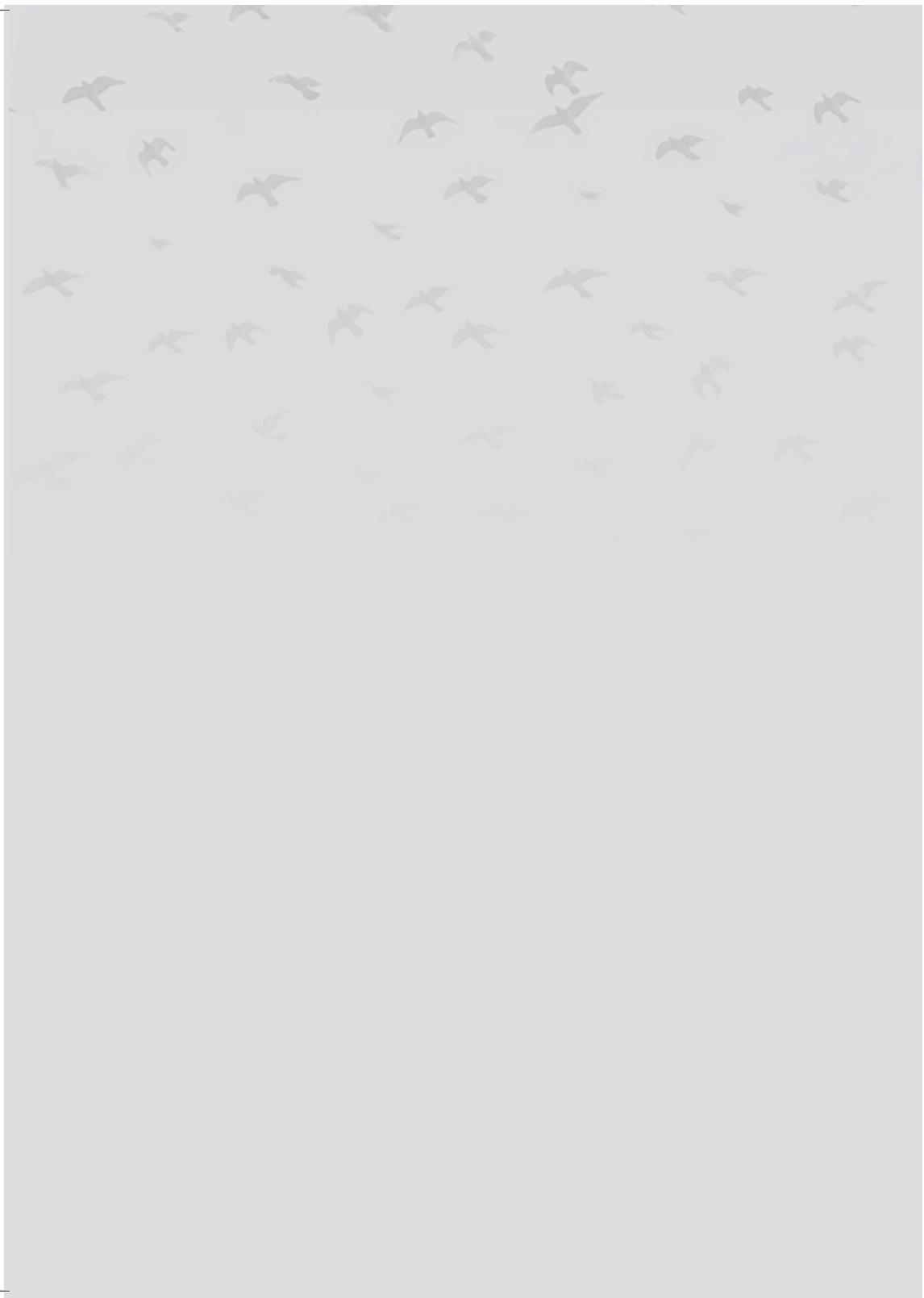




The Politics of Reform and the Future of Thailand



The Politics of Reform and the Future of Thailand¹

Thanet Aphornsuvan

Thammasart Distinguished Fellow, Thammasart University

ta2@tu.ac.th

Abstract

Historically, King Chulalongkorn in the 1890s initiated the idea of political and administrative reform in the Chakri Reform, which limited political and development reform, thus resulted in the emerging Thai state that did not develop its attributes—developmental orientation, cohesiveness, and strength of the bureaucracy. Starting with the 1991 Coup which ended in a mass protest of bloody May 1992, critics and politicians called for a political reform to avoid future crisis stemming from the inefficient political system. The National Council for Peace and Order (NCPO) which staged the recent

1 A revised version of the paper which was presented to the United Nations Country Team (UNCT), organized by the United Nations Resident Coordinator of the United Nations Systems' Operational Activities for Development in Thailand, UN Building, Conference Centre, Bangkok, on 29 April 2016.

2014 Coup also claimed its righteous role in taking power by force so that it could construct/manufacture the reform project for the country. But as the government and the junta tried to portray a new apolitical version of reform, one that is not a result of the internal conflict between the new rising political force based on the rural constituency and the traditional elite and upper middle class who eventually lost trust in the electoral system and government, the road to reform looks more reminiscent of the grand old reform which never created real developmental institutions capable of change. At issue now is not so much about the modern form and efficacy of the government as about who should rightly rule and govern the country—the elected or appointed government.

Keywords: politics, reform, Thailand, development, conflict

Introduction

The concept of reform is not new in Thai political history. Most Thais have learned and are grateful to King Chulalongkorn (R. 1868-1910) for his reforms of the kingdom in the late nineteenth and early twentieth centuries which enabled Siam to maintain its nominal independence and solidify the monarchy. The Chakri Reform essentially centralised power into the monarch and Bangkok, thanks to the availability of Western technology and a modern standing army, buttressed with the British and French pacification policies of keeping Siam as a buffer state, which made the reforms a reality (Anderson,1978). With no serious opposition and external threats to power, the significant characteristic of the Chakri Reform was its elitism and with no reference to the people demands. The

royalist absolutism that came out of the reform was thus deeply conservative and at the same time highly unstable, not because of its “Thai uniqueness”, but “because it contained within itself no real foundation of or criteria for internal or external legitimacy”(Anderson, 1978, p.226). One thing that was clear at the time was the positive stance among elites, both royalty and nobility, on the superiority of the Western model over the ancient Siamese forms and contents of government. Unlike its neighbours in East and Southeast Asia where the imperialist threat had seriously affected the elite and their response, the Siamese elite shared a uniform understanding of the need for reform which eventually facilitated the peaceful and top-down reform of the central administration at the moment of critical relationships with Great Britain and France in the late nineteenth and early twentieth centuries (Numnonda, 1897). Limited political reform and lack of a serious developmental response thus resulted in the emerging Thai state that did not develop its attributes—developmental orientation, cohesiveness, and strength of the bureaucracy (Larsson, 2006).

