

Appraising Democratic Consolidation in Thailand under Thaksin's Thai Rak Thai Government

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Abstract

This article identifies how democracy and transparency in Thailand have been subverted since 2001. Specifically, it appraises the sentiments and trends that have been in place since 1993 to prevent a return to authoritarian government. Additionally, it also examines structures and policies that have thwarted democratic consolidation since 2000. The central hypothesis of the article is that there has been a structural weakening of democracy in Thailand under the Thai Rak Thai government since 2001. In other words, Thailand's democratic consolidation has been held in abeyance since the electoral victory of the Thaksin government.

This study utilizes an admixture of the institutionalist and agency approaches to make its case. There is sufficient evidence to discern since 2001 the direction and nature of state–society relations in Thailand and Thaksin has also undertaken a number of policies by way of elite strategic choices. Consequently, bringing these two approaches into strategic convergence obtains better and more comprehensive results of the state of democratic consolidation in Thailand, both from an elite as well as societal perspective for a more balanced approach. The evidence culled thus far suggests that, whereas Thaksin came to power using democratic means and in fact consolidated his democratic credentials after his second victory in 2005, domestic political and social developments reflect a weaker commitment to democratic ideals and its structural and cultural consolidation.

Following the failure of General Suchinda to appoint himself Prime Minister with the tacit consent of parliament in the face of widespread protests in 1992, the Thai King, Bhumiphol Adulyadej, appointed Anand Panyarachun to head a caretaker government

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in Thailand. It was the second time that Anand had been asked to perform such a role, the first being in 1991 after the military coup against the elected government of Chatichai Choonhavan.

The election of the Democrat Party led by Chuan Leekpai in 1992 ushered in an era of democratic reforms aimed at ridding Thailand of its military authoritarian past. Many of these reforms were structural in nature, ranging from a new constitution to term limits on Prime Ministers. Additionally, a number of bodies meant to oversee and preserve the spirit of democracy, such as the National Counter Corruption Agency and the Constitutional Court, were established.

The onset of the Asian financial crisis in 1997 however severely degraded Thailand's economy, with major spillover effects on the political situation. High unemployment rates, the depreciated baht, loss of foreign exchange reserves and capital flight led to a good measure of despair. The gloom took its toll on the nascent process of democratization as well. Whereas the Thai King called on Chuan Leekpai to form the government, there was much disillusionment with the economic situation within the country. This disillusionment in turn allowed a new political party, Thai Rak Thai, led by business tycoon, Thaksin Shinawatra, to win an overwhelming victory in the 2001 general election.

Since his victory, Thaksin has unveiled a series of populist measures to tap on widespread discontentment in the country to bolster his support. He has also co-opted traditional centres of power in Thai politics and enlarged his party by getting smaller parties within his coalition government to merge with Thai Rak Thai. There is sufficient credible evidence at this juncture that the Thaksin government's initiatives have undermined rather than strengthened fledgling democratic practices.

This article is aimed at identifying how democracy and transparency in Thailand have been subverted since 2001. Specifically, the research is aimed at appraising the sentiments and trends that have been in place since 1993 to prevent a return to authoritarian government. Additionally, it also examines structures and policies that have thwarted democratic consolidation since 2000. The central hypothesis of the article is that there has been a structural weakening of democracy in Thailand under the Thai Rak Thai government since 2001. In other words, Thailand's democratic consolidation has been held in abeyance since the electoral victory of the Thaksin government.

The article is divided into four parts, the first of which sets out the parameters of the study and its theoretical considerations. The second part of the paper introduces the context of the study, explaining in some detail the manner in which Thailand arrived at the overthrow of military authoritarianism in 1992 and subsequently began regime transition from 1993, culminating in a new constitution in 1997 and the introduction of structural restraints and social norms to entrench democracy. The Thai Rak Thai's first electoral victory in 2001 and its management of the national political process under the leadership of Thaksin Shinawatra has just drawn to a close and is therefore open to scrutiny. The third and fourth parts of the paper are devoted to an examination of institutional and agency factors that in turn provide the evidence for the assertion contained

in this paper that Thaksin has ultimately weakened democracy in Thailand. Finally, the conclusion draws the paper to a close and restates the findings. It also looks at some of the theoretical implications of the study for the literature on democratic transitions.

As with all research, there are a number of limitations to this study as well. The first of such limitations has to do with the permanence of the changes that have taken place during the first four years of the Thaksin government. Democratic consolidation is often a lengthy process that involves forward and backward movements on issues. Hence, setting a clear cut-off point for the research may be a little arbitrary. In the same vein, it is entirely possible that Thaksin, during his second term in office, may reverse some of his earlier policies or introduce others that favour democratic consolidation. Alternatively, some of the populist policies may have latent functions that favour the democratic process in the long run. So, for example, failure of the 'one tambon, one product' policy may well undermine Thaksin's legitimacy and force the rural vote against Thai Rak Thai. Alternatively, rural empowerment may lead to more democratically acceptable ways of lobbying for change in the future like the formation of interest groups and associations in industrialized democracies. Such bargaining strategies will certainly undercut electoral corruption in the form of vote purchasing in poorer rural areas.

Theoretical considerations

Writers on democracy normally distinguish between democracy as a process and as an end product, as well as the observance of certain fundamental norms of political action and regime change. As a process, democracy as a regime type is premised on the non-violent change of government through free and fair elections. This minimalist criterion is what Robert Dahl refers to as inclusion and contestation.¹ Traditionally, democratic governments have also often included term limits on public office bearers; the observance of the fundamental liberties of free speech, thought, association and writing, as well as a free press that serves as the conscience of society.² Finally, many democratic governments also subscribe to the separation of powers, an independent judiciary, and institutions to protect democracy and prevent its weakening. Such diffusion of power is generally thought to be a good way to prevent executive abuse of power through a system of checks and balances. Additionally, such structural restraints ensure that state sovereignty remains vested with citizens. At the same time, it should be noted that parliamentary regimes often involve the convergence of executive and legislative power since the executive is typically drawn and appointed from the legislature.

¹ The treatment of participation and contestation as fulfilling the minimal requirements of a functioning democracy can be found in Robert A. Dahl, *Polyarchy: Participation and Opposition*, New Haven: Yale University Press, 1975, p. 4.

² These practices, which constitute procedural democracy, are generally regarded as an acceptable way to operationalize democratic theory. In order to prevent the 'tyranny of the majority', liberal-democratic countries also guarantee the right to individual self-determination. See John Stuart Mill, *On Liberty*, Stefan Collini (ed.), Cambridge: Cambridge University Press, 1989, pp. 7–11.

Democratic transition, as opposed to democracy, refers to the process of a movement away from authoritarianism and towards democracy as a regime type.³ This process is generally thought to occur in three phases, beginning with the collapse of a non-democratic authoritarian regime.⁴ The second or transition phase examines the beginning of the new democratic phase. Finally, the third or consolidation phase that this study is concerned with entrenches democratic values and ideals, generally affirming it as a regime type for the long run, in order to prevent a return to authoritarianism.⁵ It might be noted at this juncture that the process is neither necessarily linear nor certain. In fact, many countries have experienced regime transitions both in favour of and away from democracy sequentially.⁶ Countries like Nigeria and Pakistan are classic examples of such forward and backward movements.

