

ASIA HAND

Judicial coup murmurs in Thailand

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BANGKOK - When Thailand's Constitution Court finally rules on whether or not to dissolve the ruling People's Power Party (PPP) and two of its junior coalition partners on electoral fraud charges, there is a chance that the long-awaited decision sets in motion a concatenation of court-endorsed events that overhauls the country's politics and bids to bring its dangerously escalating political conflict to a conclusive end.

The Constitution Court reviewed evidence from the three parties' defense teams on Thursday and has called for a meeting of party representatives on November 26. A final verdict is expected soon thereafter. Prime Minister Somchai Wongsawat has advised his PPP members to prepare to jump ship to the Puea Thai party in the eventuality the PPP is disbanded and the party's top executives are banned from politics.

The move would be aimed to circumvent a dissolution decision and allow former PPP members to form a new government as Puea Thai members rather than having to dissolve parliament and hold new elections. Most Bangkok-based analysts have that as their baseline case scenario, with a Puea Thai party-led government lasting long enough to disperse the 2009 budget and other spending measures to help coalition parties build up their financial war chests for a new round of elections in either late 2009 or early 2010.

However, a top leader within the anti-government People's Alliance for Democracy (PAD) protest movement, which for the past three months has laid siege to Government House in a bid to topple the PPP-led government, predicts a wholly different scenario after the widely expected guilty verdict, one that exploits a perceived loophole in the Thai constitution and would amount to a sort of judicial coup.

The Thai charter allows politicians from disbanded political parties 60 days to regroup under a new party banner. However, the charter fails to indicate explicitly who or what agency would have the legitimacy to govern in that interim period. The PAD source claims that Constitution Court, Supreme Court and Administrative Court judges have discussed establishing a "Supreme Council", consisting symbolically of nine members, to fill the political vacuum.

The proposed authority - which the PAD source likened to China's State Council or cabinet - would be empowered to appoint an interim prime minister and cabinet, and also pass legislation by decree. The same source indicated that the planning had come far enough along that behind-the-scenes 2006 coup-maker and former spy chief Squadron Leader Prasong Soonsiri is the top candidate to chair the proposed council, and that Privy Councilor and palace favorite Palakorn Suwanarat would likely be appointed interim premier.

Once and if the said council is formed, it would presumably move quickly to push through the controversial political changes the PAD has advocated through its protests, including a move towards a part-appointed, part-elected Lower House of parliament, where conservative institutions, including the military and courts, would hold sway over the appointment process.

Such a move would intentionally diminish the popular voice and by association former prime minister Thaksin Shinawatra's and the PPP-cum-Puea Thai's democratically delivered political power. It would also mirror the military-drafted 2007 charter's rollback of a fully elected Senate, which was enshrined in the progressive and now annulled 1997 charter. Prasong led the military-appointed National Legislative Assembly in 2006 and 2007 and oversaw the passage of reams of reactionary legislation.

The PAD-favored scenario would allow the conservative forces that have aligned behind its movement - including segments of the military, bureaucracy, opposition Democrat Party and, at least symbolically, the monarchy - to overhaul the country's politics in the name of the rule of law and without resorting to what would likely be an unpopular military putsch.

It would also be consistent with the recent trend towards the "judicialization" of Thai politics, an apparently royally endorsed concept where high courts and esteemed judges fill the role the monarchy has traditionally played in mediating complex political disputes.

Conservative agenda

It's unclear for now whether a judicial coup is mere wishful PAD thinking or the actual hidden agenda of conservative forces to forge a final, non-violent solution to the country's debilitating political crisis while in the process guaranteeing the future centrality of the monarchy in Thai society after the highly revered King Bhumibol Adulyadej eventually passes from the scene.

The legality of a judicial coup - as with the PAD's earlier calls on the military and monarch to intervene in Thai politics - would be questionable, experts and analysts say. At the same time, the Thai judiciary earned a ringing international endorsement this month when the United Kingdom canceled the exiled Thaksin's visa in light of the recent criminal conviction, including a two-year jail sentence, recently handed down by the Supreme Court against the fugitive former premier.

Thaksin's supporters argue the courts have already launched a sort of judicial coup through the string of recent decisions that have gone against Thaksin, his family and political allies. It all started, they say, with the the May 2007 Constitution Tribunal's decision to disband the former ruling Thai Rak Thai party and bar 111 of its executive members, including Thaksin, from politics for five years on electoral fraud charges. The opposition Democrat Party, which faced similar charges, escaped unscathed, they note.

A Supreme Court ruling in July this year ousted Thaksin ally Yongyuth Tiypairat from his position as House speaker, while two months later the Constitution Court disqualified PPP premier Samak Sundaravej on conflict of interest charges related to his hosting a televised cooking program. In August, Thaksin's now former wife Potjaman was sentenced to three years in prison on tax evasion charges. And state prosecutors are now moving to permanently seize on corruption-related charges 76 billion baht (US\$2.2 billion) worth of Thaksin's assets, believed to be the bulk of his personal holdings.

A guilty verdict that orders the dissolution of the PPP and paves the legal way for a court-appointed interim ruling council would no doubt further inflame the passions of Thaksin supporters, some of whom back the former premier's claim that the courts have taken political sides. One government insider recently showed this correspondent a preliminary draft of a polemical brochure they plan to distribute to the general public accusing the judiciary of joining forces with the conservative establishment to overthrow Thai democracy.

At least two senior judges have had their residences targeted by small explosives in recent weeks.

Meanwhile, violence is dangerously escalating again on the streets of Bangkok, witnessed in a deadly grenade attack against the PAD's rally site on Thursday. Anonymous assailants have hurled several explosive devices at PAD guards in recent weeks, coinciding with Thaksin's November 1 call to a stadium full of his supporters that only a royal pardon or people's power movement would allow for his return to Thailand. (No suspects have been held accountable for the attacks.)

It's not apparent to most that any royal pardon is forthcoming, even as the country more eagerly than usual anticipates King Bhumibol's nationally televised annual birthday address on December 4. A court decision handed down against the PPP and the formation of an interim Supreme Council in the coming days could be timed to receive the respected monarch's endorsement during that influential speech, one insider suggests.

Even if so, it's still a wildcard how an increasingly desperate and feisty in-exile Thaksin and his in-country supporters might react to yet another guilty verdict handed down against them by increasingly assertive courts. And it's equally as worrying the prospect Thailand's now simmering street violence between Thaksin's supporters and his PAD detractors explodes into full-blown civil strife without some sort of perceived neutral intervention from above.

P.S.

* Asia Times Online:

http://www.atimes.com/atimes/Southeast_Asia/JK22Ae02.html

* Shawn W Crispin is Asia Times Online's Southeast Asia Editor. He may be reached at swcrispin@atimes.com.