

Democracy in Thailand
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The Honourable Alexander Downer, Minister for Foreign Affairs, the Vice-Chancellor of the ANU, Ambassador Roland Rich, Director of the Centre for Democratic Institutions, Ambassador Laxanachantorn Laopahan, Honourable Members of the House of Representatives, Excellencies, ladies and gentleman.

Let me say, at the outset that it is a great honour and privilege for me to be invited by the Centre for Democratic Institutions to make an appearance here, before you, as the third speaker at these annual lectures. It is a personal honour and it is one that I will cherish.

At the same time, I would like to think that the honour given to me personally today is perhaps a reflection of the closeness and the depth of the relations between Australia and Thailand. A reflection of the understanding and cooperation that Australia - her government, the people - have always offered and extended to Thailand, in recognition of our great efforts to promote democracy and human rights.

Some of you may not know the history of Thailand and I ask your indulgence in allowing me to give you a very brief political history. The Kingdom of Thailand was founded in the thirteenth century. Relatively speaking, it is an ancient country, the country that has always been ruled by kings, a country that started on its course as a true state, with defined territories, with defined powers of the king which were initially absolute.

Our kings, traditionally, have always ruled the country with compassion and human kindness and with full determination to see that their people, their subjects, receive fair and equal treatment and that the benefits of the rules are evenly distributed.

The beginnings of the modern Thailand started in 1932, when there was a so-called revolution which transformed absolute monarchy into so-called democratic rules. But, substantively, nothing changed very much.

The rules of the game did not change, it was merely a transfer of power from the king and the royal elite to a group of bureaucrat elites. The power was never transferred to the people, in spite of what the military, the bureaucrats and, subsequently, the politicians had been saying all along.

So from 1932 up to the mid-eighties, we were only a democracy in name and in form. Most Thais would understand democracy to mean the existence of a constitution, the electoral process, the parliament and the cabinet and they would exercise their right to vote once every three to four years. But even with

that democratic right exercised, they were not allowed to enjoy it fully or uninterruptedly.

For the first forty years, since 1932, there have been a number of coups d'état. Democratic rule was distorted or subverted and was undermined by the people in power. The people always got the short end of the stick.

We went through this forty-year period of intermittent democratic rule, interspersed with military rule and bureaucratic rule. In the mid-eighties, we managed to entice, peacefully and through logic, the student activists and those people who were labeled by the central authorities as being communist, to give up their arms and return to the fold of society.

Thailand is the only country that won the fight against communism without having to engage in a full-scale war. The authorities knew that the only solution to that problem would be a political one. And we, fortunately, managed to win the minds and the hearts of the so-called ten thousand communist rebels by accepting them back, by giving them amnesty and by taking them back into the mainstream of life in our society.

And since then they have been given further opportunities to pursue their careers, to pursue their occupations and professions, and many are now sitting in the National Assembly, as the elected representatives – and quite a few are cabinet members.

But since the mid eighties, we were not yet immune from any threat from the military, from the generals, in cahoots with businessmen who supplied money to the political process. Initially, there was a rule by the bureaucratic elite - both military and civilian - then, there was a rule by the bureaucrats, the military and the politicians. And subsequently, there was a rule by the bureaucrats, the military, the politicians and big money.

In the eighties, we saw vast injections of money into our political process. Money corrupted the entire electoral process. So, in the mid-eighties, people started to have public debates and serious discussion about political reform. I knew, at that time, the economy was still going strong, we were averaging about seven to eight per cent annual growth rate and had done so for some twenty consecutive years.

If you look at our GDP, our export growth and our per capita income and the growing number of the so-called middle class people, one would not question the wisdom of the economic and financial policies conducted at that time, because while the going was good, nobody bothered to find out what flaws might exist and what errors we might be making.

And yet, during those days, the Thai people, without the encouragement of the government, started thinking about change. The Thai public started serious talks, dialogues and discussions about the need for political reform, the need to enhance human rights, the need to make more equitable distribution of income. That process took nearly ten years - study after study.

Eventually, we managed to get our parliament, the National Assembly, to talk seriously about the matter. And in the mid-nineties, it was parliament, for once in our lifetime, that engaged itself in this political reform process.

