

# Civil Disobedience under Thai Crony Capitalism

Kosum Saichan  
Department of Political Science  
Chiang Mai University

## 1. Introduction

People in developed countries are well aware of their social rights and they expect their elected government to consider its duties as to respond to the needs of the society especially those of the poor.

This phenomenon is rarely found in developing countries where most leaders don't trust the capability of their people especially the poor to share state policies no matter in what areas, domestic or external. Once these elected politicians take power in the government, they ignore the interest of their own constituencies since they have close connection with or have relatives or partnership in big business, multinational corporations and local godfathers and this led to policy corruption in their decision-making process.

In the case of Thailand, public hearing means only a formal procedure notified by the 1997 Constitution and justification for further step of natural resources exploitation by big business or multinational corporation, politicians and authorities concerned. Mass protest by the poor would be considered as having support from the opposition party or foreign NGOs to overthrow or discredit the government in power.

Compared to the student revolution in 1973, civil disobedience of the Thai rural poor in this century cannot attract the urban middle-class's attention since the latter is happy with various new projects initiated by Prime Minister Thaksin's populist policies. These led to wider gaps between the Thais in Bangkok and upcountry; the lower and middle classes; the politicians and international organizations i.e. UNCHR and UNHCR and finally, the academics and bureaucrats who under this cabinet become politician-servants, not civil-servants any more.

This paper will illustrate what the western academics have debated about social rights or social democracy under complex societies. Most of these scholars were referred to in Kate Nash's book entitled "*Contemporary Political Sociology: Globalization, Politics and Power*" (2000). Development of Thai civil society or social movement since the starting point of modern democracy in 1973 will be historically described. The present situation of human rights abuse, while new governmental projects under populist policies are offered to the poor day-by-day, will be compiled from the critics of Thai intellectuals in academics, autonomous bodies and NGOs collected from the Nations and Bangkok Post newspapers during the whole month of May, 2003.

Finally, new role of social movement in Thailand will be recommended i.e. establishing its own political party which is similar to Green Party (Die Grunen) of Germany then finding more popularity in each national election so that more seats gained in the parliament will give the party a chance to enact appropriate laws for the poor.

## 2. Discourses on Social Movement in Complex Societies

Jurgen Habermas is optimistic about the potential for democracy in contemporary life, in part because he sees the mobilization of social movements in civil society as a significant contribution to its development. Nevertheless, the complexity of contemporary society does mean that democratic participation in government must be extremely limited. He draws on structuralist-functionalism for his analysis of the evolution of society into contemporary complexity. He sees modernization as resulting in the functional differentiation of society into four principal spheres, characterized by two different types of orientation. The economy and the bureaucratic state are both seen as systems in which social actors orient themselves by thinking strategically on the basis of perceived self-interest. These systems produce their own media of communication, money and power respectively, which are used to steer society. He sees these systems as functioning according to their own internal logic, and reaching a high degree of efficiency as a result (Nash, 2000:226). The other two spheres Habermas designates “the lifeworld,” comprising the public sphere of civil society outside the state and economy and the private domestic sphere. He is concerned that money and power are more effective than the influence produced by the public sphere and the commitment produced by the private domestic sphere. The lifeworld is continually threatened with domination through commercialization and bureaucratic administration which encroach into community and personal life, controlling and distorting human communication.

Habermas’s model of democracy in conditions of complexity is a reconceptualization of the public sphere in which social movements are the principal actors in democratic will formation, working to divine issues in less formal settings which are then dealt with through conventional political channels. More concretely, he proposes introducing more democratic procedures and participation into political parties, more plebiscitary elements into the constitution, and more regulation of the media to curb political and economic agenda-setting and to promote the freedom of critical audiences. For him, the law and legal decisions must be non-partisan and therefore open to rational criticism and democratic deliberation; law-making is only legitimate in so far as it achieves the agreement of all citizens (Habermas, 1996:142 in Nash, 2000:230)

For Crook, social movements are hyperdifferentiated in that they embody a diversity of political processes: “more open organizational structures, more diverse elite, more fluid and fragmented alliances and loyalties, and more complex networks of communication” (Crook et al, 1992:163-4 in Nash, 2000:242). However, they foresee the possibility of their “normalization” as social movement organizations are absorbed into the formal political process. This is, for example, the fate of the green party in Germany, which is now moving toward a more conventional hierarchical form. This does not, however, inevitably mean the co-option of radical politics. They see old political parties as changing their agendas and opening up routes of recruitment as a result of the challenges of social movements.

As a result of modernization, society has developed into a highly differentiated and fragmented set of subsystems which mean that it is now impossible to bring it

under the control of democratically elected representatives of “the people”.

While, historically, modernization made democracy possible, it is now making it impossible.

Offe does suggest two sources of hope for democracy. The first is the rise of social movements in civil society. Here he agrees broadly with Habermas concerning their potential to influence political decision-making from outside the political system by deliberations in civil society (Offe and Preuss, 1991 in Nash, 2000:224). The retreat from globalization would be a way of strengthening the steering power of the state by simplifying its social environment. To the same end, the state should “unburden itself”, devolving power and responsibilities as much as possible to other institutions and groups in society. It should retreat in an organized way, providing the regulatory framework within which essential social functions could be carried out without becoming dominated by market considerations and private interests.

