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# RSIS COMMENTARIES

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## Thai Crisis: What Next After Martial Law?

By Pavin Chachavalpongpun

### *Synopsis*

*The martial law just declared by Thailand's military has brought the country's political crisis to a crossroads. Will a military coup resolve the current impasse once and for all, or will it only serve to deepen it?*

### *Commentary*

THE THAI Army Chief, General Prayuth Chan-ocha, announced martial law in the early hours of 20 May 2014. This gives full authority to the military to impose tight control of the political situation, suspend civil rights, and curb media and academic freedom - all in the name of restoring law and order.

Essentially, however, the military's latest move should rather be perceived as an attempt to further weaken the position of the embattled Pheu Thai government. The future of Thai politics is ever so murky.

### **'Coordinated attacks'?**

During the six months of street protests spearheaded by the anti-government forces, the military had appeared to not want to intervene in politics. At the same time, the leader of the anti-government demonstrators, Suthep Thaugsuban, a former Member of Parliament from the opposition Democrat Party, has campaigned for the overthrowing of Prime Minister Yingluck Shinawatra, accusing her of inheriting the practice of corruption from Thaksin, her older brother who had been prime minister of Thailand from 2001-2006.

One of the key tactics had been to create the situation of ungovernability so as to provide the right context for a new round of military coup.

While the military might have initially been reluctant to interfere in politics, other independent institutions, which represent the interests of the traditional elites, had joined hands in what could be called "coordinated attacks" against the Yingluck government. From the Constitutional Court and the Anti-Corruption Agency to the Election Commission and the Human Rights Commission, they did not hesitate to fully exercise their authority to undermine the government.

Eventually, it was the Constitutional Court that handed down a verdict, which led to Yingluck stepping down from the premiership. This was the third "judicial coup" staged by the Thai court in six years. The first two judicial coups were launched to topple two Thaksin-backed regimes of Samak Sundaravej and Somchai

Wongsawat in 2008.

Even after the judicial coup, there had been no sign of the Pheu Thai government tumbling down. Thaksin, in the wake of Yingluck's ouster, nominated Niwatthamrong Boonsongpaisan to serve as acting prime minister while anticipating the next election to take place. Realising the sustained popularity of the Pheu Thai and its solid backing of the red-shirt supporters, the protesters continued to challenge the position of the government, such as occupying state offices including Government House, seizing television stations and blocking roads and highways.

### **Constitutionality of martial law**

The disruptions stirred up by the anti-government protesters subsequently legitimised the military's intervention in politics, through the declaration of the martial law. But a group of legal professors at Thammasat University, under the name of Nitirat, quickly issued a statement arguing that the martial law declared by the army chief was indeed unconstitutional.

The martial law must be invoked and signed by the King. This brought up the issue of legality of the martial law and raised the question of the manipulation of the political situation on the part of the army.

Some analysts have argued that a coup might have already been staged by the army, although on paper, it is still a martial law. Whether it is a martial law or a military coup, a more important question has been the real reason behind the army's latest political intervention. It is known in Thailand that the military has never worked alone when it comes to staging a military coup. The close association between the army and the Privy Council, headed by former prime minister General Prem Tinsulanonda, could have explained why the martial law is now needed.

### **Prem's role**

Prem has long represented the interests of the Thai traditional elites. He has become an indispensable component of the so-called network monarchy, which has been in operation from the 1960s up to the present day. Despite having no position within the formal political system, network monarchy has effectively controlled Thai politics whereby civilian governments were to be kept vulnerable and weak, or otherwise they could face a possible coup should they pose as a threat to the network.

Thaksin's electoral successes and Yingluck's own political strength have worried the traditional elites. Particularly at this critical point in Thai politics, eliminating the Shinawatra family will not only ensure the continued domination of power in the hands of the network monarchy; it will also allow the old elites to be able to predict their own future - after King Bhumibol Adulyadej passes from the scene - simply because they will still be in charge of the royal transition.

But getting rid of the Shinawatra family is no easy task. Thaksin's political influence has been deeply rooted in the past decade, mainly because he has successfully transformed the Thai political landscape in a way that the competition for power was to be determined by the ability to conquer the electorate. The traditional elites have never been willing to invest in the game of electoral politics. They still rely on the traditional shortcuts of maintaining their power position through guns and coups.

The current episode of the Thai crisis will not end soon. If the royal succession is the key to the political puzzles, then Thais will have to wait a little longer when the transition actually occurs. But time is running out for the elites. The martial law, or a future coup, reflects a great sense of desperation on the part of the traditional elites to hold on tightly to their power.

The majority of Thais, however, prefer to see the problem settled in the election. They had long protested peacefully through ballot boxes but their voices were repeatedly denied. A coup will instigate them to resort to possibly violent protests, as already witnessed at Rachaprasong in 2010.

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