International Crisis Group
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A Coup Ordained? Thailand's Prospects for Stability

Asia Report N°263 | 3 December 2014

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Table of Contents

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Executive Summary

On 22 May, for the twelfth time in Thailand's history, the army seized power after months of political turbulence. This is not simply more of the same. The past decade has seen an intensifying cycle of election, protest and government downfall, whether at the hands of the courts or military, revealing deepening societal cleavages and elite rivalries, highlighting competing notions of legitimate authority. A looming royal succession, prohibited by law from being openly discussed, adds to the urgency. A failure to fix this dysfunction risks greater turmoil. The military's apparent prescription – gelding elected leaders in favour of unelected institutions – is more likely to bring conflict than cohesion, given a recent history of a newly empowered electorate. For the army, buyer's remorse is not an option, nor is open-ended autocracy; rather its legacy, and Thailand's stability, depend on its success in forging a path – thus far elusive – both respectful of majoritarian politics and in which all Thais can see their concerns acknowledged.

The coup's stage was set by yet another round of a power struggle between forces allied with former Prime Minister Thaksin Shinawatra and his opponents in the traditional establishment and urban middle class. Thaksin's sister, Yingluck Shinawatra, who won office in 2011, faced large anti-government protests from November 2013 following an ill-judged bid by her party to pass an amnesty law that would have allowed for the return to Thailand of her brother, in self-exile since 2008. The protesters, sensing the moment, wanted to bring down the government, citing "parliamentary dictatorship", runaway populism and alleged corruption. Yingluck called a general election, but it was boycotted by the main opposition, subject to disruption and invalidated by the Constitutional Court. In May, the same court forced Yingluck from office for an administrative violation. With the caretaker government hobbled but refusing to resign, the army declared martial law and seized power.

Yingluck's ouster and the coup echo earlier rounds of turmoil. Thaksin-affiliated parties have won every general election since 2001, usually in the face of staunch establishment resistance, and none but his first government has been permitted to see out their term. Thaksin showed an authoritarian bent, yet his parties win each time there is a return to the polls. Under these circumstances, the ouster of Yingluck's government seemed to many – both those for and against it – as almost inevitable. This time, the more active role of the military in government, the intensifying political divide and the impending royal succession create a tightening torque of tension that might prove difficult to roll back.

In seizing power so soon after its last intervention in 2006, and following its involvement in violently quelling 2010 street protests, the military, under General Prayuth Chan-ocha, appears determined to learn from what it sees to have been its past errors. Thus, the ruling National Council for Peace and Order (NCPO) has moved forcefully to repress dissent and looks unlikely to relinquish power any time soon, with talk of October 2015 elections now replaced with vaguer commitments. Further, the interim charter gives absolute power to the NCPO, including amnestying its members for past and future actions. It provides no role for elected representatives or means for popular political participation. The parameters it sets out for the next

constitution suggest elected authority will be heavily circumscribed, previous efforts to tamp down the influence of Thaksin and his proxies having failed.

It is far from certain that the electorate will quietly accept such a diminished status. Voters, increasingly accustomed to choosing their governments, are also ever more riven across geographical, to some extent class, and quasi-ideological lines. These interlocking and fundamental challenges concern the relationship between Bangkok and its peripheries; persistent income inequality; and the reality that the country's leaders – caught in a clash between those for whom the popular ballot is paramount and those for whom majoritarianism masks its own form of tyranny – find dogmatism easier to come by than statesmanship.

After months of political turmoil, the economy is sluggish. In spite of its proclaimed anti-populism, the military has found no alternative to extensive public spending. The decade-old separatist insurgency in the Malay-Muslim-majority southern provinces grinds on. The NCPO insists it will pursue dialogue with militant leaders, but its refusal to countenance any form of special administration for the region calls into question the rationale for talks.

Absent a change of course, the NCPO's suspension of civil liberties, media censorship and measures to remove the power of elected officials appear to foreclose any possibility of achieving its stated aim of establishing democracy. Thailand's biggest need is for a national dialogue to forge consensus on its future political direction; to settle on a shared notion of democracy; and to ensure that the majoritarian will can be respected in the form of a fully empowered executive and legislature, while protecting the interests of all.

Stronger institutions for representation and accountability are the best hope for more responsive and resilient government. Without them, individuals and groups are cast back upon opaque patron-client relations to secure their interests. The independent agencies must be impartial and the independence of the judiciary upheld. There needs to be consideration as to whether greater decentralisation could accommodate regional differences and reduce the stakes of controlling national government. Until state power answers to elected authority, stability and democracy will be elusive. This requires, in part, that elected authorities observe limits on power that ensure transparency and protect the rights of political minorities; addressing corruption, a significant challenge, will require concerted measures within that democratic framework.

Like the 1991 and 2006 coups, that of 2014 did not provoke an immediate violent backlash. Many welcomed the army's intervention to restore order, stamp out corruption and "move the country forward". But both earlier coups eventually resulted in deadly confrontations between troops and protesters. The current build-up of pressures suggests that past may prove to be prologue.

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I. Introduction

Since 2005, with the beginning of popular protests against then-Prime Minister Thaksin Shinawatra, Thailand has experienced a wrenching, and sometimes violent, contest over how politics should be organised.[1] On 22 May 2014, the military ousted a pro-Thaksin caretaker government. The coup followed a seven-month campaign of anti-government protests during which at least 28 people were killed and 827 injured.[2]

The protests and coup may be seen as another episode in a recurring political struggle. The pattern of recent Thai politics is that Thaksin-aligned parties win general elections (2001, 2005, 2006, 2007, 2011, 2014) and form governments (2001, 2005, 2008, 2011), which are opposed by popular protests (2005-2006, 2008, 2013-2014) and, eventually, ejected by the courts (2008) or army (2006, 2014). Protesters demanding new elections (2009, 2010) oppose the ensuing governments and are suppressed by the army. Meanwhile, the insurgency in the Malay-Muslim-majority southern provinces has cost roughly 6,000 lives.[3]

This report examines factors leading to the 22 May coup and implications of military rule. It draws on research and interviews conducted in Bangkok, the North and North East since early 2013. Thailand is polarised after nine years of discord. Political views have become, for many, akin to expressions of faith. Important players, including Thaksin Shinawatra and military regime ministers, could not be reached or did not consent to interviews. Since imposition of martial law and after the coup, when hundreds of political actors were detained and released on condition of ceasing political activity, some sources have been unwilling to speak openly.

[1] See Crisis Group Asia Report N°192, *Bridging Thailand's Deep Divide*, 5 July 2010 and Crisis Group Asia Briefings N°80, *Thailand: Political Turmoil and the Southern Insurgency*, 28 August 2008; N°82, *Thailand: Calming the Political Turmoil*, 22 September 2008; and N°121, *Thailand: The Calm Before Another Storm?*, 11 April 2011.

[2] Between 30 November 2013 and 15 May 2014. A bystander wounded on 1 February died on 25 September 2014. Statistics compiled by the Erawan Emergency Center, available at www.ems.bangkok.go.th.

[3] Previous Crisis Group reporting on Thailand's southern insurgency includes Asia Reports N°241, *Thailand: The Evolving Conflict in the South*, 11 December 2012; N°181, *Southern Thailand: Moving Towards Political Solutions?*, 8 December 2009; N°170, *Recruiting Militants in Southern Thailand*, 22 June 2009; N°140, *Southern Thailand: The Problem with Paramilitaries*, 23 October 2007; N°129, *Southern Thailand: The Impact of the Coup*, 15 March 2007; N°105, *Thailand's Emergency Decree: No Solution*, 18 November 2005; N°98, *Southern Thailand: Insurgency, Not Jihad*, 18 May 2005; and Asia Briefing N°113, *Stalemate in Southern Thailand*, 3 November 2010.

II. Thailand in Turmoil

A. *Power and Legitimacy*

Thailand's crisis arises from two overlapping conflicts. One is a conventional power struggle, pitting Thaksin, his family and his allies against traditional elites associated with the palace, military, bureaucracy and, in the electoral arena, the Democrat Party (DP). The other is an older conflict between two sources of political legitimacy: popular sovereignty and traditional hierarchy.[4] This problem has roots in the end of the absolute monarchy in 1932; the coup that ended absolute monarchy introduced the idea of popular sovereignty, but there was no break with absolutism.[5] Instead, power shifted to the bureaucracy, including the military, which only grudgingly accommodated social demands for political participation. Popularly elected prime ministers governed for roughly twenty of the last 82 years. Thailand's nineteen attempted and successful coups and same number of constitutions attest to unresolved tensions between appointed and elected authority.[6]

These struggles manifest a deep-rooted conflict over how power should be acquired and exercised.[7] The contemporary conflicts over power and legitimacy are linked but not congruent. Oligarchic elites on both sides demonstrate illiberal tendencies, seek expansive powers and heed the logic of a patronage-based patrimonial order.[8] These elites also enlist support from society. The corresponding social movements are often portrayed as reflecting class cleavages, with a regional dimension: mostly rural poor Red Shirts from the North and North East support Thaksin while wealthier urban middle-class Yellow Shirts from Bangkok and the South oppose him. This portrayal does not reflect diversity and tensions within both sides.

The establishment upholds a pre-democratic order embodied in the slogan "Nation-Religion-Monarchy", which has served as the basis of national ideology.[9] Old-guard elites have long distinguished between "politics", a pejorative term, and

[4] Jaran Ditapichai, Pheu Thai Party adviser and leader of the United Front for Democracy Against Dictatorship (UDD), said, "Thais are still debating the most basic principle of democracy: sovereignty of the people". Crisis Group interview, Bangkok, 8 February 2013. See Chai-anan Samudavanija, *The Thai Young Turks* (Singapore, 1982), p. 67; Michael H. Nelson, "Some Observations on Democracy in Thailand", Southeast Asia Research Centre, City University of Hong Kong, Working Paper Series, no. 125 (February 2012), pp. 7, 29-30; Björn Dressel, "When Notions of Legitimacy Conflict: The Case of Thailand", *Politics & Policy*, vol. 38, no. 3 (2010), p. 463.

[5] Benedict R. O'G. Anderson, "Studies of the Thai State: The State of Thai Studies", Eliezer B. Ayal (ed.), *The Study of Thailand* (Athens, Ohio 1978), p. 225.

[6] Nelson, op. cit., p. 26; Kasian Tejapira, quoted in Chanchai Chaisukkosol, "A New Social Contract: The Way Out for Thailand's Political Transformation Crisis", Friedrich Ebert Stiftung, Bangkok, 2012, p. 12.

[7] อภิชาต สถิตนิรามัย, ยุกติ มุกดาวิจิตร, นิติ ภวัครพันธ์, "ทบทวนภูมิทัศน์การเมืองไทย", คณะเศรษฐศาสตร์มหาวิทยาลัยธรรมศาสตร์, พฤษภาคม 2556 [Apichat Satitniramai, Yukti Mukdawijitra and Niti Pawakapan, "Re-examining the Political Landscape of Thailand", Faculty of Economics, Thammasat University, May 2013], p. 115.

[8] Michael K. Connors, "Liberalism, Authoritarianism and the Politics of Decisionism in Thailand", *The Pacific Review*, vol. 22, no. 3 (July 2009), p. 356; Veerayooth Kanchoochat, "Coalition Politics and Reform Dynamics in Thailand", GRIPS Discussion Paper, 13-26 (February 2014), p. 6.

[9] "Nation-Religion-Monarchy" is represented in the tricolour national flag, inscribed on government buildings and symbolised by the flags, Buddha images and portraits of the king that decorate classrooms and official daises. Eiji Murashima, "The Origin of Modern Official State Ideology in Thailand", *Journal of Southeast Asian Studies*, vol. 19, no. 1 (March 1988), p. 93; Chris Baker and Pasuk Phongpaichit, *A History of Thailand* (3rd ed.) (Cambridge, 2014), p. 106.

"administration", the work of bureaucrats (literally, "the king's servants").[10] This discourse underpins "Thai-style democracy", the notion that Western liberal democracy is not appropriate and Thais prefer virtuous, paternalistic rulers.[11] The hierarchical order has endured by assimilating, or removing, rising contestants.[12] Since the 1950s, social and economic change generated popular demands for greater political participation. The establishment preserved its prerogatives by accommodating these demands while keeping control of nascent democratic institutions. This created a system based on "graduated liberalism; palace veto and privileges; [and] military corporate rights".[13]

The newer order draws legitimacy from popular sovereignty, embodied in elections and institutions such as parliament and political parties. Thailand's experience with electoral politics has been halting. Only in 1975 did a government party lose a general election. In the 1980s and 1990s, political parties tended to be ephemeral, based on personalities rather than ideology, without mass membership or organisation. Political factions, often based on business or kinship ties, served as vehicles for access to the patronage resources available in the cabinet.[14] Ministerial posts were allocated according to the number of parliamentary seats, providing incentives for corruption and factionalism, resulting in unstable coalitions. From 1979 to 2001, Thailand had 25 governing coalitions and 43 cabinet reshuffles; scandals brought down all four coalitions between 1988 and 1997.[15]

The military and bureaucracy favoured guided democracy: "[a] minimally active legislature over an active and potent one, appointments over elections, and centralization over decentralization of power".[16] A compromised political system offered advantages to the old order as provincial politicians were required to share power with technocrats and other elite allies.[17] The semi-democracy of General Prem Tinuslanond's premiership (1980-1988) was an elite compromise between the establishment and rising extra-bureaucratic forces, including politicians and an urban middle class.[18] Under Prem, the appointed Senate and prime minister dominated the House, the only elected body.

[10] Chai-anan, op. cit., pp. 7-8.
[11] Kevin Hewison and Kengkij Kitrianglarp, "'Thai-Style Democracy': The Royalist Struggle for Thailand's Politics", in Søren Ivarsson & Lotte Isager (eds.), *Saying the Unsayable: Monarchy and Democracy in Thailand* (Copenhagen, 2010), pp. 179-202; Duncan McCargo, *Tearing Apart the Land: Islam and Legitimacy in Southern Thailand* (Ithaca and London, 2008), pp. 15-16.
[12] James N. Mosel, "Thai Administrative Behavior", in William J. Siffin (ed.), *Toward the Comparative Study of Public Administration* (Bloomington, IL, 1957), p. 311; Pasuk Phongpaichit and Chris Baker, *Thailand: Economy and Politics* (2nd ed.) (Oxford, 2002), p. 321.
[13] Michael K. Connors, "Thailand – Four Elections and a Coup", *Australian Journal of International Affairs*, vol. 62, no. 4 (2008), p. 479.
[14] James Ockey, "Political Parties, Factions, and Corruption in Thailand", *Modern Asian Studies* 28, no. 2 (1994), p. 255.
[15] Malcolm Falkus, "Income Inequality and Uncertain Democracy in Thailand: The Thai Case", *Economic Review*, vol. 48, no. 2 (1997), p. 132; Richard F. Doner, *The Politics of Uneven Development: Thailand's Economic Growth in Comparative Perspective* (Cambridge, 2009), p. 123.
[16] Sukhumbhand Paribatra, "State and Society in Thailand: How Fragile the Democracy?" *Asian Survey*, vol. 33, no. 9 (1993), p. 886.
[17] Duncan McCargo, "Alternative Meanings of Political Reform in Contemporary Thailand", *The Copenhagen Journal of Asian Studies*, vol. 13 (1998), p. 19.
[18] Jumbala Prudhisan, *Nation-Building and Democratization in Thailand: A Political History* (Bangkok, 1992), p. 90.

Following Prem's tenure, the first popularly elected prime minister in twelve years fell to an army coup in 1991, justified on the grounds of eradicating corruption. When the coup leader sought to become prime minister, pro-democracy protesters opposed him. In "Black May" of 1992, army troops opened fire on the protesters, killing 52.

The trauma of Black May, the malady of money politics and the shock of the 1997 Asian financial crisis afforded an opportunity for political reform, resulting in the 1997 constitution. A lengthy document, it reflected elite determination to broaden, but also manage, popular political participation and foster a stable representative system.