In Melucci’s view, social movements point the way beyond the limits of the present system, toward a new form of democratization appropriate to complex societies. They embody the need for new public spaces between civil society and the state in which movements can articulate and publicize themes and dilemmas to the rest of society and to the political actors who make the final decisions about how they will be dealt with. Such public spaces already exist to some extent in knowledge-producing institutions such as universities and cultural foundations, but they should be strengthened in the field of collective consumption—in relation to housing, transport, health, and so on—and also in relation to communications and the media in order to allow public confrontation and negotiation between the various actors involved (Melucci, 1989 in Nash, 2000:143).

According to Diani, a social movement is a network of informal interactions between a plurality of individuals, groups and/or organizations, engaged in a political or cultural conflict on the basis of a shared collective identity. It is important to distinguish between social movements and other types of social and political action, such as interest groups, political parties, or religious movements. The unique characteristic of a social movement is a collective identity which exceeds the boundaries of any single group or organization, while nevertheless maintaining a limited specificity (Diani, 1992:13 in Nash, 2000:150).

Schumpeter argues that in modern societies this is impossible; democracy can only consist of the competition between political parties for citizens’ votes. Individuals cannot participate in decision-making directly, but only through the selection of those professionals who will make expert decisions on their behalf. But Solo argues that in complex societies even those minimal conditions he saw as providing the possibility of democracy have been undermined. He sees several reasons for having no genuine competition between points of view from which electors might choose (Nash, 2000:225). First, there is no genuine competition between parties; they all put forward much the same policies. This is a product of the way in which parties have themselves become integrated into the state. The “new class” of party professionals exercises influence in economic, administrative and information systems and identifies the party with the public bureaucracy as a whole. Inter-party competition is less important than the common interest shared by members of the “complex organism” created by all the parties together. Combined with the

tendency to attract volatile votes and to please the largest number of the voters, parties no longer present different programs between which citizens might choose.

To be effective, social movements against global capitalism will need to introduce new forms that do not reproduce the failures of “poor people’s movement” but rather reproduce their successes. This will mean disrupting capitalism locally and finding ways of globalizing these disruptions, while seizing the opportunities to transform it that democracy provides.

At present there are three instruments which have been formally adopted by the UN in order to strengthen global political, legal, and social rights of the emerging international civil society (Woods, 1999:244-5). The 1948 Universal Declaration of Human Rights was adopted without dissent. In 1966 the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights were tabled and came into force in 1976 after they had been ratified by 35 countries. Within the context of making the Bretton Woods institutions and/or of the UN agencies more accountable, a greater role is being argued for and given to international NGOs. Global governance now involves not only governments and intergovernmental organizations but also NGOs, citizens’ movements, transnational corporations, academia, and the mass media.

However, Hirst and Thomson (Woods, 1999:246) have argued that the emerging form of global governance should be understood as one whereby states, even though they have ceded some powers to international organizations, continue to be important actors in both influencing international organization policy and implementing such agreed international policy. Because of this, the empowerment of global civil society in relation to global governance takes place partly through the traditional forms of national democratic accountability.

The displacement of the nation-state as the sovereign political institution is important to the study of globalization and social movements. This is the case even if the nation-state remains the principal focus of social movement activity, given that the national context itself is increasingly affected by international relations and supranational institutions. Transnational social movements may be seen as contributing to a global civil society in which they bring pressure to bear on internationalized states, supranational political institutions and transnational organizations, including multinational corporations.

Organizations and individuals in civil society may contribute directly to the internationalization of nation-states and the strengthening of global political institutions (Nash, 2000:258). In Europe, citizens increasingly have recourse to the European Court of Justice to over-ride perceived injustices of national law, but it is also the case on every occasion when citizens put pressure on their own governments to modify actions with a global impact, or on other governments to modify actions with a national or global impact. Economic sanctions against South Africa almost certainly contributed to bringing about the end of apartheid, for example. Furthermore, through their involvement in INGOs, directly petitioning the UN on such matters human rights and the environment, individuals and groups may also affect political institutions with a wider international remit (Alger, 1994).

In so far as democracy involves more than the institutions of representative democracy, global civil society also offers the potential for the realization of more egalitarian and participatory relations in every aspect of social life. Democratization in this sense is closely linked to the activities of social movements and to the politicization of everyday life they bring about. In so far as new social movements are at least as concerned with resistance and transformation at the level of everyday life, interpersonal, and community relations as with politics at the level of the nation-state, they are peculiarly well placed to engage in the transnational politics appropriate to globalization.

### **3. Social Movement in Thailand**

Through the coalescence of a range of political initiatives in the mid-1990s, Thailand has embarked on a journey towards achieving a civil society. This is evident through several provisions of the 1997 Constitution: for example, those guaranteeing participation of communities and people in the decision making of government bodies on issues which affect them; and through other mandated measures such as provisions which allow voters to recall their representatives, or to place legislative proposals on the parliamentary agenda.

The growth and acceptance of non-governmental organizations in Thailand is another fundamental aspect of movement towards a civil society. NGOs have gained an enhanced status to the point where they are now invited to participate in official committees dealing various issues. Another aspect is the decentralization of government administration to the local level, through the upgrading of tambon councils to become legal entities capable of entering into contracts, and to be progressively elected by local villagers. The new Information Act also enhances the movement towards a civil society (Laird, 2000:200; Bello, 1998).

