื่อวันที่ 1 ตุลาคม พ.ศ.2549 ซึ่งไม่ปรากฏเนื้อหาที่กล่าวถึงเรื่องการปกครองท้องถิ่นไว้เลย

[24] เมื่อวันที่ 12 ธันวาคม พ.ศ.2549 ภายหลังการรัฐประหารเพียงประมาณ 2 เดือนเศษ

[25] สืบค้นจากเว็บไซต์ชมรมนิติกรองค์กรปกครองส่วนท้องถิ่น เมื่อวันที่ 20 เมษายน 2558:

http://www.nitikon.com/5yearnitikon.pdf

[26] ประกาศในราชกิจจานุเบกษา เล่ม 124/ตอนที่ 47 ก/24 สิงหาคม 2550

[27] อ่านรายละเอียดเพิ่มเติมได้ที่ นครินทร์ เมฆไตรรัตน์, "รัฐธรรมนูญ 2540 VS ร่างรัฐธรรมนูญ 2550"ใน เนชั่นสุดสัปดาห์ ฉบับวันที่ 6 กรกฎาคม 2550, หน้า 22

โดยเนื้อหาที่ถูกบัญญัติเพิ่มเติมที่เกี่ยวข้องกับองค์กรปกครองส่วนท้องถิ่นซึ่งปรากฏอยู่ในบทบัญญัติของรัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2550 โดยส่วนใหญ่จะเกี่ยวข้องกับการเพิ่มการมีส่วนร่วมและการตรวจสอบการดำเนินงานโดยภาคประชาชนเป็นหลัก ได้แก่

มาตรา 282 ให้มีมาตรฐานกลางเป็นแนวทางให้องค์กรปกครองส่วนท้องถิ่นเลือกไปปฏิบัติได้ รวมทั้งมีกลไกตรวจสอบการดำเนินงานโดยประชาชนเป็นหลัก

มาตรา 284 ให้มีการจัดตั้งองค์กรปกครองส่วนท้องถิ่นรูปแบบพิเศษ ที่มีโครงสร้างการบริหารที่แตกต่างจากที่บัญญัติไว้ก็ได้ แต่ผู้บริหารต้องมาจากการเลือกตั้ง

มาตรา 287 ประชาชนในท้องถิ่นมีสิทธิมีส่วนร่วมในการบริหารกิจการขององค์กรปกครองส่วนท้องถิ่น การกระทำใดขององค์กรปกครองส่วนท้องถิ่นที่มีผลกระทบต่อประชาชนใน

ท้องถิ่น ต้องมีการแจ้งข้อมูลรายละเอียดให้ทราบเป็นเวลาพอสมควร และหากมีการร้องขอต้องจัด ให้มีการรับฟังความคิดเห็นก่อน หรือให้ลงประชามติก่อนดำเนินการ

มาตรา 288 ให้พนักงานส่วนท้องถิ่นเป็นข้าราชการส่วนท้องถิ่น และมีองค์กรพิทักษ์ระบบ คุณธรรมของข้าราชการส่วนท้องถิ่น เพื่อสร้างระบบคุ้มครองคุณธรรมและจริยธรรมในการบริหาร บุคคล

[28] สืบค้นจากเว็บไซต์สมาคมข้าราชการองค์การบริหารส่วนจังหวัดพระนครศรีอยุธยา เมื่อวันที่ 20 เมษายน 2558: http://www.ay-localasso.org

[29] สืบค้นจากเว็บไซต์ชมรมนักจัดเก็บรายได้องค์กรปกครองส่วนท้องถิ่นแห่งประเทศไทย เมื่อวันที่ 20 เมษายน 2558: http://www.judkebclub.com

[30] สืบค้นจากเว็บไซต์สมาคมข้าราชการและพนักงานจ้างท้องถิ่น เมื่อวันที่ 20 เมษายน 2558: http://www.get-u.org/index.php ซึ่งต่อมาสมาคมได้เปลี่ยนชื่อเป็น "สมาคมข้าราชการและพนักงาน จ้างท้องถิ่นแห่งประเทศไทย" เมื่อวันที่ 26 มีนาคม พ.ศ.2555 และ "สมาคมข้าราชการส่วนท้องถิ่น แห่งประเทศไทย" เมื่อวันที่ 29 เมษายน พ.ศ.2557 ตามลำดับ

[31] ไม่ปรากฏวันก่อตั้งที่ชัดเจน แต่ดูจากวันประกาศแต่งตั้งคณะกรรมการบริหารชมรมผู้ตรวจสอบ ภายในท้องถิ่น โดยสืบค้นจากเว็บไซต์ชมรมผู้ตรวจสอบภายใน เมื่อวันที่ 20 เมษายน 2558: http://www.auditgrouplocal.com/main111.php

[32] สืบค้นจากเว็บไซต์สมาพันธ์ปลัดเทศบาลแห่งประเทศไทย เมื่อวันที่ 20 เมษายน 2558: http://www.sptes.in.th

[33] สืบค้นจากเว็บไซต์สมาคมนักบริหารการศึกษาและบุคลากรทางการศึกษาท้องถิ่น เมื่อวันที่ 20 เมษายน 2558: http://aleaep.blogspot.com/

[34] สืบค้นจากเว็บไซต์ชมรมพัฒนาชุมชนองค์กรปกครองส่วนท้องถิ่น (แห่งประเทศไทย) เมื่อวันที่ 20 เมษายน 2558: http://pattanalocal.com/th/ชมรมพัฒนาชุมชน

[35] สืบค้นจากเว็บไซต์สมาคมปลัด อบต.ภาคอีสาน เมื่อวันที่ 20 เมษายน 2558: http://www.esanlocalgov.info

[36] (1) สมาคมองค์การบริหารส่วนตำบลประเทศไทย (2) สมาคมข้าราชการองค์การบริหารส่วน จังหวัดแห่งประเทศไทย (3) สมาคมลูกจ้างองค์การบริหารส่วนจังหวัด (4) สมาคมข้าราชการ องค์กรปกครองส่วนท้องถิ่น (5) ชมรมโยธาไทย (6) สมาคมข้าราชการส่วนท้องถิ่นจังหวัด นครราชสีมา (7) สมาคมปลัดองค์กรปกครองส่วนท้องถิ่น จังหวัดนครพนม และ (8) สมาคม ข้าราชการส่วนท้องถิ่นจังหวัดหนองคาย

[37] (1) ชมรม อบต. (2) ชมรมเจ้าหน้าที่ธุรการ (3) ชมรมนักวิชาการเกษตร (4) ชมรมนักวิชาการ ศึกษา (5) กลุ่มช่างองค์การบริหารส่วนตำบล อ.ลำปลายมาศ จ.บุรีรัมย์ (6) ชมรมเจ้าหน้าที่วิเคราะห์ นโยบายและแผน (7) ชมรมเจ้าหน้าที่วิเคราะห์นโยบายและแผน รุ่น 32 (8) ชมรมครูเทศบาล (9) ชมรมช่างโยธาไทย (10) ชมรมโยธาท้องถิ่น (11) ชมรมหัวหน้าส่วนโยธา (12) กลุ่มเพื่อนจัดเก็บ (13) กลุ่มพนักงานส่วนตำบลจังหวัดนครพนม และ(14) สมาคมพนักงานส่วนตำบล

[38] อาทิ (1) ชมรมคนเทศบาล (2) สมาพันธ์นักวิชาการศึกษา อปท. (3) ชมรมช่างท้องถิ่น (4) เครือข่ายเจ้าหน้าที่วิเคราะห์นโยบายและแผน (5) เครือข่ายนักวิชาการศึกษาองค์กรปกครองส่วน ท้องถิ่น (6) กลุ่มเพื่อข้าราชการส่วนท้องถิ่น (7) สมาคมข้าราชการส่วนท้องถิ่นจังหวัดอุบลราชธานี เป็นต้น

[39] และภายหลังการประกาศบังคับใช้รัฐธรรมนูญแห่งราชอาณาจักรไทย (ฉบับชั่วคราว) พ.ศ.2557 ก็ ได้เกิดกลุ่มบุคคลที่ปฏิบัติงาน ในองค์การบริหารส่วนตำบลและองค์กรปกครองส่วนท้องถิ่นเพิ่ม ขึ้นมาอีกจำนวน 2 กลุ่ม คือ 1. สมาพันธ์รองปลัดท้องถิ่นไทย ที่ได้มีการจัดตั้งขึ้นเมื่อวันที่ 25 เมษายน 2558 และ 2. สมาพันธ์ ผอ.คลัง ผอ.ช่าง ซึ่งต่อมาได้เปลี่ยนชื่อเป็น "สมาพันธ์อำนวยการ ท้องถิ่น แห่งประเทศไทย" โดยในกลุ่มที่สองนี้ไม่ทราบวันจัดตั้งที่ชัดเจน แต่พบว่ามีการรวมตัวกัน เพื่อเคลื่อนไหวในการทำกิจกรรมครั้งแรกในการ ยื่นข้อเรียกร้องต่อคณะอนุกรรมการด้านการ พัฒนาการบริหารงานบุคคลส่วนท้องถิ่น สำนักงาน ก.ถ. ในการประชุมครั้งที่ 8/2558 เมื่อวันที่ 27 สิงหาคม 2558โดยทั้งสองกลุ่มในข้างต้น ได้มีวัตถุประสงค์ในการจัดตั้งที่คล้ายคลึงกันอัน เนื่องมาจากการได้รับผลกระทบด้านการบริหารงานบุคคลจากการเปลี่ยนระบบการจำแนกตำแหน่ง จากระบบซีเป็นระบบแท่ง

[40] จำนวน 5 กลุ่ม

[41] จำนวนประมาณ 37 กลุ่ม แต่หากนับรวมกับช่วงการประกาศใช้บังคับรัฐธรรมนูญแห่ง ราชอาณาจักรไทย (ฉบับชั่วคราว) พ.ศ.2549 ก็จะต้องนับเพิ่มขึ้นอีกจำนวน 1 กลุ่ม รวมเป็น จำนวนประมาณ 38 กลุ่ม

[42] โดยดูจากฐานข้อมูลและสถิติกำลังคนภาครัฐในฝ่ายพลเรือนของสำนักงาน ก.พ. ซึ่งเริ่มมีการเก็บ ข้อมูลอย่างชัดเจนแต่ยังไม่ค่อยมีความละเอียดมากนักมาตั้งแต่ปี พ.ศ.2541 จนถึง ปี พ.ศ.2543 และ ในระหว่างปี พ.ศ.2544-2546 ข้อมูลได้ขาดหายไป และเริ่มต้นมีการ เก็บข้อมูลใหม่ซึ่งมีความ ละเอียดในการจำแนกประเภทของข้าราชการมากยิ่งขึ้นนับตั้งแต่ปี พ.ศ.2547 เป็นต้นมา ซึ่งข้อมูล ของข้าราชการและพนักงานส่วนท้องถิ่นก็ได้เริ่มปรากฏข้อมูลอย่างเป็นรูปธรรมในปีนี้เช่นเดียวกัน ซึ่งในปี พ.ศ.2547 จะพบว่ามีข้าราชการและพนักงานส่วนท้องถิ่นที่สังกัด อบจ. อบต. และเทศบาล (ยกเว้นของกรุงเทพมหานคร) รวมกันจำนวนทั้งสิ้น 68,799 คน และเมื่อผ่านมา 10 ปี คือ ในปี พ.ศ.

2557 ปรากฏว่า จำนวนข้าราชการและพนักงานส่วนท้องถิ่นได้เพิ่มขึ้นเป็น 167,045 คน ซึ่งเพิ่มขึ้น
ร้อยละ 142.80 หรือ   เพิ่มจำนวนถึงหนึ่งเท่าครึ่งเลยทีเดียว สามารถศึกษาเพิ่มเติมได้จาก สำนัก
พัฒนาระบบจำแนกตำแหน่งและค่าตอบแทน สำนักงาน ก.พ., กำลังคนภาครัฐในฝ่ายพลเรือน
2547, (กรุงเทพฯ : ธีรานุสรณ์การพิมพ์, 2548) หน้า 66-67 และ สำนักพัฒนาระบบจำแนกตำแหน่ง
และค่าตอบแทน สำนักงาน ก.พ., กำลังคนภาครัฐในฝ่ายพลเรือน 2557, (กรุงเทพฯ : บริษัท 21 เซ็น
จูรี่ จำกัด, 2558) หน้า 94-95 หรือ สามารถศึกษารายละเอียดเพิ่มเติมได้ที่เว็บไซต์ของ สำนักงาน
ก.พ.: http://www.ocsc.go.th/ocsc/th/ index.php?option=com_content&view=article&id=
2779&catid=540&Itemid=302

[43] ผลงานที่สำคัญผลงานแรกเกิดมาจากการรวมตัวกันของกลุ่ม ชมรม สมาคม สมาพันธ์ต่าง ๆ
จำนวน 10 กลุ่ม ด้วยกัน เพื่อเรียกร้อง และผลักดันเกี่ยวกับการเบิกจ่ายตรงค่ารักษาพยาบาลให้เป็น
สิทธิสวัสดิการแก่พนักงานส่วนท้องถิ่นเช่นเดียวกับข้าราชการประเภทอื่น โดยได้มีพิธีลงนาม
บันทึกข้อตกลง (MOU)   กับสำนักงานหลักประกันสุขภาพแห่งชาติ หรือ สปสช. เมื่อวันที่ 6
กุมภาพันธ์ พ.ศ.2556 ซึ่งกรมส่งเสริมการปกครองท้องถิ่น กระทรวงมหาดไทย และสำนักงาน
คณะกรรมการการกระจายอำนาจ ได้ร่วมเป็นสักขีพยานในครั้งนั้นด้วย ผลงานดังกล่าวได้ก่อให้เกิด
การตราระเบียบกระทรวงมหาดไทยว่าด้วยเงินสวัสดิการเกี่ยวกับการรักษาพยาบาลของพนักงาน
ส่วนท้องถิ่น พ.ศ.2557 ขึ้นมา   ซึ่ง 10 กลุ่มดังกล่าวนั้น ประกอบไปด้วย (1) สมาคมองค์กรบริหาร
ส่วนจังหวัดแห่งประเทศไทย (2) สมาคมสันนิบาตเทศบาลแห่งประเทศไทย (3) สมาคมองค์การ
บริหารส่วนตำบลแห่งประเทศไทย (4) สมาคมข้าราชการองค์การบริหารส่วนจังหวัดแห่งประเทศ
ไทย (5) สมาคมพนักงานเทศบาลแห่งประเทศไทย (6) สมาคมข้าราชการส่วนตำบลและเทศบาล
(7) สมาคมข้าราชการและพนักงานจ้างท้องถิ่นแห่ง ประเทศไทย (8) สมาพันธ์ปลัดเทศบาลแห่ง
ประเทศไทย (9) สมาพันธ์ปลัดองค์การบริหารส่วนตำบลแห่งประเทศไทย และ (10) สมาคม
ลูกจ้างประจำองค์การบริหารส่วนจังหวัดแห่งประเทศไทย

และผลงานที่สำคัญอีกชิ้นหนึ่ง ก็คือ การมีส่วนร่วมในการผลักดันและเรียกร้องให้เกิดการ
ตราระเบียบกระทรวงมหาดไทย ว่าด้วยการกำหนดเงินประโยชน์ตอบแทนอื่นเป็นกรณีพิเศษอันมี
ลักษณะเป็นเงินรางวัลประจำปี แก่พนักงานส่วนท้องถิ่นให้เป็นรายจ่ายอื่นขององค์กรปกครองส่วน
ท้องถิ่น พ.ศ.2557 เมื่อวันที่ 4 พฤษภาคม พ.ศ.2557 ภายหลังจากองค์กรปกครองส่วนท้องถิ่นทั่ว
ประเทศถูกสำนักงานการตรวจเงินแผ่นดินทักท้วง และให้นำเงินประโยชน์ตอบแทนอื่นเป็นกรณี
พิเศษฯ (เงินโบนัส) คืนแก่ทางราชการ

แต่ในงานวิจัยของ ปิยะมาศ ทัพมงคล ที่เกี่ยวกับการเคลื่อนไหวของสมาคมองค์การบริหาร
ส่วนจังหวัดแห่งประเทศไทยในการผลักดันการกระจายอำนาจ ในช่วงระหว่างปี พ.ศ. 2539-2540
จะมีความแตกต่างจากการเคลื่อนไหวของกลุ่ม ชมรม สมาคม และสมาพันธ์ต่าง ๆ ขององค์กร

ปกครองส่วนท้องถิ่นในช่วงหลัง ๆ เนื่องจากได้มีการเคลื่อนไหวและประสบความสำเร็จจากการ
เคลื่อนไหวนั้นโดยกลุ่มคนเพียงกลุ่มเดียว ซึ่งเป็นผลมาจากลักษณะการจัดโครงสร้างกลุ่ม
ความสัมพันธ์ภายในและภายนอกกลุ่ม รวมถึงปัจจัยทางการเมืองที่เอื้อต่อความสำเร็จของกลุ่มใน
ช่วงเวลานั้น สามารถศึกษาเพิ่มเติมได้จาก ปิยะมาศ ทัพมงคล, บทบาทของ "สมาคมองค์การบริหาร
ส่วนจังหวัดแห่งประเทศไทย" ในการผลักดันการกระจายอำนาจ, วิทยานิพนธ์ปริญญารัฐศาสตร
มหาบัณฑิต สาขาวิชาการปกครอง, (กรุงเทพฯ : จุฬาลงกรณ์มหาวิทยาลัย, 2547)

[44] ปรากฏว่า โควตาที่นั่งด้านการปฏิรูปการปกครองท้องถิ่นที่มีอยู่จำนวน 15 ที่นั่ง (ตามประกาศ
แต่งตั้งสมาชิกสภาปฏิรูปแห่งชาติ ลงวันที่ 2 ตุลาคม พ.ศ.2557) นั้น มีจำนวน 5 ที่นั่ง ได้ตกเป็นของ
บุคคลที่ปฏิบัติงานท้องถิ่น และหากจะนับเฉพาะจำนวนใน 5 ที่นั่งแล้ว ก็จะพบว่ามีถึง 4 ที่นั่ง ที่เป็น
ของตัวแทนของกลุ่ม ชมรม สมาคม สมาพันธ์ ฯลฯ ต่าง ๆ ซึ่งประกอบด้วย 1. นายเกรียงไกร ภูมิ
เหล่าแจ้ง นายกสมาคมสันนิบาตเทศบาลแห่งประเทศไทย, 2. นายเชื้อ ฮั่นจินดา ประธานสมาพันธ์
ปลัด อบต.แห่งประเทศไทย, 3. นายสรณะ เทพเนาว์ นายกสมาคมพนักงานเทศบาลแห่งประเทศ
ไทย และ 4. นายธีรศักดิ์ พานิชวิทย์ เลขานุการนายกสมาคมองค์การบริหารส่วนตำบลแห่งประเทศ
ไทย

Peace Process/ Local Communities/ ASEAN Disputes

Peace Process in ASEAN Countries: The Case of Southern Thailand and Arakan (Rakhine State) in Myanmar

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Abstract

Minorities are protected only where democratic institutions can run smoothly but this situation does not prevail in most ASEAN countries. It is not exceptional the case of Rohingya Muslim in Myanmar and Malay Muslim in Southern Thailand. This article explores two cases from the ASEAN countries, where military directly or indirectly ruled since many years. Due to internal and external pressure, Myanmar and Thai government tried to formulate peace process with their ethnic religious minorities. However, it is not properly worked because of State unwillingness as well as ruling elites are not ready to incorporate minorities in their state framework. On the other hand, in the case of Malay Muslims are not consistent in their argument with the Thai government. Malaysia as mediator not played enough role to accelerate the peace process. Still there is hope to work out peace process with some limitations. The case of Rohingya in Myanmar is more complicated and State deliberately refuses the peace process. In this context, ASEAN as a regional forum failed to address this long standing crisis in the name of non-interference. In addition, AICHR also failed to fulfill its special mandate to promote and protect the ethnic religious minority's rights across the region.

Keywords: Peace Process/ Minorities/ Southern Thailand/ Myanmar/ Southern Thailand/ ASEAN

Introduction

Minorities in different countries are frequently confronted and harassed about their identity and cultural differences. This often involves two major trends. Each group tries to accommodate the other in the nation building process. On the other hand, the majority group tries to apply a policy of exclusion against minority groups. Minorities are protected only where democratic institutions can run smoothly but this situation does not prevail in most ASEAN countries. It is not exceptional the case of Rohingya Muslim in Myanmar and Malay Muslim in Thailand. In this work concerning to the case of the unrest situation focus on the peace process for the Southern Border Provinces in Thailand which mostly the Malay Muslim are majority are living in the area but in the other hand they are as the minority for Thailand as a whole. In Burma/Myanmar, after start the reform process in 2011, it has major development especially in freedom of expression and association. Though, the Union Solidarity Development Party (USDP) led government enacted several discriminatory laws against the Rohingya and the broader Muslim community. This article is case study

based. Methods of multi-site case studies use here to understand how two Buddhist majority countries deal the peace process with their ethnic religious Muslim minority.

Peace Process

The peace process is defined in many ways. Generically peace process is any social process undertaken by governments who want their citizens to believe they are trying to avoid armed hostilities. Former diplomat Harold Saunders stated that, "peace process as a political process in which conflicts is resolved by the peaceful means" (Burgess, 2004). It can be mixture of politics, diplomacy, changing relationships, negotiation, mediation and dialogue in both official and unofficial arenas. Saunders also stated that, peace process may operate simultaneously four arenas; official, quasi-official, public peace process, civil society. It is completely depend on the circumstances. There is no one size formula applicable here. The peace process will be divided into three phases; the discussions and efforts to foster communication and trust; an agreement on a code of conduct to reduce confrontation; and third a roadmap for resolving the conflict using peaceful means. According to theoretical discussion, this article will explore two cases from the ASEAN countries how peace processes work here or not.

The case of ethnic Malay Muslim minority in Buddhist majority Thailand

Before going to detail discussion on Southern Thailand peace process, it is necessary to briefly discuss the background of this situation. Southern Thailand is home to one of Asia's most serious insurgencies; more than 6,000 people have been killed in this contested region since 200 (DSID). The conflict is primarily one between elements of the Malay-Muslim population of the country's southern border provinces, and the Thai State. Until to date, attempts by successive Thai governments to address the conflict through a mixture of repressive security measures and ill-conceived socio-economic development projects have yielded little result. There is more at stake, however, than just the lives lost and disrupted in Southern Thailand. Moreover, in recent years, ethno-regionalist tensions increased across the country especially in north and north-east provinces.

A number of attempts to establish dialogue as a pathway towards a political solution have been made since 2005. These include moves supported by former Malaysian Prime Minister Mahathir Muhammad (Langkawi- 2006), Indonesian vice-president Jusuf Kalla (Bogor- 2008) and other various international organizations working in the peace-building field. The latter has included a Geneva-based organization which worked closely with the 2008-2011. Abhisit Vejjajiva government and the Finland based organization worked 2009 has made persistent but unsuccessful attempts to insinuate its way into a dialogue process. None of these initiatives led to significant breakthroughs, because they have own agenda rather than engage with a full range of state machineries.

Over the years, Thai government attempts to negotiate with insurgent groups; however the most important event took place in Kuala Lumpur. On February 28th, 2013, the conflict in the Deep South of Thailand entered a new phase. After nearly a decade since the escalation of violence in 2004, the Royal Thai Government represented by the National Security Council (NSC) and the most powerful resistance

movement group, the National Revolutionary Front (BRN), signed a general consensus document on a *Peace Dialogue Process*. It came into existence with the active support of the Malaysian government, which took the function as a facilitator. This development has produced a conclusive atmosphere for peaceful conflict resolution.

The *General Consensus on Peace Dialogue Process* is the first document, in which the Thai government and the Pattani-Malay movement explicitly declare that they are prepared to explore the possibilities of a political solution to the conflict. For this purpose, the Thai government has acknowledged the BRN as "one of the stakeholders" for this process and provided their representatives with a safety guarantee, while the BRN agreed that this should happen "under the framework of the Thai constitution". In addition, both parties agreed on having Malaysia as a facilitator. The whole peace process was stuck due to major internal problems in Thailand on 2014. After military took over the power, the National Council for Peace and Order (NCPO) government established peace negotiation team led by the General Aksara Kerdpol. On the other hand, recently formed the MARA Pattani (*Majlis Amanah Rakyat Patani* - The Amanah Council for Patani People) an umbrella organization of six insurgent groups inclined to seek political solution with the Thai government. (*http://www.deepsouthwatch.org/node/7211*)

Evaluation of the Peace Process in Southern Thailand

There are lots of debates about ongoing peace process. Despite of criticism, there has been little evidence that the Yingluck government is deeply committed to the pursuit of a political solution to the southern conflict. On the other hand, entire Pattani Malay peoples are quite suspicious about whole negotiation process. Nevertheless, a source close to the militant groups has argued that there is a still a basis for optimism about future progress. The strongest criticisms of the peace process have come from Yala based analyst Don Pathan, who has described the talks as 'somewhere between a hoax and a big leap of faith'. He argues that, present BRN leaderships have not much control over the young fighters on the ground, and has no capacity to deliver a settlement. He is equally critical of the Thai side, given their pro-Thaksin alignment and lack of support from senior figures in the Army (Ibid).

The lack of preparation from Thai delegation is one of the weaknesses of whole negotiation process. This criticism comes from the civil society groups. The Thai side would need to revamp its team, reducing the size of the delegation and including more senior military figures from the inner circles of the Army's high command (Ibid). In order to support the process more effectively, the Thai government would have to establish a full-time secretariat and based in the prime minister's office. Simultaneously, core group of highly capable officials should include the secretariat to support this process. The process would ideally have ministerial oversight or even direct participation, and the prime minister would need to give regular briefings to the Cabinet, Parliament and the public on the progress of talks. Apart from civil and military officials, political leadership at the highest level should engage this process. In addition, all political parties have to minimum consensus on peace process in Southern Thailand

To accelerate this peace process, militants would need to develop an explicit 'political wing' to represent them. In this context, MARA Patani can play vital role on behalf Southern insurgents group. Most of the scholars and NGOs argue that, the role of Malaysia should be rethinking. Malaysia has played an effective role as facilitator in the negotiations which the real role neutral without favoring any parties, otherwise it will be difficult to achieve peace in the Southern Thailand.

The discourse on the transformation of the Southern conflict has been significantly "politicized" through the BRN's YouTube videos as well as through an intensified public debate on various "solutions", including autonomy and *"Merdeka"* (a Malay word for independence), something difficult to imagine only a few years ago. However, Thai government cannot accept the idea as mentioned in the BRN's YouTube, because of constitutional barrier. This social media propaganda hampered the whole peace process. For that reason, both parties have to sensitive about their political demand.

The whole peace process should consider the minority population in Deep South and rest of the country. It is noted that, sizable number of the minority Thai Buddhist and Thai-Chinese populations in the Deep South are concerned about the outcome of the peace process. They are afraid that it might endanger their freedom and security in the region. Some of them resent the government's willingness to establish dialogue with a movement responsible for the death of many Buddhists. Many fear the impact on their communities, should substantial autonomy or decentralization be accepted by the Thai government for the predominantly Malay-Muslim region. In this context, both parties should consider the minority Thai Buddhist and Thai-Chinese people's views. On the other hand, Thai government failed to engage Muslims from other parts of the country in the southern peace process. It is noted that the institution of *chularajamontri* lacks broad based legitimacy among the Malay Muslims, putting it in a weak position to resist the radicalization being promoted by *Salafist* groups. So why, Thai government can incorporate more religious leaders from the non-Malay Muslims community. In future, it would be helpful to downgrade the Islamist militancy in the Deep South. However to overcome the problems, neighboring countries, namely Malaysia and Indonesia, as well as the Organization of Islamic Cooperation (OIC), could potentially be given a role in the peace process. In this context, Thailand would have to give these countries, as well as other potential mediators, the mandate to mediate or at least facilitate.

The case of ethnic Rohingya Muslim minority in Buddhist majority Myanmar

The Rohingya is a religious and linguistic minority from the western part of Burma. The United Nations describes them as one of the most persecuted minorities in the world (BBC, 2014). The Rohingya have experienced difficulties in obtaining citizenship since the early 1980s. At the time of independence, their separate identity was recognized by Premier U Nu who led the Anti-Fascist People's Freedom League (AFPFL) government (1948-1962).Their situation worsened after the military takeover in 1962 leaving then subject to humiliating restrictions and harsh treatment by the State. However, Rohingya statelessness was institutionalized by the Burmese 1982 Citizenship Law. That law was created in the name of indigenous ethnicity to deny the Rohingya nationality. From the early 1990s, the movement of Rohingya was strictly controlled and their properties confiscated by State order. As a result, their

lives and livelihoods were endangered. The situation became worse for the Rohingyas after mid 2012 communal riot in Burma.

Evaluation of the Peace Process in Rakhine State (Arakan)

In this part, article will explore few issues of the Rakhine Commission Report. Aftermath of communal violence in Burma, President Thein Sein formed the Rakhine Investigation Commission on 17 August 2012. Still, this is the only peace initiative done by the Government of Myanmar. However, it was possible due to international community's pressure.

Many international actors believed that, Rakhine Commission report may find durable solution for peaceful co-existence of two major communities in Rakhine State. Though whole report was biased and failed to accommodate ethnic religious minority in their nation building process. Major Rohingya organizations argued that, "it is a biased report in favouring of Rakhines, their hostile views and arguments towards Rohingya people. It purposely suppresses the core fact of the problem that the Rohingya people have long been subjected to institutionalized persecution, ethnic cleansing and genocidal onslaughts at the hands of the government and state sponsored non-state actors, particularly the extremist Rakhines" (Burma Partnership, 2013).

The Rakhine Commission observations and recommendations were not helpful for durable solution of this long standing crisis. Moreover, report instigated racial attitudes and Islamophobia against the Rohingya and other ethnic Muslim minorities in Burma. According to the *Rakhine Commission Report* "the public generally view the Bengalis as being merciless, selfish and unsavory" (Ibid, p.18). Whole societal perception developed against the Rohingya in the name of racism. The words; 'merciless', 'selfish', and 'unsavory' indicate the intensity of racism in Arakan. In official and unofficial communications, authorities still commonly refer to Rohingya as Bengali, so-called Rohingya, or the derogatory "Kalar" (Fortify Rights, 2014, p.16). It is noted that in Burma "Kalar" is a derogatory and racist term widely used to refer to persons of Muslim or South Asian descent. Even the media and civic groups were against them. All tried to justify their stance in the name of racial purity. In the name of racial purity Rohingya do not fit into the Burmese state framework. As a heterogeneous nation, Burmese politicians and government could not properly handle this issue.

Islamophobia is common word in recent political discourse. In Myanmar today, Rohingya and Islamic identity is taken as the same thing. Islam and Islamic culture is always projected in distorted forms through the media. Cultural issues like personal law, status of women in Muslim society, Muslim way of worship, and Islamic missionary activities are presented to project a different picture of Muslims and Islam from what it actually is. Despite their long glorious history in Arakan (Rakhine State), the Rohingya are not tolerated in Burma for their religion and ethnicity. The Rakhine Commission stated that, people's perception about "Islam is very bad religion and untrustworthy" (Ibid, p.18). Moreover, anti-Rohingya sentiment shaped into anti-Muslim context especially after 2012 communal riot. There is new anti-Rohingya Muslim propaganda started by a young monk, Wirathu, after 2012 Buddhist-Muslim riot. This fanatical movement is known as 969 has openly instigated riots and carried

out series of deadly violence and massacres against Muslim all over Burma. There is another strong misconception in Burma that high conversion rate of Islam reducing the number of Buddhists is the real threat to national integrity. According to Muslim leaders' conversations, most of the Buddhists in Burma often claim that Islam is a religion which swallowed Hinduism and Buddhism in Indonesia, Malaysia, and the whole Indian peninsula, including Pakistan and Afghanistan (interview, 29 June 2014, Yangon).

In addition, the formation of whole investigation commission was not impartial. The commission included representatives from various religious and political parties except Rohingya representatives, who have been actual and potential victims of deadly violence and genocidal attacks. Haji U Nyunt Maung Shein and U Tin Maung Than, the two prominent Muslim leaders were purged from the Commission seeing that they were most persistent on the truth (Burma Partnership, 2013).The UN Special Rapporteur on the human rights situation in Myanmar, Tomás Ojea Quintana, welcomed some recommendations from the Rakhine Investigation Commission report. However, he expressed concerns over the lack of recommendations to address impunity and ensure investigations into credible allegations of widespread and systematic human rights violations targeting the Muslim community in Rakhine State (OHCHR: 2013). Indeed, Rakhine Commission was the first initiative from the government side to identify the root causes of Rohingya crisis in Rakhine (Arakan) State as well as other parts of the country. This discussion witnessed that, Government of Myanmar and Rakhine hostile attitude not helpful for advance any peace process. As a result, the Rohingya and other ethnic Muslim minorities are living scared situation.

The role of ASEAN

The international community, especially ASEAN, has repeatedly failed to address the Rohingya Muslims' plight. Recently, in May 2014, it was not part of the agenda of the 24th summit of ASEAN. Security researcher Shikha argues that "the failure to discuss the issue and the deliberate attempts by Myanmar to not recognize the Rohingya in the recently held census has once again brought the uncertain fate of the Rohingya to the forefront" Shikha (2014). This failure is inconsistent with the spirit of ASEAN and its vision, one identity and one community and the desire to show collective solidarity, compassion and the will to help each other. This will call into question ASEAN's credibility as a common home for all ASEAN people. Similarly in the case of Southern Thailand, ASEAN as a regional body failed to address it because of domestic matter. Moreover, the ASEAN Inter-governmental Commission on Human Rights (AICHR) has also failed to fulfill its special mandate to promote and protect human rights across the region. AICHR has a mandate to promote and protect the human rights and fundamental freedoms of the peoples of ASEAN, upholding the right of the peoples of ASEAN to live in peace, dignity and prosperity and contributes to the realization of the purposes of ASEAN as set out in the ASEAN Charter. In the case of non-interference, AICHR can find innovative approaches to ensure the fundamental rights of the ethnic religious minorities in ASEAN countries.

Conclusion

In conclusion, this article argues that, both countries peace process could not go ahead due to various reasons. The process to bring peace in Southern Thailand is now the military-led government has created the Peace Negotiation Team to deal with the insurgency group known *as Mara Patani* but nothing much done and so far both sides have not officially started the peace negotiations however one of a member of the government's negotiating team has said to the public that the present Thai government has set a June 2016 deadline for the signing of an agreement. In addition, this paper suggested that, both sides have to consider about role of minorities. The peace process in the case of Rohingya in Rakhine (Arakan) State miserably failed due to unwillingness of Myanmar Central and Rakhine State government. In addition, newly formed NLD government also not serious to resolve the long standing crisis, rather accused to previous military rule in Myanmar/Burma. Blaming game is very common phenomenon in Myanmar/Burma politics. This attitude will not help to build up a democratic state in Burma. There is another strong criticism about the role of ASEAN, in the name of non–interference; they failed to address these issues in the regional level.

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Protracted Displaced and Concern for Security:
The Case of Rohingya

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Abstract

Protracted displacement is a new phenomenon in the refugee discourse. The protracted refugee situation is not referred to in the Convention or Protocol. But it is reality in many places all over the world. Protracted displaced people are one of the main sources of internal instability and barriers to neighboring countries' relations. It often threatens inter-communal harmony and undermines major social values by altering the ethnic, cultural, religious and linguistic composition of a host population. The theoretical discussion of protracted refugee is helpful for understanding their status and current situation in global context. This article will explore how the protracted Rohingya became security concern for country of host Bangladesh and country of origin Burma. The protracted Rohingya refugee is a serious concern for Bangladesh from 1978. Bangladesh perceives security threats from the protracted displaced Rohingya because of their involvement in anti-social activities. This paper also explores that, in the name of security threats, government supported section of civil society instigating campaign against the Rohingya. Over the decades, the presence of Rohingya refugees has had a significant impact on the economic, social, cultural, environmental, law and order situations in Bangladesh, particularly in border areas.

Keywords: Protracted Displaced / Security/ Rohingya / City Society/ Bangladesh/ Myanmar

Introduction

There are many causes of displacement such as interstate war, intrastate war, state and non-state based persecution, particular regime induced displacement and some time due to natural disasters. For these causes, people use to flee have their country. When they cross the border, they become refugee. In present world context, the number of protracted refugee is high compared to the previous years. UNHCR estimates that 6.3 million (54%) of the 11.7 million refugees under its mandate are in protracted refugee situations (Refugee Council of Australia, 2015). Regarding this article, in the name of indigenous ethnic identity, the Rohingya have been denied Burmese nationality by the 1982 Citizenship Law. In legal terms, the Rohingya have neither nationality nor any ethnic status in Burma [1]. As a result of statelessness in Burma, many Rohingya have fled to neighboring countries. While a small number have gone to Thailand, Malaysia

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[1] *Burma is now officially called the Myanmar. It was renamed by the then SLORC military government in 1989. Many of the opposition groups including the Rohingya community and Western countries continue to use Burma. They argue that Burma should still be used since it was an undemocratic government (military) which changed the name without the consent of the people. This article uses Burma except for direct quotation and government referral documents on the Myanmar.*

and Indonesia, the vast majority have sought refuge in Bangladesh. There were two major Rohingya influxes from Arakan (officially called Rakhine State) into Bangladesh. The first occurred in 1978, and second in 1991-92. Each involved more than 250,000 refugees. Despite repatriation, the problem remains unsolved and the exodus into Bangladesh is still continuing (Haque, 2014). There are approximately 500,000 undocumented Rohingya residing in Bangladesh since the second mass influx in 1992. According to the US State Department Annual Human Rights Report on Bangladesh (2014) "the UNHCR estimated that an additional 200,000 undocumented Rohingya lived in Cox's Bazar, Bandarban and Chittagong districts, while the government estimated that 200,000 to 500,000 undocumented Rohingya resides during the year in various villages and towns outside the two official refugee camps in Teknaf and Ukhiya in Cox's Bazar district" (27 February, 2014). The UNHCR has pointed out that it has not been allowed to work with undocumented Rohingya since mid-1992 and they have survived without any assistance from the international community. However, as it does not have access to them, it cannot verify exactly where they are or how many there are. Further, it does not know how many undocumented Rohingya are settled elsewhere in the country (UNHCR Bangladesh Fact Sheet, 2012). Due to long presence, especially in the case of protracted displaced refugees, they always have involvement with militarization, arms and drug smuggling. Usually, the protracted displaced are not confined in their camps and are often involved in local politics. Regarding this article, protracted Rohingya displaced is now threat in different ways; for host country and country of origin. All these issues will be further discussed in the following parts of this article.

Defining the Protracted Displaced and Undocumented Rohingya Refugee

The protracted refugee situation is now reality in many countries such as; Palestine, Pakistan, Bangladesh. Currently, Palestinian refugees are the largest group of protracted displaced in the world. Pakistan is another major hosting country for protracted refugees. Presently, 1.7 million registered Afghan refugees are living in different places in Pakistan for more than three decades, many of whom are second or third generation (UNHCR, 2015). Due to civil war in Afghanistan, it is not possible for refugees to return their country of origin. It is generally understood by scholars and practitioners that protracted displacement occurs when situations have progressed beyond the initial emergency phase but for which solutions do not exist in the foreseeable future. Numbers involved can increase or decrease and sometimes the protracted displaced blend with the local population.

> In June, 2004, the UNHCR defined (UNHCR, 2004)
>
> 'a protracted refugee situation as' one in which refugees find themselves in a long-lasting and intractable state of limbo. Their lives may not be in risk, but their basic rights and essential economic, social and psychological needs remain unfulfilled after years in exile. A refugee in this situation is often to unable to break free from enforced reliance on external assistance.

The UNHCR also referred to it as a "crude measure of refugee populations of 25,000 persons or more who have been in exile for five or more years in developing

countries" (Milner, 2009, p.18). According to this definition undocumented Rohingya in Bangladesh meet the criteria of protracted refugees. They number approximately half a million and have stayed in Bangladesh since the 1990s. Their lives are not endangered but basic needs are totally lacking. Refugee scholars James Milner and Loescher discussed this refugee situation in their articles.(Milner& Loescher, 2011) Most protracted refugees are concentrated in specific areas which can be camp-based or located in urban areas. The UNHCR also stated that the nature of a protracted situation will be the result of conditions in the refugees' country of origin, the responses of, and conditions in, the host countries and the level of engagement by the international community. In most cases, protracted refugees do not have access to the rights protected in the 1951 UN Convention relating to the Status of Refugees. Except for 'combatant refugees'[2] numbers of the people inside and outside official camps live miserable lives. Due to lack of protection, they often face various human rights violations from the authority of the country of residence.

Other refugee related international agencies also believe that protracted refugees find themselves trapped in an intermediate state of limbo. Most cannot return to their country of origin due to lack of security. At the same time, their country of residence will not allow for them to stay permanently (US State Department: 2014). Despite criticism of the UNHCR definition, it could be argued that undocumented Rohingya refugees in Bangladesh should be treated as protracted refugees. In Bangladesh, especially undocumented refugees are mostly confined in the southwestern border districts. Both sending (Burma) and receiving (Bangladesh) countries occasionally discussed this issue as a matter of routine. Even in the international arena, it the subject has not drawn much attention. The UNHCR has acknowledged that the Rohingya may be categorized as protracted displaced having fled from Burma to Bangladesh 12 years ago (UNHCR, 2001). Earlier this article mentioned that almost half a million have been living confined lives in different makeshift camps in Bangladesh. The Government of Bangladesh (hereafter GoB) is not friendly to them and its various policies make difficulties for the protracted displaced. At the same time, the UNHCR cannot extend its mandate regarding this type of refugee situation. Concisely, The long standing refugee populations became security threats in various ways for countries of residence and origin There are many places protracted displaced involved in arms and drugs smuggling, women and children trafficking, recruiting child soldier. The protracted Rohingya refugee in Bangladesh is not exceptional regarding the security context. It will detail discuss in next parts of this article.

Protracted Displaced Threat for National Security

In this part, this paper will explore discussion on the basis of secondary literature and author's own observation after three round field visit (2013, 2014 and 2015) in undocumented refugee camps. The most significant challenge in protracted refugee areas are presence of refugee warriors. They are often involved in the cross-borders attacks on both host states and countries of origin. Due to their military involvement, humanitarian personnel, fellow refuges and civilian are also highly affected. In many places, refugee camps used as breeding ground for fundamentalist and recruitment

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[2] *"Refugee Warriors" or "Combatant Refugees" are a common phenomenon especially in protracted refugee situations. They are comparatively privileged people among the refugee population and are often involved in anti-social activities.*

centers of militant groups. Their presence also affected in the host countries internal political stability as well as national security.

It is strong perception in Bangladesh society that, Rohingya protracted refugee constituted a direct and indirect threat to their host country as well as country of origin. Due to their long presence in border areas the situation is getting worse compare with other parts of the country. In Bangladesh, various newspapers reported that a section of Rohingya have links with domestic and international militant groups. It is noted that Cox's Bazar based daily *Cox's Bazar News,* Chittagong based *Daily Purbokune* published a series of news reports against the Rohingya in the last couple of years. Jinnat stated that, due to various security reasons, local political leader Hamidul Haque Chowdhury, led anti-Rohingya Resistance Action Committee urged the government to repatriate the Rohingyas within short time (*Daily Star*, 2014). The anti-Rohingya campaign focused on Rohingya's long presence created social-ecological imbalanced in border areas and makeshifts camps used here recruiting center for Islamic fundamentalist. Some academics such as Rahman (2010) and Bhaumik (2010) argue that Rohingya militant organizations have established close links with extremist groups in neighboring Bangladesh and even far-off Indonesia (Huda, 2013). Moreover, they argued that, the Rohingya crisis is no longer a simple humanitarian tragedy; rather it is now potential threat to Bangladesh's internal stability and a source of interstate tension between Burma and Bangladesh. Their assumptions are based on newspaper reports. Even, they did not provide any authentic information of Rohingya militant activity in Bangladesh.

This section also refers to some Burmese discussions about Rohingya militancy and links with Bangladesh. Aftermath of communal violence in Burma, President Thein Sein formed the Rakhine Investigation Commission on 17 August 2012. The Rakhine Commission Report stated that "some movements still used bases in neighboring Bangladesh" (Ibid. p.6). The Report did not mention clearly which groups are using Bangladesh territory and conducted operations against Burma. It is a common perception in Burma that the Rohingya conducted anti-Burmese activities under supervision of Bangladesh Security forces. For that reason, this study tried to find an answer from Bangladeshi officials about how the protracted displaced became a security threat for both the country of residence and of origin. The Police Superintendent of Cox's Bazar claimed that makeshift camps security tightly controlled by the law enforcers' agencies (interview, November 2014, Cox's Bazar). So why, it is not possible for undocumented Rohingya refugees to conduct any anti-State activity from makeshift camps.

Refugee scholar and activist Professor, C.R. Abrar stated that "the government's attempts to link the entire asylum seeking Rohingya populace with Islamic fundamentalism and terrorism were unwarranted" (The Daily Sta*r*, 2013). This paper argues that blaming game is common phenomenon in Bangladesh politics. It is easy for the government and ruling party to establish Rohingya links with Islamist militants. Historically, the whole Rohingya community is relatively religiously conservative. In Burma, they were excluded due to their religious identity. In Bangladesh, after the Bengali Buddhist temple attack in September 2012, some newspapers and ruling party intellectuals accused the Rohingya of links with this

mob. Even before any judicial inquiry committee, ruling party senior leaders are blaming the refugee population and alleging it has links with the Ramu tragedy.[3]

It is a common understanding and general phenomenon that deprivation instigates anarchy. Without strong organizational support, it is not easy for the undocumented refugees to establish links with militant movements. This research argued that the Government of Myanmar (hereafter GoM) and sections of Bangladesh civil society exploited the contemporary practice of assuming all armed struggles have Muslim connections. After 9/11, it is easier for anti-Rohingya camp to establish their claim that Rohingya organization has closely connected with Islamist terrorist groups. The GoM has been using this propaganda against the Rohingya to justify their atrocities and trying to get support from the West as a junior partner against global terrorism. In Bangladesh, this is a new phenomenon against the Rohingya. Surprisingly, in both places attempts were made to link anti-Rohingya campaigns with global terrorism. This research found that small sections of Rohingya politically uphold the armed struggle against the oppressive regime in Burma. This does not mean, and research did not find, any evidence that the protracted displaced Rohingya's involvement in armed struggle and conducted from Bangladesh territory.

Protracted Displaced Threat for Non-traditional Security

In this section, how undocumented Rohingya refugees created an indirect threat to Bangladesh will be discussed. Long presence of refugees has severe impact on health, environment and economy in the host countries. It is generally claimed that the Rohingyas are clearing the forests, cutting the hills for their shelter, residing here and there, thus causing significant damage to the environment. There are some non-traditional security threats that may affect Bangladesh due to protracted refugees. Parnini stated that "Myanmar has already earned a reputation of being a 'narco-state'. If this is the scenario, there is bound to be a sharp increase in illicit drug trafficking, particularly to neighboring countries and beyond, with frustrated groups acting as 'intermediaries' or traffickers in this super profitable business" (2012, p.288). It is already reported the drug addiction has increased sharply in the Bangladesh-Burma border regions; it was possible because of easy drug smuggling through the Rohingya. This drug business has been controlled by the two countries' ruling elites. This is supported another analyst's article. Due to lack of livelihood opportunity, "frustrated groups like the Rohingya acting as carriers, "intermediaries" or traffickers in this super profitable business" (Huq, 2008 cited in Rahman, 2010, p.236). Consequently, the number of drug addicts in Bangladesh is increasing and it is not only confined to the border areas but also spreading throughout the country. It becomes one of the non-traditional security threats to Bangladesh society and negative impacts on traditional societal values. Helal Uddin Ahmed , Assistant Professor of the National Institute of Mental Health and Hospital, agreed and stated that the drug Yabba is the main threat to the younger Bangladeshi generation (interview, November 2014, Dhaka). This drug comes from the golden triangle via the Burmese border. Local newspapers reported that frustrated Rohingya children and elder people are used in Bangladesh as carriers.

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[3] *Ramu is a sub-district of Southwestern district Cox's Bazar. On 29 September 2012, local Bengali Muslim mobs attacked Buddhist areas and destroyed 22 temples and monasteries in the Ramu sub-district. It occurred in reaction to a tagging of an image depicting the desecration of a Quran on the time line of a social network Facebook account of Bengali Buddhist youth Uttam Borua.*

A recent study conducted by the International Centre for Diarrhoeal Disease Research, Bangladesh (ICDDRB) a leading infectious diseases research institute in Bangladesh, emphasized the potential for the spread of sexually transmitted infections in the southeast corner of Bangladesh (cited in Haque:2014). This research found from discussions with undocumented refugees that the rate of sexual violence is high and that there is no government or NGO awareness program in the makeshift camps. In addition, undocumented refugees have tended to marry Bangladeshi women (Leda makeshift camp, October 2015). Inter community marriage is not uncommon. In that regard, due to unsafe sexual behavior many local women may be infected by Rohingya men.

It mentioned earlier in this research that thousands of undocumented refugees are living in slum and jungle areas in the border district of Cox's Bazar. All these places are overcrowded and living conditions lack minimum hygiene. Tuberculosis is a problem throughout Bangladesh, but the crowded conditions in which both documented and undocumented Rohingya refugees live and the difficulties they face in accessing inappropriate medical treatment place them at significant risk and present an ideal environment for the spread of TB infection. It is noted that Rohingya residential areas have major environmental degradation problems which severely affect adjacent Bangladesh communities. This sporadically creates tension between local and refugee people. There is new phenomenon is makeshift camps are targeted by human traffickers. Members of the Bangladesh Coastguard detained 10 people suspected of acting as trafficking middleman. They confess to the coastguards that makeshift camps are major recruiting centers (interview, local journalist, October 2015, Cox's Bazar). This research also suggests that human trafficking is not only limited to the border districts or makeshift camps and that traffickers now exploit other areas and villagers in Bangladesh. It has been widely reported that many Rohingya and Bangladeshi have died at sea on the way to Malaysia. Therefore, human trafficking is now one of the major concerns for the coastguard and border district administrations. It should be noted that some Rohingya are involved in illegal activities. This does not mean that all Rohingya are problematic and that their presence creates a non-traditional security threat for Bangladesh. Surprisingly, Bangladesh based some rights groups are silent on the plight situation of undocumented Rohingya refugees in Bangladesh.

Conclusion

It should be mentioned that in most of the cases, protracted refugees do not have access to the number of rights contained in the 1951 UN Convention relating to the Status of Refugees. Except some combatant refugees, numbers of the people inside and outside of the official camps live in miserable life. Due to hostile situation, their livelihood opportunities are very limited. Through this discussion, it can be stated that, protracted displaced Rohingya are one of the barriers of Bangladesh-Burma bilateral relations, and their long presence has created many problems in the border areas. This does not mean that refugees cannot enjoy their rights as forced displaced. At the same time in the name of security, the host country and international community cannot avoid their responsibility to protect the displaced fundamental rights.

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Revisiting the Traditional Practices of the Itawis Families of Isabela, Philippines

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Abstract

The Itawis is one of the indigenous groups of Isabela, Philippines, along with the Ybanags, Yogads, and Gaddangs. In Cagayan Valley, two groups of Itawis are found: one from the Province of Cagayan and the other, from Echague, Isabela.

This study was conducted to determine what is left of the traditional practices of the indigenous group "Itawis" of Echague, Isabela, Philippines that are gradually vanishing due to the modern way of living or due to acculturation. The study used the descriptive research method. The researchers, who belong to the minorities themselves, gathered the data of the study through immersion with the living cultural masters and through participation in the rituals. Other data were gathered through interview with the remaining members of the minority group. The rituals were documented and the variations on the old and new practices were noted and explained by the elders. Frequency and percentages were used. The findings showed that the Itawis women still observe some practices in giving birth, in caring and feeding the baby such as *"passa", "tappe-tappet", "baraga", "iyaw", "alintugurayan".* The *"botiso and lallay"* in baptism and the *"intrega" and "pamonek"* in marriage were also some of the identified rituals practiced by the Itawis.

Keywords: Culture/ Traditions/Indigenous People/ Descriptive Design/ Philippines

Introduction

Culture is a set of unique spiritual, material, intellectual and emotional features of society or a social group. It encompasses, in addition to art and literature, lifestyles, ways of living together, values systems, traditions and beliefs (UNESCO, 2001). Culture gives people a connection to certain social values, beliefs, religions and customs. Cultural heritage provides an automatic sense of unity and belonging within a group to better understand their previous generations and the history of where they come from.

The Philippines is an archipelago endowed with rich natural resources, a rich history, diverse cultures, and many ethno-linguistic groups. The National Commission on Indigenous Peoples (NCIP) identifies 95 distinct tribes, which include the Islamic or Muslim groups in 14 regions of the country with an estimated population between 12-15 million members of the total population in 1995. The Office of Northern Cultural Communities (ONCC) and Office of Southern Cultural Communities (OSCC) also reported that the Indigenous Peoples' populace is composed of 110 ethno linguistic groups with a total population of 11,320,476 from Regions 1 to 13.

Indigenous peoples' communities can be found in the interiors of Luzon, Mindanao, and some islands of Visayas. They continued to live in their isolated, self-sufficient communities, at the time when most lowland communities had already been integrated into a single colony under Spain in the 1700s and 1800s. They were able to preserve the culture and traditions of their tribe as reflected in their cooperative work exchanges, their communal rituals, their songs, dances, and folklore.

But with the long years of colonial rule in the Philippines and the invasion of migrants into indigenous peoples' territories, many influences have been introduced that gradually changed the indigenous way of life. Indigenous communities at present are still characterized by these phenomena but are definitely no longer in their pure and natural state, showing varying degrees of influence from outside culture.

Due to this, the world under the auspices of UNESCO is now working towards the preservation and protection of cultural heritage. This is evident in Article 11 of the United Nations Declaration on the Rights of Indigenous Peoples which stipulates that, Indigenous peoples have the right to practice and revitalize their cultural traditions and customs including the right to maintain, protect and develop the past, present and future manifestations of their cultures. Article 34 also states that, Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards. *(United Nations, Human Rights Council Resolution 2006/2)*

Moreover, Art. 2, Sec. 22 of the Philippine Constitution also recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development. Art. XIV, Sec. 17 of the Philippine Constitution also provides that, the State shall recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institutions. It shall consider these rights in the formulation of national plans and policies.
(http://www1.umn.edu/humanrts/research/Philippines/Philippine %2constitution.pdf)

Hence, the Indigenous People's Rights Act of 1997 (RA No. 8371) was formulated to recognize, protect and promote the rights of indigenous people, creating a national commission of indigenous people, establishing implementing mechanisms, appropriating funds, therefore, and for other purposes. Sec. 29 further stipulates that the State shall respect, recognize and protect the rights of Indigenous Peoples to maintain and protect their culture, traditions and institutions. It shall also consider these rights in the formulation and application of national plans and policies *(IP, National Commission on Indigenous Peoples (NCIP), 1998.*

Indigenous Peoples of the Philippines refer to a group of people or homogenous societies recognized by self-ascription and ascription by others, who have continuously lived as organized communities on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, become historically differentiated from the majority of the Filipinos *(National Commission on Indigenous Peoples).*

In Region 2, the province of Isabela is inhabited by several lowland Indigenous groups. The Itawes, being one of the recognized Indigenous groups of Region 2 along with Ybanags, Yogads, Ilocanos, and Gaddangs, are known to be a group of people who had been sharing customs, language, and others. Ethnologists distinguish Itawis with its own dialect and characteristics form of shelter, clothing, art, social structure, and other attributes. All groups of Itawis are agricultural and depend mainly on their crop for subsistence. They share belief relating to sacred trees and mountains and to animal sacrifice for reading omens.

Originally, the Itawis tribe is found in the province of Cagayan, where they usually settle on river banks. However, due to migration, two groups of Itawis are known in Cagayan Valley; one is the Itawis group of the Province of Cagayan and the other from Isabela, particularly in Echague, which is the focus of the study. Two barangays were identified to be inhabited by Itawis in Echague and these are Barangays Tuguegarao and Salay .

Today, one could hardly identify tribes and people's group anymore due to the increase of inter-tribe marriages. Some of their practices had been consistently confronted by modernization and development, which seriously endanger their traditional cultures or would cause its total obliteration. As stated by Javier (1996), indigenous societies in various parts of the country today are consistently confronted with the battering impact of modernization and development, which are seriously endangering their natural environments and rapidly eroding their traditional cultures. Cultures then are in danger of extinction if nothing is done to avert their gradual death. The need to understand and preserve these vanishing genuine ethnic culture and faith is not only indispensable but also imperative. It is just a matter of time that the indigenous practices disappears or are transformed completely, thus, there appears to be an urgent need to document these systems or practices.

Description of the Locale of the Study

Fig. 1 shows the map of the province of Isabela, highlighting the municipality of Echague.
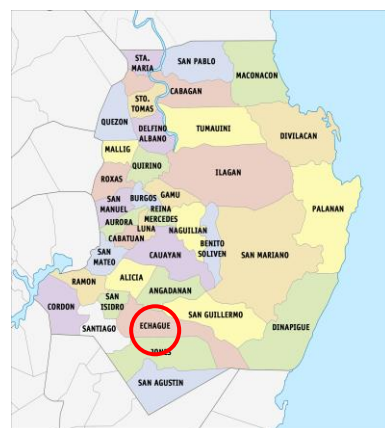
 Echague is a town known during the Spanish time as "CAMARAG", adopted from the name of a big tree common in the place. Camarag, was founded in 1752 and ecclesiastically placed under the patronage of St. Joseph on May 12, 1753. (*Http: www.wchague-isabela.com/p/history.html)*

Echague, the "QUEEN TOWN OF THE SOUTH" is located at the Southern portion of Isabela some 60 km away from Ilagan, the capital town. It is bounded on the north by the municipality of San Isidro, Alicia, Angadanan and San Guillermo, on the east by the municipalities of Dinapigue; on the south by the municipality of Jones, San Agustin; on the west by the municipality of Santiago City. *(www.province of Isabela.ph/index.php/municipalities/fourth-district/2013-07-10-15-14-05)*

It has a total population of 68,848, which is unevenly distributed in sixty four (64) barangays having different ethnic groups speaking a number of dialects. The total household population is 12,678 where 51.79% speak Ilocano; 23.7% speak Yogad; 4.99% Itawis; 3.05% Ibanag; while other dialects spoken by other   household are Bicol, Gaddang, Zambal, Bontoc, Cebuano and Chavacano.

Echague, also known to be the "Yogad country" in Isabela is the only municipality where you can find Yogad speaking people. However, out of the 64 barangays of Echague, two were identified as "Itawis barangays" considering that majority of its inhabitants are Itawis people. These are Barangays Tuguegarao and Salay. Based from the study conducted by Manzolim and Quilang on the migration pattern of the Itawis of Echague, most of these Itawis people came from the province of Cagayan. Marriage and livelihood is their main reason why they migrated and settled in Tuguegarao and Salay, Echague, Isabela.

Framework

The National Commission for Culture and the Arts support the preservation of the people's cultural heritage. As stated in section 7, Republic Act 7356, "it is the duty of every citizen to preserve and conserve the Filipino historical and cultural heritage and resources. The retrieval and conservation of artifacts of Filipino culture and history shall be vigorously pursued." (*http://www.ncca.gov.ph/about-ncca/about-ncca/about-ncca-ra7356.php#*)

The UNESCO declares that there are two approaches to preserve cultural heritage: one is to record it in a tangible form and conserve it in archives; the other is to preserve it in a living form by ensuring its transmission to the next generations. (*http://www.ncca.gov.ph/about-ncca/slt/about-ncca-slt-guidelines.php)*

Traditional practice is defined as the handing down of statements, beliefs, legends, customs, information, etc., from generation to generation, especially by word of mouth or by practice. *http://dictionary.reference.com/browse/tradition)*

In this study, the different cultural practices of the Itawis of Barangays Salay and Tuguegarao, Echague, Isabela, Philippines were documented and explained by the Itawis people themselves who served as respondents. Preservation of the different practices of the Itawis will give an overview of their way of life, thus will lead to the appreciation, better understanding and promotion of their culture.

Objectives of the Study

The study assessed the traditional practices of the Itawes Families of Isabela Philippines. Specifically, the study aimed to determine what is left of their practices in

terms of: giving birth; caring newborn babies; baptism; courtship; marriage; burial and building a house practices.

Methodology

The study focused on the traditional practices of the Itawis families along giving birth, caring newborn babies, baptism, courtship, marriage, burial and building a house. The study was conducted at the two identified Itawis barangays of Echague Isabela namely: Tuguegarao and Salay. Majority of the inhabitants of the two identified barangays are native speaking Itawis people.

The study involved 162 families who were identified as respondents. The native or genuine Itawis between the husband and wife was given priority to represent their family during the conduct of the interview. Elders or cultural masters were also interviewed to validate some of the findings and to know the variations on the old and new practices that were noted. This was conducted from July 2010 to June 2011.

Before the study was conducted, a request letter was furnished to the barangay captains seeking permission to conduct the study. The lists of Itawis families were also obtained from the Office of the Barangays to determine the number of respondents or families involved in the study.

The study used the descriptive research method. Triangulation was utilized using direct participatory approach, in depth interview and a focus group discussion. The rituals were documented using cameras/videos wherein the variations in the old and new practices were noted and explained by the elders in an interview with the aid of tape recorders and field notes. Data were analyzed using content analysis and interviews to validate the findings with the respondents or key informants. Frequency counts and percentage were also used to describe the common practices of the Itawis families of Tuguegarao and Salay, Echague, Isabela.

Results and Discussions Common Practices of the Itawis Families

On Giving Birth

Frequency distribution on respondents' practices on giving birth.
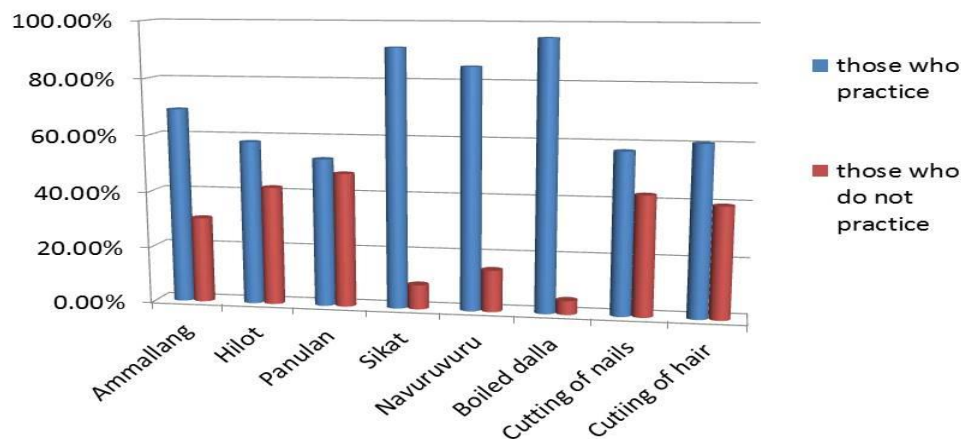
Mother

Findings show that **"AMMALANG"** one of the oldest rituals of the tribe is still practiced by Itawis woman after giving birth. This is done by braiding two pieces of clean cloth placed in a pot or metal plate with a "bagang" or coal in it. The cloth is being burned from its tip to the other end and it is placed near the mother or on the mother's bed. This ritual ensures the good health of the mother.

Likewise, majority of the women in both barangays are still engaged with the **"HILOT".** This is a practice of the women after giving birth wherein their body is being massaged every morning for a period of nine days. Based from the result however, there are 41.98% who no longer practice hilot due to the influence of advance technology and due to their adherence to medical practitioners advises.

After giving birth, the mother may suffer from lower abdominal pain, which according to the Itawis is called **"PANULAN"**. Due to the pain, the mother is not allowed to move and to take a bath for a period of 5 to 9 days after giving birth. This is also one way to avoid being relapsed. It is evident from the result however, that some of the Itawis women no longer practice this because most of them are giving birth to the hospitals, health centers, and birthing stations. More so, the Department of Health now discourages giving birth at home hence, the respondents adhere to the health practitioners' advises. The prohibition is clearly stipulated in the Administrative Order 2008-0029 titled, "Implementing Health Reforms towards Rapid Reduction in Maternal and Neonatal Mortality," or the "No Home Birthing Policy" and the DOH updated the policy, called The Maternal, Newborn, Child Health and Nutrition (MNCHN) Strategy. (*http://www.rappler.com/move-ph/30016-are-home-births-being-banned)*

As a practice, the mother is likewise asked to wear "**SIKAT**". Sikat is a piece of cloth folded to a desired length used to tie the waist and hips. Tying the upper and lower hips with a cloth is believed to give strength and to bring back the body in shape.

Moreover, the mother can only cut her nails after a week and her hair after a month after giving birth. Due to the influence of modernization, some of the respondents believed that cleanliness should be given utmost priority considering that taking care of the newborn entails proper hygiene.

The mother is not also allowed to eat "*NAVURUVURU*" (hairy, itchy) vegetables because this is not good for the health. According to them, eating this kind of vegetable may cause the itchiness of the private parts of the mother. Likewise, eating "*KANDUL*" or hairy melon, a kind of vegetable is not also allowed. This is believed to cause the mother's stomach to bulge.

The mother is also advised to boil leaves of **CITRUS FRUITS** and "*DALLA*" or lagundi, (a large native shrub that grows in the Philippines used as herbal medicine) when she will take a bath 5-9 days after giving birth. This practice is believed to ensure the mother's good health.

Taking Care of Newborn Baby

Frequency distribution of respondents' practices on caring newborn babies.
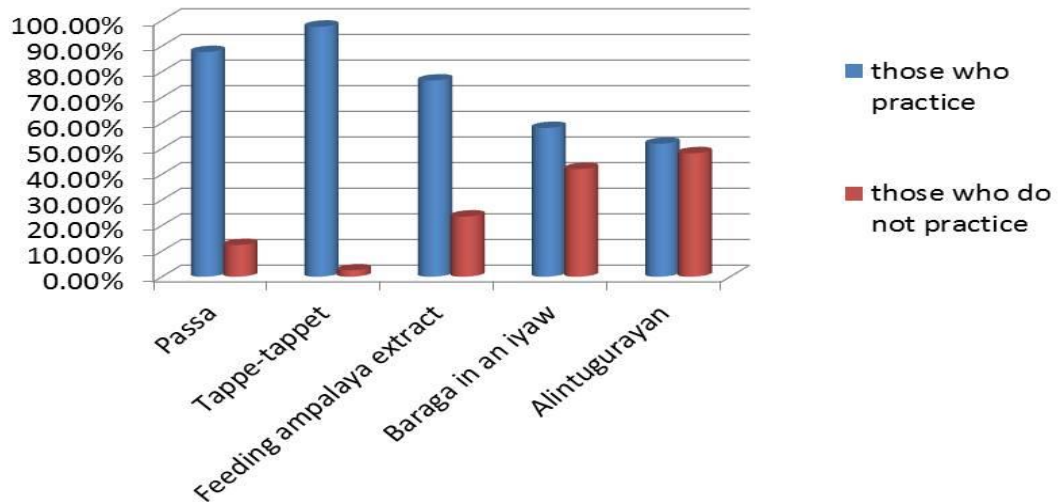
Baby

In the olden times, the Itawis people in both Barangays used a bamboo sheet to separate the mother's umbilical cord from that of the baby. However, because of the innovations in science now a days, the practitioners make use of the new trends in assisting the mother in giving birth.

Based from the result of the study, majority of the respondents still practice the "passa", "tappe-tappet" and the feeding of extracted fresh ampalaya leaves. "***PASSA***" is a cloth used to tie the waist of the baby to protect the navel and to strengthen his body. "***TAPPE-TAPPET***" is the patting of the buttocks of the baby right after delivery. According to them, patting of the buttocks makes the baby cry and when it cries, the heart will become stronger. Feeding the baby with extracted fresh "***AMPALAYA***" (bitter gourd) syrup is also a practice of the majority. According to them, this helps remove the toxins being swallowed by the baby in the womb during the mother's pregnancy.

The result also shows that 58.02 % still practiced baraga. "***BARAGA***" is a tradition which is done by placing the baby in an "***IYAW***" or *"bilao"* so that the baby will not be easily frightened. Bilao is large woven tray or winnowing basket used for removing rice chaff. It is where the baby is placed during the practice of "baraga". While some practice this, others no longer practice it since the influence of science has now greater impact on them. The decreasing number of a person who is skillful enough to carry out the said ritual is another reason considering that the execution entails mastery and utmost care.

Likewise, 51.85% also practice the putting of crushed "**ALINTUGURAYAN**" (akot-akot), clay that an insect built or form inside the house as its shelter, and this is applied at the navel of the new born baby to avoid infections of the navel. Some of the Itawis nowadays believed in modern ways on how to clean their babies' navel and that is by wiping it with cotton and alcohol. Moreover, medical practitioners discourage them to engage in such practice, thus teaching them the proper way of cleaning or taking care of the baby's navel.

As a practice, the dried navel of the baby is also wrapped with a cloth or gauze and it is being hanged on the highest part of the house. According to them, hanging will lessen the child's tendency to be suffering from stomach ache or gas pain.

It is also believed that the nails of the newborn should be cut only after a month and the hair should be cut after a year.

Baptism

Frequency distribution of respondents' practices on baptism.
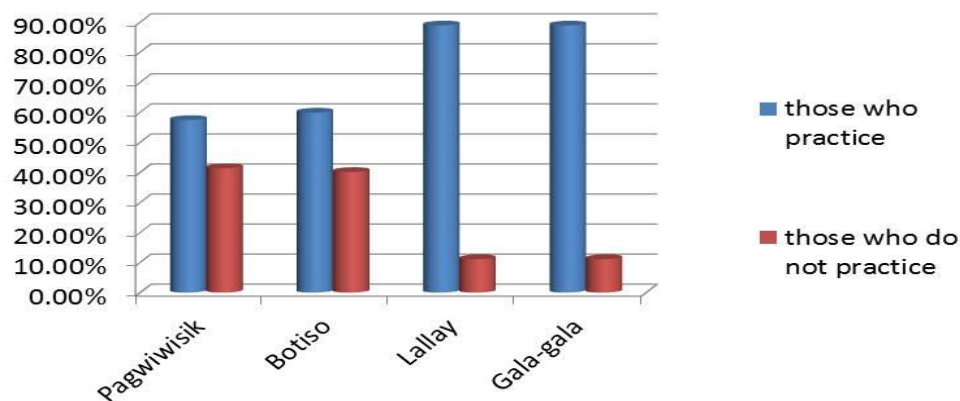
The usual practice of baptism is being observed by the families in both barangays. They believed that "*pagwiwisik*" **or sprinkling is** a means of removing their original sins. They also believed that while the ceremony of baptism is on going, the candles of the God-parents should not die because this symbolizes bad luck. When the ritual is done in the church, the parents should be the first one to go out carrying the baby because this is believed to give good luck or good fortune.

Itawis also observe "**BOTISO**" or celebration during baptism. It is here where they practice "**LALLAY**". This is done by passing the baby from one person to another while dancing. The relatives and other visitors dance with the baby and offer a gift called, "**GALA-GALA**" (a new practice of the Itawes). The gifts to be given can either be in kind or monetary.

Courtship

Frequency distribution of respondents' practices on courtship.
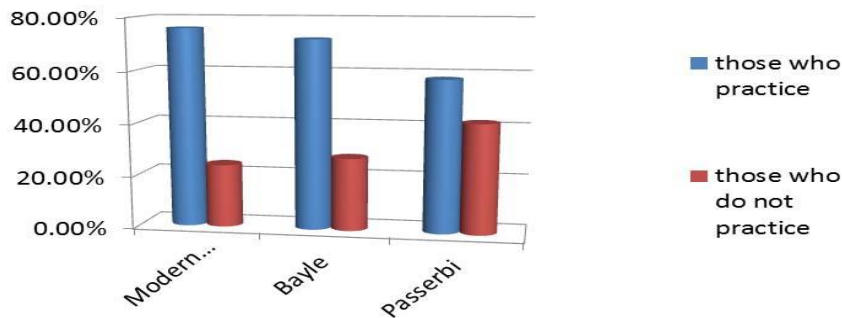
Though modernized courtship like the use of cellphone and the internet is now becoming a trend in both barangays, the traditional way is still practiced. The man will court the girl by visiting her in her house or sometimes, courtship takes place whenever there are gatherings like "**BAYLE**", a celebration at night during wedding.

Based from the result of the study, 58.02 % still practiced the traditional way of courting a lady which is "*passerbi*". "**PASSERBI**" is a stage in courtship where the man is obliged to render services to the family of the woman. In the olden times, the man is asked to serve the family of the woman for two years. If the man commits mistake in doing different work or task like plowing the fields, fetching water, washing clothes, "*mamalbag*" (cutting of wood), and others, he will be given back or returned to his family. This is still being practiced now a days but with a shorter period of time. This practice ensures that the man will give the best services to the family that he will soon have. Some of the respondents however no longer practice the giving of services to the family of the women instead; he is introduced to the family of the women to be acquainted, familiarized or to build a closer relationship before marriage.

Marriage

Frequency distribution of respondents' practices on marriage.
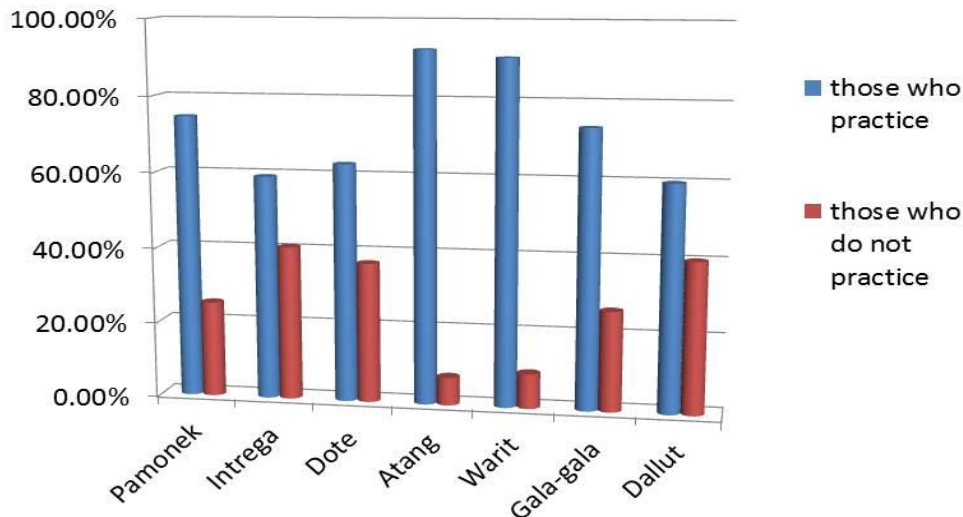
Result shows that majority of the respondents' still practice "*pamonek*" and other marriage rituals. "***PAMONEK***" (pamamanhikan), is the day when the family of the groom goes to the house of the lady and asks for her hands. During the "*pamonek*", both families discuss and decide about the different preparation for the wedding day. Both parties have to choose carefully the date of the wedding to ensure the couple's good way of living in the future.

Likewise, the immediate family of the groom also practices "***INTREGA***". This is the time when the family of the groom gives material gifts to the woman or to her family which is being agreed upon by both parties during the "***PAMONEK***". If the groom decided to give a pig, the pig must be forced to cry while delivering it to the house of the lady. The result however shows that intrega is no longer a must for some of the respondents instead the man is obliged to shoulder all the expenses during the wedding.

Aside from what is given during the "***INTREGA***", the family of the groom is also asked to give "***DOTE***" or dowry to the family of the bride. The dowry is either monetary or material things. This depends on the arrangement or agreement of both parties.

Before the day of the wedding, an offering or "***ATTANG***" of the bride and the groom's used clothes (preferably the bride and the groom's underwear), an egg, wine or liquor, and a piece of tobacco is done to ensure good weather during the day of the wedding. Likewise, the bride and the groom are not allowed to see each other before the day of the wedding. According to them, seeing each other may cause the non-pursuance of the wedding or it might cause the death of either the bride or the groom. The bride is not advised to wear her bridal gown before the wedding because this may cause death and bad luck too.

During the wedding day, the groom should be the first one to arrive at the place where the wedding ceremony will take place. Riding in the same vehicle is not allowed because this portends bad luck.

During the ceremony, the candles should be lighted simultaneously. The rings should be handled with utmost care because once this is dropped; it would mean separation of the husband and wife. The "aras" or several peso coins should not also be dropped because once this is dropped; it would also mean that the wealth of the family is at stake. After the ceremony, the bride should secretly step on the foot of the groom so that she will be the one to lead the family or the husband to be "under-the-saya".

An offering or "*WARIT*", cooked food, during the wedding day should be placed in an "*ALTAR*". This served as an offering for those unseen creatures and for the souls of the bereaved relatives.

"*GALA-GALA*" is also practiced during the day of the wedding. This is done by letting the newly wed couple dance with a music. While dancing, the visitors also offer their gifts either in kind or monetary. They may also dance with the bride and the groom if they wish too.

During the week or after the day of the wedding, "*DALLUT*", a ritual of songs and dances, is still being practiced. It is a reenactment of courtship, "intrega", the wedding ceremony to the time when the bride and the groom have to move in another house. This is a tradition done to ensure strong bond of the couple and for good fortune. However, due to the diminishing number of old folks in the family who usually initiate the said ritual led this practice to be taken for granted by the young ones.

Burial

Frequency distribution of respondent's practices on burial
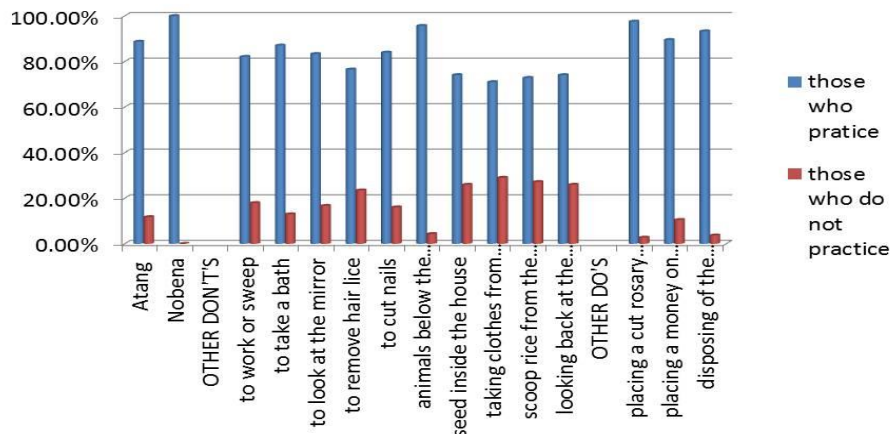
Result shows that Itawis in barangays Tuguegarao and Salay believed that they should offer prayer for the soul of their beloved dead through "***NOBENA***" (novena). The "nobena" is done within nine (9) days from the day of the death of the person. It consists of private or public prayers repeated for nine successive days in belief of receiving intercessory grace or lifting the soul of dead.

Another "nobena" is offered during the 40th and 1 year anniversary of the dead. During the "novena" "***ATTANG***" is also offered. Attang is the act of offering food for unseen spirits for guidance or for getting well. This is usually composed of wine, rice cake, water, tobacco, and "***MAMA/ NGANGA***" (betel nut/areca nut).

During the wake of the dead, immediate family members are not allowed to work especially doing household chores, to take a bath in the deceased's house, to look at the mirror, "magsuyod" or to comb one's hair using fine toothed comb, and to cut their nails in the house where the dead stays. This is believed to cause another death of an immediate family member.

There should always be a person at the side of the dead to look after it. An animal is not allowed to stay below the coffin of the dead especially a dog. They believed that a family member will also die or it will cause them bad luck once an animal stays or passes below the coffin.

It is also a taboo on the relatives of the dead person to take clothes from the closet of the family. Likewise, the immediate family of the dead is not also allowed to take rice or water directly from the container. Somebody should do it for them because this might cause them sickness or dizziness.

If there are seeds that are stored in the house it should be removed first before the body of the dead is taken inside the house. This is to ensure good harvest.

A chicken is decapitated outside the door where the coffin will be taken outside the house. All the people including the immediate family should come out first before the coffin will be taken outside the house. It is also advisable that the family together with their relatives should not look back into the coffin once they went outside the house because this may cause adversity to the family. Prayers are immediately offered while the coffin is taken out of the house.

Just like the Ilocanos', the Itawis   also pray for their dead for nine consecutive nights after death.

As a belief to make the soul of the dead person at peace, a rosary is being cut and placed inside the coffin of the dead and money is also placed on the hands of the dead during the burial at the cemetery. Once the body is buried and all the visitors who joined the burial went home, a relative gets a handkerchief and goes around the tomb or "puntod" and call the name of the dead simultaneously. After doing the said ritual, he/she should fold the hanky and place at the altar upon reaching home.

It is believed that at the third day after death, the soul of the dead is now at peace and will now proceed to heaven. Likewise, it is only after one year after the death of the person where the relatives can dispose all the clothes and other personal belongings of the dead person. If nobody wants to use the clothes and other personal belongings of the dead person, it should be burned or buried.

Building a House

Frequency distribution of respondents' practices on building a house.
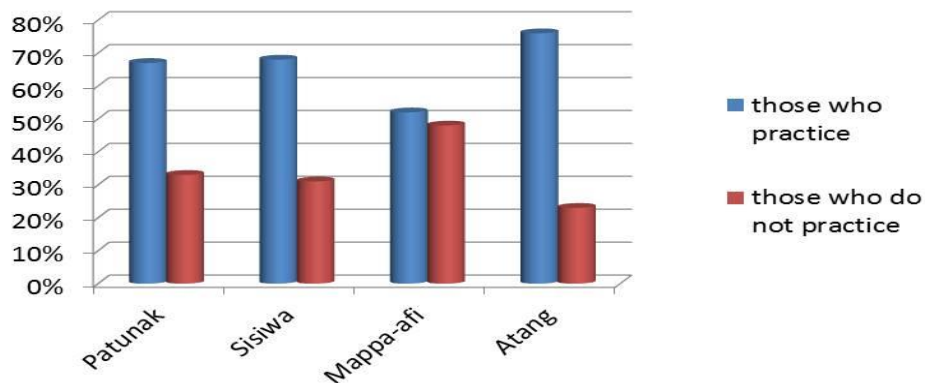
In building a house, the date when to start the construction of the house should be chosen well. A tradition of "*PATUNAK*" is done during the chosen day wherein the Itawis usually place shells, old coins and pour liquor on the first post that will be erected. This is to ensure that the house will have a strong foundation. Old coins should be placed on the door of the house so that the family will not experience financial problem. After the building of the house, a blood of a pig or a chicken is being wiped on the wall of the house called "*SISIWA*". This is to give the owner of the house good luck and to drive away evil spirits.

The night before the owner will move to the newly built house, a bonfire outside the house should be made and the fire should be continues. Apart from the owner, another person should sleep in the house during that night. The owner is advised to move in the house at dawn when the sun starts to rise. During the day when the owner has to move in the house, salt, a pale of water and a pale of rice should be taken inside the house first to ensure good fortune and good luck.

Conclusion

Based from the result of this study, it can be concluded that Itawis people have rich intangible heritage that is worth preserving as manifested in their practices such as giving birth, caring newborn babies, courtship, marriage, burial and building a house. Most of the respondents still follow their traditional practices however, there is also an increasing number of those who do not observed the practices. This is due to the influence of modernization and also to the diminishing number of elders who remind,

lead and influence the younger generation in observing the different traditional practices. Their rituals are performed to strengthen family bond and to ensure good health and good luck.

Recommendation

It is recommended that urgent documentation of the Indigenous Peoples systems or practices should be carried out immediately to preserve their culture as they continue to face the challenges to protect their traditional cultural heritage which are in danger of extinction considering that there is a decline in observing the practices. Likewise, young generations should be educated of these traditional practices particularly inculcating in them its importance and to revive those that were identified to be vanishing.

Itawis people should continue emulate or practice traditions that tends to enhance family relations/ bonding, and that effort should be exerted to ensure that these traditions are passed on to the younger generations.

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Networks of Civil Society Organizations dealing with Government's Project Development in Pak Bara Area, Southern Thailand

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Abstract

Two main purposes of this study are 1) to examine networks and roles of Civil Society Organizations (CSOs)dealing with government's developing project in Pak Bara area. 2) to recommend directions for the CSOs' further participation in developing the Pak Bara area.The research used a mixed method of qualitative and quantitative which include non-participatory observation, in-depth interviews, focus groups, workshop discussions, and a survey.It was found that they are 10 active CSOs and 2 NGOs. Their participation in development could be classified into three levels: local, provincial, and regional as well as international.They demand appropriate ways of conserving and managing the natural resources are more beneficial than the economic growth expected by the government and international traders. They attempt to drive the consequent problems to the level of resources and income sources, relocation due to land expropriation, air pollution, loss of public issues that need people's participation in policy- and decision making: loss of natural traditional ways of life and collapse of society, and destruction of tourism. This research has two recommendations. First, at local level, the networks should add more religious and cultural dimensions in driving activities, and strengthen relationships between networks and communities around Pak Bara with the cooperation of community leaders. Second, at the national and international level, the networks should enhance understanding and cooperation with communities.

Keywords: Pak Bara Area/ Satun/ Networks in Satun/ Civil Society Organization/ NGOs/ Andaman Deep Sea Port/ Southern Thailand

Introduction

In Thailand a search for an alternative to the transportation route that has to go through Malaysia's Malacca Strait can date back as far as the reign of King Narai of the Ayuddhaya period. Up to the mid-twentieth century the efforts to reduce time and cost in international trading focused on the digging of the Kra Isthmus in Ranong. After innumerous failed attempts due to different causes including sources of funds, national security, and separatism in the deep South, it was in 1970 that the Songkla-Satun route was identified for the first time as the most optimum route by TAMS Corporation hired by Chao Chaokwanyhuen and Co. (under the name of Lhamtong Pattana Co.).However, this discovery did not receive much attention from investors or the Thai governments for decades; the Kra project still got supports, more or less, from such leaders as General Chatchai Chunhawan (1988), Police Lieutenant Colonel Taksin Shinawatra (2001) and the Senate (2005) (Prasertsri, 2009).

In the meantime,there has been an interest in connecting the Andaman Coast with the Thai Coast in the Gulf of Siam so as to facilitate shipping from the Middle East as well as Europe and East Asia as well as the Pacific, respectively. Therefore, a section

in the Fifth National Economic and Social Development Plan (1981- 1986) specifies concerns about economy in Southern Thailand and its solution through the Songkla Deep Sea Port Project.

In 1989 General Chatchai started to implement the Songkla Deep Sea Port Project.There were also references to the Southern Seaboard Project and the Land Bridge Project, which is to link the Second Songkla Deep Sea Port and the Satun Deep Sea Port. These two projects were to be in accordance with the Development Strategy Plan for the South, the Development Strategy Plan for the Southern Border Provinces regarding Songkla-Satun Cluster, and, particularly for the Satun Deep Sea Port, the Satun Province's strategy to be "the Port of the Andaman Coast." However, the implementation of the development projects for the two sea ports were stalled because the country was facing an economic crisis in 1997. Four years later when Police Lieutenant Colonel Taksin Shinawatre became the Prime Minister, he declareda policyencouraging both Thai and foreign investors to carry out the deep sea port projects in order to stimulate employment and economic growth in the area and to be in conjunction with the Indonesia-Malaysia-Thailand Growth Triangle (IMT-GT) (Manager on Line, 2009). In the new development plan for economic growth, the two deep sea port projects are included in the National Strategies in Developing Communication and Transportation Infrastructure (Ministry of Finance, 2013), which requires a foreign loan of ฿ 2.2 trillionsto be committed by the Ministry of Finance (Proposed Bill for the Government Infrastructure Project, 20..). The Thai Deep Sea Port Project and theAndaman Deep Sea Port Project are supposed to cost more than ฿ 15,400 millions of the total loan.

The Second Songkla Deep Sea Port will be situated at Tambon Naa Tub, Chana District, Songkla.The Andaman Deep Sea Port Project will cover the area of La-Ngu, Tungwa, and Manang Districts of Satun. The strategic site where the deep sea port is designated to build is located in Pak Bara Village, which is one of the eight villages of Tambon Pak Nam, La-ngu District. Hence it is called the Pak Bara Deep Sea Port.Since the project is meant for international transportation, it entails several other projects, namely a dual-track train system to bridge the Second Songkla Deep Sea Port with the Pak Bara Deep Sea Port, the Satun-Perlis (Malaysia) Tunnel Project, the Oil Refinery and Pipeline Project, the Dam Construction Project, and the Power Plant Project. All these projects including related industries require an enormous piece of land and extensive geophysical alterations. In addition to sand digging right in front of the Pak Bara Village and land filling in the ocean, 1,892 acres of the Petra National Park, which links the village with the Tarutao National Park, will be requested for those purposes. It is very likely that the villagers' land will be expropriated with payment as well. From the local people's perspective and the environmentalists' studies the devastation will be incomparable with the financial gain, especially in the long term.That is, there will be immeasurable destruction of natural resources, coastal ecology, seafood resources, fruit orchards, clean fresh air, marine tourism around the Petra and Tarutao National Parks, together with the loss of local communities and earnings and collapse of their way of life. Indeed, all these negative effects are against the province's pronounced direction in developing sustainable environment and culture with a focus on the conservation of natural resources and tourism. Undoubtedly, there have been objections and protests against this deep sea port project since its conception.

In Satun there are civil societies (CSOs) and non-governmental organizations (NGOs) to follow up with the development plans of the province and the South. Their roles are to educate local communities concerning development projects and their consequences. NGOs in Satun have been active since 1985(Nasae,1997). The civil societies in Satun such as community organizations or activity groups have participated in the movement to learn, to establish rapports, and to emphasize "the common problems of Satun." The guiding approaches of these CSOs and NGOs focus on the management of natural resources, historic sites, and spectacular tourism destinations. They have formed the "People's Networks for Monitoring the Development Plans of Satun" with the support of local people to express a determination to encourage sustainable development and maintain natural balance for later generations. So far the "People's Networks" have followed themoves of the province's development plans and organized campaigns for correct understanding of the local people, community organizations and general public ("People's Networks," 2011). Because the Pak Bara Deep Sea Port Project and other related projects which are not suitable to the locals' ways of life have a tendency to cause conflicts and violence in society due to diverse opinions, the CSOs' and NGOs' recommendations for development plans which will not have adverse effects on the communities and socio-cultural aspects as well as their implementation methods are worth a close investigation.

Objectives

1. To examine the networks and roles of civil society organizations in developing the Pak Bara area
2. To recommend directions for civil society organizations' further participation in developing the Pak Bara area

Research Methodology

This research focused its study on the roles of the "People's Networks for Monitoring the Development Plans of Satun" and the "Ruk Jung Satun Network" [Love You So Much, Satun] from October 2012 – December 2013. It used a mixedmethodology. Its qualitative method was for studying the data concerning the work of CSOs and NGOs about the development of the Pak Bara area, their approaches in determining development directions and driving the plans together with people's learning process, understanding and cooperation. Its quantitative method was for surveying the local people's opinions about the NGOs' work in order to elucidate collected data. Non-participatory observation, interviews, in-depth interviews, focus groups, survey of opinions, and workshop discussions were used in this research.

Findings

Pak Bara Village is a populated area with a fishery sea port, fish open markets, and tourism ports. Its population is 4,115 while that of the whole Tambon is 10,478 (Empowerment Project of the Network of Community Organizations for Development of Tambon Pak Nam, Satun, 2014). The construction of a deep sea port, its platform, and subsequent industries will limit the villagers' ways of making a living and threaten tourism industry of the province. Therefore the community members, local CSOs and NGOs cooperate in continuously informing the

communities there, organizing meetings with different associate members, seeking consultation, and sharing information with external alliances.

As for cooperation with the CSOs', participants come from the governmental sector, private sector, and the local communities. They try to drive different issues within the communities and provide members opportunities to share ideas and seek cooperation from others outside the communities (Puangsumlee, Chansomwongs, and Kosolsaksakul, 1999; Jitnirut and Saksung, 2000). CSOs are the driving force for changes. The cooperation varies in terms of formats according to space and group formation, participants' background, issues, and activities. The cooperation of the CSOs originates from love, concerns, and compassion which result in solidarity and community formation regardless of geographical boundaries.

NGOs form another group which helps resolve problems for communities affected by the government's projects. Their principal roles consist of developing the communities' civic consciousness; promoting group formation and development; researching, publicizing, and campaigning; and recommending and pushing alternatives for sustainable development.

The participation of organizations in Pak BaraVillage could be classified as follows:

1. **The kinds of CSOs and NGOs networks which have been continuously activein the area.**

There were 22 organizations in the "People's Networks for Monitoring the Development Plans of Satun" and the "Ruk Jung Satun Network." This research studied 12 organizations which could be divided into 2 groups.

For civil society organizations, there were 10 of them: Coordinating Center for Researches for Local Sustainability in Satun, Community Organizations Development Institute, Local Fishery Association, Political Development Council, Community Organization Council of Tambon Pak Nam and Community Organization Council of La-Ngu District, Health Promotion Hospital of Tambon Pak Nam, Association of Political Science and Public Administration of Southern Thailand, Consumer Protection Networks, Reef Guardian Club, Pak Bara Bay Conservation Group.

As for non-governmental organizations, there were 2 of them: Association of Thai Seas Protection and Andaman Foundation. They have worked together in coastal Tambon of La-Gnu, Ta Pae, and Mueng Districts since 2010.

2. **The roles of CSOs and NGOs**

Their roles in activity supporting can be divided as performed in areas and innetworks as shown in the following Table.

Organization/group	Roles in communities	Roles in networks
Coordinating Center for Researches for Local Sustainability in Satun	Supporting communities in conducting researches concerning occupations, education, tourism, disaster management, public health, traditions, culture, and folk wisdom	Being an associate member in supporting educational programs for local target communities, creating activities and group formations to strengthen the communities

Community Organizations Development Institute	Providing a common space to support cooperation of community organizations at the levels of Tambon, district, and province	Supporting activities of Community Organization Council of Tambon Pak Nam and activities at Tambon level such as Secure Housing and Community Financial Organizations
Local Fishery Group	Developing communities and leaders, developing members' occupations, managing debt,coordinating for cooperation between fish farmers and various agencies	Being a local community organization covering three villages of Tamobon Pak Nam, La-Ngu District; and all coastal communities of Satun
Political Development Council	Developing politics education and participation, monitoring government's exercise of power, encouraging people's politics of good practice to be the institution for harmony at all levels	Supporting space creating activities with a focus on developing leaders' potential, supporting data presentations of CSOs in Satun
Community Organization Council of Tambon Pak Nam Community Organization Council of La-Ngu District	Being a platform connecting community organizations to exchange ideas and experience, and connecting with Community Organizations Development Institute to strengthen communities and encourage them to solve problems by themselves	Encouraging community unity and activities for local problem solving, providing financial supports
Health Promotion Hospital of Tambon Pak Nam	Providing medicinal services, coordinating the cooperation between governmental agencies and people, encouraging participation in continual health care	Providing human resources, venues, and information for health management and communities, supporting local village volunteer networks
Association of Political Science and Public Administration of Southern Thailand	Providing academic and research data, providing community services, proposing opinions concerning policies about the South to the government and the public	Providing supports for data management and academic cooperation with communities
Consumer Protection Networks	Publicizing information for consumer protection, relaying complaints, driving forth public policies, mobilizing participation, encouraging consumer's rights, and coordinating consumer protection networks	Supporting activities for well-being and consumer protection in both La-Ngu District and the Satun Province

Reef Guardian Club	Conserving coral and sea grass by tourism operators and guides	Supporting activities and group formations for natural resources protection and local tourism
Pak Bara Bay Conservation Group	Being community volunteers and activity groups in guarding the local area, participating in observing changes in three villages of Tambon Pak Nam	Being community network in managing and restoring coastal resources of Pak Bara Bay by connecting with the Local Fishery Club of La – Ngu District
Association of Thai Seas Protection	Conserving natural resources and encouraging fishermen to have their own organizations to protect their interests	Being an associate member in educating local target communities, creating activities and group formations to strengthen communities
Andaman Foundation	Providing supports to strengthen communities particularly coastal communities, encouraging communities' rights in managing coastal resources, following up with fishery policies	Being an associate member in educating local target communities, creating activities and group formations to strengthen communities

From the Table, it is obvious that the "People's Networks for Monitoring the Development Plans of Satun" and the "Ruk Jung Satun Network" had the CSOs and NGOs as their principal cores in driving the community members' learning process in different aspects. Besides, they coordinated with governmental and local agencies in carrying out activities such as La-Ngu Hospital, Administrative Organization of Tambon Pak Nam and Municipal Administrative Organization of Tambon KumPaeng, Pak Bara Tourism Operators, Association of Deputy Chiefs of Tambon in the Satun Province, Islamic Committee of Satun, Club of Imams in Satun, Association of Teachers in Public and Private Schools, Artists Groups for Communities, Community of News Reporters and Journalists in Satun,etc.

