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*Asian Survey*, Vol. 15, No. 2 (Feb., 1975), 157-165.

Stable URL:

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*Asian Survey* is currently published by University of California Press.

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## THAILAND IN 1974: A NEW CONSTITUTION

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Jeffrey Race

ADOPTING A NEW constitution was the most important event of 1974 and the one which occupied national attention for almost the entire year. Problems in passage revealed many of the tensions in Thai society. The major question now is how far the revolution of October 1973 will go; included in this of course is the question of how long the new constitution itself will last. As of December 1974 the military was fully committed to playing the electoral game, with a free campaign vigorously underway for the National Assembly elections scheduled for January 26, 1975.

### *The Constitution: New Rules for the Game*

The drafting process began in the closing days of 1973 with the appointment by the 299-member National Legislative Assembly of a Constitution Drafting Committee.<sup>1</sup> The draft was presented to the cabinet in February and after minor changes here made its way slowly through the three readings, finally being approved at a tense session on October 5. On October 7 the king promulgated the constitution with reservations, urging that it be amended in part.<sup>2</sup>

The new constitution provides for a bicameral National Assembly, consisting of a lower house of from 240 to 300 members elected by popular ballot, and a 100-member upper house appointed by the king. Neither senators nor representatives may be permanent government officials, though they may be political appointees, and they must declare their assets and liabilities to the president of the National Assembly. The prime minister is chosen by the king from the House of Representatives, as must be half the cabinet. Ministers similarly may not be permanent government officials and must make a declaration of assets and liabilities.

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<sup>1</sup>For the background to the appointment of the National Legislative Assembly see my article in the February 1974 issue of this journal.

<sup>2</sup>The *Bangkok Post*, February 28, 1974, contains an English translation of the draft constitution; the final version was published in both Thai and English by the Juridical Council Welfare Fund. For the king's statement see Bangkok papers of October 8.

The cabinet must offer its resignation if it fails on a vote of confidence in the elected House of Representatives, though it remains in office until the next cabinet is appointed. Another important feature of the new document is the appointment of an independent Auditor General, responsible to the National Assembly, with authority to inspect the files of all government agencies, state enterprises, and local government bodies.

Major controversy erupted over age qualifications for voting and candidacy and over the provision for royal appointment of senators. University students kept up a steady drumfire of opposition all during the year to the provision for voting at age 20 and candidacy for representative at 25; advocated were ages of 18 and 23 respectively. Demonstrations broke out in mid-September as it became clear that the assembly was preparing to accept the higher limits at the third reading. In response Prime Minister Sanya Thammasak stated his belief that the age limits were too high and the hope that the constitution would fail the vote, at which point the government would propose a new draft. Assembly members reacted with "disbelief, consternation, shock and fury," according to press reports, since the present draft had slowly worked its way through more than nine months of intricate study and painful compromise. There was also fear that further delay and disorder would provide occasion for a military coup. In the interim vocational students demonstrated in force to declare that the assembly should not be "pressured" by a minority, i.e., the university students, whose agitation had obvious motives. The constitution carried, but the incident emphasized an important axis of tension within the student movement and was one of many occasions during the year on which Sanya was criticized for his erratic and indecisive leadership.

The king himself was a party to the second major controversy, over the appointment of the Senate. Despite the limited power of the upper house—it does not take part in the no-confidence vote as did the appointed upper house in the 1968 constitution—the king nevertheless felt this represented an excessive involvement of the monarchy in politics, and many observers, student and non-student alike, agreed. The government-proposed constitutional amendment to abolish the Senate failed passage on December 19, however, and the issue will apparently be carried over to the new government.

What are the implications of the new document? It clearly terminates most of the institutional devices by which the military and the bureaucracy have maintained their stranglehold over Thai politics for past decades: financial secrecy, inclusion of appointed members in a no-confidence vote, concurrent tenure as an assemblyman and a permanent official or military officer. If accepted, the new constitution will work a major change in the distribution of power and in all the specific issues where that power has been used. Some examples of what may be in store were provided by the experience of the past year: large-scale retirements of military officers without extensions at the end of the fiscal year on September 30; planned ending of ice and slaughter monopolies and a start on legislation to forbid price-fixing conspiracies and restraint of trade; release of some political prisoners; cancel-

lation of plans to proceed with a no-bid second airport; and a major shift in priorities from the industrial to the agricultural sector.