The idea of reform in Thai politics has rarely been used as a major theme or objective of political organisation. Ordinary people associated the idea and practice of reform [การปฏิรูป=kan patirup] with King Chulalongkorn’s reform in the 1890s which led successfully to the perfection of the absolutist state and the popularity of the Chakri dynasty. The myth of Chulalongkorn’s reform thus is strongly cited as its model in Vision 2032, drafted by the National Reform Council (NRC) which was appointed by the National Council for Peace and Order (NCPO) after the sudden coup in May 2014 to steer the reform agenda and movement. In recent political history, the

first coup group which utilised the word “reform” was the coup of 6 October 1976 undertaken by the Reform National Administration Group [*khana patirup kanpokkrong phandin*]. The coup’s appointed government recommended a 12-year reform plan for the country which, fortunately, was aborted by a counter coup the next year.

The idea of reform became a rallying cry for a new constitution after the 1991 coup by the National Peacekeeping Council. Following the uprising in Bloody May 1992 in which people power was able to dismiss Gen. Suchinda from the premiership and led to the call for a new people’s constitution. The 1997 Constitution was then referred to as the People’s Constitution and the period of drafting it was called the “Political Reform” era (Mc Cargo, 2002). Yet the people’s constitution was short-lived. In 2004, when the *People’s Alliance for Democracy* (PAD) protested against Thaksin’s government, it did not place much importance on the idea of reform in politics and economics in its mobilisation for support from the Bangkok middle class. Instead, at that time, the powerful discourse was corruption which caught people’s attention and support very easily. The attacks were aimed at the liberal and progressive constitution which confers more power to the elected prime minister and government. Similarly, the *United Front for Democracy against Dictatorship* (UDD) or the Red Shirt Movement in its demonstration against Abhisit’s government in 2010 also did not emphasize the idea of reform but rather pushed for a general election. Not until mass demonstrations under the *People’s Democratic Reform Committee* (PDRC) against Yingluck’s government in 2013 had the ideology of reform become the dominant theme and goal of the movement. At that time, the idea of reforming the country before the election of a new government had been

orchestrated by the PDRC during their mobilisation for support from the Bangkok middle class and professional groups. These supporters who were not likely to protest on the streets were encouraged to organise seminars, workshops, and discussion groups on the agenda of necessary reform. The reform policy became a very important platform for the protesters and even the existing government at that time. Before the 2014 coup, the government and the PDRC were vying for the legitimate role to initiate and implement reform. That is why when the NCPO took over the government, the available political goal was reform. The reform policy was not initiated or planned beforehand by the NCPO when it took government power by force, but was presented as a fait accompli.

Main Characteristics of Reform

If we compare the mood and sentiment of reform in 2014 with the nineteenth century reform, it is the general acceptance of the elite, especially in Bangkok and the urban middle class, for top-down reform of the government that is clearly notable. The ultimate reason for reform is to protect the vested interest of the elite against the imminent threat from external powers in the past and the lower class at present. Elite groups blamed and criticised the existing system and method of administration and government for its undesirable practices and abuse of power. The groups advocating for reform pointed to the inferior quality of previous political leaders in power, especially provincial politicians, as the main cause of Thailand's backward and uncivilised politics which in turn undermined the strong and prosperous future of Thailand.

Dissimilar, though, is the growing political awareness of a

sizable number of lower middle class people or “urbanised villagers” in the provinces who also express their own ideas of reforms and political democracy (Thabchumpon & Mc Cargo, 2011). They are the groups of people who do not support or share the vision of the reform propounded by the PDRC and now dressed up by the NCPO. Gleaning from the media and state-run television, the support for reform now is highly visible everywhere. But as the government and the junta tried to portray a new apolitical version of reform, one that is not a result of the internal conflict between the new rising political force based on the rural constituency and the traditional elite and upper middle class who eventually lost trust in the electoral system and government, the road to reform looks more reminiscent of the grand old reform which never created real developmental institutions capable of change. At issue now is not so much about the modern form and efficacy of the government as about who should rightly rule and govern the country. By equating popular elected government with corruption and crony capitalism, the old elite and neo-conservative middle class could put all the blame for the decline of the economy and inefficient bureaucracy upon previous elected political leaders. They then offered an alternative model of good governance and administration of the highborn or highbred persons.

Unlike the reform under King Chulalongkorn, leaders and supporters of the present reform are not concerned about whether the Thai government’s methods correspond with the trend of the world’s political norms or not. Political democracy and freedom may be good ideals for *other* countries, but Thailand cannot afford them just yet; that is the dominant refrain on this subject. The NCPO-led

reform movement has been guided by the idea of the vision and future of Thailand in 2032, a centenary of the 1932 democratic revolution that overthrew the absolute monarchy, which aims for Thailand to be a First World country. Similar to the Chakri Reform, this reform is top-down and centralised and concentrates power and authority in the small elite and the “non-majoritarian” institutions that come mostly from unelected or appointed persons from NGOs, the bureaucracy, and the military. The last but most important factor in both reforms is the key role of the modern standing army in the suppression of resistance. The Interior Ministry is tasked with pacifying and providing happiness to rural people with plenty of social welfare and relief programs, but the political development of democratic institutions is not on the reform agenda and forbidden to discuss. Both reforms thus express their distrust and look down upon the practice of liberal democracy as a nuisance and un-Thai. Siamese reform thus carries with it a strong dose of anti-democracy.