B. *Contours of Conflict*

Thaksin came to office in 2001, and would be the only prime minister under the 1997 constitution. Combining old-style politicking with modern public relations, Thaksin transformed politics by delivering social-welfare policies that earned him enduring loyalty from upcountry voters who discovered the potential power of the ballot box. He sold a novel vision in which villagers were no longer grateful recipients of Bangkok's benevolence, but potential entrepreneurs, capable of bettering their lot. Unbeatable at the polls, Thaksin subverted constitutional checks and balances, co-opted watchdog agencies, intimidated critical media and presided over state violence and human rights abuses, most evident in the 2003 "war on drugs" and in the Deep South. He once described democracy as "just a tool, not our goal", and referred critics to his electoral mandate.[19] His ambition and popularity undermined the establishment's prerogatives, while his populism and alleged corruption alarmed the urban middle class.[20]

The establishment fought back. The People's Alliance for Democracy (PAD), led by media magnate Sondhi Limthongkul, spearheaded massive protests against the "Thaksin regime", calling for power to be returned to the king.[21] Critics decried Thaksin's alleged corruption, exemplified by the tax-free sale of the telecommunications company he founded to Singapore's Temasek in January 2006. Thaksin's opponents accused him of disloyalty to the monarchy. Members of the royalist establishment believed that he was insufficiently deferential. In 2005, Privy Council President Prem explained to the U.S. ambassador that, "Thaksin needed to learn that he was the manager of the shop, not the owner".[22]

The DP boycotted an April 2006 general election that was later annulled by the Constitutional Court. The army ousted Thaksin in September 2006 and oversaw drafting of the 2007 constitution, which conferred greater power on the Constitutional Court and watchdog agencies known as "independent organisations".[23] To-

[19] "PM's declaration: 'Democracy is not my goal'", *The Nation*, 11 December 2003.
[20] Crisis Group Briefing, *Thailand: Political Turmoil and Southern Insurgency*, op. cit., p. 2; Pasuk Phongpaichit and Chris Baker, *Thaksin* (2nd ed.) (Chiang Mai, 2009), pp. 359-360.
[21] Crisis Group Report, *Bridging Thailand's Deep Divide*, op. cit., pp. 12-13. The protesters wore yellow shirts, the colour associated with King Bhumibol's birthday (a practice initiated by Thaksin).
[22] "Prem on Thaksin", U.S. embassy Bangkok cable, 6 July 2006, as made available by WikiLeaks; see also "Thaksinization of Thailand – impressions after three months", U.S. embassy Bangkok cable, 29 March 2005, as made available by WikiLeaks.
[23] These are: Election Commission (EC); State Audit Commission; National Anti-Corruption Agency (NACC); Office of the Ombudsman; and National Human Rights Commission.

gether with a half-appointed Senate, they were designed to act as a check on elected authority.[24]

Bucking custom, Thaksin refused to go quietly. The 2006 coup makers failed to eradicate his popularity. At the first opportunity, in December 2007, voters handed power to Thaksin's proxy, the People's Power Party (PPP). When the PPP attempted to amend the constitution, the PAD returned to the streets, occupying Government House and eventually closing down Bangkok's airports. The Constitutional Court forced two PPP prime ministers from office and dissolved the party in December 2008 for electoral fraud.[25]

The army helped fill the vacuum. Generals Prawit Wongsuwan, a former army chief; Anupong Paochinda, army chief; and Prayuth Chan-ocha, army chief of staff, reportedly brokered defection of a faction from Thaksin's party, allowing DP leader Abhisit Vejjajiva to form a coalition and become prime minister.[26] All three generals belong to an army faction known as Burapha Payak, or Eastern Tigers, linked by service in the 2nd Infantry Division (Queen's Guard), and its 21st Infantry Regiment (see Section V.A below).[27] Prawit became defence minister in the new government, and Prayuth succeeded Anupong as army chief in 2010.

The Red Shirts coalesced in 2007, uniting pro-Thaksin politicians and opponents of the military's draft constitution, which was narrowly approved in a referendum in August that year.[28] The United Front for Democracy Against Dictatorship (UDD) formed as the main national Red Shirt organisation. In 2009-2010, Red Shirts protested against the Abhisit government in Bangkok, demanding dissolution

[24] The 2007 constitution reduced the number of Constitutional Court judges from fifteen to nine, and sanctioned the right of individuals to submit petitions. The court retained its power to dissolve a political party if a single one of its executives was found guilty of electoral fraud. Andrew Harding and Peter Leyland, *The Constitutional System of Thailand: A Contextual Analysis* (Oxford, 2011), pp. 164, 166.

[25] Crisis Group Briefing, *Calming the Political Turmoil*, op. cit., p. 4. Wasan Soypisudh, Constitutional Court president from October 2011 to August 2013, acknowledged that the December 2008 decision to dissolve the PPP was expedient, aimed at ending the political turmoil. "วสันต์สร้อยพิสุทธิ์คำต่อคำศาลรัฐธรรมนูญพลาด!", *มติชน*,16 มีนาคม 2556 ["Wasan Soypisudh, Word for word: Constitutional Court blundered!", *Matichon*, 16 March 2013]; "Charter court chief focuses on balance", *The Nation*, 16 March 2013.

[26] Paul Chambers, "In the Shadow of the Soldier's Boot: Assessing Civil-Military Relations in Thailand", in Marc Askew (ed.), *Legitimacy Crisis in Thailand* (Chiang Mai, 2010), pp. 218-221. The breakaway faction formed the Bhumjaithai Party, under the de facto leadership of Newin Chidchob. Chartthaipattana Party leader Chumpol Silpa-archa later complained that his party had been forced into the coalition by a power that could not be refused. ""ชุมพล" ฉุน "อภิสิทธิ์" ระบุหากไม่โดนบังคับก็ไม่ร่วมรัฐบาล", Mass Communications Organisation of Thailand (MCOT), 9 มิถุนายน 2554 ["'Chumpol' angry with 'Abhisit', would not have joined gov't if not forced", MCOT, 9 June 2011].

[27] Factionalism in the armed forces is traditionally structured by family and political connections, unit loyalties and academy graduating class. James Ockey, "Thailand's 'Professional Soldiers' and Coup-Making: The Coup of 2006", *Crossroads: An Interdisciplinary Journal of Southeast Asian Studies*, vol. 19, no. 1 (2007), p. 106; "Coup calculations in Thailand", *Asia Times Online*, 17 January 2014; Paul Chambers, "A Short History of Military Influence in Thailand", in Paul Chambers (ed.), *Knights of the Realm: Thailand's Military and Police, Then and Now* (Bangkok, 2013), p. 325; พินิจ พินธุสาส์น, *บูรพาพยัคฆ์ ทหารเสือแห่งราชินี 21st Infantry Regiment Queen's Guard* (กรุงเทพฯ, 2553) [Pinij Pinthusan, *Burapha Payak: The Queen's Tiger Soldiers: 21st Infantry Regiment Queen's Guard* (Bangkok, 2010)].

[28] Crisis Group interview, Sombat Boonngamanong, leader, Red Sunday group, Bangkok, 5 November 2013.

of parliament and a general election.[29] They railed against the Constitutional Court and independent agencies, which they saw as tools of unaccountable elites, employing double standards to eject elected governments. The army quelled both protests. Suppression in 2010 was particularly violent, costing more than 90 lives, due in part to the presence of armed elements among the protesters and use of "live-fire zones" by the army.[30]

C. *Troubled State*

Sweeping economic and social transformation over the past 25 years has compounded Thailand's political pathologies. Profound changes in the economy lifted the country to middle-income status. Greater prosperity, new patterns of employment and access to education and information fostered political awareness and new aspirations among many citizens.[31] This has placed greater stress on a conflicted political order that has been unable to resolve social discord.

Thailand has seen a dramatic decrease in absolute poverty and tremendous per capita gross domestic product (GDP) growth over the last quarter century, but inequality, though it has declined slightly, remains high.[32] A 2012 study found that 0.1 per cent of the population owns 46.5 per cent of national assets, assessed on overall value.[33]

The regional dimension of inequality has shaped the political conflict. Thaksin's support is concentrated in the North and North East (Isan), while the anti-Thaksin movement and DP are strong in the South and Bangkok.[34] The North and North East are growing fast, but are home to most of those living in, or near, poverty. In 2011,

[29] The 2010 UDD protests began in mid-March after the Supreme Court ordered seizure of 46 billion baht ($1.4 billion) of Thaksin's assets.

[30] Gunmen, known as "men in black", first appeared on 10 April 2010, attacking soldiers deployed against Red Shirt protesters. Crisis Group Report, *Bridging Thailand's Deep Divide*, op. cit., pp. 3-6; 15-17; "Descent into Chaos: Thailand's 2010 Red Shirt Protests and the Government Crackdown", Human Rights Watch, May 2011; *เหตุการณ์และผลกระทบจากการสลายการชุมนุม เมษา-พฤษภา 2553*, ศูนย์ข้อมูลประชาชน [*Truth for Justice: The April-May 2010 Crackdown*, People's Information Center (Bangkok, 2012)].

[31] Apichat, Yukti, and Niti, "Re-examining the Political Landscape of Thailand", op. cit., p. 40; Kevin Hewison, "Class, Inequality, and Politics," in Michael J. Montesano, Pavin Chachavalpongpun and Aekapol Chongvilaiwan (eds.), *Bangkok, May 2010: Perspectives on a Divided Thailand* (Singapore 2012), p. 145; Chris Baker, "Elemental Political Conflict", *East Asia Forum Quarterly*, vol. 3, no. 4 (October-December 2011), p. 9.

[32] Thailand's Gini coefficient, a common measure of inequality, using household consumption expenditure, improved slightly over the past twenty years. The coefficient measured by household income has tended to worsen. Pasuk Phongpaichit & Pornthep Benyaapikul, *Locked in the Middle Income Trap: Thailand's Economy Between Resilience and Future Challenges*, Friederich Ebert Stiftung, March 2012, p. 12. Thailand's Gini Index averaged 39.4 per cent between 2003-2012. *Human Development Report 2014*, "Table 3: Inequality-adjusted Human Development Index", United Nations Development Programme, http://hdr.undp.org/en/content/table-3-inequality-adjusted-human-development-index.

[33] Study by the National Economics and Social Development Board. "Richest 0.1% own half of nation's assets", *The Nation*, 23 September 2014.

[34] The nineteen provinces of the North East, known as Isan, contain about one-third of Thailand's population of 68 million. Isan people have a language (Lao) and identity distinct from that of the dominant Central Thais. There is likewise a distinct Northern or Lanna identity. See Patrick Jory, "Political Decentralisation and the Resurgence of Regional Identities in Thailand", *Australian Journal of Social Issues*, vol. 34, no. 4 (November 1999), pp. 337-352; Charles F. Keyes, *Finding Their Voice: Northeastern Villagers and the Thai State* (Chiang Mai, 2014).

average incomes in these two regions were roughly 40 per cent of those in Bangkok.[35] The capital dominates Thai society, economy and politics. Its residents receive the bulk of government spending and, unlike their upcountry compatriots, have the right to elect their governor.[36] The state apparatus remains highly centralised, a legacy of late-nineteenth century administrative reforms.

After decades of impressive export-driven growth, Thailand faces a middle-income trap; the orientation toward exports and low-wage labour impedes development of technological capacity and higher productivity. Thailand needs better educated and skilled workers. In spite of spending almost 6 per cent of GDP on education, Thai students rank near the bottom in South East Asia in educational attainment. According to the World Economic Forum Global Competitiveness Report 2014-2015, Thailand ranked 87th in the world, well behind Laos (60th), its landlocked, socialist neighbour. In a recent survey to measure the information-technology skills of eighth-graders Thailand placed thirteenth out of fourteen countries, and Thai students rank lowest in the region for English-language proficiency.[37]

Thais tend to regard corruption as a serious problem, even as many take a fatalistic view.[38] The country ranks 102 out of 177 countries in the Corruption Perception Index, with a score of 35 out of 100 (zero being highly corrupt).[39] In another index, Thailand ranks near the bottom for diversion of public funds and wastefulness of government spending (108 and 115 out of 144, respectively). Between 1999 and 2007, Thailand's "shadow economy", defined as "market-based legal production of goods and services that are deliberately concealed from public authorities", was estimated at roughly half of GDP. Thailand ranks in the top ten countries for illicit financial flows (funds illegally earned, used or transferred), with an annual average of $14.88 billion between 2002-2011.[40]

Cronyism, clientelism and patronage are recognised as widespread, irrespective of party affiliation or branch of the public sector. Notions of public interest and accountability are, according to some, underdeveloped in Thai society, and officials often prioritise self-interest, relations with superiors and fidelity to their agency before service to the public.[41] Corruption persists in spite of a formidable counter-corruption apparatus and exhaustive regulations.

[35] Paul Carsten and Pairat Temphairojana, "Thailand's boom: To the northeast, the spoils", Reuters, 15 June 2013; Kevin Hewison, "Considerations on Inequality and Politics in Thailand", *Democratization*, vol. 21, no. 5 (2014), p. 4.

[36] In 2010, Bangkok accounted for 72 per cent of public expenditures, but only 17 per cent of the population and 26 per cent of GDP. The North East, with 34 per cent of the population, accounted for 11 per cent of GDP and 6 per cent of public spending. "Thailand Public Finance Management Review Report", World Bank, 10 March 2012, p. 7.

[37] "Lao children are better educated than Thai kids", *The Nation*, 11 September 2014; "Thai students close to bottom of 14-country IT skills ranking", *The Nation*, 22 November 2014; "Thailand ranks at bottom of English skills survey in ASEAN", National News Bureau of Thailand, 16 October 2014.

[38] "Corruption remains Thailand's most vulnerable factor", MCOT, 6 September 2012; "65% 'okay with corruption' if they gain", *Bangkok Post*, 6 July 2013.

[39] "Thailand", Transparency International (www.transparency.org/country#THA).

[40] Klaus Schawb, "The Global Competitiveness Report 2014-2015", World Economic Forum, p. 361; Friedrich Schneider, *The Shadow Economy and Work in the Shadow: What Do We (Not) Know?*, Institute for the Study of Labor (IZA), Discussion Paper no. 6423 (March 2012), pp. 6, 61-64; "Illicit Financial Flows from Developing Countries: 2002-2011", Global Financial Integrity, 2013.

[41] Juree Vichit-Vadakan, "Public Ethics and Corruption in Thailand" in Evan M. Berman (ed.), *Public Administration in Southeast Asia: Thailand, Philippines, Malaysia, Hong Kong, and Macao* (Boca Raton, 2011), pp. 84-85.

Thailand faces many challenges in attempting to develop a more responsive and representative political system. Most are not amenable to short-term fixes, such as the weakness of associations across class and geography that can help articulate broad, national interests.[42] Reform of political institutions and accountability to the public are essential to future peace and stability. Unprecedented popular activism attests to a broad appetite for reform. But technical remedies to Thailand's governance problems will not succeed without a prior consensus that citizens can productively participate in national political life.

Recent elected governments, harnessed to a narrow agenda and unable to command the state, have failed to address critical problems. The establishment's veto over elected authority, illustrated in the 2014 coup, does nothing to resolve the conflict over legitimacy. The approaching end of King Bhumibol's reign, cornerstone of establishment legitimacy, places further strain on the old guard and complicates its adjustment to a changing society.

[42] Aaron Stern, "The Limitations of Democratization in Thailand through the Lens of the 2006 Military Coup", *Taiwan Journal of Democracy*, vol. 3, no. 1 (2007), p. 138; Rick Doner, "Political economy of Thai political pathologies", New Mandala blog (http://asiapacific.anu.edu.au/newmandala), 6 July 2014.

