

**THE ROLES OF ORGANIZATIONS OF DISABLED PEOPLE AND
GOVERNMENT AGENCIES ON THE DISABILITY RIGHT OF
ACCESS TO PUBLIC TRANSPORTATION: A CASE STUDY
ON THE RIGHT OF ACCESS TO LOW-FLOOR BUS**

Cheerawat Charoensuk

**A Dissertation Submitted in Partial
Fulfillment of the Requirements for the Degree of
Doctor of Public Administration
School of Public Administration
National Institute of Development Administration
2019**

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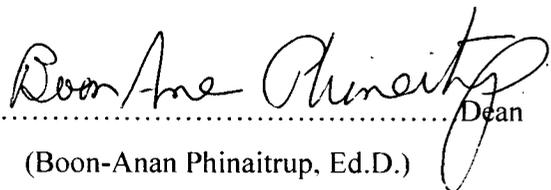
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ABSTRACT

Title of Dissertation	The Roles of Organizations of Disabled People and Government Agencies on the Disability Right of Access to Public Transportation: A Case Study on the Right of Access to Low-Floor Bus
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Degree	Doctor of Public Administration
Year	2019

This research has three objectives including, firstly, to study the roles of organizations of disabled people on their right to access low-floor buses, secondly, to study the roles of government agencies in the provision of low-floor buses, and lastly, to suggest recommendations for improving the role of government agencies on the issue of access to the rights of the disabled people to use general public services. This research uses qualitative research methods. It includes in-depth interviews with the 6 key informants, analysis of relevant documents, and searching relevant information from the internet.

The results of the research show that the organizations of disabled people were trying to support the government to provide low-floor buses through various movements. While the government agencies, especially the Bangkok Mass Transit Authority (BMTA), had ignored the needs of disabled people and trying to support the high-floor buses, which were the traditional buses. These things have occurred especially in the period of the Yingluck Shinawatra government. However, after the coup d'etat in 2014, The Prime Minister General Prayut Chan-ocha demonstrated attention to the needs of disabled people by supporting low-floor buses. That was the reason to have many low-floor buses in Bangkok nowadays. As for the suggestions for government agencies, it is necessary to understand disabled people and their rights in the dimension of being part of citizenship. They should not create distinction, differentiation or reinforce public policy discrimination against disabled people.

ACKNOWLEDGEMENTS

The completion of this dissertation would not have been possible without the support and encouragement of several special people involved in both my life and the dissertation. Hence, I would like to take this opportunity to show my gratitude to those who have assisted me in a myriad of ways.

I would especially like to express my heartfelt thanks to Associate Professor Dr. Pakorn Priyakorn for his support as advisor. His endless patience, continuous feedback, invaluable comments and advice, and critical questions have greatly benefited this dissertation. Specifically, these concerns toward perfection have been the key to the completion of this dissertation.

I cannot express enough gratitude and appreciation to my dissertation committee chair, Associate Professor Dr. Tavee Cheausuwantavee. Thank you for your kindness and encouragement. I am also greatly thankful to the member of my dissertation committee, Associate Professor Dr. Kasemsarn Chotchakornpant, for taking the time to provide valuable comments that helped to complete this dissertation.

I wish to present my special thanks to my Dad and Mom, who dedicated their lives for my education and disciplined my childhood with a strong sense of patience and morality, to my family: my daughters, Meepooh and Mooham, and my wife, Duang, for supporting me spiritually throughout writing this dissertation and my life in general. Specifically to my wife, her encouragement and patience during the writing of this dissertation is invaluable. Without her understanding, I am sure this dissertation would never have been completed. Additionally, I would like to thank my sister, Aor, my wife's family for their role in encouraging me to finish the dissertation, and all my key informants who give me all important documents and ideas.

Cheerawat Charoensuk

May 2020

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ABBREVIATIONS

Abbreviations

Equivalence

ACT	Anti-Corruption Organization of Thailand
BMA	Bangkok Metropolitan Administration
BMR	Bangkok Metropolitan Region
BMTA	Bangkok Mass Transit Authority
CNS	Council of National Security
CRPD	Convention on the Rights of Peoples with Disabilities
DEPD	Department of Empowerment of Persons with Disabilities
DIO	Department of International Organizations
DPI/AP	Disabled Peoples' International Asia-Pacific
MoDHS	Ministry of Social Development and Human Security
MoT	Ministry of Transport
NACC	National Anti-Corruption Commission
NCPO	National Council for Peace and Order
NESAC	National Economic and Social Advisory Council
NESDB	National Economic and Social Development Board
PA	Personal Assistant
TCIL	Thailand Council for Independent Living
TDDF	Thai Disabled Development Foundation

CHAPTER 1

INTRODUCTION

1.1 Statements of the Problem

Travel is part of daily human life. Everyone needs to travel, whether to get to work, school or recreational activities, or to shop or take part in social, political or cultural activities.

Each person's mode of travel may be different, whether traveling on their own (by walking, driving, or riding bicycles, motorcycles, etc.), traveling by relying on other people they know (sitting in a vehicle driven by a family member or friend) or traveling by public transport systems such as taxis, buses, passenger vans, ferries, trains, planes, etc.

Passengers traveling by public transport must pay a fare at the specified rate. If the service is provided by a government operator, the fare will be transferred to the government and become public income. If the service is provided by a private operator, the fare will become part of that operator's revenue, which in turn will be used to calculate the amount of tax the operator must pay to the government. In other words, the public transport system is a service that facilitates travel, and ultimately benefits both passengers and the government.

Among all the travel modes available in Bangkok, the most widely used is buses operated by Bangkok Mass Transport Authority (BMTA), popularly known as Rod May Khor-Sor-Mor-Gor. This is because traveling by bus is a convenient, fast, affordable service, open to meet the needs of the public for extended hours (24 on certain routes). Passengers can travel throughout the service area in both Bangkok and its vicinity, and the inexpensive fares allow people at all levels to be able to use the service. The major problems encountered in traveling by bus are the poor quality of some services, and traffic congestion which may result in delayed arrival.

People with disabilities, especially those with mobility and visual limitations, need to use public transport as much as the general public. Bus is the first choice for people with disabilities because they are both more accessible and affordable.

Access to a variety of other transport services is limited for those with disabilities. A prime example is the BTS elevated rail system. This is a convenient service which can avoid crowded traffic conditions. However, only a small number of BTS stations have installed elevators and, of those that have, some have located them in unsafe locations such as the elevators of Chong Non Si BTS station which are installed on a traffic island. Moreover, BTS fares are considerably higher than buses, and may be prohibitive for people with disabilities who are often poor and have difficulty finding a job.

Another example is taxis. Although nominally accessible for people with disabilities, drivers often avoid picking up the disabled due to the additional burden of assisting the passenger safely into and out of the taxi and/or carrying their auxiliary equipment. Like the BTS, taxi fares are also quite expensive compared to other modes of transport.

It can be said that buses are the most accessible, convenient and affordable public transport service available to people with disabilities. However, disabled passengers still face many problems in traveling by bus. The first is getting a bus to stop, as many bus drivers pretend they don't see people with disabilities. The second is getting on or off the bus. An example is the so-called "high-floor buses" with a 3-step staircase, which are not suitable for people with mobility disabilities, the visually impaired, the elderly, children, and parents with a stroller. In addition, once on a bus, the disabled encounter further obstacles, including lack of parking spaces and anchorages (for people with wheelchairs), audio signals when stopping and braille markings (for the visually impaired), and visual signals (for the hearing impaired).

Since the 1970s, the international community has focused on the rights of people with disabilities.

In 1981, the United Nations declared a universal disability year and developed the World Program of Action in 1982 and Standard Rules for Persons with Disabilities on March 4, 1994 (consisting of 22 criteria). However, many issues for people with disabilities were still ignored and not protected under human rights principles.

On December 3, 2006 the United Nations General Assembly established the Convention on the Rights of Peoples with Disabilities (CRPD). This day has henceforth been recognized as universal disability day. (Power, Lord, & de Franco, 2013, pp. 18-26). There are 163 signatories to the Convention. It can be said that the perspectives of the disability rights movement are on the matters of the rights, honor, respect and participation of the disabled (Schur, Kruse, & Blanck, 2013, p. 3)

Although Thailand ratified the United Nations Convention on the Rights of Persons with Disabilities in 2008, there are many people with disabilities that do not receive their rights including access public transport services. The current situation in Thailand is that people with disabilities are discriminated against as second class citizens. Although Thailand has legislation to support the rights of people with disabilities including the Rehabilitation of Disabled Persons Act 1991 and the Promotion and Development the Quality of Life of Persons with Disabilities Act 2007, in practice it is not enforced. Disabled people still face difficulties due to their environments not being conducive to their needs. The rights, freedom, and equality of people with disabilities have not received as much attention as they should in areas such as travel, access to health services, employment, etc.

In most Thai cities, the social environments are not conducive to supporting the rights of people with disabilities in traveling, working, exercising and recreation. These shortcomings affect the self-worth of people with disabilities, leading to a feeling of inferiority and alienation from the society in which they are living.

According to a study of 184 different laws, acts, and decrees there are 49 issues that clearly express discrimination against people with disabilities and another 75 issues that allow government officials to exercise discretion in dealing with the disabled. In other words, 67 percent of all studied laws allowed for discrimination and unfair treatment of people with disabilities (Namsiriphongphan, 2003, as cited in Cheusuwantavee, 2005)

Movements supporting the civil rights of people with disabilities around the world have called on their governments to resolve the problems in various ways. As a group of beneficiaries, people with disabilities have the right to express their needs as human beings in society and governments have a responsibility to meet those needs.

Organization of people with disabilities is a very important factor in urging a government to formulate and implement policies which meet their needs according to human rights principles.

However, this is not easy to achieve. Although Thailand has previously signed the CRPD and has some legislation supporting the rights of persons with disabilities, in reality discrimination is still found on many levels including the basic right to travel.

Since 2005, a network of organizations representing the disabled has fought to demand the rights of people with disabilities to better access BMTA buses. At that time, the cabinet in the era of Thaksin Shinawatra had the idea of purchasing new NGV buses. Consequently, the network called for the government to purchase low-floor buses. They also demanded appropriate and safe facilities inside the cabin for people with disabilities. Eleven years later, during the government of General Prayut Chan-ocha, low-floor buses were introduced for the first time.

Based on study of the preliminary, some interesting factors emerged. The government agencies, either the Ministry of Transport (MoT) or BMTA, did not show a willingness to provide buses as the disabled organizations required. The government agencies should have acted in accordance with international agreements and domestic laws including the Convention on the Rights of Persons with Disabilities, Incheon Strategy, and the Constitution of the Kingdom of Thailand that all require people with disabilities to have access to the government services equally with dignity.

Conflicts in the roles of MoT and BMTA led the researcher to become interested in identifying what was behind the discrimination efforts and barriers put in place by these government agencies to try to exclude people with disabilities from convenient access to bus services. The researcher also became interested in studying and understanding the role of the disabled organizations: Why didn't they stop or give up the fight when confronted with continual barriers from government agencies? What were the guidelines or strategies hidden behind their struggles? Finally the researcher wanted to suggest the roles that government agencies should improve to provide better public services to people with disabilities in the future.

In addition, from a survey of the literature on public policy research on disability in Thailand, it was found that there was a lack of focus on the roles of disabled organizations and government agencies in ensuring the rights to accessible public

transport of people with disabilities. This research, which comprises a retrospective study from 2005 until 2018, may be considered the first historical research that studies these issues.

1.2 Research Objectives

- 1) To study the role of disabled organizations in obtaining low-floor busses
- 2) To study the role of government agencies in the implementation of low-floor bus procurement
- 3) To suggest how to improve the role of government agencies on the issue of the rights of accessibility of the disabled to government services.

1.3 Research Questions

- 1) What role do disabled organizations play in obtaining low-floor buses?
- 2) What role do government agencies play in the provision of low-floor buses?
- 3) How should government agencies be improved to comply with both national and international laws relating to the provision of services to the disabled people?

1.4 Scope of Research

This research uses historical research methods by creating a case study (case study approach) to analyze, link, and interpret. The researcher chooses to study the case in which disabled organizations have jointly fought for the rights of the disabled to become a reality. In the case of access to BMTA buses, the researcher investigated the role of disabled and government organizations by interviewing key people and collecting relevant information from government publications, minutes, memos, and documents, and all relevant internet information during the period from 2005 to 2018.

Research Methodology

This research uses a qualitative research methodology by searching for important information from publications and the internet and also in-depth interviews with people who had an important role in relation to low-floor buses.

Six representatives of disabled organizations were interviewed: the chairman and vice-chairman of the Independent Committee for Equality; the president and former members who played a key role in the Alliance Network for Bus Accessibility by Everyone (ANBAE); the chairman of the Independent Living (IL) Center of People with Disabilities in Thailand; and the director of the Independent Living Center for Persons with Disabilities in Nonthaburi province.

For confidentiality reasons, the researcher was unable to interview any key former BMTA executives. The research therefore collected relevant interviews of former BMTA executives related to the provision of low-floor buses from publications and the media before analyzing and interpreting them. The researcher was the primary research tool in conducting interviews and gathering information from publications and internet. The major data collection tools involved informal interviews and data collection. The information received was compiled, analyzed and interpreted to answer the research questions and meet the research objectives.

1.5 Conceptual Framework

Following a literature review the researcher has created a conceptual framework as shown in Figure 1.1

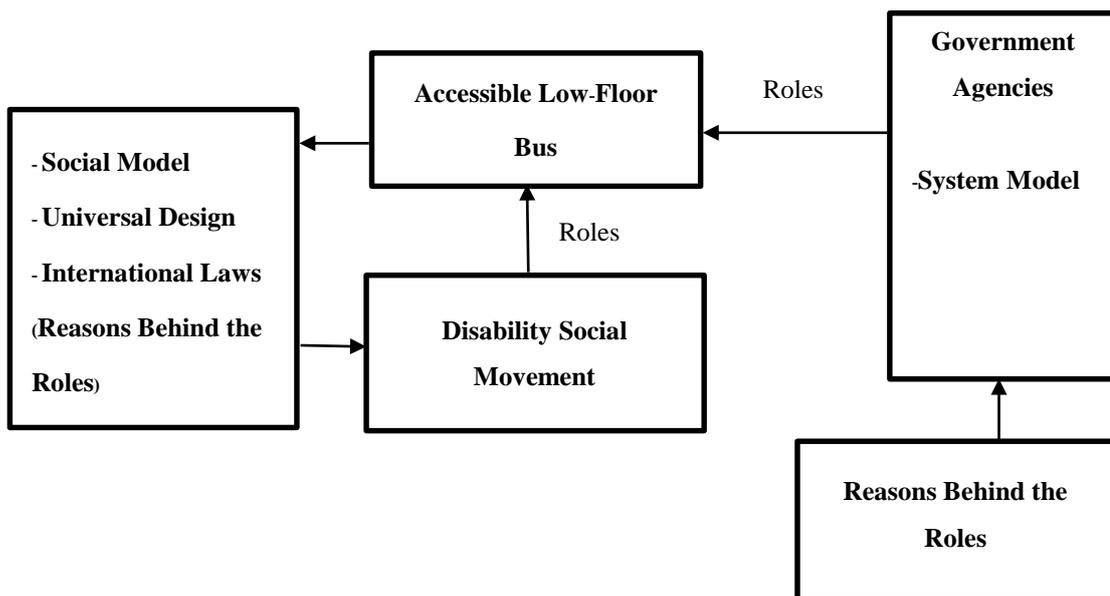


Figure 1.1 Conceptual Framework

The conceptual framework can be explained as follows:

1) The concepts of social model, universal design and international law, are important arguments that disabled organization could use in fighting for the low-floor buses.

2) The system model is a policy consideration process of government agencies. The model explains that there may be some external reasons that affect any role that government agencies play (e.g. whether in support of or against low-floor buses). The consideration of government agencies is not always in recognition of society. It is like a black box that you cannot see inside. When government agencies made decisions on the bus issue, the disabled organizations always found that the decisions did not meet the real needs of the disabled and they had to continue to fight using ways that were suitable for the situation at that time.

1.6 Expected Benefits

1) The results of the study can be adapted for other disabled organizations in fighting for accessible public services

2) The results of the study can be analyzed to compare ways that disabled organizations achieve success or failure in fighting as a social movement.

3) The results of the study can lead to understanding the role of government agencies on the right of disabled people to access the other public services.

4) The results of the study can lead to recommendations on improving the roles of government agencies in the implementation of national and international laws that Thailand had previously signed.

1.7 Definitions

Accessibility refers to how people, including the disabled, can receive equal, appropriate, quality public services without discrimination.

Bus refers to the bus of the Bangkok Mass Transit Authority (BMTA) known in Thai as the "Kor-Sor-Mor-Gor". It does not include private bus services.

Disabled Organization refers to both organizations by the disabled and organizations for the disabled. Organization by the disabled means an organization in which all members have disabilities or are caregivers of disabled people and those members represent not less than two-thirds of organization executives. They have authorities to make decisions in any operations to protect the rights of people with disabilities. Organization for the disabled means an organization with the main objective or activity related to the promotion and development of the quality of disabled people's lives and not government agencies (Department of Empowerment of Persons with Disabilities, n.d.a).

Government Agency refers to an organization that had the authority and duties related to public policy on the buses in Bangkok, namely the Ministry of Transport and Bangkok Mass Transit Authority.

Low-floor Bus refers to a bus that is suitable to access and use for all people, including those with disabilities. It has a floor that is raised from the road, not over 40 centimeters, a door width of not less than 90 centimeters, and a ramp for wheelchair users. There are also facilities for people with other disabilities such as digital signage, LED text display, and sound system. In the bus, there is a wide area and system for wheelchair parking and buzzer system to stop which is close to the seat for wheelchair users with height not over 120 centimeters.

Role refers to the conduct or expression of individuals or groups in any way to achieve the objectives set forth.

CHAPTER 2

LITERATURE REVIEW

This chapter is a review of literature from the study of the roles of organizations of disabled people and government agencies on the right of access to low-floor bus. It considers the following issues:

- 2.1 Perspectives on Disability
- 2.2 Concepts of Disability
- 2.3 The order of Disability Issues at the International Level and in Thailand
- 2.4 Access to the Public Transport System for the Disabled
- 2.5 Disabled Organizations
- 2.6 Concepts of Models used in this Research
- 2.7 Related Researches and Studies

2.1 Perspectives on Disability

Perspectives on disability represent the basis of thinking that is used in considering people with disabilities. This view is even more important if it is a government perspective that can influence public policies related to people with disabilities. It could be said that whether or not the needs of people with disabilities are met depends on society and public sector perspectives towards people with disabilities.

Each person with disability has different needs according to their personal and environmental situation. One disabled person's needs are not necessarily the same as other disabled people. The perspective on disability is a representation of the thoughts that influence a person's consideration of those with disability and how to treat them. Each member of society may have a different perspective on disability.

People with disabilities always need "something" that will be useful or meet their specific needs. People with total disabilities who cannot help themselves at all need a society with a supportive charity model which not only helps the totally disabled

directly but also indirectly helps the families who have to take care of them. Caring for the totally disabled may mean having to resign from permanent work, having to meet huge and increasing medical and other costs, and perhaps even experiencing poverty. In other words, the charity model is beneficial for people with total disability.

People with disabilities who can help themselves generally hope to live in society like ordinary people, including being able to independently work for a living. In this regard, their basic needs are met by a medical model which uses medical or engineering techniques to rehabilitate or reduce their level of disability until they are able to live with a measure of independence. While the medical model satisfies basic needs, the partially disabled also require a social model that aims to eliminate barriers in society that obstruct them. If this is not available, they have to accept the truth that it is not possible to create an ideal society that fully adapts to their needs. They therefore need to seize the immediate benefits by trying to survive in the real world first.

People with disabilities who demand the social model have a desire to eliminate obstacles that hinder their participation in the normal activities of daily life. These people believe that if they fight hard to overcome their disabilities they deserve the right to spend their life like others without discrimination or underestimation. Their immediate needs are public policies that meet fundamental human rights. Although it is difficult to have an equal society, they are willing to fight not only for themselves but also for those that become disabled in the future.

Those who demand the social model do not necessarily reject the medical model. Many of these still require treatment and rehabilitation, and may need special equipment to help with their disability. In other words, the social model of disability sees a society that does not exclude other models.

2.1.1 The Charity Model of Disability

The charity model of disability considers disability as a matter of irregularities, losing or lacking of opportunity that should receive sympathy and help to survive from society. Some societies believe that people with disabilities are being punished for past sins (Pakorn Singsuriya & Wipada Aungsumalin, 2006, p. 29).

Although the charity model looks to assist the disabled, it often conceals or limits their opportunities. In some cases it may unwarily limit or violate their human

rights. The model considers people with disabilities as always requiring assistance services or having a lower social status than the provider. This model is based on merit, with the assistance being in the form of sharing by those who are compassionate towards the disabled. The sharing can be by way of donations, giving money, giving gifts or living allowances, giving alms to the begging disabled, or distributing rice, dried food, blankets, etc. This may be due to: 1) the feeling that most people with disabilities are happy to receive donations because they are poor and unable to help themselves; and 2) the belief within the society that if someone helps the disabled, then he/she would receive merit.

Public policies for people with disabilities are considered to be a charity model. Doessel and Williams (2011, pp. 347-353) explained that if people with and without disabilities have equal incomes, they find that people with disabilities will always have inferior living standards. They proposed that people with the same disabilities should receive equal government support. Likewise, people with disabilities that have various severities should obtain varying levels of government support. It is the government's responsibility to implement appropriate public policies.

There is not much difference in the status of people with disability in different parts of the world. That is, they are seen as unusual in society and, not being able to help themselves, not equivalent to people without disabilities. Pratt (2011, p. 1104) explained based on the history of the fight for rights of people with disabilities in the United States that the disability social movements began in the era of the Great Depression. This was a period of severe economic recession which led to the establishment of the Disabled People's Association in New York City to protest to city and federal administrators against discrimination based on disability. The disabled at that time were treated as abnormal beings that did not deserve equal opportunities.

The notable thing under the charity model is that the disabled are not only seen as deserving sympathy; they also bore a higher moral expectation of "goodness". Whenever people with disabilities do something wrong, it seems that society condemns them more than those who were not disabled. This is because the charity model implies that sympathy should be reciprocated in some way: it should not be extended to those who behave badly or are harmful to society. The model overlooks the fact that people with disabilities consist of both good and bad, just like the rest of society.

2.1.2 The Medical Model of Disability

This model explains that disability is an individual matter due to bad luck, bad health and genetic defects (Pakorn Singsuriya & Wipada Aungsumalin, 2006, p. 29). Disability is caused by loss of physical or mental function which needs to be treated to return to a normal life. This model attends on the efforts of people with disabilities to struggle to live so much that they are seen as "heroes" who have succeeded in life with positive thinking within an unfavorable environment as often found in movies, books or news (Schur, Kruse, & Blanck, 2013, p. 9)

The industrial era contributed to people with disability becoming disadvantaged in society. This is because an industrial society needs workers with full physical characteristics to work with the various machines. There is little work for the disabled and the view is that medical treatment is necessary to heal or reduce level of disability to the point that they can have a place in society or are less of a burden on others.

The medical model sees disability as a personal issue which needs to be addressed by a rehabilitation process (Ministry of Public Health, n.d.a. & Mitra, 2006, pp. 237-238). The main goal is to fix, improve, adapt, etc. so that the disabled can return to live in society as usual or as close to usual as possible (Normalization). This creates a condition in which people with disability come to rely almost completely on the advice or treatment of medical officers. The doctor becomes an expert who would determine the destiny of the disabled people instead of themselves.

Diagnosis of disability by a doctor may enable the disabled to receive or not receive benefits. This depends on the individual views of the doctor. For example, if a doctor were to diagnose a patient as disabled, he/she would receive support according to the welfare system. Alternatively, if a doctor were to diagnose the same patient as schizophrenic, he/she would be classified as mentally disabled and find it very difficult to get any work. The doctor becomes a decision maker who decides who is or is not disabled; this can be looked at as a form of dichotomy. Thanks to developing medical science, doctors can diagnose more and more matters as medical issues, such as hysteria, obsessive-compulsive disorder, major depressive disorder, antisocial personality disorders, homosexuality, infertility, domestic violence, or learning problems, etc. Ubonpun Theerasilp and Penchan Sherer. (2014, pp. 13-16).

2.1.3 The Social Model of Disability

This model explains that disability is not caused by impairment but a society or environment that makes people with disabilities unable to live like normal people. In other words, disability is not an individual issue but a social one. This model considers that those with physical or mental problems will not be a disabled if the environment is conducive to their experiencing a normal daily life and does not make them feel of separated from society. This model tries to distinguish between the defects of organs and mind and the disability (Schur et al., 2013, pp. 9-10)

Disability in the social model is not considered to be the fault of the one who is disabled but rather the environment around them that makes them disabled. This model sparked a claim for the rights of people with disability to have their voices heard instead of just the voices of medical personnel (Pakorn Singsuriya & Wipada Aungsumalin, 2006, p. 33). The self-view for people with disabilities has changed from seeing their future as limited to recognizing that they have the potential to adjust, to live well, to feel good, to look at the world in a positive light, and to be supported by society just like everyone else (Schalock, 2004, p. 204). McDonald and Raymaker (2013, pp. 2165-2171) described the movement of the paradigm of the medical model of disability. In the past, people with disabilities were often seen as a minority who often had to encounter health inequalities. However, the disability rights movement led to change policies that result in them receiving better rights and well-being.

The condition of an individual with a physical or mental impairment is not considered a disability at all if social conditions do not obstruct them. Disability is just an identity of the individual. Montien Boontan (2013) a Thai disabled leader, described that the disability dimension on the right base is considered to be an interaction between individual and social conditions (or interactive process). Disability is not a matter of the individual but it will occur only when the condition of the impairment interacts with social conditions. (Health Promotion for People with Disability Program, 2008, pp. 35-37)

The social model has three important goals: 1) to focus on public policy changes by creating understanding of discrimination and encouraging the participation of people with disabilities in society; 2) to support the integration of all types of people with disabilities who experience similar experiences of being discriminated against; and 3)

to aim at breaking barriers that prevent access and convenience of people with disability at all levels and everywhere. All three goals lead up to the primary activities of disabled activists in the struggle for equality (Vanhala, 2011, pp. 51-54). In summary, the social model is the most influential concept because it is an important base of the movement for the rights of people with disabilities.

The social model is crucial for the concept of independent living (IL) of disabled people. Garabedian (2014, pp. 81-84) explains that this concept first appeared in the 1970s to change the perspective from “caring and choosing for” people with disabilities to the ability to let them "choose" their lives on their own whether at home, work or anywhere. The IL concept is based on human rights principles and was later included in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

The philosophy of the IL movement is that: 1) every human being has value; 2) whether disabled or not, people should have the ability to choose whatever they desire; 3) people with disabilities have the right to control their lives; 4) People with disabilities should have full access to participate in any society.

The social model is useful for all disabled people and activists participating in society. It is the starting point of responding to disability issues in social, cultural and political terms. It supports the political movement of disabled activists for changing to what they want. Although the social model seems to emphasize the physically disabled person rather than others, it contributes to the overall theory of disability and raises awareness about "impairment" "discrimination", and "activism". Disability activists have close relationships with other movement groups, whether they deal with race, gender, class, age, children and sexual orientation. It means that the social model can be applied to other movement groups (Goodley, 2014, pp. 130 -133).

A major advantage of the social model is that it makes it easier to formulate policy strategies by eliminating many barriers that oppress people with disabilities. However, a limitation of the model is that it really does not consider the true suffering of people with disabilities. This limitation has been highly condemned from disabled activists (Pakorn Sing Suriya & Wipada Aungsumalin, 2006, p. 34). The model ignores the pain, mental suffering and hardships of the disabled, as well as the effects of feeling discriminated against in society. Another limitation of the social model is that a number

of people with disabilities do not feel they are oppressed by society at all. Oppression is a temporary matter, sometimes and in some places. In their thoughts, the society is not that bad (Schur et al., 2013, pp. 11-12).

In addition to the limitations described above, Barnes, Mercer, and Shakespeare (2010, as cited in Cheausuwantavee, 2011, pp. 12-13) points out that the social model has other limitations:

1) In reality, we cannot explain the problems of people with disabilities with just one dimension of social patterns. Disability problems consist of both physical and social causes. For example, children with paraplegia and unable to go to school would be considered a cause of paralysis (medical model) or environment that is not conducive to traveling to school (social model);

2) The social pattern is a world of ideals and fantasies like the appearance of "Utopia" or the world of Sri Ariyamettai which is never true. It is impossible for the society to create the universal design in all places for all people. Discrimination against people with disabilities will still continue in the future;

3) The problems of each disabled person are various and not the same. Most people with disabilities are not so proud of their identity that they would celebrate as found in the color group of people, homosexual groups, women groups, etc. An important distinction is that other identity groups need only understanding, while people with disabilities, in addition to understanding, need "allocated resources". People with disabilities also need to have some protection from public policies. For example, there is a case of a conflict in the United States between Chevron, the employer, and Mr. Echazabal, a disabled employee. Chevron had laid Mr. Echazabal off because his work might affect his liver because of some toxin. Mr. Echazabal complained that this was discrimination. However, the Supreme Court finally agreed with Chevron because the Court wanted to protect Mr. Echazabal's life (Pratt, 2011, p. 1103).

2.1.4 The Biopsychosocial Model

Because of the extremes of both, the medical and social models alone may not solve the problems of people with disabilities. The World Health Organization (2001) presented the concept of medical treatment which looked at the relationship between

the body, mind and society as a common concept in medical treatment. Therefore, the concepts of both models of disability are brought together. The biopsychosocial model explains that disability is a result of physical, mental and social conditions. It defines the elements as data codes called ICF (International Classification of Functioning, Disability and Health) to identify work, health and disability. This model explains that a disability must be addressed in both physical and mental terms, and the society in which a disabled person lives must respond the needs of the disabled precisely (World Health Organization, 2002).

For example, a male patient, aged 56 years (personal factor), worked as a teacher and had two congenital diseases, diabetes and high blood pressure for many years (health factor). He must be admitted to the hospital for a week due to a stroke. When he returned home, he found that he could no longer do normal daily activities such as bathing, dressing or working (environmental factor). It can be said that this man was disabled due to a personal factor, environmental factor and health factor (Sirinart Tongsir, 2013).

There is some argument that the biopsychosocial model is not a fusion of the medical and social models, but, in fact, it is simply the social model overlaid on the medical model. That is, sole function of medical personnel should be the treatment of body and mind, with society being responsible for providing appropriate participation activities. The biopsychosocial model originated from medical science to explain the change in treatment to the caring of the psychological and social aspects of the patients. (Pakorn Singsuriya & Wipada Aungsumalin, 2006, pp. 38, 41)

2.1.5 Other Models

1) The Universalist Model

This model considers that the situation in which a person can become disabled a normal thing that can happen with anyone. A person with disability is a human whether disabled or not. This model considers that people without disabilities have “a temporary ability” because no one knows one day whether they will lose his ability or not. (Schur et al., 2013, pp. 12-13).

2) The Political Economy Model

This model explains that disability originated from poverty and the lack of power of the disabled. These lead people with disabilities to the lowest on any

ranking such as poverty or market mechanisms. The solution is to bring people with disabilities into the labor market by public policies (Cheausuwantavee & Suwansomrid, 2013, pp. 13-14)

3) The Cultural Model

This model explains that disability originated from the culture (whether it be traditions, beliefs, rituals, myths, etc.) in which the disabled live. These things create the society that sees and treats people with disabilities the way they do. (Cheausuwantavee & Suwansomrid, 2013, pp. 13-14).

4) The Model under the Influence of the Right-wing Social Welfare Concept

This model focuses on consumer protection and supports the participation of many sectors in society in jointly providing social welfare services to people with disabilities instead of individual professionals as in the past. People with disabilities start to see themselves as an important member of society (Nalinee Ruangritthisak, 2010).

5) The Model under the Influence of New Social Movement

This model explains that a combination of people with disabilities can become a disabled organization to fight democratically for their rights and lifestyle, to change values, to change society, and to develop alternative ways of living (Nalinee Ruangritthisak, 2010).

6) The Model under the Right-based Society

This model aims to change the attitudes of people in society so that they look at people with disabilities as a member of the community like them. Disabled people should receive their rights and have equal opportunities so that they can live with dignity and maximize their ability and value from birth. These concepts are in accordance with the basic principles of human rights. Disabled organizations gather together as a network or social partner with disabled professionals, families, public and private organizations and disabled organizations of various types both domestic and international (Nalinee Ruangritthisak, 2010).

7) The Affirmation Model

The essence of this model is to look at disability as being an experience and not something bad. Disabled people can be valuable, proud and interesting.

Disability is part of human diversity. It's not uncommon at all. This model was suggested by Swain and French, who explained: "although every disabled person on this earth has rights and access to all participation, they are still seen as poor." (Cameron, 2014, pp. 4-6)

8) The Personal Tragedy Model

This model considers people with disabilities as poor people who have difficulties in living. People with disabilities should struggle to live in the non-disabled world. Those struggles when accomplished are admirable in the eyes of the non-disabled. This concept gives people the perspective that disability is horrible and pathetic. Disability is considered to be something "abnormal" and the disabled need to adjust to "normal" in order to survive in the world (Cameron, 2014, pp. 116 -119).

2.2 Concepts of Disability

This section describes the meaning of disability from various perspectives and as influenced by the charity model, medical model, social model and biopsychosocial model.

2.2.1 The Definition of Disability

The term "disability" is commonly understood to mean "the inability to do something due to physical defects". However, it really has no fixed definition because it can be changed according to social, political or contextual situation in which it is used. In the other words, the definition of the word "disability" is varied economically, socially or politically (Mitra, 2006, p. 236). Moreover, looking at the term through the eyes of different people with disabilities and experts causes further problems in definition. A number of people with disabilities do not consider themselves as disabled. They are happy in their world. It is the world that doesn't understand them. Simultaneously, experts, government, society and law want to take care or give benefits to the disabled. Therefore there is a need to clearly define who is disabled (Iezzoni & O'Day, 2006, pp. 15-17)

For thousands of years, society has discriminated against members that cannot work due to physical impairment. In the Old Testament, they were forbidden from

participating in religious ceremonies. Over the years, people with high status began to donate to the poor. Officers were appointed to check whether those poor deserved donations. In the case of disabled people, it was difficult to determine what type of impairment should be called disability. Eventually, a system for monitoring disabilities was introduced in order to identify people who pretended to be disabled. Disability check systems improved as new medical tools were developed to help eliminate the bias or personal opinion of doctors in identifying disabilities. The disability concept changed from the being as a result of past sins to biological explanations. Schools or places were developed for people with specific disabilities. The medical model plays an important role in disability. This model considered the physical disability to be the only problem and that disabled people had to obey the doctor's or expert's instructions without question. Disabled soldiers from World War I and 2 would be admitted to rehabilitation programs for physical, mental, professional and social skills to restore their well-being. Nevertheless, negative labeling from society caused a lack of confidence among people with disability. This led to the revolution of the disabled in the 1970s which told society that disability is not the main problem; the real problems are with the society and the attitudes of people. This led to the disability movement fighting for their rights (Iezzoni & O'Day, 2006, pp. 17-21).

The World Health Organization: WHO (1980) defined the issue of disability by ICDH (International Classification of Impairments, Disabilities and Handicaps). It consists of three elements:

- 1) "Impairment" is the loss or abnormalities of mental or physical organs, irregular body shape or loss of organ function;
- 2) "Disability" is a condition that results from impairment and makes living more difficult than ordinary people;
- 3) "Handicap" is the result of impairment or disability. It restricts and discourages normal life depending on the age, gender, social and cultural factors of the disabled person.

These definitions by the World Health Organization are considered as important in understanding the issues of the disabled people. Natenapa Khumthong (2003, pp. 5-7) has further developed the meaning of disability according to the World Health Organization so that it can be more easily understood through examples:

1) “Impairment” refers to a condition that results from loss or abnormalities, either physical, mental or intellectual, such as abnormal memory, amyotrophic lateral sclerosis (ALS), dizziness, etc, which may be either temporary or permanent;

2) Disability refers to the inability to perform any activities due to defects such as abnormal memory that make it impossible to go shopping or arm problems that makes one unable to dress;

3) Handicap refers to being disadvantaged or lacking the opportunity to do anything due to disability such as: 1) blind people (impairment) who cannot be used their eyesight (disability) and are unable to take photos (handicap) 2) people with missing legs (impaired), unable to get around without a wheelchair (disability) so they cannot use stairs (handicap). But if there is an elevator they would not be the handicapped in any way.

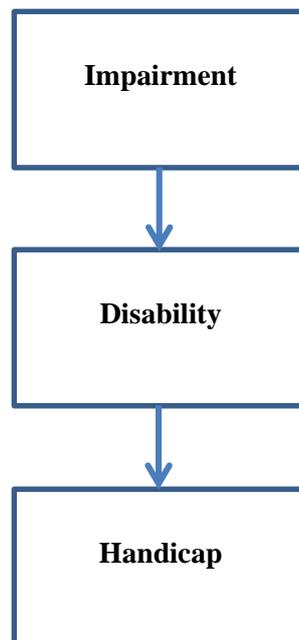


Figure 2.1 The Definition of Disability According to ICIDH

Source: Adapted from De Kleijn-De Vrankrijker, 2003, as cited in Sirinart Tongsi, 2013.

The definition of the World Health Organization is based on the medical model which believes that disability is a condition caused by physical, mental or intellectual defects. Therefore the solution is aimed at restoring medical treatment by specialists to achieve the goal of living normality in society like others.

The meaning of disability in the medical model is challenged by the social model. The social model suggests that disability is a condition caused by the shortcomings of the surrounding environment which is not conducive to the lives of people with disabilities, whether it be social attitudes, the physical environment, public services, etc. The social model accepts that impairments are the origin of disability but argues that they are not the only issue that causes problems for people with disabilities. The social model is widely accepted as a concept that can be used in the disability movement.

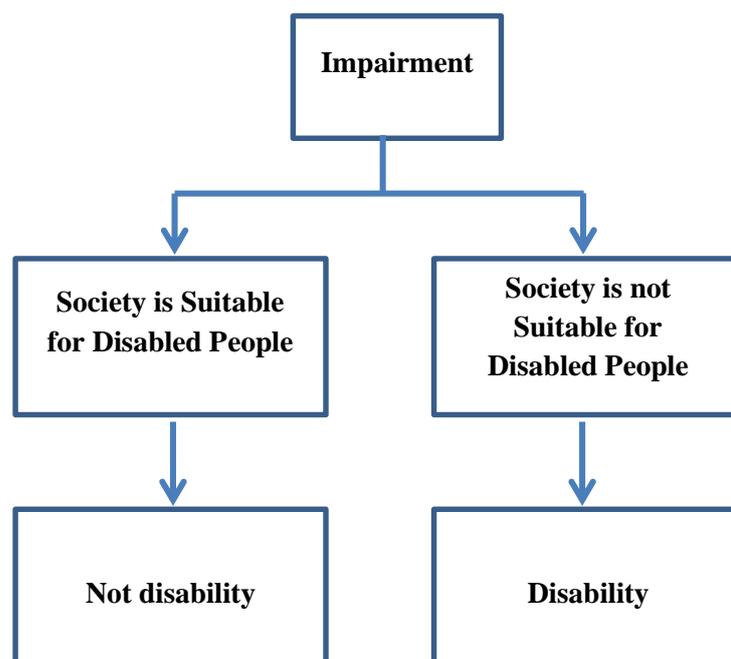


Figure 2.2 The Definition of Disability According to Social Model

From Figure 2.2 it can be seen that although impairment occurs, it is the society that determines whether this is a disability or not. If society is not conducive to or causes difficulties in living for impaired people, we call them disabled. On the other hand, if society is appropriate for and has consistent facilities for living well, such conditions

would not be classed as disability. In other words, impairment is not the major problem. Rather, it is society that may causes people with impairment to experience problems.

Another definition of disability comes from the conceptual framework set by the World Health Organization (2002) called the International Classification of Functioning, Disability and Health (ICF). For this framework, which focuses primarily on medical operations, disability is an interaction between three factors; namely the body, activities and environmental factors. Disability that occurs at the level of the body structure is called impairment. Disability that occurs at the activity level is called activity limitations. If disability occurs at the level of the person's role in society, it called participation restriction.

The definition of disability from the perspective of the Convention on the Rights of Persons with Disabilities (CRPD), developed from the definition of social model. It indicates that disabilities arise from "Interactions between people with any impairments, attitude barriers and the environment that makes the person unable to fully effective participate in society on an equal basis with others" (National Office for Empowerment of Persons with Disabilities, 2009, p. 9). In other words, the definition of disability has passed through the focus on physical to the social barriers that discriminate people with disabilities (Farber & Paez, 2010, pp. 931-952)

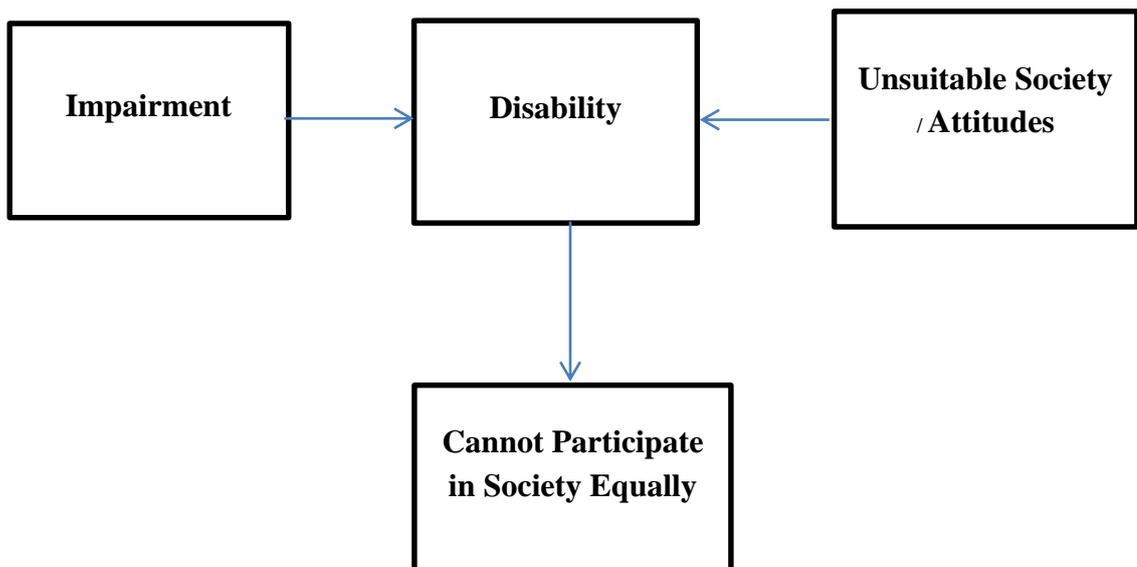


Figure 2.3 The Definition of Disability by CRPD

2.2.2 The Definition of the Disabled People

As well as the definition of disability, the definition of the disabled has changed according to either the medical or social models of disability. It depends on the social concept of disability. Consideration as to whether a person is disabled should be undertaken not only by society but also by the person him/herself. There are many impaired people who don't consider themselves disabled. They see themselves as normal people who just need to use wheelchair. Some with learning disability do not want to be called disabled because they are not wheelchair bound and can do a lot of normal activities. It can be said that being disabled depends on the assessment of the impaired person him/herself, not others. (Goodlay, 2014, pp. 130-135)

The medical model appeared in 1975 when the United Nations Human Rights Office of the High Commissioner gave an explanation in the Declaration on the Rights of Disabled Persons on December 9, 1975. It stated that a disabled person was "someone who could not take care of him/herself at all or partly in doing the routine necessary to live a normal life which is caused by physical or mental defects whether by birth or not" (United Nations Office of the High Commissioner on Human Rights, n.d.). Some people are critical over the use of the words "disabled person" and "handicapped person" that seem to imply that the person must be in the care of a doctor, and it has been suggested that the term "person with disability" should be used instead (Natenapa Khumthong, 2003, pp. 7-8).

The definition of the term disabled person in Thailand is included in The Rehabilitation of Disabled Persons Act of 1991. It is provided in Section 4 that people with disabilities mean "people with abnormalities on physical, intellectual or mental disorders according to the type and rules prescribed in the ministerial regulations" (Ministry of Public Health, nd.b). This definition reflects the influence of the medical model. The definition under this Act is to consider people with disabilities as abnormal or physically or mentally impaired persons without considering whether people with disabilities encounter obstacles in living or not. It can be said that the definition of this Act is in accordance with the medical model, as well as the definition of the United Nations Human Rights Office of the High Commissioner and is consistent with the definition of disability in other countries such as the United Kingdom and the United States. People with disabilities in these countries refer to people with impairment or

disorders, whether physical or mental, and that defects or abnormalities affect the daily life or may cause the disabled to lose some opportunities (Cheausuwantavee, 2005).

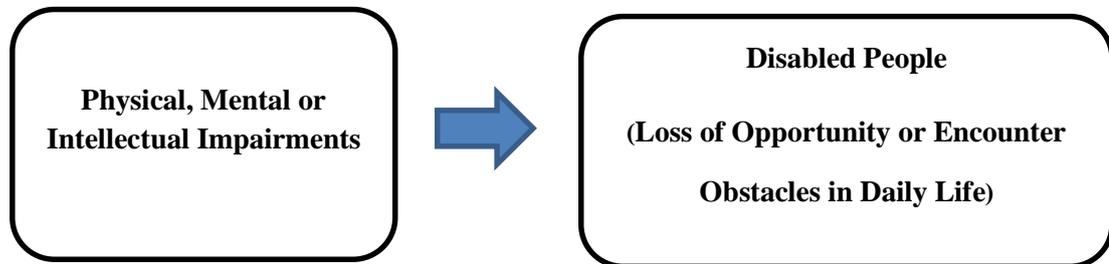


Figure 2.4 The Definition of Disabled People According to the Medical Model

For the social model the definition of disabled people by the Convention on the Rights of Persons with Disabilities in 2006 explains that people with disabilities means "persons with physical, mental, intellectual or sensory impairments in the long term who experience various obstacles which makes it impossible to participate effectively on an equal basis with other people" (National Office for Empowerment of Persons with Disabilities, 2009, p. 21). This definition is in accordance with the definition of the Empowerment of Persons with Disabilities Act of 2007 (Department of Empowerment of Persons with Disabilities, 2016) which has defined that people with disabilities mean:

Individuals with limitations in daily activities or social participation due to impaired vision, hearing, movement, communication, mind, emotion, behavior, intelligence, learning or others and in various dimensions so that they need special help in order to be able to practice everyday activities or to participate in social activities as individuals according to the criteria announced by the Minister of Social Development and Human Security.

In the definitions in the Convention on the Rights of Persons with Disabilities 2006 and the Empowerment of Persons with Disabilities Act 2007, two reasons are given for explaining the limitations to the lives of the disabled: 1) physical, mental, intellectual or other defects (according to the medical model); and 2) various obstacles,

whether it be environment, attitude or law (according to social model). In other words, people with disabilities would encounter limitations not only physical or mental impairments but also the social environment surrounding them.

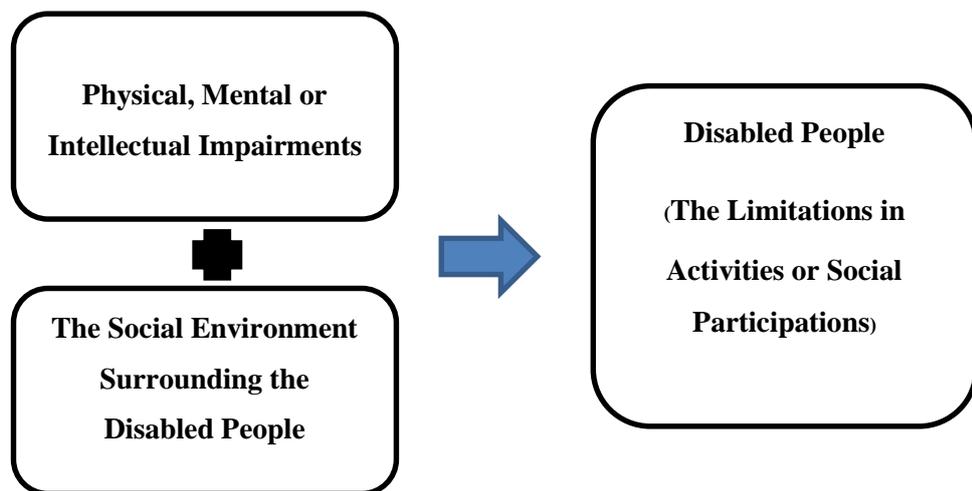


Figure 2.5 The Definition of Disabled People According to the Social Model

From figure 2.5, it can be seen that a person would become disabled when they encounter physical, mental or intellectual impairments and also face an environment that is not conducive to normal living. Therefore, if one has physical, mental or intellectual impairments but lives in a society with value and dignity, he/she would not be called disabled.

2.2.3 Concepts of Society Towards Disabled Identity

Evidence confirms that human physical impairments have existed since the earliest times. The 2 bodies of Neanderthal were found that had severe rheumatoid arthritis, lack of arms and cruel wounds to the head. Similar evidence has been found throughout North America, Europe, Egypt, China and Peru (Barnes, 1996, pp. 49-50). There are some concepts that attempt to explain social responses to physical impairment.

The first concept explains that in a society that focuses on basic survival, those with weakness will be eliminated according to the surplus population theory. An

example can be found in studies of Eskimo society showing people who have been seriously injured have been left to die without treatment. Notwithstanding this, other studies have indicated different findings. For example, the Dalegura (Australian Aborigines) and Paiute (American Indians) ban infanticide, respect old people, and do not abandon people with disabilities.

A second concept is that some societies respond to people with disabilities according to religious beliefs. They may believe people with disabilities are cursed by wizards or heavenly punishment. They may even regard disabilities as a gift from God in which case they are highly accepted.

Another concept explains that disabilities are as a result of “half-blood” status (being half good and half bad). That is, to look at people with disabilities with ambiguity; they do not look at people with disabilities in only negatives (Barton, 1996, pp. 50-51).

1) Ancient History

People with disabilities were considered having a very distressing life. Schur et al. (2013, p. 1) explained that in Babylon and ancient Greece children born to be disabled would be accused of being demons and not desired by the Gods. In ancient Greece, during what was considered the era of reason, philosophies from Aristotle were particularly influential. He discussed the concepts of human, subhuman or superhuman. Disabilities in this era were seen as a result of bad merit, the exception being those resulting from war where the disabled person was respected as a hero and received a pension from the state. This concept required complete citizens. Disabled babies were eliminated so as to have only perfect physical citizens in the state (Theerasilp & Sherer, 2011, pp. 3-4)

Greek men were expected to be perfect both physically and intellectually. This idea is reflected in the beautiful appearance of almost every Greek god except Hephaestus, the god of blacksmiths. He has an ugly appearance but is married to Aphrodite, the goddess of beauty. Greek legend goes that Aphrodite fell in love with Aries, the god of war, because she was so disgusted by the ugliness of her husband's shape. Other Greek stories tell of people who have been born blind due to sins of their mothers. Moreover, the architecture of Greek temples makes them difficult to reach without a healthy body; they were not designed as places for the disabled (Barnes, 1996, pp. 52-53).

In Athens and Sparta, congenitally disabled infants were also killed. In Rome disabled babies would be thrown into the Tiber River (Barnes, 1996, p. 53). Disabled children would sometimes grow to be shown off for money as freaks in local markets. This is reported in Rome (Theerasilp & Sherer, 2011, pp. 3-4) and as far off as ancient Egypt and China (Schur et al., 2013, p. 1). Fights of disabled people were also staged for money (Barnes, 1996, p. 53).

On the other hand, in both Greek and Roman society, high-class or rich people with disabilities, such as deafness, would receive respect and treatment (Barnes, 1996, p. 53). In some instances, usually because of religion, ordinary disabled adults were also seen through compassionate eyes. In ancient Athens, there was food allowance for people with disabilities who were poor and unable to work (Schur et al., 2013, p. 1).

Moreover, in some societies such as ancient China, Korea and Arabia disabled people had a special position and were seen as having special powers that enabled them to communicate with gods or spirits. However, overall, people with disabilities experienced shame and exclusion (Schur et al., 2013, pp. 2-3).

