

IMPORTING GOVERNANCE INTO THE THAI POLITY: COMPETING HYBRIDS AND REFORM CONSEQUENCES

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ABSTRACT

The author argues that the import of the idea of “governance” into the Thai polity has resulted in several competing interpretations. The body of knowledge on governance in Thailand is not yet well-developed. Chaos and contradictions are characteristics of the field of study. First, the author explains the six interpretations of governance: the new democracy or democratic governance, good governance, the efficiency perspective, the Ten Guiding Principles for the King, the Thaksin system, and the ethical issue interpretation. Second, the author discusses the four reform consequences arisen from the import of governance: the difficulty in determining which is the correct prototype of governance; the problem from cloning deformed hybrids; the confrontation among competing hybrids; and the appropriate level of analysis for the concept of governance.

INTRODUCTION

The central argument is that the import of governance paradigms into the Thai polity has generated various competing interpretations of governance. The body of knowledge on governance in Thailand is in a state of chaos. For Thais, there is no clear answer as to what exactly is “governance.” Governance means different things to different people. It can also mean different things to the same people in different circumstances. Contradiction appears everywhere.

The paper is divided into two major parts. First, the author argues that so far, there are five major interpretations of governance in Thailand: the new democracy or democratic governance, good governance, the efficiency perspective, the Ten Guiding Principles for the King, the Thaksin system, and the governance as an ethical issue perspective. The origins, assumptions and problems of each interpretation are explained. These six interpretations present us with hybrids of governance in Thailand. The second part discusses four reform consequences arisen from the import of governance: the difficulty of determining which prototype of governance is the correct one; the problem from cloning deformed hybrids; the confrontation among competing hybrids; and the appropriate level of analysis for governance.

COMPETING HYBRIDS FROM DIFFERENT INTERPRETATIONS OF GOVERNANCE

The existence of many interpretations of governance in Thailand meant that there is no agreement as to which interpretation is the most suitable. Each interpretation of governance has produced many hybrids that have their own perspectives or frameworks for understanding governance. Since they are different, these hybrids are in a state of

competition. The governance puzzle becomes even more complicated if we consider the fact that we can not agree on the nature of the prototypes that produce the five interpretations of governance. For example, good governance may mean different things for the World Bank and the ODA (Overseas Development Agency).

It is difficult to pinpoint when exactly “governance” entered the Thai polity. As far as the author can recall, the concept of governance arrived in Thailand during the early 1990s. At that time, leading Thai intellectuals were trying to come up with the Thai equivalent of governance. Several alternatives were suggested, for example, *thammarat* (meaning a just state) and *thammapiban* (meaning governing justly). Governance was not alone, as other words such as globalization and the rebirth of liberal democratic values also became the catchwords of the late 1980s and beginning 1990s. When the new 1997 Constitution was promulgated, governance principles and values were incorporated. At the same time, the Chuan II Government at the end of 1990s had also requested the TDRI (Thailand’s Development Research Institute) to come up with a blueprint for “good governance” in government. As a member of the TDRI team led by former PM Anand Panyarachun, the author recall that one day, we agree to experiment with the word *thammapiban* instead of *thammarat*, and since then this word became to signify good governance in Thailand. Later on, the TDRI blueprint of 1999 would develop into an Order of the Office of the Permanent Secretary of the Office of the Prime Minister of 1999, and eventually into a Royal Decree during the Thaksin I Government in 2003.

The author will now explain the six postulated interpretations or prototypes of governance in terms of their sources, characteristics, problems and implications.

First Interpretation: Governance as the New Democracy (Democratic Governance)

The first interpretation of “governance as the new democracy” or “democratic governance” rests on the principle of citizen power. Citizens are the master of government. The position of the prime minister is temporal, and whoever assumes such a position does so in the name of the citizen who owns the country. Therefore, there should be strong independent mechanisms acting in the interests of the citizens that monitor the government work. This first interpretation of governance reflects the ideas contained in the suggested theories on governance proposed by scholars such as Rhodes (1996), Peters (1996), and Bowornwathana (2006a). It represents the conventional interpretation of governance as understood by contemporary scholars in public administration. As I have suggested before, governance can be seen as the movement away from the old state-centric model of government to a new democracy called “governance” emphasizing citizen power and the dispersal of power from the center (Bowornwathana, 1997, 2001a).

