

Ideas and Opinions

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Personal Information

Mr. Jaran Ditapichai is former National Human Rights Commissioner, Thailand.

Before 14 Oct 1973, he was one of leading student activist and democratic promoter against military government. After the mass killing of students by right wing/military mob on October 6, 1976, he, like most leading activist who was not imprisoned by the military, joined the Communist Party of Thailand. He was with the Communist Party for 6 years, decided to put down the weapons, and went to France to continue his study. He was there for 5 years, and then came back to Thailand. He took up teaching career at Rangsit University but remains active as human rights activist. He wrote few books, took up leading roles for various local as well as international human right organizations. He once was arrested in Myanmar in August 1998 while campaigning against the Junta.

During the Thaksin government he was a strong critic of it's human rights policy. He condemned the last government openly on their dealing with the southern insurgency. He believes in people's participation of any public decision, as simple election is not a true form of democracy but allowing people to participate in any decision which affect their lives, is. He views that Dr.Thaksin's government failed to deliver the people's participation form of democracy, that various allegations of wrongdoing by Dr.Thaksin's government be submitted to the court of laws.

He disagreed with some policies of Dr.Thaksin but adheres to the principle of democracy; i.e. Dr.Thaksin was elected by democratic means, to get rid of Dr.Thaksin, it has to be by election. He did not agree with the proposal of Anti-Thaksin's movement, which demanded the intervention of politics by royal family or the army. He views that such request for new prime minister to be appointed by the King is undemocratic and primitive. The political problems need to be solved by democratic means of election, not by any other institution.

After the coup, he joined the anti-coup movement together with several anti-Thaksin activists. The anti-coup movement was labeled by anti-Thaksin alliances and their supporting media as 'pro-Thaksin' movement.

He has made public statements on several occasions that, it is unfair to label those who favor democracy and oppose the army and their supporting elites as 'pro-Thaksin' and that the entire movement was intended to discredit and weaken people's power in politics.

He served as member of the Human Rights Commission under the 1997 Constitution and was arrested on July 2007 and then was impeached from the Commission by the junta appointed national legislative assembly due to his protest against the coup and its mastermind; General Prem Tinasulanond.

Is the junta committed to restoring democracy?

No. We need to look at the fact that Dr.Thaksin's government was one of a kind. Thailand has never seen such a strong government that control majority of the House of Representatives before (this was due to the thai constitution with its strong rules and discipline required of members of parliament). Before Dr.Thaksin's term, Thailand's governments were always a weak coalition government. The politicians never had full support of the people and they were only focus on power balancing, left all the decision making and administration of the country to the bureaucrats.

When Thai Rak Thai came to power in 2001, it was the first time in Thailand's history to have one political party winning more than 50% of the house, enabling it to set up a strong government.

Thai Rak Thai won the election partly because of its aggressive election campaign like cheap universal health care, village fund etc. Because of the aggressiveness of the Thai Rak Thai party, it started to actually manage its policies, thus, infringed the normal bureaucratic domain. It was the first time these bureaucrats were forced to follow instructions and policies initiated by politicians.

Thai Rak Thai became more and more popular because it actually delivered the promises (or majority of them) it made during the election. Thai people started to experience effective and fast-decision making government.

However, while Thailand had for the first time, such a strong government, she had a weak opposition party. Democrat party could not do the job of check and balance as it had never focus on any administrative policy before.

When Democrat party was a government, it was a bureaucratic-driven government. Former prime minister from Democratic Party; Chuan Leakphai, was known and 'slow-motion Chuan'. But bureaucrats were quite pleased with Democrat Party.

The fact was that, while the government was very strong, aggressive and powerful, there was no other entity or power to balance the power like opposition party or legislative side.

At this point, after 4 years the NGOs as well as academics who, by nature, oppose strong government, found Dr.Thaksin's government to be more and more distasteful.

