Foreword

Dear Readers, Colleagues, and Friends,

welcome to the second issue of CPG’s Online Magazine (COM) in 2016 with which we want to inform our friends, partners and stakeholders about our Center’s activities during January and February and other interesting issues and events related to our joint interests in the fields of public policy, law and good governance.

Highlights of the first two months of the year of the monkey were the friendship award ceremony for Prof. Dr. Ulrich Loewenheim and the official welcoming of Dr. Paul Chambers as CPG senior research fellow. Besides the roundtable discussion on anti-trust law and the seminar on the Southern insurgency in Thailand respectively to honor these events, CPG offered two further seminars that dealt with questions of constitutional analysis and design and the geopolitics of U.S.-Chinese relations in Asia respectively. You can find some material on these events below in this issue.

Furthermore, we are happy to present an article on the January elections in Taiwan by Chin-peng Chu and another one on former German Chancellor Helmut Schmidt who has recently passed away by Kristina Spohr. A collection of ‘experts opinions and views’ on the 2016 Thai draft constitution rounds off the substantial part of this COM issue.

As usual, we also provide you with a selection of announcements on events and an overview of job offers that are somehow related to our fields of activity and interest.

I hope you enjoy reading!

Henning Glaser
Director, German-Southeast Asian Center of Excellence for Public Policy and Good Governance,
Faculty of Law, Thammasat University
CPG Seminar on “The Insurgency in South Thailand – Current Issues and Future Prospects”, on the occasion of the official welcoming of Dr. Paul Chambers as CPG Senior Research Fellow

28 January 2016, Faculty of Law, Thammasat University, Bangkok

On the occasion of the official welcoming of Dr. Paul Chambers as CPG’s latest senior research fellow CPG hosted a seminar on the topic of “The Insurgency in South Thailand – Current Issues and Future Prospects” on 28 January 2016 at the Faculty of Law, Thammasat University. Dr. Chambers is lecturer at the Institute for South East Asian Affairs, Faculty of Law, Chiang Mai University. His research interests cover civil-military relations in Southeast Asia; international politics of Southeast Asia; dictatorship and democratization in the Mekong Region; and the Political Economy of Less Developed Nations. After having contributed to our work for a long time, CPG invited him to join as a research fellow.

The seminar held on this occasion dealt with the current situation of the decade long insurgency in the Southern provinces of Thailand and the challenges for peace and stability in this crisis-ridden region.

Following the welcoming words by Sonja Gebauer, Political Counsellor of the German Embassy in Bangkok, on behalf of the German Embassy and an address by CPG Director Henning Glaser, Dr. Paul Chambers and Dr. Eakpant Pidavanija, Acting Director, Institute of Human Rights and Peace Studies, Mahidol University, gave paper presentations on the topics of “The State of the Deep South Insurgency in Thailand” and “Paving the Way to Negotiation(s) – Preparing Stakeholders and the Public” respectively.
CPG Seminar on “Constitutional Design”
jointly arranged with the German Embassy in Bangkok
15 February 2016, German Embassy in Bangkok, Bangkok

On 15 February 2016, CPG, together with the German Embassy in Bangkok, hosted a seminar on “Constitutional Design” at the Residence of the German Ambassador in Bangkok.

Peter Prügel, German Ambassador to Thailand, hosted the event and also delivered the welcoming words. They were followed by two presentations delivered by CPG-members Henning Glaser and Dr. Michael Nelson on the constitutional basic structure and institutional issues respectively leading to an open discussion.

The event was arranged for invited guests from the diplomatic corps, international organizations, development organizations and research institutions. Among others it has been attended Ambassadors Peter Prügel (Germany), Felix Denegri (Peru), Maria del Carmen Moreno Raymundo (Spain), K.N. Adhikari (Nepal), Zenon Kuchiaik (Poland), Kirsti Westphalen (Finland), Francisco Váz Patto (Portugal), Jesus Sanz (European Delegation to Thailand), and Karel Hartogh (The Netherlands) as well as Deputy Heads of Mission and Counsellors of the Embassies of Australia, Austria, Canada, Denmark, Italy, Poland, Spain, Sweden, the Swiss Federation, and the Delegation of the European Union to Thailand.

CPG Roundtable and Friendship Award Ceremony for Prof. Dr. Ulrich Loewenheim
26 February 2016, Faculty of Law, Thammasat University, Bangkok

On 26 February 2016, CPG hosted a roundtable discussion on current anti-trust policies at the Faculty of Law, Thammasat University. In the frame of this event the CPG Friendship Award was presented to Prof. Dr. Ulrich Loewenheim from the Faculty of Law, Goethe University Frankfurt, to acknowledge his decade long cooperation with the Faculty of Law of Thammasat University 30 years which contributed to paving the way for the establishment of CPG.

CPG Seminar on “Geopolitics and International Relations – China’s Rise and its Impacts on International Politics in Asia”
29 February 2016, Faculty of Law, Thammasat University, Bangkok

On 29 February, CPG hosted a seminar on Geopolitics and International Relations – China’s Rise and its Impacts on International Politics in Asia” at the Faculty of Law, Thammasat University. The event addressed the issue of China’s rise and its challenge to US hegemony in Asia. The seminar was opened by an introduction to the topic by CPG Director Henning Glaser in which he drew the attention to core aspects of the US-Chinese struggle for dominance in the Asian region. Subsequently, three experts of international relations and politics provided insightful presentations. The keynote of Prof. Dr. Hall Gardner, Chair of the Department of International and Comparative Politics at the American University of Paris, on “Regional and Global Ramifications of China’s Rise” was followed by papers dealing with “The Rise of China and its Impacts on Southeast Asia” and “China’s Rise and New Power Reconfiguration in Asia”, presented by Prof. Dr. Sarachai Sirikrai, Faculty of Political Science, Thammasat University, and Assist. Prof. Dr. Kitti Prasirtsuk, Director of the Institute of
East Asian Studies, Thammasat University, respectively. Henning Glaser concluded the event with remarks on the enduring nature of the tension between the US and China in the foreseeable future and on the necessity for Asian countries to positioning themselves on either the US side or the Chinese side.
The Taiwan Question after the 2016 Elections: Significance for Cross-Straits Relations

Prof. Dr. Chin-pong Chu, Vice-President of National Dong Hwa University, Hualien, Taiwan, Jean Monnet Chair Professor and Director of the Department of Public Administration, National Dong Hwa University, President of Friends of Europe in Taiwan and former Minister of the Research, Development and Evaluation Commission of the Executive Yuan

For both sides of the Taiwan straits, the “Taiwan Question” is a topic of vital significance. But it is also especially complicated, because it is seen “also with regard to the military, which is the biggest political hot spot of the Chinese foreign affairs” from the perspective of some scholars. This is connected with the danger of a military conflict. The Taiwan question or the so-called cross-strait relation is not only a central problem of the low-politics, but also it correlates with the military balance of power and with the general view of security policy in the Asia-Pacific region as well as the appropriate role of the USA for this region. The 1996 Taiwan straits crisis can be seen as an example. From 1996 to 2016, six direct presidential elections have taken place in Taiwan. In the recent presidential and legislative elections on January 16, 2016, the Democratic Progressive Party (DPP) won both the presidency (winning 56 percent of the vote) and a majority in the Legislature (gaining 68 out of 113 seats). The DPP leader Tsai Ing-wen has become the first woman to hold the office of President and, also for the first time in history, voters gave DPP, which is skeptical of closer ties to mainland China, broad authority in administrative and legislative powers. The ruling Kuomintang (KMT) which has long been regarded as the party to develop and maintain peace and stability in the Taiwan Strait suffered its worst electoral defeat in history, and the New Power Party (NPP) which emerged from the Sunflower Student Movement in 2014 and advocates also for Taiwan’s independence won 5 seats in parliament and became the third-largest party, a fact that might be observed as a significant indicator for the future development of the cross-strait relations. This article discusses firstly Taiwan’s international legal status; secondly, it will examine the cross-strait relations in the historic context, especially focusing on Ma Ying-jeou’s administration since 2008; and finally the article will explain the significance of Cross-strait Relations in after the aftermath of the DPP’s victory and how Beijing will interact with Taiwan’s new government.

Cross-strait Relations from a Legal and Economic Perspective

The issue of the international legal status of the Republic of China (Taiwan) concerns the question if Taiwan shows all elements, after the current criteria, of a state in the sense of the international law. With regard to the necessary criteria, the so-called “Three elements theory of state” of the German Professor of constitutional law, Georg Jellinek, is significant. Namely, the state must exercise authority that is outwards only bound by international law (external sovereignty) and is internally autonomous (internal sovereignty); second, it must be assigned to a people; and third, it must be assigned to an enclosed territory. Therefore, there is no real doubt about an existent duality (China and Taiwan) – in the sense of international law. So, their respective territory is not to deny as well the existence of the current population. Also, they both have own governments in Beijing and in Taipei that can control effectively and constantly the current population and the current territory inside and outwards. It was therefore evidently impossible for Taiwan as well as for China to access effectively to the current other territory or population. Appropriately, under international law, we can differ between a constitutive and a declaratory theory of legal effect of state recognition. However, it is not to hide that – this is the case in legal arguments – next to polar opinions there exist also conciliatory opinions that should not be taken into consideration here. The representatives of the declaratory theory are of the opinion that the state quality is given by fulfilling the named characteristics of a state. The state is born by realization of these characteristics, the act of state is executed.

