

Thailand's Missed Opportunity for Democratic Consolidation

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Abstract

The year 1997 was critical for Thailand. A severe economic crisis hit in July calling into question years of economic growth and increasing prosperity. A few months later Thailand adopted a new Constitution that aimed at reforming the political system, and at making corruption and vote buying less prevalent. While this article shows that the economic turmoil was a prime catalyst for political change, it was not as simple as saying that public outcry over the economic crisis forced conservative parliamentarians into voting to accept the proposed constitution. While public outcry did matter, what is vitally important is that elite political leaders, the heads of the major parties, ministers, and generals, were renegotiating their alliances and ties both with one another, and with various groups in society that were pushing for change. Elite resignation to political pressure and policy shifts among the top leaders is what ultimately allows for the passage of the constitution and for Prime Minister Chavalit's departure. This article takes a closer look at Thai politics and tries to answer the following questions: Did the economic crisis lead to (meaningful) political reform and why or why not? Since the codification of the 1997 constitution has Thai politics become more democratic? It is my analysis that the consolidation of democracy was in reach in 1997 but today has slipped further from Thai citizens' grasp. The explanations, or the independent variables for both the successful reforms of the political system in 1997 and the backsliding away from democratization, are largely the same. When both internal and external pressures prod democracy along, reforms take place. When pressures are pushing in different directions democratic reforms become threatened. Internal pressures include the military, civil society, and the behavior and power of political and economic elites; and external ones are the IMF, national security concerns, and globalization in general. When conditions

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or variables change, and when elite priorities or preferences shift, as this article will show, we can see the results in Thai politics.

Introduction

As a result of the economic crisis that rocketed through Asia in 1997–98, Thailand ratified a new constitution. The aim of the 1997 constitution was to dampen the effects of money politics and corruption and to reform and improve what was perceived to be a weakly democratic system. While some of the intended consequences of the revised Thai Constitution have been manifest, like a smaller number of strong(er) parties and greater stability in the government, money politics has not gone away and corruption is still quite high.¹ In addition, Prime Minister Thaksin has acted in ways that have curtailed democracy and civil liberties.

In light of these occurrences, this article attempts to untangle a set of related phenomena: how can we explain that the economic crisis helped bring about political reform in 1997/98 and yet democratization has not been consolidated? In order to answer this central question, this article looks at the events surrounding the economic crisis in 1997 and the reform process taking place at the same time, it then explains why these reforms were implemented. Finally, there is an analysis of what has changed since 1997 that explains why the reforms have not been fully consolidated. The article's hypothesis about political reforms is that several independent variables impact political change: there are external pressures (in this case from either the IMF and international investors more generally, and later from US policies to combat terrorism), and internal pressures coming from civil society, the military, and elite cooperation or alliance behavior (that is cooperation or disagreement among top politicians). The article argues that the factors that facilitated democratization fell into alignment in 1997, but that there is no such confluence of elements today. To explain this briefly: In 1997/98 the IMF and global investors supported political changes so that there would be greater accountability and transparency to protect their assets. In order to receive the economic bailout package from the IMF, Thailand had to agree to a certain amount of oversight of their fiscal and monetary policy and this served as a small check on patronage and corruption. Thailand has graduated out of its IMF program and now there is greater pressure for stability and for rooting out terrorism. The IMF no longer has billions of dollars at stake and political reform and accountability are secondary to more significant security goals. Likewise, internal pressure for democracy has weakened: civil society has become more embedded or regularized in the political process and has in some ways become less confrontational in pushing for dramatic political changes. Lastly, while the military seemed to support political change in 1997, and although the military's formal role in

¹ Transparency International ranks Thailand 64th out of 145 countries on the basis of the level of corruption (with number 1 being the least corrupt and 145 being the most corrupt). Thailand's level of corruption was rated 3.6, with 10 being the least corrupt and 1 being the most corrupt. This rating is comparable with Mexico and Ghana.

politics has shifted in Thailand, it is still a powerful actor in the political process and *may be* an impediment to the consolidation of democracy. These explanations will be discussed in greater detail later.

Democracy

There are a variety of ways that political scientists use and define the word democracy, and even the notion that one can 'define' democracy is sometimes argued over. In everyday language democracy refers to an ideal, as well as to a set of practices that aim to achieve the ultimate end of the ideal. There are procedural views of democracy, whereby politics is characterized by free and fair elections, legislatures, the rule of law, and other factors. And, there are more outcome-oriented approaches to understanding democracy: how fair is the system and how well does the political order respond to the needs of citizens and does it protect citizen rights? Robert Dahl outlines in his most recent article a set of institutions that are necessary for large-scale democracy to function. He argues that the political institutions of modern representative democratic government are: elected officials; free, fair, and frequent elections; freedom of expression; alternative sources of information; associational autonomy; and inclusive citizenship.² While this is a fairly comprehensive list, and he clearly shows in his article why these institutions are so important, there seems to be a critical element missing: protection of rights, particularly for unpopular or minority (they could be ethnic, religious, caste, or other type) groups. Likewise, having the 'right' institutions is no assurance that the system will work the way the laws and procedures intended. Institutions and individuals can subvert, ignore, or flout the best-intended laws. So, one should ask not just if the institutions and systems necessary for democracy exist, but are they functioning as intended? If not, what conditions need to exist, or what needs to change, in order for the laws and institutions to function as envisioned? Thailand meets Dahl's criteria for the consolidation of democracy, yet the premise of this paper is that Thai democracy today is imperfect (as are all democracies to some degree): corruption is unacceptably high, citizen rights are too easily violated, and it is too difficult for opposition to the government to be heard and debated. Given the reforms of 1997, why has more progress not been made on these problems?

Understanding Thai politics

Scholars and journalists like to point to Thailand as the country in Southeast Asia with the longest experience of independent and democratic rule.³ Yet, Thailand's political history can be better characterized as vacillating between different periods of

² Robert A. Dahl, 'What Political Institutions Does Large-Scale Democracy Require?', *Political Science Quarterly* 120, 2 (2005): 187–97.