Theorists on transition normally disagree on whether to use a single date or the period between two dates to determine the onset of transition.⁷ The next logical stage of the process, typically termed democratic consolidation, is what concerns us.⁸ Thailand has clearly moved away from an authoritarian regime type and is in the process of consolidating a democratic regime. This process of entrenching democratic values is often determined or measured by a number of competing and sometimes complementary approaches. Four of the more common approaches used to discern levels of democratization are the structuralist approach, the institutionalist approach, the political economy approach, and the agency approach.⁹

The structuralist approach utilizes social structures and in particular evidence of an emerging middle class, political culture, class conflict, economic development, and social conditions to determine transition outcomes.¹⁰ In other words, socio-economic and cultural conditions are given primacy in the approach, although an influential recent study by Mishler and Rose demonstrates that interactions with governments are more significant in shaping support for democracy than cultural factors or even an

³ The classic study of democratic transitions is Guillermo A. O'Donnell and Philippe C. Schmitter (eds), *Transitions from Authoritarian Rule: Tentative Conclusions About Uncertain Democracies*, Baltimore: Johns Hopkins University Press, 1986. Also see Stephanie Lawson, 'Conceptual Issues in the Comparative Study of Regime Change and Democratization', *Comparative Politics* 25, 3 (1993): 183–205.

⁴ See Jeffrey Phang Siang Yoon, 'Democratic Transition in Indonesia: An Institutional Analysis', Political Science Honours Thesis 2002/03, National University of Singapore, Singapore, p. 10.

⁵ Dankwart Rostow, 'Transitions to Democracy: Towards a Dynamic Model', *Comparative Politics* 2, 3 (1970): 337–63.

⁶ Georg Sorensen, *Democracy and Democratization: Processes and Prospects in a Changing World*, Boulder, CO: Westview Press, 1998, p. 39.

⁷ See Gerardo L. Munck, 'The Regime Question: Theory Building in Democracy Studies', *World Politics* 54 (2001): 125.

⁸ On the importance of bringing democratic transition to a conclusion see Juan J. Linz and Alfred Stepan, 'Toward Consolidated Democracies', *Journal of Democracy* 7, 2 (1996): 14–33.

⁹ Phang, 'Democratic Transition in Indonesia', pp. 15–31.

¹⁰ Geoffrey Pridham and Tatu Vanhanen (eds), *Democratization in Eastern Europe: Domestic and International Perspectives*, New York: Routledge, 1992, p. 2.

emerging middle class.¹¹ The institutionalist approach concentrates on the interaction between macro-level structural conditions and micro-level elite strategic choices during the process of transition. Within this approach, writers have traditionally focused on one of three attributes of the regime – the nature of the situation under which transition occurs or what is described in the literature as ‘confining context’, the nature of state–society relations, or the emergence and endurance of democratic institutions. Institutionalists generally regard these three factors as critical in determining the outcome of democratic transitions, although the factors themselves can be interactive. Additionally, some theorists think that transitions that are bottom-up rather than top-down or elite initiated have a better chance of success.¹² The political economy approach typically correlates regime transition to economic performance. Compared to the structuralist approach, the political economy approach tends to emphasize the sequential nature of political and economic reforms and the interaction between these two processes.¹³ Failure to deal effectively with economic decline or crises often leads to an arrest of the consolidation process, not unlike the manner in which the Democrat Party was swept away from power by Thai Rak Thai in 2001 for its failure to stem the degradation of the Thai economy after the 1997 financial crisis. Finally, the agency or strategic choice approach focuses on the interaction between different political elite to explain transition outcomes.¹⁴ The emphasis here is on how elite transactions in the form of interpersonal or group dynamics determine democratization. Consequently, this approach places much of the burden of transition on an interactive and often politically conscious elite rather than structures and socio-economic conditions.

This study utilizes an admixture of the institutionalist and agency approaches. The structural approach is avoided since the socio-economic situation has not markedly improved since 2001 and culture is a rather nebulous concept to measure. As for the political economy approach, the economic programmes and incentives put in place by the first Thaksin government require much more time for proper assessments to be made. On the other hand, there is sufficient evidence to discern since 2001 the direction and nature of state–society relations in Thailand and Thaksin has also undertaken a number of policies by way of elite strategic choices. Consequently, bringing these two approaches into strategic convergence will allow the research to obtain better and more comprehensive results of the state of democratic consolidation in Thailand, both from an elite as well as societal perspective for a more balanced approach. After all,

¹¹ William Mishler and Richard Rose, ‘What are the origins of trust?’, *Comparative Political Studies* 34 (2001): 30–62.

¹² See for example Patrick O’Neal, ‘Revolution from Within: Institutional Analysis, Transitions from Authoritarianism, and the Case of Hungary’, *World Politics* 48 (July 1996): 579–603.

¹³ See Stephen Haggard and Robert R. Kaufman, ‘The Political Economy of Democratic Transitions’, *Comparative Politics* 29 (1997): 263–84.

¹⁴ See for example Giuseppe di Palma, *To Craft Democracies: An Essay on Democratic Transitions*, Berkeley, CA: University of California Press, 1990.

democratization is meant to ultimately empower the citizenry. Consequently, focusing on the elite alone will not be methodologically sound.

The historical background

Perhaps the best starting point for a discussion on democracy in Thailand was the appointment of General Prem Tinsulanonda as Prime Minister from 1980 to 1988. Chatichai Choonhavan's election into power under the banner of the Chart Thai Party in August 1988 followed the stable and semi-democratic government of General Prem. The Prem government was described as semi-democratic since it presided over the country during the period that is generally regarded as important to democratic transition in Thailand.¹⁵ Among the reasons for this assessment is the fact that Prem allowed political parties to function and newspapers were given greater latitude in reporting. These measures were in sharp contrast to the previous military authoritarian regime in parliament.

There are a number of other important considerations why the Prem government is generally viewed as the midwife of Thai democracy. Prem's personality was such that he was generally viewed as a politician who emphasized the consensual nature of elite decision making – a democratic trait for a military leader. So, for example, when a no-confidence motion was introduced against him in parliament in April 1988, he graciously withdrew from his appointment. Such a practice is typically associated with mature democracies, where political elites resign rather than be subjected to the humiliation of defeat in parliament. In fact, Prem refrained from the traditional Thai practice of staging a coup to return to power following the elections, although there was some initial anxiety that he might. Even after his resignation, he continued to remain in good standing and was immensely popular, not just with ordinary citizens but also the Thai king who is generally regarded as wise, displaying a consistent interest in the country's well-being and certainly beyond reproach. Assessments of other members of the royal family, with the exception of Princess Sirindhorn, often tend to be much less generous. As a gesture of appreciation, Prem was made Privy Councillor to the King and subsequently elevated to the rank of Senior Privy Councillor. After almost two decades since retiring from politics, Prem is still widely regarded as the spokesman for the King and is generally viewed as one of the monarch's most trustworthy messengers. The most recent evidence of his high standing was his meeting with Thaksin after the Tak Bai incident in the south when some 80 protesters who were carted away in military trucks suffocated to death.¹⁶ He is said to have conveyed to Thaksin the King's desire for a more conciliatory and developmental approach in dealing with the predominantly

¹⁵ Clark D. Neher, 'Semi-Successful Semi-Democracy', *Asian Survey* 38, 2 (1988): 192–201. It should be noted however that there is considerable disagreement in the scholarly community whether semi-democracy constitutes a regime type. See William F. Case, 'Can the Halfway House Stand? Semi-Democracy and Elite Theory in Three Southeast Asian Countries', *Comparative Politics* 28, 4 (1996): 437–65 and David Collier and Steven Levitsky, 'Democracy with Adjectives: Conceptual Innovation in Comparative research', *World Politics* 49 (1997): 430–51.

