

# EU-THAILAND RELATIONS AFTER THE COUP

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*Thai Prime Minister General Prayuth Chan-ocha, taking aim. [East By Southeast]*

## Thailand's rocky road back to democracy

Late last year, the chairs of the European Parliament's Committee on Foreign Affairs, and the head of its ASEAN delegation, issued an invitation to deposed Thai Prime Minister, Yingluck Shinawatra, to come to Brussels to address MEPs on the state of democracy in her country.

To their surprise, not only was the request refused, but the new Prime Minister, General Prayuth Chan-ocha, head of the military junta, even wondered out loud on Thai radio if the invitation was genuine.

Shinawatra never came. She is under a form of house arrest in Bangkok, awaiting trial on a corruption case for a rice subsidy scheme that her allies insist is politically motivated.

But the row – with Elmar Brock and Dr Werner Langen – issuing a joint complaint stating their “surprise and deep disappointment[...] with the decision of the Thai authorities to block her appearance in an open debate in the European Parliament” is a sign of how low EU-Thai relations have sunk since the military coup of May 2014.

At that point, the EU was poised

to sign a Free Trade Agreement with Thailand. That is now indefinitely suspended, whilst the Commission ponders a full ban on Thai fish imports to Europe – an industry worth some \$3bln a year, and potential body blow to the Thai economy.

Meanwhile, human rights abuses and clampdowns on press freedoms have risen alarmingly under the junta, prompting condemnation from MEPs and rights groups.

And the junta's promised deadlines for a return to democracy keep slipping.

To take Thailand's Prime Minister General Prayuth Chan-ocha at his own word, the country is more than midway on a smooth path back to democracy.

A referendum on a new constitution is currently being drafted, and will probably be held in July this year, with elections to follow in “mid-2017”.

If all goes according to plan, that would still mark more than three years since the general declared martial law in May 2014, overthrew the democratically-elected government of Yingluck Shinawatra in a military coup, and installed himself as premier, claiming to be saving Thailand from months of street protests that threatened the country's stability.

But the constitution itself – at least the latest draft of it released in January

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– was branded as a deliberate attempt at deceiving the outside world by one of the world's leading scholars on Thai constitutional history.

Professor Peter Leyland, author of *The Constitutional System of Thailand: A Contextual Analysis*, told EurActiv.com, “Personally, I have very little faith in the constitutional process.

“I’m convinced the draft is not going to count for anything...it’s all being manipulated for their convenience.

“I think they [the junta] are hoping they can string people along. They are calculating that as long as they are promising some kind of referendum on the constitution, that states like the US and Britain and so on will give the benefit of doubt to the regime.

“I think from an international point of view, that’s what their calculation is.

“The big uncertainty at the moment is the state of the king, and the succession – and politics is kind of on hold. Because any kind of free speech is banned.”

“One of the things they [the junta] are desperately trying to do is the old Establishment – which the military represents – is living in a state of denial that politics in Thailand has permanently changed.

“Although it’s true to say that the cult of the individual counts for a lot, in terms of how Thai politics works, it’s also true to say that things have changed because expectations have changed, because there has been the ‘Thaksin [Shinawatra] experience’ as it were, where politics has delivered.

“And they want to turn the clock back. But it won’t turn back. This is the thing they don’t understand.

### Nitty-Gritty

Those criticisms centre on the nitty-gritty of the most recent draft constitution, released in January.

One draft of a new constitution – Thailand’s 20th in modern times – drafted by military-appointed panel has

been scrapped as too repressive.

Already the date for a planned election – at one point to be held this year – has slipped to summer 2017.

The draft constitution foresees an entirely unelected upper chamber of 200 members, appointed by the military. At the beginning of March, General Prayuth added that they should serve a minimum of five years, in order that there is a “plan to guarantee balance during the transitional period.”

Absolute power would reside – along with the king – in the National Council for Peace and Order (NCPO) until the election and the appointment of a cabinet. However, the NCPO could cancel elections, or allow the junta to continue in power, or prevent individual winning parties from forming a cabinet.

The military is granted constitutional immunity for all orders, announcements and actions until after the formation of a new cabinet, potentially legalising the government’s “attitude adjustment” programmes for journalists and dissidents.

Other ‘problems’ include enshrining the military’s educational programme into the national curriculum, and making it more difficult to amend the constitution in future, and weakening the powers within a parliament of large parties, such as the Shinawatra Pheu Thai party, in favour of smaller ones and coalitions.