³ There are many good scholarly books on Thai politics. See especially Chris Baker and Pasuk Phongpaicht, *Thailand, Economy and Politics*, New York: Oxford University Press, 1995; and Duncan McCargo (ed.), *Reforming Thai Politics*, Copenhagen: NIAS, 2002; and Kevin Hewison (ed.), *Political Change in Thailand: Democracy and Participation*, New York: Routledge, 1997.

military and civilian rule. Thailand's transition to democratic rule in the late 1980s was tenuous. The military remained powerful, even while there was an expansion of electoral politics. The military exercised their influence both through legally prescribed means, such as their seats in the assembly and the appointed senate, and through extra-constitutional methods, such as the coup attempt in 1991. Even though Thailand (by the end of the 1980s) had few legal barriers to the formation of interest groups or political parties, the continued political power of the military reduced the level of democracy and the influence of elected representatives in parliament. By 1997 Thailand had become known for their economic success. Economic growth created a significant middle and business class. Business elites had become more demanding of the political system. They gave (and still give) substantial sums of money to election campaigns and they develop links to bureaucrats in ministries associated with their industry. Positions on boards of directors became ways of repaying bureaucratic, military, and political supporters friendly to one's business interests.⁴ In addition, student activism of the 1960s and 1970s laid the foundation for later civil society or NGO activity.

1997 economic crisis and political opportunities

After years of outstanding economic performance, Thailand faced a serious financial crisis in 1997. Following mounting real estate speculation, increased fears about government corruption, and concern over the value of the baht developed and currency traders and international investors began to sell their holdings in mid 1997. On 2 July 1997 the Thai Finance Ministry and the Bank of Thailand finally gave up trying to prop up the value of the baht and allowed the currency to float.⁵

The economic crisis coincided with the final stages of the drafting of a new Thai Constitution that hoped to reform the political system to end (or at least weaken the effects of) vote buying, corruption, and intense patronage networks. As the economic crisis unfolded in the summer of 1997, Parliament was scheduled to vote on the much-anticipated charter for a new Constitution in mid September.⁶ In mid July the Constitution Drafting Assembly (CDA) agreed on two very controversial clauses to add to the document. These clauses required Ministers of Parliament to give up their seats if chosen for the cabinet, and they proposed direct election of Senators (at the time members of the Senate were nominated by the prime minister). When these ideas were suggested, some political analysts saw the proposals as a stall tactic for supporters of the ruling coalition. The ideas were so radical that parliament would surely have to reject the whole document, thus leading to a national referendum on the issue. The assumption was that this would prolong Prime Minister Chavalit's rule. However, it

⁴ See Pasuk Phongpaichit and Chris Baker, *Thaksin: The Business of Politics in Thailand*, Nordic Institute of Asian Studies: Silkworm Books, 2004.

⁵ Chris Baker and Pasuk Phongpaicht, *Thailand's Crisis*, Singapore: Institute of Southeast Asian Studies, 2000.

⁶ The vote in parliament was originally slated for mid August but was pushed to September to allow the CDA to finish their debate and because of the chaos of the economic crisis.

would have been quite risky for coalition members to vote against the reform charter. Public support for change was mounting and politicians were beginning to feel that they had little choice but to vote in favor of the new charter. On 18 August 1997, 2,000 people rallied in Bangkok to support the draft and King Bhumibol Adulyadej fully favored its passage.⁷ While it seemed logical for the ruling coalition to support the new charter or face being voted out by an angry public, in fact there was a great deal of contention over what course of action to take.

In general, the middle class supported political reform and the Democratic Party, the opposition in parliament, signaled its intended support. However, conservative forces were not out of the picture in mid September 1997. Under the leadership of Interior Minister Sanoh, who controlled the administrative apparatus of the country and about half the party's MPs, rallied opposition among rural leaders and conservative monarchists. Rural elites in powerful local positions were threatened by the new constitution's provisions that they be elected rather than appointed for life and thus were clearly against the proposal.⁸

It came right down to the wire. Ironically, military and business leaders pressured Chavalit to accept the new constitution and after years of political wrangling, and last minute attempts by opponents to extend the constitutional debate (and to try to avoid a planned censure motion against the government), the constitution passed parliament and was ratified. Minister Sanoh was forced to back down when the military pressured Chavalit into public acceptance of the charter.⁹ Just prior to the vote in parliament, Thailand's army chief, General Chettha Tanajaro, stated that the new constitution should be passed and he also expressed the opinion that it should not be amended until after new elections could be held. Although Chettha was speaking in his capacity as a senator, there is no doubt that his double role as head of the army gave his view extraordinary weight.¹⁰ On 27 September 1997, the Thai parliament voted 578 to 16 (with 17 legislators abstaining) in favor of the charter.

Unable to stop the downward spiral of the economy, Prime Minister Chavalit finally resigned on 21 October 1997. Given that Thailand had just adopted a new constitution, and that the country has a history of non-democratic transfers of power, it was not at all clear what would happen next. Chavalit's coalition partners were left scrambling to decide if they should stay together and try to pick a new leader, or if they should defect and form a coalition with the next largest party in Parliament, the Democratic Party. Parliamentary convention is that when a prime minister resigns, the second-largest party (in this scenario the opposition Democratic Party) should get a chance to form a government. The new constitution allows for a non-elected premier to govern until new

⁷ Michael Vatikiotis and Rodney Tasker, 'Holding On', *Far Eastern Economic Review* (28 August 1997): 14–16.

⁸ Michael Vatikiotis and Rodney Tasker, 'Danger Ahead', *Far Eastern Economic Review* (11 September 1997): 22.

⁹ Michael Vatikiotis, 'People's Putsch', *Far Eastern Economic Review* (18 September 1997): 14–16.