*Political Parties: Fragmentation on the Right,  
Consolidation on the Left*

That the right is taking the new constitution seriously is clear from the effort (and the stupendous sums of money) which they are putting into organizing for the January elections. So far they have played a relatively clean game, with almost no allegations of military interference or plans for vote-rigging, and relatively few political murders. The lesson has apparently been learned from the experience of other countries that once the public attains a certain level of sophistication, it will no longer tolerate the kind of ham-handed rule which Thailand has recently enjoyed; yet, even with civilian power brokers, the military can still lead an extremely lucrative and rewarding life. The conservatives believe they will win in any event, and if the elections should come out wrong, the military still have another chance to set things "right."

The accompanying diagram may help one to understand the lineup for 1975 by tracing party origins back to the 1969 election. Only the major parties are included: all told there are 42 parties, fielding 2,198 candidates for 269 assembly seats. The diagram is presented in loosely left-to-right order, and shows the Thai names of the parties and prominent members as well. Its principal feature is plainly fragmentation on the right, consolidation on the left, and the appearance of newly mobilized groups in the middle.

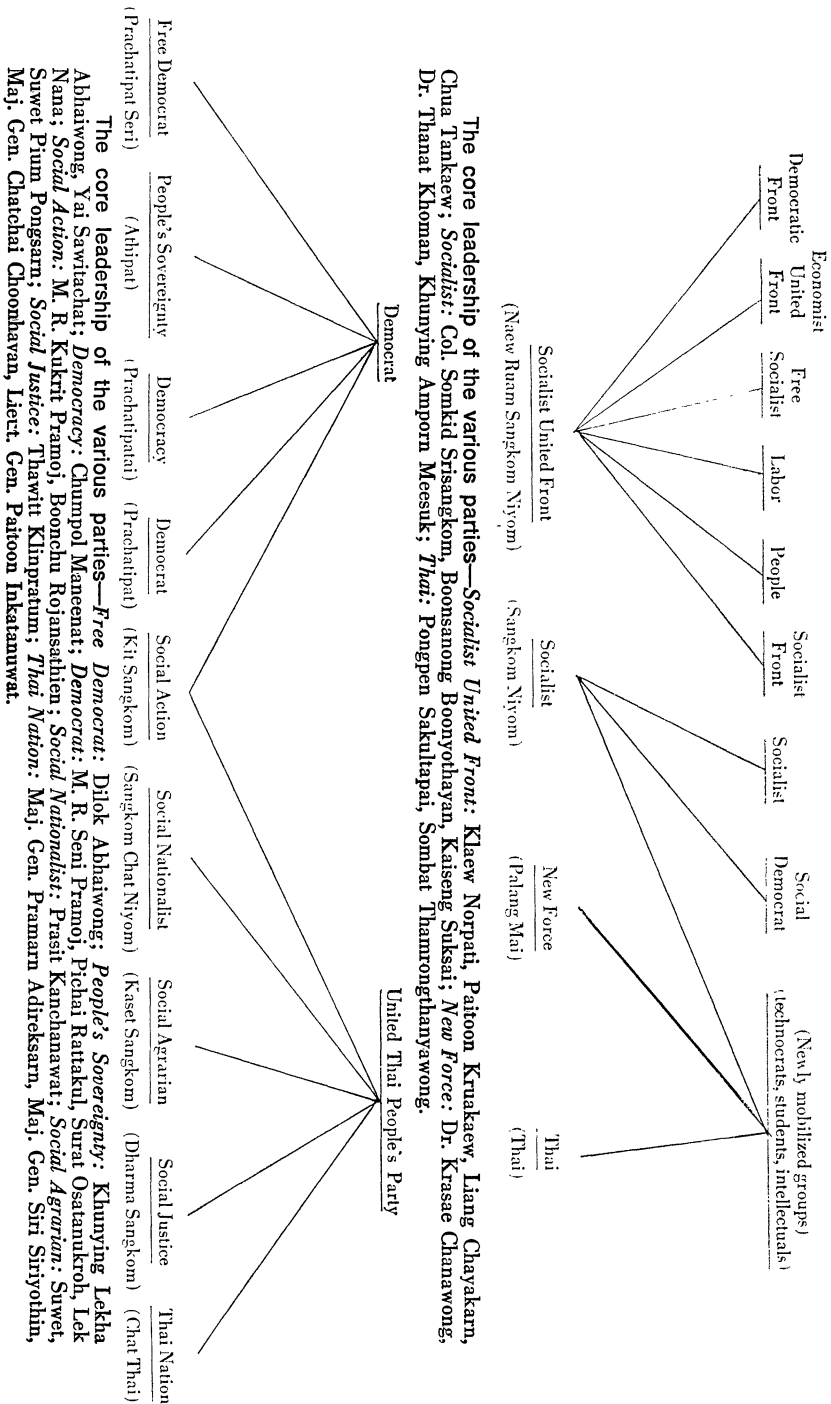
The fragmentation is particularly clear in the case of the former government party, the UTPP, and seems to have two causes. First, there is no government party in this election, and no Prapat riding herd to ensure unity of the right. (We know, if only from General Prasert Ruchirawong's recent statements, that there was considerable tension within the UTPP even in its heyday.)<sup>8</sup> Second, the new constitution provides that all candidates must be members of a registered political party, which has eliminated the incentive which existed in 1969 for popular candidates to invest in running as independents and then, upon winning, to negotiate a high return on their investments by selling themselves to the UTPP.

