

RESEARCHERS AT SINGAPORE'S *INSTITUTE OF SOUTHEAST ASIAN STUDIES* SHARE THEIR UNDERSTANDING OF CURRENT EVENTS

Singapore | 1 Jul 2013

The Struggle to Amend Thailand's Constitution

By Michael J. Montesano

EXECUTIVE SUMMARY

- Amendment of the Thai constitution of 2007, a charter drafted under the supervision of the putschists who seized state power in Thailand in September 2006, numbered among the promises made by Yinglak Shinawatra and her Phuea Thai party in their campaign for the July 2011 general elections.
 - To date, however, the Yinglak government has proved unable to fulfil that promise.
 - In 2012, Thailand's Constitutional Court thwarted the administration's initial effort to amend the charter. This year, the government has launched a second effort, once more under the close scrutiny of that court.
 - The ongoing struggle over constitutional amendment in Thailand reflects the paradoxes of Thai constitutionalism.
 - Those paradoxes suggest that the framing of a durable constitution for Thailand must await the resolution of fundamental questions about the country's political order.
-

INTRODUCTION

In January 2001, telecommunications tycoon Thaksin Shinawatra led his Thai Rak Thai (TRT) party to a decisive victory over the Democrat Party in polls for the lower house of the Thai parliament. At least two distinguishing features marked these polls. First, they were the inaugural general elections held under Thailand's putatively reformist constitution of 1997. In an attempt to introduce and give institutional integrity to a new order for Thai parliamentary democracy, that constitution had created a series of independent bodies. These bodies included Thailand's first Constitutional Court. The 1997 constitution also introduced for the first time elections for the upper house of Thailand's parliament, the senate.

A second feature also distinguished Thailand's 2001 elections: TRT campaigned on the basis of specific policy proposals, including several relating to local development funds and low-cost access to health care. A third significant departure duly followed TRT's electoral victory: in power, the party actually moved to act on its campaign promises. Fulfilment of such promises became what would prove a lasting hallmark of Thaksinite government in Thailand.

This 1997 constitution was abrogated following the September 2006 *coup d'état* which ousted Thaksin from his premiership. In 2007 the military appointed the National Legislative Assembly to draft a new constitution which was subsequently approved through a referendum in 2007. In the campaign for Thailand's parliamentary elections of July 2011, Yingluck Shinawatra and the Thaksinite Phuea Thai party made a series of specific promises which included a pledge to amend the current constitution to remove a number of its allegedly anti-democratic provisions.¹ Almost two years after assuming the premiership, Yingluck has not yet fulfilled her promise to amend the 2007 constitution.

This failure has a nakedly political dimension. At the same time, the ongoing struggle over constitutional amendment speaks very clearly to the condition of the Thai political order in the closing years of King Phumiphon's reign. This struggle also makes clear that achievement of the consensus about that order and its future must almost certainly precede the framing and adoption of a durable, effective, and widely accepted constitution.

¹ Suttinee Yuvejwattana, "Thailand Parliament Selects Yingluck as First Female Leader" *BloombergBusinessweek*, 5 August 2011 (<http://www.businessweek.com/news/2011-08-05/thailand-parliament-selects-yingluck-as-first-female-leader.html>, accessed 6 June 2013).

ROUND ONE, 2012

Article 291 of the 2007 Thai constitution gives parliament the power to change the charter through a process requiring three readings of any proposed amendment.² In late February 2012, a draft amendment to that article, proposed by the Yinglax government and allowing for the appointment of an assembly to write a new constitution, passed its first reading in parliament. On 1 June, after the draft amendment had passed its second reading and just four days before its scheduled third reading, Thailand's Constitutional Court accepted petitions from members of the public accusing the Yinglax government and the Phuea Thai party of violating the constitution by proposing this amendment.³ The court agreed to consider these petitions with reference to Article 68 of the 2007 charter, which made unconstitutional acts to "overthrow the system of democratic government with the king as head of state or to gain authority to govern the country in a manner not prescribed in this constitution".⁴ The court thus effectively blocked the third reading of the draft amendment, pending its decision on the petitions. Article 68 of the constitution also empowered the Constitutional Court to order the dissolution of a political party guilty of violating that article and the banning of its leader and the members of its executive committee from politics for five years. Phuea Thai and the Yinglax government could not risk such an outcome by continuing with their effort to amend the charter.⁵

