

Military Coup and Democracy in Thailand

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Abstract

The article discusses the political situation in Thailand since the military coup in September 2006 up to the referendum on the 2007 constitution in August 2007. The article argues that the new constitution, which limits the power of politicians by giving immense power to the court and bureaucracy, coupled with several other measures adopted by the military junta and its interim government to remove the ousted prime minister Thaksin and his former TRT groups from the Thai political map, will intensify rather than reduce current political divide in Thai society. The article concludes that military dominance in Thai politics will linger on and that the great political divide will remain pending the outcome of the general election, which will be held at the end of 2007.

Key words: Thailand, Political Conflict, Constitution, Democracy, Military Coup.

A Political Overview

Thailand's military coup on the night of September 19, 2006, came as a surprise, and was greeted with resentment by some and with joy, relief, and hope by others. The former were afraid that the coup was just the beginning of yet another military intervention in Thai politics, a tradition that had seen a bitter revival fifteen years before in the bloody incident of May 1992. Representatives of this group ranged from a number of students and university lecturers who called themselves the "19 September Network against the Coup"¹ to a taxi driver who ran his car head-on into an army tank stationed at the Royal Plaza to show his discontent with the coup for destroying Thailand's democracy.²

For educated people within this group, using the military coup as a means to restore democracy was simply indefensible. Low-income people (including taxi drivers), on the other hand, were benefiting greatly from a number of generous financial schemes emanating from the populist policies designed and implemented by Prime Minister Thaksin after he came to office in 2001. These schemes included universal health care, village investment funds, the People's Bank, and cheap loans.³ Thus, the departure of Thaksin from power has meant the loss of all these benefits.

However, in mentioning this, I do not mean to argue that these low-income groups, particularly the rural masses, are the "victims" of Thaksin's populist policies, as most middle class and urban intellectuals have been fond of pointing out.⁴ On the contrary, the victim thesis overlooks the significant fact that the rural poor have persistently struggled throughout Thai history to bring political pressure to bear on various governments. The populist policies of Thaksin are in part the result of this long and arduous struggle.

Against the background of military intervention in Thai politics, the recent coup is thus seen by this group as redemption for the army, which is now in a position to reclaim its former prominent role in Thai politics after a long hiatus. The picture will become clearer after September 30 of this year when General Sondhi Boonyaratglin, chairman of the Council for National Security (CNS) and leader of both the coup and the former Council of Democratic Reform under the Constitutional Monarchy (CDRM), retires from his army post. Meanwhile, General Sondhi has kept the Thai public guessing whether or not he will enter politics and by what means.

Nonetheless, within the context of Thai politics, such a reluctance on the part of General Sonthi to deny or acknowledge reports of his future role in politics is simply taken as a confirmation of the reports. Sonthi's succession is also a delicate matter and has the potential for causing political turmoil if it is not handled with care. For example, a rift among the three top contenders for the post of army chief could pose a threat to political stability.

To those for whom the coup brought joy, relief, and hope it is believed that the coup will bring back normalcy and stability to Thai society after a prolonged and profound conflict between the supporters and opponents of the deposed Prime Minister Thaksin Shinawatra, who is now living in self-imposed exile in England in the aftermath of the coup.⁵ This second group, which is composed mainly of the neo-royalists, the old elite, the armed forces, the middle class, and a substantial portion of urban intellectuals, regards the coup as legitimate because it is the “last resort” to solve political conflicts after all other measures have failed. One advocate of this formidable coalition argues that the September military putsch was not really a coup d'état but rather a coup de grâce.⁶ This is because the coup was launched without bloodshed, and it effectively ended a lengthy period of political turmoil. According to this group, the coup was carried out not for anyone's personal gain but for the sake of the Thai people and the Thai nation as a whole.

Given the fact that the coup was quickly endorsed by the King, soldiers and tanks involved in the coup displayed yellow ribbons—yellow is the King's color—to symbolize their loyalty to the King, and the coup leaders, immediately after successfully seizing power from the elected government, began to refer to themselves as the Council for Democratic Reform under the Constitutional Monarchy (CDRM); one academic does not hesitate to call the event “a royalist coup.”⁷ In addition, during the night of the coup, all radio stations and television channels played songs composed by the King, interspersed with pictures of the King's activities in development projects initiated by the royal family. This display has led another academic to shrewdly call it the “unread announcements” of the coup leaders.⁸

In the opinion of this group of academics, the September coup was the culmination of months of shadowboxing between the “network monarchy” and the network of ousted Prime Minister Thaksin.⁹ In an exclusive interview with the *Nation* newspaper shortly after the coup, General Sonthi recited his military-cum-royalist

script concerning the coup:

“I like to say two things about the military coup. First, I received calls for the coup from many people. Second, soldiers are obliged to protect national security, safeguard the nation and uphold loyalty to the monarchy. The military cannot tolerate any leaders who lack or have limited loyalty to the King.”¹⁰

During his annual birthday speech on December 4, 2006, the King explicitly made known his support for the Surayud cabinet by stating that “the elderly are not greedy and don’t want to accumulate power for themselves.”¹¹ The Surayud cabinet, dubbed by the media as “old ginger,” was composed of a host of elderly, retired civil servants. As for Prime Minister Surayud in particular, the King said that he was a man of principle and had sacrificed himself to work for the good of the country. Thus, the King had openly endorsed and supported the junta-installed cabinet. This prompted one academic to comment that the “direct boost to the Surayud cabinet is an indirect approval of the military’s putsch and its post-coup efforts.”¹²

The junta accused the elected government of ousted Prime Minister Thaksin of causing an unprecedented rift in society, accompanied by corruption, nepotism, human rights violations, interference in the independent agencies set up by the now-abolished 1997 constitution, meddling with the army, and insults to the King. Therefore, the junta deemed it as its duty to unite the nation through a brief intervention in order to restore peace, order, justice, and the prestige of the monarchy.

However, almost a year after the coup, there is still no light at the end of the tunnel. Violence in the South broke out in January 2004 and has since escalated despite various attempts by the state to deal with it. When Prime Minister General Surayud Chulanont, a former privy councilor and former army chief, assumed power, his first act was to apologize publicly to the Muslim population in the South for the violence and the mishandling of their situation by the previous government of deposed Prime Minister Thaksin. He then proceeded to implement a policy of reconciliation toward the South.

Political conflicts and power struggles between the coup leaders and their network and the network of former Prime Minister Thaksin seem to have intensified

rather than subsided, especially after the Constitution Tribunal dissolved Thaksin's once powerful Thai Rak Thai (TRT) party and the Assets Scrutiny Committee (ASC) decided to freeze his family's financial assets and to indict Thaksin in connection with several corruption cases.

In other words, the September coup has had the effect of deepening the existing "partition of the perceptible"¹³ in Thai society to the extent that it seems to have diminished hopes for a quick return to the normalcy and stability that had initially been promised by the coup. For example, several committees appointed by the junta to investigate corruption scandals in the previous government, such as the ASC and the National Counter Corruption Commission (NCCC), are composed mainly of opponents of Thaksin.

Furthermore, members of the National Legislative Assembly have been selected largely from both active-duty and retired military personnel, government officials, and members of anti-Thaksin groups such as the People's Alliance for Democracy (PAD), whose tenacious protests and demonstrations not only led to the downfall of the Thaksin regime but were also an invitation to the army to stage the coup.¹⁴ Such a selection process does not truly represent either the spirit of democracy or the kind of citizen participation promised by the coup leaders under the banner of "political reform." Therefore, the deep division between the urban middle class and the rural population continues.