### No campaigning

Last week, the Bangkok Post reported that all campaigns against the draft constitution will be banned – unless held with the explicit permission of the Electoral Commission.

Deputy Prime Minister Wissanu Krea-ngam warned, “Organisers will hold such debates at their own risk. We have several laws to deal with them, such as the laws on defamation and public assembly.”

Wissanu also announced that only a straight majority of those voting would

require the referendum to pass – not a majority of registered voters, thus lowering the barriers to a ‘yes’ vote.

He also revealed the government was doing away with a requirement that at least 80% of voters receive a copy of the constitution, arguing it would be available online and through “easy to understand infographics... advertisement and announcements”.

Perhaps most ominously, asked what would happen if the constitution was rejected by Thai voters, Wissanu said merely, “If it’s rejected, we’ll know what to do. Talking about it now may cause prejudice. Besides, we haven’t decided on the best course of action.”

### Former PM denounces constitutional process as ‘crazy’

In a rare interview with the Financial Times last month, fugitive former Prime Minister Thaksin Shinawatra – deposed, like his sister Yingluck, by a military coup – denounced the draft as “crazy.”

Saying it would only entrench authoritarianism, Thaksin said, “I can’t imagine that this kind of constitution can be written in this manner in the 21st century. It’s as if we are in the 18th century.

“Instead of trying to write a crazy constitution, you had better have some discussion on what [people] would like to see.

“In the 21st century, no one respects the country with the junta regime.”

The consensus among all diplomats, academics and NGOs spoken to by EurActiv is that the junta will at least hold on to power until King Bhumibol Adulyadej – now 88 and after 70 years on the throne, the world’s longest-serving head of state – passes away.

Professor Leyland calls that “the big imponderable”. Very few Thais have any memory of life before King Bhumibol – who is protected by some of the world’s most repressive ‘lese-majeste’

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laws, making it an offence to “injure the dignity” of the monarch.

His son and heir apparent, Maha Vajiralongkorn, is rumoured to have led more of a playboy existence before returning to Thailand, and is held in less esteem than his father.

Professor Leyland says, “I think the worst-case scenario, that we’re all braced for, is the death of the king, and whether the crown prince is able to succeed, and how that’s handled – and nobody knows. That’s the big imponderable. From what I can gather the king remains extremely frail, and he could die at any moment.”

In the meantime, General Prayuth insisted as recently as January that elections would go ahead next year.

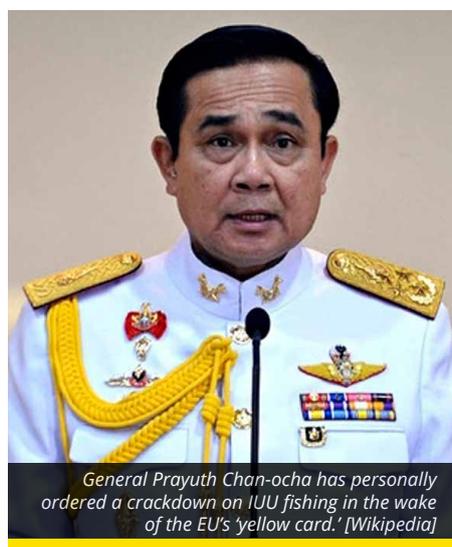
“Whatever happens, an election will take place in 2017. I will search for any constitution for us to have an election.”

However, the military leader, famously testy with journalists and the press, when first confronted with journalists asking about an election after his military coup, simply said, “I have no time frame. It depends on situation. We will do it as soon as possible. That’s enough » before walking off stage and refusing more questions.

It is that response that many in the international community fear may still be closer to the truth.

## Thailand: The ‘police state’ behind the tourist paradise

The European Union is watching closely as the military junta currently in power in Thailand is accused of a multitude of human rights violations.



In November 2015, barely a year after the coup, the human rights situation had degenerated to the extent that the European Parliament passed a resolution calling on General Prayuth Chan-ocha to: “stop arbitrary arrests and detention, overturn convictions and sentences...release human rights defenders, media workers and individuals sentences or charges for peacefully exercising their rights to freedom of expression or assembly.”

That was just one of a 14-point bullet list of demands. They also included the rights for civilians to be tried in civilian — rather than military courts — an end to censorship of print or online media for publishing information relating to the Thai monarchy, and to reconsider the ‘lese-majeste’ law which forbids all discussion of the King.

MEPs also urged the European External Action Service, the EU’s foreign

affairs administration, to “engage in a constructive dialogue on matters regarding human rights protection and democratisation process” with the Thai government — while also acting as observers at all trial hearings of activists and dissidents.