The 20-year national strategy produced by the NRC and the NCPO aims at making sure that the future of government must be a limited elected government. The reform strategy is also geared at strengthening the power of the bureaucracy, especially the military, in the structure of any future government. Reflecting the nature of this reform is the absence of an atmosphere of liberal and free discussion and expression of ideas among people and the media. Instead the NCPO insisted on the use of martial law and later the Article 44 special law to curb and suppress free speech and public criticism of the government’s activities and policies. Among the many negative effects of these practices is the atmosphere of fear and intimidation among people and the media.

The Road Map to Reform

Following the seizure of state power by the NPCO on 22 May 2014, General Prayuth Chan-o-cha, army commander and head of the coup group, declared himself Prime Minister, and quickly announced three road maps as a general framework for the government to achieve. The first road map aimed at restoring peace and security to the country. The second road map involved the drafting of a new constitution and the set-up of the national legislative assembly and reform council to prepare for reform of the country and government. The third road map would continue with the general election and the establishment of structures for the completion of reform policies proposed in the second road map.

The first road map ran from May 2014 to September 2014, and was able to stop violent conflict between the yellow and red shirt movements in the country and restore relative peace and security in society and people's lives after months of prolonged protests and the shutting down of Bangkok by the PDRC. The government as a centre of authority and power had been restored and affirmed by the conspicuous presence of a single command responsible for carrying out orders by army officials in areas of security matters. The security task was easily done because the NCPO as the highest command of the armed forces could utilise the service and command over

the Internal Security Operation Command (ISOC),² which has its headquarters in four regions of Thailand, North, Northeast, Central, and South, to execute security programs. Within weeks, the NCPO started calling for certain political activists to report to the army and were held for further investigation in its compounds. All of these security measures were done according to martial law which was soon met with criticism from local activists and foreign observers and human rights organisations.

The second goal was to set up necessary governmental institutions to carry out and perform needed reform and reconciliation policies. The interim constitution was promulgated as the highest law together with the establishment of the cabinet composed mainly of military officers and leaders. The interim 2014 constitution made people realise that the junta really wanted to exercise its power to achieve its goals. The unusual article in the constitution was Article 44 which stipulates that the Prime Minister and head of the NCPO has absolute power to give any order deemed necessary to “strengthen

2 The ISOC was a unit of the Thai military devoted to national security issues. The predecessor of it was the Communist Suppression Operations Command (CSOC) which was created in 1966 with the assistance by the US to coordinate the suppression in the country. It was terminated following the demise of Field Marshal Thanom and Prapas in the uprising of October 1973. The ISOC then was created to handle security issues again and was responsible for suppression of leftist groups during the 1970s and 1980s during which it was implicated in numerous atrocities against activists and civilians. After the coup of 2006, the junta transformed the ISOC into a "government within a government", giving it wide-reaching authority over the National Counter Corruption Committee, the Department of Special Investigation, and the Anti-Money Laundering Office. Modelled after the US's Department of Homeland Security, the ISOC chief could implement security measures such as searches without seeking approval from the prime minister and court. https://en.wikipedia.org/wiki/Internal_Security_Operations_Command access on 5/8/2016.

public unity and harmony” or to prevent any act that undermines public peace. The measure allows soldiers to detain people for up to seven days without a court warrant and to prosecute people for national security crimes or those who fall foul of the country's strict royal defamation laws. It prohibits political gatherings of more than five people, and allows military officers to stop the publication or presentation of any news they deem to be “causing fear or distorted information”. Military courts would still be used for security offences but convictions could now be appealed to higher tribunals. (The Straits Times, 2015)

The next implementation was the Parliament which included the National Legislative Assembly (NLA) and the NRC, both by appointment of the leader of the NPCO, Gen. Prayuth Chan-o-cha. Last but most important for the success of reform was the establishment of the Constitution Drafting Committee (CDC) whose task was to produce a new and effective constitution for Thailand which had seen the abrogation of its previous nineteen constitutions since the Revolution of 1932. Soon, the issues of constitution drafting would dominate public discussion and debate. Earlier, Gen. Prayuth stressed that national reconciliation was the priority goal of the new government and it would be done within a few months. The fact, however, was more complicated than its apparent popular call from political parties, civil society groups and other organizations that the government could reach reconciliation with the use of its absolute power. As time goes by, reconciliation and reform began to move apart from each other and in their own separate directions.

The second road map ran from September 2014 to September 2015 during which the most urgent and intense

debate was the enactment of the 20th constitution by the junta-appointed Constitutional Drafting Committee (CDC). The CDC was composed of a reasonable combination of law, political, and NGO leaders, with Borwornsak Uwanno, a former Secretary-General to the Thaksin cabinet and director of the King Prachathipok Institute (KPI), as chairperson. Once the constitutional process started, the constitution became the focal point of attention among various political groups, parties and concerned citizens. It was also the first public indicator of the essence of the government reform agenda by espousing key political issues which would be written into the constitution. The CDC's composition also reflected to the public the political alliance between the junta and public intellectuals and NGO activists who had supported the coup. The politics of drafting the constitution eventually emerged following the unyielding of the CDC to the demand of military leaders and some factions of the political appointees for the inclusion of a national strategy committee to oversee the future of the political system and government.

Politics of Reform and the Drafting of the Constitution

Two significant changes and structures were spelled out in the final draft which elicited heavy criticism and opposition from the two main political parties and progressive academics. The first was the complex system of elections from which the biggest political party would not be able to secure enough seats in Parliament for it to form a majority in the House. The second had to do with the late addition of the transitory provision of the constitution of the National Strategic Reform and Reconciliation Committee (NSRRC), which would operate in times of political and economic crises.