¹⁰ *Ibid.*

elections can be called and the new charter can be fully implemented. However, the idea of a non-elected premier seemed to go against the ethos of the new charter. Finally, the issue was decided when members of Chavalit's government defected to the Democratic Party and they were able to form a seven party coalition and take power. Chuan Leekpai became Thailand's new Prime Minister in the third week of November 1997.¹¹

Changes under the 1997 constitution

The most significant elements of the constitution are the articles that address electoral reforms and the creation of new institutions to check and oversee corruption and abuses of the political process (i.e. elections). I will only mention the key provisions that I think apply to the discussions of this article. Voting is now mandatory, senators are elected now rather than appointed, and Members of Parliament are no longer allowed to serve as ministers in the government (to do so they must step down as MP). An MP cannot switch parties during the 90 days preceding an election. The goals behind these changes (and others) were to separate executive and legislative power and to improve stability. By making voting mandatory, reformers hoped that vote buying would become more difficult and more expensive. In making senators forgo party affiliation, the hope was that senators would be well known and 'above-the-fray' of day-to-day politics.¹²

The three most important institutional changes stemming from the 1997 charter are the creation of new bodies to oversee the political process.

- A Constitutional Court with 15 judges, appointed by the King with the advise of the Senate. The Court has final say on the interpretation of the Constitution.
- An election commission (selected by the Senate) to oversee elections. It can disqualify candidates and mandate new elections.
- A National Counter Corruption Commission with the power to investigate the financial affairs of politicians and their families. It can recommend that the Senate remove corrupt politicians from office.¹³

Clearly these institutions are meant to curtail corruption and tampering with elections.

The 2001 election

The 2001 election was the first parliamentary one held under the rules of the 1997 Constitution and everyone watched it carefully to see if the corrupt practices of the old electoral process would continue. Ironically (since anti-corruption sentiment had been one of the driving forces behind popular protests for political reform in 1997),

¹¹ Michael Vatikiotis, 'The Next Battle', *Far Eastern Economic Review* (20 November 1997): 28.

¹² Duncan McCargo, 'Introduction: Understanding Political Reform in Thailand', in Duncan McCargo (ed.), *Reforming Thai Politics*, Nordic Institute of Asian Studies, 2002, p. 10.

¹³ For more on these oversight institutions see McCargo, 'Introduction: Understanding Political Reform in Thailand', and Robert B. Albritton and Thawilwadee Bureekul. 'Developing Democracy Under a New Constitution in Thailand', American Political Science Association national meeting, Philadelphia, PA, September 2003, p. 2.

Thaksin Shinawatra, a telecommunications mogul who was facing corruption charges, won a landslide victory and made his party, Thai Rak Thai (TRT, Thais Love Thais) the first one in Thai political history to achieve an absolute majority in parliament. Evidently, people were not deterred by the National Counter Corruption Commission's (NCCC) ruling that Thaksin concealed portions of his wealth by transferring stock to family members and household employees. If the Constitutional Court had agreed with the NCCC ruling, Thaksin could have been barred from public office for five years.¹⁴

The 2001 election did result in some of the intended consequences of the constitutional changes; small parties were badly beaten and sent into oblivion, and medium sized parties only won small numbers of seats. These changes were intended to improve stability within parliament and it seems to have worked. The new commissions were established to clean up elections and to have an institutionalized process to challenge fraudulent ballots and vote buying. Initially, this seemed to work as planned. In the 2001 election large numbers of ballots were declared invalid, politicians and voters demanded recounts in a significant number of districts.¹⁵ The Election Commission also was forced to schedule additional rounds of voting because of unfair and dishonest voting in certain polling places or when MPs were given 'red cards' for charges of gross corruption or vote buying. Red cards force candidates to withdraw from the election.¹⁶ When all the additional voting was done, and the NCCC concluded its investigations and punitive actions, the result was that Thaksin's party did win an absolute majority and the consolidation of power both within the executive branch and within Bangkok (rather than in the provinces) began in earnest. Have reforms been effective over time? Not enough, there are still significant obstacles to greater democratization.

Obstacles to democracy: power of the military?

Despite a shrinking overt role in politics since the 1991 coup, the military showed that it was still a vital player in politics when it (indirectly) intervened to get Prime Minister Chavilit and reluctant members of parliament to agree to the passage of the 1997 constitution.¹⁷ The military's power is not limited to national security or politics. It owns media outlets that provide it power to impact public opinion on a variety of different subjects. The military controls the Thai Military Bank (TMB) and had used it for financing weapons procurement and for forging alliances with a number of business

¹⁴ Yuan Li, 'Why Controversial Tycoon Wins Election in Thailand', *Xinhua News Agency*, 7 January 2001. In a close decision, the Court cleared him of these charges.

¹⁵ Amy Louise Kazmin, 'Thailand Faces Long Wait for Final Poll Results', *Financial Times* (London), 12 January 2001, p. 8.

¹⁶ These actions do not indicate that the election was cleaner or dirtier than others, but actions by the committee can help people's perceptions of fair place and their sense of legitimacy about the system. 'Thailand to Hold Second Round of Voting of General Election', *Xinhua News Agency* (19 January 2001).

¹⁷ Ukrist Pathmanand, 'Globalization and Democratic Development in Thailand: The New Path of the Military, Private Sector, and Civil Society', *Contemporary Southeast Asia* 23, 1 (April 2001): 25.

heads seeking financing for economic development projects. While the TMB initially escaped controls imposed after the economic crisis in 1997, it was later forced to allow increased investment and control from foreign and non-military sources. Holdings of the military and its allies in the bank shrank from 43 to 25%.¹⁸

Since the 1991/92 coup people have also questioned the military's ownership of 221 radio stations and two television channels. There have been legitimate questions asked about the risk this poses for democratization. Demands increased after 1992 for liberalization of the media (the military regime had attempted to suppress news about military shootings during the coup).