III. Path to the Coup

A. *Revival of Anti-Thaksin Coalition*

The pro-Thaksin Pheu Thai Party (PTP) won the July 2011 general election, the fifth straight victory for a pro-Thaksin party and another setback for the architects of the 2006 coup and 2007 constitution.[43] An alleged arrangement between Thaksin and the establishment permitted the elected government to remain in office, so long as the PTP demonstrated deference to the monarchy and refrained from interfering with the military.[44]

DP politicians argued that the PTP governed in a high-handed manner, ignoring the opposition's rights in parliament and treating its electoral mandate as an excuse to disregard procedural regulations.[45] By mid-2012, DP leaders, frustrated with the party's impotence in the lower house, decided on a new course of extra-parliamentary pressure.[46] Throughout 2012 and 2013, disparate anti-Thaksin groups attempted to reorganise, but without recapturing their earlier numbers and zeal. In August 2013, DP representatives met several times with leaders of the PAD and an offshoot called "People's Army to Overthrow the Thaksin Regime" to discuss possible cooperation against Yingluck.[47] By the end of September, a reconstituted anti-Thaksin coalition had committed to a street campaign. The moment to launch this fight soon presented itself.

Lawmakers had been drafting several amnesty bills, which the DP opposed as a bid to "whitewash" Thaksin's misdeeds.[48] On 1 November, the House passed a sweeping amnesty bill, extending to all cases related to political conflicts from 2004 to 8 August 2013.[49] This would have included Thaksin's 2008 conviction for abuse of power as well as murder charges facing former Prime Minister Abhisit and his

[43] The PTP gained an absolute majority, winning 265 of 500 seats. The DP won 159 seats. The PTP won 15.8 million votes on the party list, an increase of around 25 per cent on the 2007 result.

[44] Crisis Group interviews, Red Shirt leaders, Bangkok, November 2013; "The deal behind Thailand's polls", *Asia Times Online*, 30 June 2011; Kevin Hewison, "Avoiding Conflict: Thailand after the Red Shirt Uprising", *Political Insight*, vol. 3, no. 3 (2012); James Ockey, "Broken Power: The Thai Military in the Aftermath of the 2006 Coup", in Pavin Chachavalpongpun (ed.), *"Good Coup" Gone Bad: Thailand's Political Development Since Thaksin's Downfall* (Singapore, 2014), p. 68.

[45] Crisis Group interview, Thaworn Senneam, PDRC leader and former DP deputy leader, Bangkok, 3 March 2014.

[46] In May 2012, the DP and PAD joined forces to block parliamentary debate on reconciliation bills, with a few thousand PAD supporters surrounding parliament to prevent lawmakers from entering. On 30 and 31 May, DP members of parliament (MPs) disrupted a procedural vote on when to start deliberation of the bills. On 30 May, DP MPs threw sheaves of paper and books at House Speaker Somsak Kiatsuranon and tried to remove him from his chair. Police moved in to protect him. During a break after the initial fracas, DP MP Rangsima Rodrassamee attempted to remove the speaker's chair, prompting a tussle with female PTP MPs. "MPs brawl in unity bill chaos", *Bangkok Post*, 31 May 2012.

[47] "'กองทัพประชาชนโค่นระบอบทักษิณ'เปิดตัวท้ารบอำนาจ'แม้ว'", เว็บไซต์*แนวหน้า*, 1 มิถุนายน 2556 ["People's Army to Overthrow the Thaksin Regime begins fight against Maew (Thaksin)", *Naew Na* (online), 1 June 2013]; "Democrats, PAD join forces to fight 'Thaksin regime'", *The Nation*, 17 August 2013.

[48] "Democrats distributing anti-amnesty books", *The Nation*, 7 June 2012.

[49] On 18 October, a panel vetting draft amnesty legislation voted in support of a proposal to revise an amnesty bill. Worachai Hema, a PTP MP and Red Shirt leader, proposed the original bill, which excluded leaders from amnesty. PTP MP Prayuth Siripanich proposed the revisions. The 35-member committee was dominated by governing coalition MPs. The House passed the draft amnesty bill after a nineteen-hour debate on 1 November. DP MPs walked out.

former deputy, Suthep Thaugsuban, for ordering the crackdown on Red Shirt protests in 2010.[50] Military officers involved in the 2010 operations would also have been covered, though as yet they faced no indictments. The bill excluded lèse-majesté cases.

The reaction was fury across the political spectrum.[51] The DP was energised, vindicated in its warnings that the PTP would attempt to "sneak through" amnesty for Thaksin. Amnesty provided the anti-Thaksin coalition with an issue that would galvanise a popular movement. The DP sponsored protests against the amnesty bill, beginning on 31 October with rallies near party headquarters. The protesters adopted the whistle and colours of the national flag as their symbols. Protests swelled through the first week of November.

On 6 November, the government relented, withdrawing support for the bill and six other amnesty bills still with the Lower House. Yingluck vowed not to reintroduce the legislation after the senate rejected it.[52]

Rumours ascribed the PTP's amnesty gambit to a secret agreement with the military and palace elements to settle outstanding issues in the interest of a smooth royal succession. In this scenario, amnesty, for Thaksin and military officers involved in the 2010 crackdown, was to be the cornerstone of an elite compromise.[53] As a government adviser put it, "Thaksin saw what he thought was a golden opportunity and he took it".[54]

Many protesters tacked with the DP when the aim shifted from opposing the amnesty bill to ousting the government.[55] The People's Democratic Reform Committee (PDRC), founded on 29 November 2013, channelled anti-amnesty sentiment into protests aimed at ousting Yingluck.[56] Suthep, one of nine DP politicians who resigned

[50] In late October, the attorney general charged Abhisit and Suthep with "causing others to commit murders with foreseeable results by having the Centre for the Resolution of Emergency Situation [a provisional security command established under the April 2010 Emergency Decree] issue crackdown orders". "Attorney general orders indictment against Abhisit, Suthep", *The Nation*, 28 October 2013; "2010 unrest murder trial: Abhisit released on bail", *Khaosod English*, 12 December 2013. In August 2014, the criminal court dismissed the charges, saying it lacked jurisdiction.

[51] Tida Thawornset, president of the UDD, said, "The UDD [does] not agree with blanket amnesty. From a careful assessment of the co-leaders and the outlook of the people, especially Red Shirts, even though they love Thaksin, they also do not agree". "Mrs Tida's interview on the revised amnesty bill", Thai Red Shirts (www.thairedshirts.org), 31 October 2013.

[52] "Groups escalate push to oust government", *Bangkok Post*, 10 November 2013.

[53] An audio clip purportedly of a taped telephone conversation between Thaksin and Deputy Prime Minister General Yuthasak Sasiprapha, leaked in July 2013, appeared to reveal plans to compensate General Prayuth for not objecting to an amnesty for Thaksin. "Coup calculations in Thailand", *Asia Times Online*, 17 January 2014; Steve Finch, "Thailand's War of Attrition", *Foreign Policy*, 21 November 2013; "Rethinking the consensus on the Thai crisis", *Nikkei Asian Review*, 21 November 2013.

[54] Crisis Group interview, Tanet Charoenmuang, adviser to the education ministry, Bangkok, 5 November 2013.

[55] Surveys of the anti-government protesters showed that they were wealthier and more highly educated than the average citizen. They also attracted many who had not previously participated in political rallies. *Profile of the Protestors: A Survey of Pro and Anti-Government Demonstrators in Bangkok on November 30, 2013*, The Asia Foundation, December 2013. Of those surveyed in mid-January 2014, 65 per cent had not attended a political rally prior to October 2013. *Profile of the 'Bangkok Shutdown' Protestors: A Survey of Anti-Government PDRC Demonstrators in Bangkok*, The Asia Foundation, January 2014, p. 9. The study surveyed 350 respondents, 50 each at seven rally sites, on 13-14 January. Margin of error is approximately 10 per cent.

[56] First named the Civil Movement for Democracy, the group soon changed its preferred English-language name to "PDRC". The *Khaosod English* editorial team decided to abbreviate the name as

from the party in order to lead the protests, became the PDRC secretary general. A politician from the Upper South province of Surat Thani, Suthep rose to the post of DP secretary general and deputy prime minister under Abhisit. He transformed himself from a consummate political insider into "Kamnan [Chief] Suthep", a folksy anti-corruption crusader and champion of reform. The transformation was all the more remarkable given allegations of corruption that tainted his long political career.[57]

The PDRC and allied groups maintained that the "Thaksin regime" could not be opposed within the debased political order.[58] Their slogan was "reform before election". According to the PDRC, extra-constitutional and illegal means to bring down the PTP government were justified because it had no legitimacy. First, the government's vaunted mandate derived from an electoral system corrupted by vote buying and populist policies. Secondly, the corrupt manner in which the PTP governed negated any legitimacy an election may have conferred.[59]

Protest leaders also attacked the government for corruption and the failure of its populist policies, exemplified by the rice-pledging scheme.[60] The PTP plan was poorly conceived and implemented, and was carried out in the face of persistent warnings of its catastrophic consequences. By June 2014, it had resulted in losses to state coffers of 320 billion baht ($9.9 billion).[61] Government critics alleged vast corruption, allegations amplified from PDRC protest stages for months. The National Anti-Corruption Commission (NACC) brought corruption charges against fifteen people, including the former commerce minister, Boonsong Teriyapirom, and the former deputy commerce minister, Poom Sarapol, but has had difficulty substantiating its case.[62] Thaksin opponents equated the PTP's social spending with vote buying, a moral hazard that risked creating a "culture of beggars".[63]

"PCAD", reflecting a literal translation of the full name: "People's Committee for Absolute Democracy with the King as Head of State". "Khaosod English's note on name translation of anti-govt leadership", *Khaosod English*, 24 December 2013.

[57] "New Thai cabinet appointed, faces criticism", U.S. embassy Bangkok cable, 22 December 2008, as made public by Wikileaks; "Son of the elite who's still got an axe to grind", *South China Morning Post*, 1 December 2013; "Kamnan Suthep explains life on the run", *Bangkok Post*, 29 January 2014.

[58] Crisis Group interviews, Kraisak Choonhavan, former senator and former DP deputy leader, Bangkok, 13 December 2013; Suthep Thaugsuban and other PDRC leaders, Bangkok, 18 December 2013; Thavorn Senneam, PDRC leader and former DP MP, Bangkok, 6 March 2014.

[59] Seri Wongmontha, PDRC activist, remarks at PDRC briefing, attended by Crisis Group, Bangkok, 18 December 2013. "There is inequality between urban and rural people, so [their] priorities are different. This creates opportunities for Thaksin to use populist policies, spending tax money with no accountability". Crisis Group interview, member, Business Club for Democracy, Bangkok, 21 December 2013.

[60] The government purchased rice at above-market prices, partly with the aim of driving up prices by withholding exports. This plan failed as other producers filled the gap, while domestic production increased. Peter Warr, "Thailand's rice subsidy scheme rotting away", *East Asia Forum*, 17 March 2014.

[61] "Thailand rice scheme losses $9.9 billion and rising: state bank", Reuters, 17 September 2014. Somkiat Tangkitvanich, "How to live with irresponsible economics", *Bangkok Post*, 8 May 2013. The author is president of the Thailand Development Research Institute, a non-government policy think-tank.

[62] "Thailand's Rice Scheme Post-Mortem", *The Diplomat*, 24 July 2014. In June 2014, a court in Chaiyaphum Province convicted a rice miller for corruption amounting to 11 million baht ($346,000). He was sentenced to twenty years in prison. Nine farmers who participated in the miller's scheme were fined and given suspended six-month sentences. "Court rice graft ruling glitter of hope",

Among the gravest PTP sins, according to its critics, was its rejection of the Constitutional Court's jurisdiction after it ruled on 20 November that an amendment to establish a fully elected senate was unconstitutional. The PTP said the court's ruling contravened the Constitution.[64] In rejecting the court, its critics argued, the PTP – and therefore the government – had surrendered its legitimacy.

Even as Suthep disparaged the electorate as a source of legitimacy for Yingluck, he claimed the support of the "great mass of the people" to justify his demands. He called for an appointed People's Assembly of 400 people, with 300 selected along functional lines and 100 nominated by the PDRC, to formulate and implement reforms for up to two years, in advance of a general election.

B. *Engineering a Political Vacuum*

PDRC leaders offered tendentious readings of two constitutional provisions to argue that replacing an elected government with an appointed assembly, without consulting voters, was consistent with the constitution.[65] The chief obstacle was Yingluck's refusal to resign. Recourse to extraordinary constitutional interpretations required a power vacuum. A pro-PDRC legal scholar explained:

> If the government quits and does not carry out its role as "caretaker", we will be left with a political vacuum. We are therefore pushing political sentiment in this direction so that sovereignty is returned to the people.[66]

A prolonged campaign of street protests kept pressure on the government, illustrating its impotence and feeding a narrative of democratic dysfunction. Many observers believed the PDRC sought to provoke a violent government response as a pretext for military intervention or to scupper the election.[67] Suthep explained: "We need to break the law a little bit to achieve our goals".[68]

Bangkok Post, 10 June 2014; "Yingluck to be probed, ex-ministers charged on rice scheme", *Bangkok Post*, 16 January 2014.

[63] "Protesting against Thailand's Big Brother", Al Jazeera, 3 December 2013; Crisis Group interview, Thaworn Senneam, PDRC leader and former DP deputy leader, Bangkok, 3 March 2014.

[64] A group of PTP lawmakers filed a complaint with the Department of Special Investigation, alleging sedition on the part of the five judges who ruled against the amendment. "Pheu Thai issues statement to denounce Constitutional Court's ruling", *The Nation*, 21 November 2013.

[65] Article 3 states that sovereignty belongs to the people. Article 7 states somewhat unhelpfully: "Whenever no provision under this Constitution is applicable to any case, it shall be decided in accordance with the constitutional convention in the democratic regime of government with the King as Head of State". Constitution of the Kingdom of Thailand, 2007 (www.asianlii.org/th/legis/const/2007/1.html); "'สุเทพ'แถลง! ขอนายกฯตามม.7 บริหารประเทศ", *ไทยรัฐ*, 3 ธันวาคม 2556 ["'Suthep' declares! Give [us] a prime minister under Article 7 to govern the country", *Thai Rath*, 3 December 2013]. In April 2006, the king described the appeal for an appointed prime minister as "undemocratic" and "irrational". The PDRC was not deterred. According to a PDRC supporter: "The situation is different now. The government is even more illegitimate [than Thaksin's in 2006]. There is a real political vacuum, so Article 7 is justified". Crisis Group interview, former DP parliamentarian, 8 March 2014; "HM the King's April 26 speeches (unofficial translation)", *The Nation*, 26 April 2006.

[66] Banjerd Singkaneti, dean, Faculty of Law, National Institute of Development Administration, quoted in "Article 7 'can work'", *The Nation*, 6 December 2013.

[67] Crisis Group interview, political scientist, Bangkok, December 2013; "Shutdown 'aims to involve Army'", *The Nation*, 9 January 2014.

[68] "At least one killed as Thai anti-government protests turn violent", Reuters, 30 November 2013.

On 25 November, in the first of a long series of "final battles" announced by Suthep, protesters occupied the finance ministry.[69] Over the following weeks, protesters broke into the grounds of army headquarters and tried to breach barricades in front of the Metropolitan Police Headquarters and Government House, resulting in clashes with police.