Dr.Thaksin's government had 2 major weaknesses:

1. Dr.Thaksin's wealth and involvement with his telecom conglomerate, prior to his setting up the thai rak thai party, at the beginning were perceived as a sign of successful and brilliant businessman who can lead Thailand to prosperity. Anti-Thaksin alliance turned this notion around, and convinced a sizable middle class that there could be conflict of interest in his past.
2. Bureaucrats hate Dr.Thaksin's management style as in the long run, Dr.Thaksin's style will strengthen power of the people. People have been taught by Dr.Thaksin's 5 years in power that, under the Democratic society, a citizen can place his or her demand to the government and the civil servants are there to serve the public, not the other way round. If the bureaucrats let Dr.Thaksin and the idea he represents stay in power longer, the stability of the bureaucratic institutions which used to be the 'elite' of the country will be weaken. Reaction from government officers was that they cooperated less and less with gvernment policie's directives.

The Alliance for democracy movement which were set up by major personalities among the thai elite who felt the coming lose of power were set up, and the strategy was to weaken thaksin political legitimacy through black propraganda techniques reminiscence of fascist movements in Europe in the 1930's. The more protest against Dr.Thaksin's government, the less cooperation he could get

from the government officers. It only worsened the situation and made his government handicapped during the last year of his term.

The army hates Dr.Thaksin. Dr.Thaksin's government placed priorities on economic development and social welfare over the army's need for more and more budget. The evidence was clear that military spending was no way near the top of the priority list of Dr.Thaksin's government.

However, during the first 3- 4 years of Dr.Thaksin's government, he was so popular with the people, the army could not take any action. Once there was anti-Thaksin's movement initiated by media tycoon, once business alliance with Dr.Thaksin, turned to become his main enemy later, due to certain unknown conflict of interest, Sondhi Limthongkul, the army was so delighted to join and support.

A group of military then joined with Sondhi Lim to organize anti-Thaksin movement plot led to the coup.

If we look at Thailand's modern history (1932 -to the present), the army was always involved with politics. Most of Thailand's prime ministers came from the army more than any other school or profession. It does not surprise me to see certain part of the military to disagree with any political movement by the people as a threat to national security, any disagreement or dispute over any ideas or principle as a sign of unacceptable division of society.

The army waited until the anti-Thaksin's movement gained their strong hold among petite bourgeois and then stepped in to take over the power, not only from Thaksin but also from the people.

From historical perspective, Thailand's democracy movement has always been an unfinished revolution. For over 75 years, since Thailand's turned to constitutional monarchy, we hardly had any long continuous period of true democracy. We were subjected to coup by the military again and again. Only the uprising by the people in 1973 and 1976 can be considered 'revolution' by the people, but as we knew, without success.

The democratic revolution was unfinished. State apparatus, specifically the armed forces do not accept the principle of civilian supremacy over the state apparatus. This may due to a historical fact that, it was the army who over threw absolute Monarchy with the help of civilian intellectual elites. The motive of the army in taking that historical action was not clearly on the basis of wanting to change the system but rather the army was threaten with pay crisis, due to bad budget management by the court.

Before the rise of TRT as a political party, Thailand has no experience of political parties actually executed their promise to the voters with the speed and scale that TRT did during their last two terms. There were no true beliefs in principle or ideology. Democrat party, Thailand's oldest political party is nothing more than a regional party with no clear policy or political belief. Because of behavior of most politicians, Thai people were bored of political activities and did not place any trust or high opinion on politics nor politicians. Thai people view of politics as dirty business, placing higher respect on elite and bureaucrats. This type of believe can be viewed as realism in a down to earth way; there is no practical mechanism to eliminate the power of the elite or the bureaucrats, specifically the bureaucrats continue to hold power over the people regardless of the up and down in politic.

. The power struggle between civilian politicians among themselves and between the politicians and the state apparatus left no room for the people to start the process of democratic maturity.

If Thai people understand democracy and their civil as well as human rights better, it will not be

possible for the elite, bureaucrats and NGOs to claim that the elected government was tyranny while the coup was democratically driven force.

