

The Political Reform Process and the Making of the People's Constitution

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Introduction

Thailand is a constitutional monarchy, under a democratic regime of governance, with the King as the head of state. This modern Thai State is the product of a long political evolution that has seen absolute monarchy, and later periods of military dictatorship and democracy, although the principle of the king as head of state has held throughout. During Thailand's constitutional period, which began in 1932, there have been 16 different constitutions, often drafted with the aim of perpetuating the political power of the drafters. The current constitution, promulgated in 1997, represents a major departure from this practice in that it aims to provide a framework under which Thailand may be governed democratically and effectively, with particular attention paid to rooting out the corruption that has in the past accompanied political and administrative power. To understand how Thailand came to this point in its political evolution, it is useful to understand the forces that shaped the Thai State before the constitutional period, and the character of the Thai state under its various constitutions. Only once this background has been established can the significance and relevance of the political reforms under the 1997 constitution be appreciated.

The Pre-constitutional Period

For centuries, Thailand operated as a feudal system. Under King Rama I (1782-1809), the first king of the current dynasty, Thailand, or Siam as it was then known, became a unified kingdom. King Rama I revised laws with the aim of strengthening national administration. While Thailand's neighbors were still a very significant factor behind this, by this time Thailand was already long familiar with Europeans and the pressures caused by European trade and Europe's colonization of the Far East were already being felt. This European pressure proved to be influential in Thailand's political evolution.

Westernisation of the Thai state began in earnest under the reign of King Mongkut, or King Rama IV (1851-1868). He encouraged consideration of foreign ideas, and began to make changes to the national administration. One of the major events in this period was the signing of the Treaty of Friendship and Commerce, 1855, with Great Britain. This treaty ended the Thai king's monopoly on external trade by permitting British subjects to trade

freely in Thailand's seaports. Similar treaties with other western powers, including the United States, France, Denmark, and Portugal, followed shortly thereafter.

King Chulalongkorn, or King Rama V (1868-1910) did a great deal to shape Thailand. Domestically, he abolished slavery, liberating the labor force from the inefficiencies of serfdom under the feudal system. Feudal rights of nobles were abolished. He also centralized natural resource management, and introduced a new fiscal and budgetary system. Perhaps most importantly, though, King Rama V westernized Thailand's legal system and its system of government. The judicial system was reformed and a codified system of laws was adopted. Ministries and provincial administrations were created. Although Thailand had to cede some territory to Europeans during this period, these measures, and King Chulalongkorn's visits to European heads of state, reinforced Thailand's status as a modern nation state and helped the country avoid colonization. King Chulalongkorn's European-educated son King Vajiravudh, or King Rama VI (1910-1925) proceeded to promote nationalism.

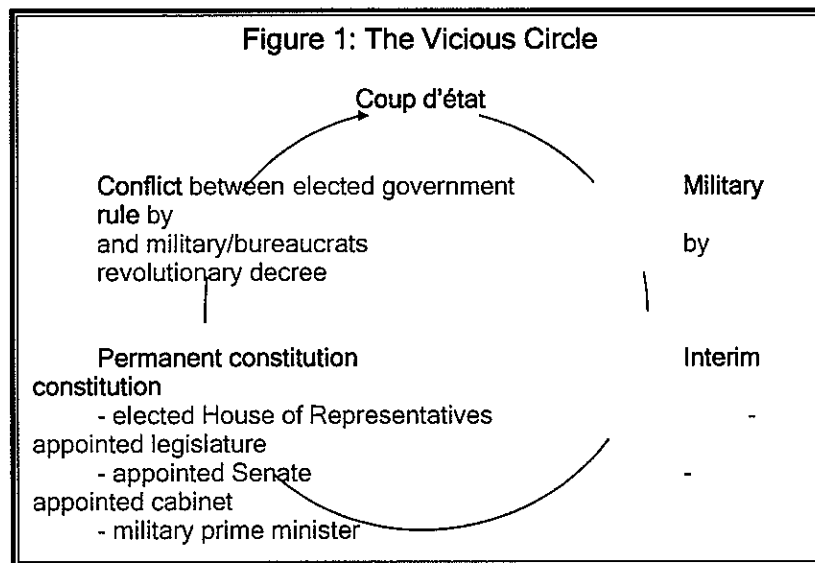
King Prajadhipok, or King Rama VII (1925-1935) was Thailand's last absolute monarch. He had also been educated in Europe, though he was far down on the line of succession and was not expected to ascend the throne. King Rama VII introduced further reforms, introducing a new system of government service based on merit, but economic problems forced King Prajadhipok to adopt an austerity plan that decreased the popularity of the monarchy. In 1932 a group of civil servants and army officers staged a bloodless coup and demanded a constitution. King Prajadhipok agreed and later the same year granted Thailand's first constitution, which officially changed Thailand to a constitutional monarchy based on the Westminster model. After conflicts with the government, however, King Rama VII abdicated in 1935. As King Ananda Mahidol, or King Rama VIII (1935-1946), was a minor at the time, a regent was appointed for much of his reign and the monarch's role in Thai politics waned. The current king, King Bhumipol Adulyadej or King Rama IX, ascended the throne in 1946 and has since played a stabilizing role in Thai politics within the scope of his position as constitutional monarch.

