



**Statement before the
House Committee on Foreign Affairs,
Subcommittee on Asia and the Pacific**

***“RETREAT OR REVIVAL: A STATUS REPORT
ON DEMOCRACY IN ASIA”***

A Testimony by:

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THAILAND

Thailand in the Context of ASEAN and the Asia-Pacific

It is important to understand trends in Thailand in the context of what is happening broadly in Southeast Asia as well as through the lens of U.S. geopolitical and economic strategy in the Asia-Pacific.

Thailand influences and is influenced by its neighbors in the Association of Southeast Asian Nations (ASEAN). It is going through a historic political transition that has existential stakes for Thais. Meanwhile, much of the rest of ASEAN is seeing a nuanced shift away from centrally controlled political models as its fast expanding and relatively young middle class, empowered by strong economic growth and technological innovations, has begun to assert itself and press governments for more transparency, access to decision making, and stronger institutions.

Thailand is one of the five founding members of ASEAN, an important regional institution founded in 1967. Thailand is a key nation within the construct of the 10 ASEAN countries. In responding to Thailand's political crisis, the United States must walk a tightrope, balancing consistency in U.S. foreign policy tenets supporting democracy, human rights, and freedom of expression with an unwavering focus on a strategic compass that defines U.S. interests as sustaining a strong and unified ASEAN as the core of emerging regional economic and security architecture.

Southeast Asia's political landscape is changing and Thailand will eventually be part of that pattern of enhanced transparency, broader participation in political decision making, and strengthening rule of law and institutions.

In the last 20 years, there have been at least two instances in which U.S. policies toward Thailand have been perceived as wrong footed: our response to the Asian financial crisis which began in 1998 and our response to the 2006 coup. In both cases, many Thais felt the U.S. response was not based on the foundation of our long standing alliance and friendship. Thais complained that U.S. policy was prescriptive, paternalistic, and did not take into account the real situation on the ground in Thailand. While we can argue about that perception, the reality is that there is growing concern about the United States in Thailand and creeping anti-US sentiment. Policy making should not be a popularity contest, but the United States risks losing serious geopolitical ground if it fails to manage this difficult chapter in Thailand's political evolution.

For now, the military has assumed political control in order to ensure it manages the royal succession, whenever that takes place. At least some observers say it is not likely that we will see real elections in Thailand until the succession takes place and that could be years from now.

Where Do We Stand Now?

The Thai military led by Gen. Prayuth Chan-och on May 22, 2014, ousted the civilian government of Prime Minister Yingluck Shinawatra following six months of disruptive political protests and installed a National Council for Peace and Order (NCPO). The NCPO moved quickly to prohibit political activity, censor the media, and try dissidents in military courts.

Two months later, it issued an interim constitution that allows the military broad powers and grants it immunity from prosecution. In March 2015, martial law was lifted but replaced by section 44 of an interim constitution, which grants full power and authority to Prime Minister Prayut as head of the NCPO.

Several days after the coup, the NCPO replaced civilian courts with military courts for crimes against national security and lese majeste offenses. Over the past 13 months, the NCPO has called in over 750 people, many of whom were politicians from Yingluck's Pheu Thai party, activists in the "red shirt" movement, and journalists who were allegedly involved in activities opposing the coup. Several hundred political dissidents are believed to have been tried by military courts.

The NCPO ordered newspapers not to publish articles critical of the military. Satellite television stations and radio stations loyal to political factions were shutdown, although some eventually resumed operations after they pledged not to discuss political matters. The military has blocked access to several hundred websites considered to pose threats to national security.

Public gatherings with more than five people are prohibited. Over 60 people are estimated to have been detained for participating in public gatherings. The military views comments critical of the monarchy (lese majeste) to be a criminal offense and has brought more than a dozen cases to the courts, including to military courts that often impose longer sentences than had been the case earlier in civilian courts.

On the anniversary of the coup on May 22, officials arrested over 40 activists in various parts of the country for staging peaceful rallies to mark the military takeover. Eleven students were charged with violating the military's prohibition against political activity and participating in gatherings of more than five people. In Bangkok, some of the students were reportedly beaten by officials trying to stop the commemoration activities.

The draft constitution currently being circulated falls short of what most observers would consider a minimally credible democracy. Senior leaders in both the Pheu Thai and Democrat parties have been critical of the draft.

The military keeps pushing back the date for new elections. Last month officials said the elections that had been expected at the beginning of 2016 would not take place before August or September 2016. The military has said that the elections were pushed back to allow for a referendum, but it has given no indication of what would happen if the draft constitution was rejected.

