

Executive summary

A sound public integrity system requires a multi-faceted approach, in which disciplinary mechanisms and sanctions, risk management, and integrity in policy and decision making play a pivotal role. Enforcing the integrity measures through sanctions is a necessary element to prevent impunity among public officials and to ensure the credibility of the integrity system as a whole. Integrity risk management supports decision making and ultimately helps to ensure the achievement of integrity objectives. Integrity in decision making ensures the pursuit of the public interest in policy making and improves the delivery of public services in the long-term, promotes fair competition and helps restore trust in government. The Integrity Review of Thailand – Phase 2 deepens the analysis in these three key areas of Thailand's integrity system, in line with the 2017 OECD Recommendation of the Council on Public Integrity. Together with the OECD Integrity Review of Thailand – Phase 1, the finalisation of this Phase 2 makes Thailand the first country in Asia-Pacific to complete a full review of the key pillars of the country's public integrity system.

Regarding disciplinary mechanisms, Thailand has a solid foundation in place for enforcing integrity rules and standards as stipulated in the Civil Service Act B.E. 2551 (2008), which covers the disciplinary regime for officials hired and appointed to government service. However, further reforms are required to improve its quality and introduce a more coherent approach to disciplinary processes.

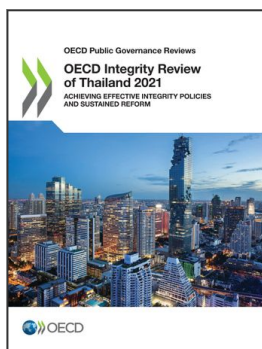
In order to strengthen the quality of the disciplinary investigations, the Office of the Public Sector Anti-Corruption Commission (PACC) and the Office of the Civil Service Commission (OCSC) may establish a registry of trained disciplinary investigators with appropriate legal and investigative background and create “shared” disciplinary offices. PACC and OCSC may also establish fixed timeframes for the conclusion of each step of the disciplinary investigation to ensure timeliness and efficiency. As multiple institutions currently hold similar roles for disciplinary investigations, Thailand may reduce complexity in the institutional set-up by centralising the mandate for carrying out disciplinary investigations under PACC. Furthermore, although efforts have been made to collect data on the disciplinary system, there is currently no systematic approach for using disciplinary data to improve integrity policies. In response, Thailand may centralise the responsibility for collecting and processing statistical disciplinary data to the OCSC, make selected disciplinary information publicly accessible, and leverage collected data to assess the effectiveness of the disciplinary enforcement system.

Risk management is another key pillar for a sound integrity system and good governance. Recent national reforms in Thailand have helped to modernise the government's approach to identifying and responding to risks. Nonetheless, key areas for improvement remain. First, the Thai government, particularly the Comptroller General's Department (CGD), can further clarify the roles and responsibilities for managing risks in its own policies and guidelines. This also can be an opportunity to further refine the CGD's communications strategies to promote the value of risk management as a management tool for better decision making and good governance, rather than a compliance exercise. Second, the government can improve its strategy for and implementation of integrity risk assessments. The OECD identified at least three different approaches to assessing risks, which are carried out by different entities in government. Harmonising these efforts can help to reduce potential duplication and ensure government officials understand their obligations for managing risks and controls. Capacity building with regards to assessing

risks, especially at the regional level, is also a critical area for improvement. Lastly, there are opportunities to ensure continuous improvements to integrity risk management and the maturation of the internal control system as a whole. Monitoring and evaluation (M&E) policies and practices are critical elements of an internal control policy, as reflected in international standards. The CGD can further develop M&E plans, as well as a process for quality assurance assessments, to advance learning and ongoing improvement.

Regarding integrity in policy design and decision making in the public sector, the enactment of the Act on Legislative Drafting and Evaluation of Legislation B.E. 2560 (2019) was a considerable step towards promoting integrity in decision-making processes. The Act requires to involve the public throughout the entire drafting process, and, additionally, it establishes the need to develop a centralised system, providing details and guidance on processes and gathering all information on public consultations. This promotes stakeholder engagement and participation, as well as the effective enforcement of the regulation.

Despite this advance, there remains a lack of specific regulations on interaction between the private and the public sector during legislative drafting or policy making process more broadly, as well as a lack of public information on policy makers' agendas or composition of committees. This regulatory shortfall makes Thailand's public policies vulnerable to capture by special interests. This is confirmed by the World Economic Forum's Global Competitiveness Report 2017-2018, showing that Thailand exhibits lower levels of perceived transparency in government policy making than other countries in Southeast Asia and the OECD. At the same time, according to the Global Right to Information Index (RTI) the legal quality of Thailand's Official Information Act is slightly above the average score of other South East Asia countries. Building on this, it is vital that the upcoming reform of the Official Information Act B.E 2540 (1997) provides guidance for citizens on how to request information and strengthens the independence of the Information Commissioner by, for example, making its decisions binding and providing it with its own budget.



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