That was quite a roll-call of concerns, from MEPs from 14 member states standing up to condemn the military regime, for a country which only recently had been poised to sign a Free Trade Agreement with the EU under its democratically-elected premier Yingluck Shinawatra.

Perhaps for most Europeans, Thailand still conjures up images of exotic food and beaches for backpacking tourists. For ordinary Thais — and increasingly Western diplomats, academics and journalists — it is, in the words of Human Rights Watch, “a police state”.

Journalists that dare to criticise the junta that seized power in 2014 are sent for “attitude adjustment” in military barracks. Academics that attack the power wielded by the military regime have fled into exile, with their families harassed by the government.

The archaic ‘lese majeste’ laws which forbid bringing the dignity of the royal family into disrepute are applied so all-encompassingly that even the US ambassador in Bangkok has been put under police investigation.

Academics who have researched labour and human rights abuses in the key fishing and fruit tinning industries have been charged with defamation and computer crime, facing lengthy trials and even longer prison sentences.

According to the Thai Lawyers for Human Rights (TLHR) association, at least 77 academics have been harassed since the 2014 coup.

That involves home visits from army officers ordering the professors to change their “critical mindset”, or face a 48-hour spell in the ‘attitude adjustment’

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camps.

At least five academics have now fled into exile, according to the TLHR, including Pavin Chachavalpongpun, who sought refugee status in Japan, and is now a visiting lecturer at Cambridge University.

Poonsuk Poonsukcharoen, of the TLHR, said the intimidation was a sign of the weakness of the current military regime. "With legitimacy stretching thin and achievements falling flat, the junta feels the pressure to silence critics to maintain its power," he told the Bangkok Post.

According to Professor Chachavalpongpun, just hours before he was due to give a guest lecture at Oxford University on 24 February, the academic was phoned by his distressed sister — still in Bangkok — to tell him she had just had a visit by four military officers.

The military also, he said, called up his sister twice at her place of work, ordering him to stay silent on the Thai monarchy, otherwise his family would "pay the price". They then ordered his entire family to report to an army camp.

Chachavalpongpun said, "Far from restricting itself to just punishing me, the military has continued to harass my family in Bangkok, despite the fact that they have nothing to do with my academic work or personal view on Thai politics and the monarchy.

"As someone who has been outspoken on the sensitive issue of the future of the Thai monarchy and criticised the ruling junta, I have been used to being personally subjected to such harassment.

"In the aftermath of the coup of 2014, because I had long been critical of the military and the monarchy, the junta decided to summon me — twice — for 'attitude adjustment', a euphemism for coercive dressing down of regime critics."

After refusing the summons, the junta issued a warrant for his arrest and the revoking of his passport — forcing the

professor to flee to Japan.

It is not just academics. Human Rights Watch cite many examples of lawyers being charged or detained simply for doing their jobs.

In February, human rights lawyer Sirikan Charoensiri was suddenly hit with two charges by Bangkok police because she had represented activists the year before.

The same month, the lawyer representing a man accused of the August 2015 bomb attack at Bangkok's Erawan Shrine was threatened with defamation and false statement, after repeating his client's claim that he had been tortured.

According to Brad Adams, Asia Director at Human Rights Watch, "the Thai junta is not only running a police state, it is now retaliating against the lawyers who are defending victims.

"Thailand's post-coup human rights crisis seems to have no end in sight," Adams said. "Instead of upholding the rule of law, the junta is undermining it by prosecuting lawyers for doing their jobs defending clients and reporting abuses by the authorities."

A case that made international headlines in December 2015 was a Thai factory worker who — allegedly — made a sarcastic comment about King Bhumibol Adulyadej's dog, Tongdaeng.

So wide are Thailand's 'lese majeste' laws against insulting the dignity of the royal family, that each such remark can carry a sentence of up to 15 years in prison.

Even the US Ambassador, Glyn Davies, came under initial police investigation — despite having diplomatic immunity — for a speech before Christmas at the foreign correspondents' association, where he praised the Thai monarchy, but criticised the lengthy prison sentences handed down under the laws.

According to Human Rights Watch, at least 200 websites have been blocked by the military — including HRW's own Thailand page — as "threats to national

security." It is highly possible that this article will not be viewable within Thailand.

The International New York Times has had — on at least two occasions — articles pulled from its newspaper by its local Thailand printer.