2) The Middle Ages

In this age, Christianity came to dominate Europe for more than 1,000 years (AD 400-1400) and there was a belief that anyone with a contrary faith must be punished. People with disabilities were seen as sinners, punished by God. Some were seen as demons and were executed. Those with intellectual disabilities were allowed to live but sometimes exiled to the countryside or other cities. Although there were a few hospitals for people with disabilities, these did not take all cases. Disabled people who were grossly disfigured did not receive care, the rest were be treated with kindness (Theerasilp & Sherer, 2011, pp. 4-5).

In Middle Eastern and Arabian countries there was accommodation and schools for the blind and deaf. Nevertheless, people with disabilities were looked down on and alienated from society. They were forbidden to marry and were forced to be sterilized.

The Eugenics movement was a movement against people believed to have genetic problems. It came to prominence in the late 1800s to the early 1900s and reached its extremes in Nazis genocides, which included the killing more than 70

thousand people with disabilities during World War II (1930-1940) (Schur et al., 2013, p. 1-2).

3) Age of Enlightenment

This was an era in which people believed in rationality as a way to the truth. Society increasingly accepted people with physical disabilities but people with mental disabilities were still incarcerated due to unreasonable views such as that General Hospitals were needed to serve the upper class people, such as merchants, capitalists, bankers (Theerasilp & Sherer, 2011, pp. 5-6).

4) Modern Era

In this era people with disabilities were insulted and mocked (except those with disability from the war). Mental disability was considered an illness that had to be quarantined in an Asylum where failure to comply with rules led to punishment. In this era, the meaning of disability was defined as a person being unable to do normal activities. From the biological point of view, people with disabilities were seen as weak and deserving to die; only strong people should survive. From the medical science point of view, people with disabilities were seen as physically incomplete. From the psychological point of view, people with disabilities were seen as having an inferior personality. This form of comparison with normal people reinforced the idea that people with disabilities are incompetent (Theerasilp & Sherer, 2011, pp. 6-8).

5) The 20th and 21st Century

This is the era in which capitalism comes into play. Society changed from an agricultural base to industry. People with disabilities were perceived as having insufficient capacity to be productive. Society's view was that people with disabilities should be put in a suitable place such as a nursing home or private care facility for the disabled. In addition to capitalism, medical advancement caused disabled people to consult doctors more and more. For a doctor, a person with disabilities is simply a patient who needs treatment. (Theerasilp & Sherer, 2011, pp. 8-10). Accurate disability diagnosis is important because as society developed, the more people began to donate things to the poor. It became important to check whether these donations are deserved. In the case of disabled people, sometimes it was difficult to determine what is or is not a disability. Over time a classification system was developed for the examination of disabilities in order to prevent people pretending to be the disabled to receive benefits (Iezzoni & O'Day, 2006, pp. 17-21).

2.3 Disability Issues at the International Level and in Thailand

There is a lot of evidence to show that most people with disabilities are among the poorest people in the world who lack access to basic necessities. Only 10% of disabled children have studied (2007) and, for disabled girls, study is almost inaccessible (Swain & French, 2014, p. 46). Only a small percentage of disabilities are caused by heredity; most are caused by poverty. This leads to lack of nutrients / clean water (causing over 100 million people to be disabled, 250 thousand children to be blind due to lack of vitamin A, and 800 million people to have intellectual disabilities due to iodine deficiency), risky work conditions, poor living conditions, lack of access to vaccines, poor hygiene etc. (Swain & French, 2014, pp. 48-49).

Other causes of disability are wars, natural disasters and infectious diseases such as AIDS. 20 million women are crippled by pregnancy and childbirth. Another 100 million women are injured due to female genital mutilation (FGM). In addition, many disabilities are caused in marriage according to the cultural and economic beliefs of some minorities (Swain & French, 2014, p. 49).

In South Africa people with disabilities have barriers to accessing many necessities such as access to buildings, education, employment and face discrimination or prejudice. People with disabilities in urban areas face mainly physical barriers, while people with disabilities in rural areas face additional obstacles due to the lack of understanding about disability. In Lebanon, half of the disabled are illiterate. Over half have no work. As for those who have work, they are working odd jobs or low level employees. Travelling, building access, discrimination, etc. , are barriers to work. Disabled women are often prohibited from going to work at all. People with disabilities often get temporary jobs that involve low stability, hard work and less compensation than the minimum wage. In Malawi disabled women often encounter obstacles in work and study. African society has a poor attitude towards people with disabilities based on mystical beliefs and the words of the shaman. Disabled women have difficulty finding men to marry because of the belief that the disability would bring bad luck to the family. In Nepal people with disabilities have experienced poor access to health services, education and work. Only 3% of people with disabilities have adequate housing and 70% of people with disabilities do not have an education. Disabled women experience

insult because such the society believes that they bring bad luck. This causes the families to keep people with disabilities at home so that no one meets them. Nepal's law allows men to divorce if their wives become disabled. However, the Nepal government provides shelter for disabled women and takes good care of them. In Ghana people with disabilities often go begging to feed their families. Due to both low education and medical quality, disability is believed to be a punishment and the disabled face a difficulty in marrying (Swain & French, 2014, pp. 46-48).

Disability and poverty are closely linked. The world, including Thailand, has recognized the importance of solving these problems. Disability policy issues can be looked at from International, Asian, ASEAN and Thai perspectives.

2.3.1 International Agreements on Disability Issues

Policies or rights regarding people with disabilities may be considered to have begun after the Second World War. On December 10, 1948, at the 3rd session of the United Nations General Assembly in Paris, France, the Universal Declaration of Human Rights was adopted. This is considered a historical document in that it is the world's first international human rights agreement and forms the basis of all existing international human rights laws (Department of International Organizations, 2008, p. 1). After the adoption on the Universal Declaration there were many meetings on different aspects of human rights such as torture, racial discrimination, etc. However, for many years there was no serious consideration given to the rights of people with disabilities. Disability issues still focused on rehabilitation, vocational training and social assistance (Powers, Ward, Ferris, Nelis, Ward, Wieck, & Heller, 2002, pp. 19-20).

On December 16, 1966, the United Nations General Assembly adopted the International Covenant on Civil and Political Rights (ICCPR) which emphasizes respect, dignity, freedom and equal rights for all people (Rights and Liberties Protection Department, n.d., p. 1). ICCPR is an affirmation that the human rights of people with disabilities are equal to those of the non-disabled. It protects the disabled from the unfair discrimination they may have experienced in the past. In addition, on the same day, the United Nations General Assembly has also adopted the International Covenant on Economic, Social and Cultural Rights (ICESCR) (effective January 3, 1976) with the goal of protecting the social, economic and cultural rights of all people including

children, women, disabled people, the elderly, the sexually diverse, immigrants and ethnic groups. States are obliged to take steps to ensure the rights are recognized (Department of International Organizations, 2015).

In the 1970s, issues on the rights of people with disabilities began to appear on the international stage. In 1971, The United Nations announced the Declaration on the Rights of Mentally Retarded Persons, and followed with the Declaration on the Rights of Disabled Persons in 1975. However, the rights of disabled people still did not receive adequate attention. People with disabilities continued to be seen as always needing help from the welfare sector rather than encouraging them by public policies to live equally with non-disabled citizens and become active members of society (Power et al., 2013, pp. 20-21).

In 1981 is considered a very important year for people with disabilities. The United Nations General Assembly declared it the United Nations (1981) International Year of Disabled Persons (IYDP). This was followed by the World Program of Action Concerning Disabled Persons on December 3, 1982. This date continues to be recognized as International Disability Day every year. The World Program was the first international law to properly identify issues related to disability. It aims to promote measures to prevent disability, rehabilitate the disabled, and realize that people with disabilities must be able to participate equally in society and receive results from economic and social development equal to others. All countries, whether developed or developing, were to adopt this approach without delay, and 1983-1992 was declared by the United Nations to be the United Nations Decade of Disabled Persons.

On December 20, 1993, the United Nations issued a standard consisting of 22 criteria on equal opportunities for persons with disabilities (United Nations, nd.a). This standard provides an example for countries to follow in dealing with the disabled, whether it be Australia (1992), India (1995), England (1995), and the many other countries such as Austria, Brazil and Germany which have since adopted it, (Schur et al., 2013, pp. 89-90). Unfortunately, many of the criteria are still ignored in some countries and the disabled are not protected by human rights principles as they should be (Power et al., 2013, pp. 21-22). This is because the standards are guidelines; it is not mandatory for member states to take action.

The real policy success for the disabled came in 2006 when the United Nations set up a summit on the rights of the disabled by establishing the Convention on the Rights of Persons with Disabilities (CRPD). It came about due to the fact that in 2001 Mexico had proposed to set up a commission to consider the rights of people with disabilities. This led to the establishment of the Commission in 2002 and the CRPD announcement on December 13, 2006 (Power et al., 2013, pp. 21-23). The CRPD was to ensure that people with disabilities receive human rights like the general public in all respects. These include the right to access services, the right to have suitable housing, the right to receive education, etc. It also prohibited the exclusion of people with disabilities from employment and participation in politics at all levels (National Office for Empowerment of Persons with Disabilities, 2009). 82 countries initially ratified the CRPD. Although this was a good sign for the rights of people with disabilities, it did not lead to serious action in a number of these countries. People with disabilities are still "barred" from the political process, and their needs are ignored by their government and policy makers (Schur et al., 2013, pp. 90-92).

Details of the international Convention on the Rights of Persons with Disabilities (CRPD) can be summarized as follows (Department of International Organizations, 2016).

Part 1 (Article 1-3) discusses the objectives, definitions and general principles, including respect for the inherent dignity of people with disabilities, freedom of self-determination of people with disabilities, independence, non-discrimination against people with disabilities, full participation and efficiency in society, respect for differences, equality of opportunity and the ability to access without obstructing people with disabilities.

Part 2 (Article 4-8) discusses the general obligations, equality and non-discrimination against people with disabilities in general and women with disabilities, children with disabilities and raising awareness about people with disabilities in society as a part of the society as well as the general public.

Part 3 (Article 9-30) discusses the rights of people with disabilities, such as the right to receive employment, health right, right to receive education, freedom of expression, freedom of migration, freedom from torture, right to have a family, etc.

Part 4 (Article 31-50) discusses the collection of statistical data, International cooperation, monitoring of the implementation of the CRPD, authority of the CRPD committees, etc.

2.3.2 International Agreements on Disability Issues in Asia and ASEAN

The Asia Pacific region is believed have the world's largest population of people with disabilities. Since the end of the United Nations Disability Decade in 1992, countries in the region have continued to pursue activities and campaign on the rights and opportunities of the disabled. On April 23, 1992, the Economic and Social Commission for Asia and the Pacific (ESCAP) adopted a joint declaration of the Asian and Pacific Decade of Disabled Persons 1993-2002 (United Nations, 2003).

However, the reform process during this decade was considered poor and somewhat unsatisfactory (Price & Takamine, 2003, pp. 115-127). The meeting of the ESCAP on May 22, 2002, announced expansion of the Asian and Pacific Decade of Disabled Persons for another decade covering 2003-2012. The meeting agreed that in order to complete the process in the next ten years, a clear and practical operational framework was required. The meeting therefore proposed a framework called the "Biwako Millennium Framework for Action: Towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific (BMF)". The BMF was considered a turning point for people with disabilities from a charity-based approach to a rights-based approach. It aimed to create a society for everyone without obstacles, whether institutional, physical, attitudinal, economic, social or cultural. People with disabilities would be able to freely make decisions on their own future. (Department of Children and Youth, n.d.)

After the end of the second disability decade in 2012, member states attended a meeting in Incheon, the Republic of Korea, on 29 October - 2 November 2012 to review operations over the past decade before declaring a third Asian and Pacific Decade of Disabled Persons covering 2013-2022. An "Incheon Strategy" was developed to achieve the goal "Make the Right Real" within 2022. This strategy used a different approach from the BMF. It was based on the 2006 CRPD, and comprises 10 important goals (Economic and Social Commission for Asia and the Pacific, 2012, p. 21):

- 1) Reduce poverty and expand opportunities to work and employment;
- 2) Promote participation in political processes and decisions;
- 3) Promote access to the physical environment, public transport, knowledge and communication;
- 4) Strengthen social protection;
- 5) Expand aid in the early stages and education for disabled children;
- 6) Guarantee gender equality and women's empowerment;
- 7) Assist people with disabilities on management and risk reduction in disasters;
- 8) Improve information on the disabled to be reliable and comparable;
- 9) Accelerate the ratification and implementation of the CRPD and adjust the laws in the country in accordance with the CRPD;
- 10) Develop cooperation at sub-regional, regional and inter-regional levels.

The ASEAN region includes about 60 million people with disabilities (Department of Empowerment of Persons with Disabilities, n.d. [a]). To ensure cooperation at this level, on 17 November 2011 member countries agreed on disability issues with the announcement of both the Bali Declaration on the Enhancement of the Role and Participation of Persons with Disabilities in the ASEAN Community and the ASEAN Decade for Persons with Disabilities over the years 2011-2020. This cooperation was a key issue under the ASEAN Socio-Cultural Community (Department of Empowerment of Persons with Disabilities, 2015).

2.3.3 Disability Issues in Thailand

As with international disability issues, Thai disability issues have a starting point in general policies covering both disabled and non-disabled people. There are few specific policies for people with disabilities. However, the Rehabilitation of Disabled Persons Act of 1991 and the Empowerment of Persons with Disabilities Act of 2007 became a very important in securing the rights of people with disabilities in Thailand. Their content clearly covers the essence of the needs of people with disabilities and is in accordance with international standards on the rights of people with disabilities.

Thai society has historically been based on agriculture. There was no separation of the disabled from the community. People with disabilities were still involved in the production process. However, as Thailand develops towards an industrial society, there is increasing economic competition. Anyone who is weak or cannot work becomes a social burden and (as happened in the United States in the late 19th century) is excluded from participation. In the Field Marshal Plaek Phibunsongkhram (or Phibun) era, there was a policy to control the population quality in order to develop a strong Thai breed that meets the needs of the state. This policy is prejudicial to the rights of people with disabilities as the state discouraged them from having children. However, people with disabilities still lived happily in their normal agricultural communities because the policy is not taken seriously.

The first National Economic Development Plan was announced in 1961 with the hope of helping Thailand to grow economically. Even though the economy was improving, there was a high degree of economic inequality and wastage of natural resources. People with disabilities had to leave agricultural communities to seek employment in the city. They found this difficult and lived day-by-day in poor conditions. Physical difficulty was emphasized by inequality in society. (Health Promotion for People with Disability Program, 2008, pp. 18-23)

Nalinee Khumthong (2003, pp. 20-24) summarizes the evolution of disability issues in Thai public policy as follows.

In 1976 the cabinet appointed the "Relief and Rehabilitation Committee", after the Declaration on the Rights of Disabled Persons in 1975, to support the disabled people with the matter of medical treatment, disability aid and social, educational and occupational rehabilitation.

In 1978, the cabinet announced the "Health for All 2000" policy in accordance with the World Health Organization's health promotion guidelines. This policy encouraged all people, including the underprivileged and people with disabilities, to participate in the promotion.

In 1981, the government organized activities for the year of International Disability of the United Nations. It announced the National Long-Term Disability Relief and Rehabilitation Plan (1982-1991) as announced by the United Nations which had designated 1983-1992 as the United Nations Disability Decade. The plan focused

on 3 issues, including disability prevention, rehabilitation of the disabled, and equal opportunities in education, career and society.

In 1983, various types of disability organizations came together to form the Council of Disabled People of Thailand (DTH), a single organization to consolidate lobbying for policy implementation.

In November 20, 1991, to coincide with the end of the International Disability Decade, the government of Anand Panyarachun (1991) introduced the Rehabilitation of Disabled Persons Act of 1991. This Act aimed to eliminate limitations in the disabled's activities including work and social participation. It required that the disabled receive protection, relief, development and rehabilitation by medical, educational, social and professional training methods and focused on eliminating economic and social barriers for people with disabilities. This Act is considered an important step in solving the problems of people with disabilities because it had identified the solutions to the various problems affecting the needs of the disabled.

In 1997, a new constitution of the Kingdom of Thailand included many articles about the protecting the rights, liberty and dignity of citizens, including those with disabilities. In addition, the government prepared a National Rehabilitation Plan for Disabled People (1997-2001) with the cooperation of various government agencies in order to comply with the Rehabilitation of Disabled Persons Act 1991 and the 8th National Economic and Social Development Plan (1997-2001).

In 1998, the government of Chuan Leekpai signed the "Declaration on the Rights of Disabled Persons in Thailand" in order to express the intention of providing equal rights and opportunities for the disabled as outlined in the Declaration on the Rights of Persons with Disabilities, the World Program of Action Concerning Disabled Persons, the constitution of the Kingdom of Thailand 1997 and all related policies (Department of Empowerment of Persons with Disabilities, n.d.b.)

Public policy for people with disabilities reached a major milestone when the Empowerment of Persons with Disabilities Act was announced in 2007. This and subsequent amendments to the Act in 2013 emphasize the human rights of people with disabilities. The essences of this Act are (Department of Empowerment of Persons with Disabilities, n.d.c):

1) A National Committee for Empowerment of Persons with Disabilities is to be formed consisting of:

(1) 13 government representatives including the Prime Minister as president, Minister of Social Development and Human Security as vice president, and 11 representatives from various ministries related to people with disability policy;

(2) 7 representatives from the disabled organizations appointed by The Prime Minister, and

(3) 6 experts appointed by The Prime Minister.

The Committee has many duties including sending policy proposals about people with disabilities to the cabinet, advising ministries that have policies relating to people with disabilities, establishing regulations or practices relating to the rights of people with disabilities to ministries and allocating funds.

The Department for Empowerment of Persons with Disabilities is responsible for creating cooperation with various agencies and supporting the strengthening of the disabled and disabled organizations. If a government agency violates the rights of the disabled, the Department can inform the cabinet. Moreover, if a private agency or any person violates the rights of the disabled, the Department can bring legal charges against them.

Various other committees have been established within the Department, including subcommittees for Empowerment of Persons with Disabilities at the provincial level and subcommittees by types of disability.

2) People with disabilities are able to file a complaint about a violation of their rights to the Committee. The order of the Committee is final. If the violation is in accordance with academic principles, reason or necessity, it can be overlooked but the state must provide remedies for those who are violated.

3) People with disabilities in every province are able to submit an application for identification as a person with disabilities to be used as evidence in requesting government and other benefits. If unable to do so, they may nominate a personal representative to submit the application instead.

4) People with disabilities have the rights to access things easily as follows:

- (1) Medical rehabilitation
- (2) Education
- (3) Occupation
- (4) Participation in political, economic and social activities
- (5) Access to policies, plans, activities, public services and products that are essential to life and legal advice
- (6) Receipt of information and convenient access to telecommunication services
- (7) Ownership of animals, equipment and tools to help with their disabilities and when entering any place
- (8) Access to a sign language interpreter service
- (9) Receipt of the disability allowance
- (10) Adjusted housing conditions to suit their disability.

5) An Empowerment of Persons with Disabilities Fund will be set up for use in promoting development of quality of life, rehabilitation, and assistance for people with disabilities in various ways. A sub-committee will be set up to manage the fund. In addition, there will be a committee to monitor and evaluate the fund's performance so that the fund management will be as efficient as possible.

6) The Council of Disabled People of Thailand and various disabled organizations are also to be supported by the fund.

7) An employer must accept a disabled person to work or either pay money to the fund or provide concessions for people with disabilities to trade, hire, train, etc.

8) Relevant government agencies must issue ministerial regulations to make buildings, transportation services, and other public services convenient for people with disabilities.

In addition, the Empowerment of Persons with Disabilities Act of 2007 stipulates that various government agencies must set certain ministerial regulations, notifications and regulations, namely (Health Promotion for People with Disability Program, 2008, pp. 7-12)

1) Ministerial Regulations

(1) Information and Communication Technology Ministerial Regulations: “Rules, procedures and conditions for access and utilization from information, communications, telecommunications services, information and communication technology, and communication facilities for all types of people with disabilities as well as public media services from public or private agencies that have received state support budgets”

(2) Labor Ministerial Regulations: “the determination of the number of people with disabilities that employers or owners and government agencies have to accept” and “the determination of the amount of money that the employer or the owner must deliver to the fund in the case that they do not accept the disabled In the amount specified under article 33”

(3) Ministerial Regulations of the ministry of Social Development and Human, Transport and Interior: “Characteristics for providing equipment facilities or services in buildings, locations, vehicles and transportation services for the access and use of disabled people”

2) Announcements

(1) Notification of the Ministry of Social Development and Human Security on the determination of categories and criteria for disabled people

(2) Notification of the Ministry of Public Health on rehabilitation services by medical procedures and medical expenses, disability, auxiliary equipment, and developmental media to adjust the physical, mental, emotional, social, behavioral, intellectual, learning or enhance capacity

(3) Notification of the Ministry of Labor on rules, procedures, conditions for standardized professional rehabilitation and service, labor protection, measures for employment as well as being promoted to self-employed, media services, and supporting technologies for the work of the disabled

(4) Notification of the Ministry of Social Development and Human Security on the transfer of budgets and personnel of the Bureau of Promotion and Protection of Persons with Disabilities (under the Office of Promotion and protection of Children, Youth, the Elderly, Underprivileged and Disabled) to the National Office for Empowerment of Persons with Disabilities

3) Regulations

(1) Regulations of the Ministry of Social Development and Human Security

(1.1) Regulations on rules and procedures for freezing assets of the establishment under the Empowerment of Persons with Disabilities Act of 2007

(2) Regulations of the National Office for Empowerment of Persons with Disabilities

(2.1) Regulations of each type of disability organization

(2.2) Regulations for appointing personal representatives

(2.3) Regulations for funds management, providing benefits, and fund management with the approval of the Ministry of Finance.

(2.4) Regulations for payment approval for Empowerment of Persons with Disabilities

(2.5) Regulations for the preparation of financial status and fund management reports

(2.6) Regulations for receiving money, paying, keeping funds and cutting-off debt to zero with the approval of the Ministry of Finance

(2.7) Regulations for standardization, certification or revocation of certification for disabled organizations or any other organization that provides services to the disabled

(2.8) Regulations for the composition, qualifications, prohibited characteristics, the position, and retirement of the subcommittee

(2.9) Regulations for the rules and procedures for requests and correction of unfair actions

(2.10) Regulations for rules, procedures and conditions for submitting applications for identification cards and card issuance, determination or changing rights

(2.11) Regulations for helping to access policies, plans, projects, activities and public services, products that are essential to life, legal assistance and provision a lawyer

(2.12) Regulations for sign language interpreter services

(2.13) Regulations for rules and procedures for welfare provision through disability allowance

(2.14) Regulations for rules and methods for adjusting the living environment, having a personal assistant or providing other welfare

(2.15) Regulations on the rights of the personal assistant to receive a reduction or exemption from service fees

(2.16) Regulations on rules and procedures of people with disabilities who do not have a personal assistant and have the right to receive housing welfare and care from government agencies. In the event that some private homes provided housing and welfare already, the government must provide subsidies to that private home.

(2.17) Regulations for rules and procedures for the personal assistant to receive counseling, training, parenting skills, education management, employment promotion and any other assistance for self-reliance

(2.18) Regulations for rules and procedures of the Council of Disabled People of Thailand to receive financial support for administration

(2.19) Regulations for rules and procedures in the event that a government agency does not want to receive disabled persons to work under article 35 or an employer or owner of an establishment does not accept a disabled person to work under article 33 and does not want to send money to the fund under article 3, whereby the government agency, employer or owner of the establishment may arrange a place for disabled people to sell products or subcontracting or internships or other assistance to people with disabilities or their caregivers.

In 2008, Thailand ratified the International Convention on the Rights of Peoples with Disabilities (CRPD). In 2013, there was an amendment to the Empowerment of Persons with Disabilities Act of 2007 which enabled people with disabilities to receive additional benefits, which can be summarized as follows (National Office for Empowerment of Persons with Disabilities, 2013, pp. 6-7)

1) People with disabilities can enquire about the rights of people with disabilities. The National Office for Empowerment of Persons with Disabilities will work proactively for the rights of people with disabilities

2) People with disabilities will receive more convenience regarding the service of issuing disabled people's ID cards by extending the card issuer from the registrar to an officer. Moreover, in the future they will only need their identification cards instead of the identity cards of the disabled

3) People with disabilities who have no status without a name in the civil registration, have no Thai nationality, and live in remote areas must receive support according to the principles of human dignity

4) People with disabilities will have more channels to request the elimination of discrimination which can be appealed to the sub-committee instead of the committee

5) People with disabilities can allow their personal assistant or disabled organization to request the right to access benefits from public facilities.

6) Disabled organizations or other organizations will have a greater role in promoting and improving the quality of the disabled life

7) A service center will be established for people with disabilities to serve more of their needs

8) Local government will be able to use their budgets to promote and improve the quality of life of the disabled in their area

9) Provincial Sub-committees for Empowerment of Persons with Disabilities can consider financial matters for people with disabilities and networks without having to wait for the consideration of the Sub-committee for Management the Fund for Empowerment of Persons with Disabilities

10) Each national disabled organization or disability organization will receive financial support from the fund

11) All types of private organizations are entitled to tax exemptions for subsidies from the fund

12) People with disabilities or their personal assistants will have more opportunities for employment by increasing the requirement that employers who do not want to employ people with disabilities and do not want to pay into the fund have to provide a place for people with disabilities to trade or contracting services or internships or providing facilities such as a sign language interpreter to help people with disabilities

13) The role of the National Office for Empowerment of Persons with Disabilities will be adjusted to work closely with the disabled network and develop projects to improve the lives of disabled people

From development of the various laws relating to people with disabilities, it is seen that the government considers the rights of people with disabilities to be an important issue for society. Although in the earlier stages the government looked at the problems of people with disabilities as a matter of charity, in later stages the government showed more awareness of the rights, freedoms and equality of people with disabilities. This led to the enactment of The Rehabilitation of Disabled Persons Act 1991 and the Empowerment of Persons with Disabilities Act of 2007.

However, even though the policy has been formulated by the various Acts, in practice, there are many obstacles to its enactment, whether through discrimination or omission. Many of the laws are either not enforced, lack clear criteria, or are inconsistent with international law on discrimination due to disability (Atip Jantaroj, 2006)

For example, even though there has been a Ministry of Information Technology announcement on the access and utilization of telecommunications information and equipment for people with disabilities, in practice people with disabilities still have poor access. Problems include the location and accessibility of telephone booths, the difficult process of obtaining information on communication technology, and lack of knowledge on how to use it.

Another example is the Ministry of Social Development and Human, Transport and Interior regulation on providing equipment, facilities or services in buildings, locations, vehicles and transportation services for the access and use of disabled people. In practice, public transportation services still lack the readiness to support the disabled anywhere in the country. An example is BMTA bus services in Bangkok, which have several obstacles for people with disabilities, especially those with physical disabilities and the blind. An even worse example is the BTS sky train service, which up until recently did not have elevators at all stations even though the Supreme Administrative Court had ordered their installation. This is a reflection of the lack of seriousness in policy implementation. The objectives are written in the law, but not put into practice.

On the other hand, the Labor Ministerial Regulations on Determining the Number of People with Disabilities that Employers or Owners of Enterprises and Government Agencies Must Accept to Work and the Amount of Money that the Employer or the Owner of the Establishment Must Deliver to the Fund to Empowerment of Persons with Disabilities has been brought into practice fairly. The law states that if an employer has 100 employees, it has to employ 1 disabled person and, if 150 employees, it has to employ 2 disabled persons. The Ministry has ordered the seizure of property of 44 establishments with a total value of over 200 million baht due to non-employment of people with disabilities as provided by the law (The Secretariat of the Prime Minister, 2012).

2.4 Access to Public Transport Systems for Disabled People

Accessibility to the public transportation system is a very important issue for people with disabilities. This is because those who are unable to perform activities outside the home are unable to live in normal society like the non-disabled. One of them is traveling which is considered the beginning of all access. In some provinces it has been found that NO government offices or state and private sector enterprises have facilities suitable for people with disabilities (Numjit Nualnetr & Siriluck Papirom, 2006, pp. 26-37).

2.4.1 International Agreements and Laws Relating to the Right to Access Public Transport of Disabled People

There are several agreements between countries, both at the global and regional level, and also Thai laws regarding public transport access.

- 1) The International Convention on the Rights of Persons with Disabilities (CRPD) has clearly defined the accessibility of people with disabilities in Article 9, as summarized below (United Nations, n.d.b., pp. 9-10).

Article 9 States members must have appropriate measures to enable people with disabilities to have equal access to the physical environment, transportation, information and communication, information technology, and facilities including services that are provided to the public in both urban and rural environments.

According to Article 9, principles of accessibility must be used in conjunction with other principles to enhance the integrity of access rights of people with disabilities, including in conjunction with the non-discriminatory principle, universal design principle, reasonable accommodation principle, assistive technology principle, and inclusive society principle (Salinee Likitpattanakul, 2013).

2) Cooperation of the Asian and Pacific Decade of Disabled Persons (2013-2022) has followed the Incheon strategy for achieving goals by 2022. This strategy is based on the Convention on the Rights of Persons with Disabilities (CRPD). There are related provisions as summarized below (Economic and Social Commission for Asia and the Pacific, 2012).

Goal 3: Promoting access to the physical environment, public transport, information knowledge, and communication which includes equipment/ services for people with disabilities to enable them lives with dignity

3) The Empowerment of Persons with Disabilities Act of 2007 (Amendment in 2013) provides in Article 20 (4) as follows: (Department of Empowerment of Persons with Disabilities, 2016, pp. 35-36)

Article 20 (4) Acceptance and participation fully and effectively in social, economic and political activities on the basis of equality with the general public as well as receiving facilities and services that are necessary for people with disabilities

Although access to public transport services for people with disabilities is provided for both in international conventions and in the Act, it has found that there is

still a problem in practical action. In this regard, the National Committee for Empowerment of Persons with Disabilities is considered to be an important mechanism to promote and support access to public transport services for people with disabilities. The Committee is set up in accordance with the Empowerment of Persons with Disabilities Act of 2007 with an important duty to protect benefits and implement the disabled policies including the policy of accessing the transport system of the disabled.

In relation to public transport access issues, The Ministry of Transport has appointed a committee for coordination and consideration in the provision of facilities for the disabled and the elderly in the infrastructure and in the mass transit system and to support the convenient access to public transport services in such populations. Although some disabled organization leaders believe that government policies are more conducive to disabled people than before, they sometimes face budget cuts due to external economic forces. This causes people with disabilities to lack services that are conducive to daily life such as travel, health care, participation in society, and finding work, etc. These disability budget cuts bring more costs in the long term as the disabled have less employment opportunities. The best way forward is to create an accessible environment that will save long-term budgets (Schur et al., 2013, pp. 226-229).

Disability policies, especially in western countries, have an objective for people with disabilities to have freedom or have "choices" to live as they want. The disabled organizations per-se have a duty to support people with disabilities to have the opportunity to participate in both social and economic activities. However, various infrastructures are still difficult for people with disabilities. So the government must change by providing funds, management and administration of government personnel to be more responsive to the disabled (Power et al., 2013, pp. 56-67).

2.4.2 Problems of Access to Public Transport Systems of Disabled People

Access to public transportation is considered the most important access and is the starting point for access to other goals of people with disabilities. If people with disabilities get work, but roads do not allow them to travel to work easily, how can they go to work? (Chanan Phakdithanakun, 2010)

Problems of people with disabilities in accessing public transport are as follows:

Firstly, most people with disabilities are poor so traveling is difficult. Transportation costs and family economic issues are major problems. (Sirilak Mapong, 2008). Disability also results in the inability to participate in government policies including traveling to the hospital because of the difficult journey and having no money and no one took them (Kittiwat Chatsripho, 2015).

Secondly, there are many elderly people who become disabled through aging related sicknesses such as arthritis. These cause many elderly people to become disabled in their later years (Hootman, Helmick, & Brady, 2012, pp. 426-432)

Thirdly, even when people with disabilities have money, traveling by public transport is very difficult, such as taking a bus that requires someone to help carry or lift their wheelchair or trying to take a taxi that may refuse to pick them up. Another problem is the lack of someone to assist them because their relatives have to go to work. These things make access to public transport seem complicated with many obstacles when compared to normal people who are not disabled. A study found that blind people in Bangkok and perimeters use public transport more than people with mobility disabilities. They travel mostly by walking on the sidewalk and taking the bus, while most people with mobility disabilities use taxis and personal cars. This is because facilities are not suitable. The government does not improve their travel services sufficiently and effectively such as poor sidewalks, not enough buses to travel, and lack of complete facilities in the BTS. (Anucha Nilsriphaiwan, 2000)

These barriers are not specific to rural areas. They also exist in the capital, Bangkok, which should have the best facilities for people with disabilities. Many problems and obstacles are encountered on buses, such as unclear letters that are difficult to see, unclear sound from public announcements, communication problems with bus officers, no Braille documents available for visually impaired people, difficulties from using the MRT service, no convenience of taking the bus, no crossing points for disabled people, architectural structures that are not conducive to travel for the disabled, no bathroom facilities designed for the disabled, and no installation of anti-slip materials (Sukanya Boonkong, 2008, pp. 156-157). Siriporn Suksanguan (2003, p. 88) found that the travel problems of people with disabilities in Bangkok include the lack of suitable parking spaces, no facilities in the places they want to go,

overcrowded buses with no room for people with wheelchairs, unhelpful taxi drivers, and (up to recently) no lifts at most BTS stations. Wheelchair users face additional problems such as bus doors that are too narrow, and the state refusing to issue driver's licenses to disabled people using modified vehicles (Penpak Yayee, 2005, p. 129). For the visually impaired the most critical problems in traveling to work are the lack of an audio signal system at intersections and buses with no warning systems at each stop. (Srundit Benjaphong, 2009, pp. 119-120)

Safe public pavements are important for people with disabilities, especially those who use wheelchairs and the blind. Soison (2011) found that pavements in Pattaya are not suitable for the disabled because of their roughness, steepness and obstructions.

If we consider Thailand's experience in the context of other countries, we find that many studies in the US offer guidance and identify factors (such as prices, etc.) that affect the decisions of people with disabilities to use transportation systems. Some studies suggest that both public and private operators should be forced to provide services for the disabled rather than let them to compete with the market mechanism. Other studies recommend the creation of an easy sidewalk system for the mentally and visually impaired. Many states have introduced laws that facilitate transportation for people with disabilities, but some only offer transport services through the private sector. Laws that govern airlines include design standards to facilitate people with disabilities.

In Canada, advances in providing facilities for people with disabilities are still very low. Only 2 provinces define the rights of people with disabilities in law. Ontario establishes standards for accessing services for people with disabilities at the local level. Nova Scotia provides community subsidies to allocate to the disabled and to improve public access. Kovacs, Burns, and Gordon (2010, pp. 205-218).

In developing countries, access to buses of people with disabilities is often difficult. In Nigeria private bus drivers hardly want to take passengers with disabilities even if they have money to pay. This reflects the discrimination against people with disabilities. It causes people with disabilities to be separated from society and discriminated against unfairly (Bombom & Abdullahi, 2015, pp. 519-533). In addition, studies in Sudan, Namibia, Malawi and South Africa found that one of the important factors that prevent disabled people from accessing medical services is a shortage of

public transport (Eide, Mannan, Khogali, Rooy, Swartz, Munthali, Hem, MacLachlan, & Dyrstat, 2015).

Even in developed countries such as the United States, where the American Disability Act (ADA) has been in place for 10 years, suitable buses for people with disabilities are still too few. Elevators that are used to lift people using wheelchairs often do not work (in the United States, there are buses that are both lift-mounted and low-floored). Many bus drivers don't understand the process to use the elevator and some pretend to tell the disabled that the elevator is out of order. Some drivers do not pick up people with disabilities due to fear that using the elevator will cause them to spend more time and not meet the schedule. Some disagree with the disabled person using the elevator, and others do not lower the bus for easy access unless requested. However, in recent years these things have begun to improve through the use of low-floor buses with ramps (Rosenbloom, 2007).

People with disabilities in the United States experience obstacles in traveling to see a doctor. They often must travel long distances to find the desired service provider, and even though there is a government service system for patients called the Ride and Medicaid transit system, there is sometimes a delay that affects available appointment times with the doctor. (Drainoni, Lee-Hood, Tobias, Bachman, Andrew, & Maisels, 2006, pp. 101-107). A study by Coughlin, Long, and Kendall (2002, pp. 115-136) identified problems for people with disabilities in West Winchester county in New York. For people with disabilities, it often takes over 30 minutes (and in some cases up to an hour) to travel to their doctor. This causes a feeling of not wanting to go to the doctor because of the time and difficulty involved.

In the United States, public transport service providers tend to think that adding transportation services for people with disabilities is an unnecessary cost burden. Although mandated by Congress, they do not understand that the disabled group has the right to use legal transport services. They think that people with disabilities are a minority that should not have as much influence on them. Some exclusion of people with disabilities in using services has occurred, which is a major problem in transportation systems complying with ADA implementation. Providing services for people with disabilities should not be regarded as a burden by the private sector. If calculated properly, the average travel cost of all passengers in the system should not

increase. Moreover, there are many alternative forms of transport becoming available to the public. Car manufacturers are producing cheaper cars within the price range of low-income people. Private sector transport providers have more competition, and finding new customers such as people with disabilities is a very interesting solution for them.

There is also a misunderstanding that the improvement in transportation based on ADA is solely for the benefit of disabled people, while in truth it is useful for ALL people. In addition, the improvements are based on civil rights.

Unfortunately, ADA policy implementation is still not as complete as it should be. The government must do more to support equal rights to public transportation, even if the budget has to be increased. In the end the benefits of providing the services will be far superior to the cost. It is useful to everyone, including people with disabilities. Reducing the costs of people with disabilities will benefit governments economically and politically (Winter & Williams, 2001, pp. 674-680).

In the UK, it was found that many people with disabilities were willing to walk rather than climbing on a high-floor bus (Wilson, 2003). Until recently, many buses were not suitable for people with disabilities. This is because the UK had exempted the regulations that require all buses to support people with disabilities until the year 2020. A suggestion is that the Ministry of Transport of the United Kingdom should find ways to create cooperation with local administrative organizations to take responsibility for direct local services (House of Commons, 2013).

Australia government has set standards for people with disabilities to access public transport. The operator must provide services in accordance with these standards, whether the standards related to vehicles or passenger transportation. The standards apply to trams, trains, buses, taxis, ferries and airplanes. In the future, this may lead to greater understanding between service providers and local government organizations to meet the needs of users and use modern technology to eliminate travel barriers (Le Bransky, 2015).

In Ireland, the public transport system is still not effective in the countryside where busses are not suitable for the disabled, especially the visually impaired (Gallagher, Hart, O'Brien, Stevenson, & Jackson, 2011). In Norway, public transport still lacks the concept of universal design which is a concept that should exist in every

public transport system. The system should not be based on the consideration that a small number of people with disabilities are not important. The government should provide a convenient transportation system for people with disabilities on all routes providing “door-to-door” travel, not “bus stop-to-bus stop” (Aarhaug & Elvebakk, 2015, pp. 143-150).

Some studies for solving the problem of accessing the public transport system by the disabled can be summarized as follows;

The first relate to solving problems in the public transport system for the disabled directly. It has been found that people with visual disability need voice prompts and braille buttons on buses. People with mobility disabilities need the bus to be modified to facilitate their use, such as low-floor buses which the network of disabled people has been demanding. (The Public Relations Department, 2016, pp. 6-7) While people with other types of disabilities (e.g. the hearing impaired and those with mental and intellectual disabilities, learning disabilities and autism) encounter some obstacles, these are somewhat less than those with visual and mobility disabilities (Tanayut Thanathiti, 2007, pp. 17-26).

In the case of the railway transportation system, Jutathip Namart (2003, p. 101) conducted a study at Samsen railway station. There was a problem that the station area had many different surfaces, including a different level between the floor and the platform. The railway station buildings, which are on both sides of the tracks, have the ticket counter and bathrooms on only one side. People with visual and hearing disabilities had trouble understanding information about travel. Jutathip Namart (2003) suggested improving the architecture and environment of the station so people with disabilities can access facilities more easily.

Laws related to people with disabilities must set clear punitive measures for any agency that does not comply. The law must be stronger and clear so that the officers are not confused in order for Thai society to become an inclusive society (Ekachai Chanthong, 2018). (Montian Boontan (2013) said that even though we have good disabled people laws, the problem is still the understanding of the administrators, both political and bureaucratic, who do not understand the changing of social context. This causes the disabled policy to not comply with laws. Policy makers do not see that people with disabilities have the right to come out to live in society. They therefore design or

develop policies that neglect disabled people. In developed countries indicators are used to analyze the disabled's living conditions and problems (Ekachai Chanthong, 2018).

In fact, one of the most difficult and important problems for people with disabilities in accessing public transport is the delay in putting government policy into practice (Krathamma, 2015). This is related to the social attitudes towards people with disabilities, i.e. their problems are seen as specific to a minority group in society. The perception is that solving problems for such a small group is wasteful, and that people with disabilities deserve charity rather than equality. This attitude results in disregard for the government's attempts to solve problems. This corresponds to Hurst (1999), who suggests that even though disabled organizations have presented arguments that describe the importance of people with disabilities participating in social development and offer guidelines for solving their problems which are economical, effective, available in all locations, and suitable for people of all ages, these proposals still did not receive a response due to the many social barriers that hinder them. The voice of disabled organizations still does not have strong enough power to result in change and development.

Sometimes people with disabilities have to call attention to their problems in seemingly bizarre ways. For example, on February 29, 2016, a group of people with a variety of disabilities protested to the Bolivian government in Cochabamba by hanging themselves in wheelchairs from a bridge for many hours. This was in protest of the government's refusal to increase the allowance of disabled persons to the equivalent of 2,500 baht per month. Previously, there was an attempt to negotiate with President Morales but this was prevented by the police. The government said it had allocated 37 million baht to the disabled but the disabled group said that they did not benefit from this money at all. This showed the government's insincerity in solving problems and the group voted to hold a rally at the Presidential Palace in La Paz the following month (Prachatai, 2015)

There are some beliefs about the accessibility of people with disabilities which are misunderstandings. One is the belief that creating facilities for people with disabilities is wasteful, when in fact participation in society for people with disabilities is a matter of human rights, not charity. The benefits that should be provided for people with disabilities and other disadvantaged people should not be limited because it helps them to have a better quality of life. When these people live better, overall society will

live better as well. The construction of facilities for the accessibility of people with disabilities in all buildings is only 1-2 percent of the total cost. The report of the ILO (International Labor Organization) states that the exclusion of people with disabilities from access to work is 1-7 percent of the causes of reduced GDP (Federal Ministry for Economic Cooperation and Development, n.d.).

2.5 Organizations of Disabled People

2.5.1 Organizations of Disabled People Concepts

Although the equality concept is recognized as important, disabled people are still discriminated against. Disability is still something that is not accepted in society. The daily lives of people with disabilities are still blocked by attitudes and environment in society. Discrimination from other groups is often seen. Access to rights is also difficult. These problems make it necessary to have an organization to represent the disabled and help protect their rights. Disabled organizations arise when a number of people with disabilities who are aware of the rights and opportunities that should be made available to them look at themselves positively, and want to overcome the obstacles of their disability by opening themselves to a wider society (Thanyawalai Jaruchalemrad, 2010).

Belief that people with disabilities can improve their lives by participating in politics arises from the concept of Aristotle that "Political participation is the fulfillment of human nature". This has resulted in a diverse group of people with disabilities working together (Schur et al., 2013, p. 98). The disability rights movement uses cooperation in the form of organizations to lead to their goals. Hurst (1999) explains that organizations of people with disabilities arise from the following: 1) anti-oppression from society, medical and rehabilitation experts as well as defining the definition of disability by themselves; 2) people with disabilities who have leadership potential coming together to exchange experiences with each other; and 3) the need of people with disabilities to combine their voices to demand what they want from the authority. In other words, one of the most important tasks for organizations of people with disabilities is to promote equality opportunities for the disabled. This is seen as a direct obligation of the disabled, not the duty of others.

The transition to the concept of social mobility of people with disabilities was begun in the 1960s by Paul Hunt, who urged society to listen to people with disabilities as if they are part of society, not second class citizens. Many charities seemed to reinforce the problems of disabled people. Hunt therefore began to campaign for people with disabilities to stand up against the view that people with disabilities must succumb to the powers in society. Hunt, along with other people with mobility disabilities formed the UPIAS (Union of the Physically Impaired Against Segregation) to become a voice focusing on the unfair issues affecting people with disabilities. This organization believed that people without disabilities are unable to understand the needs of people with disabilities. This group began the disablement organization social movement. Since the late 1970s, more and more organizations for people with disabilities have emerged, including those for other types of disabilities such as the blind, the deaf, and those with mental disabilities and learning disabilities. These disablement organizations for all types of disabilities have the same purpose (Cameron, 2014).

In the 1980s in England, there was a movement of people with disabilities to campaign and educate society on the issues of people with disabilities. Later in the early 1990s, there were protests for disability rights issues in various forms, such as the closure of traffic in London during rush hour when a protester handcuffed himself to a bus from a wheelchair. More than 2 thousand people gathered to protest television programs that have content which makes people with disabilities look like second class citizens, etc. These strategies were called "civil disobedience for the participation and equality of people with disabilities in society". However, even though people with disabilities had expanded the issue in many different areas and laws and practices were introduced that looked good for people with disabilities, the disabled were not satisfied with the small benefits they had received (Cameron, 2014).

The disability movement was born to help disabled people achieve the same rights from society as normal people. The movement faces numerous obstacles. Bersani (1995, as cited in Seaman, 2004, p. 13) explained that the movement that supports people with disabilities has a history that has passed through 3 waves. The first wave was born when the experts showed themselves to be knowledgeable in solving disabilities. The second wave was born after World War II when the group of disabled children's parents came to join the association and saw that their children should have

the right to study and many other appropriate rights. The third wave occurred when people with disabilities came to support and play a leading role in the disabled organization by themselves. For example, “People First”, a disability group in Canada, had lobbied to abolish sterilization of people with cognitive disability. This disability rights group became so influential that the United Nations paid attention to its policy focusing on the importance of people with disabilities (Seaman, 2004, pp. 17-18).

People with disabilities have different needs for protection differently than others, and coordination of their efforts to achieve their rights took place. This is common in North America based on the philosophy of normalization, which means not being different from others, and also relies on the philosophy of empowerment (Seaman, 2004, pp. 13-15).

The community or organization of the disabled consists of people with disabilities who have different experiences. They have the same ideal about their self-management rights and self-determination. They have a main point about achieving civil rights by using the legislative process as a tool. However, they should not use an incremental strategy because it reduces their power and the effort becomes meaningless (McGuire, 1994, p. 112).

Hurst (1999), commented that disabled organizations would be more powerful if they gathered together as a movement and proceed as below while complying with sustainable development:

- 1) developing, strengthening, and enhancing resources for organizations of disabled people;
- 2) creating opportunities for people with disabilities to choose to live and participate in policies and services related to them;
- 3) creating understanding of the rights of people with disabilities in their society;
- 4) improving the network of people with disabilities in order to keep up with the situation and find a solution for managing the appropriate changes; and
- 5) supporting people with disabilities to participate equally in various important activities.

Hurst (1999) further explained that sustainable development cannot occur if there are not two important factors: human rights and social partnership. Undesirable

results can be found in countries governed by authoritarian regimes in which sustainable development is always delayed.

In Thailand, there are 2 types of disabled organizations. The first are called organizations of the disabled in which people with disabilities or personal assistants (PA) of people with disabilities become members and make up not less than 2 in 3 of all directors. Examples of organizations of the disabled are the Thailand Association of the Blind, National Association of The Deaf in Thailand, the Association of Physically Handicapped of Thailand, Association for Parents of Person with Intelligences Disability of Thailand, Association for the Mentally Ill of Thailand, and Association of Parents of Persons with Autism.

The second type of the disabled organization is an organization that has the main objective or activity related to the promotion and development the quality of disabled life but is not a government agency. Examples include the Foundation for The Deaf under The Royal Patronage of Her Majesty the Queen, Foundation for Children with Disabilities, the Saints Foundation for the Blind in Thailand, Fr. Ray Foundation, Sisters of Charity, The Receptionist Foundation for People with Disabilities, National Council on Independent Living (NCIL), etc. (Department of Empowerment of Persons with Disabilities, 2018)

Even though the operation of disabled organizations may seem like charity work, this is not always the case. Cameron (2014) points out that some organizations that appear to help people with disabilities may just do it for money. In England, many organizations have changed the motto to be consistent with the issues of the rights of people with disabilities. But most still do it for money or benefits or to influence per se to society by relying on the image of people with disabilities. For example, in 2009, an organization organized a blind virtual tour of Edinburgh, Scotland to show the difficulties of life for the blind. However, this was a money making activity. It also reinforced the image of personal tragedy for the blind. Earlier in the 1960s, some disabled charities bought images of cute disabled children to advertise on posters to communicate that in the future our children may become disabled. This used the disabled children as a tool to make money. Providing charity for people with disabilities makes most of them unable to make a living by themselves. The entry of the medical causes them to be perceived as unable to work and need the British government to find

suitable work instead of being able to work as they want. People with disabilities experience more difficulty in finding work due to the thoughts of people in society.

2.5.2 Leadership of the Organizations of Disabled People

One of the important roles of leaders of disabled organization is driving policy issues of people with disabilities. This is because the disabled organization can be considered as an agent for the disabled.

The term "leadership" has a variety of meanings. Supachai Krathamana (2015, p. 254) concludes that it means the ability and characteristics of a person that are used to influence and change the actions of a person or group to be able to combine forces to help any work be accomplished. Supanee Saridvanich (2009, p. 234) explained that it meant to influence followers or to inspire others to achieve the objectives of the organization. Robbins (2005, p. 125) explained that leaders refer to persons who influence the group and have the ability to lead the group to work successfully according to the objectives of the organization. So it can be concluded that leadership means the ability of person to make people in the organization work to achieve organizational goals.

Sisk and Rosselli (1987, as cited in Seaman, 2004, p. 19) explain that leadership theory generally has three main theories: 1) the trait theory; leadership from birth 2) the leadership style theory; leadership from position, and 3) the situational leadership theory; leadership from situation. The theories in (1) and (2) emphasize the leadership within the leader, but theory (3) emphasizes the interaction between the leader and the followers. As disabled organizations do not have the power to influence society, the best leaders for them should have a focus on negotiation according to the theory (3).

The background of disabled organization leaders often show similar characteristics; struggling early in life until finding success and being accepted by members. Seaman (2004) studied the backgrounds of disabled organization leaders and found that most demonstrated assertiveness and negotiation skills. They have experience in learning to solve problems in their own way, have the opportunity to participate in various activities including sporting events, travel, education, and volunteering. These make them confident in themselves and look at the wider world. They are inspired to struggle from people with disabilities and those who were not

disabled. The key is these leaders know that the characteristics that are important for the leadership of a disabled organization include decision-making ability, confidence, creativity and willingness to risk. They inspire other people with disabilities to fight for their rights by encouraging people them to live a life. That is an important feature of the leader. They are happy in life and no one complains about their disability. All obstacles that they have experienced in life led them to this day. Most importantly, the problems they saw were not the problems of disability but the problems caused by social attitudes towards people with disabilities.

People with disabilities must face various obstacles in achieving a role in society like people who are not disabled. People with disabilities need to be accepted by society in all aspects, whether economic, social or political. Disabled organizations representative them in fighting to claim their rights. The leader of the disabled organization therefore carries the burden of hope for many people with disabilities. Sherwin (2010, pp. 84-93) describes the roles of desirable disabled organization leaders as follows:

- 1) Leaders must understand the true concept of the word "participation in society" because it is not just about living in the same city but it is to participate in all aspects of life as well as people who are not disabled;
- 2) Leaders must be ready to face questions related to the rights of people with disabilities whether it be economic, human resource, or human ability, etc.;
- 3) Leaders must be aware of community views towards the disabled change those views to create a positive attitude towards people with disabilities;
- 4) Leaders must be able to create innovative changes in services to people with disabilities and to change services from the sympathetic to assistance in the form of services and giving advice;
- 5) Leaders must be able to apply the theory to be used as a knowledge base for the provision of appropriate services for people with disabilities.