¹⁶ 'Southern Strife: PM reviews his tactics with Prem', *Nation*, 2 March 2005.

Muslim southern provinces. Additionally, he has also enlisted the assistance of Anand Panyarachun again to act as the chairman of a National Reconciliation Commission.¹⁷ More recently, however, the deterioration of the security situation in Yala after a string of bombings led to the imposition of a state of emergency by the Thaksin government on 15 July 2005.

Prem is also to be credited for helping end the tradition of military coups in Thailand. The reason for this assertion is that he deflected two coup attempts by the army's Young Turk faction in 1981 and 1985.¹⁸ The first coup that almost succeeded was eventually aborted when Prem was able to mobilize the Second Army based in Korat (Nakhon Ratchasima) province that he had previously commanded. Additionally, the King clearly indicated his support for Prem, which meant that the coup was doomed to failure. The 1985 coup was much more swiftly defused. Against the back of these developments, allowing political parties to operate and compete in elections and liberalizing the mass media created the conditions for the gradual emergence of a democratic culture, albeit this culture was originally embedded only in urban areas and especially in and around Bangkok. Beginning in 1979, and especially during Prem's tenure, the Communist Party of Thailand (CPT) was also successfully defeated through a policy of general amnesty and reabsorption of guerillas from the jungles into mainstream society.

Chatichai's election into office in August 1988 on the back of Prem's initiatives was equally revolutionary. After all, following the military's violent return to power in October 1976 after a brief democratic interlude that began in 1973 with a student uprising, elections were not part of the political culture. Following his election, Chatichai's Indochina Initiative was equally revolutionary. By promising to turn the battlefields of Indochina into marketplaces, Chatichai effectively negated Thai perceptions of a Vietnamese security threat.¹⁹ This threat perception that conditioned previous Thai foreign policy output towards its immediate neighbours, also allowed the military to play a dominant role in domestic decision making. The so-called Indochina Security Complex allowed the military to appropriate significant legitimacy in the political and policy processes.²⁰ By denying the Vietnamese threat, Chatichai deprived the military of its legitimacy in both processes with one fell swoop. Subsequently,

¹⁷ 'Anand heads up peace panel', *Bangkok Post*, 1 March 2005; 'PM endorses line-up of reconciliation panel', *ibid.*, 29 March 2005 and 'PM urged to put 'hawks' on sidelines', *ibid.*, 9 June 2005.

¹⁸ On factionalism within the Thai military see Chai-Anan Samudavanija, *The Thai Young Turks*, Singapore: Institute of Southeast Asian Studies, 1982.

¹⁹ See Katharya Um, 'Thailand and the Dynamics of Economic and Security Complex in Mainland Southeast Asia', *Contemporary Southeast Asia* 13, 3 (1991): 245–70.

²⁰ A Security Complex refers to a web of interactions between geographically proximate states that are relatively self-contained. Perceptions of external threat derive from such patterned interactions. The Indochina Security Complex groups the countries of mainland Southeast Asia into such a complex with Vietnam being the regional hegemon. See Barry Buzan, 'The Southeast Asian Security Complex', *Contemporary Southeast Asia* 10, 1 (1988): 1–16 and Muthiah Alagappa, 'The Dynamics of International Security in Southeast Asia: Change and Continuity', *Australian Journal of International Affairs* 45: 1 (1991): 17–21.

the policy formulation process was slowly brought under the control of the political executive, especially in the areas of domestic security and foreign policy. The military's discretionary 'secret budget' was axed and the automatic appointment of senior military officers to state enterprises was also rescinded. Finally, and most importantly, the Speaker of Parliament was henceforth drawn from the elected Legislature rather than the appointed Senate that was typically filled with high-ranking serving and retired military officers.

Chatichai's revolutionary tenure came to an abrupt end in 1991 when the military, led by General Suchinda Krapayoon, briefly reversed Prem's precedent and mounted a coup against the elected government. The military cited the existence of 'unusually rich' politicians, an euphemism for widespread corruption, and claimed that its actions were in the interest of national security and development. Subsequently, a retired senior bureaucrat, Anand Panyarachun, was appointed by the military to lead a caretaker government for a year before elections were called in 1992. The military, led by Suchinda, attempted to control the political process through an unelected premiership supported by parliament, as was the case with Prem earlier, but was thwarted by widespread demonstrations against the military's return to power.²¹ The charismatic leader of the Palang Dharma Party and ex-governor of the Bangkok Metropolitan Authority (BMA), Chamlong Srimuang, served as symbolic leader of the protest movement. The situation eventually culminated in political violence and led to the intervention of the King through Prem to appease both parties and seek withdrawal from political contestation. Subsequently, King Bhumiphol appointed Anand Panyarachun to head a second caretaker government before elections were called in 1992. At the time of his appointment, Anand was also a businessman and held the chairmanship of the Federation of Thai Industries (FTI).

Beginning from 1993, the Democrat Party led by Chuan Leekpai dominated Thai politics, although its hold on power was briefly broken by the Prime Ministership of Banharn Silpa-archa in 1995 and Chaovalit Yongchaiyudh in 1996. The Democrat Party, led by Chuan, who had a reputation as an honest and committed politician, was able to capitalize on popular sentiment in its favour from 1992. It aggressively pushed for a number of domestic political reforms that were aimed at weakening military involvement in the political process, reducing corruption and leakage of public funds and the introduction of transparent democratic principles of government. Additionally, it was committed to and presided over constitutional reforms that eventually led to the laborious drafting of a totally new constitution in 1997 with wide-ranging societal inputs.²² The reforms also included the administrative and fiscal decentralization of large urban centres like Chiangmai and Phuket.

²¹ See Surin Maisrikrod, *Thailand's Two General Elections: Democracy Sustained*, Singapore: Institute of Southeast Asian Studies, 1992.

²² See Suchit Bunbongkarn, 'Thailand's Successful Reforms', *Journal of Democracy* 10, 4 (1999): 54–68 and N. Ganesan, 'Appraising Democratic Developments in Post-Authoritarian States: Thailand and Indonesia', *Asian Affairs: An American Review* 28, 1 (2001): 3–18.

The brief periods when the Democrat Party was not in control of the national agenda occurred in 1995 and 1996. The Chart Thai-led Banharn government was subjected to factional infighting and high levels of corruption, while Chaovalit, who led the New Aspiration Party (NAP) with significant support from the poor agricultural region of the northeast (Isaan), was also racked by these 'old-style' issues that distinguished the Democrats from the others, although it should be noted that factionalism exists within the Democrat Party as well. The onset of the Asian financial crisis in July 1997 dealt a mortal blow to the Chaovalit government, and Chaovalit was forced to resign to take some blame for the financial mismanagement. The Thai Central Bank racked up losses to the tune of US\$24 billion in its attempts to support the Thai baht. The subsequent flotation and collapse of the baht considerably worsened the situation. This crisis provided Chuan with a unique window of opportunity to lead a reconstituted government after being approached by King Bhumiphol. Hence, the Chuan Leekpai-led government that was defeated by Thaksin in 2001 did not have strong control over the legislature and was in effect a weak cobbling together of six political parties. In other words, it was a minority-led coalition government with a royal rather than popular mandate.