Constitutional Legacy:

Strengths and Weaknesses of the Thai Political System (1932-1997)

It is worthwhile to look at the general characteristics of the political system that developed in Thailand between 1932 and 1997.

One significant characteristic was (and still is), of course, the monarchy. Under constitutionalism, the monarchy became a “social institution” rather than a “political institution”. The King adheres to Bagehot’s famous formula of the “right to consult, advise and warn” in the political sphere, but maintains strict neutrality and non-partisanship. The King conforms to the 10 principles of royal good governance derived from the teachings of the Lord Buddha. In the social institution function, the king fosters national wellbeing; King Rama IX has sponsored more than 2,000 royal projects to promote the economic and social well-being of various groups, especially the poor and the disadvantaged. As far as a political role is concerned, the monarchy assumes responsibility for the continuity and stability of the Thai State, and takes the position of Supreme Arbitrator during times of political crisis.



Despite the stabilizing influence of the monarchy, Thailand has suffered from what can be called a “vicious circle” in politics (see Figure 1). This is a cycle that begins with public pressure against a civilian regime due to social, political, or economic problems, resulting in coup d’état and subsequent military rule by revolutionary decree. This in turn is quickly followed by an interim constitution and rule by an appointed legislature and cabinet. Eventually this leads to a ‘permanent’ constitution and an elected House of Representatives along with an appointed Senate and a military prime minister. Conflicts between the elected components of the government and the military and/or bureaucrats, however, ultimately set off the cycle once more. The vicious circle began in 1947, with the overthrow of the Pridi

Banomyong’s civilian government. Since 1932 Thailand has experienced nine successful and seven abortive coups (see Appendix 1), and has had 16 constitutions, six of which were interim constitutions. Of the nearly 70 years since the end of absolute monarchy, Thailand has spent almost 50 years under the rule of military prime ministers. International pressure for democratization, however, was muted due to the United States of America’s tolerance for any sort of anti-communist regime in the Southeast Asian region during the cold war.

Another persistent feature of the Thai political system is the existence of patron-client relationships in rural areas. Even with recent urbanization, the bulk of the Thai population (up at 80%) lives in rural areas, and many of these people are poor. These poor rural people are dependent on “local strong men” for the provision of community services and for personal assistance in times of difficulty. Local leaders are valued for their willingness and ability to channel benefits into the local communities. Reinforcing these ties is the practice of vote-buying, whereby voters are given gifts in the form of cash or useful items in return for their votes. These practices have been documented elsewhere, so this paper will not dwell on them. Suffice to say that the practices have led to a situation of “a tale of two democracies”: governments that come to power on the strength of support from rural Thais are overthrown due to the urban middle class’s dissatisfaction over misconduct.