These demands eventually led to Article 40 of the 1997 Constitution, which placed electronic media frequencies 'in the public domain', under the control of 'an independent public organization' charged to operate them 'in the best interest of the people'. Political reform has thus undermined the military's monopolistic control of the mass media, which had been both an economic and a political asset to the armed forces.¹⁹

In the period after the 1997 crisis, the Democratic Party and Prime Minister Chuan Leekpai worked hard to dampen the control the military once had over politics and to give it new sources of prestige. The Prime Minister took over the post of Defense Minister himself instead of appointing a retired general, and he appointed an ally, General Surayudh Juranondh, as army chief. Chuan gave military heads a fair amount of independence in promotions and he worked on behalf of the military to purchase F-16 fighters from the United States (quite an expense in the aftermath of the financial crisis). Thailand took a more active role in ASEAN and the Thai military took part in peace-keeping operations in East Timor. For this it won international appreciation and prestige. The military was also given a new job in helping to stop the flow of drugs into Thailand from various points of entry. These changes have given the military an opportunity to change their focus from politics and commercial entanglements to operations more in keeping with a military in a democratic society.²⁰ However, the military is still able to assert political influence. The 1997 constitution created a number of oversight bodies to observe and monitor decentralization of the media, an area previously dominated by the military. However, military figures have been able to gain a large number of seats on the National Broadcasting Commission and thus have potentially weakened the body's independent oversight of the industry.²¹

Thaksin?

Since Thaksin was elected in 2001 Thailand's economy has improved and by many measures the Prime Minister is one of the most successful leaders the country has seen

¹⁸ Ibid.: 27–8.

¹⁹ Ibid.: 27.

²⁰ Ibid.: 27–8.

²¹ Ibid., 2001: 34.

in generations. After making bold specific promises during his campaign, he went on to actually fulfill them. Surprising some economists and many in the international economy, the government's spending helped boost the Thai economy, it grew by 5.4% in 2002, and by 6.7% in 2003, the strongest years since the financial crisis in 1997.²²

However, Thaksin's government has embarked on several campaigns which have negative consequences for civil rights/civil liberties and which ultimately call into question the very nature of Thailand's political reforms. The most glaring examples are the 'war on drugs' and the crackdown against Muslims in the South. Prime Minister Thaksin has pledged to eradicate illegal drugs by 2005. To do this the government launched an all out assault on drug dealers and those suspected of being involved in the illegal drug trade. The 'war' has given police and some elements of the military almost a free hand in questioning, detaining, and even killing those thought to sell or trade in drugs. As of spring 2003, 1,500 suspected dealers had been killed in raids carried out throughout the country. Of these 1,500 killed, several have later been shown to have no connection to drugs and were simply (and tragically) killed by zealous police officers eager to make a public show of their efforts.²³ While there has been some discussion and outcry about the heavy handedness of the campaign and the violations of civil rights in the name of stamping out the evil of drugs, the 'war on drugs' is immensely popular and there have been few significant challenges to the brutal tactics.

In contrast, violence in the South of Thailand has become a black eye to Thaksin's government and its image at home and abroad. There are about 6 million Muslims in Thailand, out of a population of 66 million, and they live mostly in the Southern provinces of Yala, Narathiwat, and Pattani. A separatist movement existed there until the late 1980s and then seemed to wane, but in the last two years the region has been disturbed by increasing violence perpetrated by a small number of Muslim activists, and, on the other side, violence is committed by the Thai military. The violence stems from local grievances; people feel a grave sense of injustice and discrimination from the national government. In January of 2004, horrific violence flared when insurgents burned down 20 schools, and stole 300 weapons from government armories; four soldiers were killed in the conflict and the government began an outrageous crackdown against Muslim suspects.²⁴ On 28 April 2004 a coordinated attack was carried out against police stations and temples across southern Thailand. The government's response was swift and deadly. The Thai military, under Defense Minister Chettha Thanajaro, ordered two battalions of soldiers, about 1,000, to Southern provinces to quell the attack. Over 100 attackers were killed along with five soldiers and policemen. In the process of hunting down suspected militants, Thai troops stormed a historic mosque in Pattani

²² Monetary Policy Group, 'Thailand's Economic and Monetary Conditions', Bank of Thailand, Bangkok, March 2004, p. 3.

²³ Ibid.

²⁴ 'Thailand Insurgency Leader Admits Separation Motive for Latest Violence', *Xinhua News*, 30 April 2004.

and killed the 30 young men taking refuge inside.²⁵ Local residents expressed outrage and anger at the killings. Thaksin claimed that the atrocities were instigated by Thai Muslim separatists, possibly with the help of Muslim extremists from elsewhere (possibly members of Jemaah Islamiyah from Indonesia); however, there is no evidence that this is true. An even more horrible event occurred at the end of October, 2004. Seventy eight Muslim men died of suffocation in military trucks, where they had been detained after a demonstration in Narathiwat Province in which six people were shot to death.²⁶ Thailand's National Human Rights Commission found that the Thai army had been guilty of 'violent breaches of human rights' in handling this incident.²⁷ King Bhumibol Adulyadej, in a rare move, called Thaksin in for a meeting and urged him to take a more moderate approach to problems in the south. The government's extreme response has made residents and human rights groups critical, yet again, of Thaksin's regime.

The Prime Minister has also tried to consolidate his own power through greater manipulation and control of the media. As discussed earlier, Thailand's broadcast media (television and radio) have long been controlled by a small number of business elites and the government and military have been the primary holders of these licenses. Many see Thaksin trying to expand his influence in unseemly ways. Virtually all of the TV stations are either government controlled or owned by his family, he bought the only private one and fired many of its journalists.²⁸ This gives him either direct or indirect control of what Thais see on television, the most popular source of news and information throughout the country. One of the other tools that Thaksin and his family and associates are charged with using to influence what people see on TV is the ability to direct advertising revenue to supportive outlets, and conversely to pull advertising from critical sources.