Article 280, as part of the new crisis mechanism, stipulates that the NSRRC can consult with the President of the Constitutional Court and the President of the Supreme Administrative Court before taking the decision to intervene in a time of crisis. Unlike “crisis mechanisms” in other jurisdictions where the government’s power would be expanded to cope with a state of emergency, the NSRRC would replace the elected government and legislature. This move by the CDC came as a shock to the public because no one expected that the professional and academic law experts in the CDC would have easily succumbed to the military’s desire to hold on to power without any awareness of the adverse consequence of the design. Over all, the draft constitution was a “dilatory compromise” rather than a solution per se. Henning Glaser, an expert in constitutional law at Thammasat University, concluded, “The power of the Prime Minister is designed to be considerably weak as is that of all elected office holders. Moreover, the charter would allow for ‘independent bodies’ to exert a significant hampering effect [on them] without accommodating the system with the necessary steering impulses. This, along with the government’s weak parliamentary backing [due to the election system], would give the government neither the means nor the incentives to push through important legislation and policies” (The Nation, 2015)

The debate over the draft constitution, unmistakably, took central stage in the heated debate and discussion of what *democracy* in Thailand is and ought to be. The reform policies and recommendations, unfortunately, got less attention and interest from the public, except some debate on sensitive issues like national education and public health from which a majority of people

would be affected by new policies and practices. Finally, the draft constitution was ready to submit to the NRC for its reading and voting. In the weeks leading to the NLA meeting on 6 September 2015, some key members of the NRC who were leaders in the mass protests against the Yingluck government, i.e., the group of “40 appointed senators” and the PAD and PDRC, began to voice their negative criticisms of the draft constitution over certain articles on rights and election system. But critical comments of the draft, surprisingly, came from members of the military and those who were close to the army. The heavy lobbying to reject the draft version had presumably been instigated with approval from key leaders in the NCPO. The final vote was 135 against and 105 in favour with seven abstentions. The no votes were mainly military members. The yes votes, as expected, were from NGOs and civil society organisation leaders whose credibility hinged on the completion of a decent constitution.

The defeat of the draft constitution signified the unhappy marriage between NGOs and civil society groups and the NCPO over the meaning of reform and democracy in Thailand. But the main reason for the decision by the NCPO to shoot down Borwornsak’s draft constitution was the belief that if the constitution could pass the NRC but be rejected in a referendum, this would amount to a vote of no confidence and put the NCPO in a bad position and would jeopardise its long-term plan for reform of the country. Actually, the idea of a referendum on the draft constitution did not come from the NCPO or Prayuth’s cabinet. It was Borwornsak’s idea during the drafting by politicians, media, academics and interested political observers. Confident in his brilliant and extensive knowledge of law

plus his personal political experience with the drafting of the 1997 and 2007 constitutions, he proposed the idea to the NCPO which agreed to have a referendum to prove that this constitution was fully legitimate and foreign countries could find no faults with the coming general election and its result. The CDC and the NCPO during that time should have entertained the optimism of their political dream since the suppression and pacification of the public wasn't terribly successful within and outside the country. They did not foresee that any problems concerning the draft constitution referendum would be generated by any one.

The Third Road Map

The third and final road map was supposed to run from October 2015, but the unexpected disapproval of the draft constitution by the NRC led to the termination of the NRC in September 2015, which also affected the time frame of the second and third road maps. Now the third road map runs from 5 October 2015 to July 2016 in which the main goals were to redraft the new constitution and to hold a general election after which a newly elected government and Parliament would continue the implementation of the proposed reform policies and reconciliation. In the final road map, the NPCO and government-appointed National Reform Steering Assembly (NRSA) would replace the previous NRC and would formulate necessary reform policies and mechanisms. Four phases were planned for the drafting of the constitution (October 2015-March 2016) and referendum (April-September 2016) and finally a general election by July 2017.

After the first draft of the constitution was rejected by the NRC, Gen. Prayuth took quite some time to finally come up with the name of the chairperson of the second Constitutional Drafting Commission, Mr. Meechai Ruchupan, a veteran constitution drafter from 1983 which earned the nickname of a “semi-democratic” constitution. The 21 members of the new CDC were, unlike the first CDC, composed of retired or senior government bureaucrats and academics whose expertise and knowledge were not in political democracy and constitutionalism. While Borwornsak’s draft of the constitution vowed to make “citizen as sovereign”, Meechai’s version summarised its main content in which people are not the sovereign power but the people’s interest is. The quote was from Buddhadasa’s sermon which had nothing to do with the concept of political power and democracy in the constitution.

Meechai’s draft constitution, known as “20/2” because it was the twentieth constitution being drafted following the 18th coup in the history of Thai democracy from 1932, earns some praise in that it is designed as a key tool to curb corruption, with Deputy Prime Minister Wissanu Krua-ngam expressing his support of a provision in the charter draft that would ban for life any politician found to be involved in irregularities and electoral fraud. “I agree that there is a need to use strong medicine in order to prevent corrupt politicians from entering politics through elections,” Wissanu said. (The Bangkok Post, 2016) The CDC tried very hard to convince the public that this draft is the most progressive by not stipulating the people’s rights and liberty as itemised in the 1997 constitution. Instead all kinds of rights and liberty are the duty of the government to “ensure everybody has the same rights, or it will be regarded as a violation

of the constitution”. Mr. Meechai also said, “Our conviction is to ensure that the stated constitutional rights are actually applied to one and all, not just those who fight for their rights”. His implication and understanding of rights is interesting for it also reflects the same idea and knowledge of rights among the Thai elite that the struggle and movement for human rights actually was orchestrated by certain groups and individuals who had hidden political goals against the elite and previous government. Now people do not have to fight for freedom and rights, just wait because the “moral” government would hand it to them.

Supporters of Meechai’s draft constitution also praised its flexibility in the choosing of a Prime Minister who would not be required to be a member of the House of Representatives as it was in previous constitutions. Another significant aspect is the mandate for the elected government to carry out reforms under the 20-year national strategy. It also provides a way out without requiring another coup if a political crisis were to occur again by having a crisis committee chaired by the president of the Constitutional Court. To ensure that reform programs will not be discarded after the general election, the draft of the 2016 constitution made clear that the reform agenda is one of the priorities which have to be accomplished by the newly elected government. The Constitution thus assigns the duty to oversee accomplishment of the reform policy to the Senate, half of which will be selected by professional groups. However, during the first five years after promulgation of the constitution, the Senate will be appointed by the NCPO to supervise and steer the implementation of the 11 reform programs. To assure that there will not be another political crisis as in the past, the chiefs of the army,

navy, and air force, including police, will be ex officio members of the temporary five-year Senate.