On 9 December, which Suthep advertised as "D-day", as huge numbers turned out to demonstrate, Yingluck dissolved parliament and called a general election. The next day, she declared, "I cannot retreat any further".[70] Yingluck maintained that she was adhering to the constitution by "returning sovereignty to the people" through the ballot box. The Election Commission (EC), caught between PDRC demands and its duty to organise the elections, sought to delay the polls.[71] DP leader Abhisit maintained that elections would be meaningless without first reaching a compromise on political reform.[72] On 21 December, the DP announced it would boycott the election. PDRC leaders vowed to prevent the polls.[73]

The PDRC and allied groups set up semi-permanent rally sites at Democracy Monument and Lumpini Park. The PDRC appeared to receive generous financial support from wealthy backers, who sustained the rallies with stages, light-and-sound systems, first-aid stations, food and portable toilets, at an estimated cost of between 2-5 million baht ($60,000-150,000) per day. After the coup, Suthep revealed that the total cost of the protests was 1.4 billion baht ($43 million).[74]

On 27 December, with protester numbers falling, Suthep announced plans to shut down Bangkok after the New Year. Beginning on 5 January, he led a series of marches, culminating on 13 January with the "shutdown"; protesters closed seven major roads or intersections and blockaded Government House and the interior ministry. The shutdown dragged on until 2 March, when remaining full-time protesters and guards relocated to Lumpini Park.[75] From there, Suthep led periodic for-

[69] According to a PDRC supporter, occupation of the ministry was "an inside job", carried out with support of ministry officials. Crisis Group interview, Bangkok, 13 December 2013.

[70] "อุ๋ม 'ปู' ลาออก 'นายกฯรักษาการ' ขัด รธน.", *เดลินิวส์*, 9 ธันวาคม 2557 ["Forcing 'Pu' [Yingluck] to resign as caretaker PM [would be] unconstitutional", *Daily News*, 9 December 2013].

[71] The EC requested that the Constitutional Court decide if the EC had authority to postpone the poll. In late January, the court referred the matter back to the commission and government, in effect denying the former authorisation to delay.

[72] Describing the attitude of some in the party, a DP member said, "[The PTP] drag[s] us to hell at each election. We won't be a part of it". Crisis Group interview, Bangkok, 13 December 2013; "Democrat leader proposes reconsideration of Feb 2 election", MCOT, 20 December 2013. The DP last won a general election in September 1992, with 79 of 360 seats.

[73] "PDRC: Election delay pointless", *Bangkok Post*, 12 January 2014. On 26 December, two people were killed and 154 injured as protesters attacked Bangkok's candidate registration venue. On 26 January, the day of advance voting, hundreds of anti-government protesters blocked polling stations in Bangkok and many southern provinces. Voters scuffled with protesters as they attempted to enter polling stations. In Bangkok, a gunman killed protest leader Suthin Tharathin, who was organising the blockade of a polling station. At least eight other people were injured in the incident.

[74] "PDRC denies business link as war chest hits B50m", *Bangkok Post*, 8 January 2014; "Suthep in talks with Prayuth 'since 2010'", *Bangkok Post*, 23 June 2014; "Firms funding PDRC rallies under scrutiny, DSI chief says", *The Nation*, 28 January 2014.

[75] Complaints from businesses in Bangkok, some alleged to have funded the PDRC, appear to have contributed to the decision to end the shutdown. As the largest property owner in Bangkok, the Crown Property Bureau, which manages the monarchy's assets, suffered during the "shutdown", and reportedly pressured the PDRC to end the protest and move to Lumpini Park. Crisis Group in-

ays into the city, where supporters lined the streets to contribute money to the cause. Each night, Suthep and dozens of other activists gave speeches damning the "evil Thaksin regime" and promising victory.

The PDRC protests ebbed and flowed through greater Bangkok, punctuated by episodes of violence perpetrated both by and against its partisans. Pinprick attacks and minor skirmishes erupted at protest encampments, especially at night, as assailants harassed protest guards. Police posts were also attacked with rudimentary explosive devices and small arms. Such incidents became routine.[76] By 26 December, seven people had been killed and 400 injured. Casualties spiked in January and February, when a series of grenade attacks targeted PDRC rallies and marches, killing eight and wounding many dozens.[77] Government opponents complained about the lack of arrests in these and other cases.[78]

Protest guards, many from the DP stronghold of the Upper South, developed a reputation for violence, with reports of assaults and alleged murders proliferating from January through May.[79] Police arrested several armed active-duty servicemen at or near protest sites; some appeared to have been assigned to protect the protesters.[80]

On 1 February, the day before the general election, a gun battle erupted in Laksi, in northern Bangkok, after Red Shirts moved to break a PDRC blockade of ballot papers stored at the district office. One gunman shooting at the Red Shirts concealed his assault rifle in a green-and-yellow corn-seed bag, giving rise to the term "popcorn gunman", a figure soon glorified by the PDRC.[81]

terview, security consultant, Bangkok, 10 March 2014. The PDRC abandoned Lumpini Park on 11 May and relocated to Ratchadamnoen Avenue.

[76] In the early hours of 11 January, seven people were injured in a shooting near a PDRC rally site on Ratchadamnoen Avenue. On 24-25 February, there were three hours of fighting at Lumpini Park and Rama IV Road and reports of some twenty explosions. "Shooting at Khok Wua injures seven", *Bangkok Post*, 11 January 2014; "Clashes break out between PDRC guards, unknown group late Tuesday night", *The Nation*, 26 February 2014.

[77] On 17 January, a grenade exploded among PDRC marchers in Pathumwan, Bangkok, killing one person and wounding 35. Two days later, an assailant lobbed two grenades at the Victory Monument rally, wounding 29. On 29 January, a grenade fired at Lat Phrao in Bangkok injured one protester. In the eastern province of Trat on 22 February, gunmen fired grenades and rifle rounds at an anti-government protest, killing four people, including two young children, and wounding more than 30. On 23 February, a 40mm grenade exploded at the Ratchaprasong rally site, killing three, including two young children, and wounding 21.

[78] Crisis Group interview, Abhisit Vejjajiva, DP leader, Bangkok, 8 March 2014.

[79] "Mall employee allegedly beaten, robbed by protesters", *Khaosod English*, 28 January 2014; "Man thrown in river by 'protest guards'", *Bangkok Post*, 4 March 2014; "PDRC leader accused of 'kill order'", *Bangkok Post*, 6 March 2014; "Political link to body in Chao Phraya", *Bangkok Post*, 13 March 2014; "Soldiers shot, wounded by NSPRT", *Bangkok Post*, 6 April 2014; "PCAD guards beat up Redshirt over traffic complaints", *Khaosod English*, 16 May 2014.

[80] On 15 January, police arrested three Navy petty officers at a PDRC site. Rear Admiral Vinai Klomint, commander of the Naval Special Warfare Command, reportedly interceded with police, stating that the three men were undercover investigating drug cases. "Three navy officers arrested with arms", *Bangkok Post*, 16 January 2014; "Two soldiers arrested near Lumpini" *Bangkok Post*, 10 March 2014.

[81] Suthep taunted UDD leaders, urging them to come to a PDRC rally for some popcorn. He said, "I don't know these popcorn vendors but I really love them". "Suthep warns red-shirt leaders of 'popcorn vendors'", *The Nation*, 20 February 2014. A suspect believed to be the "popcorn gunman" told police that the PDRC gave him the assault rifle and paid him 300 baht ($10) per day to act as a guard. "PDRC 'gave rifle to popcorn shooter'", *Bangkok Post*, 21 March 2014.

On election day, 488 of 6,246 polling stations in Bangkok were closed. There was no voting in 28 constituencies in nine southern provinces. This meant that only 94 per cent of seats could be filled, short of the 95 per cent quorum.[82]

As the anti-government protests flagged, and the military refused to intervene decisively, PTP's enemies turned to the judiciary and independent agencies.[83] A series of rulings served to protect protesters and cripple the government. On 12 February, the Constitutional Court dismissed a PTP complaint that the PDRC violated the constitution by attempting to acquire power through unconstitutional means. The judges ruled that the protesters may have violated criminal laws, but they had protested within their rights.[84] One week later, the Civil Court stripped the government of most emergency powers under the 2005 Emergency Decree, which it invoked on 21 January, including powers to stop traffic, seal off protest sites and dismantle barricades.[85] This gave protesters greater legal protection than the police.

On 21 March, the Constitutional Court invalidated the 2 February general election, reasoning that it was not held in all constituencies on the same day. The decision did not mention the actions of anti-government protesters that prevented the election from taking place on the same day throughout the country.[86]

The Constitutional Court ruled on 7 May that Yingluck had abused power in the 2011 transfer of a senior security official that had allowed her former brother-in-law to become national police chief.[87] She and nine cabinet members were removed from office. The political vacuum desired by government opponents was at hand.

[82] Turnout was 45 per cent; it was 75 per cent in 2011. The percentage of "no votes", or ballots in which no preference is recorded, rose from 2.7 per cent to 16.4 per cent. The PDRC and DP explained this relatively low turnout as a rejection of "election before reform". Equally, there was almost no campaigning, and potential voters may have been dissuaded from going to the polls by fear of violence or social sanction. Comment by Tim Meisburger posted on 10 February 2014 in Chris Baker, "Thai election by the numbers", New Mandala blog (http://asiapacific.anu. edu.au/new mandala), 7 February 2014. Damaged ballots accounted for a record 11 per cent of the total. "All roads lead to charter court over poll legitimacy", *Bangkok Post*, 6 February 2014.

[83] A PDRC activist said, "Yingluck won't resign, but the legal process of the independent agencies will finally take her down". Crisis Group interview, Bangkok, February 2014.

[84] "Pheu Thai case against Suthep thrown out", *The Nation*, 13 February 2014.

[85] This ruling cited the Constitutional Court's judgment that the protests were constitutional. "Court strips govt of various emergency powers", *Khaosod English*, 19 February 2014.

[86] Office of the Constitutional Court, press release, 21 March 2014.

[87] On 7 March 2014, the Supreme Administrative Court ruled that the transfer of Thawil Pliensri from his post as director of the National Security Council (NSC) was improper and that he must be reinstated. On 17 March, the Senate forwarded a petition from 27 senators to consider the status of the caretaker government in view of that decision. Thawil, a critic of the PTP government who spoke several times from PDRC stages, returned to the NSC post on 29 April.

IV. Military in Control

A. *Seizing Power*

At 3am on 20 May 2014, army commander General Prayuth Chan-ocha announced that martial law was in effect throughout the kingdom. He stated that the intervention was not a coup, and that the public should not be alarmed. After the removal of Yingluck's cabinet, a rump caretaker government led by the PTP had remained in office and pressed for a fresh election to end the impasse. The caretaker government apparently did not receive advance notice of the army's declaration of martial law.[88]

During his tenure as army chief, beginning in 2010, and during the months of anti-government protests, General Prayuth repeatedly said that the army was neutral and a coup would solve nothing. Prayuth later equivocated, saying that the door to a coup was neither open nor shut. In early April, Prayuth said: "If we come out this time, we definitely won't go back [to the barracks]".[89]

On 21 May, General Prayuth summoned the leaders of the PDRC, DP, UDD, PTP and senior bureaucrats, ostensibly to reach a compromise. At a second session on 22 May, according to eyewitnesses, Prayuth asked the caretaker justice minister if the cabinet would resign to allow formation of an appointed government. The minister said they would not. Prayuth replied that further discussion was pointless. He then said, "I'm sorry, but I must seize power". Some of the assembled leaders thought he was joking.[90]

The regime suspended the constitution, except for provisions on the monarchy. Four days after seizing power, the coup makers' National Council for Peace and Order (NCPO) staged a ceremony to acknowledge King Bhumibol Adulyadej's official endorsement to govern. No member of the royal family was present.

General Prayuth's justifications for seizing power echoed those of earlier coup makers.[91] In his first televised announcement after the coup, Prayuth said the intervention was necessary to prevent imminent bloodshed. He promised that the military government would reform politics, the economy and society.[92] On 6 June, Prayuth said: "The three main pillars of democracy – the executive, legislative, and judiciary branches – were being destroyed. Therefore, we had to protect them".[93]

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[88] Crisis Group interview, adviser to the Yingluck government, Bangkok, May 2014.

[89] "'กำนัน'สั่งเผด็จศึกไม่ชนะไม่กลับ มติ'กปปส.'ลุยโค่นระบอบทักษิณ", *แนวหน้า*, 5 เมษายน 2557 ["'Kamnan' orders fight to the finish, victory or bust, PDRC resolution to overthrow Thaksin regime", *Naew Na*, 5 April 2014]. "Red shirt power makes generals wary of mounting a coup", *Bangkok Post*, 14 June 2012; "Prayuth slams coup talk, army plays down tank moves", *Bangkok Post*, 6 August 2013; "ผบ.ทบ.ยันทหารไม่ปฏิวัติ", *ฐานเศรษฐกิจ*, 8 ธันวาคม 2556 ["Army chief affirms no coup", *Thansethikit*, 8 December 2013]; "Showdown looming", *The Nation*, 11 May 2014; "Coup possible if situation demands it, Prayuth says", *Bangkok Post*, 28 December 2013.

[90] Crisis Group interviews, Colonel Weerachon Sukhondhadhpatipak, NCPO spokesman, Bangkok, 15 September 2014; PDRC adviser, Bangkok, 18 September 2014. "เผยเบื้องหลังระทึกยึดอำนาจ!! แยกกลุ่มคุมตัว 'ปชป.-พท.' รวมกัน 'วีระกานต์-บิ๊กตู่' ปะทะคารมเดือด", *มติชน*, 23 พฤษภาคม 2557 ["Behind the scenes of the power seizure!! UDD-PTP split up and taken into custody, Veerakarn-Big Tu in angry dispute", *Matichon*, 23 May 2014].

[91] "Text: Thai coup-leaders' statements", BBC (online), 19 September 2006.

[92] "'ประยุทธ์-เหล่าทัพ'แถลง'ควบคุมอำนาจรัฐ'", *คมชัดลึก*, 22 พฤษภาคม 2557 ["Prayuth-armed forces, announce [their] control of state power", *Khom Chad Leuk*, 22 May 2014].

[93] "Political Situation in Thailand: Unofficial translation, National Broadcast by General Prayut Chan-o-cha, Head of the National Council for Peace and Order, 6 June 2014", available at www.mfa.go.th.

Until the formation of an interim government in September, the six-member NCPO headed by General Prayuth held complete administrative authority.[94] The NCPO advisory council, announced on 28 May, is chaired by Prayuth's mentor, retired General Prawit Wongsuwan.[95]

B. *Imposing Peace and Order*

The NCPO made security its first task, in accord with its primary justification for the coup. In practice, this has mostly been a matter of quashing dissent. The NCPO cites "abnormal times" to justify a state of exception. The military's purported aim is to defend "public morality" and "national security" from "distorted" information that could lead to "further conflict or divisions".[96]

From the day of the coup, the NCPO restricted civil and political rights, including a prohibition on political assembly. Censorship began immediately, with suspension of all radio and television broadcasts and soldiers deployed to newsrooms. Upcountry, soldiers shut down hundreds of community radio stations and confiscated broadcasting equipment. On 29 May, the military government prohibited the dissemination of information "which might be threatening to the national security", "criticism of the operations of the [NCPO] or its officials", and "[i]nformation and news which might cause confusion or provoke further conflict or divisions within the Kingdom". Violators face criminal charges.[97]

The NCPO moved swiftly to deter anti-coup activism, summoning hundreds of people to report for interviews and detention. The military summoned those deemed most likely to criticise or agitate against military rule, including PTP politicians, Red Shirts, academics and journalists.[98] Some anti-Thaksin activists were also detained immediately after the coup.[99] Many of the detained academics and activists had campaigned for reform of the lèse-majesté law and were interrogated about their

[94] NCPO Announcement No. 6/2557 listed the Council's members: General Prayuth Chan-ocha as head, with the chief of the armed forces, three service chiefs, deputy army commander, and national police chief as deputies. NCPO Announcements and Orders are available at http://library2.parliament.go.th/giventake/ncpo.html.

[95] Among other members of the board are retired Generals Anupong Paochinda and Dapong Ratanasuwan. Somkid Jatusripitak, finance minister in Thaksin's first government, is adviser on economics and foreign affairs. ML Pridiyathorn Devakula, former head of the central bank, is a deputy chair of the advisory board. Visanu Kreu-ngam, who served as a deputy prime minister under Thaksin, is adviser on legal affairs.

