

**Unofficial Translation<sup>1</sup>**

**NATIONAL SECURITY COUNCIL ACT,  
B.E. 2559 (2016)**

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**BHUMIBOL ADULYADEJ, REX;**

Given on the 26<sup>th</sup> Day of September, B.E. 2559;

Being the 71<sup>st</sup> Year of the Present Reign

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on the National Security Council;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly, as follows:

**Section 1.** This Act is called the "National Security Council Act, B.E. 2559 (2016)".

**Section 2.** This Act shall come into force as from the day following the date of its publication in the Government Gazette.

**Section 3.** The following shall be repealed:

- (1) The National Security Council Act, B.E. 2502; and
- (2) The National Security Council Act (No. 2), B.E. 2507.

**Section 4.** In this Act:

"national security" means the situation in which the country is free from any threat to its independence, sovereignty, territorial integrity, religious institution, monarchical institution, public safety, and peaceful livelihood that may affect the national interests or its democratic regime of government with the King as Head of State. It also means the country's preparedness to confront all types of threat situations;

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\* Published in Government Gazette, Vol. 133, Part 85 a, dated 26<sup>th</sup> September 2559 (2016).

<sup>1</sup>Translated by the Office of the National Security Council, and reviewed by Chalermprakit Center of Translation and Interpretation, Chulalongkorn University under contract for the Office of the National Security Council. – Tentative Version – pending review and approval by the Office of the Council of State.

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"National security policy and plan" means the key policy and plan that provides a framework or directions for the prevention, warning, mitigation or suppression of security threats to safeguard national security;

"threat" means the state or situation leading to the state of insecurity or serious and complicated security problems which, if not rectified, shall have a pervasive impact on national security;

"Council" means the National Security Council;

"member" means a member of the National Security Council;

"State agency" means a central administration, provincial administration, local administration, State enterprise and other agencies of the State;

"Office" means the Office of the National Security Council;

"Secretary General" means the Secretary General of the National Security Council.

**Section 5.** The Prime Minister shall have charge and control of the execution of this Act.

## CHAPTER I

### NATIONAL SECURITY COUNCIL

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**Section 6.** There shall be a National Security Council comprising the members as follows:

- (1) the Prime Minister shall be the Council's chairman;
- (2) a Deputy Prime Minister assigned by the Prime Minister shall be the Council's deputy chairman;
- (3) the Ministers of Defense, Finance, Foreign Affairs, Transport, Information and Communication Technology, Interior, and Justice as well as the Supreme Commander of the Armed Forces;

The Secretary General shall be the Council's member and secretary and shall appoint civil servant in the Office to act as the assistant secretary.

To facilitate execution of its powers and duties, the Council may pass a resolution to invite a minister or head of a government agency with direct powers and duties over the issue under consideration or knowledgeable and experienced experts or academicians specializing in specific security issues to attend the Council's meeting on an occasional basis as an ad hoc member. In such cases, the invited person who attends a meeting shall become a Council member under paragraph one for that meeting only.

**Section 7.** The National Security Council has the powers and duties as follows:

(1) to formulate national security policy and plan and submit them to the Cabinet for consideration;

(2) to give advice and opinions on the formulation of national strategies on national security dimension or national security issues or the amendment or revision of the law on national security to the Prime Minister, the Cabinet or relevant state agencies as the case may be;

(3) to deliberate and formulate specific security strategy or plan, national security preparedness plan and national security crisis management plan;

(4) to formulate guidelines or measures for the prevention or mitigation of national security problems and submit them to the Prime Minister or the Cabinet for consideration;

(5) to assess and analyze the overall strategic situations which pose a threat to the national security;

(6) to regulate and monitor the implementing of national security policies and plans;

(7) to perform other acts under this act and by other laws or as entrusted by the Prime Minister or the Cabinet.

**Section 8.** In performing the duties stipulated under this act, the Council's chairman, with approval of the Council, is empowered to summon relevant data or documents from state agencies and government officials for consideration. It may also call upon an individual to clarify the matter to the Council's meeting.

**Section 9.** The provisions of law governing the committees with administrative power under the law on Public Administration Procedures shall apply mutatis mutandis to the Council's meeting procedures.