Even before his election victory, staffers at the ITV television network, in which Thaksin's family business was then acquiring a controlling interest, publicly complained that they were being pressured to slant the news in favor of Thaksin's party. They were subsequently sacked, a move later ruled illegal by Thailand's Labor Court.²⁹

Once in office, further incidents gave critics reasons to be alarmed. Government-controlled radio and television stations pulled programs off the air that were critical of the new regime. Advertisements from the government and from Thaksin's related businesses were allegedly withheld from critical media outlets. In 2003, Transport

²⁵ The Associate Press identified some of the dead, many were teenagers from local villages. Eighteen were members of a soccer team. Seth Mydans, 'Thai Troops Flood Islamic Trouble Zone', *New York Times*, 30 April 2004, p. 3.

²⁶ Seth Mydans. 'Thai King Urges Premier to be more Lenient in the Muslim South.' *New York Times*, 2 November 2004, p. A3.

²⁷ 'Southern Thailand: Insurgency Not Jihad', *International Crisis Group*, 2005.

²⁸ *Ibid.*

²⁹ Ouster of Editor Intensifies Press Freedom Fears in Thailand', *The China Post*, Internet Edition, 29 February 2004.

Minister Suriya Jungrungreangkit's family (close Thaksin allies) purchased the largest stake in the corporation that owns *The Nation*.³⁰ Print media are privately owned and a myriad of viewpoints can be found both in Thai language papers and in English papers. Several papers are frequently critical of the regime. However, there are recent charges that independent views are not appreciated by the ruling powers. In February of 2004 the editor of the *Bangkok Post* was shifted out of his post. Critics of Thaksin charge that his allies forced Veera Prateepchaikul's departure from the news desk. 'I would describe the Thai media at the moment as being in an intensive care unit', said Kavi Chongkittavorn, and editor of *The Nation*, *the Post's* main rival.³¹

Like not so democratically minded leaders before him, Thaksin has promoted relatives to senior positions in the army and in the police. Two former members of his staff now sit on the constitutional court.³² Despite the encroachment on freedoms, Thaksin and TRT's popularity is at an all-time high. The opposition Democratic Party is unable to counter some of the more aggressive actions by the government and they are at a loss for how to gain back a more significant showing of support. In the February 2005 Parliamentary elections, TRT won a landslide victory. Thaksin's party now controls 377 of 500 seats. Suranand Vejjajiva, TRT party spokesman, argued that the electoral success demonstrated that the party has won the hearts of the people and that Thaksin's ability to efficiently and quickly tackle economic problems has translated into an overwhelming victory.³³

So, how should we understand the successful process of political reform in 1997 but the lack of consolidation of these reforms since 2001? In other words, how should we decipher politics in Thailand today? While there have not been revisions to the document of the constitution, and while elections have been held under relatively open and fair conditions, this article argues that the political reforms of 1997 have not been continued or consolidated. Moreover, the reforms themselves have been undermined and Thai politics seems less democratic (less fair) and less competitive or contested than in 1997. The next section offers first an explanation for why reforms went forward in 1997, and why we now see stagnation.

Explaining political change and democratic consolidation

There is a great deal of political science literature on both transitions to democracy and on the consolidation of democratic reforms. The reform process of 1997 largely

³⁰ Ibid.

³¹ Ibid. Also a seminar was held in March of 2004 where participants from several activist groups (such as the Confederation of Consumer Organizations, the Campaign for Popular Media Reform and the Campaign for Popular Democracy) discussed political problems like curbs on media freedoms, the government's poor handling of the avian flu outbreak, and a general feeling that the 'Thaksin regime has destroyed the atmosphere of democracy.' Ampa Santimatanedol, 'Thailand: Thaksin Regime "Undemocratic"' *Bangkok Post*, 4 March 2004.

³² 'Thais Love Thaksin', *The Economist*, op cit.

³³ Nattaya Chetchotiros, 'Rivals Battle to End Thaksin Era', *Bangkok Post*, 9 February 2005.

came from within the government (a transformation) so a great deal of compromise was enacted to co-opt hardliners into allowing reforms to go forward. In Thailand the economic crisis was the last push to get acquiescence from stalwarts in power. As Haggard and Kaufman argue, 'economic conditions influence the timing and terms of democratic transitions and post-transition political alignments'.³⁴ They go on to expressly discuss the role that economic crises play in transitions to greater political openness, 'crises are neither necessary nor sufficient to account for authoritarian withdrawal, poor economic performance reduces the bargaining power of {authoritarian} incumbents and increases the strength of oppositions'.³⁵ And, as they further explain, economic crises change the demands of civil society or the private sector, the loyalty of the military, and expectations of the larger population.

There is no question that the financial crisis of July 1997 served as a catalyst for passage of the new constitution in Thailand. Afraid of further political chaos, domestic and international investment withdrew until they felt reassured that political reforms would continue, and leaders would be able to make and implement coherent economic policy. Had political change not come, members of the ruling elite faced the threat of a further economic decline.

Scholars have studied the link between economic crises and political change and there is little consensus on what the political fallout will be in the wake of an economic implosion. In an earlier article, I review the relevant literature on economic crises and political change.³⁶ While there is diversity in methodology and variation in results, much of the literature finds that political mobilization from below during an economic crisis can either help consolidate democracy or can undermine it, depending on other circumstances. It is not enough to credit the financial crisis for political reforms. Instead, the crisis caused political elites within the government to realign themselves with others within and outside of government. This is closer to Haggard and Kaufman's work on the political economy of democratic transitions, discussed earlier. Like other transition theorists,³⁷ they see political reform and consolidation as largely driven by elites, but that an economic crisis can change political alliances and conditions for reform. So, change comes about because of pressure from within and pressure from outside of the system.