This movement, both in Thailand and globally, aims to empower people and communities while recognizing the limitations of government: that large government bureaucracies cannot generate good decisions in isolation from the people, nor can they hope to carry out efficiently and cost-effectively all of a nation's development and service activities. Thus, the concept of civil society advocates the transfer of certain state functions to enhanced local government and citizens groups, and to guarantee the latter groups' participation in governance through consultation and power sharing.

However, as Girling has noted, officials of the Thai state have tended to define their interests as national interests, and have not been willing to account for democratic interests, i.e. the interests of the common people. (Girling, 1981:147-8 in Hewison, 1993:170). The following groups which are NGOs, labour movement and intellectuals have illustrated how they contest this amalgam of the Thai state.

#### **NGOs' s Activities**

The characteristics and basis of Thai NGOs most likely originated in the 1973 student movement against military regime. Mainly students and business people, they rejected the traditions and customs of the patronage system and broke ranks with

conservative respect for the governing authority. Today, these students, business and educated people would be called the middle class. In 1980s, many worked in the border areas alongside international agencies to assist refugees fleeing the Indochinese war. Since then the middle class increased their efforts by forming non-profit groups or NGOs in order to seriously address the development of rural areas.

The new development direction taken up by NGOs is based on equity principles of a just society and the empowerment of disadvantaged sector. The concept is rooted in Commons Theory whereby the public shares responsibilities and decision-making regarding common interests. Originally, the theory was based on the village commons, or publicly shared grounds, where various social classes were able to enjoy the open areas without infringing on another segment of society. A mental parallel can be drawn between the logic behind NGOs' development strategy and Commons Theory: participation in decisions concerning their lives (Ganjanapan, 1998:11-2).

Urban NGOs have also used the issue of protecting rights as the basis for their work and to create their own "Commons". Their work concerns protecting the right of slum communities, women, children and workers, and at present, the rights of HIV patients. They also have been extended to include consumer rights protection, especially in the areas of health information, basic health and medicine awareness. NGOs later turned into issues concerning natural resources and the environment. They were especially opposed to large mega-projects, such as dam construction, which disrupt ecological systems. They pushed for changes in forestry policies to alter the government's encouragement of commercial forestry to support forestry community. This policy would be linked with protecting the rights of highland ethnic groups whose settlement rights and participation in the management of forests had previously been taken away.

Development of environmental politics started in 1982 with the Prem government's proposal for the construction of the Nam Choan Dam in Kanchanaburi. The campaign against the proposed dam gradually gained momentum, bringing together students, urban environmentalists, popular entertainers, monks, local villagers including minorities, business organizations, women's groups, MPs and even some officials.

Following this success, a range of environmental questions emerged as political issues. These included: opposition to the Doi Suthep cable car in Chiang Mai; deforestation ; flooding; salt farming and resultant pollution of local water; shrimp farming and the destruction of mangroves; dams in several provinces; pollution of rivers, coastal areas and Bangkok; and expressway development.

Between 1985 and mid-1988 there were at least a dozen anti-eucalyptus actions by local people in the northeast alone. The Chatichai regime apparently took these protests seriously, and attempted to incorporate greater participation in the development of a National Forest Master Plan. Still, protests continued. More seriously, villagers, supported by monks, NGOs and students, began to forge district- and provincial-level alliances against state officials and forestry firms, leading local officials to threaten and harass villagers. More significantly, however, environmentalists saw state forest policy increasingly oriented towards business interests. For example, despite the Chatichai government's ban on logging, evidence

suggested that villagers—long blamed for forest encroachment—were being displaced from forest areas by commercial plantation operations.

Following the February 1991 Coup the Suchinda regime began the implementation of a draconian programme, aimed at resettling millions of villagers out of forests to make way for commercial reforestation. Environmental groups, and even some commercial groups, have been outspoken in their opposition to the programme.

More significantly, in October 1991 a coalition of NGOs, led by environmental groups, organized a People's Forum to coincide with the World Bank-International Monetary Fund Meeting in Bangkok. This Forum challenged many of the assumption and principles of the government, and state practices

Environmentalists represent a potent challenge to the concept of power embodied in the Thai state. More challenging are the coalitions they build between activist monks, villagers, NGOs, students, academics, and urban activists.

Discussions about community forests go back more than a decade in Thailand. Finally, attempts to legislate a Community Forest Bill began in February 1996. A draft bill was approved by the Banharn cabinet in April, but it exposed a split within Thailand's environmental and development movement. The draft lapsed before it reached parliament, due to the fall of the Banharn government in November 1996. However, it was revived in early 1997 by the Chavalit government (Laird, 2000: 383).

In July 1996, NGOs reached an agreement that communities should be allowed to be established in all kinds of forests, except watersheds or pristine conservation areas, where only communities who had settled there before they were declared protected areas could live. But many forestry officials were still insisting that conservation areas should be kept free from human activity. NGOs agreed that community forests should be classified into three categories depending on their richness in biodiversity and other natural resources, with community activities differing in each category. Despite its good intentions the bill will inevitably lead to further destruction of the forests, which everyone depends on to maintain the water supply in the dry season. Community forests should be allowed only outside conservation areas. Villagers already occupy large areas of national park, wildlife sanctuaries, and watershed areas, and existing supervisory committees have been unable to keep them from illegally expanding their land at the expense of the forests.

