

I. NCCC in brief When The Constitution of The Kingdom of Thailand B.E. 2540 was announced eight independent organizations were established. One of the organization was National Counter Corruption Commission [NCCC] which is the national organization to be responsible for preventing and combating corruption in Thailand.

Vision of the NCCC: To uproot the corruption network from the country, NCCC has expanded its roles in preventing and suppressing corruption to cover both government and private sectors. The NCCC will promote good moral values to the people to encourage clean and transparent politics, and a sensible and equitable society.

Mission of the NCCC: To accelerate a network of cooperation between government sector, private sector, civil society, mass media, and international organizations as well as to amend laws, rules and regulations, and improve working and cooperative processes so as to develop a well-planned and flexible management scheme including personality development strategies and updated monitoring and evaluating plans using information technologies.

Objective of the NCCC:

1. To increase the cooperation and participation of every working agents in preventing and suppressing corruption.

2. To amend laws, rules and regulations, and improve working and cooperative processes

3. To improve working structures as well as promoting the transfer of authorities from the central administration units to others

4. To develop the quality of working agents and technologies used for supporting the mission accomplishment.

### Powers and Duties of the National Counter Corruption Commission

The NCCC has the following powers and duties under the Organic Act on Counter Corruption:

1. To inquire into facts, summarise the case and prepare the opinion to be submitted to the Senate under,Removal from Office the persons holding the positions of Prime Minister, Minister, Member of the House of Representative, Senator, President of the Supreme Court of Justice, President of the Constitutional Court, President of the Supreme Administrative Court, Prosecutor-General,

Election Commissioner, Ombudsman, Judge of Constitutional Court, Member of the State Audit Commission, Vice President of

the Supreme Court of Justice, Judge of the Supreme Administrative Court, Chief of the Military Judicial Office, Deputy Prosecutor-General, a person holding a high-ranking position and others according to the law;

2. To inquire into facts, summarise the case and prepare the opinion to be referred to the Prosecutor-General for the purpose of prosecution before the Supreme Court of Justice Criminal Division for the persons holding the positions of Prime Minister, Minister, Member of the House of Representative, Senator, or other political official who become unusually wealthy, commit offences of malfeasance in office under The Penal Code or corruption under other law and shall also apply to the case where the alleged culprit or other person is the principal, instigator or aider and abetter;

3. To inquire and decide whether a State official has become unusually wealthy or has committed an offence of corruption, malfeasance in office or malfeasance in judicial office;

4. To inspect the accuracy and actual existence of assets and liabilities of State officials and inspect change of assets and liabilities or the persons holding political positions;

5. To prescribe rules with respect to the determination of positions and classes or levels of State officials obliged to submit an account showing particulars of assets and liabilities;

6. To submit an inspection report and a report on the performance of duties together with remarks to the Council of Ministers, the House of Representatives and the Senate annually and publish these reports for dissemination;

7. To propose measures, opinions or recommendations to the Council of Ministers, National Assembly, Courts or State Audit Commission for the purpose of improving the performance of government service or formulating action plans or projects of Government agencies, State enterprises or other State agencies in an endeavour to control corruption and the commission of an offence of malfeasance in office or malfeasance in judicial office;

8. To refer matters to the agency concerned for the purpose of making a request to the Court for an order or judgment canceling or revoking a right or document of title in

respect of which the State Official has given approval or granted permission conferring the rights or benefits or issued the document of title to a particular person in contravention of the law or official regulations to the detriment of the government service;

9. To take action with a view to preventing corruption and building up attitudes and taste concerning integrity and honesty, and to take such action as to facilitate members of the public or groups of persons to have participation in counter corruption;

10. To give approval to the appointment of the Secretary-General;

11. To appoint persons or a group of persons for performing duties as entrusted;

12. To carry out other acts provided by this Organic Act or other laws to be the responsibility of the N.C.C. Commission which are as follows:

- the Organic Act on Criminal Proceedings Against Persons Holding Political Positions, B.E. 2542(1999).

- the Offence relating to the Bid to the State Agencies Act, B.E. 2542 (1999).

- the Partnership and Share Management of the Minister Act, B.E. 2543(2000)

## Powers of the NCCC

In the performance of duties under this Organic Act, the N.C.C. Commission has the powers as follows:

1. To give an order instructing a Government official, Official or Employee of a Government agency, State Agency, State Enterprise or Local Administration to perform all such acts as are necessary for the performance of duties of the N.C.C. Commission or to summon relevant documents or evidence from any person or to summon any person to give statements or testimonies, for the purpose of a fact inquiry;
2. To address a written request to a Government agency, State agency, State enterprise, local administration or private agency to carry out a particular act for the purpose of the performance of duties of, or the conduct of a fact inquiry or the making of a determination by, the N.C.C. Commission;
3. To file an application with the competent Court for an issuance of a warrant permitting and entry into adwelling-place, place of business or any other place including a vehicle of any person from sunrise to sunset or during the working hours for the purposes of inspecting, searching, seizing or attaching documents,