During the period of 1952 to 1980, Taiwan had registered an average annual growth rate of up to 9%, maintaining a stabilized economy and equitable distribution of income. Praised as a miracle, Taiwan’s economy was a fine example that many countries in the world try and take as a model. In the mid-1980s, changes in the international economic environment could be observed in two aspects. On the one hand, newly industrialized countries had seen rapid growth and had shown strong competitiveness in the traditional international market; on the other hand, protectionism dominated the international trade.

Changes in Taiwan’s domestic environment could be observed from political, social and economic aspects. Since the beginning of the 1980s, Taiwan authorities, with a deliberate push of those in power, had loosened its grip step by step, leading to the lifting of martial law in 1987, imposed over the past several decades. This trend had further stimulated the democratic spirit in Taiwan’s society. All kinds of social movement, such as self-help, environmental and labor consciousness, as well as claims, came along successively, which had undoubtedly a very negative influence on the business environment in Taiwan. Facing significant changes in domestic and international economic circumstances, various industries encountered more and more problems in their developments, which seriously discouraged the willingness of investment of the private sector. In order to adapt to the new economic context, Taiwan’s government implemented policies, on the one hand, to reinforce assistance to traditional labor-intensive industries so as to increase the labor productivity and to bring their products into a higher bracket, and on the other hand, to accelerate the development of capital-intensive or technology-intensive industries in order to upgrade rapidly Taiwan’s industries. Along with the intensification of globalization and international competition, China has now become Taiwan’s second largest trading partner, the largest export market, the second largest import source and the number one source of trade surplus. In addition, China is the hot spot for overseas investment of Taiwanese companies.

The development of cross-strait bilateral trade is closely related to the investment of Taiwanese companies in China. In particular, these two elements appear to be complementary. In other words, investment pushes forward trade and prompts the rapid development of cross-strait bilateral trade, along with the ongoing economic development of China. At large, as a result of the augmentation of the scale of cross-strait economic exchanges, the economic integration of Taiwan and China has grown deeper and deeper, which basically offers more benefit than harm to Taiwan’s economic development. However, the opposite argument says that Taiwan, after several decades of economic development, is confronted with the pressure of structural transformation.

Moreover, it should be underlined that cross-strait economic exchange has not been normalized as of yet because of the existing political confrontation even though cross-strait economic relations
have gone through a rapid development over the past twenty years. Particularly as from 1995, the political antagonism between Taiwan and China has aggra-vated, rather than being pacified. Zero-sum games in the diplomatic arena and missiles targeting Tai-wan deployed in certain mainland China’s offshore regions by the Chinese government have intensified the hostility across the Taiwan Strait. This political conflict impedes not only normal bilateral economic exchanges. Besides, cross-strait problems have be-come a bone of contention between the ruling party and the opposition one, affecting the political stabil-ity and social harmony in Taiwan.

KMT’s and DDP’s Mainland China Policy Com-pared (2000-2016)

The two sides of the Taiwan Straits have been sep-arate for almost 60 years. They experienced mili-tary conflicts and confrontation during the period of the Cold War. Until Taiwan took measures to allow compatriots in Taiwan to visit mainland China on November 2, 1987, the interaction between Taiwan and China has been increased. With regard to the low-politics level, economic, trade, scientific, tech-nical, academic and non-political contacts continue to develop as both sides increase external ties. With regard to political topics for discussion, China advocated the “one country, two systems” doctrine and “three direct links of trade, mail, and air and ship-ping services and bilateral exchanges”. The Taiwan-ese authorities responded with “one country, two governments” and the so-called “Three-no” policy, namely no contact, no talks and no compromise.

From the historical perspective, the cross-strait relationships went through several reconfigurations before the current contradiction between growing economic interaction and serious political issues. The paradigmatic shift in cross-strait tensions was the ROC’s loss of international legitimacy that fol-lowed its withdrawal from the UN in 1971 and the recognition of the People’s Republic of China (PRC) by the US and Japan in 1979. Internally, both the ROC and PRC underwent significant leadership shifts in the mid-1970s which led to a degree of poli-cy sclerosis and conservatism in approaches to cross-strait relations. For much of the 1980s, the initiative in cross-strait relations shifted to the PRC. Taiwan continued to enjoy high rates of economic growth. The political and economic transformations initiated by Deng Xiaoping along with a sophisticated diplo-matic strategy with respect to both the US and Japan supported the “peaceful reunification” strategy. The policy position adopted by the Chinese Communist Party (CCP) was to promote reunification under the banner of “One Country, Two Systems” and this has remained at the heart of the PRC’s strategy since that time. In Taiwan, in the early 1980s, its policy on cross-strait relations was sclerotic not only in domes-tic but in international issues.

Until the late 1980s, the Taiwan question was a spectrum of two-dimensional politics: politics at the intersection of the ongoing Chinese civil war and the shifting international Cold War. The 1970s re-presented a critical turning point in the evolution of politics concerning Taiwan issues. Taiwan lost its marginal strategic edge in the context of the global Cold War. At the international level, there emerged the one-China framework, which substantially corre-sponds to PRC’s version of one-China at the ex-pense of de-legitimizing Republic of China (ROC) as an independent sovereign entity in the interna-tional community. Since 1949, the conflict between mainland and Taiwan has remained basically a civil war. But during the past 20 years, this conflict has evolved into a choice between reunification and inde-pendence. The issue of national identity has become an extremely hot issue in political life in Taiwan. Many scholars and officials from the PRC refuse to accept the idea that the nature of the PRC-Taiwan conflict is based on identity. The reasons are not only due to the difference in values and the political and social system. Additionally, Taiwan’s isolation in the international community and the military threat from the mainland have also strengthened Taiwan’s sense of solidarity.

In 1999, Taiwan’s President Lee Teng-Hui dropped another political bomb by declaring cross-strait relations as a “special state-to-state relationship”, which challenged the one-China policy principle and almost led to a political crisis. Lee’s statement has been defined usually as the “Two states theory”. The significance of the “special state-to-state” announcement is that it may have repre-sented an abandonment of the one-China policy and may be a strategy in a process of declaring Taiwan’s independence. However, a regime change occurred in March 2000, from the normally pro-unification KMT to the normally pro-independence Democratic Progressive Party/DDP. Chen Shui-bian won the 2000 Presidential elections and the DPP become the ruling party. During his first ruling period, Chen’s policy on national identity and cross-strait relations emphasized Taiwan nationalism and Taiwan conscious-ness, but did not directly challenge China’s position on Taiwan independence. In his inaugural speech in May 2000, he indicated “5 Nos”, namely he would not declare Taiwan’s independence, change the national title, enshrine the “state-to-state” model of cross-strait relations in the constitu-tion or endorse a referendum on independence, as long as China did not use military force against Tai-wan. Only two years after Chen’s declaration, Chen took a much sharper position on cross-strait rela-tions in 2002, advancing a theory of “one country on each side of the Taiwan Strait”. Thus, in the 2004 Presidential elections, Chen emphasized Taiwanese nationalism and initiated an issue to promote major constitutional change and revision. Therefore, both the Chen’s administration and China’s regime have used nationalism to gain popular support and ruling legitimacy. The cross-strait relations have become what Robert Putnam terms a “two-level game” at both the domestic and international levels influenc-ing each other. Beijing also chose to ignore Chen Shui-bian because the DPP government refused to acknowledge the 1992 consensus on the “One Chi-na” principle, the so-called “yi zhong ge biao” poli-cy of one China with their own interpretations. Fac-ing the domestic changes in Taiwan, China worried that the trend toward a separate Taiwanese identity may make peaceful reunification impossible. Thus, China repeatedly emphasized the possible use of force to deter Taiwan from declaring de jure inde-pendence. To sum up, despite his “4 Nos and one without” pledge, the DPP government had no inter-esit in dealing with the mainland under the one-Chi-na concept. Both sides were unable to open a dialo-gue on “three direct-links” and Beijing prolonged its “wait-and-see” strategy dealing with regard to the DPP government.

In the year 2008, Taiwan’s newly elected Presi-dent Ma Ying-jeou gave the go-ahead to further relax cross-strait economic policies. Ma reaffirmed the so-called “1992 consensus” with the mainland, under which both sides agree to accept that there is “one China” but differ over how to define it. It means, the dispute over sovereignty was set aside in the interests of better relations. In his inaugural speech, Ma stated that both sides should “face re-ality, pioneer a new future, shelve controversies and pursue a win-win solution”. Ma’s views were very much in line with CCP’s president Hu Jintao’s proposed “four continuations”, namely “building mutual trust, shelving controversies, finding commonalities despite differences, and creating together a win-win solution”. According to Ma’s speech, he was committing himself to the maintenance of the present limbo, of Taiwan’s de facto but no de jure
independence. He urged China to “seize the historic opportunity to achieve peace and co-prosperity”. Ma kept using the word “Taiwan” to demonstrate his determination to protect the island. The aim was to map out a cunning path between “one China” and “Taiwan identity”.

Since Ma Ying-jeou’s Presidential election, the political atmosphere has been improved between both sides. Ma’s administration is associated with a dramatic process of the KMT opening up towards China. Undoubtedly, Ma’s government realized that the positive development of cross-strait relations will affect Taiwan’s economy the most. That means, when cross-strait relations are peaceful and trade is normalized, Taiwan’s economy will fare better than that of other countries. Based on the above thinking, the Association for Relations across the Taiwan Strait (ARATS) and Straits Exchange Foundation (SEF) held 11 summits and signed 23 agreements and reached 2 consensus since 2008. Most meaningful for the political dialogue were not only Cross-strait ministerial high-level talks, but also Ma Ying-jeou’s and Xi Jinping’s first meeting in Singapore on Nov. 7 2015 as a historic step marking the first meeting after the separation of both sides since 1949.

