

Management of NGO/INGO in Thailand: Development, Practices, Concerns and Recommendation¹

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Abstract

Generally speaking, Thailand has a long tradition of and is well known for its generosity in giving to philanthropic, religious as well as numerous social causes. This, basically, could be a main root for non-governmental organization or NGO to place its footprint in Thai society. The term NGO, however, has still been understood in various ways by different individuals, groups, and organizations in the country. Ordinarily, in a general Thai context, NGO refers to citizen organizations in every area, ranging from education to health care to poverty-reduction to the environment. Many NGOs are registered as foundations or other forms of legal entity, some however prefer to stay as informal as possible. At present, NGOs in Thailand are quite varied and diverse, while mostly seem to coexist quite well with the government and its governing laws. Even so, despite a relatively open and free environment for NGO, a number of them have often faced hostile reactions from others in the country. With Thailand's political transformation and rapid change in today's world, NGO's space in the society has become somewhat even more limited. Given NGO's experience, expertise and value in numerous areas, this paper is an attempt to present a big picture of what's going on with the NGO concept in Thailand, particularly its development and current practices. At the end, some concerns and recommendation are provided and questions are raised in order to emphasize the importance of working together among all relevant parties for the most good of all.

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Development of NGO/INGO in Thailand

As far as one concerns, the first NGO was established in Thailand for more than 100 years ago (Vadhanasindhu, 2002). Apart from the original Thai Red Cross Society, there were also a number of charitable foundations and associations. Concerning their modern development, NGOs in Thailand started to consolidate their position only after the 1980s on the ground of rural development. Later, rapid economic growth (during the 1980s and increasingly in the 1990s) contributed to the environment for various NGOs to disperse widely in Thailand. Throughout the 1990s, because of the great number of questions concerned with social justice within the national development policy, several Thai NGOs have therefore changed their focus from rural development services to diverse campaign movements against social, environmental and economic injustices, especially ones with mega project. Then, because of valuable experiences derived from their work as well as learning process with participation from local people; NGOs have enriched their skill and have enabled them to utilize systematic, holistic and more comprehensive approaches to their activities and process. Unsurprisingly, as a result, Thai NGOs have received a good recognition and been considered as a critical voice in challenging many controversial government policies. At present, Thai NGOs play somehow a very important role and seems to collaborate better with the government.

As for international NGOs, during the past national development stages, Thailand received also several overseas assistance services from a number of foreign non-governmental organizations. One of the very first international NGOs in Thailand was the British Voluntary Service Overseas, dated back to 1961, followed closely by the United States Peace Corps in 1962 (Mc Quistan, Mark phaengthong and Permpatr, 1998). Most assistances during this first few decades were mainly in the field of education, while some aided in public health projects such as tropical disease eradication. Later, the activities had grown to cover a somewhat wide area from rural development to social and environmental issues. During the past two decades, however, foreign aid in several areas including education has seemed to diminish. While, another form of international assistance seemed to increase, namely, financial assistance to support various rural development projects. As such, international NGOs provide now various forms of aid ranging from voluntary help to material and financial assistances in order to support their services and beneficiaries.

Although, recent governments have recognized and accepted the role and importance of NGOs, as well as have requested more NGO participation in many national development projects and processes. There's still some existing conflicts in fundamental concepts, practical approaches and working strategies between the government and the NGO sector. Time and efforts

are required to reach mutual understanding among them, which if succeed could definitely result in effective cooperation for the coming future of the society.

Current practices of NGO/INGO in Thailand

From the study of the Public Welfare Department (Vadhanasindhu, 2002), more than 80% of Thai NGOs were found after 1957. Exact data of the total number of NGOs in Thailand is still not available. It has been estimated, however, that there are at least 20,000 non-governmental organizations, many of them though have a very short life span, fading away as quickly as they emerge. Overall, Thai NGOs may be categorized into nine groups according to their field of interest as follows:

- Rural Development
- Children and Youth Development
- Education Development
- Human Right
- Coordination and Services to other NGOs
- Environment
- Urban (Slum) Development/Basic Health

Development

- Consumer Protection
- Appropriate Technology

Registration of both local and international NGOs in Thailand is not centralized and has to be conducted through a variety of government agencies. Accordingly, a lot of NGOs choosing not to have a formal registration since it is not a

compulsory one. By law, the establishment and oversight of Thai NGOs are governed by the Civil and Commercial Code of 1925 (last amended in 1992). In addition, the National Cultural Act of 1942 established the National Cultural Commission, a governing body responsible for both establishment and oversight of foundations and associations—two main legal categories of most NGOs in Thailand. While, under the Civil and Commercial Code, the National Police Office Bureau retains responsibility for establishment and oversight of associations, and the Ministry of the Interior holds a responsibility for foundations. All in all, it should be noted here that this “dual system of responsibility” —one that has more than one agency responsible for the same issue—is similar to the system in Taiwan and China (Karla, 2002).

