



Thailand's Current Political Crisis Seminar

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This seminar was held on the 7th June 2006 at the Australian National University. It consisted of two sections, the first a brief presentation by Kavi Chongkittavorn on the current political situation in Thailand. This was followed by a discussion in which the floor was opened to questions. This summary follows the format of the seminar.

Currently the jury is still out on the political crisis in Thailand. In particular, at this stage there is still a great deal of uncertainty surrounding the position of Prime Minister Thaksin Shinawatra. It is unclear whether his return will be for the long-term or short-term. This discussion will look at three elements of the current situation: the state of democracy in Thailand, debate over the constitutional monarchy and the report by the National Reconciliation Commission on the conflict in the south.

1) The State of Thai Democracy

At this point I must begin by explaining that I am not in favour of Thaksin. I've now been writing on him and his actions and policies for five years now and I believe I know him reasonably well.

On the face of it, it is very difficult to see progress in Thailand's democratic development. At the moment we have one party rule, with Thai Rak Thai dominating the government and we also have people out on the streets demonstrating against this government. Thus, the suggestion of progress seems a very unlikely one. Thailand has been a 'democracy' since 1932. During that time it has had 16 constitutions, 15 prime ministers and 52 governments. Presently, the political crisis is at a stalemate. Therefore, although tension has eased for the moment, it is likely to intensify after the 15th of June. Now, the common objective is to ensure that the commemorations of the kingdom's longest reigning monarch proceed smoothly. The celebrations marking the 60th anniversary of the King's reign have priority over all other political matters. With the end of these tributes however, the political issues are likely to dominate once more.

Thailand is now under judicial review. This is actually quite an unusual situation since the courts don't normally receive much attention. Currently, though, they are at the centre of the political struggle. This has been especially the case after the King called upon the courts to act in order to find a constitutional resolution to the crisis. Thus, a number of court decisions will have great bearing upon the final outcome – decisions which everyone is waiting for. One possible outcome is that the Thai Rak Thai will be declared illegal.

So far, the Thai Rak Thai party has held together and its members have remained on board. There are two factors in particular which are responsible for this. The first is that members are sticking together because there are no clear and viable alternative leaders to Thaksin. There is no single person who could lead the party or a break away from the party on his or her own. Those who are powerful, such as Sudarat Keyuraphan and Pongthep Thepkanchana could conceivably cooperate with each other to form a leadership group. However, such a collective leadership would be less effective than a single leader. The second reason for the continued unity of the Thai Rak Thai party is financial. Other parties simply have less money available for MPs to secure their political future. The Thai Rak Thai alone has large resources.

Returning to the matter of court decisions, several of these actually relate directly to Thaksin. The first of these is with regards to his status and will be based upon Article 215 of the Constitution. This issue has arisen due to the 'break' which he took between April 7 and May 12 2006. In order to allow him to do this, the Cabinet passed a resolution which sanctioned his leave. The court case has precisely to do with this resolution and the verdict will seek to answer the question as to whether Thaksin took leave or whether he effectively resigned. If he did resign then he would not be able to return to office. A verdict could be reached as early as mid June 2006, after the first judgement on the status of the Thai Rak Thai party.

There are at least another 20 scandals involving Thaksin. For instance, a case was held in a civil court in which the other party was a former business partner of Thaksin's. An American cable television company had been in business with Thaksin in 1988 but a dispute had broken out over a joint-venture. This company won its case in the civil court and the case will now be heard in a criminal court. A decision against Thaksin in this case could seriously damage his credibility. Furthermore, if he is found guilty, he could face 7 years in jail without the possibility of bail. The seriousness of this case is further heightened by the fact that his wife is also involved in this matter as well and could consequently face a similar sentence.

2) The Constitutional Monarchy

The position of the monarchy has been a major issue of public debate in recent months, with both the opposition and government accusing the other of lese majeste. Claims of a so-called 'Finland Plan' – allegedly hatched some time ago when Thaksin visited Finland with former left-wing political activists – has highlighted the question of Thaksin's relations with the monarchy. Thaksin has had a great deal of difficulty in this area, probably more so than any past Thai leader. He has been forced to spend a great deal of time in explaining his position and support for the monarchy.

The King has been very cautious in responding to the current political crisis. Indeed, at times he has responded simply by not making any direct response. I believe that in reacting to the current crisis, the King has been making his own personal decisions.

3) The National Reconciliation Commission (NRC) Report

The Chair of the NRC, former Prime Minister Anand Panyarachun, has now released the report of the NRC to the caretaker government. He was reluctant to take such a

step because he was concerned that all the work done would be lost in the existing political stalemate. Furthermore, there was also the likelihood that the possible impact of the report would be lost in the crisis.

