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S. RES. 114

Urging the Government of Thailand to protect and uphold democracy, human rights, the rule of law, and rights to freedom of peaceful assembly and freedom of expression, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 16, 2023

Mr. MARKEY (for himself and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Urging the Government of Thailand to protect and uphold democracy, human rights, the rule of law, and rights to freedom of peaceful assembly and freedom of expression, and for other purposes.

Whereas the Kingdom of Thailand (once commonly known as the “Kingdom of Siam”) and the United States of America first established relations in 1818, and entered into the Treaty of Amity and Commerce, signed on March 20, 1833, which formalized diplomatic relations between the 2 countries;

Whereas Thailand was the first treaty ally of the United States in the Asia-Pacific region, has a relationship with the United States that is built upon a commitment to

universal values, and remains a steadfast friend of the United States;

Whereas through the Southeast Asia Collective Defense Treaty, done at Manila September 8, 1954 (commonly known as the “Manila Pact”), the United States and Thailand expressed a joint desire to “strengthen the fabric of peace and freedom and to uphold the principles of democracy, individual liberty and the rule of law”;

Whereas, in 1962, the United States and Thailand signed the Thanat-Rusk communiqué, through which the United States pledged to provide assistance to Thailand if it faced aggression by neighboring nations;

Whereas, through the Treaty of Amity and Economic Relations Between the Kingdom of Thailand and the United States of America, done at Bangkok May 29, 1966, along with a diverse and growing trading relationship, the United States and Thailand have developed strong economic ties;

Whereas the United States recognizes Thailand as a founding member of the Association of Southeast Asian Nations (commonly known as “ASEAN”);

Whereas, on November 12, 2022, President Joseph R. Biden and the ASEAN leaders elevated United States-ASEAN relations to a Comprehensive Strategic Partnership to open new areas of cooperation vital to the future prosperity and security of the United States and ASEAN member nations;

Whereas Thailand successfully served as host for the Asia-Pacific Economic Cooperation forum in 2022—

(1) to revitalize economic recovery;

(2) to restore connectivity following disruptions from the COVID–19 pandemic; and

(3) to integrate inclusivity and sustainability objectives in tandem with economic goals;

Whereas Thailand was designated a major non-NATO ally in 2003, and is one of the strongest security partners of the United States, a relationship reaffirmed by the Joint Vision Statement 2020 for the U.S.-Thai Defense Alliance;

Whereas the Government of Thailand and the Government of the United States hold numerous joint military exercises, including Cobra Gold, the largest annual multinational military exercise in the Indo-Pacific region, which is hosted by Thailand;

Whereas the Government of Thailand continues to be a partner on humanitarian and refugee assistance, including in multinational relief efforts following the 2004 Indian Ocean tsunami and 2015 Nepal earthquake;

Whereas Thailand ended its absolute monarchy and transitioned to a constitutional monarchy in 1932, and has since revised its constitution 19 times, including its 1997 Constitution, which enshrined democratically elected representatives in a bicameral national assembly and the prime minister as head of government;

Whereas, on May 22, 2014, the Royal Thai Armed Forces launched a coup d'état through which it repealed the 2007 Constitution, declared martial law, and replaced the civilian government with a military junta, known as the National Council for Peace and Order (referred to in this preamble as the “NCPO”), which was led by Army Commander-in-Chief Prayuth Chan-ocha;

Whereas, on March 29, 2016, the NCPO unveiled a draft constitution and on August 7, 2016, the NCPO held a deeply flawed referendum on the new constitution, which was intended to legitimize the document;

Whereas the 2016 referendum was marred by widespread violations of rights to freedom of expression, association, and peaceful assembly;

Whereas the NCPO ignored numerous calls from the United Nations and foreign governments to respect people's rights to freely express their views on the draft constitution, and sharply curtailed freedoms in the lead-up to the constitutional referendum, prosecuting journalists and critics of the draft constitution, censoring the media, and preventing public gatherings of more than five people;

Whereas the new Constitution, which was ratified on April 6, 2017—

- (1) entrenched Thai military power at the expense of civilian political control;

- (2) obligated subsequent governments and members of parliament to adhere to a junta-issued “20-year reform plan”;

- (3) contains provisions weakening the 500-member lower house and reserving 250 seats in the Senate for NCPO-appointed senators and NCPO leaders, including the top leadership of the military and police; and

- (4) gives outsized power to unelected junta-selected senators to choose subsequent prime ministers;

Whereas, in March 2019, Thailand held elections that—

- (1) several independent monitoring groups, citing both procedural and systemic problems, declared to be not fully free and fair and heavily tilted to favor the military junta; and

(2) resulted in the NCPO's political party, headed by Prayuth Chan-ocha, forming a new government and appointing Prayuth as prime minister;

Whereas, in January 2020, the opposition political party Future Forward was dissolved and banned on order of Thailand's Constitutional Court following a flawed legal process premised on spurious charges;

Whereas the Constitutional Court also ruled that Prime Minister Prayuth Chan-ocha did not violate a constitutional provision limiting him to 8 years in office, despite having remained in power since the August 2014 coup d'état;

Whereas the Government of Thailand has not made progress in its investigation of violent attacks against some democracy activists and the forced disappearances and killings of Thai political dissidents across Asia.

