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HEADLINE: Anti-corruption has the wind in its sails

SUBHEADLINE: In the build-up to a general election, Thailand's woes have been creeping to the surface and there is a tangible feeling of dissatisfaction among the people, ever more evident in recent riots and demonstrations demanding an end to corruption. But how significant is a civil move against corruption, and is there any real room for those who are prepared to stand up and fight?

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Not one day passes without new revelations, not a day without the desperate need for change being expressed; the fight against corruption in Thailand these days has the wind in its sails. But why all the focus now, regarding an age-old issue which has been brushed aside for so long? Is there any real room for manoeuvre for the crusaders against corruption?

Revolution? Evolution? Not everyone agrees on the extent, reach and intensity of recent moves in the fight against corruption. Yet everyone agrees that something is definitely going on in the battle against what is often referred to as a cancer which has been gnawing at the country's infrastructure over the past decades.

And most of us savour the show, which looks like a big clean-up; scandals and shocking figures are splashed across newspapers on a daily basis, and anti-graft seminars and round tables are burgeoning. Here are a few random examples to jog the memory:

Because of vote-buying, allegations of fraud and the subsequent disqualification of certain political candidates, it took no less than five rounds of balloting and some 2 billion baht (starting with a first round on March 4 and ending with a fifth round on July 21) for the determined Election Commission to approve the composition of the present Senate, directly elected for the first time in Thai history.

By backing the deputy premier and interior minister Sanan Kachornprasart, one of the country's most powerful men, into a corner and accusing him of falsifying an assets declaration and faking a 45 million baht loan, the vigorous National Counter Corruption Commission (NCCC) created quite a sensation in August. The case, since dropped due to a technicality, set the path for many other big names of politics to follow. Not only was Sanan the first interior minister to have been brought down by corruption, but he was the first to have been forced to resign by due legal process.

Reports on the extent of graft in the bureaucratic and political systems have been multiplying lately, with alarming figures; the Thai Engineering Institute revealed amongst many other facts, that state officials, politicians, engineers, architects and some consultancy firms were making an easy 20 to 30 billion baht per year from construction projects, at the expense of tax payers.

A study conducted over two years by Prof Pasuk Phongpaichit of Chulalongkorn University concluded that politicians, bureaucrats and private firms made personal gains amounting to at least 20 percent of the annual state budget, equalling 160 billion baht or so.

Meanwhile, NGOs and various public health activists seem to be getting more impatient about the fact that so far, "no politician has ever been imprisoned for corruption in this country, despite mountains of evidence," as stated recently by Chulalongkorn economist Asst Prof

Nualnoi Treerat. Not to mention the riots in Nakhon Si Thammarat in early September, in which 5,000 or so angry locals violently protested against police corruption.

Examples are endless as each day brings a new crop of compromising revelations.

``There is for sure a rolling ball effect" sums up Prof Pasuk. ``It seems that corruption is indeed slowly on the way to becoming a rallying cause, soon able to gather crowds crying out `enough is enough!'"

But in a country that has been ranked 60th on the Transparency International 2000 Corruption Perceptions Index (with a low grade of 3.2/10), and where corruption is a recognised and usually accepted fact, swallowing up between 10 to 20 percent of the national budget, why is this tremendous thirst for change suddenly so heavily fueled?

Amid a long and painstaking process in which greater media freedom also plays a great role, two main factors have hurried the tide of change and the toppling of previous certainties.

Firstly, the financial and economic crisis of 1997 ``has caused a significant drop in the threshold of tolerance towards corruption", explained Prof Pasuk. ``People could bear the pain of having to pay under the table during times of high economic growth but feel it is an insupportable burden in times of crisis. Crisis gives rise to rebellion" she added.

Having gathered momentum since 1997, the economic mess has caused millions of people to lose their jobs, crowds of migrants to be expelled, the real estate sector to dwell in the doldrums and has left the whole country in gargantuan debt. ``The economic growl of the so-called tigers of Southeast Asia has become the anaemic mew of a Siamese cat," said Viti Muntarbhorn, a professor with the Faculty of Law at Chulalongkorn University.

Yet the blessing in disguise was that the economic maelstrom revealed with great clarity the imperious need for more transparency and less cronyism. The way was paved for reforms and restructuring, of the financial sector for sure, but also of the whole political system.