The fallout on Thailand's economy from the Asian financial crisis in 1997 provided a major boost for Thaksin and the party that he formed in 1999. The TRT also capitalized on the widespread appeal of a populist agenda. Central to the populist agenda were practical steps to achieve a measure of internal self-sufficiency (*mahajanaka*) that had been proposed by the King a few years earlier. Key features of the scheme involved providing each village with a million baht and encouraging the output of cottage industries by identifying a single product for each village and a three-year moratorium on farm debt. Public medical services were also made much more affordable at a flat rate of 30 baht per hospital visit. The introduction of these policies was well in line with the nationalist position of Thaksin's party, Thai Rak Thai (TRT).²³ Large numbers of urban dwellers who were displaced by the crisis were able to relate to the populist agenda.

Thaksin's success in persuading the Thai population to support his agenda received widespread endorsement: TRT's performance at the 2001 general election was nothing short of outstanding. With 248 seats, the party needed only three more seats for a clear majority in parliament. This was easily achieved on the basis of the party's new bargaining position, considering that its closest rival, the Democrat Party, had secured only 128 seats. Accordingly, Thaksin had little difficulty in persuading parties like Seritham, Chart Pattana, and the New Aspiration Party (NAP) to join it as part of a larger coalition that eventually yielded it a total of 350 seats and control of parliament. More importantly, TRT was able to persuade smaller parties like Seritham and NAP to disband and merge with it as part of a larger party. A similar initiative to draw on the strength of the Chart Pattana, a breakaway faction from the Chart Thai party, failed

²³ See Michael Montesano, 'Thailand in 2001: Learning to Live with Thaksin', *Asian Survey* 42, 1 (2002): 90–9.

initially in November 2003.²⁴ However, even Chart Pattana eventually merged with TRT later.

In the February 2005 general election, Thaksin was able to considerably widen his lead. The TRT surged ahead in its popularity and won a landslide victory in the election, securing a total of 377 seats in parliament. In fact, the victory margin is so large that opposition MPs do not have the required quorum to call for a censure motion in parliament.²⁵ Under the circumstances, Thaksin has stopped wooing smaller political parties for support and foresees little threat from the Democrats. In fact, the situation has become so skewed in favour of TRT that opposition MPs, academics, and social critics have called on civil society groups to act as a buffer against Thaksin's overwhelming mandate and power.²⁶ The reason for the call is the general belief among many observers and analysts that Thaksin, while having acquired political power through democratic means, is not particularly enthused about the restraints that accompany democratic governance. There is in fact significant evidence to support such a charge. In other words, whereas Thaksin has generally abided by the rules of democratic contestation, his actions have indicated an aversion to democratic norms and the diffusion of power. On the other hand, there is evidence to suggest that Thaksin has consciously and consistently sought to enhance his own power, often to the detriment of democratic institutions and norms.

Institutional considerations

Institutional considerations, as noted at the outset, are a reference to interactions between the broader structural environment and elite choices that either consolidate or weaken regime transitions towards democracy. Within this broad category, there are four issue areas worth considering in relation to Thaksin's performance during his first term in office. The first and perhaps most important institutional consideration is the impact of the Thaksin government on the political party system in Thailand. Since electoral contestation is a cardinal requirement for a democratic regime, significant weakening of the system is detrimental to democracy. Diffusion of power or the existence of plural constituencies is also critical to the proper functioning of democracy. Hence, an examination of how the Thaksin government has sought to consolidate its own power by weakening alternative contestants also impinges on democratic structures. The third issue area is what is increasingly being termed policy corruption. This

²⁴ See James Ockey, 'Change and Continuity in the Thai Political Party System', *Asian Survey* 43, 4 (2003): 663–80.

²⁵ In the final tally, Thai Rak Thai secured 377 seats, the Democrat Party obtained 96 seats, Chart Thai 25 seats, and the new Mahachon Party gained only two votes in the 500-member parliament. In order to move a motion of censure the opposition needs the support of 25% of parliament or 125 MPs out of a total of 500.

²⁶ 'Opposition takes battle to the EC: two more seats needed to launch censure bid', *Bangkok Post*, 11 February 2005; 'Civic groups plan government rally to keep campaign in check', *ibid.*, 9 March 2005 and 'Wider charter changes opposed', *ibid.*, 30 May 2005.

term is a reference to policy formulation that skews the national agenda in favour of an incumbent government. Rather than policies having an ideological colouration, policy corruption is an attempt at regime self-gratification by invoking policies that favour firms linked to members of government. Finally, there is a good measure of evidence that Thaksin has made numerous attempts to muzzle the media. The mass media in Thailand has traditionally been one of the freest in Southeast Asia, but, under the Thaksin government, it has been subjected to a good measure of harassment. Collectively, these four indicators comprise an appraisal from an institutional perspective.

Since the time of Prem when political parties were allowed back on the landscape, a functioning political party system has been a characteristic feature of Thai politics. The Democrat Party from 1946 and Chart Thai and the Social Action Party (SAP) from 1974 were traditionally dominant, alongside a number of smaller and less well-known parties, such as Seritham and Prachakorn Thai. From the 1970s to the 1990s, there were also several lesser parties that came and went. Consequently, the fractionalization of parties has been characteristic of Thai political parties. Beginning in the 1990s, there was a mushrooming of political parties. The emergence of new political parties was a natural response to the evolving political situation. Following the precedent set by Prem, retired military commanders attempted to become Prime Ministers. However, the failure of the military's coup attempt in 1991 and the attempt to wrest power in 1992 meant that new avenues for political legitimacy had to be found. In light of the ongoing democratic transition in the country, political parties became a legitimate way to aspire for and acquire power.

Of the major political parties that appeared in the 1990s, two political parties are clearly attributable to the military. The first of these was Sammaktham that was formed to allow the military to retain interest in the political process following the failed coup in 1991. The second was the New Aspiration Party (NAP) that was set up by Chaovalit Yongchaiyudh in the same year – the party that provided him with an avenue to assume the Prime Ministership in 1996. Another notable party formed at this time was Chat Pattana that grew out of factionalism within the Chart Thai Party. And, finally, Thaksin's Thai Rak Thai was registered in 1999, a mere two years before the general election.²⁷

Thai political parties have traditionally waxed and waned depending on a number of circumstances. The first of these is the personality of the leader and the patronage arising from political power. Such patronage, which was traditionally both a reason for and source of corruption, held party loyalists together. Patronage also meant that rural electoral constituencies could be created or bought through dispensations at the village or district level. So, for example, until the time of its dissolution, NAP had a commanding lead over the other political parties in the rural and predominantly agricultural northeastern regions. This reservoir of votes has now been inherited by Thaksin's TRT.

²⁷ There were other smaller parties like Nam Thai as well.

The practice of buying and selling votes was and is naturally detrimental to democracy, but it is the reality in the rural areas in Thailand where poverty is endemic. This practice in turn created politicians who sought to recover their 'investments' as quickly as possible after an election in order to begin accumulating gains afterwards. These practices in turn created a fundamentally unstable party system that was skewed to politicians serving their own interests rather than governing for the national good. A corollary development of this practice was that governments tended to be unstable and did not last their full terms in office. Factions within parties, alignments and realignments within parties, and self-serving coalitions further worsened matters. It was against this background that the Democrat Party, and particularly Chuan Leekpai, is distinguished for its principled position and honest leadership. Other party luminaries like Sanan Kachornprasert were, however, tainted with more traditional political methods to woo support and dispense patronage.