Indeed, it was the hope for a return to normalcy that helped make the coup, in its first few days, appear like an exhibition of artillery hardware in the capital city of Bangkok. Coup supporters and the general public had their pictures taken with soldiers on duty with their tanks. Flowers, food, and drink were offered to soldiers to show the public's appreciation. All of this led the coup leaders and their supporters to conclude that this was a "special" coup, that is, a coup with a human face.

More significantly, the promise by the coup leaders for a quick return of power to the people and to normalcy tends to obscure the historical dimension of the military coup d'état in Thai society. On the contrary, the announcement of such a coup made it appear like an unavoidable and necessary measure to solve a political crisis or break a political impasse. The coup d'état as a crucial form of power struggle in the history of Thai politics has been used, with some sophistication, as a legitimate technique for solving national problems under such political slogans as "a quick

return to normalcy” and “a restoration of democracy.”

Finally, there is no better demonstration of this sharp “partition of the perceptible” in post-coup Thailand than the intense campaigns surrounding the referendum on the junta-sponsored draft constitution, which was held exactly eleven months after the coup, on August 19, 2007. Tension mounted between the interim government, the CNS, the former opposition parties, and the coup supporters, who sided with the draft charter, symbolized by the color green, and the supporters of Thaksin and the various networks of those who opposed the coup, who united together under the umbrella of the United Front of Democracy against Dictatorship (UDD), which campaigned against the charter under the symbol of the color red. The conflict between these two groups has dominated the political space since July 6, when the Constitution Drafting Assembly endorsed the draft charter and offered it for referendum. The referendum has thus turned into a political contest between the supporters and the opponents of the coup, reminiscent of the former polarization between the supporters and the opponents of Mr. Thaksin prior to the coup.

Perhaps the root cause of the political conflict in contemporary Thai society that has led to all this turmoil lies neither in the abrogated 1997 constitution nor in the 2007 draft charter. Rather, it is an inherently weak Thai society and culture that does not believe in people’s power and always looks for a white knight to solve political crises.¹⁵ Consequently, to restore democracy, I think, we need neither a military coup nor an authoritarian leader but a wise and active citizenry who are capable of transforming what Chantal Mouffe has called “antagonism” into “agonism.”¹⁶ This is an ability to perceive the other not as an enemy to be defeated but as an adversary “whose ideas we combat but whose right to defend those ideas we do not put into question.”¹⁷ If antagonism treats opponents as enemies to be obliterated, then agonism considers them as legitimate opponents. This represents democratic tolerance and the utilization of a democratic means for handling conflict that Thailand needs to learn and to build on.

With the passage of time, the coup has proven not to be a workable solution to the increasing complexity of Thai society. Thailand’s globalized economy and society are incompatible with the rigid rule of a military junta. Investment has dropped due mainly to a sweeping 30 percent reserve on the outflow of foreign capital brought into the country. Accordingly, if a reserve fund is drawn on before the end of a year, it is

subject to a 10 per cent withholding tax. This requirement has had severe negative repercussions for the stock market. The SET index dropped 15 percent within a day, resulting in a loss of 820 billion baht. Just one day after the measure was introduced, the Bank of Thailand removed capital controls on equity investments, leaving intact only capital controls on the money market.¹⁸ Before the reserve measure, foreign funds had been pouring into Thailand, particularly for the purpose of speculating on the baht. This means that foreign investors did not care much for either the coup or the new constitution. However, they did care about capital controls. The policy changes that took effect thus damaged Thailand's financial credibility in the early months of the interim government.

Furthermore, export sector has declined due to the strong baht. The baht has appreciated to the extent that several textile and footwear companies have been forced to close down. It was reported on August 24 that the country's fourth largest rice exporter in Phichit province, President Agri Trading Co., was shut down due to an accumulated debt of one billion baht.¹⁹

From January to July 2007, it was reported that the baht had gained 7.1 per cent against the dollar and that the Bank of Thailand had spent more than 170 billion baht to defend the baht from speculators. The 30 percent reserve on capital control mentioned above was part of the package to stabilize the baht. The stronger baht, the US economic slowdown, and fallout from the sub-prime mortgage crisis have combined to dampen Thailand's export performance in July, giving it the lowest figures in twenty-nine months.²⁰ The level of household debt in August also hit a historic high mainly because the economy has slowed down and forced people to borrow more to survive.²¹

Meanwhile, the labor union of the Telephone Organization of Thailand (TOT) has called for the entire board, including its chairman, General Saprang Kalayanamitr, one of the coup leaders, to resign. They argue that the board's lack of business experience and its internal conflicts are hurting the company's overall performance.²² The minister of Information and Communication Technology admitted that the trouble-plagued TOT was on the verge of collapse and needed to find quick solutions.²³

The prices of agricultural produce, notably longan, rambutan, mangosteen, and longkong, have plunged.²⁴ It was reported that former MPs had to buy tons of these

fruits from local growers and give them away free in a bid to help shore up prices.²⁵ The interim government also assigned the Royal Thai Air Force to provide C-130 carriers to transport longkong fruit from airports in the southern provinces for sale at the China International Halal Food and Muslim Commodities Festival held in China's Ningxia province.²⁶

Tourism has slowed down due largely to the violence in the far South, which has seen daily bombings and indiscriminate killings. One college student in Nakorn Srithammarat was reported to have committed suicide in late July because she could not endure hardship while waiting for government student loans.²⁷ The interim government had run out of funds for the student-loan project. Civil liberties are restricted and thirty-five provinces are still under martial law, under the watchful eyes of soldiers, the police, and local administrators. Meanwhile, a referendum on the new draft charter was rigorously called for on August 19 amidst a decidedly undemocratic atmosphere.

Thaksin's authoritarianism, which was countered by the neo-royalist network in the form of a military coup on September 19, 2006, would hardly have been able to guarantee a fully democratic future. Although a general election was scheduled for the end of 2007 and the draft charter passed the referendum on August 19 by a narrow margin, there are certain signs pointing to an increasing role by the military in the future of Thai politics. I shall come back to this point later. Suffice it to say that a new constitution and a general election will not be able to keep the armed forces out of politics. Rather, these two technologies of democratic governance will be used as avenues for the armed forces to enter politics and to hold on to their power.

Political Clean Up: Phase I

Power Consolidation

The political situation in Thailand since the September coup can be divided into two major periods. The first phase was from September 19, 2006, to May 29, 2007. The second phase began from May 30, 2007, and continues to the present. The first phase of post-coup politics had been marked by a sense of hesitation and uncertainty regarding how to deal with the deposed Prime Minister Thaksin and his network.²⁸ Unlike previous coups, which were able to maintain law and order, this coup and its

interim government have been struggling to contain Thaksin, his supporters, and insurgents in the South.

Instead of using the existing anti-money-laundering office to freeze the assets of politicians suspected of corruption—as the anti-Thaksin group called for—the junta and the interim government opted for establishing special panels to deal with this problem. This then allowed the suspected politicians time to transfer their assets at their own discretion. Such hesitancy and uncertainty caused a rift within the CNS and between the CNS and the interim government of General Surayud. At the height of the conflict, a rumor was spread that another coup would take place in which an attempt would be made to seize power from the interim government. The coup rumor forced the junta to make a televised announcement on the Army-run TV5 to deny it.²⁹ Prime Minister General Surayud himself warned the public to be alert and prepare for the “new threat” to their lives.