Tied to this is money politics and bad corporate governance. As the cost of providing local benefits and buying votes has grown, so has the politicians’ need for money. This has prompted the entry of wealthy businessmen into politics, and has encouraged all sorts of politicians to seek the financial backing of businesses. Until recently, financial support for political parties was not regulated, allowing non-transparent financial arrangements between politicians, political parties, and businessmen. Also, the Thai business community was relatively free from pressure to ensure good corporate governance. Thus the distinction between “financial support” and “bribery” were blurred, and the practice of exchanging money or gifts for state concessions or project contracts was common.

So we see a system plagued with instability and riddled with corruption. We see a growing urban middle class that is dissatisfied with what it sees as abuses by rural politicians. Unsurprisingly there was pressure for political reform.

The Process of Political Reform (1973-1998)

The political reform process that produced the new constitution can be divided into two periods: 1973-1992, and 1992-1998.

1973-1992

In the 1973-1992 period, the groundwork was laid for the creation of the constitution.

October 1973 saw a new sort of political event in Thailand. Tens of thousands of university students converged on Democracy Monument in Bangkok to protest martial law and corruption under the Thanom Kittikachorn regime – it has been called first occurrence in Thailand of a mass movement against the ruling elite to demand a change of leadership. Many students were killed in the military response to the protest, but they managed to force the creation of a new government and shortly thereafter the creation of a committee to draft a new 'permanent' constitution. The event was hailed at the time as the beginning of mass politics in Thailand.

Over the next few years, however, dissatisfaction grew. It became evident that instead of being liberal, the new regime was actually controlled by the wealthy Bangkok-centered elite. Student protest began again, but this time the middle classes were less supportive having just witnessed neighboring countries fall to communist regimes. On October 6, 1976, police and rightist gangs attacked student protesters in a brutal and bloody massacre. The military intervened to restore order and installed a new prime minister and cabinet under a new constitution. The remaining student protesters fled to the mountains and jungles.

The 1978 constitution, drafted by a military-controlled government, set a timetable for turnover to civilian rule and marked the beginning of reconciliation with the student exiles. For most of the 1980s Thailand was governed under Prime Minister General Prem Tinsulanonda. Prem handed power over to elected Prime Minister Chatichai Choonhavan in 1988.

The Chatichai government lasted for three years before a conflict with armed forces leaders generals Suchinda and Sunthorn resulted in a military coup in 1991, which felled the elected government. Of course, a new constitution was installed. Coup leader Suchinda promised not to install himself as premier, but in 1992 he did, prompting the famous "Black May" pro-democracy protests. In more bloody confrontations, the army moved against student and middle class protestors who had gathered in the Democracy Monument area. Eventually, the King called Suchinda for an audience and appealed for calm. Shortly thereafter parliament amended the constitution to require that only an elected MP could become prime minister, and to set the elected speaker of the House of Representatives rather than the speaker of the military-dominated Senate as the chair of joint sessions of parliament. This marked beginning of a concerted push for political reform.

1993-1998

From 1993 to 1998, the movement for political reform gained strength and the 1997 constitution took shape and was eventually promulgated.

Reform-minded people obviously were concerned about the prevalence of military coups and military governments. There was a conscious effort to ensure that any new constitution would be aimed at creating a democratic state rather than perpetuating the power of its drafters, as past constitutions had been designed to do. Another important consideration was to prevent corruption because corruption in elected governments as well as the instability of coalitions resulting from fights over corruption had been used a pretext for military coup. Thus the political reform movement, which drew support from academia, the middle classes, and from within parliament, wanted to foster democratic, clean, and efficient government. The questions were, "What must be reformed? And how?"

There emerged three major proposals on how to go about pursuing political reform. Unsurprisingly, all three concerned the constitution.

The first significant proposal came in 1993. Under this proposal, the newly-elected parliament would go about amending the 1991 constitution. A parliamentary committee was established, headed by Chumpon Silpa-archa, to propose amendments. This committee produced 25 recommendations, but government/opposition politics derailed any movement for substantial change. In late 1994 some amendments were passed but these failed to meet the expectations of reform-minded advocates of political change. Observers lost hope of parliament being able to undertake significant reform by itself. It came to be widely believed that politicians elected under an old system would not make changes that would undermine their own power.