During his first term in parliament, Thaksin helped alter the dynamics of the party system in Thailand. Whereas it was true that the fortunes of political parties could never be taken for granted, Thaksin skillfully strengthened his own party by weakening competing parties. In the first instance, he sought a majority in parliament and, in order to achieve this majority, he co-opted Seritham and subsequently co-opted NAP. Such co-optation was certainly well within the rules of Thai politics where coalition governments were the norm. But Thaksin went further. Following their co-optation, he persuaded the leaders of the lesser parties to disband their parties and function under the TRT banner. Such dissolution of lesser coalition parties was certainly uncanny and unprecedented. Although it is arguable that all political parties aspire to form the government and incumbent governments seek continued power for the parties that they represent, Thaksin was clearly attempting to weaken the party system since he also persuaded Chart Pattana to disband and join TRT.²⁸ In doing so, Thaksin was perhaps hoping for a situation where the Democrat Party would become sufficiently emasculated and atrophy over time. In other words, Thaksin was trying to engineer the emergence of a dominant or predominant party system, not unlike the situation in Malaysia and Singapore. In this regard, the TRT's domestic political consolidation, at least in terms of the sheer number of seats that it controls, is unprecedented in recent history where broad-based coalitions tended to weaken major parties since smaller parties had disproportionate leverage to articulate their own agendas and claim lucrative and powerful ministries and departments. The converse has occurred in the case of TRT with it gobbling up smaller parties, consolidating itself and weakening the party system. The second major dynamic that altered the dynamics of the Thai political party system was the constitutional conversion from multi-member legislative districts

²⁸ After initially failing to persuade Chart Pattana in December 2003, Thaksin no longer has interest in wooing Banharn Silpa-archa from Chart Pattana, especially since he has been elected with such a large majority in the February 2005 election. As a result, a good number of MPs from Chart Pattana have allied with the Democrat Party to form part of the opposition. This alliance may well help the Democrat Party in the longer term.

to single member constituencies. The latter form of representation has dealt a severe blow to lesser and third parties.²⁹

That Thaksin has been relatively successful in his quest is both his source of strength as well as weakness. While it is true that TRT has accumulated sufficient power so that it no longer worries about even censure motions in parliament, its overwhelming strength has also become a source of fear among many observers. Consequently, there are more attempts to scrutinize the government than ever before. The Democrat Party did perform poorly, partly owing to leadership problems and the absence of a clear agenda.³⁰ In all fairness, Thaksin cannot be blamed for the opposition's failures. The obvious reason for this development is that at the time of its formation, Thaksin incorporated many political groups that were led by provincial strongmen. Hence, the party suffered from a ramshackle quality on the ground. Consequently, even as the TRT has strengthened in terms of the total number of electoral seats over time, cracks are beginning to show. The irony of Thai political culture is that, since it is so personality and patronage driven, loyalties are hard to keep and hold. In this regard, it is arguable that Thaksin has been unable to capitalize on the Thai cultural concept of *bunkun* or gratitude as well as some others. Politicians who have commanded greater loyalty with lesser resources include Banharn Silpa-archa from Supanburi and Sanoh Tienthong, strongman of Sa Kaew province. Thaksin is newer to the political process and his self-styled modernity may also have worked against him in acquiring and retaining loyal clients. As a result of these factors, even for someone of Thaksin's wealth and ability, absolute party discipline and loyalty cannot be maintained. In fact, just a month after his landslide victory and reelection, factionalism within his party began to emerge, triggered at least in part by competition for cabinet seats and committee chair positions. Veteran politician and leader of one of the factions, Sanoh Tienthong, has publicly quarreled with Thaksin and threatened to break ranks with TRT.³¹ Hence,

²⁹ This development was predicted some four decades ago by the American political scientist Clinton Rossiter. See his *Parties and Politics in America*, New York: Mentor Books, 1976 (originally published by Cornell University Press, 1960), p. 19.

³⁰ Banyat Bantadnan who led the Democrat Party in the 2005 election did not have the same level of support as Chuan Leekpai. His resignation immediately after the election results were announced left the party in limbo before Abhisit Vejjajiva was elected to lead the party. At 40 years of age, Abhisit is generally regarded as young and inexperienced. See 'Banyat, Sanan call it quits', *Bangkok Post*, 8 February 2005 and 'Abhisit steps in as acting party leader', *Nation*, 21 February 2005.

³¹ 'Thai Talk: The weaker the opposition, the more defiant the factions', *Nation*, 24 March 2005; 'Another TRT faction sets up panel to spy on ministers', *Bangkok Post*, 25 March 2005; 'Factional spat: Thaksin shrugs off Snoh's new politics centre', *Nation*, 31 March 2005; 'Factional anger boils as Thaksin refuses to go to Sanoh's birthday bash', *Bangkok Post*, 31 March 2005; 'TRT feud reaches new heights', *Nation*, 1 April 2005; 'Factions go after Sudarat in tit-for-tat', *Bangkok Post*, 1 April 2005; 'Tot TRT Position: Faction to "rock" party if Suriya is dumped', *Nation*, 13 April 2005; 'Split over Auditor General: TRT rocked by rebellion', *Nation*, 26 May 2005; 'Thaksin's bad day in parliament: expel me, Snoh dares PM', *Ibid.*, 9 June 2005; 'Sanoh in open rebellion', *Bangkok Post*, 9 June 2005; 'Snoh rallying more MPs for defection', *Nation*, 12 June 2005; 'Snoh: government not too strong to collapse', *ibid.*, 15 June 2005 and 'Belligerent Snoh hurls abuse', *ibid.*, 16 June 2005. Currently, Somsak Thepsuthin heads the Wang Nam Yom faction with 100 MPs, Snoh Tienthong heads the Wang Nam Yen faction with about 40 MPs,

although Thaksin intends to weaken the party system and amass power for TRT, the evidence is that Thai political culture is likely to frustrate his plans.

The second feature of the structural weakening of democracy is Thaksin's co-optation of almost all the independent centres of power and authority in the domestic political process. These include the military, banking, and business establishments, and elements of the monarchy. The military, at the outset, presented Thaksin with some problems. Especially troublesome to him was General Wattanachai Chaimuanwong who commanded the Third Army along Thailand's border with Myanmar.³² This border that was traditionally problematic as a result of sporadic fighting between Burmese ethnic minority insurgents and the Myanmar army often resulted in border incursions into Thailand. The situation was complicated by the Myanmar military's accusation of support from the Thai military for the Karen National Union (KNU) and the Shan State Army (SSA). There was also the problem of widespread smuggling of methamphetamines (*yaba*) into northern Thailand that was attributed to the United Wa State Army (UWSA) that had moved to occupy large swaths of territory in the Shan states. For all of these reasons, the Chuan government's Democrat Party that was in power from 1997 to 2000 took a hard line against Myanmar. The Third Army's response quite simply reflected this official policy. The Thai army chief, General Surayud Cholanont, was also highly nationalistic in asserting Thai sovereignty, as was Chaovalit, who was occasionally involved in sabre-rattling during the crisis, notwithstanding seemingly inconsistent business interests in Myanmar.

When the Thaksin government assumed power in 2001, Thai policy towards Myanmar became significantly more accommodative. The appointment of Chaovalit who led NAP within Thaksin's coalition as Defence Minister allowed the latter to bring the military into line.³³ By 2002, through a policy of patronage, interventions, and appointments, challenges from the military were easily deflected. By then, there were common complaints that leading generals of the three services were far more likely to be traveling with Thaksin than attending to their regular duties.³⁴ Surayud's nationalism was dampened through a promotion that made him Supreme Commander of the armed forces.