### **Labour Movement**

Throughout the 1980s labour unions agitated for the recognition of basic union rights, social security provisions, employer compliance, and against privatization. The tactics adopted included tripartite meetings, political lobbying, public protests, strikes, and the use of existing labour legislation. Even so, labour found its political influence limited by state policy and the Prem government's reliance on reasonably strict legalistic interpretations of dispute resolution. Few union leaders were satisfied with the Prem government's relationship with labour.

In 1988, as anti-Prem political coalitions were formed, a number of political parties courted labour, promising to support a social security bill, protect the right to strike, and oppose privatization. Party representatives argued that workers should

vote for parties supporting labour. More than forty labour leaders stood for election, representing a range of parties, and campaigning against low wages, poor conditions and laws that impeded labour organization.

Indeed, pressure from labour groups helped to bring Chatichai to the prime ministership, and he recognized this by having his son, Kraisak Choonhavan, who had well-established ties with labour organizations, act as his confidant on labour issues. Chatichai and his advisers apparently regarded an accommodation with labour to be both politically and economically correct. They were well aware of the growing political and especially electoral significance of labour. At the same time, better capital-labour relations would maintain Thailand's attractiveness to investors.

There is no doubt that the inclusion of labour unions in policy dialogue greatly increased labour's prestige and political role, and increased the initial popularity of the government. Chatichai continued to receive the qualified support of the major unions until just prior to the February 1991 Coup when his government lost the backing of major state unions because of its push for state enterprise privatization, which the unions opposed.

However, the Coup leaders were not so keen on maintaining labour as a political force. A number of actions were meant to reduce the influence of labour. These included the exclusion of state enterprise unions from the provision of the 1975 Labour Act, removing their right to strike, and restricting their activities to welfare issues. Heavy penalties were also to apply to any workers deemed to instigate strikes or stoppages. Labour was not willing to retreat fully. Despite intimidation, unions, including those representing state enterprise workers, demanded significant pay rises in early 1992. They even argued that they may give their support to a party or even form a labour party.

For several years, Thai workers have been campaigning for an unemployment insurance scheme, which was previously considered a luxury that a country like Thailand could not afford. Social policies had not received enough attention during the decades of economic boom, especially during the Chatichai government which introduced its famous "battlefield to market place" policy that sent stock market and real estate prices soaring.

Before the 1997 crisis, Thailand had paid no attention to unemployment insurance, assuming that it would be far too costly to implement given the country's fractured taxation system. It was only when the country was hit with massive unemployment in the aftermath of the crisis that policy-makers finally recognized the need to set up the framework and infrastructure for a sustainable unemployment insurance plan. The cabinet approved in principle the draft Royal decree to incorporate unemployment insurance into the social security scheme as of January 1, 2004.

Under the unemployment scheme, a retrenched worker will be entitled to 50 per cent of his or her insurable salary for up to 180 days, while each worker who voluntarily leaves his or her job will be entitled to 30 per cent of their insurable salary for up to 90 days (The Nation, May 2, 2003: 6A).

The fact that workers may not receive payouts if they are sacked for alleged misconduct can offer employers an attractive loophole. A separate unemployment insurance fund will be set up to pay for the income replacement benefits as well as providing employment services and job re-training. The 0.5 per cent deduction might



still be modest compared with 3 per cent for French workers and even more—5 per cent from employers. But it is a good starting point for a less prosperous country like Thailand. However, critics are convinced there will be employers looking to mistreat their workers. Then there are many workers in the informal and agricultural sectors, plus migrant labourers that have no access to such provisions. The labour movement is highly fractious and ridden with vested interests while a good number of labour leaders manipulate membership figures and their fame to the best of their political, economic and social interest. Even the socially-committed wing of the labour movement is divided into two. The more mainstream is allied with organizations such as the Arom Pongpangan Foundation and the more progressive Labour Group for Democracy led by Chulalongkorn lecturer Ji Ungphakorn which refuses to take any coaching from NGOs (The Nation, May 2, 2003:7A ). Employers and company executives who otherwise profess to be lovers of democracy have no reservations opposing unionization. They say it is “un-Thai” because it would disrupt the harmony of the workplace.

### **Civil Disobedience**

Thais are often described as mild, polite and deferential to authority. Yet these days quite a number of protests against the government are held each year. Nor are such displays limited to the educated and demanding residents of Bangkok: indeed, some two-thirds of the protests take place in the countryside.

Public awareness about community rights and corruption probes and so on seems to have moved far ahead of official practice. At the root of every protest lies some sort of official abuse: an improper procedure, a corrupt or high-handed bureaucrat, a right guaranteed on paper but ignored in practice. There is always a lag between adoption and implementation, all the more so if it involves an entire new constitution. Parliaments must draft supporting legislation; ministries have to devise accompanying regulations; officials have to familiarise themselves with the new rules; and the police and courts must enforce them. The vast scope of Thailand’s 1997 constitution makes this challenge all the greater. And no law, however well it is enforced, can bring about an immediate change of mentality. In Thailand, all this has led to a massive mismatch between popular expectations and the government’s actual conduct.

Take the current controversy over a plan to build a gas pipeline across southern Thailand. Malaysia’s and Thailand’s state-owned oil firms signed an agreement to build the pipeline in 1999. Two years earlier, the new Thai constitution had enshrined the state’s obligation to preserve traditional communities’ way of life, to seek independent advice on all projects that might affect the environment, and to encourage popular participation in the work of the bureaucracy. Yet the handling of the project seemed to ignore all these strictures.