The reforms to the constitution launched in 1996 couldn't have come at a better time. The new constitution, the 16th of Thailand's history, presents itself at once as a participatory constitution. It was adopted in 1997 after a long drafting process which involved many members of the community and public hearings throughout the country. The reformed constitution has a section on rights and freedoms, while establishing many innovative checks and balances against an undemocratic government, and has initiated new accountability institutions to combat corruption and wrongdoing, including a Constitutional Court, a National Counter Corruption Commission, a National Electoral Commission and a National Human Rights Commission.

Improvements in the transparency of government operations is also thanks to the enactment of the Official Information Act, in force since December 1997, which allows citizens access to information which is deemed not to be sensitive. This also extends to individuals in public service. Transparency has become the name of the game.

According to the new constitution, the prime minister, cabinet ministers and other political office holders are compelled to declare their assets and liabilities, together with those of their spouses and underage children, within 30 days of assuming office and within 30 days of leaving office. They are subject to strict public and parliamentary scrutiny.

``The new constitution provides the framework for people and organisations to investigate the behaviour of politicians and high-ranking bureaucrats. It is especially useful after the economic crisis when the tolerance for abuse of power and corruption is at its lowest," said Prof Pasuk.

Dubbed a paper tiger, the former Counter Corruption Commission attached to the prime minister's office, is thus replaced by the new National Counter Corruption Commission and its battery of laws.

In contrast to the CCC, which could look into corruption allegations only against state officials, the new independent anti-graft body can examine senators' assets as well. The NCCC is also empowered to investigate graft allegations involving MPs, those holding political positions and state officials. It can fire those politicians if they are found to be corrupt.

Amongst its most powerful weapons are the declaration of assets, which has already caused many heads to roll, and the 50,000 signatures law (a petition by voters) that can force the authorities to begin an investigation of corruption.

``This is surely the most powerful tool set up with the best intentions, but in practice, it is very difficult to use it. The founder of such a petition would first have to identify himself to the senate and authenticate each of the 50,000 signatures, at the risk of going to jail if some signatures were found to be falsified. It puts the people and organisations willing to fight corruption into the spotlight, which can be very dangerous," explains Deunden Nikomborirak, economics research specialist at the Thailand Development and Research Institute Foundation (TDRI). Concluding without beating about the bush, Deunden said, ``this is a conspiracy to undermine the use of the law."

The road to a corruption-free society is still very long and no one should be under any delusions that it will be a smooth and easy ride. Participants in a key seminar initiated by the TDRI in August all came to the conclusion that nothing short of a national crusade to reform society as a whole could put an end to corruption. ``Corruption is hard to combat because it has become a culture that feeds on itself," the report says. ``To fight it, the country needs a continuous crusade that involves everyone."

``It takes strong political will to convince people that what they have been doing their whole lives is now illegal and will be punished. We're talking about changing a political culture. That won't be easy," Abhisit Vejjajiva, minister to the Prime Minister's Office told the Far Eastern Economic Review (September 7, 2000 issue). And former prime minister Anand Panyarachun added further: ``We are talking about cultural reform. It can't be achieved without full public support and plenty of stamina."

In Thailand, the cancer of corruption is in its terminal phase. More than half a century ago already, Field Marshal Sarit Thanarat (in power from 1957 to 1963) left behind him a procured fortune amounting to 2.8 billion baht, some 3,640 hectares of land and numerous mistresses to fight over his legacy, according to *Corruption & Democracy in Thailand*, written by Pasuk Phongpaichit and Sungsidh Piriyarangsarn.

``It seems there is nowhere on Thai soil now where corruption did not exist. Methods of cheating are being developed to escape detection," lamented former senate speaker Meechai Ruchupan.

No sector escapes the tarnish of corruption. Not monks, nor doctors, nor teachers, nor policemen, nor customs officers. According to findings compiled by academics and cited by Meechai, the Customs Department was the most corrupt agency, with an average of 60 billion baht disappearing into the pockets of its staff annually, effortlessly outdoing hiring and procurement systems, where 29 billion baht disappears yearly, and the Revenue Department, in which some 19 billion baht evaporates.

The three offices of Land, Police and Tax account for 88 percent of the total value of bribes solicited, according to a report prepared for the Civil Service Commission by Prof Pasuk, Nualnoi Treerat, Yongyuth Chaiyapong and Chris Baker on corruption in the public sector in

Thailand. This survey also revealed that one-tenth of households are solicited for bribes by some public office each year.