Whereas, in February 2023, the Government of Thailand again delayed key anti-torture legislation, which, although flawed, would help to both clarify the criminalization of torture and to prevent torture;

Whereas, since February 2020, tens of thousands of protesters across Thailand, composed primarily of students and youth, have peacefully called for democratically elected government, constitutional reform, and respect for human rights;

Whereas the Government of Thailand responded to these largely peaceful protests with repressive measures, including intimidation tactics, excessive use of force during protests, surveillance, harassment, arrests, violence, and imprisonment;

Whereas between 2020 and 2023, authorities of the Government of Thailand have filed criminal proceedings against

more than 1,800 activists for participating in mass demonstrations and expressing their opinions, including more than 280 children, 41 of whom were younger than 15 years of age;

Whereas reports published in July 2022 by nongovernmental organizations found that Thai authorities used Pegasus spyware against at least 30 pro-democracy activists and individuals who called for reforms to the monarchy and against academics and human rights defenders who have publicly criticized the Government of Thailand; and

Whereas the Government of Thailand continues to consider the Draft Act on the Operation of Not-for-Profit Organizations, which, if enacted—

(1) will represent one of the most restrictive laws against nonprofit organizations in Asia; and

(2) will have an irreversible effect on civil society in Thailand and across the Southeast Asia region generally:
Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) reaffirms the strong relationship between
3 the United States and Thailand, a relationship based
4 on shared democratic values and strategic interests;

5 (2) is in solidarity with the people of Thailand
6 in their quest for a democratically elected govern-
7 ment, political reforms, long-term peace, and respect
8 for established international human rights stand-
9 ards;

10 (3) urges the Government of Thailand to pro-
11 tect and uphold democracy, human rights, the rule

1 of law, and rights to freedom of peaceful assembly,
2 freedom of expression, and privacy;

3 (4) urges the Government of Thailand to create
4 conditions for credible and fair elections in May
5 2023, including by—

6 (A) enabling opposition parties and polit-
7 ical leaders to carry out their activities without
8 undue interference from state authorities;

9 (B) enabling media, journalists, and mem-
10 bers of civil society to exercise freedoms of ex-
11 pression, peaceful assembly, and association,
12 without repercussion and fear of prosecution;
13 and

14 (C) ensuring that the tallying of votes is
15 fair and transparent;

16 (5) urges the Government of Thailand to imme-
17 diately and unconditionally release and drop charges
18 against political activists and refrain from harassing,
19 intimidating, or persecuting those engaged in peace-
20 ful protests and civic activity more broadly, with
21 particular care for the rights and well-being of chil-
22 dren and students;

23 (6) calls on the Government of Thailand to
24 drop consideration of the Draft Act on the Oper-
25 ation of Not-for-Profit Organizations and reform

1 other laws and regulations undermining free expres-
2 sion and access to information;

3 (7) urges the Government of Thailand to inves-
4 tigate and end spyware attacks that have targeted
5 academics, human rights defenders, and key mem-
6 bers of various pro-democracy groups;

7 (8) calls on the Government of Thailand to re-
8 peal and cease the promulgation of laws and decrees
9 that are used to censor online content and speech re-
10 lated to the electoral process, including Thailand's—

11 (A) overbroad and vague lèse majesté law;

12 (B) Computer-Related Crime Act; and

13 (C) overbroad sedition laws;

14 (9) communicates to the Government of Thai-
15 land that continuing violations of the rights of the
16 people of Thailand to peacefully and democratically
17 determine their future will make it impossible for
18 the United States to recognize the next general elec-
19 tion as free and fair, regardless of outcome; and

20 (10) unequivocally states that direct or indirect
21 military or royal intervention before, during, or after
22 the general election would—

23 (A) profoundly undermine bilateral rela-
24 tions between the United States and Thailand;

25 and

- 1 (B) endanger economic and security assist-
- 2 ance to Thailand and regional and economic co-
- 3 operation.

