

Princes, Politicians, Bureaucrats, Generals The Evolution of the Privy Council under the Constitutional Monarchy

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Paul Handley

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Summary:

While generally thought of as advisory boards for monarchs, the Thai Privy Council in the reign of King Bhumibol Adulyadej is more of a "Royal Interests Section" which not only collects information to provide to the king but also works actively to defend the monarchy's position and discreetly propagate its message. The expansion from a handful of councillors¹ to the current maximum of 19, and the types of people chosen to serve on it, reflect the evolution of the council's role and the needs and interests of the king at various times. This paper outlines the development and composition of its members.

I. In most monarchies, privy councils are advisory and implementive bodies serving the king. Their role and power vary with the strength and structure of the monarchy, and their influence fluctuates also in response to the sovereign's efforts to rule and, conversely, the efforts of rivals to the throne's power, including non-royal political leaders, to further their own might.

The development of privy councils generally arises from the tensions between the monarchy and rival groups for power during the process of decentralizing administration and developing representative government. As such the councils develop somewhat in parallel to ministerial cabinets, as the powers of administration devolve away from the royal institution, with privy councils often ceding over time various statutory powers to cabinets.

The phrase "privy council" comes from the British monarchy, dating to the 13th century, when the king's closest committee of private advisors had multiple roles of advising him, executing his will and exercising his judicial power. Over the centuries as the structure of royal government deepened and grew more complex and sophisticated, these roles devolved away from the privy council.

The size of the British council grew steadily until, in the 16th century, it was so large and unwieldy that the king formed a small group within the body of ministers to advise him

and implement his policies. This inner council would become the British cabinet. Already at this time the king and his privy council were competing with men designated as representatives of the king's subjects for the authority to oversee the administration of the kingdom. By the time of the weak King George I in the early 18th century, the cabinet body inside the privy council was no longer completely beholden to the king, and had virtually taken control of government with the backing of parliament – making decisions independent of and often in spite of the monarch. Another two centuries later, the body had evolved so far that it was fully controlled by the prime minister and was part of the privy council in name only. Today in Britain the cabinet is functionally a separate body from the privy council, yet technically it still resides within the council. The other privy councillors remain a less-used consultative body for the monarch, and have few official duties or powers.

Reflecting its historical roots, the Office of the Privy Council does continue to process secondary legislation and officiate ceremonies in the queen's name. According to an official description, it “advises on the exercise of prerogative powers and certain functions assigned to The Queen and the Council by Act of Parliament” and also “has an important part to play in respect of certain UK statutory regulatory bodies covering a number of professions (mainly in the health care field) and in the world of higher education.”²

The Meiji regime in Japan, on the other hand, created the privy council as a formal body as it began to confront constitutionalism. The council was established in 1888 to advise the emperor on issues of the charter then under development.³ When the constitution was completed in 1889, the privy council were assigned to “deliberate upon important matters of State, when they have been consulted by the Emperor.”

Article 56 of the 1889 constitution read: “The Emperor, on the one hand, maintains the supreme control of administrative affairs through the medium of the Cabinet, while on the other, he has established the Privy Council, so that in His wisdom He may have at command its assistance, and that the information He obtains may be thorough and impartial.”⁴

At the beginning the Japanese privy council comprised 15 councillors, all over 40, who were to advise the emperor and act as his go-between with the parliament. With prominent, influential figures on it, the council was a relatively equal body with the parliament and cabinet, and served the same elite. For example, the rival *genro* Ito Hirobumi and Prince Aritomo Yamagata both rotated several times between the prime ministership and the chairmanship of the privy council.

But as the party system developed and parties delineated, the privy council, expanded to 24 members, became a rival locus of power, and was seen by the 1920s as an obstacle to the Diet and the parties strengthening their hold on government.⁵ Eventually the parties prevailed and the council's power faded. It was dissolved after the World War II in 1947.

Other privy councils developed along the lines of these two variations. In Denmark, for instance, the cabinet also developed within the privy council as a sort of super-advisory board and then devolved away from the council. The council's work is now mostly ceremonial. In Sweden the privy council began as a consultative body, became a more powerful council of state, and then as the absolute throne gave way to constitutionalism, was converted into a cabinet under a prime minister independent of the throne. The council of state name, *statsrad*, was abolished in the 1974 constitutional reform of government.

II. The modern Thai privy council has its roots in similar efforts to formalize the monarch's advisory body and in the competition between elite groups over administrative and political powers. Like the Japanese, already in the second half of the 19th century the Siamese monarchy was conscious of the British model of the privy council, its link to the parliamentary structure, and its potential significance in modernizing government.