The Constitutional Court's 1 June 2012 decision to accept the petitions under Article 68 was bound to stir controversy and anger supporters of the Yinglax government. What made the decision particularly controversial, however, was that the petitions had not reached the Constitutional Court *via* the attorney-general, as Article 68 seemed to require. Rather, the court took advantage of the ambiguous (and apparently sloppy) language of that article to assume the right to accept such petitions directly from members of the public.⁶

Hearings on the petitions began during the first week of July last year. In an atmosphere of considerable tension, Red Shirt protestors gathered in front of the court to

2 A facsimile of the 2007 constitution as it was published in the *Ratckitchanubeksa* (Royal Gazette) on 25 August 2007 is available at <http://www.ombudsman.go.th/10/documents/law/Constitution2550.pdf> (accessed 6 June 2013). For an English translation, see http://www.nhrc.or.th/2012/wb/img_contentpage_attachment/474_file_name_7532.pdf (accessed 6 June 2013).

3 "Court Puts Charter Changes on Hold", *The Nation* (Bangkok), 2 June 2012 (<http://www.nationmultimedia.com/politics/Court-puts-charter-changes-on-hold-30183371.html>, accessed 6 June 2013).

4 That is "เพื่อล้มล้างการปกครองระบอบประชาธิปไตยอันมีพระมหากษัตริย์ทรงเป็นประมุขตามรัฐธรรมนูญนี้ หรือเพื่อให้ได้มาซึ่งอำนาจในการปกครองประเทศโดยวิธีการซึ่งมิได้เป็นไปตามวิถีทางที่บัญญัติไว้ในรัฐธรรมนูญนี้".

5 "Controversial Bills, Charter Change Vote Off the Agenda, Speaker" *The Nation*, 6 June 2013 (<http://www.nationmultimedia.com/politics/Controversial-bills-charter-change-vote-off-the-ag-30183561.html>, accessed 6 June 2013).

6 The relevant section of the article reads "ในกรณีที่บุคคลหรือพรรคการเมืองใดกระทำการตามวรรคหนึ่ง ผู้ทราบการกระทำดังกล่าว ย่อมมีสิทธิเสนอเรื่องให้อัยการสูงสุดตรวจสอบข้อเท็จจริงและยื่นคำร้องขอให้ศาลรัฐธรรมนูญวินิจฉัยสั่งการให้เลิกการกระทำดังกล่าว" (In the event that a person or a political party acts as noted in section one, a person knowing of this act has the right to take the matter to the attorney general to investigate its facts and to submit a petition to the constitutional court to decide to order the cessation of this act).

voice support for the government and criticize what they saw as judicial interference in its efforts to amend the constitution. Calls for the impeachment of the members of the Constitutional Court were made.⁷ In the meantime, observers of the proceedings concluded that the court did not take seriously the petitioners' charges that those efforts put Thailand's system of government at risk. Instead, the court had apparently accepted the petition with rather different purposes in mind.

The Constitutional Court's ruling, handed down on 13 July, made those purposes clear. Affirming its right to accept petitions directly from members of the public, the court nevertheless found no basis for those petitions' principal charges against the government and thus no grounds for the dissolution of the Phuea Thai party. Accepting the petitions looked like a clever ruse.

The court found that, as the 2007 constitution had been adopted by means of a national referendum, the authority to convene an assembly to draft a new constitution must also derive from another referendum to determine whether Thais favoured a new constitution. The Constitutional Court had thus introduced a requirement for which the constitution on the basis of which it ruled made no provision. While it did leave the government with the power to amend the 2007 constitution article by article,⁸ the court nevertheless signaled its determination—and its belief in its right—to play the role of active participant in the process of constitutional change.

ROUND TWO, 2013

The events of mid-2012 made clear that constitutional amendment remained so sensitive a matter in Thailand that struggles over the *process* of making such changes could leave the country in political crisis. Further, it was hard not to conclude that the Yinglax government had blinked first in its confrontation with those determined to block its efforts to amend the 2007 constitution. By abandoning its attempt to modify Article 291 of that document, it had by no means given up all chance of amending it. But it had effectively consented to following an apparent appeasing process of article-by-article amendment that would keep the balance between the opposition and the ruling party.

⁷ Surasak Tumcharoen, "News Analysis: Move to Impeach Judges of Thai Constitutional Court Unlikely to Prosper", *NZweek*, 10 May 2013 (<http://www.nzweek.com/business/news-analysis-move-to-impeach-judges-of-thai-constitutional-court-unlikely-to-prosper-64264/>, accessed 6 June 2013).