On 10 March, the Committee for the Protection of Journalists formally complained to foreign ambassadors in Bangkok about the circumstances they now had to work under. Shawn Crisp said, "Throughout my 17 years of journalistic experience based in Thailand, the situation for reporters, apart from when bullets are flying in the national capital during political protests, has never been more dire."

Crisp complained that restrictions on visas for foreign journalists would "further curb critical news coverage of Prime Minister Prayuth Chan-ocha's rights-curbing junta".

According to one Western journalist based in Bangkok — who spoke to EurActiv.com on condition of anonymity to avoid retaliation by the regime — things are not yet as bad for foreign reporters in the country as domestic Thai journalists, but could be heading that way.

He said, "It's not a very nice situation — it's pretty scary. The junta here have essentially outlawed criticism. They can come for you at any time. When the junta took over it was definitely a big shock I think, for a lot of the journalists. Some of the more critical outlets have been shut down.

"Local journalists are taken in for 'attitude adjustment', which essentially means harsh interrogations. It's pretty scary. They haven't had the nerve to do that with a Western journalist yet — but that may change.

"Certainly local radio stations, which are popular here, particularly up in the north where the 'redshirts' are powerful, they have all pretty much been shut down.

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“However, the process for foreign journalists getting visas has become noticeably harsher. The Ministry of Foreign Affairs has begun interrogating Western journalists, asking them such questions as ‘what do you think about democracy?’ ‘what do you think of free speech?’ ‘which other journalists do you know?’

“It’s unclear what the purpose of this is, but it certainly has a chilling affect. It’s a hostile process. And they have begun reducing the number of visas issued.

“In the past, the Thai government has been relatively open to the media. It was an attitude they were proud of, compared with their neighbours.

“It was perhaps always more of a

‘feisty’ press than a free press, as there are certain subjects journalists just cannot freely write about – namely the king, his health, the succession, the royal family in general and their wealth. It is also ridiculously easy to sue someone here for criminal defamation.

“However, since the junta took over I would say it has gone from a 7/10 to a 4/10 in terms of press freedom.

“General Prayuth is open hostile to, and contemptuous of, the media. The junta just does not feel the need to talk to the media, to explain itself, it doesn’t feel any responsibility.”

That scenarios does not look likely to change anytime soon. On 3 March the Deputy Prime Minister – who is also the Defence Minister – Prawit

Wongsuwon vowed that any critic of the government who made “comments that damage the nation and cause conflicts” would be liable to ‘attitude adjustment’ interrogations of up to a week.

“If they speak so 100 times, they will be summoned 100 times,” he warned. “A ‘talk’ can last 3-7 days,” he added.

He made the comments after complaints that soldiers supposedly there to guard former prime minister Yingluck Shinawatra had been taking photographs of her.

“The soldiers took photos of Ms Yingluck probably she was pretty. It’s not a big deal. Don’t think too much about it or be anxious about it,” he said.

## Thailand’s economy: Free trade, fishing and fruit industries in the spotlight

As the Royal Thai Army plotted its coup against the democratically-elected government in May 2014, Thailand was the second largest economy in ASEAN, and stood on the brink of signing a landmark Free Trade Agreement with the EU.

Now, less than two years later, that FTA has been shelved indefinitely whilst the junta is in power.

The European Commission stands poised to make a decision any day now on banning all Thai fish imports to the EU, an industry worth some \$3bln in 2014. Widespread allegations of labour abuses in Thailand’s fruit processing and fishing industries – two key sectors – have soiled the country’s international reputation.



Tour skiffs off the Thai coast. Sala Dan, 2008. [Roberto Saltori/Flickr]

Even military exercises with the US – whilst not cancelled entirely – were downgraded.

Critical as the fishing industry is to Thailand, the decision to freeze negotiations on an FTA whilst the junta is in power is the most damaging.

As EurActiv.com revealed in November, after hopes a swift comprehensive EU-ASEAN FTA faded, the Commission looked around for individual ASEAN nations to sign the first bilateral deals with.

They chose Singapore, Vietnam and Thailand. Miguel Ceballos Baron, deputy head of Cabinet to Trade Commissioner Cecilia Malmström, told

a business audience in Brussels last year that Singapore was picked because it was “the most open, quick and highly-ambitious” of the ASEAN economies, Vietnam because it was a “developing and emerging power”, with Thailand somewhere between the two.

But with the overthrow of a directly-elected government going against the ethos of Malmstrom’s new ‘Trade for All’ policy of including human rights and the environment in all future trade deals, the European Commission had no choice but to suspend talks with Bangkok – which had “advanced a lot”, according to Baron.