Villagers in Jana, the district where the pipeline will come ashore, worry that development would bring pollution, which might damage fish stocks and put an end to their traditional pastime of breeding songbirds. They suspect that the bureaucracy is trying to bamboozle them into accepting a seemingly innocuous decision that will

in fact undermine their whole way of life—just the sort of thing the constitution was designed to prevent.

#### **4. Corruption and Money Politics in Thai Patronage System**

The term ‘crony capitalism’ was coined in the Philippines in the early 1980s by some of those in the business community who had become disenchanted with Marcos’s martial law regime as its shallow debt-dependent growth began to unravel. It referred to the network of businessmen who gained access to wealth through their connections to the president and channelled it largely into non-productive personal fortunes at home and abroad (Rigg, 2002; Putzel, 2002:162).

Patronage is a surviving element of the old Asian feudal system. Among the rural majority of Thailand, passive and feudal-style attitudes still largely hold sway. In the modern context, patronage is most often linked to money-making through the attainment of political power. When government decisions are made on the basis of patronage, benefits are shared among a small group of people, often accompanied by corruption and disregard for the general welfare of the people.

Money politics is anti-democratic and unsustainable in the long run, as well as unlawful. It is unsustainable because, in a competitive political atmosphere, it must grow in order to reach its objective: attainment of political power. Thus, the growth of money politics (and its chief accessory, patronage politics) must increasingly infiltrate institutions of governance, seeking higher rewards. Patronage and money politics increasingly undermine the rule of law and fiscal responsibility.

In his lecture at Thammasat University in 1992, John Laird raised the prospect of the Thai patronage/corruption system ever growing and ever expanding the methods by which it extracted wealth from the state (Laird, 2000:9-10). He compared it to the Marcos dictatorship in the Philippines, where Marcos completely corrupted the system of government and set up a massive patronage system of cronies who were granted monopolies and favours in order to control the economy. This arrangement made a complete mockery of law and economics. The Philippines subsequently suffered a political crisis, an economic collapse, and 10 years of stagnation.

The unrestrained growth of money politics can undermine the sustainability of the financial system and even of the economy—because money politics abhors the rule of law, transparency, and accountability; and because it fails utterly to promote high standards of decision making. These are all requirements for good governance, sustainable development, and the pursuit of a genuine quality of life. Under money politics, decision making on the basis of merit, employing rational criteria, can hardly take place. Sustainability in the economy and in national development ceases to have any meaning, and the door is open to widespread graft and large-scale financial fraud. Witness all the grand schemes for a new capital city, a new airport, mass transit system, etc. that have changed, been relocated, or been renegotiated every time a new government has come to power. The needs of patronage and money politics take precedence over the needs for continuity of policy and for rational development of infrastructure.

Having gained power as prime minister in early 2001, Thaksin put his election promises into practice. The debt moratorium began in July of that year, just as village councils all over the country started dispensing their million Baht each. By October, the 30-Baht charge per hospital visit had been introduced nationwide. He does not seem interested in giving the party a life of its own. Instead, he follows a deliberate policy of divide and rule. Although Thai Rak Thai already commands an absolute majority in the House of Parliament, he keeps trying to recruit more MPs to the government and the party. He has already drawn two parties into coalition with his own and is courting a third. All these moves dilute the influence of reformists and ideologues within the government. His current manoeuvrings could enlarge his coalition to the point where the opposition no longer has enough votes to launch a no-confidence debate or block a constitutional amendment. He appears to see little merit in checks and balances. Instead of being in the parliament for frequent interrogation, he has spent much of his time in office castigating the press, academics, businessmen and anyone else who criticizes him.

The critics' biggest concern seems to be Thaksin's combination of wealth and political power, and the risk that he might use one to advance the other. Some journalists have accused his family's firms of withholding advertising from critical newspapers. A company controlled by his family bought up Thailand's only private television channel and subsequently fired many of its free-thinking reporters. It is also a fact that in addition to Thaksin, the cabinet features a car-parts millionaire, a meatball magnate and yet another telecoms tycoon. Instead of buying a few politicians, Thaksin and his fellow businessmen have bought the entire government. His government has taken steps that benefit not just big firms in general, nor even some sectors in particular, but specific companies in which Thaksin's own family has an interest (Case, 2001).

According to the fact-finding panel studying the effects of anti-corruption measures, headed by Professor Sangsit Piriyaarangsarn, the deputy chairman of the National Economic and Social Advisory Council (NESAC), corruption is rampant because the government is not doing what it should to curb it (Bangkok Post, May 12, 2003:3). His research had found that the range of extortion is now more like 6 to 15 per cent. Tortrakul Yommanak who chairs a task force following up on corruption for the NESAC said if one adds up all the money that has got into the wrong hands along the way (from a project's initiation to final approval and implementation), about 30 per cent of the total cost would have been siphoned off into corrupt hands. Corruption might have been rampant in the construction industry in the past. But it later spread to the finance and banking industry. He added up that "the biggest potential for corruption now and in the future is in the telecommunications industry" (The Nation, May 22, 2003: 4 A).