Before the leader of a disabled organization can create changes to create a better direction for the disabled, he/she must make changes in their organization. Kotter and Schlesinger (1979, as cited in Power et al., 2013, pp. 77-79) explained that lthough such organizational change is a good thing, there are often many people in the organization that resist changes. They proposed the following ways to reduce this resistance:

- 1) Providing education, training and good communication about the benefits of change. Good leaders must link changes to organizational goals;
- 2) Encouraging personnel to participate in the change process and express opinions. This would make them feel valuable and own the changes;
- 3) Facilitating support and help for people who resist so that they can more easily adapt to changes.
- 4) Negotiating and reaching agreement with those who disagree, such as the promise of bonuses. Good leaders should listen and talk to all stakeholders relating to change in the organization.
- 5) Managing and changing enemies to be friends (co-optation) to control the leader's change mechanism and give anti-change people the opportunity to choose their roles in the changed organization (e.g. giving the opponent a higher position).

A disabled organization should drive forward better if leaders are disabled and understand deeply the minds of people with disabilities. However, when exploring disabled organizations throughout the United States, it was found that only 17-24 per cent had disabled people in leadership roles. The main obstacles include shortages of funds, travel and infrastructure of the group, as well as a lack of resources and staff, common goals, trust, skills and leadership training, and enthusiastic members (Powers et al., 2002, pp. 125-133).

Although on the surface it would seem that people with disabilities make the most suitable leaders for disabled organizations (because there is no one who knows the feelings of people with disabilities as well as the disabled) there is no certainty that they have the other characteristics necessary to be a good leader. In other words, best leader is the person who leads the organization to the desired goals (Seaman, 2004, pp. 22-23).

2.6 Concepts and Models

This section describes the concepts and models that relate to the role of disabled organizations and government agencies on low-floor bus access.

2.6.1 Concepts of Interest Groups

People with disabilities can be considered as the world's largest minority. In Thailand, they make up about 1 in 30 people while people with disabilities in the United States account for almost one-fifth of all Americans. Therefore, people with disabilities are considered to be stakeholders and an interest group in the implementation of policies related to them.

Dur and De Bievre (2007, pp. 1-12) point out that research related to the influence of interest groups on public policy is limited. Despite the fact that interest groups are increasing in developing countries, in both the United States and the European Union there has been little study in relation to this matter. Dur and De Bievre (2007, pp. 1-12) describe the factors that determine the level of influence that interest groups can have on the public policy as follows:

1) Policy Maker Perception In a democratic country policy makers will implement policies in the direction that will be least punished by voters.

2) Resources Interest groups that have a lot of resources can have more influence than those with fewer resources. If all groups have equal resources, policy makers would have the greatest influence. If any interest groups have to be allocated resources from the state, their influence would be very low.

Interest groups that focus on diffuse interests can use only one influence factor; i.e. negotiation according to 1) This is different from interest groups that have concentrated interests and can use financial influence and investment as conditions of negotiation according to 2) The first group has the advantage of being more likely to force government action than the second group.

3) Public Interest The more interest that society has in an issue, the more likely it is that the government will not want to make changes due to concerns about votes if errors occur. While the government may pretend to pay attention to policy issues that are of high interest to society it will not devote major efforts to solve problems in these areas immediately (except urgent issues that need to be resolved, such as natural disasters, war, epidemics, etc.). Often, the government will use a delaying tactic by appointing a committee to buy time until interest diminishes and eventually disappears. This is because if the government immediately devotes its efforts to such a policy, a lot of people may disagree and it may affect the next election.

Based on the analysis of these concepts by Dur and De Bievre (2007), it would be expected that the almost 2 million people with disabilities in Thailand could influence the government's policy process quite a lot. However, in practice a great number of people with disabilities do not come out to exercise political rights such as voting. That makes the voices of the disabled unable to be heard. In addition, the resources of disabled organizations are still low; they require government support. This results in them having little power to negotiate with the government as much as is needed. In addition, the problems of people with disabilities are not seen as an important issue for Thai society. The government therefore does not try to actively solve problems. It just sets up studying committees to buy time.

Almond and Powell (1976, pp. 80-81) suggest that the power of an interest group to influence government depends on the following factors:

- 1) The ability of the group to mobilize basic factors to support things such as energy, resources, power, funds, members, political expertise, stability and solidarity of the organization, dignity in the eyes of society, and dominant political actors such as politicians;
- 2) The context, situation, and perceived importance of the problem that it is interested in. For example, if the issue of child labor and women's labor is of interest to society, the actions of the organization concerning the protection of children and women's rights will receive interest to society;
- 3) Freedom as a group, that is, the group must have its own identity without being dominated or under the influence of other groups. The fact that the group is orchestrated or lacking independence means that the group has become an instrument of another influence group which will ultimately hurt the political process;
- 4) Regime and government structure. For example, if the form of government is federated, such as the United States, interest groups will be large in number and play a large political role.

Based on the analysis of the concept by Almond and Powell, it was found that disabled organizations still have a low ability to mobilize resources. The cooperation of disabled people is also a significant problem. Issues of people with disabilities are not yet seen as important for Thai society. In addition, disability groups have only a certain level of freedom because they are dominated by institutions. Finally, Thailand

is a single- state country with centralized powers, which means that disabled organizations can only play a limited political role, unlike in foreign countries where the disabled organizations also have influence in their local government areas.

Paletz, Owen, and Cook (2011, pp. 336-338) explain why interest groups have succeeded or failed:

1) Assets. Assets here do not only refer to the amount of money but it also includes the reputation, influence or prestige of the group, talented leaders, political skills, and the status of the group members;

2) Group goals. Whether the goal of the interest group is to influence to create new policy or change an existing policy that is still in use. Based on research into interest group goals in the United States during the Clinton government and the first two years of George W. Bush government, it was found that the goals of the interest groups which achieve the most success were those seeking to change existing policies rather than create new policy;

3) Partners. Interest groups should coordinate with other groups to make their proposals have more impact. Collaboration will increase resources, get useful expert advice, and create be more reliable policy;

4) Relationship with policy makers. This relates to how much interest groups are involved in the policy formulation triangle; politicians, civil servants and interest groups. In relation to this issue, Eldersveld (1958, p. 187, as cited in Paletz et al., 2011, pp. 338-339), prioritize the close relationship of interest groups towards policy formulation by ordering as follows;

(1) The extent to which the interest group becomes a real policy maker. Eldersveld considered it as an unusual situation;

(2) The extent to which the interest group has a very close relationship with policy makers;

(3) The extent to which the interest group can effectively use their influence to oppose the policy;

(4) The extent to which the policy makers pay attention to the interest group. Is it fair, or is the relationship one in which the policy makers suppresses interest groups;

(5) The extent to which the interest group uses the method of retaliating or rewarding the state authority by voting or not voting in the next election;

(6) The extent to which the interest group proposals are not well received. The group is seen as an impediment to government policies and its proposals are seen as meaningless and do not receive social attention.

5) Political changes and crisis crises. Proposals of interest groups may be implemented or canceled depending on political changes. After an election, the policies of the old government may be canceled and replaced by the new government's policy. In addition, in a government crisis environment interest group proposals may receive more attention if seen as popular with the masses.

Based on the analysis by Paletz et al., the most important assets of outstanding disabled organizations are the leaders who represent disabled members both at the national and international levels such as Viriya Namsiripongphan and Montian Boontan (2013) and many national leaders. In relation to group goals, it was found that the best strategy is to seek incremental change through negotiation and compromise. As for partners of disabled organizations, there has been a significant increase at a level that policy makers are interested in, such as academics, universities, government agencies, the private sector, NGOs, etc. Finally, political change is an important factor. It was found that the important Act for people with disabilities is often adopted by non-elected governments, such as The Rehabilitation of Disabled Persons Act 1991 (in Anand Panyarachun's government) and The Empowerment of Persons with Disabilities Act of 2007 (in General Surayud Chulanont's government).

2.6.2 Cooperation between Organizations

Modern organizations cannot stand alone but need to seek cooperation or build relationships with other organizations in order to achieve their ultimate goals.

Collaboration between organizations may be divided into three forms (Hall & Tolbert, 2005, Whetten, 1981, as cited in Tippawan Lorsuwannarat, 2013, pp. 326-327):

- 1) The relationship between 2 organizations that cooperate to achieve common goals;
- 2) The relationship between a central organization and other organizations that have a relationship only with the central organization;

3) A network (cluster) relationship between organizations in which any organization can build relationships with all the remaining organizations.

Disabled organizations should seek to create cooperation between various agencies whether it be other disabled organizations, the private sector, and government organizations in order to smoothly achieve organizational goals. Power et al. (2013, pp. 74-76) explain that having a network of organizations is a good thing. In addition, organizations work together with others, they will be able to innovate, continuously accumulate talent (learning by doing), create clusters, and seek knowledge such as from universities or research institutes, etc.

Many organizations (and especially disabled organizations) find this is difficult. This is because each organization has a different culture or context which may be difficult to coordinate. However, there are ways to promote cooperation between organizations, especially non-profit organizations such as disabled organizations. Bartunek, Foster-Fishman, and Keys (1996, pp. 701-733) conducted a study on how to create cooperation between groups of people with disabilities, parents of disabled people, and disability experts. They found that the results were consistent with the concept called collaborative advocacy, which is a concept that describes the steps to create collaboration between different groups as follows:

Step 1: Intergroup Cooperation. This is the creation of a common vision or purpose between the groups. Although each group has its own specific goals, they must agree on a common vision or destination in order to create cooperation.

Step 2: Co-empowerment. This is a decentralization of authority to different groups without any central group. Each group will be given the role based on their skills and have the power to decide on the role that has been given.

Step 3: Individual Member Empowerment. This is decentralization that enables members of each group to participate in decision making and receive adequate support.

The major problems in uniting the forces of people with disabilities are discrimination (based on skin color, ethnicity, etc.) and lack of participation in the disabled community due to exclusion among disabled people. Finding the perfect point for all people with disabilities in political claims is difficult. What the groups of people

with disabilities are doing is to create a network between each other as much as they can such as using online media (Schur et al., 2013, pp. 231-233).

The disabled organization was established to change the attitudes of society and develop equal opportunities in the society for the disabled. Networks or social partners of disabled organizations are necessary for both their survival and achievement of their goals. Nalinee Ruangritthisak (2010) has studied network construction and international social partnerships of the Asia Pacific Development Center on Disability or APCD. She found that there are three main activities: network coordination and cooperation development, information support, and human resource development, including focusing on creating academic forums, signing memoranda of understanding (MoU), seminars, developing web-based networking, disseminating information about people with disabilities, and training disabled leaders and related public/private officials.

2.6.3 Universal Design

Human rights principles lead to the idea of creating and designing things in a general environment that everyone can access and use equally. Universal design is a concept that allows every group to thoroughly utilize various items equally.

In general, things are often created for the benefit of a large group of people in society without considering their use by other groups, such as those with disabilities, children, old people, sick people, etc. For example, many buildings are designed for normal people who are not disabled, such as having high stairs and no elevators, ramps, etc. This makes people with disabilities and many others unable to access them.

People with disabilities are often considered to be dependent on others. This results in many products and environments that are designed such that people with disabilities need help from others and leads to a cycle of assistance. Basic products in everyday life, which normal people may overlook sometimes, can become a major problem for people with disabilities. Examples include dining tables with a higher level than appropriate for wheelchair users, desks that are not only too high but have no place for parking wheelchairs, transport systems which are difficult for people with visual impairment, lighting switches that are too high, and toilet that are unsuitable for those with mobility disability.

The beginning of the universal design concept occurred around the 1940s. There were many disabled people who had been injured in World War 2 who the US government had to help by finding work and providing educational opportunities. At that time, disabled people who are unable to help themselves would be separated from the society. Around the 1960s a movement began in the United States calling for equal rights for people with disabilities. The focus was on providing them with independent living facilities without having to rely on help from others. The movement wanted to get rid of obstacles that prevented access to things such as buildings and transportation systems. The law at that time was intended to protect the rights of many diverse groups, such as race, religion and sex, but neglected disability. This caused people with disabilities to come out and fight for their rights. In the 1980s, the concept began to spread rapidly. In 1987, the World Design Congress determined that designers would play a key role in the supporting the aging and disabled (Iezzoni & O'Day, 2006, pp. 164-166).

In 1988, Ron Mace first introduced the universal design concept. He explained that universal design is the design of products and environments that can be used by all people without having to apply, adapt, or design specifically for a particular group (Mace, 1988, as cited in Imrie, 2014, p. 288). This concept was widely supported by international organizations, governments, GNGOs, and other organizations in both the government and private sectors. Universal design is not just a concept for people with disabilities. It is a concept that requires all products to be designed for the use of all people. In other words, universal design is a process to lead to the ultimate goal, i.e. universally designed products.

The design of products for use only by disabled persons has the effect of discouraging and stigmatizing people with disabilities. It reinforces the image of the need for help, a special environment and special equipment, and deters them from using the products that other people use.

The universal design has seven important principles as below (Imrie, 2014, pp. 289-290):

- 1) Equitable Use - accessibility to benefits by a diverse group of people;
- 2) Flexibility In Use - to be adapted to suit different groups of people, such as left-handed or right-handed, tall or short, etc.;

- 3) Simple and Intuitive Use - easy to use for all groups of people, regardless of the level of experience, knowledge, language, skills or concentration;
- 4) Perceptible Information - able to communicate important information to be easily understood regardless of how often users are able to acknowledge;
- 5) Tolerance for Error - not easy to break down because of using it incorrectly;
- 6) Low Physical Effort - it does not require much effort;
- 7) Size and Space for Approach and Use - that it has use for all regardless of size, shape, or movement of users.

Japan is considered a leading country in the design of things that are universal. It is an industrial country with high economic power. Following World War II, the country went through great development but at that time Japan did not have any rule for providing easy access. In the 21st century, Japan moved towards becoming aging society. The country had to introduce measures to support this including making policies to create a new society in which everyone is equal including foreigners. Japan began to remove various obstacles in buildings, roads, public transport and other areas. Japan is moving forwards to an era where everyone has real self-discovery. The Ministry of Land, Infrastructure and Transport (MLIT) has a guideline to create a society that is designed for everyone to access, namely, universal design. This means design which is easy to use and convenient for everyone. There has been brainstorming of both Japanese and foreigners to create a universal design society (Ministry of Land, Infrastructure and Transport, 2005).

Japan has created three goals for their society; being a society that is equitable and fair, has freedom to choose, and encourages participation. Although many obstacles may be encountered, they plan to eventually create a dream society in accordance with their goals. The most important thing is to have agreement in the society to achieve the goals before starting to remove obstacles that prevent access to all people, whether they are physical, legal or attitudinal. After that, the objective is to find a way to create an access system that can be used easily, smoothly and safely. This will create a community where everyone can live safely and happily and comfortably with the use of technology and universal design to facilitate various activities for both Japanese and foreign tourists (Ministry of Land, Infrastructure and Transport, 2005).

Universal design can be found in many modern transportation systems. Many countries, especially those with high incomes, focus on eliminating barriers for easy access. In 2011, the World Bank provided 14 projects to China and Vietnam to improve roads, traffic systems and transportation systems in line with accessibility for people with disabilities. This was considered to have achieved a positive result.

The major obstacles that result in practical problems in introducing universal design: 1) Officials who lack knowledge of these standards; 2) Lack of participation of people with disabilities in jointly eliminating obstacles; 3) Inadequate supervision in following the standards; and 4) Government agencies not paying enough attention to the universal design principles (Babinard, Wang, Bennett, & Mehndiratta, 2012, pp. 3-4).

2.6.4 System Model

Easton (1957, as cited in Sombat Thamrongthanyawong, 2009, pp. 219-212) explained that politics existed as "Political life" that requires various systems to sustain it amid the surrounding environment. Public policy is a product of the political system that meets the needs of and supports the public as shown in figure 2.6. Surrounding political issues will determine if the policy is eventually put in place.

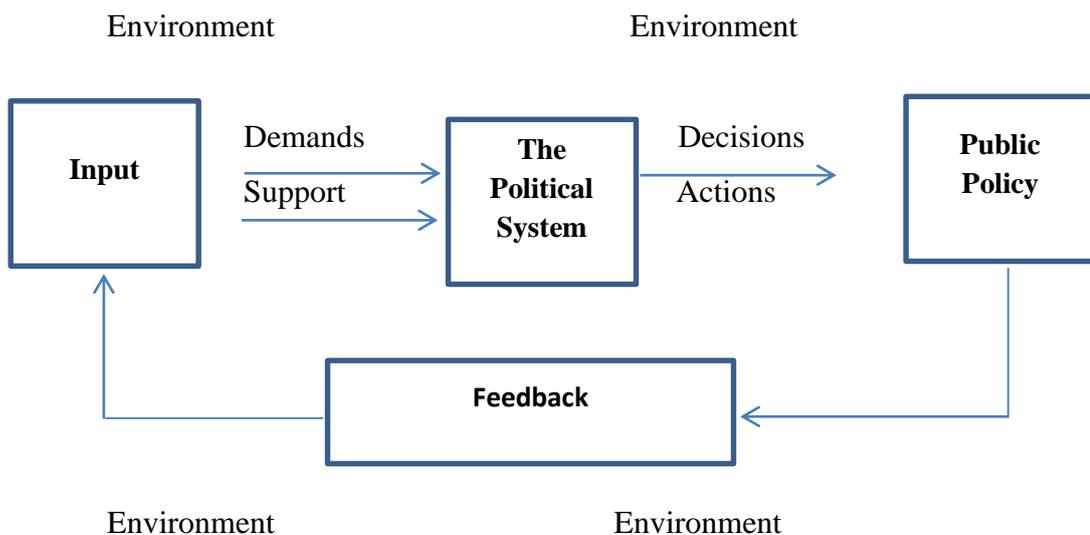


Figure 2.6 The System Model

The demands are the needs of educational services, public health, welfare, security, infrastructure services, and transportation and communication, etc. People support includes legal compliance, taxation, and public decision-making compliance. In other words, it means not to go against government power. After that, the issue of demands and support from people will enter the system considered by the political policy-making (Cabinet/High Level Officials). At this stage, the public will not know as the consideration is like a black box that can't be seen inside. When the political system has finished, it will publish the policy for the public's understanding.

However, before implementing the policy, it has to be taken into the consideration by the House of Representatives/Senate to be issued as an act. In the meantime, the government or the media may proceed to inquire/poll the satisfaction of the people in order to determine the level of support for the policy. Determining the level of satisfaction nowadays is easier with communication technology, which allows people to express their opinions fully and quickly. This is unlike in the past, where it was difficult for the government to conduct inquiries directly from the public. What had to be done in those days was to follow the opinion from articles in the newspapers, which both criticized and supported the policy. However, these were not considered a true voice of the people. Another way in the past was to consider the expression of people through policy protests or signing petitions expressing their opinions on the policy.

If it found that most people are satisfied and trust the policy, it is likely that the parliament would consider approving the policy to continue. However, if most people are unhappy with the policy, the parliament may not accept it or delay further consideration until a later time.

2.6.5 The Disability Movement Concept

1) Social movement: from concept of collective behavior to the new social movement

Public policies arise from a process whereby they determined, assessed and implemented by government authorities. How successful a policy is in meeting the needs of the people depends on how it is perceived by the authority and other groups such as the public, academics, media, etc. Public policies always result in those who

are satisfied and not satisfied. There is no best or worst policy. Satisfaction or dissatisfaction depends on each person's perspective.

Public policy will always have a certain number of people who disagree. Those people have the right to express their opinions according to human rights principles, whether by voting, expressing opinions on public forums, or protesting government policy.

Various forms of social movements have occurred in almost every region of the world, with the exception of countries with administrative systems that are so strict that people are afraid to express their opinions, such as the People's Republic of China, North Korea, Laos and some countries in Africa and the Middle East.

Social movements in general may be divided into 4 categories (Locher, 2002, pp. 234-238) as follows:

(1) Alternative social movements - those that aim to change ideas or behavior of only some peoples in society and not the society as a whole;

(2) Redemptive social movements - those that express the need to redeem past sins and in so doing create merit for the society;

(3) Reformative social movements-those that aim to change the attitudes of society as a whole, not specific to any group, and not even have to change the government. Reformative social movements require the existing government to act by using their power to change the attitude of society. For example, the movement for the campaign of the Mothers Against Drunk Driving (MADD) aims to force the government to change the attitude of society towards drunk driving behavior by enacting new laws;

(4) Revolutionary social movements - those aimed at destroying the existing social order and replacing it with a new one in which their leaders take power. Examples include the French Revolution, the Chinese Communist Revolution, and the Cuban Revolution.

Crowd or mob behavior to achieve social change occurred many times in Europe during the 1860s-1870s. The concept that was most accepted at that time was collective behavior by Le Bon (1897). He examined the social psychology of crowds in 1897 and explained that the mobilization of the crowds was due to common suffering

as a result of government policy, causing people to come together to solve their problems. The crowds often ended in chaos due to what became known as the “maddening crowd”. Le Bon (1897) explained that such madness is the result of collective psychology. It results in the thoughts and behaviors of individuals gradually being dominated by the ideas and behavior of groups. He considered crowd behavior from the psychological perspective. This was different from previous social perspectives, which considered that those people were insane, irrational, and barbaric, acting according to their basic instincts. Le Bon's social psychology of the crowd theory has since been criticized as being developed to appease the elite who feared the crowds (Papath Pintoptang, 2009, pp. 28-62). Martin (2015, pp. 11-12) argued that actually, this integration of people is not only full of social meaning but that those people also shared and created new meanings.

An important example of the concept of social psychology in the crowd is propaganda of the Nuremburg rallies that took place in Germany between 1933-1935. The Nazi army used propaganda by presenting images of Adolf Hitler as a decisive leader with prestige and speeches that were credible. Such propaganda has been described as a political religion that the Germans at that time were very faithful to (Martin, 2015, pp. 12-14).

Le Bon's (1897) social psychology theory led to the spark of Herbert Blumer's concept. He viewed that social gatherings are common in every society. However, coming together to protest or show offense is the result of interpreting and creating different meanings for each person. Behavior determines the meaning of their surroundings and includes the meaning of issues that led to the gathering of the crowd. The concept of Blumer (1980) is called Symbolic Interactionism Theory (Papath Pintoptang, 2009, pp. 43-50). Examples of this theory include protests at a meeting of the International Monetary Fund (IMF) with the World Bank in Prague in September 2000. The protesters were divided into different colors, including blue, yellow and pink. The blue means the non-confrontation. Yellow means the amusing comparison between good and evil (such as the protesters' water balloons and water pistols, and the police's real guns that guard the crowd). And the pink means avoiding violence and ready to negotiate (Martin, 2015, pp. 16-19)

In addition to Blumer, Neil Smelser has proposed a structural-functionalism theory. He proposed that crowds come together because the structure they are accustomed to is tense or different from the usual. This may lead to anxiety about the consequences that may occur. Therefore, people come together to resist calling for the structure to return to normalcy.

Up until the 1960s, most social movement protests arose from class struggle issues in line with Karl Marx concepts of resisting capitalism and institutionalization.

At about that time, American scholars began to focus on the factors that make social movements succeed or fail. This idea led to the advent of resource mobilization theory. Success or failure is in the condition of collecting the important related resources by groups or organizations. Those resources are knowledge, money, labor, reconciliation, etc., as well as appropriate fighting tactics such as finding a sponsor, drawing attention and compassion from the public, creating a focus from the mass media, stopping, protesting, etc. Most importantly, this theory must also consider the structure of political opportunities and whether it allows or blocks social movements from expressing themselves in politics (Papath Pintoptang, 2009, pp. 66-88) The important thing about of this theory is that social movements through "organizations" are significant better for mobilizing resources and planning strategy for success than informal gatherings. Nowadays, we will find more harmonious relationships between organizations and social movements, leading to the social movement organization or SMO (McAdam & Scott, 2005, pp. 4-40).

However, the weakness of this theory is the lack of attention paid to why social movements occur. This issue is something that scholars in Europe give more attention to than resource mobilization or the success of social movement arguments. The mobilizing resources theory pays attention only to how the social movements develop. Scholars in Europe focus on the cause of the formation of the social movement rather than its success. We call this concept that the New Social Movement Theory.

The New Social Movement (NSM) is not based on class struggle by the Marxist theory but against issues relating to the rights, freedoms, equality and democracy for various classes. Those who participate in the NSM do not have to be directly or indirectly affected by the problem. They may be someone who is not affected

at all but does not agree with the government's policy on that matter. In addition, the NSM is a fight that does not go through existing political mechanisms. It does not hope to rely on any state mechanism, such as the struggle of pressure groups, but tries to open up certain channels so that people are attracted to solve their problems. Importantly, NSMs do not want benefits for themselves or their groups. It is a movement that aims to create a new definition or set of meanings for their fight. In other words, it aims to eliminate the definition of unfairness or deprivation on liberty and create a new meaning that is clear to acquire their rights and freedoms. It focuses on changing values and traditional symbols to create an area of acceptance for marginalized or underprivileged people rather than for class, economic or resource benefits based on the old social movement's concept (Papath Pintoptang, 2009, pp. 126-137).

Redefining social movement is not an easy task. It will become a boundary to what being studied because the new social movements involve the communication of people in society without the state and market mechanisms. It has a wide network of connections to create acceptance and open space for diversity. These relationship networks focus on the development of civil society and democracy, emphasizing the moral as a tolerant citizen, and accept to various differences in society (Chaiwat Charoensin-o-larn, 2002, pp. 62-65)

2) Types of New Social Movements

NSMs generally can be divided into 3 types: the democracy movement; the environment movement; and the rights movement (Chaiwat Charoensin-o-larn, 2002, p. 8). Their details are as follows:

(1) Democracy Movement. One of the world's most recognizable democracy movements arose in Myanmar (Burma) in 1988. Many students, monks, and citizens rose up to oppose the military government led by Ne Win and Sein Win, leading to riots in many areas of the country. Universities were closed for months and resulted in tens of thousands deaths. It ended on August 8th, 1988 with heavy repression from the military junta, which was called The State Law and Order Restoration Council (SLORC). The symbols of this event are the four numbers of the eight in a row, or "8888" (Boudreau, 2002, pp. 32-36).

Another example of a well-known social movement in ASEAN is the social movement for democracy in Indonesia, which began with the economic crisis in 1997 and continued through 1998 with dissatisfaction with President Suharto's corrupt behavior and disintegration of the military. This led to an uprising of students and many citizens. President Suharto finally resigned in 1998, ending his 32-year reign (Boudreau, 2002, pp. 36-39).

(2) Environment Movement. Natrapong Chitniratna (2003, pp. 36-45) explained that in general, the solution to environmental problems is divided into 2 main approaches: environmentalism (or shallow ecology) and ecologism.

Environmentalism (often referred to as the light green group) views that environmental problems can be resolved if the government attaches great importance to the development of science, technology, and strict legislation.

The approach of ecologism (often referred to as the old green group) is that environmental problems must be solved along with economic and political problems because it cannot be separated from them. As long as the economy is not improved or politics is not effective, then the environmental problems will persist. This approach suggests that people in the area should be given opportunities to participate in suggesting solutions. Ecologism approaches have become more popular than environmentalism, and have led to a new social movement called political ecology.

Political ecology sees human beings as a part of nature on the same level as other animals. Humans cannot transcend all beings and do not have the right to destroy animals or the environment because everything has a universal connection all over the world. In addition, solving environmental problems must use the guidelines of the villagers through wisdom and true participation. The NSM in accordance with the political ecology approach have several basic beliefs: participatory democracy; income distribution and social justice; human rights principles; and principles of diversity. The goal is to create and occupy a cultural area that leads to the change of values, symbols, and lifestyle of people to be as caring for the environment as possible. Nowadays, the new environmental social movement has expanded into a transnational issue. There are many environmental rights activists who to collaborate globally (Wapner, 2015, pp. 175-183).

(3) New Rights Movement. This is considered to be one of the major current movements. The social rights movement for women in India specifically mentions many well-known issues such as women's rights, alien rights, black people's rights, LGBT rights, disability rights, marginalized rights, poor rights, etc. Desai (2002, pp. 66-84) explains that the movement for women's rights was divided into three phases.

The first phase involved gatherings of students in urban and rural areas and the coming together of a number of Gandhian political parties to oppose the state's failure to reduce the poverty which has affected the lives of Indian women.

The second phase was a period in which violence against women spread around the world, including India. Social movements in India demanded that the state as legislator implement laws that challenged the old-fashioned Indian version of society and protect women against violence against women. This led to legal reforms that help protect women from rape, improve Dowry law, and improve the law on the selection of the sex of children by amniocentesis. This shows the growing acceptance of the Indian women's rights movement by government.

The third phase results from India trying to be a part of the world economy. This creates greater income inequality and higher poverty. As a result, many poor and middle-aged people have joined the movement to criticize the government on the restructuring policies. They also support the movement to promote the empowering of Indian women.

3) Different opinions from the concept of New Social Movement

Although the NSM is widely accepted today, there are a number of scholars who disagree with some aspects of the concept follows: (Papath Pinto tang, 2009, pp. 144-147)

First, the NSM concept claims that its drive is based on new issues such as the movements on homosexuals, blacks, disabled people, the environment, etc. The NSM is therefore said to be unlike old social movements, which focused on classes. However, it appears that in the late 18th and early 19th centuries there were groups active on similar non-class issues such as social, religious, spiritual, democratic, feminist, nationalist, etc. Therefore, this group of scholars believes that the NSM claims should not be seen as "new" anymore.

Second, the NSMs do not give importance to the right-wing movement such as new fascism or the new Nazism. They instead choose to focus only on the left-wing movement. In addition, the existence of the labor movement has been neglected since the industrialization period.

Third, NSMs often claim that they value the "cause" of people's participation in social movements, including conditions and structural factors. Some academic groups claim that this is too superficial and NSMs ignore analysis at the micro level, which is a very important unit for people to come together as a social movement.

Lastly, NSMs often claim that they fight the areas of civil society or culture and ignore politics. Some academics claim that this is unrealistic because society and culture are inevitably connected to politics and at the very least they have to turn to political arguments to put proposals into law.

4) The strategic forms of social movements

Papath Pintoptang (2009, pp. 157-167) divided social movement strategies into 3 forms as follows:

The first form is a strategy to hinder/challenge the normal political system. This refers to a fighting strategy that consists of both legal and illegal methods in order to generate public interest and demonstrate through nonviolent protests. The expression in this approach focuses on the possession of state assets and resources, symbolic expression, and the blockade of entry and exit.

The tactics of such obstruction include;

(1) Civil disobedience, famous for the protests in India led by Mahatma Gandhi towards the British army and the fight against apartheid in South Africa. Civil disobedience is considered illegal and the offenders agree to be prosecuted. This is to make the public aware of an injustice that occurs in society. Examples of civil disobedience actions are occupying land or government resources to illustrate the suffering of the poor, and blockade of government buildings, roads, bridges, etc. to raise interest;

(2) Boycott is a public expression of dissatisfaction with something that leads to protests by ignoring or not paying attention to it. It is considered an expression that is not illegal and must result in some discomfort or economic loss. An

example is the boycott of colored people by not boarding buses in Montgomery, Alabama during 1955-1956;

(3) Sit-in is expressed by sitting in a restricted area or blocking the right to enter it in order to create public interest. Examples include a black person sitting in a restaurant that prohibits black people to enter, and protesting by sitting on the street or in government offices. Sit-ins may be legal or illegal depending on the strategy of the protesters.

The second form is the strategy of violence. This strategy causes danger to participants in the movement as it may lead to a loss of property, injury, or death. This strategy is considered the most economical and does not require a lot of time to manage the movement. The demonstrators only require weapons to fight with government officials. An example is the movement of people calling themselves "red shirts" and "yellow shirts" in Bangkok street protests during 2007-2014. Extreme violence, despite the attention of the public, is often limited in order to be viewed with sympathy by society.

The third form is the strategy of seeking change according to the normal political system. This strategy follows methods permitted by the law such as signing, marching, striking, etc. Although not much preparation is required with this type of tactic, it tends to generate less public interest because protesters often do not show strong will. It is sometimes considered a necessary ritual in social movements. However, success of the strategy depends on the number of participants; the larger the number of participants, the greater the power of the movement. Some call it as "the politics of numbers".

5) Factors affecting the success of social movements

Social movements generally have goals. A successful social movement is a social movement that can carry out its mission until it achieves its goals. A survey of many social movements in the United States, both successes and failures, Locher (2002, pp. 271-272) found that the factors likely to affect the success of a social movement are as follows:

(1) Leadership. Effective leaders understand the changes in the legal and political environment that tend to lead the movement to ultimate success. Leaders must focus on achieving the tasks necessary to achieve the goals. The most

important factor is their ability to create or encourage participants to follow and do what the leaders instruct;

(2) Image. Social movements must always know how to present a good image to encourage those who might be hesitant to support them. A good image makes the struggle of the social movement seem worthwhile;

(3) Tactics. This involves finding a method to achieve goals;

(4) Goals. The goals of a social movement must be seen as reasonable, democratic, and fair. They must be positive for society and not hurt the people. Goals can be divided into short and long term.

(5) Support. Social movements always need supporters. Supporters are those who see the potential benefits to themselves or society if the social movement succeeds. However, social movements should be careful to only encourage support from people with a good reputation.

6) The disability movements

In the past, people with disabilities have always experienced great difficulty in daily life due to the barriers of attitude, accessibility, and legal/government policies. This led to the formation of social movements to push for policies that are beneficial for the disabled and to oppose policies that violate their right to a good quality of life.

Wichai Chanboon, Maneimai Thongyou, and Dusadee Ayuwat (2012, pp. 105-114) found that there are 4 main factors affecting the participation of people with disabilities in social movements:

(1) An appropriate physical environment. This refers to the availability of facilities, tools and equipment which overcome difficulties for people with disabilities in accessing and participating in the movement (e.g. the difficulty of travel, using an elevator, lack of interpreter services or Braille, etc.);

(2) Low self-esteem. Many people with disabilities have low self-esteem and feel a lack of the opportunity to express their views or discuss their problems. They tend to be more interested in social movements than people with disabilities who have high self-esteem and have channels or the economic resources to express their opinions. The results of this study are consistent with the results of the Dodd (2014) study. He found that British disabled people tend to participate in social

movements to oppose policies that treat people with disabilities as children and try to oppress them by making them dependent on government;

(3) Expectations of rehabilitation. Most people with disabilities experience difficulties in self-improvement. Therefore, they become interested in participating in social movements to encourage the government to provide services in areas such as education and skill development.

(4) Expectations of other benefits. People with disabilities are willing to participate in social movements if they think they will gain potential benefits from the movement. Those who participate in the movement must sacrifice their time, resources, etc. and agree with the opinion of the majority in the movement even if they are not their own. In return, they are looking for the movement to have a positive impact on their lives.

Social movements of people with disabilities are considered a new social development. (Waldschmidt, Karacic, Sturm, & Dins, 2015, p. 111; Stoll, 2015, p. 71). They focus on self-management, empowerment, and consciousness transition in order to encourage society to change its (old) perspective on people with disabilities and view them as valuable members of society who can become self-sufficient if they receive sufficient social support. In other words, the social movement of people with disabilities is to achieve independent living (Bernal & Roca, 2016, p. 82).

In England, the first disabled organizations formed were the British Deaf Association and the National League of the Blind in the 1890s (British Council of Organizations of Disabled People (BCODP), 1997). A movement to eliminate discrimination against persons with disabilities began with the 1995 Disability Discrimination Act (DDA). However, this had only limited success (BCODP, 1997). There were many voices raised in criticism because the government seemed to place more importance on gender and ethnicity issues and did not appear to be serious in eliminating discrimination due to disability. This led to the establishment of the Disability Rights Commission (DRC) which focused on the social models for restoring the citizenship and social rights of people with disabilities. The DRC has changed the perception of outsiders, and has achieved profound acceptance throughout 25 years according to the vision "Create equitable participation of people with disabilities" in line with the social model (Fletcher & O'Brien, 2008, pp. 520-534).

Although the Netherlands is often regarded as one of the leading human rights countries in the world, it wasn't until the 1990s that the issue of rights for persons with disabilities received attention from the Dutch government. There had been protests by people with disabilities since the 1970s, but these were mainly in relation to proposed welfare cuts and improved accessibility. There was little focus on human rights until the advent of two groups of people with disabilities called Nederlandse Gehandicaptenraad and the Independent Living Nederland (ILN). Both groups worked together for the rights of disabled people by trying to put disability issues into one of the issues for equality in the 1994 Equal Treatment Act. Unfortunately, this was rejected because the Netherlands is a welfare state which provides economic protection to many groups. In addition, there are not many incidents of human rights violations of disabled people occurring because the Netherlands is not often engaged in war, unlike many other countries where disabled veterans are the key to the disabled rights movements. This has resulted in rights violations of the disabled not receiving enough attention from the public (van Trigt, 2015, pp. 87-102).

In Germany, the social movements of people with disabilities are the result of the large number of disabled veterans following World War 2. These veterans received compensation, while people with disabilities from other causes were considered differently and did not receive compensation. When Germany became more democratic, non-veterans with disabilities took on more importance. This led to a meeting to understand and join a club called Clubs Behinderter und ihrer Freunde (CeBeeF), or the club for people with disabilities and friends, in the late 1960s. Following this, many disabled organizations were formed, a number of which still play an important role. Most of these organizations are spread throughout Germany to assist at the local level and lay the foundation of community-based assistance instead of using a care system from people outside the community. In addition to operations in the country, German disabled organizations also went out to help people with disabilities abroad, such as in Nicaragua (Stoll, 2015, pp. 63-85).

Although there may be many disabled organizations in a country, organizations that have not been officially recognized by government may not receive much financial support. This depends on the rules that are used to screen the organizations. A study of 8 European countries (namely Germany, Italy, England,

Ireland, Norway, Sweden, Czech Republic and Serbia) found that there were several different levels of screening. As a result, the number of disabled organizations is different as follows: (Waldschmidt et al., 2015, pp. 128-133)

(1) Countries with unclear screening laws for disabled people's organizations (Ireland);

(2) Countries with laws for screening, which must have people with disabilities, or those close to them, influencing the organization (Germany, Italy, Sweden and the Czech Republic);

(3) Countries with laws for screening, which must have a majority of people with disabilities (or those close to them) in the organization (England);

(4) Countries with laws for screening, which must have a majority of people with disabilities in the organization (Serbia and Norway).

There are too few studies on the social movements of the disabled organizations. In fact, there is still a lack of education related to the efficiency and effectiveness of disabled organizations which affects the achievement of their goals. This is an interesting topic for the future (Waldschmidt et al., 2015, p. 109).

7) Strategies for success of a disability movement

Disability movements are found throughout the world. The researcher has selected several disability movements in order to analyze the guidelines for driving a disabled organization to be successful as follows:

(1) The success of disability movements in England

In England, The Disability Rights Commission (DRC) has strategies which range from mild to heavy, starting with giving advice to individuals, employers and service providers regarding the rights of people with disabilities to work. If this does not achieve a satisfactory result, the DRC will use reconciliation. If this is unsuccessful, the DRC will use legal enforcement. This does not only apply to people, but also goods and services that are not appropriate for people with disabilities. There are some arguments against this approach, one being that litigation is ineffective because it restricts other people from participating in consideration before the prosecution (Fletcher & O'Brien, 2008, pp. 531-534). However, the DRC's operation is highly regarded by various institutions, including entrepreneurs, because it makes the rights of people with disabilities a reality. The strategy, which has been in place since

2004-2007, leads people with disabilities to a better quality of life, including education, housing, travelling, health and public acceptance (Fletcher & O'Brien, 2008, pp. 534-535). The prosecution technique for achieving the rights of persons with disabilities is also effective in Canada (Vanhala, 2011, pp. 981-1002).

In addition to implementing a strategy by suing, the DRC has created a disability agenda for the purpose of allowing all governments to apply the principles of disability issues and to find and fill the gaps of equality in the lives of people with disabilities with a focus on public policy (Fletcher & O'Brien, 2008, p. 538).

Another strategy of the DRC is the use of strategic communications. This creates social support to achieve the real rights of people with disabilities through public relations along with implementing legal action strategies. The public relations tactics are a shift from focusing only within people with disabilities to opening up to the public. The most effective communication is debate, which has made the public more interested in and understanding of the needs and rights of people with disabilities. There is some criticism of the DRC's approach to the effect that it inadvertently emphasizes the situation of people with physical disabilities as opposed to all types of disabilities.

(2) The success of disability movements in the Netherlands

In the Netherlands, the 2 disabled organizations, namely the Nederlandse Gehandicaptenraad Organization and the Independent Living Nederland (ILN), use a variety of strategies, such as entering the parliament in The Hague while it was considering laws regarding people with disabilities. They then spoke to House of Representatives members of the Democraten 66 party, which is the Liberal Democratic Party, to gain support the laws. In addition, the two organizations closed roads in The Hague in order to appeal to the society to pay attention to the problem of the disabled and to put the disability issues into the 1994 Equal Practice Act. Unfortunately, their demands were not met. The issue of people with disabilities gained little attention in 2000 due to the then trend of human rights. Success came with negotiations in 2003, when the amendments to the Equal Practice Act included the issue of prohibition of discrimination against people with disabilities and people with chronic communicable diseases in terms of employment, higher education, and travel.

The most important and most influential strategy is the investment in creating awareness among local people about the rights of people with disabilities by applying the CRPD concept. People can see that they can live normally with people with disabilities. An example is Almere, a city which has been transformed into an inclusive city (van Trigt, 2015, pp. 103-105).

(3) The success of the disability movement in Germany

The majority of German disabled people focus on the need for welfare and human rights laws. The strategies are different, such as participating in the Commission on Disability Recovery. In contrast, some groups that demand access to disabled facilities will adopt non-compromising tactics. Examples include enclosing trams and protesting in front of the post offices in Frankfurt to show that they cannot climb the stairs to go into the postal service, which caused the post offices to renovate their entrances. In another instance, the state proposed a reduction in the number of buses suitable for people with disabilities in Bremen. Disabled demonstrators besieged many roads, causing the city government to terminate this idea.

One major disability protest occurred in 1980 when a man filed a lawsuit because he was not comfortable with the services of a Greek seaside hotel in Germany because the hotel had a dirty bed and the beach was full of people. He was also not happy that a group of Swedish people with disabilities were staying in the same hotel. The key point is that the court found in favor of the man, with the opinion that the disabled group caused tourists to lose their holiday. The court's decision led to the protests of 3,000-5,000 people with and without disabilities and led to many serious national resolution meetings.

On the occasion that the United Nations declared 1981 as the year of the disabled, disabled group performed a satire in front of a building opening ceremony in West Germany to show the importance of the self-determination of the disabled. The group then entered the ceremony and took over the forum to read statements about the difficulties in the life of disabled people caused by barriers which lead to inaccessibility, discrimination, and exclusion from society.

In another case, in June 1981, a physically disabled Franz Christoph struck the West German president on the chin with his crutch during the opening ceremony of an exhibition. This event was later called the "crutch-strike".

(4) The success of the disability movements in Spain and Bolivia

One of the most interesting and popular strategies is the march, and two of the most famous disabled marches took place in Zaragoza, Spain in 1933 and Bolivia in 2011. Bregain (2016, p. 118) studied the factors that made so many people with disabilities march in both countries. He found the following factors: feelings of injustice in relation to the rights and policies for people with disabilities, resources provided by leaders that made it possible for them to participate, support from the media, and the democratic atmosphere. Before coming out for the marches, people with disabilities in both countries had tried to change government policy in many ways, including negotiations, demonstrations, fasting, and taking over premises. However, these all ended in failure.

In Spain, people with disabilities had called for the ability to work in lower level government jobs, and for allowances to be paid to those who could not work. Both these requests were denied. It must be remembered that at the time Spain had a central government, which held all the power. The march in Spain was from Constitution Square in Zaragoza to Madrid, a distance of 324 kilometers. The marchers did not use mass communication to spread the news. They simply took pictures without any hidden agenda, and media coverage included only 4 of these. After the rally, the Spanish government agreed to take action as requested by the disabled people.

In Bolivia, people with disabilities gathered to demand an increase in their subsistence allowance. They started a march from Trinidad city towards the capital La Paz, a distance of 1,520 kilometers. The route was difficult in terms of weather, topography, poor food and disease. Plans had to be constantly changed. As marchers could communicate with social networking on mobile devices, they tried to generate news coverage by fighting with police along the way. They were shirtless and crawled on the ground shouting "allowance or death". One 55-year-old man died during the march. When the marchers arrived in La Paz, they tried to enter the office of the President Morales but had to face police guarding the entrance with shields and tear gas. After unsuccessful negotiations, disabled leaders ended violence and took to other strategies by fasting and sit down protests. In the end, the government announced a compromise by giving 1,000 pesos to severely disabled people and agreeing to consider adding another 1,000 pesos in the following year.

(5) The success of disability movements in India and Nepal

Social movements of people with disabilities in India and Nepal are interesting. Schedin (2017, pp. 115-125) wrote that these adopted the right-based approach as a movement principle. The key strategy was to create public awareness and lobby government agencies. Among the conservative society, people with disabilities live a very difficult life because they are usually poor, lacking education and jobless. Inequality between urban and rural areas exists. In India, medical and education services are concentrated in large cities. In Nepal, those services are only available in the capital Kathmandu.

The disabled organizations in both countries needed to change from receiving welfare to receiving their rights. Welfare was offered mainly in the form of compassion. The disabled still had to rely on their family, foster relationships, charities and NGOs.

An interesting aspect is that social movements in South Asia tend to encounter conflicts between leaders of disabled organizations and their members. Members are often unhappy as leaders tend to listen to the international disabled organizations rather than the local organizations. They believe that although adopting CRPD principles is important, leaders must also consider the local culture. In India and Nepal, members pointed out that people with disabilities are living in some of the world's worst conditions. It was difficult for them to give up welfare assistance in exchange for receiving their rights. They would like work but, if there is no work, they need money, not rights, from the government to sustain their lives.

(6) The success of disability movements in Thailand

Supanee Kluanklad and Suporntum Mongkolsawadi (2017) studied the development of social movements of Thai disabled people. They found that Thai disabled social movement development can be divided into 3 phases. The first phase, between 1947 and 1982, saw a group of disabled students establish a blind and deaf alumni club. This was to announce to the public the ability of people with disabilities to self-help. Phase two, between 1982 and 2007 saw establishment of the Disabled Council of Thailand. In the third phase, between 2007 and 2017 disabled leaders, both old and new, joined together to fight for the rights of the disabled. The strategy used took various forms of connection relationships such as protests and negotiations with

the government in order to provide equal public space for people with disabilities to participate and provide knowledge about their problems and rights.

From studying the success of disability movements in various countries, the researcher summarizes the success keys as:

- 1) Using legal strategies by using the laws that relate to the protection of the rights of the disabled to bring lawsuits against state agencies or private sector organizations that violate the rights of the disabled;
- 2) Using strategies that occupy public areas in order to create interest from the public to consider the problems of the disabled;
- 3) Using activities such as demonstrations and sit-in protests by participants of all ages with and without disabilities to create interest from society and put pressure on the government;
- 4) Using mass media and satirical drama to communicate the idea that why people should fight for the rights of the disabled; and
- 5) Using negotiation with the government and participation in public decision-making to help agencies realize the problems in daily life of the disabled.

2.7 Researches and Related Studies

This research studies the role of disabled organizations and government agencies in relation to low-floor buses. After reviewing the literature, it was found that this is an issue that has never been studied in Thailand before. Moreover, there has been limited international focus in the issue. This is because low-floor buses have operated in many countries, especially in the developed world, for decades. The issues in those countries are not whether to "have" or "not have" low floor buses as in Thailand, but on whether their number of and quality is sufficient and on improving the understanding and attitudes of disabled people towards the bus drivers.

Because of the above, disabled people's organizations in foreign countries do not place importance on the demand for low-floor buses. Most studies relate to defects or limitations of buses rather than the claims of disabled people's organizations. Nevertheless, the researcher has tried to gather research and studies that are relevant to

the role of disabled people's organizations and government agencies on the issue of acquiring low-floor buses.

2.7.1 Researches and Studies Related to the Role of Organizations of Disabled People in Accessing Public Services for People with Disabilities

Disability organizations are interest groups that aim to preserve their member's interests as much as possible through the policy process. Therefore, they must find methods or approaches to participate in various levels of government to ensure that they can push for policies that are useful to people with disabilities.

1) Grossmann (2012, pp. 171-192) studied the influence of various interest groups in the United States from 1945 to 2004. He found that the methods that were successful in changing US government policy consist of the following:

(1) General support involves interest groups providing direct support for political parties. To ensure that the groups receive benefits from a policy, they will propose conditions to policy makers, either alone or in conjunction with other groups;

(2) Political lobbying involves negotiation with both Congressmen and Senators to allow the group to get the most benefit from policies. Grossmann cited an example of the former Soviet Sputnik satellite launch which created the impetus to lobby the Congress to finally enact the National Defense Education Act (NDEA);

(3) Constituent pressure, such as the pressure from the thousands of people with disabilities who pushed the government to finally enact the Social Security Reform Bill, which had been held up for over a year. Some interest groups also use the strategy of having other nationally important groups of people speak for them. An example was calls for a loan approval policy to build homes for veterans.

Although Grossmann's study does not deal solely with the struggle of disabled people's organizations, Schur et al. (2013, pp. 229-230) explained that The White House views people with disabilities as a group they SHOULD do something for, not HAVE TO do something for. This has caused problems in getting budget allocations for people with disabilities. Policies to do with people with disabilities often come from the struggles of movements for the rights of the disabled. An important goal

is to enhance the political influence of people with disabilities. One way to achieve this is to support people with disabilities to become politicians at the local, state, and country level in order to take part in policy decisions.

Disabled leaders believe that direct action protests by disabled people's organizations are bringing about policy changes for people with disabilities. Schur et al. (2013, pp. 102-103) gave examples of successful protests between 1970 and 2005. Most protests were direct claims for benefits and services as opposed to civil rights or calls to stop deprivation. For example, the 1999 Israeli protest was a claim for benefits for the seriously disabled. In Japan, in the 1960s, protests mainly focused on increasing welfare benefits for people with disabilities. Protests in the former Soviet Union countries in Eastern Europe emphasized claims for people with disabilities. One notable exception was the protests in Lebanon that called for the right of people with disabilities to vote, which was a claim for political rights.

2) Jeon and Haider-Markel (2001) studied the role of disabled people's organizations and found that gaining the attention of the mass media is an effective strategy. They explained that this can help them compete with other pressures among the actors in the public policy process. Similarly, disability organizations (as interest groups) have attempted to play an important role in public policy issues. An important factor is access to the mass media in order to get their attention and show that the issue of the disabled is a civil right, thus leading to consideration by government until eventually being enshrined in law.

In Canada, two interesting strategies have been adopted by disabled organizations. The first is to create interest through the media. The second is to follow this through the court process (Vanhala, 2011, pp. 1-3). In November 1979, people with disabilities gathered in Ottawa to demand disability rights to access public transport. Many people with disabilities travelled from all over the country. They met numerous physical obstacles in traveling and, when arriving in Parliament, faced additional physical obstacles in entering the Parliament building. This gave the disabled the opportunity to show the media the limitations they faced, and the Canadian government could no longer stay silent about the voices of people with disabilities.

Nearly 30 years later, there was a conflict between the Council of Canadians with Disabilities and the VIA Rail Canada Inc., because rail cars could not

easily provide services to people with disabilities. Six years later, disabled activists fought in the Supreme Court to force them to consider the purchase of the alternative rail cars. They claimed that the country's transportation system was not just about sending people from one place to another, but must be convenient for all citizens. The court agreed that the existing rail cars removed the rights of people with disabilities to go to anywhere such as to school, to work, to relax, to participate in politics and experience independent living. The purchase of these rail cars was a violation of civil rights. (Unfortunately, even though people with disabilities are happy with the court ruling, it is troubling that implementation of court orders has shown slow progress.)

Both events illustrate the importance of the rights of people with disabilities, which are becoming increasingly recognized at the global level. People with disabilities have used many tactics and strategies to make these rights a reality, including the use of the media and the courts (Vanhala, 2011, pp. 3-4).