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Indeed, he went further. Pointing to social media, and popular protests against TTIP and other trade deals, Baron predicted that even were the Commission inclined to sign an FTA with Thailand, it would “never” be ratified by the Parliament whilst the junta was in power.

It is important to note the FTA has not been entirely scrapped. It could, theoretically, be resurrected following a proposed election in Thailand in 2017, presuming such a poll was deemed to be properly democratic.

But, at present, the Thai junta has more pressing concerns on its hands.

The government is now waiting an announcement from the Commission on whether it would impose a complete ban on Thai fish exports to the 28-member bloc.

Due to breaches of the so-called Illegal, Unregulated and Unreported (IUU) fishing protocols, Thailand has been on a ‘yellow’ warning card since April 2015.

The IUU rules are designed to maintain a sustainable and replenishable fish stock.

A team of EU inspectors flew to Thailand in January to inspect the measures so far taken by Bangkok, and a decision is expected imminently. An upgrade to a ‘red card’ would mean an immediate halt to an industry — not least the key tinned tuna sector, of which Thailand is one of the world’s biggest producers — worth some \$3 bln annually to Thailand.

Few in Brussels expect the yellow card to be upgraded. But it is not impossible: Belize, Guinea, Cambodia and Sri Lanka have in the past had such sanctions imposed on them.

For the Thai economy, it would be a body blow, something the junta appears to recognise. It prompted General Prayuth to use his Christmas Day address to the Thai people to promise a clean-up of the industry.

He said, “We must acknowledge that faults have existed for a long time,

and establish a clear agenda regarding legislation, management, punishment, care for victims and continuous across-the-board monitoring of the fishing industry.”

Prayuth insisted on a weekly progress report to him personally, a sign of the urgency of the threat of a ban.

As was a full-page advert in February in *The Economist*, boasting of the Thai government’s achievements in clamping down on abuses at sea.

The fishing sector is just one area, albeit the most prominent, where Thailand stands accused of abuse, however. Another is the fruit tinning industry, where allegations abound of exploitation of workers and labour abuses, especially of migrant workers.

However, the experience of one activist, British lawyer Andy Hall, suggests Thailand’s response is to shoot the messenger — or, in this case, whistleblower — rather than deal with the problems at source.

### So what of the future?

Thailand’s other main industries are electronics, automobile parts, textiles, and tourism. It is also a major exporter of tin and tungsten, and trying to promote itself a future Asian hub for medical tourism, biotechnology and aircraft servicing and maintenance.

At a seminar for business leaders in Brussels in January, the Thai government was keen to market itself as a stable and forward-looking centre for foreign direct investment.

Embassy officials outlined the tax breaks — up to 8 years exemption from corporate income tax, with a possible 50% reduction after that — and advertising Thailand as a site for new “clusters” of innovation, such as robotics, automation, digital and medical tech.

And they insisted the military coup had not adversely affected investor confidence.

Duangjai Asawachintachit, Deputy Secretary General of Thailand Board

of Investment (BOI), told the meeting: “Fortunately, investors were not too harsh on us [after the coup], given our situation, because ... actually in 2014, [when] the change [of government] took place, the BOI hit the highest records ever in our 50-year history.

“Normally we would receive around 1,600 project applications a year, but in 2014 we received 3,100 projects.”

She added, “If you look back at what has happened in Thailand, we’ve been through many things, but one thing that’s very noticeable is that it’s never had any impact on our economic policies.”

That contrasts starkly with the official opinion of the US government, which notes that “The economy experienced slow growth and declining exports in 2014, in part due to domestic political turmoil and sluggish global demand.”

Figures for 2015 are not yet in, but the World Bank predicted growth of just 2.5%, meaning Thailand would become the slowest growing country in ASEAN.

One of General Prayuth’s first meetings, within days of seizing power in 2014, was to meet European investors from the Thai-European Business Association (TEBA), where he told them, “We are not dictators, that just order whatever. I am prepared to do everything. Just show me your investment roadmap.”

Yet perhaps no more poignant sign of how Thailand has fallen out of favour compared with its ASEAN neighbours since the military coup is needed than the reception provided by President Barack Obama, at the US-ASEAN summit last month in California.

Singapore’s Prime Minister, Lee Hsien Loong, was feted during his time at the Sunnylands venue, granted private audiences with Facebook founder Mark Zuckerberg and Apple’s CEO Tim Cook, lunch with the founder of PayPal, Dan Schulman, and even took a spin with Elon Musk in an electric Tesla car.

