Rights & Democracy
International Centre for Human Rights
and Democratic Development

Roads to Democracy

January 1, 1994

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Bangkok and Montreal, July 1994

Executive Summary:

In order to consolidate democracy in Thailand, present-day democrats must confront a political history that has witnessed periods of semi-democratic government alternating with periods of outright authoritarianism. Since the installation of representative rule in 1932, the army has interrupted the constitutional order no less than 17 times. However, the resurgence of democratic constitutionalism indicates that the democratic aspirations of Thais are too powerful to be ignored. The growth of the middle class, the emergence of an independent print media, and the strength of non-governmental organizations in recent times have been essential elements of Thailand's move towards democracy.

The current debates in the Thai Parliament over constitutional reform and decentralization reflect serious efforts to grapple with the legacy of a hierarchical state. However, the results of efforts to modernize without democratizing are inhibiting current attempts at democratic development. Considerable power remains in the hands of an entrenched bureaucracy, which is used to functioning outside of civilian control. Attempts by Thai citizens to mobilize and influence political and economic developments in society have been weak and at best inconsistent. As a result, some traditional "un-democratic" practices, such as patron-client relationships, have survived and in some cases flourished. In this situation of semi-democracy, there is an urgent need to reinforce representative institutions and curtail ongoing violations of human rights in the areas of security of the person, popular participation, social welfare and non-discrimination.

While democracy in Thailand has been on an upsurge since 1992, its future cannot be guaranteed unless democratic structures are institutionalized and the democratic process can be made more relevant to the vast majority of Thais. The legacy of past authoritarian regimes can only be overcome by greater popular participation and community mobilization. Civil society, and non-governmental organizations in particular, must ensure that the state does not overstep the confines of its powers. An equilibrium must be found not only between state entities such as Parliament, the judiciary, the executive, and the military, but also between state and non-state actors, including the business sector, non-governmental organizations, and the community at large. The study which follows examines the current strengths and weaknesses of Thai democracy and identifies some elements of an agenda for widening and deepening the democratic experience.

1. The authors found that contemporary Thais interpret their relationship to power at two levels. At the first level, people accept being the subject of power because they cannot imagine the alternative. In this "amoral register", power need not attempt to lay any great claim to legitimacy. At a second level, power is conceived within a moral register where the state itself is seen as a moral community. This moral register has at times been used to legitimize bureaucratic rule. But these dharmic notions can also be used to de-legitimate power when it surpasses the limits of benevolence. It is this latter aspect of traditional legitimacy, accentuating the importance of good rule, which has great potential for evolution in a democratic direction.

2. Despite some progress towards democratization, social norms in Thailand remain feudal, paternalistic and authoritarian. In the political sphere, these social characteristics are reflected in the survival of hierarchical structures, the lack of gender democracy and excessive nationalism.

3. There have been very few avenues for redress of human rights violations in Thai society. Until the formation of the Parliamentary Committee on Justice and Human Rights in 1992, there was no specific state entity vested with the power to deal directly with a broad range of human rights issues. The low quality of many law enforcement institutions and personnel, the prevalence of official corruption and traditional difficulties in accessing the official judicial system have increased the level of cynicism about democracy and state

institutions.

4. The official response to human rights concerns has tended to consider these concerns as "needs" which depend upon the state's discretion rather than rights which should be advocated against the state and other power groups.

5. In a context where the security forces operate in many instances beyond Parliamentary control and that ordinary judicial recourse is usually fruitless or unavailable to most citizens, there is an urgent need to reform aspects of the legal-institutional framework to enhance the level of official transparency and accountability. The US State Department has reported that the police have been responsible for the summary execution and torture of criminal suspects. Of particular importance for the long term, the failure to account for the repression of May 1992 raises the question: how secure are Thais against a repetition of this kind of violence?

6. Thailand's record of adhesion to international human rights treaties indicates a certain ambivalence on the part of the state to the concepts of the universality and indivisibility of human rights. The Thai perception is markedly different from the international interpretation of human rights which advocates the rights of all persons without discrimination.

7. Discrimination is still apparent in laws and social policies relating to the roles and position of women. Women continue to be the victims of the hierarchical and paternalistic legal and social structures. Much work is needed to broaden the notion of democracy and human rights to benefit women and the girl child at all levels.

8. Paternalism, authoritarianism and excessive nationalism have also contributed to discriminatory practices against children. Discrimination, in this respect, is connected to the pervasive belief in Thai society that children should be grateful to the parents and show filial duty by undertaking merit-making tasks for their parents. At particular risk are the girl child, child labourers, children in prostitution and children of non-Thais on Thai soil.

9. As a result of the numerous conflicts in the region, Thailand has received an influx of refugees from Vietnam, Laos, Cambodia and more recently Burma. Thai immigration law has tended to classify persons seeking refuge as "illegal immigrants" without rights on Thai soil. This approach is at odds with the universality of human rights and tends to reinforce patterns of discrimination.

10. Thai Officials fear that advocacy of the rights of minorities or indigenous peoples will lead to the call for self-determination resulting in secession. The official policy towards all minorities is assimilation in the quest for an "integrative state". The Muslim community, in particular, has suffered from the results of excessive centralization. In the case of indigenous peoples, the official attitude has been to either avoid the issue or to classify the Thai people as indigenous to Thailand. These attempts to avoid recognizing regional differences, with the growth of education and consciousness, could eventually provoke antagonistic regional movements.