Since 1932, we have had fifteen constitutions. Fifteen constitutions that were thrown away, every time, when there was a change of power, extra-constitutionally. Fifteen constitutions which vary in degrees as to their democratic content. Fifteen constitutions which were drafted mainly, and in many cases exclusively, by the power that be, by those who had to protect their own vested interests, political or otherwise, by those who did not wish to relinquish their authority or their responsibility, by those who had no trust in their people, by those who only grudgingly called themselves democrats.

But everything was fake. We realised that with the highest standard of education, with the increasing wealth, with the rising middle class, with the expansion of our economy and with relative stability of our major policies, we could afford the luxury of such philosophical questions as the drafting of a democratic constitution, the need to build up political institutions, the need to embark on the road to a sustainable economy, the need to look after the environment and, above all, the need to transfer the power, the sovereign power, to the people.

We had struggled for over fifty years, when the parliament reluctantly and only because of the public pressure decided to embark on a process of political reform. It was the first time that a new constitution was drafted within the context of the parliament. It was done through parliamentary means.

After several studies and research work, conducted by a parliamentary committee, together with people from outside the parliament, there was a firm basis to go ahead. And it was the National Assembly that set up the procedures, setting up an indirectly elected body known as the National Constitution Drafting Assembly, consisting of ninety-nine members chosen from the provinces and a number of seats were reserved for nominations by the Institute for Higher Learning, those who had special expertise in law, in political administration and in political science.

It was a balanced assembly because a majority of the members of the drafting committee were ordinary people - they were lawyers, there were labour leaders, there were former student's activists, they were from the provinces. Many of them spoke their mind, sometimes contrary to democratic values and yet, for the first time, people had a choice.

There was wide popular participation. We engaged in public hearing, we consulted with every sector of our society, be it business, farmers, school-teachers, labourers and other groups in society. We confirmed that this is a people's constitution.

Of course, there was considerable opposition. At the beginning, it came from the parliamentarians because they saw in this, I would say, revolutionary

document, not a gradual erosion of their power, not a gradual erosion of their vested interests, but a very drastic reduction of their power and responsibility and the drastic challenge to their vested interests.

They saw this therefore as a revolutionary document precisely because it was approved through constitutional means, with public participation. They saw it as a threat, as a threat to their well being. They engaged in a vigorous campaign to oppose the adoption of the draft, but again, for the first time in our history, public opinion prevailed.

And I know the process of political reform started even before the onset of the financial and economic crisis because we in Thailand happen to believe that economy and politics are intertwined. You cannot do one without the other. We do not think it is right or it should be adhered to as a sacred theory, that you open up the economy first and the opening up of politics will automatically, or inevitably, follow.

I am not rejecting that theory, but my belief is that each society's economy has become more complex and more complicated and more integrated into the globalise system largely imposed by the developed countries.

Whether we like it or not, we just had to tag along. We could not resist the changes that were taking place, particularly aided by computer technology and information technology. If we resisted, we had no resources and power to beat it. And if we decided to go along, however reluctantly, we would have just to see to it that we put in place reform measures, preparatory measures that would bring our legal infrastructure, our financial infrastructure, our credit regime and our economic regime up to internationally competitive standards.

We focused on political reform because we happened to believe that if you start it early and if you start it without having to rush through things, then that the political reform process could help immensely in implementing the much more difficult economic and financial reform measures that would have to come sooner or later.

So, now we have come to the stage where we know that democracy is not only a matter of exercising choice, because freedom of expression and freedom of choice just do not immediately or effectively translate into goods and services to be provided by the government to the people.

I am not so sure whether the present so-called democratic regime in many countries could be viewed as a functioning democracy, in the same way that it was not enough in the past or in our history just to learn the three RS: reading, 'riting and 'rithmetic. You needed a little more than that.

You needed a functional literacy. Likewise you need not only a constitution, a parliament and a cabinet, but you need a functioning democracy. And you need to build up an infrastructure for democracy of which; of course, a parliament, constitution and cabinet are part and parcel.

A functioning democracy, even with a good constitution, such as the one we have now, must continually focus on strengthening the rule of law, on the enhancement of human rights, on transparency, on accountability, on people's participation, on the checks and balances of the powers vested in the individuals who hold public office.

In decentralisation, indeed, with the devolution of power from the central authorities to the locals, that would not be sufficient without two other legs in the infrastructure of democracy. There is an urgent need for our societies not only to have good infrastructure on the legal side, but there is an urgent cry also for us to help build civil society, a civil society which represents cross-sections of opinions of society as a whole.