King Chulalongkorn, seeking to break the power of Chaophraya Si Suriyawongse, in 1874 formed a Council of State of mainly non-royal, senior officials, which took the shape of a nascent cabinet. Several months later in the same year, he formed a Privy Council, making use of the British term, focused on providing him with advice. The 49 members were recruited from the royal family, the Council of State, and the ranks of officials. Terwiel wrote: "The Privy Council was created to guarantee a constant flow of information to the king and to provide a wide debating ground to discuss the ways and means for major reforms."⁶

King Chulalongkorn's son King Vajiravudh, on the other hand, rendered the Privy Council a more ceremonious group, by packing it with his friends and favorite officials – 233 in total named during the reign.⁷ While it broadened the king's network it could hardly prove an efficient means of weighing important matters or helping manage the input and output of royal legislation. But it probably helped him resist the high princes who sought to get under control the king's profligate spending.

When King Prajadhipok took the throne in 1925, he set up the Supreme Council of State, a five-man ruling cabinet of powerful princes. King Vajiravudh's Privy Council was disbanded, and the new king then in 1927 set up separately the 40-member Committee of the Privy Council (*Kammakaan Ongkamontri*). It was staffed by royal family members and high, loyal officials, and designed more as an experimental parliament, coming as the king mulled pressures to convert the reign to a constitutional monarchy and set up democratic institutions. It was given few substantial missions, as Kobkua notes: "The Committee of the Privy Council turned into a forum for discussions of matters of insignificance and carried little weight in the process of decision-making."⁸

Both the Supreme Council of State and the Privy Council were dissolved following the 1932 revolution, and the king was then advised by close allies on an informal basis. When King Prajadhipok abdicated in 1935 and nine-year-old Ananda Mahidol ascended the throne in exile, the anti-palace government organized a regent council that acted more

as a liaison between the government and the royal family in Switzerland, handling the necessary issues and communications required by the monarchy's continued status guaranteed by the constitution.⁹ As for trusted advice, King Ananda relied on a circle of close family members.

After the war in early 1946, the government drafted a new constitution, and the issue of establishing a privy council or state council attached to the palace was debated by the drafters. They were evidently concerned about setting up a body that could conceivably approach the absolute power of the pre-1932 Supreme Council of State, and in the end did not establish a formal body to advise the king.¹⁰ The regent, palace officials, and trusted family and friends remained the source of advice for King Bhumibol when King Ananda died in June 1946. Heading that list of advisers were Prince Dhani Nivat and Prince Rangsit Prayurasakdi, the latter named regent when King Bhumibol returned to Switzerland.

The issue of an advisory council was revived anew at the November 1947 coup, which brought royalists and the military into shared power. Within hours of the coup, agreed by the coup leaders and the regent Prince Rangsit, a new Supreme State Council (*aphirathamontri*) was formed to conduct royal affairs and advise the king. In structure this was not a powerful cabinet like the pre-1932 body – although there continued to be worries about the aims of the most dedicated royalists – but more a combination regents council and privy council. The 1947 provisional constitution dictated the king would appoint supreme state councillors “who shall give him council in affairs of state” (section 9).¹¹ It would be composed of five permanent members to “execute the personal affairs of the king and give him council” (section 13) and “act as advisors to the king by submitting to him their true opinion in the general interests of the country” (section 14). The constitution also stipulated that the members must have served more than 25 years as a government official and four years at the level of director-general or minister.

This set the basic role of the future privy council. The constitution said that, in the case of the king's incapacitation or the throne's vacancy, the council would assume the royal prerogatives and obligations (sections 10, 11). It did not specifically give the council the job of naming the successor when the king dies, only saying that succession followed the 1924 law of succession and had to be approved by parliament (sections 11, 12). Because the constitution also gave the then-absent king the new prerogative to appoint senators, the Supreme State Council also retained this power, its decision to be countersigned by the prime minister -- who was a palace ally, Khuang Aphaiwong. The council used this power to effect to stack the senate with allies who would help offset the power of the Phibun Songkham-led military faction in government and force through the royalist 1949 constitution. The Supreme State Council was subsequently given more powers over the royal household that had earlier been assumed by the government.

