

Thesis Title	:	Liberty to Association of Civil Servants under the Constitution of the Kingdom of Thailand B.E. 2550	
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ABSTRACT

This study has an objective in exploring ideas and historical aspects of the exercise of liberty to association and ideas in establishing a union or a federation for government officials. It also examines principles and law supporting liberty of association, as well as rules and laws involving freedom of association of government officials in Thailand, in comparison to that in France, Germany and the Philippines. Potential problems and obstacles in exercising the right to assembly in order to establish a union for government officials in Thailand are analyzed.

The study finds that the problem regarding the right to associate of government officials in Thailand is that there has been no legal basis to guarantee such right. The Constitution B.E. 2550 provides that government officials have freedom of association and the Civil Service Act B.E. 2551 contains provisions that respond to such principle. The provisions stipulate that government officials have liberty of association, but the exercise of such liberty must not affect functionality of public administration and continuity of public service provision. Also, the exercise of right must be free from political objectives. However, currently there has been no applicable law that sets out necessary rules and steps in initiating association of government officials. The author is of the opinion that, when comparing the exercise of right of association of government officials in France, Germany, and the Philippines, the objective of association lies upon the need to establish government union for the benefit of members' public function by encouraging positive relationship between the members, provide guidance, advice, assistance and solutions to problems that arise at hand. Moreover, the establishment of the union and its administration must not interfere with public functions and

continuity of public service provision. As for the prohibition against the exercise of right to associate, each country imposes sets of rules differently. In Germany, government union cannot engage in strikes or negotiation. In France, the right to negotiate is guaranteed in the State Statute, dated 13 July 1983. In the Philippines, government officials have a right to negotiate with government departments to improve their employment conditions.

This paper recommends that there should be a strong support for an initiative in Thailand to enact law or legislation that guarantees freedom of association for government officials. The legislative form can be royal decrees which have an effect of enhancing liberty to associate for civil servants, allowing the establishment of a union or a federation of government officials. Not only should the royal decrees establish the right to associate alone, they should also provide certain sets of rules and practice guides regarding the negotiation process and potential strikes by placing a condition that the exercise of such right must not affect the functionality of public duty and the continuity of public service provision. This paper finds that the right to negotiate allowed in the Philippines and the right to strike of government officials allowed in France can be adapted and applied to the Thai system, especially in the legislative process. Understanding the two models together will provide true benefit for the development of Thai government officials' freedom of association as a whole.