Collusion and monopolistic practices by the private sector exploiting state projects are more common now than under previous governments. The Council is in no position to tell the government what to do because it is an independent organization comprising members from NGOs and non-profit organizations. Malpractice associated with exploitation of state projects included bribes, extortion and collusion among bidders vying for contracts. Up to 40 % of funds earmark for design of some projects had been plundered.

Chaiwat Sinsuwong, a close aide to the leader of the 1992 uprising, Chamlong Srimuang, accused Thaksin of undermining all the positive legacies of the historic struggle. In 1997, Thai people celebrated the adoption of the “ People’s Constitution”, the triumph of a spirit of reform born out of the bloodshed five years earlier, but everything that was good about the charter has been either negated or smeared since the Thai Rak Thai leader came to power.

The Election Commission and the National Counter Corruption Commission are exposed to political influence. The Constitution Court, which controversially acquitted Thaksin in 2001 of asset concealment charges, has been negated since the Thai Rak Thai leader came to power. An independent TV station created in the wake of the May Crisis was taken over by Thaksin’s business empire. The firing of the ITV “rebels”—reporters who wouldn’t bow to interference after the TV station was bought—all mock constitutional guarantee of journalistic freedom (The Nation, May 17, 2003: 3 A ).

A labour leader, Somsak Kosaisuk, commented that a dictator can use either fear or deception to control the Thai people. For him,” this government can be superficially socialist, but it’s in fact capitalist and at the moment of truth will protect business interests first”(The Nation, May 22, 2003: 4 A).

Anand Panyarachun, ex-prime minister, chairman of the NESDAC and also the Organization for Transparency in Thailand, noted that Thailand has been rated as one of the countries with the most serious corruption problems in the world (The Nation, May 27, 2003 : 4 A). The National Economic and Social Development Board reported in March 2003, at least 40 projects of the government had irregularities. This damaged the country’s image and destroyed foreign investors’ confidence. He urged the creation of a new legal system and social mechanism to guard against corruption.

## **5. Towards Authoritarian Regime under Populist Policy**

Alone among all the parties campaigned for the 2001 national election, his Thai Rak Thai Party asked the voters what they wanted, and promised to provide it. Pollsters, political consultants and advertising firms all helped to test ideas and promote the resulting package: a three-year debt moratorium for farmers, a million-Baht credit scheme for every village in the country, and universal health care with a low 30-Baht charge per hospital visit. Voters everywhere were aware of these schemes, and liked the sound of them.

Although there are many vehement critics of this government: heading for bankruptcy or at least hugely increased levels of indebtedness, The Thai people are now seduced by public spending programmes or tax cuts. As voters who have previously been ignored and suddenly find a political party prepared to shower them with much needed essentials of life—like cheap health-care or a low cost home or even a cheap computer, majority of the Thai people are delighted to support this government as they find that it is spending taxpayer ’s money to benefit them directly.

The Opposition Democrat Party has published its April-May Journal designed to warn the public about the risks associated with the populist policies of the current administration. The journal criticizes the government’s policies of debt suspension of

farmers, the village fund, the People's Bank, the Bht 30 –Healthcare scheme , the telecom conversion contracts, the capital-creation scheme, the oil subsidy programme, and the war on drugs. Most of these programmes were designed to win short-term popular support at the expense of the country's future.

Thai people has been misled by the government to understand that the populist policies are for free. But in fact, all the burdens will be carried by the taxpayers of future generations. The government has misled the Thai public into thinking that they are entitled to free healthcare or pay only Bht 30 per visit to the doctor. The eminent economist Dr. Ammar Siamwalla estimated that the actual cost of the Bht 30 scheme is Bht 100 billion a year, which will be shouldered by the national budget. The future governments will be required to raise value-added tax or find money from other sources to finance the healthcare system.

The populist Bht 77-billion village has added more debt to villagers. The fund is not helping to stimulate the economy by the multiplier effect that the government has claimed because most of the money has been used to purchase mobile phones, television sets and refrigerators—instead of being used for productive investments. Moreover, when the maturity date is due for the villagers to repay their loans, they have no money to do so and so they are obliged to borrow from loan sharks to buy time.

The Journal also points to the People's Bank, which operates micro-banking to small-time borrowers. The bank is charging borrowers 2 per cent interest a month, or 24 per cent a year, not the 1 per cent a month that the government claims. There has been poor banking practices by the bank, which has taken money from the Government Savings Bank to run its scheme. The bank may cause damage to the country's finances in the future (The Nation, May 6, 2003: 1 and 4 A).

As an independent thinker with no political affiliations and the well-known social critic, Dr. Prawaes Wasi is deeply worried about what he terms “money-led grassroots development schemes” which he said could weaken local fundamentals. “Wisdom should come before money. If we let wisdom lead the way and use money as the tool, then we will be able to strengthen the local people. If we give priority to money, then greed will take over and the local people will be thrust into a position of state dependency. They won't learn how to draw up their own plans. The learning process will never be firmly established at the grass-roots level...”(The Nation, May 30, 2003: 6 A)

Dr.Prawase 's point is clear and simple: use money wisely. The government should help the poor to help themselves rather than spending taxpayers' money. The poor should be taught to stand on their own feet and not rely on handouts from the state. He cited the Bht 1 million-per-village fund, the farm debt suspension scheme and the Bht 30 health plan as examples that have raised concern among people trying to help the grassroots to build on their own local management and innovative strength. There is a growing fear that such populist policies have created a state of dependency to the point that the people will consider government handouts and freebies as the real solutions to all problems.