However, under the new circumstances, the political economy of the Taiwan question has begun to take new dimensions. At the level of cross-strait relations, the new dynamic politics have manifested themselves predominately on political, diplomatic and military fronts since 2000, according to the analysis of some scholars. On the political front, there has emerged a renewed political confrontation across the Taiwan straits over the issues of unification and independence. On the diplomatic front, Taipei and Beijing have been fighting intensive battles over the status of Taiwan in the international community as Taipei is determined to challenge the one-China international framework. And on the military front, the Taiwan straits has become one of the “hot spots” in the international security arena because of growing arms races. Compared with Chen Shui-bian’s government, Ma Ying-jeou’s administration indicated their hopes to maintain the status quo of Taiwan Straits and to establish peaceful a China-US-Taiwan relationship on the diplomatic level. Furthermore, politically, Ma has taken a moderate and friendly stance towards the mainland by repeating his “three-no” policy — no reunification, no independence, no war —, which effectively allayed fears and created an environment for a peaceful development of cross-strait relations. He asked for the withdrawal of Chinese missiles which threatened Taiwan’s security for creating a peaceful framework or peaceful agreement in the military fields. Lastly, economically, Ma boosted the progress of the “Three Links”, hoping this would bring economic benefits from the mainland. Basically, Ma advocated that the future cross-strait relations should shift from “mutual non-recognition” to “mutual non-denial”.

In sum, the economic and social interaction between Taiwan and the Mainland is broad and deep. The sovereignty and security issues are the two substantive strands of the cross-strait knot. Taiwanese identity politics has focused more on securing a democratic system and gaining international respect than on creating a separate state. The fundamental difference between the KMT and the DPP is the degree of the tilt. The KMT claims that the ‘status quo’ leans Taiwan closer to China through greater regional economic integration, like within the framework of Economic Cooperation Framework Agreement (ECFA), the participation in Regional Comprehensive Economic Partnership (RCEP), or the newly approaching Asian Infrastructure Investment Bank (AIIB) and One Belt One Road etc., while the DPP’s thinking is more about maintaining distance between both sides.

New era for Cross-strait Relations after DPP’s Victory in the 2016 Elections

When the Sunflower Movement occurred in 2014, there were some characteristics which may be seen as a turning point in cross-strait relations and also as a radical response to the top-down decision-making process within the KMT and CCP. On the one hand, there was the movement against the “Cross-strait Service Trade Agreement (CSSTA)” without ratification of “Cross-strait Agreement Oversight Legislature” by the Legislative Yuan, and on the other hand, the main leaders of the movement publicly expressed their support for searching Taiwan’s independence. Since then, the mainland policy agenda regarding negotiations for Cross-Strait Service Trade Agreement (CSSTA) and Trade-in-Goods are conditioned to the adaptation of the above mentioned “Oversight Legislature”. In this context, the DPP appears to be the main political beneficiary, not only in the November 2014 nine-in-one municipal (local) elections, but also by winning the presidential and legislative elections in 2016. Certainly, there are many factors which contributed to the KMT’s failure and defeat, including: the rise of socio-economic inequalities, income distribution, housing costs, food safety, pension reform concerning public servants, the dissatisfaction of younger voters between 20-39 years with the KMT government etc. Consequently, the Cross-strait relations issue was quite unimportant in the elections, even though Ma Ying-jeou and Xi Jinping had created a mechanism for a future meeting of the national leaders under the principle of the “1992 Consensus”.

The DPP victory is absolutely not a fluke. But the election results demonstrate that the new Taiwan administration has to face an open fundament question: Are there any possibilities for Cross-strait shifts? Do the election results reflect a more fundamental shift in political attitudes than simply a dissatisfaction with Ma Ying-jeou’s policies and their consequences? Richard C. Bush stated such a fundamental shift “would not only change the balance of power within Taiwan, but also the continued feasibility of China’s approach to reaching its goal of unification”. For China, Prime Minister Li Keqiang’s work report to the National People’s Congress in March 2014 regarding Taiwan may contain important principles, namely (1) from the 1992 Consensus to a ‘one China framework’; (2) reversing the order of importance between political and economic issues to prioritize politics through diversified communication channels; (3) pushing the new concept of a Cross-strait family to describe the relations with Taiwan. Xi Jinping also spoke of the same cultural and blood lineages on both sides of the Taiwan Strait during his meeting with Ma Ying-jeou in Singapore and he emphasized that “no one will be successful in dividing us”, “holding the family together” appealing to ethnic solidarity and national unity, and raised four points: adhering to the ‘1992 Consensus’, developing Cross-strait peace; expanding the effects of prosperity to more segments of the population and cooperatively pursuing a ‘Chinese Renaissance’. For China, in short, a divided country is by definition a ‘weak country’.

For Taiwan, the identity of Taiwanese people is drifting. Some public opinion surveys and the election results have shown that the majority of the people under 40 years consider themselves more as Taiwanese than Chinese, and that there is a major generation gap. The education and social narratives have played a key role in recent decades in shifting Taiwan’s identity. The KMT’s defeat shows that it ‘lost the ardent support of the people’. The turnout of the presidential election was only 66.27% of the voters, around 10% lower compared with the election 2012, the lowest turnout since 1996.

What is the DPP able to do in the new era? According to the report of DPP’s Secretary-General...
Joseph Wu, who he delivered at the Center for Strategic and International Studies (CSIS), Washington, DC, on January 19, 2016, major issues include: a stable majority in parliament; the Trans Pacific Partnership (TPP) participation, pension reform, the cross-strait agreement oversight legislation for domestic reconciliation; economic structural reform; building of external relations and foreign policy agenda in terms of friendship, improving relations with China not at the cost of Taiwan’s relations with the broader international community. With regard to the Cross-strait issue, especially to the question of the ‘1992 consensus’, DPP leader Tsai Ing-wen emphasized that “the DPP has never denied the historical fact of the cross-strait dialogues that took place in 1992, and indeed acknowledges the shared desire of the two sides at that time to advance cross-strait relations by fostering mutual understanding”. After the election results were announced, Tsai Ing-wen told the press that she seeks a mutually acceptable way of interacting with mainland China on the basis of equal dignity while avoiding confrontation and preventing surprises. The DPP also emphasized that in the new session of the legislature it will put forward the Cross-Strait Agreement Oversight Legislation as a priority to highlight its interest in peaceful and stable relations with mainland China. A more important and significant is that Tsai Ing-wen expressed that she will follow the status quo of the ROC constitution. From this aspect, people may expect that the DPP’s mainland policy will not go back to the period of Chen Shui-bian.

However, Tsai Ing-wen has so far avoided direct reference to the “1992 Consensus” and this will create considerable uncertainty for the future of cross-strait relations. In this context, any avoidance of endorsing the “1992 Consensus” can only “be in- consistent in the Taiwan Strait”, said Songling Zhu, Professor at the Institute of Taiwan Studies at Beijing Union University. Moreover, China still remains a deeply distrustful and pragmatic approach towards the DPP and Tsai Ing-wen’s long-term intentions. The DPP has yet to rescind the party’s 2007 Normal Nation Resolution or the 1999 Resolution on Taiwan’s Future, which are premised on the notion of Taiwan as a sovereign entity separate from China. The other is Tsai Ing-wen’s role in the crafting of the controversial “Two States Theory” during Lee Teng-hui’s period and as a Chairwoman of Taiwan’s Mainland Affairs Council from 2000-2004, a period when cross-strait relations were particularly tense and fraught. Thus, gaining Beijing’s trust and confidence depends on what Tsai Ing-wen says and how the DPP’s Mainland China policy is implemented.

Helmut Schmidt: The Global Chancellor

Kristina Spohr, Associate Professor of International History at the London School of Economics, author of ‘The Global Chancellor: Helmut Schmidt and the Reshaping of the International Order’ (Oxford University Press, March 2016).

In 1982, near the end of Helmut Schmidt’s chancellorship, Der Spiegel delivered a damning verdict on his eight and a half years in power. It described Willy Brandt, his predecessor, as ‘a bad head of government with a good record in power’, praising the achievements of Brandt’s Ostpolitik in revolutionizing Bonn’s relations with East Germany and the Soviet Union. By contrast Schmidt was dismissed as a ‘good chancellor with a bad record, because few things stood out or endured as proof of success’. Der Spiegel also claimed that his foreign policy had not been shaped by ‘concepts’ or ‘intellectual models’ but was essentially reactive. Schmidt was a ‘doer’ (Macher) who lacked broader vision and primarily concerned himself with trying to solve immediate problems, so that ‘little endured of historical significance’.

This has also been the verdict of many scholars. For example, historian Ronald J. Granieri in 2005 featured Konrad Adenauer and Helmut Kohl in what he dubs the ‘Christian Democrat Hall of Fame’. For the ‘Social Democratic Hall of Fame’ he linked Brandt – ‘the great titan of the post-war SPD’ – with Gerhard Schröder on the grounds that he brought the party back to power in 1998 after ‘sixteen years in the wilderness’ due to what was widely perceived as the decisive effects of Schmidt’s ‘neo-Cold Warrior’ policies that split the party and in turn destroyed his coalition. Even essentially sympathetic Schmidt biographers, such as Hartmut Soell, Hans-Joachim Noack, Martin Rupps and Gunter Hofmann, have praised his varied talents, political skill, and persuasive rhetoric while leaving open his place in history. Moreover, much of the literature has delivered their judgments on his chancellorship within an essentially German and/or European setting, without contextualizing him in the global arena of the 1970s.