⁸ Nophakhun Limsamarnphun, "Court Delivers Compromise Decision on Charter Change", *The Nation*, 14 July 2013 (<http://www.nationmultimedia.com/opinion/Court-delivers-compromise-decision-on-charter-change-30186143.html>, accessed 6 June 2013), and Daniel Ten Kate "Thai Court Ruling Risks Constitution Showdown: Southeast Asia", *Bloomberg news*, 16 July 2012 (<http://www.bloomberg.com/news/2012-07-15/thai-court-ruling-risks-constitution-showdown-southeast-asia.html>, accessed 6 June 2013).

The Yinglax government began the second round of its effort to fulfill its campaign promise to amend the constitution on 4 April 2013.⁹ Its proposals focused on four matters.¹⁰ Two of these had figured in the first round of the struggle over amendment in 2012. The proposed change to Article 68 would remove the ambiguity over the ability of members of the Thai public to petition the Constitutional Court directly by requiring that all petitions reach the court by way of the attorney general. The amendment to Article 237 would modify the provisions permitting the dissolution, under the terms of Article 68, of political parties whose members committed electoral malfeasance. The remaining two amendments concerned, first, replacing the half-elected, half-appointed senate created by the 2007 constitution with a fully elected senate like that created by the 1997 charter and, second, relaxing the provision that all international agreements into which Thailand entered win parliamentary approval.

Even before the first reading of the bills amending the constitution, the Constitutional Court accepted petitions arguing that proposed changes to Articles 68 and 237 were unconstitutional.¹¹ This decision led not only to renewed protests in front of the court but also to another Phuea Thai effort to impeach its members or see criminal charges filed against them.¹² The party also decided that its members would not testify before the Constitutional Court in response to the charges against them for supporting the amendment of Article 68. More than 300 pro-amendment members of the upper and lower houses of parliament prepared a statement decrying the court for accepting these petitions directly, rather than through the attorney general, and for seeking to interfere with parliament's constitutional right to amend the constitution under Article 291.¹³

On 29 April, Prime Minister Yinglax used her remarks to a meeting of the Community of Democracies in Ulaanbaatar, Mongolia, to send a further signal that she and her Thaksinite government were determined to fight harder in their second round of efforts to secure constitutional change:

9 Daniel Ten Kate and Suttinee Yuvejwattana, "Yingluck Seeks Thai Constitution Change Amid Court Challenge" *Bloomberg news*, 4 April 2013 (<http://www.bloomberg.com/news/2013-04-04/thai-lawmakers-move-to-change-constitution-amid-court-challenge.html>, accessed 6 June 2013).

10 Saksith Saiyasombut, "Uncharted Amendments: Thailand Constitution Changes in Legal Limbo Again", *Siam Voices blog*, 5 April 2013 (<http://asiancorrespondent.com/104231/uncharted-amendments-thailands-constitutional-changes-in-legal-limbo-again/>, accessed 6 June 2013).

11 Ten Kate and Suttinee, "Yingluck Seeks Thai Constitution Change".

12 Attayuth Bootsriboom, "Charter Change Conflict Getting Dangerous", *The Nation*, 25 April 2013 (<http://www.nationmultimedia.com/politics/Charter-change-conflict-getting-dangerous-30204757.html>, accessed 6 June 2013).

13 "Charter Court Files Complaint against Red Shirts", *The Nation*, 27 April 2013 (<http://www.nationmultimedia.com/politics/Charter-court-files-complaint-against-red-shirts-30204914.html>, accessed 6 June 2013); Suthichai Yoon, "Danger: Politicians Try to Demolish Independent Agencies", *The Nation*, 2 May 2013 (<http://www.nationmultimedia.com/opinion/Danger-Politicians-try-to-demolish-independent-age-30205223.html>, accessed 6 June 2013); "Pheu Thai MPs Resolve to Deny Constitutional Court's Power", *The Nation*, 30 April 2013 (<http://www.nationmultimedia.com/politics/Pheu-Thai-MPs-resolve-to-deny-Constitutional-Court-30205142.html>, accessed 6 June 2013); "Pheu Thai Spokesman Denies Rift over Constitutional Court Boycott", *The Nation*, 29 April 2013 (<http://www.nationmultimedia.com/politics/Pheu-Thai-spokesman-denies-rift-over-Constitutiona-30204999.html>, accessed 6 June 2013); and Chanikarn Phumhiran and Olan Lertrudtanadumrongkul, "Lawmakers Vow to Reject Court Ruling on Article 68", *The Nation*, 3 May 2013 (<http://www.nationmultimedia.com/politics/Lawmakers-vow-to-reject-court-ruling-on-article-68-30205329.html>, accessed 6 June 2013).