Democratic governance came into Thailand after a major political crisis in 1992. The People’s Uprising which resulted in the 1992 May Bloodshed brought down the fall of General Suchinda’s military-authoritarian rule. After the regime change, the belief of many Thais was that Thailand needed a major political reform to prevent democracy from military takeovers and other forms of authoritarian rule. A Peoples’ Constitution Drafting Committee was set up to draft a new constitution which was promulgated in 1997. In short, the 1997 Constitution was Thailand’s answer to governance.

Constitutional reform of 1997 represents the author's big bang or tsunami hypothesis on reform (Bowornwathana, 2005a). New ideas about democratic practices were drawn from the experiences of several foreign countries all over the world. Thai reformers were quick and flexible in borrowing the new ideas and mechanisms emerging from foreign countries. For example, the freedom of information act and the administrative procedure act were passed after observing the experiences of developed countries such as the United States and the United Kingdom; an administrative court system was for the first time set up with the help of the French administrative court model; the constitution court was also for the first time established in Thailand by looking at experiences of developed countries ; the ombudsman system was also set up for the first time by emulating the Swedish Ombudsman; the Election Commission was influenced by the experiences of India and the Philippines; the National Human Rights Commission was influenced by ideas from the United Nations and countries such as the United States.

The major characteristics of the new democracy adopted by the 1997 Constitution are as follows. First, accountability, transparency and open government represent the key principles of the new democracy. Accordingly, the central thrust of the new 1997 Constitution is to design new independent accountability institutions which will play the role of check and balance on the exercise of power by the prime minister and the government executive. These independent accountability mechanisms are: the Election Commission, the Ombudsmen, The National Human Rights Commission, the Constitutional Court, the Administrative Courts, the National Counter Corruption Commission, and the State Audit Commission. The choices of commission members and constitutional court members are made by the Senate. Therefore, it is imperative that senators must be neutral and independent from outsiders. The prime minister and government members must not be allowed to influence the decisions of the senators. Therefore, candidates who are likely to be pro-government should not be appointed to these commissions. Another central theme of the 1997 Constitution is freedom of the press and expression. Newspaper or radio or television broadcasting businesses shall enjoy their liberties to present news and express their opinions under the constitutional restrictions without the mandate of any State agency (Section 41). A person shall enjoy the liberty to express his opinion, make speeches, write, print, publicize, and make expression by other means (Section 39). A person shall enjoy an academic freedom (Section 42). In short, the government can be criticized, and the mass media should be allowed to present news from all sides. The prime minister and government should not dictate and introduce censorship on the mass media.

Second, the new democracy also stresses the importance of corruption abatement. Accountability, transparency, and open government can not be achieved when the polity is plagued with corruption. A strong counter corruption system must be created. International agencies such as the United Nations, the World Bank, the OECD, the ADB, and Transparency International were in harmony in orchestrating the return of the anti-corruption movement. In this regard, the 1997 Constitution laid down a new counter corruption framework: an independent national counter corruption commission is set up (see Section 297-307); and rules for criminal proceedings against persons holding political positions are specified (See Section 308-311 of the 1997 Constitution). New forms of corruption such as conflicts of interest were not to be tolerated. Fairness and justice in government practices were highlighted.

Third, the new democracy or democratic governance supports the idea of a smaller central government that does less. Local governments, the civil society, communities, and NGOs should be strengthened. Many public services undertaken by the central government should be transferred to others. The central government should no longer acts as the core or focal actor of all public policies. In Thailand, the 1997 Constitution has emphasized the necessity to decrease the traditional role of central government by providing more autonomy to the local governments (Section 282-290).

Second Interpretation: Governance as Good Governance

The second interpretation of “governance as good governance” has its origins from the policies of international organizations, in particular the World Bank and the International Monetary Fund. The argument goes like this. The reason why developing countries are facing economic and social upheavals is due to the lack of good governance. Bad governance meant that “the manner in which power is exercised in the management of a country’s economic and social resources for development,” (World Bank, 1994, xiv) is not carried out properly. The World Bank identified three distinct aspects of governance: (1) the form of political regimes; (2) the process by which authority is exercised in the management of a country’s economic and social resources for development; and (3) the capacity of governments to design, formulate, and implement policies and discharge functions (World Bank, 1994, xiv). Thus, bad governance can result from having the wrong political regime, the misuse of authority in the management of the country, and low policy capacity of governments. In this regard, the World Bank has made it as a condition that any Third World or developing country that wants to borrow money from the World Bank must reform its government in line with good governance principles of the World Bank. The usage of good governance is usually confined to developing countries. This explains why the word good governance is rarely used when referring to problems in government of developed countries such as the United Kingdom and the United States.