When Schmidt died on 10 November 2015 – aged 96 – the cascade of obituaries offered in one short moment multiple perspectives on him as a man of the century ‘Jahrhundertmann’. After thirty years as an elder statesman Schmidt, they pointed out, had won the respect and even affection of most Germans – what the Badische Zeitung praised ‘the omniscient counsellor (Universalratgeber) of the German people’. Nevertheless, the verdict on his chancellorship remained lukewarm. It was clear that the admired elder statesman image never entirely superseded the original somewhat patronizing appraisal of Schmidt as a sober ‘pragmatist’ and ‘competent’ manager in the face of crises such as Baader Meinhof’s terrorism in 1977 (the Schleyer murder and the ‘Landshut’ highjacking) and as a chancellor who had made little progress on the really big issue of the ‘German question’.

For example, the obituary in the Frankfurter Allgemeine Zeitung praised Schmidt for his ‘power and elegance’ but concluded that the ‘achievements of his political life (politische Lebensleistung) did not reach the heights attained by Konrad Adenauer and Helmut Kohl’; nor was he ‘idolized (umschwaert) like Brandt’. In other words, compared with those regarded as the ‘best’ leaders of the Federal Republic, Schmidt’s chancellorship was found lacking. In my new book, The Global Chancellor, I take a different view of Helmut Schmidt’s place in history, by setting his chancellorship in a wider, global context. From this perspective on the 1970s he emerges as a pivotal figure, shaping international affairs in a crisis-ridden decade. This should banish the clichéd image of Schmidt as a mere ‘doer’ and pragmatic ‘crisis-manager’ and a man devoid of visions. Instead, my research reveals Schmidt as an intellectual statesman who was not only determined to shape the course of events but also did so from ideas that he had delineated long before taking office. Through a skilfully
crafted policy of peace and stability he was able to transform West Germany – the product of defeat and division in 1945 – into a protagonist on the global stage.

The Global Chancellor changes our perspective on Helmut Schmidt in the following distinctive ways:

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The Global Chancellor changes our perspective on Helmut Schmidt in the following distinctive ways:

It breaks out of the German mould and connects up with larger historiography about the 1970s as an era of globalization.

It presents Schmidt as a leader who, uniquely, was qualified and ready to address the two central features of this broader context: the world economic crisis and the evolving global Cold War. This ability was rooted in his conceptual hinterland as both a trained economist and a defence intellectual.

It explores his mode of leadership in foreign policy, largely overlooked, emphasizing (a) dialogue with other leaders, (b) informal summitry, and (c) the cultivation of political friendships.

In the process, I argue, Chancellor Schmidt left lasting legacies – notably the institutions of the G7 and the European Monetary System (EMS) and also the NATO dual-track decision of 1979. In doing so, he raised the status of the still semi-sovereign West Germany to that of a worldpower, sitting as an equal at NATO’s nuclear top table with the Western victor powers of 1945.

**Schmidt: The Man Behind The Statesman**

Schmidt was catapulted into power in May 1974 at a moment of acute crisis – both domestically over the Guillaume spy scandal at the heart of Brandt’s government and internationally over the feared disintegration of the capitalist system.

What had formed the man behind the statesman? A seminal moment was Schmidt’s experience as a twenty-two-year-old soldier in Hitler’s First Panzer Division fighting its way to Leningrad and Moscow in 1941. This left him with an enduring sense of Russia – both its enormous size and its glaring backwardness – and an awareness of what war was actually like.

After 1945 Schmidt could have gone in several directions. He had always dreamed of being an architect; he was also an accomplished musician. But already a married man, he had to start earning a living as soon as possible and so took a degree in economics before working in local government in his native Hamburg. Here he dealt first-hand with the huge problems of reconstruction and infrastructure after the Second World War. He joined the SPD (Social Democratic Party of Germany) in 1946 and, moving into national politics from 1953 as a member of the Bundestag, his main brief was to speak for his party on transportation and economic affairs.

**The Defence Intellectual**

Although Schmidt was trained in economics, once in Bonn his passion became military security and he soon made his name as one of the SPD’s leading defence experts. Unlike most Social Democrats he supported German rearmament within NATO and the country’s alliance with America – even serving as a reserve officer in the newly formed Bundeswehr. Two major best-selling books during the Sixties, Verteidigung oder Vergeltung (1961) and Strategie des Gleichgewichts (1969) served as his entrée into what he liked to call ‘the American defence community’ – gaining him a respectful readership among scholars, strategists, and policymakers. A regular visitor and speaker in America and Britain, Schmidt enhanced his visibility and appeal as a defence intellectual by impressive fluency in the English language.

Underpinning all his speeches and writings was the pursuit of peace and stability, founded on key strategic ideas such as the military balance of power and the avoidance of even limited nuclear warfare. This reflected a clear understanding of divided Germany’s vulnerability astride the Iron Curtain.

Schmidt therefore came to the Defence Ministry in 1969 with clear concepts and visions, which he then implemented self-consciously in the Bundeswehr White Papers of 1970 and 1971. These represented one of the most important stocktaking of the German armed forces since their inception in 1955 and a benchmark for their reform in the context of détente and Ostpolitik.

**The Making of the ‘World Economist’**

Suddenly thrown into the position of Finance Minister in 1972–4, Schmidt was forced back to his intellectual roots as an economist. Now, however, the issues were global in scope and of existential urgency: the Bretton Woods-era regulatory framework had collapsed, the first oil crisis exploded, and the world economy was sliding into the alarming disease of stagflation that defied all the verities of postwar Keynesianism.

So Schmidt had to apply his expertise and conceptual thinking to a situation for which there were no textbook solutions or reliable institutions.

In the Finance Ministry and then as Chancellor he was able to employ his economic skills on an international plane and to lasting effect as he developed a truly global vision, expressed in new notions of ‘international political leaders, and their inner circle was gradually institutionalized as the G7 through the summits of 1975–78.

The credit for this does not lie exclusively with Schmidt, but his rapid emergence as a ‘world economist’ (Weltökonom) was a critical part of the process.

To be sure the G7 was no panacea and the G7 summits later degenerated into bureaucratic routine and media spectacle. But, between Rambouillet in 1975 and Bonn in 1978, the G7 did play a significant role in stabilizing the West economically. This, together with his initiative in co-founding the European Monetary System, should be recognized as part of the chancellor’s enduring institutional legacy.

**The Strategist of Balance and Security**

The crisis of capitalism preoccupied Schmidt in the early years of his chancellorship: he saw prosperity and economic stability as essential for shoring up liberal democracy. This, in turn, was vital for Western survival in the Cold War. But Schmidt – the strategist of balance – did not lose sight of more traditional Cold War issues, notably Germany’s military security at the front line of the East-West conflict. He always emphasized the centrality of the alliance...
with America for the Federal Republic of Germany (FRG). Building on Brandt’s Ostpolitik, however, he was convinced that the country needed to keep extending relations with the Soviet bloc – a conviction first formed during an epic car journey to Prague, Warsaw, Moscow and Leningrad in 1966.

Ostpolitik after 1974 was, however, harder to conduct than during the détente era of the early 1970s because superpower relations deteriorated sharply in the second half of the decade. Moreover, Brandt had already attained most of the immediately feasible objectives in his Eastern Treaties. Yet Schmidt did notch up a significant achievement during his last five years as chancellor. This was NATO’s ‘dual-track’ decision, which he was crucial in shaping through the ideas he articulated in a major lecture in London in October 1977 and through his diplomacy during and after the Guadeloupe summit of January 1979.

The ‘dual-track’ decision – though apparently arcane – deserves note as a significant episode in the story of the Cold War as a whole. Of course, it was in part a stop-gap measure to maintain the cohesion of the Alliance against a continued Soviet arms buildup in Europe. But this was not merely reactive politics. The dual-track concept reflected Schmidt’s basic belief in the need for an equilibrium of military forces, not merely for its own sake but as instrument of peacemaking.

This equilibrium could be achieved either by a Western nuclear buildup to counter the Soviet advantage in theatre nuclear forces – the so-called Eurormissiles or SS-20s. Alternatively, the equilibrium could be established by negotiating a reduction of these weapons – ideally, for Schmidt, down to their complete elimination on each side.

NATO’s dual-track decision of December 1979 entailed threatening to modernize while being equally ready to negotiate. Negotiations got nowhere and so, under the automaticity built into the 1979 decision, NATO deployed Cruise and Pershing II missiles in 1983, especially in the Federal Republic, Britain and Italy.

The German deployment occurred only after huge domestic political battles within the SPD and on the streets, which helped to bring down Schmidt, and it was his successor, Christian Democrat Chancellor Helmut Kohl, who pushed it through. Kohl later gained the credit, together with Margaret Thatcher, for sustaining NATO’s credibility during the New Cold War. Yet he was largely carrying through the policy that Schmidt had designed.

Moreover, the other facet of the dual-track policy – negotiation – was also realized a few years later, when the firmness of the Western alliance in the early 1980s facilitated the 1987 Soviet-American treaty on intermediate-range nuclear forces. As a result a whole category of nuclear weapons was removed on both sides, for the first time since 1945. This had always been Schmidt’s hope and aim. I argue that he therefore deserves some credit for this major step in dispelling the nuclear nightmare in Europe and thus in defusing the Cold War.

Global Statesmanship

Schmidt’s diplomacy and achievements grew out of a long history of thought and action. For him (like his close friend and acclaimed statesman Henry Kissinger) the balance of power was a guiding concept. Yet Schmidt’s Gleichgewichtsstrategie focused primarily on a military equilibrium in Europe, whereas Kissinger was more concerned with the balancing acts of global geopolitics between Washington, Moscow and Beijing.