. . . [T]he story is not over. It is clear that elements of anti-democratic regime [*sic*] still exist. The new constitution, drafted under the coup leaders led [*sic*] government, put in mechanisms to restrict democracy.

A good example of this is that half of the Thai Senate is elected, but the other half is appointed by a small group of people. In addition, the so-called independent agencies have abused the power that should belong to the people, for the benefit of the few rather than to the Thai society at large.¹⁴

At home in Bangkok, observers noted the clear retort to the Constitutional Court in this speech. It spoke at the same time to a very different audience. Three years after the Democrats' and the army's crackdown on the Red Shirts in Bangkok's Ratchaprasong area, many in the latter camp remained in prison for *lèse majesté*, and Yinglak remained unable to keep her promise to amend the 2006 putschists' constitution. Clearly, then, the prime minister felt the need to deliver a message reaffirming her commitment to the Red Shirt cause to her own supporters, too.

A month after Prime Minister Yinglak's Ulaanbaatar speech, as Thailand's Constitutional Court began consideration of the petitions seeking to block amendment of Articles 68 and 237 of the 2007 constitution, counsel for the opposition Democrat Party petitioned that court to dissolve Phuea Thai and five other parties whose members of parliament supported constitutional amendment. Again invoking Article 68, the party charged that the effort to amend the former article was an assault on Thailand's system of constitutional monarchy.¹⁵

WHY SUCH A STRUGGLE?

The idea, or perhaps ideal, of a constitution can be thought of as a historical project that successive generations struggle to pursue, and this is a motif recurrent in modern Thai history. Following the change of the country's absolute monarchy to a constitutional monarchy by means of the country's first successful *coup d'état*, an interim constitution was announced on 27 June 1932 by civilian and military bureaucrats. Almost eight months later, on 10 December, the same group promulgated a "permanent constitution".¹⁶ The country's first post-1932 governments made clear their determination to promote constitutionalism, to give the constitution a central symbolic

14 "Text of Prime Minister Yingluck Shinawatra's Speech", *The Bangkok Post*, 29 April 2013 (<http://www.bangkokpost.com/news/local/347530>, accessed 6 June 2013).

15 "Democrats Seek to Block Changes", *The Nation*, 29 May 2013 (<http://www.nationmultimedia.com/politics/Democrats-seek-to-block-changes-30207108.html>, accessed 6 June 2013).

16 Kobkua Suwannathat-Pian, *Kings, Country and Constitutions: Thailand's Political Development, 1932-2000* (London and New York: RoutledgeCurzon, 2003), pp. 33 ff., treats these documents.

role in national life, and thus to institutionalize constitutional rule. To these ends, for example, Constitution Day became for a time the most important national holiday.¹⁷

Of course, the 1932 constitution did not prove permanent. Even before 1997, new charters were promulgated in 1946, 1947 (provisional), 1949, 1952, 1959 (interim), 1968, 1972 (interim), 1974, 1976, 1977, 1978 and 1991. And, less than two weeks after the 19 September *putsch*, an interim constitution was enacted in 2006.¹⁸ However, the sheer number of Thai constitutions has not undercut the importance that many in Thailand attach to constitutions, or at least to some notion of the purposes that a constitution might serve.

Modern Thai history makes this last point very clear. The failed effort of the members of the 1932 coup group to put their constitution at the centre of national life notwithstanding, the significance attached to the idea and potential of a constitution has stood at the centre of a number of noteworthy developments. The unprecedented popular protests that helped topple the regime of Thanom Kittikhachon and Praphat Charusathian in October 1973 began, for example, as small demonstrations calling for the promulgation of a new, permanent charter. What followed were debates and decisions that became milestones for later constitution-making episodes and produced the constitution of 1974, arguably the most democratic constitution to date that incorporated representatives of a broad range of social groups into national politics. Hailed as a “people’s constitution” that would put the ugliness of coups and the shabbiness of money politics behind Thailand once and for all, the 1997 charter captured the imagination of Thailand’s self-styled reformists.¹⁹ And all this is to say nothing of the acrimony surrounding Prime Minister Yinglak’s efforts to amend—or replace—the 2007 constitution, a document drafted by appointees of the junta that seized state power in Thailand in September 2006.