Canadian disabled organizations have also used a variety of other methods to influence public policy on the disabled, such as coordinating the movement of activists and lobby groups at the same time. An example of this was a range activities which led to an amendment of the Charter of Rights and Freedoms in Section 15 (1), adding a word "mental disability" in the days of the Trudeau government. (Vanhala, 2011, pp. 57-60).

3) Monta Phibunworasak (2003) studied the roles of Council of Disabled People of Nakhon Pathom province. She found that, in general, the Council had 4 roles: 1) the role of assisting in rehabilitation of the capability of the disabled; 2) the role of protecting the rights and opportunities of the disabled; 3) the role of the social support; and 4) the role of coordination. All roles begin with a group of disabled people leading others with disabilities in a project to solve a problem suffered by the disabled. Later, when projects are established, this can lead to the founding of an official organization. One weakness, apart from conflicts that may emerge within the Council, is that the Council has not played the role in protecting the rights of the disabled that it should have done; it has acted too defensively.

4) Jaturong Boonyarattanasoontorn (2016) conducted research on the situation, problems and guidelines for strengthening the Provincial Council of Disabled People. He found that the important problems are:

(1) Structural problems, in that many laws obstruct the rights of people with disabilities and other laws often lack an enforcement mechanism as there are no clear government agencies to oversee them;

(2) People with disabilities surrender and do not believe in their potential;

(3) Problems in access to the rights to education, medical treatment, and employment in both public and private agencies;

(4) Problems within the Disability Council of Thailand, such as nepotism, selfishness among groups, inequality in legal awareness, lack of basic knowledge about disability, disabled representatives not skilled to perform their duties, etc.

(5) Problems within the Disability Council at the provincial level, such as leaders who lack knowledge and general awareness and instead focus only on projects, fear of approaching the provincial authority, lack of sign language interpreters, a monopoly of power within old leaders, bringing special interests into groups, lack of transparency in project implementation, bias in the government agencies which participate in social partnerships with the disabled organization, conflicts between them, working overlaps causing competition for work, etc.

Suggested guidelines for strengthening the Disability Council are as follows:

(1) Set clear criteria for selection of representatives of each type of disabled such as volunteering, time, sufficient income, self-care etc;

(2) Improve communication systems, budget spending, and work evaluation;

(3) Encourage a new generation to be part of committees and promote older leaders to become senior advisers;

(4) Establish a training course for Provincial Council committees;

(5) Clearly define the vision of the Council for the Disabled People of Thailand to be used together to create the driving force.

(6) Clearly specify strategies during the 5th Plan for The Empowerment of Persons with Disabilities (2017-2021).

Jaturong Boonyarattanasoontorn's (2016) research is considered to be one of the first studies on the organization of the disabled in Thailand as a force to drive the rights of the disabled by studying the problems and ways to strengthen disabled organizations both at the national and provincial levels. The results of Boonyarattanasoontorn's research show the internal problems of the Council of Disabled People of Thailand at the central and provincial levels. These are important factors that make the council not as strong as it should be. Jaturong Boonyarattanasoontorn's (2016) research explains why disability organizations are unable to meet their goals.

2.7.2 Research and Studies Related to the Role of Government Agencies in Providing Public Services for the Disabled

1) Cheausuwantavee (2005) conducted a comparative study of laws and policies on the disabled in Thailand, England and the United States. He found that there are differences in the following issues:

(1) Ideology or views on people with disabilities. Thais see people with disabilities as underprivileged in society because of their disability. Society regards compassion for people with disabilities, or the "law of mercy", as an individual matter. Whether a person wants or does not want to be kind to the disabled is a matter for that person. It is not considered a serious offense. In England and the United States, people with disabilities are considered disadvantaged and often discriminated against because it is felt that society is against them. This is considered illegal behavior and is punished.

(2) Focus on the development work opportunities for the disabled. In England and the United States, there is a serious focus on supporting people with disabilities to enter the labor market. However, in Thailand, the focus is more on medical treatment and rehabilitation.

(3) The existence of organizations to monitor and manage disabled rights. In England, there are organizations that seriously monitor and oversee disability rights including the Committee on the Rights of Persons with Disabilities, Recruitment Organizations, National Disability Council, Local Government Organizations, the private sector, and volunteers. In the United States, people with disabilities are often

discriminated because each state has its own laws. In addition, the organizations that monitor these matters cannot monitor thoroughly. In the case of Thailand, it is found that there are still very few regulatory policies regarding people with disabilities. This may be because there are no penalties for failing to comply with the policy. In addition, there is no organization or personnel to monitor the matter. Thailand also lacks unity in the workplace, and the policies for the disabled often involve too many responsible ministries.

(4) Participation of persons with disabilities in policy and law making for the disabled. The composition of the Committee on Disability in Thailand is highly bureaucratic and authoritarian, and has low participation of disabled people. In the National Committee for The Empowerment of Persons with Disabilities, there are 13 government representatives (including the prime minister as president and the Minister of Social Development and Human Security as vice president), together with 6 qualified professional persons appointed by the Prime Minister. There are only 7 representatives of disabled organizations, and these are also appointed by the Prime Minister. In other words, there are 19 representatives from the government and there are only 7 (27%) from disability organizations, and even these appointed by the government. In England, disabled people make up around two-thirds (67%) of members of the various committees under the Committee on the Rights of Persons with Disabilities.

In addition, Cheausuwantavee (2005) explained that due to Thailand being considered to be a developing country, it is neglected to invest on the underprivileged. The quality of social welfare is low. People with disabilities have been abandoned for a long time. The direction of assistance therefore focuses on treatment or relief. In addition, Thai society views people with disabilities as if they have little merit and always need compassion and assistance from public. If the law seeks to eliminate discrimination, it may cause problems for people with disabilities in living with non-disabled people in society.

People with disabilities in democratic countries nowadays are starting to move towards a social model where they gather to fight for their rights and equality.

Cheausuwantavee's (2005) study is very useful for this research in suggesting that the government should adjust its policy on disability to be consistent

with other countries by looking at the best practices from developed countries. Such changes will face inevitable friction in being applied to Thailand. In this regard, the basic understanding of the government is to view the disabled as charity cases rather than as people having equal rights.

2) The U.S. Center for Workers with Disabilities (CWD) has studied the strategies of government agencies that are responsible for providing public transportation in relation to people's needs, including those with disabilities. According to studies in 4 states; Illinois, Massachusetts, Minnesota and New Jersey, it identified the following strategies (Center for Workers with Disabilities, 2010):

- (1) allow all sectors related to public transport to exchange ideas as equal stakeholders;
- (2) establish a win-win situation for everyone;
- (3) bring all the information together to plan for the desired result;
- (4) identify resources that must be used in accordance with the plan, find any loopholes in the plan, and consider the level of necessity of the resources for public transportation;
- (5) find ways to close loopholes, and procure resources through mutual cooperation;
- (6) inform users of the details of the policy by one-stop-services;
- (7) explain to the public about how to use public transport.

The CWD study is useful for creating public transport services that meet the needs of all people. This is an important element in creating an inclusive society where no one is left behind. It begins with open-minded dialogue from all parties involved in the policy before jointly planning and executing a plan with the determination to close any loopholes. The results of this study can be a good model for policy making that affects people with disabilities.

3) Supachai Krathamma (2015) studied public policy on the provision of facilities for the disabled. He found that: 1) the executives of government agencies which are important in providing services for the disabled lack awareness of their needs; and 2) personnel in such agencies lack knowledge and understanding of the provision of services for people with disabilities. In addition, the budget is insufficient, reporting

is weak, and there is little agreement as to the mechanism of meeting the needs of the disabled.

Supachai Krathamma's (2015) study reflects the attitudes, knowledge, and level of understanding on providing service for the disabled. It found that most of those involved tend to have a charity attitude, that is, they should provide to the disabled whatever and whenever they want. People with disabilities have to only wait for the support. This is reflected in budgeting that is always too little, follow-up the policies that are not taken seriously, and the lack of agencies that are primary providers of true disabled services.

4) Supah Chumram (2013) conducted a study of the policy on the promotion and development of the quality of life of the disabled in Thailand. He found the most important things that civil servants can do to implement the policy is to gain the support from politicians, especially in the budget allocation to the implementation sectors.

Supah Chumram's (2013) study indicates that although the government may have already set policies, they will not be put into practice unless the government is sincere in their implementation. This study strengthens this research in explaining the reasons why the government does not support the use of low-floor buses.

5) Perlin (2012) conducted a comparative study of the disability policy on the issue of legal support for people with disabilities. She found that while governments in all other continents (Europe, the Americas and Africa) provide such support, little exists in Asia and the Pacific. She explained that this is likely due to aspects of conservative Asian culture which are difficult to change, such as where social values focus more on the community than the individual. Respect for international law and rules are considered less important than following these community-based social values. People with disabilities should notionally be treated according to international human rights principles. However, a hidden issue behind Asian cultural values is denial of these rights.

Perlin (2012) explains that these conservative values dictate that people with disabilities should be given compassion according to the charity model, rather than receiving equal opportunities based on human rights principles. This is reflected in the values of Thai government agencies and indicates an ignorance or non-enthusiasm for

a more enlightened policy on people with disabilities. Perlin's study strongly helps to support the objectives of this research, which seeks to find the reason for the government's policy on disability.

6) Pisanu Sangiampongsa (2007) has studied the perception of the rights and social problems of people with disabilities from the points of view of the disabled themselves, government personnel working in social welfare, and the general public. The study indicated that people with disabilities view themselves as more of a social problem than do the other two groups. This showed that even people with disabilities view themselves negatively, which in turn has a profound effect on cooperation between the groups to solve their problems. Welfare workers in the government sector also tend to ignore disability rights as they can see that the majority of the public is not interested in the issue. This encourages the state to gain political benefits by pursuing other policies, as opposed responding to disability issues.

Pisanu Sangiampongsa's (2007) study is helpful to understand the reasons why people with disabilities are not provided with their rights. It suggests that people with disabilities refuse to assert themselves by joining together to influence government policy. The study supports this research in explaining the reasons for the government not implementing disability policies.

2.7.3 The Role of Organizations of Disabled People and Government Agencies: Lessons from Other Countries

Many studies show the role of disability organizations and government agencies in the service of people with disabilities. Here, we examine these roles in four countries: Canada, the United States, Northern Ireland and Taiwan.

1) Canada

Vanhala (2011, pp. 36-38) studied the role of disabled people's organizations in Canada. She found that most people with disabilities often experience discrimination. People with disability in Canada increased from 12.4% in 2001 to 14.3% in 2006, with complaints of discrimination also increasing.

Discrimination was also seen in the United Kingdom. The proportion of working-aged people with disabilities who were employed increased slightly from 39% in 2001 to 43% in 2007. However, 74% of non-disabled working-aged people were

employed, while employers had chosen not to interview disabled people as much as 6 times more than non-disabled people. This resulted in a doubling of complaints from about 15,000 in 2004 to about 30,000 in 2007.

In the early 1970s, Canadian disability organizations were pushing to receive donations from the public, like charities. At the time, the attitude of the government supported this. Over the following decade, many grassroots disabled organizations were formed which were influenced by the medical model. During the years 1976-1978 a new disabled people's organization was formed by the integration of many types of people with disabilities in the cities of Manitoba, Alberta and Saskatchewan (which later led to the Canadian Disability Council) to challenge the medical model and adopt the social model. Later, in the 1980s, the social model became more widespread. (Vanhala, 2011, pp. 54-56).

In the mid-1970s, service organizations for people with disabilities were questioned for inconsistency with the social model because on one hand they called for donations from the public, while on the other they called for equal treatment for people with disabilities. A small number of disabled organizations were able to transit to becoming financially independent, but most of them changed from accepting donations to asking for grants from government agencies. However, this was also seen to conflict with the social model. As the role of social movements is to protest government action, it seems a contradiction for them to ask for money from the government. This is particularly understandable when they adopt a strategy involving court proceedings against the government (Vanhala, 2011, pp. 56-57).

2) The United States

Nowadays, the United States has a population of about 53 million people with disabilities aged over 18 years, or almost 1 in 5 of the adult population throughout the country. This is the nation's largest minority.

People with disabilities in the United States have fought for their rights since the days when they were seen as a burden on their family and society. They were seen as donation receivers only or had to go to a special place of confinement such as a shelter, hospital, or mental health facility. People with disabilities were badly treated by medical and social workers, who had the power over their lives. Society had not yet opened the door to accept them.

Around the 1970s, national budgets were severely cut due to an economic downturn and social problems. Executives, leaders of organizations for rehabilitation of the disabled, academics and professionals did not fight for benefits for the disabled. The disabled became aware of the situation and started to get together by forming grassroots level disabled groups to push for draft laws (Chuasuwanthavee, 2005, p. 53). The first law for the protection of the disabled in the United States was the Rehabilitation Act of 1973, which in essence prohibited discrimination against the disabled by government agencies and required these agencies to assist them. Unfortunately, due to budget limitations, few material changes took place as a result. Disability rights movements therefore gathered to protest. When the movements occupied various government agencies in 1977, the government agreed to implement the law. 13 years later, during the Presidency of George H.W. Bush, the 1990 American with Disability Act (ADA) came into effect. This law prohibits discrimination in both the public and private sectors in relation to employment and public service access. A revision was made in 2008 to close some gaps in the legislation which had previously been exploited and help better protect the rights of the disabled (Schur et al., 2013, pp. 88-89).

However, according to the 2010 HARRIS INTERACTIVE SURVEY (The 2010 Kessler/NOD Survey of Americans with Disabilities), which marks the 20th anniversary of the ADA, most disabled people do not feel their rights and their well-being have improved in any way, whether in employment access, health services or participation (Kessler Foundation, 2010).

3) Northern Ireland

In Northern Ireland, the government tried to play an important role in facilitating cooperation between volunteer organizations and various social services. Until the 1980s, volunteer organizations in Northern Ireland were often unfocused and removed. At that point, they gradually began to gain more importance in the eyes of the government. (Likewise, volunteer organizations in England were also starting to receive more government support). Although formal strategic partnerships were developed between volunteer organizations and government, there significant obstacles to smooth cooperation still existed, such as insufficient budget allocations and lack of attention to community development (Acheson, 2001, pp. 282-285).

Disability organizations in Northern Ireland can be divided into 3 types: 1) philanthropic organizations, where people with disabilities make up less than 50 percent of members; 2) mutual aid or self-help organizations that are managed by people with disabilities but are also open for people without disabilities; and 3) social movement organizations in which both management and members are disabled. Research shows that despite the importance of cooperation with all disabled organizations, government agencies such as HPSS (Health and Personal Social Services) initially focused too heavily on providing financial support to philanthropic organizations. This has gradually changed to increasingly support the remaining 2 types of disabled organizations (Acheson, 2001, pp. 285-287).

The Northern Ireland Trust Group (TRUST) is a government sponsored organization that provides financial support to various social organizations. In the year 2000-2001, Trust provided nearly 11 million pounds to disabled people's organizations. There is a clear relationship between TRUST and philanthropy organizations, which usually have a clear strategy to dovetail with other agencies in providing public services for people with disabilities. They almost always receive government support unless questions are raised as to the relationship between the cost and quality of their services. The mutual-aid organizations seem to have little connection with TRUST. They usually focus on self-reliance, require very little government support, and do not consider themselves as advocates in fighting for changes to the rights of the disabled. The relationship between TRUST social movement organizations is seen to be ambiguous. That is, they request money from TRUST while at the same time criticizing the government and demanding equal rights for persons with disabilities. Moreover, there is no evidence that such organizations have any long term strategic plans deserving of TRUST support. (Acheson, 2001, pp. 287-289).

4) Taiwan

Heng-hao's research (2006) explores the history and role of disability organizations in Taiwan. He found that globalization, state change, and the growth of civil society are important factors in playing a role in the rights of the disabled in Taiwan. The industrial age resulted in a lack of care for people with disabilities. Democracy is used as a tool for disabled organizations to demand their rights. The NGO concept strengthens disabled organizations by looking at examples from the West.

At the grass roots level, disabled organizations help people with disabilities to group together and share experiences, obstacles, and problems. This helps create a common identity.

At an overall level, disability rights movements are deeply rooted in Taiwan society. In the dictatorial era before 1986, civil society organizations were highly controlled. The government focused only on economic development and ignored the education of people with disabilities. Charities, led mainly by Christian churches, were the only organizations that helped people with disabilities.

From 1987, Taiwan was quickly transformed into a democracy. Civil society organizations considered this a golden decade in demanding rights and laws regarding people with disabilities. New organizations, which could be divided into advocacy disability rights social movement organizations and service-oriented organizations, increasingly came to register with the government. These were greatly influenced by foreign movements.

Following the victory of the opposition party in elections in the late 1990s, the government began to exert greater control over disabled organizations. It encouraged disability organizations to take a greater part in developing policies related to people with disabilities and provided them with money to provide broader services to people with disabilities. This has transformed the social movement organizations into government service-oriented organizations. They have to work hard, both to provide services and compete with other organizations for government support. Some organizations need to find external sources of income such as hiring public relations companies or paying super star presenters to attract public attention and donations.

CHAPTER 3

RESEARCH METHODOLOGY

This research, the roles of organizations of disabled people and government agencies on the disability right of access to public transportation: A case study on the right of access to low-floor bus, has the purpose of examining the role of disabled organizations and government agencies in providing access to public transportation systems. The researcher has selected access to low-floor buses as a case study. In addition, the research aims at suggesting the role that government agencies should play in providing services to people with disabilities in the future.

This research is a qualitative research with contents that consist of research methods, data collection and data analysis. The research aims to analyze and interpret the data obtained from various sources by using the researcher as a tool for analysis and interpretation. Most of the information is documentary and news data that has been collected from the Internet. The researcher had to search back to the year 2005, which saw the beginning of the policy to procure new NGV buses to replace more than ten-year older buses. It was believed that this process would help reduce the debt of the Bangkok BMTA, which at the time stood at tens of billions baht, as well as improving the environment of Bangkok for all, whether it be passengers or pedestrians.

Qualitative research is considered the most appropriate research method to meet the research objectives. This involves the use of the researcher as the primary research tool. The results therefore mainly reflect the viewpoint of the researcher following an analysis process and considering all variables before interpreting the data. In such research data must be traced back to the past, comprising not only documentary evidence and news from the Internet and other sources, but also interviews with key people at the core of the disability movement to better understand the essence of the research issue. Several of the people selected are recognized by the disabled as leaders of the groups that fought for the rights of disabled persons to access BMTA bus services. Other data was collected from important people in relevant government

agencies, namely acting/directors of the BMTA. Problems in collecting information directly from these individuals (which will be explained further under the relevant topics) meant that the researcher had to analyze and interpret information from their interviews in the media to reach conclusions.

This research has adopted the following procedures.

3.1 Research Methodology

This research is a qualitative research with the objective of studying information from the past; it may also be considered as historical research, which is the use of data from the past to explain current and future events. Historical research has an important characteristic in that the researcher can only validate and analyze/interpret the data; the data cannot be controlled or experimented with. For this research, data comes from both primary and secondary sources.

A historical research approach was necessary because the issues under study commenced about 13 years ago and have continued until now. The struggle of disabled people's organizations to access low-floor buses taken place over the span of 7 governments. Some governments were sympathetic to the cause, while other put major obstacles in place. Three data collection methods were used in order to ensure that the information collected was as accurate and reliable as possible: in-depth interviews, documentary research, and Internet search. In addition, each method also emphasizes diverse sources of information.

3.2 Data Collection

Data collection is generally done via a sample group since it is almost impossible for researchers to collect all the data from a population. In quantitative analysis, sampling groups are based on probability sampling. However, in qualitative analysis, there are a variety of methods for selecting samples based on nonprobability sampling. In this study, purposive qualitative sampling (or judgmental sampling) was adopted. This involved sample selection based on the judgment of the researcher himself so as to best meet the research objectives.

Durham, Brolan, and Mukandi (2014, pp. 2038-2039) emphasize the importance of respect for people being interviewed. Non-disabled researchers may make disabled respondents feel uncomfortable and cause them to respond reluctantly. Researchers must be sensitive to the feelings of people with disabilities by respecting different social contexts. People with disabilities may have an inferiority complex in education. Researchers need to provide simple information and break it down. In addition, interviews with a disabled person's career may not be as accurate as they should be. Importantly, researchers must first believe that people with disabilities have the potential to answer questions themselves and find the best way to provide information and test understanding by considering the type of disability of that person. It is important that in collecting data, they should not be too selfish by focusing only on getting data and raising the disability issues while ignoring other disadvantaged groups. Household surveys are sometimes ignored by people with disabilities. Moreover, researchers should not ask questions that are too difficult because the disabled respondents may feel uncomfortable and not answer them fully. These things can cause research to yield incorrect or inconclusive results.

The researcher used informal interview methods so that respondents felt comfortable and not afraid to answer, and questions could be answered openly and honestly. The study focused on quality, key informants selected through literature review who had access to extensive real data.

The key informants may not be representative of the whole population. However, their views can be inferred to the population because they are the views of an emic with an important role in the mainstream movement of disabled people's organizations. (Supang Chantavanich, 2013, pp. 79-80). This is a very important aspect of this research.

3.2.1 Population

The population involved in the movement for access to low-floor bus services within disability organizations and government agencies is quite numerous.

There are many disabled and non-disabled organizations as well as members of the general population who could be said to be stakeholders. Each organization and each person may be for fighting for different reasons. The purposive method adopted

for thus research involves samples selected from people who are important to the issue being studied. As the level of awareness and understanding of the struggle of those involved are different, the population of this study involves different levels of participation and plan analysis. Some people with disabilities are at the leadership level and are able to inspect, scrutinize and see the big picture of the overall movement in detail. This enables them to plan the strategies to achieve their organization's objectives. However, most disabled people are at the operational level and only have assigned missions in the area that they are responsible for. They cannot see the whole picture. Because of this, purposive sampling is considered appropriate for the characteristics of different populations.

Among the population in the government agencies, many high-level people have been identified as being involved in the issue of the low-floor buses. These include former ministers and Deputy Ministers of Transport, former Directors and Acting Directors of Bangkok Mass Transit Authority (BMTA) from the time of the government of Thaksin Shinawatra to the government of General Prayut Chan-ocha.

3.2.2 Key Informants

The researcher collected information relating to the procurement of new NGV buses to determine the key informants that would be useful in correctly meeting the research objectives.

1) The Organizations of Disabled People

In-depth interviews were conducted with people in high-level leadership roles in disabled organizations. The people chosen for interview are as follows.

(1) Mr. S. A Committee and Secretariat member of the Redemptorist Foundation for People with Disabilities, Chairman of the Independent Commission for Equality, Advisor of the Thailand Council for Independent Living, an Expert on the Committee of Empowerment of Persons with Disabilities.

(2) Mr. U. A Director of the Pattaya Redemptorist Technological College, Chairman of the Networks of Bus for Everyone and Chairman of the Thailand Council for Independent Living.

(3) Mr. V. A businessman and the Vice Chairman of the Independent Commission for Equality.

(4) Mr. T. Director of the Nonthaburi Center for Independent Living, Secretary of the Thailand Council for Independent Living, and Secretary of the Networks of Bus for Everyone.

(5) Mrs. A. Chairwoman of the Yanakorn Center and a member of the Networks of Bus for Everyone.

(6) Mr. VS. Director of the Yanakorn Center and a member of the Networks of Bus for Everyone.

The researcher initially chose to interview Mr. S. After completing the in-depth interviews with him, Mr. S suggested other people who played a crucial role in the movement. This selection method is called the snow ball or chain sampling. Most of the persons recommended by Mr. S had already targeted for in-depth interviews except Mr. V, Mrs. A and Mr. VS.

2) The Government Agencies

The important thing that historical research brings to the analysis and interpretation is evidence. This helps researchers correctly understand what happened in the past. In this research, data from government agencies has been collected from documentary analysis which, in social sciences or anthropology, is often chosen when it is found that there is limited access to other data sources or evidence from key persons. In-depth personal interviews were difficult to arrange with former executives of relevant government agencies.

Documents analyzed to identify the roles of former government agencies included government publications, cabinet resolutions, and Internet and other news media. In examining this material it was found that many former government agency executives had given media interviews. The researcher is of opinion that many of these will reflect the same views that would have been obtained in personal interviews.

In-depth interviews with relevant people from government agencies would have been an important complement to make the facts obtained from the document study more reliable. Accordingly, the researcher then tried to interview two former directors of the BMTA who the study indicated were key persons in the issue of low-floor bus access.

One of these was Mr. O, a former BMTA acting director for the periods November 2, 2005 - December 31, 2006 and June 19, 2009 - September 16, 2009 and director from December 9, 2009 – December 8, 2013. Despite traveling to inquire as to his contact number at the Bangkok Mass Transit Authority Head Office on Wattanatham Road, Huaikhwang District, Bangkok on December 20, 2016, the researcher was unable to obtain this despite questioning staff in front of the office of the director of the BMTA. The answer provided was that the telephone number was used only during his term and subsequently cancelled. Moreover, no one seemed to know his personal telephone number or address. Another opportunity to obtain these details came when the researcher interviewed Mr. V. (one of the disabled people's organization representatives). Mr. V and Mr. O had been studied in the same high school. Mr. V provided a number which he claimed to be Mr. O's telephone number, but this proved to a wrong number. Mr. V offered to verify the number, but did not respond to further contact requests. As Mr. V is a busy businessman who owns many companies, the researcher did not pursue the matter and decided to study and analyze the role of Mr. O through only documentary studies.

The other important person who has a major role in the low-floor buses issues is Mr. N, who had served as acting director of the BMTA from December 9, 2009 - November 2, 2014. When contacted, he declined to give an interview. For this reason, Mr. N's role was also studied through documents.

After these experiences, the researcher decided not to interview the other former BMTA directors/acting directors during the period of the NGV bus issues. These comprised four individuals: 1) Mr. Sukree Khumphan, acting director from January 1, 2007-February 28, 2007; 2) Mr. Phinesava Pua-Pattanakun, director from March 1, 2007-June 18, 2009; 3) Mrs. Pranee Sugrasorn, acting director from September 17, 2009-December 8, 2009 and November 3, 2014 to March 2, 2016; and 4) Mr. Surachai Eamvachirasakul as director from March 3, 2016 to March 21, 2017 (and from July 2019 onwards). The reasons were that one had passed away, others had only served for a very short time; and those who had held the position for a long did not play an important role in the issue (although they may played an important role in other issues outside the scope of this research).

The three former Ministers and Deputy Ministers of the Transport Ministry involved in the issues of low-floor buses comprised: 1) General Chaiyanan Charoensiri, former Deputy Minister during the period of former Prime Minister Thaksin Shinawatra; 2) General Prin Suvanadat, former Deputy Minister during the government period of former Prime Minister Yingluck Shinawatra; and 3) Air Chief Marshal Prajin Juntong, former Minister of Transport during the government of Prime Minister Prayut Chan-ocha. However, their role on the issue was limited as most decisions were made by the BMTA director. It was therefore decided that the documentary analysis method was sufficient to demonstrate the former Ministers' ideas on the rights of disabled persons in access to low-floor buses.

3.2.3 Data Sources

1) Data from in-depth interviews. Appointments with the sample group for in-depth interviews were made at locations convenient for them: Mr. S, was interviewed at the Redemptorist Foundation for People with Disabilities, Pattaya, Chonburi; Mr. U was interviewed at Central Pattaya Department Store; Mr. T, was interviewed at the Nonthaburi Center for Independent Living; Mr. V, was interviewed at his company headquarters in Bangkok; and Mr. VS and Mrs. A were interviewed at The Government Complex Commemorating His Majesty, Nonthaburi.

2) Information from relevant documents. Most of the relevant documents were obtained from the Redemptorist Foundation for People with Disabilities, while others were obtained from the Nonthaburi Center for Independent Living.

3) Information from the internet. Many relevant documents were obtained from the Internet. Sources included several news media websites such as Manager, Thai Rath, Daily News, Matichon, Prachatai, etc.

3.2.4 Tools Used for Data Collection

1) Interview questions. The in-depth interviews took the form of informal open-ended questions which encouraged free expression and full, unlimited answers. These were followed by additional questions on each issue as appropriate.

2) Memos. These were used to record every step of the research regarding decision making and the experiences of the researcher.

3) Data collection equipment. This included voice recorders, pens, notebooks, as well as telephone and LINE applications for conversations.

3.2.5 Data Collection Procedures

Data collection was conducted according to the convenience of the sample group. Qualitative research is a methodology that focuses on understanding an actor's meaning. In order to get the best answer, it must be done in a context or environment in which the key informant is comfortable.

The researcher began by studying all relevant issues from various documents and summarizing the concepts that were necessary for use in answering the research questions. In addition to informal interviews, another important data collection method adopted was the use of document analysis. This included documents, statistics, numbers, and other evidence, especially the information which recorded important events in the struggle of the disabled organizations from both primary and secondary sources, and whether confidential or open to the public.

The advantage of using documentary evidence is that, besides being able to obtain various sources of information, it is also reliable. It provides details of the events cheaply and there is no reaction to the researcher (Supang Chantavanich, 2013, pp. 108-109).

The interview process was as follows:

- 1) Prepare open-ended questions and specify the likely duration of the interview (targeted at no more than an hour) in advance;
- 2) Prepare audio recording equipment and devices for taking notes;
- 3) Send an official letter from the Faculty of Public Administration, National Institute of Development Administration requesting cooperation and the necessary information;
- 4) Schedule an appointment with the key informant;
- 5) Travel to the interview at the location the key informant prefers or, in case of necessity, make a telephone call using the Line application. Upon meeting

the key informant, make appropriate introductions, explain the basic details of the research and benefits of research, and promise to keep all information confidential;

- 6) Request permission from interviewees to take notes and record audio;
- 7) Take note of important issues during and after the interview;
- 8) Request any documents that would be relevant to the research from the key informant and any material evidence.

Notes were maintained regarding operations at all stages of the research as a reminder of what has been done, why and how.

3.2.6 Data Validation

1) Two methods of checking the reliability of data were adopted as follows:

(1) Data triangulation. This method of verifying reliability and accuracy involves the comparison of responses from many key informants to check the consistency of the information. In other words, if the person who gave the information were to change, would the information be the same? The researcher also checked responses against documents and news reports.

(2) The reliability of the data was confirmed by having the key informants read the draft of the research again in order to receive additional comments, objections, or accept information from them. This can create new and interesting perspectives (Supang Chantavanich, 2004, pp. 30-31).

2) Checking Data Completeness and Quality

The data was classified data into two types; opinions and information that gave details or told of events. The focus was on information that gave details or told of events as it could be compared with various documents and evidence to see it was consistent with or different from the actual situation. I considered the reliability of the key informants, how relevant they were in relation to the issue and how much bias they had. Most importantly, the data obtained was compared with other key informants in order to check for its completeness and quality.

3.3 Data Analysis

Interpretive practice was used to analyze the facts according to critical theory. This is because the separation of "facts" from the "value system" according to the principles of positivism is impossible; neutrality doesn't exist. Human judgment must finally make a choice. Qualitative data analysis reaches conclusions without the use of statistics or, if they are involved, statistics are not considered the primary analytical method. The researcher is therefore considered to have the most important role in the research results. The researcher analyzes both the manifest content and latent content then interprets them to find the meaning from the content. Critical theory focuses on structural concepts in societies such as oppression, bullying, discrimination, exploitation and dominance. This research believes that the criticism of the treatment of people with disabilities in the case of low-floor busses is about trying to free them from being discriminated against by government policies. It criticizes the truth without neglecting the human values as the creator of society. Criticisms indicate the expression or the behavior of government agencies against the disability movement, including the reasons behind those expressions.

The researcher understands the concepts and principles in conducting qualitative research, both from self-study and the advice of advisors in order to gain knowledge, understanding, and develop quality research skills. In addition, he studied the topics from various documents by collecting data and compiling relevant information from books, textbooks, disability journals, academic articles and thesis articles, newspapers and electronic media related to the research topics. As this research aims to find the role of disabled organizations and government agencies in the case of low floor bus access, data analysis and interpretation was used to find the answer by looking for the true meaning of the information. It is important to understand what the information tells the researcher and what kind of data reflects social values.

As the collected data had good quality, the researcher was able to read and understand it and, when combined with the knowledge from literature review, he was able to interpret it to make the reader feel closer to the subject. This process is known as the thick description (Supang Chantavanich, 2004, p. 130).

The process of data analysis in brief was as follows:

- 1) Data from the interview was analyzed by following the transcript tape as much as possible and considering facial and mood expressions while interviewing;
- 2) The data from the interviews was cross-checked against the evidence by examining various documents that had been previously reviewed by the researcher;
- 3) Where required, the accuracy of the information was checked by going back to request a further interview to obtain clarity of some information.
- 4) The data was summarized, analyzed, and interpreted which led to answer of the objectives of research.

CHAPTER 4

THE ROLES OF ORGANIZATIONS OF DISABLED PEOPLE AND GOVERNMENT AGENCIES ON THE DISABILITY RIGHT OF ACCESS TO LOW-FLOOR BUS FROM THE GOVERNMENT OF THAKSIN SHINAWATRA TO THE GOVERNMENT OF ABHISIT VEJJAJIVA: THE ORIGIN

This chapter examines the roles of organizations of disabled and government agencies on the disability right of access to low-floor bus from the Thaksin Shinawatra government to the Abhisit Vejjajiva government. The reason for the chapter's focus on this period is that this is when the policy for procuring new NGV buses was still under consideration by the Cabinet. In other words, it was still in the process of policy formulation and policy implementation had not begun. Although the Cabinet in the government of Abhisit Vejjajiva has passed a resolution "in principle", it was only a preliminary approval or agreement. This did not mean giving final approval, and led to deep conflicts between the Abhisit's Democrat Party (DP) and its major coalition partner, the Bhumjaithai Party (BJT).

The chapter is sub-divided into 2 time phases: 1) the period from the government of Thaksin Shinawatra to the government of Somchai Wongsawat; and 2) the period of the government of Abhisit Vejjajiva. The reason for this is that during the first phase (Thaksin-Somchai) disabled organizations did not play a major role. They considered that political action was unlikely to result in the needs of the disabled being met. In the second period (Abhisit), the disabled organizations found signs from political parties, especially the BJT, that they would try to implement a new NGV buses policy that would meet the needs of the disabled. Therefore, the disabled organizations began to take action to make the public aware of the problems of people with disabilities and demonstrate the necessity of low-floor buses.

Each phase is considered in three parts: 1) explanation of the history of the new NGV bus procurement policy; 2) consideration of the role of disabled organizations and government agencies in acquiring low-floor NGV buses; and 3) summary and analysis of the roles of disabled organizations and government as a whole in acquiring low-floor NGV buses.

4.1 The Period of the Thaksin Shinawatra Government to the Somchai Wongsawat Government (February 9, 2001-December 2, 2008)

4.1.1 History of the Policy of Provision of New NGV Buses

The new bus provision policy of the Bangkok Mass Transit Authority (BMTA) began in 2005, based on the idea of former Prime Minister Thaksin Shinawatra (holding a position between February 9, 2001-September 19, 2006). His opinion was based on the fact that many BMTA buses of BMTA had been in use for several decades. Many were in need of repair and service, which might cause danger to passengers. In addition, many used diesel fuel which released toxic pollution and was relatively expensive compared to natural gas. This caused waste and affected the financial status of the BMTA, which had a lot of debt.

There were many reasons for the continuously rising oil price since 2004 such as decreasing production of OPEC crude oil due to low production incentives, wars and natural disasters, the invasion of Iraq by the US military in 2003, the conflict between Iran and the West, hurricanes in the Gulf of Mexico, threats to oil production areas in Nigeria, political conflicts between the Venezuelan government and the US government, etc.

From the above reasons, Thai fuel consumption preferences at that time changed from oil to natural gas. The popularity of changing from fuel to natural gas tanks increased with the expansion of gas stations that also provide natural gas pumps throughout the country. At the time, many people believed that in the future natural gas would always be cheaper than oil. Taxi companies and individual taxi drivers installed natural gas tanks for savings, and such popularity encouraged many new businesses to develop installing natural gas systems, both standardized and non-standardized.

The increasing popularity of natural gas vs. oil is shown in table 4.1 below.

Table 4.1 Final Energy Consumption (2002-2006)

	2002	2003	2004	2005	2006
Consumption	880	931	1,021	1,046	1,049
Petroleum Products	579	612	661	654	637
Natural Gas	43	46	54	55	59
Imported Coal	40	61	67	81	100
Lignite	43	24	37	42	30
Electric Power	175	187	202	214	223
Rate of Change (%)					
Consumption	7.3	5.8	9.8	2.5	0.3
Petroleum Products	5.9	5.7	8.1	-1.2	-2.6
Natural Gas	15.9	7.9	17.5	2.2	7.1
Imported Coal	22.8	52.8	9.3	21.6	22.9
Lignite	7.5	-43.6	54	13.5	-29.4
Electric Power	6.8	6.9	7.1	5.9	4.5

Note: Units: Equivalent to 1,000 barrels of Crude Oil Consumed Per day

Source: Adapted from The Energy Policy and Planning Office, 2006.

From Table 4.1, it can be seen that the popularity of natural gas had steadily increased from 2002 to 2006, while the popularity of oil had decreased from 2004. The Thaksin government was aware of the urgent need to reduce the fuel costs of the BMTA, which is a state enterprise and had consistent large losses, by changing the use of diesel fuel to natural gas vehicles (NGV) to save money and reduce air pollution. As an aside, this may have had a positive effect on Thaksin's Party, the Thai Rak Thai (TRT), in obtaining votes in Bangkok, a city in which other parties had won for a long time.

On November 29, 2005 a Cabinet resolution agreed to the proposal of the Prime Minister to provide new, air-conditioned, NGV powered BMTA buses to replace the

old ones. In addition, a Smart Card system would also be introduced as a monthly ticket. (The Secretariat of the Cabinet, 2011a)

After this, BMTA, as a government agency under the supervision of the Ministry of Transport, held a meeting of its Executive Committee. The meeting approved in principle BMTA to purchase new NGV powered air-conditioned buses as a replacement for 2,000 12-16 year old buses that were no longer suitable for service. The total cost of the new NGV buses, including maintenance over 10 years, was 23,500 million baht; an average of 11.75 million baht per bus.

At that time (2005), the number of BMTA buses in service was 3,623. Of these, 2,326 had been in service for 12-16 years. Among the remainder were 82 NGV air-conditioned buses, comprising 38 manufactured by Benz and 44 manufactured by MAN. These were purchased in 1993. The original plan was to buy 200 NGV buses, but only 82 were actually purchased. Only 38 of these were put into service (the Benz brand) because the MAN buses had problems. The low methane level in the natural gas used was inconsistent with their engine system, resulting in damage to the engines, electronic systems, and other equipment. They were in the process of being repaired.

Several problems had been identified from BMTA's initial experience in NGV bus service: 1) the quality of the natural gas available in Thailand was uncertain. Sometimes the methane level was too low, which made it inconsistent with their engine systems. This issue could be resolved by informing the supplier before purchase that engine systems needed to be adjusted to be able to deal with uncertain natural gas quality; 2) there was only one natural gas station available (in Rangsit); 3) there were few manufacturers and authorized repairers of NGV buses, resulting in a monopoly in providing and servicing them; and 4) BMTA had no technicians with expertise in NGV buses, resulting in higher maintenance costs than diesel buses.

After considering the advantages and disadvantages, the BMTA Board of Directors agreed to the purchase of 2,000 new NGV powered air-conditioned buses. They argued that this would: 1) increase the quality of service; 2) reduce the risk of traffic congestion due to buses being out of order; 3) save money for passengers; 4) reduce noise and air pollution; 5) reduce medical expenses for people suffering from toxic pollution (approximately 2,128-5,320 million baht per 1,000 vehicles); 6) save budget by changing from imported diesel oil to locally produced natural gas; 7) respond

to the government policy and strategy announced by Parliament; and, most importantly, 8) save costs for the BMTA.

It was estimated that the new NGV air-conditioned buses would save 3.79 baht/bus/kilometer compared to the older buses. Therefore, within 1 year, the BMTA would save up to 638.7 million baht. At that time, the BMTA was losing around 5 billion baht per year and had a total accumulated debt of approximately 41.575 billion baht.

In addition to the Ministry of Transport and the BMTA, three other agencies needed to be brought into the decision-making: 1) The National Economic and Social Development Board (NESDB), which considered and agreed in principle with the plan; 2) The Ministry of Finance. It was seen that although this project was beneficial to the passengers who use the BMTA service, it would increase the government's debt by providing a lot of new buses. Therefore, the Ministry of Finance had two suggestions. First, the BMTA should separate the bus authority from the bus operator in order to be clear in operation and enable evaluation as to whether this project would really solve the problem of the BMTA's debt. Second, the BMTA should update its business plan, taking into account the passenger volume that had tended to decrease at an average of 5 percent over the past 8 years. This was because passengers had the many travel choices than in the past including vans, private buses, subway trains, sky trains, etc.; and 3) The Bureau of the Budget, which had agreed to the project subject to a proposal from the Ministry of Transport that the BMTA must carry a loan for the project.

Based on the opinions of these government agencies, the Cabinet approved the Ministry of Transport's proposal on the BMTA's purchase of 2,000 new NGV air-conditioned buses on February 14, 2006. The Ministry of Transport proposed the project be classified as a special investment project for national development (Project 32) according to the regulations of the office of Prime Minister (The Secretariat of the Cabinet, 2011a).

Special investment projects for national development were required to provide significant benefits to the public and require special expertise in modern technology. Due to the huge budget involved (23.5 billion baht), the project was open for private sector participation alongside the government.

On February 24, 2006, former Thaksin announced the dissolution of the Parliament after a large rally, led by the People's Alliance for Democracy (PAD),

demanding his resignation. The Cabinet had to maintain its duties until a new cabinet came into being, but the project for the provision of 2,000 new NGV buses was still ongoing. The Cabinet passed a resolution on May 23, 2006 that the project should be implemented fairly and transparently by inviting representatives from the National Economic and Social Advisory Council (NESAC) and the relevant professions council to be the committees or observers and the media to publicize the news to the public (The Secretariat of the Cabinet, 2011a)

Shortly after this, the Ministry of Transport, at the request of the BMTA, submitted an opinion to the Cabinet that the NGV buses project should be removed from the list of special investment projects for national development. The reason given was that classification as a special investment projects would cause an unnecessary delay in meeting people's needs. Toxic pollution would cause harm to the public health, and providing the NGV buses more quickly would help solve the BMTA's debt problem. At the Cabinet meeting on June 6, 2006 the NGV buses project was removed from the list, and the BMTA was instructed to improve bus routes and stops, and consider introducing a monthly ticket that linked its routes with other public transportation systems (as recommended by the Office of NESDB). The Cabinet instructed that the old buses were not to be brought back into service again, and instructed that they be auctioned off or used for other purposes as appropriate (The Secretariat of the Cabinet, 2011a).

The project to provide the 2,000 new NGV air-conditioned buses was criticized by the public for its high price per bus and the fact that the buses were to be imported from abroad instead of produced by domestic operators, which in turn would improve the employment rate.

However, the project was temporarily put on hold after the coup by the Council of National Security (CNS) led by General Sonthi Boonyaratkalin, the Commander in Chief, Royal Thai Army, on September 19, 2006. After this, the King appointed General Surayud Chulanont, who at that time was a Privy Councilor of Thailand, to be the next Prime Minister.

In the period of General Surayud Chulanont's government, the project to provide new NGV air-conditioned buses was not considered a national priority. This led the BMTA to consider changing the engines of its old buses into a system that supported

NGV, which involved a budget of only 2 billion baht. The BMTA invited bus companies to participate in testing the system for changing from diesel to NGV. Approximately 10 companies registered companies, but as the BMTA was about to announce the terms of reference (TOR) for this, it had to stop again due to a general election being called for December 23, 2007.

Although the TRT had been dissolved by the Constitutional Court, the election was won by the People Power Party (PPP), a newly formed party including many former members of the TRT. The margin was 233 sets out of 480, and Samak Sundaravej, the leader of the PPP, became the 25th Prime Minister of Thailand.

During the government of Samak, the new NGV buses project was restarted and came into greater public focus since the Ministry of Transport, during the government of General Surayud, had proposed a management restructuring plan to restore the financial status of the BMTA to the State Enterprise Policy Committee (SEPC). On November 18, 2007, the SEPC had passed a resolution in favor of the principles proposed by the Ministry of Transport. The NESDB was the center for collaboration with relevant agencies such as the Ministry of Transport, Ministry of Finance, Ministry of Energy, and the Bureau of the Budget to consider the plan in detail (According to the Cabinet resolution on December 4, 2007). The NESDB and the four agencies conducted a meeting to consider the issue on January 7, 2008. The resolution of the meeting was to order The Ministry of Transport to improve the plan for reforming the mass transportation systems in Bangkok and its Metropolitan Region by creating an overview picture and proposal for linkage of all mass transportation systems in the short, medium and long term. The resolution also ordered the BMTA to review its financial reform plan taking into account the proposed changes to the mass transit system. In addition, the Ministry of Transport, together with the BMTA, was to consult with the Ministry of Finance on the issue of the BMTA's debt burden and interest due in the amount of 57.2 billion baht. The resolution was approved by the Cabinet on January 22, 2008 (in the period of Samak government) (The Secretariat of the Cabinet, 2011a). In other words, the new NGV buses project had started to move forward again.

In the Cabinet meeting on economic policy to solve the energy crisis on May 27, 2008, the meeting assigned the Ministry of Transport to consider changing the old BMTA buses and introduce 6,000 new NGV buses to provide services covering all 145

routes. Shortly thereafter, on June 2, 2008, the Ministry of Transport submitted a BMTA management and service improvement plan for consideration by the Committee of Development Railroad and Mass Transit System (CDRMTS). The committee approved the plan before passing it on to the Cabinet for consideration on June 10, 2008. The Cabinet approved in principal the plan to improve the BMTA's management and service (The Secretariat of the Cabinet, 2011a). The Cabinet resolution on June 17, 2008 required the BMTA to refer the plan back for further consideration by the CDRMTS (The Secretariat of the Cabinet, 2011a).

The key terms of the BMTA management and service improvement plan are as follows:

- 1) Requesting approval for providing 6,000 new NGV air-conditioned buses by a rental method;
- 2) Requesting approval for either: 1) an early retirement program which was to cost not over 6.2 billion baht from the 2009 budget allocation, or 2) the Ministry of Finance to consider providing a loan in which the government is obligated to pay the principal and interest;
- 3) Requesting approval for provision of additional working capital of 3,500 million baht for the BMTA, which would be repaid at 500 million baht per year for 7 years from 2010-2016;
- 4) Requesting approval for the BMTA to revise bus routes to cover all areas in Bangkok and its Metropolitan Region and to improve service quality for the public (for example, using an electronic ticketing system or E-Ticket);
- 5) Requesting approval for the BMTA to sell the 3,535 old buses, made up of 1,861 air-conditioned buses and 1,674 non air-conditioned buses;
- 6) Requesting approval for the Ministry of Finance to coordinate with state-owned banks in restructuring savings cooperative debts of BMTA employees in the amount of 2 billion baht;
- 7) Requesting approval for the Bureau of the Budget to allocate annual expenditure to the BMTA for paying interest of approximately 35.076 billion baht.

The total budget for the plan was 111.69 billion baht. In this regard the BMTA explained that if the plan was not implemented, the BMTA will have projected cumulative losses of approximately 145.439 billion baht by 2019, up from 69.5 billion

baht in 2008. On the other hand, if the plan was approved to proceed, the BMTA will have accumulated profits of 30.75 billion baht by 2019.

The BMTA plan was approved by the Cabinet. However, a number of agencies had lodged objections and suggestions as follows:

1) The Bureau of the Budget: 1) was concerned that the plan increased the country's public debt and that the proposal to rent 6,000 buses did not provide enough offset to help reduce the debt within 10 years; 2) suggested that the BMTA needed a plan to manage its employee and management resources better in order to reduce costs and increase efficiency; and 3) considered it necessary that the Ministry of Transport monitor the implementation of the plan and present an evaluation to the Cabinet annually and every 3 years;

2) The Board of NESDB suggested that: 1) the BMTA should set criteria for selecting the employees who will to join the early retirement program and find ways to retain talented employees; 2) the electronic ticketing system must be easy to use, convenient, and have quality; 3) conditions should be set so that the BMTA can adjust the number of rental buses as appropriate for the real volume needed for use; and 4) the Ministry of Transport and the BMTA should announce the plan in advance to all the bus suppliers at the same time in order to ensure freedom and fair competition.

3) The Ministry of Finance suggested that: 1) as the project relies on estimates of passenger numbers, the BMTA should have an emergency plan in the event that revenues do not meet the targets; 2) while the government should agree to pay the BMTA's interest between the years of 2009-2020 in the amount of 35.076 billion baht, the BMTA must improve its structure and management to be more efficient.

From the objections and suggestions of the aforementioned agencies, the Ministry of Transport, through the BMTA, clarified the following points:

1) The BMTA plans to operate 145 routes covering both Bangkok and its Metropolitan Region. These would consist of 15 main routes, 2 inner ring routes, 4 outer ring routes, 15 express routes and 109 secondary routes. Buses would depart 2-4 minutes apart during the morning (6.00-9.00 AM) and evening rush hours (3.30-8.30 PM). They are expected to serve 350 passengers / bus for a total of approximately 2 million passengers per day. BMTA expects to attract people who use private cars and other vehicles to use these services;

2) The BMTA plans to adopt an electronic ticket (E-Ticket) fare collection system. The fares will be set in 7 categories as follows: 15 baht for a one-way ticket, 30 baht for a daily ticket, 900 baht for a monthly ticket, 600 baht for monthly tickets for people with low incomes, 300 baht for monthly tickets for lower than 9 grade students, 600 baht for monthly tickets for 9 grade students and up, 450 baht for monthly tickets for the elderly and disabled;

3) The BMTA plan is expected to deliver net profits of 695 million baht in 2010, increasing to 5.674 billion baht in 2020;

4) BMTA will tender according to international quality standards that are open, requiring the winning company to be responsible for providing buses and other related systems and for maintenance in which the company must have the required rental buses ready in use for the BMTA. It will be the responsibility of the BMTA to provide the natural gas for buses;

5) The GPS/GPRS systems, CCTV systems, and the parking areas for BMTA buses will be implemented in accordance with the 2006 regulations of the Prime Minister's Office on Procurement by Electronics Bidding;

The resolution of the Committee of Development Railroad and Mass Transit system (passed by the Cabinet on June 17, 2008) was follows:

1) The BMTA must create quality services to convince passengers to increase by 0.7 million to 2 million (up to 1.3 million). This is the most important factor of the BMTA's improvement plan for the procurement of the new NGV buses;

2) The BMTA must specify the contract conditions and standards for efficient systems, exercise strict controls over the operations, and include penalties in the event that the contract is not implemented in the interests of the BMTA;

3) The BMTA must control its expenses to be as estimated and to be consistent with its income;

4) The BMTA must sell 3,535 old buses, the Ministry of Finance must ease interest, support working capital and support the BMTA officer debt restructuring program, and the Bureau of the Budget must support the early retirement program of the BMTA officers;

5) The Ministry of Transport and the BMTA should have a risk management plan and program evaluation process.

The opinions of various related agencies following the resolutions of the Committee of Development Railroad and Mass Transit System are as follows:

1) The Ministry of Labor proposes to provide vocational skills training for the retired BMTA employees in order for them to have career options by assigning the Department of Skill Development to proceed;

2) The Ministry of Energy explained that PTT Public Company Limited will maintain the price at 8.50 baht / kilogram for natural gas until the end of 2008 and will increase the price by step by step. In 2009, the price will increase to not more than 12 baht/kilogram and in 2010 the price will increase to not more than 13 baht/kilogram. From 2011 the price will increase according to the true cost. Thereafter, the BMTA must manage the price risk of natural gas in order to control its costs;

3) The Ministry of Finance made the following comments: 1) the BMTA must establish a risk management plan and financial performance reports to analyze its Earnings before Interest Tax Depreciation and Amortization (EBITDA) as the Ministry has to report the plan implementation to the Cabinet annually; and 2) the BMTA should phase in the provision of buses to meet the needs of the people and the bus rental company is obliged to collect 4,600 employees. That is to save BMTA expenditure.