Even so, Schmidt’s vision of the world ever since his 1961 book did embrace the challenges of the People’s Republic of China as a military heavy-weight and the world’s emerging third power in what he called ‘tri-polarity’ and ‘the world triangle’.

Above all, he was forced to think globally because of Germany’s sensitive place in a matrix of power and vulnerability between the United States and the Soviet Union, so that any problem in the global Cold War could easily backfire in Berlin.

What is more Schmidt, unlike Kissinger, understood the problematic of foreign policy in the 1970s to include not only power and diplomacy but also the global economy. Schmidt, after all, was a serious macro-economist turned politician who saw the global economic crisis as the most pressing international problem of the mid-1970s. He also made a significant contribution to addressing it through his conduct of Weltwirtschaftspolitik and the creation of the G7 – an institution that barely figures in Kissinger’s voluminous memoirs. Indeed Kissinger, according to his most recent biographer Niall Ferguson, was ‘deeply skeptical about the claims of economics’. In Schmidt’s opinion, Kissinger approached the world economic crisis ‘from the traditional viewpoint of power politics’, whereas the German chancellor developed ideas of interdependence that were foreign to Kissinger’s more traditional approach to state relations, constructed around a hierarchy of powers playing a complex chess game at a distance.

Interdependence of the sort envisaged by Schmidt entailed multilateral engagement in a cooperative approach to global challenges; a theme he further developed in a series of lectures on grand strategy that he gave at Yale soon after the end of his chancellorship, published with the striking subtitle The Anachronism of National Strategies in an Interdependent World. He was, it might reasonably be said, more attuned than Kissinger to what many scholars now see as the key challenge of the 1970s – what Ferguson herself has called ‘the shock of the global’.

‘Political Friendships’ and Direct Dialogue

In a speech at Harvard in 1979, Schmidt reflected that ‘partnership in security involves trust and predictability. For that reason personal and direct contact between political leaders is indispensable’. This meant face-to-face meetings because they were the only real way to gauge the other side, to get a feel for his counterpart’s character, concerns and reactions. Out of such meetings, regularly conducted, he claimed, came a clear estimation of the people you could rely on, and how far they would remain loyal despite all the other pressures.

Schmidt believed that in special circumstances one could even speak of ‘political friendships’. The supreme example was what he called his ‘belle entente’ with Giscard. Through their meetings, he observed in 1985, the two of them became so close that they could intuit each other’s reactions, making a telephone call necessary only as final confirmation. The French president was truly special but Schmidt also enjoyed close political friendships with other statesmen – not only Kissinger but also Callaghan and American president Gerald Ford. It also mattered immensely that these statesmen could communicate freely and easily via the shared language of English, dispensing with interpreters and thereby allowing more intimate conversations. Schmidt did not trust Jimmy Carter, and vice versa. Their relationship was intense, often caustic (Schmidt had dismissed Carter in 1976 as an ‘unknown farmer governor’ from Georgia). But even though their personal friction proved diplomatically poisonous at times, it did not prevent them reaching compromise solutions.

Communication in a free, informal and direct manner at the highest level was fundamental to the 1 + 3 network that Schmidt helped to establish at Guadeloupe between West Germany, France, America and Britain. The Chancellor disliked the term...
aim ever since his first
Schmidt’s
as it did with allies, but it did at least bring a degree
communication with adversaries might not create trust,
enigma to us is very, very dangerous’. Personal com-
he stressed in 1981, and for ‘the Russians to be an
ry: the Kaiserreich, the Hitler era and what he called
‘the Auschwitz past’. Schmidt was consequently at
operation on the global plane.
Yet Schmidt came to an ignominious end, desert-
ed by his coalition partners and denounced by much
of his own party. Walking out of the Chancellery in
Bonn on the evening of 1 October 1982 with a bunch
of roses, he cut a forlorn figure. So was he destined,
Bonn remarked: ‘He is convinced most of the time
that he’s the only real leader in the western world.
He is also probably right. The problem is he’s Ger-
man’.

Schmidt as ‘Double Interpreter’

Dialogues like the one at Guadeloupe took place
between allies and friends. But Schmidt firmly be-
lieved that such personal communication was equal-
ly necessary with adversaries – all the more so when
the international climate was cool, if not outright
hostile. He told two American journalists in 1981
that his ‘basic philosophy in foreign policy’ was to
be ‘calculable, put yourself in the shoes of the other
guy, on the other side of the table, and try to evalu-
ate the situation from his point of view’. In ‘normal
times’, Schmidt went on, ‘this sounds trivial, but not
when there are tensions’. And the tensions were very
real by the end of his chancellorship as superpower
relations degenerated in the Second Cold War after
the Soviets invaded Afghanistan in December 1979
and the Americans boycotted the 1980 Moscow
Olympics.

‘It’s dangerous to be an enigma to the Russians’, he
stressed in 1981, and for ‘the Russians to be an
enigma to us is very, very dangerous’. Personal com-
munication with adversaries might not create trust,
as it did with allies, but it did at least bring a degree of
predictability to the table. Knowing the ‘Other’
had, in fact, been Schmidt’s aim ever since his first
day in Moscow in 1966. But by the end of his
career this idea had been refined into his concept of
the ‘double interpreter’ (Doppeldolmetscher), not
merely observing the superpowers from the side-
lines but acting as interlocutor between them.

Schmidt did not like the words ‘intermediary’ (Vermittler) or ‘broker’ (Makler). For one thing, he
insisted, the FRG was not equidistant between the
two superpowers but, instead, operated as a full part-
er in the Western alliance. And he did not wish sim-
ply to act as messenger-boy; he wanted to ‘help each
side understand each other’ – to ‘translate, in both
directions’. Even more than this: to influence their
actions, especially over arms control. He hoped ‘to
open up the Soviet Union in its very heart to nego-
tiations’ and to persuade the Americans to take seri-
ously German interests as the cockpit of Cold War
Europe.
The chancellor’s objective, going beyond mere
mutual translation, was to draw the two superpowers
from maximalist, megaphone diplomacy and prepare
them for compromise (Kompromissbereitschaft). He
was sure this could only be effected through face-
to-face dialogue of the sort that had become normal
dering the era of détente but had stopped complete-
ly after the superpower summit in Vienna in 1979.
Hence his mission to Moscow in July 1980, to keep
open channels of communication with Brezhnev at
a time when no other Western leader would go near
the Kremlin.

Yet the chancellor always understood that, for
West Germany, foreign policy had to be conducted
with circumspection. That was his country’s unique
predicament stemming from the burdens of its histo-
ry: the Kaiserreich, the Hitler era and what he called
‘the Auschwitz past’. Schmidt was consequently at
pains to avoid any impression of over-assertiveness,
frequently letting others take the front seat – espe-
cially Giscard, who was persuaded to host the meet-
ing of the Western Big Four at Guadeloupe. He was
equally sensitive to the legacies of 1945, which had
left Germany occupied, divided and denied the trap-
nings of power, including nuclear weapons.

Schmidt the statesman always worked within
these historical parameters, even at his zenith on the
world stage. As one of his party buddies from Hamb-
burg remarked: ‘He is convinced most of the time
that he’s the only real leader in the western world.
He is also probably right. The problem is he’s Ger-
macht’ – giving this historically fraught term new mean-
ing in an era of global Cold War and economic inter-
dependence. In the process, I argue, he contributed
to the eventual resolution of the German question,
though not to the same degree and with the same vis-
bility as Brandt or Kohl. This is a more speculative
point, which, in fact, I debated with Schmidt himself
just three weeks before his death. Namely that he
transformed West Germany’s 1 + 3 relationship with
the Western victor powers into an equal partnership
of the Big Four. And as double interpreter, maintain-
ing both Adenauer’s allegiance to Westbindung and
Brandt’s commitment to Ostpolitik, in unpropitious
international circumstances he succeeded in raising
Bonn’s credibility with both superpowers.

In the event it fell to Kohl to seize the historical
moment for German unification, which he grasped
with both hands. Unity was accomplished peaceful-
ly through the 2 + 4 formula, whereby the two Ger-
manies negotiated their future in partnership with all
the victor powers, from East as well as West. But one
could reasonably claim that 2 + 4 was made possible
because of what had been achieved via 1 + 3 and
double interpretation. This, too, was part of Helmut
Schmidt’s rich legacy as the global chancellor.
Experts’ Opinions on Law and Politics: The 2016 Draft Constitution of Thailand
Comment on the Drafting of the Constitution

Gothom Arya, Institute of Human Rights and Peace Studies, Mahidol University

Normally in democracy, the powers are divided into legislative, executive, and judicial powers. But in Thailand we inherit more of the old system. The powers-that-be, i.e. part of the executive (the armed forces) and the judicial powers are performing their duties in accordance with the constitution and in the name of the Monarch. We claim to be a democratic regime with the Monarch as the Head of the State. But each time the powers-that-be perceive a real or imagined threat to the Nation or Monarchy, for instance the communist or the corruption threats, they jettison the democratic regime and declare themselves the defenders of the Nation and Monarchy.

The advent of Thaksin is seemingly perceived as a threat. So, the judicial power acted first and many times. But Thaksin may be similar to Peron whose legacy, as a phoenix party or a ghost personality, appears too difficult to be killed politically. So the army had to intervene and it did so twice in the past ten years. At present, the army hopes its absolute power will do the job. But again, the judicial power or its network is given the task of creating a legal framework that will prevent ‘the return to the situation before the coup d’état’, in other words to the situation where Thaksin’s associates hold some powers. Preventing this from happening is perhaps the bottom line in the writing of the new constitution.