The second major proposal was to have an independent body appointed by the King draft a new constitution and then to subject that draft to a national referendum. This proposal was articulated in 1994 by Dr. Amorn Chantarasomboon in his book titled "Constitutionalism: the Way Out for Thailand". Amorn proposed the creation of an independent royal commission composed of no more than three former prime ministers and 15 law and political science experts. The body would have one year to prepare a draft constitution and accompanying implementing legislation. There would be consultation with parliament and the government of the time, and the draft would be put forward in a national referendum for the people of Thailand to accept or reject.

At about the same time, a hunger strike by Chalart Vorachart undertaken in opposition to General Suchinda's constitution sparked fears that "Black May" may be repeated. In an effort to calm unrest, the president of the national Assembly formed an extra-parliamentary body called the Democracy Development Committee (DDC) to consider reform. The DDC was headed by respected social advocate Dr. Prawase Wasi and included a range of politicians, bureaucrats, military personnel, legal and political experts, and activists from both the right and the left. Its mandate was to examine the causes of Thai political dysfunction and conduct comparative study of other political systems in order to propose remedies to Thailand's problems.

In an innovative move, the DDC launched a series of public hearings and seminars nationwide in order to draw the public into the political reform process and to build public support for political reform. This also had the effect of broadening the reform constituency from the Bangkok-centered academic elites to include people outside Bangkok. Support from the media contributed to the success of this effort.

In April 1995, the DDC presented a report titled "A Proposed Framework for Political Reform in Thailand" to the president of the National Assembly. The report echoed Amorn's recommendation for the formation of an independent royal commission to draft a new constitution. The constitution should provide for a rationalized parliamentary system that could guarantee people's participation in politics in order to avoid "parliamentary dictatorship" as well as to ensure clean, efficient, and accountable government.

This combination of "democratic conservatism" regarding powers of the state, and "radicalism" regarding rights, freedoms, and public participation gained the support of intellectual elites, social activists, and some political elites, as well as the press.

The fall of the Chuan Leekpai government in 1995 over corruption and vote-buying scandals highlighted the need for political reform. Opposition leader Banham Silpa-archa ran his election campaign with the promise to implement the DDC report if his Chart Thai Party formed the core of the new government. Chart Thai did come out ahead after the election, and Banham created the "Political Reform Committee", again led by Chumpon, to propose amendments to the then-current constitution that would allow for the creation of a body to draft a new constitution. Chumpon's committee proposed the creation of a constitution drafting committee with representatives of 63 professions. Through 1995 and into 1996, debate in parliament raged over the shape of a constitution-drafting body and it appeared that political reform might be derailed entirely.

Eventually, in the face of public pressure, the committee reviewing the constitutional amendment for its second reading in the joint sitting of the two houses rejected the proposed

amendment and advocated what would be the third proposal – an independent Constitution Drafting Assembly (CDA) to draft the new constitution, which would then be submitted for parliamentary approval. This proposal proved to be acceptable to parliamentarians and reform advocates, including Prawase, and in May 1996 the Constitution Amendment Bill was passed providing for the formation of the CDA. The CDA proceeded to prepare a draft that was submitted to parliament in August 1997, received parliamentary endorsement, and was promulgated in October 1997, after which followed a period when organic laws were drafted as mandated by the new constitution. It is worthwhile to examine the CDA and its work in more detail.

The Constitution Drafting Assembly and the Drafting of the 1997 Constitution

The CDA was a compromise between the first proposal, draft by parliament, and the second proposal, draft by independent body. Under the Constitution Amendment Bill the CDA would draft the constitution, but parliament had a determining role in selecting the CDA's members and in voting to accept or reject the draft constitution in its entirety. Should parliament reject the draft, it would then be put to a national referendum. The King was given veto power over the draft constitution.

To draft the constitution, the CDA was required to undertake close consultation with the public. The draft had to be ready within 240 days of the CDA being convened, or else the CDA would be dissolved and a new one selected.