Over 1948 the royalist-dominated parliament crafted a new constitution that, when completed, manifested a clear effort to strengthen the throne's powers. Promulgated in early 1949, it acted on the effective changes in palace administration made after the 1947 coup to confidently formalize a more advanced structure for royal operations. It dropped

the Supreme Council of State for a Privy Council (*ongkamontri*) of nine members, named by the king, to advise him “on all matters concerning the exercise of his functions” and to undertake “such other duties as provided in this constitution” (section 13).¹² It also stipulated who could not be a privy councillor: permanent government officials, state ministers or others in such political posts, members of parliament, or political party members, officials or active participants (section 15).

It said that if the king is incapacitated and did not himself appoint a regent, the Privy Council president would temporarily become regent, while the privy council would meanwhile nominate a regent, for approval by the parliament (sections 19-21). It gave the privy council the power to name the successor after the king’s death, stipulating this is done based on the 1924 law of succession. The succession needed the parliament’s approval and the president of parliament would then invite the heir to take the throne and declare him king (section 25).

Most significantly in the 1949 constitution, the king retained the power to appoint the senate, but countersigning his appointments would be the Privy Council president rather than the head of parliament or another official (section 82). With the head of the senate automatically becoming president of the parliament, this was a major advance in royal power and gave the Privy Council an important hand in it. Considering the models of privy councils in England, Japan and elsewhere, this was a significant and conscious upgrading of its role beyond consultative.

Making the choice of senators an all-palace matter was one of the things in the constitution which contributed to military ire and led to the December 1951 coup, which took place just as King Bhumibol, now in his majority, reached the country and so officially was no longer represented by a regent. The Phibun-led military-dominated government formed in the wake of the coup quickly revised and passed a new constitution, based on the 1932 charter that again downgraded royal prerogatives. Like the 1949 constitution, it allowed for a Privy Council with a total of nine councillors, with the duty to advise the king. Prohibited from being named to the council, again, were serving permanent officials, parliamentarians, government ministers, or active political party members.

As before, the privy council could name a regent if the king was incapacitated and did not himself name one. The parliament would have to approve this appointment. But also, it added, if the privy council did not act to name a regent, the council of ministers could do so (section 18). Succession was as in the 1949 charter, as relates to the council. But it also stipulated that, in the absence of a Privy Council to name the successor, the cabinet would assume the job (section 23).

This setup of the Privy Council went unchanged until 1974, when a new constitution was drafted that increased the size to 15, including the president. This was possibly because of the number of extremely aged people on it, guaranteed the position until they die. That meant the king had a need to elevate some younger advisors for the long term.

The council's role was the point of some debate, with some drafters desiring to strengthen it as it was in 1947, and have it involved in the formation of a more powerful senate.¹³ The final charter gave the king the power to appoint senators, with the privy council president countersigning the appointments (article 107). In a short time the king asked that this be changed, reportedly because "it violates the principle that the King is above politics," and the countersign power was transferred to the prime minister in January 1975.¹⁴ Otherwise there were not many key changes to the structure or mission of the council. The constitution did now say that the king could only appoint or remove the president of the council if the president of parliament countersigned the order (section 16).

Ever since then the statutory role of the council and councillors has remained consistent from constitution to constitution. In 1991 the number of councillors was again increased to 19, a change the author suspects related to ensuring continuity to the next reign as the king grew older and succession came closer. An important addition to the constitution stipulated the king's prerogative to amend the 1924 law of succession. The power to draft that amendment was given to the privy council and, after the king signs it, the president of the council is to present it to the president of the national assembly, to inform the assembly of it and then sign off on it (section 20). There was no public explanation given for this change, but presumably it related at least in part to the desire to allow for a princess, or perhaps a grandchild of the king, to succeed if necessary.

In 1997, again, there were few changes. One was a more detailed list of positions the privy councillor cannot hold, reflecting concerns that privy councillors might exercise too much influence, and delve too much into politics, if they were able to serve on statutory bodies. The constitution forbade them from serving as ombudsmen, on the National Assembly, the Election Commission, Human Rights Commission, Constitutional Court, the Administrative Court, the Counter Corruption Commission, or the State Audit Council. They also could not be salaried government or state enterprise employees, or be close or allegiant to any political party (section 14).

The 2007 constitution, for these matters, was virtually unchanged. But that does not mean that the Privy Council's role was not discussed. Revealing continuing concern about the positions privy councillors assume outside the palace, there was reportedly a discussion of adding more jobs to those already forbidden in the constitution for privy councillors, including roles as rectors or members of university councils.¹⁵

III. In their primary formal role, during the modern reign of King Bhumibol (1946-present) the privy councillors are to be available for the king to consult with, and to review laws and appointments that will be presented for his signature. The councillors also offer advice on how to develop the throne's role in society; how to manage the royal family and finances; and how to respond to political, diplomatic and other contemporary issues. They furthermore serve as stand-ins for the king in ceremonies, and representatives to things like charities, and they serve on palace-related institutions, like

the king's own charities and boards of businesses controlled by the royal family and the Crown Property Bureau.