Besides the networks in the local area, the "People's Networks" also had external network organizations as alliances in providing supports in various aspects such as data base creation, platform creation for experience sharing, and public relations promotion. Organizations which took part in these activities included the Administrative Organization of Tambon Naa Torne, Tungwa District; National Health Assembly,Association for Tidying Up the Town, Coordinating Committee for Non-Governmental Organization, the Faculty of Political Science and the Institute for Peace Studies at Prince of Songkla University, and other organization groups. These cooperative activities gave the research team opportunities to participate and observe with numerous organizations to fulfill its understanding of the participatory process in developing the Pak Bara Area of Satun as well as to gather the networks' situational movements against adverse development projects for further reports.

3. The networks' working process in developing the area

The aims of the networks were to enhance the communities' understandingabout development of the area, to object and protest the construction of the Pak Bara Deep Sea Port and the government's development of heavy industries, and to campaign for the protection of local natural resources. There were different processes in driving forth activities at three levels as follows:

      3.1 Working processes within communities there were 3 main areas.

  1) Providing the communities with new body of knowledge and enhancing their skills through community forum arrangement, VDO presentation, and dissemination of information about development projects of the nation and the Pak Bara area via such media as leaflets, books, Siang Satun newspaper and other social media. Besides, they exchanged ideas and opinions with the governmental sector and shared information through communities' key persons.

  2) Cooperating with communities in arranging activities, for instance youth camps, fishing contests, community seminars, and collective fasting. These activities were for developing and creating participatory process as well as rapports among members.

  3) Campaigning for local natural resources conservation in the form of marching, using symbolic green flags, guarding the area and observing any encroachment for the government's development projects, using the communities' measure "Enter? Ship out!"

      3.2 Working processes outside communities There were 2 major activities to link the local area with the external:

  1) Building networks at the levels of province and region to get supports from networks by working and sharing problematic issues with other CSOs and NGOs such as taking part in organizing assemblies at province level or, in the name of "Ruk Jung Satun Group," participating in organization networks at province level.

  2) Asserting stand points by presenting the problems in general public and pushing them to be public issues in order to drive forth in a wider circle such as submitting documents of protest to governmental agencies or publicizing activities and body of knowledge though different conventional media and social media. The methods used in driving forth their operation included monitoring the government's administration regarding development projects in the local area, strengthening communities' learning process and body of knowledge, campaigning and protesting the government's development projects of expansive industries, publicizing problematic issues in general public and cooperating with external organizations at both provincial and regional levels.

4. The communities' reactions to the development of the Pak Bara area

The research team used a stratified sampling survey with 400 members of threevillages (Pak Bara, Talohsai, and Ta Malai) for their opinions of and needs from two types of developments, namely the Pak Bara Deep Sea Port Project with related large-scale industry projects and those of the "People's Networks for Monitoring the Development Plans of Satun" and the "Ruk Jung Satun Network." The gathered data can be summarized as follows:

    4.1 The people's opinions of and needs from the Deep Sea Port Project and related industries regarding awareness of the projects, impacts, and the government's development directions are presented here in a descending order. The community members learned about the projects mostly from friends(32.5%) and from the other

sources such as brochures, billboards, internet news, and Facebook 30.2%; family members or relatives 29.1% ; NGOs 27.7%; and community leaders 19.5%.More than half (54.6 %) of the subjects used to participate in the networks' activities. The perceived negative impacts were higher than the positive impacts as illustrated in the following descending order: loss of natural resources and income sources (78.8 %), the villagers must be relocated due to land expropriation (75.5%), air pollution (73.8%), loss of traditional ways of life (70.0 %), and destructive effect on tourism destinations (69.8%). As for suggestions for the government's development projects, the appropriate directions should be in this order: tourism and services (73.1%), fishery (59.3%), natural resources (53.3%), agriculture (19.8%), trading and investment (18.0%), and industries (9.3%).

      4.2 The people's opinions of and needs from the "People's Networks for Monitoring the Development Plans of Satun" and the "Ruk Jung Satun Network" regarding problems in the area, levels of trust in agencies with effects on communities, frequency of communities' participation in agencies' activities, and trust in activity participation are presented here in descending orders.

The first five problems in the area were narcotics (74.3%), Deep Sea Port Project (63.8 %), unemployment (37.5%), poverty (35.5%), and youth's quarrels (30.8%).

As for the communities' trust in agencies or organizations active in the area could rank as follows: religious leaders (3.75); teachers (3.69); doctors, nurses, public health officials, and health center officials (3.67); educators and university lecturers (3.45) and the "Ruk Jung Satun Network" (3.44).

As for the frequency of communities' participation in agencies' activities in the whole previous year, it was found that more than half (66.4%) used to join such activities and some part of the subjects (33.6%) never attended any activity or project. The agencies which the local people joined their activities were the Ministry of Public Health, hospitals and health centers (26.5%); the "Ruk Jung Satun Network"(18.0%); and the "People's Network" and local administrative organizations (17.8% each);

As for the agencies or networks of which activities were trusted by the community were that of public health officials, medical doctors, nurses and health center officials (3.04); the "Ruk Jung Satun Network" (3.03); People's Network for Monitoring the Pak Bara Deep Sea Port Project (3.00); and the People's Network for Monitoring the Development Projects of Satun (2.94). The agencies that approached the local people at the "low" level were district social developers and the officials of the Southern Border Provinces Administration Center.

5.The Networks' directions in carrying out activities in the Pak Bara area

There were 3 levels of work as follows:
      5.1 Community Level There should be a continuity of the followings: 1) organizing activities which alert the local people to take part in activities of good causes; 2) distributing activities at the community level with a focus on activities which are not simply campaigning but which encouraging the people to recognize and treasure the natural resources and good things in their society; 3) continually providing them with new, reliable, and factual knowledge and information which is related to the impact of the government's large projects on the people and their ways

of life; 4) seeking approaches to increase cooperation among community leaders, religious leaders, and the local people so that they will have the same understanding about approaches in developing the area; 5) supporting the cooperation of the local people with networks as direct stakeholders in order to drive the development directions of the area; 6) encouraging the new generation to creatively participate in assertion and drives for the benefits of the local area and pushing local youth to get higher education and return home to develop their home town

      5.2 Local Organization Level There should be plans for the followings: 1) developing body of knowledge and sets of information which will benefit the area to strengthen the drive that is based on knowledge, data, and the local people's facts;2)seeking new approaches to increase the number of participants, motivating them and adjusting activity formats with an emphasis on activities related to the development of people's living conditions in the present context so as to have updated data base for further application for development, concentrating on forming new local mass to bear the torch of the present generation; 3) strengthening the cooperation with the local key persons, explaining, and finding approaches which concentrate on responding to the people's needs through providing them with opportunities and space for expression their opinions and needs in development as much as possible together with trustworthy and understanding mentor organizations; 4) forming basic groups which are related to people's ways of life such as fishery groups and tourism groups together with the networks' supports in laying foundation and driving their demands with emphasis on each group's own decision and operation.

      5.3 Network Level There should be supports for the followings: 1) creating networks to work at the provincial level in order to help support and encourage cooperation at a wider level with the existing "Ruk Jung Satun Network" as the core driver of sustainable development of the province; 2) distributing roles and duties in organizational networks in order to elicit potential and strength of each organization in the "Ruk Jung Satun Network" to develop the area, be it of governmental sector, private sector, or CSOs; 3) increasing cooperation with CSOs and NGOs in the South in order to exchange experience and push their works to be public issues and to cooperatively seek more varied approaches to development; 4) using media to reflect the campaigning issues in a wider circle of Thai society; 5) increasing the cooperation with local administrative organizations in order that they will be effective and efficient agencies officially recognizable by governmental authorities; 6) developing cooperation with educational institutes and agencies in order to have more systematic and reliable sets of information.

Discussion and Recommendations

The roles of CSOs and NGOs in developing the Pak Bara area can be classified in terms of space and networking. The organizing of activities in the area reflects the communities' perceptions of common problems with a goal towards the creation of civic consciousness in the network management system (Supawongs, 1998). Their common roles are developing and creating consciousness, encouraging group formations and dissemination campaigns, and driving policy proposals (www.thaingo.org. 2012). As for the participation of CSOs and NGOs, it can be divided into three levels. The small level (S) refers to the organizations which operate their activities in the area around the Pak Bara Bay or in the Tambon Pak Nam. The medium level (M) refers to the organizations whose operations cover the area of the Satun province. The large level (L) refers to the organizations which support activities

or join certain activities of the governmental sector, private sector and educational institutes. The findings of this research agree with the observations of Mitchell and Reid (2001) who explain that people's participation in the development and decision making on different aspects of development can occur only when the local communities can benefit from such participation and the participation does not affect their traditions, ways of life, and values recognized in such society. Also the people's participation can occur when the government listens to its people's needs and the government must encourage the people to join in decision making with regard to the government's activities. At the same time, the governmental officials must genuinely emphasize and encourage the people's participation. (Carpini, Cook and Jacobs, 2004).

There should also be encouragement of communication to strengthen communities and create participation so that the local area will recognize the significance of a peaceful co-existence, reduced violence, and harmony in society. The CSOs and NGOs should play their roles at two levels. First, at the community level, the networks should use religious and cultural dimensions in driving forth activities and increasing good relationships between networks and communities which must be promoted by community leaders. Second, at the organization and network level, there should be cooperation in explaining to and coordinating with the communities with the "Ruk Jung Satun Network" as the cores in organizing platforms for information dissemination. They should also create cooperation at the local, provincial, regional, and international levels in order to support works in the area for genuinely efficient operation of the organizations and restoration of peace in the area.

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Aree Tingwang	Local Fishery Group	Oct. 7, 2012
Huddeen Usma	Leader of Pak Bara Bay Conservation Group	Oct. 7, 2012
Jehna Wuttanapun	Tamalai villager	Interviewed on May 3, 2013
Kraiwut Chusakul	Tourism Industry Group	Interviewed on Oct. 7, 2013
Nuttapol Benden	Tour Guide Network	Interviewed on Oct. 7, 2013
Napawan Juan-mai	Talohsai villager	Interviewed on Mar. 20, 2013
Samut Iad-trong	Community Organization Development Institute	Interviewed on Mar. 20, 2013
Somboon Kamhaeng	Andaman Foundation	Interviewed on stage on Oct. 7, 2012
Somyot Toh-lang	CSO Network	Interviewed on stage on Oct. 7, 2012
Wichokesak Ronnarongpairee	Human Rights Sub-committee member	Interviewed on Oct. 7, 2013

The Desired Attributes of the Governing officers in Southern Border Provinces

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Abstract

This study aims to find desired attributes of the Governing officers suitable to fulfill duties in Pattani, Yala, and Narathiwat provinces including four districts in Songkhla province which are Chana, Nathawi, Thepha, and Sabayoi by focusing on the Governing officers (Deputy District chief). The researcher collects data using qualitative research method by conducting in-depth interviews. The 12 chosen key informants are governing officers (Deputy District chief) who serve in the areas and perform their duties excellently. The study revealed that the key attributes for those who work in the southern border provinces are: 1) being trustworthy; for example, having ability to understand cultures and customs; 2) able to facilitate justice such as being neutral and relying on rules of law; 3) being a good communicator such as knowing how to choose proper communication channels and are skilled in speaking and listening; 4) being a good negotiator such as having ability to persuade and evaluate solutions; 5) having military skills such as how to command forces; 6) ability to coordinate and being a team player such as having leadership skills and coordinating skills.

Keywords: Southern Border Provinces / Governing Officer/ Desired Attributes/ Thailand

คุณลักษณะที่พึงประสงค์ของข้าราชการฝ่ายปกครองจังหวัดชายแดนภาคใต้

พงศ์ภัทร สิรันทวิเนติ, *รัฐประศาสนศาสตร์มหาบัณฑิต, คณะรัฐศาสตร์ จุฬาลงกรณ์มหาวิทยาลัย*
วันชัย มีชาติ, *รองศาสตราจารย์, คณะรัฐศาสตร์ จุฬาลงกรณ์มหาวิทยาลัย, อาจารย์ที่ปรึกษา*

บทคัดย่อ

การศึกษาครั้งนี้มีวัตถุประสงค์เพื่อหาคุณลักษณะของข้าราชการฝ่ายปกครอง ที่เหมาะสมในการ
ปฏิบัติหน้าที่ในพื้นที่จังหวัดปัตตานี ยะลา และนราธิวาส รวมทั้งสี่อำเภอของจังหวัดสงขลา ซึ่ง
ได้แก่อำเภอ จะนะ นาทวี เทพา และสะบ้าย้อย ซึ่งในการศึกษาครั้งนี้มุ่งเน้นไปที่เจ้าพนักงาน
ปกครอง (ปลัดอำเภอ) โดยผู้ศึกษาอาศัยการศึกษาข้อมูลภาคสนามด้วยระเบียบวิธีวิจัยเชิงคุณภาพ
ด้วยการสัมภาษณ์เชิงลึก โดยเลือกผู้ให้ข้อมูลสำคัญจากเจ้าพนักงานปกครอง (ปลัดอำเภอ) ที่ปฏิบัติ
หน้าที่ในพื้นที่และมีผลงานดีเด่นจำนวน 12 คน ซึ่งผลการศึกษาพบว่าคุณลักษณะที่สำคัญในการ
ปฏิบัติงานในพื้นที่จังหวัดชายแดนใต้จะต้องมีคุณลักษณะคือ 1)มีทักษะที่เกี่ยวกับความไว้วางใจ

เช่น ความเข้าใจในวัฒนธรรมประเพณี ภาษาถิ่น 2)การอำนวยความยุติธรรม เช่น ความเป็นกลาง และอ้างอิงหลักการตามตัวบทกฎหมาย 3)การสื่อสาร เช่น การเลือกวิธีการสื่อสาร ทักษะการพูด การฟัง 4)การเจรจาต่อรองและไกล่เกลี่ย เช่น การโน้มน้าว การประเมินทางออกของปัญหา 5) ทักษะทางทหาร เช่น การบังคับบัญชาหน่วยกำลัง 6)การประสานงานและทำงานเป็นทีม เช่น ภาวะ ผู้นำ การติดต่อประสานงาน

คำสำคัญ: จังหวัดชายแดนใต้/ ข้าราชการฝ่ายปกครอง/ คุณลักษณะที่พึงประสงค์

บทนำ

จังหวัดชายแดนภาคใต้ของไทยนับเป็นพื้นที่ที่มีประวัติศาสตร์ที่ยาวนาน โดยประวัติศาสตร์ที่ ยาวนานนี้นำมาซึ่งอัตลักษณ์ของคนในพื้นที่ที่มีความโดดเด่น หลอมรวมศาสนา วัฒนธรรม ประเพณี และวิถีชีวิตของคนในพื้นที่เข้าด้วยกัน ซึ่งนับตั้งแต่การก่อตั้งของอาณาจักรลังกาสุกะใน ราวคริสต์ศตวรรษที่ 2 หรือก่อนหน้านั้น โดยมีเมืองท่าชื่อว่าเมือง "ปาตานี" (Ibrahim Syukri, 1985) โดยความสัมพันธ์ระหว่างปาตานีและสยามนั้น เริ่มปรากฏหลักฐานขึ้นมาในสมัยสุโขทัย อย่างไรก็ ตามหัวเมืองปาตานีเกิดความเปลี่ยนแปลงครั้งยิ่งใหญ่อีกครั้งในสมัยรัตนโกสินทร์คือ การแบ่งแยก หัวเมืองปาตานีออกเป็น 7 หัวเมือง เมื่อ พ.ศ. 2359 และเปลี่ยนเป็นจังหวัดปัตตานี ยะลา และ นราธิวาสในปี พ.ศ. 2476 (ครองชัย หัตถา, 2552) โดยความสัมพันธ์ระหว่างปัตตานีและสยาม โดยรวมตั้งแต่สมัยสุโขทัยจนถึงก่อนการเปลี่ยนแปลงการปกครอง พ.ศ. 2475 นั้น เป็นไปอย่างไม่ ค่อยราบรื่นนัก มีการก่อกบฏอยู่บ่อยครั้ง ซึ่งแสดงให้เห็นถึงความไม่พอใจของประชาชนในพื้นที่ที่ มีต่อการปกครองของสยาม

ภายหลังการเปลี่ยนแปลงการปกครองจากระบบสมบูรณาญาสิทธิราชย์ เป็นประชาธิปไตยอันมีพระ กษัตริย์เป็นพระมุขของประเทศไทย เมื่อวันที่ 22 มิถุนายน พ.ศ. 2475 ตามมาด้วยนโยบายรัฐนิยม ของจอมพล ป.พิบูลย์สงคราม (อารีฟิน บินจิ, อ.ลออแมน, และซูฮัยมีย์ อิสมาแอล, 2550) รวมถึง กรณีของฮัจญีสุหลง อับดุลกอเดร์ ซึ่งถือเป็นผู้นำทางศาสนาซึ่งมีอิทธิพลในพื้นที่จังหวัดชายแดน ภาคใต้ ได้หายตัวไปอย่างไร้ร่องรอย (เฉลิมเกียรติ ขุนทองเพชร 2548) มูลเหตุดังกล่าวทำให้เกิด ประเด็นเงื่อนไขในการเรียกร้องความยุติธรรมจากภาครัฐในการจัดการปัญหา รวมถึงการจับอาวุธ ก่อตั้งขึ้นเป็นกลุ่มแบ่งแยกดินแดนเพื่อเรียกร้องการปกครองตนเองของประชาชนชาวไทยมุสลิมใน พื้นที่ อันก่อให้เกิดความรุนแรงในพื้นที่ตั้งแต่ต้นคริสต์ศตวรรษที่ 20 เป็นต้นมา ซึ่งเหตุการณ์ความ ไม่สงบในพื้นที่จังหวัดชายแดนใต้ได้ทวีความรุนแรงขึ้นอีกครั้งเมื่อเกิดเหตุปล้นปืนจำนวน 400 กระบอกจากกองพันพัฒนาที่ 4 ค่ายกรมหลวงนราธิวาสราชนครินทร์ อำเภอเจาะไอร้อง จังหวัด

นราธิวาส เมื่อวันที่ 4 มกราคม พ.ศ.2547 ซึ่งหลังจากเหตุการณ์ครั้งนั้น สถานการณ์ความไม่สงบใน
พื้นที่สามจังหวัดชายแดนภาคใต้ก็ทวีความรุนแรงมากขึ้นเรื่อยมาจนถึงปัจจุบัน โดยจากสถิติ
เหตุการณ์ตั้งแต่ปี พ.ศ. 2547 จนถึงวันที่ 4 มกราคม พ.ศ. 2558 พบว่ามีเหตุการณ์ความไม่สงบ
เกิดขึ้นกว่า 9,000 เหตุการณ์ นำมาซึ่งการสูญเสียชีวิตของประชาชนและเจ้าหน้าที่รัฐกว่า 3,929 คน
โดยมีผู้ได้รับบาดเจ็บ 9,602 คน โดยรัฐบาลตั้งแต่ในอดีตจนถึงรัฐบาลชุดปัจจุบัน ได้ทำการระดม
สรรพกำลังต่างๆ ลงไปแก้ไขปัญหาในพื้นที่อย่างหนัก ไม่ว่าจะเป็นเครื่องมือ ยุทโธปกรณ์ต่างๆ
กฎหมาย รวมถึงการใช้เครื่องมือต่างๆ ผ่านองค์การที่ปฏิบัติงานอยู่ในพื้นที่ โดยรวมงบประมาณที่
ได้จัดสรรลงไปในพื้นที่ดังกล่าวกว่า 234,067 ล้านบาท[1]

ในการแก้ไขปัญหาในพื้นที่จังหวัดชายแดนภาคใต้นั้น ฟันเฟืองทุกตัวล้วนมีความสำคัญในการ
ขับเคลื่อนเพื่อให้นโยบายสามารถนำไปปฏิบัติได้อย่างแท้จริง โดยเฟืองตัวหนึ่งที่มีความสำคัญคือ
เจ้าพนักงานปกครอง หรือปลัดอำเภอ ซึ่งในการทำงานของปลัดอำเภอไม่ว่าจะเป็นมิติการอำนวย
ความเป็นธรรม การปฏิบัติงานด้านปกครองเกี่ยวกับการรักษาความสงบและความมั่นคงในประเทศ
การบังคับใช้กฎหมายต่างๆ รวมถึงเป็นช่องทางในการสื่อสารของประชาชนกับหน่วยงานของรัฐ
จะต้องมีความใกล้ชิดกับประชาชนเป็นอย่างมาก โดยบริบทในพื้นที่สามจังหวัดชายแดนภาคใต้
รวมถึงสี่อำเภอของจังหวัดสงขลา ซึ่งถือว่าเป็นพื้นที่ที่มีความพิเศษนั้น เราจึงอาจต้องใช้ปลัดอำเภอ
ที่มีคุณสมบัติแตกต่างจากพื้นที่อื่น หรืออาจต้องมีความสามารถพิเศษเพิ่มเติมจากปลัดอำเภอปกติ
เพื่อให้การปฏิบัติหน้าที่ในพื้นที่ดังกล่าวมีประสิทธิภาพและประสิทธิผลอย่างที่หน่วยราชการและ
ประชาชนคาดหวัง

ผู้ศึกษาคาดหวังว่า การศึกษาครั้งนี้จะช่วยให้ทราบถึงคุณลักษณะของปลัดอำเภอที่มีความเหมาะสม
ในการปฏิบัติงานในพื้นที่จังหวัดชายแดนภาคใต้ ซึ่งผู้วิจัยคาดว่าจะก่อให้เกิดประโยชน์คือ
หน่วยงานที่เกี่ยวข้องไม่ว่าจะเป็นกระทรวงมหาดไทย กรมการปกครอง รวมถึงหน่วยงานในระดับ
พื้นที่สามารถกำหนดแนวทางในการคัดเลือกบุคลากรที่จะปฏิบัติงานในพื้นที่ รวมถึงการพัฒนา
บุคลากรที่ปฏิบัติงานอยู่ในพื้นที่ให้มีความเหมาะสม อันจะนำไปสู่การแก้ไขปัญหาความขัดแย้งที่มี
ประสิทธิภาพต่อไป

วัตถุประสงค์ของการศึกษา

เพื่อหาคุณลักษณะของเจ้าพนักงานปกครอง (ปลัดอำเภอ) ที่เหมาะสมในการปฏิบัติหน้าที่ในพื้นที่
จังหวัดปัตตานี ยะลา และนราธิวาส รวมทั้งสี่อำเภอของจังหวัดสงขลา

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[1] *ข้อมูลจากสำนักข่าวอิศรา*

วิธีดำเนินการวิจัย

ในการวิจัยครั้งนี้ ผู้วิจัยได้เลือกใช้วิธีเชิงคุณภาพ (Qualitative Research) ในการได้มาซึ่งคุณลักษณะ
ที่พึงประสงค์ของข้าราชการฝ่ายปกครองจังหวัดชายแดนใต้ และเพื่อให้ได้ข้อค้นพบที่ครอบคลุม
ประเด็นที่ต้องการจะศึกษา ผู้ศึกษาจะทำการศึกษาวิจัยภาคสนาม (Field Research) โดยอาศัยการ
สัมภาษณ์เชิงลึก (In - depth Interview) โดยอาศัยข้อมูลจากผู้ให้ข้อมูลสำคัญ (Key informants)
จำนวน 12 ท่าน โดยอาศัยการเลือกแบบเจาะจง(Purposive sampling) ซึ่งประกอบด้วยปลัดอำเภอ
ซึ่งทำงานอยู่ในพื้นที่จังหวัดชายแดนภาคใต้ โดยคัดเลือกจากผู้ที่ได้รับรางวัลปลัดอำเภอดีเด่น
(ปลัดอำเภอแหวนทองคำ) จากกรมการปกครอง กระทรวงมหาดไทย และ ผู้ที่มีผลการปฏิบัติงาน
ดีเด่นในจังหวัดชายแดนภาคใต้ จากศูนย์อำนวยการบริหารจังหวัดชายแดนภาคใต้ (ศอ.บต.) ซึ่งถือ
เป็นผู้ที่มีผลการปฏิบัติงานดีเด่นเป็นที่ประจักษ์ สำหรับการวิจัยครั้งนี้นั้น ผู้วิจัยได้อาศัยแนวคิดใน
เรื่องของการจัดการความขัดแย้ง รวมถึงภาระหน้าที่ของปลัดอำเภอ ในการเป็นกรอบในการวิจัย ซึ่ง
จากการทบทวนแนวคิดดังกล่าว สามารถสรุปได้มาเป็นกรอบวิจัย จำนวน 5 ประเด็นด้วยกัน

1.ทักษะที่เกี่ยวข้องกับความไว้วางใจ เป็นความสามารถในการสร้าง ธำรงรักษา และฟื้นฟู
ความไว้วางใจจากประชาชน เจ้าหน้าที่ หรือผู้ที่มีความเกี่ยวข้องในการปฏิบัติหน้าที่ของปลัดอำเภอ

2.ทักษะที่เกี่ยวข้องกับการอำนวยความยุติธรรม คือความสามารถในการแก้ไขข้อพิพาทที่
เกิดขึ้นระหว่างรัฐกับประชาชน หรือประชาชนกับประชาชน โดยใช้สันติวิธี ด้วยความ
ตรงไปตรงมา โดยสอดคล้องกับบริบทพื้นที่

3.ทักษะในการสื่อสาร คือ ทักษะในการพูดฟังอ่านเขียน โดยถูกต้องกาลเทศะ สื่อสารโดย
ไม่สร้างความแตกแยก หรือทำให้เกิดเงื่อนไขความขัดแย้ง

4.ทักษะในการเจรจาต่อรองและไกล่เกลี่ย คือ ความสามารถในการเจรจาต่อรอง หรือไกล่
เกลี่ยปัญหา ข้อพิพาทต่างๆ

5.ทักษะทางทหาร คือ ความสามารถในการรบและดาเนินยุทธวิธีทางทหาร รวมถึงการ
บังคับบัญชาหน่วยกำลัง

การวิเคราะห์ข้อมูล

ในการวิเคราะห์ข้อมูลนั้น ผู้วิจัยได้อาศัยการวิเคราะห์ข้อมูลโดยวิธีการวิเคราะห์เชิงพรรณนา
(Descriptive analysis) โดยพรรณนาวิเคราะห์ข้อมูลที่ได้จากการสัมภาษณ์เชิงลึกจากผู้ให้ข้อมูล
สำคัญและบริบทของพื้นที่จังหวัดชายแดนภายใต้ เพื่อให้เห็นถึงคุณลักษณะและสภาพของการ
ปฏิบัติงานในพื้นที่ของปลัดอำเภอในพื้นที่ดังกล่าว

ผลการวิจัยและการอภิปรายผลการวิจัย

จากการศึกษาคุณลักษณะที่พึงประสงค์ของข้าราชการฝ่ายปกครองจังหวัดชายแดนใต้ โดยการใช้
การสัมภาษณ์เชิงลึกจากผู้ให้ข้อมูลสำคัญซึ่งประกอบไปด้วยปลัดอำเภอที่ปฏิบัติงานในพื้นที่สาม
จังหวัดชายแดนภาคใต้และพื้นที่สี่อำเภอของจังหวัดสงขลาพบว่า คุณลักษณะที่มีความเหมาะสมกับ
การปฏิบัติงานในพื้นที่นั้น สามารถแบ่งได้เป็น 6 ทักษะ คือ ทักษะที่เกี่ยวข้องกับความไว้วางใจ
ทักษะที่เกี่ยวข้องกับการอำนวยความยุติธรรม ทักษะในการสื่อสาร ทักษะในการเจรจาต่อรองและ
ไกล่เกลี่ย ทักษะทางทหาร ทักษะในการประสานงานและทำงานเป็นทีม ซึ่งสามารถแสดงได้
ดังต่อไปนี้

1.ทักษะที่เกี่ยวข้องกับความไว้วางใจ ในการปฏิบัติงานของปลัดอำเภอนั้น จะต้องมีความใกล้ชิดกับ
ชาวบ้านเป็นอย่างมาก ซึ่งสังคมของชาวไทยมุสลิมซึ่งเป็นคนส่วนใหญ่ในพื้นที่จังหวัดชายแดนใต้
นั้น เป็นสังคมที่มีลักษณะของการนับถือผู้นำ รวมถึงเคร่งครัดในหลักทางศาสนาเป็นอย่างมาก
ดังนั้นในการที่ปลัดอำเภอจะเข้าถึงชาวบ้านเพื่อได้รับความไว้วางใจกับชาวบ้านได้นั้น จะต้องมีการ
เรียนรู้หลักการของศาสนา วัฒนธรรม รวมถึงวิถีชีวิตของชาวบ้าน รวมถึงเข้าถึงผู้นำท้องถิ่นนั้นๆ
รวมถึงการเรียนรู้ภาษาถิ่นของพี่น้องมุสลิมซึ่งคือภาษามลายูนั้น ยังจะช่วยให้การทำงานในพื้นที่
สามารถทำได้ง่ายขึ้นอีกด้วย โดยหากปลัดอำเภอหรือเจ้าหน้าที่รัฐหน่วยอื่นๆสามารถแสดงถึงความ
จริงใจให้คนในพื้นที่ได้รับรู้ ประกอบกับทักษะอื่นๆข้างต้นแล้ว จะนำมาซึ่งความไว้วางใจจากคน
ในพื้นที่ ซึ่งเป็นเป้าหมายที่สำคัญในการขจัดความขัดแย้งรวมถึงสร้างสัมพันธ์อันดีกับคนใน
ท้องถิ่น ทำให้การปฏิบัติงานในมิติต่างๆนั้นสามารถทำได้ง่ายขึ้น

2.ทักษะที่เกี่ยวข้องกับการอำนวยความยุติธรรม ในพื้นที่จังหวัดชายแดนภาคใต้นั้น มี
ประวัติศาสตร์อันยาวนาน ซึ่งปฏิสัมพันธ์ของคนในพื้นที่กับเจ้าหน้าที่ของรัฐนั้นเป็นไปในทิศทางที่
ไม่ดีเท่าที่ควร ซึ่งหลายๆเหตุการณ์สร้างความขัดข้องหมองใจให้กับคนในพื้นที่อย่างมาก
โดยเฉพาะชาวมุสลิม ซึ่งมองว่าพวกเขานั้นไม่ได้รับความยุติธรรม ซึ่งเป็นค่านิยมที่ฝังรากลึกใน
จิตใจต่อคนในพื้นที่ ดังนั้นในการแก้ไขปัญหาความขัดแย้ง เจ้าหน้าที่รัฐโดยเฉพาะปลัดอำเภอจึง
ต้องมีทักษะในด้านดังกล่าว โดยมีหลักในด้านการให้ความเป็นธรรมกับผู้ถูกกล่าวหาและผู้กล่าวหา
โดยต้องเป็นผู้รับฟังที่ดี และสามารถอธิบายหลักของความถูกต้องและถูกใจให้กับทั้งสองฝ่าย โดย
ในการพิจารณาให้ความเป็นธรรมนั้น ปลัดอำเภอจะต้องเสาะแสวงหาความจริงที่เกิดขึ้นแล้วจึง
นำมาพิจารณาให้ความเป็นธรรมกับทั้งสองฝ่าย โดยสามารถอิงหลักกฎหมายรวมถึงอธิบายและ
แสดงถึงหลักการในการพิจารณาข้อร้องเรียนต่างๆอย่างโปร่งใส อันจะนำมาซึ่งการยอมรับของ
คู่กรณีได้อย่างสนิทใจ ซึ่งเป็นการขจัดเงื่อนไขในพื้นที่ได้อีกรูปแบบหนึ่ง

3.ทักษะในการสื่อสาร ในการปฏิบัติหน้าที่ของปลัดอำเภอนั้น หลายครั้งที่จะต้องเป็นตัวแทนของ
นายอำเภอในการปฏิบัติงานร่วมกับหน่วยงานอื่นๆ ซึ่งต้องอาศัยความสามารถในการสื่อสารในการ
ปฏิบัติงาน โดยเฉพาะการสื่อสารต่อหน้าประชุมชน หรือในหมู่คนจำนวนมาก การใช้การสื่อสาร
อย่างมีประสิทธิภาพ จะเอื้อให้การปฏิบัติหน้าที่สำเร็จไปได้ด้วยดี สำหรับในพื้นที่จังหวัดชายแดน
ใต้นั้น เป็นพื้นที่ที่มีความอ่อนไหว การสื่อสารที่ผิดพลาดหลากหลายครั้ง กลายมาเป็นเงื่อนไขของ
ความขัดแย้งในพื้นที่ ดังนั้นปลัดอำเภอจึงต้องมีทักษะในการสื่อสารที่จะไม่สร้างความขัดแย้ง
รวมถึงการเป็นนักฟัง นักพูดที่ดี อันจะรวมถึงการแสดงออกขณะที่สื่อสาร อันจะเอื้อต่อการสื่อสาร
ระหว่างบุคคล หรือหน่วยงานที่จะมีประสิทธิภาพได้

4.ทักษะในการเจรจาต่อรองและไกล่เกลี่ย สำหรับทักษะทางการเจรจาหรือการไกล่เกลี่ยข้อพิพาท
ต่างๆที่เกิดขึ้นมานั้น จะต้องดูข้อเท็จจริงเป็นหลัก ต้องมีเป็นกลาง สร้างความมั่นใจให้กับประชาชน
ได้ว่า เราจะรับฟังข้อมูลของทุกฝ่าย มีการเปิดโอกาสให้แสดงหลักฐานเอกสารเต็มที่ จนเราใช้
กระบวนการแสวงหาข้อเท็จจริงจนที่สุด จึงใช้การวินิจฉัยหรือไกล่เกลี่ยให้เป็นธรรม โดยภายหลัง
การประเมินหาทางออกที่ดีที่สุดอันจะส่งผลดีต่อทั้งสองฝ่าย โดยจะต้องใช้ศิลปะในการพูดคุย
เพื่อให้ทั้งสองฝ่ายยอมรับเงื่อนไขดังกล่าว การที่ปลัดอำเภอสามารถหยิบยกเอาข้อบัญญัติของ
ศาสนาอิสลามมาโน้มน้าวในกรณีของผู้พิพาทเป็นมุสลิมได้ก็จะเป็นสิ่งที่ดี รวมถึงการเจรจาต่อรอง
ในสถานการณ์ที่ผิดปกตินั้น ปลัดอำเภอจะต้องรู้ว่าใครคือแกนนำ หรือผู้ที่ประชาชนในพื้นที่ให้
ความเคารพนับถือและมีความสามารถในการโน้มน้าวคนในพื้นที่ได้

5.ทักษะทางทหาร ในพื้นที่จังหวัดชายแดนภาคใต้นั้น ถือเป็นพื้นที่ที่มีเหตุการณ์ไม่ปกติ มีความ
รุนแรงเกิดขึ้นเป็นระยะๆ ดังนั้นทักษะทางการทหารจึงมีความสำคัญในการปฏิบัติหน้าที่ของ
ปลัดอำเภอในพื้นที่ดังกล่าว โดยเฉพาะการทำหน้าที่ในการบังคับบัญชาหน่วยอาสาสมัครรักษา
ดินแดน (อส.) โดยในพื้นที่จังหวัดชายแดนภาคใต้ แต่ละอำเภอนั้นมีกำลังอส.มากกว่าพื้นที่อื่นๆ
บางแห่งอาจถึง 200 คน รวมถึงการทำงานในพื้นที่ดังกล่าว ปลัดอำเภอยังต้องทำหน้าที่ประสานงาน
และปฏิบัติงานร่วมกับหน่วยกำลังอื่นๆ ไม่ว่าจะเป็นทหาร ตำรวจอีกด้วย และความจำเป็นในอีก
ลักษณะหนึ่งคือการใช้อาวุธ การหาข่าว รวมถึงทักษะยุทธวิธีทางการทหารอื่นๆ อันจะช่วยให้การ
ปฏิบัติหน้าที่ของปลัดอำเภอในพื้นที่ สามารถทำได้ด้วยความมีประสิทธิภาพ และสิ่งที่สำคัญที่สุด
คือความปลอดภัยของตัวปลัดอำเภอเอง รวมถึงบุคคลอื่นๆไม่ว่าจะเป็นผู้บังคับบัญชา
ผู้ใต้บังคับบัญชา และประชาชนโดยทั่วไปอีกด้วย

6.ทักษะในการประสานงานและทำงานเป็นทีม ในการทำงานนั้น ปฏิเสธไม่ได้ว่าการประสานงาน
และทีมคือสิ่งสำคัญในการช่วยให้งานของเราประสบความสำเร็จ โดยในพื้นที่จังหวัดชายแดน
ภาคใต้นั้น การปฏิบัติงานของหน่วยราชการนั้นต้องอาศัยการบูรณาการในการทำงาน โดยมีหน่วย
ราชการหลากหลายหน่วยเข้ามาปฏิบัติหน้าที่ร่วมกัน เพื่อให้การแก้ไขปัญหาความขัดแย้งหรือความ
ไม่สงบในพื้นที่นั้นมีประสิทธิภาพ โดยปลัดอำเภอเองก็ถือเป็นอีกหนึ่งฟันเฟืองในการขับเคลื่อน
ภารกิจดังกล่าว โดยในการปฏิบัติงานของปลัดอำเภอจะต้องอาศัยการประสานงานกับหน่วย
ข้างเคียงไม่ว่าจะเป็น ตำรวจ ทหาร และหน่วยราชการอื่นๆที่เกี่ยวข้องเพื่อเข้าไปแก้ไขปัญหาที่
เกิดขึ้น ซึ่งต้องอาศัยทักษะในการประสานงานและทำงานเป็นทีม เพื่อให้การปฏิบัติภารกิจสามารถ
ทำได้ลุล่วงตามที่ได้รับมอบหมาย

สรุป

การปฏิบัติงานในพื้นที่จังหวัดชายแดนภาคใต้ของปลัดอำเภอนั้น จำเป็นต้องอาศัยความรู้
ความสามารถและปฏิภาณไหวพริบในการทำงานอย่างสูง รวมถึงทักษะต่างๆที่เกี่ยวข้องกับการ
ทำงานไม่ว่าจะเป็นทักษะที่เกี่ยวข้องกับความไว้วางใจ ทักษะที่เกี่ยวข้องกับการอำนวยความ
ยุติธรรม ทักษะในการสื่อสาร ทักษะในการเจรจาต่อรองและไกล่เกลี่ย ทักษะทางทหาร ทักษะใน
การประสานงานและทำงานเป็นทีม ซึ่งล้วนมีความสำคัญต่อการปฏิบัติหน้าที่เพื่อช่วยเหลือ พัฒนา
รวมถึงการดูแลความปลอดภัยในชีวิตและทรัพย์สินของพี่น้องประชาชนในพื้นที่ เพื่อให้สมกับ
ประโยคที่ว่า "บำบัดทุกข์ บำรุงสุข" อย่างแท้จริง

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Study of the Development Plan of the Autonomous Region in Muslim Mindanao

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Abstract

This paper is a preliminary attempt to examine the ARMM's development plan, strategies and vision through understanding the region's demography, profile, location, history, poverty incidence and income generating resources. It also provides an analysis and evaluation of its components, weaknesses and strengths. The focal point of the study is the 2013-2016 development plan of the region taking into account the five key areas of development plan as provided in Executive Order No. 43 issued by President Benigno S. Aquino III on July, 2011 which stipulates the administration's Social Contract with the Filipino people, namely: a) transparent, accountable, and participatory governance; b) poverty reduction and empowerment of the poor and vulnerable; c) rapid, inclusive, and sustained economic growth; d) just and lasting peace and the rule of law; and e) integrity of the environment and climate change adaptation and mitigation.

Based on the findings and evaluation of the indicators on good governance and anti-corruption, it has been found out that the ARMM has been committed in improving and enhancing the performance output of the region as evidenced by the launching of its official website where projects, programs, updates, latest developments, and budgetary allocations and expenditures concerning its agencies may be published as well as the establishment of the ARMM Development Academy; the partnership of Housing and Use Regulatory Board (HLURB) and ARMM on providing technical assistance on LGUS to come up with a Comprehensive Land Use Plan (CLUP) and Zoning Ordinances among others. However, while ARMM was able to coordinate and intervene in providing social services at the local level, challenges were likewise identified including high incidence of poverty; poor access to health services; poor access to quality educational services; less employment opportunities among others. Overall, the Development Plan of ARMM became possible with the continuous effort of its regional government and immeasurable support of its local governments. Although, there may be some local government units who may be reluctant or non-participative on the formulations of these programs and policies, however, the cooperation of the former weights more important than the latter. Lastly, development is a multidimensional process which would involve citizen's participation in strengthening our politico-administrative system through supporting the programs and aspirations of the government; promoting and maintaining peace in the society; engaging in activities that would help in sustaining the available resources in ARMM.

Keywords: Development Plan / Local Government/ ARMM/ Philippines

Introduction

The Development Plan serves as the guideline for every local government units in the Philippines to implement policies and programs that would elevate the quantity and quality of lives of the people especially the majority who are poor. It enjoins to uplift the drastic condition of the community in as far as economic, social, and political contexts are concerned. It intends to pursue rapid and sustainable economic growth and development as well as empower the poor and marginalized sector as specified in the 2011-2016 Development Plan of the Philippine government. It cannot be denied that while other regions in the Philippines are gradually advancing economically, there are still far-flung regions in the Southern Philippines which continue to be consigned to the backwaters of development administration. Today, corruption, inefficiency, poor and limited access to social services, political instability, lack of peace and order, poverty, unemployment, family feuds among others are just few of the numerous problems facing the Autonomous Region in Muslim Mindanao. Regional Governor Mujiv S. Hataman even contends that before he succeeded the position in 2011, the same region was teemed with ghost projects and ghost employees. In the same year, His Excellency Benigno S. Aquino III pointed out that the major issues in the same region are "political patronage, huge cash advances, ghost teachers, ghost infrastructures, continuing poverty, and electoral fraud". In spite of the existing development plan, there seems to be little or no improvement in the economic, political and social structure in the same region. This therefore raises the question of the effectiveness of the ground plan of the region in as far as sustainable development is concerned.

This paper is a preliminary attempt to examine the ARMM's development plan, strategies and vision through understanding the region's demography, profile, location, history, poverty incidence and income generating resources. It also provides an analysis and evaluation of its components, weaknesses and strengths. The focal point of the study is the 2013-2016 development plan of the region taking into account the five key areas of development plan as provided in Executive Order No. 43 issued by President Benigno S. Aquino III on July, 2011 which stipulates the administration's Social Contract with the Filipino people, namely: a) transparent, accountable, and participatory governance; b) poverty reduction and empowerment of the poor and vulnerable; c) rapid, inclusive, and sustained economic growth; d) just and lasting peace and the rule of law; and e) integrity of the environment and climate change adaptation and mitigation.

Autonomous Region in Muslim Mindanao

It can be said that the creation of the ARMM was based on the Bangsamoro's struggle for self-rule and self-determination. Article X, Section 1 of the 1987 Philippine Constitution provides for the establishment of the Autonomous Region in Muslim Mindanao. On August 1, 1989, Republic Act No. 6734, an act providing for an organic act for the ARMM, as ratified in a plebiscite on November 17, 1989 was signed into law by President Cory C. Aquino. Originally, it was comprised of the following four (4) provinces, namely: Lanao del Sur, Maguindanao, Sulu and Tawi-Tawi. Thereafter, Marawi City (within Lanao del Sur) and the Province of Basilan had joined the expanded autonomous region through Republic Act No. 9054 in a special plebiscite on August 14, 2001 (http://www.armm.gov.ph/history/).

The Autonomous Region in Muslim Mindanao (ARMM) is located in two geographical areas in Southern Mindanao: the Inland Provinces of Lanao del Sur and Maguindanao and Island Provinces of Basilan (except Isabela City), Sulu and Tawi-Tawi with a geographical area of 12,288 km². It is further politically subdivided into the following: two (2) component cities; one hundred sixteen (116) municipalities, and two thousand four hundred ninety (2,490) barangays. As of 2010 Census and Housing Population report, it has 3,356,140 total number of population (National Statistics Office, 2010). Fishing and farming are the two main sources of income in ARMM. There are also those who invest in small and medium enterprises as well as in industries like processing of agricultural products.

While it is true that the Eastern Visayas dislodges ARMM as the poorest region in 2015, it cannot be denied that since time immemorial such region has been experiencing destitute living conditions. In fact, the National Statistical Coordination Board revealed that there was a substantial increase of poverty threshold and poverty incidence among families in ARMM from 2006 with 43%; 2009 with 42%; and 2012 with 46.9%. This was further exacerbated in 2013 when drug trafficking and pyramiding scam of the infamous Jacob "Coco" Rasuman have surfaced in the said region (Unson, 2013). In 2014, the region's poverty incidence rose again by 1.2 percentage points, as food prices increased faster than the incomes of the poor (http://www.armm-info.com/2015/06/armm-steps-up-anti-poverty-drive.html).

ARMM Development Plan

Inayatullah (1967:101) defined development as "the process through which society achieves increased control over its environment, increased control over its own political destiny, and enables its component individuals to gain increased control over themselves". In 2011, Todaro also contends that such process may include the improvement of the quality of all human lives and capabilities through raising people's levels of living, self-esteem, and freedom. For this reason, it is undeniable that development makes it a desirable change in the society. As society becomes more complex, the government likewise should come up with development plans, programs, and projects conducive to the immediate needs of its constituents. This is to be achieved through a responsive development framework that is responsive to its strength and opportunities as an organization.

The 2013-2016 Development Plan of ARMM envisions "to empower its people and community" as a whole within the principles of good governance. Its mission is to "promote a long lasting peace and security, ensure access to quality services with emphasis on the poor and the disadvantaged, and sustain economic, political, and socio-cultural gains within the context of good governance, human environment, and sustainable development". When Mujiv S. Hataman assumed the position as Regional Governor of ARMM, "he immediately laid down his priority agenda focusing on three (3) pillars of reform such as: Governance, Peace and security, and Socio-economic development". Based on these reforms, the operational guidelines and implementation strategies of ARMM were anchored on the Executive Order No. 43 "which formally establishes the five Cabinet clusters that will address key priority areas, such as: Good Governance and Anti-Corruption; Human Development and Poverty Reduction; Economic Development; Security, Justice and Peace; Climate Change Adaptation and Mitigation".

a. **Good Governance and Anti-Corruption**

Good Governance has been one of the priority programs of Hataman's Leadership in ARMM. With this, various policy directives and issuances have been issued by the Office of the Regional Government. In fact, 65% of the P 69, 750,953, 277 total budget of ARMM from 2010-2014 has been allotted for Personnel Services (PS); 18% for Maintenance Operating Expense (MOOE); and 17% for the Capital Outlay (CO). As shown in Table 1, the huge amount is allotted for the PS which is a manifestation of the governments' commitment to improve and enhance the performance output of the region.

Table 1. ARMM Budget, 2011-2014

Year	PS	MOOE	CO	TOTAL
2011	8,539,830,232	2,417,518,974	1,890,485,638	12,847,834,844
2012	8,945,922,443	2,156,802,000	1,365,899,000	12,468,623,443
2013	10,384,909,000	2,103,898,990	1,571,111,000	14,059,918,990
2014	10,650,205,000	4,272,826,000	5,602,908,000	20,525,939,000
TOTAL	**P45,495,295,675**	**P12,943,028,964**	**P11,352,628,638**	**P69,750,953,277**

Source: Department of Budget and Management

As part of the regional governments' policy of promoting a transparent and accountable government, the ARMM also launched its official websites and even mandated its local government units to do the same where projects, programs, updates, latest developments, and budgetary allocations and expenditures concerning its agencies are timely and accurately published Another innovative programs initiated by Gov. Hataman in as far as good governance is concerned includes the following: the establishment of the ARMM Development Academy; the partnership of Housing and Land Use Regulatory Board (HLURB) and ARMM on providing technical assistance to LGUS to come up with a Comprehensive Land Use Plan (CLUP) and Zoning Ordinances (ZO) among others.

However, as the cliché goes, if one does not know to which port one is sailing, no wind is favorable. In the same ARMM Regional Development Plan Midterm Update 2013-2016, it was reported that there has been many challenges in as far as the regions' commitment on good governance and anti-corruption are concerned. These include the following: poor implementation of RA No. 9054 or an act to strengthen and expand the organic act for the Autonomous Region in Muslim Mindanao, amending for the purpose Republic Act No. 6734, entitled "an act providing for the Autonomous Region in Muslim Mindanao" as amended, specifically on the retention of ARMM share in local revenues generated; incomplete and non-devolution of major agencies; incomplete implementation of Executive Order No. 125 (an act defining the approach and administrative structure for government's comprehensive peace efforts), as amended by Executive Order No. 125-A (an act enhancing the devolution of powers and functions, programs and projects of national government agencies to the autonomous regional government of the Autonomous Region in Muslim Mindanao) and its IRR; and lastly, the necessity to enhance capacity on operations, financial and performance management, and in the implementation of laws and policies such as weak observance of good governance condition, lack of small are statistics, weak civil

registration management and services, poor monitoring and evaluation of LGUs performance, and weak spirit of volunteerism for Public Service.

b. **Human Development and Poverty Reduction**

The often conflicts in the Southern part of Mindanao aggravated further the drastic conditions in ARMM. Solita Collas-Monsod (2009) as cited in Dearn (2009) pointed out that:

> *The number of people living in poverty in the Philippines is growing, despite sustained economic growth and a rising GDP. Growing economic inequality looks all the starker in the midst of the world's second longest running internal conflict, the ongoing violence in the south of the country. The seemingly intractable internecine war, centred on the southern island of Mindanao and the Sulu archipelago, stems from a variety of historical grievances and modern injustices.*

Given the same circumstances, numerous development efforts have been undertaken to improve and maximize the constituents' access to social services to uplift their drastic conditions. For this reason, the ARMM HELPS was conceived, "a banner program of the current Hataman leadership intended for more coordinated and focused interventions at the local level to achieve maximum impact of services". Major social services identified include the following: education; technical skills development; health and nutrition; social welfare such as Pantawid Pamilyang Pilipino Program (4Ps) or Conditional Cash Transfer, transition investment support program (TISP), social pension for indigent senior citizen program, social welfare regular programs, official development assistance; labor and employment; cultural communities and cultural development; and women and children's welfare development (Autonomous Region in Muslim Mindanao, 2015).

In the same report, challenges were also identified as follows: low probability of attaining the 2015 Millennium Development Goals (MDGs) targets: Goal 1, 2, 3, and 7; high incidence of poverty; poor access to health services; poor access to quality educational services; less employment opportunities; and lastly, insufficient social welfare services such as inadequate social housing and core shelter program, weak implementation of policies or lack of it for protecting the rights of persons with disabilities and other vulnerable groups including Indigenous People thus increasing the number of women and children in need of special protection.

c. **Economic Development**

In the same ARMM Report, it was stated that "about 57% of regions' GRDP come from Agriculture, Fishery, and Forestry. Given its agricultural resources, the ARMM has to focus its development directions in agri-industrial development".

In 2013, the ARMMs' economic growth had a remarkable 3.6% economic growth, higher than the 1.1% growth recorded in 2012, and a reversal of the 0.3% contraction in 2010. Agriculture, which included hunting, fishing and forestry, accounted for 61.3% of the region's economy, followed by services with 33.6%, and the industry

sector with 5.1 % (Manlupig, 2014). This economic growth was feasible through the vast crops available in the region such as palay, coconut and cassava. The regions service sector growth appreciated to 6.6% in 2013 from 5.9% in 2012. Mining and quarrying (2.6% from 2.3%), manufacturing (3.9% from 3%) likewise made a significant contribution in this growth.

With this, Secretary Luwalhati Antonino, chair of the Mindanao Development Authority (MinDA), sustained that the conspicuous economic growth in the ARMM only mean increased confidence among investors, improved systems, and better institutions in the ARMM, thereby ushering in investments that will increase infrastructure, provide jobs, and jumpstart the economy towards our goal of long-term inclusive growth.

Other indicators of the economic growth in ARMM comprised of the following: promotion and facilitation of investments (e.g. the pool of capital from the business name registration of small and medium enterprises engaged in trading, manufacturing and services), trade and industry through the DTI-ARMM; halal industry development which by far has been a main concern of the same region due to its being a Muslim community (as of this date, DTI-ARMM was able to access to P9.8M from the stimulus fund for the procurement of laboratory equipment for halal testing); the implementation of Small Enterprise Technology Upgrading Program (SET-UP) in collaboration with the DOST System; the cooperative development with a total of 42, 386 members; and the tourism development.

In the 2013-2016 ARMM Regional Development Plan Midterm Update, challenges continues to hurdles its development process. These include: low agri-fishery production resulting to low family income; low investment and employment opportunities; inadequate infrastructure support facilities on agri-fishery production; and inadequate skilled/ semi-skilled workers, and limited scientific and technological advancement; lack of support to industry production, packaging, and marketing.

d. **Security, Justice and Peace**

Armed conflict, political instability, presence of terrorist groups like Abu Sayyaf, high threat of kidnapping, endless clan wars or family feud 'rido', drug trafficking are just few of the common scenarios in ARMM.Gov. Hataman even commented that security remains a concern in areas known to be infested by the presence of the Abu Sayyaf group and the other kidnap gangs in the region (Pareño, 2014; Mabasa, 2014).

With the proliferation of this kind of problems, the regional government of ARMM with the national government strengthened its safety and security programs like the resumption of peace talks with the MNLF and MILF through the PAMANA (PAyapa at MAsaganang PAmayanan or Peaceful and Resilient Communities) program which aims to contribute to lasting peace in by achieving the following objectives: a) reduce poverty and vulnerability in the conflict-affected areas, b) improve governance, and c) empower communities through and strengthen their capacities to address issues of conflict and peace through activities that promote social cohesion ; the AFP's 6th Infantry Division which maintains the peace and order on areas conducive to development; the establishment of the Regional Reconciliation and Unification Commission (RRUC) to pursue conflict settlement and resolution of the internal

conflict cases (rido); the reduction of illegal drug supply which has been the focus of the operatives of ARMM-PDEA; the Regional Human Rights Commission which has been the front lines of human rights promotion and protection in the region (Autonomous Region in Muslim Mindanao, 2015).

Like any development efforts, there are also problems which continues to deterrent its development process. These include: a) incomplete implementation of the provisions of the 1996 Final Peace Agreement (FPA) and R.A. 9054; poor community awareness of the peace process and the Framework Agreement on the Bangsamoro (FAB); crime-related incidents; election-related violence; weak policies and inadequate programs and interventions for the reconstruction and rehabilitation of conflict-affected areas; and poor justice system (Autonomous Region in Muslim Mindanao, 2015).

e. **Climate Change Adaptation and Mitigation**

It is a known fact that ARMM is gifted in as far as natural resources is concerned. Undoubtedly, many mining and quarrying companies intended to extend its activities in the same region due to its vast resources. In Tawi-Tawi for instance, nickel, iron, chromite, gold, and sand and gravel are considered to be its main resources which led mining industry to record investments worth P1.227 billion (Dinglasan, 2014). However, the said extractions of resources may threaten the marine life of the region, and to some extent even the lives of the constituents whose livelihood depends on fishing. But it doesn't stop there because climate change also is now one of the main obstacles faced by many countries.

In a study conducted by the DOST in 2011, it was deduced that:

"Climate change impacts' are already being seen and may intensify exponentially over time if nothing is done to reduce further emissions of greenhouse gases Decisively dealing now with climate change is key to ensuring sustainable development, poverty eradication and safeguarding economic growth. Scientific assessments indicate that the cost of inaction now will be more costly in the future. Thus, economic development needs to be shifted to a low-carbon emission path."

Through the initiative of the DENR-ARMM, "several community based programs and activities were implemented to prevent the continuous degradation of the region's natural resources". Other than that, programs like "reforestation management; total log ban order; and conservation, protection and rehabilitation of the environment and natural resources in the region is one of the major tasks of the DENR". Moreover, effective and efficient land management program, protective areas and wildlife management, forest land boundary delineation, cadastral survey, disaster risk reduction and management/ relief and rehabilitation efforts among others (Autonomous Region in Muslim Mindanao, 2015).

Development Plan: It's Formulation Process

Shakya (2007) defined planning as an appropriate development path to improve the life of common people. It involves the formulation of a national program of action for

achieving development objectives. In a different but related argument, Waterson (1971) defines that planning is, in essence, an organized, conscious and continual attempt to select the best available alternatives to achieve specific goals. For further enlightenment of the Development Planning as a concept, Shakya (2007) contends that:

> *"Development planning is of two types: the central planning and the indicative planning: the former is practiced in a centralized economy where the role of the state is dominant in the socio-economic life of the people. Such types of planning were pursued in socialist countries like the then Soviet Union, North Korea and so forth. In mixed economics like Nepal, planning takes the form of indicative in nature. Economics decisions are partly guided by the 'invisible hand' and partly done by the state intervention. The state sector and the private sector both remain active and play their respective roles. The role of the public sector is conceived as that of a facilitator to promote development in the country. The private sector on the other hand is involved in providing goods and services needed for economy to move on the growth path".*

The Development Plan of ARMM became possible with the continuous effort of its regional government and immeasurable support of its local governments. Although, there may be some local government units who may be reluctant or non-participative on the formulations of these programs and policies, however, the cooperation of the former weights more important that the latter. Through the collaborative works of the Regional Planning and Development Office (RPDO) and guide of the National Government including the President and the National Economic Development Authority (NEDA), the said region succeeded in tackling the strengths and weaknesses of ARMM as it pass through the stages of development.

The RPDO "spearheads the preparation of plans, programs and projects for the development of the region". Accordingly, they are guided by laws like Republic Act. No. 6734 (an act providing for the Organic Act Autonomous Region in Muslim Mindanao); Executive Order 463 (establishing the relationship between the Regional Planning and Development Board of the ARMM and NEDA Board); Executive Order 207 (providing for the representation of the ARMM in the formulation of social and economic policies, plans and programs); Regional Act No. 4 (an act strengthening the operation of the Regional Planning and Development Board (REDPB) and creating the Regional Planning and Development Office (RPDO) to serve as the technical secretariat of the board) (http://www.rpdoarmmgov.ph/)

Such plan is formulated on a long term period. The formulation of its development plan is anchored to the vision, mission, and goals of the region. The RPDO "coordinates and attends to development needs/concerns of a number of Technical Board or inter-agency Council/Committees at the national, Mindanao and regional level". Conversely, "the REDPB as the mandated agency will formulate comprehensive and integrated regional development policies, plans, programs, and projects responsive to the needs, aspirations, and values of the people in the autonomous region" (http://www.rpdoarmmgov.ph/rpdo/).

Critique

True development can only be realized if there is a collective action from the government, private sector, and society. The development plan presented earlier in this paper reflects so far the accomplishment of Gov. Hataman from the time that he assumed the position as the Regional Governor of ARMM. It cannot be denied that it will take years before a regional government could be totally developed.

The innovations in ARMM in as far as the good governance and anti-corruption is concerned is commendable. However, there are still issues and challenges that must be solved by its government. Mere encouragement to every local government units to have its own official website for instance where they could post updates on projects, programs, latest developments, and budgetary allocations and expenditures concerning its agencies is not enough. It cannot be denied that most of the areas covered by the ARMM do not have the capacity to access on server or internet connection. Apart from that, while the intention of the region is to gradually eliminate corruptions in the local government units but study shows that by just posting documents for public consumption is not enough to eradicate the same. Rather, an in depth monitoring and evaluation approach must be done to agencies responsible in the implementation of projects in the area.

Moreover, it is very alarming to learn the inefficiency and ineffectiveness of the human personnel in ARMM. The Regional Development Plan Medium Update revealed that capacity development among personnel is of utmost important. At the career level position, there are personnel who are not even familiar with their job description and specification; and to the laws and policies relative to its duties and functions in the agency. For all intents and purposes, there are agencies especially local government units in ARMM whose employees are always absent but receiving salary, likewise, a hardworking employees but are not receiving anything from the government. There are those employees who are even put in the position out of political recommendation. Several cases of purchasing of items are even rampant in ARMM. Unfortunately, most of these undesirable practices in the bureaucracy are beyond the knowledge of the higher authority. In other words, if the regional government is sincere enough to solve these abnormalities, then there must be a re-evaluation of the performance of every agencies especially the local government units in ARMM. Considering that the first pillar speaks on good governance, it is equally important that the issues on dirty politics in most of the provinces, municipalities, cities, and barangays must be seriously investigated. In the previous election in Marawi City for instance, vote buying, kidnapping, and so much killing which sometimes lead to 'rido' or family feud became a serious threats among civilians. But not even the local government in the City could mediate when the suspects involved are his relatives.

Likewise, there are also issues on the Pantawid Pamilyang Pilipino Program (4Ps) or Conditional Cash Transfer specifically in identifying its beneficiaries. As what others said, the 4Ps has been politicized already. The supposed beneficiaries are not the ones enjoying the benefits of the program (Punongbayan, 2012). Though it may be an isolated case, however, it is demoralizing on the part of those in poor sectors in the region to see that those who are well off were prioritized to be a beneficiary. There are cases in Lanao del Sur where a government employee who is receiving a monthly

salary is also a 4Ps beneficiary. Only to find out that the concern employee happens to be an immediate relative of the barangay chairman who also has a role to play in the implementation of the program. Hence, it is not surprising if the poverty is still apparent in the region because of weak implementation of social welfare program such as 4Ps.

Other challenges identified in relation to the human development and poverty reduction identified includes low probability of attaining the 2015 Millennium Development Goals (MDGs) targets: Goal 1, 2, 3, and 7. As Todaro (2011) commented that the MDGs are ambitious goals. It is impossible to transform a society in fifteen years' time. Development according to Parson is a gradual, piecemeal process. Henceforth, it is understandable to say that Goal 1 (eradicate extreme hunger and poverty); 2 (achieve universal primary education); 3 (promote gender equality and empower women); and 7(ensure environmental sustainability) are too unrealistic to be achieved immediately. In the case of ARMM which has been an armed conflict area for four decades, you cannot expect children in this region to be as equally literate and educated with that of children in Luzon and Visayas because these children are always the first group to be affected during war. During war, schools become the temporary shelter of these people. And even after the war, they would still need to stay there for so long because their properties, houses were burned out. Another case in point is the promotion of gender equality and women empowerment. In a traditional community like the ARMM, while we see women nowadays occupying positions in the government, majority of women are still in the far flung areas of the region without any idea of so called "women empowerment". Firstly, cultures and traditions are reluctant to change. They thought that participating in a masculine work for example may be a form of insult to their religion or culture; Secondly, it could be because they want to maintain that conservative image which is norm in their society. These scenarios can be considered as the hurdles to development according to Davis. And so, is the regional government is serious on these goals then they better reach out to the "Bae a Labi" who are traditional leaders in most areas in the region. The "Bae a Labi" is the woman equivalent of Sultan where they could equally partake in the decision making concerning their locality. Hence, a multi-culturalistic development approach must be realized to empower women in the ARMM.

Moreover, there are also challenges identified pertaining to economic growth. In the same report, it was said that low investment and employment opportunities is one of the problems in the region. According to some economist, investment and employment are relatively connected to each other. In other words, to solve the problem on unemployment, the region should invite more investors to invest in the region. But investment here as operationally defined in this study connotes a little different one. Investment in this sense will have a just and equal sharing of economic growth between the investors and the constituents apart from the employment opportunities it could provide in the realization of this business deal. These sharing of growth must be discussed, settled between the local government, investors, and the constituents of the area so they could come up with a collective decision where everyone's interests are recognized and considered.

Conclusion

The Regional Development Plan Midterm Update of 2013-2016 allows us to have a glimpse of the current status of ARMM. Was there a development in as far as the political, economic, and social dimensions of development are concerned? Are these indicators enough to concede that such fruits of development have trickle down especially in the rural areas? What other alternative reforms and innovations of the regional government to finally take off in the development process? Was there a consultation in the grassroots during the formulation of these development plan? What are the hindrances why up to this time such region is still in the poverty despite of several efforts of the national government and even the international community to uplift its living conditions?

These are just few of the questions that any students seeking for an ideal development model could think once they assess any development plan. In this case, ARMM still have a long way to go before they could achieve the pinnacle of development. That makes a development desirable. The initiatives of Gov. Hataman in reforming ARMM should be a collective action. Development is a multidimensional process where everyone in the society should discharge their duties and responsibilities in the name of sustainable development. Discharging of duties and responsibilities are true to both 'those who are in the government' or 'outside the government'. Citizen's participation likewise is a very important ingredient to major changes in the social structure, popular attitudes and national institutions, acceleration of economic growth, the reduction of inequality, and eradication of poverty. It is through citizens' participation where we can strengthen our politico-administrative system through supporting the programs and aspirations of the governments; promoting and maintaining peace in the society; engaging in activities that would help in sustaining the available resources that we still have in ARMM.

On the other hand, even if the society participates in the development process but if the people in the local government are reluctant to change, then the development plan will still be useless. Development plan serves as a guide that must be decided by the people as part of its social contract. After all, it is the public interest that must be considered first in every actions and decision making of our leaders.

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China's Foreign Policy for Disputes over Spratly Islands between 2012-2015

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Abstract

The dispute over the Spratly Islands issue is a conflict of 6 states- China, Taiwan, The Philippines, Vietnam, Brunei and Malaysia. The most important thing is each state maintains to the national interest and try to keep their sovereignty over Spratly islands and became to disputed territory. China is a threat to the stability of the region because of China is the most potential of the six countries and the different of political in ASEAN countries ASEAN to reduce mistrust that China will be security threat to the ASEAN countries. China's foreign policy try to keep the national interests and the State Security. The China strategic for foreign policy to solve problems and build confidence in ASEAN is important because it mean the stability of the region. This research aims to study on the problem and the cause of this issue that China use the policy to achieve the goal for China national interests. This research is analysis of the relationship between China and ASEAN countries by the foreign policy of the Chinese Party General Secretary and President Xi Jinping, between AD 2012-2015. Following this study by Neo-Realist and national interest for analyzing China's foreign policy for disputes over Spratly Islands between2012-2015, How to reduce the suspicion that China is a threat to the stability of the countries in the region. The Chinese leader Xi Jinping to focus on the countries in the region much profit. And the issue will be resolved in an efficient way. The dispute over the Spratly Islands . China recognizes that the interests of both China and the political economy may also be affected. China must adjust the way to be accepted by the ASEAN. China is still a dispute over Spratly Islands in the South China Sea with four countries in the region, Vietnam , Brunei , Malaysia and the Philippines including Taiwan. The benefits of the ASEAN Political-Security is vital to the interests of the stability of China for making the international community that even China and ASEAN are different, they can coexist. In addition, China also needs to reduce mistrust ASEAN on issues of conflict over the Spratly Islands.

Keywords: China's Foreign Policy/ Spratly Disputes/ ASEAN

นโยบายต่างประเทศของจีนในสมัยเลขาธิการพรรคและประธานาธิบดีสีจิ้นผิงต่อกรณีพิพาทเกี่ยวกับหมู่เกาะสแปรตลี่ระหว่าง ค.ศ. 2012-2015

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บทคัดย่อ

ปัญหากรณีพิพาทเกี่ยวกับหมู่เกาะสแปรตลี่เป็นประเด็นความขัดแย้งระหว่างประเทศที่มีรัฐคู่กรณี
พิพาท6 รัฐ คือ สาธารณรัฐประชาชนจีน ไต้หวัน ฟิลิปปินส์ เวียดนาม มาเลเซีย และบรูไน สาเหตุที่
สำคัญคือ แต่ละรัฐต่างรักษาผลประโยชน์แห่งชาติเอาไว้ให้มากที่สุด โดยการอ้างเหตุผลต่างกันและ
พยายามแสวงหาวิธีการในการกล่าวอ้างอธิปไตยเพื่อครอบครองหมู่เกาะที่ตนอ้างกรรมสิทธิ์จน
กลายเป็นข้อพิพาทในภูมิภาค จีนเป็นประเทศที่มีศักยภาพมากที่สุดใน 6 ประเทศที่อ้างกรรมสิทธิ์
เหนือหมู่เกาะสแปรตลี่รวมถึงความแตกต่างทางระบบการเมืองทำให้กลุ่มประเทศในอาเซียนไม่
ไว้วางใจจีนและเกรงว่าจีนจะเป็นภัยคุกคามความมั่นคงต่อภูมิภาคซึ่งตลอดระยะเวลาที่ผ่านมาจีน
ดำเนินนโยบายต่ออาเซียนเพื่อลดความหวาดระแวงว่าจีนจะเป็นภัยคุกคามความมั่นคงต่อกลุ่ม
ประเทศในอาเซียน การเห็นอาเซียนเป็นประเทศเพื่อนบ้านที่มีการหาทางแก้ไขปัญหาเจรจาโดย
สันติวิธี จีนได้ดำเนินนโยบายต่างประเทศเพื่อผลประโยชน์ด้านอุดมการณ์และความมั่นคงแห่งรัฐ
การใช้ยุทธศาสตร์การดำเนินนโยบายต่างประเทศในการแก้ปัญหาและเร่งสร้างความเชื่อมั่นต่อกลุ่ม
อาเซียนจึงเป็นประเด็นสำคัญเนื่องจากอาจส่งผลกระทบต่อความมั่นคงในภูมิภาค

งานวิจัยนี้มุ่งศึกษาถึงความสำคัญและสภาพของปัญหาการกล่าวอ้างกรรมสิทธิ์และอธิปไตยเหนือ
หมู่เกาะสแปรตลี่ของรัฐคู่กรณีพิพาททั้ง 6 ประเทศ การดำเนินนโยบายต่อกรณีพิพาทหมู่เกาะ
สแปรตลี่ของจีนต่อประเทศคู่กรณี รวมทั้งผลประโยชน์แห่งชาติที่จีนได้รับในการดำเนินนโยบาย
เพื่อให้บรรลุเป้าหมายที่เกิดขึ้นและวิเคราะห์แนวโน้มความสัมพันธ์ระหว่างสาธารณรัฐประชาชน
จีนกับอาเซียนในปัจจุบันได้ โดยการศึกษานโยบายต่างประเทศของจีนในสมัยเลขาธิการพรรคและ
ประธานาธิบดี สีจิ้นผิงต่อกรณีพิพาทเกี่ยวกับหมู่เกาะสแปรตลี่ ระหว่าง ค.ศ. 2012-2015 นำแนวคิด
และทฤษฎีสัจนิยมใหม่ (Neo-Realist) และ ผลประโยชน์แห่งชาติ (National Interest)มาวิเคราะห์
การดำเนินนโยบายของจีนต่ออาเซียนต่อปัญหาการกล่าวอ้างกรรมสิทธิ์และอธิปไตยเหนือหมู่
เกาะสแปรตลี่ของรัฐคู่กรณีพิพาททั้ง 6 ประเทศเป็นอย่างไรเพื่อลดความหวาดระแวงว่าจีนจะเป็น
ภัยคุกคามความมั่นคงต่อกลุ่มประเทศในอาเซียน จีนภายใต้ผู้นำ สี่จิ้นผิง ให้ความสำคัญต่อกลุ่ม

ประเทศในภูมิภาคนี้มากน้อยเพียงไร และปัญหาดังกล่าวจะมีหนทางในการแก้ไขอย่างมี
ประสิทธิภาพอย่างไร

ปัญหาข้อพิพาทในหมู่เกาะสแปรตลี่ จีนตระหนักดีว่าผลประโยชน์ของจีนทั้งทางการเมือง
และเศรษฐกิจอาจได้รับผลกระทบ จีนจึงต้องปรับท่าทีให้เป็นที่ยอมรับของอาเซียนมากขึ้นการ
แสดงจุดยืนด้านการทหารอย่างสร้างสรรค์ จีนยังคงมีข้อพิพาทเรื่องหมู่เกาะสแปรตลี่ในทะเลจีนใต้
กับ 4 ประเทศในภูมิภาคนี้คือ เวียดนาม บรูไน มาเลเซีย และฟิลิปปินส์ รวมทั้งไต้หวัน
ผลประโยชน์ด้านการเมืองและความมั่นคงอาเซียนมีความสำคัญต่อผลประโยชน์ทางด้านความ
มั่นคงของจีน พรมแดนที่ติดต่อกันทำให้ประชาคมโลกเห็นว่าแม้จีนกับอาเซียนจะมีความแตกต่างก็
สามารถอยู่ร่วมกัน นอกจากนั้นจีนยังต้องการให้อาเซียนลดความหวาดระแวงในประเด็นความ
ขัดแย้งในหมู่เกาะสแปรตลี่

คำสำคัญ: นโยบายต่างประเทศ/ หมู่เกาะสแปรตลี่/ อาเซียน

ความเป็นมาและความสำคัญของปัญหา

ประเทศสาธารณรัฐประชาชนจีนเป็นประเทศที่มีประชากรมากที่สุดในโลก การก้าวขึ้นสู่ตำแหน่ง
ผู้นำของประเทศจีนแตกต่างจากระบบการเมืองของประเทศเสรีประชาธิปไตย กล่าวคือ พรรค
คอมมิวนิสต์จีนเป็นองค์กรคัดสรรผู้นำจากระดับต่ำสุดขึ้นไปจนถึงระดับสูงสุดของประเทศ กลไก
การคัดเลือกผู้นำเป็นไปตามกฎระเบียบของพรรค อย่างไรก็ตาม ภายหลังที่นายสี จิ้นผิงเข้ารับ
ตำแหน่งเป็นประธานาธิบดีอย่างเป็นทางการแล้ว นโยบายของเขาก็ได้รับการชูขึ้นกลายเป็น
สโลแกนที่ผู้คนต่างจับจ้องและรับรู้กันทั่วไป นั่นคือ ความฝันของจีน (Chinese dream) โดยผู้นำจีน
นายสี จิ้นผิงแถลงต่อสื่อมวลชนเมื่อต้นปี ค.ศ. 2013 ว่า "ทำให้จีนกลับฟื้นคืนสู่การเป็นชาติที่
ยิ่งใหญ่อีกครั้ง"

ด้านการเมือง การปกครอง

สาธารณรัฐประชาชนจีนปกครองในระบบสังคมนิยมคอมมิวนิสต์มีพรรคคอมมิวนิสต์จีนซึ่งมี
สมาชิกประมาณ 86.68 ล้านคน (สถิติปี 2014) เป็นสถาบันทางการเมืองที่มีอำนาจในการกำหนด
นโยบายด้านต่างๆ ของประเทศอย่างเบ็ดเสร็จตามแนวทางลัทธิมาร์กซ์-เลนิน โดยรัฐบาลและ
รัฐสภามีหน้าที่คอยปฏิบัติตามมติและนโยบายที่พรรคกำหนดโดยยึดหลักประชาธิปไตยรวมศูนย์
(Democratic Centralism) ตามธรรมนูญพรรคกำหนดให้มีการประชุมสมัชชาพรรคแห่งชาติ (Party
Congress) ทุก 5 ปี นับตั้งแต่ได้มีการจัดตั้งพรรคขึ้นในปี 2464 จนถึงปัจจุบัน พรรคคอมมิวนิสต์จีน

ได้จัดให้มีการประชุมสมัชชาพรรคคอมมิวนิสต์ โดยได้จัดประชุมสมัชชาพรรคสมัยที่ 18เมื่อเดือน
พฤศจิกายน 2555 ซึ่งนายสี จิ้นผิงได้รับเลือกให้เป็นเลขาธิการพรรคคนใหม่จนถึงปัจจุบันการเมือง
ภายในจีนมีเสถียรภาพและความมั่นคงสูง โดยพรรคฯ ยังคงอำนาจเบ็ดเสร็จและมุ่งมั่นสร้างชาติให้
ทันสมัย เน้นการกวาดล้างการฉ้อราษฎร์บังหลวงในระดับต่าง ๆ และการสร้างผู้นำและผู้บริหารรุ่น
ใหม่เพื่อรองรับการแข่งขันในโลกยุคโลกาภิวัฒน์โดยได้ลงโทษผู้นำระดับสูงที่คอร์รัปชั่นอย่างหนัก

การเมืองของจีนมีสาระสำคัญ 5 เรื่อง ได้แก่

1. การกระชับอำนาจของประธานาธิบดีสีจิ้นผิง ซึ่งเน้นนโยบาย Strong state และ Strong leader รวมถึงผลักดันนโยบาย "Leading small group" หรือ "กลุ่มย่อยนำ" ในด้านต่างๆ โดยจะมีการจัดประชุมคณะทำงานกลุ่มย่อยดังกล่าวเป็นประจำเพื่อขับเคลื่อนการปฏิรูป การพัฒนาของประเทศด้านความมั่นคงของรัฐ (Development reform)

2. การปราบปรามคอร์รัปชั่นอย่างเข้มข้น เนื่องจากเป็นเรื่องที่ประชาชนชาวจีนให้ ความสำคัญอย่างสูง

3. การปรับโครงสร้างทางเศรษฐกิจ โดยเน้นการขับเคลื่อนเศรษฐกิจจากภายในประเทศ แทนที่การส่งออก

4. การแก้ไขปัญหาชนกลุ่มน้อยและการก่อการร้ายในประเทศ ซึ่งปัจจุบันจีนยังมีชนกลุ่ม น้อยไร้สัญชาติเป็นจำนวนมาก และกลุ่มชนดังกล่าวยังได้รับการปฏิบัติอย่างไม่เป็นธรรม

5. การปฏิรูปนโยบายต่างประเทศ จากเดิมที่เป็น Rule follower เป็น rule maker เช่น การใช้ นโยบายกระชับความสัมพันธ์กับประเทศเพื่อนบ้าน ผ่านการจัดตั้งโครงการต่างๆ อาทิ การ ฟื้นฟูเส้นทางสายไหม รวมถึงจีนจะมีการเฉลิมฉลองการครบรอบ 100 ปีพรรค คอมมิวนิสต์จีน และครบรอบ 100 ปี ของ การสถาปนาสาธารณรัฐประชาชนจีนในปี ค.ศ.2049

นอกจากการมุ่งพัฒนาเศรษฐกิจแล้ว จีนยังให้ความสำคัญในด้าน การป้องกันประเทศควบคู่ไปอีก
ด้วย โดยมุ่งหวังให้เป็นประเทศที่มีความมั่งคั่งและมีความเข้มแข็ง โดยเฉพาะการประกาศเขตแสดง
ตนเพื่อการป้องกันภัยทางอากาศ (Air Defense Identification Zone ห รือ ADIZ) ของจีนเหนือน่าน
ฟ้าทะเลจีนตะวันออก นอกจากจะเกี่ยวพันกับประเทศ ญี่ปุ่น เกาหลีใต้ และ ไต้หวันโดยตรงแล้วยัง
คาบเกี่ยวกับประเทศอื่นๆ โดยเฉพาะอาเซียน การที่จีนประกาศป้องกันภัยทางอากาศเหนือทะเลจีน
ตะวันออกต่างจากเขตของประเทศอื่นๆ เพราะนอกจากจะอยู่ในน่านฟ้า ระหว่างประเทศแล้ว จีน
กำหนดให้เครื่องบินที่เพียงจะบินผ่านเขตนี้ต้องระบุแจ้งตนเอง ในขณะที่ประเทศอื่นๆ กำหนดให้มี
การระบุแจ้งตน เฉพาะสำหรับเครื่องบินที่จะบินมุ่งเข้ามาในน่านฟ้าอาณาเขตของตนเท่านั้นเพื่อเป็น
การแสดงจุดยืนเรียกร้องสิทธิการครอบครองด้านการปฏิบัติเพื่อ ให้ตอบสนองต่อนโยบายการ

ปฏิรูปประเทศด้านการป้องกันประเทศของจีน การสร้างความแข็งแรงกองกำลังป้องกันประเทศ
ของจีน เพื่อเตรียมต่อด้านการรุกรานจากภายนอกรักษาเสถียรภาพภายในประเทศ ปกป้องอธิปไตย
เอกภาพแห่งชาติและบูรณภาพเหนือดินแดนอย่างมีประสิทธิภาพ ประเทศจีนจะไม่สร้างพันธมิตร
กับประเทศมหาอำนาจประเทศใดประเทศหนึ่ง หรือกลุ่มประเทศกลุ่มใด และไม่ส่งกองกำลังไป
ประจำการในต่างประเทศหรือตั้งฐานทัพในต่างประเทศ ไม่เข้าร่วมการแข่งขันทางด้านการทหาร
และไม่ดำเนินการขยายอิทธิพลทางการทหาร ยืนหยัดในการกำหนดและดำเนินการนโยบายและ
ยุทธศาสตร์การป้องกันประเทศที่เป็นตัวของตัวเอง โดยอาศัยกำลังของตนเป็นหลัก เพื่อพัฒนาและ
สร้างระบบอุตสาหกรรมป้องกันประเทศ และปรับปรุงอาวุธยุทโธปกรณ์ประจำการของตนเอง
ประเทศจีนได้ดำเนินนโยบายป้องกันประเทศ เพื่อป้องกันตัวในเชิงเป็นฝ่ายตั้งรับมาโดยตลอด ใน
ด้านยุทธศาสตร์ จีนยึดถือหลักการปกป้อง ป้องกันตัวเองและจะตอบโต้ภัยจากภายนอกเมื่อถูก
กระทำ มีแต่ในสถานการณ์สุดที่จะอดทนได้ ถึงจะเลือกใช้กำลังทหารตอบโต้ ยกตัวอย่างเช่น
หลังจากประเทศจีนใหม่ได้สถาปนาขึ้นมา จีนจำเป็นต้องใช้กำลังทหารกับต่างประเทศหลายครั้งนั้น
ล้วนเป็นการตอบโต้ประเทศคู่กรณีที่รุกรานอธิปไตยและบูรณภาพดินแดงของจีนก่อน และได้ผ่าน
วิถีทางการทูตและตักเตือนมาก่อนหลายต่อหลายครั้งไม่ได้ผลแล้ว ประเทศจีนจำเป็นต้องพัฒนา
เสริมสร้างกำลังป้องกันประเทศตามสมควร เสริมขีดความสามารถการป้องกันประเทศอย่าง
ต่อเนื่อง โดยเฉพาะอย่างยิ่ง เสริมสร้างขีดความสามารถเพื่อป้องกันตัวและรับมือกับเหตุการณ์
ฉุกเฉินตามสถานการณ์ที่มีการเปลี่ยนแปลงทั้งภายในและภายนอกประเทศ ประเทศจีนได้กำหนด
เอาการต่อต้านการก่อการร้ายเข้าเป็นภาระหน้าที่ส่วนหนึ่งของกองทัพจีน ดำเนินการฝึกซ้อมและ
ปฏิบัติการเพื่อต่อต้านการก่อการร้าย ช่วยท้องถิ่นปราบปรามการก่อการร้ายทุกรูปแบบอย่างเด็ดขาด
อย่างไรก็ตาม กองทัพจีนได้มีการเปลี่ยนนโยบายกองทัพ เพื่อสนองตอบความต้องการของกิจกรรม
การลดกองกำลังทหารระหว่างประเทศ จีนได้ลดกำลังพลลงประมาณ 1 ล้าน 5 แสนคน ปัจจุบันนี้
กองกำลังทหารของจีนมีจำนวนพลประมาณ 2 ล้าน 5 แสนคน

การสร้างความแข็งแรงของกองกำลังป้องกันประเทศ เพื่อเตรียมต่อด้านการรุกรานจาก
ภายนอก รักษาเสถียรภาพภายในประเทศ ปกป้องอธิปไตย ประเทศจีนไม่สร้างพันธมิตรกับ
ประเทศมหาอำนาจประเทศใดประเทศหนึ่งหรือกลุ่มประเทศกลุ่มใดๆทั้งสิ้น และ ไม่ส่งกองกำลัง
ไปประจำการในต่างประเทศ จีนยืนหยัดในการกำหนดและดำเนินการนโยบายและยุทธศาสตร์การ
ป้องกันประเทศที่เป็นตัวของตัวเอง (Self-defense) โดยอาศัยกำลังของตนเป็นหลัก เพื่อพัฒนาและ
สร้างระบบอุตสาหกรรมป้องกันประเทศ และปรับปรุงอาวุธยุทธโธปกรประจำการของตนเอง

ด้านเศรษฐกิจ

เศรษฐกิจจีนยังขยายตัวอย่างต่อเนื่องภายใต้นโยบายการปฏิรูปและการเปิดประเทศ ที่ดำเนินมา
ตั้งแต่ปี ค.ศ. 1978 บทบาททางเศรษฐกิจของจีนได้เพิ่มขึ้นอย่างรวดเร็ว โดยเฉพาะอิทธิพลและ
ความสำคัญที่มีต่อภูมิภาค มูลค่า GDP ของจีนเติบโตอย่างต่อเนื่องในระดับร้อยละ 7-10 ในช่วง
หลายปีที่ผ่านมา ทำให้เศรษฐกิจจีนกลายเป็นพลังขับเคลื่อนสำคัญที่ช่วยผลักดันการเจริญเติบโต
ของเศรษฐกิจในภูมิภาคเอเชียตะวันออก มีการปรับปรุงโครงสร้างเศรษฐกิจ การเงิน การคลัง และ
ค่าเงินหยวนอย่างต่อเนื่องในลักษณะค่อยเป็นค่อยไปเพื่อยกระดับมาตรฐานทางเศรษฐกิจให้
แข่งขันในโลกปัจจุบันได้ อีกทั้งยังมีนัยทางการเมืองที่ต้องการแสดงความตั้งใจจริงของรัฐบาลจีน
ในการชะลอและป้องกันภาวะการเติบโตทางเศรษฐกิจที่ร้อนแรงเกินไปและต้องการปรับ
ความสัมพันธ์ด้านเศรษฐกิจกับสหรัฐฯ ซึ่งพยายามกดดันให้จีนปรับค่าเงินหยวน เพื่อลดการเสีย
ดุลการค้า และปัญหาการว่างงาน การขยายตัวอย่างรวดเร็วของเศรษฐกิจจีน ซึ่งเกิดจากภาคส่ง
ออกเป็นปัจจัยสำคัญในการขับเคลื่อนนั้น ส่งผลให้จีนเป็นประเทศที่มีทุนสำรองระหว่างประเทศ
มากที่สุดของโลก โดยทุนสำรองอยู่ในรูปของเงินเหรียญสหรัฐ พันธบัตรรัฐบาล

เนื่องจากความสำเร็จในการพัฒนาเศรษฐกิจของเป็นรากฐานของการพัฒนาอำนาจทางทหาร
วิทยาศาสตร์-เทคโนโลยี และอิทธิพลทางการเมืองที่ปูพื้นฐานไปสู่การเป็นประเทศมหาอำนาจของ
จีนในภูมิภาคเอเชียแปซิฟิคและการเป็นประเทศอภิมหาอำนาจระดับโลกในศตวรรษที่ 21 ด้วย
ประเทศมหาอำนาจตะวันตกและประเทศต่างๆ ในภูมิภาคเอเชียที่เป็นประเทศเพื่อนบ้านของจีน
และโดยเฉพาะอย่างยิ่งประเทศเพื่อนบ้านที่มีผลประโยชน์ขัดแย้งกับประเทศจีนโดยตรงเกี่ยวกับ
ปัญหาพรมแดน ปัญหาความมั่นคงและผลประโยชน์ทางเศรษฐกิจ ต่างหวาดกลัวการพัฒนากองทัพ
และอาวุธของจีนซึ่งเกิดขึ้นควบคู่ไปกับความแข็งแกร่งทางเศรษฐกิจ เนื่องจากจีนได้พัฒนา
กองทัพเรือและกองทัพอากาศให้ทันสมัย และมีศักยภาพในการปกป้องผลประโยชน์และพรมแดน
ของจีนห่างจากผืนแผ่นดินใหญ่ของประเทศได้มากขึ้น ดังเช่น หมู่เกาะสแปรตลี่ในทะเลจีนใต้ ซึ่ง
เป็นดินแดนที่ประเทศจีนอ้างว่าเป็นเขตแดนของจีน และจีนต้องการปกป้องผลประโยชน์แห่งชาติ
ทั้งแบบสันติวิธีหรือด้วยการใช้กำลังทหาร

สำหรับบทบาทของจีนในเวทีระหว่างประเทศ (Yahuda, Michael., 2011, pp. 301-305) นักวิชาการ
ด้านความสัมพันธ์ระหว่างประเทศต่างวิเคราะห์การเจริญเติบโตทางเศรษฐกิจ เป็นจุดเริ่มต้นที่ทำให้
จีนกลายเป็นประเทศที่มีความสำคัญต่อการพัฒนาเศรษฐกิจของโลกและทำให้จีนมีบทบาท ใน
องค์กรต่างๆ ระหว่างประเทศมากขึ้น เช่น องค์กรการค้าโลก เป็นต้น อันมีส่วนสำคัญต่อการ
สนับสนุน บทบาทของจีนในการแก้ไขปัญหาต่างๆ ในกรอบขององค์การสหประชาชาติให้เป็นที่

ยอมรับมากยิ่งขึ้น เช่น บทบาทในการรักษาสันติภาพในภูมิภาคต่างๆ เป็นต้น จีนได้กำหนด นโยบายการต่างประเทศที่มีความประสานสอดคล้องกับขีดความสามารถของประเทศตาม แผนพัฒนาประเทศ ความสำเร็จในการพัฒนาอุตสาหกรรมของจีนที่ต้องแสวงหาแนวทางในการ สร้างความมั่นคงด้านพลังงานความคู่กับการแสวงหาตลาดเศรษฐกิจในภูมิภาคต่างๆ เช่น การขยาย ตลาดสู่ทวีปแอฟริกาและลาตินอเมริกา เป็น ต้น โดยจีนแสดงท่าทีและจุดยืนในการดำเนิน ความสัมพันธ์ระหว่างประเทศกับประเทศเพื่อนบ้านที่มีปัญหาความขัดแย้งตามแนวพรมแดนทั้ง ทางบกและทางทะเล เพื่อสนับสนุนว่าจีนจะพัฒนาประเทศอย่างสันติและไม่ปรารถนาที่จะเป็น มหาอำนาจครอบงำประเทศใดๆ ในส่วนอาเซียน มีเขตการค้าเสรีจีน-อาเซียนเป็นประเด็นสำคัญ แห่งความร่วมมือระหว่างจีนกับอาเซียนในปัจจุบัน ผู้นำทั้งสองฝ่ายได้หารือตกลงกันที่จะสร้างเขต การค้าเสรีให้แล้วเสร็จภายใน 10 ปี การเจรจาที่เกี่ยวข้องได้เริ่มดำเนินการไปด้วยความเรียบร้อย ซึ่ง เป็นเขตการค้าเสรีที่มีประชากรมากที่สุดในโลกก็เป็นเขตการค้าเสรีซึ่งร่วมด้วยประเทศกำลังพัฒนา ที่ใหญ่สุดซึ่งจะเป็นส่วนสำคัญในการขยายตัวทางเศรษฐกิจภายในประเทศของทั้งสองฝ่าย และจะ เป็นความมีชัยทั้งคู่สำหรับอาเซียนและจีน

ด้านสังคม

การเปิดประเทศและการปฏิรูปเศรษฐกิจของจีนส่งผลให้ประชาชนจีนมีชีวิตความเป็นอยู่ที่ดีขึ้น แต่ ในขณะเดียวกันก็เป็นสาเหตุที่ก่อให้เกิดปัญหาสังคมอย่างกว้างขวาง อาทิ ปัญหาการแพร่ขยายของ อิทธิพลตะวันตก ปัญหายาเสพติด ปัญหาการเพิ่มประชากร ปัญหาความเหลื่อมล้ำทางสังคม เนื่องจาก ความมั่นคงของรัฐบาลจีนนั้นขึ้นอยู่กับความเชื่อมั่นของประชาชน รัฐบาลจึงมีความจำเป็นที่จะต้อง เน้นการพัฒนาเศรษฐกิจระยะยาวและลดช่องว่างระหว่างเมืองกับชนบทซึ่งกำลังสร้างความขุ่นเคือง ให้กับทางชนบท เนื่องจากประชาชนในชนบทนั้นมีความเป็นอยู่ที่แย่ลง รัฐบาลได้พยายาม แก้ปัญหาโดยใช้มาตรการควบคุมและรณรงค์ให้ประชาชนยึดมั่นในอุดมการณ์สังคมนิยมและ ชาตินิยม ควบคุมสื่อมวลชนและอินเตอร์เน็ต เพื่อควบคุมการเผยแพร่ข้อมูลที่อาจเป็นภัยคุกคามต่อ ประเทศ รวมทั้งพยายามลดช่องว่างระหว่างเมืองกับชนบทตลอดจนให้สิทธิเสรีภาพแก่ประชาชน ในการประกอบธุรกิจและการดำเนินชีวิตประจำวันมากขึ้น โดยเน้นการสร้างงานและจัดสรร รายได้การพัฒนาระบบประกันสังคม การกระจายทรัพยากรและการศึกษา และการพัฒนาระบบการ เก็บภาษี ทั้งนี้เนื่องจากแรงงานภาคเกษตรมีรายได้ต่ำ อีกทั้งยังเป็นภาคที่มีจำนวนแรงงานมากกว่า 800 ล้านคนและเป็นประชากรส่วนใหญ่ของประเทศ ทางรัฐบาลจึงเน้นการพัฒนาภาคเกษตร โดยตรง ซึ่งทำให้ภาคเกษตร ได้รับการคุ้มครองและสนับสนุนจากรัฐบาลมากขึ้น

ความสัมพันธ์ระหว่างประเทศ

ปัจจุบันนี้ กองกำลังทหารของจีนมีจำนวนพลประมาณ 2 ล้าน 5 แสนคน การเสริมสร้างความ
เข้มแข็งของกองทัพ ทั้งทางบก ทางทะเล และทางอากาศ จีนได้ประกาศถึงการใช้เรือบรรทุก
เครื่องบินที่สร้างขึ้นไปทำหน้าที่ปกป้องผลประโยชน์ของประเทศในทุกน่านน้ำ โดยจีนหันไปใช้
การทูตทางทหาร แม้ผู้นำจีนจะพยายามบอกว่า จีนจะไม่แสวงหาอิทธิพลในการครอบงำ
(hegemony) เหนือชาติอื่นใด แต่การกระทำของจีนกลับสร้างความหวาดวิตกให้กับคู่กรณี ได้แก่
เวียดนามและฟิลิปปินส์ รวมทั้งญี่ปุ่นและเกาหลีใต้ที่มีข้อพิพาทในเรื่องอธิปไตยเหนือหมู่เกาะต่างๆ
และมีการเผชิญหน้า 6 (confrontation) เป็นระยะๆระหว่างกองเรือลาดตระเวณหลายครั้งในช่วงปี
ค.ศ. 2012-2013 เวียดนามและฟิลิปปินส์เป็นสมาชิกของอาเซียนที่จีนไม่ประสงค์ที่จะทำลาย
ความสัมพันธ์อันดีกับกลุ่มประเทศสมาชิกทั้งหมด ผู้นำจีนจึงลดท่าทีแข็งกร้าวลง ดังที่
นายกรัฐมนตรีหลี่ เค้อเฉียงได้กล่าวในขณะที่เขาเยือนเวียดนามอย่างเป็นทางการเมื่อวันที่ 14
ตุลาคม ค.ศ. 2013 ว่า "จีนจะจัดการปัญหาหมู่เกาะในทะเลจีนใต้อย่างสันติวิธีในกรอบความร่วมมือ
ใหญ่ทางเศรษฐกิจกับเวียดนาม" นอกจากนี้ ในช่วงเวลาเดียวกัน จีนหันไปเจรจาอย่างสันติกับ
ฟิลิปปินส์เพื่อลดอุณหภูมิความขัดแย้งลงเช่นเดียวกัน

การมีผลประโยชน์ขัดแย้งโดยตรงกับประเทศจีนและการเติบโตของจีนสู่การเป็นประเทศ
อภิมหาอำนาจอาจเป็น "ภัยคุกคาม" ต่อประเทศในเอเซีย และสหรัฐอเมริกา การเพิ่มบทบาททาง
เศรษฐกิจและการเมืองของจีนในเวทีต่างๆ ระดับโลกจะช่วยถ่วงดุลอำนาจทางทหารและเศรษฐกิจ
ของสหรัฐและประเทศยุโรปตะวันตกและเป็นประโยชน์ต่อประเทศกำลังพัฒนาได้

ในศตวรรษที่ 21 จุดประสงค์ทางการทูตของจีนก็คือเพื่อรักษาสันติภาพของโลก และส่งเสริมการ
พัฒนาและความเจริญร่วมกันของนานาชาติ ทั้งนี้ไม่ใช่นโยบายใหม่ หากเป็นการต่อเนื่องของ
นโยบายต่างประเทศขั้นพื้นฐานของจีนในเวลาที่ผ่านมา ประเทศจีนจะยืนยันปฏิบัติตามนโยบาย
การต่างประเทศที่สันติ และเป็นตัวของตัวเองอย่างต่อเนื่อง ไปมาหาสู่กันฉันมิตรกับทุกประเทศบน
พื้นฐานหลัก 5 ประการแห่งการอยู่ร่วมกันอย่างสันติ ด้วยความเสมอภาค และเอื้ออำนวยประโยชน์
ซึ่งกันและกัน ความร่วมมือกับประเทศเพื่อนบ้านในเอเชียรวมประเทศอาเซียนให้แน่นแฟ้นยิ่งขึ้น
เป็นส่วนประกอบอันสำคัญของนโยบายต่างประเทศในกระบวนการโลกาภิวัตน์ทางเศรษฐกิจ
ประเทศจีนเช่นเดียวกับประเทศกำลังพัฒนาของเอเชียก็ต้องเผชิญกับความกดดันทางด้านการ จีน
เห็นพ้องในการแก้ไขข้อพิพาททะเลจีนใต้โดยการปรึกษาหารือและเจรจากันฉันมิตร และได้
ดำเนินการหารือกับอาเซียนว่าด้วยกฎเกณฑ์และการปฏิบัติในเขตทะเลจีนใต้อย่างจริงจังและมี

ประสิทธิผล ประเทศจีนมีข้อคิดเห็นมาโดยตลอดว่า กลุ่มประเทศอาเซียนที่มีความสมานสามัคคี
และความเจริญรุ่งเรืองนั้น เป็นพลังอันสำคัญเพื่อส่งเสริมสันติภาพและการพัฒนาของเอเชีย

ปัญหาเกี่ยวกับกรณีพิพาทหมู่เกาะสแปรตลี่

หมู่เกาะสแปรตลี่มีความสำคัญทั้งทางด้านยุทธศาสตร์และการเมืองระหว่างประเทศอย่างมาก
เพราะหากประเทศใดสามารถครอบครองกรรมสิทธิ์และมีอธิปไตยเหนือหมู่เกาะสแปรตลี่สำเร็จ
และนำไปสู่การอ้างอธิปไตยในน่านน้ำใกล้เคียง รวมทั้งยังได้ครอบครองทรัพยากรธรรมชาติที่มีค่า
มหาศาลซึ่งเชื่อว่าอยู่ใต้ทะเลบริเวณรอบๆหมู่เกาะสแปรตลี่ด้วยทั้งนี้จากการสำรวจมีการคาดเดาว่า
บริเวณนี้มีแหล่งน้ำมันและก๊าซธรรมชาติจำนวนมากซึ่งยังไม่ได้มีการขุดอยู่ใต้ทะเลบริเวณนี้
นอกจากนี้บริเวณนี้เป็นเส้นทางคมนาคมทางทะเลที่มีความสำคัญและการจราจรทางทะเลที่คับคั่ง
เป็นอันดับสองของโลกทั้งนี้เนื่องจากสภาพภูมิศาสตร์ของทะเลจีนใต้ที่เป็นบริเวณเชื่อมต่อระหว่าง
มหาสมุทรแปซิฟิกกับมหาสมุทรอินเดียและมีประเทศต่างๆล้อมรอบทะเลจีนใต้ซึ่งแต่ละประเทศ
เป็นเมืองท่าที่สำคัญในการขนส่งสินค้าและการใช้เส้นทางคมนาคมทางทะเลผ่านช่องแคบมะละกา
ผ่านทะเลจีนใต้ซึ่งสามารถลดระยะเวลาในการเดินเรือและประหยัดกว่าการใช้เส้นทางคมนาคมทาง
ทะเลเส้นทางอื่นในภูมิภาคนี้ ที่สำคัญเส้นทางการเดินเรือในทะเลจีนใต้ยังเป็นเส้นทางลำเลียง
วัตถุดิบ วัสดุพลังงาน สินค้ารวมถึงน้ำมันที่สำคัญที่สุดของประเทศญี่ปุ่นเนื่องจากญี่ปุ่นต้องพึ่งพา
วัตถุดิบจากแหล่งที่มาภายนอกประเทศเกือบทั้งหมดโดยเฉพาะอย่างยิ่งน้ำมัน

ภาพที่ 1 : แผนที่แสดงที่ตั้งของหมู่เกาะสแปรตลี่ ในทะเลจีนใต้

แหล่งที่มา : www.eppo.go.th/vr8/VRS51-07-Spratly.html.