This report exposes the mythical nature of the notion that Thailand is a multicultural country. The report challenges the existence of multiculturalism and the manner in which minorities are situated in Thai society. The question which arises from the report is the extent to which the government will support or implement its recommendations. The report opposes to some degree the approaches to the South which the Thaksin government has advocated in the past. Thaksin's policies towards the South have relied upon two methods in particular. The first has been seeking to gain tight administrative and security control of the region. The second has been to spur economic growth by pouring money into the South. In contrast to other parts of Thailand, where such methods have been quite well received, these policies have completely failed to achieve their goals in the South.

In order to improve the situation in the South, I believe that the following measures will have to be taken. Firstly, I believe that Thaksin will have to leave office. One of the reasons for the growth in tensions in the South lies in his personality and particular style in handling people in region. Whilst Thaksin's departure from office would not resolve the problem, it would alleviate some of the tension and make further resolution of the problems much easier. Without Thaksin there would be a new atmosphere in which people would be better able to sit down together to seek solutions. It is likely that the intensity of the conflict in the South would return to pre-2001 levels. At that time it was a conflict of much lower intensity in which about 30 – 35 people died each year. The report also highlights local problems as the root of the current crisis in the South. The problems are local in character and arise from local grievances and injustices. There have been conflicts with the government over the utilisation of resources, particularly the management and exploitation of swamps and forests in the region. To deal with this, new legislation is required that would allow local people to oversee the management of such resources.

Khun Kavi concluded his presentation at this point and the audience was given the opportunity to ask questions. The following section provides a summary of the issues/questions that were raised and Khun Kavi's responses.

Question: The first issue raised noted Thaksin's electoral successes in 2002, 2005 and 2006. The question asked was whether the rural mandate that Thaksin received should be accepted as legitimate and as a rational decision made by the rural electorate?

Reply: In the first four years, Thaksin attained almost universal acceptance. He was supported by the majority of the urban population as well as the rural electorate. Indeed, even at the beginning of the second term he retained high levels of support from all sections of society. However after this a strong anti-Thaksin sentiment emerged. This was only strengthened by the possibility of the 2006 Thai parliament being composed entirely of the Thai Rak Thai party.

Whilst the mandate that Thaksin has received at various times should be respected, it should also be pointed out that people did not expect him to move so fast after his electoral successes. Thaksin's actions are related to his own leadership style and the way in which he exercised power. Although he gained popularity for the way in which he made quick and decisive decisions, concern arose over the extent to which he used his power. Popular sentiment was that although Thaksin was the elected leader he was also abusing his power. The domination of the Thai parliament by the Thai Rak Thai party, even before the April 2006 election, meant that Thaksin had become overconfident in his ability to weather political storms. For instance, he believed that any backlash over the sale of Shincorp to Temasek could be overcome because of the one-party rule.

People in the West have often raised concerns over the street protests and demonstrations against the government. They have argued that Thaksin and Thai Rak Thai were legitimately elected by the people and that if there were abuses of power, and then these should be dealt with constitutionally. That is, they argue that the solution should be sought within the system. However, they are often not aware of the extent to which Thaksin has abused his power and the manner in which the independent bodies have been compromised. This is why people have been calling on the King to intervene. The King has been caught in a catch-22 position, between the demands of the protestors and his constitutional role.

The Democrats would have lost the snap election and that is indeed why they boycotted it. However, I support this boycott because Thaksin sought to manipulate the situation to his own advantage. Now, with the nullification of the April 2006 election results, it is likely that a new election will be held. However, I suspect it will not be on the date specified by the Electoral Commission - 15 October 2006. Rather, I suspect that a new, and earlier, date will be set.

Question: What confidence can be placed in the judiciary in the current political crisis?

Reply: Thaksin has influence in the judicial system. This was most apparent in his survival and the decision in his favour on the declaration of assets case back in 2001. Now, the King has told the Courts to do their job and urged them not to be intimidated by anyone or anything. This in fact, is similar to an earlier speech that he made on December 4th last year (2005). In that speech he appealed to the media not to be intimidated and to be faithful reporters of events. This speech was important in emboldening the media. In the same way, his exhortations to the courts emboldened the judges to act positively in the current crisis. In this way, the King has strengthened democracy in Thailand. Without the King's actions, it is unlikely that the Courts would have intervened at all.

A particularly notable aspect of the events in the past few months has been the lack of violence. The various demonstrations and protests have all been peaceful and it has been this lack of violence that has made it possible for a judicial solution to be reached. Hopefully, non-violent civil disobedience will become a hallmark of Thai politics.

Clearly, voters in rural areas have been empowered by the emergence of Thaksin and the Thai Rak Thai. At the very least the rural electorate is now able to sway government funding as politicians seek election to office. The problem under the Thaksin is that at the moment such voters are too closely to the Thai Rak Thai because of patronage structures. The money becomes part of a patronage system. However, it is possible that should these links be loosened then rural voters could become an independent force, able to pressure all sides of politics.