The CDA was composed of 99 members. Parliament selected eight experts in public law, eight experts in political science, and seven experts in government, administration, and constitution-drafting. The remaining 76 positions in the CDA were for provincial representatives. Each of Thailand's 76 provinces submitted to parliament a list of 10 candidates to the CDA, and one representative for each province was chosen by agreement of both houses.

Once all the members had been chosen, two influential leaders emerged. Uthai Pimchaichon was elected to be the president of the CDA. He was a former liberal democratic politician who had been jailed in the 1970s for attempting to sue a coup leader, Field Marshall Thanom. He enjoyed the support of liberal politicians, moderate NGOs and grass-roots people. The other leader was Anand Punyarachun who was elected to chair the drafting and scrutiny committees. Anand was former prime minister known as an advocate of good governance. He had the support of state bureaucrats, the middle class and big business.

The CDA formed five main committees and one large group of committees: the drafting committee (which later became the scrutiny committee), the central public hearing committee, the public relations committee, the academic committee, the archive and house affairs committee, and 76 provincial public hearing committees (one for each province).

In order to deal with the time limitations imposed on it, the CDA adopted two strategies. One, it drew on the document "Preliminary Framework for Drafting the Constitution" to serve as a foundation for initial nationwide consultative public hearings arranged by the provincial public hearing committees. Second, it adopted a fixed agenda. Work began at the beginning of 1997. Preliminary public consultation was scheduled for January through the end of March. Elaboration on the preliminary framework was set for February through March, and the first draft of the constitution was scheduled to be complete at the end of April. Then the first draft would be put through more public hearings in May and June. The scrutinizing committee would take June to revise the draft, and in July the CDA would consider the revised draft and produce a final draft. The CDA had to approve the final draft in August.

Public consultation was a novel aspect of constitution-drafting. In addition to the provincial public meetings, the central public hearing committee conducted many meetings with specific groups such as professional groups, academics, the business sector, the press, labor, and a major poor-people's advocacy group called the Assembly of the Poor. Also, the committee received hundreds of thousands of pieces of written comment from the public. An informal public vote on the draft was also taken during the public consultations, the result indicating overwhelming support for the draft. This public consultation earned the resulting constitution the name "the People's Constitution".

On August 15, 1997, the CDA approved the final draft on schedule and submitted it to parliament. There was considerable opposition to the draft among some conservative parliamentarians. For a time, it appeared that parliament would reject the draft, but a public campaign, called the "green flag campaign", was undertaken in support of the draft constitution, and in the face of significant public pressure parliament approved it by a vote of 574 to 16 with 17 abstentions. Afterwards began the process of producing organic laws required by the constitution. This was a parliamentary process undertaken without the CDA.

Content of the 1997 Constitution

The CDA's drafting committee analyzed problems of the old system and identified three areas for urgent reform. The first concern was to turn representative democracy into participatory democracy. The second was to foster government stability and efficiency. The third was to make government and parliament more transparent and accountable. The new constitution addresses each of these areas in several ways.

Participation

Making Thai democracy more participatory was seen as a means to making governments more accountable, and to reducing corruption. To encourage public participation in political life the constitution includes, among the wide range of rights and freedoms common to liberal western polities, several stipulations aimed at empowering the general public in political processes.

People are guaranteed the right to demand state information concerning state activities that would affect them. People have the right to participate in natural resource management, and preservation of community culture and local wisdom. People can initiate bills by means of 50,000-voter petition. The petition mechanism can also be used to launch impeachment proceedings against politicians and senior state officials. Members of the public can suggest by-laws and initiate recall of local authorities. The state must conduct public hearings on projects that could affect the environment or livelihoods of communities. Also, the constitution establishes mandatory voting. Eligible voters who fail without good reason to cast their votes in elections lose a variety of political rights, such as the right to sign petitions, until they make restitution by voting in the next election.

The common thread of all these features is to increase citizens' incentive to participate in political life and to increase the efficacy of such participation.