Civil society organizations were mobilized to support the passage of the constitution, people poured into the streets protesting against the government for its inaction in the face of the economic crisis, and tried to influence leaders into passing

³⁴ Stephan Haggard and Robert R. Kaufman, 'The Political Economy of Democratic Transitions', in Lisa Anderson (ed.), *Transitions to Democracy*, NY: Columbia University Press, 1999, p. 76.

³⁵ *Ibid.*: 77.

³⁶ Amy Freedman, 'Economic Crises and Political Change: Indonesia, South Korea, and Malaysia', *World Affairs*, 166, 4 (Spring, 2004): 185–96.

³⁷ There is a great deal of literature on transitions to democracy. See Adam Przeworski, 'Some Problems in the study of the Transition to Democracy', in Guillermo O'Donnell and Philippe C. Schmitter (eds), *Transitions from Authoritarian Rule: Prospects for Democracy*, Vol. III, Baltimore: John Hopkins University Press, 1986, pp. 57–61; and Philippe C. Schmitter and Terry Lynn Karl, 'What Democracy is ... And is not', *Journal of Democracy* 3, 3 (Summer 1991): 75–88.

the charter. Business groups, who might normally side with conservative political forces, saw their interests align with civil society activists and the protestors. If the charter was not passed there would have been greater instability and continued problems making economic policy. Finally, politicians were forced to support it. The IMF, although stating that they do not meddle in domestic politics, clearly favored political measures aimed at greater stability, accountability, and transparency. Finally, the military backed the passage of the new constitution in Thailand. So, the reform constitution was passed because of inside political pressures like that from the military, the King, and other political elites; domestic pressures from civil society, protestors, and business groups; and external pressure from the IMF and foreign investors. So, what has happened to these elements since 2001 that can explain the lack of democratic consolidation?

Prior to 1997, Thailand met many of the criteria to be labeled 'democratic'. There were regular elections in which candidates from a variety of parties competed for seats, civil society existed and operated autonomously from the state, and other necessary conditions like an independent judiciary and a free press existed to different degrees. However:

A distinction should also be made between the institutions and procedures of democracy, such as elections, freedom of speech, the rule of law – and the content or substance of democracy. In any situation, the emphasis should be not just on the institutional criteria of democracy but on the results. Does it serve to fulfill the aspirations of citizenship – whatever these are defined as – and does it serve peace, respect for human rights, and development?³⁸

In Thailand, the political system at times worked quite well and protected people's rights, at other times it trampled rights and seemed to have little regard for good governance. The army's political power distorted rights protection and market fairness. As the authors of the quote above go on to say, democratization may not be the hard part, it may be more difficult to sustain in the long term because it requires the sociopolitical preconditions of democracy and never-ending work, that democracy is 'an unfinished, never-ending, political project'.³⁹ Thailand in 1997 may have worked on the institutional features of democracy, but there may not have been, in retrospect, a real transformation of socio-political values, particularly of elites, needed in order to consolidate democracy.

Consolidation of political reforms?

Ending repressive rule is not the same as creating a solid, enduring system that guarantees free and fair elections, protection of civil rights and civil liberties, an open press, and in general some sort of checks and balances or a sharing of power

³⁸ Takashi Inoguchi, Edward Newman, and John Keane, 'Introduction: the Changing Nature of Democracy', in Takashi Inoguchi, Edward Newman, and John Keane (eds), *The Changing Nature of Democracy*, New York: United Nations University Press, 1998, p. 6.

³⁹ *Ibid.*, p. 6.

among political institutions. Consolidation of democracy is generally taken to mean a system that is unlikely to break down, that is we can expect it 'to last well into the future'.⁴⁰ This seems simple, but it poses significant problems of operationalization and measurement.⁴¹ In order to describe and even to try and predict consolidation scholars look at the institutional or structural underpinnings of the regime, and/or the attitudes and behavior of key actors. In simple terms; do leaders play by the rules of the game and not see themselves as above the law, are leaders willing to lose elections and abide by the results? Schedler finds that scholars pronounce a democratic regime to be consolidated when leaders behave democratically, when major political actors acquire democratic attitudes, and when the socioeconomic and institutional foundations for democracy are in place.⁴²

Linz and Stepan use as a working definition of a consolidated democracy the following criteria:

- Behaviorally, a democratic regime in a territory is consolidated when no significant national, social, economic, political, or institutional actors spend significant resources attempting to achieve their objectives by creating a non-democratic regime or turning to violence or foreign intervention to secede from the state. [Thailand seems to meet these conditions.]
- Attitudinally, a democratic regime is consolidated when a strong majority of public opinion holds the belief that democratic procedures and institutions are the most appropriate way to govern collective life in a society such as theirs and when the support for anti-system alternatives is quite small or more or less isolated from the pro-democracy forces. [There may not, in fact, be strong Thai public opinion supporting this.]
- Constitutionally, a democratic regime is consolidated when governmental and nongovernmental forces alike, throughout the territory of the state, become subjected to, and habituated to, the resolution of conflict within the specific laws, procedures, and institutions sanctioned by the new democratic process. [Thaksin seems to have little regard for these elements.]⁴³

Linz and Stepan go on to detail five interacting elements that must exist in order for such consolidation to take place. Conditions must exist for civil society to play a role in politics, there must be relatively free and valued political society, rule of law to protect freedoms, a state bureaucracy usable by the government, and there must be

⁴⁰ Samuel J. Valenzuela, 'Democratic Consolidation in Post-Transitional Setting: Notion, Process, and Facilitating Conditions', in Scott Mainwaring, Guillermo O'Donnell, and Samuel Valenzuela (eds), *Issues in Democratic Consolidation: The New South American Democracies in Comparative Perspective*, Notre Dame: University of Notre Dame Press, 1992, pp. 57–104.

⁴¹ Andreas Schedler, 'Measuring Democratic Consolidation', *Studies in Comparative International Development* 36, 1 (2001): 66.

