

Chapter 9: Conclusion

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CHAPTER 9

CONCLUSION

As we have seen from previous Chapters, political and legal reforms resulting from the promulgation of the current Constitution and the organic laws are underway and lead to a plethora of changes.

In the aspect of transparency and accountability, the Constitution and the Official Information Act B.E. 2540 (1997) provides the public with wider opportunities to have access to information in hands of State agencies, thereby promoting transparency and accountability in the exercise of state powers. In fact, Thai people now begin to get accustomed to requesting official information from various agencies and obtaining their personal information possessed by any official agencies. Indeed, a number of cases have been brought before the Administrative Court by private individuals against the agencies possessing official information. In addition, the exercise of powers by state agencies or officials are seriously under the supervision of several constitutional supervisory bodies, including the Constitutional Court, the Administrative Court and the Ombudsman. Accountability on the part of those involved in the discharge of official functions is thus strengthened.

As individuals are more assiduous in exercising their rights in accordance with the Constitution and the Official Information Act (through the Constitutional Court, the Administrative Court and the Ombudsman), government officials take greater care in their performance of functions as provided by law. This truism is also fostered by the fact that both the public and the media are keeping an eye on the government and its officials. This is perceivably a movement towards real transparent and accountable government in Thailand.

In addition to the legal measures guaranteeing the transparency and accountability of the government, the Constitution also recognises and, in effect, promotes a wider range of popular participation in political activities, which will, in turn, help bolster the more transparent and accountable government. At present, individuals may participate in political activities in various forms. Such participation

can, in effect, be initiated by a group of persons, a local community and a local government organisation as well.

The legal reform in the context of human rights protection is much evident, too. In this instance, the Constitution has implanted various legal measures and mechanisms for this purpose. Most importantly, the National Human Rights Commission is the major mechanism to supervise actions violating human rights in Thailand.

The new Constitution invests more attempts towards the betterment of local government. In fact, the Constitution imposes on the State the duty to develop local government and promote popular political participation in the locality. Indeed, the real independence and potentiality of local government is being under the process. However, expectations and doubts are mixed in this the matter.

Another reform can be envisioned in the anti-corruption maneuvers in the government and administration. The Constitution and the organic law on counter corruption has redesigned the organ in charge of combating corruption - the National Counter Corruption Commission. But, given that corruption in Thai society is deep-rooted, the Commission will have to be fast-paced in this respect, and not only the Commission but also the society as a whole should cope with the problem hand in hand.

Judicial review stands in the realm of recent reform as well. The Constitution empowers judicial bodies to supervise and remedy the encroachment upon people's constitutional rights and liberties. Most remarkably, Administrative Courts are established for the first time in the Thai history to try and adjudicate disputes of administrative nature, especially between a State official and a private individual. Undoubtedly, the reform of the judicial system within the framework of the Constitution is expected to bring into being an effective safeguard against violations of the people's rights and liberties as recognised by the Constitution.