ประเด็นของกรณีพิพาทเหนือหมู่เกาะสแปรตลี่ในทะเลจีนใต้เป็นปัญหาที่มีมานานแล้วตั้งแต่
ภายหลังสงครามโลกครั้งที่สองสิ้นสุดลง จีนและไต้หวันได้ส่งกองกำลังทหารเข้าครอบครองเกาะ
บางเกาะของหมู่เกาะสแปรตลี่ ต่อมาเมื่อเดือนมกราคม ค.ศ. 1974 สงครามเวียดนามใกล้สิ้นสุดจีน
ได้ใช้กำลังเข้ายึดครองหมู่เกาะพาราเซลซึ่งเวียดนามได้ครอบครองอยู่และจับกุมทหารเวียดนาม
ประมาณ 48 คนพร้อมที่ปรึกษาชาวอเมริกันอีก 1 คน ต่อมาเมื่อปี ค.ศ. 1975 สงครามเวียดนาม
สิ้นสุดลง เวียดนามเหนือเป็นฝ่ายชนะสงครามได้ส่งกองกำลังทหารเข้ายึดครองเกาะบางเกาะในหมู่
เกาะสแปรตลี่บ้าง ต่อมามีอีกหลายประเทศที่กล่าวอ้างอธิปไตยเหนือหมู่เกาะสแปรตลี่เพิ่มขึ้น เช่น
ฟิลิปปินส์ บรูไน และมาเลเซียที่อ้างอธิปไตยโดยอาศัยหลักเกณฑ์เรื่องไหล่ทวีป อย่างไรก็ตามการ
เข้ามาครอบครองของประเทศที่อ้างกรรมสิทธิ์ เหนือหมู่เกาะสแปรตลี่ไม่เคยมีการใช้กำลังปะทะ
ระหว่างกันแต่ขึ้นอยู่กับประสิทธิภาพในการส่งกองกำลังทหารเข้าไปครอบครองเกาะต่างๆได้มาก
น้อยเพียงใด จนกระทั่งมีการปะทะกันครั้งแรกระหว่างจีนกับเวียดนามเมื่อวันที่ 14 มีนาคม ค.ศ.
1988 บริเวณเกาะ Chi Gua Reef ในหมู่เกาะสแปรตลี่ซึ่งอยู่ตอนกลางของทะเลจีนใต้ โดยเรือฟรี
เกตของจีนจำนวน 6 ลำได้ยิงเรือลำเลียงของเวียดนาม 1 ลำ เรือยกพลขึ้นบก 1 ลำ จากการปะทะ
ดังกล่าวทำให้ทหารเวียดนามเสียชีวิต 74 คน ส่วนเรือรบของจีนได้รับความเสียหาย

ปี ค.ศ. 1992 เกิดความขัดแย้งเหนือหมู่เกาะสแปรตลี่ขึ้นอีกครั้ง เมื่อจีนออกกฎหมายระบุชัดเจนว่า
หมู่เกาะสแปรตลี่เป็นส่วนหนึ่งของจีนและจีนได้อนุญาตให้บริษัทน้ำมันของอเมริกาเข้ามาสำรวจ
น้ำมันและก๊าซธรรมชาติในบริเวณหมู่เกาะสแปรตลี่ที่เวียดนามอ้างกรรมสิทธิ์

ต่อมาในปี ค.ศ. 1995 จีนได้ใช้กำลังทหารกับฟิลิปปินส์โดยจับกุมเรือประมงของฟิลิปปินส์ ใน
บริเวณที่ฟิลิปปินส์อ้างว่าเป็นกรรมสิทธิ์ของตนและจีนยังได้สร้างสิ่งก่อสร้างถาวรที่บริเวณแนว
ประการังมิสชีฟ (Mischief Reef) โดยที่ฟิลิปปินส์อ้างว่าบริเวณนี่อยู่ในเขตเศรษฐกิจจำเพาะของตน
โดยอยู่ห่างประมาณ 135 ไมล์ทะเลจากเกาะพาลาวัน รัฐบาลฟิลิปปินส์ได้ร้องขอให้จีนรื้อถอนสิ่ง
ปลูกสร้างและเคารพอาณาเขตที่ฟิลิปปินส์อ้างอธิปไตย แต่รัฐบาลจีนปฏิเสธที่จะรื้อถอนสิ่งปลูก
สร้างดังกล่าวรวมทั้งยืนยันถึงอธิปไตยของตนเหนือบริเวณนี้ รัฐบาลฟิลิปปินส์ได้นำข้อพิพาท
ดังกล่าวเสนอต่อที่ประชุมองค์การอาเซียน องค์กรสหประชาชาติ และที่ประชุมระหว่างประเทศใน
ระดับต่างๆเพื่อเรียกร้องให้นานาประเทศสนใจปัญหานี้รวมทั้งการร้องขอให้มหาอำนาจเข้า
แทรกแซงปัญหาข้อพิพาทนี้ ปัญหากรณีพิพาทนี้จึงเป็นประเด็นสำคัญของที่ประชุมอาเซียนโดย
ผู้แทนของฟิลิปปินส์ได้กล่าวหาว่าจีนเป็นภัยคุกคามต่อความมั่นคงของภูมิภาค ซึ่งต่อมาจีนได้เปิด
การเจรจาแบบทวิภาคีกับฟิลิปปินส์และเกิดความตกลงร่วมกันระหว่างจีนกับฟิลิปปินส์ว่าด้วยความ
ร่วมมือในทะเลจีนใต้เน้นการแก้ปัญหาข้อพิพาทโดยสันติวิธี ต่อมาจีนยังเปิดการเจรจาโดยตรงกับ
กลุ่มประเทศอาเซียนและยืนยันว่าจีนจะแก้ไขปัญหาโดยสันติวิธีบนพื้นฐานของกฎหมายระหว่าง

ประเทศและกฎหมายทางทะเลปี ค.ศ. 1982 เนื่องจากจีนไม่ต้องการให้ปัญหาความขัดแย้งในทะเล
จีนใต้ทำลายความสัมพันธ์ทางการฑูตและความร่วมมือทางเศรษฐกิจที่ดีระหว่างจีนกับกลุ่มประเทศ
ในอาเซียนใน

ต่อมาปี ค.ศ. 1998 จีนได้สร้างสิ่งปลูกสร้างขึ้น โดยอ้างว่าเป็นสถานีวิจัยทางอุตุนิยมขององค์กร
ยูเนสโก แต่ทางยูเนสโกปฏิเสธ ปฏิบัติการต่างๆของจีนสร้างความร้อนใจแก่กลุ่มสมาชิกอาเซียน
เพราะต่างอ้างกรรมสิทธิ์ในหมู่เกาะนี้ ดังนั้นการปฏิบัติการใดๆของจีนจึงถือว่าเป็นการรุกราน
ดินแดนและคุกคามต่ออำนาจอธิปไตยของประเทศเหล่านั้น ระหว่างที่มีการประชุมรัฐมนตรี
ต่างประเทศขององค์กรอาเซียนที่ กรุงมนิลา ประเทศฟิลิปปินส์ สมาชิกกลุ่มอาเซียนตกลงในคำ
ประกาศร่วมกันมีข้อความสำคัญคือ ประเทศที่มีข้อขัดแย้งเกี่ยวกับอำนาจอธิปไตยและสิทธิ์
ครอบครองหมู่เกาะ ตกลงกันว่าจะแก้ปัญหาโดยสันติวิธี จีนได้สนับสนุนแถลงการณ์นี้อย่างไม่เต็ม
ใจนัก ทุกประเทศที่อ้างสิทธิ์ในหมู่เกาะนี้ ต่างพยายามสร้างสิ่งปลูกสร้างหรือมีปฏิบัติการทางเรือ
เพื่อแสดงความเป็นเจ้าของ โดยเฉพาะจีนที่ไม่ยอมรื้อถอนสิ่งปลูกสร้างที่มีอยู่และยังมรการเตรียม
กองทัพเรือจากเกาะไหหลำซึ่งอยู่ห่างจากเกาะ 1000 กิโลเมตรไว้พร้อมเพื่อการเคลื่อนย้าย
ตลอดเวลา โดยที่เวียดนามอ้างว่าจีนยังยึดเกาะร้าง 2 เกาะที่เวียดนามอ้างเป็นเจ้าของ ประเด็นที่
น่าสนใจคือ ถ้าหากประเทศอื่นๆที่อ้างสิทธิ์ต่างวางเฉย โดยไม่ร้องเรียน รายงานความเคลื่อนไหว
ของจีนบนหมู่เกาะเหล่านี้ จีนจะค่อยๆแสดงความเป็นเจ้าของมากขึ้นตามลำดับ เช่น สร้างฐานทัพ
สร้างที่จอดเรือ หรือลานบิน รวมถึงการขุดทรัพยากรอย่างจริงจังและอพยพประชาชนจีนมาตั้งถิ่น
ฐานเป็นการถาวรอย่างแน่นอนจีนดำเนินนโยบายต่างประเทศอย่างไรจึงสามารถลดความใกล้ชิด
และไว้วางใจกันอีกครั้ง

ปัญหาความขัดแย้งในทะเลจีนใต้เหนือหมู่เกาะสแปรตลี่เป็นปัญหาที่เกี่ยวข้องกับผลประโยชน์
แห่งชาติของประเทศที่เกี่ยวข้องในภูมิภาคนี้ ผลประโยชน์ของประเทศมหาอำนาจภายนอกภูมิภาค
หลักกฎหมายระหว่างประเทศ รวมทั้งดุลแห่งอำนาจทางทหารของประเทศทั้งภายในและภายนอก
ภูมิภาคเอเชียตะวันออกเฉียงใต้ ประเทศที่เกี่ยวข้องพยายามจะอ้างกรรมสิทธิ์และปกป้องอธิปไตย
ของตนโดยยึดครองเกาะต่างๆโดยการใช้กำลังทหาร การอาศัยข้อกล่าวอ้างทางประวัติศาสตร์
กฎหมายทางทะเล และการเจรจาทางการฑูต ผลประโยชน์ทางเศรษฐกิจ การเมืองระหว่างประเทศ
ทำให้ปัญหาข้อพิพาทในบริเวณหมู่เกาะสแปรตลี่ไม่อาจแก้ไขได้โดยง่ายในระยะเวลาอันสั้น สิ่งที่
ประเทศที่เกี่ยวข้องทำได้ในปัจจุบันคือ การเจรจาเพื่อป้องกันไม่ให้ความขัดแย้งลุกลามกลายเป็น
สงครามระหว่างประเทศ การเจรจาเพื่อหาทางระงับข้อพิพาทโดยสันติวิธี เพื่อไม่ให้เกิดปัญหาและ
ขยายวงกว้างออกไปจนกลายเป็นปัญหาความตึงเครียดของภูมิภาคต่อไป

อย่างไรก็ตาม การเกิดข้อขัดแย้งที่รุนแรงระหว่างจีนกับฟิลิปปินส์ในการที่จีนก่อสร้างที่พักอาศัยบน
หินโสโครกมิสชีฟ (Mischief Reef) ในหมู่เกาะสแปรตลี่ ทำให้ฟิลิปปินส์และบางประเทศใน
อาเซียนเริ่มหวาดระแวงจีนอีกครั้ง ซึ่งตลอดมาจีนได้พยายามแก้ไขภาพลักษณ์และลดความ
หวาดระแวงของกลุ่มอาเซียน จากการประเมินเหตุการณ์ที่ผ่านมาและสถานการณ์ปัจจุบัน จุดความ
สนใจต่างมุ่งไปอยู่ที่ประเทศจีนมากกว่าประเทศอื่นๆ เนื่องจากประเทศจีนมีขนาดใหญ่ที่สุดใน 6
ประเทศที่อ้างสิทธิ์ในหมู่เกาะนี้และมีกองทัพเรือที่มีศักยภาพมากที่สุด ท่าทีของจีนในอดีตและ
ปัจจุบันยังมีหลายอย่างที่น่าเคลือบแคลงใจ จีนเพิ่งจะมีนโยบายใช้กำลังเพื่อแสดงสิทธิ์ความเป็น
เจ้าของโดยเมื่อวันที่ 19 มกราคม ค.ศ. 1974 จีนได้ปะทะกำลังทางเรือและทางอากาศกับเวียดนามใต้
บนเกาะพาราเซล ทั้งจีนและเวียดนามต่างอ้างสิทธิ์และเวียดนามใต้ได้สร้างค่ายทหารบนเกาะนี้ ซึ่ง
กองทัพเรือที่ 7 ของสหรัฐฯลาดตระเวนอยู่บริเวณนั้นรวมทั้งเคยมีบทบาทในการทำสงคราม
เวียดนามแต่ครั้งนี้กองทัพเวียดนามไม่ได้แสดงบทบาทใดๆ เพราะสหรัฐฯไม่ต้องการขยาย
วิกฤตการณ์ให้กว้างออกไป

ปัญหาความมั่นคงเนื่องจากหมู่เกาะดังกล่าวตั้งอยู่นอกชายฝั่งของประเทศต่างๆซึ่งสามารถใช้เป็น
ฐานป้องกันหรือจุดตรวจการระยะไกลเพื่อความมั่นคงของประเทศได้ ที่สำคัญคือการอ้าง
กรรมสิทธิ์ยังทำให้ได้ดินแดนเพิ่มมากขึ้นเป็นจำนวนมาก ซึ่งเป็นการเพิ่มปริมาณพื้นที่ของประเทศ
ประเทศต่างๆที่อ้างกรรมสิทธิ์ทับซ้อนกันต่างพยายามรักษาผลประโยชน์แห่งชาติของตนเอาไว้ให้
มากที่สุดและพยายามแสวงหาวิธีการต่างๆในการอ้างกรรมสิทธิ์ รวมทั้งการใช้กำลังยึดครองและ
การดึงเอาประเทศมหาอำนาจจากภายนอกเข้ามาเกี่ยวข้อง การอ้างกรรมสิทธิ์จึงเป็นการต่อสู้กันเพื่อ
ผลประโยชน์แห่งชาติ สำหรับกรณีความขัดแย้งระหว่างจีนกับกลุ่มประเทศในอาเซียนในการอ้าง
กรรมสิทธิ์ทับซ้อนเหนือหมู่เกาะพาราเซล หมู่เกาะสแปรตลี่ และหมู่เกาะอื่นๆในทะเลจีนใต้นี้เป็น
ความขัดแย้งเกี่ยวกับดินแดนคือหมู่เกาะและอาณาเขตทางทะเลของประเทศต่างๆที่เกี่ยวข้องซึ่งมี
ความสำคัญต่อเรื่องอธิปไตย ความมั่นคงและผลประโยชน์ทางเศรษฐกิจ จากปัจจัยและเงื่อนไข
ดังกล่าวมาแล้วข้างต้นได้กลายเป็นเหตุผลที่สำคัญโดยที่จีนถือเป็นเรื่องผลประโยชน์แห่งชาติที่
**สำคัญอย่างยิ่ง ความขัดแย้งนี้จึงเป็นเรื่องที่สำคัญที่ประเทศต่างๆที่พิพาทกันไม่สามารถยอมความ
กันโดยง่าย แต่ละประเทศมุ่งจะรักษาผลประโยชน์ของตนเองอย่างเต็มที่ด้วยวิธีการต่างๆ ทั้งทาง
ทหาร การเมือง และนโยบายเศรษฐกิจ**

รัฐบาลของจีนโดยมีนายสี จิ้นผิงได้ดำเนินนโยบายการแลกเปลี่ยนทางการทูตที่ชัดเจน และขยาย
บทบาทสำคัญในทั่วโลก ทำให้การวางแผนยุทธศาสตร์ทางการทูตของจีนมีลักษณะสมบูรณ์แบบ
และมีระบบระเบียบให้มากขึ้น นอกจากนี้ นายสี จิ้นผิงยังเสนอแนวความคิดด้านความปลอดภัยใน
เอเชียใหม่ที่ให้ความร่วมมือร่วมกันเพื่อบรรลุการพัฒนาอย่างต่อเนื่อง และเสนอให้ประเทศต่างๆใน

เอเชียสร้างกลุ่มร่วมเดียวกัน นอกจากนั้นยังเสนอแนวความคิดในการสร้างความสัมพันธ์ระหว่าง
มหาประเทศแบบใหม่ที่ไม่เป็นปรปักษ์กัน เคารพซึ่งกันและกัน

การที่จีนแถลงอย่างเป็นทางการถึงผลประโยชน์หลักเหนือดินแดนพิพาท เมื่อเดือน- มีนาคม 2012
ทำให้ นายเจมส์ สไตน์เบิร์ก (James Steinberg) รัฐมนตรีช่วยว่าการกระทรวงการต่างประเทศ ของ
สหรัฐอเมริกาได้เดินทางเยือนจีนและได้เข้าพบปะหารือกับเจ้าหน้าที่ระดับสูงของรัฐบาลจีน โดย
ด้าน- เจ้าหน้าที่จีนได้ถ่ายทอดสารผ่านตัวแทนของสหรัฐอเมริกาไปยังรัฐบาลวอชิงตัน ใจความว่า
"ทะเลจีนใต้นั้น เป็นผลประโยชน์หลัก (core interest) ของรัฐบาลปักกิ่ง"จีน ได้จัดลำดับความสำคัญ
ของทะเลจีนใต้ให้เป็นผลประโยชน์ หลักของจีนเทียบเท่ากับไต้หวันและทิเบต และ ได้ประกาศ
อย่างเป็นทางการทั้งภายในและภายนอกประเทศว่า "รัฐบาลจีนไม่ปรารถนาที่จะเจรจาต่อรองใน
เรื่องดังกล่าว และจะ ไม่ยอมอ่อนข้อในการใช้กำลังทหารเข้าปกป้อง- สิทธิอธิปไตยเหนือดินแดน
เช่นกัน" การกระทำฝ่ายเดียวของจีน (Unilateral Action) ที่เกิดขึ้นในอาณาเขตทางทะเลบน
มหาสมุทรแปซิฟิก มีแนวโน้มจะเพิ่มมากขึ้นตลอดระยะเวลา 3 ปีที่ผ่านมา ผนวกกับการที่จีนได้
ปฏิรูปกองทัพปลดปล่อยประชาชนจีน (People's Liberation Army: PLA)ซึ่งวัตถุประสงค์ในการ
ปฏิรูปยังคงมีความคลุมเครือ พร้อมกันกับการเจริญเติบโต ทางเศรษฐกิจอย่างรวดเร็วของจีนในช่วง
ทศวรรษที่ผ่านมา นอกจากนี้ ยังปรากฏการดำเนินการทางทหารที่ยึดมั่น ตามหลักการของพรรค
คอมมิวนิสต์จีนที่มีต่อทะเลจีนใต้ อาทิ การประกาศห้าม รัฐชายฝั่งอื่นๆ ทำประมงในพื้นที่ ทะเลจีน
ใต้การจับกุมตัวลูกเรือและเรือประมงต่างชาติและการปะทะกับเรือญี่ปุ่นบริเวณหมู่เกาะเซนกากุ
ของจังหวัดโอกินาวา เหล่านี้ทำให้การแถลงการณ์ของจีนเรื่องผลประโยชน์หลักในทะเลจีนใต้มี
ความชัดเจนและ เข้มข้นมากขึ้น การที่จีนยกระดับผลประโยชน์ในทะเลจีนใต้ให้เป็นผลประโยชน์
หลักของจีนนั้น ได้กลายมาเป็น องค์ประกอบใหม่ของกรณีพิพาททะเลจีนใต้

การตอบโต้ของจีนอย่างแข็งกร้าวในช่วงระยะเวลาของผู้นำ สี่จิ้นผิงทำให้ หลายๆประเทศใน
ภูมิภาคหวาดระแวงว่า จีนอาจจะเป็นภัยคุกคามและกำลังก้าวร้าวมากขึ้นเรื่อยๆ โดยยุทธศาสตร์ของ
จีนช่วง 10 ปีที่ผ่านมา จีนได้ดำเนินนโยบายต่างประเทศต่ออาเซียน เพื่อให้ลดความหวาดระแวงจีน
ลง โดยสโลแกนของจีนคือ การผงาดขึ้นมาอย่างสันติ หรือ peaceful rise

กรณีพิพาทเกี่ยวกับหมู่เกาะสแปรตลี่ และการดำเนินนโยบายต่างประเทศของจีน ได้พยายามเสนอ
ว่า ข้อพิพาทต่างๆ ควรให้ประเทศคู่กรณีปรึกษาหารือกันเพื่อหาทางแก้ไขอย่างสันติ ส่วนสันติภาพ
และเสถียรภาพควรให้จีนกับประเทศอาเซียนร่วมกันพิทักษ์ เกี่ยวกับแนวคิดนี้ โดยจีนมีความตั้งใจ
ในการจัดการปัญหาทะเลจีนใต้ อีกทั้งมีมาตรการที่เป็นรูปธรรมและชัดเจน ซึ่งเป็นการให้คำตอบ
ต่อข้อพิพาทเกี่ยวกับปัญหาต่างๆในทะเลจีนใต้ ที่ประเทศอาเซียนต่างให้ความสนใจ

วัตถุประสงค์ของการศึกษา

1. ศึกษาถึงความสำคัญและสภาพของปัญหาการกล่าวอ้างกรรมสิทธิ์และอธิปไตยเหนือหมู่เกาะสแปรตลี่ของรัฐคู่กรณีพิพาททั้ง 6 ประเทศ

2. ศึกษาการดำเนินนโยบายต่อกรณีพิพาทหมู่เกาะสแปรตลี่ของจีนต่อประเทศคู่กรณี รวมทั้งผลประโยชน์แห่งชาติที่จีนได้รับในการดำเนินนโยบายเพื่อให้บรรลุเป้าหมายที่เกิดขึ้น

3. ศึกษาวิเคราะห์แนวโน้มความสัมพันธ์ระหว่างสาธารณรัฐประชาชนจีนกับอาเซียนในปัจจุบันได้

สมมติฐาน

การดำเนินนโยบายของจีนต่ออาเซียนต่อปัญหาการกล่าวอ้างกรรมสิทธิ์และอธิปไตยเหนือหมู่เกาะสแปรตลี่ของรัฐคู่กรณีพิพาททั้ง 6 ประเทศเป็นอย่างไรเพื่อลดความหวาดระแวงว่าจีนจะเป็นภัยคุกคามความมั่นคงต่อกลุ่มประเทศในอาเซียน จีนภายใต้ผู้นำ สี่จิ้นผิง ให้ความสำคัญต่อกลุ่มประเทศในภูมิภาคนี้มากน้อยเพียงไร และปัญหาดังกล่าวจะมีหนทางในการแก้ไขอย่างมีประสิทธิภาพอย่างไร

กรอบความคิด

การศึกษานโยบายต่างประเทศของจีนในสมัยเลขาธิการพรรคและประธานาธิบดี สี่จิ้นผิงต่อกรณีพิพาทเกี่ยวกับหมู่เกาะสแปรตลี่ ระหว่าง ค.ศ. 2012-2015 นำแนวคิดและทฤษฎีมาวิเคราะห์ ดังนี้

1. **ทฤษฎีสัจนิยมใหม่ (Neo-Realist)** ของ Kenneth Waltz Neo-realism เป็นทฤษฎีที่พัฒนามาจากทฤษฎี Realism แต่ทำให้เป็นระบบมาก ขึ้นและพยายามแก้จุดอ่อนของ Classical Realism เน้นการวิเคราะห์ระบบระหว่างประเทศจากการปฏิสัมพันธ์เชิงโครงสร้างและการพิจารณาหน่วยในโครงสร้างที่มีปฏิสัมพันธ์ซึ่งกันและกัน (interacting unit) โดยที่รัฐเป็นหน่วยที่สำคัญที่สุด โดยนักทฤษฎีคนสำคัญของ Neo-realism คือ Kenneth N. Waltz ในงานของเขา Theory of International Politics ค.ศ. 1979 ซึ่ง Waltz เสนอว่า โครงสร้างของระบบระหว่างประเทศมีองค์ประกอบ 3 ส่วน คือ

1) หลักการในการจัดระเบียบ (Ordering Principle)

2) การแบ่งงานของกันทำ (Differentiation of Functions)

3) การกระจายขีดความสามารถระหว่างหน่วย (Distribution of Capabilities) จากองค์ประกอบของโครงสร้างระบบระหว่างประเทศของตน ศักยภาพของรัฐแต่ละรัฐมีไม่เท่ากันทำ

ให้ความสามารถของแต่ละรัฐในการทำหน้าที่แตกต่างกันนำมาสู่การกระจายขีดความสามารถใน
ระบบไม่เท่ากันด้วย ท้ายที่สุด จึงนำมาสู่แบบแผนระบบระหว่างประเทศ (pattern of behavior) คือ
ระบบหลายขั้วอำนาจ (multipolar) ระบบสอง ขั้วอำนาจ (bipolar) และระบบขั้วอำนาจเดี่ยว
(unipolar) ฉะนั้น Neo-realism จึงให้ความสำคัญกับโครงสร้างอำนาจโดยพิจารณาจากการกระจาย
อำนาจที่เป็นอยู่ในระบบระหว่างประเทศ (Waltz, 1979) กล่าวโดยสรุป จากมุมมองมุมมองของ
ทฤษฎี Neo-Realism เมื่อระบบระหว่าง ประเทศปราศจากอำนาจศูนย์กลางทำให้รัฐอธิปไตยใน
ระบบระหว่างประเทศต้องรับผิดชอบตนเอง ซึ่งถือเป็นองค์ประกอบคงที่ที่ไม่มีการเปลี่ยนแปลงทำ
ให้ประเด็นสำคัญนั้นอยู่ที่องค์ประกอบที่สามก็คือ ขีดความสามารถของรัฐที่มีการเปลี่ยนแปลงได้
โดยการ เปลี่ยนแปลงของขีดความสามารถของรัฐหนึ่งๆจะสามารถส่งผลต่อการเปลี่ยนแปลง
โครงสร้างของระบบระหว่างประเทศ เช่น การเปลี่ยนแปลงจากระบบหลายขั้วอำนาจมาสู่ระบบ
สองขั้วอำนาจในช่วงสงครามเย็น หรือการเปลี่ยนแปลงจากระบบสองขั้วอำนาจมาสู่ระบบขั้ว
อำนาจเดียวในปัจจุบันย่อมส่งผลสำคัญต่อการแสดงพฤติกรรมของรัฐต่างๆในระบบระหว่าง
ประเทศทั้งสิ้น การศึกษาครั้งนี้จึงนำแนวคิด Neo Realist มาวิเคราะห์การรวมตัวระหว่างประเทศ
เป็นความร่วมมือในอาเซียนพัฒนาไปสู่การสร้างสถาบันจากล่างขึ้นบน (bottom-up) ดังนั้น ระบบ
ระเบียบในภูมิภาคจึงมีเพิ่มขึ้นจากการพึ่งพากัน (interdependence) ที่ขยายตัวมากขึ้น ผ่านการค้า
การลงทุน และการเชื่อมโยงระหว่างกันทางเศรษฐกิจ นักวิชาการแนวสถาบันนิยมแบบเสรีได้ท้า
ทายว่า นักสัจจะนิยมได้มองข้ามผลงานในการสร้างสันติภาพและ ความมั่นคงระดับภูมิภาคของ
อาเซียน อาเซียนมีความเชื่อมั่นและมีระดับความโปร่งใสที่สูงขึ้น อีกทั้งยังได้ลดความไม่แน่นอน
และความเป็นปรปักษ์ต่อกันในความสัมพันธ์ภายในภูมิภาคอย่างมีนัยสำคัญ ซึ่งไม่ได้เกิดจากการ
ถ่วงดุล หรือ บทบาทของสหรัฐ แต่เป็นกระบวนการสร้างสถาบันในหมู่ชาติอาเซียนเองต่างหากที่
ก่อให้เกิดความร่วมมือด้านความมั่นคงและเศรษฐกิจในภูมิภาคขึ้นมา

2. อำนาจ (Power) โดยเชื่อว่า สถานการณ์ระหว่างประเทศมีอิทธิพลต่อประเทศต่างๆและ
เป็นส่วนผลักดันให้รัฐกระทำการอย่างใดอย่างหนึ่งได้ Hans J. Morgenthau กล่าวว่า การเมืองเป็น
เรื่องของการต่อสู้แย่งชิงอำนาจและสังคมชุมชนระหว่างประเทศนั้นเป็นอนาธิปไตยแก่นของทฤษฎี
ดุลแห่งอำนาจ

1) การแย่งชิงอำนาจกัน ดังนั้นจึงต้องขยายอำนาจอย่างต่อเนื่องเพื่อที่จะใช้อำนาจเข้า
ครอบงำและปกครอง

2) การแย่งชิงดินแดนและเข้ายึดครองดินแดน

3) การมองโลกจากความเป็นจริงที่เป็นอยู่

4) การแสวงหาพันธมิตร เพื่อป้องกันการขยายอำนาจและดินแดนของฝ่ายตรงข้าม
และป้องกันอำนาจของตนเอง เป้าหมายคือ ความมั่นคงของชาติและรัฐเป็นหลัก

3. ผลประโยชน์ (National Interest) แนวคิดที่ใช้อธิบายปัจจัยที่เป็นแรงผลักดันในการ
กำหนดนโยบายต่างประเทศเป็นการศึกษาการแสดงออกของแต่ละประเทศว่าจะตอบสนองต่อสิ่ง
เร้าในการเมืองระหว่างประเทศอย่างไร เพื่อให้ได้มาซึ่งภาวการณ์ในสิทธิป้องกันตัว สิทธิการคงอยู่
การปกป้องการคุกคามจากภายนอก ความมั่นคงและสวัสดิภาพของประชาชนในชาติ โดย Charles
O. Lerche และ Abdul A. Said ได้อธิบายความหมายทางวิชาการไว้ว่า แนวคิดผลประโยชน์แห่งชาติ
ใช้เพื่อวิเคราะห์การเมืองและการที่มาของนโยบายโดยที่ผลประโยชน์แห่งชาติจะไม่มีลักษณะ
ตายตัวและสามารถเปลี่ยนแปลงได้ตามสถานการณ์ เวลา และ อุดมการณ์ของผู้นำ กระทำทาง
การเมืองโดยใช้แนวคิดดังกล่าวเป็นเครื่องมือในการอธิบายหรือประเมินแหล่มผลประโยชน์ยัง
สามารถเกิดขึ้นกับรัฐในระบบความสัมพันธ์ระหว่างประเทศ Hans J. Morgenthau ได้ให้คำนิยาม
ของผลประโยชน์แห่งชาติ หมายถึง "การที่รัฐหนึ่งดำเนินนโยบายใดๆโดยวัตถุประสงค์ที่จะ
ปกป้องอธิปไตย ระบบการเมือง เศรษฐกิจ ศาสนา ภาษา เชื้อชาติ ของตนไว้จากการรุกรานของชาติ
อื่นๆ รัฐต่างๆอาจดำเนินนโยบายความร่วมมือกัน แข่งขันกัน ถ่วงดุลหรือเป็นพันธมิตรโดยการ
ช่วยเหลือซึ่งกันและกัน เพื่อให้บรรลุจุดมุ่งหมายโดยมองว่ารัฐจะดำเนินนโยบายต่างประเทศบน
รากฐานของผลประโยชน์แห่งชาติ และแต่ละรัฐจะกระทำทุกประการเพื่อรักษาผลประโยชน์ของ
ตนซึ่งผลประโยชน์นั้นเป็นตัวกำหนดการกระทำของรัฐที่ทำให้รัฐมีอำนาจ และอำนาจนั่นเองที่จะ
ทาให้สามารถควบคุมรัฐอื่นๆได้" โดย Morgenthau ได้กล่าวถึงปัจจัยที่ทำให้รัฐอื่นมีอำนาจ
เหนือกว่ารัฐอื่น ไม่ว่าจะเป็น ปัจจัยทางภูมิศาสตร์ ทรัพยากรธรรมชาติ สมรรถนะทางด้าน
อุตสาหกรรม แสนยานุภาพของกองกำลังทหารประชากร ลักษณะของชาติ ขวัญ กำลังใจของชาติ
ความสามารถทางการทูตและความสามารถของรัฐบาล

นอกจากนี้ยังมี Percy Corbett ที่ได้ให้คำนิยามของผลประโยชน์แห่งชาติเพิ่มเติมว่า หมายถึง
"เอกภาพในดินแดนและเอกราชทางการเมือง" ท้ายที่สุดแล้วผลประโยชน์แห่งชาติเป็นสิ่งที่ผู้นำ
ของทุกรัฐใช้ในการดำเนินนโยบายต่างประเทศกับรัฐอื่นๆเพื่อให้ได้มาซึ่งสิ่งที่ต้องการที่สามารถ
สร้างประโยชน์ให้แก่รัฐและคนในชาตินั่นเอง

เครื่องมือในการดำเนินนโยบายต่างประเทศ ที่สำคัญมี 3 ด้าน ได้แก่

1) เครื่องมือทางทหาร (Military Instruments) รัฐจะต้องมีขีดความสามารถทางทหาร
จึงจะใช้เครื่องมือประเภทนี้ได้ เช่น มีอาวุธยุทโธปกรณ์ เทคโนโลยีทางทหาร ความรู้ความสามารถ
และความเชี่ยวชาญที่จะใช้อาวุธเหล่านั้น วิธีการให้ได้มาซึ่งเป้าหมายที่ต้องการคือ เช่น สงคราม
การคุกคามทางทหาร การแข่งขันกำลังอาวุธ การซ้อมรบ

2) เครื่องมือทางเศรษฐกิจ (Economic Instruments) มีความสำคัญมากในยุคหลัง
สงครามเย็น ประเทศนั้นจะต้องมีขีดความสามารถทางเศรษฐกิจก่อนจึงที่จะใช้เครื่องมือนี้ได้ เช่น
ตลาดการค้า ตลาดการเงิน ตลาดลงทุน งบประมาณเพียงพอ รายได้ของประเทศเพียงพอ และมีขีด

ความสามารถทางทหาร เช่น สหรัฐฯโอกาสที่มีตลาดการค้าอันเป็นที่หมายปองของประเทศต่างๆ โดยเฉพาะประเทศกำลังพัฒนา สหรัฐฯจึงใช้เครื่องมือทางเศรษฐกิจบังคับให้ประเทศอื่นทำตาม ความต้องการของตน หากใครไม่ทำตามก็จะแซงชั่นทางเศรษฐกิจ (การแซงชั่นทางเศรษฐกิจ คือ มาตรการลงโทษทางเศรษฐกิจ เพื่อบีบบังคับหรือโน้มน้าวจูงใจให้ผู้แสดงบทบาทที่เป็นเป้าหมาย ปฏิบัติตามความต้องการของตน)

3) เครื่องมือทางการทูต/เครื่องมือทางการเมือง (Diplomatic Instruments/ Politics Instruments) จะใช้การเจรจาเป็นหลัก นอกจากใช้ในทางการเมืองแล้ว เครื่องมือทางการทูตยัง สามารถนำมาใช้ทางด้านการค้า ทางเศรษฐกิจและทางทหารได้อีกด้วย การที่จะมีเครื่องมือทางการ ทูตหรือทางการเมืองได้ดีจะต้องเจรจาเก่ง สามารถพูดโน้มน้าวใจได้ดี ที่สำคัญ นักการทูตจะต้องมี ความรู้ความเชี่ยวชาญในสิ่งที่ตนเองไปเจรจา

ผลประโยชน์แห่งชาติที่สำคัญและเกี่ยวข้องกับการอ้างกรรมสิทธิ์เหนือหมู่เกาะสแปรตลี่ ดังนี้

- รัฐจำเป็นต้องรักษาการดำรงอยู่ของชาติ (Self-preservation) หรือการดำรงรักษาปัจจัย ความเป็นชาติ อันได้แก่รัฐบาล ดินแดน ประชาชน และ อำนาจอธิปไตย นั่นคือ การที่รัฐที่เกี่ยวข้อง กับการพิพาทในทะเลจีนใต้ถือว่าตนมีอำนาจอธิปไตยเหนือดินแดนในทะเลจีนใต้ ซึ่งหากต้อง สูญเสียไปย่อมหมายถึงการเสียผลประโยชน์แห่งชาติ

- การที่รัฐจะดำเนินความสัมพันธ์กับรัฐอื่นๆเพื่อให้รัฐของตนดำรงอยู่ต่อไป โดยแต่ละรัฐมี เป้าหมายของความมั่นคงปลอดภัย (Security) ด้วยการป้องกันและลดภัยคุกคามที่มีต่อรัฐ

- ทรัพยากรธรรมชาติที่มีอยู่บริเวณทะเลจีนใต้ เป็นปัจจัยสำคัญที่ทำให้รัฐที่เกี่ยวข้องต่าง รักษาไว้ซึ่งความมั่งคั่งของชาติเนื่องจากรัฐที่เกี่ยวข้องต่างอ้างกรรมสิทธิ์เหนือหมู่เกาะในทะเลจีนใต้ เพื่อครอบครองทรัพยากรธรรมชาติเพื่อตอบสนองต่อความต้องการของชาติ

วิธีการนำเสนอ

งานวิจัยชิ้นนี้เป็นการวิจัยเอกสาร Document Research โดยการศึกษาจากตำรา บทความ วิทยานิพนธ์สิ่งตีพิมพ์ตามกฎหมาย ข้อมูลทางอินเตอร์เน็ตรายงานการประชุมองค์การระหว่าง ประเทศที่เกี่ยวข้องกับกรีพิพาทในหมู่เกาะสแปรตลี่ ทั้งภาษาไทยและภาษาต่างประเทศ โดยวิธีการ ศึกษาโดยแบ่งการศึกษาออกเป็น 4 บท ดังนี้

บทที่ 1 เป็นบทนำที่กล่าวถึงที่มาและความสำคัญของปัญหา สมมติฐาน กรอบความคิด วัตถุประสงค์และขอบเขตการศึกษา

บทที่ 2 กล่าวถึงภูมิหลังและพัฒนาการท่าที จุดยืน ผลประโยชน์ และปฏิสัมพันธ์ระหว่าง
จีนกับอาเซียนตลอดจนในการดำเนินความสัมพันธ์ของจีนที่มีต่อประเทศในภูมิภาคเอเชีย
ตะวันออกเฉียงใต้ และผลกระทบของปัญหาข้อพิพาทเหนือหมู่เกาะสแปรตลี่

บทที่ 3 วิเคราะห์นโยบายต่างประเทศของ ผู้นำ สี่จิ้นผิง ต่อกรณีพิพาทหมู่เกาะสแปรตลี่

บทที่ 4 แนวโน้มในอนาคตของการดำเนินนโยบายต่างประเทศของจีนต่อกรณีพิพาทหมู่
เกาะสแปรตลี่

ประโยชน์ที่คาดว่าจะได้รับ

1. เพื่อเข้าใจถึงความสำคัญและสภาพของปัญหาการกล่าวอ้างกรรมสิทธิ์และอธิปไตย
เหนือหมู่เกาะสแปรตลี่ของรัฐคู่กรณีพิพาททั้ง 6 ประเทศ

2. เพื่อเข้าใจการดำเนินนโยบายต่อกรณีพิพาทหมู่เกาะสแปรตลี่ของจีนต่อประเทศคู่กรณี
รวมทั้งผลประโยชน์แห่งชาติที่จีนได้รับในการดำเนินนโยบายเพื่อให้บรรลุเป้าหมายที่เกิดขึ้น

3. เพื่อสามารถวิเคราะห์แนวโน้มความสัมพันธ์ระหว่างสาธารณรัฐประชาชนจีนกับ
อาเซียนในปัจจุบันได้

บทสรุป

ปัญหาข้อพิพาทในหมู่เกาะสแปรตลี่ จีนตระหนักดีว่าผลประโยชน์ของจีนทั้งทางการเมืองและ
เศรษฐกิจอาจได้รับผลกระทบ จีนจึงต้องปรับท่าทีให้เป็นที่ยอมรับของอาเซียนมากขึ้นการแสดง
จุดยืนด้านการทหารอย่างสร้างสรรค์ จีนยังคงมีข้อพิพาทเรื่องหมู่เกาะสแปรตลี่ในทะเลจีนใต้กับ 4
ประเทศในภูมิภาคนี้ คือ เวียดนาม บรูไน มาเลเซีย และฟิลิปปินส์ ผลประโยชน์ด้านการเมืองและ
ความมั่นคงอาเซียนมีความสำคัญต่อผลประโยชน์ทางด้านความมั่นคงของจีน พรมแดนที่ติดต่อกัน
ทำให้ประชาคมโลกเห็นว่าแม้จีนกับอาเซียนจะมีความแตกต่างก็สามารถอยู่ร่วมกัน นอกจากนั้นจีน
ยังต้องการให้อาเซียนลดความหวาดระแวงในประเด็นความขัดแย้งในหมู่เกาะสแปรตลี่

แนวโน้มความสัมพันธ์จีน-อาเซียนในอนาคต

จีนดำเนินนโยบายต่างประเทศต่ออาเซียนในการสร้างความเชื่อมั่น ความเป็นมิตร และความใกล้ชิด
ระหว่างกันผ่านกลไกความร่วมมือต่างๆรวมทั้งการยกระดับเป้าหมายในความสัมพันธ์ของทั้งสอง
ฝ่ายด้วยคติของการดำเนินนโยบายต่างประเทศโดยอาศัยหลัก **สันติภาพ เสรีภาพ และความมั่งคั่ง**
แนวโน้มการดำเนินนโยบายต่างประเทศของจีนยังคงพัฒนาความสัมพันธ์กับอาเซียนในเชิง
สร้างสรรค์และมุ่งเน้นที่จะบูรณาการความร่วมมือที่มีความหลากหลาย อย่างไรก็ตามจีนยังคงมี

เป้าหมายด้านการต่างประเทศที่ไม่เปลี่ยนแปลงประการหนึ่งคือ ความพยายามที่จะฟื้นฟูสถานะของ
ตนให้กลับมาอยู่ในตำแหน่งที่เป็นที่ยอมรับของนานาประเทศซึ่งปัจจุบันจีนยังคงเน้นการเป็นเพื่อน
บ้านที่ดีของเอเชียตะวันออกเฉียงใต้ ลดการเผชิญหน้าและหลีกเลี่ยงความขัดแย้งเพื่อจีนจะพัฒนา
ประเทศโดยไม่มีอุปสรรค

จีนประสบความสำเร็จในการพัฒนาเศรษฐกิจอย่างมากในช่วงหลายปีที่ผ่านมาตามนโยบายเปิด
ประเทศและอาศัยกลไกตลาดตามความคิดของอดีตผู้นำ เติ้ง เสี่ยว ผิง และสามารถพัฒนาการทาง
ทหาร เทคโนโลยี การเมือง รวมทั้งปรับปรุงนโยบายต่างประเทศให้ก้าวหน้าและสอดคล้องกับ
สถานการณ์ระหว่างประเทศในระดับพอสมควร แต่ความสำเร็จทางเศรษฐกิจและการปรับปรุง
กองทัพให้ทันสมัยจะทำให้จีนเข้มแข็งแต่มีผลกระทบต่อดุลอำนาจในภูมิภาคนี้จึงก่อให้เกิดความ
ขัดแย้งกับประเทศมหาอำนาจเดิมที่เสียผลประโยชน์ อย่างไรก็ตามจีนยังคงดำเนินนโยบายรักษา
ระบบการปกครองแบบสังคมนิยมโดยพรรคคอมมิวนิสต์จีนเป็นผู้ผูกขาดอำนาจการเมืองเพียง
พรรคเดียว ความขัดแย้งกับประเทศเพื่อนบ้านในกลุ่มอาเซียนที่จีนพยายามเรียกร้องดินแดนในทะเล
จีนใต้คืน ประเทศเพื่อนบ้านในกลุ่มอาเซียนจึงได้รับผลกระทบโดยตรงจากผลของการมีอำนาจมาก
ขึ้นของจีน

โดยปัจจุบันจีนยังคงเน้นการเป็นเพื่อนบ้านที่ดีของภูมิภาคเอเชียตะวันออกเฉียงใต้ลดการเผชิญหน้า
และหลีกเลี่ยงการขัดแย้งเพื่อที่ตนเองจะสามารถพัฒนาประเทศได้โดยไม่มีอุปสรรค แต่หากจีน
บรรลุเป้าหมายในการพัฒนาประเทศแล้วท่าทีของจีนที่มีต่อเอเชียตะวันออกเฉียงใต้จะเปลี่ยนแปลง
ไปหรือไม่โดยเฉพาะอย่างยิ่งในกรณีพิพาทเกี่ยวกับหมู่เกาะในทะเลจีนใต้จนอาจนำมาซึ่งความตึง
เครียดในอนาคต

จากการศึกษานโยบายต่างประเทศของจีนในสมัยเลขาธิการพรรคและประธานาธิบดีสีจิ้นผิงต่อ
กรณีพิพาทเกี่ยวกับหมู่เกาะสแปรตลี่ ระหว่าง ค.ศ. 2012-2015 พบว่า ข้อพิพาทในกรณีนี้มีความ
เกี่ยวข้องกับสมาชิกอาเซียนโดยตรง และมีแนวโน้มเป็นปัญหาใหญ่ในการอ้างการรักษาอธิปไตย
เหนืออาณาเขต และการอ้างกรรมสิทธิ์ การแก้ไขปัญหา คือ ในความเป็นจริงทุกประเทศต่างยึดหลัก
ผลประโยชน์แห่งชาติ (National   Interst) ของตนที่ต้องรักษา แต่การดำเนินนโยบายและแนว
ทางการแก้ไขข้อพิพาทร่วมกันโดยมีแนวทางการแก้ไขแบบสันติวิธี ความร่วมมือระหว่างกัน
มากกว่าที่ต่างฝ่ายต่างแก่งแย่ง การอยู่ร่วมกันโดยสันติจะสร้างประโยชน์แก่แต่ละประเทศมากที่สุด
ความพยายามแสวงหาความร่วมมือใช้ประโยชน์จากทรัพยากรในพื้นที่ทับซ้อนแม้ไม่มีข้อสรุปเรื่อง
อธิปไตย โดยอาศัยกระบวนการเจรจาตามกรอบพหุภาคี โดยมีอาเซียนเป็นหนึ่งในแกนสำคัญ

สามารถสร้างประโยชน์ร่วมกัน เช่น การทำประมง การใช้ทรัพยากรใต้ทะเล รวมถึงการให้ทหาร
หรือหน่วยงานความมั่นคงร่วมลาดตระเวนตรวจตราพื้นที่

Endnotes

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Law and
Good Governance

Cyber Warfare and International Humanitarian Law: Searching for Perception and Response of the Government of Thailand

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Abstract

The development of information technology leads to the use of cyber warfare in the time of armed conflict. The International Committee of the Red Cross has recognized the limitation of international humanitarian law on the use of cyber for war through Article 36 of Additional Protocol lI of the Geneva Convention which the state parties have an obligation to determine the development, acquisition or adoption of new weapon, means or method of warfare. The interpretation of this law is various by country and brings about the different understandings and reflected on the law of the state to defense the cyber attack. As the new threat of the world society, there is a trend to develop security measures against the cybercrime but in different perceptions. For example, The Government of Thailand plays attention to cyber space in term of the transnational crime and cyber terrorism rather than the protection of people under the law of war. Understanding perception and response of the Government of Thailand on cyber warfare will pave the way for the standardization of national laws and practice to international standards.

Keywords: International Humanitarian Law/Armed Conflict/Cyber Warfare/
Government of Thailand

Introduction

The development of the information technology takes our life to the living in virtual space on cyber system and rely on the information structures. (Swanson,2010: 305) On the one hand the widespread of the activities on cyberspace make the daily life convenience, on the other hand the such worldwide interconnectivity is the best choice for the criminal person to make a widespread damage. The threat of cyber attack not only be the risks in peace time, but also the security concerns in the time of armed conflict. (ICRC, 2015: 39) The occurring of Anonymous group on the cyberspace in the world society was threaten many governments. Nevertheless, the movement of the Anonymous is not the means and method of armed conflict therefore the cyber law which enforce to the cyber network activity can manage such cybercrime. But the cyber warfare which use as armed conflict is more complex than the cybercrime control in peace time. In time of war, the separation of civilian and military target is important. The civilian need to receive the protection and exclude from the military attack. Then the International Committee of the Red Cross take into

account that the cyber warfare in armed conflict is the new challenges for International Humanitarian Law.

The use of International Humanitarian Law on cyber warfare

In general, "cyber warfare", in term of international humanitarian law, refers to the warfare conducted in the cyber space through cyber means and methods. While "warfare" refers to the conduct of military hostilities in the situation of armed conflict (Melzer, 2011, p.4), "armed conflict" must include the non-international armed conflict which recognized as "civil war" and also the international armed conflict which recognized as "war". (Cullen, 2010, pp.21-22) Than the meaning of the "war" in International Humanitarian Law might different from the "war" which people understand in a normal sense.

Focusing on the law of war, the use of International Humanitarian Law refers to the law in two situations as follow:

1) Jus ad Bellum

Jus ad bellum or the law of recourse to force (Stahn, 2007, p.925) appeared in the Charter of the United Nations under article 2 (4) and article 51 as the core principles of the use of force. The article 2 (4) is the prohibition of the use of armed force of the state while the article 51 allows the use of force in case of self-defence. (Melzer, 2011, p.6) Therefore the cyber operations will engage to the form of "the threat to the peace", "breach of the peace" or "act of aggression". (Melzer, 2011, p.6) If the cyber attack threats the military network or information in peace time, it might lead to the awaking of armed conflict.

2) Jus in Bello

Jus in bello refers to the law governing the conduct of hostilities. (Stahn, 2007, p.925) Jus in bellois also known as the International Humanitarian Law. The principle of International Humanitarian Law to protect the civilians in time of armed conflict appears in the Geneva Convention (IV) 1949. The purpose of this international law is to protect the civilians as not the target of the military attack. The International Committee of the Red Cross (ICRC) recognized that cyber warfare as new challenge of the International Humanitarian Law where the most challenging concern is the protection of civilian in armed conflict. In fact, the ICRC concerns about the result of cyber warfare which destroy the infrastructure of the state and affect the physical damage, the way of life and the important data of civilian in the state. (ICRC, 2015, pp.40-44) The Estonian cyber attack in 2007 and the Georgian cyber attack in 2008were the examples of the cyber attack which accompanied armed conflict. (Sinopoli, 2012, p.36-40)

There is currently lack of certain international law concerning the protection of civilian when cyber warfare was used as the means and method in the time of armed conflict. There is only the article 36 of Additional Protocol I of the Geneva

Convention which the state parties have an obligation to determine the development, acquisition or adoption of new weapon, means or method of warfare. The cyber warfare will thus engage with the International Humanitarian Law when it was used to the armed conflict situation.

Despite of the opinions from the international humanitarian law scholars that the use of cyber warfare in the time of armed conflict was prohibited under the article 35 of Additional Protocol lI of Geneva Convention because it is unlimited and widespread.(Gervais, 2012, p.578)

The prospects of Thailand concerning cyber warfare and International Humanitarian Law

It is estimated that at least 90% of computer in Thailand have been infected with malware. (Bangkok Post, 2015) The Electronic Transactions Development Agency (ETDA) reveal that in the year 2015 the governmental organization's website is the large target of the cyber attack for 81.56 percent or the range 2nd of ASEAN less than Indonesia. The groups are cybercrime group, terrorist group, anonymous group and the cyber army. (Komchadluek, 2016) Lt Gen Suttisak Slakcom, a Defence Ministry adviser said "Thailand is the one of the world's top ten target for cyber security attacks and a haven for cyber terrorism". (Bangkok Post, 2015)

The concern on a cyber-threat led to the making of policy in Thailand. In fact, Thailand has a draft policy framework for National Cyber security B.E. 2558 or Cyber security Master Plan which the Ministry of Defense of Thailand has approved such draft. (Bangkok Post, 2015) Under this master plan, the national cyber security has three kinds of purposes 1) the protection measure which includes the cooperation network between government organizations 2) the suppression measure and the safeguard policy 3) the strengthening of the policy and operation organization. (Thairath online, 2016)It is noticed that the national framework on cyber security came from the military government of Thailand where the national security is concerned as a main strategy.

In addition, Thailand has the draft of National Cyber security Act B.E....which in Section 3 gave the definition of cyber security as "means measures and operations that are conceived in order to maintain national cyber security, enabling it to protect, prevent or tackle circumstance of cyber threats which may affect or pose risks to the service or application of the computer network, internet, telecommunications network, or the regular service of satellites in ways that affect national security, which include Military security, domestic peace and order, and economic stability." *(http://www.thainetizen.org and http://www. ictlawcenter. etda. or.th, 2015) This

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* *Unofficial translation by Thai Netizen Network (March 2015), the draft approved by the Cabinet on 6 January 2015.*

provision could be interpreted that Thai government did not separate the law in peace time and war time. The rationale of this draft act also emphasizes that the government's concern on the development of information technology which could led to an environment susceptible to cyber threat and crime. Therefore, the Thai government needs to prepare the protection measures to encounter the cyber threat as affecting the national security, military security and domestic peace and order. This rationale is similar to the definition of cyber security appeared in Section 3 of the draft Act.

Section 35 (1) of the draft Act gives the power to the officials "to gain access to information on communications, either by post, telegram, telephone, fax, computer, any tool or instrument for electronic media communication or telecommunications, for the benefit of the operation for the maintenance of cyber security". (http://www.thainetizen.org and http://www.ictlawcenter .etda.or.th, 2015) Section 36 also provides a prohibition measure of disclosing or passing the information but the public still concern about the rights to privacy (Manager Online, 2015)as well as the threat for the media.(Committee to protect journalists, 2015) Beside, the policy of single gateway of Thai government is the most discussed issue in Thai society related to the right to privacy. The provision to access to the private data needs to protect the security if it necessary, but the application of such measures in the peace time might disturb the rights of the people. Therefore, it need to clarify the application of such measure or separate the time to use this measure in two levels; firstly, the measure in war time to protect the information of military and the civilian but this will reduce the level of the protection of human rights and secondly ,the application of this measure in peace time must concern the right to privacy of people rather than the national security which threatens the freedom of the people.

Even Thailand military section works together with the ICRC, it still need the understanding about the new technology of warfare as well as the basic principle of the International Humanitarian Law. On 12 November 2014,thereis the ICRC workshop for the Thai military to discuss about the new technology of warfare and the new challenges for the armed conflict (ICRC, 2014) but it still does not appear any legal in strument which represents the measures to protect civilian in the armed conflict by means and method of cyber warfare. Furthermore, the Thai army has a plan to establish the Armed Forces Cyber Community to encounter the cyber attack. (Intravudh, 2016) As Thai government has a perception that all cyber threat must controlled by the same rule where the international armed conflict or even non-international armed conflict did not happen in Thailand. Therefore, the Thailand does not have a precise law to apply in the time of armed conflict. The Thai government will enforce the same law in peace time and in time of armed conflict. Only some laws concerning the human rights which will not have a full protection in emergency situation. The response of Thai government was shown that the national security is important rather than human rights in emergency time.

The challenges of cyber warfare in International Humanitarian Law

In the 32[nd]International Conference of the Red Cross and Red Crescent at Geneva on 8-10 December 2015, there was a concern about new challenges of International Humanitarian Law and cyber warfare and the main issues of concern highlighted by the ICRC are (ICRC, 2015, pp.40-44):

- The challenge in safeguarding essential civilian infrastructure against cyber attacks. The use of cyber warfare to destroy water and the electricity supply will definitely affect the survival of the people. Nevertheless, the definition of "attack" which related to the kinetic operation might exclude the espionage and the operation to interfere with civilian communication system. (ICRC, 2015, pp.41-42)

- The challenges in protecting cyber infrastructure on which essential civilian infrastructure relies. In order to protect the civilian in time of war, it is need to separate the military target from the civilian target. Normally, the cyber infrastructure of the state is impossible to differentiate between pure civilian and pure military cyber infrastructure. Most of military cyber network rely on the civilian cyber infrastructure. (ICRC, 2015, p.42) Both the communication and the transportation which connect to the cyber network of the civilian and military are in the same system. Therefore, it is difficult to clarify that what is the military target or the civilian infrastructure.

- The challenge in protecting essential civilian data, such as the tax system, the bank account and security data. The limitation of the attack which refers to the physical activity or kinetic operation might be a key factor for new international measure. (ICRC, 2015, p.43)

- The necessary of the legal review of cyber capabilities. States need to review the specific measure for the cyber warfare which is unlike the conventional warfare and upgrade their software security system. (ICRC, 2015, pp.43-44)

Apart from the concerns of ICRC, there are some issues needed to ensure before establishing new international law concerning the cyber warfare as follows:

- The accurate understanding concerning the concept and the definition of cyber warfare. The widespread of cybercrime attacking the cyberspace users might mislead the people as well as the states. If the states encounter the criminal group and include the cybercrime as the war on cyber, this situation might not be accepted as "war" in international law and instead out of the scope of the International Humanitarian Law.

- The difficulty of the separation between military target and civilian target leads to the law or policy of the state to control all over the cyber network system of the nation. The use of strict law concerning cyber network will affect the feeling of the people and also the concerning of privacy right. If the state misunderstands the precise definition of "war" and take the security concern in peace time rather than the protection of civilian in time of war, this will make a conflict between the people and state. The protection of human rights in peace time and the protection of civilian in war time are based on different situations and time. If we use the law of war in the peace time, the protection people have under human rights could be abused.

- Under the article 36 of Additional Protocol I of Geneva Convention which limits the development, acquisition and adoption of new weapon, means or method of warfare is an obligation of the state party, ICRC has viewed that the prohibitions and restrictions on means and method of warfare may be found in customary international law. (ICRC, 2006: 932) Then this article must apply to the operation of the non-state actor as well as another state even they are not the party of the Additional Protocol I and difficult to apply in practice. It appears that the application of the International Humanitarian Law to the non-state actor still be the problem according to the limit of the monitoring system, the method to enforce the law and the clarifying of the commander of such group. In fact, considering cyber warfare as the means or method of warfare has been prohibited according to the International Humanitarian Law. When the private group destroy the military target in means and method of cyber warfare need to be included in this regard. It will be more difficult to enforce the law of war to the virtual system despite of the possibility to track the IP or site of such group because it need to identify the real person or group who use this warfare.

Conclusion

Even the conventional international armed conflict has decreased, the development of new technology for warfare is still going on and challenge the protection of people under the international humanitarian law. The use of cyber warfare in armed conflict is the new challenge of International Humanitarian Law. According to the limitation of the existing law, it is needed to create the precise global standard as an international law. The perception and response of the Government of Thailand on law and policy represent the national security rather than appropriate measure to this particular situation. Besides, the clarification of civilian and military target on the cyberspace is still necessary for the legal review in order to eradicate the gap of the law which benefits both military and civilians.

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Effective Case Management Information System: A Key Cornerstone of Good Governance in the Judiciary

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Abstract

This paper examines how the use of a Case Management Information System (CMIS) in the Court of Appeals, the second highest court in the Philippines, can contribute to the promotion of good governance in the judiciary. Using the definition of governance by the United Nations Development Program (UNDP) as the framework for analysis, the study links how the features and functionalities of the court's automated system has demonstrated improved access to information, transparency and timeliness of case disposal. It will also describe how the leadership in the Court of Appeals played a key role in the success of this initiative.

Keywords: Management Information System/ Good Governance in the Judiciary/ Court of Appeals/ Philippines

Introduction and Background

Long litigious judicial process and delayed justice have characterized the Philippine judiciary for a long time. It is estimated that litigation in the Philippines takes about 12 to 15 years from the filing of the case in the trial court until it reaches final decision in the Supreme Court. Anaverage of 2-5 years are spent in the trial court, another 5 years at the Court of Appeals and additional 5 years at the Supreme Court.[1]In a speech delivered by Associate Justice Antonio T.Carpio before the Integrated Bar of the Philippines in 2012, he says *"Trials should ideally take not more than two years to finish. At present, 21% of trials take 2 to 5 years to finish, and 13% take more than 5 years to finish. On the other hand, cases should ideally be decided as prescribed by the Constitution: not more than 24 months for the Supreme Court, not more than 12 months for all other appellate courts, and not more than 3 months for all other 3 lower courts, all counted from the date of submission for resolution of the case."*[2]

There is an accepted legal maxim that "Justice delayed is justice denied." A highly congested court impairs the timely delivery of social justice because litigants are deprived of a speedy resolution of their cases. It also hinders economic development because delays in case resolution translate to increased cost of doing business due to high litigation cost.

The court faces several challenges in the area of dispensing justice in a timely manner. Foremost is the sheer volume of cases that justices and judges have to resolve within a prescribed time period. To make matters worse, some courts have no judges

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[1] Atty. ZenaidaOngkikoAcorda, *"Fundamentals of Mediation" (presentation delivered during 2013 Office for Alternative Dispute Resolution Anniversary entitled "The ADR: The Modern Trend in Resolving Conflicts," Manila, December 17, 2013)*

[2] *Associate Justice Antonio T. Carpio, "Judicial Reform in the Philippines" (speech delivered during the Central Luzon Regional Convention of the Integrated Bar of the Philippines, June 29, 2012)*

while some areas have no courts. Indiscriminate filing of cases and the lawyers' excessive use of dilatory tactics also contribute to judicial delays. Delays are further made worse with the voluminous and archaic rules of procedures that govern the judiciary. With all of these problems translated into delayed case resolution, aggrieved parties suffer most which eventually results to diminished public confidence in the Philippine judicial system.

Notwithstanding other issues like corruption allegations and flip-flopping of decisions, case delay has been the focus of the judiciary's reform efforts. Under the leadership of then Chief Justice HilarionDavide from 1998-2005, the Action Program for Judicial Reform (APJR) was conceived in order to build "a strong foundation for the long-term development of the judicial branch and to reform the system of the judiciary to meet the challenges of the times."
(http://apjr.judiciary.gov.ph/apjr_about.html accessed on April 18, 2015)

The APJR contains the following six components, namely (1) judicial systems and procedures, (2) institutional development reforms, (3) human resource development, (4) reform support systems, (5) institutional integrity development, and (6) access to justice by the poor. All these components sought to address issues on case congestion and delay, budget deficiency, politicized system of judicial appointments, lack of judicial autonomy, human resource development issues, and dysfunctional administrative structure and operating systems, insufficient public information and collaboration with society, perceived corruption in the judiciary and perceived limited access to justice by the poor.(Ibid, 2015)

As articulated in the APJR, reform challenges facing the judiciary include, among others, the need to have direct support and action from various players and that reforms must be founded on achieved consensus of various organizations and agencies and in accordance with their capacity for change (Ibid, 2015), thus recognizing the importance of good governance as a strategy for change.

The good governance framework is likewise echoed in Chapter 7 of the Medium Term Philippine Development Plan (MTPDP) entitled "Good Governance and the Rule of Law" where the section specifically provides for a blueprint for reforms targeting on good governance and the rule of law in the justice sector.
This supports that good governance has become the main strategy of the Philippine government to bring about economic growth and development in the country. And this has cascaded not only in the executive and legislative branch but in the judiciary as well.

Objectives of the Study

This study looks at how the use of a Case Management Information System (CMIS) initiated in the Court of Appeals can contribute to the promotion of good governance in the judiciary. It will describe what CMIS is and how its features and functionalities can contribute to improved case management. It will then proceed to relate how improved case management can contribute to the overall strategy of improving good governance in the judiciary.

Scope and Limitations of the Study

Though automation efforts have been initiated in several courts like the Sandiganbayan and the Court of Tax Appeal, the paper will delve only with the Court of Appeals (CA). The CA was chosen due to the remarkable improvement in performance after more than two years of implementation and use of CMIS. This paper will not cover all functionalities and features of the program. Instead, it will focus on the key features of the CMIS as they relate to the improvement of good governance in the judiciary.

Conceptual Framework

History of the Concept of Good Governance

The idea of good governance stemmed from the important role the state plays as a positive "player" in economic and political development (Grindle, Merilee, 2013, p.3) Under the social contract theory, individuals agree to surrender their rights to the state in exchange for certain privileges and protection. British economist John Maynard Keynes also supports this theory advocating that government invest in public works and hire the unemployed to spur economic growth, thereby highlighting the importance of government intervention in the process. Further, academic literature during the 1950s-1960s fueled by the linear stages of growth theory recognized the central role of the state in capital formation to stimulate growth. However, due to the failure of the state to lead countries to economic growth and the emergence of market fundamentalism in the 80's where market was seen as far more superior in driving economic development, the popularity of the state as key driver to development waned. Support for state intervention also diminished when development practitioners led by international development agencies sought to reduce the role of the state in development and, somewhat later, advocated for strengthened civil society. (Ibid., p.4)

Sometime in 1990s, a recurring interest on the role of the state emerged when countries across the world experienced varying degrees of economic and political stability. While a small number of countries experienced rapid growth like Hongkong, Singapore, South Korea and Taiwan, others experienced rapid growth but with considerable amount of economic and political instability. This gave rise to a new paradigm called New Institutional Economics (NIE) which aimed to explain this variability, emphasizing on the key role institutions play as the fundamental determinant of economic and political development.

With the emergence of this theory, "this indicated in very important ways that the state, although often creating impediments to development, had also been rehabilitated; to the extent that the state embodied institutions or set the rules of the game for economic and political life, its activities were central to the development process. Not surprisingly, states that managed these tasks well were credited with good governance."(Ibid., pp.4-5.)

With public administration taking on as a distinct field of study and practice, it is not surprising that governance has gained support in contemporary public administration. "Many theorists in the field believe that the term governance is an organizing concept

that guides administrators as administrative practices shift from the bureaucratic State to what is called the "hollow State"or what Osborne and Gaebler (1993) call "third-party government. According to Frederickson and Smith, "Governance refers to the lateral and inter-institutional relations in administration in the context of the decline of sovereignty, the decreasing importance of jurisdictional borders and a general institutional fragmentation. Accountability for conducting the public's business is increasingly about performance rather than discharging a specific policy goal with the confines of the law"(UNESC, 2006, p.2).

Towards the latter part of the twentieth century, the word "governance" gained momentum when donor agencies, social scientists, philanthropists and civil society began applying the concept to study a wide range of issues, relationships and institutions involving the management of public and private affairs. The term governance best illustrates what government should focus on. Governance as a concept was further revitalized when donor agencies, like the World Bank and International Monetary Fund (IMF), and Western countries advised the countries of the former Union of Soviet Socialist Republics and the developing countries to undertake political, economic and administrative reforms and to practice good governance (Ibid., p.3)

United Nations Development Program Definition of Governance and its Key Elements

The United Nations Development Program (UNDP), in its 1997 policy paper, defined governance as "the exercise of economic, political and administrative authority to manage a country's affairs at all levels. It comprises the mechanisms, processes and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences."(UNDP, 1999, p.9) "Its essential characteristics are:

- (A) *Participation.* All men and women should have a voice in decision-making, either directly or through legitimate intermediate institutions that represent their interests. Such broad participation is built on freedom of association and speech, as well as on the capacity to participate constructively.
- (B) *Rule of law.* Legal frameworks should be fair and enforced impartially, particularly the laws on human rights.
- (C) *Transparency.* This concept is built on the free flow of information. Processes, institutions and information should be directly accessible to those concerned, and enough information should be provided to render them understandable and able to monitor.
- (D) *Responsiveness.* Institutions and processes should serve all stakeholders.
- (E) *Consensus orientation.* Good governance should mediate differing interests in order to reach broad consensus on the best interests of the group and, where possible, on policies and procedures.
- (F) *Equity.* All men and women should have equal opportunity to maintain or improve their well-being.
- (G) *Effectiveness and efficiency.* Processes and institutions should produce results that meet needs while making the best use of resources.
- (H) *Accountability.* Decision-makers in government, the private sector and civil-society organizations should be accountable to the public as well as

to institutional stakeholders. This accountability differs depending on the organization and whether the decision is internal or external to an organization.

(I) *Strategic vision.* Leaders and the public should have a broad and long-term perspective on good governance and human development, together with a sense of what is needed for such development. There should also be an understanding of the historical, cultural and social complexities in which that perspective is grounded."(International Fund for Agricultural Development, 1999, p.6)

Good Governance in the Philippines

In the Philippines, President Benigno Aquino III has articulated his platform with this mantra "*Kayo ang boss ko.*" This mantra shifts the focus of importance from those that served the public to the public as ultimate customer of public service.

The importance of good governance is likewise translated in Chapter 7 of the Medium Term Philippine Development Plan (MTPDP) where it outlines the necessary reform in the justice sector to support good governance and the rule of law. Specifically, it identified the establishment of a case monitoring system in the entire justice system where different case management systems in the justice sector are interconnected for efficient case management (Philippine Development Plan (PDP), p.225).

The Judiciary, on its part, has already begun automating their courts through the development of a Case Management Information System (CMIS) in the appellate courts beginning 2006 with the introduction of a CMIS in the Sandiganbayan, followed by the Court of Appeals (CA) in 2009 and Court of Tax Appeals (CTA) in 2010. Prior to this, a case flow management system was introduced in 2003 which was pilot tested in the lower court with the purpose of fast tracking cases to address case delay. On the other hand, a Case Administration Information System (CAMIS) developed by the Office of the Court Administrator (OCA) served as repository of case data and statistics.

Framework for Analysis

The framework for analysis in this paper starts off with guide questions on whether features and functionalities of the Court of Appeals Case Management Information System (CMIS) are able to address the 9 elements of good governance as defined by UNDP, namely, accountability, transparency, rule of law, efficiency and effectiveness, strategic vision, equity, consensus building, participation, and responsiveness. It will then proceed to determine whether these functionalities contribute to (i) increased transparency and accountability in judicial processes, performance and procedures, (ii) increased efficiency and effectiveness in the timely disposition of cases, and (iii) increased access to information by the public and key stakeholders.

To determine whether CMIS has improved transparency and accountability in court procedures, performance and processes, increased efficiency and effectiveness in case

disposal and improved access to information, the following key questions will be considered:

(1) On Accountability
a. Does CMIS enable court officials and personnel to be held accountable for their action?
b. Does CMIS provide performance measurement to enable the presiding justice to evaluate the overall court performance and performance of court officials and personnel?

(2) On Transparency
a. Does CMIS provide transparency in court transactions?
b. Does CMIS remove unnecessary discretion on the part of court officials and personnel?

(3) On Rule of Law
a. Does CMIS enable laws, rules and procedure to be consistently adopted and impartially enforced?

(4) Efficiency and effectiveness
a. Does CMIS streamline processes and procedures?
b. Does CMIS provide for monitoring and tracking of cases to enable the court officials and personnel to prioritize cases?

(5) Strategic Vision
a. Does CMIS provide for management reports that can be utilized for planning, budgeting and policy issuances?

(6) Consensus Building
a. Does CMIS enable parties, stakeholders resolve differing issues?

(7) Equity
a. Does CMIS provide the public and other key stakeholders equal access to information?

(8) Participation
a. Does CMIS enable the public and key stakeholders to participate in a consultative approach when key changes in rules and policies are initiated by the CA?

(9) Responsiveness
a. Does CMIS enable the CA to respond to the needs of the public in a timely manner?

Figure 1
Framework for
Analysis
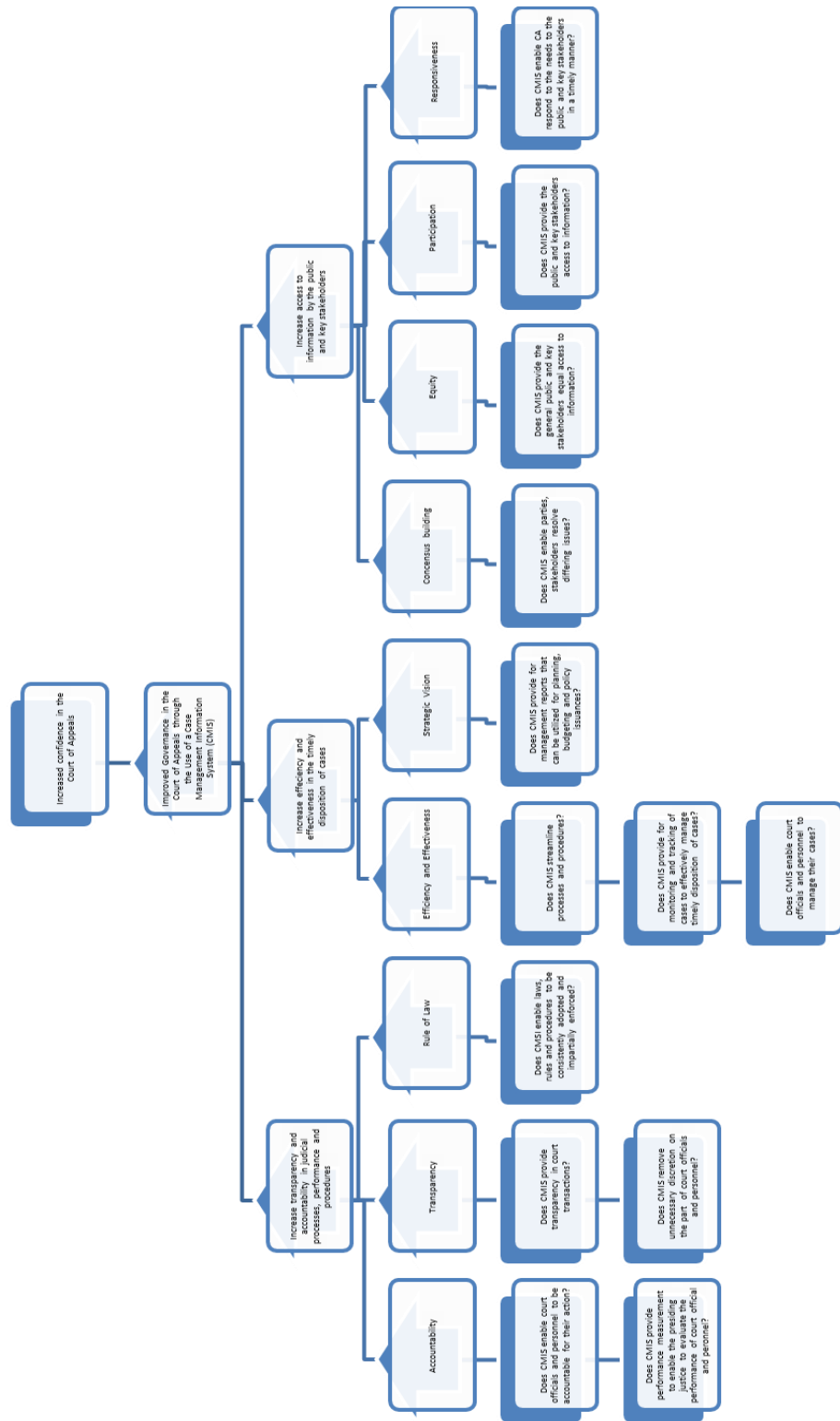
CMIS: A Judicial Reform Initiative in the Court of Appeals

The Court of Appeals.

The Court of Appeals is the second highest court responsible for the exclusive appellate jurisdiction over all final judgements, resolutions, orders or awards of Regional Trial Courts and quasi-judicial agencies, instrumentalities, boards or commission, including the Securities and Exchange Commission, the Social Security Commission, the Employees Compensation Commission and the Civil Service Commission. Section 9 of Batas ng Pilipinas (BP) Bilang 129 of 1981 provides that the CA shall exercise: 1) original jurisdiction to issue writs of mandamus, prohibition, certiorari, habeas corpus, and quo warranto, and auxiliary writs or processes, whether or not in aid of its appellate jurisdiction; and 2) exclusive original jurisdiction over actions for annulment of judgements of Regional Trial Courts. A presiding justices heads the 68 associate justices. It sits en banc or in 23 divisions of three justices each. The Court of Appeals has regional presence in Cebu and Cagayan de Oro.

General Case Flow Process in the Court of Appeals

A case filed in the Court of Appeals goes through six major stages from filing to disposal. The first stage involves the case initiation stage where receiving, classifying, recording of case information, assessment and filing of fees occur. The second stage involves raffling for completion of records of ordinary appeals. In the completion of records stage, the court completes all original records and other relevant information. In the study and report stage, the justices to which the case has been assigned for completion of records proceed to conduct research, hear and draft decisions or resolutions. Once decided, it goes to the disposition stage where the case is considered promulgated and justices issue decisions or resolutions. The post-decision stage is when parties appeal the court's decision through a motion for reconsideration or for a new trial or through an appeal taken in the Supreme Court. If none, an entry of judgment will be made and the case will be archived. Figure 2 illustrates the general case flow process.

Figure 2

General Caseflow Process in the Court of Appeals
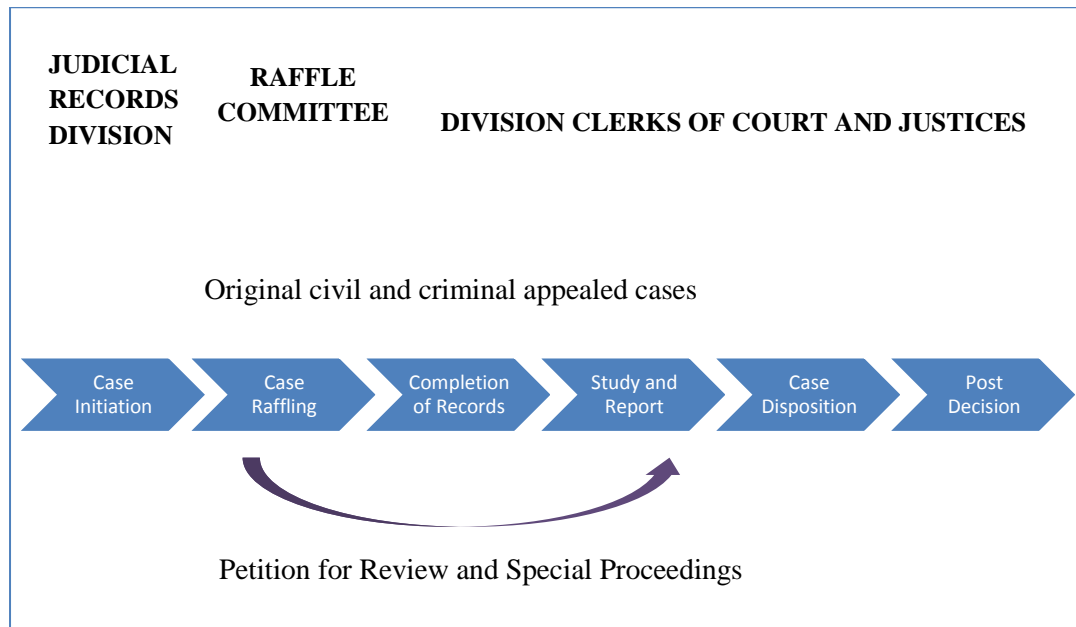
Performance of the Court of Appeals

Court performance is evaluated through the use of performance standards. The US National Center for State Courts have identified constituent survey, time to disposition, clearance rates, age of active pending caseload, employee satisfaction and reliability and integrity of case files as court tools that can be used to measure court performance in appellate courts (http://www.courtools.org). In the Philippines, court performance is evaluated through the use of clearance and disposition rate. Clearance rate is defined as the number of outgoing cases (or case outflow) as a percentage of the number of incoming cases (case inflow). Case inflow is the total number of cases filed in the court during a given period while case outflow is the total number of cases that have been disposed of during a given period (ABA ROLI, 2015, p.19). The purpose of using this indicator is to assess whether the court is able to keep up with its incoming caseload (http://www.courtools.org, April, 2016). Another performance indicator that is being used is the disposition rate. Disposition rate is the number of case outflow as percentage of the total caseload of a given period (ABA ROLI, 2015, p.19). The disposition rate provides the court insights on how it manages the flow of their cases. Taking together the clearance and disposition rate provide a picture of the court's ability to ensure the timely disposition of cases.

In 2008, the Court of Appeals had a clearance rate of 82%. Over the next six years, CA experienced more than 100% clearance rate reaching its peak in 2011 and 2012 at 117%. (See Figure 3) (ABA ROLI, 2008-2012). This implies that the court's capability to handle cases has been improving over the years.

Figure 3 Clearance Rate of the Court of Appeals, 2008-2014							
	2008	2009	2010	2011	2012	2013	2014
Outflow	9300	12662	13241	13045	13211	13052	12617
Inflow	11305	11569	12245	11118	11257	11554	11735
Clearance Rate	82%	109%	108%	117%	117%	113%	108%
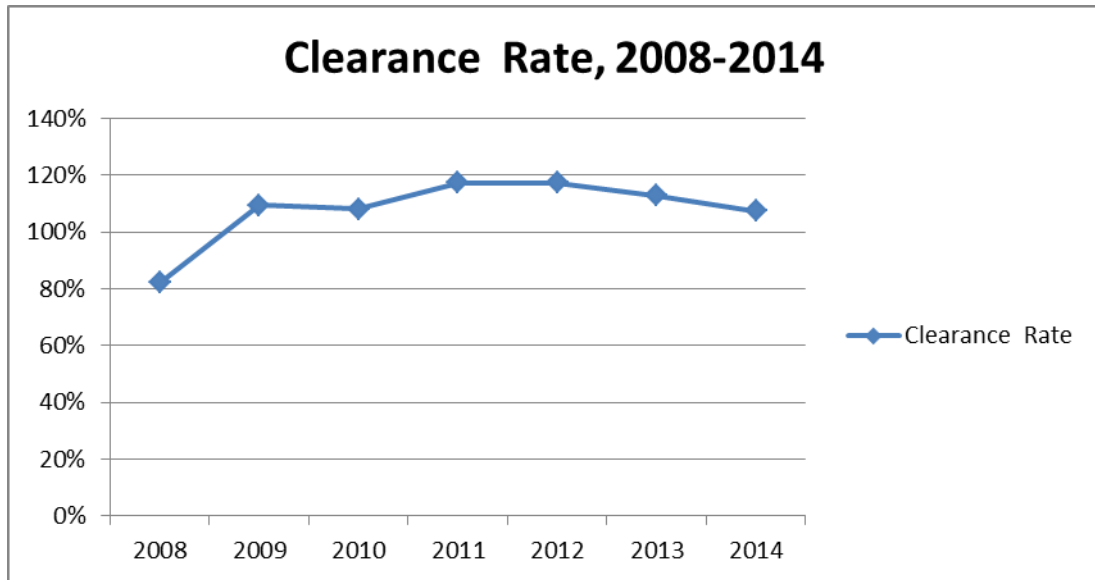
On the other hand, the court's disposition rate has changed minimally hovering from a low of 30% in 2008 to a high of 40% in 2010 and settling in at 37% beginning 2011 until 2014 up to 2014. (See Figure3) (Court of Appeals of the Republic of the Philippines, 2018-2012, pp.22-23). In 2013, the Court of Appeals reported a 37.25% disposition rate (Ibid., 2013, p.25). As of 2014, the Court's disposition rate remains approximately the same at 37%. Despite the high percentage of clearance rate, the appellate court is unable to drastically reduce its backlog due to a low disposition rate.

Under the leadership of Presiding Justice Andres Reyes beginning 2010, the Court of Appeals pursued aggressively the Zero Backlog Project (ZBP). On January 6, 2013, Presiding Justice Andres B. Reyes, Jr. formally issued a Memorandum to all the justices to implement ZBP based on their previous agreement during its December15, 2011 *enbanc session* (Ibid, 2012, p.36). The Zero Backlog Project aims to clear the appellate court's docket of all undecided submitted for decision cases as of 2010 and years below. A total of 2963 cases were given priority for disposal. By the end of 2014, 99.90% or a total of 2,960 ZBP cases were resolved (Annual Report of the Court of Appeals, 2014, p.25).

Figure 4: Disposition Rate, 2008-2014							
	2008	2009	2010	2011	2012	2013	2014
Disposition Rate	30%	38%	40%	37%	37%	37%	37%
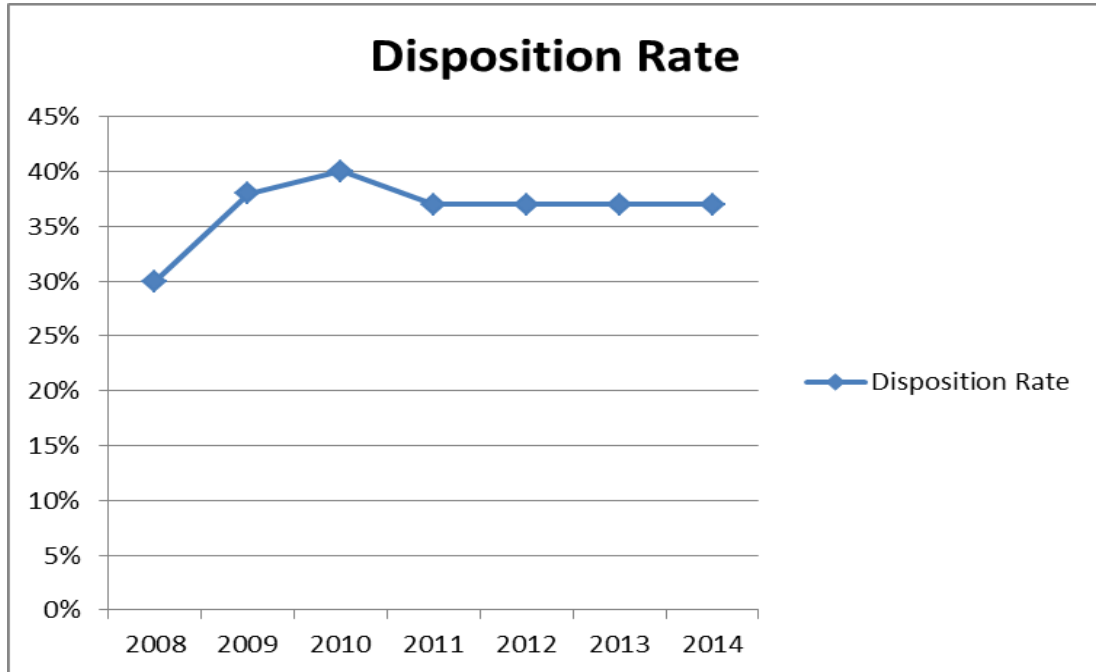
History of the Court of Appeals Case Management Information System Assistance

In 2006, the Court of Appeals through then Associate Justice Andres Reyes, the head of computerization committee requested assistance from the United States Agency for International Development (USAID) through the Rule of Law Effectiveness (ROLE) Project to introduce an automated Case Management Information System similar to that of the Sandiganbayan's. The envisioned CMIS seeks to introduce an application software specifically customized for the Court of Appeals to enable them to manage their caseload more efficiently.

Under the ROLE Project, USAID's assistance involved an assessment of the Court of Appeal's performance through the conduct of the closed case study, a business process review of the flow of cases within the jurisdiction of the CA, the development and installation of the application software, and training court officials and personnel on the use and maintenance of CMIS.

In order to engage the CA in a participatory approach, a technical working group (TWG) committee was created headed by the chairman of the CA computerization committee and supported by members coming from different court divisions. The TWG was responsible for working with ROLE in ensuring timely implementation of the assistance as well recommending policies to leadership in support of the initiative. To prevent automating unnecessary steps in the manual processing of cases in the Court of Appeals, the ROLE project conducted a business process review. The

business process review utilizes reengineering techniques commonly used in private companies where an analysis and redesign of workflows are conducted prior to any automation that will be done. In the past, the traditional approach towards automation in government centered on translating manual operations to an automated system without any careful review whether such manual operations are deemed efficient or not. As a result, no significant changes were noted. By conducting a business process review, redundant operations are removed and processes are streamlined. A business process review also provides opportunities for the project implementers to consult with the internal stakeholders on their concerns and translate these concerns into specific recommendations for leadership to address. This approach towards court automation supports the new public management school of thought where private sector techniques are applied in the bureaucracies to ensure efficiency, economy and effectiveness.

The resulting recommendations in the business process were then translated into functional specifications which programmers use as guide as they develop the program. The functional specifications determines how the Case Management Information System will function through its features.

Though such an approach to reform from conducting a business process review to the development and implementation of the CMIS seemed to be seamless, implementation of the reform was a challenge. The first version of CA CMIS launched in 2009 containing the recommendations from the business process review was met with resistance due to issues on data validation, amount of work needed to complete all data fields, the lack of adequate infrastructure and technical issues, among others. As a result, the CA struggled to effectively capitalize on the benefits of an automated system. To address the implementation issues of the CA, USAID, through its implementer, the American Bar Association Rule of Law Initiative (ABA ROLI) commissioned a software company to evaluate the technical issues of CMIS in order to develop a strategy for implementation so that the benefits of an automated system can be achieved. The assessment noted the abundance of unnecessary data that are stored that slows down the entire docketing process, low data integrity due to poor database and user interaction design, the lack of audit trail making it impossible to track changes done by which user, system deficiencies, incomplete data, inefficient workflow and the resistance of some CA staff personnel who refused to use computers, who are more comfortable with the manual process and consider the use of the current system as additional work as some processes have not been fully automated.

With the above recommendations, the CA CMIS version 2 was subsequently launched under the leadership of Associate Justice Andres Reyes who has been appointed presiding justice taking on automation as his platform in removing case backlog in the CA. CA CMIS version 2 was likewise introduced in the Regional Courts of Appeals in Cebu and Cagayan de Oro. Subsequent enhancements on CA CMIS version were also added.

CMIS and its Functionalities and Features

Case Management Information System (CMIS) is a management tool that seeks to enable the court to plan, organize and assume better control over the flow of the case from filing to its disposition. It seeks to improve court efficiency by reducing court delays, promote transparency and accountability, and increase public access to justice. An effective caseflow management system ensures that the function of the court is accomplished, provides for fair treatment of all litigants by the court, ensures that the time established for disposition is consistent with the nature of the case, enhances the quality of the litigation process, and in stills public confidence in the court (Caseflow Management Guide, p.4).

The CA CMIS contains the following features:
    1. **Audit trail**. Audit trail serves as an added security measure to protect the integrity of the information stored in the CMIS. Through the audit trail, any change of information stored in the system is reflected, and the person introducing such change is identified and the date of the change is recorded.
    2. **Automatic generation of management reports**. CMIS automatically generates management reports (e.g., list of active criminal/civil cases, list of disposed cases, list of archived cases, etc.). Through the use of these reports, the court leadership is better able to manage the court's docket and assess court's performance.
    3. **Tasks notification and alert features**. To help court officials manage and prioritize cases, the systems alerts the users of the tasks due through the dashboard or through the calendar. It also allows the user to provide his or her own timelines or due dates guided by time standards set into the system to enable him or her to respond to urgent matters in a timely manner.
    4. **Barcode Feature.** CMIS is able to easily track or locate case files through the use of barcode.
    5. **Electronic raffling of cases.** Cases are electronically raffled by the system for randomness and equitable distribution of cases.
    6. **Dashboard.** Each user has a home screen or a dashboard containing pertinent information regarding his/her own tasks (e.g.reminders, tasks/actions due or overdue, and case statistics). This information enables him/her to organize and plan important tasks ahead. For the Justices' module, a menu of information regarding the total number of his/her pending cases, cases ripe for decision, and case ageing are prominently displayed in his/her dashboard. This information is intended to assist the Justices manage their current caseload and to prioritize activities. The Presiding Justice, however, has a commanding view of all the caseload of all the Justices giving him a quick snapshot of the overall current workload and pending tasks.
    7. **Predefined templates and automatic computation of fees**. CMIS has predefined templates for automatic computation of fees, giving the cashier station the ability to make quick assessment of filing fees.
    8. **Case recording and updating of case events**. CMIS is able capture relevant case details and updates case events by key court officials and personnel making it faster to retrieve case information.
    9. **Public kiosk and website.** Information on the status of a case filed in the Court of Appeals can be viewed in the kiosk which can be found at the one-stop shop in the Court of Appeals

CMIS Contribution to Good Governance in the Court of Appeals

Given the above descriptions of CA CMIS features, in what way do these functionalities contribute to (i) improved accountability and transparency in judicial processes, performance, and procedures; (ii) increased court efficiency and effectiveness in the timely disposition of cases; and (iii) increased public's access to information?