[96] NCPO Announcements No. 14/2557 and No. 18/2557. For a discussion of indeterminate concepts such as "public morality" and "national security", see David Streckfuss, *Truth on Trial in Thailand: Defamation, Treason, and Lèse-majesté* (Abingdon, 2011), pp. 113-136.

[97] NCPO Announcements No. 7/2557 and No. 8/2557; "Thai junta sets up panels to crack down on critical news reports", Reuters, 26 June 2014. A news director at state-run NBT television lost her job the same day she ran an item to which the NCPO objected. "NBT's news director removed for airing anti-coup news", Thai PBS (online), 15 June 2014.

[98] "We looked for the sources of infection, or root causes, and who were the stakeholders. … [We detained] those who had contributed to the conflict". Crisis Group interview, Colonel Weerachon Sukhondhadhpatipak, NCPO spokesman, Bangkok, 15 September 2014.

[99] Core leaders of the PDRC and allied protest groups were detained for seven days. A former DP parliamentarian, Tankhun Jittisara, was detained for two days after criticising the coup on social media. Under the 1914 Martial Law Act, authorities may detain people for up to seven days without charge.

views on the monarchy.[100] Release is contingent on signing a document affirming that the detainee was not mistreated and will cease political activity.[101] Most of those released from detention reported being well treated, but some have alleged that they were tortured.[102]

From 23 May to 7 November, the military summoned for detention at least 630 people and arrested 291. Red Shirts or PTP members accounted for 65 per cent of those summoned. Those affiliated with the PDRC and DP made up 8 per cent of the total. The 172 academics, journalists, radio DJs and activists detained accounted for 27 per cent.[103]

According to an NCPO spokesman, those summoned were "accommodated" by the military, afforded time to "cool off" after years of conflict. Officers encouraged detainees to "put the country's interest before their own".[104] A senior police officer explained the purpose of detaining coup opponents was to effect an "attitude adjustment".[105] On 25 May, the NCPO placed national security and lèse-majesté offences under authority of military courts, where representation is limited and there is no right of appeal.[106]

Outside of Bangkok, security forces detained many Red Shirts, often without prior notification. On 23 May, troops arrested twenty alleged Red Shirt militants and seized weapons and explosives in the North Eastern city of Khon Kaen. With six other alleged cell members, they were indicted on terrorism charges in August. All of the suspects maintain their innocence.[107] Other operations turned up numerous

[100] Crisis Group email correspondence, academic questioned by army officers, August 2014; "An account of reporting oneself", *Prachatai*, 3 June 2014; "Letter from Suthachai Yimprasert on reporting to the military", *Prachatai*, 4 June 2014; "Detained academic describes military interrogation", *Khaosod English*, 6 June 2014; "Outspoken Chula academic Pitch Pongsawat unofficially summoned by military", *Prachatai*, 4 July 2014.

[101] See Annex of Announcement 39/2557. Failing to report as ordered risks a jail term of two years and a fine of 40,000 baht ($1,250).

[102] Army officers treated high-profile detainees, including protest leaders and politicians, with courtesy, even deference. Some were blindfolded in transit to military camps. Crisis Group interviews, former detainees, Bangkok, July-September 2014. The army detained Red Shirt activist Kritsuda Khunasen for 27 days without charge. After her release on 24 June, Kritsuda fled Thailand and accused the army of torturing her. The army denies the accusation. On 9 August, the Criminal Court issued a warrant for Kritsuda on the charge of possession of "war weapons". The police later said it had not established a link between Kritsuda and illicit weapons. "Red-shirt activist Kritsuda Khunasen released", *Prachatai*, 24 June 2014; "Arrest warrant for Ms Kritsuda", Thai PBS (online), 9 August 2014; "Kritsuda's link to 'blackshirt' militants unclear, police say", *Khaosod English*, 15 September 2014. See also "Thailand: Regularization of torture following coup", statement, Asian Human Rights Commission, 16 October 2014.

[103] "Human Rights Situation Update, Statistics of individuals detained and arrested since 22 May 2014, 7 November 2014", compiled by Internet Dialogue on Law Reform (iLaw), an independent non-government organisation. Crisis Group email correspondence, human rights activist, 8 November 2014.

[104] Colonel Weerachon Sukhondhadhpatipak, remarks at the Foreign Correspondents' Club of Thailand, 11 June 2014.

[105] "Arrested anti-coup protesters face 'attitude adjustment'", *The Nation*, 9 June 2014.

[106] NCPO Announcement No. 37/2557. "Leaflets strewn in front of army headquarters", *Bangkok Post*, 15 August 2014. As of 7 November, at least 69 civilians were before military courts.

[107] "ทหารลุยตรวจค้นจับกุม23นปช.ซ่องสุมอาวุธสงคราม เตรียมป่วนขอนแก่น", *มติชน*, 24 พฤษภาคม 2557 ["Army raid nets 23 UDD members stockpiling war weapons preparing to sow chaos in Khon Kaen", *Matichon*, 24 May 2014]; "Thailand indicts 26 on terrorism, arms charges", Agence-France Presse,

weapons caches, many linked by the authorities to Red Shirts and exhibited as evidence of impending violence averted by the coup.[108]

A few coup opponents refused to comply with NCPO orders to report for detention, including several who fled or remained overseas. At least nine have had their passports revoked. Chaturon Chaisaeng, education minister under Yingluck, defied a summons. On 27 May, he appeared at Thailand's foreign correspondents' club and delivered a statement before soldiers arrested him. He was charged with failure to report, breaching martial law, inciting unrest and violating the Computer Crimes Act.[109]

In the days after the coup, small groups gathered in Bangkok and upcountry, to stage peaceful protests. In provincial capitals, these gatherings were shut down almost immediately.[110] In Bangkok, hundreds protested daily through the first week, resulting in a handful of arrests. On 29 May, thousands of troops and police deployed to pre-empt a planned demonstration, marking an end to the NCPO's tolerance of anti-coup gatherings.

Coup opponents responded with symbolic acts of defiance, silently reading George Orwell novels, raising a three-finger salute and handing out sandwiches. These innocuous acts resulted in arrests.[111] An army officer said of the three-finger salute: "It's about the intention behind [the gesture]. It's not a security issue, but about social divisions".[112] Addressing political dissent, General Prayuth said, "I cannot ask you to stop thinking but I urge you to refrain from doing [anything to oppose the coup] as it will cause conflict and more problems".[113]

Summary detentions, censorship and suspension of rights have caused fear among coup opponents.[114] The NCPO maintains that martial law has been applied sparingly. An army spokesman said: "We are not seeking power. One must look at the Thai people; the majority are happy. Let's say, the good people are happy".[115]

C. *NCPO Administration*

The NCPO outlined a three-phase roadmap to return to elected government. The first phase aimed to achieve national reconciliation within three months. The second phase is a period of political reform, including drafting of a new constitution, fol-

23 August 2014; "Khon Kaen model suspects deny all charges, including uprising plot", *The Nation*, 22 October 2014.

[108] Crisis Group interview, Colonel Weerachon Sukhondhadhpatipak, NCPO spokesman, Bangkok, 15 September 2014; "Thai army gets down to work on economy, stifles dissent", Reuters, 26 May 2014; "Large number of arms found in coordinated crackdowns", *The Nation*, 2 June 2104; "More arms seizures and arrests after military coup reveal political links", Thai PBS (online), 5 June 2014.

[109] "'I can't hide forever': Ousted Thai minister says he is prepared to be arrested", *Straits Times*, 27 May 2014. He was released on bail on 6 June.

[110] "Opposition to military coup in Khon Kaen", *The Isaan Record*, 25 May 2014.

[111] "Anti-junta protesters released", *Prachatai*, 23 June 2014.

[112] Colonel Weerachon Sukhondhadhpatipak, NCPO spokesman, remarks at the Foreign Correspondents' Club of Thailand, 11 June 2014. The three-finger salute, inspired by the film *The Hunger Games: Catching Fire*, represents "Liberty, Equality, Fraternity".

[113] "'Political Situation in Thailand': National Broadcast by General Prayut Chan-o-cha, Head of the National Council for Peace and Order", 27 June 2014, at www.mfa.go.th.

[114] Crisis Group interviews, Red Shirts, May, July-September 2014.

[115] Crisis Group interview, Colonel Weerachon Sukhondhadhpatipak, NCPO spokesman, Bangkok, 15 September 2014.

lowed by the final phase of a general election.[116] The next general election is contingent on progress of the prior phases. The NCPO's stated goal is, "a sustainable full-fledged democratic system".[117] In June, General Prayuth said there could be a general election in October 2015, but officials have since prevaricated, suggesting that early 2016 is more realistic.[118]

The NCPO took up the slogan, "returning happiness to the people". Its public relations campaign featured festivals in Bangkok and provincial capitals with free food, entertainment and basic services. The NCPO carried out social order campaigns to suppress criminal activity and annoyances, such as illegal parking, loan sharks, lottery-ticket price gouging and unregulated motorcycle-taxis. These efforts met with mixed results but garnered the regime some popular approval.

To "dissolve colour-coded politics", the NCPO established provincial Reconciliation Centres for Reform at each of the four regional army commands to underwrite talks between political camps. Many Red Shirts deride these efforts as a ploy to present a façade of harmony.[119]

The NCPO took firm control of the state. It purged officials deemed sympathetic to Thaksin and the PTP, beginning with police officers and provincial governors. The national police chief, director of the Department of Special Investigation and permanent secretary for defence were transferred, the latter two to inactive posts. The NCPO amended the procedure for appointing the police chief to include more military input while excluding the prime minister. It has carried out an ongoing process of reshuffling government officials, and offered assurances that the transfers are not political.[120] The military asserted control over the boards of state enterprises. Classmates, relatives and allies of NCPO officials gained important posts.[121]

Thailand's interim charter, promulgated on 22 July, sets out the form of the interim government and the process for drafting a new constitution. It provides for the NCPO to appoint a National Legislative Assembly (NLA) of no more than 220 people, and a National Reform Council (NRC) of 250, which will vote on a draft consti-

[116] After the 6 October 1976 coup, Puey Ungphakorn noted the three-stage agenda common to all Thai coups of the previous twenty years. Puey Ungphakorn, "Violence and the Coup D'état, 6 October 1976", in *A Siamese for All Seasons* (Bangkok, 2000), p. 76.

[117] Crisis Group interview, senior Thai official, Brussels, 25 June 2014; "Mission Statement and Policies of the Head of the National Council for Peace and Order (NCPO)", at dopns.mi.th/Mission/NCPO/HNCPO_Mission%20statement_EN.pdf.

[118] "Junta expects next Thai elections in October 2015", Associated Press, 27 June 2014; "Thai leader says polls could be delayed until 2016", Associated Press, 15 October 2014.

[119] Crisis Group telephone interview, Red Shirt activist, July 2014; interviews, Red Shirt leaders, Chiang Mai, September 2014. A Red Shirt leader who attended an army-sponsored reconciliation meeting with local Yellow Shirts, said he had no choice, and that the two groups did not speak to one another. "Quiet 'unity' breakfast in Udon Thani", *The Nation*, 7 June 2014; "NCPO targets red shirts, Kwanchai says", *Bangkok Post*, 13 June 2014.

[120] "Thailand's junta sidelines pro-Thaksin police, governors", Reuters, 4 June 2014.

[121] The new national police chief, Police General Somyot Pumpunmuang, is a protégé of former police chief Patcharawat Wongsuwan, the younger brother of NCPO deputy chief and deputy prime minister, General (ret.) Prawit Wongsuwan. General Thawatchai Samutsakhon, Prayuth's Armed Forces Preparatory Academy classmate, was appointed board chairman of Airport Rail Link, subsidiary of State Railway of Thailand, while another classmate, Yodyuth Boonyathikar, became board chairman of Mass Transit Authority of Thailand. Several siblings of NCPO members gained appointment to the National Legislative Assembly, including Police General Patcharawat, Admiral Sithawat Wongsuwan (another of Prawit's brothers), Air Chief Marshal Paisal Sitabutr (brother of General Udomdej), and General Preecha Chan-ocha.

tution. The NRC, NCPO, cabinet and NLA appointed a 36-member Constitution Drafting Committee (CDC) (see Section V.B below).[122]

The interim charter provides no means for popular political participation. Section 44 gives the NCPO "special powers"; any action it deems necessary in the interest of reconciliation, reform or public order is lawful. It gives the NCPO supreme authority over the interim government.[123] Visanu Kreu-ngam, a drafter of the interim constitution, said, "If the NCPO exists without such power, there could be problems that might lead to a counter-coup".[124] All NCPO orders and announcements are law irrespective of the charter. Section 48 gives the NCPO and those carrying out its orders amnesty for all past and future actions. Only seven people defied martial law to stage a five-minute demonstration in Bangkok against immunity for the coup makers on 31 July; they said they had also opposed the PTP's amnesty bill.[125]

With regard to the next constitution, the interim charter makes "Thai-style democracy" explicit; Section 35 modifies the longstanding formula "democratic system of government with the King as Head of State", appending "appropriate to Thai society". This language appears to have been inserted to underscore intent not to rely on Western norms.[126] According to Section 5, the Constitutional Court is the final arbiter of what constitutes "Thailand's administrative traditions".

Consistent with the PDRC agenda, the charter requires the next constitution to provide "efficient mechanisms" to control corruption, ensure fair elections, strengthen ethics and rule of law, and prevent populist policies from damaging the economy.[127] The charter is silent on the issue of a constitutional referendum.

The charter is anti-political. The preamble says priority will be given to fundamental principles rather than democratic procedures. No one who has held a position in a political party in the past three years may sit on the NLA. No one who has held party membership in the past three years is eligible for the CDC.

On 31 July, the king endorsed the NCPO's 197 appointed NLA members, half of whom are retired or active-duty military officers. Prayuth defended the preponderance of officers by noting "the situation [is] not normal".[128] Ten police generals and several anti-Thaksin appointed senators also made the cut. Only twelve women and four representatives of non-government organisations gained seats.[129] The NLA

[122] The NRC appointed twenty members, and the NLA, cabinet and NCPO five each. The NCPO also appointed the CDC chair.

[123] "National Broadcast by General Prayut Chan-o-cha, Head of the National Council for Peace and Order (NCPO), 11 July 2014", available at www.thaigov.go.th/en/index.php; "อาหารตามสั่งเรโทร politics", *มติชนสุดสัปดาห์*, 11 กรกฎาคม 2557 ["Made to order retro politics", *Matichon Weekend*, 11 July 2014].

[124] "Section 44 is necessary: NCPO", *Bangkok Post*, 23 July 2014. "'วิษณุ' ตอบ 'ประวิตร' เรื่องอำนาจ หน.คสช. ตาม ม.44 'จะว่าเรา Retro ก็แล้วแต่'", *ประชาไท*, 24 กรกฎาคม 2557 ["Wisanu responds to 'Pravit' on NCPO head's power under Sec. 44 'Call it "retro" if you want'", *Prachatai*, 24 July 2014].

[125] "Guy Fawkes protesters oppose amnesty for coup makers", *Prachatai*, 31 July 2014.

[126] Crisis Group interview, Bowornsak Uwanno, secretary general, King Prajadhipok's Institute, Bangkok, 16 September 2014. Bowornsak was subsequently appointed member of the NRC and CDC chairman.

[127] Section 35, Interim Constitution of the Kingdom of Thailand 2557. A Thai-language version is available at www.ratchakitcha.soc.go.th/DATA/PDF/2557/A/055/1.PDF. An unofficial English-language translation is available at http://lawdrafter.blogspot.com/2014/07/translation-of-constitution-of-kingdom.html?m=1.

[128] "Thai junta chief defends number of officers in legislature", Deutsche Presse-Agentur, 9 August 2014.

[129] The 105 military officers account for 52.5 per cent of NLA members. "NLA stirs dissent in both camps", *Bangkok Post*, 2 August 2014.

unanimously elected former Supreme Court judge Pornpetch Wichitcholchai as president of the chamber. He was the only candidate.[130]

The NLA appointed General Prayuth as prime minister on 21 August in a unanimous vote.[131] Prayuth's 32-member cabinet includes eleven active and retired military officers. General Prawit is deputy prime minister and defence minister. General Anupong is interior minister.