Due to concerns raised by some ministers from the Chart Thai Party and the Royal People Party, the Cabinet meeting on July 22, 2008 resolved to hold a ministerial meeting to reconsider the BMTA improvement plan. The main issue was that if the government approved the rental of 6,000 buses, some parties could receive a commission of up to 1 million baht per bus; a total of 6 billion baht which would be allocated to some politicians, ministers, interest groups that support political parties, and high level civil servants.

The Cabinet appointed Major General Sanan Kachornprasart, Deputy Prime Minister, to be the Chairman of this special meeting of ministers. The NESDB was to be the secretariat. The Ministry of Transport and the BMTA were required to prepare all relevant documents with clear and complete information and act in accordance with the recommendations of the Ministry of Finance in the preparation of risk management plans and also report the financial performance to analyze the EBITDA. They also had to draft the contract for the benefit of BMTA in long term, to follow the

recommendations of various agencies, and to require the rental company, not the BMTA, to take the burden of providing 4,600 bus drivers (Secretariat of the Cabinet, 2011a).

As a result of 3 special ministerial meetings (the first of which was held on July 30, 2008) it was resolved, based on the opinion of Major General Sanan Kajornprasart, as Chairman of the Committee, to reduce the number of buses from 6,000 to 4,000. That would cause the budget to be reduced from 111.690 billion baht to 62.598.33 billion baht. The reduced budget arose from reducing the amount of bus rental (37,230 million baht), cancelling the electronic system on private bus companies (5,941.67 million baht), and reducing the cost of the bus parking areas (5,920 million baht). This resolution was approved by the Cabinet resolution on September 2, 2008 (Secretariat of the Cabinet, 2011a).

Amidst tense political situations due to a rally of the People's Alliance for Democracy (PAD) which began on May 25, 2008, Samak Sundaravej was unexpectedly expelled as Prime Minister on September 9, 2008. This occurred due to Samak participating in the "Shim Pai Bon Pai (Taste And Talk)" TV program. The Constitutional Court interpreted that in doing so Samak had violated Article 267 and Article 182, paragraph 1 of the Constitution.

A new Prime Minister, Somchai Wongsawat, Acting Chief of People Power Party was elected by Members of Parliament on September 24, 2008.

However, PAD protests continued. Protesters stormed the parliament building and, after completing his policy statement to the Parliament on October 7, 2008, Somchai had to flee the building by helicopter while a number of MPs, coalition parties and senators, were locked in by the protesters. They finally were freed by police using tear gas.

Due to ongoing protests, Cabinet meetings had to be temporarily held at Don Mueang International Airport. Even though Somchai's tenure was short (75 days), the meeting relating to the BMTA's new NGV bus project was still held on November 27, 2008 (The Secretariat of the Cabinet, 2011a). Previously (from November 17-20, 2008) the BMTA had announced the Terms of Reference (TOR) for the lease and maintenance of 4,000 NGV air-conditioned buses for a period of 10 years by E-Auction. The Cabinet meeting considered that the TOR released by the MBTA was too different from the

Cabinet's resolution on September 2, 2008 and that some of the opinions of Major General Sanan Kachornprasart, Deputy Prime Minister and chairman of the Special Committee at the Ministerial Level, were neglected. These are summarized below.

1) On the Issue of bus routes and number of buses to be rented, the Director of the BMTA had told the Special Committee at the Ministerial level that he would report the estimated number of passengers on each route, their needs, their opinions, the connections on various routes and the overlaps with other mass transportation systems. The fact that the BMTA Director had announced TOR without presentation of the results of such studies was incorrect behavior.

2) Major General Sanan had proposed that bidders should be entrepreneurs in Thailand due to their skills and acceptable standards. This policy would also help create jobs and stimulate the economy by allowing only materials that could not be cost effectively sourced in Thailand to be imported. However, the TOR was broadly specified, allowing both Thai and foreign entrepreneurs to participate in the auction.

3) Three issues were raised in relation to electronic systems: 1) the Cabinet had resolved that the E-Ticket system, GPS, and GPRS systems must be installed only in the BMTA rental buses and retained older buses, not in private buses. The TOR required that the systems be installed on a total of 1,800 private buses; 2) Major General Sanan had proposed to cut out some unnecessary electronic systems such as CCTV and intelligent signs. However, these still appeared in the TOR. Moreover, driver-training simulator devices along with 4 training and development centers for using electronic equipment which had been identified as necessary were not specified in the documents presented to the Cabinet meeting; and 3) the BMTA management and service improvement plan, which was previously reported to the Ministerial Special Committee meeting, was assigned to have a Management Information System Center (MIS) and 8 sub-centers. However, the TOR was modified to provide for a central route bus management center and 21 district route management centers.

4) On the issue of bus parking cost, in the document submitted to the Cabinet the BMTA proposed to rent 16 bus parking areas in the amount of 5.92 billion baht. However, in a previous study the BMTA had noted that it can use hire purchase

to obtain the 16 bus parking areas for the same amount. The Cabinet therefore considered that it was better for the BMTA obtain the parking areas using hire purchase rather than renting. When the 20-year contract expired, the land and buildings would be owned by the BMTA. Moreover, the TOR stated that in the event that the BMTA could not provide bus parking, a bidder would be able to provide the parking at a fee of 462 baht/bus/day. If the total of 4,000 buses were rented for a period of 20 years, the BMTA would have to pay a total parking fee of 13.490 billion baht, which is considerably more expensive than the proposed lease cost.

5) On the issue of NGV bus rental cost, the special committee meeting at the ministerial level had a resolution to reduce the number of buses to 4,000, resulting in a decrease in price of rental buses, the fare collection system using E-tickets, tracking system, and the information operations center to a total of 4,287.56 baht/bus/day. However, in TOR draft it was specified that the maximum price of the auction must not exceed 4,843 baht/bus/day. This was 555.44 baht/bus/day higher than the amount specified in the ministerial special meeting.

6) On the Issue of the 10-year-bus rental contract, the special committee meeting at the ministerial level proposed a TOR with a flexible number of rental buses due to the unknown numbers of passengers. It also proposed that the state should have the right to terminate the lease agreement if in the best interest of the state, with the successful bidder having no right to claim any damages. However, these things did not appear at all in the TOR draft.

7) On the issue of fine rate, the TOR stated that if the successful bidder does not deliver the buses or the buses do not meet all the requirements set forth, it had to pay a fine of 100 baht/bus/day. In relation to this issue, Major General Sanan had noted that if a bus is out service just for one day, the BMTA will lose revenue of 8,000-10,000 baht. That is very different from a fine of 100 baht per day and may be a significant benefit to the successful bidder.

8) On the issue of rental cost and rental payment methods, the TOR specified payment through the clearing house system per day per bus. This was different from the Regulations of the 1992 Office of the Prime Minister on Procurement, which require a committee to accept payments and disburse them to the lessor.

The Cabinet meeting resolved to delay further consideration of the TOR and instruct the BMTA set up a committee to ensure that it complies with the Cabinet resolution on September 2, 2008. For this purpose, the Ministry of Transport was to coordinate with the BMTA on the opinions of Major General Sanan.

Not long after that, on December 2, 2008, the Constitutional Court voted 9-0 to dissolve the PPP (together with the Chart Thai Party and the Neutral Democratic Party) due to electoral corruption by Mr Yongyuth Tiyaipairat, deputy leader of the People Power Party. Somchai had to vacate the position of Prime Minister, following which the House of Representatives would vote for the new Prime Minister. Mr Abhisit Vejjajiva, leader of the Democrat Party, was subsequently elected Prime Minister with the support of the Bhumjaithai Party (BJT), which had separated from the PPP.

4.1.2 The Roles of Organizations of Disabled People on the Right of Access to Low-floor Bus

The disabled organizations had demonstrated their position on the need for buses that would benefit people with disabilities. They made requests through the submission of letters to both the Ministry of Transport and the BMTA. However, the Ministry of Transport had returned some expressions that seemed sincere, while the BMTA demonstrated continued discrimination against the needs of people with disabilities.

The beginning of a gathering of people with disabilities arose from a group with mobility impairment who had met and worked together for many years. They had noted and discussed the issue of the use of the BMTA public bus service for the disabled. BMTA buses at that time were all the high floor variety, and people with mobility impairments who use wheelchairs could not use the service conveniently. There were also no facilities on buses for people with other disabilities such as the visually impaired or communication disabled. This was different from developed countries, where buses facilitate use by all groups of people.

After the announcement that the government will procure new NGV buses, a group of disabled people comprising Mr. S., Mr. T., Mr. U., Mr. V., Mr. Krisana Lalai and others planned activities to demand buses that everyone can access. This group

informally united under the name "The Independent Commission for Equality", with Mr. S. as the chairman and Mr. V. as the vice president.

We viewed that buses are the way to connect all small points in Bangkok and its Metropolitan Region, so they should be low-floor. There were also discussions in the IL network (the Thailand Council for Independent Living), the Redemptorist (the Redemptorist Foundation for People with Disabilities), and the wheelchair group (Mr. S., personal communication, September 30, 2016)

It began with the disabled group. Mr. S., Mr. Krisana, Mr. T., and many people came to talk at the dinner table. We talked about how to make this long-time story of NGV buses, like the Ramayana story, to comprise the low-floor buses ... After that, we started as a working group. We asked Mr. T. and Mr. U. to be the working group's leaders. I was just a small element in movement... My roles were supporting as I had business experience in areas such as shirts, lunch, food supplies, and gas. These were not done by me alone as we had a group of about 10 great disabled businessmen who had met for 20 years at dinners ... so we talked in the same language.

I was the vice president ... because seeing the hardship of the disabled people ... At that time, the Association of the Physically Handicapped of Thailand was an organization for trading lotteries. Therefore, the protection of rights was not clear. But Mr. S. came to the movement in the name of the Redemptorist Foundation for People with Disabilities. He also worked with Mr. Krisana and the hi-society wheelchair group. Mr. S. also drove hundreds of thousands of wheelchair users to work under the Association. On the issue of money, Mr. Suphacheep Dittes, President of the Association (of the Physically Handicapped of Thailand) wanted to help and he asked to work on behalf of the Association. I can conclude that all stories are from Mr. S. and Mr. V. (Personal communication, December 12, 2016)

However, not every disabled person or group joined the movement to request the low-floor buses. Some people with disabilities did not pay much attention or viewed it as unimportant because they did not use public transport buses. Some disabled associations did not consider it important because it was not a big issue in their disability category. Initially there were only 3 disability organizations working on the issue, namely, the Redemptorist Foundation for People with Disabilities, the Thailand Council for Independent Living, and the Nonthaburi Center for Independent Living. In addition, there were some individuals with disabilities involved.

Someone who had a chance to go abroad will have a dream about our country being like that. So we sat talking on the issue that if the new NGV buses have facilities suitable for people with disabilities, this will make condition of living equal for people with and without disabilities.... in truth, we did not intend to set up a team ... it developed from coordination among people who care about the issue. People with disabilities may focus on different interests. Some groups have their own issues and their motivation. Many people with mobility impairment don't use wheelchairs. Although some people may have a position in the disabled group, they are not interested in this matter because they might be beyond the point of having to take the bus. Some people with disabilities don't actually take the bus but do view this is a national issue that needs attention. So the movement will be within the group or the association. We can call each other all the time. We have to show that we exist. If you are in trouble but don't say anything about it, someone playing an important role will think that everything is all right. People in trouble have to highlight the issue by themselves. Will it be improved? That is another step. (Mr. U., personal communication, October 20, 2016)

On January 23, 2006, after hearing the news that the government of Thaksin Shinawatra will provide new BMTA buses, The Independent Commission for Equality submitted a letter to the Deputy Minister of Transport, General Chaiyanand Charoensiri, proposing that the buses provide facilities for people with disabilities. They attached sample images of buses abroad that have facilitates for people with

disabilities, including low-floor buses. The Commission for Equality added that it hoped that politicians will understand the interests of people with disabilities and see them as a part of the country.

Later, on March 5, 2006, BMTA invited the group of people with disabilities to join an activity called “Happy Family with BMTA”. It was a trip to some temples and shrines in Bangkok. At that time, General Chaiyanand confirmed, in front of the disabled group, that he would specify in the TOR that every new NGV bus must provide facilities for disabled access. Mr. S., as chairman of the Committee, warned, after the event, that this confirmation should not be accepted until they see that it is actually in the TOR. He believed that the movement still had a long way and had to keep watching on this issue.

Not long after that, The Independent Commission for Equality requested to meet Mr. O., Acting Director of the BMTA, to discuss the plans for catering for the disabled and the elderly on the buses. Mr. O. assigned someone else to be his representative in the discussion, during which the disabled group was made aware of the progress in providing 2,000 new buses. After this, the Commission for Equality sent another letter to the BMTA emphasizing that the TOR should specify that all 2,000 new NGV air-conditioned buses must have facilities for all people with disabilities in accordance with section 4, section 30 of paragraph three, section 55 and section 80 of the 1997 Constitution of the Kingdom of Thailand. They also included the 4th Ministerial Regulation (1999) which issued under The Rehabilitation of Disabled Persons Act 1991 and Regulations of the Committee for Rehabilitation of Persons with Disabilities on Standards Devices or Facilities 2001.

On March 5, 2007, after almost 7 months had passed without any sign or notification of progress regarding drafting of the TOR, the Independent Commission for Equality decided to write again to ask the BMTA to report the progress back to them within 7 days.

After only a few days, Mr. Phinesava Pua-Pattanakun, the Director of the BMTA, sent a response to the chairman of the Independent Commission for Equality. The letter indicated that the BMTA was currently in the process of providing the new buses to replace the old but had to finalize the suitable number of buses. It undertook that if there were any progress, the BMTA would inform the Commission for Equality

further. Most importantly, the BMTA Director also stated at the end of the letter that the current BMTA had reserved some seats for the disabled on a bus, prepared 4 buses that have hydraulic systems installed to lift a wheelchair onto them, and also set up a sound system for the visually impaired in a total of 20 buses.

4.1.3 Analysis of the Roles of Organizations of Disabled People on the Right of Access to Low-floor Bus

Like other social movements, disabled organizations started a movement to make buses useful for both the disabled and non-disabled. However, the feedback was quite disappointing. Although the government agencies had expressed agreement with the proposals of disabled organizations, but truth was that those expressions were similar to attempts to drown out their voices or delay as much as possible.

From the documentary evidence, the role of disabled organizations from the late Thaksin Shinawatra government to the Somchai Wongsawat government was limited. However, the Independent Commission for Equality, a group of wheelchair using disabled people led by Mr. S. as the chairman of the Committee and Mr. V. as the vice chairman, had attempted to express the needs of people with disabilities to the Ministry of Transport and the BMTA. They sent letters indicating that the right to travel should be available to everyone including people with disabilities. They maintained that the right to travel should exist for all transportation systems, and that the state should not create obstacles but should remove them. Accessibility of buses that could service people with disabilities would increase their opportunities whether it be to work, study, go to the hospital, do business, exercise, travel, etc. The rights of people with disabilities are expressed in the laws relating to travel.

After waiting for 7 months, the Commission for Equality followed up and the BMTA finally responded. The answer made it clear that buses to meet the needs of people with disabilities would not be available for a considerable time. The BMTA advised that, as at that time, every bus had seats for people with disabilities, that it had 4 buses with support for people with mobility disabilities using wheelchairs, and that there were 20 buses with bus sound systems for the visually impaired.

This small number of buses to support the disabled was not acceptable for people with disabilities. Most people with disabilities are poor due to the conditions

arising from their disability. Instead of taking a bus, which is the lowest-cost means of mass transportation, they suffered from unequal services and discrimination.

In the BMTA's view, the small number of people with disabilities meant that providing services for them was not important. These people do not want to be a burden on other passengers and ask them to carry them up and down the bus with a wheelchair. That is dangerous to both sides. Moreover, if special seating doesn't exist, wheelchairs will cover the path and standing area of other passengers. These things create low self-esteem and a sense of inferiority in disabled people's mind every time they want to take a bus. Additionally, people with disabilities sometimes had to take taxis, which was more expensive than bus.

4.1.4 The Roles of Government Agencies on the Right of Access to Low-floor Bus

For the "Happy Family with BMTA" activity on March 5, 2006, the BMTA had prepared 2 Euro-2 air-conditioned buses with hydraulic systems that can lift a wheelchair into the bus. As previously indicated, during the trip, General Chaiyanand Charoensiri confirmed that he would specify in TOR to purchase all new buses that they must be convenient for people with disabilities.

After that, the Independent Commission for Equality called for a formal promise from General Chaiyanand through the BMTA. However, they did not receive an answer. After 7 months passed, The Independent Commission for Equality therefore wrote a letter to make the request again. The BMTA finally responded that it was still in the process of considering the appropriate number of buses. In addition, it had stated that the BMTA had set up reserved seats for the disabled, there was a hydraulic system in 4 buses to lift a wheelchair, and there was a sound system for the visually impaired in a total of 20 buses.

In the resolutions of every Cabinet meeting considering the issue of providing new buses from the government of Thaksin Shinawatra to that of Somchai Wongsawat there was no mention of bus access problems for people with disabilities. The main issue the Cabinet was interested was the ability of the policy to resolve the BMTA's accumulated debt. It was more interested in this than the characteristics of the buses and whether they were convenient and safe for everyone or not.

4.1.5 Analysis of the Role of Government Agencies on the Right of Access to Low-floor Bus

The related government agencies, including the Ministry of Transport and the BMTA, showed implications of insincerity and discrimination against accessibility of transport for people with disabilities in the following areas:

1) While presiding over the tour bus ceremony under the activity named "Happy Family with the BMTA" on March 5, 2006, Gen. Chaiyanand Charoensiri as the Deputy Minister of Transport, promised in front of many people with disabilities that he would insist on TOR that provide for them to have better access to buses. When the Independent Commission for Equality asked for a progress report on the TOR from the BMTA, they did not receive a reply until a further demand was made almost 7 months later. The BMTA replied that it was still considering the number of new buses, and that at the time there were already a number of buses that service the disabled. This shows that the Ministry of Transport did not direct or took any action with the BMTA for the purpose of making the TOR available to the disabled, and represents insincerity towards the needs of the disabled.

2) Every government, from Thaksin Shinawatra to Somchai Wongsawat, was found not to give priority to the accessibility needs of people with disabilities. This is supported by analysis of the Cabinet resolutions on provision of new buses, which show no indication of concern about accessibility of services for people with disabilities. Moreover, the bus rental price considered during the period of the Samak Sundaravej government (and also during the later Abhisit Vejjajiva government) was calculated based on the cost of high-floor buses. This is an obstacle to the use of services for the disabled, especially for persons with mobility disabilities. The role of the BMTA can be analyzed by a letter to the Independent Commission for Equality on March 16, 2007. The last paragraph stated that:

Moreover, the BMTA has provided convenience on the bus for the disabled. Those are the provision of reserved seats for the disabled, the installation of hydraulic equipment to lift wheelchairs for disabled people in 4 buses, and the installation of bus sound for the visual impairment in 20 buses.

This paragraph demonstrates the concept of discrimination against people with disabilities. The BMTA believed that only a small number of people with disabilities want to use the bus service and most of them would not use the BMTA buses. Therefore, although BMTA had prepared a few buses to accommodate disabled people, it was not acting within the spirit of The Empowerment of Persons with Disabilities Act of 2007 (adopted later that year on September 27, 2007), and the Convention on the Rights of Persons with Disabilities (which Thailand ratified on July 29, 2008). At that time, only The Rehabilitation of Disabled Persons Act 1991 related to the right to travel of people with disabilities, albeit not explicitly. Article 20 (4) states that people with disabilities have the right to receive the facilities and services they need, which also includes public transport.

In considering the letter from the BMTA, it appears that agency was claiming that it had acted in accordance with the Act by providing public transport services for the disabled. However, this was clearly not the case because the number of buses was not enough to meet the needs of people with disabilities. In principle, people with disabilities should be free to travel wherever they want. Providing only 4 buses for physical impairments and 20 buses for visual impairments was totally unacceptable when comparing to the thousands of buses that operated throughout Bangkok and its Metropolitan Region. This small number of buses did not meet the real needs of people with disabilities, who want to free in living and in choosing any bus at any time and to anywhere they want to go.

4.2 The Period of the Abhisit Vejjajiva Hovernment (Dec 20, 2008-Aug 5, 2011)

In accordance with the political trend which developed from the time of Thaksin Shinawatra to the government of Abhisit Vejjajiva, the policy for acquiring new NGV buses for the BMTA had changed from buying to renting. This change began in the government of Samak Sundaravej and there was a serious attempt to finalize the process during the period of Abhisit's government with the support from the Bhum Jai Thai Party, which controlled the Ministry of Transport at the time.

Disabled organizations had previously suspended negotiations with the BMTA because it considered that the BMTA's new bus provision policy did not make any progress towards meeting the needs of the disabled and had a difficult chance of gaining attention due to political conflicts. However, when the policy was raised again for consideration during the Abhisit government, the disabled organizations came back together to plan a movement to get new buses that were suitable for all types of disabled people.

4.2.1 History of the Policy of Provision of New NGV Buses

After Abhisit Vejjajiva took over the position of Prime Minister, on April 30, 2009 BMTA delivered a report on the implementation of the Cabinet's resolutions on September 2, 2008 and November 27, 2008 to the Ministry of Transport. At that time, Mr. Sophon Saram, from the Bhum Jai Thai party, was appointed Minister of Transport. The report consisted of plans to improve the management and service of the BMTA. This report was prepared to answer the questions about the BMTA's proposed TOR raised by the Cabinet during the Samak Sundaravej and Somchai Wongsawat governments.

The Ministry of Transport presented this report to the Cabinet on May 19, 2009 (The Secretariat of the Cabinet, 2011a). However, several agencies including the Ministry of Finance (led by Korn Chatikavanij, from the Democrat Party), the Bureau of the Budget, the State Enterprise Policy Office (chaired by Mr. Kobsak Sabhavas), and the National Economic and Social Development Board (NESDB) believed that the plan in the report still had deviations from previous Cabinet resolutions. In addition, it was considered that the plan was too expensive and may become a burden for the country in the future. Therefore, the Cabinet resolved that the Ministry of Transport, Ministry of Finance and the Bureau of the Budget reconsider the plan within 2 weeks and make it clearer on the issues of rental cost, maintenance cost, and interest rates.

The three agencies (The Ministry of Transport, Ministry of Finance and the Bureau of the Budget) met on May 21 and 29, 2009. The results of the meeting can be summarized as follows: 1) the total rental limit should be 64.85 billion baht; 2) the bus maintenance cost should be 4.50 baht/kilometer/bus; 3) the administrative costs should

be reduced to 139 baht/bus/day; and 4) the project interest rate should be at 6.725 percent.

These conclusions were sent to the Cabinet for consideration on June 3, 2009. However, before the Cabinet meeting, the NESDB sent a letter to the cabinet commenting that to be truly worthwhile and most useful the main objective of the project must reduce the debt of the BMTA and improve its organization structure, business plan, and service. Moreover, things to keep in mind were that the number of the BMTA's passengers had been decreasing continuously as well as the fact that government supported the other transportation systems such as the sky train (BTS). These may make the passengers further reduce. Therefore, the Cabinet instructed the NESDB to reconsider in detail which acquisition method would be best; purchase or rental. (The Secretariat of the Cabinet, 2011a).

The NESDB considered the plan together with information from the Ministry of Transport, the Cabinet resolution on January 22, 2008 and information from the opinions of stakeholders in the project. It sent its opinion to the Cabinet for consideration on September 29, 2009. The Cabinet agreed "in principle" to use the rental method while adhering to transparency, fair price competition, and appointing a committee for consideration of a suitable cost-estimate. Moreover, the Ministry of Transport and the BMTA were instructed to create an early retirement program for 7,009 employees and carefully consider the impact on employees who participated in the program. They also had to consider the location of the bus terminals and natural gas stations as well as the electronic ticket system, information systems, and equipment for the disabled. They also had to consider the opinions of the NESDB and Major General Sanan Kachornprasart, the deputy Prime Minister (The Secretariat of the Cabinet, 2011a).

After acknowledging the cabinet resolution, The Ministry of Transport appointed a Monitoring and Evaluation Committee on the provision of 4,000 NGV air-conditioned buses for the BMTA. This committee established 2 working groups: 1) a group of consideration of the provision of 4,000 NGV air-conditioned buses; and 2) a group of consideration of the TOR. Both groups had meetings, the results of which can be summarized as follows:

First of all, it would be advisable to divide the project into 2 contracts for 2,000 buses. An E-auction requires at least 2 bidders. However, domestic entrepreneurs in Thailand only have the capability to build a total of 250-300 buses per month. Therefore, if only one bidder was the winner of a 4,000 bus bid, it may be unable to deliver all buses in time. On the other hand, dividing the project into more than 2 contracts may lead to a confused route problem because the BMTA uses Performance Based Contracts (PBC);

Second, the total of 2,708 BMTA employees who had made a request to participate in the early retirement program would receive compensation equal to 3 times of their last salary. Those who elected not to participate in the program would be retrained to publicize the use of the E-Tickets to the public and provide services on buses under the Free-Bus-from-Tax Project. In addition, some will be trained as bus drivers to support the 10 new routes in the total of 155;

Third, there would be 23 bus parks needed for the 4,000 NGV buses, consisting of 7 BMTA bus parks (Rangsit, Bang Khen, Min Buri, Siam Park, Samae Dam, Phra Pradaeng, and Bang Bua Thong), 4 bus parks rented from government agencies (Khlung Toei, Sathu Pradit, Rama 9, and Kamphaeng Phet 2), a bus park provided free by a government agency (Bang Phli), 2 bus parks rented from private companies (Sai Tai Mai and Bang Bua Thong), and 9 bus parks from agencies of Ministry of transport (Bang Ping, Poochaosamingprai, Mass Rapid Transit Authority of Thailand or MRTA, Kanlapaphruek, an area under the Phrapradaeng Expressway, Borommaratchachonnani, Nakorn Indra, and 2 areas under Ram Inthra Expressway).

Finally, the BMTA had coordinated with the PTT Public Company Limited (PTT) on the preparation of gas stations. In the short-term 3 BMTA gas stations would be used (Rangsit, Bang Khen, and Samae Dam) together with private stations and pipe line stations. In the long-term, PTT would build gas stations in all 23 bus parks.

In addition, it was suggested that the Cabinet resolution on June 6, 2006 be cancelled in order to be able to bring some old buses to service in the Free-Bus-from-Tax Project.

A key point was that the TOR would specify that there were to be some new air-conditioned and semi-low-floor buses for providing services to disabled people. This would amount to 5% of the total number of new buses (approximately 200 buses)

on routes that pass some important places such as hospitals, schools and government buildings. This was different from the original draft TOR which required only one air-conditioned and high-floor bus with a lift per route for serving the disabled.

The Bureau of the Budget, Office of the NESDB, and the Ministry of Finance raised several objections to the proposals from the two groups. The key objections were as follow:

First, the proposals did not result in reducing the debt of the BMTA, which continuously increasing. Moreover, it was possible that the BMTA may have incorrectly calculated passenger estimates in the future;

Second, BMTA will still a have financial burden for the 3,354 employees who refused to participate in the early retirement program;

Third, the old buses may adversely affect the health or safety of passengers.

Another important issue was that Major General Sanan Kachornprasart expressed his opinion that the BMTA did not take his proposals under the Cabinet resolution on September 29, 2009 into consideration in any way. In addition, he also considered that the issues of early retirement, the construction of bus parks, and the construction of PTT natural gas stations were still unclear in detail.

After political chaos in the first half of 2010, the Cabinet passed a resolution on August 10, 2010 to appoint a committee to consider the management and service improvement plan of the BMTA. The chairman was Mr. Trairong Suwankiri, Deputy Prime Minister. The committee also included the Minister of Finance, the Minister of Transport, Secretary-General of the NESDB, and the director of Bureau of the Budget. The duty of this committee was to study in detail on various issues, such as early retirement program, the consistency of provision of new NGV air-conditioned buses and the measures to reduce travel expenses of people on ordinary buses (Free-Bus-from-Tax project), the impact on the income / expenses of the private bus sector that participates in the PBC. The Ministry of Transport, BMTA and other relevant agencies were required to prepare details on any matter requested by the committee (The Secretariat of the Cabinet, 2011a).

After the Cabinet meeting, Mr. Sophon Saram, Minister of Transport, revealed to reporters that he felt exhausted with this project. He said he had tried to clarify everything but the Cabinet still did not understand. However, it would not affect the

working relationship among the parties in the coalition government. He said he was working honestly for the Bangkok people.

Mr. Trairong Suwankiri, as chairman of the committee to consider the management and service improvement plan of the BMTA, had the plan considered by a sub-committee of the State Enterprise Policy Office Committee. He appointed Mr. Chakramon Phasukavanich as chairman and included representatives of the Bureau of the Budget, Ministry of Transport, Ministry of Finance, The NESDB, and other experts in the sub-committee. The sub-committee was responsible for considering the BMTA reform and considering the connections with all mass transportation systems in the future. It also had to consider the method of provision of the 4,000 new NGV air-conditioned buses. This sub-committee was approved by the Cabinet on January 18, 2011 (The Secretariat of the Cabinet, 2011a).

The sub-committee considered all issues and sent the following suggestions to the State Enterprise Policy Office Committee: 1) the government should replace all old buses that cannot be put in service (are damaged or unable to be repaired) or have an age of more than 17 years by 1,957 new buses. These should comprise 1,579 non-air-conditioned buses and 378 air-conditioned buses; 2) assembly and repair of buses should be conducted by domestic operators to promote employment; 3) the BMTA should consider changing its role to be just a bus operator; it should not have a role to oversee the operation of other operators as at present. The above suggestions were approved by the Cabinet on April 26, 2011 (Secretariat of the Cabinet, 2011b).

Implementation of this policy put on hold again when there was an election after the end of the term of the Abhisit government on July 3, 2011. It appeared that the Pheu Thai Party won the election with a total of 265 MPs, while the Democrat Party had only 159 MPs. Yingluck Shinawatra, the younger sister of Thaksin Shinawatra, became the 28th Prime Minister and the first female Prime Minister of Thailand.

4.2.2 The Roles of Organizations of Disabled People on the Right of Access to Low-floor Bus

After hearing the news of the provision of 4,000 new buses in the Abhisit government (supported by the Bhum Jai Thai Party), disabled organizations started to plan a movement again. This was a joint movement between many disabled

organizations and did not focus on direct negotiations with the BMTA as in the past. Instead, it took a public focus by organizing activities to create realization and understanding of the reasons why the new NGV air-conditioned buses should facilitate all citizens including those with all types of disabilities.

After the postponement of the issue of new NGV air-conditioned buses at the Cabinet meeting, Prime Minister Abhisit Vejjajiva ordered the NESDB to study the pros and cons of provision of new air-conditioned bus by rental. He gave a deadline of 30 days for the study. During this period (on June 10, 2009), the Association of the Physically Handicapped of Nonthaburi led by Theerayut Sukhonthawit as the president, submitted a letter to the Secretariat of NESDB requesting the following support facilities on new buses: 1) the new buses must be a low-floor buses which are assembled in Thailand; and 2) the new buses must have facilities for all people with disabilities, not just 1 bus per route. New buses that are not accessible to all disabled people were seen as contrary to the 2007 Constitution in Article 30, The Empowerment of Persons with Disabilities Act of 2007 in Article 15, and the Convention on the Rights of Persons with Disabilities in Article 5 on Equality and Non-Discrimination and Article 9 on ability to access and use.

After this (on June 18, 2009), the Council of Disabled People of Thailand, the Thailand Council for Independent Living, and network of more than 30 disabled organizations gathered to submit a letter to the NESDB calling for help to support the provision of facilities on new buses to people with disabilities.

The movement of the disabled organizations was not finished. A month later, the Thailand Council for Independent Living led by Mr. U. as the president, submitted a letter to the President of The Committee on Human Rights, Rights and Liberties and Consumer Protection of the Senate to complain that the project for renting the 4,000 NGV buses was considered to be unfair discrimination against people with disabilities. People with disabilities would be unable to access and use their services. He also requested the Committee to consider the characteristics of all 4,000 new air-conditioned buses before giving further comments to the relevant agencies.

Moreover, The Disabled Peoples' International Asia-Pacific or DPI/AP submitted a letter to the BMTA on October 9, 2009 asking for acknowledgment and participation in the provision of facilities for people with disabilities in the rental new

buses. The BMTA sent a letter back explaining the characteristics of new NGV buses; most of them were as requested by the disabled organizations except for some issues including that the semi low-floor bus routes would pass only important locations such as hospitals, schools and government offices and would comprise at least 5% of the total number of new buses.

1) Experience on Taking Bus: Fun or Sad?

In addition to submitting their requests for fairness to various agencies, the next step was to organize activities to help the media and general public understand the unfairness in the way that people with disabilities were treated by the BMTA. The first activity was called "Experience on Taking Bus: Fun or Sad?". This activity was created by a group of people with disabilities called "The Group of Movement for Disabled's Freedom". They had arranged to take some BMTA buses to the Supreme Administrative Court on October 21, 2009 to support the lawsuit that the Independent Committee for Equality, the International Wheelchair Club, and the disabled network had filed because Bangkok Metropolitan Administration and Bangkok Mass Transit System Public Company Limited (BTS) neglected their responsibility as required by law to provide facilities for the disabled to be able to use the services of the BTS sky train. The Central Administrative Court had previously dismissed the case, and therefore they had to object to the Supreme Administrative Court.

The purpose of this activity was to create public awareness and understanding of the injustice of people with disabilities in using public transportation, which is considered to be the most basic travel right. It was a demonstration of the difficulties the disabled had in receiving service at bus stops and on buses. Many disabled people's organizations joined the activity including the Association of the Physically Handicapped of Thailand, Association of the Physically Handicapped of Nonthaburi, the Nonthaburi Center for Independent Living, the Independent Occupation Group of the Disabled in Nonthaburi, the International Wheelchair Club, The DPI/AP, the Chonburi Center for Independent Living, Burapha Phayak Team, People Networks, etc. Approximately 70-100 people joined the activity and brought these to be published in various media channels. A group of people with disabilities also participated in a program to explain the activity on television.

Each team of disabled boarded a bus to go to the Court building on Chaeng Watthana Road. While waiting for the bus, the teams distributed documents and questionnaires to people waiting for the bus and people who walked pass by. When the bus arrived, people with disabilities got on the bus by lifting each other and in some cases crawling onto the bus. In doing all this, the team asked for help both from passengers and people waiting at the bus stop.

There were mass media representatives including television, newspapers, and independent media on the bus along the way. Of the questionnaires distributed to people at bus stops and on buses, 61 people responded; 35 male, 24 female, 1 monk and 1 anonymous. All agreed with the movement. This activity was considered to have achieved success in terms of public relations for the public to see the importance of traveling on BMTA buses for the disabled.

This activity was considered to achieve a certain level of success. We took the media to see the reality, letting them see why we can't get on the bus. We had to crawl up. The officer on the bus wanted to give us free tickets but we called him to take our money. We want equality. For me, I had to put the wheelchair on the bus first before lifting myself to sit on it. It was so chaotic. Although the BMTA does not prohibit the disabled, in truth the bus structure is not suitable. It was a good opportunity for me to explain to the new generation of media reporters about this movement. I showed them some pictures to tell the story. The BMTA want to set lifts on the bus but it wastes a lot of time when you are up and down in about ten minutes. Especially during rush hour, other people will think that it is a problem. Why do people with disabilities come out of their home? They will think of working or studying late and think that it is better to take bus after the rush hours. I explained that nowadays many countries no longer use a lift. I am OK if it is used in the bus on the route between Bangkok and Chiang Mai. But in a city, no country uses the lift. The disabled need convenience. People with disabilities may be looked down on by their society. At that time we made viral clips to call this to the media's attention. It was learning what the low-floor bus is. The new buses are only for strong persons. In Japan or Switzerland, the bus driver will come down to help push up the

wheelchair into the bus. During this activity, I waited for a bus at Tha Nam Nont bus stop with a reporter. When buses came, the normal people go up on it first. I had to wait for 3 buses pass before I could get on it. (Mr. T., personal communication, December 15, 2016)

Two weeks after the activity, the Independent Commission for Equality contacted the BMTA to request the progress of the provision of new NGV air-conditioned buses. The Commission confirmed the principle that facilities must be provided to people with disabilities, and that these had to be specified in the TOR before the bidding. In addition, the Commission opposed the BMTA's concept of providing only 5 percent of the total number of buses in service with disabled facilities and limiting their routes to important places such as hospitals, schools, government offices, etc. The needs to travel for each person are different, and limiting buses for the disabled to only 2-3 trips per day on a select number of routes was nonsense. The Commission confirmed that all new buses must have facilities for people with disabilities.

At first, the BMTA set 2,000 buses for the disabled but later it changed to 200 buses. If people with disabilities want go to Phramongkutklao Hospital, they have to take two days. The first day they had to go early to catch a bus. On the way back, they have to wait for another day to take a bus back home again because the rest of the time the BMTA will use high floor buses. People with disabilities have to wait for a bus per day. Such an idea is not feasible. If you calculate, people with disabilities have to wait 100 years to get all the low floors. (Mr. S., personal communication, September 30, 2016)

A member of the Commission said that:

At first, the BMTA set the bus routes, the schedule. It set that no disabled can take a bus during rush hours. It advised that this was complicated. But we disagreed. People with disabilities live like normal people who go to school, hospital, or work. If they have to go to hospital, they have to go early to receive a queue card. That is why they have to travel during rush hours. The BMTA does

not think of people with disabilities as living people. It views the disabled as a worthless thing in society. It thinks it can give anything to them and the disabled have to accept what they are given. The disabled has no right to ask for what they want. This is the charity model; disabled people are not human.

(Mr. VS., personal communication, November 31, 2016)

2) The ABCD Plan

Activities of the disabled people's organizations were being held continuously as the public was interested in this hot issue. The Independent Commission for Equality prepared a plan called "The ABCD Plan" to raise the level of interest to the national level in order to obtain convenient and safe buses for everyone, not just people with disabilities. Its slogan was "Every Safety and Convenient Bus for Everyone".

However, in practice, The ABCD Plan was implemented to only the second phase (Phase B). In Phase A, the Independent Commission for Equality and the Network of People with Disabilities proceeded to search for knowledge about public transport systems in foreign countries and other knowledge related to public transport. This information was used in publicity to create a better understanding of people with disabilities. In addition, this helped the disabled groups to better argue against the BMTA's explanations.

In Phase B, the Independent Commission for Equality in cooperation with the network of the disabled launched a campaign to create a social trend by organizing a team of disabled people to meet the media, (including television station, television programs, newspapers, radio programs), the public sector network, and the Senate Committee on Disability. On November 10, 2009, Theerayut Sukhonthawit, President of the Association of the Physically Handicapped of Nonthaburi, complained to the Thai Rath newspaper with a brief comment stating that the Cabinet has proposed to the Ministry of Transport to rent 4,000 new NGV buses for a total budget of 66 billion baht, but that many groups would be unable to use the service including people with disabilities, the elderly, children, pregnant women, patients, etc. This was considered unfair discrimination against people with disabilities and contrary many laws. Although the BMTA has arranged some semi low-floor buses for the disabled (a

total of 5 percent of all new NGV buses), this would not be beneficial to all groups. For these reasons, disabled organizations requested the BMTA to resolve their problems. The disabled groups further stated that the BMTA did not meet the requirements, they will challenge this issue in the courts.

The Sub- committee on Disability in the Senate committee on communities, children, women, the elderly, the disabled and underprivileged people conducted a press conference on November 11, 2009. They stated that the 4000 new NGV bus rental project may be not suitable for people with disabilities, the elderly, pregnant women and children. It was contrary to the 2007 Constitution of the Kingdom of Thailand in Article 30, the Convention on the Rights of Persons with Disabilities, and the Empowerment of Persons with Disabilities Act of 2007. In this regard, the Sub-committee requested the government to review again and ask the BMTA to improve the TOR on 2 issues, namely: 1) the new buses must be low-floor buses only; and (2) every bus must have facilitating accommodating all groups, including people with disabilities. After the press conference, The Independent Commission for Equality traveled by bus to the Ministry of Transport to file their requests to Sophon Saram, the Deputy Minister of Transport.

Later, on November 24, 2009, a group of people with disabilities who had participated in "Operation on Taking Bus: Fun or Sad?" implemented the "50 Districts 50 Day Attack Plan". However, the plan in practice could be operated in only a few districts due to the lack of readiness, causing the plan to be terminated.

For the 50 Districts 50 Day Attack Plan, I think Bangkok people with disabilities still do not see the importance. Only a small number of wheelchair users joined and the plan was not quite as successful as it should be. Few media were interested. The public relations were not good. No any sign of action from Bangkok people with disabilities. They were not motivated to protect their rights. There were only a few people moving the issue. The others still worried about quotas of lotteries, which I think was not wrong. When they had enough money they bought a tricycle. Therefore they did not have troubles in traveling by bus. People in trouble really don't show up to the public. The problem of travelling had been solved 3-4 years ago by providing vans with a lift to service

for the disabled. This idea was initiated in the time of M.R. Sukhumbhand Paribatra, a former Governor of Bangkok. I had to reserve a van 3 days in advance. Sometimes you could not reach them by phone. They had many problems. It's not public transport. Sometimes, even if you reserve one and have been confirmed, they may not pick you. Now there are 30 vans in service. Something surprising is that if someone reserves one, they still can reserve it the next time, like a personal van. I cannot plan travel with this van. They told to me not to book in advance for too long, just within 3 days before use. Formerly they had low roof but now were adjust higher and can load 3 wheelchairs. (Mr. T., personal communication, December 15, 2016)

Another activity of the disabled organization network according to Phase B was the campaign called "The Bus for All" which was held on the International Day of Disabled Persons on December 3, 2009 at the Challenger Building, Muang Thong Thani, Nonthaburi Province. This campaign began with creating an understanding of the participants by distributing shirts, leaflets, questionnaires, etc. and holding small group discussions on the disability rights issue. At the same time another group of people with disabilities made arrangements to take bus number 166 and semi-low floor buses from the Software Park building, Ministry of Justice, to the Challenger Building. After that, they gathered to make a statement about the cause of the campaign to the media and the general public. At 3.00 pm., Mr. Suphcheep Distet, the President of Association of the Physically Handicapped of Thailand, submitted a letter to the Prime Minister.

After the campaigns to meet the demands of the disabled organizations in Phase B, they finally started to receive better signals from the government, especially from the BMTA. On January 15, 2010, the BMTA informed the President of Association of the Physically Handicapped of Thailand that the group considering the TOR for the provision of 4,000 NGV air-conditioned buses had agreed in principle to provide facilities for people with disabilities. This would allow all types of people with disabilities to access and take every new bus. This is considered a very good sign.

On February 18, 2010, the Independent Commission for Equality submitted a proposal to the BMTA to express opposition to the use of removable ramps.

They suggested that either: 1) the ramp in a bus should be a sheet of steel or other strong material that is ejected from under the bus floor by an electrical mechanism or by the officer in the bus; or 2) the ramp should be a sheet of strong material that is folded up to the bus floor and can be pulled out.

Although there were many good signs nothing was certain. The movement had to, therefore, continue to pressure the government. On March 24, 2010, The Network of the Council of Disabled People of Thailand submitted a proposal to Sophon Saram, the Minister of Transport, to stress the importance of providing facilities for the disabled and the elderly to access public transport systems. The important point was to stipulate that the TOR must include the words “low-floor buses”. In addition, the installation of the equipment inside the bus must be approved by a working group or committee with disabled representatives, elderly representatives, and representatives of academics.

Soon, some disappointing signals were received. The Cabinet considered and deferred the issue of 4,000 new NGV buses by setting a committee to consider yet again the plan for improvement of the management and service of the BMTA. This caused dissatisfaction between the Democrat Party, the largest party making up the government, and the Bhum Jai Thai Party, its leading coalition member which had always pushed for this policy. This caused the disabled organizations to move again by sending a letter to the Prime Minister Abhisit Vejjajiva, the Minister of Transport, and Mr. O., and the Director of the BMTA, asking for support for the policy for the benefit for all.

Ultimately the Cabinet expired when Abhisit announced the dissolution of the parliament effective on May 10, 2011. The policy of provision of new NGV buses was again put on hold. Previously, on April 26, 2011, the Cabinet had approved the purchase of 1,957 new buses including 1,579 non-air-con buses and 378 air-con buses. However, this approval was not part of the policy of renting the 4,000 NGV air-conditioned buses.

4.2.3 Analysis of the Roles of Organizations of Disabled People on the Right of Access to Low-floor Bus

From the days of the Thaksin government through to the Somchai government, disabled organizations emphasized their demands for equal bus access by sending letters to the BMTA. During the government of Abhisit Vejjajiva, the roles of disabled organizations were more widely focused and aggressive in nature.

The disabled organizations in these days tried to publicize the movement and gain more attention from the public and other government agencies. In addition to submitting letters to various government agencies such as the NESDB, Committee on Human Rights, Rights and Liberties and Consumer Protection, the BMTA, and the Cabinet, disabled organizations also called attention to their needs through mass media campaigns. Their goal was to stimulate knowledge and understanding which would lead to greater public approval. The campaign was sometimes successful but sometimes less so.

Submitting letters to government agencies and campaigning with various activities were an important process that led to pressure on government agencies. They began to see the importance of protecting the rights of people with disabilities to access all new air-conditioned buses. This pressure began when the NESDB submitted a recommendation report to the Cabinet, stating that the new buses should be more conducive to use by the disabled. This resulted in the BMTA changing its planned services for the disabled. Previously, there was only one high-floor bus with a lift for each route. This was changed to having 200 semi low-floor NGV buses suitable for the disabled among the total of 4,000 new rental air-conditioned buses and serving only routes that pass important places such as hospitals, schools, and government agencies. However, these did not meet the demands of the disabled organizations. They wanted all new air-conditioned buses to be low-floor with interior facilities for the disabled. The disabled organizations campaign began with the aim of not only putting pressure on relevant government agencies but also creating a social trend that drew attention to the problems of people with disabilities in accessing buses.

The results of the campaign for low-floor buses on public awareness were not easy to assess. In many campaign activities, even though there may have been a number of members of the media present, but it was not possible to assess the interest of their audience. Even though the questionnaires and surveys distributed on buses and at the

bus stops indicated that people supported the disabled activities, it was difficult to prove how well respondents understood this issue. Did they really intend to respond that way? Was it too small a sample size compared to all of the passengers? Irrespective of this, the important thing was that there was sufficient interest for the media to be used as a channel for expressing the needs of people with disabilities. This resulted in an improved public perception from the people who receive the media.

A major turning point in the struggle of disabled organizations in the days of the Abhisit government came when the Sub-committee on Disability in the Senate committee on communities, children, women, the elderly, the disabled and underprivileged people sent a comment on the TOR draft to the BMTA indicating that all buses must be low-floor and have facilities that are suitable to all groups of people, including people with disabilities. As a result, the working group for consideration the TOR had to hold a meeting and agreed in principle that all 4,000 new air-conditioned buses must have facilities for every disabled person.

In summary, the role of disabled organizations in requesting low-floor buses had become more widely focused and aggressive in comparison to their roles in the Thaksin through to Somchai governments. In addition to sending letters to relevant government agencies, there were also the effort to create public interest through many means, such as meetings with a variety of media and organizing campaign activities to increase the understanding of the public as to the true needs of the disabled to access public transport services. These things gradually pressured the government to specify in the TOR that all new air-conditioned buses must finally facilitate the disabled.

Although in the end the acquisition of new NGV buses conducive to the needs of all people did not happen, the movements of the disabled had showed their ability not to surrender to state power and that they were ready to use any means possible to achieve their right to travel freely without being bound by a public policy solely determined by the government.

4.2.4 The Roles of Government Agencies on the Right of Access to Low-floor Bus

In the first phase of the Abhisit government, the Bhum Jai Thai party supported the new bus provision policy. Their support had to overcome many obstacles, especially from the main coalition party, the Democrats.

Parts of the TOR draft which relate to the accessibility for people with disabilities previously specified one high-floor bus with a lift on every route of the BMTA. However, as the proposal of the NESDB sent to the Cabinet specified that all new air-conditioned buses must facilitate services for people with disabilities, the Ministry of Transport, through the BMTA, established a committee for consideration of the TOR. The committee changed from running only one high-floor bus with a lift on each route to having low-floor buses suitable for disabled people in 5% of all air-conditioned buses, or approximately 200 buses. These 200 buses were to be available on all routes that pass important locations such as hospitals, schools, or government buildings.

After the request of the disabled and meeting with the Sub-committee on Disability, the TOR draft was again changed. The working group for consideration of the TOR agreed on the principle of providing facilities for the disabled so that all types of people with disabilities can access every new bus.

However, after the Cabinet resolution on August 10, 2010, the Cabinet concluded that the 4,000 air-conditioned bus rental policy did not yet have sufficient details and answers on many issues. Therefore, the Cabinet asked Trairong Suwankiri, Deputy Prime Minister, together with relevant departments, to reconsider the BMTA management and service development plan in detail.

4.2.5 Analysis of the Role of Government Agencies on the Right of Access to Low-floor Bus

The attitude of government agencies towards the demand for low-floor buses for the disabled was similar to the attitude of the former Abhisit government. This was the view that people with disabilities are considered a minority in society and therefore do not require equal access to buses. As the number of disabled people was relatively small the BMTA determined that the number of buses and routes allocated for the disabled was reasonable enough.

Before the Abhisit government, there were 4 buses with lifts and 20 buses for the visually impaired. Over the duration of Abhisit government, the working group for consideration of TOR stipulated only one bus with a lift in every route before the subsequent modifications were made to stipulate that 5% of the new air-conditioned buses will serve the disabled on routes that pass important locations including educational institutions, hospitals, and government offices.

These things are a reflection of the attitudes of government agencies and the BMTA. They do not see the needs of people with disabilities. Although better than in the past, the changes in the TOR to provide only one high-floor bus with a lift per route was not acceptable for people with disabilities. This meant that people with disabilities had access to only one bus in a day without any other options. Many may have to wake up early and prepare well in order to catch that one bus a day. And if there was an urgent matter and they cannot catch another bus or the bus does not stop for them, they must turn to other services that are comparatively more expensive, such as taxi services.

Modifying the TOR draft by stipulating that there would be 200 new air-conditioned buses to serve on routes that pass hospitals, schools and government offices emphasized the neglect and lack of attention to the needs of people with disabilities. It was based on the belief that only a few people with disabilities would use the service. Assigning 5 percent of the new NGV air-conditioned buses to facilitate people with disabilities was a result of the pressure of people with disabilities on the NESDB. This forced the BMTA to change the TOR. However, there is no evidence that this change on the BMTA's part was due to increased understanding of the needs and problems of people with disabilities. The direction that the new NGV air-conditioned buses servicing the disabled would only operate on routes that pass hospitals, schools, and government agencies was considered to be deprivation of the human right to travel. A disabled person, as a human being, should have freedom to choose whichever route he or she wants to travel on. Their destination could be any anywhere such as it be department stores, stadiums, cinemas, markets, temples, workplaces, etc. outside the state's designated destinations. It was a shallow understanding based on the belief that people with disabilities live in and travel to just a few places. In government's thoughts, other destinations are not necessary in the lives of people with disabilities.

Changing the TOR to require that all new buses support disabled people seemed like a good result. However, before this disabled organizations had to put in a lot of effort to communicate their needs to the BMTA such as submission of letters or organizing activities and campaigns. Although it may appear that the change in the TOR was due to the role of the Sub-committee on Disability, in reality it was because of the pressure from the disabled organizations that had stood tall to move for this issue over a long period of time and refused to let it go. The Sub-committee on Disability was an additional and secondary factor which made the BMTA understand the power in parliament behind the groups of disabled organizations.