As a result there has been a proliferation of rightist parties: Social Justice, headed by Thawitt Klinpratun, former MP from Ratburi and self-made millionaire (shipping ammunition to upcountry U.S. bases); Social Agrarian, headed by Suwet Piumpongsarn, former MP from Rayong and former Finance Minister; Social Nationalist, headed by Prasit Kanchanawat, wealthy businessman, banker, and former Commerce Minister; and Thai Nation, headed by Major General Pramarn Adireksarn, president of the Association of Thai Industries and the Thai Textile Association, and formerly Minister of Industry. His party is popularly known as the "general's party," since other important members are Major General Siri Siriyothin,

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<sup>8</sup>See the interview with General Prasert carried in the *Nation*, November 2, 1974.

## Diagrammatic Relationship Between 1969 and 1975 Parties



The core leadership of the various parties—*Socialist United Front*: Klaew Norpati, Paitoon Kruakaew, Liang Chayakarn, Chua Tankeaw; *Socialist*: Col. Somkid Srisangkom, Boonsanong Boonyothayan, Kaiseng Suksai; *New Force*: Dr. Krasae Chanawong, Dr. Thanat Khoman, Khunying Amporn Meesuk; *Thai*: Pongpen Sakulthapat, Sombat Thammongthanyawong.

The core leadership of the various parties—*Free Democrat*: Dilok Abhaiwong; *People's Sovereignty*: Khunying Lekha Abhaiwong, Yai Sawitachai; *Democracy*: Chumpol Maneeat; *Democrat*: M. R. Seni Pramoi, Pichai Rattakul, Surat Osatanukroh, Lek Nana; *Social Action*: M. R. Kukrit Pramoj, Boonchu Rojansathien; *Social Nationalist*: Prasit Kanohanawat; *Social Agrarian*: Suwet, Suwet Punn Pongsarn; *Social Justice*: Thawit Klinpratum; *Thai Nation*: Maj. Gen. Pramarn Adireksarn, Maj. Gen. Siri Siriyohin, Maj. Gen. Chatchai Choochavan, Lieut. Gen. Paitoon Inkatawanwat.

former speaker of the National Assembly, Major General Chatchai Choohavan, now Deputy Foreign Affairs Minister, and Lieutenant General Paitoon Inkatanuwat, first commander of Thai volunteers in Laos. Thai Nation is the wealthiest of the rightist parties; it is providing a minimum of \$2,500 for campaign expenses to each candidate and has been accused of "buying" attractive candidates from other parties by offering princely (and unaccountable) sums for campaign expenses.