A civil society which includes not only NGOs, be it women's NGOs, development NGOs, human rights NGOs or environment NGOs, but also includes trade associations, business associations, teachers' unions, labour unions, farmers' groups and other private associations.

Because only by building up those elements in the civil society would we be able to provide checks and balances against the powers that be, or against the authorities both central and local. It is only by building a civil society that the government in power will be able to define and to determine exactly, or at least more or less exactly, where public interest lies.

That is a very difficult question because every politician, every individual whatever he does and whatever he says always cites public interest. Just like you saying you cannot vote against God, but such statements lack sincerity and lack real meaning.

Then what is the third leg in our infrastructure? This applies both to the public and the private sector. We must ensure that there is good governance that is applicable both to the government and to the public sector as well as to the corporate sector.

The features which go into good governance are also reflected in our Constitution. The independence of the judiciary, the rule of law, the accountability mechanisms of institutions as reflected in our Constitution. We have ombudsmen, we have an administrative court, we have constitutional supremacy, and we have a constitutional court for the first time. The Constitution is the supreme law of the land and any existing law which is contrary to the provisions of the Constitution is null and void.

We advocate also the independence of the media because in most developing countries the State always intervenes into such matters as what their people should hear, what they should be told. As a supplement to checks and balances mechanisms, an independent, objective and, particularly, incorruptible mass media is an essential feature.

So we all tried to do all these things in a limited time. It took us nearly a decade. Were we successful? Yes, up to a certain point. Are we confident that we will

be able to achieve the objectives that we set out with? Yes up to a certain point.

We have managed to produce a constitution which for all intents and purposes is quite adequate, and is more advanced than documents we produced in the past. We are building up a civil society, we talk to each other a lot as a nation, and we try to implement the good governance concepts.

The question mark is this: that in spite of what we did, in spite of what we are doing - and we shall have to continue to do it continuously in the future years - the most difficult and the most testing criterion is the attitude of the people themselves. We cannot legislate a change in the political culture of the country, in the social barriers of a society and in our basic attitudes.

That is going to take time but I am confident that once we have embarked on the correct road to a functioning democracy and to a sustainable development the process is irreversible the hiccups along the way there will be two steps forward and only one step backward.

With our persistence and with our single-minded objective eventually we shall reach the goal. Thank you very much.

ROLAND RICH:

Thank you very much Khun Anand. We will now have a session for questions from the floor and I would invite people to go to the two microphones in the aisles. Please introduce yourselves before you ask the question, but I always reserve the chairman's right to ask the first question. And my question relates to reform fatigue.

The new Constitution requires a number of new institutions to be established: a constitutional court, administrative courts, the anti-corruption agency, the ombudsman, the new Human Rights Commission, and all this comes all at once. Will there be reform fatigue? Will the people be able to see the thing through?

ANAND PANYARACHUN:

The reform process is going to take quite a long time and to me it is a never ending process, so I am sure that every now and then people will feel this reform fatigue. To me that is only a temporary thing, a transitional thing.

The one long lasting by-product that we have since the exercise started is that people's participation has increased. In the past few years I have been in contact with a number of civil society elements. I keep in touch with them and they do their own thing. Those who are interested in environmental matters would pursue their matters, those who are interested in human rights pursue theirs.

So, there is good networking between all these elements, and I have not detected any sense of disillusionment, any sense of despair. Yes, they were disappointed many a time because our politicians still are doing their best to

distort the intentions of the Constitution, to undermine the reform process directly or indirectly or even to subvert the intent of the constitution while they were in the process of enacting organic laws.

Every time somebody was doing something underhand, elements of civil society and NGOs and the oppressed would not let them get away with it that easily. I have had personal experiences when some organic laws, particularly relating to the Human Rights Commission, to legislation on the ownership of the frequency bands of the radio, to the freedom of mass media were distorted and the draft bills were sent up with the collusion of both the government members and opposition party members.

Quietly or sometimes publicly we managed to engage the parliamentarians in public debate and finally we overcame their opposition. In a way we had to put them to shame.

So I think people's participation is a factor which has to remain constant, it is a factor which has to be present all along, and I think that we are now acquiring a new culture within our society. If we want the Constitution to be written to the effect that sovereign power belongs to the people, you must act and you must behave as if you are the owner of that power.