In the view of academics and activists familiar with grass-roots movements, this is a dangerous trend. No doubt there is a very thin line between “helping the poor” and “helping the poor so that they will vote for us” when populist policies are

carried out indiscriminately and if only superficial, short-term consequences are taken into consideration.

Local strength can only come from local organizations and initiatives which, with proper support, can create a highly critical “learning society” at the grassroots level. Public money that pours into the villages and government support have threatened to undermine that learning process. Handouts have weakened the drive to encourage village-level creativity to jointly analyze problems, brainstorm over priorities in the local agenda and manage scarce resources, which eventually create a sense of efficient management—and appreciation of the importance of the sustainability of any scheme that local people undertake together.

Thirayuth Boonmi, a professor of Sociology at Thammasat University who led the 1973 pro-democracy uprising, has made his observations while giving address on Sunday 11 of May as part of the celebrations marking Pridi Day, dedicated to late statesman Pridi Banomyong. He unleashed another broadside on Prime Minister Thaksin, charging him with wanting to take the country back to the authoritarian regime of Field Marshal Sarit Thanarat during the late 50s/ early 60s. Realising populist policies came at a price. The government has availed itself of future capital tapped from taxpayers to finance costly projects to win over voters and strengthen its political turf. This government tries to present itself as a generous provider. But it does so using the public ’s money by drawing on funds meant for their future. We are again in an age when challenges to authority are not tolerated. Members of the media, academia or civil society with minds of their own are unconstructive, boring or follow somebody else ’s agenda. Small to medium businessmen are patronised, and executives higher up the scale are increasingly disenchanted with what they see as curbs on free commerce (Bangkok Post, May 14, 2003: 12).

“It is as though we are tenants in the house owned by the prime minister and his Thai Rak Thai party”. People should count their blessings as everything had been done for them. What was expected from the “tenants” in return was that they refrain from criticizing the government or its policies (The Nation, May 14, 2003: 6 A).

Now the Thai people are being treated as a mass to be pampered, entertained and yet surreptitiously disciplined. Violence has been used to solve the growing drug problem and now has been turned on underworld figures. The principle of participatory politics has given way to the “leader is always right” mentality. It was not long ago that Thailand was lauded as one of the most dynamic emerging democracies, on top of the list of the developing world’s progressive countries. But now a façade of pseudo-democracy has reared its ugly head. The PM’s threat to rid the country of dark influences raises the spectre of another round of extra-judicial killings.

The drug crackdown is a good example. The government has declared it a great success, saying the availability of amphetamines in the market has declined by up to 95 per cent. The authorities report a total of 2,275 deaths during the campaign, most of them officially attributed to drug dealers killing each other in a bid to protect themselves from prosecution. Only about 50 of the dead were reported to have been killed by police shooting in self defence (The Nation, May 18, 2003: 6 A).

Thaksin ’s campaign against “influential people” in mid-May is a follow-up to the violent and controversial war on drugs. Social critic Sulak Sivaraksa accused the

government of moving towards thought control to facilitate the implementation of controversial policies (The Nation, May 21, 2003:1). Also NGOs leaders like Pipop Thongchai and Suriyasai Ktasila voiced concern that the government 's campaign against influential people could easily be abused, with possible targets including business and political enemies of politicians in power. The crackdown, for example, could immensely increase the ruling party's grip in rural areas, where there's a thin line between being a political canvasser and an "influential figure". Police have divided " influential figures" into 4 categories with a detailed classification of 15 groups according to the nature of their activities.

Hina Jilani, a UN special envoy on Human Rights wrapped up a 10-day visit to Thailand during which she held talks with prime minister, senior cabinet members as well as human-rights activists, environmental groups and villagers in Songkla and Chiang Mai provinces. A climate of fear was created by public statements against NGOs, by blatant state attempts to cut off their foreign funding and by the use of the state security apparatus and judicial process to harass human-rights defenders through false or unjust prosecution. She referred in part to a security advisory from the prime minister that suggested the Foreign Ministry should try to stop foreign funding of NGOs in Thailand (The Nation, May 28, 2003: 1 and 4 A)

. She singled out legal action taken against protestors of the Thai-Malaysia as pipeline project after the police last year used force to stop them from demonstrating in Songkla 's Hat Yai District. Protestors and police were injured in the incident. State security forces used excessive force to stop people using their freedom of protest. She was also deeply concerned about the intimidation of NGOs and journalists by the Anti-Money Laundering Office, which was secretly assigned to scrutinize their finances. She cited a published statement by a Senate Committee charged with investigating the activities of NGOs and human-rights defenders. In the statement, the committee detailed the money each NGO received from foreign sources. It named human-rights activists and implied they received foreign money to campaign against the government. Human-rights activists are working in an atmosphere of fear, particularly those campaigning against government-supported projects.

The global human rights monitor's 2003 annual report of Amnesty International comes on the heels of UN human rights envoy Hina Jilani 's statement that human rights organizations in Thailand faced harassment and intimidation. According to the report, holding prisoners of conscience and capital punishment were also seen in Thailand last year. The report also cited the Thai government 's moves to crack down on the media, including foreign publications, and official investigations into the financial activities of journalists critical of the government (The Nation, May 30, 2003: 4 A).