Increased transparency and accountability in judicial processes, performance and procedure

One of main issues that the Court of Appeals faces is corruption. Corruption can come in the form of providing or revealing relevant case information to interested party in exchange for a fee or deciding of cases in favor of a specific party. Indiscriminate issuances of TROs without merit also adds to the list of accusations of graft and corruption hurled against the Court of Appeals.

Though the system is unable to directly detect erring justices, court officials or personnel guilty of corruption, CMIS provides sufficient information and mechanism to trace any form of tampering in case information. The audit trail features enables the system to determine who among court officials and personnel made changes in the case information making it easily detectable to find out who among users have deliberately made malicious changes to the automated case record. Since not all court officials and personnel have access to the CMIS, leakage on sensitive case information only available to specific user can be readily traced by the system administrator who knows the access of users.

To improve accountability and transparency among court officials and personnel, CMIS is able to generate reports on overall court performance, individual justices' performance and other ad hoc reports through its flexible search feature, thereby enabling the Presiding Justice to effectively manage his court. As every case incident is reflected in the case information, one is will be able to look at the movement of the case and determine whether actions required per case incident are acted upon in a timely manner and no inexplicable disparity by court officials or personnel is noticed that can indicate bias towards certain individuals or groups.

CMIS is also able to assign tasks and assignments due to users thereby enabling court officials and personnel to be accountable and aware of his or her responsibilities. Through the barcode feature, case files that have been "mistakenly" lost can easily traced.

With the introduction of electronic case raffling in the Regional Courts of Appeals, randomness of case assignment is assured knowing that manual intervention during raffling of case assignments is minimized. Through an electronic raffling of cases where algorithms are used to randomly and equitably assign cases to justices, CMIS lends credibility and integrity on the court process.

Since time standards, (e.g. the statutory requirement of providing the court 365 days to decide on a case counted from the submission of the last pleadings set and the completion of records, issuance of notice to file brief and filing of said brief by

parties, and time to promulgate and enter judgement, among others) are integrated into the CMIS, discretion of court officials and personnel on how these can be interpreted and applied is removed thereby application of relevant laws and rules of procedure are consistently and uniformly applied in all cases by court officials and personnel.

Increased Court Efficiency and Effectiveness in Case Disposition

Prior to automation, the Court of Appeals implemented manual procedures when recording the entry of case files and documents, different offices use different log books or excel files to capture similar information. This results to repetitious tasks and different recording methods which could have been avoided if a centralized recording of information was created. Due to back and forth of case files as court staff records case information, there are also instances when case records have been reported missing or took some time to be located. This is because the manual process for document tracking is susceptible to loss as well as degradation of files.

Attending to parties query on the status of their cases or even internally from justices and clerks of court on significant update on the status of case record completion took considerable time as   case files or records were not necessarily within reach or immediately found. Sometimes, deadlines for sending notices to parties, memorandum, orders, resolutions and other case action are missed due to the lack of monitoring mechanism throughout case processing.

With the CMIS able to electronically record and store relevant case information and incidents, court personnel on specific offices are now able to encode relevant case information in the CMIS without the need for a logbook. Once encoded, the system automatically captures the information for used by other offices requiring exactly the same information. This results to the removal of redundant tasks and provides for a paperless process. Barcoding of cases also enables the CA to monitor the movement of case files from one office to the other making retrieval of case records easier and traceable. Predefined templates and automatic computation of filing fees enables the cashier to provide a quick and accurate assessment of fees, thereby speeding up the process. Dashboard provides court officials and personnel a snapshot of cases that are overdue and require action. Through the alert features, court officials and personnel are able to manage their case as they can customize alerts for specific action or task in order that they can act on a case within the prescribed period as afforded by the law and the rules of procedure. CMIS report generation feature likewise spares the court staff responsible for data collection and report submission several days and even months of manual preparation which can still be subject to human error and inaccuracy. Through the report generation and flexible search feature, what normally takes days of preparation has been shortened to just a few minutes and even seconds. Reports on the court's performance also provide leadership substantial data to plan for additional budget and make policy recommendations for improved court operations. CMIS also counts the number of days when a case is due for decision through its alert features thereby enabling justices as to know which among his or her cases are ripe for decision. This is further strengthened by the additional alerts found in the system where timelines are recorded in accordance with court-identified deadlines and those determined by the internal rules of procedures. The alert feature reminds the users of tasks and case actions that are due thereby providing lead time to act on the case.

Increased Access to Case Information by the Public and Key Stakeholders

In the past, access to case information was a challenge. Some parties have resorted to bribery utilizing their network of friends and relative in the CA to enable them to determine the status of their case. Others spend a day in court as they move from one office to the other in order to obtain the information that they seek. For those in the provinces, parties resort to long distance calls as opposed to personally going to court to find out the status of their case.

With the streamlined recording process and the ability of the system to store relevant case information, court personnel are able to provide case details immediately to parties needing relevant information through the CMIS. Court officials are now able to respond to public's queries in a timely manner. Promulgated cases are automatically uploaded in the CA website for the viewing public to read. The availability of the status of cases in the CA's website or in the kiosk located in the CA premises equalizes the opportunities of the citizenry to have access to case information through different technological means as one does not need to know anybody in court to have access to case information. The ability of CMIS to capture relevant information and case incidents, provide alerts and monitor time standards removes discrimination against the poor as these features are available to all cases. CMIS also supports the implementation of the one-stop shop in the Court of Appeals in Manila which significantly reduced the time spent in receiving cases. The one-stop shop provides a venue for filer to go from one window to the other to process the receipt of the case from the initial assignment of case number to the automatic computation of filing fees without having to go from one office to the other to complete the filing of case. This has significantly reduced the amount of time spent from a typical 15 minutes to an hour to 5 minutes. Responses to case inquiry has also been reduced to 1 to 3 minutes.

With the above observations of the functionalities of the CMIS and its benefits, it is clear that an automated system of case processing holds a lot of promise in improving good governance in the judiciary. Since its implementation, the court has shown remarkable improvement in performance. Prior to the introduction of the CMIS in 2008, the Court of Appeals has a clearance rate of 82%. In 2012, two years after its implementation, the CA's clearance rate reached a record high of 117%.What is also worth noting is that prior to CA's automation efforts, the court had active cases dating back to 1983. After its implementation, the Court of Appeals has minimal number of cases older than 2012.Though one cannot attribute the performance of the Court of Appeals solely on its CMIS, CMIS had provided the Presiding Justice a tool to push forward his zero-backlog project (ZBP). Though the Zero Backlog Project was initiated by previous leadership, it is only with the administration of the current presiding justice that significant improvements on court performance have been noted. Prior to the introduction of CMIS, monitoring of court performance was problematic. Manually completed reports were unreliable and reporting compliance was low. With the information readily available in the CMIS, the presiding justice was now equipped with a management tool that will enable him to manage his court effectively. In an interview with justices in regional stations in Cebu and Cagayan de Oro, they reveal that they have developed a healthy competition among themselves as they become conscious of each other's performance asa result of the presiding justice close monitoring. Through strategic leadership, capable support staff and constant

dialogue with key personnel, the Court of Appeals has effectively capitalized on the benefits of an automated system.

Conclusion

To a certain extent that CMIS was able to contribute to increasing transparency, accountability and efficiency, much is left to be desired for increased access to information by key stakeholders and the citizenry. Though information may be available in the website or kiosk, case information remains limited to status of the case and copies of promulgated cases. If one visits the website of the Court of Tax Appeals, one can see a substantial amount of information particularly on the history of the case readily available to the public. Reports on CA's performance are also not readily available for the public to view. Features that allow for automated feedback in the website or even through a dropbox remain absent. The court also has yet to draw in support from civil society, NGOs and other institutions if it is serious in pushing for good governance. Though efficiency, effectiveness and economy may have been improved, the core values of representativeness, responsiveness, and responsibility as enshrined in the principles of management have yet to be established. Any differing issues that key stakeholder may have like the lawyers, the academe, civil society, NGOs and the like with the Court of Appeals cannot be resolved as no consultative mechanism for consensus building has been created. To unlock the potential of CMIS not only as a transparency and accountability tool but as tool for consensus building, the Court of Appeals should focus on placing new and improved channels of citizen's access and participation for good governance to flourish in court. A few examples would be providing more case information or making available managements reports on court performance in its website or in its kiosk, conducting consultation with the academe, IBP and other key stakeholders in determining what information can be made available to the public and how CA can further improve its service and developing materials and brochures on its automation efforts for distribution to the public to increase public's awareness on the reforms initiated by the court. A feedback mechanism either through the website or through a dropbox in the one stop shop can also increase citizen's participation. An active participation from the public can help bring about changes to the public's impression of the court as the citizens are brought on board the court's reform process.

Although automation may have shown remarkable development in improved processes and performance in the CA, it is still not a panacea for improved governance. Technology just serves as a tool to enable things to be done better, faster and economically. Automation needs to be complemented with other judicial reforms for good governance through improved policies and procedures as may be enshrined in the law or in the Rules of Court. Governance requires consistent application of laws and governing rules and visionary and strong leaders to strictly enforce them. From the learnings of the automation experience of the Court of Appeals, one is able to glean how technology and good governance can go hand in hand. With the initial success of this reform process, it is no wonder that the Supreme Court has taken on an active role in pursuing automation reform effort court-wide.

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The Legal Measures of Professional Sports between ASEAN Countries: A Case Study of Professional Soccer

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Abstract

This article is aimed to study legal measures to solve the problem of the trademark infringement under the ASEAN Economic Community integration (AEC) between 2557 to 2559, Specifically, to study the effects and the measures of trademark infringement on professional soccer in some countries in the AEC, especially Malaysia and Thailand. The scope of this article is the intellectual property trademark infringement of soccer jerseys. As region group nations, the AEC aims to urge economic growth and social progress among its members. Likewise, the AEC member nations have formed an action plan which is aimed at transforming the economic environment into an innovative and competitive marketplace through properly enforced intellectual property trademark. The main problem discovered with this research is the trademark infringement with soccer club jerseys. This is the most important issue that many countries in the AEC are faced with in the area of the soccer business.

The research found that the problem of soccer club jersey trademark infringement obstructed the development of confidence in the foreign investor in theses AEC members which is linked to the strength of intellectual property trademark infringement enforcement as a way to increase higher competitiveness among the other Southeast Asia countries. The characteristics of trademark infringement in illegal soccer club jerseys production in the AEC are listed as follows; 1) Abuse of trademark which is illegal and unauthorized uses of the trademarked IP without permission. 2) Passing off bogus club jerseys as genuine products. 3) Counterfeit of trademark is the most reported type of IP infringement. 4) Imitation of the trademark which not only misled the public to believe that the trademark is real. Furthermore, the infringements let consumers to believe the different of club jerseys were of lower quality or misbranded, damaging the club loyalty through the careless production of products of dubious quality. The importance of clubs' logo to the fans indicates that consumers buy specific/certain club jerseys in an effort to associate themselves with that club. The fans desired to wear that specific/certain club jersey on game day to show community support to their favorite specific/certain club. A major source of motivation for infringement on the trademark of the fraudulent manufacturers and suppliers is directly related to a lower cost of the manufacturing and distribution of fake jerseys as oppose to the manufacturing and distribution of real, high quality and legitimately licensed jerseys. Then, the damage from the various infringements affects negative economic impact on the countries studied. Therefore, member countries of the AEC should solve the problem of the differences in their domestic laws regarding intellectual property in trademarks. This is so that the laws of the AEC supersede the laws of the member nations in regards to IP trademark law. Currently, the trademark

owners are required to register for the trademark protection of rights in their own country before they export the trademark products. However, legal binding trademarks registration would not be affected in other countries. For this reason, the AEC member nations should be a party to the Madrid Protocol and revise domestic laws and regulations to prepare for related issues that will occur. The registrations of trademarks in one country of the AEC affect all countries in the AEC as a way to manage these types of IP trademark problems. Meanwhile, the AEC members should enforce both civil and criminal penalties of intellectual property infringement and share the proceedings through intellectual property arbitration. Registration of the same or similar trademark form should be written in one language is an option to solve these problems.

It is suggested that some institutions which are related to intellectual property and the ASEAN Working Group on Intellectual Property Cooperation (AWGIPC) should study the advantage and disadvantage of joining in the Madrid Protocol. Moreover, border control in ASEAN countries is another solution in cases where the infringing jerseys are believed to be imported to the AEC and exported from other countries without enforces IP law. Border control through customs detention is possible if the customs authorities in question have an adequate system of import/export record. Nevertheless, trademarks are an essential part of the identity of goods and services. They help in delivering brand recognition and also help in the building trust, reputation and goodwill for the soccer club involved, as well as playing an important role in their marketing and advertising. A trademark, thus, can become an important asset with significant monetary value for any soccer club.

Keyword: Professional Soccer/ Trademark Infringement/ Jersey / Professional Sports Governance/ ASEAN

Introduction

Association football, also known as soccer is popular around the world, including Thailand and ASEAN countries. The management of the competition was under the rules of the Federation International de Football Association (FIFA) and Asian Football Confederation (AFC). It can be seen that soccer is considered as a professional sport which has been very popular in ASEAN. There are different leagues such as Thai premier league which compete in Thailand, M-league or Malaysia super league in Malaysia, V-league or officially known as Vietnamese national football champions league and etc.. Meanwhile, the development of a professional soccer increased the domestic economy dramatically. For this reason, the growth of professional soccer has many ways to make money for the club. One of them is a club jersey selling. In addition, Marketing played an important role in club income. A brand logo or branding are involved in the professional soccer competition which makes the business grow rapidly.

As a regional grouping, ASEAN aims to accelerate economic growth and social progress among its members, through the promotion of regional peace and security and through fostering stability in a region with a population of over 600 million and spanning almost 3 million square kilometers (ASEAN IPR SME Helpdesk, 2014). It can be seen from the integration of the member countries of ASEAN has prepared a roadmap for the establishment of the AEC (ASEAN Economic Community Blueprint)

which is an economic plan for the region. Likewise, AEC seeks to turn the region into a single market and production base with the official catch phrase "One Vision, One Identity, One Community", much like the European Union (EU).One of the main objectives is to make ASEAN becomes high competitiveness region. Besides, AEC has six major components to be highly economies region are as follow: (1) competition policy, (2) consumer protection, (3) intellectual property rights (IPR), (4) infrastructure development, (5) tax incentives, (6) electronic commercial (กรม ประชาสัมพันธ์, 2555). In the same way, The ASEAN nations have formed an action plan which is aimed at transforming the region into an innovative and competitive one through the use of IP (Intellectual Property).There were five strategic goals that were identified for 2011–2015 (1) A balanced IP system, (2) Development of national or regional legal and policy infrastructures, (3) Advancement of the interests of the region through the systematic promotion of IP creation, awareness and utilization, to ensure that IP becomes a tool for innovation and development, (4) Active regional participation in the international IP community and, (5) Intensified cooperation among ASEAN members.

Intellectual property makes a creative economy, valuable and revenue that can be used as a tool to generate high competitiveness. In regard to the protection of intellectual property in ASEAN began to play a major role because it has become a part of economic, society and culture development of the country. Trademark infringement is one of the most important issues that many countries in ASEAN are faced with in the area of soccer business. Trademark infringement in club jersey is the unauthorized use of a trademark on or in connection with club jersey in a manner that is likely to cause confusion, deception, or mistake about the source of the goods. Currently, many trademark owners are confronted with this harsh reality too late and only when their branding has been already copied or registered to local parties.

Intellectual property infringement in the trademark impacted entrepreneurs. There are a lot of illegal sale of sportswear and souvenirs of the soccer club that counterfeit or imitated trademark of the club. They sold domestically and around border. Moreover, the merchant also export to other countries. It can be seen that the clubs not aware of their own intellectual property infringement as expected. This will affect the economic value of the club. Thus, the issue of abuse is affecting the development of the domestic economy and foreign investment as well.

Thus, researchers need to study the criteria for trademark protection in soccer within ASEAN. In order to relate to the objectives of integration of ASEAN economic community which bring about the development of the professional soccer in Thailand to advance equal to other regions. Furthermore, the result will guide to the appropriate protection of intellectual property as a tool to make ASEAN as a high competitiveness region.

Objectives

The purposes of this study are
  1. To study the principles, concepts and theories of the protection of trademarks under ASEAN Economic Community integration.

2. To study the effect under the measures protection of trademarks, particularly of professional soccer in ASEAN.
3. To find ways to prepare for the protection of trademark in professional soccer in ASEAN.

Methodology

This article is a qualitative research and methodology is divided into two categories:

(1) A documentary research is the use of outside sources, documents, to support the viewpoint or argument of an academic work.

(2) A field research is a tools and methods for collecting data. The researchers chose interviews from the key informants by using a purposive sampling. This have been conducted with club executives, club managers, law firm, merchants, trademark owners and consumers. The questions are related with the content of the interview that accord to the objectives of this research.

Trademark and its Importance in Southeast Asia (ASEAN IPR SME Helpdesk, 2013)

The Association of Southeast Asian Nations, or ASEAN, was established in 1967 in Bangkok by Indonesia, Malaysia, the Philippines, Singapore, and Thailand. Since then, Brunei, Vietnam, Laos, Myanmar and most recently Cambodia joined, putting in place what is at present the ten Member States of ASEAN. The goal of the ASEAN Economic Community (AEC) was regional economic integration in ASEAN by 2015. The AEC envisaged the following key characteristics: (a) a single market and production base, (b) a highly competitive economic region, (c) a region of fair economic development, and (d) a region fully integrated into the global economy. Thus, many challenges related to the protection of valuable intellectual property (IP) across the AEC (ASEAN IPR SME Helpdesk, Supra note 1).

Trademark is one of the types of intellectual property. This article focused on a trademark (logo of the club and sponsor) which was a distinctive sign and identifies certain jersey by a soccer club. Trademark is an essential part of the identity of goods and services because of their deliver brand recognition, for example it distinguish soccer club from the competition (WIPO, 2013). Moreover, it also helps to build trust, reputation and goodwill ofsoccerclub as well as play an important role in marketing and advertising. More than that trademark, thus, has become an important asset with significant monetary value for a club.

What is trademark infringement?

A trademark is an exclusive right, which means that it gives its holder the right to exclude (stop) others from using the mark. It is a "mark" (word, phrase, symbol, design, mark, device, or combination thereof) used to identify the source of a product and to distinguish them from the goods of others. Where copyright doesn't expand to things such as names, colors, typefaces, designs, etc. trademark does or at least can (Represent education center, 2015).

The central idea is "confusion in the marketplace." The law protects against consumer confusion by making sure that the marks on the same or similar products or services are sufficiently different. The owner of the trademark in an infringement case generally must prove:

1) It possesses a valid mark
2) That someone else used the mark
3) That the person used the mark in business, "in connection with the sale, offering for sale, distribution or advertising "of goods and services; and
4) That the person used the mark in a manner likely to confuse consumers.

Registration of a trademark provides the rights holder with an exclusive right to exploit that mark within the geographic territory in which it has been registered, whether this be for direct commercial use, or licensing activities and so on. Exclusive right of trademark owner in Thailand provides protection in section 44 of Trademark Act B.E. 2534 (Thai Trademark Act B.E., 2534) that *"Subject to Sections 27 and 68, a person who is registered as the owner of a trademark shall have the exclusive right to use it for the goods for which it is registered"*.

While in Malaysian Trade Mark Act1976 (Law of Malaysia Act A1138 Trademarks (Amendment), 2002) enacts exclusive right of trademark owner in according to Section 35 provides that *"Rights given by registration (1) Subject to the provisions of this Act, the registration of a person as registered proprietor of a trademark (other than a certification trademark) in respect of any goods or services shall, if valid, give or be deemed to have been given to that person the exclusive right to the use of the trade mark in relation to those goods or services subject to any conditions, amendments, modifications or limitations entered in the Register."*

The above comparing firmly indicated that both exclusive rights of trademark law come from registration; this is because both countries are joining with TRIPs Agreements which all members in WTO should have legally binding their own legal system and accepted principle in intellectual property law (http://repository.nida.ac.th/). Moreover, the intellectual property rights are linked to a relationship with academic research and industrial sectors.

The Intellectual Property Protection of Logo on Soccer Club Jersey

Intellectual property protection has many types of consideration which was due to associate with the international agreement such as Trade-Related Aspects of Intellectual Property Rights (TRIPS). Soccer clubs act as businesses as have therefore recognized the value of intellectual property rights (IPR's). IPR's within soccer have become an extremely important asset, as is the case for many modern commercial businesses. The growth of commercial recognition within soccer and the reliance upon IPR's such as Copyright and Trademark can be shown by Buriram United., as the soccer club with the biggest development in ASEAN (http://thaipublica.org/2015/10/tpl-4/).

The jerseys are protected in several categories, such as the protection of intellectual property to copyright and trademark at the same time. The club logo on the jersey will be protected by trademark or not, people must consider the definition of the word "Mark" first. Then, distinguish of logos showed the club appearance which was

different from other sign or logo. This caused to protect commercial interests of trademark owners in their clubs as well as added value to the reputation of the trade.

Perspective of Law in Trademark Infringement on Soccer Club Jersey under Thai and Malaysian Law

An IP rights holder must register separately in every country in which it seeks protection. Simply filing one application directly in their own countries was not protected their trademarks in several countries. If manufacturers and suppliers counterfeited, imitated, and imported trademark in jersey in order to sales and offer to sell, they will get penalties as follow; According to Section 107 of Thai Trademark Act B.E. 2534

> *"Any person who makes a false statement to the Registrar or Board in an application, opposition or other document filed concerning an application for registration, amendment of a registration, renewal of a registration or cancellation of the registration of a trademark, service mark, certification mark or collective mark or a license pertaining to a trademark or service mark shall be liable to imprisonment not exceeding six months or a fine not exceeding ten thousand baht or both".*

Another type and penalty of trademark protection relied on section 108 of Thai Trademark Act B.E. 2534

> *"Any person who counterfeits a trademark, service mark, certification mark or collective mark registered in Thailand by another person shall be liable to imprisonment not exceeding four years or a fine of not exceeding four hundred thousand baht or both".*

Finally,Section 109 of Thai trademark act B.E. 2534 described that

> *"Any person who imitates a trademark, service mark, certification mark or collective mark registered in the Kingdom by another person in order to mislead the public into believing that it is the trademark, service mark, certification mark or collective mark of such other person shall be liable to imprisonment not exceeding two years or a fine of not exceeding two hundred thousand baht or both".*

While the protection of trademark law in Malaysia, appeared in the Trademarks Act B.E. 2519 (was amended in B.E.2537).To be protected, it must be registered as a result of the ownership of the club logo on the jerseys that has exclusive rights to the trademark. Another person or another enterprise may not be available unless the owner or user is only allowed. The registration of a trademark in Thailand and Malaysia has a term of ten years protection from the date of registration. Trademark infringement in Malaysia owners can take legal action both civil and criminal. The civil lawsuit can be filed with the court civil within six years. The court may order as follow; 1) the owner of the trademark may apply to the court to stop or refrain. 2) destroyed or altered the jerseys from its original conditions. 3) pay such compensation in such much as the court thinks fit to those owners. While, owner of the trademark can take legal criminal by the Malaysian Enforcement Division under Ministry of Trade and Industry. The penalties are in Trade Marks Act 1976; those caught for

producing counterfeit products, upon conviction is liable to a fine not exceeding one thousand ringgit or to a term of imprisonment not exceeding three years while companies can be fined up to twenty-five thousand ringgit.

It is clear that both Thailand and Malaysia provided criminal penalties for infringement. Nevertheless, in case of trademark infringement across the country in ASEAN, there is no agreement to solve this issue. For example, in the studied, researcher met counterfeit jersey of Chiang Rai United which was sold at Tachileik market; a border town in the Shan State of eastern Myanmar. Therefore, the ASEAN members should consider this problem.

Characteristics of trademark infringement in soccer club jerseys in ASEAN

1) Abuse of trademark which is illegal and unauthorized uses of the trademarked IP without permission.
2) Passing off bogus club jerseys as genuine products.
3) Counterfeit of trademark is the most reported type of IP infringement.
4) Imitation of the trademark which not only misled the public to believe that the trademark is real.

Results

One of three pillars to bring about an ASEAN Community intended to create a substantial prosperous and highly competitive economic region is called ASEAN Economic Community. Intellectual property is a part of important concerning issue, especially infringement and enforcement within domestic law. This research focuses on counterfeit a trademark in jersey in Thailand and Malaysia. As trademark infringement is a violation of the exclusive rights, however, counterfeit trademark in jersey are rapidly spread around in open markets. This may effect on ASEAN economy which can be a barrier to trying to be approach highly competitive economic region as its objective.

Although, the intellectual property protection can reinforce ASEAN's economic growth, the obstacle of development ASEAN's regional trade liberalization and economic integration still came from infringement. This research was studied within the scope of trademark infringement in soccer products. The impact of infringement of trademark was decreased revenue of right holder who has exclusive rights. In addition, violation of trademark protection led to destroy brand owner's motivation which can create and improve their products. The effectiveness of trademark protection can make a decision and good reputation on investors who interested in invest their business in ASEAN region. This study found that most type of trademark infringement of jersey is from counterfeits a trademark. An interview with lawyers who work with Orion Investigations Co., Ltd shown that most of the time to sell counterfeits trademark in jersey were in the competition period. Entrepreneur and sellers counterfeit a trademark in various soccer leagues jersey at many areas, such as in front of Rajamangala National Stadium.

An interview with entrepreneur and sellers in Sport Authority of Thailand market found that the main reason of infringement of entrepreneur and sellers was selling

counterfeits trademark. An interesting issue was entrepreneur lack of knowledge and misunderstands in intellectual property law. As we can see that they paid money monthly to anonymous who claim themselves to being government officers and guarantee arrestment. Moreover, most entrepreneur and sellers considered that paying is remuneration which can change from their counterfeits products to be legal products.

It is clear that infringement of trademark lead to negative effect on ASEAN economic community, hence, this problem should be solved in many processes. For example, The AEC has no "Community Trade Mark (CTM)" in order to harmonization of trademark law. Then, AEC should study about Community Trade Mark regulation from the European Union and Madrid Protocol system in order to construct the appropriate system.

Another important issue is trademark infringement across a border. ASEAN should take into account the fact that abuse influences the criminal process. For instance, Thailand has not signed the convention on the mutual assistance in criminal proceedings in ASEAN which is an agreement provides mutual assistance in the investigation, prosecution and other processes related to criminal matters in member countries. But Thailand has signed a treaty on Mutual Assistance Agreement in criminal to the United Kingdom. Therefore, this will also force including in Malaysia and Singapore because they in the Commonwealth. Thus, it can see that in ASEAN is lack of agreement on Mutual Assistance in Criminal Matters.

Conclusion and Suggestion

Soccer has moved increasingly further away from its public origins and is run as a business. The attractive income comes from products selling in soccer club such as scarfs, bags, especially jerseys. Club logo is protected by trademark which is an important key for fans club to make a decision to buy. Soccer fans are the customers of the clubs and very different relationship between other companies. Many of the customers have an extreme sense of loyalty, pride, and passion in regards to the club, which has been developed and nurtured from an early age.

ASEAN members should study and take advantages of Community Trademark in the European Union to find out the best solution for ASEAN region. Moreover, accession to Protocol relating to the Madrid Agreement Concerning the International Registration of Marks by all ASEAN countries. In consequence, it will possible to file a single application in one signatory country in order to apply for a trademark protection in multiple signatory countries. While it is expected that the AEC harmonization will significantly drive the regional economy and attract foreign investment, implementation of the AEC might have an unforeseeable impact on ASEAN countries and will definitely present a host of challenges. Furthermore, Mutual Assistance Agreement in Criminal is essential for ASEAN in order to achieve ASEAN Region of justice.

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Growth and Development

Organizational Development Assessment of a Collaborative Rural Development Initiative: Knowledge Capture and Strategic Change Management

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Abstract

An organizational development analysis undertaken for the National Convergence Initiative for Sustainable Rural Development (NCI-SRD) in the Philippines adopted a knowledge management framework within a strategic change management process. The results yielded important strategic issues and strategies as options for the future of this government rural development initiative.

Based on knowledge capture employing action research the potential looks optimistic for NCI as an institution that will mainstream Convergence as a strategy for sustainable rural development in the countryside and even in other areas in the country, towards poverty reduction, increased incomes, and management of life forces. Such potentials outweigh NCI's current weaknesses. This study therefore recommends that the NCI adopts knowledge management in a strategic change management process to act towards transforming its current state of organizational management into a more effective institution, thereby working towards its stability as an organization and a precursor of development strategies within the local areas.

A seemingly muddled understanding of function, role and mandate of NCI and other organizational weaknesses expected of a collaborative initiative show the need for knowledge capture through review, reflection, and taking action in a regular strategic planning process. Some options are offered by the study towards a vision and action of institutionalizing Convergence as a strategy for rural development, which can be adopted through a strategic change management approach.

Keywords: Strategic Change Management/ Knowledge Management/ Organizational Development Analysis/ Participatory Action Research/ Convergence/ Rural Development/ Philippines

Introduction

Reform and the Concept of Change in Public Management

In the Public Administration parlance, "change" has often been associated with reform. Some scholars have considered the newer models or paradigms of Public Administration as "Reformist" as these aim to assess public administration systems in terms of effectiveness and the outcomes they produce, more than just the outputs of program or project or activity implementation. These include the Reinventing, Reengineering, and the New Public Management.

In the last two decades, Osborne and Gaebler (1993) have called on governments to radically change the ways they provide services from the bureaucratic model to a more entrepreneurial type, characterized by flexibility and creativity. Relatedly, Hammer and Champy (1993) championed the reengineering process in government organizations. Similar to Osborne and Gaebler's reform reinventing government model, their idea of reform is that of a "fundamental rethinking and redesign of business processes to achieve dramatic improvements in critical contemporary measures of performance, such as cost, quality service, and speed" (Hammer and Champy, 1993, p.32).

However, most scholars of Public Administration have reckoned the concept of reform in the general taxonomy models of "New Public Management" (EROPA Local Government Center, 2004, p. iii). In the same vein, Ocampo (2003, p. 151) has hinted somewhat on the "superiority" of the New Public Management model over the Reengineering and Reinventing models since the former (referring specifically to Business Process Reengineering), he says has "limited application in the public sector, quoting Drucker as saying that government is "not a business".

Dunleavy and Hood (1994) contend that New Public Management is concerned with the best use of resources in pursuit of objectives that are subject to change. Hence, this outlook characterizes "management" as a "new" way of conducting the functions of the state as opposed to traditional "administration", which is more concerned with the review of law in an area of public life, its enforcement, and the making of decisions on cases that are submitted to the public service. In this regard the term Public Management is preferred when discussing changes in structures and processes and organizational development, as in this paper. Corroborating this, Pollitt and Bouckaert (2004, p. 8, cited by Ongaro, 2009) refer to Public Management Reforms as consisting of "deliberate changes to the structures and processes of public sector organizations with the objective of getting them (in some sense) to run better."

No doubt, change has been an underlying theme in organizational development and studies on reform and considered by practitioners as a necessary route towards growth for organizations, including public organizations. Managing for change has been a rational and deliberate strategy adopted by managers in order for organizations to stay germane and to become a dynamic learning model that continuously reinvents itself.

Managing and Planning for Change

In managing organizations and any type of reform program steered towards any theory of change that an organization decides to adopt in fulfilling its functions, one popular approach has been the system, or more specifically, the open system concept. Katz and Kahn (1966)'s theoretical model for organizations is that of an "energic input-output system in which the energic return from the output reactivates the system". In other words they consider organizations as open social systems whereby the inputs of energy in the system and the conversion of output into further energies loops back into further energic input, initiating a renewed cycle. The foundation of this energic nature of the input-output system of an open system theory can be traced to Bertalanffy's postulate, which associates systems with "wholeness" (Bertallanfy, 1968, p. 37). A systems approach to analyzing a change situation is expected to give meaning to the problem owner of a change situation, according to Paton and

McCalman (2000). In their definition, the systems approach to change management refers to the "analysis of change situations based on a systems view of the problem" (p. 76), involving not just the physical aspect of change but also the processes and structures.

In analyzing the change situation, Paton and McCalman expound on the necessity for clearly defining the change situation in systems terms so as to etch the nature of the change, such as those to be affected by the change, the scope of the change and the relationships that are to be affected by the change. To this end, the authors introduce a systems-based intervention strategy, which they consider a "powerful" management tool (p. 82).

When planning for change is linked to planning and implementation and to manage an organization in a strategic way and in an ongoing basis, it is considered a *strategic management process*. Pointer and Streib (1999, cited by Bryson, 2004, p. 31) contend that doing strategic management is an expression of a commitment to the organization's vision and mission. Achievement of this vision and mission entails a diagnosis of organizational development and an understanding of the dynamics of changes occurring internally and as a result of the organization's interaction with its environment.

Understanding the Changing Situation of a Collaborative Government Initiative on Rural Development

In the Philippines, a collaborative initiative of the national government towards sustainable rural development was assessed in 2014 in terms of its implementation of programs and activities over the years[1]. The National Convergence Initiative for Sustainable Rural Development (NCI-SRD) was created in 1999 through a Joint DA-DAR-DENR Memorandum Circular that recognized the necessity to develop and operationalize a common framework for sustainable rural development (SRD) to facilitate the convergence of the resources of the three agencies and enhance their impact on countryside development.

Given the changes in the policies and moves to restructure the staffing patterns of the individual pioneer convegence government agencies involved, i.e., the Department of Agriculture (DA), the Department of Agrarian Reform (DAR), and the Department of Environment and Natural Resources (DENR), through the agency's Rationalization Plans, the management deemed it vital that an organizational analysis of the NCI-SRD (NCI for short) be conducted to reassess the role of NCI as an inter-agency approach and at the same time sustain its initial gains and ensure the continued participation of NCI-SRD implementers in the convergence efforts, especially on the ground.

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[1] *Diola, M.F. (2014). Unpublished report of an organizational development assessment study commissioned by the GIZ-PH and the NCI-SRD.*

The Conception and Birth of NCI-SRD (1998-2000)[2]

Revisiting the changing legal framework for the NCI-SRD, it will be noted that this government initiative was conceived with the issuance of Joint Memorandum Circular (JMC) No.1 (1999), under Joseph Ejercito Estrada's regime. This was a product of a 1998 World Bank study, which recommended the merging of the concerned three national line agencies due to *duplication and overlapping of functions resulting to wastage and diffusion of resources, fragmentation, inefficiency and confusion in implementing rural development efforts*. Instead of actual merging, a Sustainable Rural Development (SRD) framework was devised to be carried out through a *Convergence Strategy*. SRD Framework, as a typology of Sustainable Development Theory[3], was to provide the common route of rural development, which primarily focused on sustainable agriculture. In order to meet the goal of rural development, the three key elements of SRD had been placed under the accountability and *under the responsibility of each agency* – the Department of Agrarian Reform (DAR) for managing agrarian reform communities and social capital formation (**people**), Department of Agriculture (DA) for managing rural economies and market destinations (**economy**) and DENR for managing life forces (**environment**). Some of the original features of the NCI-SRD:

1. In effect, this design has integrated existing national laws such as the Agriculture and Fisheries Modernization Act (AFMA) under DA, Comprehensive Agrarian Reform Program (CARP) of DAR, and environmental laws of DENR. DENR established the approach of the strategy, dubbed as watershed or river basin management approach. In the initial stage, nine (9) sites were identified as pilot *convergence* areas to establish models of implementation of the strategy across ecosystems, production systems, rural poverty sector and small producers in the long run. The strategy is expected to optimize resources in the short run.

2. **DAR took the lead of convening the committee and its secretariat**, which is composed of the Department Secretaries. National Economic and Development Authority, through its Director General, served as the representative of oversight agencies. The Steering Committee (SC) decided on level of policy, which includes site selection and review of sustainable rural development adherence of programs. The SC was and currently still is composed of the Secretaries as Principals or Undersecretaries as Alternate Members. The Technical Working Group (TWG) is concerned with the actual implementation or the operation of the SRD initiative, focusing on the adherence of projects and programs to its goals, and having a recommendatory function to the SC. The TWG is composed of Assistant Secretaries as Principals or Alternate Members – Director for Planning and Monitoring Service (DA), Special Assistant to the Secretary for Countryside Development (DAR) and Director of Forest Management Bureau (DENR).

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[2] *This account was based on a material provided by NCI's original principal players. Ms. Luz Balibrea*
[3] *Originally, the Brundtland Commission in "Our Common Future" defines sustainable development as "Development that meets the needs of the present without compromising the ability of future generations to meet their own needs."*

3. The same memorandum required the creation of a Secretariat that was to compose of personnel from each department that will do technical and administrative support to the strategy. The legal mandate further stipulated that the **SC must define a coordinating base** among the departments; the Secretariat was to be based at the DAR. This also extended the recognition of the involvement of consultants to periodically assist the NCI. Furthermore, the active participation of Local Government Units (LGUs), Civil Society Organizations (CSOs), the business sector, other stakeholders and other National Government Agencies (NGAs) was also to be sought by the initiative. Hosting of meetings and workshops were rotated among the agencies and presided by whoever had the highest rank of the scheduled agency.

4. Added to the 1999 JMC, the criteria and definition of **Convergence Model Sites** were stipulated, which stated that the sites must be chosen based on their *strategic importance* and *potential* to contribute to the model-building of sustainable rural development. The following considerations are given that are parallel to DENR's *ridge to reef approach*:
   - Completeness of ecosystems/landscape
   - Combination of high productivity zones, in between areas and agropolitan centers
   - Combination of sites across major crops
   - Combination of site across major poverty groups
   - Potential for high impact on increasing farm productivity and income of the rural poor
   - Presence of development-oriented local government leaders
   - Presence of NGOs, POs and an academic/research community
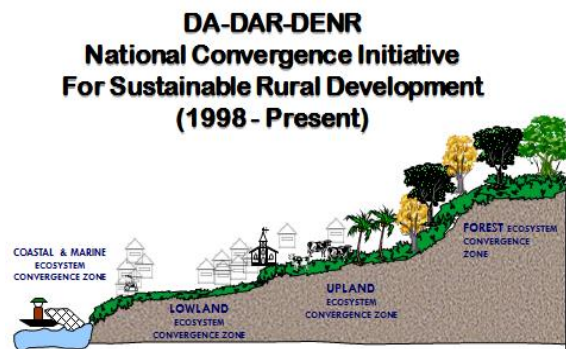
Source: NCI Presentation Materials 2014
Fig 1. The Ridge to Reef Framework adopted by NCI

The Reactivation and Expansion Phase (2000-2004)

JMC No.1, dated 18 October 2004, was issued by the concerned line agencies, which primarily expanded the scope of JMC No.1 (Series of 1999) to become nationwide, mandating all provinces to identify convergence areas. The structure and processes of NCI were substantially carried over and recognized by this new memorandum. The criteria for site identification was extended, having two additional criteria that were aligned with the Medium Term Philippine Development Plan (MTPDP) of 2005-2010 *Goal No. 1* of Gloria Macapagal-Arroyo's regime, which then demanded that 2

million hectares of new lands be earmarked for agribusiness, to create 2 million jobs of a targeted 10 million. As recognized in the new Philippine Development Plan (PDP) 2011-2016, through the efforts of the three rural development agencies under the NCI (DA, DAR, DENR), 1,835,509 ha of lands have been developed for agribusiness, generating about 2.67 m jobs between 2005 and 2010.

Each concerned agency then were to carry a **site-specific leadership** as follows: DAR for Luzon, DENR for Visayas, and DA for Mindanao. The lead convenor focal point was transferred to DA during this period. The memorandum required the Regional Level structure to be aligned with the National Level Structure of NCI. This also emphasized and included the identification of a Focal Person and staff for each of the three departments in the NCI that will serve as additional member of the Regional Secretariat. The following mandates were then expected from the Secretariat:

1. Organize the convergence teams composed of DA, DAR, DENR and concerned LGUs
2. Organize workshops as deemed necessary in respective areas
3. Organize the local Convergence Team meetings once every two months (or as the need arises) to monitor the progress of program implementation
4. Provide administrative, logistical and technical support to the Convergence Teams
5. Document and prepare minutes of meetings/workshops proceedings and safekeep program documents

In 2004 and 2005, NCI activities were allotted with *no specific budget*; rather the funds would have to emanate from the regular budget of the concerned agencies. Thus, it was required that regular programs and projects for NCI will only be considered as such if primarily this involved complementation of time and focus of services in the convergence sites.

At the Regional Level, TWG was to be organized by the concerned agencies and a Presiding Officer assigned in their site of convergence. Meetings then were to be chaired by the Presiding Officer or the Focal Person of the assigned department in his/her absence. Further, the TWG had to choose a Chair among the members in case of absence of a Focal Person. LGUs were considered important, thus they were to be represented during regular meetings. Other personnel of the concerned agencies were also expected to mobilize and take on program- related tasks tin agreement with the SC or TWG. Costs of workshops and other activities would have to be charged to the budget of the host agency. It was also during this period when a Memorandum of Agreement was signed between the NCI and the Union of Local Authorities of the Philippines (ULAP).

In November 2004, DA, DAR, and DENR signed a Joint Resolution (no.1, s. 2004) to tap the rural development and natural resources management program of the German Development Cooperation (GIZ) to support the Convergence Strategy of the three focal agencies. Since then major activities supporting policy advocacy, capacity-building, knowledge management, and agro-enterprise clusters development was supported by GIZ. The structures of the sub-national structures were to mirror the national component activities.

The Current NCI Focus and Set Up (2010 to date)

Carrying over the initial objective of achieving sustainable rural development and poverty reduction, the most recent JMC No.1 (dated 17 November 2010) highlights the importance of the agricultural, agrarian reform and natural resources (AARNR) subsector. Countryside development is considered a poverty reduction strategy of the current Benigno Aquino regime. This was an offshoot of the reported 1.82 million hectares of land or 89% of the target 2.05 of the MTPDP, translating to 2.65 million jobs of the targeted 2.87 million.

In 2011, 10 Local Convergence Agro-enterprise Clusters (LCAECs) were launched. However, with the impact of Climate Change, the use of the Integrated Ecosystem Management (IEM) approach was re-emphasized, and the launching of LCAECs was stopped. Through a memorandum the *watershed and ecosystem management approach* was adopted. This management approach entails holistic, collaborative, multiple use and sustainable management of resources, though regulatory, management and jurisdictional mandates remain distinct.

At the national level, the National Steering Committee (NSC) retained its function as the highest policymaking body in the implementation of the SRD Framework and in approving the selection of convergence agro-enterprise clusters. With this Memorandum, the NSC was to be chaired by the DA Secretary with the Secretaries of DENR and DAR as co-convenors. Undersecretaries of each agency may be appointed as representative. The NCI TWG retained its advisory function to the NSC in terms of implementation. It is headed by a National Focal Person (NFP) together with Chairpersons of the four component teams and Secretariat Head. Component Working Groups (CWG) or teams correspond to the four components of NCI-SRD i.e., *Agribusiness and Agro-enterprise Development Cluster*s, *Policy Advocacy*, *Knowledge Management*, and *Capacity Development*, which were to be manned by directors from the three agencies, DA, DAR, DENR, and a Chairperson and a Coordinator to be identified from the same agency.

The Memorandum (JMC 1) mandates that the NCI Secretariat was to be chaired by DA with a Coordinator of each CWG as members plus permanent members from each agency. Support Government Line Agencies and Offices are to work together closely with the NCI as an Organization. For the sub-national level, regional, provincial and municipal TWGs are to be created in parallel with the NCI TWG. Regional Directors of the three agencies comprise the RCI TWG plus a Regional Focal Person. The Regional body may include Provincial LGUs if necessary. At the provincial level, the TWG may be headed by provincial heads of DAR or DENR, co-chaired by the Provincial Governor with Provincial Officers for Environment and Natural Resources, Agrarian Reform and Agriculture, and Planning and Development Coordinator. At the municipal level, TWG may be chaired by Municipal Agrarian Reform Officer or Community or Environment and Natural Resources Officers, co-chaired by the Mayor with Municipal Officers for Environment and Natural Resources, Agrarian Reform and Agriculture, and Municipal Planning Coordinator. The current set-up for the enhanced NCI structure is shown in **Fig. 4** below.
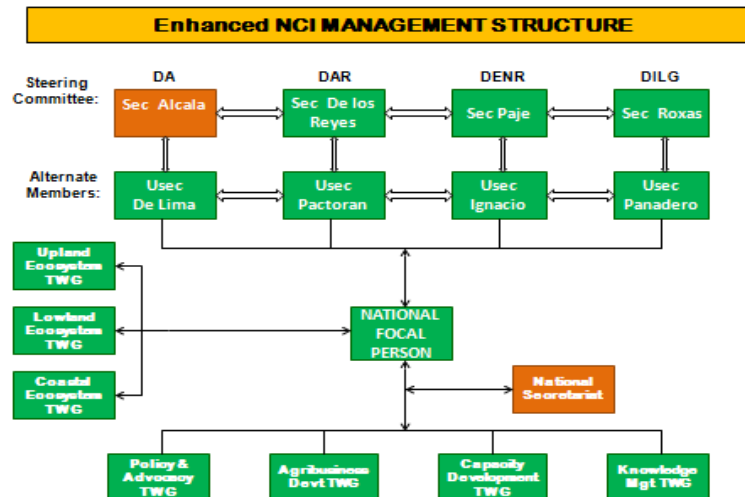
Source: Balibrea, L.B. NCI Presentation material for the NCI Pre-Summit
(March 18-19, 2014)
Fig. 2. Current set-up of the Enhanced NCI

Funding for the program was to come from the budget of the concerned line agencies, while also considering funds coming from grants, donations and assistance either public or private in nature. LGUs are encouraged to take part on the implementation cost. Monitoring and evaluation would have to be executed based on performance indicators to be developed in accordance with the Monitoring for Development Results (MfDR) approach. This design will be based on an agreed common *plan.* The plan must ensure attainment of MfDR goals and objectives.

Defining and Assessing a Change Situation

With the NCI's ultimate aim of sustainable convergent rural development in mind, an organizational development assessment of the NCI was conducted in 2014 to: (1) take stock of the current understanding of Convergence as an approach and the NCI-SRD as the platform for sustainable rural development and to (2) offer policy recommendations for possible changes in NCI's implementation strategies and structures.

To capture current understanding and make sense of the organizational development of the NCI, management concepts of strategic planning and change management are applied in this study. The objective of this paper is to highlight and explore the possibility of proposing a framework that merges knowledge management concepts within a strategic change management process in assessing and understanding the organizational development of an organization. The study proposes that the first important step in any change management would have to be the capture of available knowledge in order to understand and define the change situation and then to eventually transform this knowledge into practical knowhow to make decisions about future action.

Applying this framework to the NCI organizational development diagnosis, the following research question is framed: based on the present situation of the NCI, how can it transform operationally into an ideal organization that adopts Convergence as

an approach in attaining its vision of sustainable rural development and management of natural resources?

Strategic Change Planning and Knowledge Management as Analytical Frameworks

Moore (1995) cited in Bryson (2004, p.8) mentions that searching for "public value" can be one purpose of strategic planning. Denhardt (1993) further says that a strategic planning's purpose is to "pursue significance". In fact it can be surmised from various literature reviewed on strategic planning that redefined or clarified organizational goals based on strategic planning can help foster or guide organizational innovation and effectiveness.

With regard to the management of change, one of the more effective and comprehensive strategic planning approaches is the *Strategy Change Cycle* by Bryson (2004, p. 31), which encompasses different types of organizations, services and communities. The 10-Step Strategic Planning Process by Bryson outlines the following steps: (1) Initiate and agree on the strategic planning process; (2) Identify organizational mandates; (3) Clarify organizational mission and values; (4) Assess the external and internal environments to identify strengths, weaknesses, opportunities and threats; (5) Identify the strategic issues facing the organization; (6) Formulate strategies to manage the issues; (7) Review and adopt the strategies or strategic plan; (8) Establish an effective organizational vision; (9) Develop an effective implementation process; and (10) Reassess the strategies and the strategic planning process. Below is an illustration of this model (Fig. 3).
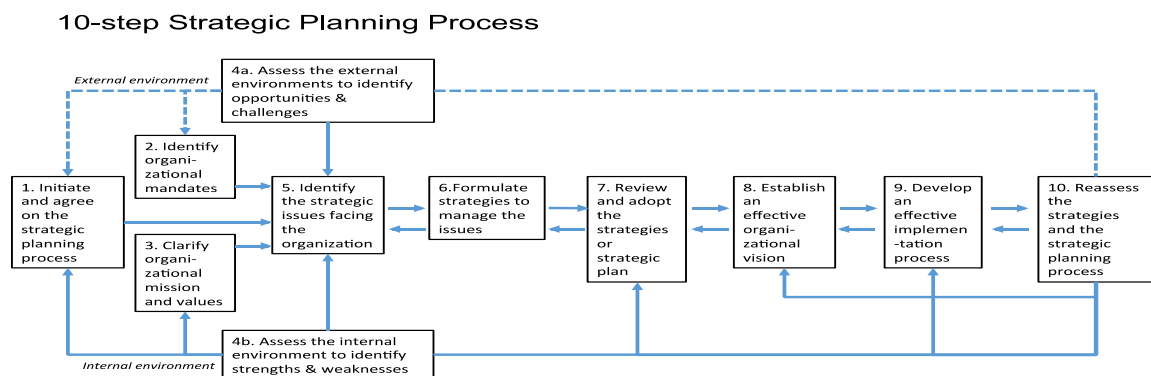
Source: Bryson (2004)
Fig. 3. Bryson's 10-Step Strategy Change Cycle

As clearly illustrated above, the 10-step strategy change follows a cycle, implying an iterative process. Not only is the process cyclical; it is also intended to be the foundation for stability of an organization, which implies a results-orientation. As can be deduced above, important thinking processes are to be engaged in and results produced before the next steps are propelled and appropriate action undertaken. For example, identification of organizational mandates, mission and values (steps 2 & 3 above) imply defining a desired future state. However, before taking action to reach a desired state, defining a transition change needs to be planned.

Corollary to strategic change planning, Coghlan and Brannick (2014, p. 78-79) in their planning for action research book stress on the importance of the process of defining a future state in order to manage a transition or change situation. They cite Buono and Kerber (2008) in describing three approaches to change: (1) *directed change*, where there are tightly defined goals; (2) *planned change*, where the leader devises a road map based on a clear goal and vision of the future and influences how it is reached; and (3) *guided changing*, where the approach to change approaches that of postmodernism founded on dialogue and conversation about change.

A planned change management approach (no. 2 above) is thus adopted in this paper because of its goal-orientation focus; its emphasis on assessing the internal dimension of the organization, which this paper primarily examines; and determination of work or action to be done. Fig. 4 below shows the simple model illustrated by Coghlan and Brannick (2014), depicting four major phases of planned change by Beckhard and Harris (1987) and Beckhard and Pritchard (1992), which effectively encompasses the 10-steps of strategic planning, but portrays the management of change or transition and the centrality of a learning process.

The Process of Change
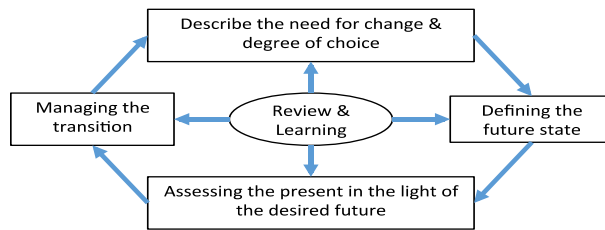
Source: Coghlan and Brannick (2014) depicting Beckhard's 4 Phases of planned change

Fig. 4. Four Phases of Planned Change

However, it should be noted that in working towards a desired state, an Implementation Plan or a Plan of Action is needed where clearly defined strategies are formulated as indicated in Fig. 5 below.

The Strategic Change Planning Process with Outputs
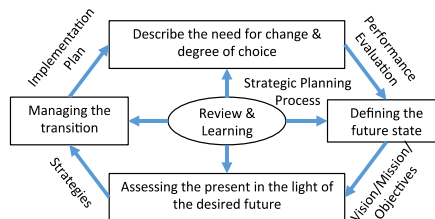
Fig. 5. Strategic Change Planning Indicating the Need for Developing Strategies For an Implementation Plan

Clearly, a learning process is central to the management of change as shown in the figure above. This paper thus suggests that knowledge management or managing the learning process is an appropriate step and is an inevitable process that needs to be given attention in managing change that an organization wants. From Fig. 5 above, this knowledge management is labeled as review and learning processes, a major focus in managing for planned change.

The organizational development assessment of the NCI conducted in 2014 aimed at taking stock of the current understanding of Convergence as an approach and the NCI-SRD as the platform for a convergence approach towards sustainable rural development and offering policy recommendations for possible changes in implementation strategies and structures. With this as aim, the paper proceeds with adopting knowledge management as framework.

Using knowledge management literature as references, a seminal work used by this paper is that of Dalkir (2005, p. 26) who contend that in order to solve problems, such as the identification of change or reforms needed for an organization; make decisions; or act based on the best possible knowledge foundation, effective knowledge management is a must. It requires that an organization identify, generate, acquire, diffuse, and capture the benefits of knowledge that will bring a definite and strategic advantage to and organization, according to Dalkir (2005, p. 26). To show how knowledge management can intertwine with strategic planning for change, the Fig. below is illustrated, drawing from Coghlan and Brannick's (2014) basic 4-phases of the Process of Change:
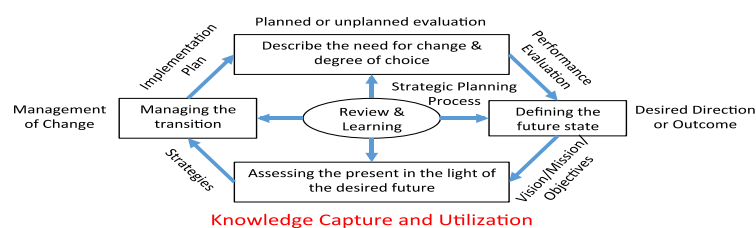
Fig. 6. Knowledge Capture and Utilization in the Strategic Planning Process

Dalkir (p.50) describes some of the more holistic approaches to knowledge management in terms of being comprehensive, i.e., taking into consideration people, process, organization, and technology dimensions; having been reviewed and discussed extensively in knowledge management literature by scholars, practitioners, and researchers; and in their having been tested for validity and reliability are: the von Krogh and Roots Model of Organizational Epistemology (1995); the Nonaka and Takeuchi Knowledge Spiral Model (1995); and the Choo Sense-Making Model (1998), that is largely based on Weick (2001), knowledge creation by Nonaka and Takeuchi (1995) and decision making, largely based on Simon's (1957) bounded rationality.

Dalkir's (2005, p. 43) own integrated model of knowledge management lists three major stages: (1) knowledge capture and/or creation; (2) knowledge sharing and

dissemination; and (3) knowledge acquisition and application. Dalkir explained that in the transition from knowledge capture/creation to knowledge sharing and dissemination, knowledge content is assessed. *Knowledge capture* is a particularly critical phase in knowledge management in Dalkir's model as it is the "initial stage" of identification and subsequent codification of existing (usually previously unnoticed) internal knowledge and know-how within the organization and/or external knowledge from the environment. See Fig. 6 above to refer how knowledge capture can be a significant process in the management of change.

Action Research as Overall Methodology in Understanding a Change Situation

This paper's main goals were the proposition of a theoretical framework for Knowledge Management (in particular knowledge capture) or a process design to better implement or improve on a Convergence approach to sustainable rural development. This study is a work-in-progress that is part of an ongoing strategic management process. This study also demonstrates how action research can be applied in making sense of collaborative development projects when planning for change.

Action research stresses not so much a methodology as a type of orientation to inquiry, to which Barbury is cited by Coghlan and Brannick (2014, p. 43) as declaring that action research belongs to a "family of practices of living inquiry…". One of the significant features of this approach is its capacity and intention for practical knowing. As traced by Coghlan and Brannick, the origins of action research can be attributed to Kurt Lewin, one of the founding fathers of social psychology (Burnes and Cooke, 2012), and the likes of Paolo Freire's emphasis on consciousness-raising (Chevalier and Buckles, 2013) and the more Marxist and feminist (Brydon-Miller et al, 2003). However, the extensive work of Coghlan and Brannick on Action Research (2014, p. 46) single out Kurt Lewin's and his co-scholars work for their emphasis on a collaborative and cyclical process of defining a change situation or problem, gathering data, taking action and again fact-finding about the results of an action and a spiraling action taking. The authors declare that the action research uses a scientific approach to "study the resolution of important social or organizational issues together with those who experience these issues directly" (p. 46).

Since this study assesses organizational development of the NCI, action research is considered an apt approach. This presupposes the involvement of the members of the organizational system in the research. The interaction with and participation of the members was born from the insight that it is not enough to try to explain things, but that one had to try to change them. The way to get better data and to effect change was to involve them.

Thus the data gathered for this research has involved a series of activities and data collection methods involving some of the members of the NCI-SRD organization, mainly through focus group discussions; review of related documents and literature and desktop analysis; eight (8) key interviews and two phone patch interviews with NCI focal persons who were not available in a face-to-face encounter; analysis of returned questionnaires; observation at the NCI Pre-Summit last 18-19 March 2014 and interaction during NCI workshop. A technical assistance study in the form of a **rapid appraisal** and **sense-making** (a general approach of knowledge management)

of the NCI-SRD experience over the past 15 years was conducted starting last March18 -19, 2014 (Pre-NCI Summit) and formally completed by 15 May 2014. The study posits that "Convergence" as an approach or strategy to rural development is the way to go and therefore natural resources can be managed more effectively by adopting "Convergence" as a strategy. As planned by this researcher, the results of this study shall continue to be validated among members of the NCI-SRD.

As a continuing research process, specific Convergence Initiative cases from the ground (i.e. Regional Convergence Initiatives and other local Convergence Initiatives) are expected to be subsequently done and validated in order to come up with future emerging frameworks for defining and understanding better the "Convergence" approach to rural development – as a commitment to participatory action research. However, the scope of this study has not permitted the review and analysis of actual planning and implementation of Convergence Initiatives (CIs) in Local Convergence Areas (LCAs). Partnerships at local level have not been investigated and analyzed and therefore not included in the report.

Organizational Development Analysis: Results of the Performance Assessment of NCI in Achieving a Desired State

Performance analysis towards the achievement of a desired goal as depicted in Fig. 6 above is an important phase in knowledge management and strategic planning process. In order to assess how the NCI has performed as an organization in trying to achieve its desired goals and towards knowledge capture on the NCI, the figure below was constructed, approximating a systems approach to organizational diagnosis, but still focusing on internal dynamics. As already explained above, a planned change management approach was adopted in this paper because of the study's goal-orientation focus and its emphasis on assessing the internal dimension of the organization.
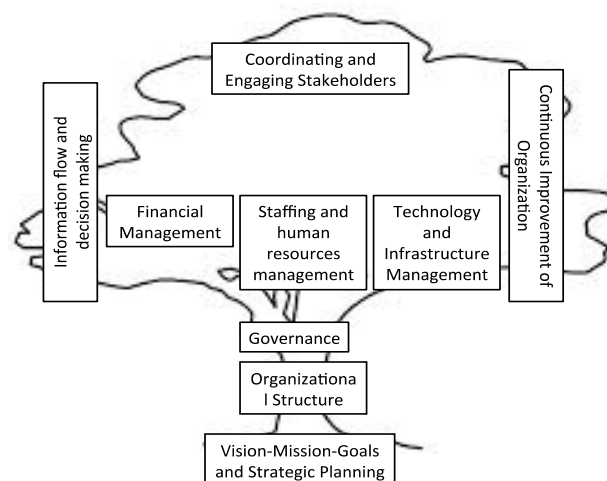
Source: F.L. Diola constructed for the organizational development analysis of the National Convergence Initiative 2014. Core pillars adapted from Mines Action Canada (n.d.)

Fig. 7. Organizational Development Core Pillars

The framework described above was adapted from the Mines Action Canada (n.d.) tool, with some of the pillars renamed to suit the objectives of this study. In

diagnosing the general strengths and weaknesses of the NCI, the tool was used based on the theory of organizations, basically premised on the organizational development of an entity, referring to an internal capacity development process that the organization undergoes in order to sustain itself. Note however, that some of the pillars, especially 'engaging the stakeholders' denote an organization's interaction with the external environment. This is because the systems approach to organizational development analysis also adopts a systems approach. The 'continuous improvement of the organization' pillar implies the fundamental need for change.

As mentioned above, for this study the Organizational Development Analysis toolkit developed by Mines Action Canada was adapted to be able to go through the Analysis of Strengths and Weaknesses, and to be able to extract Policy Issues and give Policy Recommendations, as appropriate to the NCI experience. Note that in the OD Pillar No. 6 on Coordinating and Engaging the Stakeholders, for example, the Goal and sub-goals stipulated in the Philippine Development Plan (PDP) 2011-2016 was added as indicators. The nine pillars of Organizational Development are portrayed in Fig. 7 above, which the researcher adapted for this study. These nine pillars, where some have been renamed for this study, as follows:

1. Vision-Mission-Goals and strategic planning
2. Organizational Structure
3. Governance
4. Information flow and decision making
5. Staffing and human resources management
6. Coordinating and engaging stakeholders
7. Technology and infrastructure management
8. Financial management
9. Continuous improvement of organization

Two approaches to action research were adopted in this study in its knowledge capture analysis: *appreciative inquiry* focusing on what already works (Reed, 2007; Ludema and Fry, 2008, cited in Coghlan and Brannick, 2014, p. 56) and a *clinical inquiry approach*, emphasizing in-depth observation of learning and change processes; emphasizing the effects of interventions; operating based on models that may illustrate ideal functioning and deviations from such ideals; and building theory and empirical knowledge through the development of concepts that capture the situation (Coghlan and Brannick, p.57).

The Organizational Development (OD) Analysis of the NCI , considered as performance analysis in this study, adopted a self-assessment tool adapted from the Mines Action Canada (n.d.) and illustrated in Fig. 7, culling out the **Strengths** and **Weaknesses** of each pillar, based on the OD Analysis, which basically is a result of a meta analysis of six data sets from previous meetings and conferences and this study's own results. The following rating scheme for a qualitative analysis of findings was devised for this study:

1	None
2	Traces exist but not explicitly expressed
3	Exists but not fully understood / implemented / operational
4	Exists and fully understood / implemented / operational

Using the rating above, results for each pillar yielded the following scores below.

Table 1. Summary of the Organizational Development Assessment of the NCI-SRI

			1	2	3	4
1	Vision-Mission-Goals and Strategic Planning	2.11				
2	Organizational Structure	2.80				
3	Governance	3.00				
4	Information Flow and Decision making	2.17				
5	Staffing and Human Resources Management	2.18				
6	Coordinating and Engaging Stakeholders	2.63				
7	Technology and Infrastructure Management	3.29				
8	Financial Management	2.55				
9	Continuous Improvement of Organization	1.57				

Summary of Strategic Issues Derived from Organizational Assessment

As discussed in the Introduction, strategic management for change entails devising strategies to be laid out in a Plan of Action or in an Implementation Plan. The following have been culled out as strategic areas for intervention for NCI-SRD:

Defining Convergence

Convergence, in a sense, has been in a sense incorrectly perceived as the framework rather than an operational scheme. In general, it is argued as an *approach* and a *platform.* There is no clear delineation as to when *convergence strategy* enters the dynamics of the three agencies in service delivery. Thus, in effect, the "programs" tagged under NCI-SRD are evaluated in terms of *convergence* as response or conduct of particular offices. As a consequence, targets are not achieved and have been loosely identified. An operational meaning for what may be considered as Convergence needs to be immediately formulated.

Area Identification in the NCI-SRD

The goals and focus of the NCI-SRD has changed or shifted in many cases – *agribusiness* in 2000 to 2004 and *integrated ecological system* or *watershed framework* from 2010 to date. This is a manifestation that the NCI-SRD is loosely defined in terms of its framework and strategy. Nevertheless, there are common points as to where NCI-SRD is applied or perceived to be applied, which are on: areas of the poorest population segment and area where all agencies are with concerns or operations The above illustrates that NCI-SRD is still considered as the way or manner to resolve the existing issues on public management of services. Area

identification must be properly conducted that it is aiming to resolve poverty and inefficiency on public service delivery.

However, even with proper area identification, services provided by each agency may still be restricted by the agency's particular mandate, i.e., DAR only caters to ARCs, nearby sites serves as *catchment*. These restrictions, may have led to the specific program/intervention designs, which can be an indication that the implementation of NCI-SRD is not conducted in a genuine idea of complementation and integration. Area identification as primordial in the implementation of NCI-SRD. Thus, issues on scope and jurisdiction must be settled on the onset of programs or projects. The instruments used in delineations must be revisited, i.e., all areas over 18 slope is under DENR.

Program-based NCI-SRD

Appraising NCI-SRD without proper appreciation of the SRD as framework and Convergence as a strategy entails program-based appraisal. These programs require specific qualifications to be considered under NCI-SRD, thus not all programs/projects can be qualified as convergence initiatives. The current trend shows that programs attributed to the NCI-SRD are just offshoots of particular agency rather than a product of workshop/planning among concerned agencies, i.e., Balik Probinsya Program (BPP) is conceptualized by DENR and been appraised under the NCI-SRD without consensual agreements before its operation. There is no systematic manner as to how NCI-SRD programs are conceptualized and 'selected'. Further, programs under the NCI-SRD Secretariat are usually forum-type, while those implemented on site are managed by a particular agency. Reports on these on-site projects are crafted by the certain concerned agency. Programs must be designed under the NCI-SRD and developed as a result of genuine collaboration and complementation processes.

Funding for NCI-SRD

Funding for NCI-SRD is solicited among the concerned agencies. Budgeting must be program-based aligning with the Department of Budget and Management, relinquishing the output-based budgeting. Per program budgeting will lead to particular and shared accountability, and will encourage more interest. Commodity-based budgeting in the case of most DA-led activities must be aligned with the focus of the identified NCI-SRD sites.

LGUs' Role in the Convergence

Existing local plans in the municipal level, such as Comprehensive Land Use Plan (CLUP) and Forest Land Use Plan (FLUP), must be taken into consideration in the identification of sites and formulation of Convergence Area Development Plan (CADP), as provided for in the Manual of Operations. On the other hand, National Government Agencies (NGAs) with programs that are aligned with the NCI-SRD realm must be absorbed. Convergences in the LGUs are usual of its operations for its small area and limited resources. There are postulations that NCI-SRD must be managed primarily in the regional or provincial level for its scope a larger area and budgeting sources.

Empowerment of TWGs in the regional level will likely ensure the implementation of NCI-SRD. Further, the Secretariat must be led by an Undersecretary, preferably in the Operations Division, so as to have more budget flexibility. Thus more focus and direction must be given to TWGs at the regional and local levels.

On Policies and Legal Basis

Memorandum of agreement provides loose mandate to NCI-SRD. An Executive Order (EO), and eventually a Republic Act (RA), will forge the institutionalization of NCI-SRD. At the local level, special orders are released and a sufficient basis to hold accountability. However, a local executive order is still the preferred for any individual appointment to the NCI-SRD TWGs.

Identified Fundamental Issues on the Implementation of Convergence Strategy

The **programs** of DA, DAR and DENR initially experienced duplication and overlapping, which in the end still resulted to *gaps* at the level of **delivery of social services**. Differentiation on the primary mandates of each agency provides issues on jurisdiction and scope, depending on the particular laws that define these programs or services. This 'disintegration' plays as an agency-specific response, while complementation under the NCI-SRD is the move towards integration. In effect, DA caters to the AFMA, DAR has pushed for CARP/CARPER, while DENR espouses all environmental laws. This aligns to the issues identified by the 1999 JMC that created the *Sustainable Rural Development (SRD) as a framework* and *Convergence as a strategy*. The 1999 JMC had been carried over on the succeeding issuances of JMC to reaffirm and continue the so called "**NCI-SRD**".

Options for the Future: Desired Organizational Structure and Mandates For NCI

The potential for NCI as a driving force to mainstream Convergence as a strategy in pushing for sustainable rural development in the countryside and even in other areas in the country, towards poverty reduction, increased incomes, and management of life forces, outweighs its current weaknesses, based on reflections on the assessment of NCI's performance viz-a-vis its goals. Hence this study recommends the utmost support from the Executive Branch of the government to ensure NCI's stability as an organization as precursor of development strategies from the local areas. Stemming from what appears as confusion on the functions, role and mandate of NCI and clarifying these roles, below are options towards the future institutionalization of NCI. **On NCI's mandate**

Table 2. Proposed Mandate of NCI

Mandate	Proposed Services	Proposed NCI Lead Office
Policy and Advisory	• Facilitation • Research • Advisory	Legal Office
Capacity Development	• Facilitation • Coaching • Training • HR support, headhunting	Human Resources Office
Knowledge Management	• IEC materials • Training	Knowledge Management Office
Agro-Enterprise Cluster and Agribusiness Development	• Facilitation • Project management	A separate office / Project Managers and Facilitator/Coordinators*

* Agro-Enterprise Cluster and Agribusiness Development. Since this appears to be one of NCI's main function in rural development, the nature of the work of NCI must be clarified / decided. Three options are offered as regards NCI's roles:

      1. NCI as **Lead Institution** in developing convergence areas (CAs), actively planning for and implementing plans for the development of CAs
      2. NCI as **Implementor** of the PPAs in convergence areas, implementing selected PPAs
      3. NCI as **Facilitator**, being a part of the Management Team of each PPA, looking after the implementation of convergence strategies

Table 3. Proposed NCI Functions and Performance Measures

NCI Functions/ Roles	Service	Measures/Outputs	NCI Lead Office
As Resource Center for Convergence	Policy Advisory	• MoAs facilitated • policy recommendations arising from resolution of policy conflicts or overlaps	Legal Office
	Capacity Development	• number of trainings conducted/facilitated • assistance in identifying resource persons	Human Resources Office
	Knowledge Management	• IEC materials produced • Summits/seminars organized	Knowledge Management Office
As Convergence Facilitator	Project Facilitation, Project Monitoring	• MoAs facilitated • CI-PPA monitored • CI-PPA closed-out	NP Coordinators (to be hired)
As Convergence Initiative (CI) PPA Implementor	Project Management	• Delivery of the PPA outputs and impacts • MoAs facilitated • CI-PPA monitored • CI-PPA closed-out	Professional Managers (to be hired)

Illustrating the possible future organizational structure for NCI-SRD, depicting its possible functions, offices, personnel and overall expected outputs, Fig. 8 is constructed. Fig. 9 is a quick look at a possible national level organization structure for NCI-SRD.
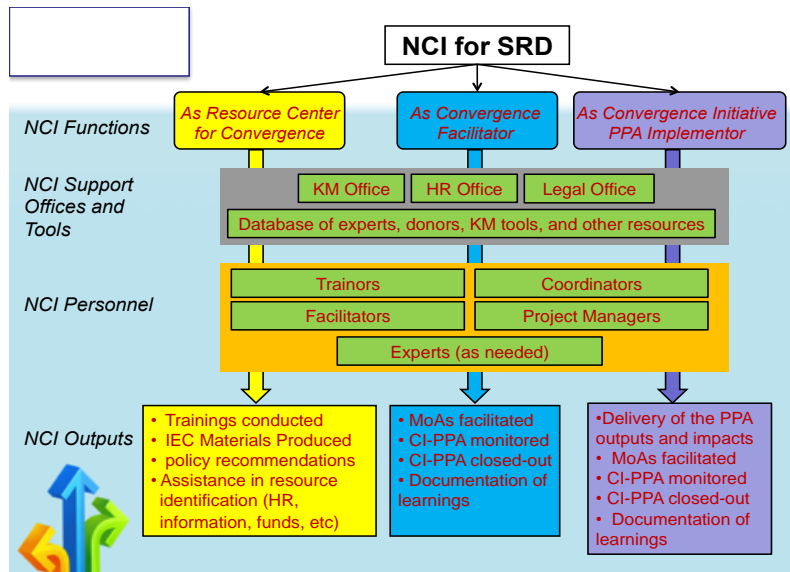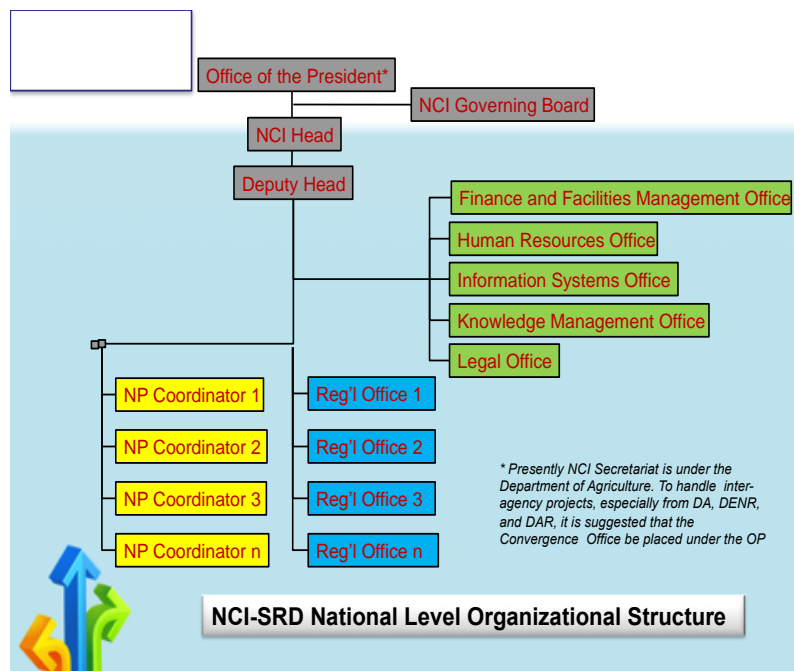

Fig. 8. NCI Funtions and expected outputs

Fig. 9   Proposed NCI-SRD National Level Organizational Structure

Conclusion

This study has shown the significance of adopting knowledge management; in particular, knowledge capture and utilization, within a strategic change management process. In particular, a desired goal (NCI's mandated tasks under the Philippine Development Plan and based on various policy documents) was defined and the NCI's organizational development performance towards the achievement of the goal of sustainable rural development was assessed.

The following framework is thus proposed as a nexus for knowledge management (knowledge capture and utilization with desired outputs) and strategic change management, which could be used in assessing performance of organizations and devising strategies for change management. The Strategies can then serve as main inputs for an Implementation Plan. The basic framework is adapted from Coghlan and Brannick's (2014) process of change model:
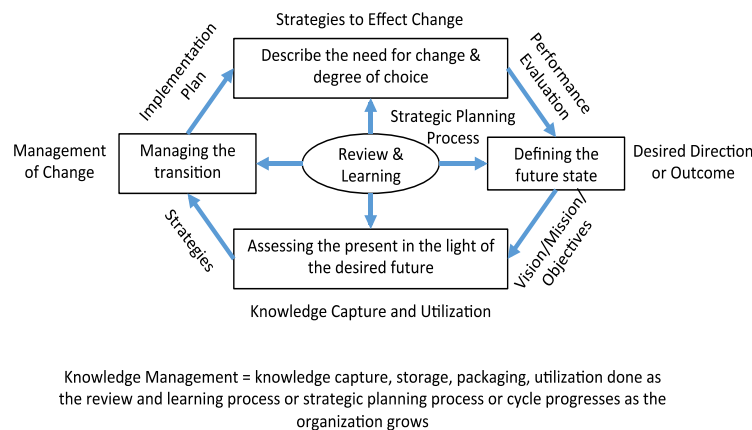
Fig. 10. Knowledge Management Approach in Strategic Change Management

Referring now to the devised framework above, the following main phases of knowledge capture and utilization have been adopted in this study:

1. The **need to conduct an organizational development assessment was communicated**, with specific terms of reference for the required outputs.
2. Organizational performance assessment was conducted to evaluate and make sense of the current strengths and weaknesses and **describe or define the desired direction for the organization**
3. **Strategic issues** were identified for the NCI to come up with options with regard to the future.
4. Proposed **implementation plan** for a future NCI structure and mandate.

Through a learning orientation, initiatives that have been already adopted and issues faced in the NCI are surfaced. This study has shown how knowledge capture could possibly be done in a strategic change management process. Systematic problem solving, constant sharing of new insights with other members of the community, and adoption or experimentation of new or improved strategies are elements of the knowledge culture. Managers who want to be more effective in preparing strategic

change management plans and need to instill a knowledge culture within the organization and among its stakeholders, preferably through action research planning, which presupposes a iterative process of reviewing, reflecting, and engaging members of the organization or through constant validation.

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In Search of Inclusive Growth and Development: The Philippine Experience

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Abstract

The Philippines is currently celebrating and enjoying the economic and political gains from a governance reform that is anchored on fighting corruption as the key strategy to achieving economic growth. However, the success of this reform is put into question by the persistence of hunger, poverty, and unemployment that continued to plagues a quarter of the population amidst phenomenal economic and political developments. There has indeed been growth but the question must be raised: growth for whom? The Philippine experience points to the disconnection of economic growth and social development. This paper argues that true and genuine economic development must make a difference to the lives of the least in society. The current governance reform is a truly a laudable public administration framework but it has been unfortunately proven to be inadequate in creating positive and lasting impact on the lives of the poorest of the poor. Thus, there is a need to look for new approaches to achieve inclusive growth and development. The success of Gawad Kalinga (GK) in addressing poverty is case study of such an approach. The notions of Three folding (Perlas, 2000) and Development Entrepreneurship (Faustino & Fabella, 2012) provide the theoretical framework that explains the effectivity and may points to the replicability of the GK experience.

Keywords: Poverty Eradication / Community Development / Inclusive Growth / Good Governance / Three folding / Development Entrepreneurship / Gawad Kalinga/ Philippines

Ending poverty as the real measure of social change

The gains of economic and political development in the Philippines for the recent years have been palpable and undeniable. On the economic side, we have seen GDP growth rates rank among the highest in the ASEAN and second only to China in Asia (Ph Economy Picks-up Steam in 2nd Quarter, 2014). On the political side, we have successfully prosecuted a good number of corrupt politicians, many of whom we formerly thought to be beyond the reach of law. These truly are hallmarks of successful social change. **But do these changes translate to real progress as a nation?** Are these realities felt by majority of our 100-million strong population? Alongside these phenomenal economic and political figures are also the long-standing realities of 18.1% self-rated hunger, 22% poverty, and a persistent unemployment rate of 7%, let alone the underemployment rate of 18.2% (Self-Rated Poverty and Hunger, 2013). Let us also add to these figures the sad state of our basic services: dilapidated schools, under-equipped hospitals, and generally sub-standard infrastructures. Yes, there has been growth. But growth for whom?

On the global front, there has been much advance as reflected by the concluding years of pursuing the MDG's where other transitioning countries such as Thailand and Vietnam have been able to half their poverty rates and number of underweight children and achieve full primary enrolment (The MDG Scoreboard, 2014). But these gains are sadly undermined by the sheer magnitude and visibility of those who were not included in the story of growth. Globally, one out of nine people still "do not have enough food to lead a healthy active life" (http://www.wfp.org/hunger/stats). While the advances and gains cannot be denied, there is unfortunately so much more left to be done. Much good has been done to address poverty but it remains wanting. Filling in this gap and catching up is a top agenda for social change. For social change to be deemed successful, it must be sweeping, comprehensive, and definitive. Pockets of change and success are good starts but are simply not enough. Yes, much has been done to end poverty. But we also have to ask: what more can we do?

The real measure of success must be based on how much difference it has made to the least in society. The extent and depth of positive social change must be measured not from the top of the social heap but from the bottom: how far have the lives of the poorest of the poor been improved? Success in ending poverty must be defined based on the improvements in the lives of the poor and not based on the efforts exerted by those helping them. The journey of social change must begin with a clear vision and conviction of building a society freed from extreme poverty. Only after the poor have been gained liberties and freedoms to participate and contribute to society can we begin talking about genuine democracy and political development (Rawls, 1999). Our gains in macroeconomics will always be shamed by our failure in the micro-realities of the landless, homeless, and hungry. We can never really be free, just or democratic so long as our society tolerates and accepts extreme poverty, involuntary hunger, and homelessness as part of the status quo. The mindset of inability to change things must be first be shaken and turned upside down if we are to embark on a journey of social change that will make a definitive change in the lives of the poor.

This paper aims to contribute to the process of social change by identifying possible areas of reform in government, business, and culture that will pave the way for new ways of addressing the problem of poverty. The thinking in this paper is inspired and influenced by three sources. This paper emerges, first and foremost, from the author's deep involvement in the work of Gawad Kalinga (GK)—a Philippine non-profit organization that has built over 2,500 communities for the poor for the past 10 years in the Philippines. The most visible and popular products of this non-profit are their colorful homes but this is not their most important contribution to ending poverty. Behind these homes are teams of change agents who navigate the halls of power and money towards the cause of ending poverty. Behind every community is a narrative of how individuals and institutions were inspired and influenced to make the poor a central priority of their lives. The work and achievements in GK are instances of effective social change that favor the poor. The work GK is characterized by its ability to mobilize interest and resources to provide land for the landless, homes for the homeless and food for the hungry.

The two other inspirations of this paper are the notions of three folding by Nicanor Perlas and the development entrepreneurship by Jaime Faustino and Raul Fabella. The notion of three folding is presented in the book "Shaping Globalization: Civil Society, Cultural Power and Three folding" (2000). This notion points authentic synergy and

collaboration across the three sectors of society as the key element in achieving comprehensive social change. The notion of Development Entrepreneurship is presented in the book "Built on Dreams, Grounded in Reality" (2011). This notion points to an approach to development that is not solely hinged on technical analysis and financial interventions but instead includes much innovating-along-the-way and political facilitation in the process of pursuing change. Three folding serves as a theoretical framework and development entrepreneurship serves as the strategic framework of this paper.

The synergy of these ideas and its practice in the GK model form the main conviction of this paper that we can pursue large-scale and lasting reform that is unfavorably skewed and greatly biased for the benefit of the poorest of the poor. Only in achieving this milestone can a nation truly claim successful social change and positive political development.

Catching up with a moving target

Poverty is an organic reality and a moving target. Ateneo de Manila University President Fr. Ramon Villarin, S.J. pointed out in his inaugural speech that "poverty is a ravenous monster with many hearts" and that "strategic, calculated, calibrated and consistent thrusts" are needed in order to slay this monster (Villarin, 2011). The complexity of poverty overwhelms so many well-meaning attempts to address it. Well-intended but inadequately strategized. Focused and narrowly targeted programs will simply be unable to measure up to the realities of poverty.

There is a need to recognize that this perennial and pervasive social problem has varied but interconnected expressions through the realms of culture, politics, and economics. There is a need to widen the focus and reach of many poverty eradication programs. By doing so, we take the important first step of defining success in terms of the problem and not in terms of the capacity of those helping out. The key shift must happen in the very approach and trajectory taken to address poverty where we must move more and more towards a mindset of poverty elimination rather than just alleviation or reduction (Toye, 2007, p.506). This change in mindset will set off a different trajectory in engaging the problem of poverty. Concretely, this would require close collaboration of government officials and institutions—which unfortunately many civil society and business entities avoid at all cost. In the reverse, this also means authentic dialogue and power sharing with non-government stakeholders—which many government officials skirt at every possible turn. The road to ending poverty demands a consolidated front in order to bring the full weight of power, money, and values to bear down on this ancient monster. We are battling a social reality that has outlived every political leader, business tycoon, and civil society icon. Government cannot do it alone, neither can business nor civil society but together we can end poverty. Unless this consolidated approach is achieved, individual efforts from each sector would be puny attempts to slay this "monster with many hearts" and all the struggles would have been in vain. Our best efforts and gains would all but amount to scratching the skin of this monster. If we are to slay this monster, we must learn and create new ways of working together. There is a need to go beyond shallowly rooted collaboration and narrowly defined interventions. Multi-sectoral representation and participation is simply not enough. There is a need for a radical shift in the way the sectors of society work with one another. Viewed from within the

parochial limits of each sphere of society, each sector is an outsider to the other. But viewed from the universal perspective of a people pursuing social change, we find an insider and ally in each other. Poverty can be the common enemy that will bring out the ally in each one of us.

In order to achieve this synergy there must be more than just multi-sectoral participation. Processes that allow for various stakeholders to participate are definitely more preferable than those that involve only the elite and chosen few but, unfortunately, these are not enough to measure up to the complexity of the problem. Participation and dialogue must not be the ultimate goal when representatives from the various sectors of society meet and discuss solutions to end poverty. At best, participation and dialogue must but be preludes to achieving systemic and authentic synergy. Achieving a common understanding and reaching an agreement then going off to carry out each task is simply not enough. The encounter with other stakeholders must be transformative for those who participate. In moments of authentic synergy, participants never emerge as the same individual or institution. If the current set-up of government, business, and civil society were effective in addressing poverty then the encounter wouldn't be necessary at all. But precisely because there is something amiss in the way we operate that we must question and attempt to change it. Each sector of society vigorously addresses the problem on their own but why do the poor remain poor? If we are to win this battle, we cannot proceed in the same way. Something has got to change and this must start at the home front: each sector of society must open up to innovating itself. This process of innovation and transformation is what Nicanor Perlas (2010) captures as the process of threefolding - taking cue from the thoughts of German thinker Rudolf Steiner. In essence, threefolding is a process where the necessary distinctions of each sector give way to authentic synergies and collaboration. Threefolding is achieved when each sector of society begin to imbibe the fundamental values and pursuits of the other sectors. For civil society, this means ridding itself of the allergy to politics and big business and begin to explore new modes of program implementation that take has space for government and business. The model of social entrepreneurship is a concrete example of such authentic synergy. In this approach to wealth creation, civil society draws from the models of business in order to make profit. Traditionally, livelihood projects subsist on grants but social enterprises rely on profits for survival just like a regular enterprise. This adoption of profit-making by civil society is an opening up to being influenced and transformed by the business sector. For the part of business, the emergence of green products also stands as a clear moment of authentic threefolding. The production, pricing, and marketing of these products have been radically changed to adopt the concern for the environment and to promote sustainable living—concerns which were traditionally championed only by civil society. For the part of government, the proliferation of public-private partnership projects also stand as a moment of authentic synergy. In this model, the state leaves space for private business to invest in the projects and programs which are traditionally only limited to government agencies. In doing so the funding of such projects draw from both public and private coffers thus also legitimizing new modes of management of public goods and services. The discipline and rigor of business begin to seep into the often chaotic and inefficient government bureaucracy.

But it must be pointed out immediately that these preferred modes of authentic synergy did not happen on their own. These processes that were brought about by the efforts of a different breed of change agents who were not limited within their respective sector. These are individuals who are deeply rooted in their own cause but were also sufficiently exposed to the realities of other sectors which allowed them to create spaces and moments of authentic synergy. These change agents carried in them the basic architecture and experience of the authentic synergy. They viewed the world from a wider lens that allowed them to contextualize the problem of poverty in a comprehensive way. From a wider lens, it was clear that the source and reach of poverty traversed economics, politics, and culture thus the solutions they came up with also reflected this cross-sectoral reality. Take for example the case from civil society as carried by out Tony Meloto and the GK movement where they actively engaged government in building of communities for the poor (www.gk1world.com). Their team of social change agents directed land donations to local government so that they can develop these lands using the resources of the state. In doing so, GK is able to build homes at reduced costs but, more importantly, it has allowed government to participate and co-own these communities. He made an ally out of government instead of putting blame on them. In the case of social entrepreneurship, Reese Ruiz of Rags2Riches and Mark Ruiz of Happinoy saw clearly that grants and loans to mothers engaged in business were not sustainable models of helping improve their livelihoods (www.hapinoy.com, https://rags2riches.ph/). Having come from business backgrounds, they knew all too well that profit-generating activities have been the key to success and sustainability of stable and influential businesses. In pursuing change for the mothers and their families they employed models and strategies from business such as supply chain management, quality control standards, and competitive salaries and profit-sharing to drive their respective programs to success. These individuals were able to bring together the cause of small enterprising mothers and the efficiencies of business. In the government front, the case of the sea transport reform of the Philippines showcased how a flawed public service was radically improved by leveraging market forces (Basilio, 2011). The social problem was rooted in the systematic flaw in the charter and mandate of managing the nation's port system. But instead of pursuing a straight political strategy, the change agents mustered the clamor of the market stakeholders into a lobby to allow a more efficient and thereby cheaper ways of transporting goods across the country. This gave birth to the RO-RO system which the Philippines now enjoy. In this case, political agents were able to successfully involve the market in order to reform a public service.

In **all these cases, the role of the change agent was the game changer**. There is no lack of change agents in government, business, and civil society who have devoted their lives to improving the lives of the poor. But their best efforts are unable to reverse the magnitude and reach of the complex problem of poverty. There is effort, commitment and dedication to the cause of ending poverty. However, there is something else needed for definitive change to happen. It seems that there is a need for reform in the change agents themselves. The characteristics and strategies of the Tony Meloto, Reese Ruiz, and Mark Ruiz are captured by Faustino and Fabella as **development entrepreneurship**. This mode of proceeding is marked by the ability to combine sound technical analysis of the problem and the knack to innovate-along-the-way. Put another way, they are able bring together the rigor of technical analysis and the agility of innovation. They also stay long enough with the process to outlive and outrun the problems they seek to solve. Beyond being a critique of the current way of

doing things, development entrepreneurship points to the starting points for reforming change agents. First, there is a need to explore authentic synergy across the various sectors of society. Government employees should be comfortable working with businessmen and civil society volunteers, and vice-versa. Each sector needs to rid itself of the biases and allergies that have been grown the past few years of pursuing change. But beyond the biases, the various change agents must seek and create opportunities and moments for genuine interaction and collaboration. Only in doing so will mindsets and perspective begins to change. Second, there is there is need to reconsider the assumptions on the time element in the process of change. Poverty itself is far older a problem than any institution or individual but the many projects and programs are have timelines that revolve around the reality of the program and project staff. There is a need to revisit this assumption on how long the intervention must last for change to take effect. More often than not, success is declared based on the inputs of the program rather than the outcome on the lives of the poor. There is also a need to revisit the assumption of how events turn out in the process of change. As pointed out by Fabella, the process of change is non-linear and iterative - again, a stark contrast to the short-lived contracts of project staffs (Fabella, 2011). This iterative nature is also what Simon and other decision theorist point to in their ideas of muddling through and satisficing to come up with good enough governance (Fredrickson, 2012; Hatchuel, 2001). Lastly, there is a need to raise local change agents - individuals and institutions who are deeply embedded in the context of the problem. More often than not, most social change projects are initiated and championed by outsiders. This is true both of international and local development projects. On the international front, project leads are often senior staff of international NGO's who take tours of duty in specific country to carry out segments of the projects. On the local front, project leads descend on towns and municipalities from the national agencies to carry out mandatory projects of the specific agency. When timelines expire and when evaluation reports are due, these change agents may easily uproot and detach from the locality of the problem and move on to the next project. After all, they have lived out the terms of their part of the project and the wider objectives of their organization will now be carried on by the next person. But whether or not the problem has been put to rest is a question that these external agents excuse themselves from - they declare victory for certain battles but rarely do we hear anyone declaring victory in the war against poverty. At best, they point to the next steps but would not take that journey themselves. The question then arises: whose deliverable is it to really end this war against poverty? At the end of the day, it is the poor themselves who should rise to become the main change agents. They are simultaneously the victims but also the best solutions to the problem of poverty. We need to work with those who are most connected to the problem (Jones, 2007). But first we must enable them and their local allies to make advance in their journey out of poverty. This first step must unravel along the lines of threefolding and development entrepreneurship.

The ideal of threefolding find concrete expressions in development entrepreneurship. But this synergy must ultimately point to a concrete reform agenda. It is now clear that a united front is needed to measure up to the complexity of the problem. It is also now clear that there is a need for a new breed of change agents. The next section of the paper points to some possible areas of reform and they key tasks of change agents as gleaned from the experience of Gawad Kalinga.

Where and how must we pursue reform for the poor?

The poor are always the headlines for reform but it may be asked whether they too are the bottom line of these fruits of these reforms. How much benefit do they get from the reforms that are undertaken? Guided by the notions of threefolding and development entrepreneurship, this section will explore a reform agenda that will tip the balance in favor the poor.

First, there must be a change in mindset and over-all posture towards the ending poverty that is concretized in statements of policy and mandates. There must be a decisive shift from an alleviation to an elimination mindset and a decisive move to expand our definition of poverty:

"Having counted the poor, however partially, the determined angel now faces three options for what to do about it. They are poverty alleviation, poverty reduction, and poverty elimination. Poverty alleviation sounds rather namby-pamby, as if one were temporising with poverty rather than really confronting it. Poverty elimination has the right degree of gritty determination and radicalism, but it has a utopian feel about it, and it seems to fly in the face of the Gospel of Saint Matthew, which tells us 'the poor are with you always'. Poverty reduction, which sounds both resolute and realistic, is the golden mean between these two, and is therefore the angelic policy of choice.

"This definition of poverty is manifestly far too narrow. Its focus is on consumption (or income), and it ignores both the productive assets of the poor and a range of communal and social resources that the poor use to supplement their consumption. Such resources are vital to well-being. Lack of access to public health and education services and public utilities, such as clean water and public security, may be as damaging to a person's life chances as inadequate nutrition and the absence of some household effects. Yet these aspects of welfare are usually missing when the poor are being counted." (Toye, 2007, p.506)

The starting posture vis-à-vis poverty must shift towards a determined and definitive desire to end and not simply reduce its magnitude. It is easy to talk about reduction for those who do not suffer it every day. But inclusive and genuine growth must take the perspective from those at the very bottom and from that perspective of everyday suffering elimination is the most needed reality. Second, there is a need to clearly articulate and identify the agencies that are directly responsible to make sure the poor become un-poor. In the current set-up, the various aspect that contribute to poverty such as education, health, and livelihood are farmed out to different agencies who are independent of each other. The agencies tasked to solve the problem are but an array of disaggregated institutions trying to catch up with a highly aggregated and interconnected problem. For instance, DepEd pursues metrics for education such as increased enrollment rates, low drop-out rates, and improving NAT scores (www.deped.gov.ph). But the performance of students is deeply affected by their physical and economic well-being - realities that DepEd is not empowered to act on. The similar situation exists in the arena of public health where DoH might identify school children who are vulnerable due to communicable diseases or lack of health services but they are at the mercy of LGU's for the implementation of health programs. At the end of the day, DepEd and DoH may have achieved their respective metrics and may have informed the concerned agencies that need to act on it.

Meantime, the children may achieve average grades but continue to be at peril from dengue or still do not receive regular immunization. Even if DepEd or DoH wanted to act on it, their mandates simply do not allow them to intervene. When it comes to segmented portions of the problem, it is clear who are accountable. However, as pointed out in the previous section, **the problem of poverty is not a segmented reality**. The ability to address one problem will not suffice. There must be complementing interventions from the other dimension that are happening simultaneously. Thus, the question must be asked: which government agency is mandated and empowered to tackle the problem in a comprehensive manner? This paper will argue that the elusive synergy and impact for poverty eradication can best be achieved through the local government units (LGU's) mainly because many functions of national government agencies have been devolved to them, such as health and agriculture (Republic Act No. 7160, 1991). However, it is notable that in the statement of policy for local governments that there is no explicit mandate to address poverty. In fact, the word poor only appear three times in the entire local government code and that the word poverty is never mentioned at all! The necessary structures to help the poor are enshrined but the poor themselves are invisible in the discussion. One critical policy reform is to include explicit articulations of who is directly responsible to muster the resources of government and who must bring together the various sectors together to come up with comprehensive and sustainable interventions to put an end to poverty. This articulation will also allow business and civil society concrete and sustainable points for engagement. This statement of policy will be a monumental towards a consolidated front in addressing poverty.