Many committees and organizations such as the Assets Scrutiny Committee, the Constitution Tribunal, and the National Counter Corruption Commission had been set up to tackle the remnants of the “old power” and the “undercurrents,” the CNS’s terms referring to an alleged pro-Thaksin movement. Meanwhile, the majority of the bureaucracy had decided to assume a “neutral” stance by feigning indifference and being uncooperative to the new power holders, partly because they were afraid that the “old power” might strike back and partly because they were part of the Thaksin network. The situation was serious enough that the ASC had to present to Prime Minister Surayud lists of individuals and agencies that failed to cooperate with the committee in an investigation into alleged corruption cases. The ASC had faced difficulty in securing cooperation and information from the agencies under investigation.³⁰

During this first phase of the political clean up, the coup leaders and the coup-installed Prime Minister General Surayud saw Thaksin as a threat to national security and kept repeating that Thaksin should stay abroad until after the new election was completed and the new government formed. They anticipated that Thaksin’s return would set off conflict and violence, a scenario that most Thai people were familiar with before the coup took place. One of Thaksin’s hired lawyers at the US law firm Baker Botts told the Associated Press that despite what the coup leaders said in public, they had explicitly told the ousted premier to stay away from the kingdom.³¹

Just a week after the putsch, an editorial in the *Nation* commented on the slow move of the coup leaders as “a disappointing start” because they had failed to freeze the assets of politicians suspected of gaining their wealth through unusual means.³² This failure is significant because it is one of the reasons the coup leaders used to justify their action, that is, the widespread corruption in Thaksin’s government.

The other justification used by the coup leaders was that they needed to resolve a protracted political crisis and to restore harmony among the people. However, this objective could not be realized either because several bombs had exploded in many areas of the capital during New Year’s Eve, killing three and injuring forty-two, and schools in the Northeast and the South were being set on fire almost daily. This is not to mention the daily violent outbreak in the deep South. In both cases of bombing and school torching, the only explanation the authorities could come up with was that they were the work of the old power. The authorities failed to find the culprits and these cases are still unresolved. Thus, it is quite clear that the CDRM, later re-named the Council for National Security (CNS), did not have a clear strategy to deal with the old power at the beginning of their rule.

During this first phase of political cleanup, police officers, civil servants, and provincial governors loyal to or appointed by the Thaksin government and his former Class 10 classmates at the Armed Forces Academies Preparatory School were removed or transferred to inactive posts and replaced with officers trusted by the new regime. The junta reasoned that these people could pose a threat to national security if they were to remain in their positions. This removal was effected for the stated purpose of achieving “national reconciliation.”

Meanwhile, the junta leaders appointed themselves and their associates to the Boards of Directors of several key state enterprises such as the Airport of Thailand, Thai Airways International, the Port Authority of Thailand, and the Telephone Organization of Thailand—a practice that has a long history in the tradition of the military junta in Thai politics. Faced with criticism, interim Prime Minister General Surayud came out defending the practice by insisting that such appointments were based on ability and expertise and were not the result of nepotism, as had been the case with political parties in power in the past.³³

General Sondhi supported the practice by invoking his military script, saying that high-ranking military personnel were put in positions of authority on the boards

to prevent corruption and to ensure national security. In other words, both General Surayud and General Sondhi saw nothing wrong with the practice because these appointments were done not by vested interests on the part of the coup leaders. General Chavalit Yongchaiyud, a former army chief and former prime minister, also made a surprise comment on the issue reportedly because his men failed to get appointed to any of the boards.

Furthermore, the Surayud cabinet approved substantial salary increases for the coup leaders and their appointed bodies. For example, General Sonthi, chairman of the CNS and coup leader, now receives a salary of Bt 119,200—an extra month's worth on top of his regular salary as army chief. The salary for National Legislative Assembly chairman is Bt 115,920, and the ASC chairman receives Bt 108,500 a month. These figures are astonishingly high when compared to the amount received by members of the National Peace-Keeping Council during the 1991 coup, which was Bt 20,000 per month.³⁴

By April 2007, with the completion of the mid-year military reshuffle, the junta had begun to consolidate its power. All mechanisms set forth by the junta to handle Thaksin and his associates begin to produce concrete results. This clearly marks the beginning second phase of the post-coup political cleanup in Thailand.

Political Cleanup: Phase II

Party Dissolution

On May 30, 2007, dubbed “Judgment Day” by the media, the whole nation was glued to their television sets, watching with anticipation as the junta-appointed Constitution Tribunal read its lengthy verdict on the dissolution of the TRT party and the dismissal of all charges against the Democratic Party.³⁵ The TRT party was charged with election fraud during the April 2 election because it had purportedly hired smaller parties to contest in the polls. The idea was to avoid the requirement of having to win 20 percent of eligible votes in the case of a single candidacy contested. The main opposition parties—the Democrats, Chart Thai, and Mahachon—boycotted the election by withdrawing their candidates from the contest. In the same verdict, the Tribunal also imposed a five-year ban on 111 TRT party executives from participating in politics. In other words, these executives were stripped of their political rights both

to vote and to run in an election.

The verdict was controversial not only because it acquitted the Democratic party of all charges while finding the TRT party guilty but also because there appeared to be a conflict in interpretation and an attempt at manipulation. A week before the scheduled verdict, King Bhumibol gave a rare speech to the Supreme Administrative Court judges. The thrust of the speech emphasized the King's grave concern over the upcoming Constitution Tribunal verdict on the future of the two major political parties of the country. In his speech, the King asked the country's top judges to do their best for the country and yet brace themselves for heavy criticism. "You have the responsibility to prevent the country from collapsing," he warned them in the speech, which was televised on all national television channels simultaneously on the evening of May 24, 2007.

The King further asked the visiting judges, led by Supreme Administrative Court President Ackaratorn Chularat, who is concurrently vice-president of the Constitution Tribunal, to "rightly interpret" what he was trying to say:

Whatever court you belong to, judges need to make the right interpretation, otherwise the country will be doomed. . . . You have the responsibility to judge, but not with the hammer. You can only decide within your heart whether the Constitution Tribunal makes the right ruling. Your responsibility and duty are to criticize the ruling. I have no right whatsoever to say if they are right or wrong, but in my heart I have to know whether they have done right or wrong. If they are wrong, there will be trouble whether or not political parties remain. I have the answer in my heart but I have no right to say it. Neither do you. . . . [We] can't issue any ruling because we are not the Constitution Tribunal. . . . But if you [have] listen[ed] to [the] radio over the past two days, there has been heavy criticism [of] the courts. . . .

The exact meaning of this advice from the King was not clear, and interpretations varied. Some observers saw it as a suggestion to the judges not to make a compromise ruling; others saw it as a warning against dissolving the two parties. The King was careful not to say where he stood on the merits of the case. The parties concerned had to read his mind.