⁴² *Ibid.*, p. 12 (pagination reflects internet download of article.)

⁴³ Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation*, Baltimore: John Hopkins University Press, 1996, p. 6.

an 'economic society' (a way of mediating or balancing between state and market).⁴⁴ In 1997, Thailand seemed on the verge of exemplifying these variables. This no longer seems true today.

There may not have been a consolidation of democracy in Thailand for two different reasons. First, Thailand does not fit neatly in to any of Linz and Stepan's categories of what regimes might look like prior to democratization. Thailand's political system has long had elements of democracy and elements of military authoritarianism. Because of this, perhaps it is more accurate to ask why one sees political *liberalization* or *reform* in 1997, not to ask why there was *democratization* in 1997 (because this implies that there was no democracy prior to that point). If this is the case, then perhaps it is harder to assess if democracy will last (or be consolidated). If democracy is a more fluid condition, then a little more openness, or a little less openness (or accountability), may not be frightening or threatening to people.

The second argument for why reforms have not been consolidated has to do with pressure or interests from the same elements used to explain the 1997 reforms. Why isn't there intense pressure to consolidate reforms? Do the same independent variables exist and are they working towards the same ends? The answers are, not really.

Internal pressures

One of the pressures for change in 1997 was political activism and civil society. During the economic crisis, people and NGO's were mobilized as oppositional forces to the government. Today, it seems that civil society organizations have become more of a regular part of the political process, working with, or lobbying through, institutional channels to achieve their particular interests. While NGO's are not agents of the state, and are certainly independent actors, in some ways by becoming part of the regular contest over policy, they have lost some of their edge and power as a force of opposition. Also, civil society and NGO's are highly diverse. The economic crisis provided an opportunity for groups to come together in opposition to the government; there is no unifying problem to solve today. So, environmental groups, women's organizations, media watch dogs, etc. all work to further their own goals and interests and have lost some of the power that comes with joining forces for a common goal.⁴⁵

One of the most important impediments to consolidation of democracy is Thaksin himself. His attitudes, values, and behavior have severely injured the chance for democratic consolidation. Some have argued that we should view his behavior within the context of pressure for strong economic performance, and the renewed internal

⁴⁴ Ibid.: 7–11.

⁴⁵ For work on civil society organizations in Thailand today see LeeRay M. Costa 'Activist Intellectuals: Scholar-NGO Interfaces in Thailand's Civil Society', *Asian Social Issues Program*, 28 September 2005; Antonio Contreras, 'State–Civil Society Relations and Forest Governance in Thailand the Philippines', unpublished article from the web, 2000; 'Democratic Planning in Thailand: Khon Kaen Civic Assembly', shows a model of local government/NGO cooperation and planning for development programs.

security threats in the south, but many now are also questioning his methods in dealing with these issues.

In the recent election, Prime Minister Thaksin asked voters to give him their support so he could overcome obstacles:

like parliamentary opposition, torpid bureaucrats, yakking academics, and others of little faith. He argued that 'destructive politics,' meaning the competitive model of plural democracy, was a Western import, wrong for Thailand, and due for abolition. He assured voters that he himself is 'the fount of democracy'. Thus the prime minister worries those who believe in liberal democracy, because he clearly does not.⁴⁶

Since winning office in 2001, Thaksin has weakened the 'independent bodies' created by the 1997 constitution to check and balance the executive; few commission or court members are antagonistic to his interests. After this election, the opposition parties in parliament have fewer than 125 MPs necessary to call for a no-confidence debate on any minister.

Over the last 20 years, such debates have become the major format for opposition scrutiny of the executive. Now the opposition will find it difficult to create an alternative. Ironically, this parliamentary election has resulted in Parliament becoming marginalized.⁴⁷

A second internal factor in Thailand comes right from the reforms themselves: one goal of the constitutional reform in Thailand was to make the political system more stable, certainly a laudable goal in a country where one could hardly keep track of the governments, they changed so frequently and where decisive policy action was nearly impossible. Improving stability came through the consolidation of power within a smaller number of political parties, and disallowing politicians from switching parties at will. However, enhancing stability also means that it is harder to unseat a government. The creation of both the election commission and the National Counter Corruption Commission have tried to do the jobs that they were intended to do, but they too have been accused of being too friendly towards particular political elites and of being subjective in who they chose to investigate and which elections they invalidate. Selecting members of these commissions and judges for the Constitutional Court has become partisan and political.

The Thai military may not be anywhere near as powerful as it was before 1991, but it is still capable of wielding influence behind the scenes. This may be an inevitable part of the bureaucratic competition for budgetary resources that takes place in any political system. The military still receives the lion's share of state resources. In 1999 Prime Minister Chuan, who also kept the portfolio of Defense Minister for himself, asked the military to reveal accounts from the last ten years. The Military had been use

⁴⁶ Pasuk Phongpaichit and Chris Baker, 'Thaksin Dismantles Thailand's Opposition', *Far Eastern Economic Review*, March 2005, p. 26.

⁴⁷ *Ibid.*, p. 27.

to 'secret budgets' free from government scrutiny, but after 1999 there was an attempt to keep them accountable for official budgets as well.⁴⁸ It is unclear how successful these reforms on the military have been since the military still has tight business connections and other sources of funding.