For international NGOs interested in operating within Thailand, first they must apply for permission before establishing a local office. Currently, the operation of foreign NGOs in the country is under the authority of the Ministry of Labor and Social Welfare, and is regulated through two primary laws (Siam Legal International, 2016):

(1) Regulations of the Ministry of Labor and Social Welfare on the Entry of Foreign Private Organizations to Operate in Thailand B.E.2541 (1998)

(2) Regulation of the Committee on Consideration of the Entry of Foreign Private Organization Governing principles for consideration and instructions on the entry of

foreign private organizations to operate in Thailand and the establishment of regional offices in Thailand B.E. 2543 (2000)

The law establishes the Committee on Consideration of the Entry of Foreign Private Organizations which is charged with granting permission to foreign NGOs to operate in the country. Customarily, consideration of whether to grant permission to a foreign NGO will depend on the following factors:

- The national policy regarding economic development, society, and national security
- Maintaining good relations between Thailand and other countries
- The purposes and manner of operations of the foreign NGO applying for permission to operate
- The views and suggestions of the relevant government department
- The benefits to Thailand for allowing the foreign NGO to operate in the country

At present, it could be said that regulation for both domestic and international NGOs in Thailand has been highly subject to the government discretion. That's why Thai NGOs have been working with the government for some time now to devise a new and more appropriate set of regulations for the sake of the public good. So far, various drafts have been prepared and presented to the public with quite a positive response from several parties involved, though not all yet.

Concerns and recommendation

In Thailand, just like many other Asian countries, NGOs have been regarded with some suspicion by a lot of people. Nevertheless, given their experience, participation and understanding of problems especially on a specific case, together with strong service orientation as well as skill and commitment to assist the needed people, NGOs seem to be ideally fitted to take on the role of leaders and trainers in reaching social demands for development and justice. To obtain these benefits, both government and NGOs need to meet several challenges. Three key concerns and recommendation that may be raised here include the followings. The first concern is about the existence of the NGO itself, since if a responsible agency is going to permit an entity a legal status, it should be able to check (at least to a minimum requirement) to make sure that the grant would be appropriate. On the other hand, the government should also keep in mind a balance between an extensive control of the NGO establishment and the freedom to associate of NGOs who are willing to obtain a legal entity status. The second concern deals with the NGO's professional conduct and ethics to ensure that its purposes as stated in the legal documents will be exercised properly. For the good cause of the people, if a NGO engages in an activity that could affect the public, the government should hold a legitimate responsibility in ensuring the safety and greater good of the public. Therefore, the government oversight

of NGO's both foreign and domestic should be appropriate and commonly accepted, given that all involved parties aim the best for the public. The third and last concern has to do with the NGO's funding challenge, including any tax privilege it enjoys. Funding is normally a critical issue for most NGOs both locals and the international ones. Unfortunately, since Thailand achieved middle-income status in the last few decades, a great number of international donors have begun to withdraw from the country which caused NGO financing to dry up. To fund their projects or any activities, many NGOs in Thailand then have to rely upon volunteers and non-grant sources of funding from within the country. As such, a number of NGOs have lately faced difficulties to secure their financial sustainability, forcing many of them to close down. While, on the tax privilege issue, most governments normally grant some forms of tax exemption or special treatment of donations to NGO, they should therefore have a reasonable power to ensure that only those who meet with the legal criteria are allowed the privileges. Otherwise, tax evasion could become worse, or even mislead those who want to do something good for people.

As one last thought, NGO is indeed a relatively recent phenomenon in Thailand. Most have sprung up almost overnight in the past decade or so. In reality, some are largely the result of the development activities of NGOs and state agencies that have worked at grassroots level to organize local groups and to mobilize them to carry out certain activities. To receive all the required supports and be able to achieve their goal, NGOs have to communicate effectively their vision, activities and achievements to the public. Whether NGOs will be able to seize the opportunities is still uncertain. Can they make the necessary compromises in partnering with others? Can the government strike a balance between all those concerns about NGOs and their usability in dealing with social demands in development and justice? Will the government sectors and their officials be able to adjust to a new role as partners with NGOs? All in all, shifts in mindset, values and behavior—not to mention relevant law and policy—are really in need on all sides for the most good to the most people.

References

- ADB. (2011). *Civil Society Briefs: Thailand*. Bangkok, Thailand.
- Kepa. (2015). *Reflections on Thai Civil Society*. From www.kepa.fi/tiedostot/reflections-on-thai-civil-society-2011.pdf
- McQuistan, Colin, Markphaengthong, Saowalak and Permpatr, Jitkasem. (1998). *Non Government Organizations in Thailand: A general overview with emphasis on North Eastern Thailand current status and potential for development cooperation in the Greater Mekong Subregion*. Thailand.
- Siam Legal International. (2016). *Operating a Foreign Non-governmental Organization in Thailand*. Thailand.
- Simon, Karla W. (2002). *NGO Regulation in East and Southeast Asia: A Comparative Perspective*. Center for International Social Development, Catholic University of America.
- Vadhanasindhu, Chindalak. (2002). *Role Sharing and Collaboration between Governments and NGOs for National Development in Thailand*. School of Public Administration National Institute of Development Administration, Thailand.
- Vichit-Vadakan, Juree. (2001). *Central Role in Development for Thai NGOs?*. From www.globalpolicy.org/component/content/article/176/31191.html