Meanwhile, it had been reported that General Sonthi, the coup leader, had met with the Supreme Administrative Court president on May 29, one day before the verdict. However, General Sonthi denied that he was lobbying the judge on the dissolution case. He said that it was simply a casual get-together of two Muslims for a round of merit-making.³⁶

Finally, shortly after the verdict, there was a report on the attempt to bribe some of the Constitution Tribunal judges to deliver a favorable ruling for the TRT party. This then led Supreme Court President Panya Thanomrod, who is also president of the Constitution Tribunal, to appoint a disciplinary committee to conduct a formal inquiry on the report. By mid-August, the committee found that a certain high-ranking officer of the Justice Ministry and a retired police colonel had lobbied certain Constitution Tribunal judges for the favorable ruling.³⁷ An arrest has been made and the case is now under judicial process.³⁸ It is uncertain whether the King had known about this bribery allegation and thus came out to warn the judges in his speech mentioned above.

The controversy over the verdict had to do with the Tribunal's sweeping imposition of the five-year ban on political participation by all TRT party executives. The ban was based on the CDR Announcement No. 27, issued briefly after the coup. The Announcement amended the Political Parties Act by stipulating that executives of the dissolved party will be stripped of their voting rights for five years for violating election law, making them ineligible to stand for office. In effect, Announcement No. 27 forced the TRT party executives and MPs to resign en masse from the party in a desperate attempt to keep their political careers alive in case the court ordered the party to be dissolved. Thaksin himself also resigned as the leader of the party by faxing his handwritten letter of resignation from London.

Since the CDR Announcement No. 27 came after the alleged offence, it is questionable whether it is acceptable for the Constitution Tribunal to base their decision on it. To do so is tantamount to making the punishment retroactive. Legally speaking, punishment must be in line with the law in effect when an offence occurs. Furthermore, retroactive application of a law is acceptable only when it benefits the accused. A retroactive effect that harms or intensifies the punishment is against the international principles of justice.

More significantly, by invoking the power laid down by the coup leaders in

Announcement No. 27, the Constitution Tribunal has actually validated and endorsed the military coup. In other words, the ruling was seen by some critics as the coup leaders using the court to carry out their order. The grave concern of the critics was that the verdict would set “a dangerous precedent” for the future of democracy in Thailand: “The court severely punished Thai Rak Thai for breaking a law under the 1997 constitution while upholding the military’s right to rip that constitution to shreds,”³⁹ wrote one critic. Article 63 of the abolished 1997 constitution, which had its roots in the bloody incident of May of 1992, explicitly forbade anyone to “overthrow the democratic regime of government with the King as Head of the State” by force. Therefore, the Tribunal verdict ended up legitimizing both the present and the future coups.

More striking and more revealing with regard to the TRT dissolution case is the “strange” maneuver of General Sonthi, the coup leader. Just two days after the verdict, he came out publicly with the idea of offering amnesty for the TRT executive party members concerning their five-year ban from politics. The idea caused a public uproar and was rejected immediately.⁴⁰ General Sonthi publicly apologized to the judges for his hasty thinking. However, the event was quite revealing concerning its ramifications for the future of Thai politics and Thai democracy.

It seems that General Sonthi has enjoyed his sovereign power since the coup—so much so that he may think that every one of his utterances could become the law of the land. In his capacity as a coup leader, he is indeed a sovereign in the sense of being able to declare a state of exception from any existing laws, notably the constitution.⁴¹ Thus, instead of letting justice take its course according to the original verdict, he has decided to intervene on the platform of a reconciliatory mission: “I do believe that the idea [of amnesty] will be part of a process to restore peace and order and reconciliation.”⁴² Should he be allowed to have his way, months of hard work by the Tribunal judges and their ten hours of verdict reading would amount to a total waste of time. It is difficult to imagine how a reasonable man like General Sonthi can come out with such an idea except as a sovereign implementing a “state of exception” in an overt attempt to suspend the original verdict. In other words, his amnesty idea would overrule the Tribunal’s verdict.

However, some analysts have argued that General Sonthi and his CNS might have analyzed the situation incorrectly, in part by misinterpreting the King’s speech.

This would then have led to the conclusion that the Tribunal should only punish individual executives linked to election fraud but spare the parties from dissolution.⁴³ In addition, the amnesty idea would clear the path for some banned executives close to the junta to undertake political activities on behalf of the junta, particularly after the mandatory retirement of the junta leader.

Assets Freeze

Less than two weeks after the dissolution of the TRT party, on the evening of June 11, the junta-installed Assets Scrutiny Committee (ASC) televised their announcement to freeze more than 52 billion baht possessed by deposed prime minister Thaksin, his wife, his two grown children, and two other relatives. These frozen monies were in twenty-one accounts, in which some deposits were related to the controversial sale of shares in Shin Corp to the Singaporean investment arm, Temasek Holdings, in early 2006—worth a total of 72 billion baht. The panel has traced 20 billion missing baht and frozen this amount following subsequent orders. The sale of these shares was alleged, among other things, to constitute tax evasion, with resultant damage to the state worth around 33.108 billion baht, according to the ASC's estimates.⁴⁴

The ASC order was based on alleged acts of dishonesty and abuse of power to accumulate unusual wealth. The ASC derived its authority from CDR Announcement No. 30, issued shortly after the coup. The Announcement authorizes the ASC to freeze or confiscate assets of state officials suspected of malfeasance or corruption, where these may cause damage to the state. Any bank which allows transactions in these frozen assets could face legal action. The assets will be unfrozen if the accused can verify within sixty days that they earned these assets through legal means. On July 27 the team of lawyers for Mr. Thaksin filed a court case demanding that the ASC unfreeze his assets.

In addition to the malfeasance in the sale of Shin Corp shares, the ASC found enough evidence to charge Thaksin and his wife in five other malfeasance cases and six cases of abuse of power, in both instances for the purpose of obtaining unusual wealth.⁴⁵ The five malfeasance cases consist of the purchase of land worth 772 million baht from the Bank of Thailand's Financial Institutions Development Fund; the purchase of rubber saplings worth 1.44 billion baht by the Department of Agriculture, Ministry of Agriculture and Co-operatives; the purchase of luggage

conveyor belts and CTX 9000 bomb scanners; the issuance of two- and three-digit lottery tickets by the Government Lottery Bureau; and loans by Krung Thai Bank executives.

The six cases of abuse of power include altering an agreement on revenue sharing for prepaid mobile phone services to benefit Thaksin's company, the Advanced Info Service (AIS); altering an agreement on the rate of revenue sharing between the Telephone Organization of Thailand (TOT) and AIS; the issuing of an executive decree on telecommunications excise taxes and a cabinet resolution turning concession fees into excise taxes; instructing TOT to rent and invest unnecessarily in the satellite frequency held by Shin Satellite; ordering Exim Bank to allow the Burmese government to draw loans amounting to 1 billion baht in order to buy products and services from Shin Satellite; and, finally, using international trade negotiations to trade national interests for those of the satellite businesses of Shin Corp, adding considerable business value to Shin Satellite.

Among the five malfeasance cases above, the case involving the purchase of the Ratchadaphisek land, worth 772 million baht in 2003, had already been forwarded to the public prosecutors and indictments had been issued. As prime minister, Mr. Thaksin gave consent to the land purchase while he was in charge of overseeing the Financial Institutions Development Fund, which owned the land. The purchase was thus considered to be a case of conflict of interest.

The Ratchadaphisek land deal case was then sent to the Supreme Court's Criminal Division for Political Office Holders for trial. The first hearing was set on August 14 but Thaksin and wife did not show up, citing a concern for their safety should they return to stand trial in Thailand. The summons was posted in front of Thaksin's residence in Bangkok with much media fanfare. The court postponed the hearing to September 25 and issued the couple arrest warrants for their evasion of judicial proceedings. If Thaksin and his wife failed to turn up for the second hearing, the prosecutors would start extradition proceedings with the British government.