11. The Thai political system has performed well for specific interest groups and individuals, but it has not yielded policies which are effective in addressing the collective needs of a rapidly industrializing society. At the same time as the pull of industrialization has fragmented traditional social systems, these have not been replaced by any general welfare provisions for marginalized groups. The state must recognize that it has a role to play in enabling rural people and dispossessed groups to access the resources they need to improve their livelihood, welfare and security.

12. One important part of the solution involves reforms of Thailand's institutional and legislative framework. There is an urgent need to reform the "undemocratic" laws which remain as part of the legacy of authoritarianism. Institutional reforms must also strengthen the legislature and party systems to permit democratic control over public policy, the bureaucracy and the military.

13. Thai democracy is in a phase of upsurge as a result of the slow growth of an elite "civil society". Maintaining this momentum requires two things: widening and deepening democratic participation; and strengthening the elite democracy which already exists.

14. The appeal of democracy is the result of three phenomena: first, democracy offers an alternative to the traditional clique-ridden, corruption-prone ways of the past; second, it has very high prestige internationally today; and lastly, democracy brings along with it new understandings of dignity.

15. However, democratization must overcome the resistance of the Thai bureaucracy which seems to be a model of non-transparency and multiple, overlapping tracks of implementation. Although responsible for many early successes, the traditionally hierarchical bureaucracy is having difficulty adapting to tasks which require a management more sensitive to feedback.

16. It must also be recognized, however, that those pushing for democracy have often lacked broad support in the society as a whole. The limitations of citizen mobilizations in urban centres, best exemplified by the weakness of the Thai trade union movement, means that urban civil society remains an elite phenomenon: more representative of the middle class than a popular aspiration; concentrated in the cities rather than the countryside; and above all, heavily centred in Bangkok. Notwithstanding this factor, there have been significant examples of urban dwellers organizing themselves into small self-help groups. However, these small organizations need to be linked laterally and develop their institutional capacity to offer their members a sense of solidarity and security.

17. One can also identify two competing political dynamics at work in Thailand. The growth of an elite-urban civil society has given more weight to a politics focused on issues. In contrast, the political dynamics in the regions are more in tune with traditional patron-client structures. While it is certainly true that these dynamics overlap in some areas, in practice they tend to work against each

other. While issue-driven politics is more about defining a framework for resolving key issues, rural-popular electoral politics focuses on trying to ensure that the system provides the most resources to a specific locality.

18. From a democratic point of view, this rural-popular model is deeply unsatisfactory. In the Thai context, the rural dynamic of local-benefit politics keeps issues from arising, a number of which have already determined to the detriment of peasants. Top down structures mean that peasants are not heard on a host of questions to do with development, natural resource utilization and conservation. Protest movements have arisen, but these are directed at resistance to particular projects, rather than into support for an alternative over-all policy. The large percentage of the population living in rural regions means that democratic development must find a way to accommodate the Thai countryside which is operating by the "rural-popular" dynamic.

19. Radical decentralization must be an integral part of the democratic agenda as a means to bring local concerns and policy issues together. Effective local government can also begin the process of empowering people and altering traditional rural-popular attitudes towards power. The experience and confidence gained at the local level will also enhance their ability to influence power at higher levels. However, local elections are not enough. Local bodies must also be given real authority and the necessary taxation and borrowing powers to implement local initiatives.

20. The decentralization of representative institutions and empowerment of local government must also be accompanied by a greater emphasis on consultative processes and negotiated solutions to the conflicts which have arisen out of the development process. This should begin with an extension of the principle of local stewardship over common resources. In the case of megaprojects, such as hydroelectric dams, mechanisms must be developed to give communities a statutory right to information about these projects and the opportunity to express their views.

21. This mode of negotiation-consultation could build on the traditional Thai model of legitimacy which emphasizes the state as a moral community. In contrast to the adversverdana politics developed in the West, perhaps the evolution of Thai politics can lead to a greater emphasis on political consensus.

22. While external influences have a role to play in strengthening civil society, it is clear that the key developments in democratization must be indigenous. For democracy to take root in Thai society, it must be understood by the majority of people as a channel of popular power and collective decision-making. This should be linked to the notion of a moral state. A democratic social understanding must see the society as a potential locus for righteousness. Reform-minded members of the Sangha can be one of the sources from which this justification of democracy and human rights emerges, building on the notion of individual responsibility and new interpretations of the doctrine of non-violence contained in Buddhism.

23. Building on the Thai experience, democrats in Thailand and their international supporters should begin to focus on the preventative dimension of democracy and human rights. This approach emphasizes education and actions to satisfy people's material needs and alleviate inequalities in society. This should be accompanied by community pressure to hasten the reform of "undemocratic" laws. Some elements of a comprehensive Agenda for Democracy and Human Rights have been proposed by the authors in the study's chapter on Orientations. The authors conclude with a suggestion of three fields of work for international organizations interested in reinforcing Thai democracy:

- Reinforcing the local capacity for policy development.
- Strengthening the capacity of the various self-help organizations and advocacy groups.
- Supporting the development of methods and mechanisms for conflict resolution.