A DIFFICULT BIRTH

The draft charter written by the Constitution Drafting Committee (CDC) led by Meechai Ruchupan has been completed with the highlights as follows:

- ▶ Extend rights and liberties of the people. Those who lose their rights can sue the state even though an organic law on the issue has yet to be enacted
- ▶ It is the state's obligation to promote people's rights
- ▶ Ban politicians convicted of corruption and electoral fraud from politics forever
- ▶ Determine ethical principles and codes of conduct for political office-holders, members of independent organisations, and court judges who could be disqualified if they violate them
- ▶ Restructure the way MPs and senators are chosen to ensure every vote counts, and public participation. A new selection system for prime minister will let voters know who the candidates are before polling day
- ▶ Clauses for pushing ahead with national reforms

Road Map



Figure 1: A Difficult Birth (The Bangkok Post, 2016)

The Politics of a Referendum of the Constitution

Politics under the junta's rule has become murky as freedom and political rights have been suspended and martial law imposed to curb attempted critiques and protests against the coup and the junta's rule. In order to pre-empt any political move and actions by former politicians, political activists and academics, the NCPO summoned those blacklisted suspects to the army compound and kept them for a few days for what they later called, "attitude adjustments", before releasing them with signed agreements not to voice any opposition to the NCPO. Soon the NCPO found effective means by which to suppress dissidents and anti-coup protestors by use of this "measured suppression", which was carried out by security forces to prevent, deter, and cancel any public activities and events deemed subversive or against the junta's rule and legitimacy. To make repression a soft power treatment, the NCPO insisted that the "invitation" was pursued according to the law and no brutality and torture ever practiced. The aim of the measure thus is to create an atmosphere of intimidation and fear among the people. On the other hand, the NCPO by the power of the interim constitution was able to proclaim and promulgate any laws by itself and on this basis argued against international criticism of its violation of human rights. Such was the peculiar politics under the NCPO which was opaque and had no regular rule in its move and counter-move.

When the idea of a national referendum was proposed in May 2015 by academics and political activists over the first drafting of the constitution, no one thought this might become a heated political issue facing the NCPO and its tight control of the situation. Ironically, it was Borwornsak who introduced the idea of a national

referendum into the constitutional procedure, and was soon the first fatal victim out of the fear that the draft would not pass a popular vote. Now the referendum had become political. The fate of the referendum following the release, in March 2016, of the second draft constitution led by Meechai, was no better than the first. Meechai's draft constitution met with heavy criticism from academic groups and political parties and finally met with a strong vote of disapproval from the two major political parties, the Democrat and Pheu Thai. At this point, Prime Minister Gen. Prayuth was angry with negative public reception of the referendum, saying that he might call it off if the people did not want it. In the meantime, the army stepped up its suppression and arrest of prominent political figures that made negative comments on the constitution and other related security issues. Given the heightened public outcries over the content of the draft constitution which was catered to the wishes of the NCPO more than of the people, the Referendum Act was passed on 22 April 2016 with strict measures to suppress and punish unfavourable opinions and actions on the draft constitution. Instead of encouraging people to vote freely with their own conscience, the law discourages people from expressing a strong opinion on the constitution. Section 61 says that text, pictures or sounds that are "inconsistent with the truth or in a violent, aggressive, rude, inciting or threatening manner aimed at preventing a voter from casting a ballot or vote in any direction or to not vote shall be considered disrupting the referendum". This prohibition applies to comments disseminated through newspapers, radio and TV broadcasts, as well as electronic channels or other means. While individuals could face up to 10 years in jail, if the offences are committed by a group of more than five

people, each one will face imprisonment of 1-10 years, a fine from 20,000 to 200,000 baht and a 10-year revocation of voting rights. This might be the first referendum that carries such severe punishment for discussing its content. Rumours began to spread that Prayuth might terminate the referendum and proceed with his version of the constitution so that the promised general election would be carried out on time.

Politics of Legitimacy

To legitimise its role in the coup and set up of the caretaker government by the junta, Prayuth's government and the NCPO took reform as their main policy and action in this transition period of state power from popular elected to virtuous government by replacing a popular election with selected appointments by good and qualified persons. Since the Sarit's 1958 coup, the army has claimed that they are not politicians and have no vested private interest but purity. At the ceremony to receive royal endorsement for the 2014 coup, General Prayuth said, "Our intentions are pure, and we will remain transparent" (Baker, 2014). The significant practice of this government was the exercise of a highborn system of nepotism in its administration over democratic principles. The NCPO and government appointed many of those who had supported the coup or who were unsympathetic to the popular elected government which they believed was elected by unqualified voters, most from the rural North and Northeast of the country who were supposedly uneducated or uncivilised. Since then, the government has ruled with harsh security measures especially on those who were critical or opposed the coup and their programs of reform and reconciliation.

After termination of martial law, the NCPO and government resorted to the use of Article 44 in the interim constitution of 2014 which allowed them absolute power to run the country according to the road maps of the junta. From the nature of the junta's power and its imagination, it's unlikely that the structures and institutions necessary for the implementation of reform will be realised. The proposed reform agenda was thus set up in order to co-opt certain political activists and NGOs to support the coup and its government.

This therefore is reflected in the nature and composition of the members of the NRC in which major groups and individuals whose protest against the Yingluck government paved the way for military intervention were allotted seats in the Council and committees. I'm paying special interest to the reception of the middle class because they were the main political force in the past decade that came out against elected governments from Thaksin to Samak to Somchai, and finally Yingluck. On the other hand, the constituencies which supported the Thai Rak Thai and later the Pheu Thai Party were emerging lower middle class farmers in the provinces. It was clear from the names of the appointees to the NRC that most of them were leaders and activists of the institutes, such as famous national state universities, public organisations and non-government organisations (NGOs), e.g., the Rural Medical Doctors Group, the Thai Health Promotion Foundation, and state-enterprise labour unions, which had played pivotal roles in bringing down or obstructing the administration of Yingluck's government to the point of paralysis. The president of the NRC was Prof. Thienchay Kiranandana, former rector and dean of economic faculty at Chulalongkorn University whose spouse, Dr. Suchada, also former rector of Chulalongkorn, was one

of the key “high-society” figures who spearheaded the campaign of the PDRC at Chulalongkorn University. Members of these groups were appointed to committees on education, public health, energy and sciences and technology, politics, and social and religious affairs. Another group, which was appointed into mainly economic affairs, was CEOs of private corporations. One conspicuous committee which businesspersons were happy to join was the anti-corruption activity. The third group that was recruited into the reform movement was senior and retired government officials from various departments and ministries. Of course those who were called to chair and supervise many committees were military officers. This coup is the first to have deployed the most military personnel in the administration of the government and bureaucracy.

