

Thailand National Strategy Preparation Act

The National Legislative Assembly (“NLA”) has passed the National Strategy Preparation Act B.E. 2560 (“NSPA”) and it was signed by HM the King on 26th July 2017. It was published in the Royal Gazette on 31st July 2017 and became effective on 1st August 2017.

The NSPA provides that Thailand must have a National Strategy (“NS”) as a target of sustainable development pursuant to the principle of good governance. The NS must be used as a framework for preparation of national reform plans that are harmonious and integrated and lead to achievement of the said target for a period of not less than 20 years. The NS must be made as a royal proclamation and published in the Royal Gazette. All the administration policies of the Cabinet, the national economic and society development plans, the national security plans and policies and other plans and annual budgets must conform with the NS. The Cabinet must supervise and support all the State agencies so that they implement the NS and all the plans and policies prepared in conformity with the NS. The Cabinet must coordinate, consult with or give recommendations to chiefs of state agencies in legislation, judiciary or independent organizations or public prosecution organizations so that they also implement the NS and all the plans and policies prepared in conformity with the NS.

A National Strategy Committee (“NSC”) will be appointed. It has not more than 35 members consisting of 18 ex-officio members and not more than 17 expert members. The Prime Minister is the chair of the NSC. The NSC must prepare a draft of the NS and determine procedures for public participation in drafting the NS and its implementation, give opinions to the Parliament and the Cabinet or relevant state agencies, supervise national reform in conformity with the NS and national reform plans. The NSC must appoint one or several National Strategy Drafting Committees (“NSDC”) to prepare NS drafts for different sectors. Each NSDC must consist of not more than 15 expert members. The NSDC related to organizations of judicial procedures or missions of independent agencies must also be appointed from representatives of such organizations or agencies. The NSC must complete preparation of a draft NS within 120 days from the NSC appointment date for approvals of the Cabinet, the House of Representatives and the Senate within a period of around 120 days to 240 days before it is published in the Royal Gazette.

The NS must contain visions and long-term goals for national development with implementation periods of time and key performance indicators. The national development goals must consist of at least the goals in relation to national security, quality and livelihood of the people, and the roles of the State towards the people. In preparing the NS, the interests of the State and the need for development under the principles of sufficient economy and good governance must be taken into account.

The NSC must use data and knowledge base from careful analysis, trends and future national and global changes and analysis of strength, weakness, opportunities and threats of the country. The

public participation from all sectors must be included. The public hearings must be carried out before and during preparation of the draft NS. The public hearing process must accommodate convenient access and participation by the public so that comments and recommendations can be made easily and in full based on sufficient information.

The NS must cover at least a period of 20 years and be subject to a review every 5 years to be lined within the global or national situations. If and when there occurs any global change of the global situation and if such change has adversely affected the major purposes of the NS, a review of the NS can be made with approval of the Parliament.

After publication of the NS, the NSC must prepare Master Plans (“MP”) for different sectors to implement and achieve the goals set forth in the NS. The MP must be approved by the Cabinet before they are published in the Royal Gazette. The MP and the national reform plans under the law on national reform must conform with each other. The MP approved by the Cabinet bind all state agencies. Preparation of annual budget must conform with the MP.

The Cabinet must issue rules and procedures for monitoring, checking and assessing the implementation of the NS. The state agencies must comply with the NS and report results of their implementation of the NS to the National Economic and Social Development Board (“NESDB”) annually.

After receiving the annual report from each state agency, the NESDB must prepare a consolidated report for the NSC, the Cabinet, the Parliament and the heads of the legislative agency, the judicial agency, the independent agency and the public prosecutor office within 90 days from the date of receiving the annual report from each state agency. These annual reports and the consolidated report of the NESDB must be made available to the public through the IT system of the NESDB. The people who have information of any noncompliance of the state agencies with the NS or the MP can report the noncompliance incident to the NESDB. If the House of Representatives or the Senate finds any state agency fails to implement or comply with the NS or the MP they must forward the matter to the National Anti-Corruption Commission (“NACC”) for investigation and determination of punishment, which must be concluded within one year.

If the NSDC finds any state agency fails to implement or comply with the NS or the MP, the NSDC must notify such agency of its failure and provide suggestions for correction and improvement within 60 days. If any state agency fails to correct or improve its failure per suggestions of the NSDC, the NSDC must report it to the NSC for the NSC to further report to the Cabinet to issue an appropriate order to such agency. If the failure still continues after the Cabinet issues its such order, the NSDC must notify the NACC for investigation and determination of punishment.

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