Immediately after the coup, the State Department announced that it was reviewing all U.S. assistance to Thailand and suspended about \$3.5 million in unspent military assistance, mostly for training and education programs. It also suspended funds for IMET (International Military Education and Training), which have totaled about \$1.3 million in recent years, and cancelled some military exercises. Washington also scaled back the annual Cobra Gold exercises held in February 2015, but U.S. and Thai officials have begun meeting to plan Cobra Gold 2016.

Human Trafficking and Waves of Migrants

The discovery in late May of about three dozen bodies in a makeshift camp near the Thai-Malaysia border has highlighted the longstanding problem of human trafficking along the Thailand-Malaysia border. Most were reportedly ethnic Rohingya Muslims from Burma/Myanmar and Bangladesh who died of hunger or disease while waiting for their traffickers to get payments from their families before smuggling them across the border into Malaysia.

Thousands of the roughly 1.1 million stateless Rohingya have been fleeing western Myanmar by boat due to discrimination, dire poverty, and lack of opportunity. Those who are caught in Thailand are deemed to be “illegal immigrants” and detained in immigration facilities pending deportation. The UN High Commission for Refugees is not allowed to conduct full-fledged interviews to determine whether the migrants warrant refugee status. Many Rohingya arriving in Thailand escape detention and end up under the control of trafficking operations.

Thailand launched a probe into human trafficking in May. More than 50 people, including an army officer and local officials, have been arrested in recent weeks. Police are reportedly looking for several dozen others.

The State Department in its 2014 Trafficking in Persons Report downgraded Thailand to tier 3, the lowest rating, for not tackling human trafficking. The European Union has threatened to block Thai seafood exports unless the government demonstrates progress in ending the

widespread use of forced labor in the fishing industry, recently reported in depth by the Associated Press.

A disturbing side effect of Thailand's crackdown against human smugglers in May was that traffickers abandoned boatloads of migrants from Myanmar and Bangladesh to fend for themselves in the Bay of Bengal. After initially refusing to allow boats thought to be carrying thousands of migrants to land, Malaysia and Indonesia agreed on May 20 to provide humanitarian assistance and shelter for up to one year for the stranded migrants. Thailand said it would provide humanitarian aid to migrants on boats.

At a conference in Bangkok on May 29, Malaysia and Indonesia said their naval and air forces would begin looking for migrants at sea. The United States and other countries announced that they would offer more aid to provide humanitarian care for those who made it to land. Myanmar, meanwhile, rejected the notion that it was partially to blame for the flight of thousands of Rohingya.

U.S. Policy Recommendations

The U.S. government should:

- Assign a high level Thailand envoy, a leader with long experience in Asia and high level foreign policy and security credibility. This person should be someone who can talk credibly to military leaders in Thailand. The envoy should travel frequently to Thailand to consult with various stakeholders, including the military, to deepen understanding of U.S. concerns and listen to the perspectives of Thailand's key players in the political drama that has engulfed the country.
- Continue to press the Thai military to rescind the orders restricting freedom of expression, peaceful assembly and other civil and political rights, end the use of military tribunals to try civilians, and amend or revoke penal code article 112 on lese majeste and release those convicted under this article.
- Urge the military to restore democracy as soon as possible.
- Press military officials to completely put an end to human trafficking and approve an independent investigation (in cooperation with the UN), release the results, and bring to justice those responsible for perpetrating these abuses.

- Find ways to support democratic principles of governance. Thai relations with China have long been strong and it seems that Beijing incrementally steps up its ties with the Thai military every time Washington pulls back. Washington needs to find ways to demonstrate that it remains a friend of Thailand, its longest treaty ally in Asia, and not turn its back on the country when politics enters a rough patch. One idea would be to establish a private eminent persons group of senior former U.S. foreign policy that could meet influential Thais on a regular basis to discuss the future of Thai-U.S. relations, say, five years down the road.
- If the military delays the elections beyond September 2016, Washington may want to consider other alternatives. The U.S. Embassy in Bangkok is one of the largest in the region and serves as the base for a raft of U.S. activities in Southeast Asia, including as the regional headquarters for the U.S. Agency of International Development (USAID), narcotics interdiction, and the Federal Bureau of Investigation (FBI). Thailand prides itself in serving as this regional hub, but if the return to democracy is delayed indefinitely Washington could demonstrate its concern by beginning to move some of these services and offices to neighboring countries.
- Once Thailand has successfully returned to democracy, Washington should move quickly with Bangkok to get relations, including military and security ties, back on a cooperative track.