**Section 10.** The Council shall have the power to appoint an advisory board with not more than seven expert members for each security aspect. This advisory board must at least comprise heads of the government agencies with direct powers and duties on a specific security aspect, and knowledgeable and experienced experts or academicians specializing in various security aspects.

The advisory board under paragraph one shall have the powers and duties to monitor, assess and analyze the situations that pose a threat to the national security dimension for which the advisory board is appointed in order to give opinions to the Council or to deliberate any national security issue entrusted by the Council.

Criteria and procedures for the advisory board appointment and their duties shall be determined by the Council.

**Section 11.** The Council shall appoint former ad hoc members in paragraph three of section 6 as members of the committee, sub-committee or working group appointed by the Council to deliberate any security issues or perform any tasks assigned by the Council.

The provisions of section 9 shall apply mutatis mutandis to the meeting procedures of such committee, sub-committee or working group.

Criteria and procedures for the appointment of former ad hoc members of the Council under paragraph one shall be determined by the Council.

**Section 12.** The Council's chairman, members who are former ad hoc members under section 11 as well as committee and sub-committee members shall receive the meeting allowances and other benefits as prescribed by the Cabinet.

Advisors appointed under section 10 are entitled to receive the remuneration and benefits as prescribed by the Cabinet.

## CHAPTER II NATIONAL SECURITY

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### Part I National Security Policy and Plan

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**Section 13.** In safeguarding the national security, the Cabinet shall have national security policy and plan established under the Council's recommendations.

In formulating the national security policy and plan, the Council shall organize hearings to solicit opinions from relevant state agency and the public.

Announcement and revision of national security policy and plan shall be issued as a royal command to be promulgated in the Government Gazette.

**Section 14.** The national security policy and plan must coherently address domestic and foreign policies as well as military, economic and other national security policies to ensure close collaboration between state agencies and national security. They must at least specify the national security goals and guidelines as follows:

- (1) to promote the security of the country's key institutions and the democratic regime of government with the King as Head of State;
- (2) to protect and uphold national interests;
- (3) to promote the national preparedness system and the country's defense capability;
- (4) to protect national and international security.

**Section 15.** Once the royal command on national security policy and plan has been announced, they shall be adopted by the Cabinet or state agencies, as the case may be, as the framework or guideline for the execution of their powers and duties in the formulation of the public administration plans, legislative plans, strategies or plans on specific security issues, national preparedness plans, national security crisis management plans or the formulating or national security plans or projects or the performing of other government functions that are consistent with the said national policies and plans.

Criteria and procedures for the formulating of specific national security strategy or plan or the formulating of any plan or project under paragraph one shall be as prescribed by the Council with the Cabinet's approval.

**Section 16.** The Bureau of the Budget shall allocate budgets to different state agencies in accordance with the national security policy and plan.

To facilitate deliberation of budget allocations to key national security plans or projects, the relevant state agencies shall submit such plans or projects to the Office for consideration and opinions. State agencies with budget preparation powers and duties must take the Office's opinions into consideration when preparing the budgets.

The key plans or projects under paragraph two shall be determined by the Cabinet.

**Section 17.** The Office shall monitor compliance with the national security policies and plans, specific security strategies or plans of the key plans or projects in section 16 for the provision of necessary support, direction or collaboration. There shall also be recommendations on suitable and efficient measure for the expediency or improvement of operations.

In the case that the Office deems any of the operations of a state agency to be inconsistent with the national security policy and plan, the specific security strategy or plan or with the plan or project under paragraph one, the Office shall submit its opinions on such operations to the Council for consideration and forwarding to the Prime Minister or the Cabinet for consideration as it deems appropriate.

## PART II

### National Security Safeguarding

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**Section 18.** The Office shall monitor, assess, and analyze situations that may pose a threat to the national security and establish relevant databases for the prevention or mitigation of such situations.

In the case of potential situations that might pose a threat to the national security, the Office shall issue a warning together with its opinions, guidelines, measures or any other

necessary actions for the prevention or mitigation of such situations to the Prime Minister, the Cabinet or relevant state agencies, as the case may be, for the execution of their powers and duties. The Office shall report such actions to the Council.