CHAPTER 5

THE ROLES OF ORGANIZATIONS OF DISABLED PEOPLE AND GOVERNMENT AGENCIES ON THE DISABILITY RIGHT OF ACCESS TO LOW-FLOOR BUS FROM THE GOVERNMENT OF MS. YINGLUCK SHINAWATRA TO THE GOVERNMENT OF GENERAL PRAYUT CHAN-OCHA: FROM THE DEEPEST TO THE HIGHEST

This chapter examines the roles of organizations of disabled people and government agencies on the disability right of access to low-floor bus from the government of Yingluck Shinawatra to the government of General Prayut Chan-ocha. This is time when the policy for providing new buses was been officially approved by the Cabinet. That is, the policy determination was finished. The next step was to put the policy into practice. This study found that there were many obstacles in the acceptance of policies from various sectors in society, including people with disabilities. As a result, it became like an epic story in that it took 11 years before people in Bangkok and Bangkok Metropolitan Regions had the opportunity to get new buses that facilitated the needs of everyone.

5.1 The Period of the Yingluck Shinawatra Government (August 5, 2011- May 7, 2014)

5.1.1 History of the Policy of Provision of New NGV Buses

The Pheu Thai Party won the general election on July 3, 2011. As a result, Yingluck Shinawatra, a younger sister of Thaksin Shinawatra, became the 28th Prime Minister. The policy for providing new NGV buses changed from the Abhisit government in that the Yingluck government decided to buy the buses instead of renting buses them.

The movement became clearer when Mr. Somchai Siriwatanachoke, Director-General of the Department of Land Transport, said to the media that new NGV bus policy is set to be implemented through E-Auction with the purchase of a total of 3,183 buses. These included 1,524 air-conditioned buses, starting at maximum 4.5 million baht per bus, and 1,659 ordinary buses (non-air-con buses), starting at maximum 3.8 million baht per bus. The budget for the purchase of the new buses was 13,162.2 million baht. Moreover, the maintenance fee for a period of 10 years was 13,858.4 million baht, bringing the total budget to 27,020.6 million baht.

The Cabinet resolution approved the purchase on April 9, 2013 for the amount of more than 13,162 million baht (The Secretariat of the Cabinet, 2013). In this regard, the government stipulated that the policy for the purchase of new NGV buses must comply with an "Integrity Pact" proposed by the Anti-Corruption Organization of Thailand. This was an agreement that allowed anti-corruption organizations to participate at every step to show the public the purchase was free from policy fraud.

The government expected that people will change to use the BMTA bus service, with passengers increasing from 1.7 million people per day to 2.5 million people per day. If combined with the early retirement measures and the switch to NGV, this was estimated to save the BMTA for 2,600 million baht per year. Mr. Chadchart Sittipunt, Minister of Transport, emphasized the transparency of the project in order to generate public acceptance.

The next step in the process of providing new NGV buses was to publish the TOR draft on the BMTA's website and the Comptroller General's Department (CGD)'s website. The BMTA began to publish the TOR draft on July 19, 2013. By law, it had to be published at least 3 times before proceeding with the procurement. However, in the process of publicizing the TOR draft, it was found that there were many complaints against its details from the public, disabled groups, bus manufacturers, and the National Anti - Corruption Commission (NACC). This caused the BMTA to extend publishing the TOR draft continuously until its 10th publishing.

Around the end of 2013, there was a large protest in Bangkok. The protest wanted the government to resign and bring their leader to be the Prime Minister. On May 22, 2014, General Prayut Chan-ocha, the armed forces Commander in Chief,

launched a Coup against the government of Yingluck before appointing himself the new Prime Minister.

5.1.2 The Roles of Organizations of Disabled People on the Right of Access to Low-floor Bus

After the Yingluck government announced the new NGV bus provision policy to the public, the Thailand Council for Independent Living together with other disabled organizations such as the Association of the Physically Handicapped of Nonthaburi sent a letter to thank to the Prime Minister for approving the budget for the purchase of new buses. The Thailand Council for Independent Living also issued a letter to the BMTA requesting participation in the drafting of the TOR. However, the request did not receive a response from the BMTA.

At the time, 5 years ago, the government would buy 4 thousand buses. The organization of the disabled people had already been hearing this news. When it happened, we couldn't let this matter lay anymore because it would be very difficult to solve the problems later. If, we did nothing, the public may have subsequent questions to us why we did not do anything at that time. We had to push the issue quickly.

In the old days, there was no news about buying buses. So we still couldn't do anything. In the past, there was an experiment to put a lift on the bus. Someone who thought about this matter saw that people with disabilities are only 2 percent of the population so he calculated that only 2 percent of all buses was a suitable target for the disabled. In truth, this was impossible because how do people with disabilities know when the bus comes? And would it be the bus that takes them to their destination? If the disabled people do not take buses, someone would say he set buses for the disabled but none of them one uses them. It must be convenient for all buses. It is incorrect if someone has to decide which bus they can take. (Mr. U., personal communication, October 20, 2016)

For ease of understanding, the role of organizations of disabled people is divided into the following issues:

1) The Issue of Installing Lifts on Buses and the Issue of Low-floor Buses in the Event of a Flood

On July 19, 2013 the 1st TOR draft was released for public and disabled organization scrutiny on the websites of the BMTA and the CGD. The important issue relating to the disabled in the first draft was the specification that all new buses, both air-conditioned and ordinary, must be the high-floor buses. For the air-conditioned buses, the first draft stated that they must have a ramp, bridge, or other equipment to bring people with disabilities into a stable, strong cabin. For the ordinary buses, there was no specification that supported the disabled in any way.

As soon as the first TOR draft was published, the disabled organizations objected because the new bus characteristics did not provide suitable access for people with disabilities. Stipulating the new buses to be high-floor meant that air-conditioned buses had to be designed to install a lift for wheelchairs as it was impossible to use any other form of equipment (e.g. in the case of a ramp, it would have to be a very, very long one). Using a lift was not what people with other disabilities needed. Moreover, ordinary buses did not have the specifications to support disabled people at all, even though these are the vehicle most used by them as they are generally poor.

The Thailand Council for Independent Living wrote a letter to the BMTA to request facilities for the disabled in all new buses, including low-floor buses, ramps, electronic signs and a voice system telling where the bus is. After just one day, Mr. Montian Boontan, the vice chairman of the Senate committee on communities, children, women, the elderly, the disabled and underprivileged people, sent a recommendation from the Sub-committee on Disability about the new bus provision policy to Mr. O, Director of BMTA, and Mr. Chadchart Sittipunt, Minister of Transport. The essence was that the Sub-committee on Disability disagrees with the BMTA in only providing facilities for disabled people on the 1,524 air-conditioned buses while the 1,659 ordinary buses were not specified in any way. This was considered to be discrimination against people with disabilities and contrary to many laws, such as the 2007 Constitution of the Kingdom of Thailand in section 30 and 54, and the Empowerment of Persons with Disabilities Act of 2007 in Section 15.

As a result of the criticism from both disabled organizations and from other sectors Mr. N, Assistant Director of the BMTA and chairman of the committee considering the TOR, arranged a meeting to improve the draft according to the comments expressed on the website. After that the BMTA announced the second TOR draft via its website.

The second draft of the TOR received further criticism from disabled organizations as it still specified high-floors for both air-conditioned and ordinary buses. Moreover, while it did determine to have lifts in air-conditioned buses, it did not specify facilities for disabled people in ordinary buses in any way.

After the announcement of the second draft, the Thailand Council for Independent Living submitted suggestions to the BMTA which can be summarized as follows: 1) facilities for disabled persons should be provided in both air-conditioned and ordinary buses; 2) the specified characteristics of the buses should be low-floor only to allow for the accessibility of everyone; and 3) ramps should be provided in buses instead of lifts.

Buses with lifts are suitable for traveling between cities, not in Bangkok because laying down a wheelchair takes about 3 minutes. That is a long time, is not suitable for children and old people, and uses too big an area. Once there were 4 buses but now I do not know where they are. Once used to serve the route between Phra Pradaeng- Muang Nont. Later, they served in Suvarnabhumi Airport. This does not meet the needs of people with disabilities. They were just to show off after the FESPIC GAMES that they cared about people with disabilities. (Mr. S., personal communication, September 30, 2016)

The objections from the disabled organizations continued. On September 2, 2013, the network of disabled people's organizations including the Council of Disabled People of Thailand, Association of the Physically Handicapped of Thailand, the Thailand Association of The Blind, National Association Of The Deaf in Thailand, Association for Persons with Intellectual Disability of Thailand, the Autistic Parent Association (Thai), Thai with Disability Foundation, Thai Disabled Development Foundation, the Redemptorist Foundation for People with Disabilities, the Thailand

Council for Independent Living, and the network of Center for Independent Living from all over the country got together at the BMTA headquarters to issue a statement on the issue of new buses which discriminated against the disabled (Thai Disabled Development Foundation, 2013a).

The statement can be summarized as follows:

The government, Ministry of Transport, BMTA, and government agencies involved in the new buses provision policy are insincere with the proposals of the disabled network. We called for buses that are suitable for all people in society. The buses we need are the low-floor bus or semi-low floor variety. These types of bus are designed according to the concepts of universal design (UD). People of all ages and every physical condition, including the general public, children, pregnant women, people in wheelchairs, the elderly, disabled, and unhealthy people can access the bus conveniently and safely.

The statement was also posted on various media channels including websites related to people with disabilities and the Pantip website.

At the same time Mrs. A., a member of the disabled network, campaigned to gather support voices from across the country to request the government to provide all new buses as low-floor models using the Change.org website (Voice, 2013). One of the campaign team explains that

We feel that what the disabled organizations are doing is quite hard core, so we thought about what to do to reduce it. We think that what we claim is not just for the disabled. People in society can come together... We see that the old style claims are hard core and news or other media are not interested in us. If posting in the news, sometimes people have a negative attitude. So we thought about what to do to let them know that it's about human rights, not our needs. We want to develop this for sustainability and to be an important factor in every person's life. What can we do to make people who both agree and disagree become the power, not only the disabled? In the past we didn't have the power because we move only for the disabled. We were lucky to work with NGOs who saw that

we have to fight together and not fight alone. We must take the power from society as well as the power that we exchange with other groups in society. After getting to know the Change group, this group was interested and jointly campaigned on the new bus policy. We came to find a way to make people see that it is not a matter of pity but of rights, whether people are disabled or not. It is a matter of equality and what we claim is not just for the disabled but also a matter of others such as the elderly and children. It's a problem for the whole society. We therefore had to write a campaign in order to get a lot of people to sign. The 4 of us came together to think of a campaign that was stable and cool. We thought about how to communicate to journalists to make them understand. We had to communicate positively to make them know what we do is the right of all people in society. It's not just for people with disabilities. We saw our seniors do it before, so we thought again how to make people in society be by our side. We also needed to make some groups of people with disabilities understand. Some agreed with us but some did not. We had to communicate to the media to let them see positive power, not pity like in the past. Since we campaigned on the bus issue, we broadcast on all media channels except Channel 3. (Mrs. A., personal communication, October 31, 2016)

On September 9, 2013, the Sub-committee on Disability in the Senate committee on communities, children, women, the elderly, the disabled and underprivileged people together with the Disabled Network organized a press conference about "Buses for All" at Parliament Building 1. They demanded that the BMTA consider their proposals for the provision of convenient transport systems for people with disabilities under the concept of universal design or UD.

The opposition of the disabled organizations continued. The Disabled Network met with the National Committee of Empowerment of Persons with Disabilities on September 18, 2013. The Prime Minister Yingluck assigned Mrs. Paveena Hongsakul, Minister of Social Development and Human Security as chairperson to the meeting. Mr. Suphacheep Distet, president of the Council of Disabled People of Thailand, submitted a letter of guidelines and proposals to support the universal access buses. The requests were as follows:

(1) the BMTA should provide convenient equipment for disabled people in the new 3,183 bus provision policy so that people with disabilities can access and benefit from the buses;

(2) the BMTA should stipulate the characteristics of all 3,183 buses to be only the low-floor variety with smooth floors and no step so that the disabled, the elderly, young children, pregnant women, parents with strollers, and ill people can access all buses;

(3) the BMTA should arrange a sliding-in-out ramp under the door at the middle of the bus instead of a lift. This will save time for people getting in-out of the bus prevent the disabled being looked down on by society;

(4) the BMTA should consider appointing a representative of disabled organizations to join the TOR committee and participate in every process of purchasing as a guarantee that the buses purchased by public taxes can be used by all people..

After accepting the letter, Mrs. Paveena brought it to the meeting for discussion. The meeting resolved to send letter to the Prime Minister and Minister of Social Development and Human Security for consideration.

On September 25, 2013, representatives from the Thailand Council for Independent Living and a network of dozens of disabled organizations met Prime Minister Yingluck Shinawatra at Government House to present the problems of the policy. The Prime Minister said that she would consider the issues raised, but that not all buses may be able to be low-floor due to the problem of floods in low-level areas. (Kom Chad Luek, 2013)

In the announcement of the 3rd TOR draft on the website on September 30, 2013 it was found that the draft still stipulated both air-conditioned and ordinary buses to be high-floor. Although the equipment for bringing the disabled into the cabin in the air-conditioned bus had been modified to stipulate ramps, entry assistance measures for ordinary buses were not specified in any way.

On October 3, 2013 Mr. U., President of the Thailand Council for Independent Living, sent a letter to the Director of the BMTA to oppose the third draft. He confirmed that every new bus must facilitate access for all members of the public, including the disabled, according to international agreements that Thailand had signed

such as the Convention on the Rights of Persons with Disabilities (CRPD) and the Incheon Strategy. Claiming that floods necessitate the need to purchase high-floor buses was unreasonable and contrary to the policy's objectives. It was considered that the BMTA was discriminating against people with disabilities.

Supporting a TOR draft that is contrary to the principles of law and governance will bring damage to the country's economic system, increase social inequality, damage the national dignity of caring for people equally as a universal principle, and disgrace the Thai government because of the statement the Prime Minister (Ms. Yingluck Shinawatra) had delivered to the meeting of the 24th Human Rights Council (HRC) at the UN office in Geneva, Switzerland. Part of her statement read that 'For the disabled, I have supported policies and practices to implement universal design to reduce physical barriers. People with disabilities must have equal access to travel services as well as social benefits and gaining revenue'. This statement outlines the spirit, policy, and implementation in concrete terms. Agencies that provide travel services must meet the international standards so that people with disabilities can use them equally with others. (Mr. U., personal communication, December 25, 2016)

On October 8, 2013, the BMTA allowed the public to share opinions on their website by announcing the fourth TOR draft. This public hearing took place over only 4 days (8-11 October 2013) because the BMTA considered that the TOR had been improved to the point that there were only a few remaining issues and that this should be the last time for changes.

The details about people with disabilities remained the same as the 3rd draft, especially the issues in getting into the cabin for the disabled. The draft still stipulated that both air-conditioned and ordinary buses were to be high-floor. In the case of air-conditioned buses, the disabled would access to the cabin via a very long ramp, while in the case of ordinary buses, no details were specified. This announcement received a lot of criticism because the BMTA website had encountered a problem which prevented the public from being able to submit their comments by the deadline. This was seen as an attempt by the BMTA to end all discussion as soon as possible. Another

issue that was criticized in the 4th TOR draft related to bus chassis. Builders could modify truck chassis to be used for the new buses which could affect the safety of passengers. In addition, NACC sub commission considered the determination of the cost estimates to be incorrect.

On October 15, 2013 the BMTA announced the 5th draft of the TOR in which the content relating to bus access for people with disabilities remained the same as the 3rd and the 4th drafts. Both air-conditioned and ordinary buses were specified to be high-floor and ordinary buses did not have any facilities for the disabled.

In each of the first 5 draft TOR announcements, facilities specified for disabled people in accessing the new buses fell far short of their needs. Eventually, a gathering of disabled groups took place on October 16, 2013 led by the Thailand Council for Independent Living. Following this, the Council's president, Mr. U., submitted a letter requesting fairness for the disabled and others who use the busses to a number of Representatives from the Pheu Thai Party. Mr. U. pointed out that the disabled had called for the BMTA to provide additional conveniences, especially communication systems for the blind or deaf to be able to know information on the bus route. However, these had not been considered by the TOR committee in any of the first 5 drafts. This was considered discrimination against disabled people and against the constitution and many laws.

After a few days "the Bus-for-All Network" sent the letter to Mr. O., Director of the BMTA, to ask the BMTA to improve the content of the TOR to truly meet the needs of the disabled.

In this regard, Mr. N., deputy director of the BMTA and Chairman of the TOR Committee revealed that the committee had considered and decided that it is not possible to meet all of the requests made by people with disabilities. The BMTA may allow the air-conditioned buses to be the low-floor but the ordinary buses must only be high-floor so that they can be used in a large-flood event. (Manager, 2013a) This opinion caused a lot of dissatisfaction with disabled groups as the BMTA was neglecting and not paying attention to the needs of the disabled as they should do.

The BMTA attempted to end the issue and quickly move on the next step so on October 25, 2013, 50 people with disabilities led by Apanee Mitthong, the representative from the Buss-for-All Network, gathered at the BMTA headquarters to

submit the list of more than 8,000 people from the campaign through the Change.org website to oppose the 5th TOR draft. The objective was to demand that all busses both air-conditioned and ordinary, be the low-floor.

Every time of disabled person's travelling has a high burden because public transport is unfair and unequal in society, especially buses that cannot be used by those who use wheelchairs and want to use the bus to save some money. They can't because there is no low-floor bus. That makes them have to use an expensive taxi service. As a result, many people with disabilities are forced to lose their jobs because the salary is not enough for taking a taxi.

I would like the authorities to think of the picture of our buses that have narrow, high stairs with pillars in the middle. People have difficulty going up and down. Some fall off the bus. Dangers occur easily. You have to think about the image of the person who finds it difficult to run to the bus. It is so hard for the disabled. If want to go up, you cannot go up as the stairs are high and there is also a pillar. If the TOR draft is approved, our network will sue in the administrative court to stop this project. (Thai Rath, 2013a)

She also explained that:

In our society, we rarely meet people with disabilities in public. Not because of the small number of disabled people but people with disabilities cannot come out into society because we don't have a bus that we can board. This has made us forgotten even though Thailand has 1.8 million people with disabilities. We should receive these basic services. (Thai Rath, 2013)

The idea of installing a lift to bring the disabled onto the bus was considered as an incorrect solution because it is not only expensive but also takes longer than using the ramp. A disabled person commented that:

People with disabilities just want to have the opportunity to get on the bus before they die because it is the public service that should receive ... I would like to ask for mercy from the BMTA that the new group to buy buses, please think of the disabled group ... I can confirm that making a lift for people with disabilities instead of a ramp is practically impossible because ... each take on or off a bus takes at least 2-3 minutes but with the ramp it takes only 40 seconds ... We do not want to be a burden for others but nowadays we cannot go anywhere because our income is not enough to pay a taxi. Also sometimes we are rejected by taxi drivers because they see that we are disabled. (Posttoday, 2013).

Another disabled person commented that:

Our request is not only for the benefit of the disabled but it is for all Thais. In society, there are still many people that need to be taken care of and access low-floor buses including the elderly, mothers with babies, the sick, the disabled, and veterans. They all have to access public services. Taking a taxi only is so difficult. We have not enough money for taking taxi. We want to take the bus like everyone else. (Posttoday, 2013)

The protest of people with disabilities continued until 2.30 PM. Eventually, Mr. O., the Director of the BMTA, came to receive the letter and the approximately 8,000 names from Change.org (he came after the disabled threatened that they would invade the office to find him if he did not come out). He stated that the BMTA will hold a public hearing on this matter in order to hear opinions from all sectors. The public hearing would be open as a public forum where anyone can comment. He said he will not ignore the promise and next week would create a panel to invite people with disabilities to participate in the discussion as well as listening to the explanations from the TOR committee.

Mr. Somchai Siriwattanachok, the Permanent Secretary for Ministry of Transport and Chairman of the Board of Directors of the BMTA, said after the BMTA Board meeting that following concerns of disabled persons, the BMTA will set fares that are exceptionally low for people with disabilities and arrange the bus schedule to

have an appropriate frequency and coverage of all routes for the disabled. However, he confirmed that the ordinary buses require high-floors in order to provide service during flooding (Thai Disabled Development Foundation, 2013b)

The public hearing was considered very important for the movement of disabled organizations because it would be the first time that there was direct confrontation among the people who are interested in the case. In the past, communication was often only by letters from disabled organizations to the BMTA or relevant government agencies. Before the public hearing, the disabled organization groups arranged to meet on the 3rd floor of the Asia-Pacific Development Center on Disability (APCD) to repeat their understanding and prepare information. This activity was important to make the public aware of the need for people with disabilities to have access to low-floor buses in both the air-conditioned and ordinary versions. The issue of flooding was not seen as a problem in using low-floor buses.

I confirm that the demands of the disabled are buses for everyone. Not only air-conditioned buses but also ordinary buses, as air-conditioned buses do not cover all destinations like ordinary buses. The ordinary bus is cheaper and best for people with disabilities that have little income. We want to access public services like the general people. We therefore want to say to the BMTA that we just want to take the bus ... and to say no because of flooding is an unacceptable reason. Flood management is a different issue from purchasing buses. The authorities have to think how to prevent flooding because floods do not only cause problems for the buses but also affect the public. Therefore, buying high-floor buses is not a solution to flooding problems. The floods in Bangkok are usually for a short time, not long term. Therefore, every bus should be a bus that everyone can take. This would be the best answer. Last week the BMTA announced that it will hold a public hearing this week, but it had not specified a date. Our network is following this news. It is better to specify the date clearly so that many sectors can prepare their information in advance. We hope the BMTA has a transparent public hearing. (Thai Rath, 2013b)

While the disabled groups were waiting for the date to hold the public hearing from the BMTA, an unexpected incident arose. The BMTA called an immediate public hearing at its headquarters on October 31, 2013. It informed the disabled organization groups only 1 day in advance. This action greatly increased the suspicion of the disabled groups. Apanee gave an interview about this event that:

We can see that what the BMTA did, it did not show sincerity. It was suspicious and like it wants to shut the disabled up. It wants to reduce the demand for low-floor buses. There are citizens all over the country supporting this issue; more than 8,000 people. The BMTA just did it quickly so it could go on. There was no news given to the disabled and the public. We had less than 24 hours to prepare. Our network is unable to accept this type of public hearing because it does not listening to real opinions. (Thai Rath, 2013c).

In addition, before the day of public hearing, General Prin, the Deputy Minister of Transport had told reporters he considered that the BMTA in allowing air-conditioned buses to be low-floor (representing around half of all new buses) was a benefit to people with disabilities, which account for approximately 1% of all passengers. When compared to the proportions, people with disabilities receive worthwhile treatment. In addition, people with disabilities will have special privileges to use the services that are cheaper than the average person. He expected the public hearing on October 31, 2013, to be completed allow the project to eventually go to bidding (Manager, 2013b).

On 31 October 2013, the public hearing took place at the BMTA headquarters. Mr. U, in the name of the Bus-For-All Network, brought about 100 people with disabilities to submit a letter to the TOR committee in order to demand that the draft of the TOR to require ordinary buses to have devices for the disabled and ramps to get on and off the bus by themselves.

The government approved the budget to buy a total of 3,183 new buses. We, in the name of "The Bus-For-All Network", had disseminated information to the society about the benefits of low-floor bus which can be purchased at the same price approved by the government. The lower-floor buses are suitable for all people - seniors, young children, pregnant women, women with high-heeled shoes, and people with disabilities- to have convenient access. But the TOR Committee has indicated the possibility to specify high-floors for the new ordinary buses. Now, there is no country buying such buses. (Thai Disabled Development Foundation, 2013c)

Pressure from people with disabilities caused Mr. O. to re-set the date of the public hearing.

In the period before the public hearing, the Bus-For-All Network explained the necessity of people with disabilities through television programs such as "5 Good News Morning" on Channel 5, and "Morning News" on Nation Channel. They wanted to communicate to people all over the country to make them understand the reasons that people with disabilities need low-floor buses and equipment inside the bus that is suitable for people with all types of disabilities.

Again, the BMTA held a public hearing without enough prior notice to disabled organizations. People with disabilities heard from news media that the public hearing was to be held on November 7, 2013 at the Boonyachinda Room, the Police Club. Although the network had little time to prepare it was able to mobilize a large number of people with disabilities to attend.

During the hearing, Mr. N., the deputy director of the BMTA and chairman of the TOR committee, explained the reason for the need of ordinary high-floor buses. The proposal of people with disabilities who want low-floor buses was impossible because there were already plans to go ahead with the policy (Daily News, 2013). Some members of the Bus-For-All Network stood up to express their opposition to Mr. N. They commented that the claim of flooding should be no longer mentioned because it is not the duty of the BMTA to provide services while there is a large flood like in 2011. This is the duty of the agencies that are more ready, such as the Army. Moreover, such events will not occur often in the future. Normally, flooding in

Bangkok can usually be discharged in a few hours. The solution to flooding is a matter of government and Bangkok Metropolitan Administration. The most important question is, if air-conditioned buses can be low-floor, why can't ordinary buses also be low-floor because they both have to provide service during the same floods. So, for all of the above reasons, there is no reason for the BMTA to use these claims to purchase all ordinary high-floor buses, and if the BMTA still persists to move forward regardless of the opinion of the disabled groups, the disabled groups will proceed through the Administrative Court.

In the case of flooding, I have to ask: How many buses will be in service? How many people will use the service? Will the flooding may cause problems for people on both sides of the road? How many times will there be a flood? These questions lead to the answer that buses don't need to have a high-floor because we are not buying buses to wade through water but rather to serve everyone equally. Moreover, when Bangkok floods, the BMA (Bangkok Metropolitan Administration) always explain that the flooding lasts only 2 hours. So we need low-floor buses because the project uses a lot of budget. The BMTA tries to facilitate the general public when it rains but neglects the disabled who want to use the bus service. And when it rains and floods, how many people will use the bus service? It should find other ways to help, such as arranging some high-floor buses to operate only in flooded areas. There is no need to have only high-floor buses. Other big cities of the world also have floods, but they reduce the flooding very quickly. Helping people with disabilities to get on low-floor buses is normal in those cultures. (Mr. S., personal communication, September 30, 2016)

The BMTA couldn't answer all questions of the dissenting disabled networks. It could only respond at the end of the public hearing by saying that the BMTA was only a small agency which had no power to make decisions, and that it would present these proposals to the Ministry of Transport.

It can be seen that the rational arguments of the disabled network developed through planning and working hard in order to obtain relevant information were successful in refuting the arguments of BMTA.

We had proposals with clear evidence that NGV reduces global warming. We could explain about the break-even point. We had some engineers join us. This is one of the weapons we had. We learnt the engineering knowledge. We learnt the difference between high and low-floor buses as well as about the various facilities for the disabled. All of this was to make society agree that it was not specifically for people with disabilities but for everyone ... We also got knowledge. Not just only a call. I think it was fun learning about the bus issue but also tiring. We didn't just do it for the disabled; we did it for everyone. There were clear reasons to make the public understand via various media.”

(Mr. VS., personal communication, October 31, 2016)

We often had meetings. The academic team and our team planned together. People often view NGOs as radical. In truth we are not. The public had to understand what the BMTA did. It is like a game between them and us. As for the public hearing at the police club, it didn't notify the disabled at all. We came to know at the last minute. We had to go and stop that hearing. If we did not do that, they would have considered ending the issue. They did not listen to the opinions of disabled persons. But those who entered the hearing were not only disabled; they represented everyone. We had to think of a plan to stop the stage. We had to tell all this in the second hearing. Some people commented that those with disabilities claim more and more. They asked what will happen during flooding. They wrote letters insulting people with disabilities. If the public did not understand, then there would be a problem. (Mrs. A., personal communication, October 31, 2016)

The BMTA has many reasons to claim the high-floor buses such as the flood, or the bridge peak, which we can solve easily. Sometimes we jokingly say that if that flood is like that, buy boats instead. Do not buy buses at all (Mr. VS., personal communication, October 31, 2016)

2) The issue of parts under the buses that may scratch the high level roads or bridge peak

Shortly after the public hearing, the BMTA tested the use of ramps in both low-floor and semi low-floor buses. The test results showed that the low-floor buses can use the ramp better than semi low-floor buses. However, General Prin concluded that although low-floor buses are more convenient than semi low-floor buses, they may have problems in operating on Bangkok roads which are not always smooth. He said that roads may also scratch parts under the bus if crossing some high bridge. Therefore, this may mean they have to buy only ordinary high-floor buses. For low-floor buses, he said, they would have to wait to another policy in the future.

Another attempt by the BMTA was to prove that low-floor buses cannot run in some areas. The BMTA arranged to test them on real roads 2 times. The first was on January 20, 2014 and the second was on January 29, 2014. After the second test, Mr. N. said in an interview that some committee suggested that there should be standardized buses that can run on all road or bridge surface conditions. While the air-conditioned buses are still to be low-floor, the BMTA would allow bidders for ordinary buses to choose from 2 options: high-floor buses with a lift for the disabled; or low-floor buses. During the second test, it appeared that the airbag of a testing low-floor bus broke and they couldn't test anymore (Daily News, 2014a).

Before testing the bus, the BMTA invited us. But we think they played a trick. They put a lot of sandbags in order to create realistic road conditions. However, these were very, very hard. When the bus traveled less than a kilometer, the air bag broke. It was a trick. And there is no new test, just this one time. (Mr. VS., personal communication, October 31, 2016)

A few days after the interview by Mr. N., Mr. U., president of the Bus-For-All Network, submitted a letter to the Director of the BMTA to oppose the content of the interview by Mr. N. The letter covered 3 issues: 1) Mr. N. claimed that low-floor buses cannot serve due to some bridge peaks. On this point, the network viewed that the problem with only some bridge peaks was not a not reason to buy all high-floor buses. This was a problem for Bangkok to improve; 2) installing a lift does not meet the need of all people. A lift is a device that can only be used by people with disabilities who use wheelchairs. Children, the elderly and pregnant women are not able to use the service. In addition, using the lift can waste a lot of time. The disabled may be ridiculed by other passengers. In the end, it will make the disabled reluctant to take buses and after that the lifts will become wasteful; and 3) the delay in deciding on ordinary buses should not be used as a cause of delay in the air-conditioned bus auction. That has resulted in delays to serve the people. The network viewed that the air-conditioned bus auction can go ahead. We must provide the rights guaranteed under the 2007 constitution of Thailand on human dignity (Article 4), prohibition of discrimination (Article 30), access and use of public services (Article 30). Everyone should have equal rights to participate in society (Manager, 2014a)

I think that it is possible to get a low-floor bus to run on the roads the BMTA viewed to be problem. You can notice the tour buses. Their length is equal to the low-floor buses. The wheel distance is the same. Although the floor is only a foot higher than the road, I think it's OK to serve. It can still serve all around without any scratch. The BMTA tried to support the high-floor buses because it was easy to repair. That is about money. (Mr. U., personal communication, October 20, 2016)

On February 3, 2014, the BMTA announced the draft of the 6th TOR on its website and set to take comments until February 7, 2014. The important content modified from the 5th TOR draft was that the air-conditioned buses were low-floor but the ordinary buses were divided into 2 choices for bidders, the high-floor bus with a lift or the low-floor bus with a ramp.

In an interview Mr. N. said that if the committee agreed with the last TOR draft, he will announce the 7th TOR draft on the website again on before February 12. After that, he will proceed to sell the bidding documents. Moreover, he viewed that most of the suggestions for the sixth TOR draft were "the same opinions" as the disabled network (Manager, 2014b).

Mr. N's. interview demonstrated his dogmatic efforts to move the policy forward by ignoring any comments or criticisms. He also gave an insulting comment on the opinion of the disabled groups that they were "the same opinions."

The announcement of the sixth TOR draft and the interview by Mr. N. caused dissatisfaction among many disabled people. The lift was something that people with disabilities didn't want in any type of bus. On February 11, 2014, a group of 200 people with disabilities in the name of the Bus-For-All Network gathered at the in front of the Ministry of Transport and the BMTA. They conducted a protest by setting fire to some paper buses and placing some wreaths as a symbolic expression of objections to the policy of high-floor buses with a lift. Mr. U demanded that the BMTA specify in the TOR draft that buses that suitable for everyone. The BMTA should not use the arguments of floods and high bridges again. He confirmed that if the BMTA does not take action as requested, the Bus-For-All Network will file a lawsuit with the Administrative Court soon (Manager, 2014c).

Mrs. Apanee Mitthong, a member of the network, said in an interview that lift installation is wasteful and does not meet the needs of other groups, such as the elderly, children, pregnant women, etc. who cannot use the lift. In addition, the price of the ordinary low-floor buses did not exceed the cost estimate 3.8 million baht. There were many ways to resolve problems, such as requiring Bangkok Metropolitan Administration to fix some bridges or using 290 ordinary high-floor buses that General Prin, Acting Deputy Minister of Transport, had already ordered to transport people during flooding (Manager, 2014d).

On February 12, 2014, Mr. N. met with committee on communities, children, women, the elderly, the disabled and underprivileged people of the Senate to explain the facts in the case of provision new buses. At the end, Mr. Montian Boontan, Chairperson of the Sub-committee on Disability commented that the clarification of Mr. N. was unclear. He still cannot specify where the bridge peaks that cause problems

for the low-floor buses are. Mr. N. only explained that the BMTA has tested the air-conditioned low-floor buses and found that there was a problem with some bridge peaks in the secondary roads. The subcommittee, therefore, suggested that the BMTA change to the low-floor buses.

Mr. N. argued that repairing bridges on problematic secondary roads is a duty of various departments including the Bangkok Metropolitan Administration (BMA), the Department of Rural Roads (DRR), and Department of Highways (DOF). However, the BMTA cannot wait until every place is fixed. The policy had already been delayed for 3 months (Daily News, 2014b).

This explanation by Mr. N. caused the disabled organizations to find a way out by requesting to meet with the BMA, on February 21, 2014, to ask them to fix the problem of roads and bridge peaks. One of the Bangkok Administrators said that the demands of the disabled people's organizations were able to be implemented. It was the policy of the BMA to make Bangkok a city of equal opportunity. However, there were 11 places in all to fix and only 6 of these were under the responsibility of the BMA. She agreed to take the demands of the disabled to Mr. Jumpon Samphaophon, Deputy Governor of Bangkok, to consider and then delivered to MR Sukhumbhand Paribatra, Governor of Bangkok, for further consideration.

Following this Mr. Jumpon Samphaophon held a meeting including the disabled organization network, the BMTA, and the media on March 7, 2014, to confirm the readiness of Bangkok to improve the places that are problem for the low-floor buses. Bangkok was ready to fully look after and serve all people in Bangkok. In this regard, Mr. N., who also attended the meeting, said at the end of meeting, in front of everyone, that he felt good because Bangkok is ready to repair the problem places (Daily News, 2014c).

On March 11, 2014, the BMTA announced the 8th draft of the TOR, but the content relating to the facilitation of disabled persons had not been improved. Everything remained as defined as the 7th TOR draft in all respects. This surprised the disabled network because the BMTA previously had agreed to accept the confirmation from the Bangkok to repair the problem places. However, the draft did not change the characteristics of ordinary buses in any way.

On this point, Mr. N. was interviewed and confirmed not changing to meet the disabled network needs. The air-conditioned buses will be low-floor and the ordinary buses will have 2 choices. Although the Bangkok government had promised to repair the problem spots on the bridge peaks and secondary roads, the BMTA had to proceed with the policy as it had been delayed too long.

The attitude of Mr. N. through his interviews and television appearances reflected his thoughts of not allowing the ordinary low-floor buses. The Bus-For-All Network therefore held a meeting preparing to file a lawsuit against the Administrative Court.

On March 26, 2014, the BMA, the Bus-For-All Network, and the BMTA tested the use of low-floor buses after the renovation of the bridge across the canal in front of Phai Tan Temple. The test result was satisfactory.

In addition, on May 7, 2014, the Bus-For-All Network, led by Mr. U., sent a letter to the Secretary-General of the NACC in order to file a complaint of corruption on the part of the BMTA.

I've also said that if the government chooses the high-floor buses, it will be a stigma that curses the disabled every day because each bus will be used for 10 years. Where is the modern world? The money makes you blind. He claims that Bangkok will be flooded. Is he crazy? Does Bangkok flood every year? Can he fix the problem? He said that some bridge peaks didn't work. The disabled people using wheelchairs went to talk to the Bangkok government and they could do it all. It was very easy to pour more asphalt. Can low-floor buses in Bangkok run? Some issues are unreasonable. (Mr. V., personal communication, December 12, 2016)

3) Cooperation between disabled organizations

Cooperation among the disabled organizations during the government of Yingluck, which was assembled on behalf of the Bus-For-All Network, proved to be a great power in demanding buses which provide equal access for everyone, including people with disabilities.

Mr. S viewed that the core of the Network was the Redemptorist Foundation for People with Disabilities, with the other organizations coming to help occasionally in an ad hoc manner as requested.

The Council of Disabled People of Thailand came to join us when we needed them. There was a time when the buying of buses was about to start. We thought that we had to go all the way. We therefore asked to meet with the leader of the Council of Disabled People of Thailand to negotiate ways to work together. We invited Mr. Montian, as a Senator, and the Council of Disabled People of Thailand. We connected to everyone we could. The leader on this issue was the Redemptorist Foundation for People with Disabilities. However, we did not use the name of the Redemptorist Foundation but the Bus-For-All Network ... the Council of Disabled People of Thailand would drive only on a general issue. If it was an issue specific to a type of disability, it would be the matter for each disability association. Although the new bus policy was a general issue, the biggest stakeholders were the physical disabled. We use the method of asking occasional cooperation, which depends on the step of time. Sometimes we could cooperate well ... The reason why the Council of Disabled People of Thailand was not the leader in this issue was because it was the responsibility of XXX association and it had to propose it in the Council of Disabled People of Thailand. But this association lacked unity. Some members in this association did not care about the new bus issue. I had talked with xxx, who was the association leader, on this matter. He said he would help anyway he could except to help bring members of the association to work together. He sent some money or people to us when we needed them. It looked like we had to borrow someone's nose to breathe. It made us work harder than we did by ourselves. That is why we moved in the name of the Bus-For-Network, not any associations. But some time we had to ask their help. (Mr. S., personal communication, September 30, 2016)

In the opinion of Mr. S., the Network's strength was an important factor in the movement of the disabled organizations. But some groups of people with disabilities were not involved as much as they should. Mr. T. explained in an interview:

At that time (in the period of the Yingluck government) we worked quite hard... because we not only fought with the capital groups but also proved the strength of the disabled network. Some groups of disabled people did not agree with us. They accused us of causing the new buses delay. Many people disagreed with us. The BMTA claimed that everyone agreed with it except the Network. It called on us to compromise for many reasons but we had to fight for basic human rights principles ... On the unity issue (sigh), I see that some disabled organizations at the national level gave up at the starting point, not moving at all ... The XXX association did not view this issue as important. The provision of new buses was not their matter. It was the matter of those who had problem with their movement. They worried only about stepping down from the bus because they may not know where they are. They don't worry when stepping up. They didn't view this as a problem. They gave up at the starting point. So we started with a small group that realized our rights and did not quarrel. However, we also put their association names when we had success. The 2 organizations that were the real workers were the Redemptorist Foundation and the Nonthaburi Center for Independent Living. We did not want to use the word "organization" so we used the word "network" because we may have missed some organization. We also invited them to be in the network. A businessman donated 100,000 baht to us for the movement. Mr. Montian also helped on this issue in the parliament. He was a CRPD committee member and provided much social capital. Professor Viriya (Namsiripongphan) helped us too. We have to say that solidarity was the weakness inside the network. Some associations that we expected to have a role commented that this issue was too difficult. However, we thought that at least society will learn, even though we may fail. (Mr. T., personal communication, December 15, 2016).

Mr. VS. and Mrs. A. also shared the opinion that the movement of disabled organizations lacked unity.

(Mrs. A.) The persons who led on this issue were only teacher Tan (Mr. Supornnum Mongkolsawadi), Mrs. Pongkeo Kichtham, Mr. UChoorat, and Mr. Theerayut Sukhonthawit. In contrast, I had never known that Mr. xxx was a key man... maybe because he didn't want to join us fully. He is the leader of biggest disabled association and he may have been afraid to have problems with government agencies. This is only my personal opinion. He would only come when we needed workers. He was doing things at the policy level.” (Mr. VS.) “Sometimes teacher Tan couldn't show up. He worked as Chief of Staff or something like that. (Mrs. A.) We worked as we divided into two teams, a fighter team and a planner team. (Mrs. A., & Mr. VS., personal communication, October 31, 2016)

Mr. U. and Mr. T. had given an interview about the events that they had been involved in as the president and secretary of the Bus-For-All Network.

During the Abhisit Government, people with disabilities still did not join together. We just told the public that we were in trouble. After the Abhisit Government, the policy of new buses emerged again. In the Yingluck period, the disabled came out to join together. That was around the years 2013-2014. We searched for leaders of the network. There were around 10 persons sitting there. ... Finally, I was chosen to be the president. At that time, I had been the president of IL (the Thailand Council for Independent Living). At that time, we looked at each other and then decide who will be what position. I was a teacher, a member of the Redemptorist Foundation Committee, and leader of IL. The Redemptorist Foundation let me to go to many meetings because it believed that this was important for the disabled network. (Mr. U., personal communication, October 10, 2016)

At that time, I was the secretary and had to contact the media. The president was Mr. U., while Mr. S. was the chief of staff. Mr. V. was a supporter of capital. There would be a group that was successful in doing business. However, they were not ready to face the government. We worked together as a network. (Mr. T., personal communication, December 15, 2016)

5.1.3 Analysis of The Roles of Organizations of Disabled People on the Right of Access to Low-floor Bus

The role of the organizations of disabled people during the government of Ms. Yingluck Shinawatra seemed to be no different from the past. The disabled organizations still had the role of supporting the right to travel for the disabled. However, the difference was how to move to achieve their rights. In the period from the government of Thaksin Shinawatra until the government of Somchai Wongsawat, the disabled organizations only submitted suggestions to the BMTA. In the days of the Abhisit Vejjajiva government, the disabled organizations not only sent letters to the government, but also organized campaign activities to help the public to understand their problems in using the bus service. During the government of Ms. Yingluck Shinawatra, it was found that disability organizations participated in a variety of activities including sending proposals to the BMTA, reading statements, meeting the Prime Minister, submitting a letter to the Pheu Thai Party, demonstrating in front of BMTA headquarters, holding a campaign via Change.org, attending public hearings, broadcasting on TV, meeting the Bangkok Administrators, and sending their complaints about corruption to the NACC.

Table 5.1 The Frequencies of the Activities of the Disabled Organizations

The Activities of the Disabled Organization	Frequencies
sent proposals to the BMTA	Over 6
read statements	2
met the Prime Minister (Yingluck)	1
submitted a letter to the Pheu Thai Party	1
demonstrated in front of BMTA headquarters	2
held a campaign via Change.org	1
attended public hearings	2
broadcasted on TV	More than 3
met Bangkok Administrators	1
sent complaints about corruption to the NACC	1

In accordance with the social model, the disabled tried to convince the public not to view them as the burden. They tried to show the public how they can live like others. To them, the environment had to be friendly for all, including the disabled. This environment included public policy, the physical environment, and the attitudes of society. Traveling by bus is in the physical environment and a basic right for all, so the government had to provide this type of travel for all passengers.

The rejection by the government made the disabled move to fight for their rights. This is compatible with the concept of disability rights movements; it was the responsibility of the disabled to fight for their rights because the government ignored them so much that they could not live with dignity.

The researcher has divided the causes of disabled organizations holding such activities into 3 issues, namely the issue of installing lifts on buses, the issue of low-floor buses in the event of flooding, and the issue of parts under the buses that may scratch on high level roads or bridge peaks.

1) The Issue of Installing Lifts on Buses

Disabled people's organizations needed to oppose the first TOR draft since they considered that their travel rights were being restricted. The TOR draft stated that all buses, whether air-conditioned or ordinary, must be high-floor with a lift. This

affected many people who were not able or would find it difficult to use the new bus services of the BMTA. This forced the disabled organizations to clarify the problem to both the government and the public.

Setting ordinary buses to be high-floor with no equipment and facilities for the disabled was considered discrimination against people with disabilities. The government looked on the disabled as a minority that did not need special equipment or facilities. This was illegal in terms of national laws and international agreements. Although using wheelchair lifts to bring people with disabilities into the cabin was reasonable, it was not a need of people with disabilities. There were still many groups, not only the disabled, who faced difficulty in getting into high-floor buses including the elderly, young children, pregnant women, sick people, parents with strollers, people with heavy luggage, women wearing short skirts or high heels, etc. These people could not use the lift to get into the cabin. They still had to walk up the high stairs of the bus as in the past, which could lead to accidents.

In addition, the lifts could also cause annoyance for other passengers due to the time it takes; up to 4-5 minutes vs. a ramp which only takes about 30 seconds. The important thing was that people with disabilities may become abused by other people on the bus, especially during rush hours and in traffic jams. Using a lift may therefore cause other passengers to see people with disabilities as wasting their time. When the disabled are criticized, it is possible that they may not want to get on the bus again.

Using a ramp in low-floor buses was not only convenient, economical and safe, but is also very popular in developed countries because it is more suitable for disabled passengers. In other words, ramps and low-floor buses are symbols of a society that cares about humanity, views people as equal and provides services to all people without discrimination.

Participation in the movement against lift consisted of the Thailand Council for Independent Living and the Senate committee on communities, children, women, the elderly, and the disabled and underprivileged people. They found that instead of changing policy to fully meet the needs of the disabled, the BMTA changed little in the 2nd TOR draft. It specified that the air-conditioned buses must be high-floor with a lift, while the ordinary buses must be high-floor without facilities for the

disabled. The ignorance by the BMTA forced the Thailand Council for Independent Living and the network of disabled people's organizations to issue statements to show society that the BMTA was discriminating against people with disabilities.

The disabled organizations' movement fought for the benefit of the disabled. Without moving then, people with disabilities would not be able to use BMTA buses in the future. It took decades to buy the new buses, and people with disabilities had to endure the waiting. This was a fight for people with disabilities in the future.

2) The Issue of Low-floor Buses in the Event of Flooding

One reason that government agencies had raised for purchasing only high-floor buses was flood issues in Bangkok and its regions. This is because in the past, Bangkok often experienced flooding in many areas, including the great flood of 2011 which caused many areas not to be reachable by bus.

However the fact was that flooding in Bangkok, even after continuous rain, usually reduces to the normal levels within a few hours. In addition, finding a flooding solution is the duty of other agencies such as Bangkok Metropolitan Administration. Therefore, the issue of flooding should not be used to justify the purchase of high-floor buses.

The great flood of 2011 was a rare occurrence and a high-floor bus which is 70 centimeters above the road surface would not have been of any use. The only vehicles that were able to access the flooded areas during this flood were raised military vehicles. Moreover, passengers would not wish to stand in high water waiting for a bus.

Additionally, the provision of high-floor buses by using the flooding issue was in conflict with government policy. The government had announced that it had a policy to solve the flood problem within 3 years with a budget of 350 billion baht. Therefore, such a reason was not justified. The BMTA should have accepted the government's policy as a whole.

The Thailand Council for Independent Living was the first disabled organization to move on the issue of flooding. It sent a letter to the BMTA to request modification of the TOR draft in line with the covenants Thailand has signed in the Convention on the Rights of Persons with Disabilities and the Incheon strategy. It also quoted the speech of Prime Minister Yingluck Shinawatra, who had spoken at the

meeting of the Human Rights Council (HRC) 24 at the United Nations in Geneva, Switzerland, saying that she supported policies in accordance with universal design concepts. Subsequently, on October 16, 2013, the Thailand Council for Independent Living submitted another letter to a representative from Pheu Thai Party to illustrate that the BMTA had committed discriminatory behavior against people with disabilities. People with disabilities would be unable to use the bus service, although they had a basic human right to travel like other people.

The Bus-For-All Network (which had changed its name from the disabled organization network) had submitted another letter calling for action on the rights of the disabled, but Mr. N, deputy director of the BMTA and the chairman of the TOR committee, did not agree with it. He insisted on buying high-floor buses because of the flood problem but he agreed to have the air-conditioned buses be low-floor. Mr. N's interview caused more than 50 people with disabilities to come together in front of the BMTA headquarters to submit a list of more than 8,000 signatures from the campaign on the Change.org website opposing the 5th draft. The important thing was to call for both air-conditioned and ordinary buses to be low-floor. This protest made Mr. O, Director of BMTA, agree to hold a public hearing to consider the issue. Although the Bus-For-All Network had little time to prepare for 2 public hearings, they argued with strong with principles and reasons that people with disabilities should be able to use the BMTA's bus service in the future.

3) The Issue of Parts Under the Buses May Scratch on High Level Roads or Bridge Peaks.

The BMTA had changed the problem of the low-floor bus to the new problem of parts under the buses that may scratch on high level roads or bridge peaks. They showed that some roads and bridges were impossible for low-floor bus to service. And that would be the damage of new buses. The disabled, therefore, went to consult the Bangkok Metropolitan Administers (BMA) about this problem. Finally the BMA had a promise to fix all place having problems.

Table 5.2 The Characteristics of the New Buses Specified from 1st-10th TOR Draft

Draft NO.	Date of Publication	Air-Conditioned Bus		Ordinary Bus	
		Characteristic	Device Bringing the Disabled into Bus	Characteristic	Device Bringing the Disabled into bus
1	19/07/13	High-floor	Unclear	High-floor	N/A
2	20/08/13	High-floor	Lift	High-floor	N/A
3	30/09/13	High-floor	Ramp	High-floor	N/A
4	8/10/13	High-floor	Ramp	High-floor	N/A
5	15/10/13	High-floor	Ramp	High-floor	N/A
6	3/02/14	Low-Floor	Ramp	High or Low Floor	Lift or Ramp
7	12/02/14	Low-Floor	Ramp	High or Low-Floor	Lift or Ramp
8	11/03/14	Low-Floor	Ramp	High or Low Floor	Lift or Ramp
9	23/04/14	Low-Floor	Ramp	High or Low Floor	Lift or Ramp
10	2/05/14	Low-Floor	Ramp	High or Low Floor	Lift or Ramp

Mobilizing supporters via the Change.org website: A strategy for disabled organizations that was different from overseas strategies

Thai people with disabilities use different strategies to achieve their goals. Most strategies are similar to those that international disabled organizations have used before such as organizing activities to gain support from society and create pressure to the state, negotiating and participating in decision-making with the government, and using mass communication to create public understanding. There are also some strategies that Thai disabled organizations have never used but are found in overseas, such as creating chaos and occupying roads, buildings or major places.

The strategy of mobilizing supporters through the Change.org website to show government agencies that there are a large number of them was the first time this was done in Thailand and maybe in the world. There were more than 8,000 signatories

supporting disabled people. It was also ranked as one of the most watched issues of the year by Change.org.

This strategy was the result of technological and communication advancements that can be used to collect supporters from people all over the world. This was unlike in the past where the Internet was not widely used. The Change.org website facilitates those who want to easily address issues for social change. It has a history of bringing about social change in other countries, and this is the reason that disabled organizations used the Change.org to mobilize support for low-floor buses.

This finding is in line with the research of Yuttaporn Issarachai (2001), which studied the relationship between the Internet and Thai politics. He found that the use of the Internet had helped to create more political participation than in the past. It is also effective in creating a political image.

5.1.4 The Roles of Government Agencies on the Right of Access to Low-floor Bus

Throughout the publication of the 1st to the 10th TOR draft during the Yingluck period, government agencies such as the Ministry of Transport and the BMTA had been playing an important role in changing the TOR draft amidst opposition from disabled networks in relation to characteristics of the buses that were not meet the needs of people with disabilities. The NACC sub-committee also became involved on the basis that this process implied corruption.

In this section, the role of government agencies had been divided into two issues: the process of continuously determining new bus specifications that were unfavorable to people with disabilities and the possibility of corruption.

1) The issue of determining new bus characteristics that were unfavorable to people with disabilities

The 1st version of the TOR draft specified the characteristics of the new buses. It specified that all new buses, whether air conditioned or ordinary, will be high-floor buses. Only air-conditioned buses would have ramps or equipment to bring the disabled into the bus. This caused the disabled organizations to oppose the policy. In the 2nd TOR draft the specifications were revised so that ordinary buses could use ramps or wheelchair lifts but, as these buses were restricted to high-floor it would be

only have been possible to use a lift. This resulted in dissatisfaction for the disabled organizations because this was not what they wanted. In addition, details about the facilities for disabled people on the buses were limited to air-conditioned buses. No such details were provided for ordinary buses. In particular, air-conditioned buses had been clearly set to use the lifts. Finally, by the 7th TOR draft, the BMTA agreed to specify that air-conditioned buses must be low-floor. For ordinary buses, there were 2 options for bidders to choose between: high-floor buses with a lift or low-floor buses with a ramp. After that, the BMTA did not amend the TOR draft relating to disabled access again until the 10th draft.