Stability and efficiency

Fostering government stability and efficiency was seen as important because Thailand had already seen many short-lived elected governments founder indecisively and eventually fail due to in-fighting.

To increase efficiency, the Senate was changed from an appointed body to be an elected, non-political body. Senators are elected with provinces serving as constituencies, and

each province electing a number of senators based on the population of that province, with 200 Senate seats in total. Candidates to the senate are not permitted to have ties to political parties in order to ensure the nonpartisan character of the chamber. The senate has several important roles that rely on its nonpartisanship; it selects members of the nation's watchdog organizations (to be discussed shortly), and it decides on impeachment proceedings.

To increase political stability other drastic changes were made to the political structure. The House of Representatives was re-designed, doing away with multi-member constituencies and replacing them with single-member constituencies filled on a first-past-the-post basis. In addition, party list seats were introduced, numbering 100 out of the 500-seat house. These party list seats are allocated on the basis of proportional representation in a nationwide vote conducted in parallel with the general election to fill constituency seats. The aim of these changes was to strengthen the leadership role of the prime minister by creating conditions where he was less likely to have to rely on the support of a large coalition as was the case in the past. In this regard the changes appear to have been successful; in the January 2001 general election Thai Rak Thai Party won an absolute majority in the House, the first such occurrence since 1932.

Executive and legislative functions are separated under the new constitution. An MP who becomes a minister must resign his seat in the House. This is coupled with the stipulation that a party's vacant party list seats are filled by the next person on the party list, whereas vacant constituency seats are of course filled by means of by-elections. Thus, parties are encouraged to put their high-caliber cabinet contenders on the party list which makes their fate a national question rather than a local constituency-level one.

Another measure introduced to increase political stability was the constructive motion of no confidence. Under the new system, when the opposition initiates a no confidence motion against the prime minister it must also nominate a replacement prime minister. Should the no confidence motion be successful, the person nominated automatically becomes prime minister, removing the possibility of having the country left leaderless during a leadership battle.

Furthermore, the constitution insists on a higher barrier for the initiation of no confidence against the prime minister than against other ministers – two-fifths of the House must support a motion of no confidence against the prime minister for it to proceed, whereas against other ministers the support needed is only one-fifth of the House. This measure reduces the chance of frivolous no confidence motions.

Yet another stability measure is the placement of party membership requirements on MPs – every candidate to the House must be a member of a political party and must have held

membership for at least 90 days preceding registration of his candidacy. This measure has a twofold aim – to ensure that MPs are aligned to parties and, more importantly, to prevent MPs from power brokering by “party-hopping” immediately before an election. A similar, further, measure is that should a sitting MP cease to be a member of his party he has a fairly short time, varying on the conditions of membership loss, to become a member of another party or else lose his seat in the House. Again, this is to prevent power brokering by non-aligned MPs.

Legislative arbitration is another measure introduced to increase political stability. In the case where the government is defeated in the House on a vote for a policy bill specified in its policy declaration to both houses and is supported by less than one-half the members of the House, the government is no longer compelled to resign as was previously the convention. Instead, the government can ask for a decision of a joint sitting of both houses. The mechanism is intended to prevent political bargaining by coalition MPs who have been denied cabinet posts.

Transparency and accountability

The 1997 constitution is sometimes called “the anti-corruption constitution” because it provides many measures for increasing the transparency and accountability of government operations as well as fighting corruption and malfeasance. A significant part of this effort was the creation of independent constitutional agencies to oversee various areas of public life and to serve a “watchdog” function vis-à-vis the state's exercise of power.

Starting with the election system, many measures were introduced to combat the practice of vote buying. First among these was the establishment of the Election Commission (EC). The EC oversees and organizes elections with an aim to ensuring that elections are free and fair. The EC validates candidacies and has the power to invalidate election results should evidence of wrongdoing be found. Through the several rounds of Senate and House elections between 2000 and 2002 the EC has exercised its powers vigorously, invalidating election results and even refusing suspect candidates the right to run in by-elections in cases where evidence of wrongdoing was sufficient.