Thaksin's sister Yaowapa Wongsawat heads the Wang Bua Ban faction, and Sudarat Keyuraphan heads the faction comprising some 30 MPs from Bangkok.

³² Rodney Tasker and Bertil Lintner, 'Nasty job for Task Force 399', *Far Eastern Economic Review* 164, 15 (19 April 2001): 24–5 and 'Burma makes drugs in own camps', *Bangkok Post*, 8 December 2002. On recent tensions between Thailand and Myanmar over the latter's claim of Thai support for the SSA see 'Keep off Thai soil, Burmese warned', *ibid.*, 27 April 2005.

³³ See N. Ganesan, 'Thaksin and the Politics of Domestic and Regional Political Consolidation in Thailand', *Contemporary Southeast Asia* 26, 1 (April 2004): 26–44.

³⁴ Thai Armed Forces chief Surayud Cholanont complained in 2002 that his senior officers were often in Thaksin's company rather than attending weekly briefings. In the 2003 annual military reshuffle, Thaksin's cousin, General Chaisit Shinawatra was positioned to become the army chief. See Alex Mutebi, 'Thailand in 2002: Political Consolidation and Economic Uncertainties', *Asian Survey* 43, 1 (January/February 2003): 108.

The banking and business elites have also been carefully wooed. This is done in part through regular consultations, write-downs on non-performing loans, award of tenders for major public projects, and the sale of state-owned enterprises.³⁵ Whereas the populist agenda is meant to pacify Thais at the lower levels of the socio-economic ladder and in particular those from the rural areas, the economic initiatives are meant to harness the power of the local elite and choke off funding to the political opposition as well. As for the royal family, it is public knowledge that many members of the family, in particular, Crown Prince Vajiralongkorn, are close to Thaksin. King Bhumiphol has however retained a measure of aloofness from the current domestic political process. Nonetheless, it is not uncommon for political observers to carefully track his birthday speeches every December for oblique signs of unhappiness with Thaksin. After all, the current political situation is such that only the King commands sufficient respect and charisma (*barami*) to criticize Thaksin.

The issue of policy corruption essentially involves government initiatives that are meant to enrich leading politicians in TRT rather than attending to national needs. Academics and analysts coined this term to distinguish it from the normal manner in which corruption is practiced in Thailand. In other words, rather than accepting large amounts of money directly, policy corruption involves self-enrichment by confusing the elite agenda with the national one.³⁶ When such confusion occurs, projects can then be labeled legitimate and concurrent with national developmental needs. Subsequently, such projects are awarded to TRT members and their extended network as part of the patronage system. The most sensational case involving such corruption was a loan to Myanmar through the Thai Export Import Bank for a 4 billion baht credit facility for development projects. Subsequently, it was discovered that the loan was to partly pay for a project in Myanmar that had been awarded to Shin Satellite that is partly owned by Thaksin's family.³⁷ More recently, the TRT has been plagued by

³⁵ Ukrist Pathmanand, 'From the Shinawatra Group of Companies to the Thaksin Government: The Politics of Money and Power in Contemporary Thailand', paper presented at the Third International Convention of Asian Scholars, 19–22 August 2003, Singapore. Also see Ukrist Pathmanand and Duncan McCargo, *The Thaksinization of Thailand*, Copenhagen: Nordic Institute of Asian Studies, 2004. In a somewhat different vein, Duncan McCargo has also argued that traditionally, Thai constitutions have been drafted by political victors and typically skewed to suit their interests and needs rather than attending to some conception of the national good. See Duncan McCargo, 'Alternative Meanings of Political Reform in Contemporary Thailand', *Copenhagen Journal of Asian Studies* 13 (1998): 5–30. Another prominent interpretation has it that the prince and the purser have always been wedded in Thailand and that political power invariably confers wealth through preferential legislation and the utilization of loopholes in business practices. For an elaboration of this second view see Pasuk Phongpaichit and Chris Baker, *Thaksin: The Business of Politics in Thailand*, Chiangmai: Silkworm books, 2004, especially chapter 7.

³⁶ 'Anti-graft symposium: corruption now the norm at all levels – Ammar', *Nation*, 10 December 2004; 'The wizard of economics exposed', *ibid.*, 7 February 2005 and 'Thirayuth's latest warning: PM becoming more like Sarit', *ibid.*, 28 February 2005.

³⁷ 'Exim Bank: government forced us to lend to Shinsat project', *Nation*, 9 February 2004.

allegations of improper tender procedures and corruption in the construction of the new Suvarnabhumi International Airport.³⁸

And finally, it is no secret that Thaksin is not enthused with the local mass media. He is especially unhappy that he and his party is being portrayed negatively and has sought on a number of occasions to control the mass media, though often without success.³⁹ Given his extreme sensitivity to the manner in which his public persona and the image of his party is projected, Thaksin is keen to maintain a positive image. The media, on the other hand, regularly reports on the corruption scandals plaguing the Thaksin government and often resorts to investigative journalism to uncover unsavoury details about Thaksin and his party. Additionally, the media also often obliquely highlights the King's unhappiness with Thaksin. However, Thaksin has not been very successful thus far in attempting to control the media. In fact, in early 2005, just after his reelection, he suffered a major defeat when 21 employees that were sacked by the Independent TV network after Thaksin bought it were reinstated by the Supreme Court.⁴⁰ This reinstatement was viewed as another victory for the mass media against Thaksin and his attempts to control it. More recently, attempts by businessmen closely associated with Thaksin to buy out local dailies and the filing of lawsuits claiming significant damages against talk show hosts and publishers have also raised concerns.⁴¹ In light of democratic theorists regarding the freedom of the press as a fundamental liberty, it may be argued that Thaksin's attempts to control the media constitute undemocratic behaviour. In drawing this section to a close, it needs to be emphasized that the four issues discussed thus far are a reference to Thaksin's attempts to influence institutions and practices that are generally regarded important to a healthy and functioning democracy. The next set of issues, on the other hand, falls within the parameters of elite strategic choices that are not in the spirit of democratic behaviour.

Agency considerations

As mentioned at the outset, while reviewing the different theories on democratic transition, agency theorists examine elite interactions and the choices or courses of action deriving there from. It is thought that an analysis of these choices will shed light on the process of transition and its likely trajectory. This section will examine three examples of decision making undertaken by the Thaksin government that are contrary to the democratic spirit of transparency and accountability in decision making.

³⁸ 'Several ministers could be grilled', *Bangkok Post*, 31 May 2005 and 'Democrats out to grill Suriya', *Nation*, 10 June 2005.

³⁹ 'Radio hosts: gagged for "negative" news reports', *Nation*, 16 December 2004 and 'February ballot: TRT flayed for using state assets', *ibid.*, 14 January 2005 and 'Radio host digs in against witch-hunt', *Bangkok Post*, 19 April 2005.

⁴⁰ 'Thailand: ITV dealt big blow as court orders it to reinstate all 21 laid-off staff', *Bangkok Post*, 9 March 2005.

⁴¹ 'Emergency Powers: Media finally unites in face of blatant assault on press freedom', *Nation*, 19 July 2005 and 'Defamation lawsuits: Luangta Bua escapes PM's legal wrath', *ibid.*, 11 October 2005.