An official description calls the Privy Council “an august body of distinguished advisors who possess exceptional experience and knowledge of state affairs. The Privy Council reviews all draft laws and makes germane recommendations to His Majesty. Additionally, it meets twice weekly to ponder unusual or complex issues ... before forwarding recommendations for King Bhumibol's consideration.”¹⁶

Nevertheless, the activities of the privy council have never been simply ceremonial and consultative. As the king's eyes and ears into society, the councillors are his primary information network, the key to what McCargo called “an important outrider of network monarchy,” noting that the current council president Prem Tinsulanonda is the center of that network.¹⁷ Prem has been particularly crucial in developing and maintaining the network, recruiting his close allies in government and the military to serve on the council.

As individuals and as a group they receive formal and informal petitions for the king's or palace's intervention, petitions that can range from a peasant's complaint over official abuse to, for instance, Dr. Puey Ungpakorn's seeking a safe exit from the country amid violence and threats against his life in October 1976 – he was reportedly helped by the privy councillor Sanya Thammasakdi.

They are a key focus of lobbying of all sorts – political, social and business -- and they crucially send out the throne's message in all those fields. They also communicate regularly with politicians. One government advisor mentioned that in the case of Prime Minister Chatichai Choonhavan (1988-91), he met with the king once or twice a week, with and without his cabinet, but also frequently talked to privy councillors, especially Prem.¹⁸

This beyond-consultative role can and does draw the councillors deep into politics at times. During the uprising and military backlash of May 1992, numerous actors told me they had sought to inform the king of their views and their experience on the ground during the crisis via privy councillors. And the actions of Prem in the 1990-2007 period were often overtly political, earning political backlash as well – something avoided by most privy councillors. One example was his proposal in October 1997, in the middle of the financial crisis, to form a palace-guided national government; a second more recent example is his public addresses to the military in 2006 that opened the door to the September coup.

Privy councillors also have been named, sporadically, to political jobs, suggesting that King Bhumibol does not hold fast to any ostensible rule against their leaving the council to assume non-council official jobs, or to hold them simultaneously. Sanya Dhammasakdi left the council temporarily to serve as prime minister in 1974, and returned after he gave up the premiership. Likewise, General Surayud Chulanont, prime minister under the 2006-07 military junta, was expected to return to the Privy Council. Various reports suggested that privy councillors had also been considered for the premiership in 1957

after the Sarit coup (the job eventually filled by Pote Sarasin) and in October 1976 (the job finally given to Tanin).¹⁹ After the second Sarit Thanarat coup in 1958, two privy councillors, M.L. Dej Sanitwongs and Phya Srivisarn Vacha (Tianliang Huntrakool) were placed on Sarit's revolutionary council and the high command, respectively, as liaisons and to monitor Sarit's activities.²⁰

More significant was Srivisarn's quitting the council in 1963 or 1964 to join the Thanom/Praphas government as a top level adviser on national security, foreign affairs and other subjects. The circumstances of this move are unclear, and Srivisarn Vacha never returned to the council. Still, mostly the palace has shied away from allowing the privy councillors to accept other official government positions.

The key statutorily-defined job of the Privy Council is with succession. The constitution gives it a central role in the case that the king does not name a successor before he dies, a role that has not changed significantly in recent constitutions. By sections 23 of both the 1997 and 2007 constitutions, in the case that the king has named his successor, it falls to the cabinet to officially inform the president of parliament of it. The parliament then votes to approve the successor, and the parliament president invites him or her to ascend the throne. But in the case that the king has not named a successor, it is not the cabinet but the Privy Council which nominates the heir. The council submits the nomination to the cabinet which in turn submits it to the parliament for approval.

The power imbued in the council then is immense and, in fact, untested. The previous two successions, those of the post-absolutist period, were handled by the senior royals of the palace in more or less informal discussion with civilian leaders, with no evident disagreement. What appears evident too is that even in the case the king names his successor, the Privy Council conceivably has a pivotal role if, for instance, the king fails to communicate his choice openly and in public.