Veteran politician, Samak Sundaravej, a former Bangkok governor and a former leader of the Prachakorn Thai party, had argued that what the CNS, the interim government, and its bureaucracy had tried to do in the land deal case was to discredit Mr. Thaksin. The issue of an arrest warrant was just a standard procedure of the judicial process when a defendant failed to appear in court. Besides, the

Ratchadaphisek land deal was not a corruption case because the former NCCC had already ruled that the purchase was not in violation of article 100 of the NCCC bill. Although Thaksin supervised the BOT in his capacity as prime minister, he did not actually administer the Bank. Furthermore, the Financial Institutions Development Fund did not feel that the purchase had caused them any damages. Nonetheless, the junta-installed ASC forced them to file a complaint so that the case could be processed.⁴⁶

Immediately, and perhaps coincidentally, after Samak's remark, the Office of the Auditor General (OAG) recommended criminal proceeding against Samak by sending an urgent letter to the police chief to investigate the charge of abuse of power while Samak served as Bangkok governor. The OAG asked the police to send the investigation report back within ninety days. Samak was then charged with hiring private companies to undertake waste management in 2003 by choosing bidders who had offered a higher service fee but had provided low-quality work, causing damages to the state worth 558 million baht. Samak responded publicly that he had anticipated that this kind of allegation would emerge after he agreed to lead the TRT's new shelter, the People's Power party. In other words, Samak saw it as a politically motivated charge.⁴⁷

It is interesting to note that the return of Samak and other members of the old guard to the political limelight seem to display a dearth of leaders among Thai politicians once the former 111 TRT executives were barred from political activity. This is one of the side effects the junta had failed to foresee when launching its political reform project. If the interim government was dubbed "old ginger," then the upcoming electoral politics in Thailand could be described as a return of the "old skeletons."⁴⁸ Old ginger and old skeletons will definitely play a crucial role in the coming elections, and the future prospect for democracy in Thailand looks very bleak.

Meanwhile, Thaksin's lawyer said that his clients were determined to clear their names but would do so after the junta relinquishes its power. Speaking from London, Thaksin was quoted as saying: "I will defend myself against all charges when I am confident I can do so in a fair and just process. This is not possible while the military control what should be a proud democracy."⁴⁹

Former Prime Minister Thaksin will have to face several other charges and will receive several other arrest warrants in the near future for his alleged

wrongdoings. The junta hopes that all these cases, together with the dissolution of the TRT party and the implementation of the new constitution, which will be discussed below, will once and for all put the last nail in Thaksin's political coffin .

If the first phase of the political cleanup saw the coup leaders and the interim government worried about Thaksin's return for fear it might encourage violence, then the second phase of the cleanup has been marked by a growing eagerness to persuade Thaksin to return to face trial for all of the charges against him. The coup leaders, the prime minister, the cabinet members of the interim government, and the national police chief have all repeated the same line by calling upon Thaksin to come home to fight these charges. They would guarantee his safety. The political situation has obviously changed to the benefit of the coup leaders during the second phase of the political cleanup.

The New Constitution

The 2007 draft charter passed the referendum on August 19 with 14 million votes, while 10 million voted to reject the draft, and half a million ballots were voided. There were 45 million eligible voters nationwide. Thailand now has its eighteenth constitution. Though the results of the poll were not very impressive, the approval of the junta-supported constitution at least brought an end to the last leg of the second phase of the political cleanup. With the new constitution in place, the whole political process was now able to proceed in a clear direction.

Interpretations of the referendum voting patterns have varied. Above all else, voting patterns on the draft charter show that a sharp political division in Thai society still exists eleven months after a military coup whose primary proclaimed objectives included the healing of the national rift and the restoration of national harmony through an emphasis on "national reconciliatory" policies. The votes against the draft charter came mainly from the Northeast and the upper North, which were the strongholds of the former TRT party. Nonetheless, it would be quite unrealistic to come to the conclusion that the 10 million negative votes were from Thaksin's supporters alone. Many people voted "no" to the draft because they did not like the military coup and did not want the military to intervene in politics. This includes the pro-democracy groups, who were against the coup from the beginning.

Meanwhile, the 14 million voters who supported the draft did not necessarily

signify that they entirely supported the coup, either. Most of these voters are pragmatists and simply wanted to see political certainty and the return of normalcy to the country. By voting “yes” to the draft charter, they believed the democratic process would get back under way, leading to the end of military rule. In other words, in part, the “yes” votes on the referendum constitute a national vote for political stability and for a return to democracy, and were not a signal of approval of the coup. Given the fact that the content of the draft charter played an insignificant role in determining the outcome of the voting, it was indeed a vote for normalcy.

Furthermore, as the Democratic Party leader has argued, it is quite simplistic to say that the voting patterns in the referendum showed Thaksin’s popularity to be in decline. Such a statement does not bring into consideration the atmosphere in which the referendum took place. Those who voted against the draft had to face all manner of threats and pressures from the state. Several anti-junta campaigns were blocked.⁵⁰ Many activists who campaigned against the charter were arrested.⁵¹ Stickers attached to the rear windows of taxis in Bangkok saying “Take passengers but don’t take the draft charter” were forced to remove them within a few days as they were ruled to be against the traffic law.⁵² A team of soldiers and police confiscated anti-charter campaign materials from the house of a former TRT MP in Khampaeng Pet and from the house of Prateep Ungsongtham-Hata, the rights activist and a former senator, in Klong Toei slum.⁵³

Thai voters were faced with the threat of all kinds of negative consequences; the junta and its functionaries made it known that if the draft charter was rejected, the people would face something worse than the present situation. No alternative version of the constitution was offered and there was no requirement for a minimum turnout of voters necessary for the referendum to be valid. In short, Thai voters were being railroaded, via the ritual of referendum, into accepting what was being offered.

Ironically, while the coup leaders had deposed an elected government on the ground that voting alone was not the only legitimate source of power, they committed the same sin by trying to galvanize votes without laying the groundwork for a fair and just referendum. The interim government set aside a budget of 576 million baht to “educate” the public about the draft charter, and the whole referendum process cost more than 1,500 million baht. General Sonthi was reported to have instructed 400,000 members of the armed forces and the police to support the constitution.⁵⁴

The CNS campaigned strenuously for the draft charter as its approval would be used to justify their removal of the elected government. All kinds of state functionaries close to the people were mobilized in the campaigns to support the charter: the traditional kamnan and village headmen, village health volunteers, teacher leaders, Army Regional headquarters throughout the country, and Internal Security Operations Command (ISOC). “Mother hens” (Vitayakorn mae kai) were sent out to knock on people’s doors and lecture them on the coup-sponsored constitution, the August 19 referendum, and the planned general election. These were Interior Ministry volunteers whose job was to usher in the new constitution and to promote democracy to their “chickens”—the community leaders. The initiative was part of the government’s Democracy Development Volunteer project. This promotional style was derived from a successful commercial direct-sales technique. Prime minister Surayud himself volunteered for the job and was made an “honorary mother hen.” After the referendum, these “mother hen” volunteers would shift their roles to campaign for a clean and fair election.⁵⁵

Since the CNS and its installed government controlled all access to the mass media in an attempt to influence the opinion of local leaders, from the major cities to the small communities, the narrow margin in the referendum therefore came as a disappointing surprise to both the coup leaders and their supporters. Despite many unprecedented arrangements to ensure that people voted, including free transportation to the polling stations and an extra public holiday on Monday August 20, the day after the referendum, the junta could not gain the 70 percent approval that they had expected. Even with all the forms of control at their disposal, and despite the one-sided public information campaigns, the junta failed to achieve a clear victory. Without the vigorous campaign against those who opposed the draft charter, the number of people turning out to vote “no” would have been far greater.