The NCPO operates concurrently with the interim government. Its role is to maintain security and "to create an atmosphere conducive to talking, reconciliation and harmony".[132] Prayuth insists he is acting transparently in the national interest, but the NCPO retains ultimate power, its decisions unreviewable.[133]

The regime's image was dented when it was revealed that 28 NLA members had filed a petition in the Administrative Court seeking to avoid the National Anti-Corruption Commission (NACC) directive that members declare their assets.[134] Their request was denied. The declarations showed that many career government officials and officers in the NLA have considerable assets.[135] This effort to evade transparency, and revelations of wealth, sit uncomfortably with the image of irreproachability propagated by the NCPO.

The NLA has been preoccupied with determining the scope of its authority to impeach politicians. At issue is the fate of more than 380 lawmakers aligned with PTP, who could be banned from politics if the NLA accepts NACC impeachment recommendations and finds them guilty. The NLA gave itself broad powers to impeach in late September, but sent back the NACC recommendation to impeach former house speaker Somsak Kiatsuranon and former senate speaker Nikhom Wairachpanich for their role in passing an amendment for a fully-elected senate that the Constitutional Court later struck down. The NACC resubmitted the file and on 6 November, after more than three hours of secret debate, the NLA voted 87-75 to accept the case.[136]

The NRC is responsible for devising proposals for reform of eleven sectors, including politics, local government, education and the economy, and presenting them

[130] As a member of the post-2006 coup appointed legislature, Pornpetch had proposed extending the lèse-majesté law to cover all members of the royal family, the Privy Council, and anyone appointed as a representative of the king. "Hardline royalist elected head of NLA", *Khaosod English*, 8 August 2014.

[131] The vote was 193-0. The speaker and deputy speaker did not vote, and three other members had resigned, two because they were ineligible according to the interim constitution. Prayuth appointed 28 new members to the NLA in late September, raising membership to 220. Seventeen are active or retired military officers, including commanders of the 1st Division (King's Guard) and deputy commander of the First Army Region. A brother of Deputy Prime Minister General Prawit Wongsuwan's fortune teller also gained appointment. "28 more appointed to NLA", *Bangkok Post*, 27 September 2014.

[132] Crisis Group interview, Colonel Weerachon Sukhondhadhpatipak, NCPO spokesman, Bangkok, 15 September 2014.

[133] NCPO Announcement No. 33, issued on 29 May, demands that "all courts, independent organizations and other agencies refrain from expressing opinions that might create misunderstanding, confusion or disunity such that it affects the maintenance of peace and order by officers of the NCPO".

[134] "NLA lawsuit harms PM", *Bangkok Post*, 29 September 2014.

[135] Police Chief Somyot Pumpanmuang and his wife declared net worth was 355.8 million baht ($11 million). Prayuth's brother, General Preecha Chan-ocha, declared assets of 79.82 million baht ($2.4 million). "TK NLA assets", *The Bangkok Post*, 4 October 2014.

[136] There were fifteen abstentions. Some 30 military NLA members were absent from the vote, and instead attended a Buddhist ceremony organised by the army. Some interpret this as a signal of the NCPO's intention not to participate in retribution against PTP. "Impeachment bid likely to flounder", *Bangkok Post*, 7 November 2014.

to the CDC.[137] Its members will also vote on the draft constitution. The NRC may propose amendments or revisions. If the NRC rejects the draft, the CDC and NRC members may be replaced with new members and the process restarted.

The NCPO controlled appointments to the NRC, which was gazetted on 6 October, from selecting screening committees to picking members. Allegations of nepotism and favouritism marred candidate selection.[138] The NRC is stacked with Thaksin opponents, bureaucrats, conservative academics and PDRC veterans.[139] Gothom Arya, director of Mahidol University's Center for Peace Studies, said of a leaked roster of NRC appointees: "You can't achieve reconciliation with that [list]".[140]

[137] The other sectors are: administration; law and justice; energy; public health and environment; mass media; society; and "other".

[138] A committee in each of the 77 provinces – including the governor, chair of the provincial administrative organisation, provincial chief judge, a local leader and chair of the provincial election committee – selected five nominees, of which the NCPO picked one. The NCPO selected the remaining 173 members from a pool of candidates proposed by eleven screening committees, corresponding to the eleven reform sectors. "Concern over 'fixing' of NRC candidates", *The Nation*, 23 September 2014.

[139] "NRC picks stir barrage of criticism", *Bangkok Post*, 30 September 2014; "More forums needed for other voices to discuss reforms", *The Nation*, 7 October 2014.

[140] "Leaked NRC names 'disappointing'", *The Nation*, 30 September 2014.

V. Challenges to Stability and Democracy

The NCPO has affirmed its intention to bring about lasting changes in spite of its ostensibly limited tenure. Notwithstanding its sweeping powers, some potential obstacles remain outside the military administration's control, while others may not accord with its analysis of national problems and possible solutions.

A. *The Military's Political Role*

The armed forces' current political supremacy is a reversion to an old status quo. The army dominated politics from 1947 until 1973. Since then, the military has had to accommodate civilian authority to varying degrees, but never subordinated itself to elected governments.[141] It maintains an identity as a guardian of the three pillars: Nation-Religion-Monarchy.

Many challenges to stability are not on the government's reform agenda, including the military's political role. Some Thaksin opponents privately concede that this role is anachronistic and that the military needs reform.[142] The NCPO is protected by the amnesty included in the interim charter, but it will be judged on its performance. General Paiboon Khumchaya, NCPO legal affairs adviser later appointed justice minister, said:

> [We in the] NCPO are not brilliant, we're not sorcerers who can do anything, but we have the power to solve problems. We took that power, which was illegal and undemocratic. We don't dispute that. But if we hadn't, the country couldn't move forward. … [D]emocracy had to be abandoned for a while.[143]

In contrast to coups in 1991 and 2006, the military is concentrating power in its own hands rather than recruiting technocrats to handle pressing economic issues and run the government. The NCPO is not necessarily well prepared for Thailand's economic, reconciliation and reform challenges.[144]

Reports suggest that the army is riven with factionalism, mostly between the Eastern Tigers and the King's Guard, known as Wong Thewan (Divine Lineage).[145] The army is increasingly politicised, according to some, as loyalty trumps merit in promotions. Larger academy class sizes spurred increased competition for coveted posts, eroding corporatism.[146] Prayuth selected his protégé General Udomdej Sitabutr as new army commander in September. Udomdej immediately pledged that there would be no counter-coup.[147] Upon taking command of the First Army Region, Lt. General Kampanat Ruddith of the Wong Thewan faction made the same prom-

[141] "Uniformed personnel are … the unwritten power behind the constitutional process and are able to use various intermediaries as their interlocutors". Vitit Muntarbhorn, "Deconstructing Thailand's (New) Eighteenth Constitution", *Thailand Law Journal*, vol. 12, no. 1 (Spring 2009).
[142] Crisis Group interviews, PDRC adviser, February 2014; DP official, Bangkok, February, 2014.
[143] "คลอดสเปกสภาปฏิรูป'คสช.'เลือกเอง", *โพสต์ทูเดย์*, 19 มิถุนายน 2014 ["Reform council specs, NCPO will decide", *Post Today*, 19 June 2014].
[144] Thitinam Ponsudhirak, "Generals risk hard landing without policy experts", *Bangkok Post*, 19 September 2014.
[145] Chambers, "A Short History of Military Influence", op. cit.
[146] Ockey, "Broken Power", op. cit., pp. 66, 72.
[147] "No more coups, says coup makers' heir", *Khaosod English*, 1 October 2014.

ise.[148] That such assurances were needed perhaps signals the depth of concern about a potential split in the army. On 3 October, Udomdej ordered a reshuffle of 371 officers in the 1st, 2nd, and 9th infantry divisions, units instrumental in staging coups. Officers affiliated with the Wong Thewan faction were removed from command and replaced by Eastern Tiger loyalists.[149]

The NCPO's regular deprecation of representative government and elections raises questions about its interpretation of democracy. In his weekly address on 6 June, Prayuth asked if Thailand was ready for democracy. Later he said, "I may not be 100 per cent democratic. But I want to ask if being 100 per cent democratic did anything good to the country?".[150] Many expect the NCPO to attempt to establish a form of "guided semi-democracy", such as that practiced under Prime Minister Prem.[151] A former DP MP lamented: "This idea that guided democracy is better than participatory democracy is something we have to live with".[152]

The regime faces difficulty in reconciling its proclaimed anti-populist stance with the demands of governing amid a slack economy.[153] Thaksin's critics equate "populism" with redistribution of public monies to win elections, but the military government has found spending also to be politically prudent. Among its first priorities was disbursing 92.4 billion baht ($2.8 billion) to rice farmers awaiting payment from the Yingluck government's rice-pledging scheme. In August, the NCPO revived a 2 trillion baht ($61.6 billion) infrastructure development plan that was almost identical to that proposed by Yingluck's government.[154] In October, the government approved 364 billion baht ($11.2 billion) in stimulus spending, including 40 billion baht ($1.2 billion) for rice farmers to subsidise production costs. Prayuth said it should not be called "populism" but "Thai-ism".[155]

The coup makers may form a political party, or sponsor one, to advance their interests after a return to elections.[156] Leading NCPO members, including Generals Prawit, Anupong and Prayuth and National Police Chief Somyot Pumpanmuang, are linked to Newin Chidchob, de facto leader of the Bhumjaithai Party (BJT). Reports suggest that retired officers might cooperate with BJT and another small party,

[148] "มท.ภ.1คนใหม่ ยัน เดินหน้าปรองดอง ย้ำหน้าที่ ปกป้องสถาบัน", *ไทยรัฐ*, 1 ตุลาคม 2557 ["New 1st Army Area commander to push for reconciliation, emphasise duty to protect the [royal] institution", *Thairath*, 1 October 2014].

[149] "Army reshuffle shifts control of key 'coup units'", *Bangkok Post*, 5 October 2014, and "Why the military regime needs Udomdej", *Bangkok Post*, 9 October 2014.

[150] "National Broadcast by General Prayut Chan-o-cha, Head of the National Council for Peace and Order, 6 June 2014" at www.thaigov.go.th; "I'm not a dictator, says angry Prayut", *The Nation*, 22 November 2014.

[151] Crisis Group interview, former senator, Bangkok, September 2014.

[152] Crisis Group interview, Bangkok, September 2014.

[153] The World Bank projected that the Thai economy would grow 1.5 per cent for the year. "Enhancing Competitiveness in an Uncertain World", World Bank, East Asia and Pacific Update, October 2014, p. 153.

[154] On 12 March 2014, the Constitutional Court ruled the Yingluck government's 2.2 trillion baht ($67.9 billion) loan bill for infrastructure development unconstitutional on substantive and procedural grounds.

[155] "'ประยุทธ์'อ้อน ใช้'ไทยนิยม'", *ไทยรัฐ*, 9 ตุลาคม 2014 ["'Prayuth' pleads, use 'Thai-ism'", *Thai Rath*, 9 October 2014.

[156] Crisis Group interviews, Red Shirt leader and former DP and PTP politicians, Bangkok, and senior official, Brussels, September 2014.

Chartpattana, to contest the next general election.[157] Anti-Thaksin politicians observed: "The names associated with this [prospective] party are all 'money' politicians" and "typical provincial elites".[158] Establishment of a political party with such partners would cast doubt on the coup makers' commitment of eradicating corruption. The viability of a military-backed party may in part depend on the electoral system.[159]

B. *The Twentieth Constitution*

The interim charter stipulates that the next constitution be drafted by mid-2015. Thailand's history of disposable charters illustrates that a new constitution alone will not result in a stable or equitable political system. A scholar described the political elite's fixation on constitution drafting as "a political 'disease' that paralyses and distorts Thai public life".[160] But inevitably the next constitution will provide the near-term pattern for political competition and participation.

The drafting process is potentially as problematic as its substance. Many Thais are unable to regard the military as impartial: "It's like one team put on referee jerseys and are now playing and officiating at the same time".[161] The resonance between the PDRC agenda and the NCPO's roadmap is not lost on PTP supporters. Suthep appeared to confirm the suspicions of many when, after the coup, he reportedly claimed that he and Prayuth had discussed deposing a Thaksinite government from 2010 until just before the coup.[162]

Some anti-Thaksin activists argue that, for most Thais, the process is less important than the outcome.[163] Given the regime's absolute power, they argue, it is able to accomplish what elected governments cannot. Supporters point to NCPO proposals for inheritance and land tax.[164]

Others believe that the reform process must be widened to incorporate input from political parties, civil society and the public. A DP member recommended that the DP and PTP each prepare their own reform packages, though this might generate friction between the parties and the military government.[165] Neglecting political parties risks poorly designed reform and a constitution that may lead to further tur-

[157] "ภูมิใจไทย-ชาติพัฒนาสวมบท 'นอมินี' คสช. 1", *โพสต์ทูเดย์*, 3 สิงหาคม 2557 ["Bhumjaithai-Chartpattana to act as 'nominees' of NCPO 1", *Thai Post*, 3 August 2014].

[158] Crisis Group interviews, former DP parliamentarians, Bangkok, September 2014.

[159] A PDRC activist said Prayuth would win a direct vote for prime minister, "because [he] controls drafting of the constitution". Crisis Group interview, Bangkok, September 2014.

[160] Duncan McCargo, "Alternative Meanings of Political Reform in Contemporary Thailand", *The Copenhagen Journal of Asian Studies*, vol. 13 (1998), p. 7.

[161] Crisis Group interview, business executive, Bangkok, 15 July 2014.

[162] Prayuth contradicted Suthep: "I didn't join a side. … I would never do such a thing and put the army's integrity at risk". "NCPO unveils next step to poll", *Bangkok Post*, 28 June 2014.

[163] Crisis Group interview, Pichai Rattanadilok Na Phuket, deputy dean, School of Social and Environmental Development, National Institute of Development Administration, Bangkok, 19 September 2014.

[164] Crisis Group interview, Bowornsak Uwanno, secretary general, King Prajadhipok's Institute, Bangkok, 16 September 2014. A prominent anti-coup activist said: "If they impose land and inheritance tax, I will change my mind [about the NCPO]". Crisis Group interview, Bangkok, September 2014.

[165] Crisis Group interview, Kasit Piromya, former foreign minister and DP member, Bangkok, 11 September 2014.

moil.[166] Lack of dialogue and public participation leaves the process open to criticism that it was drafted in a partisan manner, a major flaw of the 2007 constitution.[167]

Deputy Prime Minister Yongyuth Yutthawong said the interim government would permit political groups to monitor the NRC and discuss reforms. An NRC member suggested that sub-committees could conduct hearings at the provincial level.[168] An NCPO spokesman said that although mechanism for public participation had not been devised, but there would be "a second track, to input information and views into the reform process".[169] The NCPO's treatment to date of dissenting views as threats to stability is at odds with these assurances.

There is broad support for a referendum on the draft constitution.[170] This may carry little risk for the military administration; rejection would result in a new drafting process under NCPO auspices.[171] For this reason, approval in a referendum may not reflect views on the draft constitution so much as a desire to return to elected government. A Red Shirt leader said: "The next constitution may be awful, but let's have it. Let's get back to elections".[172] Although a referendum is desirable, public participation in design of the constitution is of greater importance.

The substance of the next constitution presents further dilemmas. The problem facing the coup makers and their supporters is the possibility that a Thaksin-aligned party will win the next general election.[173] The next constitution is likely to go further than the 2007 constitution in diluting the power of elected politicians and enhancing the power of appointed officials.[174] It remains to be seen if this can be accomplished without provoking the electorate.

The 36 members of the CDC were announced on 4 November. More than half are from the NRC and NLA. Five members were also on the committee that drafted the

[166] Crisis Group interview, Chaturon Chaisang, former PTP education minister, Bangkok, 12 September 2014.