External pressures

Globalization can be a positive force for political reform and liberalization or it can harm the process of democratization. One example of how globalization can assist in the process of political reform is the example of changes in the Thai Military Bank. Where this medium sized bank used to be totally under the control of the armed forces, in an attempt to improve banks and financial institutions' capital flows and solvency, the Chuan government forced many banks and finance companies to allow foreign investment. TMB did not escape these pressures. The military's holdings in the bank shrank from 43 to 25% of assets, while non-military and foreign holdings in the bank increased from 8 to 25%. 'Globalization had accelerated the trend of removing the military from a dominant role in the Thai Political Economy.'⁴⁹ Six years later it is far from clear that global forces are beneficial to greater democracy. When Thailand was under the IMF, its policies were under a microscope; economic policy making was constrained by IMF strictures. This impacted both policy making and politics. Now that they have graduated out of the IMF's oversight, that external pressure is gone. It is not the case that the IMF 'pushed' Thailand toward democracy in 1997; the IMF works with democratic and non-democratic governments, and professes to be non-political. However, in order to receive IMF funds, the institution does require the enactment and execution of a series of policy prescriptions. In July through September of 1997, the Thai government seemed incapable of making and carrying out coherent economic policies. So, the IMF would have supported the adoption of the new charter in order to dampen political activism and instability. Once Thailand had graduated from the IMF's oversight, and had stabilized their economy, this external pressure for accountability and transparency was also gone.

External pressures on Southeast Asian countries have now changed. When terrorists attacked the United States on 11 September 2001 and then when the US decided to attack Iraq in the spring of 2003, President Bush's administration worked hard to convince countries around the world to join the US in the global 'war on terror'. Since 1954 Thailand has been a treaty ally of the US, the highest level of alliance outside of NATO, yet after the World Trade Center attacks Prime Minister Thaksin declared that Thailand would remain neutral in any forthcoming military incursions. Despite Thaksin's desire to seem independent of US policy, President Bush in October of 2003 declared Thailand to be a 'major non-NATO US ally' and promised to negotiate a desirable bilateral trade

⁴⁸ Prangtip Daorueng, 'In Thailand, Old Mistrust of the Military Lingers', *Asia Times Online*, 23 January 1999 (atimes.com).

⁴⁹ Ukrist Pathmanand. 'Globalization and Democratic Development', p. 4.

agreement with Bangkok.⁵⁰ Thailand did not join the US in the ‘coalition of the willing’ in invading Iraq, but Thailand did help US security agents capture Indonesian terrorist suspect Hambali, the Bali bombing suspect. And, Thailand has sent troops to Afghanistan and to Iraq for reconstruction efforts.⁵¹ While the Thai population seemed displeased at President Bush’s attempt to draw Thailand closer to the US, when violence flared in the South in the winter of 2004, public opinion seemed to begin to change as people worried that Islamic violence and possibly links to international terrorist networks might be closer to home than believed. The US has been willing to overlook the Thai military’s zealous and violent behavior in the south in the name of fighting Islamic terrorism. While Thaksin has been criticized by regional leaders for his response to escalating tensions in the south, and it is clear that military and police behavior violates citizens’ civil rights, there is little condemnation from the US because the US is convinced (rightly or wrongly) that Thailand is our ally in the war on terror.

Conclusion

Democracy has not been fully consolidated in Thailand. According to measures of democratic consolidation, such as leaders playing by the rules of the game and not seeing themselves as above the law, as well as respect for civil rights, there are several troubling signs for Thailand. First, Prime Minister Thaksin seems to not exactly want to ‘play by the rules of the game’. He has seemingly tried to manipulate media outlets critical of his regime, and he has used draconian measures to implement policies, such as his efforts to wipe out the illegal drug trade. In 1997, Thais seem to overwhelmingly want greater democracy and accountability. The desire for democracy and democratic attitudes that have developed over time in Thailand, seem to be overshadowed by desires to get economic growth chugging again, and to improve quality of life issues (even if this means an erosion of civil rights for some citizens). In one of the few studies of Thai attitudes about democracy, Albritton and Bureekul found overwhelming support for democracy. In 2001, 54.7% of those surveyed were fairly satisfied with the state of Thai democracy; moreover, 34% were very satisfied with democracy. Eighty three per cent of respondents said that democracy was *always* preferable. On the surface, Thais are highly supportive of the ‘idea’ of democracy. However, the survey also found that democracy has less support from elites, especially Bangkok elites, than among rural majorities. And, these two groups seem to understand democracy differently. When democracy includes a high degree of political conflict, there seems to be a preference for curbs on freedom of expression, if social order is jeopardized. Trust in political parties is low and the 2005 election clearly shows that personality matters a great deal. Rural voters, although higher numbers of them profess to care about democracy, seem to view candidates favorably when they bring tangible benefits to the district. Political

⁵⁰ Amy Kazmin, ‘Thailand Wooed by Prospect of Trade Pact with US’, *Financial Times* (London), 19 November 2003, p. 2.

⁵¹ *Ibid.*

ideas, platforms, and larger policy matters are secondary to personal gain to be had from elected officials. In addition:

The traditional emphasis on the 'middle class' as an engine of democracy appears to be declining in favor of a view that middle-class support for democracy exists primarily when it coincides with class interests in curbing the power of government. This means that one cannot expect middle-class enthusiasm for democracy when it poses conflicts with private interests of the middle class.⁵²

Ultimately then, it is hard to see that democratic ideals matter in more than an abstract way to many Thais. Yes, democracy is important to people, but democracy means different things to different groups and abstract ideas may be less critical than economic self-interest.

This article finds that political reforms in 1997 were the product of elite actions and decisions, influenced by internal and external pressures. There are different groups of elites that matter: leaders within the regime, and elites in civil society who drafted the Constitution and those who helped mobilize groups to protest and agitate for the passage of the document. The factors that tip the scales towards a positive result are pressures from reform-minded politicians and military generals, mass protests in Bangkok, and pressure from the IMF. The same confluence of interests no longer exists. Because of Thaksin's behavior and position as both Prime Minister and one of the wealthiest individuals in Thailand, because one of the unintended consequences of the 1997 reforms was to give TRT a lock on political power, and because civil society and international pressure are not focused on democratization, Thailand has missed an opportunity to further consolidate democracy.

⁵² Robert Albritton and Thawilwadee Bureekul, 'The Meaning of Democracy in a Developing Nation' (MPSA: Midwest Political Science Association Conference), 3–6 April 2003.