The main issues that the BMTA quoted as reasons to buy the high-floor buses were as follows:

- (1) Flood issues which may affect the services of low-floor buses

Despite opposition from disabled organizations, the BMTA was still insisting that all new buses must be high-floor as specified in the 1st-5th TOR draft. It had given the reason that this type of bus could provide better service during high level flooding in Bangkok. If using low-floor buses, there would be no bus to serve at all. The BMTA argued that Bangkok often floods when it rains, and that when there is a large flood high-floor buses will serve people better. This is because high-floor buses have a clearance of 70 centimeters above the road surface. The issue of purchasing high-floor buses due to flooding was repeated by the Prime Minister on September 25, 2013. On that day, representatives of the Thailand Council for Independent Living and the network of people with disabilities met Yingluck at Government House to present the problems associated with purchasing high-floor buses. The Prime Minister agreed to consider the problems as well as she can, but that not all buses could be low-floor due to the problem of floods. (Kom Chad Luek, 2013)

After that, the disabled organizations tried to give further information and suggestions to the BMTA but were ignored. Mr. N expressed the opinion that the TOR committee had considered the issues and agreed that it was not possible to meet all the requests of people with disabilities, especially in relation to specifying low-floors for both air conditioned and ordinary buses. The BMTA might allow air-conditioned buses to be low-floor, but not ordinary buses which would be designated as a high-floor only to be used in the event of a major flood.

After the interview by Mr. N., about the 50 people with disabilities went to protest at the BMTA Headquarters on September 25, 2013. At that time Mr. O., Director of the BMTA, told to the disabled group that:

I did not stay calm about this matter. In the next week there will be a talk and we invite people with disabilities to participate in the discussion. The TOR committee will outline the recommendations it has considered and concluded previously. They will clearly explain them again for transparency. In addition, I have ordered the TOR committee to consider further issues. If there is a need to fix it, it must be fixed. They must consider with transparency. They must look into the details of what has been proposed and then consider further. What the TOR committee has confirmed it will not adjust must be explained.

(Mr. O., Manager, September 25, 2013b)

Mr. Somchai Siriwatanachoke, Permanent Secretary for Transport and chairman of the Executive Committee of the BMTA on the BMTA Board, said that:

The BMTA Board acknowledged the draft of the TOR proposed by the TOR committee. The details of the draft were announced in the 5th edition. Nothing had changed. For the concerns of disabled persons, the BMTA will set a special air-conditioned bus fare for them below the normal rate in order to help the disabled. The BMTA will set schedules for the air-conditioned buses at an appropriate frequency and cover all routes. This should prevent any problems for the people with disabilities ... For ordinary buses, they are necessary to designate as high-floor to be able to serve in the event of flooding. However, if there are still more issues, the BMTA may open the public comments on the sixth TOR draft again. I have reminded the TOR draft committee to consider carefully and proceed in accordance with the law. (Somchai Siriwattanachoke, Manager, September 25, 2013b)

Following disabled people's organization objections, the BMTA advised that a public hearing will be held at the BMTA Headquarters on October 31,

2013. This sudden notification meant that disabled people had little time to prepare. However, a group of people with disabilities were able to participate in the public hearing in time. On the day before the public hearing, General Prin, Deputy Minister of Transport, told reporters that it should be acceptable that the BMTA had allowed air-conditioned buses to be low-floor. They comprised about 50% of all new buses, although people with disabilities only accounted for approximately 1% of all passengers. When compared to the proportions, people with disabilities receive something very worthwhile. In addition, people with disabilities will have a privilege to use the service at a cheaper price than others (Manager, 2013b).

Due to the sudden notification, the disabled group called for a further public hearing. They received no official advice of the day and place of this second hearing, and only learnt about it 1 day before through the media and general news (Thai Rath, 2013d). The hearing took place on November 7, 2013 at the Police Club. Although the disabled groups again had little time to prepare, they were able to mobilize a large of number people with disabilities within the network to attend.

During the public hearing, Mr. N, deputy director of the BMTA and chair of the TOR committee, explained the reason for the need to have ordinary buses with high-floors. He said that a bus must be about 70 centimeters above the road in order to be used in the event of floods. The air-conditioned buses should be considered sufficient to serve the disabled on all routes. On the proposal that people with disabilities also needed the ordinary buses to be low-floor buses, he suggested that it was impossible. However, it was possible that this could be considered in the next bus purchase policy. (Daily News, 2013).

After the public hearing the BMTA was unable to satisfactorily respond to any questions raised by the disabled organization group. General Prin, Deputy Minister of Transport, gave an interview to postpone the starting of the new bus auction until it had been fully agreed upon by all groups. He suggested that the ordinary buses should be changed to semi low-floor. Previously, he had rejected the offer of disabled people because he was concerned about the budget and road conditions that may scratch parts under the bus.

After the interview of General Prin, Mr. O., Director of the BMTA, and Mr. N., Deputy Director of the BMTA, expressed similar views. Mr. O. agreed to

the proposal of the disabled groups and was ready to adjust the TOR draft, while Mr. N. promised to adjust the TOR draft on the ordinary buses to be semi low-floor which was no more than 60 centimeters above the road level to ensure that they can be used to serve anywhere in Bangkok.

(2) The issue of low-floor buses with the road/bridge

Although, in the beginning, the new opinions of the government agencies brought satisfaction to the disabled groups, within a few days tensions began to appear again. This happened when Mr. N. proposed to test the running of both low-floor and semi low-floor buses. He wanted to know what type of bus could best be used on all roads of Bangkok and its surrounding provinces. The proposal involved preliminary tests on the use of ramps from cabs down the road on December 20, 2013. There were 2 test buses from V.R.P Advance Company Limited. The test result, which was witnessed by General Prin and Mr. N., showed that low-floor buses were able to use the ramp better than semi low-floor buses.

After the test result, General Prin concluded that low-floor buses may be more convenient than semi low-buses. However, as a low-floor bus was 7 million baht more expensive than a high-floor bus, this would require more budget than the 13.16 billion baht that had been set before. In addition, he suggested that low-floor buses may experience problems in use on Bangkok roads, which were not smooth. This may cause problems with scratching parts under the bus when the buses have to cross a high bridge. There were 65 such problem spots in Bangkok and in its surrounding provinces. He again expressed the view that it may be necessary to have high-floor ordinary buses. Procurement of low-floor buses may be proposed in future purchase projects. He also said that the BMTA had to buy the new buses quickly to meet the needs of the 5 million passengers in Bangkok per day, while there were only 40,000 people with disabilities in Bangkok (Manager, 2013b).

The BMTA's attempt to find reasons for purchasing the high-floor buses continued. Although the BMTA seemed to have begun to accept the views of disabled people's organizations and bring the disabled requests to the committee, in the end the BMTA refused to change the TOR draft. Following efforts of the disabled organizations opposing the issues raised by the BMTA, on 2 occasions the BMTA tried to prove its argument by testing low-floor buses on real roads.

The first test was held on January 20, 2014. After the test, Mr. N. gave an interview stating that in some areas the low-floor buses cannot be used easily. There were approximately 65 such locations throughout Bangkok and the Bangkok Metropolitan Region. The second test was held on January 29, 2014, starting at the Bang Khen bus parking area. Mr. N., disabled groups, the media, and the public witnessed the event. The BMTA had brought 2 types of air-conditioned buses for testing. The first type was a low-floor bus and the second was a Euro 2 air-conditioned bus which was high-floor with 2 stairs and a lift.

At the beginning, the BMTA demonstrated the use of the lift to bring a wheelchair into the Euro 2 air-conditioned bus. Subsequently, it tested the running of the low-floor bus. However, when the bus reached the area in front of the 11th Infantry Regiment, King's Guard, the air bag broke. The reason was believed to be due to the excessive number of sandbags put in the bus in order to have a weight similar to actual usage. However, it had been observed that the BMTA may have intentionally reduced the pressure level of the air bag weight support systems and then put a lot of sandbags in the bus to cause road damage to parts under the bus when actually used. This was believed to be another excuse for purchasing ordinary high-floor buses.

After the testing, Mr. N. said in an interview that the TOR committee understood the demand of low-floor buses for people with disabilities. However, some committee considered that it's better to have new buses that can run on all road surfaces and all bridges. There were some bridges that the bus could not run on, such as the bridges over the canal in Muang Thong Thani Road, Samakkhi Road, Prachachuen, Suan Siam, Thung Khru, Kesakomol Bridge, etc. Therefore, the TOR committee opened two doors for bidders to choose from. The first was for ordinary high-floor buses with a lift and the second was for ordinary low-floor buses with a ramp. Air-conditioned buses were still designated as low-floor with ramps.

On February 3, 2014, the BMTA announced the draft of the 6th TOR on its website to receive comments until February 7, 2014. There was important content regarding access to the bus for the disabled passengers. This TOR draft had been modified from the last draft. That was, it specified 2 choices for the bidders as described above.

Mr. N. was interviewed after the closing of receipt of opinions. He said that after the committee considers the opinions there will be no further amendments because it will cause the project to not progress. He also gave an interview that it was necessary for the new buses to serve in all areas, and that if the TOR committee agrees not to change, he will announce the 7th TOR draft immediately within February 12, 2014. After that, he will commence to sell the auction documents. The suggestions from the disabled were still "the same opinions"

On 11 February 2014, BMTA announced the 7th TOR draft (from February 11-18, 2014). There had been some minor changes in this draft on the characteristics of the air-conditioned low-floor buses by specifying that while running the passenger floor should not be higher than 45 centimeters above the road surface. If it was to be higher than 40 centimeters while running, the bus must have a kneeling system to reduce the height of the bus to not more than 40 centimeters while stopped.

For ordinary buses, the TOR draft stated that they must be designed to serve for people in Bangkok and its areas on the current conditions of all roads and bridges. This meant that all buses had to be the high-floor because low-floor buses were not fit for service in some areas.

On the following day (February 12, 2014), Mr. N. was asked to meet with the Senate committee on communities, children, women, the elderly, the disabled and underprivileged people to explain the facts of the problems arising from the provision of new buses. He explained that there was a need to use only high-floor buses because there was problem with some road and bridge peaks. If the new buses could not serve all areas, he would be accused of negligence. The important thing was that the policy had been considerably delayed.

Later, Mr. N. gave an interview that repairing bridges on the secondary roads was the duty of various departments including Bangkok Metropolitan Administration, the Department of Rural Roads, and the Department of Highways. Due to the fact that it may be many years for them to have the budget to repair them, the BMTA must push this policy as soon as quickly as possible. The BMTA could not wait for the repairs to be completed all areas. It had already been delayed for 3 months. On the issue of buying new buses, he considered that the bidders will consider what kind

of bus they want to provide because he had offered 2 choices; high-floor buses with a lift or low-floor buses with a ramp.

The opinions of the Deputy Minister of Transport agreed with Mr. N. General Prin had commented on this issue that as the BMTA found that there were still some bridges and roads where low-floor buses were not able to operate (a total of 11 areas served by 1,400 buses), it was necessary to use high-floor buses (Manager, 2014a)

On March 11, 2014, the BMTA announced the 8th TOR draft. Everything from the 7th draft remained the same. Mr. N. gave an interview saying that the BMTA will not change to meet the disabled network needs, even though the Bangkok Metropolitan Administration had promised to repair the problem areas. The BMTA had to proceed with the policy because it would be further delayed (Manager, 2014b).

After the Bangkok Metropolitan Administration began to repair the bridges that had problems being crossed by low-floor buses, on March 27, 2014 Mr. N. had a conversation through the media on the program "Unwrap News (Thod-Sa-Lak-khao)" on Channel 11. Mr. N. confirmed to viewers nationwide that although the low-floor buses were more useful for everyone, it must consider their usage in all road conditions. Eleven problem areas had been identified but many other areas had not. Mr. N. further claimed that it would take approximately 1 year for Bangkok to resolve the problems, while the BMTA had to proceed with its plan to provide buses to serve people as fast as possible (YouTube, 2014).

The outline of the TOR drafts after that had nothing new. The BMTA announced the 9th and 10th TOR draft on the its website. The contents were the same as the 8th TOR draft. The air-conditioned buses must be the low-floor with a ramp and the ordinary buses may be high-floor with a lift or low-floor with a ramp.

(3) Corruption Issues

On June 20, 2013, the Board of BMTA agreed to appoint a committee for the scope of work (TOR). Mr. N. was the chairman of the committee. There were 2 representatives from the BMTA, 3 representatives from the Department of Land Transport, 1 representative from the Ministry of Transport, 1 representative from Kasetsart University, 1 representative from the Society of Automotive Engineer-

Thailand, and 1 representative from the Office of the Attorney General. The committee therefore comprised 10 people.

In this section, the researcher will outline some issues that imply corruption in the policy of provision of new NGV buses in the order of publication of the TOR draft from the first to the tenth draft.

1) Dissemination of the 1st TOR Draft

The first draft was published on the website of the BMTA and the Comptroller General's department between July 19 and 25, 2013. After the publication, many people criticized several strange aspects of the policy. Some domestic bus manufacturers viewed that the TOR draft tended to be beneficial to foreign bus manufacturers. This was predicted by the local bus manufactures in advance of publication; some Chinese companies were expected to benefit from selling the air-conditioned buses, while some Japanese companies were expected to benefit from selling the ordinary buses. There was also news that a Japanese company had contacted some domestic bus garages to provide chassis from old trucks to build the ordinary buses. This was very concerning because, as usual, a bus must have a chassis length of not less than 6 meters, while a truck chassis length is only 5.53 meters. In addition, the cost estimate may have been higher than the real cost. The real cost of an air-conditioned bus should have been no more than 3.2 million baht (the cost estimate was 4.5 million baht), while an ordinary bus should have been no more than 2.8 million baht (the cost estimate was 3.8 million baht).

Aside from neglecting domestic bus manufacturers, another important issue was the lack of confidence that the policy would reduce the accumulated debt of the BMTA. The factors that caused cumulative debt of nearly 80 billion baht were salaries, maintenance fees, and fuel costs. However, this policy was only aimed at fixing fuel costs by changing from using diesel fuel to NGV gas. The salary and maintenance fee issues remained unresolved, which could have led to an increase in BMTA debt.

The opinions of the public on the BMTA website raised many interesting issues such as characteristics of the buses that were not suitable for the disabled, the specification that the chassis should be safe and not for buses only, and that the draft specified only the general characteristics of the engine. In addition, the use of modified truck chassis makes the passenger space less than those using bus

chassis. This would lead to a loss of revenue for the BMTA and cause inconvenience when stepping up and down at the front door of the bus.

The administrators of the Ministry of Transport expressed their views on many of these opinions. General Prin confirmed that the chassis must be used for buses only and also must be certified by the Department of Transport. Mr. O., Director of the BMTA said that the comments will be compiled and considered. Mr. N. confirmed that the BMTA did not set qualifications supporting companies from Japan or China as was criticized. The BMTA required only companies that had 12 meter-length bus building experience and had sold to government agencies or the private sector. They also had to have maintenance work for engines using NGV. Mr. N. admitted that Chinese and Japanese companies will have an advantage over European ones because they had better understanding of road conditions and weather in Thailand.

Mr. Pramon Sutivong, president of the Anti-Corruption Organization of Thailand (ACT), said that the ACT was not able to be member of the TOR committee due to government regulations. This made it impossible to oppose or take action against any peculiarities. However, the ACT expressed concern about various issues. It viewed that the TOR had characteristics that prevent some competitors and so result in less competition. It lacked detail, making it difficult to consider. Most importantly, the TOR was not referenced in accordance with Organic Act on Anti-Corruption in any way. (Manager, 2013c)

2) Dissemination of the 2nd TOR Draft

The 2nd TOR draft was publicized between August 20 and August 28, 2013 through the BMTA and the Comptroller General's Department websites. This draft specified that the chassis must be strong and designed to be a bus chassis only according to Department of Land Transport standards. Further, the chassis must be approved and licensed by the Department of Land Transport only.

The NACC subcommittee of the New NGV Buses Policy Watch (NACC subcommittee) expressed the opinion that the TOR draft was still not transparent and was beneficial only to some companies. The NACC subcommittee also viewed that: 1) all 8 contracts should not be opened at the same time because there may be illegal collusion between bidders; 2) the TOR draft stipulated that there was to be a free maintenance warranty for 3 years, while in practice the BMTA had been preparing a

budget for bus maintenance of 300,000 baht per year; 3) the BMTA should ask the Comptroller General's Department about the cost estimates instead of asking the bus dealers; and 4) the draft should stipulate the various sizes of buses. This would help reduce fuel consumption and save on the budget for purchasing buses.

Mr. N said that the BMTA had stipulated the cost estimate before the promulgation of the new rules of the NACC. However, the BMTA agreed with the recommendations of the NACC subcommittee. (Manager, 2013d)

3) Dissemination of the 3rd TOR Draft

Publication of the 3rd draft of the scope of work was made between September 30 and October 3, 2013 through the websites of the BMTA and of the Comptroller General's Department. It was found that comments and suggestions from various sectors, including the NACC Subcommittee, which had been sent to the BMTA, did not seem to have been taken into account in any way. Importantly, normally the comments submitted to the BMTA website are left for a day before being checked, but the opinion of the NACC subcommittee had not been posted on the website. This led Mr. Pairoj Vongvipanond, the NACC subcommittee chairman, to bring this issue to the NACC committee. He considered that the BMTA had neglected the opinion of the subcommittee, especially the key issues regarding cost estimate setting. The BMTA had not revealed what base it was using and why it was not using cost estimate separation for each part, such as chassis, engine, bus frame, wages and taxes. This refusal by the BMTA looked like it was in a rush to open the auction despite the many protests. There was also an attempt to conceal the opinion of the sub-committee from being publicized on the website.

In addition to the cost estimate issues, failing to clarify the specifications of chassis in the TOR may be opening the door to import used two-axle chassis from abroad to create the required three-axle chassis. However, this could only happen when the bidders had a chassis assembly factory in which they can change from a truck chassis to a bus chassis (Manager, 2013g).

Despite the critiques on several issues, the TOR committee chose to clarify only one point. On the issue of opening the auction at the same time for all 8 contracts, the BMTA had consulted the E-Auction committee and received the answer

that this method was more appropriate than bidding one-by-one contract as proposed by the NACC subcommittee. Other issues were not clarified by the TOR committee.

4) Dissemination of the 4th TOR Draft

Dissemination of this draft was made between October 8 and 11, 2013 through the websites of the BMTA and the Comptroller General's Department. This publication provided for a shorter response period than previously. The TOR committee claimed that this was because there were not many important issues that needed to be resolved. They believed that this draft would be the last and would lead to the next step of the auction.

This publication found that there was something wrong with the BMTA website which crashed on October 11, the last day of sending comments about the draft. This led to criticism that the BMTA had attempted to block public opinion. However, Mr. O., the Director of the BMTA, explained that it was due to the large number of people interested in reading and commenting on the website which caused the website not to support the large number of applications (Manager, 2013e).

5) Dissemination of the 5th TOR Draft

The 5th draft was published between October 15 and 18, 2013. The content had not changed from the 4th edition. Bus manufacturers were still very interested. They kept watching developments continually, and conducted a public hearing on the determination of chassis qualifications. In the hearing, most agreed that only the BMTA should be able to specify the bus chassis. Not doing this could lead to the use of modified chassis, which would be dangerous.

The NACC subcommittee commented on the issue of the cost estimate and viewed that this issue remained unclear and had not been responded to by the BMTA.

The BMTA has remained calm. General Prin, Deputy Minister of Transport, stated in an interview that the NACC agreed to set cost estimates for the whole body of buses without needing to provide separate estimates for each part.

Buying an NGV bus is probably the same as buying a TV. The person who buys would not have to think of the price of any part of the TV before buying. He buys because he favors the brands and qualifications of all parts of the TV. It's good to know that the NACC agrees with us. (Prachachat, 2013)

The interview of General Prin was contrary to the opinion of Mr. Pairoj Vongvipanond, chairman of the NACC subcommittee, which argued that the NACC general meeting had yet to approve this issue. The NACC subcommittee had the opinion that the BMTA should find a suitable standard for setting the cost estimate by considering the cost estimates of various parts such as chassis, engine, bus frame, wages and taxes. If these things were considered, that would be the most accurate and suitable cost estimate, not setting the cost estimate by asking the manufacturers. This was not the correct way.

Some items do not need to use cost estimates such as a bus which imports parts to be assembled in Thailand. These items were chassis, engine, bus frame, wages and tax. They can determine a cost estimate that reflects the actual cost and this will be a fair and transparent cost. (Matichon, 2013)

Moreover, Mr. Pairoj also proposed to buy 10-meter buses (instead of 12-meter buses) in order to save the budget. He also offered to bid one-by-one contracts until all 8 contracts were completed.

Regarding the suggestions of the NACC subcommittee, Mr. N. clarified that determination of the cost estimate must be considered for the whole bus. There was no need to separate the cost estimate of each part. In addition, this cost estimate had already been approved by the Cabinet. On the proposal to buy 10-meter buses, the Cabinet had also already approved to buy only 12-meter buses. On the issues of bidding one-by-one contracts, the BMTA had asked the Comptroller General's Department. The answer was that the auction of all 8 contracts at the same time was the best way because not only will the buses be available more quickly, but separating the bidding one contract at a time will let the next bidder know the initial bid price, resulting in the last bid getting a price that is no different from the first bid.

Dissemination of this draft was thought to be final step according to many interviews with senior executives. However, the BMTA had held a public hearing to report the progress of this policy on November 7, 2013 at the meeting room within the Police Club. It was held to provide opportunities for all stakeholders, including bus manufacturers, the disabled and the general public, to exchange their ideas.

After the public hearing, General Prin said in an interview that he agreed that the chassis used must be dedicated bus chassis. It was forbidden to modify and use a chassis from a truck in any way. He added that the issue of determining the cost estimate of buses was still the question being discussed with the NACC subcommittee as it considered that the cost estimate was higher than it should be. The cost estimate was determined in discussions with domestic bus manufactures. These costs were the price of importing whole buses, not parts of buses which include 40% import tax and cause the costs from those manufactures to be high.

Mr. N. said in an interview that he will request detailed information from Mr. Pairoj and the intentions of the NACC. He wondered how wrong the BMTA was. The cost estimate was determined for a whole bus, not from bus parts. Buying 12 meter buses had already been approved by the Cabinet and had to be complied with. He asked Mr. Pairoj to accept the NACC decision.

6) Dissemination of the 6th TOR Draft

After the publication of the previous draft, the TOR drafting process was stopped for several months due to consideration of the demands for low-floor buses, both air-conditioned and ordinary, of the disabled network. Eventually, the 6th TOR draft was published on the websites with a period for comment from February 3 to February 7, 2014.

What was interesting about this publication was that bidders could choose between: 1) low-floor ordinary buses with a ramp for the disabled; or 2) high-floor ordinary buses with a lift for the disabled. In addition, there were issues relating to the approach angles, departure angles, and breakover angle of the buses.

This TOR draft was considering the issue of approach angles, departure angles, and breakover angle of the air-conditioned bus, which was unusual and unnecessary. This error was expected to be caused by either: 1) ignorance of the TOR draft writer; or 2) a deliberate attempt to specify qualifications to benefit a company

from Japan. In addition, the 2 choices for ordinary buses might not be able to change the intention of most manufactures, who wanted to produce only high-floor buses. These options may therefore have been part of a process to stop the dissatisfaction expressed by people with disabilities rather than real options for people with disabilities.

The NACC subcommittee collected details of the 6th TOR draft for further investigation. They confirmed that the cost estimate determined was definitely higher than necessary and submitted letter against the draft, pointing out that the specified cost estimate of a high-floor bus was sufficient to buy a low-floor bus. The BMTA maintained that this was impossible. Mr. Pairoj suggested that the BMTA was attempting to set qualifications to benefit an entrepreneur while ignoring the calls of the disabled who wanted low-floor buses for everyone. He added that the BMTA should stop citing flooding and problems with bridges and roads, and insisted that they can buy an ordinary low-floor bus at the specified cost estimate 3.8 million baht. (Manager, 2014b)

7) Dissemination of the 7th TOR Draft

This 7th TOR draft was published between February 12 and 18, 2014. The key point was to remove the details of approach angles, departure angles, and breakover angle of the air-conditioned buses. Instead, the specification was changed to indicate that the air-conditioned bus floor must be less than 45 cm from the road surface while driving, and not more than 40 cm from the road while stopped. The bus must either have no step or a ramp installed to facilitate the disabled.

Air-conditioned buses must be designed to be able to service 31 main bus routes in Bangkok and the Bangkok Metropolitan Region. Ordinary buses must be designed to be able to service all routes in Bangkok and the Bangkok Metropolitan Region.

Mr. N said that the 8th draft will not be announced are received from the NACC on the issue of cost estimates. The BMTA confirmed that its operation was legal because the NACC's law states that the cost estimate must come only from the Comptroller General's Department. If there is no cost estimate, it must ask for one from an agency that has bought this type of bus within 2 years. There was no such agency. BMTA, therefore, was required to inquire about the cost estimate from domestic

manufactures. This was found to be more expensive than the cost approved by the Cabinet (Manager, 2014c)

8) Dissemination of the 8th TOR Draft

This draft was published between March 11 and 14, 2014. It was found that there was no amendment from the previous draft. This release was just a confirmation of the draft previously published (no. 7). The auction was still not allowed as the BMTA had to wait for a Cabinet resolution to decide on the recommendations from the NACC.

9) Dissemination of the 9th TOR Draft

This draft was published between April 23 and 28, 2014. Before publishing, the Cabinet had required the BMTA to take recommendations from the NACC to improve the TOR draft for transparency and acceptance. The recommendations of the NACC were: 1) the BMTA should be open to bidders from abroad; 2) the BMTA should ask for a price from any organization that had previously ordered the same specification of buses; and 3) the BMTA should also consider the actual cost of imported buses.

Following these instructions, the BMTA compiled data on the price of buses from 4 agencies: Thai Customs, the Department of Land Transport, Bangkok Metropolitan Administration, and the Transport Company Limited. Mr. N. stated in an interview that 3 of the agencies (all but the Department of Land Transport) had bought buses at a price that was higher than the cost estimate approved by the Cabinet. After that, the BMTA published the 9th TOR draft to open for comments but neglecting one important issue that the NACC had suggested to consider - the actual cost of buses.

The details of this 9th draft had been changed in two areas. First, the bidders must have distributed 12-meter buses to government agencies or state enterprises or private sectors within the country or abroad before (originally determined within country only). Second, the bidders must have provided maintenance services for NGV engines before. On the issue of cost estimates, the TOR committee confirmed the cost estimates that approved by the Cabinet, (i.e. air-conditioned buses must not be over 4.5 million baht and ordinary buses must not be over 3.8 million baht).

Because the BMTA ignored the NACC proposal on consideration of the true cost of buses, Mr. Pairoj Vongvipanond, the chairman of the NACC subcommittee,

continued to disagree with these cost estimates. He argued that it was significantly higher than the real cost, and that the BMTA could not explain the rationale for the cost estimates. He also cited information from Thai Customs that the cost estimate approved by the Cabinet was 20 per cent higher than what it should be. He indicated that if the BMTA did not change the cost estimate, he would proceed to file a case with the NACC for investigation of the TOR committee and file a lawsuit with the Administrative Court if there was an auction took place earlier (Manager, 2014d).

10) Dissemination of the 10th TOR Draft

The 10th draft was published between May 2 and 8, 2014 without any changes from the previous draft. This publication again received complaints from the NACC subcommittee on the issue of the cost estimates. Mr. N said that although the TOR drafts come to the 10th edition, but he was not sure whether it will be the last draft. He was confident that the BMTA can answer every question clearly. The cost estimates determined were considered very low, and he was not even sure whether anyone would want to be a bidder.

The TOR draft publication ended at the 10th edition due to a coup by General Prayut Chan-ocha on May 22, 2014. He was the coup leader and after that became Prime Minister.

5.1.5 Analysis of the Roles of Government Agencies on the Right of Access to Low-floor Bus

During the government period of Ms. Yingluck Shinawatra it was found that government agencies such as the government, the Ministry of Transport, and the BMTA made great efforts to push the policy to purchase the new NGV buses. After approval of this policy by the Cabinet, there were many criticisms from disabled people's organizations on issues related to their use of the service. They were unable to use high-floor buses, which were the traditional type of bus service provided by the BMTA. The disabled organizations had to face opposition from government agencies, especially the BMTA, which showed negligence by not paying attention to the needs of people with disabilities as they should have.

People with disabilities had been trying to explain the many of their needs to government agencies since the time of Thaksin Shinawatra. However, even though

8 years had passed, these agencies including the BMTA still viewed the disabled as a minority passenger group for which there was no need to provide services. This concept led government agencies to try to find reasons to choose the provision of high-floor buses.

To explain by the charity model, the government viewed disabled people as a minority that they had no need to provide services for. The disabled people got what the government wanted to give them, like a man who throws coins into a beggar's hat. However, the disabled were not beggars, they simply wanted the right to live in society like others.

1) Discrimination

The first warning signs that disabled people's organizations received was rejection from Prime Minister Yingluck Shinawatra. When the network of disabled people's organizations gathered to ask for justice because the published TOR draft that did not meet the needs of the disabled, Ms. Yingluck said that she would take care of this problem as best she could, but considered that not all buses would be low-floor due to the problem of floods. Her words reflected a lack of understanding of the real problems of people with disabilities. It is believed that this answer was provided to her by the BMTA to meet its objectives. As Prime Minister, Ms. Yingluck had many responsibilities and may not have paid as much attention to details of the suffering of the disabled as much as she should have. However, as Prime Minister, she was unable to avoid responsibility for the actions of the BMTA, a government agency. She should have closely monitored the conflict in this policy because it had a direct impact on millions of passengers per day, including not just people with disabilities but also children, students, the elderly, the sick, pregnant women, women wearing short skirts, parents with strollers, and even those who carry heavy luggage.

The Deputy Minister of Transport and the Permanent Secretary for Transport also had problems in seeing the importance of passengers with disabilities. The interviews by Deputy Minister of Transport, General Prin, showed his belief that people with disabilities should be satisfied because 50 per cent of all buses would be low-floor although people with disabilities represented only 1 per cent of passengers. He felt that this was sufficient for the disabled.

In addition, on the issue of parts under the low-floor buses being damaged by bridge peaks, General Prin gave an interview after the bus test that there were 65 roads and bridges throughout Bangkok which were not convenient to use with low-floor buses. He therefore recommended that all ordinary buses should be high-floor. He argued that if all buses were to be low-floor, it may exceed the budget allocated of 13,162 million baht and that this proposal could be separately provided for in another bus purchase policy later. He said this purchase could not wait because 5 million passengers per day were waiting for new buses while there were only 40,000 people with disabilities.

These interviews from General Prin reflect the lack of understanding of the human right to travel. General Prin viewed people with disabilities as a minority of passengers and agreed to provide for only air-conditioned buses to be low-floor. As this accounted for about 50 percent of all new buses, he thought this was enough. He did not realize that the right to travel should not restrict or discriminate against anyone. He looked only at only disabled passengers but neglected many other people. Therefore, the numbers of people who had difficulty in accessing high-floor bus was actually much more than 1 per cent.

General Prin's suggested solutions that it would be better if the policy of providing all low-floor buses was completed in the future reflected his lack of understanding about human rights and discrimination against people with disabilities. He tried to push his policy by citing the urgent needs of most passengers instead of questioning or holding opinion survey of passengers. His words were aimed to suggest legitimacy in the process. In other words, his opinion reflected the view that disabled people as the burden on most passengers waiting on the new buses. The interview with Mr. Somchai Siriwatanachoke, Permanent Secretary of the Ministry of Transport and chairman of the BMTA Board, reflected General Prin's ideas. He seemed to suggest that people with disabilities only have a primary need for a lower ticket price. It is true that many people with disabilities have handicaps due to their condition are poor. Therefore, it was correct to reduce (or provide free) ticket prices for the disabled. However, this has nothing to do with their right to be able to travel freely according to their own decisions, without letting someone else control their travel decision. The Permanent Secretary for Transport had a charity model concept of people with

disability. In saying that he will arrange the air-conditioned bus schedule appropriately for people with disability, he was effectively determining which BMTA services the disabled people can use.

Aside from the opinion of the Prime Minister, Deputy Minister of Transport, and Permanent Secretary for Transport, the BMTA gave many reasons for not responding to the needs of the disabled. These included flooding and damage from the road surface. However, the disabled organizations were able to completely counter these reasons so that the BMTA was no longer able to claim the arguments.

The disabled organizations proposed many useful suggestions following the dissemination of TOR drafts 1 to 5. Eventually Mr. N, deputy director of the BMTA and chairman of the TOR committee agreed to provide low-floor air-conditioned buses with facilities for the disabled. However, in the case of ordinary buses, he still specified low-floors. His reason was to have the BMTA buses available to serve the people during the flood period. After this interview, about 50 people with disabilities gathered at BMTA headquarters to protest. Mr. O., Director of the BMTA, agreed to listen to the opinions of the disabled group.

Mr. N. expressed his ideas on the flood issue once again. During a public hearing, which was held at the Police Club on November 7, 2013, he said that it was necessary to have buses that were 70 centimeters high from the road surface in order to be able to help people stranded in flooded areas. He also said that the proposal of people with disabilities requiring low-floor buses, both air-conditioned and ordinary, may be solved by proposing that the government consider this as a separate policy in the future.

This interview reflected neglect and that he was not paying enough attention to the needs of people with disabilities. He did not realize that people with disabilities were the same as other people. They have the right to travel wherever they want. Controlling their travel was incorrect. The opinions of Mr. N. that allowed for only air-conditioned buses to be low-floor indicate that he just wanted to end this issue. He hoped that the disabled would forget the issue. These opinions may be based on the belief that people with disabilities may not need to use the bus service, or if they do, it is not necessary to provide that all buses be available to people with disabilities. In other words, there was no need to pay attention to the needs of these small groups of passengers. The reasons for flooding not being a valid issue had been explained by the

disabled people's organization clearly. It was clear that Mr. N. could no longer use flooding to support his objectives. He therefore had to turn to another reason: the potential damage caused by raised road and bridge surfaces under low-floor buses.

In order to prove this point, the BMTA had held 2 tests of low-floor buses. For the first test, held on January 20, 2014, the BMTA identified 65 points around Bangkok and its regions that low-floor buses could not service. However, at that test there were no disabled people's organization representatives present. The second test was held on January 29, 2014. This test couldn't get a result because an air bag broke after early driving. There was criticism that the BMTA was playing some kind of trick but no evidence about this.

The interesting thing after the second test was Mr. N's interview. He said that while many roads and bridges in Bangkok and its regions could be served by low-floor buses, some could not. He therefore suggested offering 2 choices for ordinary bus bidders: high-floor buses with a lift or low-floor buses with a ramp.

Although this seemed to be fair, the disabled organization group remained firm that the BMTA must stipulate that all ordinary buses be low-floor. There were several concerns raised by the disabled organization group: 1) that all competitors in the bidding would choose high-floor buses instead of low-floor buses. This was because they believed that the price of low-floor buses was higher than high-floor buses. Some also suggested that truck chassis may be modified for high-floor buses to make them cheaper than low-floor buses; 2) a company that was the candidate to be winner had already prepared for the production of high-floor buses. Changing to low-floor buses may affect that company's benefit; and 3) as the TOR draft stipulated that all buses must be able to serve all routes, including those with raised roads or bridges, the only type of bus able to serve would be high-floor.

From these three observations, the disabled organizations believed that the BMTA was making great effort to rapidly push for high-floor buses only. However, the conclusion that the BMTA had a relationship with some of these companies could not be proven as there was no evidence of such a relationship.

Since the 6th TOR draft, the essence of ordinary buses had remained unchanged. Mr. N. gave an interview that he would try to bid as soon as possible and

not pay further attention to the comments of the NACC or the disabled people's organizations. The fact was that he couldn't respond to those comments at all.

Mr. N's interview reflected his efforts to push for high-floor buses without waiting for the promised road and bridge improvements from the Bangkok Administration. His opinions reflected a lack of sympathy for passengers with disabilities. Instead of waiting for the improvements in order to have low-floor bus to serve all people, he refused to wait by claiming the more urgent needs of other people.

2) Insincerity

The first example of insincerity appeared from Prime Minister Yingluck Shinawatra. She had spoken to people with disabilities when they requested a meeting to complain about the issues of new buses. She accepted the request but also said that it was not possible to have all new low-floor buses due to the flooding. Before that, Ms. Yingluck had given a speech to the Human Rights Commission meeting at the United Nations office in Switzerland in which she supported universal design standards for people with disabilities. Her behavior shows ignorance and insincerity towards the disabled.

At the end of 2013, the BMTA rapidly held public hearings on short notice. In the first hearing, the disabled organizations were notified just 1 day before the public hearing. In the second hearing, the disabled organization received no notice from the BMTA, and only learned about it from the press 1 day beforehand. This reflects attempts by the BMTA to either exclude people with disabilities from the public hearings or give them insufficient preparation time. They wanted people with disabilities to be unable to explain the reasons they opposed them.

After the second public hearing on November 7, 2013, General Prin commented that there should be modifications for ordinary buses to be semi low-floor. He said in the past he used to reject the needs of the disabled because of concerns that the budget may be insufficient and that road conditions may damage parts under the low-floor bus. Mr. O. and Mr. N. agreed with General Prin. Mr. O. said that he agreed to the proposal of the disabled and was ready to adjust the TOR draft while Mr. N. promised to adjust the TOR draft to be semi low-floor buses no more than 60 centimeters higher from the road to ensure that they could be used to serve anywhere in Bangkok.

Everything seemed to be in accord with the needs of the disabled. However, later the disability organizations became disappointed with the attitudes of these executives. They still tried to find reasons to buy ordinary high-floor buses by testing the low-floor buses and changing their words that there were many points in Bangkok where low-floor buses were not able to operate. These actions by the senior administrators led the disabled organizations to believe that they were not being honest. The disabled had tried to explain and clarify all important issues and it seemed that government agencies would not listen to them. Even though they pretended to listen, in the end they changed their words to try to find a way to buy ordinary high-floor buses only.

3) The Possibility of Corruption

Criticisms of possible of corruption in this project appeared before the Cabinet approved it. The majority of the criticism at that time came from the opposition political parties. They noticed the desire to buy new buses instead of renting them. After approval on April 9, 2013, the new bus provision policy officially began, and throughout the dissemination of all TOR drafts on the websites of the BMTA and the Comptroller General's Office the issue of corruption was continually raised against the government agencies involved including the Ministry of Transport, the BMTA, and the government agencies that were responsible for inspecting government such as the UDD and the public sector.

In analyzing the possibility of corruption in the policy, the researcher has selected the issues that were most criticized and affect all TOR drafts. These are classified for analysis as follows:

(1) The Issue of the Cost Estimates

This issue was the most criticized issue of possible corruption in the policy. It was commented on from the 1st to the 10th TOR draft, the last in the government of Ms. Yingluck Shinawatra.

According to the Cabinet's resolution on April 9, 2013, the cost estimate of an air-conditioned bus must not exceed 4.5 million baht while an ordinary bus must not exceed 3.8 million baht. These cost estimates were determined by the BMTA for submission to the Cabinet for approval. The most interesting and suspicious thing was what the criteria for consideration were and how reliable they were.

Mr. N. explained that the BMTA had determined the cost estimate before the NACC rule which specified that any cost estimate must come from the Comptroller General's Department only. At that time, the BMTA was unable to determine the buses cost estimates and had to inquire from distributors and then find the mean cost estimate. It was found that the mean was higher than the cost estimates set. When the BMTA later inquired of the Comptroller General's Department, it appeared that the Comptroller General's Department could not provide cost estimates for the new buses. The NACC rule specified that it then had to ask from any government agencies that had previously bought these types of buses. The BMTA found that no government agencies had ever bought such buses before. Finally, the BMTA had to adhere to the cost estimates obtained from the distributors.

The NACC subcommittee, led by Mr. Pairoj Vongvipanond as the chairman, considered that for the best value in purchasing, the BMTA should set the cost estimates from calculating each main component of the buses such as the chassis cost with import tax, the engine cost with import tax, and the bus frame with import tax. After that, it should add the wages associated with building bus. This was the real cost. The NACC subcommittee argued that the price of a bus should therefore be less than the cost estimates approved by the Cabinet. The cost estimates from suppliers were unreliable because it was the price of a fully imported bus which had to pay 40 per cent in tax.

In this regard, Mr. N. explained that as it had been approved by the Cabinet, it couldn't be changed. Moreover, the BMTA wanted to buy whole buses, not parts of buses, so this method was correct.

The explanations from Mr. N. were seen as ambiguous to the NACC subcommittee because the BMTA could not explain the formula for calculating the cost estimates clearly. The BMTA had always claimed that its cost estimates were from asking distributors, and that this cost was the price of fully imported buses. This meant that the price from import was more expensive than the price from bringing parts to the country and building the buses locally. Moreover, the BMTA continued to claim that it as the estimates had already been approved by the Cabinet they couldn't be changed at all.

Because of the ambiguity on this issue, the NACC subcommittee submitted the matter of setting cost estimates for consideration by the NACC. The NACC referred it on to the government with the following results: 1) bidders can be from abroad; and 2) the BMTA should ask for the price of buses from government agencies that had previously bought this type of bus and consider the real cost of imported buses. After receiving the opinion of the NACC, the BMTA proceeded in accordance with the recommendation on almost issues except considering the real cost of buses.

(2) Other Issues

Several other issues received criticism at the beginning of the TOR draft process. However, after clarification from the BMTA, these gradually dissolved from public scrutiny. In other words, they had only a short-term influence on the BMTA. This was different from the issue of the cost estimates, which affected the TOR draft many times until the end of Yingluck government and was still an ongoing issue through the government of General Prayut Chan-ocha.

(2.1) The Issue of Chassis

The issue of chassis was the first matter criticized at the beginning of the first TOR draft. There were many concerns from bus manufactures that some may use old truck chassis instead of new bus chassis. The BMTA changed this by specifying in the second draft that chassis must be new and receive Department of Land Transport certification. The issue of chassis was changed again after adding some text in the third TOR draft by adding the word "must" have been certified by the Department of Land Transport and must "before" deliver the bus to the BMTA. These all were for clarity and the comfort of all parties. However, these corrections did not improve confidence in any way.

Table 5.3 Details about Changes in Chassis Information in All TOR Drafts

Draft No.	Detail
1	The chassis must be made of strong metal, be designed for buses and meet standards set by the Department of Land Transport.
2	The chassis must have never been used before, be made of strong metal, be designed for buses, and meet standards set by and receive certification from the Department of Land Transport.
3-10	The chassis must have never used before, be made of strong metal, be designed for buses, meet standards set by the Department of Land Transport, and must receive certification from the Department of Land Transport before delivery.

(2.2) The issue of the NACC suggestion of buying some 10-meter buses instead of buying all 12-meter buses

This issue originated from the opinion of the NACC subcommittee. They viewed that buying some 10-meter buses will save a tremendous amount of budget. In addition, buses that serve on some routes may not have a full number of passengers. Therefore, it was appropriate to use some 10-meter buses instead of all 12-meter buses.

The BMTA explained that bringing some 10-meter buses to service may not be worth the investment because shorter buses will result in lower revenue estimates than expected. It may also make people uncomfortable when there may be a lot of passengers. In addition, the purchase of 12-meter buses had already been approved by the Cabinet.

(2.3) The Issue of Bidding

This issue arose from the opinion of the NACC subcommittee, which viewed that bidding 8 contracts at the same time may lead to bid rigging. The winner may propose a price that was too high.

Table 5.4 Types of New Bus and Number of New Buses in Each Bid and Bus Station Specified in the TOR Drafts

Bidding No.	Types of New Bus	Bus station No.	Number of Buses
1	Ordinary	4	424
2	Ordinary	6	374
3	Ordinary	7	453
4	Ordinary	8	408
5	Air-Conditioned	1	408
6	Air-Conditioned	2	489
7	Air-Conditioned	3	175
8	Air-Conditioned	5	452
Total			3,183

The BMTA responded that bidding one-by-one will cause the BMTA to receive buses too late and not meet the needs of waiting passengers. In addition, the BMTA had issued a letter to inquire about the guidelines to the relevant agency and received confirmation that bidding all contracts at the same time was better than bidding one-by-one.

(2.4) The issue of uncertainty whether the policy can reduce BMTA debt

This issue had been a subject of criticism since the beginning of the project. In the period of Thaksin Shinawatra's government, diesel fuel prices increased while natural gas prices trended lower. That government therefore had the idea to buy new NGV bus to replace old diesel ones that were no longer suitable for use. This was expected to result in fuel cost savings and help reduce air pollution that causes illness to people on the road. An important objective was to help solve the problem of BMTA debt.

After the end of the Thaksin Shinawatra government, the new bus procurement policy resumed during the Samak Sundaravej government. Samak's Cabinet wanted to change from renting to buying buses. This idea continued until the government of Abhisit Vejjajiva, but the policy was still not able to bring to a

conclusion. The Yingluck Shinawatra Cabinet was the first to formally approve implementation of the new NGV bus provision policy, albeit among criticism from many parts of society as to how it would help solve the problem of BMTA debt, which then stood at more than 7.6 billion baht. At that time people had many travel options such as the sky train, subway, taxis, vans, river boats and motorcycle service. There were also products trading through the e-commerce system which allowed people to buy products without needing to leave the house. More importantly, it was possible that in the future the government may stop subsidizing NGV gas prices and allow them to move in accordance with market mechanisms.

The estimate of the expected number of passengers by the BMTA also seemed to be higher than the reality, which made it difficult to see how the new buses would help release BMTA's debt. However, since the new bus provision policy had already been approved by the Cabinet since April 9, 2013, it was therefore necessary to take days to prove.

Table 5.5 Issues That Had been Criticized from Disseminating of the TOR Draft from 1-10

The Criticized Issues	Appear in the Draft No.	Explanation from the BMTA
- The cost estimate was too high	2, 3, 5, 6, 7, 9, 10	- Based on asking distributors, the cost estimate was lower than selling price.
- The calculation of the cost estimate was not reliable.		
- Not finding the true cost estimate by not separating the cost of each important part + wages + tax		- It followed the rules of the NACC. - Buy whole bus, not parts. - The cost estimate had already been approved by the Cabinet.

Table 5.5 (Continued)

The Criticized Issues	Appear in the Draft No.	Explanation from the BMTA
- There were some holes in the TOR draft that allow for old truck chassis to use in buses	1, 3, 5	- Modify the TOR draft (but still not water tight)
- The BMTA did not specified only bus chassis to be used		
- Changing from buying all 12-meter buses to some 10-meter buses	2, 5	- It did not meet breakeven point due to lower passengers - 12-meter buses had already been approved by the Cabinet.
- Bidding contracts to be issued one-by-one	2	- The new buses would come late. - The relevant agency confirmed it was better to bid all 8 contracts at the same time.
- Unsure this policy can reduce the BMTA debt	1	- Not fair competition - No explanation from the BMTA because it had already been approved by the Cabinet.

Discussion on the issue of corruption in Thailand is best concluded by the point of view of Mr. V., who gave an interview that:

This is not for wheelchair users but for all. The sidewalk must support all but I didn't understand it was so bad for years. No one revolutionized this issue. I think the relevant agencies look happy when going abroad for observational study. I don't know how many obstacles or rules there are so those agencies cannot do things the right way. Why not? They like to do things that provide little benefit instead of doing for quality of all people. In other words, their benefit is the first. When they go up to the high level, they will know where the benefit is. They still do the same as the previous man. They have no need to do anything and after that the money will come to them. But if they change something, they won't get any benefit. I think Thai officials are smart because they have to pass a test before working, but they choose to change nothing. That is because of the benefit. They paid so much before they stand here, why would they cut their benefit off. (Mr. V., personal communication, December 12, 2016)

5.2 The Period of the General Prayut Chan-ocha Government (since May 22, 2014)

5.2.1 History of the Policy of Provision of New NGV Buses

After the coup by the National Council for Peace and Order (NCPO) on May 22, 2014, BMTA informed the Ministry of Transport that it was ready to conduct a tender for the purchase of 3,183 natural gas (NGV) buses through the publicizing of the 10th TOR draft. If the NCPO agreed, the BMTA would proceed with the tender (Thai Rath, 2014).

This news led people with disabilities in the name of the Bus-For-All, the NACC subcommittee, and the Foundation for Consumers to hold a press conference on "Bus service rehabilitation: Buying buses for all" on June 30, 2014 at the Foundation for Consumers. The press conference asked the NCPO to terminate the 10th TOR draft (Manager, 2014e). Although the BMTA confirmed that the draft was transparent, the NCPO had the authority to consider terminating it.

After the press conference the NCPO instructed the Ministry of Transport to consider the cost-effectiveness and transparency of the policy once more. The Ministry

of Transport instructed the BMTA to prepare and provide all relevant details for clarification.

Since the entry of the NCPO was by coup, it was considered necessary to show the public that they have some good policies and care for the people in the same way as an elected government. For that reason, General Prayut Chan-ocha, leader of the NCPO, ordered the provision of new buses as a gift to the people of Bangkok and its Metropolitan Region in fiscal year 2015.

On August 8, 2014, the 11th draft of the TOR was announced. At this time, the key issue was the provision of 489 air-conditioned low-floor buses with basic facilities for people with disabilities to meet the promise of General Prayut Chan-ocha. In addition, many BMTA buses were old, deteriorated and spent a lot of time off the road. Therefore, the BMTA stipulated that the 489 air-condition low-floor buses in the first phase should be delivered within 90 days of the contract signing date. The remainder of the air-conditioned buses and all ordinary buses still required the E-Auction method and various features according to the 10th TOR draft (i.e. all ordinary buses would be built in 2 versions: high-floor with a lift or low-floor with a ramp, depending on the decision of the bidders).

On August 19, 2014, the BMTA announced the 12th TOR draft which had the same content as the 11th draft. Mr. N. said that after the announcement of the 12th TOR draft, the BMTA would proceed with the bidding process. He expected that the new buses as a gift to Bangkok people would certainly arrive within the New Year Festival 2015.

However, some of the TOR draft committee became concerned that Mr. Pairoj Vongvipanond, chairman of the NACC subcommittee, had written an open letter to General Prayut Chan-ocha informing that there were still some unclear issues such as the cost estimates, the use of chassis, and the provision of services for people with disabilities. This caused the BMTA to temporarily delay selling envelopes for bidding and conduct a study to find a conclusion to the cost estimate issue, which was criticized as being too high.

On September 5, 2014, the BMTA organized a public hearing about the new NGV buses. After the public hearing Pol.Gen. Ek Aungsananon, Chairman of the BMTA Executive Committee (BMTA Board), ordered revision of the 12th draft by

taking the suggestions from the public hearing into the consideration such as the cost estimate issue, the size of buses and the issue of chassis. He also appointed 4 additional committee members to participate in the TOR draft, comprising 3 representatives from engineering institutions and 1 representative from the disabled people: Mr. Suporntum Mongkolsawadi, from the Redemptorist Foundation for People with Disabilities (Manager, 2014f).

A major turning point in the movement of the disabled organizations was when Air Chief Marshal Prajin Juntong, Minister of Transport, gave an interview on September 28, 2014, confirming that all 3,183 new buses must be low-floor only to facilitate the use of services for the disabled, the elderly, pregnant women and others. After that, Mr. N advised that the BMTA was ready to change to low-floor buses. However, he continued, for convenience in consideration the TOR draft would be divided into 2 drafts, the first for 489 new NGV air-conditioned low-floor buses as per the Prime Minister's requirements, and the second draft for the remaining 2,694 buses, which would be considered after the first draft completed (Manager, 2014g).

In a TOR draft for 200 electric buses announced on February 3 and June 9, 2017 it was also specified that the characteristics of all electric buses would be favorable to the service of the disabled and the public by requiring that the electric buses would be low-floor only.

5.2.2 The Roles of Organizations of Disabled People on the Right of Access to Low-floor Bus

The accession of the NCPO was in some respects an opportunity for government agencies to quickly propose policies that were experiencing problems in order to rely on the absolute power of the NCPO to make decisions.