[167] "The most important thing is that the constitution should not be an instrument of the victors to get rid of the losers. We had a bad experience with the 2007 constitution, when the victors became the vanquished, and vice versa". Crisis Group interview, Bowornsak Uwanno, secretary general, King Prajadhipok's Institute, Bangkok, 16 September 2014. See also Daniel Lansberg-Rodriguez and Tom Ginsburg, "Thailand Needs to Talk", *Foreign Policy*, 6 June 2014.

[168] Crisis Group interview, Bowornsak Uwanno, secretary general, King Prajadhipok's Institute, Bangkok, 16 September 2014; "Government is open to divergent views on national reform", Thai PBS, 6 October 2014.

[169] Crisis Group interview, Colonel Weerachon Sukhondhadhpatipak, NCPO spokesman, Bangkok, 15 September 2014.

[170] Crisis Group interviews, Red Shirt leader, Bangkok, September 2014; Kasit Piromya, former foreign minister and DP member, Bangkok, 11 September 2014; Bowornsak Uwanno, secretary general, King Prajadhipok's Institute, Bangkok, 16 September 2014.

[171] Crisis Group interview, Bowornsak Uwanno, secretary general, King Prajadhipok's Institute, Bangkok, 16 September 2014.

[172] Crisis Group interview, Red Shirt leader, Bangkok, September 2014.

[173] Crisis Group interviews, DP and PTP politicians, Bangkok, September 2014. Suranand Vejjajiva, prime minister's office minister under Yingluck, said: "We have always been playing by the rules written by others, and yet we win elections". Remarks at the Foreign Correspondents' Club of Thailand, 19 March 2014.

[174] "Every Friday [in his weekly address to the nation] Prayuth says, 'Don't comment! Stability and unity first!' This attitude may find expression in reform documents and the constitution". Crisis Group interview, former DP parliamentarian, Bangkok, September 2014.

2007 charter. At least eight members were closely associated with the PDRC.[175] The NRC rejected a proposal for five members of the CDC to be "outsiders", likely representing the main parties and activist groups.[176] NRC member Paiboon Nititawan, of the anti-Thaksin "Group of 40" senate bloc, said: "Everything is already going well, so why invite trouble?".[177]

Proposals to reduce the influence of money in elections include dispensing with the party list and enlarging constituencies. Other proposals are to have a directly elected prime minister, who need not be an elected MP, or to allow the legislature to appoint a non-MP prime minister, as during General Prem's premiership.[178] A PDRC plan for functional representation, in which professional associations select representatives for the legislature or a new people's assembly, has gained currency.[179] Some favour quotas for bureaucrats and military officers in the national assembly, reasoning that they cannot be left out of the political game.[180] Paiboon Nititawan, also a member of the CDC, floated a number of proposals designed to reduce the power of political parties, including eliminating the party-list vote, turning provinces into constituencies and apportioning seats based on population, and imposing an 80 per cent vote threshold to win a seat.[181]

A committee within the Office of the Permanent Secretary for Defence submitted a variety of proposals to the NRC. They include: introduction of a People's Council, in addition to a House of Representatives and Senate; a bicameral legislature with equal numbers of senators and representatives; term limits; primary voting; and an appointed prime minister who need not be an MP. With respect to parties, one proposal is that the EC review their platforms to preclude populist policies.[182]

There is widespread scepticism about the next constitution, with some agreeing that the regime's reform is a "shadow play" designed to show the world an acceptable process. Many suspect that the NCPO has already determined the form of the

[175] "Will new 'drafters' make a difference to the new constitution?", *The Nation*, 6 November 2014; "ใครเป็นใครใน 'กรรมาธิการยกร่าง รธน.' พบหลายคนแนวร่วม 'นกหวีด'", *ประชาไท*, 4 พฤศจิกายน 2557 ["Who's who in the 'CDC'? Many 'whistle blower' allies", *Prachatai*, 4 November 2014.

[176] "NRC rejects outsiders to take their charter drafting seats", *Khaosod English*, 27 October 2014.

[177] "Charter draft plan 'doomed'", *Bangkok Post*, 25 October 2014.

[178] Crisis Group interviews, Kasit Piromya, former foreign minister and DP member, Bangkok, 11 September 2014; Suvicha Pouaree, National Institute for Development Administration, 19 September 2014; Suchit Bunbongkarn, professor emeritus, Chulalongkorn University, Bangkok, 22 September 2014.

[179] Crisis Group interview, Kasit Piromya, former foreign minister and DP member, Bangkok, 11 September 2014; "What will professional organization constituencies mean for Thailand?", Bangkok Pundit blog, *Asian Correspondent* (http://asiancorrespondent.com/author/bangkokpundit), 5 June 2014.

[180] Crisis Group interview, Bowornsak Uwanno, secretary general, King Prajadhipok's Institute, Bangkok, 16 September 2014.

[181] "Charter to be 'written from scratch'", *Bangkok Post*, 30 October 2014; "NRC's Paiboon urges more power to the people in politics", National News Bureau, 30 October 2014; "Paiboon proposes new constitution to reduce the power of political parties", National News Bureau, 31 October 2014.

[182] "Military outlines sweeping political reforms to NRC", *The Nation*, 9 October 2014; "Where reforms are heading", *Bangkok Post*, 10 October 2014; "เปิดแผนปฏิรูป'การเมืองไทย'สมัย คสช.! เลือกนายกฯทางตรง ห้ามประชานิยม ใช้ Primary Vote คัดผู้สมัคร", *มติชน*, 10 ตุลาคม 2557 ["Reforming politics in the NCPO era, direct election for PM, no populism, 'primary vote' to screen candidates", *Matichon*, 10 October 2014]; "Thai junta's blueprint for political reforms", Bangkok Pundit blog, *Asian Correspondent* (http://asiancorrespondent.com/author/bangkokpundit/), 15 October 2014.

next constitution.[183] Chaturon of PTP foresees an electoral system in which the principle of one person, one vote does not operate.[184]

Some Thaksin opponents see little prospect that any constitution will result in meaningful change without first educating the electorate about civic responsibilities.[185] According to a former Constitutional Court judge: "What is really needed is to change voters' values …. How can we make them more politically enlightened?".[186]

C. *Decentralisation*

The coup represents a setback for decentralisation, a longstanding reform objective that accelerated beginning in the mid-1990s.[187] Locally elected assemblies are responsible for provision of some services, but government remains highly centralised. The territorial and administrative structure based on British colonial administration has changed little. Bangkok appoints provincial governors and district officials. Lack of commitment and resources from Bangkok and the interior ministry has slowed implementation of mandated decentralisation. But elected Provincial Administrative Organisations, Tambon (sub-district) Administrative Organisations and municipalities, have delivered some improvements in local services and increased public participation in local politics.[188]

The NCPO has determinedly recentralised. On 16 July, it suspended elections for all local administrative organisations. Committees headed by provincial governors will appoint replacements for any members and executives whose terms end.[189] Prayuth said that civil servants will be appointed to many of these positions in view of their experience.[190] This removes formal political participation at the local level. The NLA abolished a pilot project of six provincial parliamentary offices that were intended to scrutinise government performance and promote democracy by linking the public more directly to parliament on grounds that the offices were costly and ineffective.[191] In October, Interior Minister Anupong rushed to deny reports of plans to abolish local administration organisations.[192]

[183] Crisis Group interviews, former DP parliamentarians, Bangkok, September 2014; Red Shirt leader, Chiang Mai, September 2014.
[184] Crisis Group interview, Bangkok, 12 September 2014.
[185] Crisis Group interview, Pichai Rattanadilok Na Phuket, dean, School of Social and Environmental Development, National Institute of Development Administration, Bangkok, 19 September 2014.
[186] Crisis Group interview, Bangkok, September 2014.
[187] "Decentralisation will be retarded. … Interior won't relinquish power to 'grubby' elected people". Crisis Group interview, former DP parliamentarian, Bangkok, September 2014.
[188] Puangthong Pawakapan, "The Thai Junta's Interim Constitution: Towards an Anti-Electoral Democracy", Institute for Southeast Asian Studies, ISEAS Perspective, no. 45, 12 August 2014; Achakorn Wongpreedee and Chandra Mahakanjana, "Decentralization and Local Governance", in E. M. Berman (ed.), *Public Administration in Southeast Asia* (Boca Raton, 2010), pp. 53-77.
[189] Administrative bodies with fewer than half their required number will be entirely replaced by appointed members. Members of local administrative bodies must now have a bachelor's degree, which will exclude many potential candidates. "ประกาศคณะรักษาความสงบแห่งชาติฉบับที่85/2557 เรื่องการได้มาซึ่งสมาชิกสภาท้องถิ่นหรือผู้บริหารท้องถิ่นเป็นการชั่วคราว" ["Announcement of the National Council for Peace and Order, No. 85/2014, Temporary arrangement for the selection of new local councilors or local administrators"].
[190] "National Broadcast by General Prayut Chan-o-cha, Head of the National Council for Peace and Order", 18 July 2014.
[191] "Provincial parliamentary offices 'costly failure', to be shut down", *Bangkok Post*, 13 October 2014.
[192] "Anupong: No plan to scrap administration at local levels", *The Nation*, 7 October 2014.

In principle, there is broad support for greater decentralisation, which accords with the notion of "local empowerment".[193] It is included in both the DP and PTP policy platforms.[194] The PDRC advocated elected governors and autonomous provincial police forces.[195]

There should be a debate about devolution of political authority and revenues, within the framework of a unitary state. The debate should address the appropriate size for administrative units, which could range from districts to multi-province regions.[196] Elected legislatures could take responsibility for education, public health, policing, cultural and linguistic affairs, and local resources and environment.[197] Although not without pitfalls, decentralisation could help to redress the imbalance in distribution of resources between Bangkok and the provinces and foster accountability. It would also allow the DP, which has struggled to win votes in the North and North East, better odds of gaining executive offices.[198]

D. *Thaksin's Future*

Since the coup, Thaksin has been quiet. He has reportedly told his supporters not to interfere with the NCPO.[199] The PTP and UDD have also adopted this stance.

Eight years after the 2006 coup, Thaksin's opponents have failed to eradicate his political influence. He has become a symbol for his supporters and detractors, so his role in the conflict is not limited to his words and actions. Although some rank-and-file Red Shirts recognise Thaksin's instrumental view of their movement, most remain loyal.[200] The PTP's identity remains bound up with Thaksin. "'We fight to bring Thaksin back' is still an effective line" for PTP.[201]

Some on both sides of the political divide would like to see Thaksin disengage from politics. Some of his opponents see him as evil, bad for the country or simply insufferable. Editorials regularly call for stronger measures to "uproot the Thaksin regime".[202]

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[193] Crisis Group interview, Suchit Bunbongkarn, professor emeritus, Chulalongkorn University, and former director, Political Development Council, Bangkok, 22 September 2014. Suchit was subsequently appointed to the CDC.

[194] "ปฏิรูปประเทศไทย" ["Reform Thailand"], Democrat Party website, at www.democrat.or.th/th/about/policies/reform/#; "นโยบายบริหาร" ["Administrative Policy"], Pheu Thai Party website, at www.ptp.or.th/policy/policy_3.aspx.

[195] Crisis Group interview, Suvicha Pouaree, National Institute of Development Administration, Bangkok, 18 February 2014.

[196] Crisis Group interview, Bowornsak Uwanno, secretary general, King Prajadhipok's Institute, Bangkok, 16 September 2014.

[197] "Devolve state powers to stave off civil war", *Bangkok Post*, 3 January 2014.

[198] "Is having elected governors in Thailand dangerous?", Bangkok Pundit blog (http://asiancorrespondent.com/author/bangkokpundit/), 10 January 2014.

[199] Crisis Group interviews, PTP members, Bangkok, March and August 2014. Thaksin's position appears to be represented by a photograph, posted by his daughter on social media, of him pointing to a crosswalk sign that reads "wait", and captioned, "I'm in no rush". The image is available at http://m.naewna.com/view/breakingnews/111774.

[200] According to a Red Shirt leader in Chiang Mai, "Thaksin doesn't 'get' democracy. He's a businessman. ... Thaksin has no ideology. People should ask themselves, 'Is Thaksin a fighter for democracy?'". Crisis Group interview, Chiang Mai, 27 September 2013.

[201] Crisis Group interview, Chaturon Chaisang, former PTP education minister, Bangkok, 12 September 2014.

[202] For example: "It is necessary for the NCPO to wipe out remnants of the old regime because they are the root of all evil. In this way, the NCPO will be able to extricate the country from the vicious circle". "เร่งล้าง'ระบอบ'", *คมชัดลึก*, 16 มิถุนายน 2557 ["Hurry and uproot 'the regime'", *Khom Chad*

But some of his most ardent foes have no objection to Thaksin or his family engaging in politics, provided they abide by the law and repudiate anti-monarchists.[203]

There is some sentiment within the Red Shirts and PTP for the Shinawatras to leave the political field.[204] As a polarising figure, Thaksin's involvement obscures more fundamental political conflicts. An academic sympathetic to the Red Shirts said, "Thaksin is a liability for the democratic side".[205] A senior PTP member said that Shinawatra manipulation of the party and the Red Shirts is "not good for them or for the country".[206] Some Red Shirt activists want to see greater independence by PTP politicians and room for new leaders to rise.[207]

The NCPO has not moved to crush the Shinawatra clan, to the dismay of many who supported the coup.[208] On 4 September, the attorney general declined to accept the NACC recommendation to prosecute Yingluck on a charge of "dereliction of duty" for her alleged failure to stop alleged corruption in her government's rice-pledging scheme.[209] Some interpret this decision as evidence of an agreement, in which the regime will not harass the Shinawatras and Thaksin will not incite the Red Shirts.[210]

If the NCPO is taking a pragmatic line, there may be scope for an arrangement that would see Thaksin retreat from politics. Implementation would be tricky. Thailand has a tradition of de facto party leaders working behind the scenes. Thaksin's retirement would be difficult to verify, and would not assuage the distrust of his most vehement opponents. The matter of Thaksin's seized assets, worth $1.4 billion, would likely have to be settled as part of any agreement.[211]

E. *Red Shirts*

Contrary to expectation, the Red Shirts did not mount a coordinated anti-coup campaign. Leaders were detained, many multiple times, and monitored by authorities. An unknown number fled the country. A few Red Shirt leaders emerged from deten-

Leuk, 16 June 2014]. A former minister said: "We can tolerate minor oligarchs like Banharn [Silpa-archa], and even Suthep, but not Thaksin". Crisis Group interview, Bangkok, March 2014.

[203] Crisis Group interviews, Thavorn Seniam, former DP parliamentarian and PDRC leader, Bangkok, 3 March 2014; Suchit Bunbongkarn, professor emeritus, Chulalongkorn University, Bangkok, 22 September 2014.

[204] Crisis Group interview, Red Shirt activist, Chiang Mai, September 2013.

[205] Crisis Group interview, Puangthong Pawakapan, political scientist, Chulalongkorn University, Bangkok, 26 March 2014.

[206] Crisis Group interview, Chaturon Chaisang, former PTP education minister, Bangkok, 12 September 2014.

[207] Crisis Group interview, Red Shirt leader, Bangkok, September 2014.

[208] A former DP parliamentarian is suing Police General Adul Saengsingkaew for not stripping Thaksin of his police rank when Adul served as national police chief. "ยื่นสอบ'อดุลย์'ไม่ถอดยศ'แม้ว'", *โลกวันนี้*, 4 ตุลาคม 2014 ["Investigating 'Adul' for failing to remove 'Maew's' rank", *World Today*, 4 October 2014].

[209] Prosecutors recommended further investigation as the NACC file was incomplete, and observed that the commission had failed to hear a sufficient number of witnesses. The NACC had denied repeated requests from Yingluck's lawyers for additional witness testimony.

