

# Thai government faces threat of judicial coup

Tom Peters  
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Thailand's political crisis is continuing despite a de-escalation in anti-government protests in recent weeks. Prime Minister Yingluck Shinawatra's government confronts a number of legal challenges that could potentially force it from office.

On Wednesday, the Constitution Court announced it would consider a petition by the Ombudsman to annul the February 2 election, which was won by Yingluck's Puea Thai party. The court also sided with the opposition Democrat Party by ruling that the government's decision to borrow 2 trillion baht (\$US62 billion) to build high-speed rail and other transport infrastructure was unconstitutional.

The Democrats said the bill would raise the government's debt to unacceptable levels, and announced that they will petition the National Anti-Corruption Commission (NACC) to impeach Yingluck and her entire cabinet for trying to pass it.

The court's finding is the latest threat to Yingluck's highly unstable government. It follows a ruling by the Civil Court last month barring the government from using force to disband protests. The government is considering lifting its emergency decree, which was rendered useless by the ruling.

The government announced the election to try to shore up its rule, amid ongoing protests in Bangkok. Since then it has been in caretaker mode, with limited powers to raise funds and pass legislation.

The Democrats boycotted the poll and voting was disrupted by the People's Democratic Reform Committee (PDRC), which has held rallies and blockaded government buildings in Bangkok since November. The PDRC wants the government replaced by an unelected "people's council," which would in essence be a front for a military-backed junta.

The PDRC and Democrats represent sections of the ruling elite—including the military, the monarchy and the state bureaucracy—which supported the 2006

military coup against former Prime Minister Thaksin Shinawatra, Yingluck's billionaire brother. Puea Thai won a landslide victory in the 2011 election thanks to the Shinawatras' limited reforms, including cheap healthcare and subsidies for rice farmers, which won them a base of support among the country's rural poor.

The opposition is bitterly hostile to these measures, as well as Thaksin's efforts to open the country to increased foreign investment, which cut across long-standing networks of patronage.

The Democrat-PDRC protests over the past four months, backed by layers of the middle class and state bureaucracy, are intended to create the chaos necessary to trigger another coup.

The military clearly sympathises with the protesters. Last Sunday night, two soldiers armed with an assault rifle and a large amount of ammunition were arrested near the PDRC's camp at Lumpini Park. This followed the arrest last month of heavily-armed Navy SEALs who were apparently working as guards for the PDRC.

Despite the PDRC protesters' retreat from most of their rally sites, the army is maintaining 5,500 soldiers at 176 checkpoints throughout the capital. According to the *Bangkok Post*, Army Chief General Prayuth Chan-ocha last week refused Yingluck's request for the military bunkers to be scaled back.

Prayuth has repeatedly refused to rule out leading another coup. He told reporters on February 28: "I have to admit that it might not be legal but previous coups were carried out to end certain situations."

Meanwhile, multiple efforts are underway to topple the government by judicial means. The opposition is attempting a re-run of the events of 2008, when trumped-up charges of electoral fraud were used to oust the elected pro-Thaksin People's Power Party and install a military-backed Democrat government.

The Election Commission (EC), which also sympathises with the opposition, has asked the

Constitution Court to decide whether re-runs can be held in 28 constituencies where candidate registration for the February election was blocked by the PDRC's protests. Commissioner Somchai Srisuttiyakon said on Monday that even if the court ruled voting could proceed, a new parliament would not be formed until June.

The EC is also investigating allegations that Puea Thai politicians misused government funds during the election campaign and broke the law by appearing on state-run TV shows. EC member Boonsong Noisophon told the *Nation* yesterday that if the party is found guilty of violations it could be dissolved.

The NACC, the official anti-corruption commission, has charged Yingluck with neglecting her duty by failing to prevent financial losses and alleged corruption linked to the government's rice subsidy scheme. Yingluck was due to appear before the commission yesterday but was granted two more weeks to prepare her defence. If found guilty, she could be imprisoned and banned from politics.

The NACC is also investigating 308 lawmakers, mostly from Puea Thai, who are charged with violating the constitution by attempting to pass an amendment to make the Senate a fully-elected body. The NACC plans to wrap up cases against some MPs and senators this month.

The ongoing political deadlock, including the failure of the government's infrastructure bill, is compounding Thailand's economic crisis. In the final quarter of 2013 the economy grew at a rate of 0.6 percent, the lowest in two years. The central bank lowered interest rates on Wednesday to 2 percent and declared that "downside risks to growth have risen in the wake of [the] prolonged political situation."

Supavud Saicheua, a Phatra Securities analyst in Bangkok, told the Australian Broadcasting Corporation on Thursday that the economy was close to entering a recession. The Thai Board of Investment's term has expired and it cannot be renewed until a new government is formed, meaning delays in private investment projects. Foreign companies, including from Japan and China, are also holding off investments due to the protests.

While some local and foreign businesses would no doubt welcome a coup in order to scrap reforms and implement austerity measures, the government has

warned that military intervention could trigger an uncontrollable response from its supporters. On Thursday, Yingluck told reporters that if her opponents "keep hunting us down ... then those who are bullied will fight back."

Thousands of pro-government "Red Shirt" protesters, drawn from the rural and urban working class, have attended rallies in provincial centres organised by the United Front for Democracy Against Dictatorship (UDD) to oppose the PDRC's anti-democratic campaign. So far, the UDD leadership has avoided mobilising Red Shirts in Bangkok.

Chanpen Sirithanarattanakul from stockbroking firm DBS Vickers Securities warned in the *Nation* on Monday that a "key risk for the Thai market is a violent red-shirt reaction to a potential judicial coup." He noted that "some political observers" believe the mobilisation of troops in Bangkok is a preparation to counter Red Shirt protests in the event of a coup.



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