When the Borwornsak commission wrote the aborted draft constitution, there was an alleged last-minute request to add a clause about a strategic committee that would have power over an elected government in cases of crisis. The draft followed the request but was nevertheless rejected because, according to Borwornsak, the powers-that-be wanted to stay longer. A similar request came to the open when the Council of Ministers made the recommendation number 16 to the Constitution Drafting Committee headed by Meechai. The Council recommended that there be a transition period of half-way democracy (to be understood that the army would still hold some political power).

There are two crucial points that would make it difficult for the constitution to be approved in the referendum. One point is the inclusion of a power over the elected government, be it in the form of a strategic committee or a more subtle strategic master plan to be enforced by the judicial power. The other point is the stipulation that makes any amendment to the constitution next to impossible. Such stipulation appears in the first draft.

I would like to suggest that there be another question in the referendum: In case the draft fails to pass, which constitution, year 1997 or 2007, should be quickly updated and promulgated anew? This would be fair as the public should know what will be the alternative should the draft constitution be rejected.

Constitution Draft Comment

Luc Stevens, United Nations Resident Coordinator

The United Nations strongly supports and encourages inclusive mechanisms for the development of constitutions. Constitutions that are drafted by elites or the establishment, at best often do not last very long, and at worse can contribute to further social turmoil and conflict. Thailand’s latest attempt at a constitution should be measured against this yardstick. The latest draft must be considered within the framework of internationally recognized norms for democratic governance. What exactly is this lofty ideal? Is there really any recognized standard for democracy? Yes, there is.

Democracy is one of the universal and indivisible core values and principles of the United Nations. It is based on the freely expressed will of people and links closely to the rule of law and the exercise of human rights and fundamental freedoms. Democratic governance means that our human rights and freedoms are respected, promoted, and fulfilled by states and institutions, allowing each and every one of us to live with dignity and freedom.

Article 21(3) of the Universal Declaration of Human Rights captures the central bond between human rights and democracy. It states that “the will of the people shall be the basis of authority of government; this shall be expressed in periodic and genuine elections.” In other words, the people’s voice must provide meaningful guidance to their elected government and not simply treated as nuisance that must be tolerated to appease international and domestic critics. Democracy has real meaning; a short-changed democracy is not a democracy at all.

Democracy enables economic and social policies that are genuinely responsive to citizens’ demands and supports them in achieving their aspirations. The aspirations of everyone, everywhere.

Democracy is not a hollow promise. It is neither Eastern nor Western, rich or poor. Its values apply equally to developed economies as to emerging ones. Democracy embodies the highest ideals of justice, equity, inclusiveness and accountability. It is universal. It encourages innovation and creativity and peace. In our lifetime, democracy has become an articulated ideal of the international community and its fundamental principles must be safeguarded.

To be clear, the United Nations does not sanction one specific model of government, but promotes democratic governance as a set of universally held values and principles that brings greater participation, equality, security and enhanced human development. The United Nations’ commitment to these values has deep roots in the United Nations Charter. The Charter’s opening words – “We the peoples” – reflect the fundamental principal of democracy, that the will of the people is the source of legitimacy of sovereign states. The Universal Declaration of Human Rights adopted by the UN General Assembly in 1948 further expresses that the people shall be
the basis of the authority of government. Over the years we have seen a global acceptance of
democracy as a collective value and principle.

So what does this have to do with Thailand’s latest draft constitution? Everything. It is against
these fundamental values that the most recent constitutional draft must be assessed. The docu-
ment must reflect structural elements that support and further the goals of democratic governance
as has come to be defined by the community of nations. It must not denigrate the capabilities of
voters and it absolutely must give sovereignty to the people without exception. It is therefore up
to the Thai people to judge and decide whether their draft constitution reflects these values.

The United Nations supports constitutional drafting based upon inclusive participation by all
walks of life and viewpoints. It is only through processes of diverse dialogue that constitutions
can be written that create effective conditions for national reconciliation. The United Nations
stands ready to assist the Thai people, regardless of affiliation, to realise this goal.

The Revenge of the Bureaucratic Polity: Technocratic governance by “good
people” trumps democratic governance by “bad politicians”

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In democratic systems, collectively binding decisions ideally are sup-
posed to be the responsibility of governments elected by the polity’s
sovereign, the people. Often, this is an unrealistic assumption that
overlooks the role of bureaucrats and technocrats (and, of course,
lobby groups) in policy formation, and it is certainly not what the current constitution-drafters in
Thailand have in mind. They rather try to perfect a certain aspect of the 1997 Constitution, which
“instituted an elite notion of democracy that sought to limit the powers of elected representa-
tives”¹. Expressions such as “custodial democracy” (Thitinan Phongsudhirak) or “elite rule with
elections” (Ajarn Panut) reflect more accurately how the political system might look like after
the military will have ended their direct rule. Here, we have a case of what Merkel (2004) has
called a “domain democracy”² in which democratic structures and rules exist only in a relatively
small sector of the political order.

In the specific case of Thailand, politicians have not only not yet been able to establish them-
selves as superiors vis-à-vis the military (the traditional issue of civil-military relationships), they
have also not been able to do the same vis-à-vis the civil service, its bureaucrats and technocrats,
and a wide circle of professional experts dealing with policy issues. One is reminded of an analy-
sis Max Weber wrote on the Germany of 1917, stating that the military and civilian bureaucracy
enjoyed an “enormous superiority” (ungeheure Übermacht) vis-à-vis the politicians. Until to-
day, the Thai equivalents have not managed to see the “added value” (if any) that political parties
and politicians – the “disturbing element in the traditional scheme of things”³ – might bring to
the operation of the country’s political system, that is, above what these three groups claim they
can achieve alone in serving “the nation and the people.” In the 2014 military coup, these most
powerful sub-groups of the aphichon (often translated as “traditional elites”) have joined forces
in order further “to limit the powers of elected representatives.”

The junta has made its respective intentions quite clear: Its powers will end (more or less) not
with the next elected government, but only four years (perhaps more) after the latter will have
started its work. It would thus be a misunderstanding to assume that the elections scheduled for July 2017 will indicate increased democracy. That’s not the plan of the junta and neither its
elite-technocratic collaborators (or should one call them “accomplices”?) Rather, the elections
will be the beginning of what the military and its friends call a “transition period.” During this
time, the junta wants the government to act largely like an elected executive committee whose
main task would be to take part in the implementation of the junta’s policy agenda (“reforms”). In
the 2015 draft constitution (prepared under Borwornsak Uwanno), this approach was embodied
by the much-criticized National Strategic Reform and Reconciliation Committee, and its auxil-
iary mechanisms. This committee was supposed to be operational for five years, but could under
certain circumstances work for ten years. In essence, this institutional set-up would have created
a policy-making structure in parallel and even above the elected government, thereby achieving
the elite’s long-standing goal to reduce the weight of voters and their representatives in govern-
ing the country.

The Meechai draft of 2016 does not have an equivalent chapter. However, as part of the fundamen-
tal state policies, Article 61 stipulates that the state should determine a national strategy for
the country’s development. This should then serve as a framework for the preparation of all other
plans. Since determining the national strategy needed a specific law, Article 263 in the transitory
provisions of this draft stipulates that it is the current Cabinet’s task to prepare such a law with-
in 90 days after the constitution becomes effective, and then move on to formulate the national
development strategy within one year. Consequently, it will be the military junta and its civilian
helpers that will determine a 20-year national strategy plan that any elected government must
follow. In fact, this law had already been in the making by a committee of the earlier National
Reform Council, a task that since its dissolution has been transferred, under the same leadership,
to the National Reform Steering Committee.

At this point, a draft of the National Strategy Act awaits to be proposed to the Cabinet. It extends on Article 157 of the Meechai draft that states that the elected government’s policy declaration to Parliament must comply with the state duties, the fundamental state policies, and the national strategy plan. Subsequently, the National Strategy Committee would monitor, examine, and evaluate the politicians about in how far they implemented the national strategy.1

Article 65 of the German Basic Law states that, “The Federal Chancellor shall determine, and be responsible for, the general policy guidelines.” Based on the draft constitution presented by Meechai Ruchuphan, an equivalent stipulation in the Thai constitution would read, “The [un-elected] apichon technocrats shall determine the general policy guidelines, while the [elected] prime minister and his/her Cabinet are responsible for their implementation.”

Can a new constitutional design pave the way towards democracy in Thailand?

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Over eight decades ago, Thailand took a giant leap towards a democratic transition on 24 June 1932 when the People’s Party (เนืองขึ้น) consisting of an elite group of civil servants, princes, army officers and young intellectuals, staged a bloodless coup d’état, demanding a change of government from an absolute monarchy to a constitutional monarchy. Determined to avoid any bloodshed, His Majesty King Prajadhipok (Rama VII) agreed to the abolition of absolute monarchy and the transfer of power to the constitution-based system of government by signing a temporary constitution on 27 June 1932.1 This constitution marked the arrival of Thailand’s modern political constitutionalism – the idea that government can and should be legally limited in its powers. Since then, Thailand has gone through a vicious cycle of 21 military coups and coup attempts followed by 19 constitutions and numerous revolting door governments.