This of course raises the bar for local chief executives and their local bureaucracies. The burden of three folding and development entrepreneurship land on their shoulders because the possibility of authentic synergy has great chances for success in their context. The articulation of mandate will demand a change in posture from local government leaders but this shift is not as difficult as it may seem and would not really entail such a great deviation from status quo. In fact, the current set-up of local governments is naturally conducive for the emergence of development entrepreneurs. For one, local government leaders are far more familiar with the realities of their constituents than any external agency. Familiarity that goes beyond statistical data and include family histories , local stakeholders, and geographical limits and possibilities. They have an ear that is close to the ground. Their proximity to the population they govern is such that they catch wind of every major development whether or not they seek it out. This familiarity makes for great material for innovating-along-the-way and catching up with the iterations of social change. This familiarity, in turn, reveals another important aspect that make LGU's conducive for the emergence of development entrepreneurs: proximity of histories. Their personal and professional lives unfold alongside the challenges of poverty in their town. Distancing themselves from the problems is a difficult option. Local leaders possess the requisite staying power that external change agents don't have. These local leaders can stay with the process of change longer than anyone else from the outside. This allows them to facilitate processes that have timelines longer than most project timetables. Of course, one requisite reform is to rethink the current term limits because 9 years is still too short for a great local leader but way too long for a bad one. Resolving this dilemma might be one the greatest innovations for local governance. Finally, their familiarity and proximity allow them to imagine ways of preceding that resonate with the realities of their respective towns. A key feature of development entrepreneurship is

the relative freedom and creativity in the implementation structures. Local leaders are in position to implement interventions that allow for greater participation and impact. For instance, they are speak the local language (formal and informal) and share common values with the poor whom they seek to help. They are also very familiar with the practicalities of daily life such as ways of commuting, harvest seasons, local financing options, and the workings of the local elites. Finally, the devolved functions of government empower LGU's to implement integrated programs that are otherwise sharply segmented at the national level. As Fr. Ben Nebres often points out, the scope of LGU's is small enough to manage but big enough to make an impact (Cuyegkeng & Angles, 2011). The local government code allows for many channels for integrated and comprehensive programs for poverty eradication - something which national government agencies do not possess. But the act of bringing these available assets and strengths rely on the basic posture of local leaders. Unfortunately, the default is to mimic what national government does. But fortunately, there is enough room to allow for a more aggressive approaches to poverty eradication should the local chief executive decide to do so.

All of these point to the local government unit and its leaders to be the starting point for reform that favors the poor.

Conclusion

One of the distinguishing hallmarks of developed nations is a moment in their history when they achieved that level of social equity where their citizens enjoy freedoms and liberties brought about by adequate basic services. These are the take-off years where there deliberate efforts to provide adequate education, health service, shelter, and means of livelihood for its citizens pay-off into o increased liberties and productivity of their populace. These social programs usually emerge from a social vision which embodies the deeply-held values and principles of the people. It is important to note that this historical moment involves progress on both tangible and intangible development. On the tangible and measurable front there are improvements in the metrics for education, health, shelter and other basic services. On the intangible and immeasurable front there is a strong sense of hope, high levels of trust in institutions, and an atmosphere of equity. Reaching this historical juncture (and sustaining it afterwards) is a paramount priority of those who govern. This process will involve simultaneous reform in mindsets and policies. In this paper, the change in mindset is captured under the notion of threefolding and development entrepreneurship. These perspectives from Perlas, Faustino, and Fabella offer a way of measuring up to the complex and interconnected realities of poverty. This way of proceeding recognizes the need for a consolidated approach that is carried out by an innovative and ever-present change agent. The last section of the paper points to the LGU and its local chief executive as the key change agent reform can be found. The change in policy opens the door and allows possibilities for social change that favors the poor. In entrusting the agenda of poverty eradication to the LGU, we may finally make growth inclusive and we may finally unleash sufficient interventions that will put to rest the many hearts of this monster that has plagued our country for the longest time.

This reform agenda is an instance of genuine political development where the shift in values and priorities find their expressions in institutions and processes. Once achieved,we can then proclaim that we have finally achieved democracy and freedom.

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Local Wisdom/ Tourism Management

Ratchadamnoen Avenue. and the Community Development :
A Case Study of the Ratchanadda Temple's Community

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Abstract

This article is one part of the research "Ratchadamnoen Avenue and It's Transition During 2457 – 2557 B.E."(1914 – 2014). The purpose of this article is to suggest further more information to the main research "Ratchadamnoen Conservative Renewal and Development" written by the National Economic and Social Development Committee since 2553 B.E.(2010) Which is a survey research to look for the requirement of the stakeholders on those communities around. Ratchadamnoen Avenue ,who are effected by the Conservative and Renewal Rattanakosin Island's Master Plan from the Royal Thai Government by the year 2544 B.E.(2001). The aim of this plan is to renovate and transform "Rattanakosin Island" from the bureaucratic and business area into a beautiful place of historical and cultural center. The conclusion of this research especially for the "Ratchanadda Temple's community, is the people who live in this community have to participate with the Government to achieve this plan. After the discussion among the stakeholders, the common people of community urge the officials that they need the infrastructure development and the safety from crime. Actually, the conclusion of the research is quite true. But more than that, the community needs the security of their career lives, which are depends on the activities from the people who use to work in the building alongside the Ratchadamnoen Avenue. since the General Phibunsongkhram Regime. Later on,the Crown Property, who is the great land lord in this community and owned the buildings along Ratchadamnoen Avenue. did not extend the contract to the renters from 2532 B.E. (1989).First case was Chalermthai Theater. Since then, the dynamic of trade in this community were slow down. The people who are traders felt insecure for their career lives up to present. For the good governance, there are many ways to help the community and to achieve the master plan of "Ratchadamnoen Conservative Renewal and Development" Firstly the traders who are the majorities in this community should discuss with the committee of the community and try to negotiate with the Crown Property to rent some area out door from the main buildings alongside Ratchadamnoen Avenue on the lower price to construct the sheds in an old fashion design to sell foods. Secondly, the traders prepare the front side of their houses to decorate the shed in an old fashion back to the period of King Rama V to sell foods. Thirdly is to use "Lod Canal" to be a place similar to the floating market. These concepts will be the first step of out door activities in the paradigm of "An Old town through Story Telling" from the participate of the community.

Keywords: Ratchanadda Temple's community/ Crown Property/ Ratchadamnoen
        Avenue/ Thailand

Research methodology,

This article use historical methodology especially in depth interviewed key man performance in the Ratchanadda Temple's Community, as well as primary sources and secondary sources. To achieve Good Governance in community development, the stakeholders in the case study of Ratchanadda Temple's community such as Crown Property, Common people who are dwellers and Ratchanadda Temple, have to participate and plan how to share the historical activities or local wisdom through the community (or out door activities).

Historical Back Ground around Ratchadamnoen Avenue.

The land used around "Ban Panthom" district were changed from paddy fields to residents area after King Rama V constructed Ratchadamnoen Avenue.(The Royal Thai Government Gazette, Volume 16: 276).These areas were divided to the land rights of the Crown Property, Ratchanadda Temple, the families of the Governor officials ,who worked in the Ministry offices around Grand palace and common people. The purposes of the Ratchadamnoen Avenue. construction project was to connect with the Grand Palace from the south and Ananda Samakhom Throne Hall in the north part of Rattanakosin Island, and also founded the luxuries trade area as same as Champs-Élysées Avenue in France, but it wasn't achieved at that time. Because before 2484 B.E.(1941) in General Phibunsongkhram Regime neither the building along Ratchadamnoen Avenue. nor the Avenue not constructed yet. Almost of people who lived around here did not pay attention for the Ratchadamnoen Avenue because the area around Brahmin Swing (Giant Swing) in the southern part of Ratchadamnoen Avenue was the center of Bangkok. From this land scape, Ratchanadda Temple and houses over there have to turn their front doors to the south or to the area of Brahmin Swing, which have met the "Lod canal". This canal connected with the Chao Phraya River. They used these branches of "Lod canals" for transportation and route for trade more than road.(Bunjobsilp, Issara, 2013, August 12, interview). The branches of "Lod canals" are around their houses, which it can be seen as narrow path around community after the branches of "Lod canal" ran dry at present time. (Bunjobsilp, Issara,2013, August 12, interview). Since then people who lived around this area did not call their residents area "community" but used the name of "Trok[1] Wat Ratchanadda" instead. Until the Bangkok Province was changed from "the city municipal" to be Bangkok Metropolitan Administration , Bangkok territory was divided into districts and sub districts. General Chamlong Srimuang was elected as a First Bangkok Provincial Governor, under the National Government Organization Act, BE 2528 (1985) (History of Bangkok Metro Politan, www.http://203.155.220.230/m.info/ bmahistory/, and Organization of the government of Thailand, https://en.wikipedia. org/wiki.) "Trok Wat Ratchanadda" or "Soi Damnoen Klang Tai" had registered under the National Government Organization Act. and turned to be "Ratchanadda Temple's Community" since 2535 B.E.(1992). The structure of this community was combined with the lock of buildings and houses which located behind the main building along Ratchadamnoen Avenue. The landscape of Ratchanadda Temple's community is a square shape with 2.3 acres (5 Rai and 3 ngan). There is Ratchadamnoen Avenue. in the north,

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[1] *Trok is Thai word means narrow path.*

Mahachai Road in the east, Dinsor Road in the west and Bamroongmuang Road in the south. At present there are 171 houses. Those houses belongs to Private owns 128 houses, belongs to the Crown Property 36 houses, belongs to Ratchanadda Temple 7 houses. The populations are amount 1026 persons which are 487 men and 539 women. More than half of populations here are traders (Tanakorn Sawaruck,, n.d., Unpublished manuscript.).
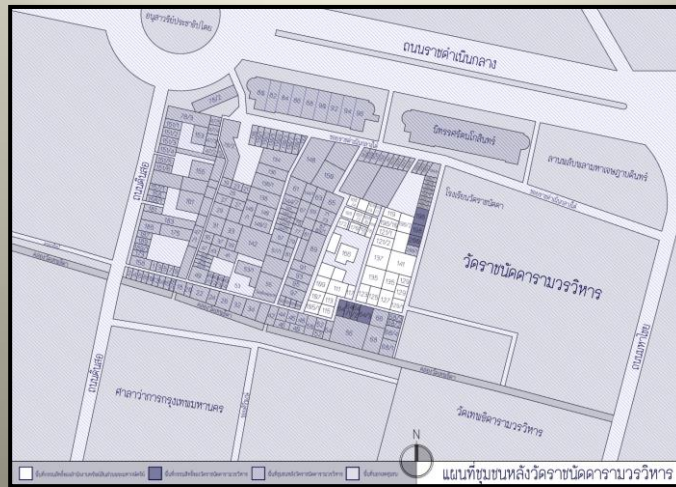
The picture showed **the narrow path**, which it used to be branch of **"Lod Canal"**
: Taken 2555 B.E.(2012)

Lod Canal in the southern part of Ratchaanadda Temple's Community

Liveliness of the Ratchanadda Temple's community

After 2484 B.E.(1941) General Phibunsongkhram completed the construction of the buildings along the Ratchadamnoen Avenue and fixed the surface of the streets. At that time the business activities has grown up. The main buildings along Ratchadamnoen Avenue were belongs to the Crown Property. Around 2490 B.E.(1947) the owner of Chalermthai Theatre rented the first lock of the main building from the Crown Property and started a stage musician show. A lot of people came here to see shows. The owner of business companies who rented these buildings next door from Chalermthai Theatre were Home of English tutorial school, Nuansri Restaurnt[2], Raja Furniture Company, Teijin Tetoron (Thailand) Co., Ltd. (founded in 1967) , Thai Military Bank, The Government Housing Bank, The Laem Thong Bank.

Daughter of Khun Srisakorn [3], Bunjobsilp Issara, started her first career as ball room dancing teacher on the second floor of this building when she was 18 in 2484 B.E. (1941).The ball room dance was very famous and very attractive for the new generation especially the business persons[4], who use the leisure time to practice dancing in the evening. At the same time the first lady "Tan pu ying Laied Phibunsongkhram" supported this kind of dancing. Bunjobsilp said, she took the reward from General Phibunsongkhram's wife in the "Winter Fair" at Suan Amporn Palace. (Bunjobsilp, Issara,(2013, August 12: interview). From this time a dynamic of trading grew up. Some of land ownership behind Chalermthai Theatre started to build the buildings around 7 unites for sale. Some of the oversea Chinese had bought it. They used the building for resided and traded. Such as "Ton Bogu" Chinese woman who followed her husband from Hainan bought one unit. She resided at second floor and sold soft drinks down stair. Her customers were the people who work around there and people from Chalerm Thai Theatre. She said she open the shop from 4.00 am to 10.00 pm. The small buildings for trade are expanded. Some were constructed closely at the backside of the main buildings along Ratchadamnoen Avenue. All of traders sold foods such as Chinese noodles, Thai foods, hair salon and groceries shop. The customers were either from the people who worked in the Ratchadamnoen building or the officials from the Bangkok Metropolitan Administration , which located in the southern part of the community.

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[2] *Nuansri Restaurant and Raja Fueniture were closed around late 2520s B.E. Maria Chinese Restaurant took place.*
[3] *Khun Srisakorn was the Government official, who work for the Revenue Department.*
[4] *Such as Cabin crew, Company employee.*

Khun Sri Sarakorn and his wife

Bunjobsilp Issara, Daughter of Khun Srisakorn

Ton Bogu and her family

Right hand side is the building which Ton Bogu bought the second unite. The building on the left hand side belongs to Crown Property, Now used as "the Nitas Rattanakosin Exhibition Hall"

The well known restaurant at the western corner close to the "Dinsor Road" and. Ratchadamnoen Avenue was "Sorn Dang" Restaurant. This restaurant opened daily from 10.00 am – 10.00 pm. Behind Sorn Dang restaurant there was a small hotel. Not far from this area there were 2 famous night clubs, Moulin Rouge and Lolita and another Cinema theatre "Moon Light"[5]. It made Ratchadamnoen Avenue to be a night - lives area during 1970s – 1980s.

Besides trading activities there were 3 schools in Ratchaanadda Community. First one belongs to Ratchanadda Temple. The second one and third one belongs to the families of the Government Officials. The second one was "Supamas Pittayakom" belongs to "Phraya Laksaman" family. The third one was "Yaung Wattana" belongs to Leelabutra families.[6] All of these schools served the children who live in the community and nearly.
Rajanadda Temple's Community and its transition.

2544 B.E.(2001), the Royal Thai Government has launched the Master Plan of the Conservative and Renewal Rattanakosin Island's. This plan came from the 200th Rattanakosin Anniversary Celebration in 2525 B.E.(1982). At that time there were crucial economic context's transition in Thailand. The dependence economic of Thailand especially in the part of the agricultural - trans formed products export were reduced. Because it's prices was effected from the world petroleum crisis and from the inflation. (The evolution of economic and society development in Thailand from http://www.nesdb. go.th/: [10] – [11]). Even though the Thai Government confronted the economic crisis, but at that time the total number of tourists came in Thailand increased each year since

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[5] *It was renovated and changed the name to "Paradise Theatre" since 2520s B.E. and was closed 2530s B.E.(1980s)*
[6] *The school was closed in the late 2510s B.E.(1970s) and the owner's heir moved out since 1980s.*

2525 B.E.(1982), to participate the 200th Rattanakosin Anniversary Ceremony. This phenomena made Thai Government supported tourism industries under the policy of Thai National tourism (Attachack Sattayanuruck, 2015 from www.bangkokbiznews.com/), which based on the historical and cultural ways of lives in Thailand.

Thai Government retrieved the policy of conservation an old town and old buildings since 2525 B.E.(1982) from the UNESCO. (Somchat Jungsiriaruck, 2555, from http://www.muangboranjournal.com/). The Government mixed the policy from UNESCO with an idea of Thai National Tourism, which mention above. Since then, the "Ratchadamnoen Conservative Renewal and Development" was fixed in the 8th of Economic and society development plan.(The 8th Economic and society development plan, 1997 – 2003, http://www.nesdb.go.th/Default.aspx?tabid=90)

Before this Master Plan was used, the Crown Property started to terminate the contract to their clients who rented the Main building in front of Ratchanadda Temple's Community. The first renter of the Crown Property's building was the owner of Chalerm Thai Theatre. They move out in the year 2532 B.E. (1989).The monument of King Rama III was constructed instead. This area was built as a Gate of the Bangkok city instead of Brahman Swing area as it used to be in the early of Rattanaksin Era. After that, another renters have to move out from these blocks of building. This phenomena effected another small buildings connected at the back side, which have to demolition. It's mean some of small traders who get used to sell foods and owned the grocery shops had to move out also. The Crown Property renovate all of their buildings, and used it as Exhibition Hall "Nitas Rattana Kosin". The Ministry of Cultural rented another lock of buildings for display ASEAN art gallery. This circumstances effected the security of career lives of the people in Ratchanadda Temple's Community. Because the majority of people in this community are traders and their income were reduced.

The core causes effected the security of Ratchanadda Temple's community career lives

The core cause effected the security of Ratchanadda Temple's community career lives was the Master Plan from the Royal Thai Government started from 2544 B.E. (2001).The aim of this plan was to conserve the historical area that mention above. This master plan was related the two acts of city planning year 2518 B.E.(1975) and 2549 B.E. (2006), which to control the growth of the Bangkok city, and made the Bangkok Metropolitan to be a good - living city. (The National Economic and Social Development Committee, 2553: 4-2). It's concept were to fix the landscape planning around the Ratchadamnoen Avenue and divided the land use into two parts. Firstly, was used for the Royal Ceremony. The center of the ceremony was the Jesada Bodin Square. Secondly, was used as community's residents area. This area is behind the Ratchaadamnoen Main Buildings.The process to run this plan started from April,20 2547 B.E. the Cabinet approved for founding the committee to manage and develop special area on Ratchadamnoen Avenue During 2544 – 2551 B.E.(2001 – 2008), there were 9 projects to develop this historical area. These projects were:

- The project of the construction of the honor square of His Majesty King Bhumibol Adulyadej
- The project of the Jesada Bodin Square improvement
- The project of the walking terminal under the Ratchadamnoen Ave. near the Democracy Monument.
- The project of the Ratchadamnoen Avenue surrounding development.
- The project of the Ratchadamnoen Avenue Building renovation.
- The project of the Ratchadamnoen Avenue Building nearly Democracy Monument renovation.
- The project of the walking terminal under the Ratchadamnoen Avenue near the Royal Plaza (Sanamluang)
- The project of the Kaosan Road renovation.
- The project of the backside area behind Ratchadamnoen building development.

At present time only the project of Jesada Bodin Square improvement was completed. (the National Economic and Social Development Committee, 2553: ค.1 – ค.2).

Since 2552 B.E(2009) up to present. the National Economic and Social Development Committee employed "A – Seven Corporation" Company to do the survey research to seek for the requirement of each community to achieve the master plan. The researcher retrieved the main idea of master plan to set the communities' activities as a live museum in two ways. Each community have to choose one from the choices below:

Firstly, was the concept of "An Old town through Story Telling" mean the tourists can walk around community and see the real ways of lives in old place which it has it's own historical back ground. The tourists can buy souvenir or foods from the community.

Secondly, was the concept of " Walk along the Fence, Tour around the City" this concept was to promote the special route to visit the Government's old building or Temples and invite the people from the communities around these places to sell foods or souvenir, to stimulate the economic. Finally, people from Ratchanadda Temple's Community chose the first concept, "An Old town through Story Telling" . Every body hope that it will be the route of sight seeing tour around the community. But on the contrary, since the report was finished in 2553 B.E.(2010), there was no activities around the community. The majority of dwellers in Ratchanadda Temple's Community who are traders are still do there own ways. The customers are still the officials who work in Bangkok Metropolitan Office and the staffs who works for the Crown Property, at the "Nitas Rattanakosin exhibition Hall".

How to solve this problem is to trace back the results from the research. There are four weak points of this research. Firstly, the concept of live museum did not come from the community. It was the strategy of the Government to stimulate the economic from tourists, Secondly, are tools and methodology. Because there are less key man performance who can share the information in holistic. It was found that some of traders and renters were not selected as key man performance to inform the information to the

researcher. Key performance actually were the head of community. They did not inform the in depth problem about the community's career lives which was effected from the master plan. Thirdly, it neither lacked the mechanism to follow up the work plan nor the mechanism to evaluate the out put. Fourthly, it lacked the capital fund.

Suggestions

To solve these problems I mentioned above. The stakeholders in this community have to discuss and try to get the limitation out. Firstly, the head of community have to do more P.R. (Public Relations) the activities in the community to all of the dwellers. Secondly, the stakeholders in the community have to follow up the plan "An Old Town Through Story Telling" and activities from plan. Thirdly, the stakeholders have to donate fund for helping community to run activities from plan.

There are 3 ways to achieve the plan of "An Old Town Through Story Telling". Firstly, the traders who are the majorities in this community should discuss with the head of the community and try to negotiate with the Crown Property to rent some area out door from the main buildings alongside Ratchadamnoen Avenue on the lower price to construct the sheds in an old fashion design to sell foods. There are many styles of shed that has not too much price such as the good samples from pictures below

Retrieved 3 June 2016 from : www.waraporn_ink.blogspot.com,

Shed.Retrieved 3 June 2016 from : www.emagtravel.com

Shed Retrieved 3 June 2016 from : www.thaider.com

Secondly, the traders prepare the front side of their houses to decorate the shed in an old fashion back to the period of King Rama V to sell foods. Such as the sample pictures of Banmai Market in Chachoengsao Province below;

Shops from Banmai Market, retrieved 3 June 2016 from
www.travelthaimagazine.com

Community shop, retrieved 3 June 2016 from www.Sudsapda.com

Thirdly, is to use "Lod Canal" to be a place similar to the floating market. These concepts will be the first step of out door activities in the paradigm of "An Old town through Story Telling" from the participate of the community. Similar to the picture below;

Sanamluang in the past, *retrieved 3 June 2016 from www.dek-d.com*
*Compare with **"Lod Canal"***

Lod Canal Retrieved 3 June 2016 from www.uamulet.com

Conclusion

The Good Governance for community development in this article is the stakeholders in the community, which are the Crown Property, head of community, the traders and renters have to participate all of the processes of the development program. All of them have to plan and zone the historical spaces for sight seeing tour around the community. Under the theme of "An Old town through Story Telling" which was chosen by the community. To achieve all of these plans is to get the limitation out. Firstly, the head of community have to do more P.R. (Public Relations) the activities in the community to all of the dwellers. Secondly, the stakeholders in the community have to follow up the plan "An Old Town Through Story Telling" and activities from plan. Thirdly, the stakeholders have to donate fund for helping community to run activities from plan.

To follow the plan, the head and committee of the community have to negotiate with the Crown Property for rent the clearing space between Ratchadamnoen Buildings in low price to construct the sheds in old fashion style for selling foods. This project won't take much prices. Because they can use the recycle woods. The traders have to decorate the front space of their houses to be a small old fashion shed for selling foods and drinks in the same style of Banmai Market in Chachoeng Sao Province. The last one is to renovate Lod Canal to be a floating market as same as in the era of the King Rama V. If they can do all of these processes and P.R. this local wisdom widely. They can solve the problems of the insecure of their career lives and achieve the Rattanakosin Island Conservative and Renewal Master Plan also.

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The Motivation, Expectation and Perception of International Patients towards Medical Tourism in Thailand

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Abstract

Thanks to the century of globalization of health and high medical technology, people from both developing and developed countries concern more about their health and search for healthcare outside of their home countries. This study aims to find out the essential factors that motivate foreigner medical tourists to choose Thailand as a healthcare services destination. To learn more about what they expect to have in their treatment trip, and finally their perception on service quality satisfactions attributes will show the level of satisfied of the medical tourists and it will help to realise if Thailand is being a good role model for Medical Tourism. This research selects only the potential international medical tourists aged 18 and above who travel to have treatment (combine and not combine with the vacation) in Thailand. The questionnaire was conducted on the 400 medical tourists who were in the last process of treatment at the hospitals' cashier counters and last process of stay at the hotels' check-out desks. This study adopted SPSS program to analyze data.

Keywords: Medical Tourism/ Motivation Service Quality/ Thailand

Introduction

The trend of Medical Tourism has been recognised around the world. The medical travellers are motivated to seek health care treatment across their home country for several reasons; high health care quality, affordable medical expense, shorter wait time, available procedures, advanced medical technologies and facilities (York, 2008; Stolley & Watson, 2012). Nearly 50 countries in the world actively promote medical tourism and several Asian countries focus on healthcare industry (Gahlinger, 2008). Thailand became known as a destination for medical tourism as early as the 1970s (Connell, 2006). Since 2003 Thailand has been attracting up to 800,000 foreigners patients, bringing in about 19,500 million THB. In 2004, Thai government began strategic plans to promote Thailand as a prime medical tourism destination and injected 3 billion THB in an effort to keep ahead of Asian rivals; Singapore and Malaysia, in attracting foreign patients (Preecha, 2012).

Travel motivation

Assessing tourist motivation allows us to understand a traveler's choice, preferences and needs (Bansal & Eiselt, 2004). Tourist motivation has been viewed as an important issue in tourist behaviour in terms of selecting tourist destination choice (Jennifer & Tom, 2007). Dann (1977) and Crompton (1979), introduced the concept of push and pull factors for explaining travel motivation. The push and pull

framework is most popular to explain why tourists choose a place over another, the type of experiences they seek and the type of activities they want (Chen et al., 2011).

Push factors are intrinsic desires of human beings (Uysal & Jurowski, 1993). In reference to medical tourism, the main push factors are a long waiting list. In some nations, delays in obtaining access to care in local health-care facilities prompt patients to travel to regions where they can receive immediate treatment (Muddle, 2007; Ormond, 2011; Stolley & Watson, 2012). Services that are not funded by national health programmes, for example, cosmetic surgery and gender-reassignment operations (Hall, 2011; Horowitz & Rosensweig, 2007; Ormond, 2011; UNESCAP, 2007). Some patients travel abroad for medical interventions that are not approved in their home country. Privacy and confidentiality are considered as one of the push factor (Hall, 2011; Horowitz & Rosensweig, 2007; Ormond, 2011). Anonymity is especially appealing to patients who are undergoing more-sensitive procedures, such as cosmetic or gender reassignment surgery (Stolley & Watson, 2012). In other countries, the high cost of local health care is a major factor in prompting patients to seek treatment elsewhere (UNESCAP, 2007). Additionally, Kim et al., (2003) and Connell (2006) claimed that the rising number of senior citizens who have time, money, and motivation to maintain good health is one of the main drivers of the health tourism market.

Pull factors are those specific elements that drive people to realise their needs of particular travel experiences (Uysal & Hagan, 1993). The main pull factor that drives health tourists to seek treatment in less-developed countries is the low cost (Connell, 2006; Gray & Poland, 2008; Hall, 2011; Herrick, 2007; Horowitz & Rosensweig, 2007; Ormond, 2011; UNESCAP, 2007). However, people may also travel abroad to obtain medical treatments that are not covered by their insurance policies, such as cosmetic surgery, or because they cannot afford insurance coverage at all (Josef, 2009). Most of the countries that promote medical tourism are attractive to those seeking affordable treatment (Stolley & Watson, 2012; Josef, 2009). In addition, Connell (2006) added that tourists are also taking advantage of affordable air travel and favourable exchange rates. The emergence of the state-of-the-art medical facilities in developing countries and the aftercare are important in terms of quality (UNESCAP, 2007). According to Yap (2007), people travel for four types of health care: essential, affordable, quality, and premium healthcare. Essential healthcare relates to the care that is not available in the home country. Krippendorf (1987) argued that even though people are generally more motivated by pull factors, it is generally accepted that the actual behaviour itself is determined more by other factors such as social pressures, financial considerations, and time availability.

Forming expectations

Consumer expectation is important for service providers to understand what customer encounter before, during and/or after a service (Hamer et al., 1999). Forming of expectations is in different factors such as antecedent experience, needs, advertising, word-of-mouth communication, news (Lovelock & Wright, 2002). Expectation in healthcare refers to the anticipation of physician consultation in healthcare system (Lateef, 2011). Service quality is also considered as the desire or need of customer to fulfill their satisfaction and decision on the repeat service. Nonetheless in the research of Guiry et al, 2013 found that the experienced medical tourists may have lower

service quality expectation than potential medical tourist. Customers who come from various cultural backgrounds have different expectations and different service-quality perceptions (Furrer et al., 2000; Kueh and Voon, 2007). Hence patients from various countries would give different hospital service quality aspects (Bakar et al., 2008). Service quality expectation act as a critical role in a tourism destination and service quality (Jabnoun and Al-Tamini, 2003). Therefore, the medical service provider should avoid assuming the same medical tourist expectation and concern in advance of understanding and managing customer' expectations to improve customer satisfaction.

Service Quality

Service quality is an impact factor for achieving customer satisfaction. Parasuraman et al. (1985) defined service quality as a differences functions along the following dimensions for example; reliability, responsiveness, courtesy, communication, credibility, understanding and tangibles. If the services received exceed their expectations, customers will be delighted, and will perceive service quality as excellent and vice versa. Gummesson (1988) described service quality in emphasis on customers and their satisfaction which is more commonly used in service and tourism industries. While Cronin and Taylor (1994) viewed service quality as a form of attitude representing a long-run overall evaluation. This has appeared to be consistent with Roest and Pieters' (1997) definition that service quality is a relativistic and cognitive discrepancy between experience-based norms and performances concerning service benefits. Swarbrooke & Horner (2007) explained that tourists have complex nature depend on their individual attitudes, expectations and previous experiences.

The key model which is widely used in service quality and customer satisfaction is SERVQUAL scale introduced by Parasuraman et al. in 1985. SERVQUAL is to quantify and measure consumer service expectation and perception gap by using five dimensions (Parasuraman, 1998; Parasuraman et al., 1988).

(1) Tangibles: physical facilities, equipment, appearance of personnel
(2) Reliability: ability to perform services as promised, dependably and accurately
(3) Responsiveness: willingness to help customers and to provide prompt service
(4) Assurance: employee knowledge, courtesy and ability to convey trust and confidence
(5) Empathy: providing caring, individualised attention of the firm provides to its customers

Method

This survey uses the quantitative method to get information on each factor. The data collection was approached by using questionnaire survey. From sample size, 400 target populations were needed for questionnaires. Therefore, questionnaires were distributed to the 400 international patients at the international hospitals and accommodations around the hospitals in Bangkok area. 306 questionnaires were usable for further analysis.

Descriptive statistics

Out of 306 samples, there are 58.8% male respondents and around 52% of the medical tourists were in the age range of 25-44 years old. 65% of them earned less than 6,000 USD per month. In terms of nationality, the samples represented variety of nationalities, including European, Asian, North American and Oceania.

The variables of the current study included push motivation factor, pull motivation factor, five types of expectation as indicated in table 1.

Table 1 Means and Reliability Test of Variables

Variables	Means	Reliability (alpha)	Number of Items
Push motivation	3.1980	0.711	10
Pull motivation	4.1737	0.832	10
Expectation			
- Tangibility	4.4420	0.863	4
- Reliability	4.4778	0.886	5
- Responsiveness	4.4597	0.866	3
- Assurance	4.4992	0.907	4
- Empathy	4.4828	0.911	4

All variables showed acceptable level of reliability test, which is higher than 0.70. In order to test the relationship of motivation factors (push and pull motivations) and five types of expectation (e.g. Tangibility, Reliability, Responsiveness, Assurance, and Empathy). The purpose of the regression analysis is to test the effect of push and pull motivation factors on the expectations. The results of the regression analysis were shown in the tables below.

Table 2 Regression Models

	Model 1 Tangibility	Model 2 Reliability	Model 3 Responsiveness	Model 4 Assurance	Model 5 Empathy
Push motivation					
B	.044	.011	.046	.056	.001
(t-value)	.8300	.2200	.860	1.070	0.015
Pull motivation					
B	.408	.454	.395	.413	.305
(t-value)	7.7752**	8.801**	7.415**	7.887**	5.530**
R-square	17.3%	20.7%	15.4%	18.0%	9.3%
F-value (Global test of the model)	31.661**	39.593**	27.491**	33.220**	15.535**

** indicated p-value<0.01; B= standardized coefficients

From the five models provided in the table 2, similar findings demonstrated that only pull motivation factor had positive influence on tangibility, reliability, responsiveness, assurance and empathy. Interestingly, push motivation showed no significant influence on the expectations.

Discussion and implications

The findings of expectation on "Tangible" elements of SERVQUAL scale is similar to the previous study of UNESCAP (2007) that identified the state-of-the-art medical facilities in developing countries. With respect to destination image, Borman (2004) and Jonathan (1994) explained that health tourists were attracted by the unique attractions of the destination combined with facilities for healthcare services. Furthermore, pull motivation had an impact on "Reliability" elements. According to Yap (2007) and Devon (2007) the results on the expectation to have better quality and better quality of healthcare and trust of service providers acquiring good medical experience. Besides, the medical tourists are motivated by a need for special attention and care (Smith & Puczko, 2009). Regarding to "Responsiveness" element, the research of Krippendorf (1987) pointed out that the short waiting time is affected the customers when travel abroad to receive the prompt medical services. With respected to the "Assurance" element, Preecha (2012) stated that the nature of customers' expectation influenced the selection of potential healthcare service providers rather than other countries competitors. Moreover, the standardized accreditation can assure the hospital performance and ensure the standard services (Smith & Puczko, 2009). The tendency of expectation on "Empathy" affected the expectation factors as indicated by Yap (2007) that the premium types of healthcare understand and prioritize the specific need and adds prestige.

Conclusions and Recommendations

The current research is aimed to test the effect of push and pull motivation factors on the expectations. The results were highly interesting because only pull motivation factors had positive influence on the expectations, especially in the context of medical tourism. The attributes of the medial tourism destination, such as low costs, can positively affect the expectations on the visits of the medical tourists. This indicated that important findings and led to the practical implications for practitioners. Hospital executives or destination managers should emphasize the highlights of the destinations, including medical care quality and value for money, in order to attract the potential groups of the customers. In addition, the information about the destination should be made available through several multiple media, including social media.

Further research should continue to focus on understanding the viewpoints of the medial tourists. Researchers may explore the decision making process of the medical tourists and qualitative research may be conducted to understand the insights of the respondents. Additionally, cross-cultural study should be implemented because the respondents from different cultures may have various reasons to select their medical tourism destination.

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Role of NGO in Japan and Southeast Asia

Changing Landscape of Government-NGOs Relations in Multinational Level: Cases of Japan and Middle Income Countries in Southeast Asia

Yutaka Katayama (Head of Panel's Team),

This paper aims to contribute to wider practical debates on government-NGOs relations in multinational level - of which conceptual discussion is still equivocal. It also intends to advance the conceptual debates of NGOs in governance by drawing upon case studies of middle income countries in Southeast Asia and Japan, which has been a visible donor in the region. Academic and policy debates on rules of the NGOs in governance largely revolve around critical changes. One of them is diversification of actors. Dramatic maturity of local NGOs in Southeast Asia has been discussed. Diversification ranges from the state-supported NGOs to global-alliance-based NGOs (e.g. World Vison, Care International) which has autonomy from the government based on independent and solid financial base and adopt global standard shared by OECD-DAC and United Nations. Naturally these diverse organizations have developed their own norms and strategy into both policy and practice in development arena. Competition has been keenly felt by the traditional NGOs - faith-based organizations, philanthropic groups, and organized/individual volunteers - reviewing strategy to obtain stable financial mechanism has been prioritized in their recent agenda. Based on these features, this panel tries to explore three key queries:

1) What does the government-NGOs relations actually look like on the ground in Japan and Southeast Asia?

2) Has there been any regionally specific feature emerged, particularly in terms of actors, type of financing, and projects/programs?

3) What kind of government-NGOs interaction has been emerging or possible in the region? Is there any case worth sharing as emerging proto-types of government-NGOs relations in the region?

Keywords: Non-Government Organization/ (NGOs), Government-NGOs Relations/ Japan/ Southeast Asia

Official Development Assistance to NGOs: Assessing the Impact to Governance

Yutaka Katayama, Vice President, Kyoto Notre Dame University, Japan

Introduction

This panel aims to present and test a hypothesis: distributing Japan's Official Development Assistance(ODA) to Japanese and non-Japanese NGOs helps enhancing capacity and accountability of government agencies in providing social services. It discusses Government-NGOs relations in Japan and some of the new democracies of Southeast Asia and from two-level contexts of perspectives of governance.

This papers is to present a theoretical framework on Government-NGOs relations and governance.

The first context is Government-NGOs relations of the foreign aid-recipient countries. Foreign development assistance primarily aims to help enhancing institutional capacity of the government agencies of the recipient countries. However, since 1980s, Western donors and international financial institutions such as World Bank has recognized that, it is not realistic to expect immediate and remarkable impact of institutional building for "weak" states which cannot provide enough social service. That is why donors have also provided financial assistance to non-state actors which had already worked as service providers (e.g. Church-based organizations, international NGOs) as an alternative prescription. Quick-impact projects such as Conditional Cash Transfer (CCT) or community bottom-up projects are important to satisfy grassroots aid recipients.

Such direct financial assistance to non-state has eventually helped capacity building of the states. While NGOs vividly play its role as a service provider, the government agencies are under pressure. Literatures of governance suggest that participation of non-state actors in providing public services lead competition and interaction amongst the NGOs and the state actors which stimulate accountability and improve quality of service by the state.

Japan's ODA to Southeast Asia is explained well by this model. While there have been many criticisms that Japan's ODA has focused on infrastructure projects such as ports, airports, highways, and railways, Ministry of Foreign Affairs of Japan has provided small-scale grant to Japanese and non-Japanese NGOs through various

schemes. Such "ODA through NGOs" approach was particularly effective in fragile states, conflict area, and "weak states," in which capacity building to the state actors cannot show quick impact. In Mindanao, a southern island of Philippines, for instance, Japanese government has financially assisted grassroots development projects by local government and NGOs to raise awareness of "peace dividend" even before the peace agreement between the government and Moro Islamic Liberation Front (MILF) seemed to be difficult to be concluded.

The second context is government-NGOs relations in welfare states including Japan. Local governments have outsourced social services such as support for the elderly and the handicapped to NGOs for the past three decades. There has been critiques that NGOs would end up with subcontractors of the government. However, using basic governance literatures, Tsujinaka (2012) concluded that government-NGOs relations in Japan is shifting "from confrontation to cooperation." His quantitative data analysis proves that the NGOs are keen to contribute for "check and balance" to the government and networking with other non-state actors like mass media.

Government and NGOs are not Principals and Agent, according to Tsujinaka. They relates each other's as stakeholdes- to improve the service quality and governance together.

Does this model is also applied in Japan's international cooperation NGOs or NGOs in middle income countries? As already mentioned, Japan's ODA has been distributed to NGOs for decades. NGOs, as an implementing organizations, have been in search for dialogue with Ministry of Foreign Affairs, Ministry of Finance, and Japan International Cooperation Agency (JICA) for better use of ODA fund. They sometimes criticized ODA for its negative impact to socio-environment of the recipient countries and regions. However, Kiba claims that the Japanese NGOs which once receive financial support from the government tend to be more dependent to ODA to secure its administrative cost. Too much dependence to the ODA fund might limit flexibility of the projects, worse quality of service, and lead negative image of the Japanese ODA in the recipient countries.

The Methodology of our Research

1. Interviews with the government officials: The Ministry of Foreign Affairs, Japan International Cooperation Agency (JICA), Japan Bank for International Cooperation

2. Interviews with the NGO sector Advocacy group and Project Based group

In the Present, A sort of Convergence is taking place.[1]

(1)Advocacy type of NGOs: They are sometimes involved in the policy making of the government public policies

(2) Non-political type of NGOs:They are not entirely dependent of the government funds and have become "equal" partner for the government.

The Purpose of this Presentation

Test Tsujinaka group's hypothesis in the Government of Civil Society relations in terme of the International Cooperation in Japan

Question: The relations are shifting from Confrontational or Vertical to Cooperative: Horizontal, too ?

The relations between the advocacy type of NGO and the Government are becoming cooperative, rather than confrontational.[2]

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[1] *Fact-Findings by Yutaka Tsujinaka group's research, The Contemporary Japanese NPO Politics: The New Phase of the Civil Society in Japan, 2012*

[2] *The hypothesis by Tsujinaka's research has been sustained in the field of Japanese International Cooperation*

Japan's ODA Fund to the NGOs: Assessing the Impacts on Projects/ Programs

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Abstract

Despite their independence from government, many Japanese NGOs receive significant funding from government entities. While government funding can fund an NGO entirely or partially, it may keep its non-governmental status by distancing itself from supporting certain political goals and government's development goals. As such, some NGOs do not accept funding from the government or any intergovernmental association. Aforementioned features in Japan explores a questions; does government fund cause any specific feature, particularly in terms of type of components of projects/programs?

Keywords: NGOs/ ODA Fund/ Japan/ Philippines

Research Objectives

Despite their independence from government, many Japanese NGOs receive significant funding from government entities. While an NGO can be funded entirely or partially by government funding, it may keep its non-governmental status by distancing itself from supporting certain political goals and government's development goals. As such, some NGOs do not accept funding from the government or any intergovernmental association. The following chart shows how Japanese large-scale NGOs financially depend on funding from the government. Share of governments' fund in total income is 75.5% in Kokkyo naki Kodomotachi (Children without Borders:KNK), 48.5% in Japan Volunteer Center (JVC), and 81.6% in Peace Winds Japan(PWJ). Share of membership fee and donation is relatively small in these organizations.

単位:千円

		JCCP		KnK		JVC		ADRA		PWJ		JEN		AAR		WVJ	
		千円	%	千円	%	千円	%	千円	%	千円	%	千円	%	千円	%	千円	%
I N C O M E	Member-ship Fee	3,096	2.2	41	0.0	10,709	4.4	5,707	2.1	53,143	7.0	875	0.1	6,098	0.7	660	0.0
	Donation	2,613	1.8	51,441	23.8	98,548	40.3	68,022	25.5	65,641	8.7	531,855	68.0	464,807	50.1	3,589,412	82.8
	from Gov't	133,091	92.9	163,029	75.5	118,540	48.5	192,138	71.9	615,990	81.6	244,649	31.3	437,477	47.2	689,722	15.9
	Income	3,682	2.6	784	0.4		0.0		0.0	15,586	2.1	4,792	0.6	17,695	1.9		0.0
	Others	808	0.6	745	0.3	16,591	6.8	1,242	0.5	4,880	0.6	226	0.0	890	0.1	53,974	1.2
	計	143,290	100.0	216,040	100.0	244,388	100.0	267,109	100.0	755,240	100.0	782,397	100.0	926,967	100.0	4,333,768	100.0
経常費用	事業費	107,187	74.8	203,662	94.3	197,997	81.0	237,335	88.9	579,145	76.7	793,941	101.5	726,578	78.4	4,348,018	100.3
	管理費	6,307	4.4	9,123	4.2	42,940	17.6	28,575	10.7	71,059	9.4	35,887	4.6	46,396	5.0	49,960	1.2
	計	113,494	79.2	212,785	98.5	240,937	98.6	265,910	99.6	650,204	86.1	829,828	106.1	772,974	83.4	4,397,978	101.5
経常増減		29,796	20.8	3,255	1.5	3,451	1.4	1,199	0.4	105,036	13.9	△47,431	△6.1	153,993	16.6	△64,210	△1.5
営業外		△2,207	△1.5	△80	△0.0	8,054	3.3		0.0	△77,074	△10.2	△27,655	△3.5	△36,758	△4.0	83,912	1.9
正味財産		27,589	19.3	3,175	1.5	11,505	4.7	1,199	0.4	27,962	3.7	△75,086	△9.6	117,235	12.6	19,702	0.5
		27589		3175		11505		1199		27962		−75086		117,235		19,702	
		0		0		0		0		0		0		0		0	

Aforementioned features in Japan explores a questions; does government fund cause any specific feature, particularly in terms of type of components of projects/programs?

This research first describes recent trend of development NGOs' relation to donors and government in the Philippines.

In the Philippines classic social service providers have been three. 1) Government (Central/Local), 2) Local development NGOs, 3) Foreign development NGOs. Recently there are additional(emerging) Service Providers- International NGOs which used to be donors but recently started implementing its own programs such as OXFAM and private sectors.

The research questions are:
1) What can explain these emerging service providers?
2) What these actors cause any specific feature, particularly in terms of type of components of projects/programs of classic NGOs?

Three hypotheses are lead through this study:
1) Former donors are turning to direct service providers.
2) It influences donors-NGOs relations. Local and foreign NGOs gets more subcontracting, losing their autonomy.

3) Local NGOs in middle income countries are facing the same challenges of NGOs of welfare states: autonomy or subcontracting.

Theoretical Framework: Agency Model

First the author explains the recent change of trend through principal-agent theory. As the Philippine has received international aid from bilateral and multilateral donors, donors are considered as "principals" and they choose service providers (including government and NGOs) are "agents." Both the principals and the agents has incentive of delegation. If the principals lose benefit through the agents, they change the agents or give up delegation, saying "do it by themselves!" Delegation can be either; 1) strong autonomy of the agents, less intervention from the principals, or 2) weak autonomy of the agents, more intervention from the principals.

There are five categories of "Agents" as resource providers.
1) Philippine Government
2) International donors
3) New type of International donors which used to be donors but recently started implementing its own programs
4) ODA
5) Private sectors

There are also five categories of "Principals" There are five categories of agents as service providers.
1) Government/Local Government
2) Local development NGOs
3) Foreign NGOs
4) International NGOs (which used to be donors but recently started implementing its own programs
5) Private Sectors

**The incentive of principals toward delegation examined as follows.**
In case of 1) Philippine government, it used to have no enough budget. When it receives large-scale loan/grant from Asian Development Bank or World Bank, it tries no to delegate the social work to other actors of society as the Philippine government has been tried to enhance its institutional capability. Therefore it prefers subcontract-style management of social work using local development NGOs.
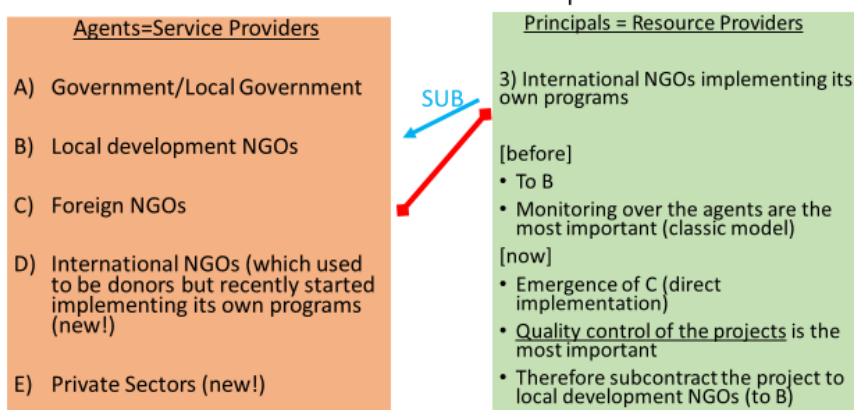
Incentive of the Principals
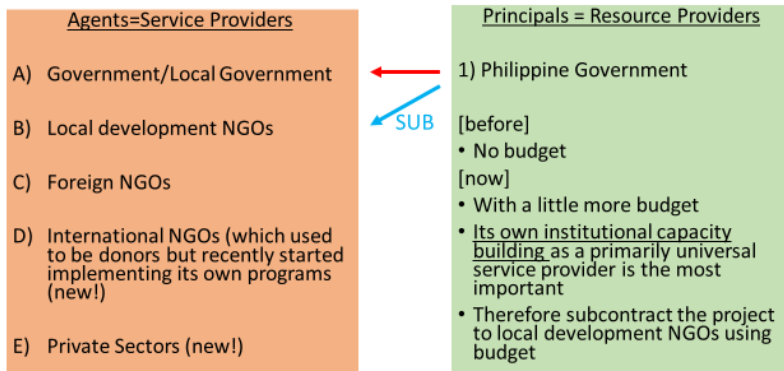
In case of 2) is international donors. As they do not have solid base in the recipient country, they delegate social development work to local ad international NGOs.
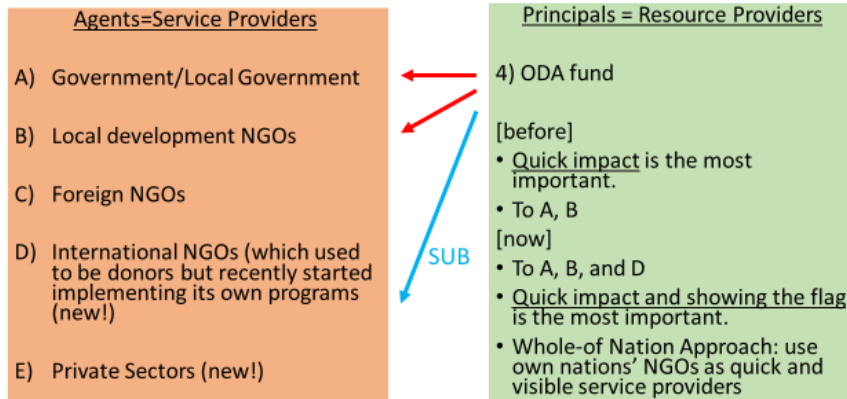
Incentive of the Principals
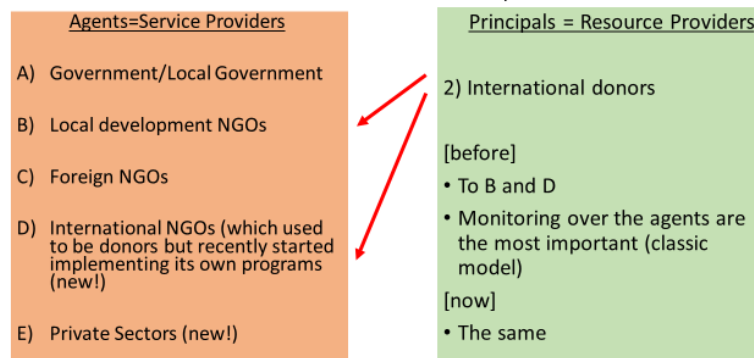
## Incentive of the Principals

Incentive of the Principals

In case of 3) International NGOs has been also delegated its task to local NGOs-however, NGOs like OXFAM recently prefers to deliver services more directly, opening OXFAM Philippine office. The former donors turn to be project implementing body as quality control of the project is the ultimate concern of these groups.

In case of 4) is ODA. ODA fund are more distributed to government organizations in middle income countries for capacity building. As they would like to pursue PR effect of the donor nations, the prefer to delegate some tasks to NGOs of their own nationals.

In case of 5) Private sectors are also concerning quality-control of social services, making themselves service implementers particularly in health and education.

Incentive of the Principals
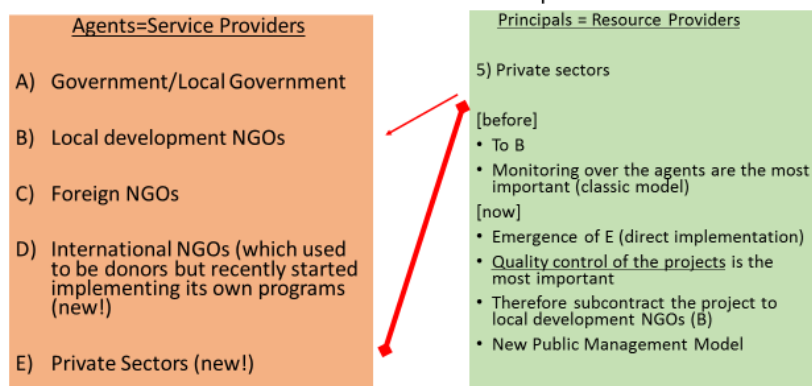
Hypothesis through this agent model is as follows:

1) Nature of Agents: Government/Local Government agencies are the strongest service providers

2) Local development NGOs are getting subcontracted, less autonomy

3) Foreign NGOs are getting subcontracted work

4) International NGOs have the most autonomy as service providers (do not use agency- direct implementation)

5) Private sectors also have the most autonomy as service providers (do not use agency – direct implementation)

Conditional Cash Transfer (CCT, or 4Ps) funded by World Bank and ADB has been enhancing local government agencies (Department of Social Welfare and Development) to implement the projects (Strengthen government, not NGOs). Similar schemes, Bottom-up barangay budgeting is also for the government. It hires former local development workers as community enforcers -subcontracting its work to NGOs. It is more obvious in the National Community Driven Development Program (NCDDP), the caled up version of KapitBisig Laban sa Kahirapan (Linking Arms against Poverty) Comprehensive and Integrated Delivery of Social Services (KALAHI–CIDSS)

Conclusion

While former donors and private sectors are turning to direct service providers, use local NGOs for its quality control of the service. Foreign NGOs are getting fund from home nations ODA. Local and foreign NGOs gets more subcontracting, losing their autonomy. Local NGOs in middle income countries are facing the same challenges of NGOs of welfare states such as Japan.

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Rights-Based Approach to Development and its Implications to Government-NGO Relationship

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Abstract

Rights-Based Approach to Development, or RBA, is a framework that has been introduced to development community since late 1990's. It is now widely adopted by UN agencies and major global-alliance-based NGOs, such as ActionAid, Care International and Save the Children. Adoption of RBA is expected to guide development actors to prioritize 1) most basic requirements for human existence, 2) empowerment of people as claim-holders, and 3) strengthening the role of government as a duty-bearer.

In effect, RBA encourages NGOs to participate in building "democratic people-state relationship", which is assumed in most of the constitutions in this region and in international human rights standards. As such, RBA poses various challenges to NGOs at both practical and conceptual levels. This paper aims at analyzing the implications of the adoption of RBA to Government-NGO relationship by looking into strategies taken by local and international NGOs to respond to these challenges in different social context.

Keywords: NGOs/ GOs-NGOs Relationship/ Rights- Based Approach/Japan

Introduction

Human Rights-Based Approach to Development, or RBA, is a framework that has been introduced to development community from late 1990's. It is now widely adopted by UN agencies and major global-alliance-based NGOs, such as Oxfam, ActionAid, Care International and Save the Children. RBA was listed as a basic principle for development NGOs in "The Siem Reap CSO Consensus on The International Framework for CSO Development Effectiveness" which was agreed in the second Global Assembly of Open Forum for CSO Development Effectiveness in 2011.[1] Those who adopt RBA use human rights standards and principles to guide planning, implementation and evaluation of their development work. The Adoption of RBA is expected to guide development actors to prioritize, among others, the following elements.

1) Most basic requirements for human existence for the most disadvantaged: human rights standards define most basic necessities, such as water, housing, education, basic freedoms, and fair treatment by others, to be respected, protected and fulfilled by society at large, and by the government in particular.

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[1]. *The Siem Reap CSO Consensus on The International Framework for CSO Development Effectiveness (Agreed By The Second Global Assembly, Open Forum for CSO Development Effectiveness, Siem Reap, Cambodia, June 28 – 30, 2011)*

2) Empowerment of people as right-holders: the concept of human rights is based on the idea that people have rights to live in dignity and can demand duty-bearers to take actions for the realization of dignity.

3) Strengthening the role of government and other related actors in all levels as duty-bearers: the concept of human rights is based on the idea that those who are endowed power by people have duties to use their power to protect human dignity of the people.

In effect, RBA encourages NGOs to participate in the construction of democratic people-state relationship, which is assumed in most of the constitutions in this region and in international human rights standards, but not realized to the full. For many NGOs, especially those who have been focused in service delivery, this means that they have to fundamentally rethink their role in development.

Re-defining the NGOs role

In accordance with RBA, provision of most basic services by NGOs could be seen as an activity with secondary importance at most, and for good reasons. If most basic needs are human rights, it should be delivered universally, and with accountability. The development NGOs are not very good at universal delivery of service as their area of work or target groups are "focused". These NGOs are neither in a position to be accountable to general public and recipient, as they are primarily accountable to donors. Of course, participation of local people/beneficiary is promoted in NGOs' projects, but the selection of project site, or contents of projects are usually decided by NGOs and donors, and people are not able to question their decision, as the NGOs and donors are "helping out of goodwill".

Of course, in reality, many governments have been failing to realize basic needs of people in a universal and accountable manner too. That is exactly why the NGOs have been receiving fund from international donors to deliver services in the place of the governments. However, this mode of operation could have been functioning as a "self-fulfilling prophecy" by depriving the government of the opportunities to be better in delivering services in an accountable manner, making the government weaker, and less responsive to the people. RBA, therefore, can be seen as a solution to this problem, as it positions people and the government in "right places" expecting the governments bigger roles in accordance with the idea of modern democratic nation state[2]. Then, what the roles of development NGOs should be?

If the government is capable and responsive to people's demand, and the people, as taxpayers and voters, are confident, articulate and reasonable enough to claim the government to act to realize human dignity of the people universally, there would be not much need for the development NGOs. And of course, there is no such state, which has these conditions. Some governments, especially those newly democratized, are not used to implementing policies with people's participation. In some states, governments are very centralized that people cannot have an access to local political process. In many states in this region, the ethnic diversity also makes it difficult for

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[2]. *According to Danish Minister for Development Cooperation, Christian Friis Bach, RBA is indispensable as it "empowers citizens and governments to reclaim the development process" (DANIDA, Introduction to Human Rights-based Approach, as available at http://files.um.dk/HR/Development/Introduction-to-the-Human-Rights-Based-Approach-output/story.html on 29 April 2016).*

government to take every need into consideration. People too may not be confident and articulate enough to communicate with the government for better policy.

Therefore, NGOs still have many roles to play. NGOs may persuade the government to prioritize the most basic necessities of people, especially of the most disadvantaged. NGOs may show government how to do deliver service for the marginalized people by implementing their own projects. NGOs also may help people to organize themselves and help them to understand what they can expect from the duty-bearers and what they should do by themselves. In order to play these new roles, NGOs also have transform themselves.

NGOs new challenges

1. Legitimacy

NGOs delivering services do not have to explain why they are doing what they are doing. Governments are not offended, and people are happy with cheap service. However, RBA makes NGOs talk with government and people about what they should do based on human rights standards and principles. This instantly brings the question to the government and others why they have to listen to these NGOs. UN Agencies that adopt RBA tend to use international treaties, such as International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child, when they talk to governments, as international laws are the basis of UN and government relations. NGOs might do the same, but the effectiveness may vary depending on to what extent the government is committed to the international human rights treaties. NGOs working at local level might use constitutions and domestic laws as basis for their work. For example, in Vietnam, NGOs are using "Grassroots Democracy Decree" in order to encourage peoples participation in budget planning at local level.

Localization is another strategy. The global-alliance-based NGOs are strengthening local presence by decentralizing and also by creating united office in each recipient country for their affiliated members from different donor countries. These localized entities would have more legitimacy as a part of domestic civil society organizations.

2. Capacity

RBA leads the NGOs to consider more structural and institutional issues such as legal system and national policies. Therefore the NGOs might have to conduct research and lobby more than they used to do. This requires different kind of skills and human resources. Global-alliance-based NGOs may have the advantages as they can draw knowledge and experiences from other countries. United local office also helps their work by creating single voice with more professional staff. NGOs also use more local human resources. For example, ActionAid in Vietnam started to hire more local researcher after they have adopted RBA, as advocacy work should be based on reality in the field. Life with Dignity, an NGO based in Phnom Penh, Cambodia, uses networking more in order to have impact on government policies, while using their knowledge on up-to-date government policies and funding to help local governments offices and communities, thus gaining trust in the local stake-holders.

3. Getting trust of people

It is very important to get the trust of local people, and it may be more complicated with RBA, as NGOs may not be the service providers alone. NGOs, which used to offer medical services, now have to tell people to use health post of the government, and encourage people to demand the government for better service. This is much more time consuming than visiting NGO-managed health post to pick up free medicine. However, strengthening relations between rights-holders and duty-bearers can be less adversarial than it may sound, if NGOs can help build capacity of the government offices and facilitate communications between rights-holders and duty-bearers based on common shared objectives such as decrease the infant mortality.

4. Funding the promotion of rights

According to RBA, the NGOs' work will be more indirect and difficult to evaluate. This also makes it more difficult to raise fund for NGOs work. Organizations that uses child-sponsorship for fund-raising, such as ActionAid, Save the Children, and Plan International may be better positioned as they are depending largely on general public with abstract expectation for achievement. They can use the donation from the general public to promote community development that ultimately leads to the improvement of the living conditions of the children. When NGOs receive fund from funding agencies, more specific target might be set by the donors with concrete indicators in accordance with their policies which might makes it more difficult to adopt RBA for NGOs. As RBA helps "citizens and governments to reclaim the development process", competition for fund can become harsher for NGOs.

Case study 1: Life With Dignity in Cambodia

Life With Dignity (or LWD in short), is an organization based in Cambodia. It started in 1979 as a chapter of Lutheran World Federation, one of the faith-based development organizations. It became a local organization in 2011 and now fully committed to Rights-based Approach (LWD calls it Rights-based empowerment).

It uses RBA in various kind of project including health, education, and income generation. It is also deeply involved in training of NGO staff members of other organizations in Cambodia including major global-alliance-based NGOs.

When LWD works in the village, it combines conventional approach of service delivery, such as provision of goods needed for agricultural income generation, and RBA-guided approach such as promoting communication between village leaders and local government. For example, in a school building project, LWD first encourage local school council to understand the importance of the education. When the villagers decide to ask for new building from the local offices of the Ministry of Education, LWD also helps the ministry to procure the fund necessary for the building using their own network among donors. This way LWD can help both local people and government without taking over the role of government. Both the local people and the government would have ownership to the project, with both

communicating to each other for further development.

Case study 2:Raks Thai in Thailand

Raks Thai Foundation is a member of Care International. Care International has started to shift to Rights-based Approach since the 1999 (Care International, July 2001). Raks Thai Foundation was established as local organization in in 1997 when Care International decided to shift priority for funding to other countries. Since then, Raks Thai is trying to get funding from other sources, while being an affiliate member of Care International.

Raks Thai's major project for more than last 10 years is "Prevention of HIV/AIDS among Migrant Workers in Thailand (PHAMIT, in short)" funded by the Global Fund to Fight AIDS, TB and Malaria or GFATM. Raks Thai has been playing the role of the principle recipient which coordinates the project participants including various NGOs and government sections, though its role somewhat diminished recently.

As a member of Care International, Raks Thai adopts RBA as its guiding principle, with the Director, Promboon Phamichaphak, being one of the advocates for this idea in Thailand (Promboon, 2007). As being the main designer of the project, Raks Thai puts RBA related elements in the project, such as the idea or "friendly medical service" where no one is discriminated against in the health service provision, and promotion of access to medical services for migrants through medical translators at hospitals and health centers. However, it also had difficulties in putting some RBA related elements in the project. For example, the promotion of the legal status of migrants, which could be the most basic element to guarantee the rights of migrant to be claim-holder, is not fully included. Just as LWD, Raks Thai acts as service provider too in PHAMIT by distributing condoms, managing drop-in centers for migrant's health education and migrant children learning centers. It also organized voluntary health translators working at health post.

Adoption of RBA helped Raks Thai to have new perspectives in working on the issue. Making the migrant issue as its core work itself was helped by the idea of human rights. However, in an environment where the funding comes from external donor, it was rather difficult to control the whole framework. For example, issue of limited legal status of migrants is not tackled in this project in a full scale, though it is one of the major obstacles for migrants to receive equal health services.

Conclusion

Without RBA, development NGOs only had to think about how they should put people in the center of their project. With RBA, development NGOs now have to think how to help people to be the center of society, as assumed in modern democratic state. This makes NGOs to understand other actors' roles and work with them. They might include government offices, lawyers, researchers, journalists, and other social movement. It requires having new capacity and modality. In a sense, RBA could change developing NGOs to be more like one of the civil society organizations or social movements. This also might make development NGOs to face similar kind of challenges, such as getting fund for promotion of rights, and having good relation with the government and people. Adoption of RBA by donors also might make it

more difficult for NGOs to receive fund as it recognizes citizens and government to be the major actors in development process.

However, having been a development NGOs with rich experience in delivering services may give them different strength too. They can be better in proposing concrete solutions to the government based on their own experiences, making their work less adversarial. Different from human rights NGOs, they also focus on the most basic necessities such as education, health and nutrition, which are easier to become common goals among all stakeholders including government. By helping citizens and government to work together for the common goals, development NGOs with RBA might play an important role to make society more mature, where rights-holders and duty-bearers can communicate in a constructive manner.

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Constitution/ Referendum

Politics of Drafting the Constitution of the Thai Kingdom 1949

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Abstract

The article aims to explain the politics of constitution drafting of the Kingdom of Thailand in 1949 (2492 B.E.), which was the first permanent constitution that was drafted by the coup. The content consists of four major parts; The first part describes the coup d'état in 1947 (2492 B.E.), which was not only the end of power of the political leaders of the People's Party (KhanaRatsadorn), but also the beginning of a customary constitutuion on coup d'etat in Thai society that often followed by the abolition of original constitution then drafting a new constitution for replacement. The second part is focused on the debate issues in the process of the Constitution drafting of the Kingdom of Thailand in 1949 (2492 B.E.). The third part will points out Thai politics after the promulgation of that constitution and the final section will explain the coup in 1951 (2494 B.E.) which is accordingly followed by abolition of this constitution.

Keywords: Democrat Party/Field Marshall Plaek Phibunsongkhram/Coup d'etat/
Constitution Drafting Assembly

การเมืองของการร่างรัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2492 [*]

เฉลิมเกียรติ ภาระเวช, *ผู้ช่วยศาสตราจารย์, วิทยาลัยการเมืองการปกครอง มหาวิทยาลัยมหาสารคาม*

บทคัดย่อ

บทความนี้มีจุดประสงค์ที่จะอธิบายการเมืองของการร่างรัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ. 2492 ซึ่งเป็นรัฐธรรมนูญถาวรฉบับแรกที่มาจากการรัฐประหาร โดยเนื้อหาประกอบด้วย 4 ส่วน สำคัญคือ ส่วนแรก เป็นส่วนที่อธิบายถึงการรัฐประหาร พ.ศ.2490 ซึ่งเป็นการรัฐประหารที่นอกจาก จะเป็นจุดจบของการมีอำนาจของผู้นำทางการเมืองที่มาจากคณะราษฎรแล้ว ยังเป็นจุดเริ่มต้นของ จารีตประเพณีของการรัฐประหารในสังคมไทยที่มักจะตามมาด้วยการยกเลิกรัฐธรรมนูญฉบับเดิม แล้วมีการร่างรัฐธรรมนูญฉบับใหม่แทน ส่วนที่สองจะชี้ให้เห็นถึงข้อถกเถียงในประเด็นสำคัญ ต่างๆ ในกระบวนการร่างรัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2492 ส่วนที่สามจะชี้ให้เห็นถึง การเมืองหลังการประกาศใช้รัฐธรรมนูญฉบับดังกล่าว และเนื้อหาในส่วนสุดท้ายจะชี้ให้เห็นถึงการ รัฐประหาร พ.ศ.2494 ซึ่งตามมาด้วยการยกเลิกรัฐธรรมนูญฉบับดังกล่าวนี้

คำสำคัญ: พรรคประชาธิปัตย์ / จอมพล ป.พิบูลสงคราม/ การรัฐประหาร/ สภาร่างรัฐธรรมนูญ

บทนำ

รัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2492 ถือว่าเป็นรัฐธรรมนูญฉบับที่ 5 ของไทย ตามการแจง
นับจำนวนรัฐธรรมนูญที่เป็น "ความรู้มาตรฐาน" ในวงวิชาการทางด้านรัฐธรรมนูญ รัฐธรรมนูญ
ฉบับนี้ถือว่าเป็นรัฐธรรมนูญฉบับแรกที่มาจากการร่างโดยองค์กรทางการเมืองที่เรียกว่า "สภาร่าง
รัฐธรรมนูญ" โดยที่สมาชิกสภาร่างรัฐธรรมนูญส่วนใหญ่ได้รับการคัดเลือกจากพรรคประชาธิปัตย์
ที่ครองเสียงข้างมากในสภาผู้แทนราษฎรในขณะนั้น ดังนั้นจึงกล่าวได้ว่ารัฐธรรมนูญฉบับนี้เป็น
ผลผลิตจากการร่างของกลุ่มอนุรักษ์นิยมในการเมืองไทยที่มีพรรคประชาธิปัตย์เป็นตัวแทน
นอกจากนี้รัฐธรรมนูญฉบับนี้ได้รับการยกย่องจากนักวิชาการทางด้านรัฐธรรมนูญว่าเป็น
รัฐธรรมนูญฉบับหนึ่งที่ดีที่สุดในการเมืองไทย เนื่องจากมีบทบัญญัติหลายมาตราที่มีความเป็น
ประชาธิปไตย ดังนั้นจึงมักจะได้รับการอ้างอิงให้เป็นต้นแบบเมื่อมีการร่างรัฐธรรมนูญฉบับใหม่
เสมอ

อย่างไรก็ตามแม้จะได้รับการยกย่องว่าเป็นรัฐธรรมนูญที่มีความเป็นประชาธิปไตยค่อนข้างมาก แต่
รัฐธรรมนูญฉบับนี้ก็ถูกวิพากษ์วิจารณ์เช่นกันว่าเป็นรัฐธรรมนูญ "โปรเจ้า" หรือ "กษัตริย์นิยม"
เนื่องจากมีบทบัญญัติหลายประการที่ให้อำนาจกับพระมหากษัตริย์ค่อนข้างมาก รวมทั้งมีการรื้อฟื้น
องค์กรที่ทำหน้าที่เป็นที่ปรึกษาให้กับพระมหากษัตริย์เป็นครั้งแรกในรัฐธรรมนูญฉบับถาวรหลัง
การปฏิวัติ พ.ศ.2475 (ธงชัย วินิจจะกูล: 2548 : น.5) ดังนั้นจึงเป็นเรื่องที่น่าสนใจว่ารัฐธรรมนูญ
ฉบับนี้ถูกร่างขึ้นอย่างไร และมีข้อถกเถียงประการใดในขณะร่าง

ด้วยเหตุนี้ บทความชิ้นนี้จึงต้องการศึกษาการเมืองในกระบวนการร่างรัฐธรรมนูญแห่ง
ราชอาณาจักรไทย พ.ศ.2492 รวมถึงการเมืองหลังการประกาศใช้รัฐธรรมนูญฉบับดังกล่าว โดย
บทความชิ้นนี้ยึดตามแนวทางการศึกษาที่เรียกว่าสถาบันนิยมใหม่ (neo-institutionalism)ซึ่งเป็น
การศึกษาที่ผสมผสานระหว่างการเมือง ประวัติศาสตร์ และกฎหมายมหาชน โดยการศึกษาตาม
แนวทางนี้มีฐานคิดเบื้องต้นว่ารัฐธรรมนูญซึ่งเป็นกฎหมายที่กำหนดที่มาและความสัมพันธ์ทาง
อำนาจระหว่างสถาบันทางการเมืองต่างๆ เป็นผลพวงมาจากการต่อสู้ ช่วงชิงกันระหว่างองค์กร
กลุ่มทางการเมือง หรือปัจเจกบุคคลในสังคมการเมืองนั้นๆ ดังนั้นรัฐธรรมนูญจึงไม่สามารถอยู่
เหนือการเมืองและการต่อสู้ทางสังคม   (ดูตัวอย่างการศึกษาตามแนวทางนี้ได้ใน ณัฐพล ใจจริง
2556) ในส่วนของวิธีการศึกษาวิจัย ผู้วิจัยใช้วิธีการรวบรวมเอกสารต่าง ๆ (Documentary Research)
ซึ่งประกอบไปด้วย เอกสารการประชุมรัฐสภา เอกสารการประชุมสภาร่างรัฐธรรมนูญ วิทยานิพนธ์
และงานวิจัยที่เกี่ยวข้อง ตลอดจนหนังสืออนุสรณ์งานศพ บทความวิชาการ และตัวบทรัฐธรรมนูญ
ฯลฯ

เนื้อหาในบทความชิ้นนี้ผู้วิจัยได้แบ่งออกเป็น 4 ส่วน โดยส่วนแรกผู้เขียนจะอธิบายให้เห็นถึงการ
รัฐประหาร 2490 ส่วนที่สองผู้วิจัยจะชี้ให้เห็นถึงข้อถกเถียงสำคัญในการร่างรัฐธรรมนูญแห่ง
ราชอาณาจักรไทย พ.ศ.2490 ส่วนที่สามจะชี้ให้เห็นถึงการเมืองหลังจากการประกาศใช้รัฐธรรมนูญ
ฉบับนี้ และส่วนสุดท้ายจะชี้ให้เห็นถึงการรัฐประหาร 2494 ซึ่งลงเอยด้วยการยกเลิกรัฐธรรมนูญ
แห่งราชอาณาจักรไทย พ.ศ.2492 ทั้งๆที่เพิ่งประกาศใช้ได้เพียงสองปีเศษเท่านั้น

การรัฐประหาร พ.ศ. 2490

การเมืองไทยหลังสงครามโลกครั้งที่สอง กล่าวได้ว่าเป็นการแข่งขันระหว่างผู้นำพลเรือนจากพรรค
การเมืองต่างๆ ตามเงื่อนไขที่กำหนดไว้ในรัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2490โดยนาย
ปรีดี พนมยงค์ ซึ่งเป็นหัวหน้าขบวนการเสรีไทยได้กลายมาเป็นนักการเมืองที่มีอำนาจและอิทธิพล
ทางการเมืองอย่างมาก หลังสงครามโลกยุติ กลุ่มการเมืองต่างๆ ได้มีการจัดตั้งขึ้นเป็นพรรค
การเมือง โดยกลุ่มการเมืองที่สนับสนุนนายปรีดีได้มีการรวมกลุ่มจัดตั้งเป็นพรรคแนวรัฐธรรมนูญ
และพรรคสหชีพ ขณะที่นักการเมืองกลุ่มอนุรักษ์นิยมที่เคยต่อต้านคณะราษฎรได้รวมตัวกันจัดตั้ง
เป็นพรรคประชาธิปัตย์ขึ้น โดยนายปรีดี พนมยงค์ ได้ขึ้นมาดำรงตำแหน่งนายกรัฐมนตรีในวันที่ 23
มีนาคม พ.ศ.2489 อย่างไรก็ตามเมื่อเกิดกรณีสวรรคตของพระบาทสมเด็จพระเจ้าอยู่หัวอานันท
มหิดล ในวันที่ 9 มิถุนายน พ.ศ.2489 พรรคประชาธิปัตย์ได้ใช้กรณีดังกล่าวโจมตีรัฐบาลนายปรีดี
อย่างต่อเนื่อง จนในที่สุดนายปรีดี พนมยงค์ ได้ลาออกจากตำแหน่งนายกรัฐมนตรี แต่สภา
ผู้แทนราษฎรได้เลือก พล.ร.ต.ถวัลย์ ธำรงนาวาสวัสดิ์ ซึ่งเป็นบุคคลที่นายปรีดีให้การสนับสนุน
ขึ้นมาดำรงตำแหน่งนายกรัฐมนตรีแทน โดยมีพรรคแนวรัฐธรรมนูญและพรรคสหชีพให้การ
สนับสนุน อย่างไรก็ตามพรรคประชาธิปัตย์ซึ่งเป็นพรรคฝ่ายค้านได้เปิดอภิปรายไม่ไว้วางใจรัฐบาล
ระหว่างวันที่ 19-26 พฤษภาคม พ.ศ.2490 โดยมุ่งโจมตีในกรณีการสวรรคตอย่างมีเงื่อนงำของ
รัชกาลที่ 8 รวมถึงปัญหาเศรษฐกิจและการคอร์รัปชันของรัฐบาล (ชาญวิทย์ เกษตรศิริ, 2537, น.397
- 414)

หลังจากใช้เวลาอภิปรายนานถึง 8 วัน สภาผู้แทนราษฎรได้ลงมติไว้วางใจรัฐบาลด้วยคะแนนเสียง
86 ต่อ 55 เสียง และงดออกเสียง 16 เสียง (ดำรง อิ่มวิเศษ, 2530, น.205) แม้จะพ่ายแพ้ในการ
ลงคะแนนเสียงดังกล่าว แต่การอภิปรายของพรรคประชาธิปัตย์ได้ทำให้รัฐบาลของ พล.ร.ต.ถวัลย์
ธำรงนาวาสวัสดิ์ เสื่อมความนิยมไปอย่างมาก จนในที่สุด วันที่ 9 พฤศจิกายน พ.ศ.2490 ได้มีการก่อ
การรัฐประหารเกิดขึ้น โดยนายทหารส่วนใหญ่ที่เป็น "นักเรียนไทย" ซึ่งแตกต่างไปจากนายทหารที่
เคยร่วมก่อการในการปฏิวัติ พ.ศ.2475 ที่ล้วนแต่สำเร็จการศึกษาจากต่างประเทศ ดังนั้นนายทหารที่

ร่วมก่อการในการรัฐประหาร พ.ศ.2490 จึงไม่ได้มีความผูกพันกับหลักการประชาธิปไตยของ
ตะวันตก สมาชิกคนสำคัญของคณะรัฐประหารประกอบด้วย พล.ท.ผิน ชุณหะวัณ, น.อ.หลวงกาจ
สงคราม, พล.ท.หลวงหาญสงคราม,พล.ต.เนตร เขมะโยธิน,พ.ท.ก้านจำนงภูมิเวท, พ.อ.สฤษดิ์ธนะ
รัชต์, พ.อ.สวัสดิ์ ส.สวัสดิเกียรติ ฯลฯ ต่อมาคณะรัฐประหารได้ไปเชิญจอมพล ป.พิบูลสงครามมา
เป็นหัวหน้าคณะรัฐประหาร เนื่องจากเป็นบุคคลที่ทหารส่วนใหญ่ยังให้การยอมรับ สิ่งที่น่าสังเกตก็
คือการรัฐประหารครั้งนี้นายทหารที่มีบทบาทสำคัญส่วนหนึ่งเป็นนายทหารนอกราชการ ซึ่งจะมี
ความคล่องตัวในการติดต่อประสานงานมากกว่า หลังยึดอำนาจสำเร็จคณะรัฐประหารได้รับความ
ร่วมมือจากกลุ่มอนุรักษ์นิยม อย่างพรรคประชาธิปัตย์ ดังจะเห็นได้จากหลังการรัฐประหารได้มีการ
เชิญนายควง อภัยวงศ์ หัวหน้าพรรคประชาธิปัตย์ ให้ขึ้นมาดำรงตำแหน่งนายกรัฐมนตรี (สุธาชัย ยิ้ม
ประเสริฐ, 2535, น.24 - 25)

การรัฐประหารครั้งนี้ถือว่าเป็นครั้งแรกที่เป็นการยกเลิกรัฐธรรมนูญโดยวิถีทางนอกกฎหมาย และ
หลังจากนั้นการรัฐประหารส่วนใหญ่มักจะตามมาด้วยการฉีก/ยกเลิกรัฐธรรมนูญ แล้วประกาศใช้
รัฐธรรมนูญฉบับใหม่ที่เอื้อประโยชน์ต่อคณะรัฐประหาร จึงกล่าวได้ว่า "ฐานะทางประวัติศาสตร์"
ของการรัฐประหารครั้งนี้มีอยู่สองประการที่สำคัญ ประการแรก การรัฐประหาร พ.ศ.2490 เป็นจุด
เปลี่ยนสำคัญในประวัติศาสตร์ของรัฐธรรมนูญไทย ที่นำไปสู่การทำให้รัฐธรรมนูญไม่มีความ
ศักดิ์สิทธิ์ สามารถใช้กำลังทางทหารฉีกทิ้งได้ทุกเมื่อ และกลายมาเป็นจารีตประเพณีอย่างหนึ่งใน
การรัฐประหารในสังคมการเมืองไทยที่มักตามมาด้วยการยกเลิกรัฐธรรมนูญและมีการร่าง
รัฐธรรมนูญฉบับใหม่แทน ประการที่สอง การรัฐประหารครั้งนี้เป็น "หลักหมายสำคัญ" ที่บ่งบอก
ถึง "จุดจบทางการเมือง" ของผู้นำทางการเมืองที่มาจากคณะราษฎร แม้จะยังมีผู้นำทางการเมืองที่
เคยเป็นสมาชิกคณะราษฎรที่ยังมีบทบาททางการเมืองปลังปี พ.ศ.2490 อยู่ เช่น จอมพล ป.พิบูล
สงคราม นายควง อภัยวงศ์ ฯลฯ แต่บุคคลเหล่านี้ไม่ได้อยู่ในฐานะ "ตัวแทน" ที่จะผลักดันแนวคิด
ทางการเมืองของคณะราษฎรให้เกิดผลในทางปฏิบัติ

หลังการยึดอำนาจสำเร็จคณะรัฐประหารได้ประกาศใช้รัฐธรรมนูญแห่งราชอาณาจักรไทย (ฉบับ
ชั่วคราว) พ.ศ. 2490 ซึ่งมีทั้งหมด 8 หมวดจำนวน 98 มาตรา (รวมบทเฉพาะกาลด้วย) รัฐธรรมนูญ
ฉบับนี้กำหนดให้รัฐสภาเป็นระบบ 2 สภา ซึ่งประกอบด้วย วุฒิสภาและสภาผู้แทน (มาตรา 26) โดย
วุฒิสภาประกอบด้วยสมาชิกที่พระมหากษัตริย์ทรงเลือกและแต่งตั้ง มีจำนวนเท่ากับ
สมาชิกสภาผู้แทนราษฎร (มาตรา 6 และมาตรา 33) และมีวาระในการดำรงตำแหน่งคราวละ 6 ปี
เมื่อครบกำหนด 3 ปี ให้สมาชิกวุฒิสภาจับสลากออกจากตำแหน่งกึ่งหนึ่ง (มาตรา 34) นอกจากนี้
วุฒิสภายังมีอำนาจเท่ากันกับสภาผู้แทนราษฎรในการร่างพระราชบัญญัติ (มาตรา 31) และสามารถ
ลงมติร่วมกับสภาผู้แทนราษฎรในการลงมติไม่ไว้วางใจคณะรัฐมนตรี (มาตรา 70 (4) และมาตรา

77) อย่างไรก็ตาม ในระหว่างที่ไม่มีสภาผู้แทน วุฒิสภาสามารถทำหน้าที่ในฐานะรัฐสภาได้ถ้า จำเป็น (มาตรา 36)

ในส่วนของสภาผู้แทน ประกอบด้วยสมาชิกที่มาจากการเลือกตั้งโดยตรงของราษฎร และต้องไม่ เป็นข้าราชการประจำ (มาตรา 37) มีเชื้อชาติไทยและอายุไม่ต่ำกว่า 35 ปี (มาตรา 38) มีวาระการ ดำรงตำแหน่งคราวละ 4 ปี (มาตรา 39) สมาชิกสภาผู้แทนไม่ต่ำกว่า 24 คนมีสิทธิเสนอญัตติขอเปิด อภิปรายทั่วไปเพื่อลงมติไม่ไว้วางใจคณะรัฐมนตรีทั้งคณะและรายบุคคลได้ (มาตรา 42) ทั้งนี้ ใน บทเฉพาะกาล มาตรา 97 ยกเว้นการห้ามพระบรมวงศานุวงศ์ตั้งแต่ชั้นหม่อมเจ้าดำรงอยู่ในฐานะ เหนือการเมือง ตามมาตรา 11 ของ รัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ. 2475 (ราชกิจจานุเบกษา เล่ม 49 ตอนที่ 0 ก, 10 ธันวาคม 2547, น.535 อ้างถึงใน เฉลิมเกียรติ ภาระเวช, 2557, น.158-165)

รัฐธรรมนูญแห่งราชอาณาจักรไทย (ฉบับชั่วคราว) พ.ศ.2490 กำหนดให้ฝ่ายบริหารคือ คณะรัฐมนตรีประกอบไปด้วยบุคคลที่พระมหากษัตริย์ทรงแต่งตั้งขึ้นเป็นคณะรัฐมนตรีหนึ่งคณะ จำนวน 15-25 คน (มาตรา 74 วรรคแรก) และให้ประธานคณะอภิรัฐมนตรีเป็นผู้ลงนามรับสนอง พระบรมราชโองการแต่งตั้งนายกรัฐมนตรีทั้งนี้ รัฐมนตรีจะเป็นข้าราชการประจำไม่ได้ (มาตรา 74 วรรคสอง) นอกจากนี้ คณะรัฐมนตรีจะยกเลิกหรือแก้ไขนโยบายของคณะรัฐมนตรีชุดก่อนไม่ได้ เว้นแต่จะเสนอขอรับพระบรมราชวินิจฉัยและได้รับพระบรมราชานุญาตจากพระมหากษัตริย์ก่อน (มาตรา 77 วรรคสาม)

นอกจากนี้ รัฐธรรมนูญแห่งราชอาณาจักรไทย (ฉบับชั่วคราว) พ.ศ. 2490 ได้เพิ่มหมวด ว่าด้วย "อภิรัฐมนตรี" โดยให้มีอภิรัฐมนตรีจำนวน 5 นาย เป็นผู้บริหารราชการในพระองค์ และ ถวายคำปรึกษาและความเห็นแก่พระมหากษัตริย์ (มาตรา 13 และมาตรา 14) โดยพระมหากษัตริย์ ทรงแต่งตั้ง (มาตรา 9) ให้คณะอภิรัฐมนตรีมีหน่วยราชการขึ้นอยู่ตามที่จะมีประกาศพระราช กฤษฎีกา (มาตรา 18) ทั้งนี้ ประธานอภิรัฐมนตรียังสามารถมอบหมายให้อภิรัฐมนตรีคนใดคนหนึ่ง บัญชาหน่วยราชการตามที่กำหนดในพระราชกฤษฎีกาได้ (มาตรา 19)

จะเห็นได้ว่ารัฐธรรมนูญฉบับนี้เป็นรัฐธรรมนูญที่มีการถวายคืนพระราชอำนาจให้แก่ พระมหากษัตริย์มากกว่ารัฐธรรมนูญฉบับใดๆ ก่อนหน้านี้ เนื่องจากนำไปสู่การจัดสัมพันธภาพ ระหว่างสถาบันการเมืองในระบบ "ความสัมพันธ์แบบอำนาจคู่" (dualistic parliamentary system) ซึ่งกำหนดให้คณะรัฐมนตรีต้องรับผิดชอบต่อสถาบันพระมหากษัตริย์และรัฐสภา ภายใต้ระบบนี้ พระมหากษัตริย์สามารถแต่งตั้งและถอดถอนนายกรัฐมนตรีและรัฐมนตรีได้ เช่นเดียวกับที่รัฐสภา สามารถลงมติไม่ไว้วางใจนายกรัฐมนตรีและรัฐมนตรีได้ ซึ่งเป็นระบบที่เคยใช้ในอังกฤษราว

คริสตศตวรรษที่ 18 โดยมีการถวายพระราชอำนาจแก่กษัตริย์ในทางการบริหารประเทศ เช่น ทรง
แต่งตั้งนายกรัฐมนตรีและคณะ เป็นต้น ซึ่งส่งผลในทางปฏิบัติคือนายกรัฐมนตรีและคณะรัฐมนตรี
ต้องรับผิดชอบต่อพระมหากษัตริย์ (บัณฑิต จันทร์โรจนกิจ, 2550, น.54 - 55) นอกจากนี้แล้วยังมี
การรื้อฟื้นองค์กรที่ทำหน้าที่เป็นที่ปรึกษาพระมหากษัตริย์อย่าง "อภิรัฐมนตรี" เป็นครั้งแรกหลังการ
ปฏิวัติ พ.ศ.2475

หลังการรัฐประหารสำเร็จ คณะรัฐประหารได้เชิญนายควง อภัยวงศ์ หัวหน้าพรรคประชาธิปัตย์ให้
ขึ้นมาดำรงตำแหน่งนายกรัฐมนตรีในวันที่ 10 พฤศจิกายน พ.ศ.2490 จากนั้นรัฐบาลนายควง อภัย
วงศ์ ได้แต่งตั้งบุคคลให้ดำรงตำแหน่งสมาชิกวุฒิสภา จำนวน 100 คน ซึ่งจะทำหน้าที่รัฐสภาใน
ระหว่างที่ยังไม่มีสภาผู้แทนราษฎร กล่าวได้ว่าการแต่งตั้งวุฒิสภาดังกล่าวเป็นจุดเริ่มต้นของความ
ขัดแย้งระหว่างคณะรัฐประหารกับพรรคประชาธิปัตย์ เนื่องจากแนวคิดที่แตกต่างกันในประเด็น
"สภาที่สอง" โดยนายควง อภัยวงศ์ ต้องการให้วุฒิสภาเป็นเหมือนกับสภาขุนนาง (House of Lords)
ของอังกฤษที่เป็นสภาของชนชั้นสูง ขณะที่คณะรัฐประหารต้องการให้วุฒิสภาเป็นสภาที่ถูกชี้นำ
โดยทหาร ด้วยรากฐานทางความคิดที่แตกต่างกัน ดังนั้นวุฒิสภาที่นายควง อภัยวงศ์ในฐานะ
นายกรัฐมนตรีแต่งตั้งจึงประกอบไปด้วยบุคคลส่วนใหญ่ที่เคยดำรงตำแหน่งขุนนางชั้นผู้ใหญ่ใน
ระบอบสมบูรณาญาสิทธิราชย์รวมถึงชนชั้นสูงโดยเป็นขุนนางบรรดาศักดิ์ระดับเจ้าพระยา 1 คน
ระดับพระยา 54 คน ระดับพระ 15 คน หลวง 9 คน และเป็นเชื้อพระวงศ์ 10 คน ซึ่งเป็นจำนวนรวม
มากถึง 89 ที่นั่ง (ดูรายชื่อสมาชิกวุฒิสภาทั้งหมดได้ใน สุพจน์ ด่านตระกูล, 2550, น.68 - 70) ม.ร.ว.
เสนีย์ ปราโมช ซึ่งเป็นสมาชิกระดับแกนนำของพรรคประชาธิปัตย์ ได้อธิบายว่า "วุฒิสภาของเราชุด
นี้เป็นสภาประวัติศาสตร์ ชื่อของสมาชิกแต่ละท่าน ฟังดูเหมือนจะอ่านออกมาจากหน้ากระดาษ
พงศาวดารไทย" (แมลงหวี่, 2511, น.85)

เหตุผลสำคัญที่คณะรัฐประหารไม่ขึ้นมาดำรงตำแหน่งนายกรัฐมนตรีเองหลังจากยึดอำนาจสำเร็จมี
อยู่สองประการที่สำคัญคือ ประการแรก เนื่องจากการรัฐประหารเป็นการเปลี่ยนแปลงรัฐบาลนอก
วิถีทางประชาธิปไตย ดังนั้นประเทศมหาอำนาจอย่างสหรัฐอเมริกาและอังกฤษ จึงยังไม่ได้รับรอง
รัฐบาลในขณะนั้น การเปิดโอกาสให้พลเรือนขึ้นมาเป็นหัวหน้ารัฐบาลถือว่าเป็นความพยายามที่จะ
สร้างความชอบธรรมให้กับคณะรัฐประหารว่าไม่ได้ยึดอำนาจเพื่อผลประโยชน์ของตนเอง ประการ
ที่สอง คณะรัฐประหารยังไม่ได้มีอำนาจอย่างเด็ดขาด เพราะคณะรัฐประหารประกอบด้วยนายทหาร
ส่วนหนึ่งที่เคยประกาศสงครามกับฝ่ายสัมพันธมิตรและร่วมเป็นฝ่ายเดียวกับฝ่ายอักษะในสมัย
สงครามโลกครั้งที่ 2 โดยเฉพาะอย่างยิ่ง จอมพล ป.พิบูลสงครามซึ่งเคยถูกดำเนินคดีในข้อหา
อาชญากรสงครามมาแล้ว

การร่างรัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2492 : กระบวนการและข้อถกเถียงสำคัญ

รัฐบาลของนายควง อภัยวงศ์ พยายามเร่งรัดให้มีการร่างรัฐธรรมนูญฉบับถาวรให้เร็วที่สุด อันเป็น
ส่วนหนึ่งของความพยายามที่สร้างความมั่นคงให้กับรัฐบาล เนื่องจากรัฐบาลต้องใช้อำนาจร่วมกับ
คณะรัฐประหารซึ่งพยายามที่จะเข้ามาแทรกแซงการดำเนินงานของรัฐบาล ดังกรณีการแต่งตั้ง
สมาชิกวุฒิสภา เพราะฉะนั้นการมีรัฐธรรมนูญฉบับถาวรจะทำให้รัฐบาลมีความมั่นคงด้วย ดังนั้น
ในวันที่ 18 ธันวาคม พ.ศ.2490 นายควง อภัยวงศ์ในฐานะนายกรัฐมนตรีจึงได้เสนอให้วุฒิสภาใน
ฐานะรัฐสภาพิจารณาร่างรัฐธรรมนูญแห่งราชอาณาจักรไทย (ฉบับชั่วคราว) แก้ไขเพิ่มเติม ฉบับที่ 2
พ.ศ.2490 เพื่อนำไปสู่การร่างรัฐธรรมนูญฉบับถาวรโดยรัฐบาลได้เสนอวิธีการร่างรัฐธรรมนูญ 3 วิธี
คือ (1) ตั้งกรรมาธิการยกร่าง (2) ให้ราษฎรเลือกตั้งสมาชิกสภาร่างรัฐธรรมนูญ และ (3) ให้รัฐสภา
เลือกตั้งสมาชิกสภาร่างรัฐธรรมนูญ โดยที่ประชุมได้อภิปรายเกี่ยวกับวิธีการร่างรัฐธรรมนูญอย่าง
กว้างขวาง และได้ลงมติรับหลักการด้วยคะแนนเสียง 76-7 ต่อมาที่ประชุมได้แต่งตั้ง
คณะกรรมาธิการวิสามัญ จำนวน 14 คน เพื่อให้ทำหน้าที่พิจารณาข้อเสนอเกี่ยวกับวิธีการร่าง
รัฐธรรมนูญของรัฐบาล ซึ่งประกอบไปด้วยสมาชิกวุฒิสภาจำนวน 11 คน และสมาชิกที่มาจาก
รัฐบาลอีก 4 คน(รายงานการประชุมวุฒิสภาสมัยสามัญ พ.ศ.2490,   น.433 – 457 อ้างถึงใน
เฉลิมเกียรติ ภาระเวช, 2557, น.192 - 198)

วุฒิสภาในฐานะรัฐสภาได้ลงมติด้วยคะแนนเสียง 76 ต่อ 0 เห็นชอบร่างรัฐธรรมนูญแห่ง
ราชอาณาจักรไทย (ฉบับชั่วคราว) แก้ไขเพิ่มเติม ฉบับที่ 2 พ.ศ.2491 เมื่อวันที่ 23 มกราคม พ.ศ.
2491ตามข้อเสนอของคณะกรรมาธิการวิสามัญที่ได้เสนอให้การร่างรัฐธรรมนูญฉบับถาวรเป็นไป
ในรูปแบบของการจัดตั้งสภาร่างรัฐธรรมนูญ ที่ประกอบไปด้วยสมาชิกที่ได้รับการเลือกตั้งจาก
รัฐสภา และดำเนินการร่างรัฐธรรมนูญอย่างเป็นอิสระจากรัฐบาล (สุนีย์ อธิมุติภาพ, 2518, น.22)
การกำหนดให้การร่างรัฐธรรมนูญโดยสภาร่างรัฐธรรมนูญที่ไม่ได้มาจากการเลือกตั้งโดยตรงของ
ประชาชนสะท้อนให้เห็นถึงความคิดอนุรักษ์นิยมที่ไม่ไว้วางใจประชาชนและไม่เชื่อว่าประชาชน
จะมีความพร้อมที่จะใช้วิจารณญาณในการเลือกตัวบุคคลที่จะมาทำหน้าที่ยกร่างกฎหมายสูงสุดของ
ประเทศได้ดีเพียงพอ

ในส่วนขององค์ประกอบของสภาร่างรัฐธรรมนูญ มาตรา 95 ของรัฐธรรมนูญแห่งราชอาณาจักร
ไทย (ฉบับชั่วคราว) แก้ไขเพิ่มเติม (ฉบับที่ 2) พ.ศ.2491 มาตรา 95 ทวิ และมาตรา 95 ตรี
กำหนดให้สภาร่างรัฐธรรมนูญประกอบด้วยสมาชิกที่ได้รับการเลือกตั้งจากรัฐสภา จำนวน 40 นาย
โดยผู้สมัครจะสมัครได้ประเภทเดียวเท่านั้นได้แก่ (ไพโรจน์ ชัยนาม, 2519, น.468 - 471)