Transparency is simply a reference to visible and rational decision making, while accountability is a reference to ethical and/or fiscal responsibility. In other words, democratic responsibility requires that policy decisions are clearly defensible as being prudent and in the public interest. Three major policy decisions will be analyzed in support of the assertion that Thaksin's decisions are not in the tradition of democratic decision making. They are the populist policies that have led to mounting national debt, the aggressive and extra-judicial killing of persons suspected of drug trafficking, and the security policy employed in the south that has led to escalating violence that has in turn fractured the national peace and led to strained relations with immediately adjacent countries.

Part of Thaksin's and TRT's popularity has been the number of policies that have benefited the rural poor. This policy is certainly not bad in itself. After all, the poorer regions of the northeast have traditionally been exploited agriculturally but ignored in developmental terms. These areas only gain attention during national elections owing to the large voter bank and the relatively easy manner in which votes can be literally bought through direct bribes or the offer of some rural development like schools, roads, and hospitals. Again, such development is not necessarily a bad thing in the larger scheme of things. However, Thaksin's populist appeal during the first election in 2001 involved very specific proposals that required extensive public spending. These included an outright grant of a million baht per village and the attempt to get each village to manufacture a specific product, based on locally available raw materials and skills. Secondly, Thaksin offered a three-year moratorium on farm debt and pegged the price of visits to public hospitals at 30 baht per visit. Additionally, while campaigning during the election in 2005, Thaksin promised more incentives in the form of 'poverty eradication caravans' offering daily allowances and training to the poor, the granting of money to all villages to solve their problems, the setting up of a Village Bank to provide easy agricultural credit and credit repayment with farm produce, an expansion of low-cost public housing projects, higher tax deductions for individuals and small businesses, and massive spending on infrastructure projects.⁴²

While it is true that even in mature democracies incumbent governments reward loyal constituencies and redraw electoral boundaries in their favour, there is usually an attempt to exercise a measure of self-restraint. In Thaksin's case, public spending has quite simply kept expanding regardless of budgetary considerations. In effect, the level of national household debt has risen significantly during Thaksin's term in office and prominent economists have voiced concern at the growing debt burden.⁴³ There is also mounting evidence that those in debt will be unable to repay it given the present macroeconomic conditions and the persistent drought in the agricultural

⁴² 'Promises galore at TRT rally', *Bangkok Post*, 18 October 2004.

⁴³ 'Debt balloons under village fund scheme, survey finds', *Nation*, 16 November 2004; 'Village funds just worsening debt', *Bangkok Post*, 16 November 2004 and 'Govt. hospitals reeling under B1.365bn debt', *ibid.*, 26 November 2004.

areas. Notwithstanding these problems, Thaksin has actually gone on to increase such debt and one of his prominent ministers publicly toyed with the idea of spending the state reserves.⁴⁴ Fortunately, the Central Bank governor intervened to assuage growing unease at Thaksin's policies by declaring that the government will not spend foreign exchange reserves to stimulate the economy. It might be added that skeptics also worry that the massive spending on public infrastructure projects that Thaksin announced during his second campaign is also meant to reward his supporters in TRT and the business community. Fortunately, the ongoing tensions between the major factions in TRT are helping keep a lid on blatant patronage.

The second issue of how Thaksin has responded to developments in the south is also uncharacteristic of recent administrations, although military authoritarian governments under Sarit and Thanom in the 1950s and 1960s kept a tight grip on the south that also hosted an active communist insurgency movement in Yala. It is true that the weapons and explosives heist from an army barracks in January 2004 has led to increased insurgency and violence in the three southern provinces of Yala, Narathiwat, and Pattani. However, the preliminary evidence from the field was that the security situation had deteriorated in the face of competition between the police and the military. Additionally, there were widespread allegations of police and military involvement in torture and abuse of local Muslim villagers.⁴⁵ The attempts of a high-profile lawyer who sought to represent aggrieved Muslims in the region and his subsequent disappearance was also a cause for concern, especially since leads pointed to the involvement of enforcement agencies that were supposed to keep the peace in the area.⁴⁶

Thaksin's decision to deploy the army in a show of force and his determination to militarily crush what appeared to be a growing insurgency threatening law and order raised tensions to a higher level. Against the advice of some of his senior ministers and military commanders, Thaksin opted for a military solution to the situation and vowed to restore peace swiftly. However, the situation deteriorated even further when a peaceful demonstration in October 2004 was forcibly broken up in Tak Bai. While attempting to move and detain a large number of demonstrators to military camps for interrogation, 78 detainees who were piled in trucks without sufficient space and ventilation died.⁴⁷ This large death toll dwarfed an incident earlier in April when the military killed a total of 107 persons who attacked police stations with crude weapons, including 32 persons holed up in the Krue Se mosque that served as a catalyst for the southern violence. Instead of apologizing for the poor behaviour of the military, Thaksin justified the high number of casualties by noting that many of them were

⁴⁴ 'PM warmed against use of reserves', *Nation*, 11 February 2005.

⁴⁵ Interview with Dr Panitan Wattanayagorn, October 2004. More recently, there has been a suggestion that the violence in southern Thailand is a millenarian revolt. See Nidhi Aeusrivongse, 'Understanding the situation in the south as a "Millenarian Revolt"', *Kyoto Review of Southeast Asia* 6 (March 2005).

⁴⁶ 'Extremists step up attacks in Thailand', *Guardian Weekly*, 5 April 2005.

⁴⁷ '78 perished in custody', *Nation*, 27 October 2004 and 'Tak Bai Crackdown: Global outrage as grim details emerge: PM shows no remorse', *ibid.*, 28 October 2004.

weak from fasting during the Islamic holy month of Ramadhan and some of them had consumed drugs. This flippant response to the situation inflamed passions even more and since then there are daily killings of security personnel, volunteer guards, headmen, teachers, and monks in particular. Finally, after having realized that his approach was not yielding the desired results and being counseled by the King through Prem, a Reconciliation Committee was constituted. Only now, after the loss of over 1,000 lives has Thaksin agreed to play down the role of the military and step up development to better integrate the south with the rest of the country.⁴⁸ While the entire saga was being played out, Thaksin made comments alluding to the involvement of Indonesia in training the insurgents and Malaysia of training and sheltering them as well.⁴⁹ Both countries made known their unhappiness with Thaksin's megaphone diplomacy and Malaysia in particular refused to extradite a number of persons wanted by Thailand.⁵⁰ It should be noted at this juncture that both Malaysia and Indonesia are Muslim-majority countries that are critical with the Thai response to the southern states in general and Muslims in particular. Consequently, Thaksin's policies in dealing with the Muslim south were not only authoritarian but also resulted in Thailand losing a good measure of diplomatic goodwill in the region and ASEAN in particular.⁵¹

The final example of non-democratic behaviour involves Thaksin's alleged war on drugs. The drug problem in Thailand, particularly in the north, is certainly not a new one. However, the situation became extremely serious in the 1990s, at least in part owing to developments in Myanmar. Following the collapse of the Burmese Communist Party (BCP), the sword arms of the party, the Wa and the Kokang, began to get involved in the lucrative drug trade. In earlier times, much of the poppy cultivation and heroin production was associated with the Mong Tai Army (MTA) that was controlled by the drug warlord Khun Sa. However, as part of a ceasefire deal negotiated with the Myanmar military government in 1996, Khun Sa disbanded his army and became involved in legitimate businesses. His place was however taken by the United Wa State Army (UWSA) that began aggressively moving southwards into the Shan states. More importantly, they became actively involved in the manufacture of synthetic drugs across the border from Thailand. Northern Thailand then became the conduit for much of the produce, although drug addiction rates also began to soar in northern Thailand. By the turn of the century, drug addiction in northern Thailand was estimated at 25% of the population and the Thai military regarded the drug menace the greatest threat to the country's national security.