On 29 January this year, the Constitutional Drafting Committee (CDC) chaired by Mr Meechai Ruchuphan has unveiled the second draft constitution to the Thai public since the National Council for Peace and Order (NCPO) (คณะรักษาความสงบแห่งชาติ) declared a military takeover in May 2014. If this draft with some minor amendments is endorsed by the referendum scheduled to be held in July this year, it will be promulgated as the 20th Constitution of Thailand. The draft constitution has been dubbed by Mr. Meechui as the ‘anti-corruption constitution’. Shortly after the first charter draft completed by Dr Borwornsak Uwanno and other members of the Constitution Drafting Committee in July last year, many people were convinced there would be an election sometime this year. However, we went back to square one after the CDC draft was rejected by the 247-member National Reform Council in September 2015 with 135 opposed, 105 in support, and seven abstentions. Thus, an important question arises as to whether the so-called Meechui’s draft constitution that will be tough on corruption by politicians is going to be accepted by the majority of Thai voters at the referendum. The answer to this important question essentially depends on whether the majority of Thai citizens will perceive the draft constitution as being a democratic or an undemocratic constitution.

In a recent research study which analysed a sample of 138 constitutions between 1974 and 2011, it has been found that over half of these constitutions did not significantly improve levels of democracy in the countries that adopted these constitutions for three years. The reason, according to the study, is that “most of these countries did not incorporate broad public consultation which...is so vital for the democratic outcomes of constitutions.”2 The authors of this empirical study, Todd A Eisenstadt, A Carl LeVan, and Tofigh Maboudi, concluded that “the best insurance against authoritarian backsliding in fledgling democracies…is a broad-based, participatory constitution-making process with extensive, direct citizen input.”3 This means constitution making can no longer be confined exclusively to the domain of ‘high politics’ and negotiations among elites who draft texts behind closed doors since open and inclusive participatory constitution making has increasingly become one of the main criteria of a legitimate democratic process. For instance, the 1997 South African Constitution is the successful outcome of inclusive and prolonged negotiations and consultation with the public as well as elected parliamentary representatives that were carried out in light of the injustices of the country’s previous undemocratic apartheid regime. The context and challenges of democratic constitution making in the South Africa illustrated the importance of a democratic constitution-making process which ‘is critical to the strength, acceptability, and legitimacy of the final product.’4

Does the second constitutional design stand a better chance of being passed in a referendum?

Most legal commentators and politicians of the major political parties generally expressed a pessimistic view that the second draft of the CDC is unlikely to be passed in the referendum scheduled in July this year. The main reason is that they commonly regard the second draft of the constitution as being flawed and undemocratic, since, firstly, the Prime Minister can be an unelected outsider (draft section 154) and the members of the Senate are not directly elected by the people (draft section 102); secondly, the electoral system under the draft is intentionally designed by the drafters to produce a weak coalition government (draft sections 78, 84(4)) and

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thirdly, the executive branch of government will be subject to strong judicial review and oversight of the Constitutional Court and anti-corruption agencies such as National Counter-Corruption Commission, the Election Commission and the Auditor General (draft sections 96(10), 139, 231 para. 3), 215 and 265 (on ethical standards)). In the past decade, the Constitutional Court and independent agencies were openly engaged in the political process of the Parliament, and the constant checks of the government political policy by the court and independent bodies has been perceived as potentially jeopardising the balance of the separation of powers. Under the second draft, the Constitutional Court is equipped with a special power in time of crisis to rule over the contentious issues arising from the former Article 7 of the 2007 Constitution (draft section 207) and its decisions are in final and binding on the National Assembly, Councils of Ministers, Courts and other State organs (draft section).5

The second draft has been strongly opposed by the Pheu Thai Party and the pro-democracy movement, like UDD (United Front for Democracy Against Dictatorship) since they are of the view that the constitutional drafting process in Thailand is mostly a direct result of a military coup and thus the process lacks legitimacy without broad-based participation of Thai people from the beginning of the drafting process. Furthermore, unlike the drafters of the 1997 and 2007 conventions, the 21 members of the CDC were appointed by the NCPO to preserve its own interests and to prevent a future elected government from executing the popular mandate. Finally, the NCPO has recently made a highly controversial proposal calling on the CDC to consider a constitutional clause whereby the NCPO members could be appointed senators to serve a five-year term during the transitional post-election period. This proposal has been viewed by critics as a mechanism designed to allow the NCPO to stay in power for another five years after the next election so as to scrutinise the work of the government and to check the popularly elected House of Representatives.6

In summary, it is reasonable to maintain that the current CDC’s top-down and exclusive drafting process is unlikely to pave the way for Thailand to return to a democratic given that this is a top-down process that has so far followed a ‘hybrid’ constitutionalism that mixes some democratic features of liberal constitutionalism with those of an authoritarian constitutionalism.7 In order to break up such a vicious cycle of political crises and military coups, Thailand needs an urgent constitutional, political and socio-economic reform with inclusive people’s participation in order to break up such a vicious cycle of political crises and military coups, Thailand needs an urgent constitutional, political and socio-economic reform with inclusive people’s participation and consultation to curb the political and economic power concentrated in the traditional elites, including the military leaders and bureaucrats, capitalists and bankers, who have maintained

5 It has recently been reported that due to strong criticisms of this special power, the CDC has decided that such power will not reside with the Constitutional Court alone. Rather, it will be up to the court, the heads of the three branches of government and independent organisations to decide jointly which measures or rules should apply whenever no constitutional provision is applicable to a particular case. See Kasamakorn Chanwanpen, ‘CDC reduces power of charter court “for crises”’ The Nation online, 9 March 2016, at http://www.nationmultimedia.com/politics/CDC-reduces-power-of-charter-court-for-crises-30281113.html.


There is also speculation that a provision for a “crisis panel” mind be appended to the charter draft, following recommendations by the military-dominated National Legislative Assembly. Such a panel would be filled with military and police officers, as well as court justices and might be empowered to seize power in a “crisis.”

Ultimately, the bitter pill of weakened democracy inherent in Meechai’s “Frankenstein’s creature” constitution may be too un-palatable for Thais to pass in a referendum. If they fail to do so, the current ruling junta might impose a more repressive alternative charter or simply cling to power. While the devil is in the details, there is still no light at the end of the tunnel in Thailand’s unending cycle of constitutions.

“In Absence of Universally Accepted Human Rights, Thailand to Face More Sanctions”

Kohnwitai Teppunkoonngam, Human Rights Lawyer

After World War II and the emergence of the United Nations, followed by the adoption of core international human rights instruments, particularly the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICSCR), there is an international acceptance that Human Dignity and universally accepted human rights constitute customary international law and some of them are even jus cogens.

To ensure the effective application, some states provide an effective guarantee of Human Dignity and international human rights under their constitutions. Germany was one of the very first countries that embraced the concept of Human Dignity and international human rights in the constitution (in Germany, the constitution is called “Basic Law”). Firstly, the German Basic Law places Human Dignity at its heart and guarantees that it is inviolable, eternal and demands from state authorities to respect and protect it. This is stipulated in Article 1 (1) and Article 79 (3) of the Basic Law as follows.

*Human Dignity shall be inviolable. To respect and protect it shall be the duty of all state authority. [Article 1 (1)]*

*Amendments to this Basic Law affecting [...] the principles laid down in Article 1 [...] shall be inadmissible. [Article 79 (3)]*

Secondly, derived from Human Dignity, the universally accepted human rights are also placed at the heart of the Basic law. This is clearly shown in Article 1 (2) and (3) which read as follows.

*The German people therefore acknowledge inviolable and inalienable human rights as the basis of every community, of peace and justice in the world. [Article 1 (2)]*

*The following basic rights shall bind legislature, the executive and judiciary as directly applicable law. [Article 1 (3)]*

The concepts of “universality, inviolability, inalienation (along with interrelation)” of human rights have been guaranteed by several resolutions of the General Assembly and comments of the Human Rights Commission. This is why many international scholars and judges are of the opinion that international human rights have become customary international law and some of them, if not all, are jus cogens, therefore, bind all states. Henceforth, it is the states’ responsibility to respect, protect and fulfill international human rights and minimize the gaps in their application.

What about in Thailand? First and foremost, it is worth mentioning that Thailand is a party to the ICCPR, ICSCR, and many other key international human rights treaties. Therefore, international human rights bind Thailand both in form of treaties, customary international law, and jus cogens. Furthermore, the 1997 Constitution and the 2007 Constitution of Thailand used to provide protection of Human Dignity and human rights. Human Dignity once was protected under Section 4, nor the protection of Human Dignity under Section 4, nor the protection of Human Dignity under Section 28 are maintained in the new constitution draft supervised by Meechai. Considering the fact that Thailand is recurrently criticized by the international community for the violation of human rights, e.g. the numerous problems of human trafficking and forced labour, excessive censorship, putting civilians on trial in court martial. When this problem is determined together with the lack of the current state’s will to uphold its responsibility to safeguard international human rights under the new constitution, all of us, be it either state authorities, business entities and normal civilians should be well prepared for more sanctions by the international community.
Veeravit Tianchainan, Founder and Executive Director
Thai Committee for Refugees Foundation (TCR)

The new draft Constitution disregards many core human rights principles, which would derogate human rights’ records of Thailand further. The key principle in the Article 4 of the draft limits the protection of rights to only Thai citizens. This would jeopardize the protection and promotion of human rights based on its internationally recognized principles that they are the foundation of basic rights for all human beings without discrimination. It would diminish the national, regional and international efforts of the previous government of Thailand to establish Thailand as the leading country with regard to human rights as demonstrated in Thailand held the chairmanship of UN Human Rights Council and its effort to join UN Security Council membership. From the regional perspective, we would see the challenges to promote and protect human rights of migrants, migrant workers, asylum seekers, refugees and stateless people in Thailand if the Constitution would only guarantee the rights of Thai citizens. This would contravene the principles of international human rights laws ratified by Thailand and the regional instruments, namely, ASEAN Human Rights Declaration. This draft will proof itself to be one of the biggest test on the development of human rights movement in Thailand.
Events

On 18 February 2016, the German Department of Thammasat University and the DAAD Information Center Bangkok hosted an information seminar on the topic of “Study and research in Germany” at the Faculty of Arts, Thammasat University, Rangsit Campus. More than 70 interested participants attended the event which provided the opportunity to meet alumni from the fields of law, German language and literature studies and economics as well as the team of the DAAD Information Center and ask questions about opportunities of studying and doing research in Germany.

