

A state at war with its people

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The Internal Security Act which the junta wants to pass is the key measure to reinstate the army high command at the peak of the government.

On first appearance, the law seems to set up a new organization, or at least revive an old one (the Internal Security Operations Command, ISOC, which was originally formed to combat communism and had faded into the background in recent years). But this is an illusion. What the law does is give massive new powers to the army chief. In the past, the directorship of ISOC was a standalone post with its own secretariat and organization. In this law, the army chief automatically becomes head of ISOC. The chief of the army general staff heads up the ISOC secretariat. The regional army chiefs become the ISOC regional heads. The whole point of the bill is to give more powers to the army and especially the army chief.

And these powers are considerable. Arrest. Detention. Search. Curfew. Confinement to a house. Blocking roads. Seizing and confiscating anything. Banning meetings, gatherings, entertainment and publicity. Demanding documents and other evidence. In most cases, no warrants or authorization are required. Even when they are, these can be dispensed with "in case of emergency." Under one extraordinary clause, an authorized official can tell anybody to do anything. This act creates a pervasive and permanent state of semi-martial law.

These powers can supposedly be invoked only to prevent or resolve threats to internal security. But the definition of internal security is very broad. It includes violent acts, but also "propaganda" or "publicity". We know from experience that those in power tend to equate any opposition to themselves as threats to national security. A year ago Thaksin was making claims of that nature. Only a few months later some soldiers growled that remarks about Sonthi's marital circumstances or Surayud's holiday accommodation were threats to national security.

In the bill draft, there is no real monitor or check on the use of this wide-ranging authority. The army head exercises these powers in his own right, not as the agent of the prime minister. The act specifies that he reports directly to the prime minister but there is no mechanism provided for the prime minister or cabinet to exercise any oversight. The act sets up committees to oversee ISOC at the national, regional, and provincial level, but these committees are largely appointed by the army.

In short, this act gives very considerable powers to the army chief. It makes him in many ways more powerful than the prime minister, and not really answerable to anyone. A state above the state.

To understand this legislation, it helps to know the background. The army began campaigning for this law in February 1998 when the Chuan government announced they would repeal the tired old Anti-Communist Act of 1952 (the repeal was completed in June 2001). The army argued that it would need a new legal basis to operate after this old act lapsed. This is very telling. For what exactly did the army need a new legal basis to operate?

The Anti-Communist Act was passed in a context of war, the so-called cold war which outside the rich countries was not "cold" at all. In that era, the army and the rebels saw one another as enemies, and fought pitched battles. All today's top brass (Sonthi, Surayud, Vinai, Saprang, Anupong) took part in this conflict during the formative period of their lives. This new draft insecurity law is a

direct descendant of the Anti-Communist Act. It is littered with some of the characteristic vocabulary of the cold war era. It talks about unity (samakkhi), peace and order (khwam sangop riaproi), uniting the power of the masses, and protecting nation, religion, and King. The mindset is very clear.

The new Act is not needed to deal with the far south. The State of Emergency Decree passed in 2005 was designed for that and is still being used for that purpose. That emergency decree could also be used against terrorism or drug trafficking. The whole point about this act is that it is always in force and everywhere in force, pervasive and permanent.

There is another telling sign. The draft of the bill is very sloppy. The language is inconsistent. Typos abound. Several sections are a big muddle. One amazing clause appears to require anyone thinking of starting an illegal business to keep proper personnel records. The draft has all the signs of being a hasty cut-and-paste job from old sources. Several clauses have been scissored out of the State of Emergency Decree introduced two years ago. In short, it looks like a back-of-the-envelope job by one of the junta's legal hitmen.

This makes one speculate why the junta recently added sixty days to its potential time in power. This extra time is not really needed to complete all the legislation for a new election. Correcting the old organic laws should consume a long afternoon at most. No, one suspects that the junta needs extra time to pass this internal security law and maybe some others.

And what does that tell us? That the junta knows it's at war. That having martyred a popular political leader and martyred a popular political party, it may now be facing a considerable enemy. That the army cannot afford to "restore democracy" the way it wants without equipping itself with very impressive powers to use against internal enemies.

Last September, the coup-makers talked a lot about reconciliation. Probably they got the word wrong. They must have meant capitulation, surrender.

P.S.

* From <http://www.geocities.com/changnoi2/security.htm>