

## FACTSHEET: Recent political events in Thailand

### *Background*

- Over the past few years, Thailand has been through an important phase of its political development. It has also faced a number of challenges to its democracy, including even moments of political impasse, prolonged anti-government demonstrations and looming breakdown of order. Yet, the Kingdom has never deviated far or for long from the road towards greater democratisation.

- After the military intervention on 19 September 2006 to prevent unrest and violence following growing street protests by the People's Alliance for Democracy (PAD) against Prime Minister Thaksin Shinawatra and his Thai Rak Thai Party (TRT), a general election was held on 23 December 2007 to return power to a democratically elected government in accordance with the timeline announced by the military.

- Winning the most votes, the People's Power Party or PPP (which was formed by many former members of the TRT which was earlier dissolved for electoral fraud by the Constitutional Court) took the lead in forming a coalition government. Its leader, Mr. Samak Sundaravej, was voted by the House of Representatives as prime minister. However, his premiership was short-lived as the Constitutional Court ruled in September 2008 that he had breached certain provisions of the Constitution regarding his status as a holder of political office. His deputy, Mr. Somchai Wongsawat, was then elected prime minister.

- On 2 December 2008, the Constitutional Court ruled that three political parties, namely, the PPP, the Chart Thai Party and the Matchimathipataya Party, had violated election laws. The Court ordered their dissolution and revoked the electoral rights of their executives for five years in accordance with Section 237 of the Constitution.<sup>1</sup> As a result, 13 members of the Cabinet, including Prime Minister Somchai Wongsawat himself, who were leaders and/or members of the executive boards of the dissolved parties were removed from their positions. The termination of the ministership of Prime Minister Somchai resulted in the termination of his administration.

- In accordance with the Constitution, an extraordinary session of the House of Representatives was convened on 15 December 2008 to elect a new prime minister. In an open, roll-call vote, Mr. Abhisit Vejjajiva, leader of the Democrat Party, was elected the 27<sup>th</sup> Prime Minister of Thailand. Leading the opposition since then has been the Pua Thai Party (PTP), a newly formed party composed mainly of former members of the PPP.

- Public confidence in the Government was reaffirmed not only by the results of the by-elections in January 2009, in which the coalition parties won 20 out of 29 seats contested, but also by the outcome of the censure debate held in March 2009, which was easily defeated. This gave the Prime Minister and his cabinet a renewed mandate to govern and move the country forward.

- In its policy statement to Parliament, the Government announced its intentions to discharge its responsibilities, guided by the principles of democracy, good governance, transparency, respect for justice, and the rule of law. The Government's priorities have been to work for the well-being of Thais – to tackle the pressing challenges posed by the impact of the global economic crisis, and to bridge the political divide and promote reconciliation and restore the rule of law. To this end, the Government has advocated the process of political reform with participation of all interested parties to discuss solutions and ways forward to address the current political problems.

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<sup>1</sup> Article 237 of the 2007 Constitution stipulates that if there is evidence of electoral fraud that the leader or any member of the executive board of the party connives to or is known to him but fails to deter or revise such commission, it would be deemed that such political party has committed the said act and must be dissolved.

### *Recent political events*

- Since the end of last year when Prime Minister Abhisit Vejjajiva assumed office, anti-government protests have been held by the United Front for Democracy against Dictatorship (UDD).

- From 9 April 2009 onwards, however, demonstrations by the UDD escalated to an extent that went beyond the exercise of the rights and freedoms under the Constitution. Illegal acts were committed – from blockading roads and government buildings and obstructing government officials from carrying out their duties, to street rioting, including the seizing and burning of public buses and the use of a gas tanker as a potential weapon. Attempts were also made on the life of the Prime Minister and bounties set for certain persons. These acts violated the individual rights and freedoms of other people and affected the normal way of life of the Thai public. Meanwhile, there were calls from the stage at the demonstration site as well as from overseas inciting people to escalate their actions and instigate illegal acts.

- In addition, on 11 April 2009, UDD protesters stormed the meeting venue of the 14th ASEAN Summit and Related Summits at the Royal Cliff Beach Resort in Pattaya, leading to the decision by the Thai Government to postpone the Summits and declare a severe emergency situation in the City of Pattaya and Chonburi Province for a brief period to facilitate the safe departure of ASEAN and other dialogue partners' leaders back to their respective countries. The Government had all along exercised restraint and allowed peaceful demonstrations to continue as part of the exercise of people's rights under the Constitution. Nevertheless, where illegal acts were committed, the law had to be enforced.

- On 12 April 2009, Prime Minister Abhisit declared a severe emergency situation in the areas of Bangkok and its vicinities in accordance with the Emergency Decree on Public Administration in Emergency Situation B.E.2548 (2005). The Government deemed this necessary as urgent measures had to be taken to restore peace and the rule of law following the continuation and escalation of the UDD-led demonstrations.

