

Worries About Thailand's Invisible Hand

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The pro-Thaksin party that finished first in the December elections is not home free yet.

Sign list of names applicant board elects in Thai general election, 2007

As the People Power Party attempts to form a coalition government after its decisive victory last month in the first elections since the 2006 coup in Thailand, the Election Commission and the courts have opened the possibility that dozens of winning candidates could be disqualified, the poll results voided or the party dissolved altogether.

At this point none of those things seem likely to happen, but the party formed by loyalists of deposed Prime Minister Thaksin Shinawatra has reason to be paranoid given many politicized court decisions over the past two years.

"The new cases against the PPP are unexpected," said Kanin Boonsuwan, a legal expert and former constitution drafter. "The invisible hand is back."

On Thursday, the commission endorsed 397 of the 480 winners from the Dec. 23 voting. Eighty-three are still under investigation, including 65 from the PPP, six from both the Democrat party and Pua Paendin, four from Chart Thai, and one from both Matchima Thipataya and Ruam Jai Thai Chart Pattana.

As of now that gives the PPP 168 seats, down from 233. The Democrat party would fall to 159 from 165, Chart Thai 33 from 37, Pua Paendin 19 from 25, Ruam Jai eight from nine, Matchima six from seven and Pracharoj with five.

PPP had announced earlier this week that it put together a 254-seat coalition with Ruam Jai, Matchima and Pracharoj. Both Chart Thai and Pua Paendin have also indicated they would join the coalition, but they delayed making an official announcement because the final results are not yet known and political parties have temporarily halted activities to mourn the death of Princess Galyani Vadhana, King Bhumibol Adulyadej's older sister.

The final election results should be known relatively soon, as the commission has vowed to endorse 456 candidates — or 95% of all parliamentary seats — before January 22, when Parliament is scheduled to convene for the first time. So far the commission has disqualified three PPP candidates on allegations of vote buying, and local news reports suggest the coup group is pressuring the commissioners to red card many more. The commission has the power to ban a candidate from politics for one year, and the evidence does not need to hold up in a court of law.

Although 65 of its candidates remain under investigation, the PPP says it doesn't expect a massive amount of red cards.

"We don't believe that the EC will issue that many," Noppodal Pattama, secretary-general of the PPP and Thaksin's lawyer, said in an interview Friday morning.

But red cards aren't the only obstacle facing the party. The Supreme Court announced Thursday that it would rule on a case brought by losing Democrat candidate Chaiwat Sinsuwong on whether the PPP and its leader Samak Sundaravej are in fact nominees of Thaksin and his dissolved Thai Rak Thai party. If the court rules against PPP, the poll results could potentially be nullified and the party could face dissolution by the Constitutional Court.

Noppodal called the case against the party "frivolous and easy to defend."

"There has been a movement to prevent the PPP from forming the next government," he added. "But it will not work. No one can obstruct the will of the people."

Earlier in the week, Samak ruffled feathers when he claimed that a "dirty invisible hand" was attempting to block the PPP from forming a government. The euphemism revived memories of Thaksin's July 2006 claim that a "highly respected individual" wanted to overthrow him - he was out two months later.

Both times party leaders were presumably speaking about General Prem Tinsulanonda, the 86-year-old retired general, former prime minister and chief advisor to the king who commands widespread respect due to his proximity to the throne. Coup opponents accused Prem of masterminding the September 2006 power grab, not least because the former military chief was dressed in full uniform prior to the coup when he told soldiers to be loyal to the king instead of the government. The trouble now is that the coup may have simply traded Thaksin for Prem's long-time nemesis Samak.

On the face of it, Prem and Samak would seem to agree on more than they disagree: Both are right-wing royalists who hate both communists and journalists and generally have no problem with military governments. While Samak verbally berates reporters, Prem simply refused to talk to them when he was prime minister, earning the nickname "The Mute."

The troubles between the two date back to nearly 30 years ago when Prem became prime minister. Samak, whose upstart Prachakorn Thai party won 32 of 37 Bangkok seats in 1979 due to strong support from the military, refused to join the government because Prem invited him into the coalition over the telephone instead of in person.

The two have worked together in governments over the years, but were never fond of each other. Then in 1997, when the government was reeling after the financial crisis, Samak blasted Prem for proposing a national unity government that might see him return to the premiership.

"What if people think [Prem] received a royal green light to say such a thing," Samak said at the time.

Samak took aim at Prem again in February 2006 at the height of the anti-Thaksin protests, claiming that vague speeches Prem was making on ethics and morality were a political act against Thaksin. The backlash from Prem's buddies in the military was severe, and Samak quit his radio and television shows rather than apologize to Prem.

At the time *The Nation* newspaper ran an editorial titled "Samak commits political suicide." It said: "Prem's followers in the armed forces are infuriated that such a veteran and seasoned politician-turned-television-talk-show host as Samak would dare to step on the toes of such a widely respected statesman."

Despite the heat, Samak is now on the verge of becoming prime minister, and what's worse for Prem, Samak's criticism opened the door for more attacks on the head of the Privy Council, which is supposed to stay politically neutral.

Clashes erupted in front of Prem's house last year when anti-coup protestors marched there to voice their displeasure with his alleged role in the putsch. Someone even posted this Youtube video last year accusing Prem of seeking to usurp the throne. Officials tried to ban the video but couldn't since it wasn't deemed insulting to Bhumibol.

"Khun Samak is a royalist and right winger just like Khun Prem, so the difference between the two men is a very delicate issue," said a senior PPP official, speaking on condition of anonymity. "Khun Samak criticizes Khun Prem for jeopardizing the throne. Samak is also a great supporter of the monarchy, but he doesn't agree with way Khun Prem enhances himself in promoting the monarchy."

Although Prem is supposed to steer clear of politics in his Privy Council role, it's impossible to disregard his influence. News reports frequently mention his meetings with political party leaders.

Moreover, this taped transcript between Supreme Court judges leaked last year explaining why the April 2006 election was voided reveals that tampering with court cases may be common. This was seen repeatedly in the last year, from the ex post facto decision to ban Thaksin and other Thai Rak Thai executives for five years to the amnesty granted the coup makers in the new constitution to the Election Commission rules preventing PPP from even displaying a picture of Thaksin on the campaign trail.

With the PPP scarcely disguising its alignment with Thaksin; the Supreme Court's acceptance of a case in which it must rule on that fact is troubling, as it has everything to do with politics and nothing to do with law.

Analysts believe the social repercussions of a rash decision against the PPP could force both the commission and the courts to tread cautiously.

If all goes smoothly for PPP, it will end up opening Parliament later this month with a coalition majority of more than 300 MPs. But if that doesn't happen, the country could again be thrown into political chaos.

"I don't think either the courts or the Election Commission will change the election results to the point where it will tip the balance to the Democrat Party," said Somchai Pakpatwivat, a political science lecturer at Thammasat University. "They may find legal means to do so, but politically it's not possible. If they do dissolve PPP or red card dozens of members, there could be a violent backlash. PPP has a huge amount of legitimacy now after nearly gaining an absolute majority in the election."

P.S.

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