Indifference or just pure talk without any action to follow up your talk, these are the luxuries that we can no longer afford.

ROLAND RICH:

Thank you. Andrew Thomson, you are next.

ANDREW THOMSON – AUSTRALIAN HOUSE OF REPRESENTATIVES:

Thank you Your Excellency. My name is Andrew Thomson. I'm a member of the House of Representatives in Australia. Can you give us your opinion about the effect on democratic institutions of the new information technology, particularly the World Wide Web and E-mail?

ANAND PANYARACHUN:

Well, Thailand, you know, in spite of occasional military rule, has always been a relatively open society. There was never any secret police, and military rule was not that harsh. There were definitely some limitations on the freedoms of expression and communication.

So, I believe we need not be overly concerned about the computer technology, the Internet and new forms of communications. We need to continue to focus on the basics of democracy. We stressed the freedom of expression, freedom of choice.

Obviously some of these freedoms would be polluted by outside forces beyond our control but unlike some other countries that have been, relatively closed societies, perhaps they feel the threat much more than we do. I'm not belittling the possible debilitating effects associated with the control of the new

technologies but I happen to believe that in the end people's good judgement will prevail if their freedoms are guaranteed.

ROLAND RICH:

Thank you. Yes.

CHRISTOPHER PYNE – AUSTRALIAN HOUSE OF REPRESENTATIVES:

Thank you sir. I'm Christopher Pyne. I'm also a member of the Parliament. Thailand has always been a great hotbed for democracy in the Asian region together with the Philippines, these are the two countries that have been keen practitioners of democracy. In recent years we have seen countries like Taiwan and now Indonesia also embrace democratic institutions and traditions for their future.

Would you like to give a prediction or some comments about what future countries perhaps in the Asian region might move down a path towards democratic traditions, specifically countries that previously had democracies like, for example, Myanmar?

ANAND PANYARACHUN:

Well, each country, each society has to decide on the fundamental question whether they want to remain a closed society, an authoritarian society or whether they want to open up. It is not for me to predict as to which other countries would embark on this process, but in the case of Thailand I think you may recall that the watershed of our modern political history was on October fourteenth 1973, when we had a spontaneous student uprising joined by hundreds and thousands of people in the streets of Bangkok.

Of course some lives were lost, over a hundred, there was gunfire but out of that nasty incident and with the blessing of our King the crisis came to an end, a new Constitution was drafted and the military had to retreat.

Then again three years later there was a military backlash in 1976, also in October, and I would label that particular period as the mini-McCarthy period in our history. Many prominent men, many student leaders were labeled communists. I was one of them.

At that time I was permanent secretary in the Ministry of Foreign Affairs and because it was the period when the then elected government was adjusting its foreign policies, seeking rapprochement with China and Vietnam and also Cambodia, I was just a victim of circumstances. Because I was the permanent Secretary and I was seen, perhaps unjustifiably, as the instrument that promoted this rapprochement. In fact, I was merely following the government policies even though I had agreed fully with those policies. So maybe there were many victims of circumstances.

I was accused of being a communist. It took us about four or five months to clear my name. I was sent to Germany, then I decided that civil service was not my cup of tea and I left. I left the service at the relative young age of forty-six

and I was given the opportunity to join the private sector and I just did my own thing.

I continued living in Thailand and never fled the country. I had my job, I paid my taxes but I had no interest in politics in Thailand. Then fate came along and some leaders in the military asked me to become Prime Minister after the last coup d'état in 1991.

It was against my thinking because I never supported the coup d'état, but there was an important development in that for the first time the military knew that they could not run the country. So having staged a successful coup d'état against an elected government they came to me, a civilian, and an unknown quantity to the military establishment.

It proved something. The military knew very well that they could stage a successful coup d'état but they also came to realise that in the modern world, the running of a modern society and the management of the economy needed people with different qualifications from generals or air marshals.

ROLAND RICH:

Thank you. The next question is from Gareth Evans, President of the International Crisis Group, and former member of the House of Representatives.

GARETH EVANS – INTERNATIONAL CRISIS GROUP:

Khun Anand, no southeast Asian leader ever relishes answering questions about their neighbours, as you have just confirmed, but you are an exception in so many ways to the norm, that I thought it might be worth trying again, to ask you, specifically, about Indonesia.