By pointed contrast, Prayuth was met by President Obama with a curt, “We continue to encourage a return to civilian rule in Thailand.”

## INTERVIEW

## MEP Langen: Thai junta must 'guarantee free and fair elections in 2017'

The draft of a new constitution and democratic elections in 2017 will be the benchmark for the European Union's relations with Thailand, said MEP Werner Langen, in an interview with EurActiv.com.

*Dr Werner Langen is a Member of the European Parliament for Germany's Christian Democrat Union (CDU). He is the Chair of the Delegation for relations with the countries of Southeast Asia and the Association of Southeast Asian Nations (ASEAN).*

*He spoke to EurActiv's Matthew Tempest.*

**Last year, the Parliament passed a very critical resolution on the Thai junta which seized power in 2014, criticising their human rights record. Do you currently see any grounds for optimism things might get better?**

The ASEAN-Delegation of the European Parliament will visit Thailand in May 2016. The resolution from last year will be guidance for our meetings with the Thai authorities. The draft for a new constitution and democratic elections in 2017 will be the benchmark for our relations with Thailand, which has been a pillar of stability in South-East-Asia. Therefore, the EU, as a friend and partner of Thailand, has repeatedly encouraged the Thai government to combat human rights abuse and to achieve a return to a democratic system.



*Dr Werner Langen [European Parliament]*

**The Free Trade Agreement with Thailand was suspended following the coup, with the Commission making it quite clear that the parliament would "never" ratify such a deal whilst the junta was in power. Are there any other measures the EU can take to help a return to democracy?**

The European Parliament will decide — at any one time — on his own about the Free Trade Agreement between the European Union and Thailand. To find a majority in favour of this agreement the Thai Government will have to convince the Members of the European Parliament that human rights and the rule of law are respected in Thailand.

**How confident are you that the current constitutional process and election will actually see a return to free and fair elections and democracy?**

I'm looking forward to the meetings with the Thai authorities and leaders of the opposition (especially former prime minister Yingluck Shinawatra) in May to discuss the further development of Thailand.

**Many experts have criticised the current constitutional draft as being heavily weighted towards the junta, with an all-appointed senate, immunity for the junta, a non-elected PM, etc. Do you trust the constitution-drafting process?**

I hope that this time the drafting

process will not be stopped. The Thai people should then, in a free and fair referendum, decide if the new constitution is acceptable.

**The Thai fish export industry is a key part of its economy, worth in the region of \$3bn annually. It is now threatened with an EU ban due to illegal, unregulated and unreported fishing. The Thai government seems belatedly to have started taking action on this. Is it enough, or is it just token measures to head off a ban?**

The examination of the measures taken by the Thai authorities is still ongoing. Yet, the statements by the government do give hope for an improvement of the situation. The EU recognises the changes which are being made and welcomes Thailand's aim for cooperation, this is a positive step towards the resolution of the problem.

**In two short years under the junta, Thailand has gone from being something of an ASEAN tiger and key player, to an international outcast (witness Obama curt call for a return to democracy at the recent ASEAN summit in California). What does the junta need to do to return Thailand to international respectability?**

The Thai government needs to implement the new constitution, guarantee free and fair elections in 2017 and a fair process against the former PM, Yingluck Shinawatra.

## INTERVIEW

## Thailand: The military junta answers its critics

The Thai military junta says it understands European concerns over the constitution drafting underway, but says it intends to restore democracy. "The government has no desire to stay in power longer than necessary," says Sek Wannamethee.



Sek Wannamethee MFA, Thailand

*EurActiv.com's foreign policy reporter Matthew Tempest put the questions raised by our Special Report this week directly to the Ministry of Foreign Affairs in Bangkok.*

*Sek Wannamethee, spokesperson for Thailand's Ministry of Foreign Affairs, responded.*

**In May 2014, when the current military regime seized power in a coup, Thailand was poised to sign a Free Trade Agreement with the EU. That has now been suspended indefinitely, and the EU is poised to possibly ban all Thai fish imports – an industry worth some 3 billion dollars – over illegal and unregulated fishing. Does the Thai government take responsibility for the economic uncertainty it has caused during its two years in power?**

Indeed, it is a pity that negotiations on the Thai-EU Free Trade Agreement were put on hold.

But this, in fact, did not affect the close trade relations between Thailand and EU countries. According to statistics, trade volume between Thailand and EU for the past two years has shown no sign of stagnation. The EU remains one of our major trade and investment partners.