For the moment though, it is apparent that this empowerment of rural voters is insufficient. A democratic mandate is insufficient if there is a crisis of good governance and transparency. There is growing awareness of the need to counter this problem, and people have been seeking new means of monitoring. Consider the scandal over baggage scanning equipment for the new international airport, for instance. Accountability must become, and is becoming, an important criteria in measuring government performance. And it is upon such criteria – accountability, good governance, and transparency – that Thaksin has failed. Thaksin has been especially successful in portraying himself as a democratic leader to others in the West, but other than electoral success and the image of a decisive leader, Thaksin has flunked every other measurement.

By way of a final word on this matter, it should be noted that when the various Courts do finally hand down their decisions it is likely that the outcomes of all decisions will be along similar lines.

Question: What is the current role (and likely future role) of the military in Thai politics, and in the current political crisis?

Reply: The military has been very quiet given the current. Although there have been some rumours of coups there hasn't been a direct military response to the situation. It is extremely fortunate that General Sondhi Boonyaratkalin is in command of the Army. He played a major role in prevent any escalating military response to the situation. On the one hand, he resisted the temptation to declare a state of emergence in response to the street demonstrations. On the other, he also warned the military officers from class 10 from intriguing on Thaksin's behalf. Class 10 is composed of officers who are most closely tied to Thaksin and consequently some of its members had been seeking to use the military to support Thaksin in the midst of the current crisis. At the same time, it should be noted that when the King was responding to the floods in the north, he appealed directly to the Army to provide support and assistance from those affected by the natural disaster. This can be seen as a snub to Thaksin.

Question: How important are broader community attitudes in Thailand towards the South? Is it not the case that in much of the country Thaksin's hardline stance is actually quite popular?

Answer: The NRC report has challenged the attitudes of the Buddhist majority towards people in the South. It has confronted the view of many about the part of Muslims in Thai society. Even so, Thaksin's radical approach was very hardline, especially compared with to the policies adopted by previous governments. Thaksin

has effectively raised a Thai 'us' against the Southern Muslim 'them'. Therefore, if Thaksin were to leave office, it is likely that these divisions will decline to at least some extent. The NRC report has also proposed methods of overcoming such rifts by stressing the importance of inter-faith and inter-community dialogues in order to further the reconciliation process. It is vital that the stakeholders within the communities be brought together.

In some ways the NRC report is quite idealistic. The suggestions made are good, but will be very difficult to implement. The report makes several recommendations including the creation of a new body, equivalent to the previous Southern Provinces Border Administration Centre (SBPAC). This command structure would be more transparent and would have a new name to distinguish it from the earlier SBPAC. It also recommends not sending armed soldiers into conflict areas in the South. Rather, the aim would be to implement joint investigations

The report also has a new suggestion for enhancing the prospect of reconciliation in the South. It argues that the mistakes that have been made by the government need to be admitted. Then, there needs to be a process of healing, rehabilitation and compensation, particularly for those who suffered directly from those mistakes. Nevertheless, the notion of autonomy is still taboo and it is not mentioned at all. Neither is the idea of power sharing really addressed.

Question: The media has been deeply involved in the current political crisis, how constructive has this role been?

Reply: In the absence of an effective opposition, that media has increasingly taken on the role of critiquing government policy. The voice of media has been especially strong since the King's speech, which has emboldened members of the media. Indeed, arguably the media needs to do an even more professional job in acting as a watch dog on the government policy. Even so I believe that the media generally reflects and reports events pretty well. Different media outlets will have different 'flavours' of news but generally speaking all of them will report the news appropriately. Rather, it is the case that some will be more critical than others, especially when it comes to the editorials.

Interestingly, even though there are some 10,000 NGOs in Thailand, there are only actually 2-3 media watchdogs. The most important media watch dog is actually a body that was set up internally (within the media), and this is the National Press Council. It has now existed for about 7 years and it has done a good job. The cases that it deals with are mostly over sensational headlines and also defamation claims. It is generally able to solve such problems amicably, to the satisfaction of all parties involved.

Question: A final question asked about the likely impact of the political crisis on Thailand's economy, and specifically with regard to the likely response of foreign investors?

Reply: The general attitude in Thai society is in favour of free trade. This usually involves additional support for various free trade agreements and bilateral trade

negotiations. There is broad support for such policies from across most sections of Thai society. Economically, foreign investors generally reacted positively both because of the various mega projects implemented by his government and also because of his leadership style. The mega projects were major opportunities for foreign investment, whilst Thaksin also had the image of being a person able to make decisions and follow through on them. The sentiment of foreign investors has been shaken by the current crisis to some degree but any government is likely to be in favour of foreign investment and consequently the impact has been limited.

As for Thaksin's shift from being an economic nationalist to selling off Shincorp, this was mainly driven by situational factors. At the time of his accession to office in 2001, the IMF debt weighed heavily on Thais and economic nationalism was a popular means of resolving Thailand's economic problems. However, having paid off of this debt and having improved economic growth, the general environment (and consequently Thaksin's policies) have been in favour of foreign investment once more.

Prepared by Jason Hall, Administrator, NTSC.