

Some Breathing Room for Thailand
Asia Sentinel
July 15, 2012
By Simon Roughneen

Constitutional Court kicks can down the road

Thailand's political temperature has cooled somewhat after the country's Constitutional Court declined Friday to outlaw another yet surrogate political party for fugitive former Prime Minister Thaksin Shinawatra, in a ruling that puts the ball back in the Thaksin-backed government's court on reforming the country's charter.

In returning the issue to the government, the court dismissed a potentially-incendiary royalist complaint that the attempt by the government to amend the constitution amounted to a plot to overthrow the Thai monarchy.

"The verdict is a sane outcome, as the judiciary refrained from overstepping the mark and left the legislature intact," said Thitinan Pongsudhirak, who teaches at Bangkok's Chulalongkorn University. "There was no evidence that any of this had anything to do with undermining the constitutional monarchy."

The government is headed by the Pheu Thai party and the prime minister Yingluck is Thaksin's sister. If the court had ruled charter change equaled an anti-monarchy plot, it could then have ordered the disbandment of Pheu Thai and possibly brought down an elected government by judicial fiat.

But that the royalist-leaning court turned down a request to outlaw another Thaksin proxy party is likely recognition that this would likely once again bring protesters into the streets, raising the specter of 2010 protests and army reprisals that left 92 dead, mostly protesters, and 2000 injured.

"I think the decision is about compromise, since the pressure from the public was too much," said Pavin Chachavalpongpun, an academic and former Thai diplomat who writes frequently for Asia Sentinel.

With party and government intact, the Pheu Thai-led government can go back to its charter change project. It has been struggling with what to do with the constitution – which many of its supporters view as undemocratic – since it came to power. PM Yingluck – and Thaksin – must now decide whether to restart the push for charter change when Thailand's parliament meets again in a few weeks time, which could, if the court's recommendations are heeded, lead to a referendum on whether to amend the 2007 constitution.

The 2007 document was drafted by a military government in office briefly after deposing Thaksin in 2006 and approved in a referendum. Pheu Thai and supporters want to revert to something akin to the 1997 constitution, which they view as more democratic. Thailand has had 18 constitutions since a coup in 1932 deposed the Chakri dynasty's absolute monarchy.

But with royalists already pledging street protests if the government renews its drive for amendment, odds are the government will bide its time for now.

"I guess the government will not dare to push for an amendment immediately but may wait a little longer to cool down and allow room for more negotiation between the two sides. You might say the judges succeeded in maintaining the status quo ante," Pavin said.

Prior to the verdict, Pheu Thai's red-shirted supporters gathered at Bangkok's Royal Plaza and at redshirt HQ in the suburb of Ladphrao amid concerns that the court could reprise past disbandments of parties headed by or run from exile by Thaksin. That nuclear option didn't materialize. Surprisingly, perhaps, one prominent royalist welcomed the court's ruling that Pheu Thai be left intact.

"I think that will be too much," said Tul Sitthisomwong, a doctor at Bangkok's Chulalongkorn hospital, speaking inside the court building. "The Red Shirts have made threats to protest if the court did that, we were concerned about that," he added.

Courts ordered the break-up of two of Pheu Thai's predecessor parties - the Thai Rak Thai Party in May 2007 and the People's Power Party in December 2008. After the latter dissolution, former parliament allies of the PPP crossed the house under heavy pressure from the military and helped the Democrat Party headed by Abhisit Vejjajiva form a government, which in turn lost heavily to Pheu Thai in July 2011 elections.

Before the verdict, several hundred royalists gathered outside the court, watched by riot police carrying shields and batons and forming a barrier around the court. Behind the police hung a giant mural of the country's King Bhumibol Adulyadej, the world's longest-reigning monarch, a common feature of government buildings in Thailand.

The ruling comes amid lingering concerns about Thailand's future as the aging king remains in hospital. The king, who will turn 85 later this year, nears three years of hospitalization and on Friday cancelled a trip outside Bangkok due to ill-health - an announcement made shortly before the constitutional court issued its 2pm judgment.

The current King is widely depicted as revered by Thais - which appears to be the case going by huge crowds he draws when making increasingly-rare public appearances. However, a vocal minority of Thais protest restrictions on freedom of speech imposed by the country's lese-majeste laws and linked restrictions on internet use, after a spike in charges - seen by many as politicized and targeting supporters of Thaksin - during Thailand's post 2006 political turmoil.

For his part, Thaksin seems to evoke either adulation or hatred, depending on what side of Thailand's political divide is talking, though some red shirts have chafed at the Pheu Thai government's holier-than-thou approach to lese-majeste. Yingluck's administration has pledged zero-tolerance of any insults against the King even as some supporters call for an end to the lese-majeste law, or reform in line with laws in constitutional monarchies elsewhere.

Nonetheless, despite the Pheu Thai government's bending of the knee on lese-majeste,

royalists view Thaksin as a populist would-be usurper and a mortal threat to Thailand's constitutional monarchy, amid concerns about how much authority Crown Prince Vajiralongkorn would wield as king after the succession. Thaksin in turn has kept up the pressure from his lair in Dubai, making forays into the surrounding countries of Laos and Cambodia to make speeches to his followers and promise his return.

To royalists, charter change is code for Thaksin's ongoing attempts to get back to Thailand without having to do jail time for 1008 corruption charges. The Pheu Thai government has also pushed a reconciliation proposal that would exonerate most of the main protagonists in Thailand's political turmoil post-2006, including Thaksin as well as those who mounted the 2006 coup and those involved in the 2010 killings in Bangkok.

"What Pheu Thai wants is not for the people, it is for Thaksin," said Dr Tul, speaking inside the court and surrounded by several royalists fresh from watching the verdict on TV in the plaza in the middle of the building.

Moments later, one woman, carrying a pink rose in honor of the King but refusing to give her name, threw a photo of Thaksin on the floor of the court. Stamping on the image repeatedly, as if desecrating some false idol, she howled "Thaksin dog, you know, Thaksin dog," excitedly beckoning photographers to capture the moment.

Copyright © 2005 - 2012 Asia Sentinel.

Source: http://www.asiasentinel.com/index.php?option=com_content&task=view&id=4692&Itemid=164