Ambassadors of EU countries in Thailand continue to engage with the Thai government and express interest in enhancing economic ties with us, especially exploring the possibility of EU countries' participation in investment projects.

Thailand remains a trustworthy investment destination for European investors. Those who have invested in Thailand show high confidence in the stability and potential of Thailand under the current government. The economic relations between Thailand and the EU have still been very extensive both in terms of trade and investment as confirmed by the European Association for Business and Commerce (EABC) in Thailand. The result of the EABC's Business Confidence Survey 2015 also shows that the European business community is still optimistic and confident in the Thai economy.

Our overall economic fundamentals remain strong as reflected through high foreign reserves as well as low unemployment rate. Thailand, in fact, expects that the country's economy this year can outperform that of last year, as the government promotes 2016 as the year of investment, with stimulus measures and heavy promotion of investment in infrastructure mega-projects. With expected 32.6 million visitors in 2016, tourism will also be another major contributor to boosting confidence of the country and continue to drive our economy forward.

As for the IUU fishing, we recognise that it has been a serious problem for our fisheries industry. In fact, it was also a deep-rooted problem for the

past governments, and it is the current government that has stepped up the efforts to root out this problem.

This government has vigorously and seriously pursued an ambitious and comprehensive reform of the fisheries sector, with a view to ensuring sustainable use of marine resources and finding lasting solutions to the deep-rooted problems.

We have revamped the legal and policy frameworks governing fisheries, overhauled the fishing license regime, inspected thousands of vessels and hundreds of seafood processing plants, enhanced the monitoring and control of fishing activities, improved fishing databases and traceability systems, and beefed up law enforcement.

The recent concrete progress in Thailand's fisheries reform speaks for itself that this government has achieved what the past governments failed to do. In fact, the yellow/red card status is really of secondary importance. Our primary concern is to implement the fisheries in order to create an environmentally sustainable and socially responsible fishing industry.

**The military junta has now been in power nearly two years. Already one draft constitution has been scrapped, and the date for possible elections slipped. What guarantee can you give that elections will now take place in mid-2017, as promised?**

The constitution drafting process must follow the procedures spelt out in the Interim Constitution. Thailand is fully committed in moving forward according to the announced Roadmap.

However, it is important to ensure that we remedy the wrongs of the past before we embark on the new elections. Therefore, a firm and gradual development is to focus on quality rather than speed so that our country will contribute to a stronger Thailand and restore confidence.

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We are currently in phase 2 of the 3-phase Roadmap (Reconciliation – Reform – Elections). The focus now is to undertake comprehensive reform and lay a solid foundation to achieve people-centered and sustainable development, while a new constitution is being drafted.

Our Roadmap outlines clear steps toward a return to democracy. The entire constitution drafting process is expected to take approximately 20-23 months (6 months for the Constitution Drafting Commission (CDC) to complete the drafting/ 4 months for a National Referendum/ 6-8 months for implementation of the necessary organic laws/ 4 – 5 months for political campaigns prior to holding a general election).

According to this timeframe, process of general election is then expected to take place in 2017 for a democratically-elected government to assume office.

We understand that friends and allies are concerned with the Roadmap. I would like to reassure that Thailand is firmly moving forward in accordance with the Roadmap. With constant progress and nation-wide reforms taking place, Thailand is continuing our journey towards a strengthened and sustainable democracy.

We ask for time and space to let reconciliation and reforms take their course. Ultimately, sustainable reforms must come from within and for the Thai people themselves.

**The current draft constitution has been widely criticised for keeping power with the military regime – an all-appointed Senate, the right to have a non-elected prime minister, immunity for the military, weakening stronger or larger parties, the right for the junta to rule right until a new cabinet is appointed, and other measures. Under these circumstances, can a 2017 election be described as “free and fair”?**

The draft constitution which contains 270 sections aims to provide

greater guarantee to safeguard the rights of the people and in compliance with international standard. It also aims to provide a system to create a clean and transparent politics with strong checks and balances to promote a fair and just society.

Throughout the drafting process, the CDC has been working in an inclusive manner to ensure that all voices are heard and that people from all walks of life can be actively engaged in the drafting of the constitution. Several seminars and public forums to openly discuss and debate on the draft were held in Bangkok and several provinces around the country with active participation from academicians, public and private sectors and NGOs.

The CDC will deliberate and revise the draft based on the recommendations so received. The final draft will be completed by April 2016 before being forwarded to the Election Commission for a national referendum which is scheduled to be held in August 2016.