Joining the Privy Council appears to mean accepting a kind of semi-autonomy, even though social activities are not proscribed for privy councillors. In a number of funeral volumes of former privy councilors, their lives are recounted in detail until they join the council, and then there is virtually nothing about their work or lives until they die.²¹ They can and do serve in other substantial positions while on the council, but as the article 14 proscriptions in the 1997 constitution indicate, this has stirred controversy. In March 1998, for instance, privy councillor Tanin Kraivixien was nominated to serve on the Judicial Commission as a honorary member, but withdrew himself after suggestions that accepting the post would violate article 14.²²

They have also served on the boards of private companies, as well as owning companies. This practice seemed to even expand in the 1990s, when privy councillors, including council president Prem, widely took positions on the boards of top Thai corporations and received monthly payments for their work. They joined boards in major groups such as Bangkok Bank, Charoen Pokphand, the Boonrawd group, and the group of Charoen Siriwatanapakdi.²³

IV. The recruitment of privy councillors is an internal palace act not regulated from outside, with the exception that, by the constitution (section 13 of the 1997 and 2007 constitutions), the National Assembly president countersigns the king's appointment or removal of the Privy Council president; and the privy council president countersigns the king's appointment of privy councillors.

The first privy councillors were likely recruited for King Bhumibol by Princes Rangsit and Dhani, also with the influence of the king's grandmother, former queen Sawang. The recruitment advice of the high princes and privy councillors themselves probably held sway through the early 1960s, but by 1970s King Bhumibol appeared to be making the choices himself, based on his assessment of their utility, allegiance, honesty and abilities. In the 1990s, Prem appeared to be the key source of nominations to the council.

The council has always been men; not one woman has ever served on it. Key areas of expertise of privy councillors have included legal and national security, international affairs, and development. During the first two decades the council included two men with extensive legislative experience, both having served in prominent roles in the National Assembly; since the 1970s there has been a marked lack of councillors with parliament or legislative experience.

The council has also usually included someone to represent the royal family at large, and to represent Queen Sirikit's side of the family.

The first incarnation of the modern Privy Council was the 1947 Supreme Council of State. It represented the exigencies of the time: while decidedly pro-monarchy, it included three men that the military could not object to, men who had proven their ability to work positively with the non-royal government in the post-1932 constitutional framework. It was led by the two leading royal advocates in the political scene, Prince Rangsit and Prince Dhani. Rangsit, a son of King Chulalongkorn and adopted son of Queen Sawang, was the period's fiercest protector of the throne, unwilling to compromise with Pridi Bhanomyong and only temporarily ready to work with Phibun and his military allies. Dhani was a senior prince-administrator from King Prajadhipok's reign, had headed Prajadhipok's experimental "privy council," and was a crucial defender of the model of the traditional Siamese monarchy with both intellectual depth and ministerial experience in education.

Alongside them they recruited two men whose records were of working cooperatively with the post-1932 governments while never turning their back on the crown: Prince Alongkot Sukhsawat, a military officer in the 7th reign, and Phraya Manavarajsevi (aka Plot Vichien Na Songkhla). Manavarajsevi was a British-trained barrister and dedicated palace ally with links to former queen Sawang – and so to the Mahidols -- who served on the pre-1932 privy council. But by one account he also helped the 1932 revolutionaries avoid arrest before their coup.²⁴ He served on post-1932 constitution drafting committees and was president of the national assembly several times, but he remained trusted by the throne: he was named with Rangsit in 1946 to the two-man regency for King Bhumibol

and sat on the board of the palace-controlled Siam Commercial Bank. According to accounts Phibun wanted to be the fifth man on the council, but was kept off and in his place was the former police chief and politically flexible Adul Decharat, who apparently did not play a significant role on the council.

After the 1949 royalist constitution replaced the Supreme Council of State with the Privy Council, there was essentially no change in the makeup, even though nine councillors were permitted. As regent, Rangsit was now above the council and Dhani became president. Alongkot, Manavarajsevi and Adul remained members. Reportedly Phibun pressed without success to get a true ally of his, Phraya Thephasadin, onto the council to fill the vacancy left by Rangsit.²⁵ But Rangsit kept the slot open, making it easy for him to ease back into the council when King Bhumibol returned from Switzerland the following year. Then, as he assumed the regency again after King Bhumibol left again for Lausanne, the new Queen Sirikit's father Prince Nakkhat Mongkol was named to the privy council as a representative of her side of the family. Rangsit died in March 1951 and Manavarajsevi became regent, showing how much the royal family trusted him; he would return to the council in 1952 after King Bhumibol returned to Thailand permanently.

