2012

Steering committee
Anriette Esterhuysen (APC)
Loe Schout (Hivos)

Coordinating committee
Karen Banks (APC)
Monique Doppert (Hivos)
Valeria Betancourt (APC)

Project coordinator
Valeria Betancourt

Editor
Alan Finlay

Assistant editor
Lori Nordstrom

Publication production
Mallory Knodel

Proofreading
Valerie Dee
Lori Nordstrom

Graphic design
Monocromo
info@monocromo.com.uy
Phone: +598 2 400 1685

Cover illustration
Matías Bervejillo

Financial support provided by
Humanist Institute for Cooperation with Developing Countries (Hivos)
Swedish International Development Cooperation Agency (Sida)

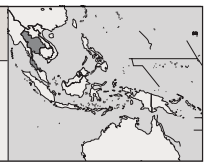
Global Information Society Watch
Published by APC and Hivos
2012

Creative Commons Attribution 3.0 Licence
<creativecommons.org/licenses/by-nc-nd/3.0>
Some rights reserved.

ISSN: 2225-4625
ISBN: 978-92-95096-85-1
APC-201301€IPP-R-EN-DIGITAL -176

THAILAND

THE INTERNET IN THAILAND: THE BATTLE FOR A TRANSPARENT AND ACCOUNTABLE MONARCHY



Thai Netizen Network
Thaweeporn Kummetha
thainetizen.org

Introduction

Thailand, in theory, is a democratic country with the king as the head of state. Under the Constitution of Thailand, the monarch has ceremonial duties only, and does not have executive powers (but rather has elected representatives act on his behalf).

In reality, however, Thai politics is far more messy and complicated, partly because of interference from the "invisible hands", a popular term used by local media meaning unconstitutional power which cannot be examined and held accountable. This can be seen from the past 18 military coup d'états in the 80 years since the forced change from absolute to constitutional monarchy in 1932.

Although the king has no executive powers, the monarchy has a significant role in Thailand's public affairs, a role which is recognised by the government. For example, hundreds of development projects in rural areas across Thailand are patronised by royals, the national day has been changed to coincide with King Bhumibol's birthday, royals personally present diplomas to public university graduates, and, last but not least, it is law that everyone must stand while the royal anthem is played before any movie or performance.

This is largely a result of the revival of the monarchy's public role by former prime minister Field Marshall Sarit Thanarat, who seized power in a coup and promoted the monarchy to justify his dictatorship. With a harsh lèse majesté law and incessant one-sided positive-only publicity about the royals, the monarchy's popularity has risen to that of high reverence.

Policy and political background

In his paper "Network Monarchy and Legitimacy Crises in Thailand",[1] Duncan McCargo, a leading academic on Thai politics, proposed that between 1973 and 2001 Thai politics is best understood in terms of a political network in which the leading network was "centred on the palace and is here termed 'network monarchy'. Network monarchy involved active interventions in the political process by the Thai King and his proxies," including the privy councillors and the military. McCargo illustrated this with the Black May crisis in 1992, in which the king told the leader of the protest against the military prime minister and the prime minister to meet with him after over 40 protesters were killed, instructing them to settle down. And in 2006, the 84-year-old king granted an audience to the coup makers just after they had overthrown popular premier Thaksin Shinawatra. Both events were televised on public channels and both generals escaped with impunity. However, with the lèse majesté law or Article 112 of the Criminal Code, under which the maximum sentence is 15 years in jail, criticism of the roles of the monarchy and the military is silenced and the law shields them from scrutiny and being held accountable. In effect, the Thai mainstream media practise self-censorship on stories related to the monarchy that do not fit the official narrative.

In 2006, the lawmakers appointed by the coup leaders enacted the 2007 Computer-Related Crimes Act (CCA), rushing it through the parliamentary process and without public participation. The law has severe jail terms of up to 20 years for people who post online content deemed lèse majesté (insulting to the monarchy) or a threat to national security. It also holds intermediaries at all levels liable over content published through them, and they face 20 years in jail for content deemed illegal.

The battle to hold the monarchy accountable under threat and suppression

As mentioned, the Thai mainstream media have neglected their duty to scrutinise the monarchy and the military, as well as the Crown Property Bureau.[2] Simultaneously, Thais are overwhelmed by a hunger for information and an eagerness to express their thoughts. The 2006 coup was the first coup that took place at a time when the internet was accessible by most of the Thai middle classes, with YouTube and online forums being particularly popular. With the power of the internet, Thailand will never be the same again.

1 www.polis.leeds.ac.uk/assets/files/Staff/mccargo-pacific-review-2005.pdf

2 The Crown Property Bureau (CPB) is a juristic person, established by law, responsible for managing the personal wealth of the King of Thailand. The CPB is exempt from taxes.

URLs being blocked,[8] as claimed by the government, due to content insulting the monarchy, and about 40 people have been charged with disseminating online content insulting the king.

Conclusion

In the absence of the mainstream media's role in holding the monarchy accountable, the internet helps to facilitate discussion and scrutiny of the monarchy by the general public. Under legal constraint, Thais need to exercise extreme caution when expressing opinions on the issue of the monarchy.

Access to information inconsistent with official narratives about the monarchy is suppressed by the authorities. However, many Thai netizens still manage to circumvent the Thai authorities' firewall, mainly because of the poor technology and inconsistent efforts of the authorities.

Action steps

- The Thai government should abolish Article 112 (the lèse majesté law) and amend the CCA to allow criticism of the monarchy.
- Civil society should learn to protect themselves from surveillance by using anonymisers such as The Onion Router (TOR), especially when posting messages.
- Civil society should learn to circumvent government censorship by using circumventing tools such as virtual private networks (VPNs) and TOR, or simply using Google translator and Google cache.
- The use of any law to suppress or censor criticism of the monarchy should be transparent and open for public scrutiny.
- Mainstream media should not leave it up to civil society to push the limits of what can be said about the "invisible hands" and the network monarchy, but should come out of the closet of their fear and end the practice of self-censorship on issues relating to the monarchy.
- Thai internet users should try to use real names to lend credibility and transparency to their criticism. This will also help push the limits of what can be said in public. ■

8 According to iLaw's 2010 Situational Report on Control and Censorship of Online Media, through the use of laws and the imposition of Thai state policies, 57,330 URLs were blocked due to their lèse majesté-related content. In 2011, the ICT minister reported that around 60,000 URLs were blocked due to the same reason. thainetizen.org/docs/thailand-online-media-control-en and thainetizen.org/docs/netizen-report-2011