The referendum was the first crucial test of public sentiment since the September coup. It serves more or less as a barometer to gauge public opinion toward both the coup and the future direction of Thai politics. The overwhelming “no” votes in the Northeast provinces prompted Lieutenant-General Sujit Sitthitprapa, the Second Army Region chief who is responsible for that area, to conclude that it was a setback for the army.⁵⁶ Many provinces in the North and Northeast that voted “no” to the draft charter are now under martial law.

It is undeniable that the August 19 referendum represented another example of how major portions of the population were compelled to take sides. Broadly speaking, the “yes” votes meant agreeing with the CNS in their seizure of power from Thaksin, to break the existing political impasse, and to eradicate widespread corruption. The “No” votes meant opposition to the coup; opposition to the performance of the interim government, which had failed to win public approval in the areas of economic reform, drug suppression, and violence in the South; and, of course, opposition to the removal of Thaksin. Because of this sharp divide, it is difficult to tell exactly how many votes were cast without any influence either from the junta and its government or from the anti-charter groups. Thus, it was both amusing and astonishing to hear General Sonthi say on television that the 14 million votes for the charter were all “innocent” votes, as they were not manipulated by the junta and its installed government.

Although the contents of the draft charter played a secondary role in determining how people voted in the referendum, to discern the future prospects for Thai politics at this crossroads, it is appropriate to have some knowledge about these contents. Overall the new charter has been criticized as being undemocratic because it limits the power of the politicians and gives immense power to the courts to rectify weaknesses in the suspended 1997 constitution—particularly relating to the monopoly and abuse of power by the executive branch and by the military under the name of national security. The 2007 constitution deliberately sets out to weaken the prime minister and the political parties. It is written mainly to prevent Thaksin or Thaksin-like politicians from returning to power. For example, only one fifth of the MPs are required to submit a no-confidence motion against the prime minister, while under the abrogated 1997 constitution two fifths were required. Therefore, if the emphasis of the abolished 1997 constitution was on building a strong government with an eye to political stability by bypassing the system of strict checks and balances, then the aim of the new constitution is to reduce the government’s and people’s power by increasing the power of the judiciary.

The content of the new charter reveals a deep mistrust of politicians and of the voter’s ability to make informed decisions. The new constitution seems to strengthen the military and elitist bureaucracy resulting in a weak coalition government. The writers of the new constitution claim that it gives more power to the people than the abrogated 1997 constitution. For example, article 291 stipulates that 50,000 eligible

voters can petition to have the constitution corrected and article 212 allows eligible voters to file cases at the constitutional court.

However, critics argue that the rights and liberty of the people cannot be guaranteed when there are several other articles in the charter that tend to undermine democratic institutions and principles. For example, half of the senators in the new charter would be appointed by a special panel composed of judges and chiefs of independent organizations such as the Election Commission, the National Counter-Corruption Commission and the Auditor-General.

Furthermore, there are many provisions that not only run counter to civil and human rights concerning the eligibility of applicants for the senate but also bar a number of Thais from entering politics. The following persons are barred from running for senate, for instance: parents, spouses, and children of an MP or holder of a political position; members or holders of positions in a political party; and those who have resigned less than five years before the application date.

The new constitution does not bar the coup leaders from entering politics, while it has set up requirements to block other people. For example, those who are or were MPs who left office less than five years prior to the application date cannot contest seats or be appointed as senators, and those who are or were senators who left office less than two years previously cannot assume ministerial or other political offices. Therefore, it has been interpreted that the new constitution is written to pave the way for the coup leaders to enter politics and to prolong their stay in power.

The good side of the new charter is the injection of integrity and ethics into politics and the installation of a better system of checks and balances. As mentioned earlier, the new constitution is clearly drafted as a reaction to the misdeeds of the previous government, some of whose members are embroiled in real or perceived conflicts of interest, abuse of power, and interference with independent organizations. Representatives of political parties are excluded from sitting on committees that select members of independent organizations under the new constitution such as the ASC, the NCCC, and the Constitution Court. Most members of the selection committee are drawn from judges.

Clearly, the writers of the new constitution do not trust the judgment of the people and have faith only in judges or those in the judicial branch. However, this is quite worrisome because the stated role of members of the judiciary is to be impartial

as they determine the fate of other people. Involving the judiciary in politics would cost them their impartiality.

Thus, instead of using foresight to design a political system that is capable of dealing with the complex changes taking place in a globalized world environment, and to design institutionalized mechanisms to handle political conflict in a complex society, the writers simply reduced their task to curtailing the power of the executive branch. Political reform is narrowly defined as techniques of controlling the government. In this regard, the whole process of political reform from the implementation of the abrogated 1997 constitution to the 2007 new constitution has been labeled by one academic as another “wasted decade” for Thailand.⁵⁷

Military Dominance Lingers On

At least three obvious issues have emerged out of the political situation in Thailand after the September 19, 2006, coup. First, based upon the result of the referendum on the junta-sponsored constitution, in which the number of voters opposed to the charter was incredibly large, it is certain that the junta has failed to contain the power and the popularity of former Prime Minister Thaksin. This could prove worrisome to the coup leaders and their supporters in the upcoming election.

Second, the deep division within Thai society that the junta was supposed to heal has not been healed. The sharp divide between the supporters and the opponents of the draft charter—narrowly supported by only 57.81 percent of those who voted—should remind us of this deep divide. After almost a year of hard work and harsh measures on the part of the junta, the political divide in Thailand runs even deeper.

And finally, the main objectives of the junta, which provided the justification for the coup, remain unfulfilled. After all, the tough measures that have been taken against Thaksin and his network, such as the dissolution of the TRT party, the freezing of assets, and the weakening of politicians and elected members of government, as stipulated in the new constitution, have so far failed to eradicate Thaksin from the Thai political map, not to mention from the consciousness of the rural masses.

Therefore, there is no doubt that the armed forces will stay on in politics to accomplish their remaining proclaimed tasks, but they will stay on in a more civilized

form. If the election is held at the end of this year as anticipated, then we will more clearly see the pattern of military domination in Thai politics. However, political participation by the army in the form of another military coup can never be ruled out. As one of the leaders of the September coup once said, it is the script that reflects clearly the fundamental thinking of men in uniform as guardians and saviors of the nation:

“[A] Military coup should never be ruled out. . . . [A] coup will take place if there is a cause and that cause is justified. . . . If the country plunges into crisis, a coup can always happen.”⁵⁸

Asked on the referendum day whether the new constitution would last if it passed the referendum, General Sonthi, the coup leader, said that the life of the constitution would depend largely on how the future administration behaves. If they are “honest and patriotic,” then the constitution will last.⁵⁹ In other words, there is no guarantee from the military that the new constitution will not be shredded in the future.