The 1997 economic crisis of Thailand had bankrupted the Thai Government. It was necessary for the Thai Government to borrow money from the World Bank and the IMF. In this regard, the Thai Government in consultation with the World Bank came up with a plan to reform the Thai bureaucracy. According to the plan, several conditions were laid out. For example, in the first three-year loan of \$400 million of Thailand’s Public Sector Reform Program of 1999, two tracks, public finance (reforms in expenditure management, tax administration, and fiscal decentralization) and public administration (enhancing the quality and efficiency of service delivery by introducing performance-based human resource management systems, and organizational renewal in selected line ministries) were laid out. In practice, several central agencies such as The Civil Service Commission, the Budget Bureau, the National Economic and Social Development Board, the Finance Ministry, the Office of the Juridical Council came up with their own programs for their share of the World Bank loan.

Good governance was regarded as a necessary condition for the recovery of the Thai economy. The Chuan II Government requested the TDRI (Thailand’s Development and Research Institute) under the leadership of former PM Anand Punyarachun, to devise a plan for good governance. The TDRI team came up with a “Proposal for Promoting

Good Governance of January 1999.” The TDRI proposal contained the following suggestions: (1) the promotion of Thai good governance; (2) the promulgation of good governance act as required by the 1997 Constitution; (3) the resulted-oriented public sector reform covering budgeting reform and personnel reform; (4) the solving of government corruption; and (5) building good corporate governance (TDRI, 1999).

TDRI good governance proposal develop into an Order of the Office of the Prime Minister on “building good governance and society of August 10th, 1999.” According to the 1999 Order, good governance consisted of managing and promoting Thai society in line with six principles: (1) legal principle (laws must be up-to-date and fair, accepted by society; (2) merit principle (honesty, sincerity, hard-working, tolerance, discipline); (3) transparency principle (mutual trust, transparency of government agencies, freedom and access of government information by the public, devise process allowing the people to check the accountability of government; (4) participation principle (encourage people’s participation in major decisions of the country, public inquiry, public hearing, opinion polls); (5) responsibility principle (awareness of one’s duties and rights, sense of social responsibility, concern for country’s problems, respect of difference of opinion, and the courage to assume responsibilities from one’s action; (6) economy principle (use of resources for maximum return, encourage Thais to economize, produce high quality goods and services that are globally competitive, and maintain sustainable development of natural resources).

In 2003, the Office of the Prime Minister Order on building good governance and society of August 10, 1999 was replaced by the Royal Decree on “the principles and methods of good governance” which was enacted in accordance with the revised Public Administration Act of 2534 B. E. (No.5, 2002) which specified that the government must lay out the principles and methods of good governance. According to the new 2003 Royal Decree, good governance refers to the administration of government that meets the following objectives: (1) government practices that are beneficial to the well-being and happiness of the people, peacefulness and safety of society, and provide maximum benefit to the country; (2) government practices must meet the objectives of the state, which meant that government agencies must devise operative plans ahead with stated goals, missions, performance indicators; (3) government practices must be efficient, substantially contributing to the achievements of missions of the State; (4) streamlining of government work so that government services to the public would become faster and more convenient to the public; (5) the revision of government agency’s functions in accordance to the public administration plan, cabinet policies, budget capacity, the worth of missions, and changing conditions; and (6) the evaluation of government work by an independent team in terms of objective accomplishment, client satisfaction, and contribution to mission success.

Third Interpretation: Governance as an Efficiency Problem

Under the Royal Decree on the principles and methods of good governance of 2003, good governance became bureaucratized under the main responsibility of the newly created Office of the Public Sector Development Commission (*ko po ro*) which split-off from the Office of the Civil Service Commission (*ko po*). Good governance was given a narrower meaning with a clear focus on the efficiency dimension of reform, or the nuts and bolts of public policy. Unfortunately, the efficiency value was chosen at the

expense of other values such as accountability, honesty, and flexibility. All of the sudden, actions considered to be good governance are making strategic plans, creating one-stop service centers, and conducting performance evaluation. No longer were actions that directly foster accountability, transparency, and clean government important parts of the 2003 Royal Decree on good governance. Again, the changes in the direction of good governance have added to the confusion regarding the interpretation of the governance concept.