1.สมาชิกที่ได้รับเลือกตั้งจากวุฒิสภาจำนวน 10 คน สภาผู้แทนจำนวน 10 คน และจาก ผู้สมัครรับเลือกตั้งเป็นสมาชิกสภาร่างรัฐธรรมนูญ 4 ประเภทๆ ละ 5 คน

2.ผู้สมัครรับเลือกตั้งเป็นสมาชิกสภาร่างรัฐธรรมนูญที่มิใช่สมาชิกวุฒิสภาและ สมาชิกสภาผู้แทนจะต้องมีคุณสมบัติที่กำหนดไว้ในประเภทใดประเภทหนึ่งดังต่อไปนี้ คือ

ประเภทที่ 1 ผู้มีคุณสมบัติของผู้สมัครรับเลือกตั้งเป็นสมาชิกสภาผู้แทน

ประเภทที่ 2 ผู้มีคุณสมบัติของผู้สมัครรับเลือกตั้งดังกล่าวประเภทที่ 1   และเป็นผู้ที่ดำรง หรือเคยดำรงตำแหน่งปลัดกระทรวง หรืออธิบดี หรือเทียบเท่า

ประเภทที่ 3 ผู้มีคุณสมบัติดังกล่าวในประเภทที่ 1 และเคยเป็นสมาชิกสภาผู้แทนราษฎร หรือสมาชิกสภาผู้แทน หรือสมาชิกวุฒิสภา หรือดำรง หรือเคยดำรงตำแหน่งรัฐมนตรี

ประเภทที่ 4 ผู้มีคุณสมบัติดังกล่าวในประเภทที่ 1 และเป็นผู้สำเร็จการศึกษาได้รับปริญญา ตรีหรือเทียบเท่า

นอกจากนี้รัฐธรรมนูญยังกำหนดเงื่อนไขเรื่องระยะเวลาในการร่างรัฐธรรมนูญเอาไว้ในมาตรา 95 เบญจเอาไว้ว่า สมาชิกสภาร่างรัฐธรรมนูญจะต้องดำเนินการร่างรัฐธรรมนูญให้แล้วเสร็จภายใน 180 วัน นับแต่วันที่ได้รับเลือกตั้ง เมื่อร่างรัฐธรรมนูญเสร็จแล้วให้ส่งร่างรัฐธรรมนูญให้รัฐสภา พิจารณาให้ความเห็นชอบ โดยการพิจารณาของรัฐสภาจะแก้ไขเพิ่มเติมใดๆ มิได้ เมื่อรัฐสภาให้ ความเห็นชอบให้นำร่างรัฐธรรมนูญขึ้นทูลเกล้าถวายพระมหากษัตริย์ เพื่อทรงลงพระปรมาภิไธย (มุกดา อเนกลาภากิจ, 2542, น.54) หากพระมหากษัตริย์ไม่ทรงลงพระปรมาภิไธยภายใน 180 วัน นับแต่วันทูลเกล้าฯ ถวาย ให้มีสภาร่างรัฐธรรมนูญเพื่อร่างรัฐธรรมนูญใหม่ และดำเนินการต่อไป ตามบทบัญญัติแห่งรัฐธรรมนูญนี้ จนกว่ารัฐสภาจะลงมติจึงให้นำขึ้นทูลเกล้าฯ ถวาย พระมหากษัตริย์ทรงลงพระปรมาภิไธย (สุนีย์ อธิมุติภาพ,   2518,   น.25) จะเห็นได้ว่าสภาร่าง รัฐธรรมนูญถูกกำหนดให้มีความเป็นอิสระจากรัฐสภา เนื่องจากรัฐสภามีสิทธิเพียงแค่จะรับหรือไม่ รับร่างรัฐธรรมนูญเท่านั้น ไม่มีสิทธิแก้ไขเปลี่ยนแปลงข้อความใดๆ ในร่างรัฐธรรมนูญ

เพื่อที่จะได้รับการยอมรับจากประเทศมหาอำนาจ หน้าที่สำคัญของรัฐบาลนายควง อภัยวงศ์ก็คือ การจัดการเลือกตั้งทั่วไป รัฐบาลของนายควงได้จัดให้มีการเลือกตั้งสมาชิกสภาผู้แทนราษฎรขึ้นใน วันที่ 19 มกราคม พ.ศ.2491 โดยเป็นการเลือกตั้งแบบรวมเขต ถือเกณฑ์ราษฎร 200,000 คนต่อ ผู้แทนราษฎรหนึ่งคน โดยมีสมาชิกสภาผู้แทนราษฎรทั้งสิ้น 100   คน ผลการเลือกตั้งปรากฏว่า พรรคประชาธิปัตย์ได้รับเลือกตั้งเกินครึ่งหนึ่ง คือ 53   ที่นั่ง พรรคประชาชน 12   ที่นั่ง พรรค ธรรมาธิปัตย์ 5 ที่นั่ง และสมาชิกอิสระไม่สังกัดพรรค 30 ที่นั่ง ดังนั้นพรรคประชาธิปัตย์จึงเป็นผู้ จัดตั้งรัฐบาล และนายควง อภัยวงศ์กลับมาดำรงตำแหน่งนายกรัฐมนตรีอีกครั้งหนึ่งในวันที่ 21 กุมภาพันธ์ พ.ศ.2491 โดยมีพรรคธรรมาธิปัตย์และพรรคประชาชนเป็นฝ่ายค้าน (สรศักดิ์ งามขจร-

กุลกิจ, 2535, น.275) การเลือกตั้งและการจัดตั้งรัฐบาลใหม่ทำให้ต่างประเทศรับรองรัฐบาลอย่าง
เป็นทางการ ไม่ว่าจะเป็นสหรัฐอเมริกา จีน อังกฤษ ฝรั่งเศส เนเธอร์แลนด์ อินเดีย สวิตเซอร์แลนด์
ซึ่งเท่ากับว่าการรัฐประหาร พ.ศ.2490 ได้รับการรับรองด้วย

อย่างไรก็ตามรัฐบาลของนายควง อภัยวงศ์ ได้บริหารประเทศได้ไม่นาน ก็ต้องพ้นจากตำแหน่งไป
เนื่องจากในวันที่ 6 เมษายน พ.ศ. 2491 คณะรัฐประหารบีบบังคับให้นายควง อภัยวงศ์ ลาออกจาก
ตำแหน่งนายกรัฐมนตรี ซึ่งส่งผลให้คณะรัฐมนตรีทั้งคณะสิ้นสภาพไปด้วย โดยคณะรัฐประหารได้
แต่งตั้งจอมพล ป.พิบูลสงคราม ให้ดำรงตำแหน่งนายกรัฐมนตรีแทน เหตุผลแท้จริงที่คณะ
รัฐประหารบีบให้นายควงลาออกจากตำแหน่งมาจากความไม่พอใจที่ถูกรัฐบาลกีดกันออกจาก
การเมือง ไม่ว่าจะเป็นการแต่งตั้งสมาชิกวุฒิสภา รวมถึงการร่างรัฐธรรมนูญฉบับถาวร นอกจากนี้
คณะรัฐประหารยังเห็นว่าหากปล่อยให้รัฐบาลบริหารประเทศจนได้รับความนิยมจากประชาชนมาก
ขึ้น อาจทำให้การทวงคืนอำนาจของคณะรัฐประหารเป็นเรื่องที่ลำบากมากขึ้น (สมบัติ ธำรงธัญวงศ์,
2548, น.436)

การขึ้นมาดำรงตำแหน่งนายกรัฐมนตรีของจอมพล ป.พิบูลสงคราม ภายใต้โครงสร้างการเมืองที่ถูก
กำหนดโดยรัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2490 โดยที่กระบวนการทางการเมืองยังดำเนิน
ต่อไปตามเดิม เนื่องจากไม่ได้มีการยกเลิกรัฐธรรมนูญ ยุบสภาผู้แทนราษฎรและวุฒิสภา แม้กองทัพ
จะยังค้ำจุนอำนาจของรัฐบาลใหม่ แต่กลไกของรัฐสภายังเป็นไปตามที่กำหนดไว้ในรัฐธรรมนูญ
เพราะฉะนั้นจอมพล ป.พิบูลสงครามจึงได้รวบรวมสมาชิกสภาผู้แทนราษฎรที่สนับสนุนรัฐบาล
จัดตั้งขึ้นเป็นกลุ่ม "สหพรรค" หรือ "คณะประชาธิปไตย" จำนวน 66 คน ที่ประกอบด้วย พรรค
ประชาชน ที่มีนายเลียง ไชยกาล เป็นหัวหน้าพรรค พรรคอิสระของปฐม โพธิแก้ว พรรค
ธรรมาธิปัตย์ของ พล.ท.มังกร พรหมโยธี และยังมีสมาชิกบางส่วนของพรรคประชาธิปัตย์ที่หันมา
สนับสนุนรัฐบาลอีกด้วยเช่น นายเลื่อน พงษ์โสภณ นายเทพ โชตินุชิต นายกิจจา วัฒนสินธ์ และ
นายฟอง สิทธิธรรม (สุธาชัย ยิ้มประเสริฐ, 2550, น.133 – 138, และ ณัฐวุฒิ สุทธิสงคราม, 2522, น.
166 - 167) ด้วยข้อจำกัดที่จอมพล ป.พิบูลสงครามไม่ได้เป็นหัวหน้าพรรคการเมือง แต่ต้องอาศัย
เสียงสนับสนุนจากสมาชิกสภาผู้แทนราษฎรกลุ่มดังกล่าว ทำให้เกิดการแย่งชิงตำแหน่งและ
ผลประโยชน์ จนทำให้รัฐบาลต้องปรับคณะรัฐมนตรีถึง 5 ครั้งในรอบ 3 เดือนนับจากเข้ามาจัดตั้ง
รัฐบาล

แม้รัฐบาลนายควงจะหมดอำนาจทางการเมือง แต่การที่พรรคประชาธิปัตย์คุมเสียงเป็นจำนวนมาก
ในสภาผู้แทนราษฎร รวมถึงวุฒิสภาเองก็มาจากการแต่งตั้งของนายควงในขณะที่เป็นนายกรัฐมนตรี
ดังนั้นพรรคประชาธิปัตย์จึงมีบทบาทสำคัญต่อการกำหนดตัวบุคคลที่จะเข้ามาทำหน้าที่เป็นสภาร่าง

รัฐธรรมนูญ แม้ก่อนการเลือกตั้งพรรคประชาธิปัตย์จะมีมติให้ "ฟรีโหวต" (สยามนิกรรายวัน 4 มิถุนายน 2494 อ้างถึงใน สุนีย์ อธิมุติภาพ, 2518, น.35) แต่ปรากฏว่าผลการเลือกสมาชิกสภาร่าง รัฐธรรมนูญในวันที่ 7 กรกฎาคม พ.ศ.2491 บุคคลที่พรรคประชาธิปัตย์เลือกมาเป็นสมาชิกสภาร่าง รัฐธรรมนูญมีมากที่สุดคือ 22 คน ในขณะที่อีก 12 คนเป็นนักกฎหมายหรือ "ขุนนางเก่า" ในระบอบ สมบูรณาญาสิทธิราชย์ ที่มีแนวคิดใกล้เคียงกับพรรคประชาธิปัตย์ (อ.พิบูลสงคราม, 2519, น.85) ส่วนอีก 6 คนเป็นฝ่ายอื่น เช่น นายหยุด แสงอุทัย, ขุนประเสริฐศุภมาตรา, นายเกษม ดำรงกุล ฯลฯ โดยตัวแทนของคณะรัฐประหารได้รับการเลือกมาเพียง 1 คน คือ พ.ท.ก้าน จำนงภูมิเวทขณะที่อดีต นายกรัฐมนตรีและรัฐมนตรีที่เคยให้การสนับสนุนนายปรีดี พนมยงค์ อย่าง พล.ร.ต.ถวัลย์ ธำรง นาวาสวัสดิ์ นายทองอินทร์ ภูริพัฒน์ นายจำลอง ดาวเรือง รวมถึงนายถวิล อุดล ไม่ได้รับเลือกแม้แต่ คนเดียว

เมื่อพิจารณารายชื่อของสมาชิกสภาร่างรัฐธรรมนูญแล้วจะเห็นได้ว่าหลายคนเป็น "นักกฎหมาย กษัตริย์นิยม" ที่เคยมีบทบาทสำคัญในการร่างรัฐธรรมนูญเพื่อรักษาอำนาจของพระมหากษัตริย์ใน ระบอบใหม่ทั้งก่อนและหลังการปฏิวัติ พ.ศ.2475 เช่น พระยาศรีวิสารวาจา (เทียนเลี้ยง ฮุนตระกูล) พระยาเทพวิทุลศรุตาบดี เจ้าพระยาศรีธรรมาธิเบศร์ (จิตร ณ สงขลา) นักกฎหมายเหล่านี้เป็นนัก กฎหมายสำนักจารีตประเพณี ที่จบการศึกษาจากประเทศอังกฤษ โดยพวกเขามีมุมมองทางกฎหมาย ที่มองว่ารัฐธรรมนูญของสยามเกิดจากการพระราชทาน (charter) เพราะพระมหากษัตริย์ทรงรับ อำนาจมาจากประชาชนอย่างเด็ดขาด จึงทรงมีพระราชอำนาจโดยสมบูรณ์แบ่งแยกไม่ได้ นัก กฎหมายเหล่านี้เคยมีบทบาทในการสร้างคำอธิบายโดยการดึงเอาหลักการบางส่วนของ ประชาธิปไตยตะวันตกให้เข้ามาผสมผสานกับความเชื่อเดิมในการอธิบายมาตราต่างๆ ใน รัฐธรรมนูญ (ณัฐพล ใจจริง, 2550, น.84 – 86 และ นครินทร์ เมฆไตรรัตน์, 2535, น.246 - 247)

พระยาศรีวิสารวาจา (เทียนเลี้ยง ฮุนตระกูล) เกิดเมื่อปี พ.ศ.2439 ไปศึกษาที่ประเทศอังกฤษตั้งแต่ อายุ 15 ปี ด้วยทุนส่วนตัว สำเร็จการศึกษาเป็นเนติบัณฑิตอังกฤษจากมหาวิทยาลัยอ็อกฟอร์ด (Oxford) รับราชการสูงสุดในระบบราชการแบบสมบูรณาญาสิทธิราชย์ในตำแหน่งปลัดทูลฉลอง กระทรวงการต่างประเทศ เคยดำรงตำแหน่งองคมนตรีในระบอบเดิม และเป็นผู้บรรยายวิชา กฎหมายระหว่างประเทศแผนกคดีบุคคล นอกจากนี้ยังเคยได้รับความไว้วางพระราชหฤทัยจาก พระบาทสมเด็จพระปกเกล้าเจ้าอยู่หัวให้ร่วมกับนายเรมอนด์ บี.สตีเว่นส์ ร่าง "เค้าโครงการเปลี่ยน รูปแบบรัฐบาล" หรือ "ร่างรัฐธรรมนูญฉบับพระปกเกล้าฯ" ประวัติสำคัญเกี่ยวกับการร่าง รัฐธรรมนูญอีกประการหนึ่งคือการเป็นหนึ่งในคณะอนุกรรมการร่างรัฐธรรมนูญแห่งราชอาณาจักร สยาม พ.ศ.2475 โดยทำหน้าที่เป็นเหมือนกับตัวแทนของพระมหากษัตริย์ในการร่างรัฐธรรมนูญ ฉบับถาวรฉบับแรก (ธำรงศักดิ์ เพชรเลิศอนันต์, 2543, น.116 - 117)

พระยาเทพวิทุรพหุลศรุตาบดี (บุญช่วย วณิกกุล) เกิดเมื่อปี พ.ศ.2432 เป็นนักเรียนกฎหมายจาก
อังกฤษรุ่นเดียวกับพระยามโนปกรณ์นิติธาดา นายกรัฐมนตรีคนแรก แต่อ่อนวัยกว่า สำเร็จ
การศึกษาเป็นเนติบัณฑิตจากสำนักเกรส์อินน์ (Grays   Inn)เป็นอาจารย์สอนกฎหมายมาอย่าง
ยาวนานตั้งแต่ปลายรัชกาลที่ 5 ต่อเนื่องถึงรัชกาลที่ 6 ตำแหน่งสุดท้ายในระบอบเดิมคืออธิบดีศาลฎี
กา กระทรวงยุติธรรม นอกจากนี้ยังเคยเป็นกรรมการร่างพระราชบัญญัติตั้งสภากรรมการองคมนตรี
และได้ดำรงตำแหน่งองคมนตรีตั้งแต่สมัยแรก เป็นอุปนายกองคมนตรีในปี พ.ศ.2471 นอกจากนี้ยัง
เคยดำรงตำแหน่งเสนาบดีกระทรวงยุติธรรมในยุคที่พระยามโนปกรณ์นิติธาดาดำรงตำแหน่ง
ประธานคณะกรรมการราษฎร (ธำรงศักดิ์ เพชรเลิศอนันต์, 2543, น.112 - 113)

เจ้าพระยาศรีธรรมาธิเบศร์ (จิตร ณ สงขลา)ซึ่งเป็นบุคคลที่มีอิทธิพลในการร่างรัฐธรรมนูญฉบับนี้
มากที่สุดนั้น เกิดเมื่อปี พ.ศ.2428 สอบเป็นเนติบัณฑิตสยามในขณะที่อายุได้เพียง 20 ปี เท่านั้น
ต่อมาได้รับการคัดเลือกให้ไปศึกษาต่อ ณ ประเทศอังกฤษภายใต้พระอุปถัมภ์ของกรมหลวงราชบุรี
ดิเรกฤทธิ์ หลังสำเร็จการศึกษาเป็นเนติบัณฑิตจากสำนักเกรส์อินน์ (Grays   Inn)ในปี พ.ศ.2453
จากนั้นจึงได้กลับเข้ารับราชการในกระทรวงยุติธรรม ตำแหน่งสูงสุดคืออธิบดีศาลฎีกา นอกจากนี้
ยังเคยดำรงตำแหน่งองคมนตรีในรัชกาลพระบาทสมเด็จพระมงกุฎเกล้าเจ้าอยู่หัว และได้รับการ
แต่งตั้งเป็นตุลาการแห่งศาลยุติธรรมระหว่างประเทศของสันนิบาตชาติ ณ กรุงเฮก ประเทศ
เนเธอร์แลนด์ เป็นเสนาบดีกระทรวงยุติธรรมในปี พ.ศ.2471 รวมถึงการได้รับแต่งตั้งเป็น
สมาชิกสภาผู้แทนราษฎรประเภทที่ 2ในระหว่างปี พ.ศ.2477 – 2479 และได้รับเลือกเป็น
ประธานสภาผู้แทนราษฎร เคยดำรงตำแหน่งรัฐมนตรีหลายกระทรวงหลังการปฏิวัติ พ.ศ.2475
(ดู อนุสรณ์งานพระราชทานเพลิงศพเจ้าพระยาศรีธรรมาธิเบศร์, 2519)

เมื่อพิจารณาประวัติของบุคคลดังกล่าวข้างต้นจะเห็นได้ว่าเป็นนักกฎหมายอาวุโสที่ล้วนมีชื่อเสียง
และประสบการณ์ในแวดวงวิชาชีพกฎหมายมาอย่างยาวนานแทบทั้งสิ้น ดังนั้นรัฐธรรมนูญแห่ง
ราชอาณาจักรไทย พ.ศ.2492 จึงได้รับการยกย่องว่าเป็นกฎหมายสูงสุดในระดับ "ชั้นครู" และได้รับ
การอ้างอิงเสมอเมื่อมีการร่างรัฐธรรมนูญฉบับใหม่

สภาร่างรัฐธรรมนูญได้เริ่มประชุมครั้งแรกในวันที่ 12 กรกฎาคม พ.ศ.2491 โดยที่ประชุมได้มีมติ
เลือกเจ้าพระยาศรีธรรมาธิเบศร์ (จิตร ณ สงขลา) เป็นประธานสภาร่างรัฐธรรมนูญ พระยาอรรถกา
รีย์นิพนธ์ (สิทธิ จุณณานนท์) เป็นรองประธานสภาร่างรัฐธรรมนูญ และนายหยุด แสงอุทัย เป็น
เลขาธิการสภาร่างรัฐธรรมนูญ (สุนีย์ อธิมุติภาพ, 2518, น.46) จากนั้นได้มีการตั้งคณะกรรมาธิการ
ขึ้น 5 คณะ ได้แก่ คณะกรรมาธิการจัดระเบียบวาระ กรรมาธิการพิจารณายกร่างรัฐธรรมนูญ

คณะกรรมาธิการพิจารณาร่างรัฐธรรมนูญชั้นแปรญัตติ คณะกรรมาธิการรับฟังความคิดเห็นของ
ประชน คณะกรรมาธิการตรวจรายงานการประชุม (มุกดา อเนกลาภากิจ, 2542, 57)

ในการร่างรัฐธรรมนูญฉบับนี้ สภาร่างรัฐธรรมนูญได้พิจารณาหลักการสำคัญๆ ในรัฐธรรมนูญที่มา
จากการเสนอของคณะกรรมาธิการจัดระเบียบวาระ โดยได้มีการประชุมกันทั้งสิ้น 35 ครั้ง ตั้งแต่
การประชุมครั้งที่ 3 ในวันที่ 16 กรกฎาคม พ.ศ.2491 ถึงการประชุมครั้งที่ 37 ในวันที่ 27 กันยายน
พ.ศ.2491 จากนั้นจึงได้มอบหมายให้คณะกรรมาธิการยกร่างรัฐธรรมนูญไปทำหน้าที่ยกร่างเพื่อ
นำเสนอสภาร่างรัฐธรรมนูญต่อไป หลักการที่กำหนดโดยสภาร่างรัฐธรรมนูญดังกล่าวนั้นมีทั้ง
หลักการใหม่และหลักการที่แก้ไขเพิ่มเติมจากบทบัญญัติในรัฐธรรมนูญชั่วคราว (2490) ที่เกี่ยวกับ
อำนาจหน้าที่และความสัมพันธ์ระหว่างสถาบันการเมืองต่างๆ โดยสภาร่างรัฐธรรมนูญเห็นชอบใน
หลักการให้กำหนดในร่างรัฐธรรมนูญว่ารัฐสภาประกอบไปด้วย 2 สภา คือ สภาผู้แทนราษฎร ที่มา
จากการเลือกตั้ง และ วุฒิสภา ที่สมาชิกมาจากการแต่งตั้งโดยพระมหากษัตริย์โดยวุฒิสภาไม่มี
อำนาจในการลงมติไม่ไว้วางใจรัฐบาล นอกจากนี้ยังกำหนดเป็นหลักการไว้ในส่วนที่เกี่ยวกับพระ
ราชอำนาจของพระมหากษัตริย์ว่า ให้ทรงมีคณะที่ปรึกษาราชการแผ่นดิน (ซึ่งเปลี่ยนมาใช้คำว่า
"องคมนตรี") และมีส่วนร่วมในการบริหารราชการแผ่นดินเพิ่มขึ้น ด้วยการกำหนดว่า
พระมหากษัตริย์ทรงมีพระราชอำนาจในการยับยั้งร่างกฎหมายและในการที่จะให้ประชาชน
บางส่วนหรือทั้งหมดออกเสียงประชามติ (สุนีย์ อธิมุติภาพ, 2518, น.56 - 58)

คณะกรรมาธิการยกร่างรัฐธรรมนูญ ซึ่งมีเจ้าพระยาศรีธรรมาธิเบศร (จิตร ณ สงขลา) เป็นประธาน
คณะกรรมาธิการ และมีนายหยุด แสงอุทัย เป็นเลขานุการ กรรมการคนอื่นประกอบด้วย พระยาศรี
วิสารวาจา (เทียนเลี้ยง ฮุนตระกูล) พระยาอรรถการีย์นิพนธ์ (สิทธิ จุณฌานนท์) ม.ร.ว.เสนีย์
ปราโมช พระยาเทพวิทุรพหุลศรุตาบดี (บุญช่วย วณิกกุล) นายเพียร ราชธรรมนิเทศ หลวงประกอบ
นิติสาร นายสุวิชช พันธ์เศรษฐ ได้ทำหน้าที่ยกร่างจนเสร็จ จากนั้นได้นำเสนอร่างรัฐธรรมนูญต่อ
สภาร่างรัฐธรรมนูญ (บัณฑิต จันทร์โรจนกิจ, 2550, น.65-66)

การพิจารณาร่างรัฐธรรมนูญในขั้นแปรญัตติ สภาร่างรัฐธรรมนูญได้ใช้เวลาในการประชุม 35 ครั้ง
ตั้งแต่การประชุมครั้งที่ 40   วันที่ 3 พฤศจิกายน พ.ศ.2491 จนถึงการประชุมครั้งที่ 74 วันที่ 16
ธันวาคม พ.ศ.2491 โดยได้มีการแก้ไขเพิ่มเติมในบางมาตรา รวมทั้งสิ้น 34 มาตรา ตามคำขอแก้ไข
โดยคณะกรรมาธิการพิจารณาร่างรัฐธรรมนูญขั้นแปรญัตติ ซึ่งเป็นชุดเดียวกับคณะกรรมาธิการยก
ร่างรัฐธรรมนูญ ขณะที่การแก้ไขของสมาชิกสภาร่างรัฐธรรมนูญมีเพียง 5 มาตรา โดยส่วนใหญ่เป็น
การขอแก้ไขถ้อยคำและการใช้ภาษา นอกจากนี้ยังมอบหมายให้คณะกรรมาธิการไปยกร่าง
บทบัญญัติที่เกี่ยวกับพระราชอำนาจพระมหากษัตริย์มาใหม่ (สุนีย์ อธิมุติภาพ, 2518, น.61 - 62)

จากนั้นจึงได้นำร่างรัฐธรรมนูญเข้าสู่กระบวนการรับฟังความคิดเห็นของประชาชน ซึ่งปรากฏว่า
ได้รับความสนใจจากนักการเมือง หนังสือพิมพ์ และบุคคลภายนอกเป็นจำนวนมาก โดยเนื้อหาส่วน
ที่ได้รับการวิพากษ์วิจารณ์มากคือบทเฉพาะกาลที่มีข้อเสนอให้มีการเลือกสมาชิกสภาผู้แทนชุดใหม่
แทนที่การกำหนดในร่างรัฐธรรมนูญที่ให้สภาผู้แทนชุดเดิมทำหน้าที่ต่อไป (สุนีย์ อธิมุติภาพ, 2518
, น.65)

หลังจากผ่านกระบวนการรับฟังความเห็นของประชาชน สภาร่างรัฐธรรมนูญได้มีการประชุมกัน
เพื่อลงมติให้ความเห็นชอบร่างรัฐธรรมนูญในวันที่ 25 ธันวาคม พ.ศ.2491 โดยมีมติเอกฉันท์
จากนั้นร่างรัฐธรรมนูญได้เข้าสู่กระบวนการพิจารณาโดยรัฐสภาในระหว่างวันที่ 14 มกราคม – 25
มกราคม พ.ศ.2492 ในขั้นตอนนี้ได้มีการวิพากษ์วิจารณ์บทบัญญัติในหมวด 2 เกี่ยวกับ
พระมหากษัตริย์มากที่สุด โดยนายฟื้น สุรรณสาร สมาชิกสภาผู้แทนราษฎรจังหวัดอยุธยาได้
วิพากษ์วิจารณ์ร่างรัฐธรรมนูญดังต่อไปนี้

เราจะเห็นได้ว่าได้มีการเปลี่ยนแปลงอำนาจของพระมหากษัตริย์จากรัฐธรรมนูญเก่า ๆ ไปนั้นเป็น
อันมาก แต่รัฐธรรมนูญเก่า ๆ ที่ได้ใช้มาจะเป็นฉบับไหนก็ตามตั้งแต่ 2475 หรือ 2489 เราก็แบ่งแยก
อำนาจของพระมหากษัตริย์ไว้เป็น 3 ประการ ประการที่ 1 พระมหากษัตริย์ทรงใช้อำนาจนิติบัญญัติ
ทางสภาผู้แทนราษฎร และใช้อำนาจทางบริหารทางคณะรัฐมนตรีและใช้อำนาจทางตุลาการทาง
ศาล ในรัฐธรรมนูญเก่า ๆ ของเราการใช้อำนาจทั้ง 3 ประการนี้ต้องมีรัฐมนตรีเป็นผู้ลงนามรับสนอง
พระบรมราชโองการ...**แต่ว่าในรัฐธรรมนูญฉบับนี้ได้เพิ่มพระราชอำนาจของพระมหากษัตริย์ขึ้น
อีกอย่างมากมาย เมื่อได้อ่านแล้วข้าพเจ้าใคร่จะเรียนแก่ประชุมสภานี้ด้วยความเคารพว่า ผู้ร่างมี
ความปรารถนาจะเหนี่ยวรั้งให้พระมหากษัตริย์เข้ามาพัวพันในทางการเมืองให้มากเกินสมควร ...**
ข้าพเจ้ารู้สึกเป็นห่วงพระเกียรติและพระราชฐานะของท่านนั้นจะต้องถูกวิพากษ์วิจารณ์หลายแง่
หลายมุม เช่น พระมหากษัตริย์ทรงเลือกตั้งสมาชิกวุฒิสภาโดยมีองคมนตรีเป็นผู้รับสนองพระบรม
ราชโองการ ...**ท่านนึกหรือเปล่าว่าการที่พระมหากษัตริย์ทรงเลือกสมาชิกวุฒิสภานั้น คือ เลือก
นักการเมือง เพราะฉะนั้นในการเลือกอาจจะมีทั้งติและชม ถ้าเลือกผิดก็จะถูกครหานินทาผิดหรือไม่**
ผิดยังไม่สำคัญเท่ากับมีผู้วิ่งไปหาพระมหากษัตริย์ วิ่งไปหาองคมนตรีขอให้เป็นสมาชิกวุฒิสภา
หน่อยเถิด (สุพจน์ ด่านตระกูล, 2550, น.78 – 79 การเน้นเป็นของผู้วิจัย)

ทัศนะดังกล่าวข้างต้นสอดคล้องกับ พ.ท.พโยม จุลานนท์ สมาชิกสภาผู้แทนราษฎรจังหวัดเพชรบุรี
ที่เห็นว่าในหมวดที่ 2 นี้ ท่านสมาชิกได้ถวายอำนาจให้แก่พระมหากษัตริย์เกินกว่าที่ได้เป็นมาแล้ว
ในรัฐธรรมนูญฉบับก่อน ๆ ของเราที่ได้ใช้มาแล้วมาก...**การที่เราจะพยายามถวายอำนาจให้แก่
พระมหากษัตริย์นั้น** ถ้าพูดถึงในผลดี ข้าพเจ้าขอรับรองเหมือนกันว่าอาจจะมีผลดีมาก...แต่ในทาง

กลับกัน...(การที่)มอบพระราชภาระให้แก่พระมหากษัตริย์หลายสิ่งหลายประการทั้งในส่วน
พระองค์และในส่วนนิติบัญญัติและบริหาร...**เมื่อมีการพลาดพลั้งแล้ว ปัญหาเรื่องเคารพสักการะ
และละเมิดต่าง ๆ ก็ย่อมจะกระทบกระเทือนสั่นคลอนได้**... (สุพจน์ ด่านตระกูล 2550 : 80 การเน้น
เป็นของผู้วิจัย)

นอกจากนี้ยังมีสมาชิกรัฐสภาอีกหลายท่านที่เห็นว่าร่างรัฐธรรมนูญฉบับนี้ "มีลัทธิการปกครอง
แปลกประหลาดแทรกซ้อนอยู่ ลัทธินี้คือการนิยมกษัตริย์" ซึ่ง "ไม่ใช่รัฐธรรมนูญประชาธิปไตย"แต่
"มันเป็นรัฐธรรมนูญพระมหากษัตริย์อย่างชัดๆ ทีเดียว" (ธงชัย วินิจจะกูล, 2548, น.5)

การกำหนดให้สมาชิกวุฒิสภามาจากการแต่งตั้งของพระมหากษัตริย์ โดยมีประธานองคมนตรีเป็นผู้
ลงนามรับสนองพระบรมราชโองการ ซึ่งเป็นไปตามพระราชอัธยาศัยของพระมหากษัตริย์โดยตรง
สะท้อนให้เห็นถึงเจตนารมณ์ของผู้ร่างรัฐธรรมนูญที่ต้องการให้สมาชิกวุฒิสภามีฐานะเป็นตัวแทน
องค์พระมหากษัตริย์ ดังทัศนะของนายเพียร ราชธรรมนิเทศ สมาชิกสภาร่างรัฐธรรมนูญที่เป็นหนึ่ง
ในคณะกรรมาธิการยกร่างรัฐธรรมนูญที่ได้ชี้แจงหลักการดังกล่าวในขณะที่มีการประชุมสภาร่าง
รัฐธรรมนูญก่อนหน้านี้ว่า(การ)ถวายให้พระมหากษัตริย์ทรงเลือกวุฒิสภา เพราะพระองค์ท่านอยู่ใน
ฐานะที่ทรงเห็นเหตุการณ์ทั้งหมด...ทางอังกฤษเองก็บอกว่าต้องมี Reserve power of the King คือ
ต้องให้อำนาจอันเป็นทุนสำรองไว้กับในหลวง พระมหากษัตริย์อังกฤษนั้นทรงมีอำนาจเห็นว่า
บ้านเมืองเลอะเทอะเหลวไหลก็มีอำนาจให้รัฐบาลออกไป กฎหมายไม่มีกรณีที่จะต้องทำตามพระ
บรมราชโองการ แต่รัฐบาลทุก ๆ รัฐบาลก็ต้องถวายคำนับ ต้องออกไป ...จริงอยู่สภาสูงมีตั้งแต่เมื่อ
เปลี่ยนแปลงการปกครอง แต่ว่าสมเด็จพระเจ้าอยู่หัวทรงตั้งเท่านั้น ไม่ใช่ทรงเลือก เพราะฉะนั้นเรา
จึงขอให้ทรงเลือกและทรงแต่งตั้งวุฒิสภาที่เลือกมา (รายงานการประชุมสภาร่างรัฐธรรมนูญ ครั้งที่
17 วันที่ 16 สิงหาคม พ.ศ.2491, หน้า 314 – 315 อ้างถึงใน มุกดา เอนกลาภากิจ, 2542, น.104)

แม้คณะกรรมาธิการยกร่างรัฐธรรมนูญจะอภิปรายต่อที่ประชุมสภาร่างรัฐธรรมนูญดังกล่าว แต่ใน
ที่นี้เราสามารถพิจารณาถึงเจตนารมณ์ที่แท้จริงในการกำหนดให้สมาชิกวุฒิสภามาจากการเลือกและ
แต่งตั้งโดยพระมหากษัตริย์ว่าต้องการที่จะให้พระองค์ทรงคานอำนาจกับคณะรัฐประหาร ดังจะเห็น
ได้จากการกำหนดไว้ในมาตรา 60 ว่า กำลังทหารพึงใช้เพื่อการรบหรือการสงคราม หรือเพื่อการ
ปราบจลาจล และจะใช้ได้ก็แต่โดยกระแสพระบรมราชโองการ นอกจากนี้ยังมีการกำหนดไว้ใน
ลักษณะ "ดักคอ" คณะรัฐประหารในมาตรา 61 ว่า "เอกชนก็ดี คณะบุคคลก็ดี พรรคการเมืองก็ดี จะ
ใช้กำลังทหาร ไม่ว่าโดยทางตรงหรือทางอ้อมเป็นเครื่องมือในทางการเมืองมิได้" (ไพโรจน์
ไชยนาม, 2519, น.504)

จากนั้นรัฐสภาได้มีการลงมติให้ความเห็นชอบโดยรัฐสภาในวันที่ 28 มกราคม พ.ศ.2492 แม้คณะ
รัฐประหารจะแสดงท่าทีไม่เห็นด้วยกับบทบัญญัติหลายอย่างในร่างรัฐธรรมนูญก็ตาม แต่ไม่
สามารถทำอย่างใดได้ เนื่องจากรัฐสภามีอำนาจเพียงแค่รับหรือไม่รับร่างรัฐธรรมนูญเท่านั้น ไม่
สามารถแก้ไขข้อความใดๆ ในร่างรัฐธรรมนูญได้ในที่สุดรัฐสภาได้ให้ความเห็นชอบร่าง
รัฐธรรมนูญด้วยคะแนนเสียง125 ต่อ 30 ซึ่งคะแนนเสียงส่วนใหญ่ที่เห็นชอบเป็นของสมาชิกพรรค
ประชาธิปัตย์และสมาชิกวุฒิสภาที่มาจากการแต่งตั้งสมัยพรรคประชาธิปัตย์เป็นรัฐบาล (สยามนิกร
16 มกราคม 2492 อ้างถึงใน สุนีย์ อธิมุติภาพ, 2518, น.73)

การเมืองหลังการประกาศใช้รัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2492

หลังการประกาศใช้รัฐธรรมนูญได้มีการเลือกตั้งสมาชิกสภาผู้แทนราษฎรเพิ่มเติมตามรัฐธรรมนูญ
จำนวน 21 คน ใน 19 จังหวัด ผลการเลือกตั้งปรากฏว่าพรรคประชาธิปัตย์ไม่ได้รับการเลือกตั้ง
เพิ่มขึ้นแม้แต่ที่นั่งเดียว ในขณะที่ "สหพรรค" ที่สนับสนุนจอมพล ป.พิบูลสงครามได้รับการ
เลือกตั้ง ด้วยจำนวนสมาชิกของ "สหพรรค" ที่เพิ่มขึ้น ทำให้จอมพล ป.พิบูลสงคราม ต้องปรับ
คณะรัฐมนตรีตามรัฐธรรมนูญฉบับใหม่ เมื่อวันที่ 25 มิถุนายน พ.ศ.2492 โดยได้จัดให้มีระบบ
โควต้า ซึ่งประกอบด้วยเกณฑ์พิจารณาบุคคลที่จะเข้ามาดำรงตำแหน่งในคณะรัฐมนตรี 3 ประการ
คือ ประการแรก สมาชิกสภาผู้แทนราษฎรที่มาจากพรรคประชาธิปัตย์ จะได้รับตำแหน่ง
รัฐมนตรีว่าการหรือตำแหน่งเลขานุการรัฐมนตรี ประการที่สอง บุคคลผู้ร่วมคณะรัฐประหารและผู้
ที่จอมพล ป.พิบูลสงคราม เห็นว่าเหมาะสมเป็นพิเศษ จะต้องได้รับตำแหน่งหน้าที่สำคัญๆ ประการ
ที่สาม สมาชิกในพรรคต่างๆ ใน "สหพรรค" จะได้รับตำแหน่งในรัฐบาลสองตำแหน่งต่อหนึ่งพรรค
(ทักษ์ เฉลิมเตียรณ, 2552, น.177) แม้จะมีเกณฑ์ในการจัดสรรตำแหน่งแลผะผลประโยชน์ดังกล่าว
แต่ในทางปฏิบัติก็ไม่สามารถสร้างความพึงพอใจให้กับสมาชิกใน "สหพรรค" และสมาชิกในคณะ
รัฐประหารได้

กล่าวได้ว่ารัฐธรรมนูญฉบับนี้เป็นสาเหตุหนึ่งที่สำคัญที่รัฐบาลของจอมพล ป.พิบูลสงครามรู้สึกว่า
บริหารราชการแผ่นดินได้ไม่ราบรื่นเนื่องจาก หลักการที่บัญญัติไว้ในรัฐธรรมนูญบางประการ
โดยเฉพาะหลักการแยกข้าราชการการเมืองออกจากข้าราชการประจำ ทำให้คณะรัฐประหารไม่
สามารถควบคุมการบริหารราชการแผ่นดินอย่างเด็ดขาดได้ จากการที่รัฐธรรมนูญแห่ง
ราชอาณาจักรไทย พ.ศ.2492 กำหนดว่าข้าราชการประจำจะดำรงตำแหน่งเป็นสมาชิกวุฒิสภาใน
เวลาเดียวกันไม่ได้ และถึงแม้รัฐบาลจอมพล ป.พิบูลสงครามจะสามารถกุมเสียงข้างมากในสภา
ผู้แทนราษฎร แต่ความขัดแย้งภายใน "สหพรรค"อันเป็นผลสืบเนื่องมาจากการแย่งชิงผลประโยชน์
กันในพรรคร่วมรัฐบาล ทำให้รัฐบาลไม่มีเสถียรภาพ นอกจากนี้รัฐบาลยังไม่สามารถควบคุมเสียง

วุฒิสภาได้อย่างเด็ดขาด เนื่องจากวุฒิสภาชุดนี้ ยังเป็นวุฒิสภาชุดเดิมที่ถูกแต่งตั้งขึ้นในสมัยรัฐบาล นายควง อภัยวงศ์ ดังนั้นวุฒิสภาจึงทำหน้าที่ "ฝ่ายค้าน" รัฐบาลด้วย จึงกล่าวได้ว่ารัฐธรรมนูญฉบับ นี้ทำให้รัฐบาลจอมพล ป.พิบูลสงคราม ต้องเผชิญกับฝ่ายค้านอย่าง "ประชาธิปัตย์" และ "วุฒิสภา" นอกเหนือจากการต้องเผชิญกับความขัดแย้งภายใน "สหพรรค" ของรัฐบาล

การรัฐประหาร พ.ศ.2494

ในที่สุดจอมพล ป.พิบูลสงคราม ได้ตัดสินใจหาทางออกด้วยการก่อการรัฐประหารรัฐบาลตนเอง หรือที่เรียกว่า "รัฐประหารเงียบ" เมื่อวันที่ 29 พฤศจิกายน พ.ศ. 2494โดยได้ออกประกาศทาง วิทยุกระจายเสียงโดยได้ออกแถลงการณ์ อ้างเหตุผลในการทำรัฐประหารว่า เนื่องจากสถานการณ์ ของโลกในปัจจุบันนี้ตกอยู่ในความคับขันทั่วไป ภัยแห่งคอมมิวนิสต์ได้ถูกคุกคามเข้ามาอย่าง รุนแรง ในคณะรัฐมนตรีปัจจุบันนี้ก็ดี ในรัฐสภาก็ดี มีอิทธิพลของคอมมิวนิสต์เข้าแทรกซึมอยู่เป็น อันมาก แม้ว่ารัฐบาลจะทำความพยายามสักเพียงใดก็ไม่สามารถจะแก้ปัญหาเรื่องคอมมิวนิสต์ได้ ทั้งไม่สามารถปราบการทุจริตที่เรียกว่าคอรัปชั่น ดังที่มุ่งหมายว่าจะปราบนั้นด้วย ความเสื่อมโทรม มีมากขึ้นจนเป็นที่วิตกกันทั่วไปว่า ประเทศชาติจะไม่สามารถดำรงอยู่ได้ในสถานการณ์การเมือง อย่างนี้ จึงมีคณะทหารบก, ทหารเรือ, ทหารอากาศ, ตำรวจ, ผู้ก่อการเปลี่ยนแปลงการปกครอง พ.ศ. 2475,คณะรัฐประหาร พ.ศ. 2490 พร้อมด้วยประชาชนผู้รักชาติ มุ่งความมั่นคงดำรงอยู่แห่งชาติ, ศาสนา, พระมหากษัตริย์ บรมราชจักรีวงศ์ และ ระบอบรัฐธรรมนูญ ได้พร้อมกันเป็นเอกฉันท์ กระทำการเพื่อนำเอารัฐธรรมนูญแห่งราชอาณาจักรไทย ฉบับลงวันที่ 10 ธันวาคม พุทธศักราช 2475 กลับมาใช้ให้เป็นความรุ่งเรืองสถาพรแก่ประเทศชาติสืบไป (ราชกิจจานุเบกษาเล่ม 68 ตอนที่ 71 ง ฉบับพิเศษ, 30 พฤศจิกายน 2494 อ้างถึงใน เฉลิมเกียรติ ภาระเวช, 2557, น.108 การเน้นเป็น ของผู้วิจัย)

เมื่อพิจารณาเหตุผลในการรัฐประหารข้างต้นจะเห็นได้ว่าคณะรัฐประหารใช้ข้ออ้างเรื่อง คอมมิวนิสต์และการคอร์รัปชั่นเป็นมูลเหตุหลักในการยึดอำนาจรัฐบาลตนเอง ทั้งๆที่ในความเป็น จริงรัฐไทยเผชิญกับภัยคุกคามจากพรรคคอมมิวนิสต์แห่งประเทศไทยในช่วงปลายทศวรรษ 2500 หลังเหตุการณ์ที่เรียกว่า "วันเสียงปืนแตก" เมื่อวันที่ 7 สิงหาคม พ.ศ.2508 นอกจากนี้ปัญหาการ คอร์รัปชั่นที่รัฐบาลกล่าวอ้างว่าเป็นเหตุผลหนึ่งในการรัฐประหารก็เป็นสิ่งที่เกิดขึ้นกับพรรคร่วม รัฐบาล ซึ่งนายกรัฐมนตรีควรจะต้องรับผิดชอบ

ต่อมาคณะรัฐประหารได้มีประกาศให้รัฐบาลชุดเดิมสิ้นสุดลง รวมทั้งให้รัฐสภาทั้ง สมาชิกสภาผู้แทนราษฎรและสมาชิกวุฒิสภาสิ้นสุดลงด้วยและให้มี "คณะบริหารประเทศชั่วคราว"

ขึ้น ซึ่งประกอบด้วย พล.อ.ผินชุณหะวัน พล.ท.เดช เดชประดิยุทธพล.ท.สฤษดิ์ธนะรัชต์พล.ร.ต.
หลวงยุทธศาสตร์โกศล พล.ร.ต.หลวงชำนาญอรรถยุทธ(ราชกิจจานุเบกษา เล่ม 68 ตอนที่ 71 ง
ฉบับพิเศษ, 30 พฤศจิกายน 2494 อ้างถึงใน เฉลิมเกียรติ ภาระเวช, 2557, น.109) ต่อมาคณะ
รัฐประหารได้นำรัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2475 กลับมาปรับปรุงเพื่อใช้ในปี พ.ศ.
2495 ซึ่งสะท้อนให้เห็นอย่างชัดเจนถึงเจตนารมณ์ของคณะรัฐประหารที่ต้องการล้มล้างโครงสร้าง
และกติกาทางการเมืองที่เป็นผลมาจากบทบัญญัติในรัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2492
และต้องการรักษาอำนาจทางการเมืองให้อยู่ในมือของคณะรัฐประหาร เนื่องจากรัฐธรรมนูญที่ถูก
ประกาศใช้แทนกำหนดให้มีสภาเดียวคือสภาผู้แทนราษฎร ที่ประกอบไปด้วยสมาชิก 2 ประเภท อยู่
ในตำแหน่งคราวละ 5 ปี โดยสมาชิกประเภทที่ 1 มาจากราษฎรเลือกตั้ง ขณะที่สมาชิกประเภทที่ 2
มาจากการแต่งตั้งของพระมหากษัตริย์ โดยนายกรัฐมนตรีเป็นผู้ลงนามรับสนองพระบรมราช
โองการ ในขณะที่ฝ่ายบริหารนั้น รัฐธรรมนูญกำหนดว่าข้าราชการประจำสามารถดำรงตำแหน่ง
รัฐมนตรีได้ การกำหนดไว้เช่นนี้ทำให้คณะรัฐประหารสามารถแต่งตั้งสมาชิกในคณะรัฐประหารให้
มาดำรงตำแหน่งสมาชิกสภาผู้แทนราษฎรประเภทที่ 2 ได้ ซึ่งจะทำให้รัฐบาลมีฐานอำนาจในสภา
ผู้แทนราษฎรที่เข้มแข็งขึ้น

บทสรุป

การรัฐประหาร พ.ศ.2492 เป็นการรัฐประหารที่ส่งผลกระทบต่อพัฒนาการของรัฐธรรมนูญไทย
เนื่องจากทำให้ความต่อเนื่องของการเปลี่ยนผ่านรัฐธรรมนูญสะดุดลง เพราะการรัฐประหารครั้งนี้
นำไปสู่การยกเลิกรัฐธรรมนูญด้วยวิถีทางนอกรัฐธรรมนูญเป็นครั้งแรก ซึ่งต่อมาได้กลายมาเป็น
จารีตประเพณีว่าด้วยการรัฐประหารในสังคมไทย ที่มักจะตามมาด้วยการยกเลิกรัฐธรรมนูญฉบับ
เดิม และร่างรัฐธรรมนูญฉบับใหม่ รัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ.2492 ซึ่งถูกร่างโดยกลุ่ม
อนุรักษ์นิยมที่มีพรรคประชาธิปัตย์และนักกฎหมายที่มีภูมิหลังเป็น "ขุนนางเก่า" ในระบอบ
สมบูรณาญาสิทธิราชย์ มีบทบัญญัติหลายประการที่ถูกวิพากษ์วิจารณ์ว่า "ถวายพระราชอำนาจ"
ให้กับพระมหากษัตริย์มากเกินไป เนื่องจากต้องการกีดกันคณะรัฐประหารออกจากการเมือง
อย่างไรก็ตามรัฐธรรมนูญฉบับนี้ก็ถูกยกเลิกไปในการรัฐประหาร พ.ศ.2494 โดยมีผลบังคับใช้เพียง
แค่ 2 ปี 8 เดือน 6 วัน เท่านั้น

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อนุสรณ์งานพระราชทานเพลิงศพ มหาอมาตย์เอก เจ้าพระยาศรีธรรมาธิเบศ (จิตร ณ สงขลา).
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The Referendum on the Draft of the Constitution of the Kingdom Of Thailand: Problems and Challenges

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Abstract

This study aims to investigate the problems and challenges of the constitutional referendum process in Thailand. The scope of study covers key aspects of the referendum processes including (1) the legal bases; (2) the referendum procedures; and the managerial process. This study adopts a comparative perspective by trying to survey the referendum system in other countries such as France, Switzerland and the United States. And it will try to compare the similarities and differences between these three countries and the case of Thailand. Thailand already experienced the constitutional referendum in 2007. It was the first time that Thailand did a referendum on constitution. However, it was criticized in many ways especially on the procedures of it that did not meet with the international procedure and standard. Currently, Thailand will conduct the referendum on the constitution again. Therefore, it quite important to understand the current system and procedure. This study aims to analyze the current system by trying to compare with other countries and international standard and tries to identify the possible problems and challenges the might affect the coming constitutional referendum in Thailand.

Keywords: Constitution/ Referendum/ Thailand

ปัญหาในการออกเสียงประชามติร่างรัฐธรรมนูญแห่งราชอาณาจักรไทย

พงษ์พิพัฒน์ เถาลัดดา, รัฐศาสตรมหาบัณฑิต (การเมืองการปกครอง), คณะรัฐศาสตร์
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บทคัดย่อ

เอกสารการค้นคว้าอิสระฉบับนี้ มีวัตถุประสงค์เพื่อศึกษาถึงปัญหาในการออกเสียงประชามติร่าง
รัฐธรรมนูญแห่งราชอาณาจักรไทย โดยทำการศึกษาถึงรูปแบบ หลักเกณฑ์ และวิธีการในการออก
เสียงประชามติร่างรัฐธรรมนูญแห่งราชอาณาจักรไทย และการออกเสียงประชามติในต่างประเทศ
เช่น ฝรั่งเศส สวิสเซอร์แลนด์ และสหรัฐอเมริกา เพื่อให้ทราบถึงกระบวนการการออกเสียง
ประชามติร่างรัฐธรรมนูญของประเทศไทยมีกระบวนการสอดคล้องหรือแตกต่างกับการออกเสียง
ประชามติร่างรัฐธรรมนูญของต่างประเทศหรือไม่ และหากแตกต่างกันมีความแตกต่างกันอย่างไร
เพื่อจะได้นำมาเป็นข้อสรุปที่เหมาะสมในการปรับปรุง แก้ไขให้การออกเสียงประชามติร่าง
รัฐธรรมนูญของประเทศไทยดำเนินการได้อย่างถูกต้องและเป็นไปตามหลักการสากลของการออก
เสียงประชามติต่อไป

จากการศึกษาพบว่า การออกเสียงประชามติร่างรัฐธรรมนูญแห่งราชอาณาจักรไทยนับจากอดีตมามี
การออกเสียงประชามติเกี่ยวกับร่างรัฐธรรมนูญเพียงครั้งเดียว คือ การออกเสียงประชามติ ร่าง
รัฐธรรมนูญแห่งราชอาณาจักรไทย พุทธศักราช 2550 ซึ่งในการออกเสียงประชามติครั้งนั้นมีปัญหา
ในทางปฏิบัติที่ยังไม่เป็นไปตามหลักสากลทั่วไปของการออกเสียงประชามติอยู่หลายประการ เช่น
การไม่เปิดโอกาสให้มีการแสดงความคิดเห็นโดยเสรีอย่างอิสระและเท่าเทียมกันของฝ่ายที่เห็นด้วย
และฝ่ายที่ไม่เห็นด้วยกับ ร่างรัฐธรรมนูญ โดยในการออกเสียงประชามติครั้งนั้นมีเพียงการจัด
แสดงความคิดเห็นเกี่ยวกับร่างรัฐธรรมนูญเพียงฝ่ายเดียว คือ ฝ่ายคณะกรรมาธิการยกร่าง
รัฐธรรมนูญ ซึ่งเป็นผู้ที่จัดทำร่างรัฐธรรมนูญขึ้นมา หรือจะเป็นการรณรงค์ให้มีการไปลงคะแนนรับ
ร่างรัฐธรรมนูญไปก่อนแล้วค่อยมาแก้ไขในประเด็นที่ไม่เห็นด้วยทีหลัง ซึ่งในความเป็นจริง
หลังจากที่มีการประกาศใช้รัฐธรรมนูญฉบับดังกล่าวแล้ว การแก้ไขเพิ่มเติมรัฐธรรมนูญ ของ
รัฐบาลที่มาจากฝ่ายที่รณรงค์ไม่เห็นด้วยในการออกเสียงประชามติครั้งนั้น ไม่สามารถดำเนินการ
แก้ไขเพิ่มเติมรัฐธรรมนูญได้เลย นอกจากนี้ยังมีการรณรงค์จากทางภาครัฐเชิญชวนให้ผู้มีสิทธิออก
เสียงไปลงคะแนนเพื่อรับร่างเพียงฝ่ายเดียวเท่านั้น ในส่วนของฝ่ายที่ไม่เห็นด้วยกับร่างรัฐธรรมนูญ
ก็ถูกสกัดกั้นจากทางภาครัฐ เช่น การประชาสัมพันธ์จากทางภาครัฐว่าการรณรงค์ให้ไม่รับร่าง
รัฐธรรมนูญนั้นไม่สามารถกระทำได้ถือว่าเป็นการขัดขวางการออกเสียงประชามติและเป็นการ
กระทำที่ผิดกฎหมาย หรือจะเป็นประเด็นในเรื่องของระยะเวลาในการทำประชามติที่ควรจะมี
ระยะเวลาที่ยาวนานเพื่อให้ประชาชนผู้มีสิทธิออกเสียงได้มีเวลาศึกษาเกี่ยวกับประเด็นที่นำมาให้ลง
ประชามติ ซึ่งในกฎหมายกำหนดวันออกเสียงไม่เร็วกว่า 15 วัน แต่ไม่เกิน 30 วัน นับแต่วันเผยแพร่
ร่างรัฐธรรมนูญ ทำให้ประชาชนมีเวลาศึกษาและตัดสินใจน้อยมากเมื่อเทียบกับหลักสากลของการ
ออกเสียงประชามติส่วนใหญ่ที่มักจะให้เวลาศึกษาและทำความเข้าใจเกี่ยวกับเรื่องที่จะจัดทำ
ประชามติเป็นระยะเวลานานอย่างน้อย 6 เดือน – 1 ปี เป็นต้น ทำให้แม้รัฐธรรมนูญแห่ง
ราชอาณาจักรไทย พุทธศักราช 2550 จะเป็นรัฐธรรมนูญฉบับแรกของประเทศไทยที่ได้มาจากการ
ออกเสียงประชามติก็ตาม แต่ก็เป็นรัฐธรรมนูญที่ไม่ได้รับการยอมรับเท่าที่ควร เนื่องจา
คณะกรรมการยกร่างรัฐธรรมนูญเป็นบุคคลที่มาจาก การแต่งตั้งของคณะรัฐประหาร ประกอบกับ
เมื่อนำร่างรัฐธรรมนูญมาให้ประชาชนได้ลงคะแนนออกเสียงประชามติก็ยังเป็นการดำเนินการออก
เสียงที่ไม่เป็นไปตามหลักประชามติสากลอีกด้วย

ปัจจุบัน (พ.ศ. 2559) รัฐธรรมนูญแห่งราชอาณาจักรไทย (ฉบับชั่วคราว) พุทธศักราช 2557 แก้ไข
เพิ่มเติม (ฉบับที่ 2) พุทธศักราช 2559 กำหนดให้ มีการออกเสียงประชามติร่างรัฐธรรมนูญที่จัดทำ
ขึ้นโดยคณะกรรมการร่างรัฐธรรมนูญที่แต่งตั้งโดยคณะรักษาความสงบแห่งชาติ (คสช.) ซึ่งถือเป็น
การออกเสียงประชามติครั้งที่สองของประเทศไทย โดยจะเห็นได้ว่าในการทำรัฐประหาร 2 ครั้ง
หลังสุด แม้จะมีการประกาศยกเลิกรัฐธรรมนูญ และมีการร่างรัฐธรรมนูญฉบับใหม่ขึ้นมาแทน และ

เมื่อมีการร่างรัฐธรรมนูญเสร็จเรียบร้อยแล้วมักจะนำมาให้ประชาชนได้ลงคะแนนออกเสียงประชามติ เพื่อให้ความเห็นชอบหรือไม่เห็นชอบร่างรัฐธรรมนูญ ทั้งฉบับ ซึ่งการทำรัฐประหารของไทย นับตั้งแต่อดีตเรื่อยมาก็ไม่เคยปรากฏให้มีการออกเสียงประชามติเพื่อให้การรับรองร่างรัฐธรรมนูญ แต่อย่างใด แต่การออกเสียงประชามติร่างรัฐธรรมนูญของประเทศไทยนั้นยัง ไม่เป็นไปตามหลัก สากลของการออกเสียงประชามติเท่าใดนัก โดยมักจะมีการร่างกฎหมายเกี่ยวกับการออกเสียง ประชามติให้เอื้อประโยชน์หรือมีการกำหนดเกณฑ์ที่ง่ายต่อการผ่านเกณฑ์ที่กำหนดไว้ในการทำ ประชามติ

ดังนั้น ผู้เขียนจึงมีแนวคิดที่จะปรับปรุงแก้ไขกฎหมายในการออกเสียงประชามติของประเทศไทยให้มี กระบวนการและขั้นตอนในการออกเสียงประชามติเป็นไปตามหลักสากล เพื่อมุ่งหวังให้การออก เสียงประชามติร่างรัฐธรรมนูญแห่งราชอาณาจักรไทยในครั้งต่อ ๆ ไป ให้สอดคล้องและเป็นไปตาม หลักการและวัตถุประสงค์ของการออกเสียงประชามติตามวิถีทางของการปกครองระบอบ ประชาธิปไตย

ปัญหาในการออกเสียงประชามติร่างรัฐธรรมนูญแห่งราชอาณาจักรไทย

การออกเสียงประชามติเป็นกระบวนการหนึ่งในการมีส่วนร่วมทางการเมืองโดยตรงของประชาชน โดยเป็นการเปิดโอกาสให้ประชาชนผู้มีสิทธิออกเสียงได้แสดงความคิดเห็นของตนด้วยการลงคะแนน ออกเสียงตัดสินใจว่าจะให้ความเห็นชอบหรือไม่เห็นชอบในเรื่องที่มีความสำคัญและมีผลกระทบ ต่อประโยชน์ ได้เสียของประเทศ หรือกระทบต่อสิทธิเสรีภาพของประชาชน ก่อนที่รัฐจะนำผลการ ออกเสียงประชามตินั้นไปดำเนินการตามความต้องการของประชาชนต่อไป

การออกเสียงประชามติ (Referendum) นับเป็นรูปแบบหนึ่งของกระบวนการปกครองตามหลัก ประชาธิปไตยทางตรง (Direct democracy) โดยเป็นการเปิดโอกาสให้ประชาชน ผู้เป็นเจ้าของ อำนาจอธิปไตยได้เข้ามามีส่วนร่วมในเรื่องนั้น ๆ โดยตรง เช่น การกำหนดนโยบายปกครอง ประเทศ หรือการมีส่วนร่วมในการให้ความเห็นชอบหรือไม่เห็นชอบในการตรากฎหมายสำคัญ ๆ ของประเทศ เป็นต้น ซึ่งโดยปกติส่วนใหญ่ในการปกครองระบอบประชาธิปไตยนั้น ประชาชนผู้ เป็นเจ้าของอำนาจอธิปไตยตัวจริงมักจะได้ใช้อำนาจของตนผ่านการเลือกผู้แทนเพื่อให้เข้าไปใช้ อำนาจนั้นแทนตนเอง โดยเรียกการปกครองลักษณะนี้ว่า การปกครองระบบประชาธิปไตยแบบ ตัวแทน (Representative Democracy) ในบางครั้งผู้แทนที่ประชาชนส่วนใหญ่ได้ตัดสินใจมอบ อำนาจของตนเองเพื่อให้เข้าไปใช้อำนาจนั้น อาจจะใช้อำนาจหรือมีการตัดสินใจ ที่ไม่ตรงกับความ ต้องการหรือความเดือดร้อนของประชาชน ดังนั้น ทำให้ในหลายประเทศที่มีความเป็น

ประชาธิปไตยนำเอาแนวคิดเกี่ยวกับหลักประชาธิปไตยทางตรงมาใช้ควบคู่ไปกับระบบ
ประชาธิปไตย แบบตัวแทนด้วย

สำหรับการออกเสียงประชามติในประเทศไทยนั้น มีการบัญญัติเกี่ยวกับการออกเสียงประชามติไว้ใน
รัฐธรรมนูญหลาย ๆ ฉบับ โดยรัฐธรรมนูญฉบับแรก คือ รัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ. 2492
โดยกำหนดให้สามารถจัดให้มีการออกเสียงประชามติเกี่ยวกับการเสนอแก้ไขเพิ่มเติมรัฐธรรมนูญ
นอกจากรัฐธรรมนูญฉบับนี้แล้ว ยังมีรัฐธรรมนูญฉบับต่อ ๆ มาอีกหลายฉบับที่มีการบัญญัติเกี่ยวกับการ
ออกเสียงประชามติไว้ เช่น รัฐธรรมนูญ ฉบับปี พ.ศ. 2511 ฉบับปี พ.ศ. 2517 ฉบับปี พ.ศ. 2534 แก้ไข
เพิ่มเติม (ฉบับที่ 6) พ.ศ. 2539 ฉบับปี พ.ศ. 2540 ซึ่งส่วนใหญ่เป็นการบัญญัติให้มีการออกเสียง
ประชามติเกี่ยวกับร่างรัฐธรรมนูญ หรือการแก้ไขเพิ่มเติมรัฐธรรมนูญ แต่ก็ไม่เคยได้มีการจัดการ
ออกเสียงประชามติเลย จนเมื่อวันที่ 19 กันยายน 2549 เกิดการทำรัฐประหารยึดอำนาจการปกครองจาก
รัฐบาลของ พ.ต.ท.ทักษิณ ชินวัตร โดยคณะปฏิรูปการปกครองในระบอบประชาธิปไตยอันมี
พระมหากษัตริย์ทรงเป็นประมุข (คปค.) โดยมี พลเอกสนธิ บุญยรัตกลิน เป็นหัวหน้า พร้อมทั้งมี การ
ยกเลิกรัฐธรรมนูญแห่งราชอาณาจักรไทย พุทธศักราช 2540 และได้ประกาศใช้รัฐธรรมนูญแห่ง
ราชอาณาจักรไทย (ฉบับชั่วคราว) พุทธศักราช 2549 เป็นการชั่วคราว และในรัฐธรรมนูญฉบับนี้
กำหนดให้มีการจัดตั้งสภาร่างรัฐธรรมนูญขึ้นมาเพื่อยกร่างรัฐธรรมนูญฉบับใหม่ แล้วนำมาให้
ประชาชนลงคะแนนออกเสียงประชามติให้ความเห็นชอบหรือไม่เห็นชอบร่างรัฐธรรมนูญทั้งฉบับ โดย
ถ้าประชาชน ผู้มีสิทธิเลือกตั้งโดยเสียงข้างมากของผู้มาออกเสียงประชามติเห็นชอบก็ให้นำร่าง
รัฐธรรมนูญฉบับใหม่มาใช้บังคับ แต่ถ้าประชาชนโดยเสียงข้างมากของผู้มาออกเสียงประชามติไม่
เห็นชอบกับร่างรัฐธรรมนูญ ให้คณะมนตรีความมั่นคงแห่งชาติประชุมร่วมกับคณะรัฐมนตรีเพื่อ
พิจารณารัฐธรรมนูญแห่งราชอาณาจักรไทยที่ได้เคยประกาศใช้บังคับมาแล้วฉบับใดฉบับหนึ่งมา
ปรับปรุงให้แล้วเสร็จภายใน 30 วัน นับแต่วันออกเสียงประชามติไม่เห็นชอบ และนำขึ้นทูลเกล้าฯ
ถวายเพื่อทรงลงพระปรมาภิไธยประกาศใช้เป็นรัฐธรรมนูญต่อไป

การจัดทำประชามติเพื่อให้ความเห็นชอบร่างรัฐธรรมนูญที่สภาร่างรัฐธรรมนูญยกร่างขึ้นมาในครั้ง
นั้น เป็นที่ถกเถียงและวิพากษ์วิจารณ์ในวงวิชาการว่า เป็นการออกเสียงประชามติที่ไม่เป็นไปตาม
หลักการสากลของการออกเสียงประชามติ เช่น ไม่มีการเปิดโอกาสให้บุคคลสองฝ่ายที่เห็นชอบ
หรือไม่เห็นชอบในเรื่องที่จะจัดทำประชามติได้แสดงความคิดเห็นของแต่ละฝ่ายอย่างอิสระและเท่า
เทียมกัน หรือเรื่องระยะเวลาในการจัดการออกเสียงประชามติที่มีระยะเวลาในการเผยแพร่ร่าง
รัฐธรรมนูญน้อยเกินไปเพียง19 วันเท่านั้น ซึ่งไม่เพียงพอต่อการที่จะให้ประชาชนผู้มีสิทธิออกเสียง
สามารถทำความเข้าใจในร่างรัฐธรรมนูญทั้งฉบับ เป็นต้น

หลังจากที่มีการประกาศใช้รัฐธรรมนูญแห่งราชอาณาจักรไทย พุทธศักราช 2550 แล้ว ซึ่งเป็น
รัฐธรรมนูญที่มาจากการออกเสียงประชามติฉบับแรกของประเทศไทย แต่ตลอดระยะเวลาที่
รัฐธรรมนูญ มีผลบังคับใช้อยู่ สภาพการเมืองภายในประเทศไม่มีความสงบเลย แต่วนเวียนอยู่กับ
ความขัดแย้งเกี่ยวกับแนวความคิดทางการเมืองที่ไม่ตรงกัน ไม่ว่าจะความขัดแย้งจากในสภา
ผู้แทนราษฎรระหว่างฝ่ายรัฐบาลกับ ฝ่ายค้าน หรือจะเป็นความขัดแย้งในวุฒิสภาระหว่างฝ่ายที่
สนับสนุนรัฐบาลกับฝ่ายไม่สสนับสนุนรัฐบาล โดยที่ปัญหาความขัดแย้งทางการเมืองนี้ไม่สามารถ
แก้ไขได้ด้วยวิถีทางประชาธิปไตยทั้งจากฝ่ายบริหาร ฝ่ายนิติบัญญัติ แม้แต่ฝ่ายตุลาการที่ออกมาแสดง
บทบาทในการช่วยแก้ไขปัญหาเหล่านี้ ก็ไม่สามารถจะทำให้ปัญหาดังกล่าว จบลงได้ จนปัญหา
ความขัดแย้งได้ลุกลามออกมาสู่การต่อสู้ชุมนุมประท้วงของแต่ละฝ่ายบนท้องถนน อันเป็นการ
สร้างความเดือดร้อนให้แก่ประชาชนไปทั่วทุกแห่ง รวมทั้งเป็นการฉุดรั้งเศรษฐกิจของประเทศ
ไม่ให้เจริญเติบโตอย่างที่ควรจะเป็น อีกทั้งการชุมนุมประท้วงได้สร้างความเสียหายแก่ทรัพย์สินทั้ง
ของรัฐและประชาชน รวมถึงการสูญเสียชีวิตของประชาชนด้วย และจากเหตุการณ์ความขัดแย้งทาง
ความคิดทางการเมืองที่ไม่ตรงกันนี้ได้ผลักดันให้ทหารกลุ่มหนึ่ง คือ คณะรักษาความสงบแห่งชาติ
(คสช.) ภายใต้การนำของ พลเอกประยุทธ์ จันทร์โอชา ผู้บัญชาการทหารบก ในขณะนั้น ทำการยึด
อำนาจการปกครองจากรัฐบาลรักษาการที่มี นายนิวัฒน์ธำรง บุญทรงไพศาล เมื่อวันที่ 22
พฤษภาคม 2557 เวลา 16.30 น. พร้อมทั้งได้ยกเลิกรัฐธรรมนูญแห่งราชอาณาจักรไทย พุทธศักราช
2550 ต่อมาได้มีการประกาศใช้รัฐธรรมนูญ แห่งราชอาณาจักรไทย (ฉบับชั่วคราว) พุทธศักราช
2557 และมีการกำหนดให้มีการตั้งคณะกรรมาธิการยกร่างรัฐธรรมนูญเพื่อจัดทำร่างรัฐธรรมนูญ
ฉบับใหม่ ต่อมารัฐบาลและสภานิติบัญญัติแห่งชาติได้พิจารณาแก้ไขเพิ่มเติมมาตรา 37 ของ
รัฐธรรมนูญ เพื่อให้มีการออกเสียงประชามติรับรองร่างรัฐธรรมนูญที่คณะกรรมาธิการยกร่างจัดทำ
ขึ้น โดยให้เป็นหน้าที่ของคณะกรรมการการเลือกตั้งในการดำเนินการจัดให้มีการออกเสียงประชามติ
แต่ถ้าสภาปฏิรูปแห่งชาติไม่ให้ความเห็นชอบร่างรัฐธรรมนูญ ให้คณะรักษาความสงบแห่งชาติแต่งตั้ง
คณะกรรมการร่างรัฐธรรมนูญขึ้นคณะหนึ่ง เพื่อทำหน้าที่ร่างรัฐธรรมนูญใหม่ และมอบหมายให้
คณะกรรมการการเลือกตั้งดำเนินการจัดให้มีการออกเสียงประชามติต่อไป โดยเมื่อวันที่ 6 กันยายน
2558 สภาปฏิรูปแห่งชาติมีมติไม่เห็นชอบร่างรัฐธรรมนูญแห่งราชอาณาจักรไทยที่คณะกรรมาธิการ
ยกร่างจัดทำขึ้น จึงทำให้ไม่มีการออกเสียงประชามติร่างรัฐธรรมนูญตามมาตรา 37 ของรัฐธรรมนูญ
แห่งราชอาณาจักรไทย (ฉบับชั่วคราว) พุทธศักราช 2557 แก้ไขเพิ่มเติม (ฉบับที่ 1) พุทธศักราช
2558 จึงมีผลให้ต่อมาคณะรักษาความสงบแห่งชาติได้ดำเนินการแต่งตั้งคณะกรรมการร่าง
รัฐธรรมนูญขึ้นมา โดยมี นายมีชัย ฤชุพันธุ์ เป็นประธานกรรมการยกร่างรัฐธรรมนูญ และเมื่อ
คณะกรรมการร่างรัฐธรรมนูญร่างรัฐธรรมนูญเสร็จแล้ว ให้แจ้งคณะรัฐมนตรีทราบ โดยให้เป็น
หน้าที่ของคณะกรรมการการเลือกตั้งในการดำเนินการจัดให้มีการออกเสียงประชามติร่างรัฐธรรมนูญ
ทั้งฉบับ ซึ่งถือว่าเป็นการออกเสียงประชามติครั้งที่ 2 ของประเทศไทย โดยที่เป็นการออกเสียง

เพื่อให้ความเห็นชอบหรือไม่เห็นชอบร่างรัฐธรรมนูญทั้งฉบับเหมือนกับคราวที่มีการทำรัฐประหาร เมื่อวันที่ 19 กันยายน 2549 ซึ่งดูเหมือนจะเป็นธรรมเนียมปฏิบัติของคณะรัฐประหารที่เมื่อเข้ามายึด อำนาจแล้วร่างรัฐธรรมนูญฉบับใหม่เสร็จแล้ว จะให้นำร่างรัฐธรรมนูญมาให้ประชาชนได้ลงคะแนน ออกเสียงประชามติเสียก่อน

จากที่ได้กล่าวมาข้างต้นแล้ว จะเห็นได้ว่าในการทำรัฐประหาร 2 ครั้งหลังสุด แม้จะมีการประกาศ ยกเลิกรัฐธรรมนูญ และมีการร่างรัฐธรรมนูญฉบับใหม่ขึ้นมาแทน โดยเมื่อมีการร่างรัฐธรรมนูญ เสร็จเรียบร้อยแล้วก็จะนำมาให้ประชาชนได้ลงคะแนนออกเสียงประชามติให้ความเห็นชอบหรือไม่ เห็นชอบร่างรัฐธรรมนูญทั้งฉบับ ซึ่งการทำรัฐประหารของไทยนับตั้งแต่อดีตเรื่อยมาก็ไม่เคย ปรากฏให้มีการออกเสียงประชามติเพื่อให้การรับรองร่างรัฐธรรมนูญแต่อย่างใด แต่การออกเสียง ประชามติร่างรัฐธรรมนูญของประเทศไทยนั้นก็ยังไม่เป็นไปตามหลักสากลของการออกเสียง ประชามติเท่าใดนัก โดยมักจะมีการร่างกฎหมายเกี่ยวกับการออกเสียงประชามติให้เอื้อประโยชน์ หรือมีการกำหนดเกณฑ์ที่ง่ายต่อการผ่านเกณฑ์ที่กำหนดไว้ในการทำประชามติ

แนวความคิดเกี่ยวกับการออกเสียงประชามติ

ความหมายของการออกเสียงประชามติ

จากการศึกษางานเขียนต่าง ๆ มักจะพบเห็นคำว่า "Referendum" กับคำว่า "Plebiscite" มาเกี่ยวพัน กับคำว่า "การออกเสียงประชามติ" อยู่เสมอ ดังนั้น เพื่อที่จะสามารถเข้าใจความหมายของคำทั้งสอง ให้ถูกต้อง จึงขออธิบายความหมาย ดังนี้

การออกเสียงประชามติ (Referendum)

พจนานุกรมภาษาอังกฤษของมหาวิทยาลัย Oxford ได้ให้ความหมายของคำว่า "Referendum" ไว้ว่า "การออกเสียงลงคะแนนโดยทั่วไปของผู้มีสิทธิออกเสียงในปัญหาที่เกี่ยวข้องกับทางการเมือง ปัญหาใดปัญหาหนึ่งที่ถูกมอบให้ผู้มีสิทธิออกเสียงได้ตัดสินใจด้วยตัวเองโดยตรง"

Laferriere นักกฎหมายสำคัญคนหนึ่งของฝรั่งเศส ได้ให้คำนิยามของการให้ประชาชนออกเสียง ประชามติไว้ในปี ค.ศ. 1947 ว่า การออกเสียงประชามติเป็นกระบวนการที่ประชาชนถูกเรียกให้มา ออกเสียงลงคะแนนเพื่อให้ความเห็นหรือเพื่อตัดสินใจต่อกิจการที่ผู้มีอำนาจได้กระทำหรือคาดว่า จะกระทำ

พจนานุกรมฉบับราชบัณฑิตยสถาน พ.ศ. 2542 ให้ความหมายคำว่า "การออกเสียง" หมายถึง การเปล่ง เสียง การลงคะแนนเลือกตั้ง หรือการออกความเห็น และคำว่า "ประชามติ" หมายถึง มติของประชาชน ที่รัฐให้สิทธิออกเสียงลงคะแนนรับรองร่างกฎหมายสำคัญที่ได้ผ่านสภานิติบัญญัติแล้ว หรือให้ ตัดสินใจในปัญหาสำคัญในการบริหารประเทศ

นันทวัฒน์ บรมานันท์ ให้ความหมายคำว่า "ประชามติ" หรือ "Referendum" ว่ามีรากศัพท์มาจากภาษา ลาติน "ad referendum" อันเป็นคำศัพท์ในทางการเมือง มีความหมายว่า "การนำมาให้สัตยาบัน"

สมคิด เลิศไพฑูรย์ ให้ความหมายคำว่า "การออกเสียงประชามติ" คือ กระบวนการที่มีขึ้นเพื่อให้ ประชาชนซึ่งเป็นเจ้าของอำนาจสูงสุดในการปกครองประเทศ มีส่วนร่วมโดยตรงในการตัดสินใจ ในทางการเมืองบางเรื่องบางประการร่วมกับผู้แทนราษฎรที่ประชาชนเลือกตั้งเข้าทำหน้าที่ในการ บริหารและปกครองประเทศแทนตน

พงศ์เพ็ญ ศกุนตาภัย ให้ความหมายของคำว่า "ประชามติ" เป็นวิธีการหนึ่งที่ทำให้ประชาชนได้เข้า มามีส่วนร่วมในการปกครอง ตามวิธีการนี้ประชาชนจะถูกเรียกให้ลงคะแนนเสียงแสดงประชามติ โดยประชาชนอาจมีขึ้นก่อนหรือหลังการลงมติร่างกฎหมายของสภาก็ได้

จากความหมายข้างต้นสรุปได้ว่า การออกเสียงประชามติ หมายถึง กระบวนการ ในการแสดง ความเห็นของประชาชนด้วยการลงคะแนนออกเสียงเพื่อตัดสินว่าจะให้ความเห็นชอบหรือ ไม่ เห็นชอบในเรื่องที่มีความสำคัญและมีผลกระทบต่อประโยชน์ได้เสียของประเทศชาติ หรือกระทบ ต่อสิทธิและเสรีภาพของประชาชน ก่อนที่จะนำมติหรือการตัดสินใจนั้นออกเป็นกฎหมายหรือ นำไปปฏิบัติเพื่อบังคับใช้เป็นการทั่วไป

อย่างไรก็ตาม วิธีการออกเสียงประชามติจะนำมาใช้ได้ผลดีถ้ากิจการที่นำมาให้ประชาชนลงมตินั้น ได้เลือกเฟ้นมาอย่างเหมาะสม เช่น ร่างกฎหมายซึ่งเกี่ยวกับส่วนได้เสียของประชาชน ทั้งนี้ เพื่อให้ ประชาชนมีความสนใจพอที่จะให้คำตอบได้ว่าเห็นด้วยหรือไม่ นอกจากนี้ประเด็นการตั้งคำถาม ต้องชัดเจน ไม่คลุมเครือ เป็นประเด็นหลักที่สำคัญเพียงประเด็นเดียวที่ไม่มีความสลับซับซ้อนหรือ เป็นการยากต่อการทำความเข้าใจ

การออกเสียงประชามติต่อตัวบุคคล (Plebiscite)

ไพโรจน์ ชัยนาม อธิบายถึงคำว่า "Plebiscite" ไว้ว่า "เป็นการขอความเห็นชอบจากประชาชน เกี่ยวกับตัวบุคคลหรือหลักการอย่างใดอย่างหนึ่ง ซึ่ง Plebiscite นั้น ตามธรรมดาเป็นการขอร้องให้ ประชาชนแสดงความไว้เนื้อเชื่อใจในตัวบุคคลใดบุคคลหนึ่ง และให้รับรองเห็นชอบ ในการ กระทำของบุคคลนั้น โดยประชาชนมักลงคะแนนให้ความเห็นชอบด้วยเสมอ เช่น Plebiscite ที่ รัฐบาลฝรั่งเศสให้ประชาชนรับรองเห็นชอบด้วยกับการรัฐประหาร (Coup d'Etat) ที่เจ้าชาย Louis Napoleon เป็นคนทำเพื่อหาทางเปลี่ยนแปลงการปกครองประเทศฝรั่งเศสจากสาธารณรัฐมาเป็น ประเทศที่มีกษัตริย์ปกครอง"

สมภพ โหตระกิตย์ อธิบายว่า "Plebiscite" คือ "การขอความเห็นชอบจากประชาชนโดยวิธี ลงคะแนนเสียง อันเป็นการขอความเห็นชอบเกี่ยวกับตัวบุคคลและหลักการ เช่น การขอความ เห็นชอบว่าประมุขของประเทศควรจะเป็นกษัตริย์หรือประธานาธิบดี ซึ่งวิธีการ Plebiscite นี้มักจะ ใช้ในกรณีพิเศษในปัญหาเกี่ยวกับการเมืองหรือชาติ เช่น การขอร้องให้ประชาชนแสดงความไว้เนื้อ เชื่อใจต่อบุคคลใด และให้ความเห็นรับรองหรือเห็นชอบในการกระทำของบุคคลนั้น"

จากคำอธิบายและความหมายของคำว่า "Plebiscite" ที่กล่าวมาข้างต้นจะเห็นได้ว่า มีความหมาย ใกล้เคียงหรือซ้ำซ้อนกับคำว่า "Referendum" และบางครั้งมักจะใช้สองคำนี้ปะปนกันอยู่เสมอ เพราะว่าเป็นวิธีที่ขอให้ประชาชนลงคะแนนเสียงเห็นชอบหรือไม่เห็นชอบด้วยกันทั้งคู่ อย่างไรก็ ตามวิธีการ ทั้งสองนั้นมีความแตกต่างกัน โดยทั่วไปประชามติจะใช้ในการขอความเห็นชอบจาก ประชาชนในประเด็นที่เกี่ยวกับการร่างกฎหมายเป็นสำคัญ ไม่เกี่ยวกับตัวบุคคลหรือการปฏิบัติอย่างใด อย่างหนึ่ง ส่วน "Plebiscite" นั้น เป็นการขอให้ประชาชนแสดงความไว้เนื้อเชื่อใจในตัวบุคคลหนึ่ง หรือกลุ่มหนึ่งซึ่งมักได้รับการยอมรับศรัทธา อยู่ก่อนแล้ว และให้ประชาชนลงคะแนนว่าจะรับรอง เห็นชอบในการกระทำของบุคคลนั้นหรือกลุ่มนั้นหรือไม่ ทั้งนี้จะเห็นได้ว่าประชาชนก็มักจะให้ ความเห็นชอบด้วยเสมอ เนื่องจาก Plebiscite มักจะถูกใช้โดยระบบ เผด็จการเบ็ดเสร็จ เพื่อสร้าง ความชอบธรรมให้กับการกระทำของตนเอง จากความนิยมของประชาชนที่ได้มาหลังจาก ข้อเท็จจริงหรือการกระทำนั้นได้เกิดขึ้นหรือเสร็จสมบูรณ์แล้ว ตัวอย่างเช่น ในสมัยนโปเลียนที่ 3 เกิด รัฐประหารขึ้นและเพื่อสร้างความชอบธรรมแก่อำนาจของตนจึงขอให้ประชาชนออกเสียงรับรอง การรัฐประหาร หรือในประเทศเยอรมันสมัยฮิตเลอร์ ได้มีการเรียกให้ประชาชนมาลงคะแนนเสียง รับรอง การกระทำบางอย่างของประมุขรัฐ โดยรัฐบาลเยอรมันได้จัดให้มี "Plebiscite" ขึ้นใน ค.ศ. 1938 หรือในประเทศอิตาลี สมัยฟาสซิส ประชาชนถูกเรียกให้ไปลงคะแนนรับรองบัญชีรายชื่อผู้

แทนที่รัฐบาลได้เสนอมา การลงคะแนนจึงมีความหมายเพียงว่าจะยอมรับบัญชีรายชื่อผู้แทน 400 คน ที่รัฐบาลเสนอมาหรือไม่ ถ้าเห็นด้วยก็ต้องเห็นด้วยทั้ง 400 คน

จากที่ได้กล่าวมาข้างต้น การออกเสียงประชามติ (Referendum) และการออกเสียงประชามติต่อตัว บุคคล (Plebiscite) แม้จะมีการใช้ปะปนกันอยู่บ้าง แต่ก็มีความแตกต่างกันทั้งในแง่ความหมายและ ประวัติศาสตร์ความเป็นมา โดยการออกเสียงประชามตินั้นเป็นการออกเสียงลงคะแนนต่อกฎหมาย หรือกิจการในเรื่องใดเรื่องหนึ่ง (issue) และวิธีนั้นมักถูกใช้เพื่อความเป็นประชาธิปไตย ในขณะที่ การออกเสียงลงประชามติต่อตัวบุคคล มักใช้กับการรับรองหรือให้ความชอบธรรมแก่การกระทำของ บุคคลนั้น ๆ มากกว่าที่จะเห็นความสำคัญของเรื่อง และวิธีนี้มักจะถูกใช้ไปในแนวทางที่ไม่เป็น ประชาธิปไตยเท่าไรนัก

อย่างไรก็ดี มีความเป็นไปได้ที่จะเกิดความสับสนปนเประหว่างการออกเสียงประชามติทั้งสองชนิด เช่น ในประเทศสวิสเซอร์แลนด์ คำว่า Plebiscite กับ Referendum มักใช้ปะปนกัน คำว่า Plebiscite ของ สวิสเซอร์แลนด์ ก็หมายถึง Referendum ดังนั้น จึงเป็นการยากในการจะแยกว่าเป็นการออกเสียง ประชามติเพื่อยอมรับนโยบายหรือตัวบทกฎหมาย หรือเป็นการออกเสียงประชามติเพื่อยอมรับในตัว บุคคล เพราะในบางกรณี ก็รวมการออกเสียงประชามติทั้งสองอย่างไว้ในกระบวนการเดียวกัน ซึ่ง การออกเสียงประชามติประเภทนี้เรียกว่า "Plebiscitary Referendum"

การออกเสียงประชามติต่อร่างกฎหมายหรือนโยบาย (Referendum) ที่แฝงการออกเสียงประชามติต่อตัว บุคคล (Plebiscite) อย่างไม่อาจหลีกเลี่ยงได้เช่นนี้ ทำให้ผลการลงคะแนนของประชาชนไม่อาจ สะท้อนความคิดเห็นที่แท้จริงของประชาชนออกมาได้อย่างเต็มที่ เนื่องจากการลงมติของประชาชน ถูกเบี่ยงเบนไปจากการลงมติในประเด็นคำถามนั้น ๆ ไปสู่ความชอบหรือไม่ชอบ หรือสนับสนุน ต่อต้านรัฐบาลหรือองค์กรที่เสนอประเด็นนั้นสู่สาธารณะแทน ผลของการลงประชามติที่ไม่ได้ไตร่ตรอง ประเด็นปัญหาด้วยความรอบคอบเป็นสำคัญ แต่ขึ้นอยู่กับความพอใจ อารมณ์ ความนิยมชมชอบในตัว บุคคลหรือองค์กร ย่อมไม่อาจก่อให้เกิดประโยชน์สูงสุดในการจัดการออกเสียงประชามติ โดยมี จุดประสงค์เพื่อให้ประชาชนแสดงความคิดเห็นหรือตัดสินใจในปัญหาใดปัญหาหนึ่งได้อย่างเต็มที่ แต่ อาจก่อให้เกิดการสิ้นเปลืองทรัพยากรโดยสูญเปล่าได้ เพราะการจัดการออกเสียงประชามติแต่ละครั้ง เป็นการจัดที่มีความคล้ายคลึงการเลือกตั้ง ซึ่งต้องสิ้นเปลืองทรัพยากร งบประมาณ แรงงาน และ เวลาที่ประชาชนต้องเสียไปในการเดินทางมาลงคะแนน ซึ่งประโยชน์ที่ได้รับเป็นแค่การสะท้อนให้ เห็นถึงความคิดเห็นของประชาชนที่มีต่อรัฐบาลหรือองค์กรที่เสนอประเด็นนั้น ๆ สู่สาธารณะ และ อาจส่ง ผลกระทบหรือก่อให้เกิดการเปลี่ยนแปลงทางการเมืองต่อรัฐบาลหรือองค์กรต่าง ๆ ได้

หลักการสำคัญของการออกเสียงประชามติ

จากความหมายของการออกเสียงประชามติสามารถกำหนดหลักการสำคัญได้ 5 ประการ ประกอบด้วย

**เรื่องที่จะจัดทำประชามติต้องมีความสำคัญและมีผลกระทบต่อประโยชน์ได้เสีย
ของประเทศชาติหรือกระทบต่อสิทธิเสรีภาพของประชาชน**

ในหลายประเทศได้กำหนดหลักการสำคัญของเรื่องที่จะจัดทำประชามติไว้ในรัฐธรรมนูญว่าจะต้องเป็นเรื่องที่มีความสำคัญ เช่น ในประเทศฝรั่งเศสได้กำหนดไว้ในรัฐธรรมนูญว่า หากเรื่องใดเป็นการจำกัดสิทธิของประชาชนจะต้องนำมาขอความเห็นชอบจากประชาชนเพื่อให้การรับรองหรือให้สัตยาบันก่อนจึงจะสามารถนำมาบังคับใช้ได้ เช่นเดียวกับในประเทศออสเตรเลียที่ได้กำหนดหลักการสำคัญของเรื่องที่จะจัดทำประชามติไว้ในรัฐธรรมนูญว่า จะต้องเป็นเรื่องที่รัฐบาลกลางเห็นว่ามีความสำคัญหรืออาจกระทบถึงประโยชน์ของประเทศหรือสิทธิเสรีภาพของประชาชน ผู้แทนราษฎรแม้ว่าจะได้รับการเลือกตั้งจากประชาชน ก็ไม่มีสิทธิที่จะตัดสินใจแทนประชาชนโดยพลการได้ หากจะต้องนำประเด็นนั้นมาสอบถามและขอความเห็นชอบจากประชาชนก่อน จึงอาจกล่าวได้ว่า กระบวนการประชามติเป็นกลไกการถ่วงดุลอำนาจของฝ่ายการเมือง โดยประชาชนหรือเป็นกลไก "ห้ามล้อ" เพื่อไม่ให้รัฐ ซึ่งรวมถึงฝ่ายบริหารและฝ่ายนิติบัญญัติใช้อำนาจโดยไม่ฟังเสียงหรือความต้องการของประชาชน สอดคล้องกับหลักการปกครองในระบอบประชาธิปไตยที่วางประชาชนอยู่เหนือสิ่งอื่นใด แม้แต่รัฐธรรมนูญซึ่งเป็นกลไกในการบริหารรัฐก็ต้องให้ประชาชนเป็นผู้รักษาไว้ซึ่งอำนาจนิติบัญญัติและอำนาจทางรัฐธรรมนูญ

อย่างไรก็ตาม ประเด็นปัญหาที่เสนอขอความเห็นจากประชาชนในการออกเสียงประชามตินั้นต้องเป็นประเด็นปัญหาที่แท้จริง คือ ประเด็นปัญหาที่เสนอขอความเห็นจากประชาชนต้องมิใช่ประเด็นปัญหา ที่เกี่ยวเนื่องกับตัวบุคคล หรือเป็นประเด็นปัญหาส่วนบุคคล เช่น การลงคะแนนออกเสียงประชามติที่เคยเกิดขึ้นในประเทศฝรั่งเศสเมื่อปี ค.ศ. 1800 ซึ่งนโปเลียนได้จัดให้มีการออกเสียงประชามติสอบถามความเห็นประชาชนว่าเห็นชอบให้ตนเองเป็นจักรพรรดิ์หรือไม่ และด้วยอำนาจอิทธิพลของนโปเลียนในขณะนั้น ทำให้ผลการออกเสียงประชามติออกมาว่าเห็นชอบ เหตุผลสำคัญที่กำหนดให้การออกเสียงประชามติต้องไม่เกี่ยวกับตัวบุคคล เพื่อมิให้การออกเสียงประชามติทับซ้อนกับการเลือกตั้งหรือถอดถอนผู้ดำรงตำแหน่งทางการเมือง และเพื่อป้องกันมิให้ผู้มีอำนาจใช้กระบวนการออกเสียงประชามติสร้างความชอบธรรมในการเข้าสู่ตำแหน่งหรือการรักษาสถานภาพตำแหน่งของตนเอง

ข้อความที่จะถามความเห็นต้องชัดเจนเพียงพอที่จะทำให้ผู้มีสิทธิออกเสียง
สามารถตัดสินใจว่าจะเห็นชอบหรือไม่เห็นชอบในเรื่องนั้น ๆ ได้

การที่จะได้คำตอบที่ถูกต้องตรงกับความต้องการของประชาชนอย่างแท้จริงนั้น การตั้งคำถามต้องมี
ความชัดเจน ไม่คลุมเครือ และไม่มีลักษณะการชักจูงโน้มน้าวให้ผู้ตอบได้เห็นไปในทางใดทางหนึ่ง และ
โดยส่วนใหญ่การทำประชามติในประเทศต่าง ๆ ประเด็นที่จะนำไปสู่การตั้งคำถามในการออกเสียง
ประชามติมักจะเป็นประเด็นเดียวที่ไม่มีความสลับซับซ้อน และมีการอธิบายความของเรื่องไว้พอ
สังเขป เพื่อให้ประชาชนสามารถเข้าใจได้ง่าย เช่น การออกเสียงของสมาพันธรัฐสวิสเซอร์แลนด์
เมื่อเดือนมีนาคม 2550 ในเรื่องการประกันสุขภาพของประชาชน มีการตั้งคำถามในการออกเสียง
ประชามติว่า "ควรที่จะมีการใช้ระบบประกันสุขภาพแบบบังคับในระดับชาติ หรือใช้ระบบเดิมที่
เป็นอยู่ ณ ปัจจุบัน คือ ยังคงให้เอกชนต่าง ๆ แข่งขันกันในตลาดประกันภัย" หรือกรณีการออกเสียง
ประชามติในประเทศอังกฤษเมื่อวันที่ 5 พฤษภาคม 2554 ที่สอบถามประชาชนว่า "ต้องการเปลี่ยน
ระบบการลงคะแนนเลือกตั้งผู้แทนจากการเลือกผู้สมัครเพียงคนเดียว เป็นการเลือกผู้สมัครหลายคน
เรียงตามลำดับความชื่นชอบหรือไม่" นอกจากนี้ในการเสนอประเด็นปัญหาเพื่อขอทราบความ
คิดเห็นของประชาชนนั้นจำเป็นต้องมีคำตอบสำเร็จรูปให้ประชาชนออกเสียงแสดงความคิดเห็นด้วยการ
เลือกคำตอบ โดยไม่เปิดโอกาสให้ประชาชนคิดคำตอบโดยตนเอง กล่าวอีกนัยหนึ่ง การออกเสียง
ประชามติจะต้อง   ไม่เปิดโอกาสให้ประชาชนเสนอทางเลือกใหม่หรือเสนอคำตอบนอกเหนือจาก
คำตอบ 3 คำตอบให้เลือก คือ "เห็นด้วย" "ไม่เห็นด้วย" และ "ไม่มีความเห็น" การออกเสียง
ประชามติจึงต่างกับ "การไต่สวนสาธารณะ" หรือ "ประชาพิจารณ์" (Public Hearing) ที่เปิดโอกาสให้
ประชาชนผู้สนใจได้แสดงความคิดเห็นอย่างอิสระเสรี คือ ประชาชนสามารถแสดงความคิดเห็นที่เป็น
ข้อเสนอแนะอย่างใดก็ได้ เช่น การออกเสียงประชามติครั้งที่ 43 เมื่อปี พ.ศ. 2542 ของประเทศ
ออสเตรเลียในเรื่องการแก้ไขรัฐธรรมนูญเพื่อเปลี่ยนแปลงระบอบการปกครองของประเทศจาก
ระบอบ Monarchy ซึ่งมีสมเด็จพระราชินีแห่งอังกฤษเป็นประมุขและมีนายกรัฐมนตรีเป็นผู้บริหาร
ประเทศไปสู่ระบอบ Republic ซึ่งมีประธานาธิบดีที่ได้รับการแต่งตั้งจากรัฐสภาด้วยคะแนนเสียงไม่น้อย
กว่าสองในสามของสมาชิกทั้งหมดหรือไม่ ซึ่งคำถามที่ต้องการขอความเห็นจากประชาชนนี้อาจเขียน
ไว้ในบัตรออกเสียงประชามติโดยตรง หรืออาจเขียนไว้ในเอกสารเผยแพร่อื่น ๆ ให้ผู้มีสิทธิออก
เสียงได้อ่านเพื่อประกอบ การลงคะแนนเสียงประชามติก็ได้