It was against this background that Thaksin announced a 'war on drugs and traffickers' in 2003. Although drug addiction and trafficking had indeed become a national scourge by then, it was the manner in which Thaksin chose to deal with the problem that

⁴⁸ 'Violence in south: Thaksin agrees to try the peaceful approach', *Nation*, 31 March 2005.

⁴⁹ 'Thai premier links Indonesia to southern unrest', *Channel News Asia*, 19 December 2004.

⁵⁰ 'Tak Bai fallout: PM reassures Jakarta, KL', *Nation*, 29 November 2004, and 'Allegations on funds for separatist movements: we don't support such groups', *New Straits Times*, 10 December 2004.

⁵¹ Duncan McCargo, 'Can Thaksin Lead Southeast Asia', *Time Asia* 165, 5 (7 February 2005): 1–2.

was undemocratic. Overnight, there were numerous examples of alleged drug traffickers turning up dead under mysterious circumstances. There were widespread reports of extra-judicial killings by the police and the military with the tacit consent of the Thaksin government.⁵² The number of dead began to swell rapidly and by the end of 2004, it was reported that more than 2,400 persons had been killed, many of them while in police custody. The police defended their actions by simply noting that in most instances they were acting in self-defence and were fired upon first. Another claim of the government is that many of the deaths in the war on drugs were dealers killing each other so as not to be turned in by erstwhile accomplices (*kha tat ton*). The extremely small number of police fatalities and by contrast the large number of alleged traffickers has left many observers suspicious of foul play. Although Thaksin has come under the scrutiny and criticism of many human rights groups regarding the behaviour of the police and the military in the Tak Bai incident and the extra-judicial killing of alleged drug traffickers, there is little evidence to suggest that Thaksin will alter his *modus operandi*. Whereas he has vowed to adopt a more conciliatory approach in the south, it is unlikely that the policy against those suspected of involvement in the drug trade will change soon. In so far as there appears to be silent and general public support in ridding Thai society of the scourge of drugs, Thaksin seems prepared to continue with his policies. This policy, however, is in stark contrast to democratic requirements. Democracies require that criminals be apprehended with evidence and prosecuted through the legal system before being sentenced. Governments that take the law into their own hands set a very poor precedent in terms of their own willingness to be law abiding and can certainly be faulted for behaving in a manner inconsistent with civilized norms.

The three examples cited in this section of the paper fulfill the criteria associated with utilizing an agency approach in discerning if a regime is consolidating its democratic credentials. Elite strategic choices made with little regard for democratic norms of behaviour are simply unlikely to entrench proper practices. In this regard, it is incumbent upon governments in transitory regimes to show strong commitment to democratic norms and ideals. After all, as mentioned in the section that discusses theoretical constructs, regime transition need not be a unilinear process. Also successful transition is by no means guaranteed.

Conclusion

This paper has utilized the institutionalist and agency approaches in the study of democratic transitions and consolidation to argue how the Thaksin government in Thailand, despite coming to power on the basis of democratic rules of contestation, has actually weakened the process of democratic consolidation during its first term in office from 2001 to 2004. Although there is sufficient evidence to prove the paper's hypothesis,

⁵² 'Drug-suspect killings: police "refusing" to help government probe', *Nation*, 1 April 2003; 'Anti-narcotics campaign: PM launches new round in war on drugs', *ibid.*, 12 April 2005 and 'Thaksin launches War on Drugs III', *Bangkok Post*, 12 April 2005.

it should be noted that the findings do not necessarily allow for the future trajectory of democratic consolidation to be accurately gauged. The reason for this observation is that the Thaksin government, in the course of the second term, may seek greater post-electoral democratic legitimacy. After all, there has been a chorus of criticism by influential social and academic notables regarding Thaksin's abuse of democratic processes. Consequently, it may well be politic for Thaksin to tone down his seeming undemocratic authoritarian streak. The more conciliatory and development oriented approach in dealing with the violence in the south is indicative of just such a change in response. In any event, if the violence is not contained and spreads further north, as it recently has into Songkhla province, then the violence itself will threaten the Thaksin government's legitimacy. After all, the process of democratic consolidation is fraught with obstacles; and the process is not destined to succeed, with or without Thaksin.

At the present stage in its political evolution, the Thai political party system may well emerge with two dominant political parties, as in most advanced industrialized democracies. Whereas this outcome is a structural possibility, the Thai tradition of personality-based political parties and factions is likely to haunt the political process for some time to come. In this regard, TRT itself has the potential to fissure into smaller parties after Thaksin vacates the political scene. Again, there are observers who think that with such an overwhelming majority in parliament, Thaksin will alter the constitution to remove the two term limit and attempt to stay in power beyond 2009 when the current term expires.⁵³ Such a turn of events will impact much more negatively on democratic consolidation than all the developments discussed thus far, as there will be little by way of procedural and structural restraints thereafter. In this regard, fulfilling a full first term alone is a national record, leaving alone a reelection for another four-year term thereafter. Under the circumstances, it might seem that Thaksin has found favour within a democratic constituency. Yet, much of the evidence from Thaksin's first term in office points towards a weakening of democracy rather than its consolidation.

In light of all the developments that have taken place in Thai domestic politics since the failure of the 1992 attempt by General Suchinda to seize power, it is clear that there has been no clear trajectory towards democratic entrenchment, except perhaps in the direction of decentralized local level politics. Yet, in spite of the hiccups that have occurred, both the 2001 and 2005 national elections were relatively peaceful with little violence, and regime change was implemented quite smoothly.⁵⁴ In this regard, certain

⁵³ This was the view of two academics from Chiangmai University and a prominent Democrat MP. The most recent development in this regard that may well serve as a precursor of forthcoming changes is a constitutional amendment allowing the current politically neutral senators to join political parties and serve two consecutive six-year terms after appointment – a practice that is now barred. Under current legislation, senators are required to sit out for a term before reappointment. See 'Abhisit flays Senate push to amend Constitution', *Nation*, 12 April, 2005 and 'Amending the charter: PM leaves door open to change', *ibid.*, 16 April 2005.

⁵⁴ I was in electoral district 9 in Chiangmai on 13 February 2005 that was polling day. It was the most hotly contested seat since it was the only one held by a Democrat MP in Thaksin's traditional stronghold.

democratic norms are being observed, and, if such norms receive widespread support at the popular level to constitute change from below, then elite interventions against democratic consolidation will come to naught. In the literature on the subject, the consensus is that change from below is not only preferable, but also much more long lasting than elite-driven consolidation. Finally, it should be noted that Thai political culture will also have a strong impact on democratic consolidation. Within this culture, there are aspects that favour democratization, such as the importance of educated urban voter sentiments, and those that do not, such as the occasional yearn for an authoritarian figure when the system is lethargic or policies intentionally circumvented by bureaucrats and enforcement agencies. Similarly, the prevalence of corruption and clientelism are deleterious to democratic consolidation, while the propensity for factionalism within political parties may frustrate the ambition of politicians who seek to consolidate overwhelming power. Hence, it will be interesting to see how the domestic political culture affects democratic transition and is in turn conditioned by it.

Although there was widespread interest in the election and voter turnout was strong with a significant police and military presence, it was entirely peaceful.