From the beginning, the Policy Steering Committee, under the military, outlined important reform policies which have been proposed and recommended by various seminars and studies in the areas of security, economy, social research and psychology, anti-corruption, and foreign affairs. In the area of security, the goal was to maintain domestic peace, no political movement from the opposition and no political parties allowed. Importantly in the security concern was to prevent and punish those who violate the *lèse majesté* law with exceptionally strict punishments. The topic which Gen. Prayuth was overtly happy to discuss and demonstrate his suitable leadership to the public was economics, all kinds of economic issues from a high-speed train, the digital economy, agriculture, land reform, reforestation, and sustainable development. Responding to the desire of the middle class for an improved rail system in the country which has been stagnant since it was started by King Chulalongkorn, Prayuth

used his power to get construction started on the high-speed and double-track trains with support of loans and technology from China. He also directed water management, agriculture development by zoning, and the creation of special economic zones, management of agricultural price and subsidy, and the promotion of SMEs. For social and psychology issues, the emphasis was on reform of the national education system, public health, and national research. In order to push for a real anti-corruption movement, the country needed a new effective law against corrupt practices in public and private enterprises as well as an efficient evaluation of government officials' conduct. The last was foreign affairs in which the guidelines seemed to focus on regional affairs by emphasising Thailand's readiness in the ASEAN Economic Community (AEC). The last policy that every Thai government has to take into consideration and act accordingly is international obligations and commitments. The junta's government thus had to announce its firm commitment of Thailand towards international laws and obligations, including human rights.

The National Reform Council and its Gigantic Tasks

The National Reform Council then refined all of those proposed plans into the 11-item reform agenda which includes politics, administration, law and justice, local government, education, economics, energy, public health and environment, mass communication and social issues. The NRC's tasks were to set up mechanisms and required laws for the implementation of the reform programs. At this moment, the NRA has been drafting many laws in the above 11 areas and soon will submit them to the Cabinet and the National Legislative Assembly for consideration. After the

passing of the referendum of the draft constitution, the NRA has only four months left to finish the task of drafting the necessary laws for reform to proceed.

The 250-member NRC came from each of the 77 provinces and with 173 nominated by professional and civil society groups from 11 areas. All of the nominees had to be approved by the NCPO. The NRC then appointed 18 committees to prepare and propose agendas and programs for reform to the NCPO and the government. They proposed 37 agenda items and seven development plans for reform. The total proposals came to 505 items. The committees then appointed 88 sub-committees to write proposals in 18 areas or aspects for reform. The 18 reform aspects are as follows:

1. Politics
2. Administration
3. Law and justice
4. Local government
5. Education and human resource development
6. Economics, finance, and fiscal
7. Agriculture, industry, commerce, tourism and services
8. Energy
9. Public health
10. Natural resources and environment
11. Mass media and information technology
12. Society, community, children, women, elderly, disabled

and low opportunity people

13. Labour

14. Prevention and suppression of corruption and mismanagement

15. Value, art, culture, ethics, and religion

16. Sports

17. Science, technology, research, innovation, and intellectual property

18. Consumer protection.

The 37 agenda items were as follows:

1. Prevention and suppression of fraudulent and corrupted practices
2. Reform of the means of acquiring power and political party system
3. Adjustment of power in central and local areas
4. Budget
5. Efficiency and quality of state administration
6. Police
7. Checking the use of state power
8. Tax system and structure
9. State enterprise system

10. Energy system
11. Land reform and management
12. Monopoly and just competition
13. Grassroots finance and cooperatives
14. Agricultural reform
15. Making an entrepreneurial society
16. Education system
17. Education finance system
18. System of learning
19. Sports
20. Research system for innovative foundation of the country
21. Scientific system for the basic structure of innovation of the country
22. Public health system
23. Health promotion and prevention of new diseases
24. Finance system for health
25. Administrative system for natural resources
26. Natural disaster management and global climate change
27. Readiness for Bangkok sinking crisis
28. Promotion of strong community
29. Social welfare
30. Old-age society

31. Consumer protection
32. Media supervision
33. Responsible rights and liberty
34. Prevention of media intervention
35. Art and culture for value creation
36. Promoting the strength of religious institutions to be the foundation of society
37. Energy reform

Given the short time frame, it is unlikely that these 37 agenda items will be transformed into any practical policies and practices by government bureaucracy and or joint-public private organisations to carry out the 505 proposals. The NRC tried to synthesise the eclectic and universal-like agenda into a more specific and concrete agenda and proposals. They were reduced to 16 agenda items and proposals.

1. Modification of the election system and transparent power seekers
2. Building of awareness and citizen's political participation
3. Promotion of people's self-management
4. Decentralise and transfer of tasks
5. Territorial budget
6. Integrated administration and management
7. Boundary of authority between the centre and the region

8. Processes of law enactment
9. Tax administration
10. Information connection for state administration
11. Reform of police affairs
12. Management and control of energy
13. Adjustment of structure and ratio of education personnel and reform of teaching methods
14. Administration of natural resources
15. Development of digital basic structure and service structure for development of standardise state's information system
16. Structures of science technology, innovation and research

These prioritised 16 agenda items still covered large issues and systems, some of them overlapping with each other and many are still unclear as to their goals and means of accomplishment.