Interpreting governance as an efficiency problem fits well with the new public management (NPM) reforms that occurred in several developed countries such as the United Kingdom and New Zealand (Pollitt and Bouckaert, 2004; Bowornwathana, 2001b, Hood, 1991). NPM refers to the introduction of management techniques from the private sector to the public sector. In this regard, strategic planning, balance scorecard, performance measurement, managing by results are all examples of governance. International agencies such as the World Bank encouraged the Thaksin Government to emulate the experiences of countries with NPM reforms.

Like all NPM reforms, interpreting governance as an efficiency problem has several problems (Bowornwathana, 2004b, 2000). First, management tools that are suited for businesses may not work well in government. Second, management tools are only fashions, they come and go. They are not really useful in improving government. Third, management tools from the business school have tendencies to centralize power in the hands of the prime minister and provide opportunities for domain expansion for the focal central agency in charge of the reform. Fourth, management tools can be expensive and a waste of money, such as hiring expensive consultants. Fifth, management tools burden government officials especially at the line agencies by demanding them to follow the new rules of the game, fill in new bureaucratic forms, and obey the instructions of the central agencies. Sixth, management tools can inject the wrong government culture and values, and disregard important basic values such as government ethics.

Fourth Interpretation: Governance as the Ten Guiding Principles for the King

To interpret governance as the qualities of a good Thai king may sound weird to foreigners. But if you ask a typical Thai who is unaware of the public administration literature on governance or what governance is, he will answer that the idea of governance or *thammapipan* in Thai, is nothing new. To him, governance refers to Buddhist teachings of the Ten Guiding Principles for a King (*tossapitratchatham*). The ten Guiding Principles for a King are: giving (dana); self conduct (sila); giving up (paricaga); straightness (ajava); gentleness (maddava); perseverance (tapa); non-anger (akkodha); not causing injury (avihimsa); endurance or patience (khanti); and not going wrong (avirodhana).

The problem with interpreting governance as the Ten Guiding Principles for the King is that governance is actually a recent word used to explain a phenomenon under a democratic regime where democratic values such as citizen power and government accountability and transparency are prioritized. Meanwhile, the Ten Guiding Principles for the King have their origins from a thousand-year-long Thai tradition of absolute monarchy rule. Another problem is that governance is a multi-level concept, while the

Ten Guiding Principles for the King is an individual level of analysis. Governance has structural implications as well as individual ones. Nevertheless, governance as the Ten Guiding Principles for the King finds its way among many Thais because of its nationalistic flavor and simplicity.

Fifth Interpretation: Governance as the Thaksin System (*rabop taksin*)

After five years in power, Prime Minister Thaksin Sinawatra developed a government system which came to be called by several Thais as the Thaksin system (*rabop taksin*). When PM Thaksin and his Thai Rak Thai Party came into power, government reform was undertaken with the aim of centralization power in the hands of the prime minister: a phenomenon the author called *prime ministerialization* (Bowornwathana, 2004a). The country was like a company that belongs to the prime minister. The country must be run like a company by using the strong CEO model that allows the super CEO to centralize power. Under the Thaksin system, the best form of government was complete centralization of power in the hands of the prime minister. Everything must be put under strict control of the prime minister: the bureaucracy; state enterprises; independent organizations in charge of ensuring government accountability such as the constitutional court, the national counter corruption, the election commission; the senate; the police; the judiciary system; and parliament. For example, the Thaksin system supported the idea of a one-party parliament with no opposition. Another rule of the Thaksin system is that all provincial administration and local governments had to be under the super CEO prime minister. The prime minister must be able to control all municipalities, provincial administrative organizations, and sub-district (*tambon*) administrative organizations, and village headmen.