There is no reason to believe that the military will surrender their power to any strong government soon. The new constitution drafted by their alliance of elites and bureaucrats determined to undermine political party. Thailand will be unlikely to see any strong, one-party-government any time soon. Further there are quite a few undemocratic mechanism engraved to ensure that the government can never be too strong nor intervene with the bureaucrat ways of life. One example is the selection of senator with overwhelm power to even remove elected prime minister.

If the CNS let the election to be free and fair, their biggest concern, as well as their worst nightmare, is that member of disbanded Thai Rak Thai party will again be elected with majority to the house of representatives. Then, it will be clear that the people will chose the ousted government over the elite and army. It is also clearly that Thailand cannot sustain second coup in such a short period of time.

One of the reason for the coup as claimed by the military was Dr.Thaksin's corruption and abuse of power. However, more than 1 year after the coup, the junta came up with no strong case against Dr.Thaksin. The land scandal was more of technical irregularities than corruption as Dr.Thaksin's wife bid to buy land through a public auction is not a clear and solid case of corruption as one would understand and expect.

These 'corruption' and 'abuse of power' accusations, if not successfully charged against the last government and if politicians associated with the last government, and the same politicians are elected to the parliament again, these same weapons will be used against the military and their supporting elites. It is clearly that it will not be that difficult to prove the accusation against the military.

In brief, for their own benefit, the junta cannot allow the people to choose their next government without interference. The upcoming election will be heavily intervened and sanction, directly and indirectly by the junta.

What will happen in December?

As mentioned earlier, this election will not be free or fair. It will be one of the most corrupted and fraud with interventions from the present junta apparatus. The coming election will be the worst election in the history of Thailand, mainly by military and their supporting elites.

After the coup, the junta knew that general election must be held as soon as possible to reduce pressure from international community. Nevertheless, it needs to ensure it can control the election (including the referendum planned since the coup), thus the National Election Commission (NEC) was handpicked by the elites. One clear evidence of reciprocating of benefit and interest is the fact that this NEC, though appointed by the undemocratic junta, it will serve for the full term of 5 years, though many activists demanded that they serve only temporarily until completion of first election so that the democratically elected parliament can choose the more neutral committee.

If we look at the outcome of the referendum, the junta would probably have to work harder. We shall note that before and during the referendum (even up to now), majority of the country remain under martial law. However, only political activities of those associated with Thai Rak Thai party have been restricted and controlled.

JD's view about the coup

JD totally opposes the coup and any ideology it seeks to foster. One of the problem Thai people need to learn is to respect other people's idea, no matter how difference or how unreasonable or who propose such idea, as long as such idea falls within the framework of rule of law.

It is ironic to mention that when JR and many other activists protest Dr.Thaksin's government on drug addicts policy and the southern insurgency policy, the middle class people did not share the concern. Then Dr.Thaksin's government was still very popular and highly praised by the middle class (of course the grass root who were benefit the most from the populism social welfare policy always praise and support Dr.Thaksin's government). Only until Dr.Thaksin's family sold their shares of telecom conglomerate (Shin Corporation) to Temasek Holding, it outraged the middle class bangkokian.

There is one misperception about this coup. The special character of this coup is not that it is a 'bloodless coup'. No coup done by the Thai military and their group of elites ever were bloody, only the uprising by the people (in October 1973 and 1976, and the black May in 1992) and were forced down by the military, those were the put down harshly by the security forces. How could this coup be a bloodshed one when the group of junta conducting the coup were the one with guns, while the people had nothing but bare hands.

The special character of this coup is that it was a coup supported by half of the middle class of Bangkok(Thaksin continues to have favourable rating among Bangkok population after the coup, his popularity went down after the coup to 30% of potential voters. As of November his popularity rise up to 42% in a professionally run pooling in November this year), intellectual and media. Secondly, the coup was trying to present the new ideology of 'ethical' society leading to 'clean politic'. However, charges made against Dr.Thaksin's government were the same as those charges always made by any junta against any government it ousted. Lese Majesty is always a major charge against anyone who stand for any belief not acceptable by the elite. It is the single most effective political tool to get rid of your enemy in Thailand. Corruption and cause for difference in the society are again common charges. However, this junta included the charges of human rights violation which is very strange sicne most of those human rights violations were made by the military itself, with or without blessing from Dr.Thaksin's government.