“Corruption is devastating. It is the source of most of our society's ills; prostitution, narcotics, gambling.... Everything stems from corruption,” said Krirkkiat Pipatseritham, commissioner of the NCCC. “So little has been done to fight against corruption. Awareness is increasing for sure but it is not enough. We need action. Thai people should have a sense of hatred for corruption and understand it is our nation's greatest enemy,” Krirkkiat continues, hurling figures like bombs: 60 percent of members of the House, 30 to 40 percent of senators, 70 percent of cabinet ministers are directly or indirectly corrupt, in his opinion.

But the lack of staff and funding to handle the colossal work load of the NCCC is quickly becoming the heart of the matter. “There are some 2,700 cases inherited from the former CCC, plus some 600 new cases. So far, only around 700 cases have been solved,” Krirkkiat said, comparing the Hong Kong Independent Commission Against Corruption (employing 1,400 staff for a population of six million) to the NCCC's staff of just 300.

So what is the good news in the war against corruption? If one believes Jayasankar Shivakumar, the World Bank country director for Thailand, “there has been remarkable progress in building awareness regarding the cancer of corruption, particularly in Bangkok. In this achievement, the role of civil society, encouraged by constitutional mandates, has been impressive. It is especially significant because the experience of countries around the world has shown that momentum to combat corruption builds only after sufficient awareness of the problem has been developed across the government, private sector and civil society.

“Yet while the civil society movement is gaining strength, it is not sufficiently advanced

to bring about broad political reforms on its own. The public sector must build stronger links among its members and also with the overseeing bodies mandated by the Constitution in order to achieve broad political reforms. Then one can move from awareness to action.”

“The fight against corruption has to become a national priority and a rallying cause,” concludes Prof Pasuk.

Presently, Thai households rank corruption in the public sector as the third most serious national problem, following the poor economy and the cost of living, closely followed by drugs (according to a report prepared for the Civil Service Commission by Chulalongkorn's Political Economy Centre). The media is regarded as the most effective institution for combating the problem.

Yet, kicking this perversion out of people's minds is another story. A study published in early September by the NCCC (in which 79 percent of businessmen admit that bribing civil servants is common practice), considers that “the most alarming thing is that Thai people think corruption is normal.”

“Thai people have to learn how to say ‘No’, which is quite against their culture. They are very quiet and willing to cope with a lot of pain, but real democracy, real power lies in this ability to refuse something,” comments Geoffrey Englebrecht, Pacific rim Vice-Chairman of the World Business Academy.

“I am afraid there hasn't been enough pain yet to bring about these changes” he said, concluding: “To me, leadership is being in a state of service, with the ‘being’ underlying a very high, enlightened, level of consciousness. I am afraid very few leaders are abiding by this definition.”

Thailand's highly hierarchical and deferential culture, the patron-client relationship _ characteristics of Asian-style democracy, which has survived from the old Asian feudal system_ are often cited as daunting obstacles.

``The patron-client relationship is a superior-subordinate pattern of relationship which is dyadic, hierarchical, personal, voluntary and has reciprocal tieE," writers Neher and Marlay explain in *Democracy and Development in Southeast Asia*, commenting that money enables Thai villagers to bypass personal channels of patronage and protection.

``Among the vast majority of the rural population of Thailand, passive and feudal-style attitudes are dominant. Within the bureaucracy, taking commissions or tips is normal. The biggest hurdle to solving the corruption problem is in the attitude of the public and of officials that accepting bribes is not to be corrupt as long as it doesn't cause anyone any trouble," commented Naren Prasad, Unesco social and human sciences staff member in Bangkok.

The prevailing law in Thailand remains the law that says the strongest will survive.

The national crusade against corruption, if confirmed, will have to reckon with other challenges inherent in the system itself such as the low salaries of government officials (who easily fall prey to the temptation of engaging in corruption), the high level of poverty in the population (which makes widespread vote-buying difficult to resist), the conception of politics itself, widely seen as a means to become rich, not to mention the vested interests of a great number of influential forces _ from military officials and bureaucrats to powerful businessmen and politicians _ in preserving the status quo.

No doubt the battle will be tough, but the rewards will be well worth the effort.