

 

Thaïlande

Date d'entrée: September 15, 2006

Membre de l'AICESIS

Membre de l'ILO

**Conseil National de Consultation Économique et Sociale (NESAC)**

* **Establishment**
* **Date of creation**December 19, 2000.
* **Year operational**
* **Nature of the texts that create the ESC (Constitution, law, decree, etc.)** legislative Act. It was chartered by the 1997 and 2007 Constitution.

* **Composition**
* **Number of members of the ESC**99 members
* **Membership structure**

            Economic grouping (agriculture, industry, service): 50

            Social grouping (health, education, women, religion…): 19

            Natural resource grouping: 16

            Experts Grouping: 14

            There are 145 full time employees.

* **Duration of the term**3 years renewable
* **Process of designating the members (election, nomination, by whom, etc.)**

The National Economic and Social Advisory Council is made up of 99 members who are elected from representatives of certain groupings, i.e., economic, social, resource bases, and resource persons. These are the groupings categorized according to the fundamental policy guidelines of the state, as specified in the attachment to the National Economic and Social Advisory Council Act of 2543 (A.D. 2000)

The Selection Process:

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**4-** **Mission and attributions**

Article 89 of the Constitution provides that there shall be an organization to render opinions, advice and suggestions to the Cabinet with regard to economic and social matters that would facilitate the implementation of the fundamental policies of the state. The Council's advice and suggestions, be it for or against government's policies, are beneficial matters worth considering by the latter in its administration of the country's affairs.

By the provisions of the Constitution, NESAC does not have an examining nor control power over the Cabinet in its execution of government policies. Rather, NESAC is a consultative body that echoes problems of the mass to the attention of the administration by way of advice and suggestions. This is an apparatus that supports people participation in the country's economic and social development through a broad-based representation of diverse occupations and civic movements. Such diversity brings together economic and social views that contribute to the decision making of the administration. In sum, NESAC is mandated to perform the following functions:

1. Providing advice and suggestions as stipulated in Section 5 of the Constitution and the National Economic and Social Advisory Council Act of 2543 (A.D. 2000), such as:

1.1 Advising the Cabinet on the issues brought up for consultations;

1.2 Studying the issues found to be worth setting as guidance to forming economic and social policies for formulating advice to the Cabinet;

1.3 Preparing and announcing to the public an annual report on the country's economic and social conditions.

2. Making comments on the National Economic and Social Development Plans and other plans as required by law to go through NESAC previews before promulgating into laws.

Nonetheless, there have been controversies over the roles and duties of NESAC ever since the National Economic and Social Advisory Council Act of 2543 (A.D. 2000) took effect until the Council of State, the government's legal advisory commission, later handed down its views regarding the legal status of NESAC and its members. Its interpretation was based on the definition of the term, 'state officials', according to the provisions of the National Economic and Social Advisory Council Act of 2543 (A.D. 2000), in which it generally describes the term with no specific definition.

The Commission argued that 'state officials' are those legally appointed or elected, and hence authorized to perform duties or carry on state missions as determined by laws, or empowered to command others to follow lawful orders according to respective authority. The Act does not empower NESAC or its members who are not bestowed with any particular authority to perform their tasks as individuals. Rather, NESAC collectively functions as a council. NESAC members hence shall not be considered as 'state officials'. (Council of State Memo #116/2548, February, 2005). In addition, the issue of 'administrative power' was brought to the deliberation of the Supreme Administrative Court. The court ruled that the National Economic and Social Advisory Council is not an organization bestowed with any administrative power, but rather an organization that echoes issues concerning national economic and social problems. It is equipped with an authority to provide advice and suggestions to the Cabinet regarding economic and social matters that would facilitate the implementation of fundamental state policies and comment on the National Economic and Social Development Plans, including others as required by laws. (Supreme Administrative Court Ruling #240/2548, June 1, 2005).

**5- Administrative organization of the ESC**

 Chairman and the 2 Vice Chairman are elected by members for 3 years.

**6- Functioning of the ESC**

The Standing Working Groups are responsible for the subject studied. The Council has a legal right to issue own-initiative opinion.

The Council gives its opinions to the Council of Ministers. The Government is obligated to report on the fate of the Institution opinions by written response. The opinions are published in an annual report submitted to the Parliament.

The budget is defined by the NESAC office.

The Councilors receive compensation for meetings and travel allowance.

List of Commissions:

*STANDING WORKING GROUPS:*

Working Group on Infrastructure, Communication and Energy

Working Group on Macro Economy and Public Finance

Working Group on Industry and Commerce

Working Group on Service Sector

Working Group on Income Distribution

Working Group on Agriculture, food and Cooperative

Working Group on Science Technology, Natural Resource and Environment

Working Group on Labor and Social Welfare

Working Group on Education, Religions and Culture

Working Group on Quality of Life, Health and Consumers’ Protection

Working Group on Justice, Human Rights and Good Governance

Working Group on Decentralization, Participation and Networking

*SUPPORTING WORKING GROUPS:*

Working Group of NESAC Affairs

Working Group on Budgeting

Working Group on Academic Affairs

Working Group on Communication

**7- Achievements of the ESC**

* **Main publications/studies**

Draft of the National Economic and Social Development Plan (as stipulated by law)

Making an Employment System for Illegal Immigrants from Myanmar, Laos, and Cambodia

Free Trade Agreement (FTA) Negotiation between and the United States of America

Human Rights Remedy Policy for Affected Persons from Government-run Hospitals

The 3-Route Electric Train Project

Monitor and Evaluation of the Education Reform In Accordance With the State Basic Policies and the National Education Act

Patronization and Protection of Buddhism

Guidelines on Development of Systems for Warning, Facing, and Fleeing in Tsunami Cases

Assisting Farmers Affected by Water Disaster

Guidelines for Fair and Sustainable Management of Water

Problems of Children’s Snacks and Children’s Health

Strategies for Economic Development on Service Sector

Working on Personal Status of Ethnic Groups in Thailand

Management Principles of Community Forests

Japan-Thailand Economic Partnership Agreement (JTEPA)

Establishing an Independent Consumers Organization

Polluted Water in Prachine-Bangpakong River: The Sarapee Watergate Case

Assisting Farmers in the Project of 1 Million-Rai Rubber Plantation

Solving the Problem of Fruit Price Drop

National Agriculture Council Act

Laws for Promotion and Development of Children Life Quality

* **Best practices**

**8- Affiliations**AICESIS

* [Note on Social Dialogue (May 2013)](http://www.aicesis.org/files/organizations/88/130522_AICESIS_Social_Dialogue_in_THAILAND.docx) (407.91 Kb) [Télécharger](http://www.aicesis.org/files/organizations/88/130522_AICESIS_Social_Dialogue_in_THAILAND.docx)

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