

Thailand's downward spiral by Christopher J. Siegelkow

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Shortly after Thailand's military took power in a coup last May and proclaimed the ruling junta the National Council for Peace and Order (NCPO) its leader, then general, now prime minister, Prayuth Chan-ocha said he wanted to "reform the political structure, economy, and society." Gen. Prayuth called for "national reconciliation" after seven months of street protests left at least 28 dead and more than 800 injured. Although the May 2014 coup has brought a sense of calm to the streets, the coup, at least thus far, is not reconciling the deep political divisions that continue to plague Thailand. Martial law remains in effect indefinitely, political activities are banned, and severe restrictions on civil liberties have been imposed. Those who defy these bans are "invited" to what the junta calls an "attitude adjustment" or imprisoned.

Nor does the NCPO look to be embarking on a path resembling "national reconciliation." The impeachment of former Prime Minister Yingluck Shinawatra on Jan. 23 seems to have only exacerbated deep political divisions. Her crime was the corrupt implementation of a rice subsidy scheme by which Thailand incurred losses of approximately \$16 billion. While Yingluck could certainly be charged with malfeasance as the rice pricing scheme was harmful, no evidence was produced that showed she or her family financially gained or benefitted from what was a hare-brained scheme. But what befuddles many people, both inside and outside Thailand, is how a legislature can impeach someone who has already been removed from office by extra-constitutional means, while invoking the same constitution the military abrogated when it came to power. Now that she has been impeached, Yingluck is banned from politics for five years and could receive a sentence of up to 10 years in prison. She is currently not allowed to leave the country. The question is whether Prayuth and the NCPO will imprison her or allow her to live in exile like her brother, Thaksin Shinawatra, who is both loathed and loved in Thailand, depending on who one is talking to.

Yingluck's impeachment has nothing to do with promoting good governance and strengthening the rule of law, which Thailand desperately needs. Instead, this is all about how to vanquish Thaksin Shinawatra so that he has no possibility of ever regaining power. Thaksin, and the various iterations of his political party, the "Pheu Thai," have won every election since 2000, the last election by more than 4 million votes in which 66 percent of the adult population cast ballots. Thaksin's supporters feel that military intervention denies them a popular electoral mandate. The NCPO believes Thaksin and many of his associates are corrupt and guilty of abusing power when in office. As strange as this sounds, both are correct. With both sides so

dead set against the other side and unwilling to compromise, how can this deep chasm be bridged?

Neither the traditional elite nor Thaksin have served the Thai people well. The traditional elite have failed to strengthen democracy and state institutions that can serve as checks and balances on executive power, strengthen the rule of law, and enhance freedom of expression. The 1997 constitution was a bold attempt at conferring greater power on the Thai people by advancing political reform and the protection of rights. But an unexpected and undesirable consequence of the 1997 constitution was creation of a strong government under an autocratic prime minister (Thaksin) controlling a quiescent Cabinet and a majority-holding political party as never before encountered. If Thaksin were to return to power, he would likely turn the judiciary and other state institutions into tools of his power. Authoritarianism would remain, but traditional elites wouldn't be the masters. As one astute Thai observer noted, "There is a lot to lose here – a tremendous amount of money and power. Do you really think vested interests are going to go down without a fight?"

Put succinctly, Thailand's political environment is deteriorating. A country once considered the most democratic country on mainland, if not all of, Southeast Asia, Thailand is now rated as "Not Free" in the 2015 Freedom House Report. With martial law in force "indefinitely," political rights and civil liberties are in a downward spiral. The creation of new political parties is prohibited and existing parties are not allowed to meet and engage in political activity. This trend will likely continue given King Bhumipol Adulyadev's frail health and the desire by the NCPO to ensure a smooth succession.

There may be a ray of light in this pessimistic assessment of Thailand's political future. In one sense, Thailand is a victim of its own success. Thailand has a vibrant civil society with groups representing farmers, women, environmentalists, students, human rights, and others. Rural Thais are much better educated, informed, and mobile than they were 35 years ago. In the past, they were expected to "know their place" and "respect higher ups." Thaksin and Yingluck Shinawatra may be vanquished by Thailand's traditional elite, but over time, the millions of Thais who want to have a say in the political, economic, and social life of their country without fear of retribution will be heard. However Thailand's political structure, economy, and society are reformed, national reconciliation is a key element in how Thailand will resolve its current challenges in a peaceful, enduring way.

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