**Section 19.** In the case of situations that pose a threat to the national security, the Council shall announce the level of threat and submit its opinions, guidelines, measures or other necessary actions to the Prime Minister or the Cabinet for authorizing or instructing a state agency or government officials to execute their powers and duties as stipulated under the provisions of laws for the prevention, mitigation or suppression such threats.

In the case that the Prime Minister or the Cabinet has not taken any action under paragraph one, the Council shall exercise its power in instructing a state agency or government officials to carry out the actions prescribed in paragraph one as it deems necessary and appropriate until there is a change in the announcement of threat level or until the execution of the actions in paragraph one.

When the exercising of powers by the Council has ended under the provision of paragraph two, the Council shall promptly report the outcome of operations to the Cabinet.

Criteria, procedures, and conditions for the announcement of a situation with a national security threat, announcement termination, and the level of threat shall be determined by the Council with the Cabinet's approval.

**Section 20.** In the case that the Prime Minister or the Cabinet deems any situation significant enough to pose a threat to the national security, the Prime Minister or the Cabinet shall forward the matter to the Council for its opinions, which will be used for the Prime Minister's or the Cabinet's consideration. When the Council deems any issue to constitute a national security threat, it shall give opinions on the issue to the Prime Minister or the Cabinet.

### CHAPTER III

#### OFFICE OF THE NATIONAL SECURITY COUNCIL

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**Section 21.** There shall be established the Office of the National Security Council with the powers and duties as follows:

- (1) to be responsible for the Council's administrative affairs, to study and collect data on the security issues related to the Council's operations;
- (2) to prepare drafts of the national security policy and plan in compliance with the goals and guidelines prescribed by the Council for submission to the Council;
- (3) to recommend and give opinions to the Council or the Cabinet for the formulating of national security strategies, plans and operations;

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(4) to advise, give recommendations and opinions, direct and coordinate with relevant state agencies for the implementing of national security policies and plans;

(5) to monitor, assess, analyze and issue warnings on security situations and their changes, and strategic security environments. To verify and predict national security threats and assess the national power;

(6) to coordinate or cooperate with foreign agencies on international security affairs, strategic security, security environment assessment and academic issues on national security;

(7) to study, research, gather, develop, promote, and disseminate data or knowledge management on national security;

(8) to perform other acts under the provisions of this act and other laws or as entrusted by the Council, the Prime Minister or the Cabinet.

**Section 22.** There shall be a Secretary General of the National Security Council who is the superior of all civil servants and who is responsible for the Office's operations, directly answerable to the Prime Minister. There shall be Deputy Secretary General to assist the Secretary General in the directing and administering of the Office's operations.

The Secretary General shall be a civil servant. In nominating suitable candidates for the Secretary General position, the Council must specify the candidate's name(s) for consideration.

#### Transitory Provisions

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**Section 23.** All directives or resolutions of the Council that have been effective prior to the date that this Act comes into force shall continue to be effective so long as they are not contrary to or conflicting with this Act until the National Security Council under this Act issues a directive or resolution otherwise.

**Section 24.** The committees and sub-committees appointed by the National Security Council under the National Security Council Act, B.E. 2502 (1959) shall continue to perform their assigned duties until the National Security Council under this Act resolve otherwise.

Countersigned by:

General Prayut Chan-ocha

Prime Minister

**Note :-** The rationale behind the enactment of this Act is that there have currently been changes in the internal and external contexts of the national security situations and threats, with increasing interconnection between national security and other dimensions. National security issues have become more violent and complex while the mechanisms for the implementing of national security operations stipulated by the National Security Council Act, B.E. 2502 (1959) no longer contribute to the Council's missions of formulating and executing national security policies and strategies. Such mechanisms are no longer beneficial to the monitoring, assessment, analysis, warning of security threats or the announcing of security situations and the level of threat and the implementing of necessary measures for the prevention or mitigation of national security situations. For these reasons, it is essential to enact the present act to ensure efficient national security safeguarding operations and better preparedness in dealing with national security situations and threats.

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