Other electoral measures to fight vote buying include the previously-mentioned compulsory voting, the institution of absentee voting rights, and the extension of franchise to Thai citizens residing in foreign countries. Here the idea is to enlarge the voter base so as to make vote buying prohibitively expensive.

The EC also regulates private financial support and state support in the form of money and other assistance to political parties. It does this to help ensure that political parties'

finances and sources of funding are transparent so as to reveal their sources of support and discourage back-room power brokering.

To deal with situations where elected officials or other political or senior state office holders are suspected of wrongdoing, the constitution instituted the creation of the National Counter Corruption Commission (NCCC). The NCCC has a major role in policing the behavior of political and state office holders. One of its important functions is to evaluate the mandatory asset and liability declarations that cabinet members must file upon assuming office, upon leaving office, and one year after leaving office. Should the NCCC conclude that a cabinet member has concealed or falsified information, it can seek to bar him from political office for a period of five years. This power has been exercised several times already against some very senior office holders.

The NCCC also plays an important role in impeachment proceedings against cabinet members, MPs, senators and senior members of certain other independent organizations. Its role here, however, is one of support for the main actor in the proceedings – the Senate. Once the Senate sends the NCCC a request to investigate suspected corruption or malfeasance, the NCCC investigates and sends a report to the Senate indicating whether the allegations are justified. Based on the NCCC's judgement, the Senate may proceed to vote to remove the office-holder in question from office.

Complementing the NCCC is another new organization, the Supreme Court Criminal Division for Holders of Political Office. This agency is to pursue criminal cases against political office-holders accused of corruption or malfeasance. It provides a channel for criminal sanctions to go along with the NCCC's political sanctions.

Another actor in guaranteeing transparency and accountability is the Constitutional Court. The Constitutional Court decides on the constitutionality of any acts of parliament in force or on bills passed by parliament. Should an act or bill be deemed unconstitutional it is struck down. The Constitutional Court has also been called on to decide on the constitutionality of actions taken by state actors. In addition, the Constitutional Court plays a role in the NCCC's asset and liability evaluation process by serving as the final decision-maker in cases where the NCCC rules that an office-holder has withheld information or submitted false information when making an asset and liability declaration.

Another important institution is the Administrative Court. This court rules on the legality of administrative acts undertaken by the state in the case where there is a dispute between state organizations or between a state organization and a private individual. For example, if someone feels that he has been wrongfully discriminated against by a state agency, he can take the case to the Administrative Court. Anyone, including private

individuals, can bring cases to the court making it an important avenue for the general public to police the actions of the state.

The Ombudsmen also oversee administrative problems. Ombudsmen consider cases where state organizations are accused of failing to comply with the law, exercising powers beyond their authority, or failing to perform their duties. The ombudsmen then can forward their recommendations to the Constitutional Court or the Administrative Court for final decision without delay.

Under the constitution a National Human Rights Commission (NHRC) was established to safeguard human rights. The NHRC examines allegations of human rights violations and reports its findings to the National Assembly. It is supposed to help ensure that the rights entrenched in the constitution are observed.

The State Audit Commission under the leadership of an independent and impartial auditor-general is also important in examining state expenditures for evidence of misappropriation of state funds.

The Senate is also a vital part of the transparency and accountability mechanisms. As previously mentioned, it has an important role in impeachment. It also selects the members of the independent constitutional "watchdog" organizations from among candidate lists submitted after various nomination processes. In this regard, it is important in ensuring that the watchdogs are indeed trustworthy.

Conclusion

Several observations can be made based on an examination of the drafting of Thailand's constitution.

One is that the reform process is incremental. Reform is not likely to happen overnight; it depends on an evolution of the will to seek and enforce change. Support from outside parliament, especially from the general public and the press, is vital to the success of a political reform effort.

Those who are to be reformed cannot reform themselves. Vested interests and an unwillingness to diminish their own basis of power prevent parliamentarians from making significant changes to the political systems that gave rise to them. Those who design political reforms must come from outside the halls of political power.