The venerable Democrat Party has suffered a similar fragmentation. M. R. Kukrit, apparently moved by his experience as assembly speaker in 1974, has declared his aim of becoming the next prime minister; in collaboration with Boonchu Rojanasathien of the Bangkok Bank and other "forward-looking" members of the governing elite,<sup>4</sup> he has formed the Social Action Party which offers a modestly progressive domestic program and a foreign policy of continued alliance with the U.S. Other old-time members of the Democrat Party suffered a falling out among themselves over policy and/or (as some suggest) who would get to run. Three factions resulted: M. R. Seni Pramoj, who got to keep the name; Khunying Lekha Abhaiwong and Yai Sawitachat, with the People's Sovereignty Party; and Chumpol Maneenat, with the Democracy Party. Dilok Abhaiwong heads another fragment, the Free Democrat Party.

Newly mobilized groups are principally represented by the New Force Party, headed by Dr. Krasae Chanawong, winner of the Magsaysay Award for his dedicated efforts in rural health work, and the Thai Party, organized by Pongpen Sakultapai, lecturer at Chula, and Sombat Thamrongthanyawong, former president of the National Student Center of Thailand. A number of other students and lecturers have joined Colonel Somkid Srisangkom's Socialist Party; among these are Boonsanong Boonyothayan, well-known Thammasat lecturer, and most of the thirteen constitutional activists whose arrests ultimately brought on the overthrow of the military dictatorship in 1973. The Socialist Party is an amalgam of the Socialist Party and the Social Democrat Party of 1969. The other major socialist group is the Socialist United Front, led by Klaew Norpati, successor to veteran Thep Chotinuchit who died in April.

It is equally interesting to look at who is *not* running. Thanom, Prapat and Narong are clearly out since their assets were confiscated in July (though not before Prapat succeeded in withdrawing \$860,000 from the Bangkok Bank via a Taiwanese merchant sent on the mission with a power of attorney). General Kris Sivara, Army Commander-in-Chief, granted absolute powers as "peacekeeper," has shied away from all overt involvement, though he has many personal, business and professional relationships with members of the UTPP successor parties. He has vowed to stop any coup attempts and apparently intends to stay clear of politics through his retirement from mili-

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<sup>4</sup>Boonchu was noted under the old regime for his "progressive" ideas (by the standards of his peers), and he frequently spoke in opposition to the absurdities of the generals' policies. A typical example of his public remarks at that time was quoted in my article on Thailand in the February 1974 issue of *Asian Survey*.

tary service on September 30, 1975. Retired Generals Sanga Kittikachorn and Prasert Ruchirawong have publicly stated they feel the new government will not last more than a year; they apparently have hopes their services will be called upon thereafter. Air Marshal Dawee, now also retired, similarly states that he is foregoing all political involvement at the present time. Dr. Puey Ungphakorn, often spoken of earlier in 1974 as a potential prime minister, is completely out of the running because of his refusal to affiliate with a political party.

### *Unprecedented Mobilization: Students, Workers, Farmers, Monks*

After its moments of glory in the last half of 1973, the student movement has pursued the fissiparous tendencies which were already apparent during the October coup. The growing disunity of the student movement—actually students should be expected to have as many disagreements as their elders—is apparent in the multiplication of activist groups: in addition to the NSCT, there is now the People for Democracy Group headed by former NSCT Secretary General Thirayuth Boonmee, the Federation of Independent Students of Thailand of Saeksan Prasertkul, and the National Vocational Student Center. There have been bitter conflicts between FIST and NSCT over the approach to take to farmer's demonstrations and, as noted above, between the vocational and university students over the proposed age limits for voting and candidacy.

