

# The Rejected EU's Proposal of an Election Observation Mission: A Critique of Thai Propaganda and Policy <sup>1</sup>

Morakot Jewachinda Meyer\*

*P*etty nationalism must not obscure the fact that European election observers would have boosted the legitimacy of the December poll.

In late August and early September 2007, members of the CNS, the government, and the Election Commission used shrill nationalist rhetoric to oppose the offer of an Election Observation Mission (EOM) for the upcoming poll in Thailand. With indignation, the representatives of the present regime asserted that Thailand was a democratic country with great experience in organizing free and fair elections. For this reason, they implied the very offer of the EU to send an observation mission was an insult to our country. Moreover, the propaganda suggested that the terms proposed for the mission in the EU's draft for a Memorandum of Understanding (MOU) would have violated the sovereign rights of the Thai Kingdom. Unfortunately, the Thai public was – and continues to be – ill-informed about European Observation Missions. The comments by Thai generals, politicians, and officials have whipped up nationalistic emotions, which effectively

---

<sup>1</sup> This article is updated and slightly revised version of a text published in *The (Bangkok) Nation* on 6 September 2007.

\* Lecturer at the Department of History, Faculty of Social Sciences, Srinakarinwirot University, Bangkok

prevented a rational and critical assessment of the EU's offer and allowed the military government to block the European proposal.

By the end of September 2007, it had become clear that the CNS did not want to invite the EU to observe the poll. The Thai authorities leaked their rejection of the European proposal along with details of the MOU to the media even before officially communicating their decision to the EU's delegation. This deliberate affront understandably bewildered Thailand's European partners.

The reaction of the military regime to the EU's offer of an Election Observation Mission illustrates developments in Thai politics that give cause to worry. It calls into question the commitment of the ruling elite to the democratization of the country. Moreover, it provides another example of nationalistic demagoguery serving to deflect attention from the nation's true problems.

### Sovereignty Endangered?

*A calm analysis of the EU's earlier missions to Ethiopia and Indonesia demonstrates that Thailand would have had nothing to fear from European election observers.*

Neither the Thai authorities nor the EU have made public the details of the failed draft for a Thai-EU MOU. But the EU's general regulations concerning Election Observation Missions, previous MOU, and the experience of other countries can help to shed light on the offer of our European partners.

Election Observation Missions (EOM) form part of the EU's efforts at promoting human rights. All missions are organized **'on the basis of partnership with the host country.'** Moreover, European regulations specify that **'an EU EOM never operates in a country against the will of the host country.'** As these principles make clear, the EU intends election observations to be negotiated in an atmosphere of good will, trust, and cooperation.

The case of Ethiopia demonstrates that the EU lives up to these commitments. The 'Memorandum of Understanding' between the two sides, signed on 12 March 2005, states:

'The European Union agrees to ensure that its Election Observer Mission respects the country's sovereignty, and laws and regulations including the code of conduct for the election process. It also agrees that it will ensure that its observers will not interfere in the electoral process.

Moreover, under the terms of the MOU, Ethiopia shared control with its European partners over the election observation process. In particular, the MOU gave both sides – Ethiopia as well as the EU – the right to terminate the mission at any time. Indeed, under Article 5(4) of the MOU, Ethiopia could even expel individual observers if they failed to comply with the terms of the mission.

Criticizing the EU's offer, the secretary general of the Thai Election Commission cited the example of Indonesia, which presumably demonstrated the negative impact European election observers could have on a poll. Some information on the Indonesia case will easily refute such claims.

The MOU on the general and presidential election observation in Indonesia is an internal document, which the delegation of the European Commission to Indonesia has not been able to release when I approached it. But an outline of the MOU's principal points makes it clear that EU did not send about two hundred of observers

**Principal Points of MOU between Indonesia and the EU, courtesy Florian Witt, Political Advisor of the Delegation of the European Commission to Indonesia, Brunei Darussalam and East Timor:**

- Observations are conducted in accordance with local laws and regulations.
- The EU EOM maintains strict impartiality and independence.
- The Government of Indonesia (GoI) facilitates visa for the observers.
- The GoI ensures the personal safety of the observers.
- Observers shall enjoy freedom of movement.
- Observers are guaranteed access to all voting stations, counting and tabulation centers.
- The European Commission informs the GoI about the number of the observers and supplies a list of their names and their CVs.
- The EU EOM submits a copy of its preliminary statement and its final report on the elections to the GoI.

to Indonesia without informing the country's government beforehand, as was claimed in the Thai press during the debate on the EU's proposal. To the contrary, the Indonesian authorities had been provided with personal details on each of the observers.

The Thai government bodies' criticized the EU's mission to Indonesia citing an Indonesian official who had complained about the presence of European observers at the polling station. The EU's Code of Conduct for International Election Observers, however, which is attached to every MOU, requires that observers must 'avoid disrupting the voting and counting process.' If EU observers fail to behave according to this rule, the host country can terminate the mission or expel the observers concerned as is also shown by the Ethiopian example.

In sum, MOUs are documents which set up rules for the behaviors of the two parties involved, define standards for the observation of polls, and thus make the monitoring process transparent. Signing an MOU with the EU would have given the Thai government the chance to specify their expectations of the observation mission and to ensure that these expectations were met.