What degree of confidence do you now have in Indonesia's capacity to consolidate and maintain its own process of democratisation, particularly in the light of the emerging separatist pressures in Aceh and elsewhere?

ANAND PANYARACHUN:

I am easily encouraged and now you encourage me to make comments on my neighbours. I will comply with your request. Now, take Myanmar. I disagree with the way that the country is being run. I do not know any member of the SLORC/SPDC and I do not like what they are doing. Yet I have a certain degree of respect for their internal affairs.

They, themselves, have to learn that the World has changed so much, that some matters were traditionally and historically viewed exclusively as internal matters. That might have been true a hundred years ago, or fifty years ago, but definitely not in 1999. I do not think that countries like ours should adhere strictly to that interpretation.

I think we can raise our concerns - we could talk to them about our true feelings - but, at the same time, I do not believe that countries like Myanmar should be ostracised by the International community. I still remember the days when I

was serving as my country's representative at the United Nations in the '60s and '70s.

We all knew about the apartheid regime in South Africa. We all knew that there were a series of sanctions enforced against South Africa. We knew how little effect those sanctions had, because there were some countries who violated the sanctions, including those in the Third World too, for business reasons.

Now, let me talk about constructive engagement. This term is not a term or a policy invented by ASEAN. It was invented by the Brits in relation to South Africa. Britain at that time did not want to have sanctions in force against South Africa.

So, it was the British government, then, who advocated the constructive engagement policy with South Africa, for which it was very much criticised and perhaps justifiably, by the Third World. Sanctions could never be fully effective. Now in 1990s, as we are reaching the new millenium, I think it is essential - it is essential to send strong messages and strong signals, to the people of Burma, that they're not going to be abandoned.

That they are not going to be deserted by the International community. And that they are not going to be left in the hands of the SLORC. At the same time, we should send strong signals to the SLORC. Let them have their own reasons for conducting such policies, with which we disagree. But there is room for talk. There is room for dialogue. There is room for adjustment.

Now, of course, the pace of change is not going to satisfy us. But I believe in the unpredictability of certain forces. If you were to ask me whether we would have this Constitution that we adopted two years ago in 1997 in Thailand - if you asked me ten years ago - I would have said, forget it. People have a way of changing.

Even government leaders have a way of changing. So I am not that pessimistic about Myanmar, but I think it is important that when we talk about constructive engagement, it must encompass all elements of engagement. We must not be selective. We have to engage them economically, politically and we have to see to it that they hear the truth.

Now, in regard to Indonesia, I wish them well. It has gone through a very traumatic experience. I hope that the new political leadership in Indonesia can overcome some of the obstacles. I do not want to go into details, but I just want to take cognisance of one very important historical fact.

Many of the communal problems that you see, either in Burma/Myanmar or in Indonesia, are the results of colonisation and the divide-and-rule policies instituted by the colonial authorities. Of course we have the benefit of hindsight and when we look at the period when Burma was formed into a nation, or Indonesia for that matter, we might conclude that both countries could have functioned more effectively as a nation had the colonialists encouraged them to form a federation. A nation with federal structure, rather than one which is a

unitary state. So you asked me where did Myanmar go wrong, or where did Indonesia go wrong, I think part of the responsibility, a fairly major part, must be laid at the doors of the British and Dutch.

But it is no use talking about the past. The main thing is to get a cohesive society, to energise them and try to move them forward and move them together, then we stand a better chance of resolving these problems.

ROLAND RICH:

Well, I think the privilege of the last question goes to Alison Broinowski who has been waiting patiently.

ALISON BROINOWSKI:

Thank you, Roland. Your Excellency, you have given us an inspiring account of constitutional change in your country, one that we have noted, particularly in Australia, because of our recent failure in that regard. I wonder though, in the light of what you have said about human rights in Thailand, whether you could cast your mind back to 1993, when an International human rights meeting was held in Bangkok, to which Australia was, it was made clear, unwelcome

If such a review were held now, in Thailand, would Australia be a welcome participant, to talk about ideas of human rights at such a meeting?

ANAND PANYARACHUN:

That question was posed to me as somebody who has no part in the government, in running the country. I run the risk of giving an answer that may not be repeated by the government authorities, but I think that, since 1993, the current government knows full well that certain matters which were untouchable in the early '90s are no longer so.

And I hope very much that they will adopt a different attitude to 1993.