รัฐหรือผู้รับผิดชอบจัดการออกเสียงประชามติต้องเปิดโอกาสให้ผู้เห็นชอบหรือ ไม่เห็นชอบ
ในเรื่องที่จะจัดทำประชามติได้แสดงความคิดเห็นอย่างอิสระเท่าเทียมกัน

หลักการข้อนี้เป็นเรื่องที่สำคัญอย่างยิ่งสำหรับการออกเสียงประชามติทุกครั้ง เพราะการตัดสินใจของ
คนขึ้นอยู่กับข้อมูลที่เขาได้รับ หากบุคคลได้รับข้อมูลที่ถูกต้องครบถ้วนในทุกด้านจะทำให้การ

ตัดสินใจนั้นถูกต้องและเกิดประโยชน์สูงสุด แต่หากข้อมูลที่ได้รับไม่ถูกต้องครบถ้วน หรือได้รับ
ข้อมูลเพียงด้านใดด้านหนึ่ง หรือข้อมูลที่ได้รับแฝงไว้ด้วยอคติ มีสิ่งซ้อนเร้น ตลอดจนถูกบิดเบือน
การตัดสินใจของบุคคลนั้นก็อาจคลาดเคลื่อนหรือไม่ตรงเป้าหมายที่ต้องการอย่างแท้จริง เช่น
รัฐธรรมนูญแห่งราชอาณาจักรไทย พุทธศักราช 2550 มาตรา 165 วรรคห้า กำหนดให้ "ก่อนการออกเสียง
ประชามติ รัฐต้องดำเนินการให้ข้อมูลอย่างเพียงพอ และให้บุคคลฝ่ายที่เห็นชอบและไม่เห็นชอบกับ
กิจการนั้น มีโอกาสแสดงความคิดเห็นของตนได้อย่างเท่าเทียมกัน" เช่นเดียวกับในต่างประเทศ เช่น
กรณีการออกเสียงประชามติ ครั้งที่ 43 ของประเทศออสเตรเลียที่ได้กำหนดให้มีการลงทะเบียนแยก
ฝ่ายสนับสนุนและฝ่ายคัดค้าน โดยเปิดโอกาสให้ทั้งสองฝ่ายสามารถนำเสนอความเห็นของกลุ่ม
ตนเองต่อเรื่องที่จะจัดทำประชามติ เสนอเป็นเอกสารที่มีความยาวของถ้อยคำของแต่ละกลุ่มไม่เกิน
2,000 คำ เพื่อเสนอความเห็นชอบจากรัฐสภา และเมื่อได้รับความเห็นชอบแล้ว สำนักงาน
คณะกรรมการการเลือกตั้งจะส่งเอกสารดังกล่าวไปยังผู้มีสิทธิออกเสียงทุกคน และนอกจากนี้ยังให้
รัฐจัดให้ผู้แทนของทั้งสองกลุ่มได้แสดงความคิดเห็นผ่านสถานีโทรทัศน์และสถานีวิทยุอย่างเท่าเทียมกัน
รวมทั้งให้มี การเผยแพร่รายละเอียดในเรื่องที่จะจัดทำประชามติพร้อมเหตุผลทั้งฝ่ายที่เห็นชอบและไม่
เห็นชอบทางอินเตอร์เน็ต ซึ่งมีการแปลเป็นภาษาต่าง ๆ ถึง 15 ภาษา และมีการกำหนดระยะเวลาใน
การเผยแพร่ประชาสัมพันธ์ และแสดงความคิดเห็นเป็นเวลาประมาณ 3 เดือน ทำนองเดียวกันกับ
การออกเสียงประชามติของประเทศสหรัฐอเมริกา ซึ่งเป็นการออกเสียงประชามติในระดับมลรัฐ แต่
ละมลรัฐก็จะมีข้อกำหนดและรายละเอียดแตกต่างกันไป แต่หลายมลรัฐก็มีบทบัญญัติที่มีเนื้อหา
สาระแบบเดียวกันว่า ในการออกเสียงประชามติทุกครั้ง รัฐต้องให้ข้อมูลพื้นฐานของฝ่ายที่เห็นชอบ
และไม่เห็นชอบ โดยต้องพิมพ์เป็นเอกสารเผยแพร่และแจกจ่ายแก่ผู้มีสิทธิออกเสียงอย่างทั่วถึงก่อน
วันออกเสียงประชามติอย่างน้อย 6 สัปดาห์ และต้องจัดพิมพ์รายละเอียดเกี่ยวกับเรื่องที่จะจัดทำ
ประชามติลงในหนังสือพิมพ์สัปดาห์ละอย่างน้อย 1 ครั้ง ก่อนการออกเสียงประชามติอย่างน้อย 3
สัปดาห์ รวมทั้งต้องมีการประชาพิจารณ์ในเขตชุมชนเมือง เพื่อเปิดโอกาสให้มีการถกเถียงและ
แลกเปลี่ยนความคิดเห็นกันอย่างกว้างขวาง

จากตัวอย่างข้างต้น เห็นได้ว่าสิ่งสำคัญอีกอย่างหนึ่งของการออกเสียงประชามติ คือ การเปิดโอกาส
ให้ทุกฝ่ายได้แสดงความคิดเห็นในเรื่องที่จะจัดทำประชามติอย่างเท่าเทียมกันโดยรัฐ หรือ
ผู้รับผิดชอบในการจัดให้มีการออกเสียงประชามติ มีหน้าที่จะต้องส่งเสริมและสนับสนุนให้มี การ
แสดงความคิดเห็นอย่างกว้างขวางภายในระยะเวลาที่เหมาะสม เพื่อให้ประชาชนสามารถรับรู้ข้อมูล
ข่าวสารในเรื่องที่จะจัดทำประชามติอย่างถูกต้องครบถ้วน และสามารถตัดสินใจว่าจะให้ความเห็นชอบ
หรือไม่เห็นชอบในเรื่องนั้น ๆ อย่างเป็นอิสระ ซึ่งสามารถสะท้อนเจตนารมณ์ของประชาชนได้เป็น
อย่างดี และสอดคล้องกับหลักการปกครองระบอบประชาธิปไตยที่ถือว่าการให้ประชาชนมีส่วน
ร่วม ในการปกครองประเทศเป็นหัวใจสำคัญ

ต้องจัดให้มีการลงคะแนนออกเสียงอย่างอิสระ ไม่มีสถานการณ์บีบบังคับ
ให้มีการออกเสียงไปในทางใดทางหนึ่ง โดยไม่ได้เกิดจากการตัดสินใจที่แท้จริง

การลงคะแนนออกเสียงประชามติ ถือเป็นองค์ประกอบที่สำคัญของการออกเสียงประชามติ ซึ่งการ
ลงคะแนนออกเสียงจะมีวิธีการเช่นเดียวกับการลงคะแนนเสียงเลือกตั้งผู้แทนประเภทต่าง ๆ และ
หลักการ ที่ได้รับการยอมรับกันทั่วไปในประชาคมโลก คือ ต้องเป็นการลงคะแนนเสียงโดยอิสระ ผู้
ออกเสียงลงคะแนน มีอิสระในการตัดสินใจด้วยตนเอง วิธีการที่ถือว่าใกล้เคียงกับหลักการนี้มาก
ที่สุด คือ การออกเสียงลงคะแนนแบบโดยตรงและลับ นอกจากวิธีการออกเสียงลงคะแนนจะต้อง
เอื้ออำนวยให้ผู้มีสิทธิออกเสียงสามารถลงคะแนนออกเสียงได้อย่างอิสระแล้ว หน่วยงานหรือ
องค์กรที่มีหน้าที่รับผิดชอบจัดให้มีการออกเสียงประชามติก็ต้องเป็นองค์กรที่มีความเป็นกลาง ไม่อยู่
ภายใต้อาณัติจากทั้งฝ่ายบริหารและฝ่ายนิติบัญญัติ และที่สำคัญคือจะต้องไม่มีส่วนได้เสียในประเด็น
หรือเรื่องที่จะจัดให้มีการออกเสียงประชามติ เพื่อป้องกันมิให้มีการใช้อำนาจหน้าที่ในทางมิชอบ เพื่อ
ชักจูง โน้มน้าว หรือใช้กลวิธีใด ๆ ที่มีผลให้ผู้มีสิทธิออกเสียงลงคะแนนออกเสียงไปในทางใดทาง
หนึ่ง

ต้องนำผลการออกเสียงประชามติไปดำเนินการเพื่อให้เป็นไปตามเจตนารมณ์
ของประชาชนผู้มาออกเสียงประชามติ

หลักการนี้เป็นขั้นตอนสุดท้ายของกระบวนการออกเสียงประชามติ กล่าวคือ เมื่อ ผลการออกเสียง
ประชามติปรากฏชัดแจ้งว่า ประชาชนผู้มาออกเสียงประชามติโดยเสียงข้างมากเห็นชอบในทางใด
ทางหนึ่ง ก็ถือเป็นพันธกิจของรัฐ หรือองค์กรที่มีอำนาจหน้าที่ในเรื่องนั้น ๆ จะต้องนำผลการออก
เสียงประชามติ ไปดำเนินการให้เป็นไปตามเจตนารมณ์ของประชาชน เช่น การออกกฎหมายหรือ
กำหนดนโยบาย และมาตรการทางการบริหาร แล้วแต่กรณี โดยการนำผลของการออกเสียงไปปฏิบัติไม่
จำกัดว่าจะต้องเป็นเฉพาะการออกเสียงแบบบังคับ (Mandatory referendum) เท่านั้น แม้แต่การออก
เสียงประชามติแบบทางเลือก (Optional referendum) ก็จะต้องยึดหลักการเดียวกัน ไม่เช่นนั้นจะถือ
ว่าการออกเสียงประชามติเป็นการสูญเปล่า และจะส่งผลโดยตรงต่อความชอบธรรมของรัฐ หรือ
องค์กรที่มีส่วนเกี่ยวข้องในเรื่องนั้น ๆ โดยเฉพาะอย่างยิ่งหาก มีการดำเนินการที่สวนทางกับผล
การออกเสียงประชามติอาจทำให้เกิดความวุ่นวาย หรือไร้เสถียรภาพ ทางการเมืองได้

วัตถุประสงค์ของการออกเสียงประชามติ

จากความหมายและหลักการสำคัญของการออกเสียงประชามติข้างต้น แสดงให้เห็นถึงวัตถุประสงค์
ของการออกเสียงประชามติ ดังนี้

(1) การออกเสียงประชามติเป็นรูปแบบหนึ่งของประชาธิปไตยโดยตรงที่ให้ประชาชน
สามารถที่จะแสดงความคิดเห็นและตัดสินใจในเรื่องที่มีความสำคัญและกระทบต่อสิทธิและเสรีภาพ
ของตนเองได้ ดังนั้น จึงเป็นมาตรการอย่างหนึ่งที่คุ้มครองสิทธิเสรีภาพของประชาชนมิให้ถูกล่วง
ละเมิดโดยรัฐหรือผู้มีอำนาจ

(2) การออกเสียงประชามติเป็นกระบวนการที่สร้างความชอบธรรมให้กับแนวนโยบายของ
รัฐหรือการออกกฎหมายของฝ่ายนิติบัญญัติ ซึ่งรัฐสามารถอ้างผลของการออกเสียงประชามติในการดำเนิน
กิจการต่าง ๆ รวมถึงการบังคับให้ประชาชนต้องปฏิบัติตามได้

(3) การออกเสียงประชามติมีขึ้นเพื่อเป็นกลไก "การห้ามล้อ" หรือเป็นการถ่วงดุลอำนาจ
ขององค์กรหรือสถาบันที่เป็นตัวแทนของประชาชน มิให้เกิดการผูกขาดการใช้อำนาจโดยอ้างความ
เป็นตัวแทนของประชาชน โดยมิได้ฟังเสียงที่แท้จริงของประชาชน ทำให้รัฐหรือผู้มีอำนาจจำเป็นที่
จะต้องคอยรับฟังความคิดเห็นจากประชาชนในเรื่องต่าง ๆ อยู่เสมอ

(4) การออกเสียงประชามติมีขึ้นเพื่อเป็นทางออกให้กับสังคมในกรณีที่เกิดความคิดเห็น
ขัดแย้งกัน และไม่อาจหาข้อยุติใด ๆ ได้ เช่น กรณีที่เกิดขึ้นในประเทศออสเตรเลีย ในการจัดทำ
ประชามติ ครั้งที่ 43 ซึ่งขณะนั้นคนในประเทศเกิดความคิดเห็นขัดแย้งเป็นสองฝ่าย ฝ่ายแรกต้องการ
ให้คงรูปแบบการปกครองแบบเดิม ซึ่งมีสมเด็จพระราชินีของอังกฤษเป็นประมุขและบริหาร
ประเทศโดยนายกรัฐมนตรี แต่อีกฝ่ายหนึ่งต้องการให้เปลี่ยนแปลงระบอบการปกครองเป็นแบบ
ประธานาธิบดีและไม่อาจหาข้อยุติในเรื่องดังกล่าวได้ จึงต้องจัดให้มีการออกเสียงประชามติใน
เรื่องนี้ และได้ข้อยุติว่าเสียงข้างมากให้คงรูปแบบการปกครองแบบเดิม

(5) การออกเสียงประชามติมีขึ้นเพื่อเป็นกระบวนการในการศึกษาเรียนรู้ทางการเมืองให้แก่
ประชาชน ทำให้ประชาชนได้มีความตื่นตัวทางการเมืองและมีความตระหนักถึงความสำคัญใน
สิทธิและเสรีภาพของตนเอง โดยช่วยเปลี่ยนแปลงทัศนคติและวิธีคิดของประชาชนในระบอบ
ประชาธิปไตยโดยทางผู้แทนที่เคยคิดว่าตนมีหน้าที่เพียงการไปใช้สิทธิเลือกตั้งผู้แทนเข้าไปใช้
อำนาจอธิปไตยแทนตนและการตัดสินใจใด ๆ ของผู้แทนถือเป็นฉันทานุมัติของประชาชนด้วย มา
สู่วิธีคิดที่ว่าผู้แทนมีขอบเขตอำนาจหน้าที่จำกัดเท่าที่ได้รับมอบหมาย และการตัดสินใจใด ๆ ที่เป็น
เรื่องสำคัญ อันกระทบต่อผลประโยชน์ของประเทศชาติและสิทธิเสรีภาพของประชาชนต้องถาม
ความคิดเห็นจากประชาชนโดยผ่านกระบวนการออกเสียงประชามติก่อน

แนวความคิดเกี่ยวกับการร่างรัฐธรรมนูญ

คำนิยามของรัฐธรรมนูญ

คำนิยามที่หนึ่ง : รัฐธรรมนูญ ได้แก่ ปทัสถาน (norms) หรือบรรทัดฐานซึ่ง ควบคุมตัวบท
กฎหมายที่รัฐประกาศใช้กับราษฎร ตามคำนิยามนั้นครรัฐสมัยโบราณทุกแห่งมี รัฐธรรมนูญ ซึ่ง

หมายถึงกฎมณเฑียรบาลว่าด้วยการสืบสันติวงศ์และกฎหมายอื่น ๆ ที่วางหลักในการใช้อำนาจของพระมหากษัตริย์หรือของประมุข โดยทุกรัฐย่อมมีรัฐธรรมนูญแต่อาจมีรูปแบบแตกต่างกันไป เช่น แบบเสรีประชาธิปไตย หรือเป็นแบบเผด็จการก็ได้ ซึ่งการมีรัฐธรรมนูญไม่ได้แสดงว่าเป็นประชาธิปไตยเสมอไป แม้ประเทศเผด็จการ ไม่ว่าจะเป็นฝ่ายซ้าย (คอมมิวนิสต์) หรือฝ่ายขวา (ฟาสซิสม์) ก็ล้วนแล้วแต่มีรัฐธรรมนูญทั้งสิ้น

คำนิยามที่สอง : รัฐธรรมนูญ ได้แก่ กฎเกณฑ์ข้อบังคับขั้นมูลฐาน ไม่ว่าจะเป็น ลายลักษณ์อักษรหรือไม่เป็นลายลักษณ์อักษร ไม่ว่าจะเป็นเรื่องเกี่ยวกับกฎหมายหรือไม่เกี่ยวก็ตาม แต่จะต้องเป็นพื้นฐานในการดำเนินงานของรัฐบาล

คำนิยามที่สาม : จากปทานุกรมรัฐศาสตร์ คำนิยามนี้สรุปหน้าที่หรือลักษณะของการเป็นรัฐธรรมนูญไว้ 3 ประการ คือ

(1) รัฐธรรมนูญเป็นกฎหมายซึ่งสถาปนาโครงสร้างการปกครอง

(2) มีการกำหนดอำนาจและหน้าที่ของหน่วยงานต่าง ๆ ของรัฐบาล และ

(3) มีการกำหนดความสัมพันธ์ระหว่างประชาชนกับรัฐบาล

สรุปว่า **"รัฐธรรมนูญ"** เป็นกฎหมายหลักหรือเป็นมาตรฐานกลางในการวางกฎเกณฑ์เพื่อการปกครองบ้านเมือง และการมีสัมพันธภาพระหว่างบุคคลและหน่วยงานต่าง ๆ ภายในสังคม โดยกำหนดเป็นแนวทางกว้าง ๆ ไว้

ลักษณะพิเศษของรัฐธรรมนูญ

รัฐธรรมนูญมีลักษณะพิเศษที่แตกต่างจากกฎหมายธรรมดาอยู่ 3 ประการ ได้แก่

(1) รัฐธรรมนูญเป็นกฎหมายหลัก หรือเป็นกฎหมายขั้นมูลฐาน เขียนขึ้นอย่างกว้าง ๆ และในเรื่องสำคัญ ๆ เท่านั้น ดังนั้น ส่วนใหญ่รัฐธรรมนูญในโลก เช่น รัฐธรรมนูญของสหรัฐอเมริกามีเพียงไม่กี่หน้ากระดาษเท่านั้น และระบุแค่โครงสร้างของรัฐบาล เช่น การแบ่งอำนาจ การดำรงตำแหน่ง การสิ้นสุดวาระของการดำรงตำแหน่ง และวิธีการแก้ไขเปลี่ยนแปลงรัฐธรรมนูญ

(2) การเปลี่ยนแปลงแก้ไขรัฐธรรมนูญกระทำได้ยากกว่าการเปลี่ยนแปลงแก้ไขกฎหมายธรรมดา

(3) รัฐธรรมนูญมีผลใช้บังคับแน่นอนคงทนกว่ากฎหมายอื่น ๆ ทั่วไป รัฐธรรมนูญเป็นรากเหง้าหรือต้นตอของกฎหมายอื่น ๆ ดังนั้น รัฐธรรมนูญจึงเป็นเสาหลักที่แน่นอนและคงทน ทำให้มีการกำหนดให้กระบวนการในการแก้ไขรัฐธรรมนูญกระทำได้ยากกว่ากฎหมายธรรมดา

อย่างไรก็ตาม หากการแก้ไขกระทำได้ยากเกินไปก็อาจจะไม่มีการแก้ไขรัฐธรรมนูญทีละน้อย แต่อาจเกิดการล้มล้างรัฐธรรมนูญทั้งฉบับด้วยการก่อรัฐประหาร (coup d'état) คือ เป็นการ

เปลี่ยนรัฐบาลโดยฉับพลันกะทันหัน โดยใช้การยึดอำนาจการเปลี่ยนแปลงคณะผู้บริหารเดิม และ
อาจก่อให้มีการเปลี่ยนแปลงซึ่งกระทบกระเทือนทั้งระบบ ไม่ว่าจะระบบสังคม ศาสนา การศึกษา
วัฒนธรรม การเมือง และเศรษฐกิจ

ที่มาของรัฐธรรมนูญ

โดยทั่วไปรัฐธรรมนูญมีที่มาจาก 4แนวทาง ดังต่อไปนี้

(1) โดยการเปลี่ยนแปลงอย่างค่อยเป็นค่อยไป (Gradual Evolution) คือ การพัฒนาในการเกิดขึ้น
ของรัฐธรรมนูญเป็นไปตามลำดับ เช่น รัฐธรรมนูญของประเทศอังกฤษ โดยเริ่มจากการปกครองใน
ระบอบกษัตริย์ ต่อมาอำนาจถูกเปลี่ยนมือจากกษัตริย์ไปยังกลุ่มผู้แทนของประชาชน ทีละเล็กทีละ
น้อย โดย เริ่มจากบทบัญญัติแมกนา คาร์ตา (Magna Carta) ซึ่งบรรดาเจ้าขุนมูลนายของอังกฤษ
ร่วมกันทำเพื่อบังคับพระเจ้าจอห์น ให้ยอมรับสิทธิ์บางอย่างของขุนนางและเอกชน ในปีค.ศ.1215
ซึ่งถือว่าเป็นจุดเริ่มต้นแห่งรัฐธรรมนูญ

(2) โดยการปฏิวัติ(Revolution) หรือรัฐประหาร (Coup d'Etat) ทั้งสองแนวทางอาจเกิดความ
ไม่พอใจในอำนาจเดิม รวมไปทั้งไม่พอใจในรัฐธรรมนูญที่มีบทบัญญัติที่เป็นการสกัดกั้น อำนาจ
ของตน

(3) โดยการยกร่าง (Deliberate Creation) มักจะอยู่ในกลุ่มประเทศที่เกิดขึ้นใหม่ จากการเป็น
อาณานิคมหรือประเทศที่กำลังพัฒนาเข้าสู่ความเป็นประชาธิปไตย ซึ่งเป็นการสลับสับเปลี่ยนระหว่าง
ประชาธิปไตยและเผด็จการในบางครั้ง รัฐธรรมนูญอาจเกิดขึ้นจากการใช้อำนาจปฏิวัติหรือ
รัฐประหาร (การไม่พอใจในเนื้อหาหรือเพื่อสร้างอำนาจให้แก่ตนเอง) แต่ในบางครั้งที่สังคมหรือ
ระบบ การเมืองมีความเป็นประชาธิปไตยสูง การเกิดขึ้นของรัฐธรรมนูญก็มาจากการยกร่างและมี
การจัดทำประชาพิจารณ์หรือการจัดทำประชามติ เช่น ประเทศไทย เป็นต้น

(4) โดยกษัตริย์พระราชทานให้(Grant) รัฐในทวีปเอเชียและยุโรปตามประวัติศาสตร์ต่างมี
การปกครองแบบสมบูรณาญาสิทธิราชย์ ต่อมาไม่ว่าด้วยการใช้กำลังบังคับหรือการยินยอมก็จะ
นำมาซึ่ง การเกิดขึ้นของรัฐธรรมนูญ (โดยทั่วไปแล้วมักจะเป็นการใช้กำลังบังคับ)

การออกเสียงประชามติในประเทศไทย

การออกเสียงประชามติของประเทศไทยพบว่ามีการบัญญัติขึ้นเป็นครั้งแรกในรัฐธรรมนูญแห่ง
ราชอาณาจักรไทย พุทธศักราช 2492 มาตรา 174 บัญญัติว่า "การเสนอแก้ไขเพิ่มเติมรัฐธรรมนูญ
หากพระมหากษัตริย์ทรงเห็นว่าอาจกระทบถึงประโยชน์ได้เสียสำคัญของประเทศชาติหรือ
ประชาชน อาจจัดให้มีการออกเสียงประชามติว่าเห็นชอบหรือไม่เห็นชอบกับร่างรัฐธรรมนูญนั้นก็
ได้" และได้มีการบัญญัติเกี่ยวกับการออกเสียงประชามติไว้ในรัฐธรรมนูญต่อ ๆ มาอีกหลายฉบับ

เช่น รัฐธรรมนูญ ฉบับปี พ.ศ. 2511 , ฉบับปี พ.ศ. 2517 , ฉบับปี พ.ศ. 2534 แก้ไขเพิ่มเติม (ฉบับที่ 6) พ.ศ. 2539 , ฉบับปี พ.ศ. 2540 , ฉบับชั่วคราว พ.ศ. 2549 , ฉบับปี พ.ศ. 2550 และฉบับชั่วคราว พ.ศ. 2557

ตารางเปรียบเทียบบทบัญญัติว่าด้วยการออกเสียงประชามติ
ของรัฐธรรมนูญแห่งราชอาณาจักรไทยฉบับต่าง ๆ จนถึงปัจจุบัน

รัฐธรรมนูญ พ.ศ.	มาตรา	เหตุในการจัดทำประชามติ	กำหนด วันออกเสียง	การตัดสินผล การออกเสียง
พ.ศ. 2492 พ.ศ. 2511 พ.ศ. 2517	ม. 174-176 ม. 170-173 ม. 229-231	ให้ความเห็นชอบหรือไม่เห็นชอบกับร่างแก้ไขเพิ่มเติมรัฐธรรมนูญที่พระมหากษัตริย์ทรงเห็นว่าอาจกระทบต่อประโยชน์ ได้เสียสำคัญของประเทศชาติและประชาชน	ภายใน 90 วัน นับแต่วันที่มีพระราชกฤษฎีกาฯ	เสียงข้างมากของ ผู้สิทธิออกเสียง
พ.ศ. 2535 แก้ไขเพิ่มเติม (ฉบับที่ 6) พ.ศ. 2539	ม. 211 ปัณรสโสพส	ให้ความเห็นชอบหรือไม่เห็นชอบกับร่างรัฐธรรมนูญที่สภาร่างฯ เสนอต่อรัฐสภาและได้รับคะแนนเสียงไม่ถึงกึ่งหนึ่งของจำนวนสมาชิกเท่าที่มีอยู่ของทั้งสองสภา	ไม่ก่อน 90 วัน แต่ไม่ช้ากว่า 120 วัน นับแต่วันที่ประธานรัฐสภาประกาศให้มีการออกเสียง	เสียงข้างมากของ ผู้ที่มาออกเสียงและผู้มาใช้สิทธิออกเสียงต้อง ไม่น้อยกว่า 1 ใน 5 ของจำนวน ผู้มีสิทธิ
พ.ศ. 2540	ม. 214	ให้ความเห็นชอบหรือไม่เห็นชอบในเรื่องสำคัญที่คณะรัฐมนตรีเห็นว่าอาจกระทบถึงประโยชน์ได้เสียของประเทศชาติหรือประชาชน	ไม่ก่อน 90 วันแต่ไม่ช้ากว่า 120 วัน นับแต่วันประกาศในราชกิจจานุเบกษาให้มีการออกเสียง	เสียงข้างมากของผู้ที่มาออกเสียงและผู้มาใช้สิทธิออกเสียงต้อง ไม่น้อยกว่า 1 ใน 5 ของจำนวนผู้มีสิทธิออกเสียง และผลการออกเสียงเป็นเพียงการให้คำปรึกษาแก่คณะรัฐมนตรีเท่านั้น
ฉบับชั่วคราว พ.ศ. 2549	ม. 29 ม. 31 และ ม. 32	ให้ความเห็นชอบหรือไม่เห็นชอบร่างรัฐธรรมนูญทั้ง	ไม่เร็วกว่า 15 วัน และ ไม่ช้ากว่า 30	เสียงข้างมากของ ผู้ที่มาออกเสียง

รัฐธรรมนูญ พ.ศ.	มาตรา	เหตุในการจัดทำประชามติ	กำหนด วันออกเสียง	การตัดสินผล การออกเสียง
		ฉบับที่สภาร่างรัฐธรรมนูญ ได้จัดทำขึ้น	วัน นับแต่วันที่ เผยแพร่ร่าง รัฐธรรมนูญ	
พ.ศ. 2550	ม. 165	(1) กรณีที่คณะรัฐมนตรี เห็นว่ากิจการในเรื่องใดอาจ กระทบถึงประโยชน์ได้เสีย ของประเทศชาติหรือ ประชาชน นายกรัฐมนตรี โดยความเห็นชอบของ คณะรัฐมนตรีอาจปรึกษา ประธานสภาผู้แทนราษฎร และประธานวุฒิสภาเพื่อ ประกาศในราชกิจจา นุเบกษาให้มีการออกเสียง ประชามติได้ (2) กรณีที่มีกฎหมาย บัญญัติให้มีการออกเสียง ประชามติ	ไม่น้อยกว่า 90 วัน แต่ไม่เกิน 120 วัน นับแต่วันประกาศ ให้มีการออกเสียง ในราชกิจจา นุเบกษา	- การออกเสียงที่จะถือว่ามี ข้อยุติในเรื่องที่จัดทำ ประชามติ ต้องมีผู้มาออก เสียงเป็นจำนวนเสียงข้าง มากของผู้มีสิทธิออกเสียง และมีจำนวนเสียงเกินกว่า กึ่งหนึ่งของ ผู้มาออกเสียง - การออกเสียงเพื่อให้ คำปรึกษาแก่ คณะรัฐมนตรี ให้ถือเสียง ข้างมากของผู้มาออกเสียง
ฉบับชั่วคราว พ.ศ. 2557 แก้ไขเพิ่มเติม (ครั้งที่ 1) พ.ศ. 2558 และ แก้ไขเพิ่มเติม (ครั้งที่ 2) พ.ศ. 2559	ม. 37 วรรคสาม ม. 39/1 วรรคสาม (ฉบับแก้ไข ครั้งที่ 1) ม.39/1 วรรคสาม (ฉบับแก้ไข ครั้งที่ 2)	- ให้ความเห็นชอบหรือไม่ เห็นชอบร่างรัฐธรรมนูญทั้ง ฉบับ - สภาปฏิรูปแห่งชาติหรือ สภานิติบัญญัติแห่งชาติ สามารถเสนอประเด็นอื่น ใดที่สมควรจัดให้มีการ ออกเสียงประชามติเพิ่มเติม สภาละ ไม่เกิน 1 ประเด็น (ฉบับแก้ไขเพิ่มเติม ครั้งที่ 1 พ.ศ. 2558)	- ไม่เร็วกว่า 30 วัน แต่ไม่ช้ากว่า 45 วัน นับแต่วันที่ คณะกรรมการการ เลือกตั้งส่งร่าง รัฐธรรมนูญให้แก่ผู้ มีสิทธิออกเสียง ประชามติได้ไม่น้อย กว่าร้อยละ 80ของ ครัวเรือนทั้งหมดที่ผู้มี สิทธิออกเสียงมีชื่อ	- ผู้มีสิทธิออกเสียง ประชามติโดยเสียงข้างมาก เห็นชอบด้วยกับร่าง รัฐธรรมนูญ (ฉบับแก้ไข เพิ่มเติม ครั้งที่ 1 พ.ศ. 2558) - มีคะแนนเสียงเห็นชอบ ด้วยกับร่างรัฐธรรมนูญ มากกว่าคะแนนเสียงไม่ เห็นชอบ ฉบับแก้ไข เพิ่มเติม ครั้งที่ 2 พ.ศ.2559)

รัฐธรรมนูญ พ.ศ.	มาตรา	เหตุในการจัดทำประชามติ	กำหนด วันออกเสียง	การตัดสินผล การออกเสียง
		- สภานิติบัญญัติแห่งชาติ เสนอประเด็นอื่นใดไม่เกิน 1 ประเด็นที่เห็นสมควรเพื่อ จัดให้มีการออกเสียง ประชามติเพิ่มเติม (ฉบับ แก้ไขเพิ่มเติม ครั้งที่ 2 พ.ศ. 2559)	อยู่ในทะเบียนบ้าน (ฉบับแก้ไขเพิ่มเติม ครั้งที่ 1 พ.ศ. 2558) - ไม่เร็วกว่า 90 วัน แต่ไม่ช้ากว่า 120 วันนับแต่วันถัดจาก วันที่คณะกรรมการ ร่างรัฐธรรมนูญส่ง คำอธิบาย สาระสำคัญของ ร่างรัฐธรรมนูญให้ คณะกรรมการการ เลือกตั้ง (ฉบับ แก้ไขเพิ่มเติม ครั้งที่ 2 พ.ศ. 2559)	

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Social and Economic Development in Laos-PDR

The Vision Strategy: Development - Economic, Social Over 10 Puzzles (2016-2025) of the Lao PDR

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Abstract

Direction and strategy strategy development - economic, social puzzle next 10 points and development the breakthrough one for developed countries to drop from the status of least in the 2020 to 2025 and strive to set the direction of the party: 1) target: Continually strive transition from status such as the number QC 2025 strategy this strategy outlines the direction and goals of maintaining political stability Steady basis inherited renovating the regime democratic people with party people lead a strong, stabilized, with the plate accommodating consultant the national social security budget, is organized justice; 2) Objectives: Developing countries to progress resulting from the man developed a heavy Tight shift the economy from a deep and wide into the development rural remote areas; 3) Specific Targets: Changes produced naturally become focused product updates Quantity to raise productivity and production quality of products Growing industry in the rise of modern gradually; 4) Challenges and Limitations, Canada has limited funds to focus on the industry, some The funds will be used in construction, infrastructure and some have not the brain, like road transport freight still not comfortable.

Keywords: Vision / Strategy / Economic-Socio Development/ Lao PDR

วิสัยทัศน์ และ แผนยุทธศาสตร์การพัฒนาด้านเศรษฐกิจ-สังคม ในระหว่าง 10 ปี (2016-2025) ของสาธารณรัฐประชาธิปไตยประชาชนลาว

หลังจาก สาธารณรัฐประชาธิปไตยประชาชนลาว ได้รับการจัดตั้ง ในวันที 2 ธันวาคม ค.ศ. 1975 สปป. ลาว ได้มียุทธศาสตร์ 2 ประการ คือ ปกปักรักษา และสร้างพัฒนาประเทศชาติ โดยเฉพาะรัฐบาลได้มี การส่งเสริม การพัฒนาทางด้านเศรษฐกิจ-สังคม วัฒนธรรม ความมั่นคง การเสริมสร้างสันติภาพ มิตรภาพ และการร่วมมือ โดยการเชื่อมโยงกับประเทศต่างๆในอาเซียน และ ภาคพื้นแม่น้ำโขง โดยปฏิบัติตามมติที่ประชุมใหญ่ของพรรคประชาชนปฏิวัติลาว และแผนพัฒนาเศรษฐกิจ-สังคมห่งชาติ ใน 10 ปี ข้างหน้า พรรค และ รัฐบาล สปป. ลาว ได้เอาใจใส่การพัฒนาประชากร โดยเน้นให้ชาวนา ที่ ดำรงชีวิตในเขตชนบท ในพื้นที่ห่างไกล พื้นที่การผลิต ซึ่งการดำรงชีวิตส่วนใหญ่ยังคงอาศัยธรรมชาติ โครงสร้างพื้นฐานยังไม่ได้รับขยาย โดยเฉพาะการสื่อสารโทรคมนาคมยังไม่ทั่วถึง ระบบชลประทาน โรงเรียน โรงพยาบาล สาธารณสุข ก็ยังไปไม่ถึง ดังนั้น การพัฒนาจำเป็นต้องได้ลงไปถึงพื้นที่ใน เขต ชนบทอย่างเป็นระบบ และ มีเป้าหมายที่ชัดเจน โดยอาศัยศักยภาพของแต่ละพื้นที่ในแต่ละท้องถิ่น ซึ่งที่

ผ่านมา พรรคและรัฐบาล สปป. ลาว ก็ได้ให้ความสำคัญในการพัฒนาชนบท และ เป็นหน้าที่ต้อง
ดำเนินการอย่างเร่งด่วน โดยเฉพาะการพัฒนาในเขตชนบท ชาวนา เป็นกำลังหลักในการพัฒนาของ
ประเทศ

พรรคและรัฐบาลได้วางนโยบายเกี่ยวกับการพัฒนาเศรษฐกิจ-สังคม ด้วยการเปลี่ยนจากผลิตตาม
ธรรมชาติไปสู่การผลิตสินค้าตามกลไกตลาดที่มีการกำกับดูแลของรัฐ ไปพร้อมกับการส่งพัฒนากลุ่ม
คนที่ขาดโอกาส เพื่อทำให้ในพื้นที่ห่างไกลทุรกันดารในชนบท ได้รับการพัฒนาขึ้นเป็นลำดับ

ดังนั้น จะเห็นได้ว่าการพัฒนาของประเทศนั้นเป็นไปตามกฎเกณฑ์ของการเกิดขึ้นและการขยายตัว ซึ่ง
ต้องดำเนินไปตามแต่ละขั้นตอน เริ่มจากความล้าสมัยค่อยๆ ก้าวไปสู่การพัฒนา และ ทันสมัย จากการที่
ดำรงชีวิตแบบยากจนก็ค่อย ๆ ก้าวไปสู่ความความร่ำรวย โดยเป็นไปตามการขยายตัวของการพัฒนา
นั้นเอง ดังนั้น การพัฒนาในพื้นที่ห่างไกลทุรกันดารชนบทถือเป็นแผนงาน และ โครงการหลักใน 8
แผนงานที่สำคัญของรัฐบาลที่ต้องดำเนินการแก้ไข และ พัฒนาอย่างรอบด้าน

ทิศทางของการพัฒนาด้านเศรษฐกิจ-สังคม ในระหว่าง 10 ปี (2016-2025)

แผนยุทธศาสตร์การพัฒนาด้านเศรษฐกิจ-สังคม ในระหว่าง 10 ปี (2016-2025) ในอนาคตนั้นเป็นการ
พัฒนาโดยการนำเอาประเทศหลุดพ้นจากสถานะประเทศด้อยพัฒนา ในปี ค.ศ. 2020 และ มุ่งมั่นอย่าง
ต่อเนื่อง เปลี่ยนจากสถานะประเทศด้อยพัฒนาให้ได้อย่างสมบูรณ์ในปี ค.ศ. 2025 ปฏิบัติตามมติที่
ประชุมสมัชชาพรรคประชาชนปฏิวัติลาว สมัยที่ 10 ด้วยการถือเอาการพัฒนาเศรษฐกิจเป็นศูนย์กลาง
ส่งเสริมการพัฒนาเศรษฐกิจอย่างต่อเนื่อง เปลี่ยนโครงสร้างระบบเศรษฐกิจไปตามทิศทาง
อุตสาหกรรมที่ทันสมัย ไปพร้อมกับการพัฒนาวัฒนธรรม-สังคม

เพื่อให้บรรลุเป้าหมายที่กล่าวมาข้างต้นนั้น ต้องได้ดำเนินการใน 7 ยุทธศาสตร์การพัฒนาระดับชาติ
พัฒนาเศรษฐกิจอย่างเป็นระบบต่อเนื่อง มุ่งเน้นการใช้นโยบายระดับเศรษฐศาสตร์มหภาค พัฒนา
หน่วยงานที่มีศักยภาพของแต่ละพื้นที่ด้วยการส่งเสริมการลงทุน สร้างรายรับ และ งบประมาณ โดยการ
มุ่งเน้นการสร้างโครงการเขื่อนไฟฟ้า โครงการทางรถไฟ โครงการพัฒนาเขตอุตสาหกรรม เขต
เศรษฐกิจพิเศษและเขตเศรษฐกิจเฉพาะ ไปพร้อมกลับการส่งเสริมการพัฒนาเศรษฐกิจที่มีการขยายตัว
ระดับกลาง และ ระดับต่ำไปพร้อม ๆ กัน โดยเฉพาะอุตสาหกรรมการท่องเที่ยว เพิ่มประสิทธิภาพการ

ผลิตการเกษตรกรรมให้สูงขึ้น ส่งเสริมวิสาหกิจขนาดกลาง และ วิสาหกิจขนาดเล็ก ซึ่งถือเป็นปัญหา อย่างเร่งด่วนในการพัฒนาประเทศ

นอกจากนี้ยังทำให้ประชาชนมีชีวิตการเป็นอยู่ที่ดี มีความเสมอภาค เสรีภาพ เป็นอันหนึ่งอันเดียวกัน และ เท่าเทียมกัน ดังนั้นการที่ประเทศหนึ่ง ๆ จะมีความก้าวหน้าเจริญรุ่งเรืองได้นั้นก็ต่อเมื่อมีการพัฒนา ดังนั้น สปป. ลาว ถือว่าเป็นประเทศหนึ่งเมื่อพูดถึงการพัฒนาแล้วก็ถือเป็นสิ่งสำคัญที่สุด โดยเฉพาะการ พัฒนาในเขตพื้นที่ในชนบทห่างไกลซึ่งมีจำนวนมาก พรรคและรัฐบาล สปป. ลาว ได้พยายามส่งเสริม และ ยกระดับการดำรงชีวิตของประชาชนที่อาศัยในพื้นที่ชนบทได้มีชีวิตที่ดีขึ้น ด้วยการใช้ศักยภาพ ของแต่ระพื้นที่ในแต่ระท้องถิ่น โดยเฉพาะทรัพยากรธรรมชาติ และ สังคม สร้างให้ประชาชนได้ ตระหนักการพัฒนา เพื่อเปลี่ยนจากการดำรงชีวิตที่อาศัยแบบตามธรรมชาติ ดั่งเดิม ไปสู่การดำรงชีวิต แบบใหม่ที่มีการพัฒนา และ เข้าถึงการพัฒนา ตามแนวทางนโยบายของพรรคประชาชนปฏิวัติลาว และ รัฐบาล สปป. ลาว ในระยะที่ผ่านนั้นเห็นได้ว่า สปป. ลาว ได้มีการพัฒนาในหลาย ๆ ด้าน ประชาชนมี การดำรงชีวิตที่ดีขึ้นเป็นลำดับ อย่างเช่น มีเส้นทางการคมนาคมที่ดีขึ้น มีไฟฟ้า น้ำประปา โรงเรียน โรงพยาบาล ทุกคนมีความเสมอภาค เสรีภาพ เป็นเจ้าของอำนาดอธิปไตย เป็นเจ้าของประเทศ และ สังคมได้รับการพัฒนาดีขึ้นตามลำดับ

วัตถุประสงค์และการดำเนินนโยบาย

วัตถุประสงค์และการดำเนินนโยบาย เพื่อบรรลุแผนยุทธศาสตร์การพัฒนาด้านเศรษฐกิจ-สังคม ให้มี ประสิทธิภาพ และ บรรลุตามคาดหมายที่ตั้งไว้นั้นต้องดำเนินการหลายอย่างเช่น การเปลี่ยนจากการ พัฒนาเศรษฐกิจแบบวงกว้างไปสู่การพัฒนาเศรษฐกิจแบบลงลึก เปลี่ยนจากการเน้นทางด้านปริมาณ ไปสู่การยกระดับทางด้านคุณภาพการผลิต ยกระดับประสิทธิภาพของการลงทุน การใช้ทรัพยากรอย่าง คุ้มค่ามีประสิทธิภาพ ประหยัดวัตถุดิบ ประหยัดพลังงาน และ ลดมลพิษ ส่งเสริมการใช้วิทยาศาสตร์ เป็นมิตรสิ่งแวดล้อม มีการประสานสมทบ ด้วยการปรับเปลี่ยนแผนงาน แผนการ แผนประจำปี และ เพิ่มขีดความสามารถในการปฏิบัติกฎระเบียบโดยการส่งเสริมทุกแขนงการผลิต

     1. เพื่อนำเอานโยบายการพัฒนาของรัฐบาลไปปฏิบัติให้บรรลุผลสำเร็จ โดยเฉพาะทำให้ ประชาชนได้ มีส่วนร่วม และ ไปตามความต้องการของชุมชน

     2. เพื่อพัฒนาคุณภาพชีวิตของประชาชนในตามพื้นที่จังหวัดต่าง ๆ ให้รู้จักการดำรงชีวิตที่ดี อย่างเช่น ด้านอาชีพ สุขภาพ รายรับ รายจ่าย และ รู้จักการเป็นพลเมืองที่ดีของชาติ

3. สร้างจิตสำนึกให้ประชาชนมีความรักชาติ ให้ประชาชนมีส่วนร่วมในการพัฒนาทางด้าน บริหาร และ การจัดการ เปิดโอกาสให้ค้นคิด ตัดสินใจ และ ปฏิบัติตามแผนการพัฒนาให้เกิดประโยชน์ สูงสุด

4. เพิ่มความเท่าเทียมกัน ลดความอยากจน และ ปรับปรุงการดำรงชีวิตของประชาชนให้ดี ขึ้นเป็นลำดับ

5. เพื่อสร้างให้ประชาชนมีระดับการศึกษา มีความรู้ความสามารถ รู้จักการ ช่วยตัวเอง ช่วยเหลือผู้อื่น และ มีส่วนร่วมกับทุกคน

6. ยกระดับการผลิต เพิ่มผลผลิตด้วยการขยายพื้นที่เพาะปลูก สัตว์เลี้ยง และ การใช้ เทคโนโลยีใหม่ ๆ มาใช้เข้าในการผลิต เพื่อทำให้ได้รับผลผลิตที่สูงขึ้น ทำให้ทุกคนได้รับผลประโยชน์ อย่างเป็นธรรม ไม่ว่าจะเป็นเรื่องการบริการ และ การกระจ่ายรายได้ของภาครัฐ

7. สร้างโอกาสให้กลุ่มเป้าหมายได้รับการช่วยเหลือ ไม่ว่าจะเป็นในเรื่องที่ดิน สินเชื่อ รวมทั้งรับประกันการบริการเกี่ยวกับเทคโนโลยีให้ถึงมือกลุ่มเป้าหมาย

8. สร้างอาชีพในพื้นที่เขตชนบท เพื่อจะได้มีการใช้แรงงานในชนบทอย่างกว้างขวาง และ หลากหลาย โดยการใช้เทคโนโลยี และ ทรัพยากรให้เกิดประโยชน์สูงสุด ทั้งนี้เพื่อสร้างแรงงานรองรับ ส่วนเกินจากการเกษตรใหม่

9. ควบคุมทรัพยากร ถือเป็นหัวใจสำคัญในการจัดระบบการพัฒนาเพื่อใช้ทรัพยากรที่มีอยู่ ให้เกิดความเป็นเอกภาพ และ ยุติธรรม มากที่สุด

10. เพื่อพัฒนาทรัพยากรมนุษย์ เนื่องจากทรัพยากรบุคคลหากมีความรู้ความสามารถอย่าง ถูกต้องแล้ว ก็จะง่ายต่อการพัฒนาในทุกด้าน การพัฒนาทรัพยากรมนุษย์นั้นต้องเริ่มจากการพัฒนา ตนเอง ไปสู่การพัฒนาครอบครัว เศรษฐกิจ-สังคม และ ประเทศชาติ

ส่วนหนึ่งที่สำคัญของการพัฒนานั้นได้มุ้งเน้นถึงคุณภาพชีวิตแห่งความเป็นมนุษย์ (quality of life) เป็น สำคัญ คุณภาพชีวิตจะดีได้ต้องเริ่มจากการรู้วิธีหาทางออกที่หลากหลาย รวมไปถึงการรู้จักการแก้ไข ปัญหาต่าง ๆ อย่างเช่น การว่างงาน ความอยากจน การตกต่ำของราคาพืชผลทางการเกษตรกรรม ซึ่งเป็น แนวคิดที่เราเรียกกันว่า ความจำเป็นพื้นฐาน (basic needs approach) หรือ การสนองความต้องการ พื้นฐานของมนุษย์ เช่น

1. ความต้องการขั้นต่ำของครอบครัวเกี่ยวกับการบริโภคจำนวนหนึ่ง อย่างเช่น การมีอาหาร เสื้อผ้า ยารักษาโรค และที่อยู่อาศัย

2. การบริการต่าง ๆ ที่จำเป็นแก่การดำรงชีวิต อย่างเช่น น้ำดื่ม ไฟฟ้า ถนน การศึกษา การขนส่ง ในราคาที่ยุติธรรม

3. สิทธิพื้นฐานของมนุษย์จะต้องได้รับการยอมรับ อย่างเช่น การเข้าไปมีส่วนร่วมในกิจกรรม ต่างๆ ทางด้านเศรษฐกิจ สังคม และ การเมือง

4. การมีอาชีพ เพื่อสร้างรายได้ให้ได้หลาย สามารถที่จะเลี้ยงครอบครัว

5. เพื่อปรับปรุง และ พัฒนาสภาพแวดล้อมให้เกิดประโยชน์

6. เพื่ออนุรักษ์ทรัพยากรธรรมชาติ อย่างเช่น ป่าไม้ ดิน และ น้ำ

เป้าหมาย และ คาดหมายรวมของแผนยุทธศาสตร์ถึงปี ค.ศ. 2025

รักษาเสถียรภาพทางด้านการเมือง บนพื้นฐานการบูรณาการปรับปรุงระบอบประชาธิปไตยประชาชน ที่มีพรรคประชาชนปฏิวัติลาวเป็นผู้นำพา สร้างความแข็งแรง ความมั่นคง มีความปรองดองความ สามัคคี สังคมมีความสงบ มีความเป็นระเบียบเรียบร้อย ยุติธรรม พัฒนาประเทศให้หลุดพ้นออกจาก สภาวะความด้อยพัฒนาในปี ค.ศ. 2025 เร่งดำเนินงานตามเป้าหมายการพัฒนาอย่างยั่งยืน ทำให้ความ คืบหน้า ลดความยากจนของประชาชน สร้างให้มีบ้านพัฒนาให้มากขึ้นกว่าเดิม

เป้าหมายหลักของการพัฒนา

1. สร้างรายได้ให้ครัวเรือน ทำให้ครัวเรือนกลายเป็นส่วนหนึ่งของสังคมที่มีรายได้เพียงพอ สำหรับค่าใช้จ่ายที่จำเป็นในการดำรงชีวิต อย่างเช่น ที่อยู่อาศัย อาหาร เสื้อผ้า และ การรักษาโรค เป็น ต้น

2. ทำให้ครัวเรือน หรือ บุคคลที่ดำรงชีวิตอยู่ร่วมกับสังคมได้มีงานทำ เพียงพอสำหรับการเลี้ยง ชีพ และ ก้าวไปถึงการพัฒนาครอบครัวต้นแบบ

3. สร้างให้คนมีการศึกษา และ ทำให้อัตราการรู้หนังสือได้รับการปรับปรุงให้ดีขึ้น

4. ทำให้ประชาชนได้มีโอกาสมีส่วนร่วมในการปกครองประเทศ

นอกนั้นต้องเอาใจใส่ปฏิบัตินโยบายสนับสนุนการเป็นอุตสาหกรรมที่ทันสมัย ส่งเสริมการเข้าถึงแหล่ง ทุน เพราะความอยากจน ความด้อยพัฒนาจะได้รับการแก้ไข ไปถึงการพัฒนาขั้นสูงสุด ดังนั้น ปัญหา

ต่อไปคือจะสร้างรายได้อย่างไร ? การสร้างรายได้มีส่วนพัวพันโดยตรงต่อกับการผลิตสินค้า การรับการ
ช่วยเหลือจากประเทศที่พัฒนาแล้ว หรือ พึ่งพาแต่การช่วยเหลือจากองค์การสากล

ดังนั้น ประเทศที่กำลังพัฒนาต้องได้เปิดประตูร่วมมือกับต่างประเทศ เพื่อเชื่อมโยงเศรษฐกิจ เพื่อขอ
ความช่วยเหลือจากองค์การสากล และ ส่งเสริมการผลิตสินค้าภายในประเทศ สร้างเศรษฐกิจครัวเรือน
สร้างครอบครัวตัวแบบ เป็นต้น

ความท้าทาย และ ข้อจำกัด

1. คุณภาพ และปริมาณทางด้านทรัพยากรมนุษย์ เพื่อตอบสนองกับความต้องการในการพัฒนา
นั้นยังมีข้อจำกัด อย่างเช่น การพัฒนาทรัพยากรมนุษย์ที่เพียงพอในด้านปริมาณ และ คุณภาพ แต่ว่า
แรงงานของคนลาวส่วนมากยังทำงานในด้านเกษตรกรรม แบบแรงงานครอบครัว กระจายอยู่ตามพื้นที่
ในชนบทห่างไกล ทำให้การสนองแรงงานสำหรับโครงการพัฒนาต่าง ๆ ยังขาดแคลน ซึ่งทำให้ต้อง
นำเข้าแรงงานจากต่างประเทศเป็นจำนวนมาก โดยเฉพาะแรงงานที่มากจากเวียดนาม และ จีน

2. แหล่งทุนการพัฒนาของประเทศยังมีจำนวนจำกัด ส่วนมากพึ่งพาแหล่งทุนจากต่างประเทศ
เป็นหลัก โดยเฉพาะการลงทุนโดยตรง การกู้ยืม และ การช่วยเหลือ

3. การพัฒนาเศรษฐกิจที่ขยายตัวสูง และ รายรับของรัฐบาลในช่วงที่ผ่านมาคือรายรับจาก
ทรัพยากรธรรมชาติเป็นหลัก โดยเฉพาะการทำเหมือง และ พลังงานไฟฟ้า แต่ว่ารายได้ที่แท้จริงของ
ประชาชนยังถือว่าต่ำ เห็นได้ชัดจากประชาชน 70% ยังพึ่งพาภาคเกษตรกรรม การพัฒนาส่วนมากก็ยัง
พึ่งพาภาคทรัพยากรธรรมชาติเป็นหลัก

4. การไหลของเงินทุน โดยเฉพาะมาจากการขนส่งสินค้าในส่วนของทรัพยากรธรรมชาติ การ
ลงทุนโดยตรงจากต่างประเทศ และ เงินช่วยเหลือเพื่อการพัฒนาเป็นจำนวนมาก

5. ข้อจำกัด และ ความท้าทาย อื่น ๆ อย่างเช่น โครงสร้างพื้นฐานยังไม่เพียงพอ และ ไม่สะดวก
ค่าขนส่ง และ นำเข้าสินค้าจากประเทศที่สามยังมีอัตราที่สูงมาก เมื่อเปรียบเทียบกับประเทศอื่นๆ ใน
อาเซียน การขนส่งทางอากาศโดยผ่านประเทศที่สามยังมีไม่มาก

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Problems on Foreign Laborer Management in Lao PDR Research from 2014-2015

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Abstract

Since the Lao Government expanded on the International cooperation, it has turned out from single economic into economic market which has been developing the economy increasingly. There are growing numbers of both local and foreign investments, therefore the skilled laborer and high technical laborer are highly required. According to that, the demanding of foreign laborer seems to be increasing due to inadequate number of local laborer. In addition to that, in some sectors, foreign laborers particularly technical laborers are needed.

After the research, it has found out that recently the number of legal foreign laborer who are working in Lao PDR estimate around 56,186 ; 30,256 are women. Apart from that, there is also a high number of illegal laborers working in Lao PDR. Foreign laborer management is enforced by Law and Regulation, however there are still some issues that need to be addressed and adapt to the society especially strategies and tools to manage foreign laborer. For example: Labor Management Organization and there should be additional legislation draft in order to deal with foreign laborer issues.

According to the issues mentioned above, researchers come up with an idea to improve, find the possibility to handle with foreign laborer as such personnel training, improving legal draft to ensure accuracy, register for legal labor, specify exact number of quota in particular sectors, improve on labor management team and coordinate with other relevant sectors as well.

Keywords: Foreign Laborer/ Laborer Management/ Lao PDR

ปัญหาการคารคุ้มครองแรงงานต่างด้าวใน สปป. ลาว ปี ค.ศ 2014 – 2015

บุญมี ราชามีไชย์, อาจารย์, มหาวิทยาลัยแห่งชาติลาว

บทคัดย่อ

ปัจจุบันสถานการณ์ของโลก สปป.ลาว ได้มีการปรับปรุง และได้รับการพัฒนามากขึ้นหลายด้าน เช่นทางด้านเศรษฐกิจ-สังคม การเมือง ด้านความสำพันทางการทูต และอื่นๆ หลายประเทศได้มีการ ช่วงแข่งขันเพื่อพัฒนาเศรษฐกิจของตนโดยมีการเปิดกว้างร่วมมือกันกับนาๆประเทศ และ ได้มีการ รวมกลุ่มทางด้านเศรษฐกิจอย่างเช่น ในท้ายปี ค.ศ. 2016 อาเซียนก็ได้มีกาเปิดปะชาคมทางเศรษฐกิจ อาเซียน(AEC) ในนั้นก็ได้มีการเปิดแรงงานบางสาขาอาชีพที่สามารถเคลื่อนย้ายแรงงานได้ภายใน

กลุ่มประเทศสมาชิกอาเซียน นอกจากแรงงานที่เคลื่อนย้ายถูกระบบแล้วก็ยังมีแรงงานนอกระบบที่มาจากหลายประเทศ ดังนั้น จึงจำเป็นต้องมีองกรที่ทำหน้าที่ดูแลในการคุ้มครองต่างด้าวใน สปป.ลาว ไม่ว่าจะเป็นแรงงานที่ถูกกฎหมายหรือไม่ถูกกฎหมายก็ตาม แรงงานต่างด้าวใน สปป.ลาว ปัจจุบันได้มีจำนวนมากมีทั้งแรงงานในระบบและแรงงานทีอยู่นอกระบบ ที่ยังไม่ได้ถูกคุ้มครอง วัตถุประสงค์ของการศึกษาครั้งนี้ เพื่อแสวงหาความรู้และความเข้าใจเกี่ยวกับทฤษฎีและนิติกรรมที่เกี่ยวข้อง และ เพื่อแสวงหาแนวทางการคุ้มครองแรงงานต่างด้าวใน สปป.ลาว ในปี ค.ศ 2014 – 2015 อีกทั้ง เพื่อแสวงหาแนวทางการแก้ไข และข้อเสนอแนะในการคุ้มครองแรงงานต่างด้าวใน สปป.ลาวปี ค.ศ. 2015 – 2016 ผลการศึกษาพบว่า แรงงานต่างด้าวใน สปป.ลาว นั้นมีการคุ้มครองจากรัฐและเพื่อสร้างความสมดุลให้กับตลาดแรงงานใน สปป.ลาว รวมทั้งมีข้อเสนอแนะให้แก้ปัญหาการคุ้มครองแรงงานต่างด้าวให้สอดคล้องกับปัจจุบัน

บทนำ

การคุ้มครองหมายถึงการเคลื่อนไหวของรัฐบนพื้นฐานระเบียบ และกฎหมายโดยวัตถุประสงค์ของรัฐเกี่ยวกับการทำงานภายในประเทศ และต่างประเทศที่สามารถดำเนินไปได้ในทางที่ดี และเหมาะกับสถานการณ์เงื่อนไขสภาพแวดล้อมของประเทศนั้นๆ การคุ้มครองยังเป็นการกระทำของเจ้าหน้าที่ที่มีอำนาจรัฐ เช่นเป็นบรรดาองค์การจัดตั้งของรัฐ เจ้าหน้าที่รัฐ หรือ พนักงานบริหาร ล้วนแต่ทำหน้าที่ตามภาระบทบาทของตนในการคุ้มครองแรงงานเป็นต้น

เกี่ยวกับความหมายของการคุ้มครอง สาขาวิชาต่างๆรวมถึงวิทยาศาสตร์ธรรมชาติ และวิทยาศาสตร์สังคม ล้วนแล้วแต่ค้นคว้าปัญหาเกี่ยวกับการคุ้มครองในเฉพาะด้าน สร้างนิยามเฉพาะของตน จากการสำรวจแนวคิดและทฤษฎี จึงสามารถสรุปได้ว่า "การคุ้มครองเป็นการบัญญัติ ซึ่งการบัญญัตินี้อ้างอิงในข้อกำหนดกฎหมาย ที่นำไปจัดตั้งปฏิบัติให้บรรลุวัตถุประสงค์ของฝ่ายปกครองที่ได้กำหนดไว้"[1]

คำว่าแรงงานต่างด้าว หมายถึงคนต่างประเทศที่ได้รับอนุญาติให้เข้ามาทำงานเป็นการชั่วคราวตามหน่วยแรงงาน และโครงการลงทุนต่างประเทศใน สปป.ลาว ที่อยู่ภายใต้การคุ้มครอง ดูแลของผู้ใช้แรงงาน และองค์การคุ้มครองแรงงาน โดยได้รับการตอบแทนจากการออกแรงงานด้วยเงินเดือน หรือ ค่าแรงงาน ผลประโยชน์ และอื่นๆ

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[1] *สมพันธ์ จันท์ทาลีวงส์ กฎหมายปกครอง เล่ม1 ค.ศ 2009.*

แรงงานต่างด้าวใน สปป.ลาว ที่ได้รับอนุญาตให้มาทำงานใน สปป.ลาว มีจำนวนมากในปัจจุบัน และมีแนวโน้มเพิ่มขึ้นในอนาคต แรงงานที่มีฝีมือมาตรฐานสากลมีประสบการณ์ มีความชำนาญ มีระเบียบวินัยเข้มงวด แรงงานดังกล่าวส่วนมากเป็นแรงงานที่มีทักษะที่ทำงานกับบรรดาโครงการ การลงทุนขนาดใหญ่ ขนาดกลางของนักลงทุนต่างประเทศ ส่วนมากเป็นโครงการสร้างพื้นฐาน โครงการเศรษฐกิจแห่งชาติที่สร้างแหล่งรายรับอันมั่นคงให้แก่ สปป.ลาว เช่น โครงการสร้างเขื่อน ไฟฟ้าน้ำตก โครงการสร้างโทรคมนาคมแห่งชาติ โครงการพัฒนาขุดแร่ โครงการเกษตรเลี้ยงสัตว์ และโครงการอื่นๆ นอกจากแรงงานที่เข้ามาทำงานในโครงการต่างๆของรัฐบาลแล้วยังมีแรงงาน ประเภทอื่นๆที่เข้ามาทำงานกับเอกชนอย่างเช่น การทำงานรับจ้างแบบรายวันและอื่นๆ

นอกนั้นการคุ้มครองแรงงานหมายถึงมาตรการการใช้บังคับกฎหมาย และบรรดาข้อกำหนดนิติ กรรมต่างๆเพื่อทำให้เกิดมีความเป็นระเบียบเรียบร้อย และเพื่อทำให้รู้สิทธิ หน้าที่ของแรงงานต่าง ด้าวตามวัตถุประสงค์ที่บัญญัติไว้ให้อยู่ในขอบเขต เพื่อเป็นการรักษาสิทธิประโยชน์อันชอบทำของ ผู้คุ้มครองแรงงาน และผู้ถูกคุ้มครองแรงงาน"

ความสำคัญของการคุ้มครองแรงงานต่างด้าวใน สปป.ลาว

ภายหลังรัฐบาลแห่ง สปป.ลาว ได้ดำเนินนโยบายเปิดกว้างสู่ประตูพายนอกและได้มีความสัมพันธ์ รวมมือกับต่างประเทศ ได้ปรับเปลี่ยนเศรษฐกิจแผนการรวมศูนย์บริหารสนับสนุนไปสู่เศรษฐกิจ การตลาด ที่มีการนำพาของพรรค และการคุ้มครองรัฐทำให้เศรษฐกิจแห่งชาติขยายตัวอย่างต่อเนื่อง การลงทุนภายในประเทศ และการลงทุนของต่างประเทศเพิ่มขึ้นอย่างรวดเร็ว มีความต้องการ แรงงานมากขึ้นโดยเฉพาะแรงงานที่มีฝีมือ แรงงานทางด้านเทคนิคเป็นจำนวนมาก ซึ่งเป็นปัจจัยที่ สำคัญ และสาเหตุที่ สปป.ลาว มีความจำเป็นต้องนำเอาแรงงานต่างประเทศเข้ามาทำงานตาม โครงการลงทุนต่างๆ ดังนั้นจึงมีความจำเป็นต้องได้มีการตรวจสอบ และคุ้มครองแรงงานต่างด้าวที่ เข้ามาทำงานใน สปป.ลาว เพื่อให้ทำงานถูกต้องตามกฎหมายแห่ง สปป.ลาว และเพื่อรับประกัน สิทธิของผู้ใช้แรงงาน

หลักเกณฑ์คุ้มครองแรงงานต่างด้าวใน สปป.ลาว

สาธารณรัฐประชาธิปไตยประชาชนลาว ได้ดำเนินการคุ้มครองการบริหารรัฐโดยนำใช้หลักเกณฑ์ รวมศูนย์ประชาธิปไตย และตามการแบ่งขั้นคุ้มครอง หรือ แบ่งรูปแบบการปกครองประกอบด้วย ขั้นศูนย์กลาง และท้องถิ่น ซึ่งขั้นศูนย์กลางมีความรับผิดชอบรวมในขอบเขตทั่วประเทศปฏิบัติ หน้าที่ภายใต้รัฐธรรมนูญ และกฎหมาย โดยมีพรรคประชาธิปไตยประชาชนลาวเป็นแกนนำ ถือเอา

แนวลาวสร้างชาติ บรรดาองค์การจัดตั้งมหาชน และองค์การจัดตั้งทางสังคม รัฐบาลประกอบด้วย สำนักงานนายกรัฐมนตรี กระทรวง และองค์การเทียบเท่ากระทรวง[2] ส่วนในท้องถิ่นได้แก่แขวง นครหลวง เมือง และบ้าน ที่มีหน้าที่รับผิดชอบต่อขั้นบนที่ถัดจากตน

การคุ้มครอง และการแก้ไขแรงงานต่างด้าวอยู่ สปป.ลาว

ใน สปป.ลาวมีแรงงานต่างด้าวมีหลายลักษณะอย่างเช่น ทำงานในนามบริษัทรับเหมางานก่อสร้าง โครงการช่วยเหลือของรัฐบาลเช่น โรงเรียน ถนนหนทาง ก่อสร้างขัว ทางรถไฟ งานซ่อมรถยนต์ สร้างเขื่อนไฟฟ้าน้ำตก และอื่นๆ หรือเข้ามาตามโครงการภายใน หรือ ลงทุนต่างประเทศ หรือเข้า มาทำงานในรูปแบบอื่นๆ เมื่อสิ้นสุดโครงการแล้วแรงงานส่วนใหญ่ไม่ยอมกลับประเทศตน แต่ได้ ทำมาหากินอยู่ในประเทศลาวและเปลี่ยนอาชีพใหม่ บางคนได้ทำงานอาชีพอื่นเช่นค้าขาย เปิด ร้านอาหารเสริมสวย ซ่อมรถ ทำระบบแอร์ ทำเครื่องเสียง ทำงานรับเหมาการก่อสร้าง และอื่นๆ นอกนั้นบางคนได้เข้ามาในรูปแบบท่องเที่ยว เยี่ยมญาติพี่น้อง และได้หาช่องทางทำงานต่างๆ จำนวนหนึ่งเข้ามาตอนแรกถูกกฎหมายแต่ต่อมาภายหลังกลายเป็นคนผิดกฎหมาย สภาพการ คุ้มครองแรงงานที่ผ่านมาห้ามไม่ให้แรงงานต่างด้าวแรงงานต่างด้าวที่เข้ามาในลาวไปทำงานอยู่ต่าง แดนในลักษณะต่างๆ ซึ่งเนื่องจากความจำเป็นในยุคโลกาภิวัตน์ ยุคแห่งความเชื่อมโยงซึ่งกันและ กัน

การแก้ไขปัญหาแรงงานต่างด้าวที่เข้ามาทำงานอยู่ลาวเป็นปัญหาที่ละเอียดอ่อน และล่อแหลมซึ่งมี ความติดพันกับหลายภาคส่วน หลายสาขาแต่เป็นปัญหาลงถึงท้องถิ่นเช่น แขวง เมือง บ้านตลอดถึง หัวหน่วยธุรกิจ การผลิต และการบริการทั่วประเทศ รวมทั้งมีความสัมพันธ์ด้านการเป็นเชื้อสาย เครือญาติและความเป็นประชาธิปไตย และสิทธิมนุษยชน ฉะนั้นการคุ้มครองและการแก้ไขปัญหา ดังกล่าวจึงมีความจำเป็นต้องระมัดระวังเกี่ยวกับนโยบายต่างประเทศของพรรค ไม่ให้มีผลกระทบ ต่อความสัมพันธ์กับประเทศเพื่อนบ้าน

อย่างไรก็ตามผ่านมาการคุ้มครองแรงงานแต่ศูนย์กลางจนถึงท้องถิ่นได้พยายามคุ้มครองแรงงาน และแก้ไขปัญหาต่างๆด้วยความเอาใจใส่ กลไกการคุ้มครองการนำเข้า และการปรับปรุงระเบียบเก่า ให้อยู่ในสภาพที่รองรับกับแรงงานเหล่านี้ได้ จึงได้มีการแก้ไขในหลายรูปแบบ และหลายวิธีใน ระดับที่มีความแตกต่างกันตามเงื่อนไข และความเหมาะสมของแต่ละท้องถิ่น ได้มีการขึ้นทะเบียน และตรวจสอบเมื่อพบเห็นผู้ใดที่ทำงานไม่ถูกต้อง หรือ อยู่ลาวเกินกำหนดที่รัฐได้อนุญาตก็จะมี

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[2] มาตรา 3 กฎหมายแรงงาน ปี ค.ศ. 2003.

The 4th International Conference on Magsaysay Awardees:
Good Governance and Transformative Leadership in Asia, 31 May 2016

กล่าวเตือน มีการปรับ และบางครั้งก็ส่งกลับคืนประเทศเดิม แต่เนื่องจากเหตุผล เหตุผลทางด้านภูมิ ประเทศที่เป็นชายแดนติดต่อกันจึงมีปัญหายุ่งยากในการกวดขันของการเข้าออกของแรงงาน

ผลสำเร็จของการคุ้มครองแรงงานต่างด้าว

ระยะปี ค.ศ. 2014-2015 ได้มีแรงงานที่ขึ้นทะเบียนรวมมี 56.186 เป็นผู้หญิง 30.256, การเกษตร 13.978 อุตสาหกรรม 25,600 เป็นผู้หญิง 16.047 คน การบริการ 16.608 เป็นผู้หญิง 9,550 คน การ ขึ้นทะเบียนแรงงานภายในรวม 47.882 เป็นผู้หญิง 26.189 คน การเกษตร13,449 คน 4,449 คน อุตสาหกรรม 21.329 เป็นผู้หญิง 14.139 คน บริการ 13,104 เป็นผู้หญิง 7601 คน ส่วนการขึ้น ทะเบียนแรงงานต่างด้าว 8.304 เป็นผู้หญิง 4,067 คนเพื่อการเกษตร 529 210 เป็นผู้หญิง อุตสาหกรรม 4,271 1,908 เป็นผู้หญิงและบริการ 3,504 ผู้หญิง1,949

การจัดตั้งปฏิบัติแผนพัฒนาการคุ้มครองแรงงานและสวัสดิการสังคม 5 ปี ครั้งที่สามเป็นครั้งแรกใน การจัดครั้งที่ในการจัดตั้งมติกองประชุมใหญ่ครั้งที่ IX ของพรรค ซึ่งเป็นแผนทั้ง 4 ด้านตามมติที่ ประชุมใหญ่ครั้งที่ IX ของพรรค : 1) ทางด้านจินตนาการ 2) ด้านการพัฒนาทรัพยากรมนุษย์ 3) ด้านกลยุทธ์ระเบียบการบอหาร 4) ด้านการแก้ปัญหาคนยากจนของประชาชน ดังนั้น การกำเนิด กลไกการคุ้มครองต้องเป็นระบบที่ครอบคลุมการออกกฎหมายเกี่ยวกับการคุ้มครองแรงงานใหม่ที่ จำเป็น การปรับปรุงกฎหมายที่มีความสอดคล้องกับการคุ้มครองแรงงานระยะใหม่ การสร้างและ การพัฒนาบุคลากรทั้งในปริมาณและคุณภาพสอดคล้องกับความต้องการของหน้าที่การคุ้มครอง แรงงาน การยกระดับการตรวจสอบการผลักดันการจัดตั้งปฏิบัติให้มีการบังคับใช้การดำเนินการ กฎหมายแรงงาน, โครงการ, การตอบสนองอุปกรณ์เครื่องมือและเทคโนโลยีที่ใช้ในการตรวจสอบ แรงงาน เงื่อนไขของผู้ที่ทำงานในสถานที่การทำงานที่ความปลอดภัยเป็นสิ่งสำคัญและจำเป็น นอกจากนี้ การคุ้มครองแรงงานต่างด้าวที่ทำงานอยู่ สปป.ลาว ให้ได้รับการปกป้องสิทธิและ ผลประโยชน์ตามกฎหมายเสริม สร้างความเข้มแข็งให้แก่ระบบที่เกี่ยวข้องกับสามฝ่าย เพื่อหารือ และรวมทั้งการส่งเสริมให้สัญลักษณ์รวมหมู่ในหัวหน่วยแรงงาน คุ้มครองแรงงานต่างด้าวให้เป็น ระบบโดยต้องดำเนินการขึ้นทะเบียน และควบคุมการทำงานต่างด้าว เพื่อตอบสนอง ความต้องการ ของนายจ้างโดยไม่มีผลต่องานของประชาชนและความมั่นคงของประเทศ ความร่วมมือระหว่าง ประเทศและการประสานงานกับฝ่ายต่างๆที่เกี่ยวข้องกับการสร้างและพัฒนาฐานข้อมูลแรงงานที่มี แรงงานข้อมูลการวิจัยรวมทั้งข้อมูลแรงงานนอกระบบข้อมูลสารสนเทศของตลาดแรงงาน การ บริหารจัดการแรงงานที่มีการเชื่อมโยงไปทำงานเกี่ยวกับข้อมูลที่มีประสิทธิภาพ

นอกจากนี้ยังมีการตรวจสอบและส่งเสริมให้การดำเนินงานของแรงงานกฎหมายตามปกติจำเป็น โดยเฉพาะอย่างยิ่งในการปกป้องสิทธิและผลประโยชน์ของประเทศและยังคงเก็บรวบรวมสถิติของ การดำรงชีวิตของนักท่องเที่ยวชาวต่างชาติและการจ้างแรงงานในประเทศลาวเป็นพื้นฐานสำหรับ การบริหารจัดการและการลงทะเบียนถูกต้องตามกฎหมาย

การวิเคราะห์ปัญหา

การจัดการในปัจจุบันและที่ผ่านมาการคุ้มครองแรงงานต่างด้าวเป็นสิ่งสำคัญเพราะในการพัฒนา ประเทศส่วนหนึ่งขึ้นกับแรงงานภายในและแรงงานต่างด้าวที่เข้ามาเป็นส่วนหนึ่งของเศรษฐกิจ ขยายตัวเร็วขึ้นและเป็นการสร้างพื้นฐานที่มีประสิทธิภาพและเป็นที่ยอมรับ แต่ก็หลีกเลี่ยงไม่ได้เช่น ด้านบวกและด้านลบเพราะแรงงานต่างด้าวในลาวมาก มีทั้งแรงงานที่ถูกต้อง และไม่ถูกต้อง ผ่าน การวิจัยเกี่ยวกับการคุ้มครองแรงงานต่างด้าวซึ่งสามารถสรุปได้ดังต่อไปนี้

ความสะดวกในการจัดการแรงงานต่างด้าว

การอำนวยความสะดวกในการบริหารจัดการแรงงาน และการแบ่งประเภทของแรงงานจะทำให้ แรงงาน สามารถทราบถึงจุดแข็งและจุดอ่อนของแรงงาน การใช้แรงงานว่ามีความต้องการแรงงาน ด้านใดมากกว่า เป็นการทำให้สังคมมีความเป็นระเบียบเรียบร้อยในการคุ้มครอง ง่ายต่อการใช้การ จัดการทำให้กฎหมายเป็นสิ่งศักดิ์สิทธิ์และง่ายต่อการเก็บรวบรวมข้อมูลขององค์กรที่เกี่ยวข้องใน การบริหารจัดการแรงงาน

คนงานต่างด้าวที่เข้ามาทำงานในประเทศลาวจะเป็นการเปิดกว้างของตลาดแรงงาน ซึ่งทำให้ แรงงานลาวเรียนรู้วิทยาศาสตร์ เทคโนโลยีที่ทันสมัย แรงงานต่างด้าวที่เข้ามาทำงานอยู่ลาว โดย ส่วนใหญ่เป็นนักวิชาการ เป็นแรงงานที่มีคุณภาพแรงงาน และมีทักษะในการทำงาน ซึ่งจะขึ้นอยู่ กับความต้องการของตลาดในประเทศ ที่สามารถตอบสนองความต้องการของแรงงานต่างด้าว เพื่อให้เหมาะกับหน่วยแรงงานและโครงการต่างๆเช่นการก่อสร้างของนักลงทุนภาครัฐและเอกชน หรือต่างประเทศได้ดีจริงๆ

นอกจากนี้ยังได้สร้างเงื่อนไขให้ผู้ทำงานลาวได้แลกเปลี่ยนบทเรียนผ่านพนักงานที่มีประสบการณ์ หรือความรู้ที่เรียนรู้จากแรงงานต่างชาติที่เข้ามาในประเทศลาว, การนำเข้า และใช้แรงงานต่างด้าว นอกจากนี้ยังมีส่วนสำคัญในการสร้างและการพัฒนาประเทศในปัจจุบัน เป็นต้น โครงสร้างพื้นฐาน

ที่เป็นเงื่อนไขที่ลาวยังประสบกับความปัญหาสำคัญอีกหลายประการ ซึ่งเป็นพื้นฐานโครงสร้างที่
เป็นเงื่อนไขหนึ่งในการดึงดูดการลงทุนจากต่างประเทศ

สิ่งท้าทาย

ใน สปป.ลาว ยังมีพนักงาน และเจ้าหน้าที่บางส่วนที่ใช้อำนาจไม่ถูกต้อง และอนุญาตให้แรงงาน
ต่างด้าวเข้ามาโดยไม่สอดคล้องกันทำให้การเก็บสถิติไม่ถูกต้องตามวัตถุประสงค์ เป้าหมายของ
แรงงานที่เข้ามาทำงานจนส่งผลให้บางครั้งจนคนงานไม่มีงานทำและกฎหมายก็ยังไม่ได้มีการ
ควบคุมหรือการคุ้มครองเฉพาะ จึงทำให้เกิดช่องว่างให้เกิดการหาผลประโยชน์ที่จะทำให้ประเทศ
สูญเสียผลประโยชน์มากขึ้น

การไม่มีข้อกำหนดกฎระเบียบเกี่ยวกับการจัดการและการคุ้มครองแรงงานต่างด้าว รายละเอียดเป็น
ระบบครบถ้วน ส่วนมากจะเป็น คำสั่งประกาศ และมีลักษณะรวม หรือ กล่าวถึงปัญหาใดหนึ่ง
เท่านั้น องค์การคุ้มครองแรงงานยังกำไม่ได้สะภาพตลาดแรงงาน ยังไม่ได้ทำการวิเคราะห์
ตลาดแรงงานจึงไม่สามารถเป็นการนำเข้า และสนองแรงงานต่างด้าวที่เข้ามาทำงานที่สงวนไว้
สำหรับแรงงานภายในประเทศและในขณะเดียวกัน ก็มีแรงงานภายในออกไปหางานทำใน
ต่างประเทศ การเผยแพร่กฎหมายแรงงาน ข้อตกลง การประชาสัมพันธ์กฎระเบียบในแต่ละเขตยัง
ไม่ทั่วถึง การคุ้มครองแรงงานไม่ดีพอเท่าที่ควร ซึ่งจะเห็นได้จากในการนำเข้าแรงงานต่างประเทศ
โดยไม่ต้องมีทักษะทางธนาคารและการจัดหางาน จึงจะทำให้การคุ้มครองแรงงานยากลำบาก
เจ้าหน้าที่ รูปแบบในการทำงานของพนักงานของภูมิภาคพื้นฐานแต่ละเขตยังไม่มีบทเรียน และยัง
ไม่มีประสบการ จึงทำให้เกิดความล่าช้า การจัดเก็บข้อมูล และการรายงานข้อมูลแรงงานยังไม่ได้
ตามแผนงานวางไว้และไม่ให้ความสำคัญกับมาตรการการนำเข้าแรงงานในอนาคต ซึ่งหน่วยงาน
แรงงานเองยังมีความรับผิดชอบไม่สูงมาก องค์การคุ้มครองแรงงานต่างด้าวยังไม่ได้มีความเป็น
ทางการที่จะความรับผิดชอบในการมุ่งมั่นที่จะดำเนินการงานของตนที่ระบุไว้ในกฎหมายพระราช
กฤษฎีการะเบียบคำสั่งและประกาศอย่างจริงจังเท่าที่ควร

สรุปและข้อเสนอแนะ

จากการศึกษาภายใต้การคุ้มครองแรงงานต่างด้าวอยู่ลาวผู้ทำการวิจัยพบว่า การคุ้มครองแรงงานต่าง
ด้าวอยู่ลาวเป็นปัญหาหนึ่งที่ความสำคัญในภารกิจปกปักรักษา และพัฒนาประเทศ ทำให้สังคมมี
ความสงบเรียบร้อย ส่งผลให้มีการเปลี่ยนแปลงใหม่อย่างรอบด้าน มีหลักเกณฑ์ มีกฎหมาย และนิติ

กรรมต่างๆ ที่ใช้ในการคุ้มครองแรงงานต่างด้าว ที่อยู่ภายใต้การชี้นำของพรรค เป็นเงื่อนไขสำคัญที่จะทำให้เกิดการให้แก่การพัฒนาประเทศก้าวให้ทันกับความเปลี่ยนแปลงของโลกาภิวัตน์

ถึงแม้ว่าการคุ้มครองแรงงานที่ผ่านมาจะมีกฎหมาย ระเบียบการต่างๆแต่การทำนิติกรรมบางอย่างยังไม่มีความเหมาะสมและไม่สอดคล้องกับสภาพปัจจุบัน และยังไม่ไม่มีกฎหมายว่าด้วยการคุ้มครองแรงงานต่างด้าวเป็นอันเฉพาะ ดังนั้นการคุ้มครองแรงงานต่างด้าว พรรคและรัฐบาลจึงหันมาให้ความสำคัญในการคุ้มครองแรงงานต่างด้าว

ข้อเสนอแนะ

ดังนั้นเพื่อปรับปรุง แก้ไขปัญหาการคุ้มครองแรงงานต่างด้าวในลาว ให้สอดคล้องกับสภาพการเปลี่ยนแปลงไปของสังคมปัจจุบัน และการเป็นหลักประกันได้ว่าแรงงานต่างด้าวจะได้รับการดูแลสิทธิผู้วิจัยนั้นผู้ทำการวิจัยจึงมีข้อเสนอบางประเด็นดังต่อไปนี้

1. ปรับปรุงนิติกรรมต่างๆให้มีความเหมาะกับสภาพการเปลี่ยนแปลงใหม่ของสังคมในปัจจุบัน
2. การนำเข้าแรงงานต่างด้าวต้องมีโควตาจำนวนที่ต้องการตามสายงานที่จำเป็นเท่านั้น
3. ต้องขึ้นทะเบียนแรงงานต่างด้าวให้ทั่วถึงและควบคุมทุกพื้นที่
4. ต้องมีการปรับปรุงและยกระดับเจ้าหน้าที่พนักงานของรัฐให้เพิ่มขึ้น
5. ปรับปรุงภาระบทบาทขอบเขตหน้าที่ของหน่วยคุ้มครองแรงงานต่างด้าวให้ชัดเจน

บรรณานุกรม

กฎหมายว่าด้วยแรงงาน ค.ศ 2015

กฎหมายว่าด้วยการปกครองท้องถิ่นของ สปป.ลาว 2003

กฎหมายว่าด้วยรัฐบาลของ สปป.ลาว 2003

กฎหมายว่าด้วยการเข้าออก-เมืองของ สปป.ลาว 2015

บรรทึกที่ประชุมของ คณะกรรมการแก้ไขปัญหาการทำงานของคนต่างดาวอยู่ สปป.ลาว 2012

มติที่ประชุมครั้งที IX ของพรรคปราชนปฏิวัติลาว

ดำรัดว่าด้วยการคุ้มครองการเข้าออกเมืองของคนต่างดาว ค.ศ 2009

The Problems and Obstacles in Improving of the Local Administration in Lao PDR

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Abstract

In order to improve administration organization in compact manner and implementation the role on the social services better then the past by following the guidelines of the Party, the administration organization of Lao PDR has been revised several times, which can hold an important role for changing the Guideline to become the law, be a plan and be the social-economy guideline in the economic-market which leading by Party guidelines and Government management mechanism towards the Socialism leadership; especially, the Congress Resolutions No. VI and VII of the Lao Party Revolution has interpretation the success of the improving the Local Administration and confirmed the need to continue for strengthening the capacity of the stated management. Since the Executive Bureau Meeting VIII, IX and X (Just end recently), Lao People's Revolution Party has also reconfirmed the important that Laos need to be continue improving the structure and organization of the administration, the main thing is that Lao PDR should focus on improving the role, right and duty, replacing, and improving the administration mechanisms in both central and local level, such as revising the rule, regulation and working methodology; improving the salary policy, allowances and other living expenses and to eliminate centralized management mechanism in the previous time completely. Moreover, the new mechanism is not sacred yet and not flexible enough, there are many steps has lacked of detail and clear; the division between the central and local authorities also unclear; the administration system has not completely tightened, there old policy still lack of implemented; political ethic, responsibility of the state employee still limited, capacity limited, working mechanism still not improve, the corruption has character spread, but the solution is not strictly and absolutely. These issues have affected the credit from public to the role of Party and Government. To continue improving administration in both central and local and reduce the problems and obstacles have mentioned above, Lao PDR should improve administration as follows:

1. Improve the role, rights and duties of the Ministries, Organizations at central level in accordance to the management mechanism, in the reasonable basis on the clearly position determine.

2. Local Authorities need to be improving the role, rights, duties set by law gradually in order to ensure that provincial, district and village are capable enough to develop their own community.

3. Upgrade the knowledge of the state employee to capable with their job disciplines in term of quantity and quality;

4. Improve the management division between central and local authorities to be more precise;

5. Improving the performance of the state employees who have been holds the positions at central, provinces, district and villages then should be circle their position and duty more often.