On 24 February 2016, the German Department of the Thammasat University arranged another information event at the Faculty of Arts, Thammasat University, Rangsit Campus. Under the title “German Institutions in Thailand introduce themselves” the event addressed in particular German Studies students and CPG law students and provided general information about German institutions in Thailand and scholarship opportunities as well as the chance for the students to make contacts to possible prospective employers in the framework of an interactive ‘World Café’. Among the German institutions represented at this event were the German Embassy, the Goethe-Institut, the DAAD, the German Thai Chamber of Commerce, the Friedrich-Ebert-Fondation and the Heinrich-Böll-Foundation.

From 24-27 March 2016, the Faculty of Political Science of Chulalongkorn University will arrange a camp on the topic of “Political Science for Youth” at Kaeng Khoi, Saraburi. Details are available at http://www.polsci.chula.ac.th/?p=1121.

On 29 February 2016, CPG senior research fellow Dr. Warawit Kanithasen officially presented his complete collection of the Encyclopedia Britannica to CPG Director Henning Glaser. Thank you very much for your generous donation, Ajarn Warawit!

From 28 March - 1 April 2016, the Faculty of Law of Thammasat University will arrange a training on the topic of “Law for High School Teachers” at Faculty of Law, Thammasat University. Details are available at http://www.law.tu.ac.th/teacher10 (in Thai).

On 30 March 2016, the School of Social and Environment Development, National Institute of Development Administration (NIDA), will host the international conference on “Disaster Management: From the Polar Regions to the Local Communities”. The venue of the event will be the School of Social and Environment Development, NIDA, Bangkok. More information are provided at http://www.nida.ac.th/th/images/banners/seminar_news/poster_ssed590330.jpg.

From 31 March-1 April 2016, the Centre for Asian Legal Studies (CALS) of National University of Singapore (NUS) will host a Youth Conference under the title “Crossing Borders in a Troubled World: A Youth Conference on Transnational Migration in Asia” at NUS in Singapore. See http://law.nus.edu.sg/pdfs/cals/events/CrossingBordersInATroubled-World_Call_for_Papers.pdf for more information.


From 8 April 2016, Osgoode Hall Law School, York University, will host the “19th Annual Constitutional Cases Conference” at Osgoode Hall Law School, Toronto. Further information is available at http://www.eventbrite.ca/e/19th-annual-constitutional-cases-conference-registration-19609597835.

From 15-16 April 2016, the School of Public and International Affairs, Virginia International University, will host the 2016 Conference on Politics, Conflict, and Development on the topic of “Power Shifts: Conflict, Emergencies, and Global Response” at Virginia International University (Village Drive campus). Further information is available at http://cpcd.viu.edu/.

On 16 April 2016, the Center on Global Energy Policy, Columbia University, will host the “2016 Columbia Global Energy Summit” at Columbia University. For more information see http://energypolicy.columbia.edu/events-calendar/2016-columbia-global-energy-summit.

On 16 April 2016, the European Delegation to the United States will arrange a conference on the topic of “The Geopolitics of the Transatlantic Trade and Investment Partnership (TTIP)” in Washington, DC. Details of the event are provided at http://www.euiintheus.org/event/conference-the-geopolitics-of-the-transatlantic-trade-and-investment-partnership-ttip/.


From 21-22 April 2016, the University of Northern Colorado and The Institute of Knowledge Management will host the 2nd Annual International “Conference on Education 2016” at Pullman Hotel Bangkok. Details are available at http://educationconference.co/2016/.

From 22-25 April 2016, the University of Fiji and the Institute of Interdisciplinary Inquiry
will arrange a conference on the topic of “Diasporas of the Pacific: Multilateral, Inter-generational and Transnational Contexts” in Saweni, Lautoka, Fiji. Further information are provided at http://www.iiinz.org/diasporas-cfp.html.


From 19-20 May 2016, the Pozen Family Center for Human Rights, The University of Chicago, will arrange the Graduate Student Conference on “Human Rights and Empire”. For further information see http://humanrights.uchicago.edu/Human-RightsandEmpire.

From 19-20 May 2016, the Asian Law Institute (ASLI) will arrange the 13th ASLI Conference on the topic of “Asian Perspectives on Legal Globalization” at Peking University Law School. See further details at http://law.nus.edu.sg/asli/13th_asli_conf/index.html.

From 23-24 May 2016, the Irish Society of Comparative Law (ISCL) and the School of Law of the National University of Ireland Galway in cooperation with the Irish Centre for Human Rights will hold the Seventh Annual Conference of the ISCL to be held in Galway. Further information are available at http://www.nuigalway.ie/business-public-policy-law/school-of-law/news/iscl-conference-2016-call-for-papers-1.html.

From 23-27 May 2016, the Faculty of Law of Thammasat University will arrange a training on the topic of “Law and Ethics for Nurses” at Asia Hotel, Bangkok. Details are available at http://www.law.tu.ac.th/nurse3 (In Thai).

From 23 May-2 July 2016, the Faculty of Law of Thammasat the short term diploma course in “Business Law” at Faculty of Law, Thammasat University. Details are available at http://www.law.tu.ac.th/business17 (In Thai).

From 26-28 May 2016, the National Institute of Development Administration (NIDA) will arrange the Fifth International Conference on Advancement of Development Administration 2016 – Social Sciences and Interdisciplinary Studies on the topic of “ASEAN and Globalization: New Paradigm, Interdependence, Democracy, and Accountability (N.I.D.A.)” at NIDA, Bangkok, Thailand. See http://www.icada2016.nida.ac.th/ for more information.

From 29 May-1 June 2016, the Institute for Sustainable Leadership will host the 11th International Symposium on “Sustainable Leadership” at the Centara Grand Hotel at Central World, Bangkok. For details please follow http://institutesforsustainableleadership.com/conferences/2016-isl-symposium/.

From 17-18 June, the Eastern Asia University, the National Defence Studies Institute of the Royal Thai Armed Forces, the Federation of Thai Industries, the Bangkok Metropolitan Administration, the Department for Development of Traditional and Alternative Medicine of the Ministry of Public Health and the Faculty of Architecture and Planning of Thammasat University jointly co-host the International Conference on “Green Asia: Inclusive Sustainable Development” at the Convention Hall of the Miracle Grand Hotel in Bangkok, Thailand. Details are available at http://conference.eau.ac.th/GreenConference-Eng.pdf.

New CPG Publication

“Constitutional Jurisprudence: Function, Impacts and Challenges”, the third volume of CPG’s Series of Comparative Constitutional Law, Politics and Governance, has been published by Nomos publishing house. Presenting 15 contributions, the book addresses core issues of contemporary constitutional jurisprudence from interdisciplinary and comparative perspectives.

In the past two decades specialized constitutional courts (of the Continental-European type) have largely prevailed over the model dominating the Anglo-Saxon legal systems. In a large number of countries across the globe these courts have been increasingly deciding questions with far-reaching political consequences. In this respect, a general tendency towards the juridification of politics is embodied particularly clearly in the institution of constitutional courts. In the course of this development the role and performance of constitutional courts have been fiercely challenged in the political debate while constitutional courts once again became one of the most fascinating topics of the academic discussion on constitutional politics. Despite their common roots these courts vary in their role within the constitutional system, their functions and their performance to a significant extent.

Within the frame of these aspects the contributions collected in this volume address questions such as the constitutionalization of the legal system by constitutional courts and the increasing politicalization of constitutional courts. The contributions refer to constitutional systems in Cambodia, Croatia, Germany, Indonesia, Japan, Mongolia, Poland, Spain, South Korea, Thailand and Taiwan.

Among the contributors are Slavica Banic (Justice, Constitutional Court, Croatia), Byung-Song Cho (Public Law, Cheongju Univ., South Korea), Jong-ik Chon (Public Law, Seoul National Univ., South Korea), Ingwer Ebsen (Public Law, Frankfurt Univ., Germany), Robert Esser (Criminal Law, Passau Univ., Germany), Henning Glaser (Public Law, Thammasat Univ., Thailand), Yasuo Hasebe (Public Law, Tokyo Univ., Japan), Jau-Yuan Hung (Constitutional Law, National Taiwan Univ., Taiwan), Matthias Jestaedt (Public Law, Univ. Freiburg, Germany), Bartosz Makowicz (Public Law, European Univ. Viadrina Frankfurt/Oder, Germany), Javier Garcia Roca (Constitutional Law, Complutense Univ. Madrid, Spain), Son Soubert (Privy Councillor to His Majesty the King of Cambodia, Cambodia), Heru Susetyo (Constitutional Law, Univ. Indonesia, Indonesia), Miroslaw Wyrzykowski (Public Law, Warsaw Univ., Poland), and Jiunn-rong Yeh (Constitutional Law, National Taiwan Univ., Taiwan).
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CPG Job-Market

As a service, CPG provides a regularly updated overview of currently open job offers in fields and from institutions related to CPG’s focal areas of work.

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**Note:** The URLs provided are for the application process. Please ensure to check the official websites for the most accurate and up-to-date information.
Impressum

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