

Thaksin's Party's Over in Thailand

The Thai Rak Thai party's dissolution completes the military power grab

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It was billed as “Judgment Day” in Bangkok, but Wednesday’s decision by a military-installed court to dissolve ousted Prime Minister Thaksin Shinawatra’s party and ban its executives from political activity for five years was in the works well before the army seized power last September.

The main goal of the coup-makers, of course, was to cut the legs off Thaksin and Thai Rak Thai, the party he founded in 1998 as a personal vehicle to carry him to the premiership. TRT stormed to power with a win in the 2001 general election and became the only party in Thai history to complete a full term in office.

The Constitutional Tribunal’s decision to dissolve the party — finally revealed after the judges read the ruling for an excruciating nine hours — was just one part of the plan to remove Thaksin from the political scene. The rest of the job belongs to those drafting the new constitution, which aims to limit the powers of the executive and expand the role of non-elected senators and judges to ensure that a reincarnation of Thaksin doesn’t rise from the ashes.

While Thaksin can justly be blamed for interfering with independent constitutional bodies during his tenure, the rulers that replaced him have gone even further by overthrowing an elected government, manipulating the justice system, rewriting the constitution, sending soldiers to television stations and enforcing ex post facto laws. Now they’ve wiped Thaksin’s party off the map and banned 111 of the Party’s executive members from running in an election for five years — the harshest possible punishment. Although the blatantly political decision has profound ramifications for the Thai political landscape, it was simply the culmination of a series of rulings over the past year that skirted or completely ignored the law.

The opening for Thaksin’s opponents came in February 2006, when the embattled premier called a snap election in response to massive street protests that flared up after his family netted 73.3 billion baht (\$2.1 billion today) in the largely tax-free sale of Thailand’s largest telecommunications firm to Singapore’s Temasek Holdings. Opposition parties then stunned the Thai political world by announcing a boycott of the election scheduled for April 2, 2006.

As coup rumors swirled, the ensuing election failed to produce a quorum, leading to a crisis since the constitution said the Parliament must be opened with 500 members 30 days after the election. By-elections were quickly organized, and just when it looked as if Thai Rak Thai would open Parliament with more than 90% of the seats, King Bhumibol Adulyadej stepped in.

On April 25, 2006, the widely respected monarch told the country’s top judges to “solve the problem” — even saying they should resign if they couldn’t take action. The results were immediate. The heads of the country’s top three courts, fiercely loyal to the king, met outside the courtroom to agree on how to proceed with this unprecedented intervention into political life.

The Administrative Court, which had previously been one of the only courts to display its independence, reversed itself halted the by-elections that would’ve most likely have given Thai Rak

Thai enough seats to form a government. A few weeks later the Constitutional Court voided the election altogether.

The judges then made an extrajudicial call for the election commissioners to resign. The commissioners refused, correctly claiming that the 1997 Constitution gave the judges no power to remove them. So the judges began playing hardball, and the Criminal Court accepted a case from a Democrat party member to try the commissioners for “malfeasance.”

As it became clear that the election commissioners would soon be hung out to dry, they forwarded two fraud cases to the attorney general. One accused Thai Rak Thai of paying off small parties to field candidates in constituencies where only one candidate was running, which would ensure the election produced a quorum so the party could open Parliament before the 30-day deadline expired. The other accused Democrat party members of paying off small parties to frame Thai Rak Thai for election fraud.

Sure enough, soon after the Criminal Court tossed the “disgraced” election commissioners in jail without bail, effectively stripping them of their positions and ending the political stalemate. A new Election Commission was appointed and this time the Democrats and the other main opposition parties would have to participate, as all their demands had been met.

But there was a problem. Thaksin and Thai Rak Thai still looked assured of winning. Sure, the huge majority they won in 2005 would be eroded, but the 16 million votes the party won in the voided April poll, even after months of protests, was still more than double the amount the main opposition Democrat party won in 2005, the last election in which it ran.

So the coup had to come because Bangkok’s elite wanted Thaksin out, pure and simple. If the election were allowed to proceed, Thaksin would have a new mandate from the rural poor voters who loved him. With the election less than two months away, on September 19, 2006, royalist factions in the army took out Thaksin by force. In the process, they tossed out the 1997 “People’s Constitution,” which called for strong political parties and stable governments, as well as the Constitutional Court, which they saw as pro-Thaksin.

Instead, their interim constitution created a new court called the Constitution Tribunal that would be filled with the same obedient judges the king addressed in April, and its main duty would be to rule on the dissolution case against the political parties.

With Thai Rak Thai out of office, the junta sought to bury it. On September 30, it issued Announcement 27, which banned political gatherings and gave the Constitution Tribunal authority to dissolve political parties. Crucially, it also said that executive members of dissolved political parties would lose their right to run for office for five years.

This essentially amended Article 69 of the 1998 Organic Law on Political Parties, which says that executive members can still run in elections but they can’t form a new party or sit on a party’s executive board. The effect was immediate. In an apparent attempt at a last ditch effort to escape punishment, Thaksin stepped down as party leader the next day, dissolving the executive board. At the same time, one of Thai Rak Thai’s largest factions left the party. It looked as if TRT would need to find a coalition partner if it was going to form the next government.

Meanwhile, the country’s new leaders went along badmouthing “evil” politicians. The political parties were completely shut out of the process to draft a new constitution. The junta also launched investigations into cabinet members, and sought to undo or rebrand most of Thai Rak Thai’s policies.

When the draft constitution was unveiled in April, the power of elected politicians had decreased

significantly. Term limits for prime minister made sure no Thaksin would rise again. The charter called for an appointed Senate, an expanded role for judges and strict guidelines on how the executive can spend money. It also eliminated a rule that prevented lawmakers who switch parties from standing in an election for at least 90 days, ensuring a return to the days when a small group of lawmakers could quickly take down a coalition government.

With Thai Rak Thai dissolved, the Bangkok elite succeeded in pushing and his allies from power, more or less permanently. Neither Thaksin nor his party leaders can participate in an election for five years, a lifetime in politics. Other Thai Rak Thai members can still form a new party, but it will likely be a relatively small player. The next government looks set to be governed by either the Democrat Party, which was absolved of all charges yesterday, or Banharn Silpa-Archa, leader of the slippery Chat Thai party, which always looks to join any government to collect the spoils of power.

The real winners, however, are the military, judiciary and royalist elites who saw Thaksin as a threat to their traditional power base. With Thaksin gone, they can safely fade into the background once again and pull the strings from behind the scenes. Thaksin had egged them out into the open, and he paid the price.

Although the powers that be were able to eliminate Thaksin, his legacy won't quickly be erased. Political parties will have to take the interests of poor upcountry voters much more seriously from now on. Moreover, his popularity is - or at least was second only to the king's. In five years, when the ban expires, Thaksin may just well be the most popular politician left standing in the country.

P.S.

* Frm Asia Sentinel:

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