In a special update on selected violations from January to April 2003, the report mentioned the Thaksin administration 's war on drugs, which it said had resulted in a "de facto shoot-to-kill policy". Overcrowding of prisons and the shackling of death row prisoners continued, although the Corrections Department had taken steps to reform the prison system. Among the rights violations in Thailand listed in the report were the rape of three Karenni refugees by Thai

soldiers last March; the arrest of 26 farmers and land-rights activists in Lamphun, some of whom were charged with more than 40 offences.

## **6. Future Trend of New Social Movement in Thailand: Constitutional Reform and the Formation of Green Party**

When the 1997 Constitution set the template for the Thai political system, it was hoped that the “People’s Constitution” would bring about a new era of Thai politics with growing civic participation. Unfortunately, something ‘new’ taking shape. It is a revolutionary form of control and brainwashing by the powers-that-be. This time the mastermind does not wear a military uniform or use guns, and on the surface there seems to be nothing wrong. But, something is seriously wrong in Thai society. Thailand has changed a great deal in the past 29 months, especially regarding the political sphere that used to be a part of the purview of all concerned: civil society organizations, the media, rural communities and academics. To have a healthy democratic country, all must play a balanced and appropriate role; none should have a monopoly of contributing to the progress of the country.

Rangsan Thanapornpan, a leading economist from Thammasat University, urged that Thailand needed a new round of Constitutional drafting to abolish criteria within the existing charter that allow for an overly strong government and prime minister. The 1997 Constitution contains weak points that will eventually pave the way for Prime Minister to assume absolute political power.

“He is not the first among equals, but the supreme commander of the cabinet. The present constitution placed too many restrictions on those who wished to qualify as politicians or establish political parties. Only big parties that have branches in the provinces were recognized. The constitution promoted the growth of political parties through a process in which a new party was set up and expanded by buying politicians from, and merging with, other parties. The constitution had failed to achieve any of its three major objectives: to protect and guarantee people’s rights, achieve political stability, and create a fair political environment” (The Nation, May 19, 2003: 1).

Although the constitution enshrined many basic rights for Thai citizens, the people had yet to exercise those rights. The constitution did not provide a timeline for implementing the organic laws needed to support the basic rights it recognizes. These rights include community rights: the “right to know” (the passage of an Official Information Act) and freedom of expression (the passage of Public Participation Act).

Somkiat Pongpaibul, an academic from Rajabhaht Institute, Nakhon Ratchasima, has proposed to establish a Green Party as an alternative to fight for the poor and the less fortunate in society. It is a refreshing and welcome idea because Thai politics are often staged by a few parties with the same old faces, who shift alliances with the wind. The idea is interesting and worth keeping track of to see whether it can provide an alternative and a new forum for the poor.

However, it seems a strange coincidence when Thaksin remarked obliquely two days later about the role of NGOs and politicians who received monetary support from overseas. Thaksin said that foreign donors would like to see their money benefit the poor and those who suffer, but some Thai NGOs abuse their trust by using



the money to make themselves important and perhaps run for a Senate seat in the future. Those NGOs will be soon out of work, because when the country develops there will be no more poor people, the environment will be protected and the weak will not be taken advantage of. Then there will be no reason for foreign donors to continue funding NGOs activities.

The NGOs movement has suffered a lot under this administration and has hardly been able to mount any meaningful challenges after the government dealt harshly with the Pak Moon protesters in front of the Government House and the protesters against the Thai-Malaysian pipeline project in the South.

Meanwhile, various democratic movements airing a political opinion have been painted by the government camp as playing a political game, trying to court publicity so as to enter politics formally at a future date.

It is regrettable that this government does not tolerate any political discussion, even by the media. Even the opposition party, the Democrat Party, which has a duty to monitor the government, cannot escape broadsides from government lackeys. The role of the opposition party to provide a counter-balance to the government is being looked at by the government camp as undesirable and an obstacle to the country's development. The legitimacy claimed by those who won the most votes at the polls in Thai politics has turned to extremism, with all issues reduced to black and white.

At a time when grass-roots people's movements and other political parties are being stymied at every turn, the move to establish a Green Party is a welcome development, as it can provide an alternative forum for the poor and their NGOs allies. If such a party can stand on its own feet, it will provide a hope for other segments in society to come out and find their own voices.

Another opportunity which has been slow to galvanize so far, but which offers great prospects for the advancement of Thai society, is greater involvement of the professional community in national and community affairs. This is a call for professional bodies and organizations to become socially-oriented organizations. It has been pointed out that there is a lack of socially-oriented groups in Thailand's individualistic society working for the common good.

Professional organizations could fill this void by developing outreach programmes to help communities in various ways. Such organizations could, in effect, become NGOs. Thus, NGOs set up by branches of lawyers' association could inform disadvantaged groups of their legal rights and assist with legal problems. They could, for example, encourage people to report corruption in ways that action could be taken against the corrupt.

The need is now apparent for civil society to become more active on two fronts: outreach to communities disadvantaged by lack of resources and lack of access to information, and input into the political system. At the same time civil society should appeal cases about land tenure rights, natural resources exploitation, poverty, state oppression, forced labour, etc. to the global civil society such as United Nations Commission for Human Rights, United Nations High Commissioners for Refugees, International Labour Organization, World Food Program, World Social Forum, etc. with the hope that Thai government would more or less keep to the international rules or global enforcement since extra trade and being the leader in international arena are prime concerns of the present cabinet.

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