The success of reform depends on technical support for the drafters and leadership. Accurate information is needed so that the correct problems can be addressed and so problems

can be addressed usefully; to this end, strong studies of the existing political system and of alternate political models are indispensable. Also, leadership for reform is necessary to galvanize various reform movements to support broad political reform and to guide drafters through the sensitive and sometimes emotive issues that political reform addresses.

Finally, the success of reform depends on circumstance. Conditions in the polity must be right if political reform is going to proceed. Even if it is too much to hope that all of the actors will be ready to reform, a sufficient number of actors must be anxious enough for reform that they will press those that are reluctant to pursue it.

Thailand's 1997 constitution has not been an unqualified success. Certainly, in its first five years of existence there have been instances where it has shown to be wanting in some respects, and it would be naïve to expect that it would be perfect at the outset. Nevertheless, it provides a strong foundation for the development of a political culture of participation and transparency.

Appendix 1: A Chronology of Coups

Date	Description
24 June 1932	"Revolution" by the People's Party, begins constitutional monarchy
20 June 1933	Coup against Manopakorn government
11 October 1933	Abortive coup led by royalists
8 November 1947	Coup after assassination of King Rama VIII – vicious circle begins
1 October 1948	Abortive coup by chief of staff
26 February 1949	Abortive counter-coup led by Pridi Banomyong
29 June 1951	Abortive "Manhattan Coup" led by marines
29 November 1951	Phibul Songkhram's coup
1 September 1957	Sarit Thanarat's coup against Phibul
20 October 1958	Coup led by Sarit
17 November 1971	Coup led by Thanom Kittikachorn against his own government
14 October 1973	Student uprising – Thamon goes into exile
6 October 1976	Coup by Sangad Chaloryu – student massacre
26 March 1977	Abortive coup led by Chalard
20 October 1977	Coup led by Kriangsak Chomanan
1 April 1981	Abortive coup led by Thai Young Turks
29 September 1985	Abortive coup led by Thai Young Turks
23 February 1991	Coup by National Peace Keeping Council against Chatichai
May 1992	Black May

Appendix 2: Prime Ministers since 1932

Year	Month		Name
1932	(August)	coup	Phya Manopakon Nithithada
1933	(June)	putsch	Phya Bhahon Yothin
1938	(December)		Field Marshall Phibul Songkhram
1944	(August)	coup	Khuang Aphaiwong
1945	(August)		Thawee Bunyaket
	(September)		Seni Pramoj
1946	(January)		Khuang Aphaiwong
	(March)		Pridi Banomyong
	(August)		Thamrong Narasawat
1947	(November)	coup	Khuang Aphaiwong
1948	(April)		Field Marshall Phibul Songkhram [kidnapped 1951]
1951		coup	Field Marshall Sarit Thanarat [4 days]
1951			Field Marshall Phibul Songkhram
1957	(September)	coup	Phote Sarasin
1958	(January)		General Thanom Kittikachorn
1959	(February)		Field Marshall Sarit Thanarat
1963	(December)		Field Marshall Thanom Kittikachorn
1971			[declaration of martial law]
1973	(October)	uprising	Sanya Dharmasakdi
1975	(February)		Seni Pramoj
	(March)		Kukrit Pramoj
1976	(April)		Seni Pramoj
	(October)	uprising	Admiral Sangad Chaloryu [2 days]
	(October)		Thanin Kraivichien
1977			Admiral Sangad Chaloryu [22 days]
	(November)	coup	General Kriangsak Chomanan
1980	(March)		General Prem Tinsulanonda
1988	(August)		General Chatichai Choonhavan
1989	(July)		General Sontorn Kongsompong [11 days]
1991	(February)	coup	Anand Panyarachun
1992	(April)		General Suchinda Kraprayoon
	(June)		Anand Panyarachun
	(September)		Chuan Leekpai
1995	(July)		Bnharn Silpa-archa
1996	(November)		General Chavalit Yongchaiyudh
1997	(November)		Chuan Leekpai
2001	(March)		Thaksin Shinawatra