### **Guilty of the Offense They Denounce: Nationalism, Demands for Respect ... and Disdain for Others**

*Thai officials polemicizing against the EU's offer intimated that they could not tolerate seeing Thailand classified as a 'Third World' country. In this view, the European initiative was a thinly disguised insult to our country. But the very rhetoric that demanded respect for Thailand betrayed a disdain for other countries.*

The concept of a 'Third World,' to be sure, is problematic – a western category that has been rightly criticized for dividing countries not simply into groups, but into classes differentiated by the degree of development and modernity – and hence, it may seem, by the grade of 'civilization' – they have presumably achieved. But the nationalistic propaganda against the proposed European observation mission proved guilty of the very offense it pretended to denounce. Are Thais really justified to look down on countries as Ethiopia and Cambodia, Nigeria and Indonesia, Venezuela and Mexico, or

even Russia and Slovakia? All of these nations – and many more – welcomed international election observers in the past two decades. The Central European nation of Slovakia, incidentally, has since become a full-fledged member of the European Union. Election observation missions are not an interference in the internal affairs of sovereign nations, but a common and accepted practice of international cooperation.

### **Thailand Needs a Strong Partnership with Democratic Nations**

*Political developments both before and after the coup d'état show that the country would have greatly benefited from an observation of its election by the EU. But even after the December poll, Thailand will profit from cooperating with democratic countries.*

With the intervention of the military, the deep crisis of political institutions in Thailand has come to a head. The military coup, which was initially perceived by some advocates of democracy as a step towards the solution of the country's problems, has actually proven highly problematic itself. Any coup d'état is, by definition, an undemocratic act justifiable only in extreme emergencies and after all other means have been exhausted. It is doubtful, to say the least, that these conditions were met in September 2006. The coup thus constituted itself a severe setback on Thailand's long and difficult way to democracy.

In the last years of the Thaksin government, to be sure, Thai democracy faced serious challenges: Civil rights were eroded, the constitutional framework undermined. The junta claims to have acted to safeguard Thai democracy, to protect the monarchy, and to make possible a solution to the southern crisis. The leaders of the coup have promised speedily to hand over power to a democratically legitimized government. However, they have fulfilled this promise only partially and in a manner that has left large segments of the Thai society highly dissatisfied as has been demonstrated by the outcome of the constitutional referendum.

The junta has failed to address the democratic deficit from which the country has already suffered too long. To the contrary, the military exacerbated the crisis of the democratization process by censorship, restrictions on free speech and the freedom of

assembly, and other measures. The new constitution has been drafted by an unelected assembly, and the administration has kept the alternative to an acceptance of the proposal purposely vague. Moreover, the junta has effectively stifled the campaign against the adoption of the charter. This unfortunate role of the government in the referendum also casts doubts on the fairness of the upcoming election. As a result, the emerging political setup suffers from a severe lack of legitimacy.

Certainly, international support alone cannot solve the serious problems Thailand is facing. But cooperation with democratic countries can mitigate the difficulties and help to put our efforts at developing stable and democratic institutions back on track. Thailand, therefore, has missed an important opportunity when it rejected the EU's offer of an European Election Observation Mission. International cooperation, including election monitoring, does not pose a threat to countries serious about democracy. Nor is it prejudicial to a nation's sovereignty or international standing.

The Thai electorate can demand that the administration does everything to ensure free, fair, and democratic elections. Thai voters also have the right to expect from their government a calm and rational cooperation with our international partners, which serves the country's best interest. The junta has succeeded in preventing the observation of the upcoming election by the European Union. But we must not allow those who whip up nationalistic emotions for their own purposes further to undermine Thailand's relations with its democratic international partners. ●

## Selected bibliography

- EU Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers  
[http://ec.europa.eu/external\\_relations/human\\_rights/eu\\_election\\_ass\\_observ/docs/code\\_conduct\\_en.pdf](http://ec.europa.eu/external_relations/human_rights/eu_election_ass_observ/docs/code_conduct_en.pdf)
- Handbook for EU Election Observation Missions  
[http://ec.europa.eu/external\\_relations/human\\_rights/eu\\_election\\_ass\\_observ/docs/handbook\\_en.pdf](http://ec.europa.eu/external_relations/human_rights/eu_election_ass_observ/docs/handbook_en.pdf)
- EU Election Assistance & Observation Missions Archive  
[http://ec.europa.eu/external\\_relations/human\\_rights/eu\\_election\\_ass\\_observ/archive.htm](http://ec.europa.eu/external_relations/human_rights/eu_election_ass_observ/archive.htm)
- EU Election Observation Mission to Ethiopia  
[http://ec.europa.eu/external\\_relations/human\\_rights/eu\\_election\\_ass\\_observ/ethiopia/index.htm](http://ec.europa.eu/external_relations/human_rights/eu_election_ass_observ/ethiopia/index.htm)
- Memorandum of Understanding Between the National Electoral Board of the Federal Democratic Republic of Ethiopia and the European Union Concerning Election Observation, published by the National Electoral Board of the Ethiopia  
<http://www.electionsethiopia.org/PDF/Memorandum%20of%20Understanding.pdf>