The splits which have understandably occurred should not be permitted to obscure the more significant fact, which is the unprecedented high level of student involvement in almost all aspects of Thai public life. Indeed, the splits have occurred primarily on the question of how best to pursue this involvement, which is apparent in three spheres. First, in the wake of the reforms growing out of October 1973, students have been invited to participate in a variety of institutional mechanisms of the state bureaucracy: landlord/tenant committees, anti-hoarding parties, poll-watching teams, and the propagation of democracy campaign. Second, many students have taken a leading role in the workings of the political parties themselves. Third, students have reached out to mobilize less involved but potentially powerful segments of the population in the labor and agricultural sectors.

Workers have been prompt to take advantage of this proffered assistance and of the new climate of openness. Several major strikes took place during 1974, unprecedented in size, amount of violence, and extent of demands. In particular a strike in July against one of the tourist hotels succeeded, after considerable violence, in removing several foreign hotel executives. Labor pressure also succeeded in forcing up the minimum wage twice during the year. As 1974 closed steps were also being taken to amend NEC Decree 103 to permit the establishment of trade unions.

Farmers also enjoyed the new environment to press demands; their demonstrations forced measures to remedy the consequences of decades of neglect of agriculture and, possibly, to set the government on the road to genuine constructive long-range policies as well. March saw the first-ever

farmer's demonstration in Bangkok— over the low rice price. This settled, farmers returned in greater strength in June to protest increasing alienation of farmlands. An interim settlement broke down, and the farmers returned again in November for a 17-day demonstration ultimately 20,000 strong. The final agreement, in which the Deputy Secretary General of the NSCT and the Thammasat Student Union President participated, pledged the government to distribute available land to landless farmers and to assist farmers in redeeming mortgaged land, among many other points. In recognition of the changing times the government during the year also passed a seed certification law, a land rental law, and a land reform law which, with certain exceptions, limits holdings to 20 acres.

The year also saw the mobilization of a number of (for Thailand) unlikely groups: the kingdom had its first women's rights demonstration and what is also probably its first demonstration by police sergeants demanding greater promotion opportunities vis-a-vis university graduates. A number of high-ranking dissidents within the police and military also published an exposé titled *Com Thirak* ("Communist Darling") attacking government counterinsurgency policy.<sup>5</sup>

The biggest storm of the year, however, came over the participation of a group of monks in the November farmer's demonstration. General Kris was reported to have said that the monks' action in leading a rally was "the end of everything . . . there is nothing more serious than this,"<sup>6</sup> and the Ecclesiastical Council promptly condemned the monks. When one of the activist monks refused to leave after being expelled from the temple he was residing in, the abbot kicked him in the head, which shows how far Thailand has come in the past year. The incident reveals deeper generational and doctrinal conflict within the Sangha, and more will no doubt be heard of monks in politics in the coming year.

### *Foreign Relations: Loosening the Leash*

Thai leaders pursued a policy of gradually decoupling from the American alliance, for example, by applying restrictions to U.S. base use and by pressuring the PX, all amidst a sense of the inevitable drift of events, with a declining U.S. economic aid budget and continued withdrawals of American military personnel. The year got off to a bad start with the revelation that an American intelligence officer attached to the CIA Sakon Nakhon station had sent a bogus letter to the prime minister in the name of the communist party. The incoming American Ambassador, William Kintner, apologized for the incident, but the new freedom felt by Thai leaders was exemplified by the action of General Vitoon Yasawas, a former commander of Thai volunteers in Laos, who, in an unprecedented move, revealed publicly the name of Bangkok's CIA station chief. Early in the year Kintner made several statements which were much resented in Thai circles, but as the year wore on he gained generally high marks for his initiative, open mind, and

<sup>5</sup>Anan Senakhan *et al.*, *Com Thirak* (Bangkok: Siam Press, 1974).

<sup>6</sup>*Nation*, December 3, 1974.



apparently sincere support of Thailand's current experiment with democracy.