If the importance attached to constitutions in the context of the simultaneous failure to institutionalize any given constitution as a foundational document for government and politics represents an apparent paradox of Thai constitutionalism, it is hardly the only one. A second such paradox lies in the nature of Thailand’s Constitutional Court, an innovation dating from the 1997 Thai constitution. Is it, like Britain’s pre-2009 Law Lords or the United States Supreme Court, a body meant to rule from on high on legal issues of great import? Such a role would certainly accord with symbolic significance with which the framers of Thailand’s 1997 constitution meant to invest that document. Or is it, as its effective status as a court of first instance in putatively

¹⁷ Chris Baker and Pasuk Phongpaichit, *A History of Thailand* (Cambridge and New York: Cambridge University Press, 2005), p. 124.

¹⁸ See Kobkua, *Kings, Country and Constitutions*, for a searching analysis of all these documents up to and including that of 1997 and of their context.

¹⁹ For an invaluable discussion of reformism in Thai politics and its role in the creation of the 1997 constitution, see Duncan McCargo, “Alternative Meanings of Political Reform in Contemporary Thailand,” *The Copenhagen Journal of Asian Studies* XIII (1998): 5-30. This article labels “constitutionalism . . . a ‘disease’ that afflicts Thailand’s body politic”.

constitutional matters suggests, something quite different? Perhaps an instrument of latter-day “guided democracy” in Thailand?

Some in Thailand would, of course, say that the nature and functioning of Thailand’s Constitutional Court during the premiership of Yinglak Shinawatra present no paradox at all. This line of reasoning has it, first, that the Thaksinite or Red Shirt view of politics mistakes electoralism for democracy and that it attaches no importance to the strong institutions necessary to underpin a democratic order. It also stresses that the efforts of the Yinglak government to replace or to modify the junta-sponsored Thai constitution of 2007 is in any case merely a smokescreen and that that government’s true aim is amnesty for Thaksin and the return of his confiscated assets.²⁰

To the degree that such arguments have some appeal, to the degree that they recall the disdain for parliament and the free press that marked Thaksin’s 2001-2006 premiership²¹ and the contempt for the 1997 constitution that marked his involvement in the sale of Shin Corporation in 2006, they are also rather self-defeating. The Constitutional Court’s willingness last year to accept petitions accusing the Yinglak government of violating Article 68 of the 2007 constitution hardly buttressed its stature as a strong and independent—let alone neutral—institution. Neither is resistance to the Yinglak government’s efforts to restore a fully elected senate or to rewrite the language of the third and fourth sections of Article 68 so that they read less like a recipe for overturning the results²² of elections terribly convincing as a display of respect for democratic norms. Former Prime Minister Aphisit Wetchachiwa’s argument against constitutional change on the grounds that it will bring conflict is, like all such Bonapartism, in itself a smokescreen for his Democrats’ own raw political calculations.²³

These realities point, then, to a third apparent paradox of the current struggle over the Yinglak government’s effort to amend or replace the 2007 Thai constitution. For all its devilish involution and focus on the constitution and constitutional court, this struggle does not represent a constitutional crisis. The hopes of the promoters of

20 On this last point, see for example “Constitutional Court Debate is a Risky Proxy War” *The Nation*, 27 April 2013 (<http://www.nationmultimedia.com/opinion/Constitutional-Court-debate-is-a-risky-proxy-war-30204876.html>, accessed 6 June 2013), and Suthichai, “Danger: Politicians Try to Demolish Independent Agencies”.

21 Excellent English-language treatments of Thaksin in power are Pasuk Phongpaichit and Chris Baker, *Thaksin (Chiang Mai: Silkworm Books, second expanded edition, 2009)*, and Duncan McCargo and Ukrist Pathmanand, *The Thaksinization of Thailand (Copenhagen: NIAS Press, 2005)*.