- property or other evidence related to the matter under inquiry. If action is not completed within such time, such action may be further taken until its completion;
4. To prescribe regulations with respect to the rules and procedures for the payment of per diem, travelling fees and remuneration of a witness and in connection with the performance of duties of competent officials or other matters, for the execution of this Organic Act;
  5. To prescribe the regulation with respect to the payment of a reward in connection with corruption according to Section 28
  6. Has power to issue regulation or notification with respect to general administration, personnel, budget, finance and property and other business of the Office of the NCCC;
  7. In taking criminal proceedings against a State official under this Organic Act, the N.C.C. Commission shall have the powers as follow:
    - to inquiry into facts and gather evidence in order for the facts to be known or the offence to be proved and in order for the offender to be prosecuted and punished and punished;

- to file an application with the competent Court for an issuance of a warrant of arrest and custody of the alleged culprit who, from the fact inquiry, appears to be an offender or against whom the N.C.C. Commission has passed a resolution that the allegation has a prima facie case, for the purpose of referring such person to the Prosecutor-General for further proceeding;

- grant a provisional release the arrest person with or without bail.

8. The N.C.C. Commission shall have the power to prosecute of its own or appoint an attorney to prosecute on its behalf in the following cases:

- in case that the working group appointed by the N.C.C. Commission and the crown prosecutor has failed to approve a resolution.

- in the case of the alleged culprit is a Prosecutor-General.

9. In conduction a fact inquiry, if the N.C.C. Commission is of the opinion that the continued performance of the accused shall cause injury to the Government service or cause an impediment to the inquiry the N.C.C. Commission shall refer the matter to the superior of the accused for an order of suspension from the



Government service or from work pending the decision of the N.C.C. Commission;

In sum, the Powers and Duties of the NCCC are divided into 3 main functions;

1. Corruption Suppression
2. Inspection of Assets and Liabilities
3. Corruption Prevention

## II. The progress that is being made in Thailand in combating corruption

*Since the current commission took office on 6 October 2006, significant progress has been made in the detection and suppression of corruption in Thailand. For example, of the cases which the NCCC considered, it has resolved to return, dismiss or drop a total of 5,579 cases. The NCCC has inspected the actual assets and liabilities of a total of 13,490 accounts and recently, in the field of corruption prevention, the NCCC has announced a joint commitment with the government to combat malfeasance and to raise the*

*awareness of Thai people in the fight against corruption. Publicity campaigns are being launched throughout the year and the NCCC's subcommittees (with the main objective of creating anti- corruption network) are being set up in 8 targeted provinces in 4 geographical regions of the country and etc.*

*Additionally, the NCCC's policy is to network and coordinate with the international community on fighting corruption. For example, the diplomatic community based in Thailand has been regularly informed of the NCCC's works and determination to combat corruption, while cooperation with a number of international organizations such as UNODC and TI is currently being initiated and progress well.*

*It is significant that Thailand is now determined to seriously suppress corruption and enhance transparency*

*and justice for society, both through the NCCC itself and the Assets Scrutiny Committee. Inquiries are proceeding into major corruption cases which have been proved to be prima facie cases and many important cases are on the point of shortly being concluded. Also steps are being taken to prepare the country and revise legislation in advance of Thailand's taking the step of becoming a State Party to the United Nations Convention against Corruption*

*In terms of the ratification of the UNCAC, key progress or achievement made by the appointed coordinating Committee can be summarize as follows:*

- a) in principle, Thailand has already promulgated several laws which are in compliance with key principles of the UNCAC, especially, mandatory commitments. The current Thai legal and*

*regulatory regimes have enacted and introduced legal provisions which are in line with key principles and provisions of the UNCAC.*

*b) To ensure the full and proper compliance of the UNCAC, the committee agreed that there are only three areas that need amendments to the existing laws as the followings:*

- The definition and provisions relating to “Foreign Public Official” and “Official of a Public International Organization”*
- The suspension of the stature of limitations where the alleged offender has evaded the administration of justice, and*
- Asset recovery*

*Such legislative amendment will soon be submitted to the National*

*Legislative Assembly for their consideration. Once these three amendments were deliberated by the National Legislative Assembly, Thailand will be ready to ratify the UNCAC.*

*Working together with the Government, in its policy announcements, the NCCC has declared its objective of overcoming the widespread problems of corruption and malfeasance. NCCC also emphasizes the necessity of inculcating morals, ethical behavior and good governance, all of which are major components in people-centered public administration and the so-called “sufficiency philosophy”. The national agenda on ethics, good governance and anti-corruption consists of a balance of strategies and legal and*

*ethical measures in its compliance approach. The main objectives of the agenda are to reduce and prevent corruption and malfeasance in state agencies; to foster transparency, honesty and integrity in order to reduce restrictions and loopholes in the Thai civil service and to inculcate good behavior in state officials.*

*In order to achieve this, some of the most important strategic approaches are:*

- *the drafting of the Promotion of Good Governance among State Agencies Act*
- *the establishment of the “National Good Governance Assembly”*
- *the establishment of a supporting government sector agency to be known as the “Office for the Promotion of*

*Morality, Ethics, and Good Governance among State Agencies”*

- *the initiation of the inculcation of morality, ethics and good governance at both organization and personal levels in order to create organizational integrity among state agencies in general.*
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