Absolute control by the prime minister was achieved by putting prime minister's men into all these key positions. The mass media, televisions, newspapers, radios must serve the prime minister. Criticism against the prime minister and government was not tolerated. Press censorship was strictly practiced. If possible, the mass media had to be put under the ownership of the prime minister and his men. The role of civil society and NGOs was minimized. To ensure compliance, all means were used: payment, patron-client networks, position promises, verbal and physical threats, taxation inspection, harassment by the mafia and the police. Potential competitors such as other political parties, the opposition, and business enemies must be eliminated.

One may wonder why it is so important for the Thaksin system to have a government with such an authoritarian power in the hands of the Prime Minister (Bowornwathana, 2004c; 2006c). According to the Thaksin system, government must serve business interests of government politicians. The more the control the prime minister has over the government, the better government can serve the business interests of the prime minister. Government, in this regard, is like a big branch of a big company. Another branch consists of companies in the business world owned by the prime minister, cabinet members and politicians. Government and business conglomerates must complement one another. Government assists the business world so that more profit could be made. Higher profit enables the prime minister to use profit money to strengthen control of government.

If one understands the Thaksin system, one should not be surprised to see that conflicts of interest, policy corruption, and double standards were widely practiced by the Thaksin Government (Bowornwathana, 2006b, 2005b, 2005c). Some examples are given. The Government runs THAI International, but Thaksin's family entered airlines business by launching Air Asia to compete with THAI. Government hospitals were forced to subsidize the government 30 baht health care populist policy, while the Thaksin's family took over several middle-size hospitals. Privatization of Thailand's Petroleum Authority (PTT) gave the government politicians the privilege to buy the stocks at low price and reap big gains from the increase in stock prices later. Favorable government policies had enabled the Thaksin family to increase the value of their Shin Corp. stocks and make huge profit from the sale of Shin Corp. to Singapore's government-owned company, Temasek.

One may even wonder more how an authoritarian system such as the Thaksin system can be classified as one interpretation of governance in Thailand? Throughout the years, PM Thaksin used government propaganda especially television and radio channels to convince Thais that his strong leader model is working in the interests of the people. Populist policies were brought in to please the voters. Claims of political legitimacy were made by using the number of votes (19 millions) his TRT Party received during the 2005 elections. From a business point of view, Thaksin became the marketing brand. Everything that is Thaksin was deemed to be good. So the Thaksin system is one form of governance, and governance becomes a political tool of the Thaksin Government. However, for opponents of the Thaksin Government who prefer the democratic governance version of governance, the Thaksin system is unacceptable because it is completely authoritarian.

Sixth Interpretation: Governance as An Ethical Issue

Former Prime Minister Thaksin had been criticized by many Thais as a prime minister who does not practice good governance because of widespread nepotism and corruption. The Thaksin system was seen as an instrument of the former prime minister to practice bad governance. Increasingly, the word governance has been used to refer to an ideal government leader who adheres to high ethical standards of behavior. The President of the Privy Council, former prime minister General Prem Tinsulanond had given several public lectures conveying the message that governance is an ethical issue. "Corruption" became a major reason why the military staged a coup and overthrew the Thaksin Government in September 11, 2006. Because of the political events, the concept of governance was narrowed down to mean the ethics or virtues of the individual leader. A leader with good governance became a person who is honest and corruption-free.

This latest interpretation of governance is still in its formative stage. Confusion arises when one tries to pinpoint what exactly is an honest and corruption-free leader? Many questions need to be clarified. Is a devout Buddhist a good governance person? Is a leader who proclaims himself to follow the King's principles of self-sufficient life-style practicing good governance? Can a military dictator who claims not to practice corruption be called a good governance leader?

REFORM CONSEQUENCES OF COMPETING HYBRIDS

“Chaos” is a good word to describe the major consequence of the reform diffusion process of governance in Thailand. Everyone is to be blamed for the confusion: Thai Governments (such as Anand, Chuan, Banharn, Chavalit, and Thaksin Governments); international organizations such as the World Bank, UN, ADB, OECD; foreign governments such as the United Kingdom and the United States Governments); Western and Thai scholars; consultant companies; the mass media; the internet; and social leaders. These persons and organizations have their own interpretations of governance. Even among political scientists who specialize in different sub-fields such as public administration, international relations, and comparative politics- the word governance can have different interpretations (Kjaer, 2004). As a result, if you ask a Thai government official these days about the meaning of governance, he will come up with at least a hundred indicators.