- Throughout the short period when the severe emergency situation was declared, the Government continued to exercise utmost restraint in its efforts to restore peace and order and enforce the law of the land in order to bring the situation back to normal as soon as possible. In this regard, the guidelines given to security officers were that those who instigated disturbances and unrest were fellow Thais; any operations must bear in mind the respect for human rights, and women, children, elderly persons as well as monks must be appropriately treated. The operations were aimed at preventing disorder and mitigate harmful consequences on innocent people as well as at ensuring that all major transportation routes were fully functional in order for people to carry on with their lives. Importantly, no force or weapons would be used to harm the people. If force were to be used, it would be used only as necessary in self-defence and with great restraint.

- The authorities concerned adopted a step-by-step approach to resolve the situation with the greatest efficiency and with the least loss and damage. Basic measures, particularly negotiations, were pursued first before being stepped up to such measures as the firing of blank bullets, warning shots and tear gas. These operations were conducted in specific areas in Bangkok where disturbances and disruptions took place but not at the main demonstration site. They were conducted in the open and with transparency, being witnessed by local as well as international media.

- On 14 April 2009, the demonstrations at the Government House were called off and since then, protestors have all returned to their homes. The intense situation has thus dissipated and law and order restored. During the few days of government operations from 12 to 15 April 2009, a total of 135 persons were injured. There were also two deaths resulting from the clashes between UDD protesters and local people who came out to oppose them on 13 April.

- After the situation relating to demonstrations had dissipated, the Government decided to maintain the emergency situation in effect to allow security officials to carry on their duties to

ensure that the overall situation in Bangkok remains calm. It should be noted that calls have continued to be made by certain persons to incite disturbances by disseminating distorted information and even call for use of violence. Be that as it may, this did not disrupt people in their normal activities.

- On 22-23 April 2009, a general debate at a joint sitting of the National Assembly was convened upon the request by the Government as a venue to exchange views and clarify the situation and operations undertaken by the Government regarding the situation over the past week to members of the National Assembly. Following the debate, and with a view to ensuring transparency and accountability for its actions and clearing any remaining doubts, Prime Minister Abhisit proposed that the President of the National Assembly set up a committee with the participation of all parties concerned to look further into and consider complaints regarding operations by security officers. The Prime Minister also asked the designated coordinators in the House of Representatives and the Senate to consult with the National Assembly President regarding the composition of such a committee.

- On 24 April 2009, after reviewing the situation, Prime Minister Abhisit announced the revocation of the severe emergency situation in the areas of Bangkok and its vicinities, noting that the situation has returned to normal and the authorities concerned can employ normal legal measures to address the situation without requiring any additional powers or measures under the Emergency Decree. Be that as it may, the Government and the authorities concerned will continue to be vigilant and ensure peace and order as well as safety of the public, while security officers may be deployed as necessary to assist law enforcement officers in this regard.

#### *The way forward*

- Related to the incidents, legal actions will be taken against those who broke the law in accordance with due process and on the basis of non-discrimination and justice for all concerned. Arrest warrants have been issued by the Courts both in Bangkok and Pattaya against those who committed illegal acts, including by playing a role in inciting violence and chaos which was not in line with constitutional rights and freedoms.<sup>2</sup> At the same time, pending cases against those involved with the demonstrations led by the PAD in 2008 will continue to proceed on the same basis.

- To address the political problems, the Prime Minister has reiterated his readiness to listen to people's views regarding democracy as well as his intention to invite all interested parties to discuss political problems to find appropriate ways out of the current political crisis for the benefit of all Thai people. In further efforts to address demonstrators' demands relating to democracy and constitution amendment, he has asked all political parties to compile problems concerning unfairness in the various provisions of the Constitution, so that these can be discussed and further action taken to find social consensus on how to amend those provisions. In this way, problems can be addressed through peaceful means in accordance with the law. The Prime Minister also reiterated this call to the National Assembly on 23 April 2009.

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24 April 2009

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<sup>2</sup> On 14 April 2009, arrest warrants were issued, with approval of the Criminal Court, against Former Prime Minister Thaksin Shinawatra as well as 13 leading members of the UDD. The charge against the former prime minister is for committing the offences of illegal assembly of more than 10 persons to cause unrest in the country, as chief or commander, and of jointly committing verbal acts to give information to the people so as to cause the latter to break the laws of the Kingdom, which acts are not within the purpose of the Constitution or intended to express opinions or to make comments in good faith. On 21 April 2009, the Court of Pattaya approved an arrest warrant against the former prime minister. Earlier, arrest warrants have also been issued against those demonstrators who instigated unrest and disturbances both in Bangkok and Pattaya.