22 *These sections read*, “ในกรณีที่ศาลรัฐธรรมนูญวินิจฉัยสั่งการให้พรรคการเมืองใดเลิกกระทำการ ตามวรรคสองศาลรัฐธรรมนูญอาจสั่งยุบพรรคการเมืองดังกล่าวได้ ในกรณีที่ศาลรัฐธรรมนูญมีคำสั่งยุบพรรคการเมืองตามวรรคสาม ให้เพิกถอนสิทธิเลือกตั้งของหัวหน้าพรรคการเมืองและกรรมการบริหารของพรรคการเมืองที่ถูกยุบในขณะที่กระทำความผิดตามวรรคหนึ่ง เป็นระยะเวลาห้าปีนับแต่วันที่ศาลรัฐธรรมนูญมีคำสั่งดังกล่าว” (*In the event that the constitutional court decides to order that a political party ceases an act according to section two, the constitutional court may order the dissolution of that party. In the event that constitutional court orders the dissolution of a political party according to section three, the electoral rights of the head of the party and the executive committee of the party that is dissolved for having committed improper acts according to section one are revoked for a period of five years from the date on which the constitutional court issues that order.*)

23 “Charter Change Opponents Fear ‘hidden agenda’”, *The Nation*, 6 March 2012 (<http://www.nationmultimedia.com/politics/Charter-change-opponents-fear-hidden-agenda-30177325.html>, accessed 6 June 2013), and Khanittha Thepphajorn, “Amendments Serve Pheu Thai: Abhisit”, *The Nation*, 3 April 2013 (<http://www.nationmultimedia.com/politics/Charter-changes-would-deepen-rift-Abhisit-30203259.html>, accessed 6 June 2013).

the 1932 coup notwithstanding, no Thai constitution has ever lasted long enough to serve as an institutional basis for the Thai political order. Instead, throughout the early 1970s, the Thai army and, from the late 1950s onward and above all from the 1970s, the Thai monarchy have played that role. The centrality of these institutions long made impossible, and by some lights even unnecessary, the development both of a robust constitutional order in Thailand and of the institutions to safeguard such an order.²⁴ Perhaps the 1997 constitution represented an effort to make up for lost time, to give Thailand a constitution that would last long enough to achieve institutionalization and legitimacy.²⁵ But that effort failed. And so, strictly speaking, a constitutional crisis is not possible in Thailand.

It is in the context of this failure and of the apparent paradoxes of Thai constitutionalism that we must understand the often confusing struggle over constitutional change that has attended the premiership of Yingluck Shinawatra. How that struggle will end, whether this year or next, remains unclear. Will Yingluck and Phuea Thai prevail? If so, will their success in amending the 2007 constitution lead to Thaksin's legal rehabilitation and return to Thailand? Will her government fall victim to the sort of "judicial coup" that ousted both Samak Suntharawet and Somsak Wongsawat from the Thai premiership in 2008?

The confusing nature of the ongoing struggle over constitutional amendment in Thailand is due to stakes that are both lower and higher than might appear. The provisions of one more Thai constitution among so many are unlikely to have lasting significance in their own right. But to try in the closing years of the current reign to frame a durable constitution, one respected by politicians and by the courts, before the emergence of a fundamental new national consensus on the nature of legitimacy in Thai politics and the distribution of power in the Thai social order, is likely to prove futile. It is to resist the course that events in Thailand must certainly follow.

* * * * *

Michael Montesano is a visiting research fellow at ISEAS and the managing editor of *SOJOURN: Journal of Social Issues in Southeast Asia* (<http://www.iseas.edu.sg/sojourn.cfm>).

24 The argument about the "judicialization" (ตุลาการภิวัตน์) of Thai politics and the related suggestion that Thailand's judges have to some degree supplanted its generals as institutional guarantors of the royalist political order that emerged after 1957 lie beyond the focus of this essay. The astute and influential commentator Bangkok Pundit (pseud.) addressed this matter in "Is a judicial coup in Thailand imminent?", 20 June 2012 (<http://asiancorrespondent.com/108530/thailand-judicialization-of-politics-or-politicization-of-the-judiciary/>, accessed 6 June 2013). He there alludes to what is in essence the Magna Carta of ตุลาการภิวัตน์, King Phumiphon's addresses to judges of Thailand's Administrative and Supreme Courts on 25 April 2006.

25 McCargo, "Alternative Meanings", calls attention to strong but ever-ambiguous link between constitutions and political legitimacy in Thailand.

ISEAS Perspective is published electronically by the Institute of Southeast Asian Studies, Singapore.

© Copyright is held by the author or authors of each article.

ISEAS accepts no responsibility for facts presented and views expressed. Responsibility rests exclusively with the individual author or authors. No part of this publication may be reproduced in any form without permission.

Comments are welcomed and may be sent to the author(s).

Editors: Ooi Kee Beng
Benjamin Loh

Institute of Southeast Asian Studies
30, Heng Mui Keng Terrace
Pasir Panjang, Singapore 119614
Main Tel: (65) 6778 0955
Main Fax: (65) 6778 1735

Homepage: www.iseas.edu.sg