General Sonthi’s comment here is quite revealing regarding the future prospects for Thai democracy. Based on this comment, it is obvious that the military still thinks of itself as the guardian of democracy and the “white knight” that will come to rescue the nation whenever it deems necessary. Consequently, it would never understand, as one critic has pointed out, that the August 19 referendum was for and on the *Constitution*, not on the CNS, the coup, or its administration for the past eleven months. Therefore, nobody has a mandate to change the rules once the people have endorsed them except the people themselves.

The dominance of the military in the future of Thai politics is guaranteed by the new charter. The controversial article 309, which is the very last article in the new constitution, grants de facto amnesty not only for the junta’s past deeds but also for their future actions. The article stipulates that anything compliant with the 2006 interim charter, issued shortly after the coup, should be deemed legal afterwards. Having such an article in the constitution simply undermines the entire principle of the constitution being the supreme law of the nation. Article 309 is tantamount to allowing the military to declare a “state of exception” whenever it deems necessary

and appropriate.

Moreover, the less noticed article 77 of the new charter stipulates that it is the state's duty to provide the armed forces with "modern," "necessary," and "adequate" (phieng phor, not phor phieng, or sufficiency) personnel, weapons, and technologies to protect national independence, national sovereignty, national security, the Monarchy, the national interest, and the democratic form of government with the King as the Head of State. Critics have argued that these three adjectives, which did not appear in the abrogated 1997 constitution, would certainly lead to an increase in the military budget in the near future.⁶⁰

Such an expectation is not exaggerated, judging from an unprecedented increase in the military budget and spending after the September coup. With an increase in military spending comes an increase in the role of the military in society and politics. Three months after the coup, it was reported in the newspapers that the junta had used 1.5 billion baht from its "secret funds" to stage the coup in September. General Sonthi, the coup leader, did not deny the report; he simply stated that the money was needed for food for troops and other necessary expenses.⁶¹

In addition to the expenses incurred by the coup, the military's budget has increased tremendously. For example, in late December 2006, the Surayud cabinet approved 556 million baht for the formation of a 14,000 strong special-operations force with a mandate to control anti-junta protests. The fund allocation came from a request by the CNS. This is a rapid deployment force, which began its operations before the approval of the budget. The practice runs counter to the directives of the prime minister's office, so the appropriation was approved retroactively. The money would be drawn from the government reserve fund for emergency situations. General Saprang Kalayanamitr was appointed Commander of the force to crack down on anti-junta protestors.⁶²

Prior to the coup, the armed forces were working with a budget of 86 billion baht. However, in the proposed budget for fiscal year 2008, they have asked for 143 billion baht. The figure rose from 115 billion baht for fiscal year 2007. Thus, in less than two years, the military has increased spending by 66 per cent, raising the question of whatever happened to the idea of a self-sufficient economy, which the junta had strongly supported. The increase in the defense budget of 33.8 per cent in 2007 and 24.3 per cent in 2008 has raised concern about the return to political

dominance of the armed forces.⁶³

In May 2007 it was revealed that the First Army Commander, General Prayuth Chan-ocha, had been placed in charge of a secret army unit with a budget of 319.1 million baht for mobilizing mass support for the junta.⁶⁴ The sending out of millions of SMS messages to mobile phone users throughout the country to discourage the people from attending the protest rallies against the party dissolution verdict mentioned above was part of this mass-mobilization project.

It has been alleged that the violent clash between anti-coup demonstrators and the police in front of Privy Council President General Prem Tinsulanond's residence in the night of July 22 was part of the work of this unit.⁶⁵ It was estimated that 100 demonstrators and 200 police were injured in the clash. Nine key leaders of the protesters were later arrested.⁶⁶ The protesters demanded that Prem resign from his privy councilor post because he was the mastermind behind the September 19, 2006, coup.⁶⁷ Interim Prime Minister Surayud came out to condemn the protesters as being part of a conspiracy to undermine the Monarchy.⁶⁸ Such a remark only serves to widen the national divide and inflame already heated feelings.

Since the coup, there has been a large police and military presence throughout the country. Military and police set up checkpoints and intercepted and deterred groups of people heading into Bangkok and other places for fear they were attending the protest rallies against the coup. This caused great inconvenience to a large number of people throughout the country. Furthermore, the armed forces had requested 17.6 billion baht to fund counter-insurgency efforts in the far south for the next four years, starting from 2007 to 2011, and 456 million baht for a "secret budget." Sixty percent of the military budget for southern security operations in the past had been spent on salaries and welfare benefits.⁶⁹

The CNS also proposed a controversial security bill, which was approved by the Surayud cabinet and forwarded to the Council of State for review before sending to the NLA for final approval. The new draft national security bill would give sweeping powers to the Internal Security Operations Command (ISOC) to handle "new forms of threats" to the country such as acts of sabotage, transnational crime, and propaganda. The director of ISOC, who happens to be General Sonthi, the coup leader, would be in charge of the new draft. If approved, the bill would provide an alternative to the Executive Decree on Public Administration in Emergency Situations

issued during the Thaksin government.

Critics of the security draft bill see it as a means for the military to hold onto power. The proposed security bill would in effect set up a permanent military dictatorship. Even after the election, the armed forces would have the power to set curfews or ban political gatherings at any time without bothering to declare a state of emergency. Faced with criticism from civil groups, interim prime minister Surayud temporarily backed off, first by offering a change in the person responsible under the bill from the director of ISOC to the prime minister, and later adding that it is not an urgent matter. Therefore, the government would not submit the draft to the NLA until it is acceptable to all parties concerned.⁷⁰

Finally, shortly after the referendum's defeat in the Northeast and the North, the junta launched a populist project worth 10 billion baht to win the hearts and minds of the people in these two regions.⁷¹ The Center for Poverty Eradication and Rural Development under the Philosophy of Self-Sufficiency Economy has been set up under the direct supervision of ISOC. The military firmly believes that if they can eradicate poverty and improve the people's lives in the regions, people would turn to support the army's cause. During his five-year rule, Thaksin had changed the contour of Thai politics and the aspiration of the Thai rural masses in such a way that simply dispatching more troops and injecting more monies into the village can hardly win their approval. Besides, this is not the proper role and duty of a professional military under a democratic form of government.

Conclusion

All evidence points to an increasing role for the military in Thai society and politics. The most recent military coup, which aimed at restoring democracy, would end up containing democracy under military control. The past seventeen coups should remind us that military interventions, no matter how nice they may at first appear to be, are never a good solution to the problems of democratic politics. The use of force to move politics to the desired goal has proved futile. History has proved that soldiers, once they get a taste of power, tend to hold onto it.

Thaksin was out but he has not yet been defeated. Indeed, Thaksin has changed Thailand more than his opponents and enemies would care to admit. The new

round of power struggles will be in evidence in the coming election. If General Sonthi were granted another six-month extension as commander-in-chief of the army, as one report had it,⁷² then this shows that there have been conflicts within the army regarding the issue of succession. An extension would also serve as a clear sign from the army that it intends to further contain Thaksin and his former TRT group in the coming election.

Politics will only become stable when the political system can accommodate all the important social forces within it. Reconciliatory politics and military coups work against each other. Coups represent the exclusion technique of governance rather than inclusion. The junta will definitely try to isolate the former TRT groups either by forging an alliance with the former opposition parties led by the Democrats or by arranging a realignment of political groups into a new party as an alternative to both the Democrat-led and the former TRT-led parties. The strategies of fragmentation and isolation at best will push the former TRT group into the opposition camp after the general election and at worst will intensify the great political divide in Thai society.