6. Improving the salary policies for the state employees who have operated their duty in the remote area.

Keywords: Problems and Obstacles / Development / Local Administration of Lao PDR

ปัญหาและอุปสรรค ในการพัฒนาองค์การปกครองท้องถิ่นของ สปป.ลาว

ภายหลังที่สถาปนา สาธารณรัฐประชาธิปไตยประชาชนลาว ในวันที่ 2 ธันวาคม ค.ศ.. 1975 (ต่อไปจะใช้คำว่า สปป.ลาว) เพื่อปฏิบัติสองหน้าที่ยุทธศาสตร์คือ เพื่อรักษาอำนวยการปกครองใหม่ของ สปป.ลาว ให้มีความมั่นคง รวมทั้งการพัฒนาประเทศให้ไปตามระบอบสังคมนิยมที่พรรคประชาชนปฏิวัติลาวได้กำหนด สปป.ลาวได้สร้างและปรับปรุงองค์การปกครองให้มีความเข้มแข็ง ไม่ว่าจะเป็นทั้งในส่วนกางและองค์การปกครองขั้นท้องถิ่น โดยในเบื้องต้น สปป.ลาว ได้จัดตั้งองค์การปกครองขั้นท้องถิ่นออกเป็น 4 ขั้นคือ

1. ขั้นแขวง โดยมีแขวงและนคร
2. ขั้นเมือง โดยมีเมืองและเทศบาลเมือง
3. ขั้นตราแสง โดยมีตราแสงและเทศบาล
4. ขั้นบ้าน

ใน ค.ศ.. 1978 องค์การปกครองได้มีการปรับปรุงสถานะ โดยมีการสร้างสภาประชาชนขั้นท้องถิ่น ตามกฎหมายเลขที่ 01/สปส (สภาประชาชนสูงสุด) ว่าด้วยการจัดตั้งสภาประชาชนขั้นท้องถิ่นและคณะกรรมการปกครองของขั้นต่างๆ ภายใต้กฎหมายดังกล่าวองค์การปกครองขั้นท้องถิ่นยังรักษาขั้นการปกครองท้องถิ่นไว้คือ 4 ขั้น โดยมีสภาประชาชนและคณะกรรมการปกครองแขวง นคร เมือง เทศบาลแขวง ตราแสง เทศบาลเมือง และบ้านก็มีคณะกรรมการปกครองบ้านที่ทำหน้าที่คุ้มครองบริหารบ้านของตน จะเห็นได้ว่าในระยะแรกองค์การปกครองท้องถิ่นของ สปป.ลาว มีการนำหลักการกระจายอำนาจในการปกครองและคุ้มครองบริหารองค์การปกครองขั้นท้องถิ่น

ในปี ค.ศ.. 1986 โดยปฏิบัติตามแนวทางนโยบายการเปลี่ยนแปลงใหม่ของพรรคประชาชนปฏิวัติลาวอย่างมีหลักการนั้น ระบบการบริหารและการบริการประชาชนได้รับการปรับปรุง โดยมีการประกาศใช้รัฐธรรมนูญ ซึ่งถือว่าเป็นฉบับแรกของ สปป.ลาว ใน ค.ศ.. 1991 รัฐธรรมนูญฉบับดังกล่าว

ได้ปรับเปลี่ยนระบบองค์การปกครองขั้นท้องถิ่นจาก 4 ขั้น มาเป็น 3 ขั้น ซึ่งบัญญัติใน หมวด 8 มาตรา 62 ไว้ว่า สปป.ลาว แบ่งองค์การปกครองท้องถิ่นออกเป็น 3 ขั้น คือ

1. ขั้นแขวง โดยมีแขวงและกำแพงนคร
2. ขั้นเมือง โดยมีเมือง
3. ขั้นบ้าน

รัฐธรรมนูญฉบับดังกล่าวได้มีการตัดขั้นองค์การปกครองท้องถิ่นขั้นตราแสงและสภาประชาชนขั้น ท้องถิ่นขั้นต่างๆออก และการประกาศ ใช้มติคำสั่ง เลขที่ 21/กมสพ (กรมการเมืองศูนย์กลางพรรค ประชาชนปฏิวัติลาว) ว่าด้วยทิศนำและการคุ้มครองตามแขนงการ เพื่อเป็นหลักอ้างอิ่งให้ผู้บริหาร องค์การปกครองท้องถิ่น กระทรวง ทบวงกรมต่างๆ ใช้ในการปรับปรุงระบบกลไกการคุ้มครอง บริหารของแต่ละหน่วยงานตามหลักการเปลี่ยนแปลงใหม่ พร้อมด้วยคำสั่งเลขที่ 01/นย ว่าด้วยการ สร้างแขวงเป็นหัวหน่วยยุทธศาสตร์ สร้างเมืองเป็นหัวหน่วยแผนการและงบประมาณและสร้างบ้านให้ เป็นหัวหน่วยพัฒนา ใน ค.ศ.. 2000[1]

รัฐธรรมนูญ ค.ศ.. 1991 ที่เป็นฉบับแรกของ สปป.ลาว ได้ปรับปรุงใน ค.ศ.. 2003 แต่ยังรักษาระบบ องค์การปกครองขั้นท้องถิ่น ไว้เหมือนเดิม ซึ่งบัญญัติไว้ใน หมวดที่ 8 มาตรา 75 ถึง มาตรา 80 ของ รัฐธรรมนูญฉบับปรับปรุง ค.ศ.. 2003 รวมทั้งการประกาศใช้กฎหมายว่าด้วยการปกครองท้องถิ่นของ สปป.ลาว ที่ถือว่าเป็นกฎหมายเฉพาะที่ว่าด้วยองค์การปกครองขั้นท้องถิ่นของ สปป.ลาว กฎหมายฉบับ ดังกล่าวได้กำหนดถึงสิทธิอำนาจหน้าที่ ความรับผิดชอบ ระบบกลไกโครงสร้างบุคลากรในการ ทำงานขององค์การปกครองท้องถิ่น ซึ่งบัญญัติไว้ใน มาตรา 2 ถึง มาตรา 5 ไว้ว่าองค์การปกครอง ท้องถิ่นแบ่งออกเป็น 3 ขั้นคือ

1. ขั้นแขวง โดยมีแขวงและนคร
2. ขั้นเมือง โดยมีเมืองกับเทศบาล
3. ขั้นบ้าน

เพื่อปฏิบัติตามแนวทางและมติที่ประชุมพรรคประชาชนปฏิวัติลาวครั้งที่ 9 และคำสั่งของ นายกรัฐมนตรีในที่ประชุมใหญ่ครั้งที่ 10 ของพรรคประชาชนปฏิวัติลาวที่เพิ่งเสร็จชิ้นลงไม่นานนี้ได้ ยืนยันว่า จะดำเนินงานตามแนวทางนโยบายในการสร้าง แขวงเป็นหน่วยยุทธศาสตร์ เมืองเป็นหน่วย

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[1] เชือด สุลิเดด *การปกครองท้องถิ่น สปป.ลาว*

เข้มแข็งรอบด้านและบ้านเป็นหน่วยพัฒนา รวมทั้งจะปรับปรุงระบบกลไกการปกครองด้วยกฎหมาย และสร้างระบบการบริหารรัฐให้เข้มแข็ง มีประสิทธิภาพ ปรับปรุงองค์การและหน่วยงานภาครัฐที่มี หลายขั้นตอนให้มีความกะทัดรัด สร้างและปรับนิติกรรม ระเบียบการต่างๆที่เป็นปัญหาในการถ่วงดุล ในการปฏิบัติงานให้ครบถ้วนชัดเจน ตามระบบกลไกการประสานงานระหว่างสายการบังคับบัญชา ของส่วนกลางและองค์การปกครองท้องถิ่น ให้มีความเป็นเอกภาพ องค์การส่วนกลางปฏิบัติหน้าที่ คุ้มครองมหาภาคเป็นหลัก องค์การปกครองท้องถิ่นปฏิบัติหน้าที่คุ้มครองตามขอบเขตความรับผิดชอบ ในท้องที่ตนและทั้งเป็นผู้ที่ปฏิบัติงานตัวจริง[2] เพื่อดำเนินงานตามแนวทางนโยบายของพรรคประชาชน ปฏิวัติลาวให้มีความต่อเนื่องรัฐบาลได้ให้ความสำคัญในการปฏิรูปและปรับปรุงระบบการบริหาร ภาครัฐให้มีประสิทธิภาพตามแนวทางที่ว่าทำให้องค์การบริหารรัฐขั้นศูนย์กลางกะทัดรัด สมเหตุผล และปฏิบัติหน้าที่มหาภาคเป็นสำคัญนั้นรัฐธรรมนูญฉบับปรับปรุง ค.ศ.. 2015 ได้บัญญัติในหมวดที่ 9 มาตรา 85 ถึง มาตรา 89 ไว้ว่า องค์การปกครองท้องถิ่นของ สปป.ลาว แบ่งออกเป็น 3 ขั้นคือ

1. ขั้นแขวง โดยมีแขวงและนครหลวง
2. ขั้นเมือง โดยมีเมืองและเทศบาล
3. ขั้นบ้าน

องค์การปกครองท้องถิ่นเป็นองค์การบริหารขั้นท้องถิ่น มีบทบาทคุ้มครองบริหารทุกด้าน และเป็น เอกภาพในขอบเขตท้องถิ่นตน องค์การปกครองท้องถิ่นต้องรับผิดชอบต่อรัฐบาลและสภาประชาชน ท้องถิ่น องค์การปกครองขั้นแขวงมีเจ้าแขวง นครหลวงมีเจ้าครองนครหลวง เมืองมีเจ้าเมือง เทศบาลมี หัวหน้าเทศบาลและขั้นบ้านมีนายบ้าน เจ้าแขวง เจ้าครองนครหลวง เจ้าเมือง หัวหน้าเทศบาล ดำรง ตำแหน่งที่เดิมไม่เกิน 2 สมัย

นอกจากนี้ รัฐธรรมนูญฉบับดังกล่าวยังได้เพิ่มสภาขั้นท้องถิ่น ซึ่งบัญญัติในหมวดที่ 8 แต่มาตรา 76 ถึงมาตรา 84 บัญญัติไว้ว่า สภาประชาชนท้องถิ่นเป็นองค์การตัวแทนแห่งสิทธิ์อำนาจและผลประโยชน์ ของประชาชน เป็นองค์การอำนาจรัฐท้องถิ่น ปฏิบัติหน้าที่พิจารณารับรองนิติกรรมและตกลงปัญหา พื้นฐานขั้นท้องถิ่น สภาท้องถิ่นสร้างขึ้นตามขั้นของการปกครองท้องถิ่น ซึ่งประกอบด้วย สภา ประชาชนขั้นแขวง ขั้นเมืองและขั้นบ้าน สำหรับสภาประชาชนขั้นเมืองและขั้นบ้านอาจสร้างตามการ ตกลงของสภาแห่งชาติ[3]

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[2] *เนื่องในบางตอนของแผนพัฒนาที่เสนอที่ประชุมพรรคประชาชนปฏิวัติลาว ครั้งที่ 10 ในวันที 22 /01/ 2016*

[3] *รัฐธรรมนูญของ สปป.ลาว ฉบับ ค.ศ 2015*

จากสภาพดังกล่าวจะเห็นได้ว่า สปป.ลาวได้มีการปฏิรูปและปรับปรุงระบบองค์การปกครองท้องถิ่น
ของตนเรื่อยมาทำให้สามารถปฏิบัติหน้าที่ยุทธศาสตร์หลักของตนเอง 2 ประการคือ ปกปักรักษาระบบ
การเมืองการปกครองและการพัฒนาประเทศให้พ้นจากประเทศด้อยพัฒนา ซึ่งปัจจุบัน สปป.ลาวมี
องค์การปกครองท้องถิ่นขั้นแขวงอยู่ที่ 17 แขวง และมี 1 นครหลวง มีองค์การปกครองขั้นเมือง 148
เมือง และบ้าน 8,485 บ้าน จากจำนวนประชากร 6,834,942 คน [4] จะเห็นได้ว่าจากการปรับปรุงระบบ
กลไกการปกครองท้องของ สปป.ลาว ถึงจะมีการปรับปรุงแต่ก็เป็นเพียงการปรับกฎหมาย และเพิ่มนิติ
กรรมที่เป็นกฎระเบียบโดยรวม ให้เป็นไปตามแนวทางของมติของพรรคการเมืองของแต่ละครั้งเท่านั้น
ซึ่งมาถึงปัญหาในการปฏิบัติงานขององค์การปกครองขั้นท้องถิ่นของ สปป.ลาว เช่น ระบบกลไกการ
บริหารภาครัฐขั้นองค์การปกครองท้องถิ่นยังเป็นลักษณะเกื้อกูล กลไกการคุ้มครองยังเป็นการรวม
อำนาจศูนย์กลาง กลไกคุ้มครองบริหารขององการปกครองท้องถิ่นขาดความครองตัวในการตัดสิน
แก้ไขปัญหา หน้าที่ของการประสานงานระหว่างศูนย์กลางกับองค์การปกครองท้องถิ่นผ่านหลาย
ขั้นตอนและขาดความชัดเจน พนักงานข้าราชการยังขาดความรู้ความสามารถรวมทั้งมีการเรียกรับ
ผลประโยชน์ในการปฏิบัติหน้าที่ การตรวจสอบของยังไม่มีความเข้มแข็ง ซึ่งเป็นสาเหตุให้มีผลกระทบ
ถึงความเชื่อมั่นในการต่อบทบาทการนำพาของพรรคและรัฐบาลในการคุ้มครองรัฐ

หลักการปฏิบัติงานขององค์การปกครองท้องของ สปป.ลาว

จากการใช้หลักการกระจายอำนาจ ในการปกครองท้องถิ่นของ สปป.ลาวในเมื่อก่อนนั้น ซึ่งทำให้มี
ปัญหาในการกักตุนสินค้าระหว่างเมืองต่อเมือง แขวงกับแขวง และมีการออกระเบียบที่ไม่ถูกต้องขัดกับ
นโยบายของส่วนกลางทำให้ขาดความเป็นเอกภาพในการปกครอง รวมทั้งเกิดมีการฉ้อราชบังหลวงใน
ขั้นท้องถิ่น ซึ่งภายหลังได้มีการประกาศใช้รัฐธรรมนูญใน ค.ศ. 1991 ก็ได้มีการปรับเปลี่ยนหลักการใน
การปฏิบัติงานตามหน้าที่ของการปกครองท้องถิ่นโดยใช้หลักการรวมอำนาจ จากการปฏิบัติตาม
หลักการดังกล่าวโดยมีการปรับปรุงรัฐธรรมนูญและกฎหมายเรื่อยมานั้นใน ค.ศ. 2003 ก็ได้มีการ
ปรับปรุงรัฐธรรมนูญ และอีกครั้งคือ ค.ศ. 2015 ซึ่งได้กำนดหลักการปฏิบัติหน้าทีขององค์การปกครอง
ท้องถิ่นว่า องค์การปกครองท้องถิ่นของ สปป.ลาว บริหารและปฏิบัติงานตามหลักการรวมอำนาจแต่มี
การแบ่งขั้นคุ้มครองคือ ขั้นบ้านขึ้นตรงต่อขั้นเมือง ขั้นเมืองขึ้นตรงต่อขั้นแขวง และขั้นแขวงมีความ
รับผิดชอบต่อรัฐบาล[5] ซึ่งองค์การปกครองท้องถิ่นมีบทบาทเป็นตัวแทนและรับผิดชอบต่อรัฐบาลใน

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[4] *สถิติกรมการปกครอใ้ท้องถิ่น กระทรวงภายใน สปป.ลาว ปี 2010*

[5] *มาตรา 5 กฎหมายว่าด้วยการปกครองท้องถิ่น ค.ศ 2003*

การคุ้มครอง บริหารทางด้านการเมือง เศรษฐกิจ วัฒนธรรมสังคม การก่อสร้าง และนำใช้ทรัพยากร
มนุษย์ การนำใช้และปกปักรักษาทรัพยากรธรรมชาติและสิ่งแวดล้อม รวมทั้งทรัพยากรอื่นๆ ป้องกัน
ชาติ รักษาความสงบเรียบร้อยในท้องถิ่นและการปฏิบัติหน้าที่ความสัมพันธ์ระหว่างประเทศตามการ
มอบหมายของรัฐบาล ซึ่งในแต่ระขั้นมีผู้คุ้มครองดูแลคือ: องค์การปกครองขั้นแขวงและนครหลวงมี
เจ้าแขวง และเจ้าครองนะคร องค์การปกครองขั้นเมืองมีเจ้าเมืองและเทศบาลมีหัวหน้าเทศบาล
องค์การปกครองบ้านมีนายบ้านเป็นหัวหน้า

นอกจากนี้องค์การปกครองท้องถิ่นยังมีสิทธิและหน้าที่ตามรัฐธรรมนูญและกฎหมายว่าด้วยการ
ปกครองท้องถิ่นเช่น:

1. ปฏิบัติรัฐธรรมนูญ กฎหมาย มติคำสั่งของส่วนกลาง แผนพัฒนาเศรษฐกิจสังคมและแผน
   งบประมาณแห่งรัฐในขอบเขตความรับผิดชอบของตน

2. วางแผนยุทธศาสตร์ แผนพัฒนาเศรษฐกิจสังคม แผนงบประมาณแห่งรัฐและการปกป้องชาติ
   รักษาความสงบเรียบร้อยบนพื้นฐานแผนยุทธศาสตร์แห่งชาติ

3. คุ้มครองบริหารทางด้านการเมือง เศรษฐกิจวัฒนธรรมสังคม ทรัพยากรแห่งชาติและ
   สิ่งแวดล้อม

4. ออกมติข้อตกลง คำสั่ง คำแนะนำและแจ้งการเกี่ยวกับการคุ้มครองเศรษฐกิจวัฒนธรรมสังคม
   ป้องกันชาติและรักษาความสงบเรียบร้อยในขอบเขตความรับผิดชอบของตน โดยสอดคล้อง
   กับระเบียบกฎหมาย

5. ติดตามตรวจสอบการปฏิบัติงานและหน้าที่ขององค์การที่อยู่ภายใต้ความรับผิดชอบของตน

6. ติดต่อประสานงานและรวมมือกับต่างประเทศตามการมอบหมายของรัฐบาล

7. ปฏิบัติสิทธิ์และหน้าที่รับผิดชอบอื่นๆตามกฎหมายได้กำหนดไว้

จะเห็นได้ว่าการปกครองท้องถิ่นของ สปป.ลาว ได้มีการปรับปรุงเรื่อยมาจากที่เคยนำใช้หลักการ
ปกครองท้องถิ่นในรูปแบบหลักการกระจายอำนาจ ถึงการเปลี่ยนแปลงนำใช้หลักการรวมอำนาจแต่มี
การแบ่งขั้นคุ้มครองและการแบ่งงานตามหน่วยงานนั้นได้ทำให้กระทรวงต่างๆที่อยู่ส่วนกลางต้อง
ปรับปรุงระบบการทำงานของตน โดยหันไปทำงานคุ้มครองทางด้านมหาภาคให้มากขึ้นและปล่อยให้
องค์การปกครองขั้นท้องถิ่นได้ปฏิบัติงานจริงตามขอบเขตความรับผิดชอบของตนเองแทน ตาม
แนวทางและหลักการรวมศูนย์อำนาจแต่มีการแบ่งขั้นคุ้มครองด้วยการประสานสมทบกับการคุ้มครอง
ของหน่วยงาน เพื่อทำให้การบริการประชาชนมีความคลองตัวรวดเร็ว หน่วยงานภาครัฐมีความ

กระทัดรัดและมีบทบาทอำนาจหน้าที่ในการแก้ไขปัญหาขั้นท้องถิ่นที่ความชัดเจนและไม่ซ้ำซ้อนผ่าน
หลายขั้นตอนอีกต่อไป

จากสภาพในการจัดตั้งปฏิบัติในการปรับปรุงการปกครองท้องถิ่นและองค์การบริหารรัฐขั้นท้องถิ่นตาม
แนวทางนโยบายกะทัดรัดและสมเหตุสมผลนั้นยังพบว่ามีปัญหาอันเกิดจากความซับซ้อนและไม่ชัดเจน
ในการแบ่งขั้นคุ้มครองระหว่างส่วนกลางกับองค์การปกครองขั้นท้องถิ่นเกี่ยวกับบทบาทหน้าที่ความ
รับผิดชอบของการปฏิบัติงาน ซึ่งเป็นเหตุให้มีการก้าวก่ายงานระหว่างส่วนกลางและองค์การปกครอง
ท้องถิ่น ขาดความเป็นเอกภาพในการแบ่งขั้นคุ้มครองของหน่วยงาน[5] ซึ่งเกิดจากปัญหาดังนี้:

1. ประสิทธิภาพในการบริหารจัดการขององค์การปกครองขั้นท้องถิ่นยังไม่สามารถปฏิบัติได้ดี
   เท่าที่ควร รวมทั้งไม่สามารถตอบสนองความต้องในการพัฒนาทางเศรษฐกิจ

2. องค์การปกครองขั้นท้องถิ่นใช้อำนาจเกินขอบเขตในการแก้ไขปัญหา โดยเฉพาะปัญหาทางด้าน
   เศรษฐกิจ

3. นิติกรรม ระเบียบ กฎหมายเกี่ยวกับการบริหารรัฐ ในการปฏิบัติงานระหว่างส่วนกลางและ
   องค์การปกครองขั้นท้องถิ่น ยังมีความซับซ้อนไม่ชัดเจน โดยเฉพาะองค์การปกครองขั้นท้องถิ่น
   มีเพียงปฏิบัติตามแผนงานของกระทรวงที่เป็นสายตรงของส่วนกลาง ไม่ว่าจะเป็นแผนงาน
   จำนวนบุคลากร งบประมาณ พาหนะวัตถุอุปกรณ์ที่ใช้ในการปฏิบัติหน้าที่

4. หน่วยงานประจำแขวงต่างๆ และห้องการประจำเมือง ที่เป็นองค์การปกครองขั้นท้องถิ่นยังขาด
   ความเป็นเจ้าภาพในแผนการปฏิบัติงาน รวมทั้งมีการก้าวก่ายงานของส่วนกลางกับท้องถิ่น และ
   ปัญหาฉ้อราชบังหลวงในวงราชการและวงการพรรค

5. ระบบบริหารและการคุ้มครองรัฐยังมีรูปแบบเกื้อกูล การคุ้มครองรายรับรายจ่ายงบประมาณของ
   ท้องถิ่นยังไม่รัดกุม ส่วนมากยังปฏิบัติตามมติคำสั่ง

6. ความรับรู้เกี่ยวกับกฎหมายและการตื่นตัวทางการเมืองของประชาชนในท้องถิ่นยังไม่ทันสูง
   เท่าที่ควร

แนวทางการแก้ไขปัญหาและอุปสรรคในพัฒนาองค์การปกครองท้องถิ่นของ สปป.ลาว

จากสภาพปัญหาและอุปสรรคดังกล่าว ในการพัฒนาองค์การปกครองท้องถิ่นของ สปป.ลาว ในอนาคต
ตามแผนนโยบายของพรรคและรัฐบาลต้องได้ปรับปรุงองค์การปกครองท้องถิ่น โดยเฉพาะบทบาท

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[5] เชือด สุลิเดด *การปกครองท้องถิ่น สปป.ลาว*

ความรับผิดชอบในการแบ่งขั้นคุ้มครองและอำนาดหน้าที่ให้ชัดเจน ลดขั้นตอนในการประสานงาน ระหว่างส่วนกลางกับองค์การปกครองท้องถิ่นให้มีความรวดเร็ว โปร่งใสตรวจสอบได้ตามระบบกลไก เศรษฐกิจตลาด เพื่อพัฒนาและสร้างความเข้มแข็งให้แก่องค์การปกครองท้องถิ่นต้องปฏิบัติดังนี้

1. ต้องปรับปรุงหลักการรวมอำนาจแต่มีการแบ่งงานและแบ่งขั้นคุมครองตามแขนงการให้มีความ ชัดเจน โดยเฉพาะทางด้านอำนาจหน้าที่ในการปฏิบัติงานระหว่างส่วนกลางและองค์การปกครอง ขั้นท้องถิ่น

2. ต้องปรับปรุงองค์การปกครองท้องถิ่นขั้นแขวง นคร เมือง เทศบาล และบ้านให้มีขนาดและ จำนวนที่เหนาะสม รวมทั้งบทบาทหน้าที่ความรับผิดชอบที่ชัดเจนและให้การบริการประชาชน ให้มีความรวดเร็ว โปร่งใสและสามารถตรวจสอบได้ ซึ่งต้องส่งเสริมสิทธิ์ความเป็นเจ้าภาพของ ประชาชนให้มากขึ้น

3. ต้องสร้างนิติกรรม และปรับปรุงระเบียบ กฎหมายที่ใช้ในการปฏิบัติและอำนาจหน้าที่ในการ ประสานงานระหว่างส่วนกลางกับองค์การปกครองท้องถิ่นขั้นแขวง ขั้นเมือง ให้ไปตามแนวทาง ของรัฐบาลที่ว่า " สร้างแขวงเป็นหน่วยยุทธศาสตร์ เมืองเป็นหน่วยเข้มแข็งรอบด้าน และสร้าง บ้านให้เป็นหน่วยพัฒนา"

4. ต้องปรับปรุงระเบียบและกลไกการบริหารรัฐขั้นท้องถิ่นให้อำนวยตามมติของพรรคที่ว่า กะทัดรัด สมเหตุผล ในการปฏิบัติงานขององค์การปกครองขั้นท้องถิ่นในการพัฒนาเศรษฐกิจ สังคม

5. ปรับปรุงกฎหมายเช่น: กฎหมายรัฐบาล กฎหมายว่าด้วยการปกครองท้องถิ่น กฎหมายว่าด้วย งบประมาณ และกฎหมายฉบับต่างๆที่ส่วนเกี่ยวข้องกับบทบาทอำนาจหน้าที่ขององค์การ ปกครองท้องถิ่น

6. ต้องส่งเสริมและปลูกฝังจิตสำนึกให้พนักงาน ข้าราชการในการปฏิบัติหน้าที่ด้วยความสุจริตใน การให้บริการแก่ประชาชน ตามความเรียกร้องต้องการของงานพัฒนาเศรษฐกิจและสังคมของ ประเทศ

บรรณานุกรม

บทรายงานที่ประชุมเกี่ยวกับวิใสทัด แผนพัฒนาเศรษฐกิจสังคมที่เสนอที่ประชุมพรรคประชาชนปฏิวัติ
     ลาว ครั้งที 10.

รัฐธรรมนูญแห่ง สปป.ลาว ฉบับปรับปรุง ค.ศ. 2015.

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The Prevention of Using Violence towards Lao's Women and the Support of Women's Role at the Present Time

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Abstract

Over the past few years, other organization of Lao PDR such as sectors, local authorities have devoted their efforts to combat all form of the use of violence in women in terms of drafting the necessary regulation and the process of stepping up the social justice to prevent and help the victims from torture, and also bringing the attackers into legal punishment.

The movement of anti-violence in Lao PDR has extremely been protected by raising legal awareness to fundamental ethnic people and in parallel with establishing and improving the mediation unique in Village. The movement also punished all forms of using violence. In order to make the movement work effectively, it is very important to hold the workshop for police and local authorities, and also to prepare the law on prevention of using violence toward women.

The most important event is that the National Committee Advancement of Women (NCAW) of all stages have been supported from political party committees and leader of organizations, sectors, authorities to open patriots and development movement activities across the country. This is to contribute families, villages and districts in development should have gender equality and without violence in family in particular women and children that affecting the opinion, knowledge, and believe in gender equality rights.

Some weak points of complementing the movement are as follows:
- Lack of awareness, vision, and number of some people behavior including authorities, and sectors to understand deeply about the use of violence towards women. Also, there are some attitude, backward customs, and culture of using violence still been normal acceptant in Lao society.
- The lack of using some effectiveness cooperation unique.
- The lack of responsibility from individual.

Therefore, the National complementation to prevent and eradicate the use of violence on women has been established, and it has been interested and cooperated from many sectors in particular the National Committee Advancement of Women (NCAW) is the main organization to implement and cooperate by its role.

At the present time, the prevention of the use violence towards Lao women has been contributed from the Party and government of Laos in terms of raising their roles in society. In addition, the state also promote women to participate in national defend and encourage them to participate in political party, economic, culture, and social diversity.

Keywords: Women's Role/ Violence/ National Committee Advancement of Women (NCAW)/ Lao PDR

การปกป้องการใช้ความรุนแรงต่อสตรี และ การส่งเสริมบทบาทของสตรีลาวในปัจจุบัน

ความเป็นมาของการใช้ความรุนแรงต่อสตรี

การใช้ความรุนแรงต่อสตรีเกิดขึ้นได้ทุกเวลา ในทุกสถานที่โดยไม่มีการจำแนกชนชั้น เชื้อชาติ ศาสนา วัฒนธรรม ฐานะทางสังคม และ ทั่วโลก สาเหตุและรากเหง้าของการใช้ความรุนแรงต่อสตรี จาก การศึกษาของเลขาธิการใหญ่ขององค์การสหประชาชาติ ภายใต้เรื่อง "การยุติการใช้ความรุนแรงต่อสตรี จากคำพูดไปถึงการกะทำ" ความไม่เสมอภาคกันด้านอำนาจระหว่างหญิงชาย และการจำแนกต่อผู้หญิง ที่ประวัติศาสตร์ทิ้งไว้ ความรุนแรงต่อผู้หญิง เป็นทั้งสาเหตุ เหตุผล และเป็นอุปสรรคอันยิ่งใหญ่ที่กีด ขวาง การบรรลุความเสมอภาคระหว่างหญิงชาย

ปัจจัยความเสี่ยงสำหรับการใช้ความรุนแรงต่อผู้หญิงเกี่ยวกับปัญหาเชื้อชาติ ชนเผ่า ศาสนา ชนชั้น อายุ ความพิการ ความนิยมทางเพศ นากจากนี้ยังมีปัญหาวัฒนธรรม จารีตประเพณี สภาพเศรษฐกิจ สังคม และ อื่น ๆลฯ

ความรุนแรงต่อผู้หญิงมีหลายรูปแบบเช่น

- ความรุนแรงทางด้านร่างกาย เช่น การทุบตี การกักขัง การทรมานในรูปการต่างๆ และ อื่น ๆลฯ
- ความรุนแรงทางด้านจิตใจ ความรู้สึก เช่น การดูหมิ่นเกียดศักสี การด่าทอ การทอดทิ้ง การ นอกใจ
- ความรุนแรงทางเพศ เช่น การข่มขืน การล่วงละเมิดทางเพศ การคุกคามทางเพศ
- การเอารัด เอาเปรียบ และ การขูดรีด ทางเศรษฐกิจ เช่น การไม่ให้ผู้หญิงเข้าร่วมการคุ้มครอง การเงินของครอบครัว ไม่อนุญาตให้ผู้หญิงไปทำงาน สามีเอาเงินของผู้หญิงไปใช้ส่วนตัวโดย ไม่ได้รับอนุญาต บังคับให้ผู้หญิงสร้างรายได้เข้าบ้าน ไม่ให้ผู้หญิงเข้าถึง มรดก เป็นต้น

ความรุนแรงต่อผู้หญิงสามารถเกิดขึ้นในสภาพแวดล้อมต่างๆดังนี้

- ความรุนแรงทางครอบครัวแสดงออกในความรุนแรงทางร้างกายเช่น การทุบตี การข่มขืน ความ รุนแรงทางเพศ การลวนลามเด็กหญิงในครอบครัว การปฏิบัติจารีตประเพณีอันล้าหลังที่เป็น อันตรายต่อผู้หญิงการเอาเด็กไปแต่งงานก่อนวัยอันควร การแต่งงานแบบบังคับ การใช้ความ รุนแรงต่อแม่บ้านเป็นต้น

- ความรุนแรงในชุมชน แสดงออกในความรุนแรงทางร่างกาย ทางด้านจิตใจ และ ทางเพศต่อ ผู้หญิงที่เกิดขึ้นในการพัวพันธ์กับบ้านใกล้เรือนเคียง ในการใช้รถเมล์สาธารณะ ในสถานที่ใช้ แรงงาน โรงเรียน โรงพยาบาล ในสถานที่ออกกำลังกาย การข่มขืน การค้าผู้หญิง และ การ บังคับให้เป็นโสเภณี
- ความรุนแรงในสถาบันการสิกสา ความรุนแรงในสถานพินิจทางการ

ผู้หญิงที่ตกเป็นกลุ่มเสียงของการใช้ความรุนแรง คือ ผู้หญิงที่ยากจน ผู้หญิงอาศัยอยู่เขตชนบท ผู้หญิง เผ่าชน การเคลื่อนย้ายแรงงานหญิง ผู้หญิงที่อยู่ในสถานพินิจ ผู้หญิงพิการ ผู้หญิงที่อาวุโส เป็นต้น

การใช้ความรุนแรงต่อผู้หญิงเมื่อเกิดขึ้นแล้วจะมีผลกระทบในระยะยาวต่อตัวผู้เป็นแม่เอง และ ลูก รวมถึงผลกระทบต่อชุมชน และสังคมโดยรวม ผู้หญิงที่ถูกใช้แรงงานต้องเผชิญกับปัญหาสุขภาพ ด้วย เหตุนี้ความสามารถที่ผู้หญิงจะหาเลี้ยงชีพ และ เข้าร่วมในสังคมก็จะลดน้อยถอยลง ส่วนลูกก็จะเผชิญ กับปัญหาการศึกษา และ การปรับตัวไม่ถูกต้อง ส่งผลกระทบทางลบต่อครอบครัวและการพัฒนาของ ประเทศชาติโดยรวม

การเคลื่อนไหวของการปกป้อง และ การต้านการใช้ความรุนแรงต่อผู้หญิง ใน สปป ลาว.

ในระยะที่ผ่านมารัฐบาลได้ให้ความสำคัญต่อผู้หญิงอย่างต่อเนื่องทั้งการเอาใจใส่ และการเพิ่มจำนวน ของผู้หญิงในการเข้าร่วมภารกิจของชาติในเมื่อก่อน ก็คือภารกิจปกปักรักษา และสร้างพัฒนา ประเทศชาติในปัจจุบัน ด้วยการปกป้องสิทธิ และ ผลประโยชน์อันชอบธรรมของสตรีอาทิเช่น สิทธิใน การดำรงชีวิตที่มีเกียรติในสังคมที่ดี และ ได้รับการพัฒนาอย่างรอบด้านจากความรุนแรง และ การขูด รีด การเห็นบทบาทความสำคันของผู้หญิง พรรค และรัฐบาลได้ให้การศึกษาอบรมพนักงานผู้หญิงให้มี คุณสมบัติ และ ความสามารถรอบด้าน เพื่อเข้าร่วมปฏิบัติงานร่วมกับเพศชาย ตลอดจนส่งเสริม ความก้าวหน้า ปฏิบัติสิทธิเสรีภาพ หญิงชาย และ การลดการใช้ความรุนแรงต่อผู้หญิง แสดงออกอย่าง ชัดเจนในแนวทางนโยบายของพรรค รัฐธรรมนูญ กฎหมายต่างๆ ของ สปป. ลาว แผนพัฒนาเศรษฐกิจ สังคมแห่งชาติ แผนยุทธศาสตร์แห่งชาติ และ แผนงานต่างๆ ซึ่งทั้งหมดนี้เกี่ยวกับสิทธิ และ ผลประโยชน์ต่อผู้หญิงที่ สปป. ลาว เป็นภาคี อาทิเช่น สนธิสัญญาเกี่ยวกับสิทธิมนุษย์ สนธิสัญญาว่า ด้วยการรบร้างความทุกยาก รูปการจำแนกต่อผู้หญิง

ด้านนิติกรรม สปป. ลาว ก็ได้มีการออกนิติกรรมหลายฉบับ ที่แสดงให้เห็นถึงการปกป้อง และ ป้องกัน
การใช้ความรุนแรงต่อสตรีเช่น

-   รัฐธรรมนูญฉบับปรับปรุง ปี 2003   ได้กำหนดให้รัฐ สังคม และ ครอบครัวเอาใจใส่ตามนโยบาย
    การพัฒนา และส่งเสริมความก้าวหน้าของผู้หญิง ปกปร้องสิทธิ และ ผลประโยชน์ของผู้หญิง และ
    เด็ก หญิง ชายมีความเสมอภาคต่อกฎหมายโดยไม่จำแนกหญิง ชาย มีสิทธิเท่าเทียมกันด้าน
    การเมือง เศรษฐกิจ วัฒนธรรม
-   กฎหมายอาญาฉบับปรับปรุง มาตรา 20 สาเหตุของการขอหย่าร้าง มาตรา 22 การไม่อนุญาตให้
    หย่าร้างผัว (สามี) ไม่มีสิทธิขอหย่าร้างได้ในเวลาที่เมียกำลังตั้งครรภ์ หรือหลังจากที่ลูกเกิดมาไม่
    ทันถึงปี ยกเว้นแต่ผู้เป็นเมียร้องขอหย่าร้าง
-   กฎหมายว่าด้วยการพัฒนา และปกป้องผู้หญิงภาคที่ 7   การปกป้องเด็ก และ สตรี จากการค้า
    มนุษย์ และ การใช้ความรุนแรงในครอบครัว หมวดที่ 1 การสกัดกั้นการค้า เด็ก และ สตรี หมวดที่
    2 การต้านการใช้ความรุนแรงต่อเด็ก และสตรี ในครอบครัวก็ได้กำหนดมาตรการปกป้องเด็ก และ
    สตรี จากการค้ามนุษย์ และ การใช้ความรุนแรงในครอบครัว
-   กฎหมายว่าด้วยแรงงาน หมวดที่ 5 แรงงานเด็ก และ สตรี

นอกจากนี้ ในหน่วยงานต่างๆ องค์การ และ ท้องถิ่นต่างๆ ได้แสดงความเคลื่อนไหวต้านความรุนแรง
ต่อผู้หญิง ใน สปป. ลาว โดยได้สร้างนิติกรรมที่จำเป็น และ กระบวนการยุติธรรม เพื่อปกป้อง และ
ช่วยเหลือ ผู้ถูกเคราะร้ายจากการใช้ความรุนแรงต่อสตรี รวมทั้งนำเอาผู้กระทำความรุนแรงต่อผู้หญิงมา
ลงโทษตามระเบียบการกฎหมาย ได้สนองต่อการบริการด้านกานแพทย์ให้ผู้เคราะห์ร้ายทางด้านร่างกาย
และจิตใจ มีการสร้างศูนย์พักพิงชั่วคราว เพื่อรับรองผู้เคราะห์ร้ายจากความรุนแรง และ การค้ามนุษย์

การเคลื่อนไหวต้านการใช้ความรุนแรงใน สปป ลาว ที่ผ่านมามีการเพิ่มความสำคัญผ่านโฆษณา
เผยแพร่กฎหมายให้ท้องถิ่น ประชาชนโดยทั่วไป ควบคู่กับการสร้าง และดำเนินมาตรการลงโทษต่อ
ผู้กระทำผิดโดยการจัดตั้งการฝึกอบรมให้เจ้าหน้าที่ และ องค์การปกครองท้องถิ่น และการเตรียมร่าง
กฎหมายว่าด้วยการต้านการใช้ความรุนแรงต่อผู้หญิง และการจัดตั้งคณะกรรมาธิการเพื่อความก้าวหน้า
ของผู้หญิงแห่งชาติ (คกมช.) ทุกขั้นด้วยการสนับสนุนของพรรค และ หน่วยงานราชการ องค์การ และ
ท้องถิ่นต่างๆได้เปิดขบวนการแข่งขันรักชาติ และ พัฒนาไปทั่วประเทศ เพื่อสร้างครอบครัว บ้าน และ
เมืองพัฒนาเกี่ยวกับการปฏิบัติต่อสิทธิเสรีภาพหญิงชาย และ ปราศจากการใช้ความรุนแรงในครอบครัว
โดยเฉพาะ กับเด็กและสตรี ซึ่งเป็นการสร้างมุมมองใหม่ในการแก้ไขทัศนคติ ความรับรู้ การเชื่อถือ

แบบงมงายตามแบบเดิมที่ล้าสมัยต่อปัญหาความเสมอภาพหญิงชาย และ การใช้ความรุนแรงใน
ครอบครัว

ผ่านการได้จัดตั้งปฏิบัติ ยังมีข้อครงค้างบางประการเป็นต้น

- การขาดความรับรู้ วิสัยทัศน์ และ พฤติกรรม ของคนจำนวนหนึ่งในสังคม รวมถึงการจัดตั้ง และ
ภาคส่วนต่างๆ เกี่ยวกับความรุนแรงต่อผู้หญิง ยังไม่เข้าถึงได้เท่าที่ควร และ ยังแอบแฝงกับทัศนคติ
จารีตประเพณี และ วัฒนธรรมอันล้าหลังที่ถือว่าความรุนแรงต่อผู้หญิงเป็นเรื่องปกติ ธรรมดา เป็น
ที่ยอมรับ และ ให้อภัยได้ในสังคม
- ยังขาดการประสานงานอย่างเป็นเอกภาพ
- ยังมีปรากฏการต่างคนต่างทำ ขาดความเป็นกลาง

ดังนั้น จึงได้มีการสร้างแผนดำเนินงานแห่งชาติ เพื่อป้องกัน และ ลบร้างความรุนแรงต่อผู้หญิงให้มาก
ขึ้น หลายหน่วยงานก็ได้ให้ความสนใจ และ ให้การร่วมมือโดยเฉพาะได้มอบให้ คกมช. ทำหน้าที่ร่วม
และ เป็นเจ้าภาพในการประสานงานตามบทบาทของตน ซึ่งได้ยกให้เห็นบางโครงการที่ได้จัดตั้งขึ้นมา
ตามแผนดำเนินงานแห่งชาติเพื่อป้องกัน และ ลบร้างความรุนแรงต่อผู้หญิงอาทิเช่น

**โครงการปฏิบัติสิทธิเสรีภาพ หญิงชาย มอบสิทธิเป็นเจ้าการให้ผู้หญิง เพื่อลบล้างทุกรูปการจำแนกต่อ
ผู้หญิง อย่างเช่นความรุนแรงต่อผู้หญิง** เพื่อลบล้างการจำแนกต่อผู้หญิง ซึ่งเป็นสาเหตุก่อให้เกิดความ
รุนแรงต่อผู้หญิง เร่งปฏิบัติสิทธิเสมอภาพหญิงชาย และ มอบสิทธิเป็นเจ้าภาพให้ผู้หญิง เป็นต้น
ทางด้านเศรษฐกิจ การให้ความรู้ให้ผู้หญิงรู้จักเกี่ยวกับสิทธิของตน และ ได้รับการมอบสิทธิในการ
ปฏิบัติสิทธิดังกล่าว จัดตั้งศูนย์การฝึกอบรมเพื่อสร้างครูฝึกให้กองเลขาคณะกรรมาธิการเพื่อ
ความก้าวหน้าผู้หญิง ในหน่วยงานของรัฐ องค์การ และท้องถิ่นทั่วประเทศ โดยเริ่มจากชุมชนเมือง
และหมู่บ้านต่างๆ จัดตั้งการโฆษณาเผยแพร่เอกสาร การสร้างครอบครัว บ้าน และ เมืองพัฒนาเกี่ยวกับ
การปฏิบัติสิทธิเสมอหญิงชาย และ หลีกเลี่ยงความรุนแรงในครอบครัว โดยเฉพาะ กับเด็กและสตรี
ปฏิบัติการมอบสิทธิเป็นเจ้าภาพทางด้านเศรษฐกิจให้ผู้หญิง โดยการสร้างโอกาส และเงื่อนไขให้ผู้หญิง
ได้เข้าถึงการศึกษา ได้รับการพัฒนาสถาบันครอบครอบให้เข้มแข็ง และคุณภาพชีวิต ของทุกคนใน
ครอบครัวให้สูงขึ้น การปฏิบัติเกี่ยวกับสิทธิเสริภาพหญิงชาย และลดความรุนแรงต่อเด็กและสตรี ทีละ
ก้าว

โครงการป้องกันไม่ให้เกิดความรุนแรงต่อผู้หญิงในสถาบันการศึกษา ปฏิบัติการศึกษาภาคบังคับ เพื่อ
หมดทุกคนที่มีหน้าที่ส่งเสริม สิทธิมนุษย์ ความเสมอภาพหญิงชาย และต้านทัศนคติแบบดังเดิมต่อ
บทบาทหญิงชาย ต่อต้านการคัดค้าน และความรุนแรงต่อผู้หญิง สร้างให้เด็กในโรงเรียนเกิดทัศนคติ
และความเคยชินในการอยู่ร่วมกันแบบเสมอภาพ มีความนับถือซึ่งกันและกัน และ แก้ไขความขัดแย้ง
โดยหลีกเลี่ยงความรุนแรง ซึ่งปฏิบัติในทุกระดับของระบบการศึกษา และ การศึกษานอกระบบ
โรงเรียน จัดตั้งการฝึกอบรมเฉพาะ และบุคลากรที่จำเป็น เพื่อดำเนินการถ่ายทอด และสนับสนุน
พนักงานครูให้สามารถถ่ายทอดตามหลักการดั้งกล่าวได้ และสนับสนุนต่อนักเรียนนักศึกษาที่ออกมา
เปิดเผย หรือ รายงานเกี่ยวกับกรณีใช้ความรุนแรง พัฒนาหลักสูตร และ อุปกรณ์การเรียนการสอนโดย
มีการร่วมมือกับเชี่ยวชาญด้านความรุนแรงต่อผู้หญิง เพื่อรับประกันให้หลักสูตรดังกล่าวคำนึงถึง
บทบาทหญิงชายมีลักษณะรอบด้าน สร้างการป้องกันความรุนแรงให้การจัดตั้งโรงเรียนมีการส่งเสริม
ให้มีบรรยากาศ สภาพแวดล้อมแห่งความเสมอภาพ หลีกเลี่ยงความรุนแรง นับถือซึ่งกันและกัน ในทั่ว
โรงเรียนโดยมีการเข้าร่วมอย่างจริงจังของคณะกรรมการ โรงเรียนโรงผ่านการดำเนินนโยบาย
พฤติกรรม และ กิจกรรม นอกโรงเรียน โดยการมีส่วนร่วมของพ่อแม่ นักเรียน และ ชุมชน

โครงการป้องกันไม่ให้เกิดความรุนแรงต่อผู้หญิงในชุมชน ผลักดันส่งเสริมองการปกครองท้องถิ่น ชุมชน
และ การจัดตั้งสังคมต่างๆ ให้ส่งเสริมการสร้างชุมชนที่ปฏิบัติสิทธิเสรีภาพ หญิงชาย และ หลีกเลี่ยง
ความรุนแรงต่อผู้หญิง โดยการบริการข้อมูลข่าวสารการจัดตั้งกลุ่มปฏิบัติงานแผนงาน และ กิจกรรม
ต่างๆ อาทิเช่น ขบวนการรักชาติ และ พัฒนาเพื่อสร้างครอบ บ้าน เมืองพัฒนากับการปฏิบัติสิทธิเฉพาะ
หญิงชาย และ หลีกเลี่ยงความรุนแรงในครอบครัว โดยเฉพาะต่อ เด็ก และ สตรี ในการวางแผนพัฒนา
ตัวเมือง และ ชุมชน ให้ถือเป็นมาตรการการป้องกันความรุนแรงต่อ เด็ก และ สตรี โดยมีมาตรการเพื่อ
ป้องกันความรุนแรง และ การคุกคามทางเพศต่อเด็กและสตรี ในสถานะที่สาธารณะ

โครงการต่างๆ ข้างต้นเป็นเพียงบางโครงการที่ยกให้เห็นถึง การเอาจริงเอาจัง และ เอาใจใส่ในการ
ป้องกัน และ ต้านความรุนแรงต่อผู้หญิง เพื่อให้ปัญหาดังกล่าวหมดไปในสังคม

บทบาทของผู้หญิงลาวในอดีต

ประเทศลาวเป็นหนึ่งในหลายประเทศ ที่ตั้งอยู่ในภาคพื้นเอเชียตะวันออกเฉียงใต้ ซึ่งเป็นเวลาพันปีผ่าน
มาประชาชนส่วนใหญ่ดำลงชีวิตด้วยความบากบั่น มานะอดทน เพื่อหาเลี้ยงชีพ ผู้หญิงลาวซึ่งมีอัตตา

ส่วน 51 % (ในปี1992) ของจำนวนประชากรทั้งหมด ส่วนมากยังดำลงชีวิตอยู่ในสภาพยากลำบากด้อย
การพัฒนาในทุกด้าน ไม่มีสถานะบทบาทในสังคม ไม่ได้รับสิทธิเสมอภาพ และความยุติธรรม ผู้หญิง
ได้ถูกตีราคาว่าเป็นเพศที่อ่อนแอ ถูกสังคมดูหมิ่น และไม่ได้ให้บทบาทสำคัญต่อผู้หญิงในครอบครัว
และการอยู่ในสังคม นับเป็นเวลาหลายร้อยปีที่สังคมลาวได้ถือจารีตประเพณีอันเก่าแก่ล้าหลังในการ
สร้างให้มีทัศนคติปิดกั้นหญิง ซึ่งเป็นอุปสรรคต่อความก้าวหน้าของผู้หญิง ถึงแม้ว่าประเทศลาวจะ
ได้รับการปลดปล่อยแล้วก็ตาม แต่บทบาทของผู้หญิงลาวในสังคมยังมีไม่มากเท่าที่ควร อัตราส่วนของ
ผู้หญิงมีบทบาทในการคุมครองรัฐ คุ้มครองสังคม การได้รับสวัสดีการต่างๆ ของผู้หญิงยังคงต่ำเมื่อ
เทียบกับเพศชายในปัจจุบัน

นับตั้งแต่ปี 1986 เป็นต้นมา ได้มีการเผยแพร่ให้รับรู้ถึงวันผู้หญิงสากลที่ได้มุ่งให้เห็นความสำคัญ
หลายๆ อย่างของผู้หญิงในการตัดสินปัญหาต่างๆในสังคมลาว และ ทำให้ผู้ชายหันมาเคารพบทบาท
ของผู้หญิง แต่การยกเว้นบทบาทดังกล่าวในปัจจุบันนั้นยังมีการดำเนินการล่าช้า อันเนื่องมาจากความ
เชื่อถืออันเก่าแก่ การอบรมแนวคิดของเพศชายเพื่อให้เปลี่ยนแปลงทัศนคติที่มีต่อผู้หญิงยังไม่มาก
เท่าที่ควร ในความเป็นจริงผู้หญิงลาวซึ่งมีกว่าครึ่งหนึ่งของจำนวนประชากรทั่วประเทศ ได้มีบทบาท
สำคัญในด้านการใช้แรงงาน สติปัญญา และความสามารถของตนเข้าในทุกเขตการงาน ผู้หญิงลาวได้
เป็นกำลังหลักในทำการเกษตรกรรมและทำงานอื่นๆ มีความเหมาะสมในการส่งเสริมวัฒนธรรมต่างๆ
แต่ผู้หญิงส่วนมากยังมีแนวคิดเดิม ยึดติดกับวัฒนธรรมอันเก่าแก่ไม่กล้าแสดงออกคิดว่าตนเองต่ำต้อย
ไม่มีความสามารถเท่าเทียมกับเพศชาย ไม่สามารถทำงานได้เหมือนกับเพศชาย

ที่ผ่านมาผู้หญิงจะถูกมองว่าเป็นเพศที่อ่อนแอ และผู้หญิงไม่มีความสามารถที่จะออกไปทำงานนอก
บ้านได้เท่าเทียมกับเพศชาย ดังนั้น ผู้หญิงส่วนมากจึงได้ถือเอาการทำงานบ้านเป็นสิ่งสำคัญ เมื่อโต
ขึ้นมาก็จะถูกสอนให้รู้จักการทำงานบ้านเพราะถือว่าเป็นงานหลักที่สำคัญที่อยู่กับชีวิตของผู้หญิง และ
การเรียนรู้การงานดังกล่าวก็เพียงพอแล้วกับผู้หญิงเพราะเขาคิดเพียงว่าเมื่อโตขึ้นผู้หญิงส่วนมากไม่
สนใจในการศึกษา เพราะคิดว่าเป็นหน้าที่ของผู้ชายเพียงฝ่ายเดียว

หลายครอบครัวมีแนวคิดเช่นเดียวกัน นั้นคือผู้เป็นพ่อแม่มีความเป็นห่วงเป็นใยต่อลูกทุกคน แต่ส่วน
การไปหาความรู้ ส่วนใหญ่พ่อแม่จะเชื่อใจ และส่งเสริมให้ลูกที่เป็นผู้ชายเพราะคิดว่าเป็นเพศที่สามารถ
แก้ไขปัญหา และสามารถช่วยเหลือตนเองได้มากกว่าผู้หญิง ส่วนลูกผู้หญิงพ่อแม่จะมีความเป็นห่วง
มากกว่าผู้ชายเพราะคิดว่าเป็นเพศที่อ่อนแอกว่าผู้ชาย ฉะนั้น จึงไม่อยากให้ลูกสาวออกห่างจากไปไกล

บ้าน ซึ่งจากปัญหาดังกล่าวได้ทำให้อัตราการออกจากโรงเรียนของเด็กผู้หญิงยังมีสูง และ ประชากร จำนวนหนึ่งยังไม่รู้หนังสือ การเข้าถึงการศึกษายังไม่สูงเท่าที่ควร จึงทำให้พ่อแม่ส่วนมากไม่เห็นถึง ความสำคัญ และความจำเป็นในการสร้างอนาคตที่ดีให้แก่ลูกหลานไม่ว่าจะเป็นลูกชาย หรือลูกสาวก็ ตาม

สาเหตุทั่วไปที่ทำให้เด็กผู้หญิงไม่มีโอกาสในการเข้าถึงการศึกษามีดั่งนี้:

- ฐานะทางบ้านไม่ดีพอจึงไม่มีเงินส่งลูกเรียน
- โรงเรียนอยู่ไกลบ้าน การเดินทางไม่สะดวก
- ไม่เห็นถึงความสำคัณของการศึกษา ว่าถ้าเรียนจบไปแล้วจะมีงานให้ทำ หรือ ไม่
- ขาดแรงงาน อยากให้ลูกอยู่บ้านช่วยทำงานดีกว่า
- อื่น ๆลฯ

เด็กน้อยที่มีอายุ 7 – 15 ปี คือเด็กที่กำลังอยู่ในวัยเรียน แต่ก็เป็นที่เสียดายมีเด็กจำนวนหนึ่งไม่ได้เข้าเรียน ด้วยสภาพแวดล้อมไม่เอื้ออำนวยให้แก่ครอบครัว โดยเฉพาะสภาพเศรษฐกิจของครอบครัว ไม่มี โรงเรียน หรือ โรงเรียนอยู่ห่างไกลทำให้พ่อแม่ไม่มีเวลาเดินทางไปส่งเข้าเรียน

บทบาทของแม่หญิงลาวในปัจจุบัน

ปัจจุบันผู้หญิงลาว จำนวนมากกว่าครึ่งหนึ่งได้ค่อยๆมีบทบาทที่ดีขึ้น ไม่ว่าจะเป็นด้านชีวิตครอบครัว การเมือง เศรษฐกิจ และ วัฒนธรรม สังคม ปัจจุบันนี้ประเทศลาวเองก็ได้มีการเปิดกว้างสู่โลกภายนอก และ ได้มีการพัฒนาส่งเสริมด้านการศึกษา สาธารณสุข และ สวัสดิการต่างๆ ดังนั้น ผู้หญิงจึงมีสิทธิ เสมอภาพเท่าเทียมกับเพศชาย ซึ่งได้ถูกบัญญัติไว้ในรัฐธรรมนูญแห่ง สาธารณะรัฐ ประชาธิปไตย ประชาชนลาว (ในมาตรา 35) ได้ระบุไว้ว่า พลเมืองลาว โดยไม่จำแนกหญิงชาย สถานะทางด้านสังคม ระดับการศึกษา ความเชื่อถือ และ เผ่าชน แล้วแต่มีความเสมอภาพต่อกฎหมาย มาตรา 37 ที่บัญญัติไว้ว่า พลเมืองลาว หญิงชาย มีสิทธิเท่าเทียมกันทางด้านการเมือง เศรษฐะกิจ วัฒนธรรม สังคม และ ครอบครัว ซึ่งเห็นได้ว่า ภัค และ รัฐบาลปัจจุบัน ได้มีความเอาใจใส่ต่อสิทธิ และ ผลประโยชน์ และ ความก้าวหน้าของผู้หญิงมากขึ้นจากเมื่อก่อน เมื่อเทียบกับอดีตที่ผ่านมา

การพัฒนาผู้หญิง การส่งเสริมความเสมอภาพหญิงชาย ก็เป็นนโยบายอย่างหนึ่งของภัค และ รัฐ โดยได้วางเป้าหมายไว้ดังนี้:

- เพิ่มจำนวนสตรีเข้าในคณะนำของงการจัดตั้งภัค รัฐ เอกชนต่างๆให้ได้ 15 % ขึ้นไปเป็นพนักงานหลักให้ได้ 20% ขึ้นไป ของจำนวนพนักงานทั้งหมด
- เพิ่มจำนวนเพศหญิงได้รับการฝึกอบรมเกี่ยวกับเทคนิคเกษตรกรรม ปรุงแต่ง คหกรรม และ การบริการให้ได้ 20 % ขึ้นไป
- เพิ่มจำนวนผู้หญิงให้ได้รับการยกระดับในทุกสาขาวิชา
- เพิ่มอัตราส่วนเพศหญิงเข้าในการพัฒนา มากกว่า 40 % ของกำลังแรงงานทั้งหมด (ให้สิทธิแก่เพศหญิงในการจ้างงาน) เพื่อช่วยในการพัฒนา
- เพิ่มการมีส่วนร่วมของผู้หญิงในการวางแผน และ นโยบายพัฒนาต่างๆของสาขาต่างๆให้มากขึ้น
- สร้างโอกาสให้เด็กหญิง และ สตรี เข้าถึงการบริการต่างๆ ทางสังคมให้เท่าเทียมกับเพศชาย

จากการเห็นถึงความสำคัญดังกล่าว ทำให้ผู้หญิงได้มีความรู้และพัฒนาตนเองให้มีความก้าวหน้า และดำรงชีวิตที่ยั่งยืนต่อเนื่องไปกับการแก้ไขอุปสรรคที่กีดขวางความก้าวหน้าของผู้หญิง และการปฏิบัติสิทธิเสรีภาพของหญิงชาย นำความอำนวยความสะดวกให้สตรีได้รับการพัฒนาด้านคุณสมบัติ จารีตประเพณี ยกระดับความรู้ความสามารถ เท่าเทียมกับเพศชาย ไปเคียงคู่กับการมอบหมายหน้าที่การงานให้สตรี รับผิดชอบ ผ่านการปฏิบัติจริงจำนวนสตรีในตำแหน่งตัดสินปัญหาได้เพิ่มขึ้นจากเดิมเช่นสมาชิกสภาเพศหญิง ในสภาแห่งชาติชุดที่ 7 ปฏิบัติได้ 25 % เท่ากับ 33 ท่านในจำนวนสมาชิกสภาแห่งชาติทั้งหมด 134 เด่นกว่านั้น คือประธานสภาชุดที่ 07 เป็นเพศหญิง ด้วยเหตุนี้การจัดตั้งปฏิบัติคาดว่าจะเพิ่มจำนวนสตรีเข้าในคณะของงการจัดตั้งภัค รัฐ องค์การจัดตั้งมหาชนต่างๆ ให้ได้ 15 % สามารถปฏิบัติได้ ทั้งหมดนี้ก็เพื่อเป็นการสร้างเงื่อนไขให้สตรีได้เข้าร่วม และ ประกอบส่วนในทุกส่วนการทำงาน แต่ศูนย์กลางถึงท้องถิ่น นอกจากนั้นผู้หญิงลาวก็ได้มีบทบาทอย่างอื่นที่เด่นชัดในสังคม ไม่ว่าจะเป็นนักธุรกิจหญิงที่ประสบความสำเร็จ และเป็นที่ยอมรับในสังคม

ดั่งนั้น เห็นได้ว่าผู้หญิงลาวในปัจจุบันได้มีบทบาทที่ดีขึ้น และเป็นที่ยอมรับความสามารถในทางการเมือง เศรษฐกิจ วัฒนธรรม และ สังคม.

บรรณานุกรม

แผนดำเนินงานแห่งชาติเกี่ยวกับการป้องกัน และ ลบร้างความรุนรงต่อแม่หญิง และ ความรุนแรงต่อ
        เด็กใน สปป. ลาว ปี 2004 -2006
กฎหมายว่าด้วยการเลือกตั้งสมาชิกสภาแห่งชาติ และ สภาประชาชนขั้นแขวง
รัฐธรรมนูญแห่ง สปป. ลาว

APPENDIXS

Best Paper Awards

No.	Sub-Theme	Presenters
1	Constitution/ Referendum	Chalermkiat Parawech
2	Education Governance in ASEAN	Sam Synoun
3	Environmental Governance / Climate Risk Change	Kristoffer B. Berse
4	Governance in Health Services	Nazliansyah
5	Governance in Tourism	Sarinthip Pantapalungkul
6	Governing Freedom of Expression in the Philippines and Thailand	Elena E. Pernia
7	Growth and Development	Maria Faina Lucero Diola
8	Law and Good Governance	Maria Jane Angela Isabel C. Odulio
9	Local Government	Somnuek Panyasing
10	Local Government and Decentralization	Hon. Benjamin C. Abalos, Jr.
11	Local Wisdom/ Management	Kanitha Chitchang
12	Peace Process / Indigenous Group	Milhaya Dianalan Langco
13	Peace Process / Indigenous Group	Samart Thongfhua
14	Political Leadership and Governance	Suraphol Srivithaya
15	Public Policy / Public Reform	Wilhelmina L. Cabo
16	Public Policy/Foreign Policy	Wayoon Salalnukulkit
17	Role of NGO in Japan	Akio Kawamura
18	Social and Economic Development in Lao-PDR	Somphavanh Sihalath
19	Strategic Management	Malee Jetsadaluk
20	Urban Development	Prasongchai Setthasuravich
21	Woman' s Leadership	Ma. Theresa F. Pescador

Evaluation

The 4th International Conference on Magsaysay Awardees: Good Governance and Transformative Leadership in Asia May 31, 2016 College of Politics and Governance (COPAG), Mahasakham University

The 4th International Conference on Magsaysay Awardees: Good Governance and Transformative Leadership in AsiaMay 31, 2016 College of Politics and Governance (COPAG), Mahasakham University participants as following: Conference participants had a total of 943 people, which can be classified into 4 groups .

1. The group of academisions which consists of
    - keynote Speaker : Magsaysay Awardees = 1
    - Honorable Speaker : Magsaysay Awardees = 4
    - Chairperson = 32
    - Presenter = 106

2. The group of faculty members from Mahasarakham University and other University = 100

3. The group of participants from within and outside University = 550

4. Staff and student assistants of COPAG = 150

Number and percentage of Personal Information

Table 1. Number and percentage of respondents assessed by Personal Information

Personal Information	number	Percent
1. Gender		
Male	207	41.50
Female	292	58.50
sum	499	100.00
2. Age		
20-30 Years old	318	63.70
31-40 Years old	92	18.40
41-50 Years old	40	8.00
51-60 Years old	30	6.00
61 years	19	3.80
sum	499	100.00

Table 1. Number and percentage of respondents assessed by Personal Information (cont.)

Personal Information	number	Percent
3. Education		
Bachelor degree	313	62.70
Master's degree	64	12.80
Doctoral degree	122	24.40
sum	499	100.00
4. Participant		
keynote Speaker : Magsaysay Awardees	1	0.20
Honorable Speaker : Magsaysay Awardees	4	0.80
Chairperson	32	6.41
Presenter	106	21.24
Discussant	45	9.02
Rapporteur	4	0.80
Students	307	61.52
sum	499	100.00
5. Field of Interest		
Local Government	75	15.03
Political Leadership and Governance	6	1.20
Peace Process	8	1.60
Law and Good Governance	6	1.20
Education Governance in ASEAN	14	2.81
Role of NGO in Japan	6	1.20
Growth and Development	5	1.00
Public Policy	21	4.21
Constitution	5	1.00
Strategic Management	11	2.20
Environmental	13	2.61
Woman' s Leadership	7	1.40
Governance in Health Services	7	1.40
Governing Freedom of Expression in the Philippines and Thailand	8	1.60
Governance in Tourism	5	1.00

Table 1. Number and percentage of respondents assessed by Personal Information（cont.)

Personal Information	number	Percent
Local Wisdom	5	1.00
Urban Development	7	1.40
Social and Economic Development in Lao-PDR	7	1.40
Political science	90	18.04
Public Administration	148	29.66
International Relations	26	5.21
Human rights	19	3.81
sum	499	100.00
6. University/Institution Affiliate		
NIDA	2	0.40
Chulalongkorn University	13	2.61
Commissioner of CHED	1	0.20
University of Brawijaya	1	0.20
Human and Community Resource Development Faculty of Education	1	0.20
University of the Philippines	31	6.21
Mahidol University	5	1.00
Kasetsart University	5	1.00
Thammasat University	22	4.41
University of Northern Philippines	5	1.00
Mahasarakham University	372	74.55
Hunkuk University	1	0.20
Kalayaan College	1	0.20
Universitiy Kebangsaan	1	0.20
Research Triangle Institute	1	0.20
Prince of Songkla University	5	1.00
Burapha University	1	0.20
Doshisha University	2	0.40
Khonkaen University	2	0.40
KMITL	1	0.40

Table 1. Number and percentage of respondents assessed by Personal Information (cont.)

Personal Information	number	Percent
Kyoto Notre Dame University	2	0.40
Tribuvan University	1	0.20
KwanseiGakuin University	1	0.20
Chiang Mai Rajabhat University	3	0.61
National University of Laos	4	0.81
Mae Fah Luang University	2	0.40
Isabela State University	5	1.00
Department of Geography G.M. University	1	0.20
Mahachulalongkornrajavidyalaya University	1	0.20
The SuanDusit University Graduate School	1	0.20
Srinakharinwirot University	1	0.20
College of Nursing	1	0.20
Bangkok University	1	0.20
SuanDusit University	1	0.20
JenderalSoedirman University	1	0.20
Mahachulalongkornrajavidyalaya University	1	0.20
The SuanDusit University Graduate School	1	0.20
Srinakharinwirot University	1	0.20
College of Nursing	1	0.20
Bangkok University	1	0.20
SuanDusit University	1	0.20
JenderalSoedirman University	1	0.20
sum	499	100.00

Table 1. Number and percentage of respondents assessed by Personal Information（cont.)

Personal Information	number	Percent
7. Country		
Philippines	46	9.22
Indonesia	1	0.20
India	1	0.20
Japan	5	1.00
Laos	4	0.80
Malaysia	1	0.20
Thailand	438	87.78
Nepal	1	0.20
Korea	1	0.20
USAID	1	0.20
Sum	499	100
8. How did you know about this Conference	44	8.82
Brochure	63	12.63
Flyer	136	27.25
Conference Web site	178	35.67
Referral	33	6.61
E- mail	45	9.02
Others		
sum	499	100.00
9. main reason for attending this conference		
Content	119	23.85
Academic development /Personal interest	203	40.68
Academic Networking	120	24.05
Other	57	11.42
sum	499	100.00

Evaluation conference
Table 2. satisfaction in attending the Conference of each panel

Benefits/Value from this conference	Satisfaction levels			
	$\overline{\text{X}}$	S.D.	Percentage	Interpretation
1. Keynote Address (Magsaysay Awardees) **(Room D-415)** **(Four Decades of Development Endeavor)**	4.83	0.44	96.63	Very good
2.Honorable Speakers Address (Magsaysay Awardees) (Parallel session) **Antonio Meloto,**Founder of Gawad Kalinga (GK) (Philippines) **(Room D-415)** **(Builder of Dreams)**	4.81	0.43	96.23	Very good
Dr. Cynthia Maung, Director of Mae Tao Clinic (Myanmar) **(Room D-411)** **(Health Systems in Burma: Creating Unity, Peace and Sustainability)**	4.71	0.56	94.21	Very good
Sanjiv Chaturvedi, Deputy Director of AIIM (India) **(Room D-402)** **(Fighting Corrupt Nexus of Politicians-Civil Servants in a Democracy: Case Study of India)**	4.88	0.38	97.69	Very good
Commissioner Mr. Laode Muhammad Syarif (KPK) (Indonesia) **(Room D-207)**	4.85	0.38	97.06	Very good
Oral Presentation 31 May 2016 : 13.30-15.30 (Pharrell Sessions)				
3.Panel 1 Local Government and Decentralization (I) (D-207)	4.92	0.30	98.33	Very good
4.Panel 2 Local Government and Decentralization (I) (D-212)	4.62	1.07	92.33	Very good
5.Panel 3 Local Government and Decentralization (II) (D-211)	4.88	0.39	97.54	Very good
6.Panel 4 Political Leadership and Governance (D-214)	4.83	0.45	96.53	Very good
7.Panel 5 Peace Process / Indigenous Group (D-218)	4.59	0.94	91.75	Very good
8.Panel 6 Towards One ASEAN Community: Issues, Challenges and Prospects(A) (D-219)	4.84	0.42	96.81	Very good
8.Panel 6 Law and Good Governance (D-339)	4.71	0.56	94.26	Very good
9.Panel 7 Education Governance in ASEAN (I) (D-412)	4.90	0.32	98.04	Very good
12. Panel 10 Growth and Development (D-334)	4.73	0.54	94.67	Very good
13. Panel 11 Public Policy / Public Reform (I) (D-333)	4.73	0.55	94.68	Very good

Benefits/Value from this conference	Satisfaction levels			
	$\overline{X}$	S.D.	Percentage	Interpretation
14. Panel 12 Public Policy/Foreign Policy (D-201)	4.81	0.54	96.21	Very good
15. Panel 13 Constitution/ Referendum (D-340)	4.76	0.54	95.11	Very good
16. Panel14 Strategic Management (I) (D-206)	4.84	0.50	96.83	Very good
sum	4.78	0.47	95.51	Very good
Oral Presentation 31 May 2016 : 15.45 - 17.45 (Pharrell Sessions)				
17.Panel 1 Public Policy / Public Reform (II) (D-207)	4.80	0.48	96.06	Very good
18.Panel 2 Environmental Governance / Climate Risk Change (I) (D-212)	4.81	0.43	96.18	Very good
19.Panel 3 Woman' s Leadership (D-201)	4.98	0.68	99.55	Very good
20.Panel 4 Governance in Health Services (D-211)	4.80	0.45	96.09	Very good
21.Panel 5 Governing Freedom of Expression in the Philippines and Thailand (D-218)	4.80	0.48	96.03	Very good
22.Panel 6 Governance in Tourism (D-340)	4.77	0.51	95.35	Very good
23.Panel 7. Environmental Governance / Climate Risk Change (II) (D-334)	4.83	0.48	96.57	Very good
24.Panel 8 Local Wisdom/ Management (D-339)	4.84	0.39	96.74	Very good
25.Panel 9 Public Policy (I) (D-333)	4.84	0.41	96.77	Very good
26.Panel 10 Local Government (D-412)	4.83	0.42	96.59	Very good
27.Panel 11 Urban Development (D-219)	4.63	0.58	92.59	Very good
28.Panel 12 Strategic Management (II) (D-202)	4.85	0.36	96.99	Very good
29.Panel 13 Social and Economic Development in Lao-PDR (D-214)	4.82	0.51	96.36	Very good
sum	4.81	0.48	96.30	Very good
sum	4.80	0.50	96.01	Very good

Satisfaction of overall assessment of the Conference.

Table 3. Satisfaction of overall assessment of the Conference.

Benefits/Value from this conference	Satisfaction levels			
	$\overline{X}$	S.D.	Percentage	Interpretation
1.Program Schedule	4.85	0.44	96.95	Very good
2.Reception	4.81	0.48	96.15	Very good
3.Registration Process	4.83	0.47	96.51	Very good
4.Public Relations	4.70	0.59	93.91	Very good
5.Information received/contact Before conference	4.69	0.62	93.83	Very good
6.Information received/contact During conference	4.70	0.60	93.99	Very good
7.Handouts	4.72	0.56	94.39	Very good
8.Audio-visual equipment	4.69	0.57	93.87	Very good
9.Conference Venue	4.74	0.53	94.79	Very good
10.Cultural Display of Northeast region	4.75	0.53	95.03	Very good
11.Overall satisfaction with this conference	4.74	0.54	94.71	Very good

Suggestion

<u>Evaluation</u>

The 4th International Conference on Magsaysay Awardees: Good Governance and

Transformative Leadership in Asia

May 31, 2016

College of Politics and Governance (COPAG), Mahasakham University

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Your opinion is important to us for improvements our conference in the future.

Please give us your comments.

<u>Personal Information</u>

1.Gender   ☐ Male   ☐ Female

  (เพศ)   (ชาย)   (หญิง)

2.Age   ....Years old

  (อายุ)   (ปี)

3.Education   ☐ Bachelor degree ☐ Master's degree ☐ Doctoral degree

  (การศึกษา)   (ปริญญาตรี)   (ปริญญาโท)   (ปริญญาเอก)

     ☐ Others (Please specify).............................

     (อื่น ๆ โปรดระบุ) ....

4.Participant   ☐ keynote Speaker : Magsaysay Awardees

  (เข้าร่วมเป็น)   (ผู้ปาฐกถาพิเศษ : รางวัลแมกไซไซ)

     ☐ Honorable Speaker : Magsaysay Awardees

     (ผู้รับเชิญ: รางวัลแมกไซไซ)

     ☐ Chairperson

     (ผู้ดำเนินการอภิปราย)

     ☐ Presenter

     (ผู้เสนอบทความ)

     ☐ Discussant

     (ผู้วิจารณ์บทความและร่วมอภิปราย)

     ☐ Rapporteur

     (ผู้สรุป)

     ☐ Others (Please specify)..................................

     (อื่น ๆ โปรดระบุ) ....

5.Field of Interest   ....

  (สาขาที่สนใจ)   ....

6.University/Institution Affiliate   ....

(มหาวิทยาลัย/สถาบัน ทีท่านสังกัด)   ....

 7.Country   ....

(ประเทศ)   ....

How did you know about this Conference ?

☐ Brochure   ☐ Flyer

   (โบรชัวร์)   (สิ่งพิมพ์)

☐ Conference Web site   ☐ Referral

   (เว็บไซต์ของการขัดประชุม)   (จากผู้อื่น)

☐ Fax   ☐ E- mail

   (โทรสาร)   (อีเมลล์)

☐ Others (Please specify)....................................

   (อื่น ๆ โปรดระบุ) ....

Please specify the main reason for attending this conference

(โปรดระบุเหตุผลในการเข้าร่วมประชุมครั้งนี้)

☐ Content   ☐ Academic development /Personal interest

   (เนื้อหา)   (ความเจริญก้าวหน้าทางวิชาการ/ความสนใจส่วนบุคคล)

☐ Academic Networking   ☐ Other

   (เครือข่ายทางวิชาการ)   (อื่นๆ)

Academic Satisfaction

Benefits/value from this Conference (ประโยชน์และคุณค่าจากการประชุม) (โปรดระบุความพึงพอใจ)	Very satisfy (พอใจมากที่สุด)	Somewhat Satisfaction (ค่อนข้างพอใจ)	Neutral (ปานกลาง)	Somewhat Dissatisfied (พอใจค่อนข้างน้อย)	Very Dissatisfied (ไม่พอใจเลย)
1. Keynote Address (Magsaysay Awardees) **(Room D-415)** **(Four Decades of Development Endeavor)** (ปาฐกถาพิเศษ)					
2.Honorable Speakers Address ปาฐกถา(Magsaysay Awardees) (Parallel session) ▪ **Antonio Meloto,** Founder of Gawad Kalinga (GK) (Philippines) **(Room D-415)** **(Builder of Dreams)**					
▪ **Dr. Cynthia Maung,** Director of Mae Tao Clinic (Myanmar) **(Room D-411)** **(Health Systems in Burma: Creating Unity, Peace and Sustainability)**					
▪ **Sanjiv Chaturvedi,** Deputy Director of AIIM (India) **(Room D-402)** **(Fighting Corrupt Nexus of Politicians-Civil Servants in a Democracy: Case Study of India)**					
▪ **Commissioner Mr. Laode Muhammad Syarif (KPK)** (Indonesia) **(Room D-207)**					
Oral Presentation 31 May 2016 : 13.30-15.30 (Pararell Sessions)					
3.Panel 1 Local Government and Decentralization (I) (D-207)					
4.Panel 2 Local Government and Decentralization (I) (D-212)					
5.Panel 3 Local Government and Decentralization (II) (D-211)					
6.Panel 4 Political Leadership and Governance (D-214)					
7.Panel 5 Peace Process / Indigenous Group (D-218)					
8.Panel 6					

Benefits/value from this Conference (ประโยชน์และคุณค่าจากการประชุม) (โปรดระบุความพึงพอใจ)	Very satisfy (พอใจมาก ที่สุด)	Somewhat Satisfaction (ค่อนข้าง พอใจ)	Neutral (ปานกลาง)	Somewhat Dissatisfied (พอใจ ค่อนข้าง น้อย)	Very Dissatisfied (ไม่พอใจ เลย)
Law and Good Governance (D-339)					
9.Panel 7 Education Governance in ASEAN (I) (D-412)					
10.Panel 8 Education Governance in ASEAN (II) (D-202)					
11..Panel 9 Role of NGO in Japan (D-219)					
12. Panel 10 Growth and Development (D-334)					
13. Panel 11 Public Policy / Public Reform (I) (D-333)					
14. Panel 12 Public Policy/Foreign Policy (D-201)					
15. Panel 13 Constitution/ Referendum (D-340)					
16. Panel14 Strategic Management (I) (D-206)					
Oral Presentation 31 May 2016 : 15.45 - 17.45 (Pararell Sessions)					
17.Panel 1 Public Policy / Public Reform (II) (D-207)					
18.Panel 2 Environmental Governance / Climate Risk Change (I) (D-212)					
19.Panel 3 Woman' s Leadership (D-201)					

Benefits/value from this Conference (ประโยชน์และคุณค่าจากการประชุม) (โปรดระบุความพึงพอใจ)	Very satisfy (พอใจมากที่สุด)	Somewhat Satisfaction (ค่อนข้างพอใจ)	Neutral (ปานกลาง)	Somewhat Dissatisfied (พอใจค่อนข้างน้อย)	Very Dissatisfied (ไม่พอใจเลย)
20.Panel 4 Governance in Health Services (D-211)					
21.Panel 5 Governing Freedom of Expression in the Philippines and Thailand (D-218)					
22.Panel 6 Governance in Tourism (D-340)					
23.Panel 7. Environmental Governance / Climate Risk Change (II) (D-334)					
24.Panel 8 Local Wisdom/ Management (D-339)					
25.Panel 9 Public Policy (I) (D-333)					
26.Panel 10 Local Government (D-412)					
27.Panel 11 Urban Development (D-219)					
28.Panel 12 Strategic Management (II) (D-202)					
29.Panel 13 Social and Economic Development in Lao-PDR (D-214)					

Conference Administration

Benefits/value from this Conference (ประโยชน์และคุณค่าจากการประชุม) (โปรดระบุความพึงพอใจ)	Very satisfy (พอใจมาก ที่สุด)	Somewhat Satisfaction (ค่อนข้างพอใจ)	Neutral (ปานกลาง)	Somewhat Dissatisfied (พอใจ ค่อนข้าง น้อย)	Very Dissatisfied (ไม่พอใจ เลย)
1.Program Schedule (ตารางกำหนดการ)					
2.Reception (การต้อนรับ)					
3.Registration Process (ขั้นตอนการลงทะเบียน)					
4.Public Relations (การประชาสัมพันธ์)					
5.Information received/contact Before conference (ข้อมูลที่ได้รับ/การติดต่อ ก่อนการประชุม)					
6.Information received/contact During conference (ข้อมูลที่ได้รับ/การติดต่อ ระหว่างการประชุม)					
7.Handouts (เอกสารแจก)					
8.Audio-visual equipment (อุปกรณ์เครื่องเสียงในห้อง)					
9.Conference Venue (สถานที่จัดการประชุม)					
10.Cultural Display of Northeast region (การแสดงนิทรรศการวัฒนธรรมอีสาน)					
11.Overall satisfaction with this conference (ความพอใจโดยรวมของการประชุม)					

Addition Comments (ข้อเสนอแนะเพิ่มเติม)

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Thank you for taking the time to participate in this evaluation

The 4th International Conference on Magsaysay Awardees:
Good Governance and Transformative Leadership in Asia, 31 May 2016

CONFERENCE PROGRAM

The 4th International Conference on Magsaysay Awardees Good Governance and Transformative Leadership in Asia, 31 May 2016

Time	Activities & Venue
	Morning Session
08.30 – 09.00	**Registration at COPAG Hall (2nd Floor)**
09.00 – 09.15	**Introductory and Welcome Remarks** (Prof. Sida Sonsri, Dean of COPAG, Chairperson of the Conference) **Opening Remarks** (Prof. Dr. Sampan Rittidech, President of Mahasarakham University)
09.15 – 09.30	**Introduce Magsaysay Awardees** (Keynote Speaker and Honorable Speakers) and Chairpersons MC: Mr. Matthew Forrest Taylor
09.30 – 10.30	**Keynote Speaker: Khun Mechai Viravaidya**, Chairman of Mechai Viravaidya Foundation and PDA (Thailand) **(Room D-415)** (Four Decades of Development Endeavor) **Rapporteur:** Prof. Maria Fe V. Mendoza, Dean (NCPAG, U.P.)
10.30 – 10.45	Coffee Break
10.45 – 11.45	**Honorable Speakers** ▪ **Antonio Meloto,** Founder of Gawad Kalinga (GK) (Philippines) **(Room D-415)** (Builder of Dreams) **Chairperson:** Commissioner Dr. Alex B. Brillantes, Jr. (CHED), Philippines **Rapporteur:** Prof. Maria Faina L. Diola, NCPAG, U.P., Philippines ▪ **Dr. Cynthia Maung,** Director of Mae Tao Clinic (Myanmar) **(Room D-411)** (Health Systems in Burma: Creating Unity, Peace and Sustainability) **Chairperson:** Prof. Wariya Chinwanno, Dean of Faculty of Social Sciences and Humanities, Mahidol University, Thailand **Rapporteur:** Prof. Ma.Oliva Z. Domingo, Vice President, Kalayaan College, Philippines ▪ **Sanjiv Chaturvedi**, Deputy Director of AIIM (India) **(Room D-402)** (Fighting Corrupt Nexus of Politicians-Civil Servants in a Democracy: Case Study of India) **Chairperson:** Prof. Suraj Singh Langpoklakpam, Manipur University, India **Rapporteur:** Dr. Mohd Faheem, Chulalongkorn University, Thailand ▪ **Commissioner Mr. Laode Muhammad Syarif (KPK)** (Indonesia) **(Room D-207)** **Chairperson:** Prof. Withaya Sucharitthanarugse, SEA Program, Chulalongkorn University, Thailand **Rapporteur:** Dr.Wanida Phomlha, COPAG, MSU, Thailand

12.00 – 13.00	Lunch at MSU Faculty Lounge
Afternoon Session	
Parallel Sessions (A)	
13.30 – 15.30	2nd Floor (Room): D-201, D-202, D-206, D- 207, D-211, D-212, D-214, D-218 D-219 3rd Floor (Room): D-333, D-334, D-339, D-340 4th Floor (Room): D-412
15.30 – 15.45	Coffee Break
Parallel Sessions (B)	
15.45 – 17.45	2nd Floor (Room): D-201, D-202, D- 207, D-211, D-212, D-214, D-218 D-219 3rd Floor (Room): D-333, D-334, D-339, D-340 4th Floor (Room): D-412
17.45 – 18.00	Closing Remarks (Room D-415)
18.30	Farewell Dinner (COPAG Hall) (Best Paper Award Announcement) MC: Dr. Kuboon Charumanee

Oral Presentation 31 May 2016

Room	Sub-Theme	Presenter	Title	Chairperson	Discussants
D-207	**1. Local Government and Decentralization (I)**	1. Danilo DLR Reyes	1. Issues and Problems in Decentralization and Local Autonomy in the Philippines: A Preliminary Assessment of Impact and Challenges	**Dr. Danilo DLR Reyes, Prof.**	**1. Dr. Weena Gera, Asst. Prof.**
		2. Ma. Zita Calugay	2. Promoting Good Governance through the Community Participatory Research Action (CPAR) Project		
		3. Noemi C. Bautista	3. Disclosing without Being Transparent: A Rational Choice for Local Government Bureaucrats? Taking Action: A Rational Choice for the Citizen?		**2. Dr. Alongkorn Akkasaeng, (COPAG)**

Parallel Session (A) (13.30-15.30)   **Session in English**

Oral Presentation 31 May 2016

Room	Sub-Theme	Presenter	Title	Chairperson	Discussants
D-212	**2. Local Government and Decentralization (I)**	1. Hon. Benjamin C. Abalos, Jr.	1. Decentralization, Democracy and Development of Local Governance : Mandaluyong City Experience	**Dr. Supasawad Chardchawan, Assoc. Prof.**	**1. Dr. Jocelyn C. Cuaresma, Assoc. Prof.**
		2. Michael Tumanut	2. The Politics of Municipal Merger in the Philippines		
		3. Jose P. Gallena, Jr.	3. Taxation and Revenue Generation Strategies of Selected Municipalities in the Fourth District of Isabela, Philippines		**2. Dr. Buraskorn Torut, Asst. Prof.**
		4. Erwin P. Vibora	4. The Benefits of Local Taxation in the City of Muntinlupa, Philippines		

Parallel Session (A) (13.30-15.30)   Session in English

Oral Presentation 31 May 2016

Room	Sub-Theme	Presenter	Title	Chairperson	Discussants
D-211	**3. Local Government and Decentralization (II)**	1. Perla E. Legaspi	1. Citizen Satisfaction in LGUs : The Case of CSIS for Dagupan	**Dr. Wasan Luangprapat, Assoc. Prof.**	**1. Dr. Ferdinand Lamarca, Prof.**
		2. Remigio D. Ocenar	2. ICT Impacts on Urban Governance the Experience of Five Philippine Cities		
		3. Primer C. Pagunuran	3. Policy implication of a collaborative governance framework in decentralization – case of the Philippines		**2. Sopit Cheevapanit, (COPAG)**
D-214	**4. Political Leadership and Governance**	1. Withaya Sucharithanarugse	1. Joko Widodo's Leadership	**Dr. Corine Phuangkasem, Assoc. Prof.**	**1. Dr. Pobsook Chamchong, (COPAG)**
		2. Chpa Chittpratoom	2. Malaysia under Najib Razak		
		3. Suraphol Srivithaya	3. The Integrated Mechanism of ASEAN Democracy Building Governance for Sustainable Development		**2. Dr. Sukanya Aimimtham, Assoc. Prof.**

Parallel Session (A) (13.30-15.30)   **Session in English**

Oral Presentation 31 May 2016

Room	Sub-Theme	Presenter	Title	Chairperson	Discussants
D-218	**5. Peace Process / Indigenous Group**	1. Md. Mahbubul Haque	1. Protracted Displaced and Concern for Security: The Case of Rohingya	**Dr. Samart Thongfhua, Asst. Prof.**	**1. Dr. Jaran Maluleem, Prof.**
		2. Milhaya Dianalan Langco	2. Study of the Development Plan of the Autonomous Region in Muslim Mindanao		
		3. Bussabong Chaijaroenwatana	3. Networks of Civil Society Organizations dealing with Government's Project Development in Pak Bara Area, Southern Thailand		
		4. Samart Thongfhua	4. Peace Process in ASEAN Countries: The Case of Southern Thailand and Arakan (Rakhine State) in Myanmar		**2. Dr. Andy Wijaya, Prof.**
		5. Hilda A. Manzolim and Lailanie L. Quilang	5. Revisiting The Traditional Practices Of The Itawis Families Of Isabela, Philippines		

Parallel Session (A) (13.30-15.30)			Session in English		
Oral Presentation 31 May 2016					
Room	**Sub-Theme**	**Presenter**	**Title**	**Chairperson**	**Discussants**
D-339	**6. Law and Good Governance**	1. Damorn Kumtrai	1. Cyber Warfare and International Humanitarian Law: Searching for Perception and Response of the Government of Thailand	**Dr. Thepparat Phimolsathien, Asst. Prof.**	**1. Dr. Wanida Phromlah (COPAG)**
		2. Walaiwan Mathurotpreechakun	2. The Legal Measures of Professional Sports Between Asean Countries: A Case Study of Professional Soccer		
		3. Maria Jane Angela Isabel C. Odulio	3. Effective Case Management Information System: A Key Cornerstone of Good Governance in the Judiciary		**2. Dr. Panarat Machamadol (Faculty of Law, MSU)**
		4. Phichet Thangto	Buddhadhamma to prevent corruption in Thai Society		

Oral Presentation 31 May 2016

Room	Sub-Theme	Presenter	Title	Chairperson	Discussants
D-412	**7. Education Governance in ASEAN (I)**	1. Nguyen Quang Ve	1. An Assessment Needs of Primary School Principals' Transformational Leadership in Thua Thien Hue Province, Vietnam	**Dr. Sangkom Pumipuntu, Asst. Prof.**	**1. Dr. Kuboon Charumanee (COPAG)**
		2. Prapassara Thanosawan	2. Global education and Research in Thai Education		
		3. Pham Hao Nhien	3. An Assessment on Needs of developing Teacher Competency in Student Assessment in The University of Danang, Vietnam		**2. Dr. Weerachat Soopunyo, Assoc. Prof.**
		4. Tatpol Vajarodaya	4. The eight demands of Leadership Model for Thailand's Higher Education Institutions and Business Schools in Asia to Achieve Global Competitiveness and Financial Sustainability		

Parallel Session (A) (13.30-15.30)			Session in English		
Oral Presentation 31 May 2016					
Room	**Sub-Theme**	**Presenter**	**Title**	**Chairperson**	**Discussants**
D-202	**8. Education Governance in ASEAN (II)**	1. Agung Purwa Widiyan	1. Program Development to Enhance Instructional Leadership of Primary School Principals in Banten Province, Indonesia	**Dr. Kowat Tesaputa, Asst. Prof.**	**1. Manaswee Arjunaka (COPAG)**
		2. Nuttapong Khachornsaengcharoen	2. The Study of Components and Indicators of the Program to Develop Student's Discipline under Mahasarakham Primary Education Service Area 1		
		3. Vanthong Phanlacktham	3. Developing a Program to Enhance Teachers' Leadership for Luangprabang Teacher Training College, Lao PDR		**2. Cherngchan Chongsomchai, Asst. Prof. (COPAG)**
		4. Sam Synoun	4. Developing a Program Developing a Program to Strengthen Teachers' Servant Leadership at Sustainable Cambodia organization in Pursat, Cambodia		

Parallel Session (A) (13.30-15.30)				Session in English		
Oral Presentation 31 May 2016						
Room	Sub-Theme	Presenter	Title	Chairperson	Discussants	
D-219	**9. Role of NGO in Japan**	1. Yutaka Katayama	1. Changing Landscape of Government-NGOs Relations in Multinational Level: Cases of Japan and Middle Income Countries in Southeast Asia	**Dr. Yutaka Katayama, Prof.**	**1. Dr. Surat Horachakul, Asst. Prof.**	
		2. Saya Kiba	2. Japan's ODA Fund to the NGOs : Assessing the Impacts on Projects/Programs		**2. Dr. Gamolporn Sonsri, Asst. Prof.**	
		3. Akio Kawamura	3. Rights-Based Approach to Development and its implications to Government-NGO relationship			

			Parallel Session (A) (13.30-15.30)		**Session in English**	

Parallel Session (A) (13.30-15.30) — **Session in English**

Oral Presentation 31 May 2016

Room	Sub-Theme	Presenter	Title	Chairperson	Discussants
D-334	**10. Growth and Development**	1. Mark Lawrence Cruz	1. In Search of Inclusive Growth and Development: The Philippine Experience	**Dr. Somjai Phagaphavivat, Assoc. Prof.**	**1. Dr. Samrit Yossomsakdi, Assoc. Prof.**
		2. Maria Faina Lucero Diola	2. Organizational Development Assessment of a Collaborative Rural Development Initiative: Knowledge Capture and Strategic Change Management		**2. Dr. Nattakant Akarapongpisak, (COPAG)**
D-333	**11. Public Policy / Public Reform (I)**	1. Dyah Anantalia Widyastari	1. Suharto's population policy in contemporary Indonesia:Family planning program, compulsory education or marriage act plays the greatest role to fertility decline?	**Dr. Wilhelmina L. Cabo, Assoc. Prof.**	**1. Dr. Vinai Poncharoen, Asst. Prof. (COPAG)**
		2. Wahyuningrat	2. Analysis of Labor Force Management to Arrange the Effective Employment Policy in Indonesia		**2. Dr. Piyapong Boossabong, (COPAG)**
		3. Wilhelmina L. Cabo	3. Youth and Political Participation in the Philippines: Voices and Themes from a Democracy Project		

Parallel Session (A) (13.30-15.30)			Session in Thai		
Oral Presentation 31 May 2016					
Room	**Sub-Theme**	**Presenter**	**Title**	**Chairperson**	**Discussants**
D-201	**12. Public Policy/Foreign Policy**	1. Darunee Srimaneerat	1. A Study for Developing Policy Recommendations for Road Accidents Reduction in The Area of Bangkok Metropolitan: A Case of Sai Mai District	**Dr. Achakorn Wongpreedee, Assoc. Prof.**	**1. Dr. Subunn Ieamvijarn, Assoc. Prof. (MBS, MSU)**
		2. Wayoon Salalnukulkit	2. China's foreign policy for disputes over Spratly Islands between 2012-2015		
		3. Wachirawat Ariyasirichot	3. Loeng Faek Model : Driving Policy Mechanism to Support a Sub-District Children and Youth Council, Reflecting Collaborative Governance		**2. Jintana Muangman (COPAG)**
		4. Wassayos Ngamkham	4. Collaborative Disaster Management: Government Agencies and the Media		
		5. Pacharaporn Timwat	5. Collaboration Dealing with Haze Pollution From Neighboring Country to Thailand Under ASEAN Agreement on Transboundary Haze Pollution		
D-340	**13. Constitution/ Referendum**	1. Pongpipat Thaolada	1. The Referendum On the Draft of the Constitution of the Kingdom Of Thailand: Problems and Challenges	**Dr. Prayote Songklin, Assoc. Prof.**	**1. Dr. Sanyarat Meesuwan, (COPAG)**

		2. Chalermkiat Parawech	2. The Politics of Constitution Drafting of the Thai Kingdom 1949	(COPAG)	2. Sunthonchai Chopyot (COPAG)

Parallel Session (A) (13.30-15.30)			**Session in Thai**		
Oral Presentation 31 May 2016					
Room	**Sub-Theme**	**Presenter**	**Title**	**Chairperson**	**Discussants**
D-206	**14. Strategic Management (I)**	1. Suparbpong Laosansuk	1. Quality of Life Improvement the Outsourcing Security Officers Bank of Thailand	**Dr. Sittichai Thansriskul, Assoc. Prof.**	**1. Kanta Vilachai, (COPAG)**
		2. Malee Jetsadaluk	2. The Entry into the Labor Market of Migrant Burmese : Case of Seafood Supply Chain, Samutsakorn		
		3. Yuthtakarn Rachakang	3. The Study of Structural System in Providing assistance Between The War Veterans Organization of Thailand under Patronage of His Majesty the King and U.S. Department of Veterans Affairs		**2. Piyathida Kogpho, (COPAG)**

Parallel Session (B) (15.45-17.45)			Session in English		
Oral Presentation 31 May 2016					
Room	**Sub-Theme**	**Presenter**	**Title**	**Chairperson**	**Discussants**
D-207	**1. Public Policy / Public Reform (II)**	1. Maria Fe Villamejor Mendoza	1. Policy Reforms to Improve the Quality of Public Services in the Philippines	**Dr. Pechladda Pechpakdee**	**1. Dr. Pobsook Chamchong, (COPAG)**
		2. Dini Mulyati	2. Drug Use: Perceived Availability of Drug Use in One's Community and Perceived Drug Use in the Community among University Students		
		3. Piyapong Boossabong	3. Uban Policy in Thailand : Looking Back and Moving Forward		**2. Dr. Wariya Chinwanno, Asocc. Prof.**

Parallel Session (B) (15.45-17.45)			**Session in English**		
Oral Presentation 31 May 2016					
Room	**Sub-Theme**	**Presenter**	**Title**	**Chairperson**	**Discussants**
		4. Pondej Chaowarat	4. Public Policy of Cycling Promotion in Mahasarakham City		
D-212	**2. Environmental Governance / Climate Risk Change (I)**	1. Jocelyn C. Cuaresma	1. Assessment of the Implementation of the Typhoon Yolanda Rehabilitation Program	**Dr. Jocelyn C. Cuaresma, Assoc. Prof.**	**1. Dr. Benjamin Vallejo Jr., Prof.**
		2. Kristoffer B. Berse	2. In between the Everyday and the Invisible: Climate Change Perception and Adaptation among Filipino Children		
		3. Manoranjan Mishra	3. Smart use of Climate Data and Information in Indian Agriculture: Opportunities and Challenges		**2. Dr. Sanyarat Meesuwan, (COPAG)**

Room	Sub-Theme	Presenter	Title	Chairperson	Discussants
		4. Achyut P. Adhikari	4. Communicating Climate Change: Issues ahead and Action Needed in Himalayan Regions		
D-201	3. Woman's Leadership	1. Marie Rose Q. Rabang	1. Women's Participation In The Local Politics In Ilocos Sur	Dr. Ferdinand Lamarca, Prof.	1. Dr. Buraskorn Torut, Asst. Prof.
		2. Divina Quemi	2. Woman and Transformative Leadership		
		3. Ma. Theresa F. Pescador	3. Carmeling Pichay Crisologo: Leadership of the Most Influential Woman in Ilocos Sur Politics		2. Dr. Wasan Luangprapat, Assoc. Prof.
		4. Reni Juwitasari	4. Developing a Program to Enhance Women Leadership Challenge of Primary School Principals in Banjar City, West-Java Province, Indonesia		

Parallel Session (B) (15.45-17.45)   **Session in English**

Oral Presentation 31 May 2016

Oral Presentation 31 May 2016					
Room	**Sub-Theme**	**Presenter**	**Title**	**Chairperson**	**Discussants**
D-211	**4. Governance in Health Services**	1. Rapeepan Narkbubpha	1. The Satisfaction towards Scenario-based Learning in Enhancing the Ability to Solve Problems of Maternal and Newborn Nursing during a Normal Delivery	**Dr. Songkramchai Leethongdee, Assoc. Prof.**	**1. Dr. Achakorn Wongpreedee, Assoc. Prof.** **2. Noemi C. Bautista**
		2. Doni Marisi Sinaga	2. Fecal coliform bacteria and factors related to its growth at the Sekotong shallow wells (West Nusa Tenggara, Indonesia)		
		3. Heni Purnama	3. Relationship between Insight, Family Support and Medication Adherence Among Patients With Schizophrenia In Bandung, West Java, Indonesia		
		4. Nazliansyah	4. Knowledge, Availability of Hand Washing Facilities, Perceived, and Hand Washing Behavior among Elementary Schools in Indonesia		

Oral Presentation 31 May 2016

Room	Sub-Theme	Presenter	Title	Chairperson	Discussants
D-218	**5. Governing Freedom of Expression in the Philippines and Thailand**	1. Arminda V. Santiago	1. Indie Filmmaking : The Struggle for Freedom of Expression	**Dr. Arminda Santiago, Prof.**	**1. Dr. Saya Kiba, Asst. Prof.**
		2. Danilo A. Arao	2. Press Freedom, Governance, and Culture of Impunity: The Alarming Case of the Philippines		
		3. Victor C. Avecilla	3. Freedom of Information and the Philippine Broadcast Media		
		4. Elena E. Pernia	4. Communicating Science-Based Information on Biodiversity and Resilience & Its Potential for Local And National Governance		**2. Dr. Lee Chung Hee, Prof.**
		5. Tanyatorn Panyasopon	5. Mass Media and the Promotion of ASEAN: Perspectives from Thai		

Session in English

			Oral Presentation 31 May 2016		
Room	Sub-Theme	Presenter	Title	Chairperson	Discussants
D-340	**6. Governance in Tourism**	1. Sarinthip Pantapalungkul	1. The Motivation, Expectation and Perception of International Patients towards Medical Tourism in Thailand	**Dr. Somkiet Poopatwiboon, Asst. Prof.**	**1. Dr. Prayote Songklin, Assoc. Prof. (COPAG)**
		2. Thitiphon Bunpluk	2. Push and Pull Factors Influencing the International Gay Tourists to Travel to Thailand		**2. Dr. Joan T. Carinugan, Assoc. Prof.**
D-334	**7. Environmental Governance / Climate Risk Change (II)**	1. Weena Gera	1. Institutional incentives and community deliberations in local urban governance for resilience and sustainable development	**Dr. Charlie Navanugraha, Assoc. Prof.**	**1. Dr. Tavida Kamolvej, Asst. Prof.**
		2. Elizabeth F. Milo	3.Disaster risk-poverty nexus: Empirical evidence concerning rural fisher folk communities in the typhoon Yolanda corridor		**2. Dr. Mastura Mahmud, Prof.**
		3. Robinson M. Perez and Ricmar P. Aquino	3. Effectiveness of The Policing Program Against Illegal Logging In The Fourth District of Isabela Province		

Session in English

		Oral Presentation 31 May 2016			
Room	**Sub-Theme**	**Presenter**	**Title**	**Chairperson**	**Discussants**
D-339	**8. Local Wisdom/ Management**	1. Kanitha Chitchang	1. Ratchadamnoen Avenue. and the Community Development : A Case Study of the Ratchanadda Temple's Community.	**Dr. Sujin Butdisuwan, Assoc. Prof.**	**1. Dr. Taweesin Suebwattana, Asooc. Prof.**
		2. Khanthamaly Yangnouvong	2. Management of Local Wisdom Information in Vientiane Metropolitan Are, Lao People's Democratic Republic		**2. Dr. Sisikka Wannajun, Asst. Prof.**

| | | | Oral Presentation 31 May 2016 | | |

Parallel Session (B) (15.45-17.45)   **Session in Thai**

Oral Presentation 31 May 2016

Room	Sub-Theme	Presenter	Title	Chairperson	Discussants
D-333	**9. Public Policy (I)**	1. Chanchanoke Chennarong	1. Corruption and Its Impact on the Confidence of Transnational Corporations Electronic Industries' Investment in Thailand	**Dr. Ake Tangsupvattana, Assoc. Prof.**	**1. Thawatchai Pongsri, (COPAG)**
		2. Teerapon Kreangpun	2. Accountability and problems of network governance : case of The Teachers Council of Thailand		
		3. Pongpat Siruntawineti	3. The Desired Attributes of the Governing officers in Southern Border Provinces		**2. Prin Tepnarin, (COPAG)**
		4. Paluz Kaewsupasawat	4. Enforcement of the Alcoholic Drink Control Act, B.E.2551, Around Mahasarakham University		
		5. Nattawut Pechdamdee	5. Policy Regarding the Increasing of the Role of Standing Committee, The Senate on Controlling State Administration		

Parallel Session (B) (15.45-17.45)   **Session in Thai**

Oral Presentation 31 May 2016

Room	Sub-Theme	Presenter	Title	Chairperson	Discussants
D-412	**10. Local Government**	1. Sojirat Keawnurn	1. A Preliminary Study on Local Internal Audit System: A Case of Local Authorities in Nonthaburi Province	**Dr. Wanida Phromlah (COPAG)**	**1. Cherngchan Chongsomchai, Asst. Prof. (COPAG)**
		2. Danai Kamkoon	2. The Formation and Movement of The Associations of Sub-District Administrative Organization (SAO) Officials After 1994		
		3. Somnuek Panyasing	3. The Development of Civic Politics within the Community Democracy Development Process: A Case Study of Na Chum Saeng Sub-district, Phu Wiang District, Khon Kaen Province		**2. Tipsuda Yanapirat (COPAG)**

Oral Presentation 31 May 2016

Room	Sub-Theme	Presenter	Title	Chairperson	Discussants
D-219	**11. Urban Development**	1. Prasongchai Setthasuravich	1. Kingdon's model of Agenda Setting of Rail Transit System in Thailand : A Case Study of Thailand's High Speed Train Project	**Chalermkiat Parawech, Asst. Prof. (COPAG)**	**1. Kanta Vilachai, (COPAG)**
		2. Premchai Janjumpa	2. Cultural Capital Management for Urban Development, Songkhla Municipality, Thailand		
		3. Jattupon Lama Permwongmak	3. The Role of the Strategic Committee and Party Branches of the Democrat Party in Northeast Region		**2. Piyathida Kogpho, (COPAG)**
		4. Patcharapan Chobtham	4. The National Term about Waste : A Roadmap for Implementing a Management of Solid Waste and Hazardous waste Policy by National Council for Peace and Order (NCPO)		

Parallel Session (B) (15.45-17.45)			Session in Thai		
Oral Presentation 31 May 2016					
Room	**Sub-Theme**	**Presenter**	**Title**	**Chairperson**	**Discussants**
D-202	**12. Strategic Management (II)**	1. Malilynn Prasertsang	1. Corporate Social Responsibility Strategic Implementation of Listed Companies in The Stock Exchange of Thailand: Set Sustainability Awards 2015	**Dr. Sittichai Thansriskul, Assoc. Prof.**	**1. Dr. Apichat Jaiaree, Asst. Prof.**
		2. Nittaya Banko	2. Factors affecting the engagement of government personnel Merchant Marine Training Centre Marine Department, Ministry of Transport		**2. Wachirawat Ariyasirichot (COPAG)**

Parallel Session (B)(15.45-17.45)			Session in Lao		
Oral Presentation 31 May 2016					
Room	**Sub-Theme**	**Presenter**	**Title**	**Chairperson**	**Discussants**
D-214	**13. Social and Economic Development in Lao-PDR**	1. Bounmy Ladsamyxay	1. Problems on Foreign Laborer Management in Lao PDR Research from 2014-2015	**Dr. Alongkorn Akkasaeng, (COPAG)**	**1. Dr. Subunn Ieamvijarn, Assoc. Prof. (MBS, MSU)**
		2. Somphonexay Vongdara	2. Vision and Strategy : Economic-Socio Development Plan in 10 years of Lao PDR (2016-2025)		
		3. Somphavanh Sihalath	3. The Problems and Obstacles in Improving of the Local Administration in Lao PDR		**2. Sunthonchai Chopyot (COPAG)**
		4. Daviengsouk Vangvichith	4. The Prevention of using violence towards Lao's woman and the support of woman's role at the present time		

List of Chairs Discussants and Rapporteurs

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