[210] According to a DP insider, "To 'get rid' of Thaksin would ignite a war that Prayuth doesn't want". Crisis Group interviews, Bangkok, 13 August 2014; former DP parliamentarian, Bangkok, September 2014.

[211] In 2010, the Supreme Court convicted Thaksin of concealing ownership of Shin Corp and abusing power, and ordered roughly half of his assets seized.

tion to declare their intention to suspend political activities.[212] Some Red Shirts interpret these declarations as accommodation to the new security environment rather than a change in political convictions.[213] A senior UDD leader said members understood the rationale for passivity in the face of military repression. Many Red Shirts, though, are bewildered and discouraged. Discontent simmers among many upcountry voters.[214]

The military government's approach to the Red Shirts harks back to Cold War-era counter-insurgency, when the Internal Security Operations Command (ISOC) employed psychological operations to win over villagers. Today, the ISOC is conducting the "Project to Strengthen Stability at the Village Level", in which villagers in pro-Thaksin areas are subject to day-long indoctrination sessions, enlivened by musical performances, comedy routines and meals. In some areas, army officers meet regularly with Red Shirts; these meetings can serve to build confidence, but they also remind activists that they are being watched.[215]

After the two coups and three court decisions that deposed their representatives, most Red Shirts take a jaundiced view of military-sponsored reconciliation and reform. A local leader declined the army's invitation to apply for NRC membership; he did not want to be used as a token. A UDD leader said: "They want us to participate in their sham reconciliation shows, but we won't do it".[216]

Stringent measures may yield diminishing returns as the military pursues its agenda while constricting expression of political differences. Many expect that the situation will grow more contentious as constitution drafting proceeds.[217] There is a risk that dissent driven underground will erupt in confrontation. Several factors indicate potential for further political violence:

- Thai society is highly polarised. After nine years of conflict, political identities have become salient for millions of people on each side. Although not the majority of the population, their potential mobilisation cannot be dismissed.
- By some measures, Thai society is violent, with one of the highest homicide rates in Asia.[218] The kingdom is awash in an estimated ten million firearms, or sixteen guns for every 100 residents.[219] Military conscription, large paramilitary forces

[212] "แกนนำนปช.สุพรรณลาออกยติเคลื่อนไหว", *พิมพ์ไทย*, 9 มิถุนายน 2557 ["UDD Suphanburi leader resigns, ceases activities", *Pimthai*, 9 June 2014].
[213] Crisis Group telephone interview, Red Shirt activist, 30 May 2014.
[214] Crisis Group interviews, senior UDD leader, Bangkok, September 2014; Red Shirts, Bangkok, July 2014, and Chiang Mai, September 2014; email correspondence, Red Shirt activist, North East Thailand, 15 June 2014.
[215] Crisis Group telephone interview, Red Shirt leader, August 2014; "Reconciliation trainings target northeastern villages", *The Isaan Record*, 28 September 2014.
[216] Crisis Group interviews, Red Shirt local leader, Chiang Mai, September 2014; senior UDD leader, Bangkok, September 2014.
[217] Crisis Group interviews, Kasit Piromya, former foreign minister and DP member, Bangkok, 11 September 2014; Chaturon Chaisang, former PTP education minister, Bangkok, 12 September; Red Shirt leader, Bangkok, September 2014.
[218] Thailand's 2011 rate of five homicides per 100,000 is greater than that of the U.S. UNODC Homicide Statistics 2013.
[219] "Estimating Civilian Owned Firearms", Small Arms Survey, Research Notes: Armed Actors, no. 9, September 2011, p. 2.

and well-established organised crime networks mean that there is no shortage of "specialists in violence" able to use force for political ends.[220]

- Thailand's political fault line is represented geographically. Election results, as well as the voting pattern in the 2007 constitutional referendum, illustrate this stark and persistent gulf. Geographical concentration of contending populations makes reconciliation more difficult and lowers the barriers to collective action.

The anti-coup "underground" has proved a washout, but some Red Shirts had reportedly made preparations for resistance.[221] It is unclear what capabilities they may possess, or if activists are prepared to become militants. The coup and perceptions of a biased reform process may contribute to a sense of desperation among those who feel they have been deprived of their rights.[222] Failure to accommodate the interests of this group may have painful consequences.

F. *Monarchy for the 21st Century*

Article 112 of the Criminal Code (the lèse-majesté law) heavily restricts discussion of the monarchy. It criminalises defamation of the king, queen, heir to the throne and the regent, and carries a penalty of three to fifteen years in jail. In recent years, the law has been applied more broadly, with greater frequency and longer sentences.[223] Police have fielded some 10,000 complaints since 2011. The NCPO has vigorously pursued lèse-majesté cases. The future of the monarchy cannot be discussed openly in Thailand, even as the end of King Bhumibol's reign draws nearer.

In official rhetoric, Thailand is a constitutional monarchy in which the king is "above politics".[224] Royalists object to the notion that the king should be subject to the constitution. Constitutions come and go, but the king's authority persists.[225] In fact, the institution has played a central role in legitimising the political order since

[220] Charles Tilly, *The Politics of Collective Violence* (Cambridge, 2003), pp. 34-41.

[221] A source said that in the aftermath of the May 2010 violence, roughly 500 Red Shirts received rudimentary military training for two to three months in Cambodia. One group was instructed in construction of improvised explosive devices. Another source described an autonomous group making basic preparations for resistance to a prospective coup, such as identifying recruits and safe houses. This group was apparently not acquiring or training with small arms. Crisis Group interviews, Red Shirts, March and July 2013.

[222] Crisis Group interviews, Red Shirts, May, August-September 2014.

[223] See David Streckfuss, "Freedom and Silencing under the Neo-Absolute Monarchy Regime in Thailand, 2005-2011", in Pavin Chachavalpongpun (ed.), *"Good Coup" Gone Bad*, op. cit., pp. 109-138. Any Thai citizen may lodge a lèse-majesté complaint with the police. In May 2013, the Supreme Court ruled that the lèse-majesté law could apply to former Chakri kings. "Supreme Court rules to have lèse-majesté cover Thailand's former-king", *Prachatai*, 16 November 2013; Suluck Lamubol, "Lèse majesté ruling on past monarchs a research blow", *University World News* (online), no. 298, November 2013; "Lèse majesté law applicable to former Kings: Full translation of Supreme Court's verdict", *Prachatai*, 18 November 2013.

[224] Sek Wannamethee (director general, Department of Information, foreign ministry), "Thai monarchy cannot take sides in political conflict", *Financial Times*, 28 July 2014; Vijavat Isarabhakdi (Thailand's ambassador to the U.S.), "Thailand is on a path towards reconciliation and elections", *Washington Post*, 29 July 2014.

[225] ประมวลรุจนเสรี, *พระราชอำนาจ* (กรุงเทพฯ, 2548) [Pramuan Rujanaseri, *Royal Powers* (Bangkok, 2005)], p. 11.

the Second World War.[226] In a society where the exercise of power is often informal and personalised, it became the most influential institution.

For decades, observers have questioned how the institution would manage the transition to a new monarch. After the current reign, the rationale of "protecting the monarchy" may be a less effective justification for asserting unelected authority than has hitherto been the case.[227] As some royalists observe, the institution is not well served by the increasingly harsh application of the lèse-majesté law.[228] A defensive stance is ill suited to the monarchy in the 21st century. Greater transparency in the Crown Property Bureau and reform of the lèse-majesté law would provide a foundation for the inevitable transition.[229] Further, democratic development will prove much more difficult if deliberations on the next constitution are precluded from discussing fully the place of the monarchy vis-à-vis the state.

G. *Southern Insurgency*

The NCPO has expressed a clear commitment to renewing a peace dialogue with militant groups waging a separatist insurgency in the Malay-Muslim-majority southernmost provinces. After months in which the political drama in Bangkok shunted the insurgency from the headlines, the military administration has put the southern conflict on its policy agenda. Roughly 6,000 people have been killed during a decade of violence. Militant attacks increased immediately following the coup, including coordinated attacks at fifteen different locations in Narathiwat and Pattani provinces on 24 May and the bombing of the Khok Po hospital in Pattani on 28 May. Since then, there has been a significant decline in attacks and casualties, but this may be partly a result of a tactical reduction in the militants' operations.[230]

The NCPO reorganised the structure of agencies responsible for responding to the insurgency.[231] Such restructuring has been carried out repeatedly since the insurgency flared up in 2004, always with the rationale of greater coordination be-

[226] Suchit Bunbongkarn, "Authoritarianism, Democracy and the Monarchy", in Suchit Bunbongkarn and Prudhisan Jumbala (eds.), *Monarchy and Constitutional Rule in Democratizing Thailand* (Bangkok, 2012), pp. 241-242.

[227] Frederico Ferrara, "Unfinished Business: The Contagion of Conflict over a Century of Thai Political Development", in Pavin Chachavalpongpun (ed.), *"Good Coup" Gone Bad*, op. cit., p. 38.

[228] Former appointed Prime Minister Anand Panyarachun said of the lèse-majesté law: "Many Thais try to protect [the king], try to defend him. In actual fact the consequence is we ourselves are doing a lot of damage to the monarchy or even to the king himself". "Thais test taboos as war on royal slurs heats up", Reuters, 7 December 2011.

[229] The Crown Property Bureau (CPB) manages the Chakri dynasty's assets. It is a unique institution, neither "private company, government department, or state enterprise", but rather a "unit of the state". Porphant Ouyyanont, "The Crown Property Bureau from Crisis to Opportunity", in Pasuk Phongpaichit and Chris Baker (eds.), *Thai Capital after the 1997 Crisis* (Chiang Mai 2008), p. 161. The CPB does not pay taxes on income and is not required to disclose its assets, which Forbes estimated to be more than $30 billion in 2011. "The World's Richest Royal", *Forbes* (online), 29 April 2011.

[230] The Internal Security Operations Command (ISOC) reported: 40 incidents, 26 killed and 104 wounded in July 2014; 36 incidents, fifteen killed and 40 wounded in August; 32 incidents, fourteen killed and 29 wounded in September; and seventeen incidents, nine killed and 23 wounded in October. "4 เดือนแรก คสช.เหตุรุนแรงชายแดนใต้ลด ก่อนดีดกลับช่วง ต.ค.", สำนักข่าวอิศรา, 2 พฤศจิกายน 2557 ["First four months of NCPO, southern violence decreased before bouncing back in October", Isra News Agency, 2 November 2014].

[231] ประกาศคณะรักษาความสงบแห่งชาติฉบับที่ ๙๘/๒๕๕๗ เรื่อง การแก้ไขปัญหาจังหวัดชายแดนภาคใต้ ["National Security Council Announcement 98/2557 on Resolving Problems of the Southern Border Provinces"].

tween various agencies. As in the rest of the government, the NCPO quickly replaced officials with ties to Thaksin; in the Deep South, reshuffles routinely follow a change in government.[232] The NCPO concentrated all decision-making and policy implementation in the hands of the military. Reversing a DP-sponsored bill passed in 2011, the Southern Border Provinces Administrative Centre, responsible for development and justice programs, was re-subordinated to the ISOC Region Four Forward Command. The southernmost provinces have long been an arena for national-level political conflict. This has been costly.

The Yingluck government initiated a dialogue with militant representatives in early 2013, with Malaysia acting as facilitator. In contrast to earlier, secret army-led efforts, this dialogue was conducted under media scrutiny and with high expectations. It was widely criticised as a Thaksin ploy. Talks unravelled after three plenary meetings, before establishing effective confidence-building mechanisms, and never advanced to substantive discussions on possible solutions.[233]

In a farewell speech at the Fourth Army Region headquarters on 28 September, General Prayuth said he would bring an end to the southern violence before inauguration of the Association of Southeast Asian Nations (ASEAN) Economic Community at the end of 2015. Prayuth has insisted a dialogue will continue, but in secret, with Malaysia remaining the facilitator. Prayuth has also ruled out any form of "self-rule" for the southernmost provinces, which would appear to diminish incentive for militant leaders to talk.[234] With powerful groups on both sides not yet committed to compromise, near-term prospects for progress in the dialogue are dim.

[232] The Yingluck government's point men on the South were Police Colonel Thawee Sodsong, secretary general of the Southern Border Provinces Administrative Centre, and National Security Council director Lt. General Paradon Pattanatabutr. The NCPO replaced both men with their predecessors in these posts, namely Panu Uthairat and Thawil Pliensri, respectively.
[233] Duncan McCargo, "Southern Thailand: from Conflict to Negotiations?", Lowy Institute, April 2014.
[234] "Prayut: Peace in the South by 2015", *Bangkok Post*, 29 September 2014; "Prayuth rules out split in South", *Bangkok Post*, 29 July 2014.

VI. Conclusion

Yingluck's ouster and the 2014 coup echo the 2006 and 2008 turmoil: the Thaksinite party's hubris inflamed establishment and popular opposition; protesters used means fair and foul to seek dismissal of a pro-Thaksin government, maintaining it had lost legitimacy in spite of its electoral mandate; as in 2006, judges invalidated a snap poll – boycotted by the DP – meant to refresh that mandate; the courts and watchdog agencies entertained opposition petitions and issued rulings unfavourable to the government; as in 2006, the military took power and suspended the constitution.

The NCPO appears determined not to repeat the perceived mistakes of the 2006 coup, namely, relinquishing power too soon and drafting a charter that permitted pro-Thaksin parties to return to power. Consequently, the interim charter gives absolute power to the NCPO. It provides no role for elected representatives or means for popular political participation. The framework that it has set out for the next constitution suggests that elected authority will be heavily circumscribed. Like the coup, this will stifle, rather than resolve, the dispute over political legitimacy.

To achieve its stated goal of establishing a durable democracy, the NCPO and interim government should encourage an open, inclusive dialogue on the country's political future. Suspension of rights and suppression of dissenting views are incompatible with the necessary process of building consensus. The military government must consider the views of many, particularly in the North and North East, who believe they have been serially disenfranchised by the Bangkok establishment and provide means for meaningful political participation, not limited to ad hoc channels to register complaints and suggestions. If further turmoil is to be avoided, the public should perceive the process by which Thailand's political rules are determined as fair and credible. Thai society is both deeply divided, and accustomed to having a political voice. A system that marginalises voters in favour of appointed officials will deepen divisions while doing further damage to the institutions best suited to safeguard minority rights, root out corruption and resolve social conflict.

Brussels/Bangkok, 3 December 2014

Appendix A: Map of Thailand

Appendix B: Glossary

BJT	Bhumjaithai Party, political party established in 2008, its founder, Newin Chidchob, is close to the military regime.
CDC	Constitution Drafting Committee, established after the May 2014 coup by the interim charter, its members were appointed in November 2014.
DP	Democrat Party, former opposition party, led by Abhisit Vejjajiva since 2005.
EC	Election Commission.
ISOC	Internal Security Operations Command, a military-dominated government agency responsible for domestic security.
NACC	National Anti-Corruption Commission.
NCPO	National Council for Peace and Order, the military regime in power since the May 2014 coup.
NLA	National Legislative Assembly, appointed by the NCPO in July 2014.
NRC	National Reform Council, appointed by the NCPO to formulate reform proposals and to vote on a draft constitution.
PAD	People's Alliance for Democracy, led by Sondhi Limthongkul, spearheaded protests against the Thaksin government in 2006 and the PPP government in 2008.
PDRC	People's Democratic Reform Committee, founded in November 2013, led anti-government protests in 2013-2014. Suthep Thaugsuban served as secretary general until the May 2014 coup.
PPP	People's Power Party, a Thaksin proxy, in power from December 2007 until dissolved by the Constitutional Court in December 2008.
PTP	Pheu Thai Party, pro-Thaksin party founded in September 2008.
UDD	National United Front for Democracy Against Dictatorship, the national-level Red Shirt organisation.

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China and Inter-Korean Clashes in the Yellow Sea, Asia Report N°200, 27 January 2011 (also available in Chinese).

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North Korean Succession and the Risks of Instability, Asia Report N°230, 25 July 2012 (also available in Chinese and Korean).

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