Thirdly, almost immediately after coup, there were ad-hoc anti-coup websites, protests against the junta and the coup were widespread throughout the internet medias. There were immediate anti-coup materials and protest organized by different group of people throughout Thailand. For the last coup, it took half a year before any interest group stood up against the junta but for this one, less than 24 hour.

It is clear that the belief in democracy grew stronger in Thailand which is at least a good sign.

JD and Anti-coup movement

JD does not believe in coup, he believes in democracy. He believes that Thai people and its society need to learn to deal with difference in ideas and thoughts in a democratic way, in a peaceful way. He believes that conflict about Dr.Thaksin should be dealt with by free and fair election, not by the intervention of the military.

For corruption allegations against Dr.Thaksin's government, those involved shall be subject to legal

prosecutions, again, in a free and fair manner and open for public scrutiny. Whether or not Dr.Thaksin win election, corruption is a crime, and any wrongdoing shall be punished in accordance with the laws. But corruptions shall not be used as 'political tool' for one's benefit.

If the Thai society learns to be patient and respectful of the laws, we can advance to a more democratic society, with power of people get to be stronger. But the coup interrupted this opportunity. The coup brought Thailand back 50 years to the time where there was no true democracy but a controlled and managed constitution not represented people's free will.

JD joined the very first group who came out and criticize the coup publicly. JR, as well as other activists, demanded that the junta organize a free and fair election as soon as possible under the 1997 constitution which were drafted by the drafting assembly coming from direct election of people. The 1997 constitution were deemed the 'people's constitution' as the drafters came to the assembly by direct election.

If the junta claimed that they were doing such coup for the benefit of the people and to foster true democracy, they shall organize the election at once. If the junta did not comply to such fair request, it is beyond any doubt that they were after something for their own benefit, not the people.

Fortunately, many Thais, many intellectual, many NGOs did believe the statements and claims of the junta.

What happen afterwards?

The junta did all the same things they accused Dr.Thaksin's government. Only this time, the people had no route or channels to openly and publicly scrutinize and investigate.

The junta intervened in the NEC, the Constitution Court and all government offices. The junta censors all the news and medias. Any opposition would be subject to sanction. The new Internet laws were enacted without thorough review and analysis, in order to safeguard widespread internet free media opposing the coup.

The junta set up the national legislative assembly claiming to be democratic, but those people represented no one but the junta, the elite and the anti-Thaksin movement. The constitution was drafted by a committee handpicked by the junta. The referendum was organized but controlled and intervention.

The 2007 constitution is definitely not a people's version of democracy, but it was drafted to ensure that politicians cannot run the country without the blessing of the bureaucrats, and particularly the military. The main objective of the 2007 constitution is to lessen the power of politicians elected by the people, give too much power to bureaucrats. Thailand will turn into aristocrat country, not a true democracy and it will take so many years to undo the damage done.

The 2007 was forced on the people. And after JR campaigns against the junta and the undemocratic constitution of 2007 since the beginning of the coup, the intellectuals, NGOs and medias started to see and understand the true nature of the junta. The anti-coup movement gains more acceptance from the public.

The reason that anti-coup movement gains a slow acceptance because the junta and its support group was labeling any anti-coup movement as 'pro-Thaksin' movement to discredit any such activities.

JD's idea about future of Thailand

The 'national reconciliation plan' is practical only when both side of the dispute or the difference have the same degree of bargaining power. This is not the case in Thailand where one side of the dispute carry weapons, arm force and government authority, while the other has just bare hand and belief in true democracy and free will of the people.

We have to make clear that people who oppose the junta are not necessarily be the pro-Thaksin group, though these pro-Thaksin group can well be majority of the country if we let the election be fair and free.