Despite the impact on the changing contours of the Thai political map, the historic verdict of the dissolution of the TRT party and other measures taken by the junta to clean up “bad” politics have left open several spaces for future debates. The end of the TRT party is in no way a guarantee of the Democrats’ rise to power. Neither does it mean a better future for the country and for democracy. People’s high expectations of the coup and the new election will be met with frustration. With the approval of the junta-supported constitution in the referendum on August 19, we can expect a return of the military and the big bureaucrats to the Thai political scene.

The security state and the bureaucratic polity will reemerge on the Thai political map in the forms of coalition government, appointed senators, committee members of independent organizations, and the controversial internal security bill. Elections will not solve the problems the nation faces; they will only serve to convince the world community that Thailand has, once again, a democratic form of government. Unless Thailand is able to design a system of institutionalized conflict management such as a strong and respected parliamentary system that is capable of converting “antagonism” into “agonism,” then the future prospects for democracy in Thailand is still in doubt.

Amnesty as a means to solve political conflicts, which had been effective in the past, can hardly be used to solve the current conflicts. The conflicts among the elites this time are too deep and too complex, and too many parties are involved to allow amnesty alone to bring peace, stability, and normalcy to the country. These conflicts are structural rather than individual-based and need institutionalized rather than individualized mechanisms to solve them. For example, despite vigorous campaigning on the platform of reconciliatory politics, the military basically thinks in terms of antagonism and always looks to eradicate differing views perceived as threats to national security and the monarchy, and thus as enemies to be destroyed.

Ironically, before the September coup, educated and urbanized Thais showed their contempt for elections and elected politicians that depended greatly on a patronage system focused on the rural masses and the vote-buying practices of the politicians. Now they pin their hopes on elections as a means of harmonizing Thai society. However, without a democratic culture of tolerance toward different opinions capable of transforming antagonism into agonism, as mentioned earlier, elections will only serve to intensify the existing “partition of the perceptible” in Thai society. Instead of working as a conflict-management device, elections under this circumstance will only bring more conflict and deepen the political divide in Thai society. The most important question remains how to create “social trust” in such a way that it will heal this great political divide. This is a challenge to all Thais.

Notes

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² Manop Thip-osod, “Anti-coup driver rams taxi into army tank,” *Bangkok Post*, October 1, 2006.

³ Saritdet Marukatat, “Rural folk must hear truth about Thaksin,” *Bangkok Post*, October 4, 2006.

⁴ A leading proponent of this argument is Anek Laothammathas, in *Thaksina-prachaniyom* (Thaksina-Populism) (Bangkok: Matichon Press, 2006).

⁵ A discussion of the details of events leading up to the coup is provided by James Ockey, “Thailand in 2006: Retreat to Military Rule,” *Asian Survey* 47, no. 1 (2007): 133-140. The coup leaders’ reasons for staging the coup can be found in the Council for National Security

“white paper” entitled “Fact concerning governance reform in Thailand,” available at <http://www.cns.go.th/>.

⁶ Khien Theeravit, “Thailand’s ‘coup de grace’ is not lacking in legitimacy,” *The Nation*, October 18, 2006.

⁷ Patrick Jory, “Roundtable: September 19th 2006 coup in Thailand,” available at <http://www.ari.nus.edu.sy/showfile.asp?eventfileid=189>, and Justin Huggler, “Royalty and revolution: The absolute Monarchy,” *The Independent*, September 25, 2006.

⁸ Pitch Pongsawad, *Karn muang khong phrai* (The Politics of the Subjected) (Bangkok: Open Books, 2007: 239). A famous singer, “Bird,” Thongchai MacIntyre, has composed a song to celebrate his Majesty the King’s 80th birthday and cleverly titled it “Rup thi thuk ban thong me” (The picture every household must have), which of course means the portrait of the King. The song was first aired on August 23 and will definitely become popular.

⁹ The idea of conflict in contemporary Thailand as epitomized by the tussle between these two networks is described in Duncan McCargo, “Network monarchy and legitimacy crises in Thailand,” *The Pacific Review* 18, no. 4 (2005): 499-519. See also “A Right Royal Headache,” *Far Eastern Economic Review* 165, no. 1, January 10, 2002, p. 8.

¹⁰ “Exclusive Interview: Kingdom ‘would not have survived without coup,’” *The Nation*, October 26, 2006.

¹¹ Kamol Hengkietisak, “His Majesty’s wisdom shines on,” *Bangkok Post*, December 10, 2006.

¹² Thitinan Pongsudhirak, “Alarming rifts in anti-Thaksin coalition,” *Bangkok Post*, December 15, 2006.

¹³ This phrase is borrowed from Jacques Rancière, a French philosopher and political theorist in his *Disagreement: Politics and Philosophy*, trans. Julie Rose (Minneapolis: University of Minnesota Press, 1999).

¹⁴ This kind of argument has been proposed by Thanaphol Eawsakul in *Ratpraharn sip klaw kanya: Ratpraharn pher rabob prachathipatrai un mee phramahakasat throng phen pramuk* (The September 19 coup: The coup for democratic regime under the constitutional Monarchy) (Bangkok: Far Diew Gun, 2007).

¹⁵ Kultida Sumabuddhi, “After months of furious campaigning on all sides, tomorrow the country votes,” *Bangkok Post*, August 18, 2007, p. 11.

¹⁶ Chantal Mouffe, *On the Political* (London and New York: Routledge, 2005), and *The Democratic Paradox* (London: Verso, 2000).

¹⁷ Mouffe, *The Democratic Paradox*, p. 102.

¹⁸ Thanong Khanthong, “Pridiyathorn puts his future on the line,” *The Nation*, December 20, 2006; “Bt 820-billion blunder,” *The Nation*, December 20, 2006; and Atiya Achakulwisut, “Old ginger seems to be flip-flopped,” *Bangkok Post*, December 22, 2006.

¹⁹ Achara Pongvutitham and Petchanet Pratrungkrai, “Blow to rice exports as company folds,” *The Nation*, August 24, 2007.

- ²⁰ Percharat Pratrungkrai, “Export growth falls in July,” *The Nation*, August 22, 2007.
- ²¹ “Household debt at record high,” *The Nation*, August 24, 2007.
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- ²⁴ Saiarun Pinaduang, “Longan growers block road in protest against plunge in prices,” *Bangkok Post*, August 3, 2007.
- ²⁵ “Fruits fee-for-all,” *Bangkok Post*, August 18, 2007.
- ²⁶ “South gets B509m to buy anti-rebel gear,” *Bangkok Post*, August 8, 2007.
- ²⁷ *Bangkok Post*, July 30, 2007.
- ²⁸ Thitinan Pongsudhirak, “Alarming rifts in anti-Thaksin coalition,” *Bangkok Post*, December 15, 2006; “CNS patting its back too soon,” *Bangkok Post*, December 22, 2006; and “Leadership needed from reluctant PM,” *The Nation*, January 12, 2007.
- ²⁹ “Coups leaders tighten grip,” *The Nation*, January 5, 2007.
- ³⁰ Ampa Santimetanedol, “List of uncooperative agencies reaches PM,” *Bangkok Post*, February 17, 2007.
- ³¹ “Establishing the rule of law,” *Bangkok Post*, February 14, 2007.
- ³² “CDRM could wear out its welcome,” *The Nation*, September 25, 2006.
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