Such a confusion arisen from the reform process of governance comes from the ignorance of Thais about the complexity of the international body of knowledge on governance. The fact that there are several interpretations of governance by international scholar also added to the complication. Since governance meant several things, it was important that we should be able to rank the priorities of the dimensions of the governance concept. For example, is accountability more important than low corruption, downsizing, or fairness? What is the most important indicator of governance? These questions remain unanswered.

The existence of various interpretations of governance has several implications. First, the six interpretations of governance produce competing and contradictory governance reform hybrids. Several questions are unanswered. If the idea of governance has so many meanings, then, is governance still a useful concept? The author believes that the concept of governance can be made meaningful only when we accept the idea that though governance can mean many things to many people, the way to handle the concept is to pick one most important characteristic of governance. To the author, the interpretation of governance as the new democracy or democratic governance makes a lot of sense. Governance should most of all guarantees the independence of independent accountability organizations to check and monitor the use of government authority by the prime minister.

If accountability is the most important dimension of democratic governance, the implications toward other interpretations of governance are as follows. The good governance interpretation has several characteristics that resemble the democratic governance perspective such as concern for accountability and transparency. The efficiency perspective of governance is rather far from the democratic governance. The Ten Guiding Principles for the King is rather out of place. The Thaksin system is a contradiction to the democratic governance because it is authoritarian in nature. The ethical interpretation of governance does not distinguish between an honest authoritarian from an honest elected leader. Democratic governance assumes that the regime is democratic in nature.

Now, suppose we choose other interpretations of governance as the guiding perspective, what then happens? If governance is seen as good governance, then the democratic

governance, the efficiency approach, the Ten Guiding Principles for the King, the Thaksin system and the ethical perspectives are rather irrelevant. If governance takes the efficiency perspective, then, the democratic governance, the ten Guiding Principles for the King, good governance, the Thaksin system and the ethical perspectives are eliminated. And, if governance is defined as the Thaksin system, then the remaining five perspectives are irrelevant.

Second, the confusion involved in the numerous interpretations of governance has resulted in bad or deformed hybrids of governance. Of course, which one is a good hybrid or a bad hybrid is a subjective matter. Assuming that democracy is preferred over authoritarian rule, the best interpretation of governance is the new democracy or democratic governance. Based on such an assumption, the unacceptable interpretations of governance that produce deformed hybrids are the Thaksin system, the Ten Guiding Principles for the King, and the efficiency perspective. The Thaksin system perspective is the opposite of democratic rule. The Ten Guiding Principles for the King are suitable for an absolute monarchy environment. The efficiency perspective serves the political boss, and therefore can be anti-democracy if the prime minister becomes a tyrant. Only the good governance perspective that emphasizes the accountability and transparency aspects of governance has the capacity to produce good hybrids.

Third, another interesting consequence of the existence of many competing governance hybrids is that it can lead to serious confrontation between persons with different opinions. This is exactly what happened in Thailand between anti-Thaksin and pro-Thaksin groups. The former believes that PM Thaksin is not following the democratic governance paradigm. To them, Thaksin's style of governance is authoritarian. Meanwhile, the latter believes that Thaksin has his own style of governance. Another example is when those who adhere to the governance as efficiency perspective are in conflict with those who represent the democratic governance perspective. For advocates of the democratic governance, management efficiency is a far less important than accountability and honesty.

Fourth, a possible solution to the problem of competing hybrids may open up once we consider the issue of levels of analysis. There are three levels of analysis: macro, meso, and micro (African Development Bank, 1993). The author believes that the concept of governance is a macro level concept since it deals with regime analysis. Thus, the new democracy or democratic governance is the best interpretation. Good governance, the efficiency perspective, and the Thaksin management style are meso or middle level analysis perspective. They can easily lead us to see trees instead of the forest. The qualities of a Good King are micro level, and can only render our focus even narrower.

CONCLUSION

The author has argued that the import of governance into the Thai polity has created numerous hybrids of governance. Six interpretations of governance in Thailand are: the new democracy or democratic governance, good governance, the efficiency perspective, the Ten Guiding Principles for the King, the Thaksin system, and the ethical interpretation. Each interpretation of governance has its own origins, assumptions, strengths and weaknesses. At the end, reform consequences from the competing hybrids

are discussed. Future research should focus on whether other countries share similar or different experiences with Thailand when they import governance into their polities.

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