This loosening of relations with the U.S. is in line with an evolving policy formally enunciated in June to shift foreign policy emphasis from the West to regional countries.<sup>7</sup> Accordingly Thai leaders continued to seek closer relations with China, with Foreign Minister Charoonphand Issarangkun Na Ayuthaya stating as early as the end of 1973 that Thailand intended to pursue a one-China policy and that recognition of Peking was just a matter of time.<sup>8</sup> Numerous high-level Thai missions travelled to Peking, and there was a noticeable cooling of relations with Taiwan. Pressure was placed on the KMT schools in the North, and the Taiwanese intelligence station in the North was also reportedly closed out.<sup>9</sup>

Despite several attempts at offering the hand of friendship, Thai leaders were able to make no headway in relations with North Vietnam. According to press reports published in Bangkok on October 20, a DRV Foreign Ministry spokesman stated on the 19th that the Thai "have allowed the United States to maintain military forces and military bases in Thailand to oppose the people of Vietnam, Indochina and other countries of this region. . . . With such a hostile policy towards Vietnam and Indochina, it is unrealistic for the Thai administration to talk about improving relations between the two countries."

### *Rural Revolt: Pot Still Boiling*

If poor relations with the DRV had no costs attached, the matter of DRV insistence on removal of U.S. troops from Thai soil might be left as it stands. Unfortunately for Bangkok, the year provided new evidence that this is anything but an academic matter. A U.S. intelligence study revealed that North Vietnam has organized a complex and highly articulated commo-logic system to support the rural revolt in Thailand. This so-called "35/95 system" is manned by some 2,000 North Vietnamese and Pathet Lao troops and stretches from North Vietnam, through communist-controlled areas of Laos and Cambodia, into all the Thai provinces adjoining the latter two countries.

Relying on this system as well as on the frequently catalogued list of issues strictly internal to Thailand, the rebellion continued to grow in 1974. Intelligence sources estimate there are now some 8,000 insurgents under arms, versus 5,000 a year ago and some 3,500 the year before that. Dramatic increases in insurgent strength have come in the North and the Northeast, while smaller increases have been registered in the Central Plain and the southern provinces. Almost everywhere attacking forces are increasing in size and sophistication, and assaults which formerly lasted only minutes are now stretching to hours and sometimes longer. Government casualties continue to run some 50% higher than insurgent losses, indicating that battlefield success is nowhere in sight.

<sup>7</sup>Bangkok *Post*, June 10, 1974.

<sup>8</sup>*Nation*, December 30, 1973.

<sup>9</sup>On the schools, see the *Post*, April 15, 1974; on the intelligence unit see the *Post* issues of April 3 and April 23, 1974.

Communist propaganda statements assert that the new regime is not essentially different from that overthrown in October 1973. The recent statement marking the 32nd anniversary of the Communist Party of Thailand similarly reemphasized the party's determination to follow the violent road to state power, though now in collaboration with sympathetic students, farmers, intellectuals and workers.<sup>10</sup>

Government strategists have finally concluded that doing more of the same will not prevent the situation from deteriorating. Their new plan, called *Aw Paw Paw*, Thai acronym for "Volunteer Self Development and Protection," calls for a massive expansion of the village militia, enlargement of local government, and a major shift of government attention to problems of the rural areas. It remains to be seen whether the proposed shift will actually occur, or whether this will be just another paper reorganization, faltering on the lethargy and selfishness of the bureaucracy and the chronic inability of government departments to cooperate even in defense of the realm.

### *Conclusion*

The conservative groups which have dominated Thai politics and economic policy for decades will no doubt have formed the new government by the time these words reach print, and we cannot even exclude the possibility of a return to direct military rule at some later date. What is certain, though, is that in the post-October 1973 environment extraconstitutional rule will henceforth be infinitely more difficult to enforce. As an instrument of effective policy its days are over, as seems clear from the fact that the kingdom's first prolonged experience with military rule lasted 17 years (1951 to 1968), and was brought to an end by pressures from within the ruling groups, while the most recent attempt lasted only two years (1971 to 1973) and was ended by a popular uprising.

The long-run implications are thus plain enough. Thai society has evolved to such a level of complexity, wealth, literacy and sophistication that no one group has a monopoly of power. New forces have demanded participation in the decision-making process, and they are not going to go away. To this extent, 1974 has seen a new step in the development of Thai political life.

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<sup>10</sup>FBIS transcript of clandestine broadcast in Thai, December 1, 1974.