สภาพัฒน์แห่งชาติ



วิสัยทัศน์
ยุทธศาสตร์การปฏิรูปประเทศไทย
และการปรับเปลี่ยนก้าวไกลในภารกิจ

Vision 2032: Thailand to be a First World Country

The NRC was tasked to conduct a study on reform and to provide recommendations to the government and related institutions on the 11 areas of reform to carry out the necessary steps. In addition to the set-up of the 18 reform committees, the NRC also appointed another special committee to draw up a vision and design a future for Thailand in the year 2032. I think it's curious to look into the minds and thinking of those who were behind the historic strategic plan for governing the country. The names of the chair and members of the special committee to draft the Vision 2032 are very impressive and insightful. The chairperson is Mr. Suvit Maesincee, a former academic and businessman with international connections who is now a Deputy Minister of Commerce. Suvit has a Ph.D. in marketing from Kellogg School of Management at Northwestern University, worked at Booz Allen Hamilton consultants, taught at Thailand's premier business school (Sasin at Chulalongkorn University), and co-authored a book with the American marketing guru Philip Kotler. In short, he was part of the professional elite (Baker, 2016). The next distinguished member is Mr. Somkiat Tangkijvanij, Director of the well-known Thai think tank, the Thailand Development Research Institute (TDRI).³

Historically, this was the second time that a coup group attempted to draw up a long-term reform plan for the country after seizing power from an elected government. The 1976 Reform of the Kingdom Council led by Gen. Sa-ngad Chaloryu appointed Mr. Thanin Kraivixian, a Supreme Court judge whose name was passed on to the

³ Dr. Somkiat later on defended his role in this committee that actually he did not participate in the drafting of the Vision but his name and the institution had been published without his acceptance.

coup leader by the King, to be Prime Minister whose government ruled with an iron-fist and soon became repressive. The government, therefore, was confident in its power (from the coup group) and started to outline a 12-year plan for reform of the country. Alas, the plan was not carried out because another faction of the military overthrew the government the next year. For some reason, it seems that the powers that be must have a similar mentality and idea for reform once they are in power. With no power, no one has the urge to talk about reform.

Vision 2032 argues that Thailand is now in a state of decline and likely to become a ‘failed state’ if it does not make drastic changes and reforms to its fundamental political, economic, and social structures. The country’s demography shows the decline of population due to its low birth rate and the increase of the old age population. Thailand is one of the countries, which has an unequal income distribution. Of course, the next problem for Thailand is also the worsening of morality and good conduct of people in general. Vision 2032 thus conceptualises an economy as wealth-producing and the present economic system is one which relies upon a value-added industrial economy. The new goal is to move to a “value creation knowledge economy.” In terms of politics, the only political system the country knows is “pseudo-democracy”, starting from the Revolution of 1932 onwards. In the future is how to move to the “Democratic System with the King as Head of the State” [*prachathipatai an me pramahakasat song pen pramuk*]. This is then real democracy or “Thai-style Democracy.” The vision for the future of Thailand in 2032, thus, is to be one of the members of the “First World.” (The Vision categorises countries into three groups:

the First World consists of developed countries, the Second World consists of developing countries and the Third World consists of under-developing countries.)

In order to achieve the First World ranking, Thailand needs to reform and restructure its economic system, especially industry, which must be able to grow with the advent of changing digital technology. It recommends the “Industrial Model 4.0” which includes a Bio-based Industrial Cluster, Renewable Industrial Cluster, and Engineering and Designing Industrial Cluster, Wellness Industrial Cluster, and Creative Economy Industrial Cluster. The new economy will be guided by the philosophy of the sufficiency economy as espoused by the King. Lastly, new economic development must also equip people with a moral and virtuous consciousness.

The final section of Vision 2032 thus comes to the crucial question of how to achieve this vision. The answer is the country must have a Grand National strategy to guide all governments to carry out the Vision without any question or doubt. The movement towards the First World depends upon two stages: the first is the reform stage and the second is the transformation stage. The reform agenda, now with 37 agenda items and 11 committees, simply brings the country back to normalcy while the transformation agenda will involve key programs and measures which are needed to move the country to the higher ranking. That’s why we need a road map to move the country in the next 20 years. The Vision recommends to the NCPO two strategies: the first is allowing the new government from a general election to lay down the foundation for reform which should take about five years. Second is the implementation of the Grand Strategy 20 Years which will be divided into four phases, each

with a five-year time span. The first five years will be the reform agenda. The next 15 years will transform and complete the national strategy as proposed by the NRC and approved by the NCPO. The Vision expresses high hopes that after the transformation agenda, the political system will become more democratic and eventually Thailand will reach full democracy at the end of the Vision.

The Future of Thailand

There is no question in the minds of the Thai people who realise that the country seriously needs a reform in its major political, economic, and social structures in order to remedy old problems and create new and efficient public systems. The question is how and in what ways the country can move into the proper channel for change without creating more conflicts and violence among conflicting parties and groups. The call for reforms in 2013 by the PDRC was unique because it originated during the protest movement which had formulated its ideas and programs by rejecting the principles of democracy that had been exercised in the political system since 1997, albeit with its flaws and unsatisfactory results to some groups of people. The anti-democratic government by the PDRC thus characterises the trend which recently occurred in emerging democratic countries, from the Arab Spring in Egypt to “Shutdown Bangkok” in Thailand. The problem with the NRC’s ambitious reform agenda thus is the mistrust and even ignorant knowledge and empathy towards rural Thailand (Baker, 2014), resulting in a lack of common understanding of other people’s viewpoints and ideas. The polarisation of political movements between the red and yellow shirts instilled mistrust and hatred among people, which

allowed for little or no real public participation for ideas of reform. A significant phenomenon which never happened in the past was growing awareness and political consciousness among the middle class in urban cities and the lower middle class in the provinces. In the past, Thai politics was oriented towards the elite and power-holders to resolve crisis and conflict. This time the conflict was embedded within the ruled and unprivileged people, enabling them to reinterpret their paternal relations with the upper class. The red shirts began to perceive the political culture in a different manner from the past when they were powerless and tied to the elite as docile subjects. The elite have to decide which side of the people that they want to support and ally with. So far the elite supported and sided with the yellow shirts and the PDRC against the elected political group. How realistic that this decision will bring about future reform and a peaceful country remains to be seen. The weekly talk show, “Bring Back Happiness to the Nation,” by Gen. Prayuth on April 22, 2016, demonstrated his firm belief in the reforms which had been conceived by the NRC and the road to 20 years of reform under the national strategy. He begged for another five years to lay the groundwork for future reforms, using absolute power.