JD is not pro-Thaksin, though he accepts that since Thaksin's government was elected through general election, Dr.Thaksin stands for democratic government and has the legitimacy to power. However, winning election does not provide immunity from any wrongdoing. The elected government still must be subject to investigation and scrutiny by people and the independence government bodies.

JD believes that Thailand will move toward a better people's democracy if we install effective mechanism to investigate and audit power of elected officers.

What JD believes to be better for Thailand is for the country to adopt the framework that every citizen, politicians, elites, bureaucrats or military will be unconditionally subject to rule of law and mutually respect any difference in opinion.

Dr.Thaksin's government represents the democratic framework but the missing ingredients are the effective jurisprudence and the respect of rule of laws. The missing ingredients were not only at the government level, they were missing from the ground level;i.e. many bureaucrats do not believes in people's participation of democracy and administration of the country. All of these condescending attitude must be changed. Thai people must learn to obey the laws, to respect the difference opinion and the outcome of election against their favorites. The Thai people need to respect the will of majority, whether the majority's ideas are the most brilliant or the silliest idea they ever found. Without agreeing to this principle, how unpopular and distasteful it may seem, Thailand will again and again be an object of elite control, never a country that live under the free will of the people and true spirit of democracy.

We have to understand that democracy is not set to determine goodness versus badness, nor to define morality of people. The democracy is set to define the rights and duty of the citizens as well as its leaders. President Lyndon Johnson failed when he tried to use war to solve disputes in Vietnam, but, on the other hand, he did so many good things for his citizen. He gave the black citizens right to vote. How can we judge out leader, that is not easy question nor answer. The only important thing is how he, the leader, deliver the the promises, whether it is done within the acceptable framework of democracy; i.e. rule of laws and respectful of civil as well as human rights. What the elite and the junta are trying to mislead the people is that the leader must be reserved for the good, the educated, the so-called 'elite' while in fact the democracy gives the chance to almost anyone who is willing to present the idea that attracts the maximum number of voters.

The leader elected through the democracy system is not the one with the highest degree of moral or intellectual power but the one who gains trust of the people and the one who can answer or at least perceived by the people to be able to answer their needs or concerns.

The underlying principle of democracy is not to be led by the best person or the most intellectual person but by someone who gains trust or vote of majority of the people.

What is the most important character required in the leader is the respect of opinion of majority, and awareness of the opinion of the minority. Once the leader believes he knows better than the majority of the country and that it will be the best for the country to follow his ideology, we are not looking at democracy, we are staring at the beginning of dictatorship.

JD believes that compared to the junta, Dr.Thaksin is a lesser evil because he submit himself to the election process. He can be easily overthrown by the people through election. JR never believes the accusation of the junta that Dr.Thaksin was at the edge of using force against the protesters because the only principle credibility Dr.Thaksin was holding on to is, never to use force against the citizen. With all the blame about aggressive policy against the drug addict or the southern insurgency, Dr.Thaksin's government did well in dealing with all the protests.

Again compared to the junta, since the coup, the junta censors all news reporting, all anti-coup internet websites, two have been closed down or suspended, it is a clear evidence that no matter how the junta call itself, it does not allow people to express opinion freely. Without the right to oppose your own government openly without consequences, you are not within the democratic state. People must have rights to comment, criticize, condemn, disagree or even protest any idea or action of anyone within the state, as long as such action has been done fairly and peacefully, this is clearly not Thailand we want her to be.

Dr.Thaksin is definitely not a man of perfect quality. He has good and bad qualities just like the less of us, the less of any world's leader. What the democracy had done to him is that he was forced to meet the demand and requirement of his constituency. He was forced to answer or at least try to answer the concern and demands of his voters, for as long as he wanted to remain in politics.

Though JD has some doubt on Dr.Thaksin's human rights policy, he admire Dr.Thaksin's tolerance of allowing protesters to publicly and through various media, newspaper, radios, cable TV to condemn him over and over, days and nights. This was the beginning of the turning of Thailand into more open society where leaders can be and will be subject to public criticism and scrutiny. All such great movements ended by the coup in Thailand.