It is important to note that the draft is now being debated and revised based on the recommendations gathered from the public and relevant sectors. Therefore, none of the content in this draft is yet final.

In short, what is envisioned in this draft is an attempt to develop a sustainable democracy with effective checks and balances that seek to empower the people, promote good governance, manage political disagreements and ensure transparency and accountability. All of which are integral and imperative elements for free and fair elections.

More importantly, it is hoped that the new Constitution will bring about a paradigm shift and lay a solid foundation for Thailand’s future based on a fair, transparent and pluralistic political system and strong but sustainable economic growth.

**The European Parliament has severely criticised the military regime over its**

**human rights record, with journalists being sent for “attitude adjustment”, academics and their families harassed for criticising the military, and activists prosecuted for exposing labour abuses in the Thai fruit industry. Is this a record the military junta can be proud of, as it tries to seek international credibility?**

The Government fully respects freedom of expression and believes it is a basic foundation of a democratic society. However, it is obliged to strike the right balance between freedom of the press and the interest of society.

Media outlets are allowed to broadcast and report their views freely. Only minimal and necessary limitations on the media and social platforms are put in place to prevent further disruption and preempt efforts to instigate violent incidents, stoke social divisiveness or create hatred among the people during this crucial period of national reform and reconciliation towards a sustainable democracy and social harmony.

With regards to an activist allegedly “prosecuted for exposing labour abuses in the Thai fruit industry”, it must be stressed that Thai judicial system adheres to the utmost integrity and its independence from political intervention. The trials were initiated by a private entity against another private entity and, contrary to the general belief, government authorities, including the Office of the Attorney General, are not in the position to intervene in the judicial process. Even in criminal cases where public prosecutors represent one side of the parties, public prosecutors as officers of the law act solely on facts and merits of the cases.

A prime example of the independence of the Thai judicial system is the case against Phuketwan. On 1 September 2015, the Phuket Provincial Court dismissed a criminal defamation case and a case involved a breach of the Computer Crime Act brought on by the

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Royal Thai Navy against 2 Phuketwan journalists, despite similar concerns from the civil society and the media.

**Many outside observers believe the military regime intends to stay in power to oversee a royal succession, when the current 88-year old king passes away. Can you deny this allegation?**

This allegation is misguided. The National Council for Peace and Order (NCPO) took control of national administration in order to provide a cooling-off period for all sides of the political conflict, with the purpose of preventing further violence, restoring stability and putting the country back on track towards full democracy.

It is not associated to the issue of royal succession. There are clearly stipulated rules and procedures on this matter. Both the Palace Law on Succession and the remaining section of the Thai constitution would ensure a smooth transition, should the need ever arise. The royal succession is, therefore, not an issue in Thailand and any attempts to politicize the monarchy should be resisted.

**The deposed, democratically-elected prime minister, Yingluck Shinawatra, has been barred from traveling to Brussels to meet EU officials. She now faces a trial for corruption over a rice subsidy scheme which many observers believe is politically-motivated. Can you confirm that the military government has no influence on her trial and the judicial system is independent?**

The trial is not politically motivated but was a result of a violation of Thailand's Criminal Code. Yingluck Shinawatra has been charged with dereliction of duty causing damage and failure to perform her duty as a state official to stop corruption in the rice-pledging scheme. The rice-pledging scheme has seen unprecedented policy-

level corruption. A legal process is being carried out against wrongdoers including former politicians and public officers involved in the case.

Thai Courts maintain and uphold their fundamental principle of judicial impartiality. The decision to prohibit Yingluck Shinawatra from traveling abroad is solely under the discretion of the Court. The court performs its judicial function independently; the government has no influence on this or any other trials whatsoever.

**Finally, the world community, from President Obama to the EU, has been united in calling for a return to civilian rule in Thailand. On what basis does the military junta continue to claim legitimacy?**

The present government has very clear mandates: 1) to set out a Roadmap towards democracy and elections; and 2) to undertake undertaking necessary reforms for the country's future.

The government has no desire to stay in power longer than necessary. Thailand is committed to a fully functioning democratic system of governance. This government is determined to move forward in accordance with the Roadmap.

Our Roadmap outlines clear steps toward a return to democracy. The entire constitution drafting process is expected to take approximately 20-23 months, a process which I outlined above. According to this timeframe, process of general election is then expected to take place in 2017 for a democratically-elected government to assume office. The goal is a sustainable democracy that meets the aspirations of the Thai people.

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