In relation to the provision of 3,183 new NGV buses, the disabled organizations in the name of “the Bus-For-All Network” had been demanding low-floor buses for many years but it seemed that the previous governments were neglectful, insincere and discriminated against people with disabilities. The only way to move forward was by the court action. In this regard, Mr. Suporntum Mongkolsawadi, secretary of the Redemptorist Foundation for People with Disabilities and a member of the Bus-For-All Network, said in an interview that the network was prepared to file a lawsuit with the

Administrative Court as soon as the BMTA allowed bidding. He said that the BMTA was violating the 2007 Constitution of the Kingdom of Thailand in Section 54 which indicated that people with disabilities must receive public services. At that time, the BMTA committed to set up ramps only on the new air-conditioned low-floor buses. For the ordinary buses it gave 2 choices to bidders: high-floor buses with a lift or low-floor buses with a ramp. The disadvantage of installing lift was wasted time, as well as causing people with disabilities to be seen as a cause of delay for other passengers.

On June 4, 2014, the Bus-For-All Network sent a letter to General Prayut Chan-ocha to clarify the facts in the case: that the BMTA 10th draft was not conducive to the use of services by people with disabilities and was suspected of involving corruption. The Network wanted the NCPO to examine the policy's operations and help eliminate discrimination and corruption. Subsequently, on June 30, 2014, the Foundation for Consumers, the NACC Subcommittee, and the Bus-For-All Network issued a statement to oppose the 10th draft and wanted to start drafting new draft.

The Bus-For-All Network raised the following issues:

1) The policy was not worth the investment and would not decrease the debt of the BMTA because if the buses were purchased, the BMTA would have a total cost of approximately 27.16 billion baht excluding spare parts, interest, and other expenses while the BMTA had an accumulated debt of approximately 90 billion baht. The network considered that the purchase would not help solve the debt problem. Instead, it was a means for corruption;

2) The BMTA behavior in not responding to the NACC in detail about the cost estimates might indicate corruption;

3) It was a lagging investment that did not meet international standards, since the world tended to use low-floor buses rather than high-floor buses. Low-floor buses were more suitable for service in a city and convenient for the disabled, the elderly, babies in strollers and bicycle users while high-floor buses were more suitable for service between cities.

For these reasons, the Network argued that if the NCPO approves the BMTA policy to purchase the 3,183 buses it would: 1) become a blemish on society; 2) facilitate fraudulent politicians and civil servants; 3) result in a debt burden for the people; 4) result in injury for people who have accidents from getting on and off high-

floor buses; 5) result in people with disabilities being looked upon as social defendants when they use lifts which result in travel delays for other passengers. The Network therefore proposed that the NCPO transparently provide new buses that everyone can safely use and offered to support the work of the NCPO in this regard.

Mr. U. president of the Bus-For-All Network, said that the 10th TOR draft did not respond to the needs of those who use the bus service. The Network had called many times for a change to 3,183 low-floor buses but no modifications had been made.

The BMTA had denied the Network proposals by claiming that ordinary buses need to be high-floor with at least 70 centimeters high from the road surface in order to provide service during floods. Later it claimed that low-floor buses were more expensive. Finally, it tried to claim that low-floor buses could not service some roads and bridges in Bangkok. Although the Network had obtained supporting information from bus companies and operators and the Bangkok Metropolitan Administration had already fixed some problem areas, the BMTA still did not agree and tried to continue the bidding. In the detail of the 10th TOR draft there were only 1,524 low-floor buses, approximately 47% of the total, but all people with disabilities and every group needed to use them. Mr. U. wanted the 10th draft to be reconsidered.

On July 16, 2014 the Network met Mrs. Soithip Trisuddhi, the new Permanent Secretary of the Ministry of Transport, to congratulate her on her new position and ask for her support for all 3,183 new buses being low-floor and to consider the true causes of the BMTA debt, which had risen to 90 billion baht.

After that, on August 14, 2014, around 50 members of the Bus-For-All Network gathered at the Headquarters of the BMTA to submit a letter to Pol. Gen. Ek Angsananon, the new Chairman of the Executive Committee of the BMTA, on the issue of provision of new buses that would facilitate people with disabilities and various other groups. The Network also clarified restrictions from the use of lifts which take a long time and cause the disabled to suffer complaints from other passengers to the point that they do not want to use the bus service anymore. Following that, on August 18, 2014 the Network submitted another letter to oppose the resolution of the Executive Committee of the BMTA because they proceeded with the 11th draft which still offered 2 choices for ordinary bus bidding. The BMTA had continued citing the problems of high bridge peaks and damaged roads despite the fact that relevant agencies had already

agreed to fix them. This action neglected the needs of those who have trouble in getting on and off the bus. The BMTA looked upon this problem as a small matter, considering society to be "selfish" and "ungrateful".

On August 21, 2014, the Thailand Council for Independent Living sent some suggestions of the 12th draft to the BMTA. It requested that the BMTA amend the characteristics of the ordinary buses to be the same as air-conditioned buses: i.e. low-floor. It also requested the BMTA to change thinking on high-floor buses because they are not suitable for serving in a city and don't meet the true needs of people with disabilities. The council also requested electronic communication systems both inside and outside of the bus be included in the TOR draft. It concluded by saying that if the BMTA could not meet all these requests, it should send copies of its reasons to the Chairman of the Executive Committee of the BMTA, the Permanent Secretary of the Ministry of Transport, and the head of the NCPO. The council did not want to see the same information in the new draft anymore and felt that the BMTA's actions represented unfair discrimination against people with disabilities and were considered illegal according to the 2014 Thailand Constitution, The Empowerment of Persons with Disabilities Act of 2007, and the Convention on the Rights of Persons with Disabilities (CRPD).

The role of the disabled organizations was steadily increasing. On September 2, 2014, the Bus-For-All Network with the Friendly Design Ambassadors and people with disabilities of all types issued the statement "Legislative builds a nation, stops disabled design, and eliminates unfair discrimination" at the front area of the King Prajadhipok's Monument, Thailand Parliament. They called on all members of the National Legislative Assembly of Thailand to consider the law with fairness to the disabled and the underprivileged in access to public services. The members should promote and support the disabled to access buildings and roads like the general public. Also, they should pay attention to the issue of disabled parking and finally support public transportation to truly support all citizens by requiring stair-free access on every bus.

As a result of the pressure struggle by the disabled network partners, on September 5, 2014 the BMTA, by order of Pol. Gen. Ek Angsananon, Chairman of the Executive Committee of the BMTA, held a public hearing on the issue of NGV bus purchasing. The Bus-For-All Network participated in this public hearing. Mr.

Supornthum Mongkolsawadi, from the Redemptorist Foundation for People with Disabilities, told the hearing that he believed the insistence on ordinary high-floor buses was an attempt to support a Japanese bus company. This insistence began with stating that ordinary buses must have 70 cm clearance from the road surface to provide service during floods. When it was clarified that the Yingluck government had already agreed to launch 350-billion-baht flood mitigation project, the BMTA changed to refer to the problem of passing through high bridge peaks. The Bangkok Metropolitan Authority (BMA) had clearly confirmed that they would fix these problems by the beginning of 2015. As for the Bangkok flooding, they also have a plan for 2-hour drainage. The fact is that taking a wheelchair onto a bus by lift takes 3 minutes. S there are more than 4,000 bus stops, this would result in problems in rush hours and may cause people with disabilities not to use buses. If the BMTA still wanted to run a bidding process according to the TOR draft, the Network will definitely launch action in the Administrative Court. Soon after this Air Chief Marshal Prajin Juntong, Minister of Transport, confirmed that every new bus must be the low-floor.

On September, 27, 2015, Mr. Ormsin Chivapruck, Deputy Minister of Transport, expressed the opinion that the last 400-500 new buses should be changed to electric high-floor. He suggested that this will be suitable for use on roads in Bangkok and its regions. In response Mr. Theerayut Sukhonthawit, secretary of the Bus-For-All Network, submitted a letter to Mr. Ormsin and gave an interview that high-floor buses deprived the rights of disabled people. What people with disabilities required were low-floor buses that are convenient to use for people with disabilities, the elderly, children and others. As for the concern of not serving on all Bangkok roads, the Bangkok Metropolitan Administration had gradually improved the problem areas. In the case of the flooding problem, it was the government's responsibility to prevent flooding in Bangkok. Although the Network accepted both electric and NGV buses but, no matter what type they were, they should all be low-floor. (Daily News, 2015)

The opinions of the disabled on the success of the movement varied. Some people with disabilities were confident in the future but others felt that they still had to keep watching in the long term.

For the current low-floor bus situation, this should be resolved in a good way because it was confirmed by the director of the BMTA, while the minister agreed too. The minister Ormsin at first agreed with someone else but now he does not... The fact was that the government wanted all buses to be low-floor but firstly they approved 489 buses and 200 electric buses, all were low-floor. When he started as minister, at first he wanted both high-floor and low-floor, so we had to manage a movement at the BMTA (LAUGH). In fact, we preferred getting more than 3,000 electric buses which is better than only 200 buses. But the director of the BMTA told me that he would not stop. What I have always confirmed is that new buses, no matter how many times of buying, must be low-floor. What we are going to do next is to confirm that the private buses will change to low-floor because there is news that all bus service company, including the BMTA, will be transferred to the Department of Land Transport. (Mr. S., personal communication, September 30, 2016).

If you asked me if today the bus issue was successful or not, I think from the past we could not participate at all but now we can participate in depth. I think this is the first time that the BMTA allows direct users to get to know what they are doing. And I believe that the most important thing is that we won against the BTS in the Administrative Court which, despite the delay, we have a team to work for. From our victory in the past I think it led to a more tightly organized group and we all drove the issue together until the bus issue. At first I asked myself, can I do this? Politics was very hard... I think we have to keep watching shot by shot before answering the question can I confident that all the buses will be low-floor. (Ms. V., personal communication, December 12, 2016)

I believe that all buses will be low-floor because I have talked with the director of the BMTA. He said that the EV (Electric Vehicle) is definitely low-floor and there is no way back to the ordinary bus because nowadays the weather is hot, with both pollution and smoke. If there is no air conditioning, it is very hard. Now, the government hospital has air conditioning. There was little difference between ordinary buses and air-conditioned buses. That difference is the cost of air-condition. (Mr. U., personal communication, October 20, 2016)

I cannot trust them. Experience teaches me that the elected government only has a sweet word because of the enormous benefits. . . after the military government we may fight with politicians or companies, back to the same cycle again. We want to have a master plan that everyone can access all things. I want accessibility of all groups of people because we don't have enough energy to keep watching all the time. We cannot do this for ever. The government agencies seemed to understand us but they did not... As I told you, the 489 new NGV buses are just the beginning. There is no guarantee that they will not go back to high-floor buses again. They used to say that they ordered the bus already and we just accepted them. They also said that they'll put a lift on. That's all. (Mr. T., personal communication, December 15, 2016)

The most important action that led to success on the issue of the low-floor buses was the relentless pursuit of the movement, which meant following up on all bus issues and using every means possible to communicate with the public, including creating a social trend through mass media.

As long as you are the only group in a movement, you can't succeed. The follow up of things is an internal factor. Creating an understanding through Change.org brings new generations to join us, including the general public. The problem in our country is the attitude towards people with disabilities. People don't want to be concerned with anything related to disability. This reflects the attitude towards disability: that it is a bad thing that people do not want to relate to. Therefore, movements on buses, toilets, or anything about people with disabilities are usually not successful. If it is to be successful, it must arise from the learning of society. (Mr. T., personal communication, December 15, 2016)

You have to give credit Mr. Theerayut and Mr. Supornum, who are very good strategists. They know how to take advantage of opportunities. They know when to move!. (Mr. V., personal communication, December 12, 2016)

(Mr. VS.) “The turning point for this matter was the public hearing at the Police Club. Many images were shown to publicize the efforts of people with disabilities who had not even been invited to go to the hearing.” (Mrs. A.) “They (the BMTA) had always tried to cancel the needs of the disabled until it came to the public hearing after the 5th or 6th draft. It was good that we went to the hearing in time and it was good that we already thought of our strategies. We showed the public that people with disabilities are blocked at public hearings.” (Mr. VS.) “The pictures of people with disabilities climbing stairs made the public to see our aspect. This was different from the previously thought that all kinds of buses are good. Many hundreds of disabled went to the hearing with the BMTA. We demanded low-floor buses but they tried to buy time. When we started to move, the detail in the drafts had gradually changed. There were some believes that much money has been paid and the high-floor buses had already been prepared. When we moved more and more, the drafts were changed. In the hearing at the Chaophya Park Hotel, Pol. Gen. Ek, the chairman of the BMTA board, went there too. Some companies gossiped that someone had paid already and they had evidence. I was surprised about all this. At that time the NCPO came to the power. I think the NCPO command was good for us. If really focusing on it, it seemed to think for us. (Mr. VS., & Mrs. A., personal communication, October 31, 2016)

Trying to follow the issue by using mass communication channels was consistent with the opinion of Mr. S., who argued that:

We used various ways to track this issue. We met the Minister and the Director of the BMTA. We had both formal and informal negotiations with many key persons. The Redemptorist Foundation for People with Disabilities was the main part, but we did not use this name for moving, we used the name of the Bus-For-All Network. Our campaign was “No Access, No Freedom”. The campaign could change according to the situation because the government keeps changing... We made it to be the public issue by Mr. Krisana (Lalai) in order to spread the story out. We considered this was successful... We often

had secret negotiations but we still needed to search for true information because we may be deceived by the government... If we did not do that, we could not fight with them. We had to talk to the bus operators and the Bangkok Administrators. We had to talk to the travel companies that have all low-floor buses. We observed and found that they were good for the roads. They could go to The Temple of the Emerald Buddha (Wat Phra Kaew) and I thought they were not more than 30 centimeters above the ground. I asked a bus driver could they go through the high curve bridges, and the driver answered that if they couldn't go through, why should they be there? It is about the specification and the method of driving.

Of all these factors, I think the most important was the strength of our team. Support from mass media was important, too. We must pressure them all at the same time. The core part was from Ajarn Tan (Mr. Supornum) from the Redemptories Foundation for People with Disabilities. (Mr. V., personal communication, December 12, 2016)

In addition, networking and knowledge acquisition were important issues for the struggle of the disabled organizations.

Factors for success... First, I think the group of wheelchair users had much knowledge and wisdom to help the movement. They had many reasons when debating with the government agencies. They had documents that could be used for debate. They knew how low-floor buses were better than high-floor buses. I think the agencies knew about this fact but they pretended not to know. Our team was full of knowledge and worked hard. Second, the media allowed us to form alliances as a network that surrounded the government agencies. Our network fought together. Third, we had many members. I dare to say that we succeeded because of network members. But the association of XXX did not join much. Only the Association of the Physically Handicapped of Thailand and the elderly people group joined us. Our network was effective. The network leaders with disabilities had social capital to meet key persons in the country

... On the turning point; I think society pressured for us. They had no way to go. The cost of the two types of bus was not very different. And if it was delayed, the disabled were ready to fight all the way. ... Well, we had both weapons of law, exposure, etc. to fight. Now the media is spread worldwide. We can post our stories into social media without help from any news channels. We can pressure them much. The most important thing, I think, is that people with disabilities are real fighters and have true knowledge. (Mr. V., personal communication, December 12, 2016)

On issues related to policies and roles of people with disabilities in the future, in addition to the uncertainty issues of government agencies, attitudes are important obstacles.

For obstacles in the future, I think that all disabled people, wheelchair users, elderly people, or anyone taking buses understand the situation. But the biggest problem is the government which pretends not to understand. It is about corruption, I think. The big problem was how to destroy this circle. And in terms of consciousness of the new generation, how do we do this? I think that starting from university students may be too late. It would be better if starting from secondary or primary level... It is a matter that has to be taught since childhood. So how do we educate children to not take advantage of society and live happily together? The government is not a leader in the revolution of disabled accessibility. They have to keep watching the trend of the world now. We almost don't have to do anything but just watch what other countries are doing about this issue. They no longer use high-floor buses. AjarnTan (Mr. Supornthum Mongkolsawadi) told me that Singapore had changed already. We don't expect our government to lead on this matter, but we do expect them to see what our neighbor countries are doing. This is like the TV system. There are many flat-screen TVs all over the world, but will you wait for us to stop producing old TVs to buy a new one? Will you wait for us to stop producing high-floor buses to buy low-floor ones? I can say that it's out of date thinking. (Mr. V., personal communication, December 12, 2016)

The first thing I want to tell the government in the future is that they must not view that they are doing things only for the disabled but for all. Otherwise the government may think how worthwhile it is to do for only one group. How many disabled are there? They have to think about everyone's convenience and right to receive equal services. The government must be a leader in looking for new services or technology to serve people who are not equal, not make poor people fight and fight for their rights. Do not make them plead to participate in their society. This is their right. Another thing is the attitude. The government must view that everyone has a right to all benefits. It's not a charity but it's their right. It is the duty of the government to give them real rights ... Another thing is that all officials at all levels, from the Prime Minister to the lowest levels close to the people, should have knowledge and understanding of equal rights. Otherwise they will just have laws written on paper that are not real in practice. An example is the CRPD. We perfectly present our disability policy at international meetings, but the reality is opposite. Even though we have a shadow report to be presented, it is important to have only a few differences from the real report. On the gathering of disabled people, I think that everyone has different thoughts and characters. I want to say to someone who wants their group to be stronger that you have to start with the individual. You must change at the individual. Like a story of thousands starfish lying on a beach for some reason. No one cared about them. But when a child started to throw some starfish back to the sea, others started doing the same thing. We must not have too much thinking if we see that something is good to do. Don't complain why the organization is like this. We change first, and others follow. That's all. I think that if there is a problem with the bus issue, there will be many people to help us. (Mr. U., personal communication, October 20, 2016)

5.2.3 Analysis of The Roles of Organizations of Disabled People on the Right of Access to Low-floor Bus

The role of disabled people's organizations through the Bus-For-All Network during the government of Gen. Prayut Chan-ocha was found to be more "relaxed" than in the previous government. In the early years, the Network had to seek ways to achieve

its goals by working with other organizations, especially the NACC subcommittee. The goal of the disabled network was to make sure that every bus was low-floor, while the NACC subcommittee aimed to expose the potential corruption in this policy. Working together proved to be the best way. Working together in a press release helps all proposals become more interesting, especially when the goals of both organizations are interrelated. The Bus-For-All Network had its goal of low-floor buses. In contrast, the BMTA had its goal of high-floor buses. The observation of the NACC subcommittee was that the BMTA seemed to be encouraging some companies to use modified old truck chassis in the high-floor buses.

Efforts to show the public the transparency of the government's policies caused the Chairman of the Executive Committee of the BMTA to order the BMTA to hold a public hearing to receive the opinions of all parties on the policy of buying new NGV buses on September 5, 2014. This hearing was considered a significant event throughout the long struggle of people with disabilities because it was the one true public hearing, not a public hearing held by the BMTA trying to end objections. After the hearing, the Chairman of the Executive Committee of the BMTA also took comments from each group to further revise the TOR. More importantly, the TOR committee appointed some new members, one of them was a representative of the disabled; Mr. Suporntum Mongkolsawadi. This allowed disabled organizations to play an important role in supporting or opposing any issues related to people with disabilities.

The confirmation of Air Chief Marshal Prajin Juntong, Minister of Transport, gave hope for disabled people's organizations. Nevertheless, there was concern that something may happen unexpectedly as in the case of Mr. Ormsin Chivapruck, Deputy Minister of Transport. This caused the disabled organizations to submit a letter to him clarifying their understanding.

It can be seen that throughout the period of the disability movement from 2005 to mid-2018, moving on without giving up, networking, searching for more knowledge, and making public understand through the mass media were important factors that made sure there will be only low-floor buses in the future.

Factors that caused the success of disabled organizations to obtain low-floor buses

The disabled organizations began to move for the low-floor buses from 2005 until they achieved success in 2016. It was 11 years of great effort on the part of the disabled until they succeeded during the government of General Prayut Chan-ocha. The reason behind the struggle of disabled organizations was the desire to see people with disabilities able to use the new NGV buses equally with the general public.

The factors that affected the success of the disabled organizations can be summarized as follows:

1) Never give up. The disabled organizations in the name of the Bus-For-All Network tried very hard to clarify, make people understand, press and demand every time that the government agencies tried to buy new NGV high-floor buses including submitting letters to government agencies, making statements, meeting important government officials both formally and informally, protesting, etc. They never gave up although they had not been supported financially by anyone; they used only their own money.

2) Seek more and more knowledge. The Network always tried to find more knowledge about the bus issues to apply pressure on government agencies. They could explain the advantages of low-floor buses, the popularity of low-floor bus service in developed countries, and the issues of bus service in relation to flood and roads. If the knowledge of the disabled organization groups had been insufficient, it may have resulted in them being unable to debate the government agencies' reasons. This may also have caused the public not to trust and pay attention to their cause.

3) Networking. The disabled organizations sought cooperation among the disabled and also people who were not disabled. This was to create network movement to get low-floor buses. Networking was one of the important forces that made the disabled issue appear reliable. However, the intensity of involvement by each organization was different. There were only 3 organizations at the core of the movement: the Redeptorist Foundation for People with Disabilities, the Thailand Council for Independent Living, and the Nonthaburi Center for Independent Living. Other organizations only participated in the movement when they were asked. However, in the movement, it was necessary to include a full list of those organizations' names to show credibility and avoid hostility between them.

4) Seek cooperation from society. The disabled network published their needs to the public through the media in order to let the public see the problems of using the bus service for people with disabilities and put pressure on government agencies by using social support as an element in the movement. The disabled organizations used many avenues to seek cooperation including public awareness campaigns, countless interviews on television and in newspapers, collection of supporters through Change.org to bring a list of more than 8 thousand supporter's names to government agencies, and public relations on various websites.

Importantly, seeking cooperation from society first required knowledge in terms of low-floor buses. To create public awareness it was necessary to have sufficient information to raise people's interest and convince them to accept the reasoning. In the end, this led to trust and faith in the struggle of the disabled organizations.

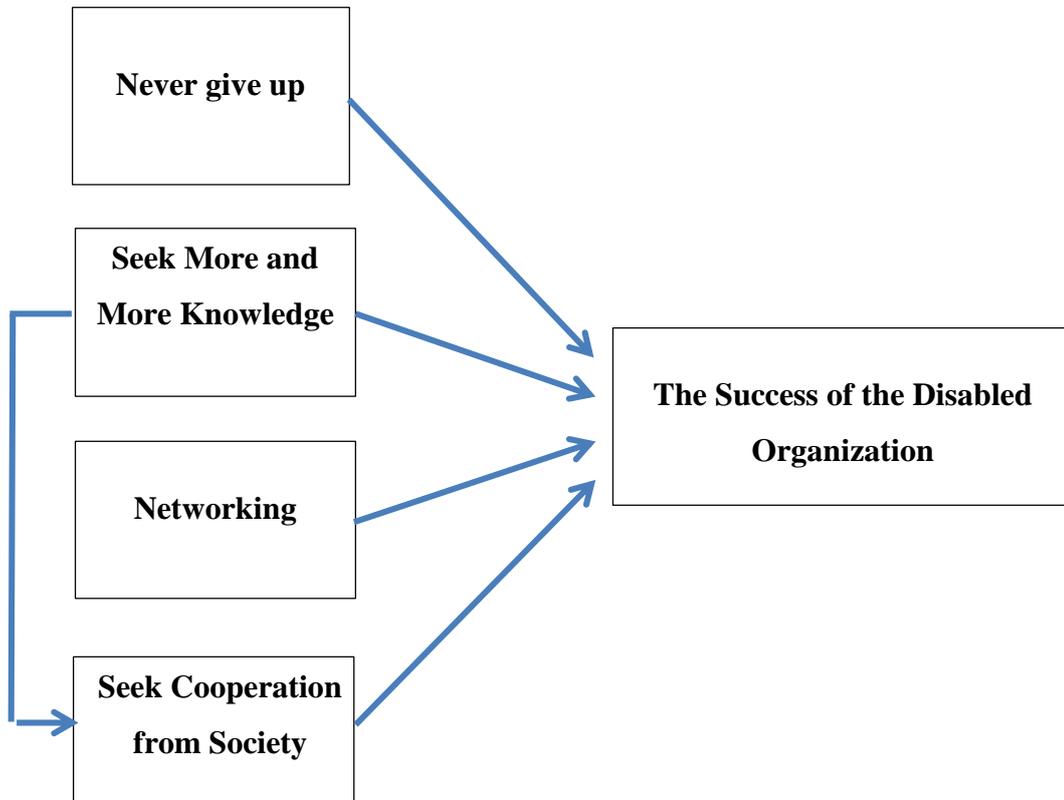


Figure 5.1 The Factors Affecting the Success of the Disabled Organization to Get Low-floor Buses

An important matter to consider is that this table does not mean that these factors can be used to explain or interpret other case studies. This study has no need to be consistent with any other study, nor does it need to be a role model for any other study. Each study has its different context. It is impossible to imitate the concept or methods of a case and apply them to another case.

This is in line with Netchanok Suna's study (2013) which shows that the attitudes of people with disabilities play an important role in moving for their rights. There are some internal sources of empowerment but the most important is self-esteem. And the most important of external sources is encouragement by family members.

5.2.4 The Role of Government Agencies on the Right of Access to Low-floor Bus

The BMTA wanted to use the power of the National Council for Peace and Order (NCPO) as a means to push for the 3,183 new NGV buses. That was to specify that the air-conditioned buses were to low-floor and there were 2 choices for ordinary buses: high-floor buses with a lift or low-floor buses with a ramp, depending on the bidders. BMTA hoped that, because of the absolute power of the NCPO, this process would be easier. They did not listen to comments from other agencies on the characteristics of buses. This is reflected in a letter sent back to the Senate committee on communities, children, women, the elderly, the disabled and underprivileged people on May 22, 2014. The BMTA clarified that there were still 14 routes that could not be resolved due to the fact that bridges were next to junction and the road surface could not be increased to reduce the slope. The BMTA emphasized that it was therefore necessary to specify that ordinary buses be high-floor.

After the press conference of the disabled organizations in the name of the Bus-For-All Network together with the NACC and other networks concerned about the suspicious TOR drafts, the Minister of Transport ordered the BMTA to prepare details to clarify various issues. At that time, the government came up with a policy to give a New Year's gift to Bangkokians by ordering the 489 new air-conditioned buses, which were obviously low-floor.

After the announcement of the 12th TOR draft, Mr. Pairoj Vongvipanond, chairman of the NACC Sub-Committee, submitted an open letter to General Prayut Chan-ocha to express concern about some unclear matters including the case of the origin of the cost estimate, the chassis, and the disability services. Because of this letter, the Executive Committee of the BMTA did not dare to announce bidding for fear of legal action. In the end, they made amendments to the draft after inviting 4 new committee members, 3 from engineering institutions and 1 from the disabled network: Mr. Supornthum Mongkolsawadi, from the Redemptorist Foundation for People with Disabilities

On September 29, 2014, Air Chief Marshal Prajin Juntong, Minister of Transport, confirmed to the media and public that all new buses must be low-floor to

facilitate people with disabilities and other groups. This forced the BMTA to accept this policy.

However, after the draft committee revealed the cost estimate of the first phase of 489 new NGV buses, Mr. Ormsin Chivapruck, Deputy Minister of Transport, said in an interview that the new buses, in addition to 489 NGV air-conditioned buses, should comprise 400-500 electric high-floor buses in order to support service in Bangkok and its regions. For services for the disabled, he said that the schedule of the low-floor buses should be clearly specified. He agreed to buy some low-floor buses, not all.

After clarification from the Bus-For-All Network, Mr. Omsin gave a further interview in which he said that all buses must be low-floor to support services for people with disabilities. He proposed the provision of electric buses since they have many benefits, including a hydraulic system that helps reduce the bus levels to facilitate the disabled.

5.2.5 Analysis of the Role of Government Agencies on the Right of Access to Low-floor Bus

As the main government agency in driving the policy to buy the new NGV buses, the BMTA attempted to finish the project as quickly as possible after the NCPO's coup. It hoped that the decisive power of the NCPO would help direct the policy towards bidding as it wanted without paying attention to criticisms.

However, the outcome the BMC was hoping for was not as expected due to the fact that the NCPO paid more attention to the disability issue than the previous government. This may be because reducing social inequality, creating opportunities to access government services, supporting the administration of the government by good governance, and fighting corruption were the standards that the NCPO had declared after the coup. During the first period of the NCPO, they attempted to show their transparency as much as possible. This was remarkable work in the public eyes and this also reduced resistance from the opponents.

The effort to create policy transparency is reflected by the role of the Executive Committee of the BMTA, led by its chairman Pol. Gen. Ek Angsananon. It had instructed the BMTA administrators to consider and improve on the issues from the disabled network and the NACC subcommittees noted at the public hearing on

September 5, 2014. In addition, there were 4 new committee members appointed by the committee. One of them was Mr. Supornthum Mongkolsawadi from the Redemptorist Foundation for People with Disabilities. It can be said that these things had never happened before. The Executive Committee of the BMTA and BMTA Director always expressed the same opinions on the bus issue.

On September 28, 2014, Air Chief Marshal Prajin Juntong, Minister of Transport, announced that all 3,183 buses must be low-floor to provide better services for people with disabilities and other groups. This showed strong confirmation from the NCPO that they saw the needs of people with disabilities. After that, there were no other moves for high-floor buses from government agencies except the very short duration that Mr. Ormsin Chivapruck, Deputy Minister of Transport, talked about providing 400-500 electric high-floor buses for the benefit of both fuel economy and use on poor road conditions in Bangkok and its regions. When the disabled network issued a complaint and clarified Mr. Ormsin's understanding he changed his mind and there were no words about high-floor buses from him or any other government agencies again.

The government had a policy to promote the use of electric buses (including the electric hybrid buses) which began with the approval to purchase 200 buses. The important thing was that all electric buses would be low-floor. Although they were more expensive than NGV buses (an electric bus was about 10-15 million baht), it saved more in fuel costs. It was considered that, in the future, world was moving toward electric buses, and no electric bus in the world is high-floor.

During the initial period of the NCPO, it had no understanding of the need for low-floor buses for disabled people. Therefore, they did not stop reviewing of the announcement of the 11th and 12th TOR drafts. However, when they saw that the high-floor buses had many problems, including with use by people with disabilities, the Chairman of the Executive Committee of the BMTA, appointed by the NCPO, ordered the BMTA to accept the proposal from the disabled to consider improving the TOR and added a new member from the disabled groups. This demonstrated the effort of the NCPO to show their transparency.

The announcement of Air Chief Marshal Prajin Juntong that all new buses must be the low-floor was the most important commitment to the disabled network. Since

then there has been no further change in the concept of buses being low-floor. High-floor buses are considered old-fashioned and no longer acceptable for public use. Even if a future government wanted to change to high-floor buses, would definitely not be supported by society as people have experienced the convenience of low-floor buses and would not want to go back to climbing up or down 3 steps to use the bus service again.

The elected government did not support the disabled needs but the non-elected government did

Government agencies as the authority of policy formation and implementation were important factors affecting the decision on what kind of new NGV buses were to be purchased. The decision-making does not rely solely on input from government agencies; they must also consider the opinions of other users as well as the stakeholders in the policy. The perspective of government agencies towards people with disabilities is important and can have implications for the rights of people with disabilities to receive public services.

According to this study, the researcher discovered a surprising outcome: the elected governments (the governments of Thaksin-Somchai, Abhisit, and Yingluck), which normally seek to create the best policies for more votes, did not pay as much attention to the needs of people with as they should. They also showed insincerity and discrimination towards people with disabilities. There was also the possibility of corruption during their tenure. However, a non-elected government (the government of General Prayut Chan-ocha) which, in truth, did not need to win any votes, was found to pay attention to the rights of people with disabilities. General Prayut's Minister of Transport announced to the public that the government supports the provision of new NGV buses as low-floor for all. Other examples of the relationship between non-elected governments and disability rights can be seen in enactment of the first disability law in 1991 (during the non-elected government of Anand Panyarachun) and another law in 2007 (during the non-elected government of General Surayud Chulanont)

In considering the reasons why the military government wanted to support low-floor buses, 2 important points come to mind.

1) The military government saw the importance of disabled rights

The actions of the government of General Prayut Chan-ocha were a clear indication of the importance of the needs of the disabled. This is different from previous governments, which confirmed the rights of people with disabilities but in the end acted contrary to their words. Adding a disabled committee to outline the TOR demonstrated that the government was concerned about the needs of people with disabilities. The government also made an announcement to make it clear that every new NGV bus must be low-floor. This was the first time that a Minister had unequivocally announced the concept of low-floor buses.

2) The military government wanted to show transparency to the society

The Coup D'etat by the NCPO was not only aimed at ending the conflict and reconciling after the chaos in Bangkok, but also eliminating corruption resulting from previous governments. The seizing power by General Prayut Chan-ocha on August 24, 2014 created new hope for many people who wanted to see the reformation of their country. For these reasons, the government of General Prayut Chan-ocha tried to demonstrate to the people (both those who love him and those who hate him) his willingness to implement policies transparently and without suspicion of corruption.

CHAPTER 6

SUMMARY AND RESEARCH LIMITATIONS

This research, the roles of organizations of disabled people and government agencies on the disability right of access to public transportation: a case study on the right of access to low-floor bus, has the purpose of identifying the roles of the key players who play an important role in determining the provision of new buses. The key players here are disabled organizations and government agencies. The research also has the objective of making recommendations to government agencies in implementing policies relating to people with disabilities. It uses the methodology of analyzing, interpreting and criticizing data and events in the past based on information from key informant interviews and the study of relevant documents and news, and then connecting them with reasoning until conclusions can be reached according to the research objectives.

This chapter is a summary of the studies of the role of disabled organizations and government agencies in the case of low-floor buses from the period of the government of Thaksin Shinawatra to the middle of the year 2018 in the period of the government of General Prayut Chan-ocha. The chapter also makes recommendations on the role that government agencies should have in relation to policies towards the accessibility of public services by people with disabilities.

Methodology

This research uses qualitative methods. It is a historical analysis of the case study by using critical theory to interpret the hidden meaning of the case study of low-floor buses. The case study is interesting because in the past no buses of the BMTA have been low-floor. In 2015, there was some news from the BMTA that it would proceed to purchase low-floor buses. The research begins with the question of why the idea of buying low-floor bus arose. From the primary survey, there were 2 key players that had a role in providing low-floor buses: disabled organizations and government agencies. The researcher found that instead of recognizing the importance of people

with disabilities and being the originator of making policy of low-floor buses, the government agencies tried to oppose the concept. In the past, Thai governments had signed international documents relating to non-discrimination against persons with disabilities. The country also had laws that were beneficial to the disabled. So why were government agencies not interested in complying with these international agreements or the laws of the country? Although people with disabilities were discriminated against, they were willing to fight for accessibility of services using various approaches. This leads to the research questions:

- 1) What role do disabled organizations play in obtaining low-floor buses?
- 2) What role do government agencies play in the provision of low-floor buses?
- 3) How should government agencies be improved to comply with both national and international laws relating to the provision of services to disabled people?

Data collection of this research involved both non-structured interviews and the compilation of news and related documents to lead to the documentary analysis. For non-structure interviews, the researcher focused on the interviews with key informants who had played an important role related to the low-floor bus movement (namely Mr. S., Mr. T., Mr. U., Mr. V., Mr. VS., & Mrs. A.) together with government agency executives who played an important role in the case at that time (namely Mr. O., & Mr. N.). As it was not possible to collect data directly from the government agency representatives, the researcher compiled a documentary analysis of their opinions news channels in which they had previously been interviewed.

6.1 Summary

6.1.1 The Roles of Disabled Organizations in Obtaining Low-floor Bus: They Supported the Provision of Low-floor Buses for All

- 1) From the government of Thaksin Shinawatra to the government of Somchai Wongsawat

The Independent Committee for Equality as a representative of the disabled made a request for low-floor buses which are convenient and safe for people

with disabilities after hearing the news about the government of Thaksin Shinawatra providing new buses. Its request was within the rights granted by law (The Constitution of the Kingdom of Thailand 1997, Article 4, 30 Paragraph 3, 55 and 80, Ministerial Regulation No. 4 (1999), issued under The Rehabilitation of Disabled Persons Act 1991, and the Directive of the Rehabilitation of the Disability Committee on Standardization of Equipment or Facilities for the Disabled, 2001). The request was made through the submission of a letter to the BMTA. The letter was not made public, and therefore seen to carry little weight as the public paid little attention to the issue of the buses for the disabled at the time.

A group of people with disabilities had come together before this to show their concern about the right of people with disabilities to access public transport. They had successfully fought with Bangkok Metropolitan Administration (BMA) about the absence of elevators at elevated sky train (BTS) stations. This gave them experience and confidence in requesting the right of the disabled to access the BMTA buses. All the resources used at the time came from the disabled groups themselves. There was no collection or request for support from companies or other organizations. In the other words, this group of people with disabilities had sacrificed their money, time and opportunities so that people with disabilities could travel equally and without being discriminated against.

2) The Government of Abhisit Vejjajiva

Disabled people's organizations had a wider variety of moving styles. In addition to submitting request letters to the relevant authorities, there were trips to meet the media and organized activities to campaign for the public to understand the problems that people with disabilities suffer from using the BMTA bus service. The disabled organizations also requested public support to pressure the government to adjust the TOR to respond to the needs of people with disabilities by renting only low-floor buses which had complete facilities for the disabled.

3) The Government of Yingluck Shinawatra

Disabled organizations in this period moved for basic human rights in the name of the Bus-For-All Network. The Network argued for the right of all people to be able to travel anywhere they wished. The Network's objective was to require the mass transportation system to support the rights of people with disabilities and others

in society equally and without discrimination, then and in the future. The network had to struggle with many obstacles, especially the attempts of resistance from government agencies which did not want low-floor buses. The days of the Yingluck government were a time that people with disabilities had to fight tirelessly in moving for their right to their travel.

4) The Government of General Prayut Chan-ocha

The role of disabled organizations during the Prayut Chan-ocha government was completely different from that in the previous government. The Network did not need to campaign as seriously and had only to issue statements, participate in public hearings, and clarify to some administrators the reasons for their preferred bus policy. Their success was partly because government agencies had a concept of not discriminating against people with disabilities. Therefore the Network did not have to work as hard as in the past.

The role of the organizations of the disabled people is summarized in Table 6.1

Table 6.1 The Role of the Organizations of the Disabled People

Government	The Role	Expression	Reason Behind the Expression
Thaksin Shinawatra- Somchai Wongsawat	Supported the provision of low-floor buses that are accessible to	Sent letters to the BMTA demanding the rights of the disabled to travel and advising that the BMTA was violating national and international laws.	The desire to see people with disabilities to use the new NGV buses equally and not being discrimination.
Abhisit Vejjajiva	all groups of people including the disabled.	Sent letters to government agencies. Met the media to clarify and explain the needs of people with disabilities.	

Table 6.1 (Continued)

Government	The Role	Expression	Reason Behind the Expression
Yingluck	Shinawatra	Organized activities to raise public awareness of disability rights on a large scale.	
		Sent proposal letters to the BMTA.	
		Issued statements.	
		Met the Prime Minister.	
		Sent a letter to an MP of Pheu Thai Party.	
		Demonstrated at BMTA headquarters.	
		- Broadcast on TV channels	
		- Supporting campaigns via Change.org	
		- Participation in public hearings	
		- Meet with the Bangkok executives	
		- Send letters of complaint to the NACC	
General	Prayut Chan-ocha	- Sent a clarified letter to General Prayut Chan-ocha	
		- Issued a statement in front of the King	
		Prajadhipok's Monument	

Table 6.1 (Continued)

Government	The Role	Expression	Reason Behind the Expression
		<ul style="list-style-type: none"> - Join the statement to ask to review the TOR draft that unfair to the disabled. - Met the Permanent Secretary of the Ministry of Transport and the Chairman of the BMTA Board to explain the issue of low-floor buses - Participate at the public hearing on 3,183 new NGV buses issue - Sent Mr. Supornthum Mongkolsawadi to be a new member of the TOR committees - Submit a letter to clarify to Mr. Ormsin Chivapruck, Deputy Minister of Transport on the issue of electric high-floor buses 	

6.1.2 The Roles of Government Agencies in the Provision of Low-floor Buses: They Both Supported and did not Support the Provision of Low-floor Buses

The roles of government agencies can be divided into the duration of 4 governments as follow.

1) From the government of Thaksin Shinawatra to the government of Somchai Wongsawat

Government agencies (whether it be the government itself, The Ministry of Transport, or the BMTA) were found to lack honesty and discriminate against people with disabilities.

The Ministry of Transport, after promising to people with disabilities that it will specify convenient buses for them in the TOR, took no action. There is no indication of a command to the BMTA to meet the promise.

The BMTA was also found to discrimination against the disabled in providing bus accessibility. The government agencies believed that most disabled people do not travel by bus. Therefore, there were only a small number of buses to cater for them compared to the total number of buses in services. This meant disabled people were unable to travel by bus on any date and time they wanted. No Cabinet resolution had ever addressed the travel problems of people. The resolutions always focused on the need to reduce the level of BMTA debt. The desired characteristics of the new buses simply expressed that they must be of international standard.

2) The Government of Abhisit Vejjajiva

The two coalition parties, Democrat and Bhum Jai Thai, seem to have had conflicts over the provision of NGV air-conditioned buses. Bhum Jai Thai Party had clearly revealed this to the public in its policy. It tried to make this policy a reality. Although the Democrat Party had members of the House of Representatives from the Bangkok area, it was the mainstay of the government and seems to have tried to restrain the policy using various techniques. The Democrats claimed that the policy proposal of the Bhum Jai Thai Party was not clear about ways to reduce the debt of the BMTA. However, the government of Abhisit still considered that it understood the problems in services for people with disabilities. The resolution of the Cabinet on September 29,

2009 stated that every new bus must have equipment to facilitate the disabled, although this was a suggestion from the NESDB.

It was found that the BMTA (and the Ministry of Transport), continued to discriminate against people with disabilities. Its idea was to allow many new buses that did not meet the needs of people with disabilities. This would cause limitations for disabled people in using the service. It was different for non-disabled people who could use every bus. This was considered discrimination against people with disabilities. Although in the end the BMTA adjusted the TOR according to the needs of the disabled, this was due to pressure from the NESDB, movement of the disabled organizations, and objections of the Sub-committee on Disability. It was not a change due to realization of the problems of the disabled. If it realized the problems, it would not have been necessary to wait for the disabled organizations and various organizations to protest against the TOR draft so many times. The fact was that the disabled organizations had tried to clarify the advantages of low-floor buses for long time. However, the BMTA had chosen to remain silent instead of listening to and adjusting to the TOR to meet the true needs of people with disabilities.

3) The government of Yingluck Shinawatra

The BMTA attempted to stop the purchase of new low-floor buses. This was considered to be an act of discrimination against and insincerity towards people with disabilities. Although at first we could see that the BMTA had accepted some requirements on the TOR draft from the disabled network, which seemed good enough for the disabled, in reality, these were an effort to end conflicts with the disabled network in order for the disabled to accept the high-floor buses. The disabled network attempted to explain the reasons for their demands but, in the end, the BMTA had would change any TOR draft from the 6th until the end of the Yingluck government. The BMTA tried to resolve matter by giving the bidders two choices of allowing ordinary buses to be high-floor with lifts or low-floor buses with ramps. Disabled people tried to fight this, but the BMTA would not change its mind.

In addition to disabled issues, possible corruption was an important matter that all parties were closely watching. Corruption appeared to be the cause of the BMTA postponing the bidding from the announcement of the 6th TOR draft until the 10th. This was because the requirements for bidding must be able seen to be clear

and transparent. The NACC, which had been observing the cost estimates and other issues, was suspicious of some aspects that may indicate corruption. Therefore, the BMTA was unable to start bidding.

4) The Government of General Prayut Chan-ocha

At first it seemed that the government would comply with the requirements of the BMTA. However, Pol. Gen. Ek Angsananon destroyed their hopes after becoming Chairman of the Executive Committee of the BMTA. The Ministry of Transport saw the injustices in the decisions made by the BMTA against the disabled network over many years. In the period of this government, there was no indication of discrimination. People with disabilities had the hope of being able to use the new buses in the same way as those who were not disabled. The turning point of the story was the announcement of Air Chief Marshal Prajin Juntong, Minister of Transport, who supported the accessibility of disabled to the bus service by advising that all new buses must be low-floor only. Since then, all the new buses were designated to be low-floor.

In the early of days of General Prayut's government, the government conducted a public hearing to receive opinions from all parties regarding the provision of new NGV buses. After the public hearing, a disabled representative was appointed to the TOR draft committee since the government saw the importance of allowing groups of interested parties to participate considering the TOR. After that, the Minister of Transport announced to the public that all new buses must be low-floor. This made the dreams of people with disabilities to become a reality. When considering the subsequent roles of government agencies, it can be seen found that were no further ideas or expressions from government agencies about high-floor buses.

Table 6.2 (Continued)

Government	The Role	The Expression	Reason Behind the Expression
Yingluck Shinawatra		<ul style="list-style-type: none"> - Did not stipulate that all new buses must be low-floor, which would cause difficulty for the disabled in using the service. - Tried to set lifts in buses which did not meet the needs of the disabled - The Prime Minister did not keep her words at the UN meeting on the issue of people with disabilities - Did not give disabled people reasonable advanced notice of public hearing schedules. - Promised to amend the 5th TOR draft as the disabled requested but did not keep this promise - Could not clearly explain the reasons for setting the cost estimates of the buses and the chassis 	<p>Discrimination</p> <p>Insincerity</p> <p>Indication of corruption</p>

Table 6.2 (Continued)

Government	The Role	The Expression	Reason Behind the Expression
General Prayut Chan-ocha	Do support the provision of low-floor buses that accessible to people with disabilities and all groups of people	<ul style="list-style-type: none"> - Organized public hearings to listen to the opinions of various groups, including disabled people's organizations. - Air Chief Marshal Prajin Juntong, The Minister of Transport, announced that all new buses should be low-floor. - Appointed Mr. Supornum Mongkolsawadi to represent the disabled as a member of the TOR draft committee. - The TOR draft set the first 200 electric buses to be low-floor only. - All government agencies accepted the low-floor buses. 	<ul style="list-style-type: none"> - Saw the importance of the disabled - Insisted on public transparency

6.1.3 Recommendations for Improving the Role of Government Agencies to Comply with Both National and International Laws Relating to the Provision of Services to the Disabled People

The recommendations here are divided into policy, practical, and academic recommendations as follows.

Table 6.3 Policy Recommendations

Recommendation	Supporting Information from Research	Related Parties
<p>1. Government agencies should focus on social development by looking at global trends. In the case of buses, government agencies tried to buy high-floor buses which are no longer used in many developed countries, including Singapore, one of Thailand's neighbors. High-floor buses are inconvenient for all groups. If Thai government agencies had been able to purchase high-floor buses, people with disabilities and other groups would have had to wait for ten years to have low-floor buses like many other civilized countries. Therefore, looking at trends and directions by observing the policies of other countries, especially those related to the</p>	<p>- The disabled organization tried to present a form of public transport services in foreign countries that buses which suitable for people with disabilities and everyone in society are low-floor buses. But this suggestion did not receive the attention of the government as it should be.</p> <p>- There is an attempt of the BMTA to buy high-floor buses like in the past.</p>	<p>- All Ministries, especially the Ministry of Transport</p> <p>- The BMTA</p>

Table 6.3 (Continued)

Recommendation	Supporting Information from Research	Related Parties
<p>marginalized or disadvantaged, will lead Thailand to be a more progressive in society.</p>		
<p>2. Government agencies should not implement policies to provide only for people in one group, such as the disabled. Policies should be seen as being for the benefit of all people and all groups. If the government looks only at people with disabilities, they may be seen as a marginal user of the service not worthy of justifying the service. However, if considered carefully, it will be found that policies for people with disabilities can be beneficial all groups of people. This can increase the popularity of the government. The voice of marginal people may not</p>	<p>- In the government of Thaksin Shinawatra, the BMTA stated that it had arranged 4 buses with lifts and 20 buses for the visually impaired which was not enough to meet the needs of people with disabilities.</p> <p>- In the government of Yingluck Shinawatra, the BMTA tried to set lifts in buses which did not meet the needs of people with disabilities.</p>	

Table 6.3 (Continued)

Recommendation	Supporting Information from Research	Related Parties
<p>be strong, but the democratic principal that everyone has an equal vote can force political parties to make good decisions for all people.</p>		
<p>3. The government must accept that human rights are an important issue. Everyone must get benefits equally. The government should not have to give charity to the poor and disabled, but must support their human rights because this is their fundamental duty. Civil servants at all levels should have knowledge and understanding about human rights and equality. Otherwise, the law regarding the rights of persons with disabilities will never really exist.</p>	<p>- In the government of Abhisit Vejjajiva, the TOR stipulated that there was to be only 1 bus with lift on each route. Later, this was modified to have 200 semi low-floor buses serving only on routes that pass important locations such as schools, hospitals, and government offices.</p>	

Table 6.4 Practical Recommendations

Recommendations	Supporting Information from Research	Related Parties
<p>1. The government should create or improve all types of public services to meet the needs of people with disabilities of all types. The cost of implementing policies for people with disabilities or other disadvantaged groups is not wasteful as it has an indirect positive effect on the economy of the country. In the case of low-floor buses, this policy gave people with disabilities the opportunity to use cheap, safe public transportation services so that they can go to school or work. When they have money they can pay taxes, whether personal income tax or VAT. These things will improve the country's economy. Also, if a disabled person has more money they naturally</p>	<p>- Although the government does not show its attitude of seeing people with disabilities as a burden but these can be considered by that it does not seeing the importance of providing services to people with disabilities.</p>	<p>- All Ministries especially the Ministry of Transport and the Ministry of Education - The BMTA</p>

Table 6.4 (Continued)

Recommendations	Supporting Information from Research	Related Parties
spend more and are less of a burden of the country's budget.		
2. The government should support content about the rights of people with disabilities at all levels of learning to raise awareness about the principles of human rights.	- In a public hearings, a number of people still consider providing low-floor buses for people with disabilities to be unnecessary.	

Table 6.5 Academic Recommendations

Recommendations	Supporting Information from Research	Related Parties
1. There should be a study comparing the roles of disabled organizations and government agencies in the case of low-floor buses vs. the subway (MRT).	- Due to the right of travel of the disabled being violated in the early stages of the low-floor bus case, such a comparison will help build a better understanding of the roles of both disabled organizations trying to move for their rights and government agencies trying to delay these rights in multiple cases.	- Research/Academic Institutions - Ministry of Transport

Table 6.5 (Continued)

Recommendations	Supporting Information from Research	Related Parties
2. There should a study on the possibility of allowing private bus operators to modify their buses to be low-floor for the benefit of the disabled and all groups of people.	- Public buses are the lowest cost form of transportation for people with disabilities, most of whom have low incomes.	
3. There should a study comparing the attitudes of various levels of government officials in the Ministry of Transport towards the provision of public transport services to people with disabilities under the various laws regarding the rights of persons with disabilities.	- Government agencies, especially the Ministry of Transport, play an important role in the right to travel of the disabled. However, it was found that the journey of the disabled had many obstacles. The attitude of Ministry of Transport officials would be interesting to study.	

6.2 Research Limitations

This research lacked direct interviews, opinions or ideas from former BMTA directors, Mr. O. and Mr. N. It was found that some other former BMTA directors also played a major role in providing new NGV buses, but the researcher was again unable to obtain direct interviews. However, the researcher tried to collect sufficient data to understand the opinions and attitudes of these executives on the concept of the needs of people with disabilities as they related to the new NGV buses from various media sources through which they had provided interviews.

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APPENDIX

INTERVIEW FORM

Semi-Structure Interview Protocol for the Key Informants on the Disability Right of Access to Low-Floor Bus

1. Why are you interested in moving on low-floor buses?

2. What is your role?

3. How does the organization of the disabled participate in the movement?

4. What are the strengths of the organization of the disabled?

5. What are the weaknesses of the organization of the disabled?

6. What are roles of organization of the disabled?

7. How should government agencies adjust their roles to be more consistent with the rights of people with disabilities?

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