“No matter who pressured me, I will be doing the same thing that I have been doing because I’m doing it for my country. My fellow Thais wanted me to finish quickly so that I can leave. Today the country looks peaceful but in fact there is still resistance, lots of conflict which is ready to come back like before. Thus I always said that I’m not simply looking at an election alone. It’s not that I’m against the election; if it can be done then let it be. I already gave it (to you). If there is no referendum because we can’t get it done, then pressure me to resign. I have given you everything but you people did not give anything to me. This can’t be done because I have come in to do this much already. Therefore, keep in mind what are the essences of democracy: 1) To respect other people’s reason more than individuals and 2) to learn how to compromise, respect the law, and have social discipline and accountability.

“Whatever election, democracy, and politics is going I will not intervene. But it must be sincere politics, with good governance in running the country. Can you give me this much? So you people should realise how much I have given you, having a referendum, a constitution. I might be a little bit strict but asking for a period of five years, you don’t give it to me. If it’s this way, then how can we go together? If you want things to get better but don’t allow me to have strict measures for another five years, then how can you be able to have it? With no punishment, no harsh treatments, we will turn back to the same old thing. Use your reason and judgment, not to look at me and ask how did I come here and I should go away now. I am solving problems for them every day. They are not my problems and I am not the one who made them. What I have

done is for the future of our children.” (National News Bureau of Thailand, 2016)

Epilogue

The paper was initially completed in April 2016 when political environments were mostly under strict controlled and freedom of expression was minimal, the process of reform thus did not get wider objective popular review and discussion beyond symbolic and managed hearings in the provinces. The noisiest one was the constitutional drafting process from which specific and concrete laws in regulating the democratic politics had been criticized and scrutinized by politicians, academics, and the media. The main question from the public still was when the next general election is held and whether the military would leave the administration of the state in the hands of the elected government. The answer from the Prime Minister was not that clear-cut, leaving the public especially ex-politicians with more concerns and pessimism of the coming election in 2018 or so. The gradual turn-around of Gen Prayuth and the NCPO in exiting the government and allowing the free and fair election to decide the future of reform came from the recent polls and certain economic gains in the export sector in the first half of 2017 (113,547 million US\$) which is 7.8% greater than the same period in 2016. Exercising his absolute power through the use of article 44 of the interim constitution, Gen Prayuth could issue powerful laws at will resulting in the solidification of his support and accomplishment of the plans within the bureaucracy and from the private sector. At one time, after two years of controlling the country under the military power with no protests and criticisms

from the public, he even commented that to govern the country was not a difficult job at all.

When the author wrote this paper a year ago, he was incline to believe that the NCPO and the military would eventually exit the political arena and government after the completion of the Constitution as it had been the norms in the past practices of the Thai coups. Strangely, this time around, things do not move as they expect. Even after the promulgation of the new Constitution on 6 April 2017, this was also the Chakri Day that established the present dynasty following a palace revolt against King Taksin in 1782, the political atmosphere seemed docile and lifeless amidst the continued and energized speeches and lectures by the Premier every Friday, non-stop, for the past three years over the national radio and television stations and at the opening of government's seminars and celebrations. The Premier was apparently ecstatic with the exercising of despotic power over the obedient and submissive subjects of the land exemplified through the passing of hundreds of bills by the hand-picked National Legislative Assembly in such a short time as unheard of in the history of Thai elected parliament. In retrospect, when King Chulalongkorn embarked on the road of reform of the kingdom, he was fully aware that the Siamese subjects would not be able to demand or call for modern reform by themselves due to the dominance of pre-modern social relations in areas of politics, economic, and culture. The reform once in its motion would unleash the hidden force and power of the people. So he foresaw that the next king would give "democracy" to be established as the modern form of government. Unfortunately, the later rulers were happy with wealth and vast authority which befell upon them, lost their

interest and commitment to build a nation-state that really belongs to the people. The 2014 Reform started with the premise that the people wanted to reform the country but the military took over the government by force. It was not that the people were unready for reform. On the opposite, it was the military that was not ready for reform. It's pathetic that the more Thailand is physically developing and moving into the future and the globalised world, the country is at the same time mentally and intellectually sliding down the path. Whose future are we working for?

References

- Anderson, BR. O'G. (1978). Studies of the Thai State: The State of Thai Studies. In Eliezer B. Ayal (Ed.), *The Study of Thailand: Analyses of knowledge, Approaches, and Prospects in Anthropology, Art History, Economics, History, and Political Science*. Ohio: University Center for International Studies, Southeast Asia Program.
- Baker, C. (2016, May 26). The 2014 Thai Coup and Some Roots of Authoritarianism”, *Journal of Contemporary Asia*, 46(3), 388-404.
- Larsson, T. (2006, April). *Sovereignty, security, and property rights in land: The cases of Thailand and Japan*. Paper presented at the Political Economy Research Colloquium, Department of Government, Cornell University, the United States.
- Mc Cargo, D. (ed.). (2002). *Reforming Thai Politics*. Copenhagen S, Denmark: Nordic Institute of Asian Studies (NIAS).
- Bangprapa, M. (2016, March 30). Draft Risks Regime Staying on,” *The Bangkok*.

- Thabchumpon, N & Mc Cargo, D (2011). Urbanized Villagers in the 2010 Thai Redshirt Protests: Not Just Poor Farmers? *Asian Survey*, 51 (6), 993-1018.
- Numnonda, T (1965). The Anglo-Siamese Secret Convention of 1897. *Journal of the Siam Society*, 53 (1).
- National News Bureau of Thailand. (2016, April 22). Bring Back Happiness to the Nation. Retrieved from http://thainews.prd.go.th/centerweb/VOD/VODList?VN01_CatID=12.
- Nanuam, W, Sattrauruth, A. & Jikkham, P. (2016, March 29). Prawit Vows No More Draft Charter Tweaks. *The Bangkok Post*.
- What You Need to Know About Article 44 of Thailand's Interim Constitution. (2015, April 7). *The Straits Times*. Retrieved from <https://www.straitstimes.com/singapore/what-you-need-to-know-about-article-44-of-thailands-interim-constitution>.
- Sripong, Wiraj. (2015, August 31). Draft Seen as a Flawed Compromise: Expert. *The Nation*.