The next major change came after the December 1951 coup. As Kobkua points out, in pulling political power back away from the palace, the Phibun-led coup group felt comfortable giving the palace control of many of its own functions. That appeared in the Privy Council, where newcomers were closer to throne and less in tune with the political and military leaders.²⁶ Alongkot died in December 1952, and Nakkhat in February 1953. With Dhani now at the helm of the council and likely the one recruiting new members, the replacements included Manavarajsevi's brother Chao Phraya Srithammathibes, likewise a palace-aligned British-trained barrister experienced in administration, laws and the national assembly; Srithammathibes was under Dhani the deputy leader of King Prajadhipok's privy council.

Also joining the council was modernist diplomat, central banker and finance expert Prince Vivatanachai Chaiyant, and Phya Srivisarn Vacha, a Rangsit-like intense defender of the monarchy with roots in the Seventh Reign, who regarded the 1932 coup group as mortal enemies. Also added, for Queen Sirikit's side of the family, was former central banker (and sometime king's Aw Saw band member) ML Dej Sanitwongs.

This was probably adequate: with the palace on the defensive, the king was still very young and needed a core group of protectors, both political (Dhani, Vivatanachai and Srivisarn) and legal-legislative (Manavarajsevi and Srithammathibes.) They could build and extend the king's network while he was getting his wings as the king and starting a new family.

From 1958-1962 three non-royals were introduced to the council, shifting its weight to bureaucrats. Vivatanachai died in 1960, leaving Dhani, Dej, Srivisarn, Manavarajsevi and Srithammathibes. Added in a short period were Srisena Sombatsiri (1958), Gen.

Kampanart Saenyakorn (1960), and Phraya Boriraks Vejajakarn (Laihuad Tittirananda) 1962).

Srisena was also a Democrat Party member in the late 1940s and served as a minister. He was named to the privy council when he was 69, suggesting more it was a reward for services to the throne – during World War II he had served the royal household in addition to other roles. Kampanart had a military/security background and then served in top positions in the interior ministry in the mid-late 1950s, making him ideal to coach King Bhumibol on domestic issues and help him manage his excursions around the country. Boriraks was a medical doctor who apparently attended to the king at the time of his 1948 car accident in Switzerland; he was also a Democrat Party member in 1946 who became, bridging several governments from 1948 through the early 1950s, Minister of Public Health.

During the 1960s, the privy council was less important to King Bhumibol than at any other time. More confident, the king began paying more close attention to the serious affairs of state, making his views known directly to the leadership, especially Prime Minister Thanom Kittikachorn, with whom he developed a somewhat close working relationship. It does not appear that the privy council had great input. Other key members of the palace and allies in the military like Thanom, and in the bureaucracy helped channel his ideas. The council meanwhile grew older and likely less well-informed as the Cold War enveloped Thailand. But since the original enemies of the reign, Pridi and Phibun, were now banished forever, there was less need for the defensive stance of the 1940s and 1950s.

As mentioned above, Srivisarn Vacha dropped out of the council at the beginning of the Thanom-Praphas government to serve as a key member of their administration. By the late 1960s, the council remained virtually the same: Dhani, Dej, Manavarajsevi, Srithammathibes, Kampanart, Boriraks, and Srisena . Long-time Mahidol family aide-de-camp, driver and bodyguard Luang Suranarong was added to the council, as was Thawiwong Thawalyasak, the powerful man who ran the royal household and rebuilt royal finances from the late 1940s through the 1960s.

In 1968 King Bhumibol made his first significant personal appointment to the privy council. He named retiring justice Sanya to the body. The two had known each other since the late 1940s when Sanya participated in the delicate task of taking testimony from King Bhumibol over his brother's death. Aside from his legal expertise and political background, Sanya brought, at a time when the king was most interested, a perspective on justice and Buddhist ethics to the palace.

As Thailand plunged into turmoil at the end of the 1960s, King Bhumibol did not renew the council, increasingly taking his advice from a younger generation of contacts outside it. (In or around 1972 he promoted his private secretary Prince Wongsanuwat Devakul to the council, and in 1974 added MC Chakrabhand Pensiri Chakrabhandu, an old friend of the royal family. Neither were significant additions to the king's ability to network and advance his ideas.)

It was only in 1975, the year the palace itself plunged into panic over the communist threat, that major changes were made. In a short period, Boriraks, Thawiwong, Dhani, Dej, Srithammathibes and Kampanart all died. King Bhumibol brought in people he knew and trusted well: Chao Na Sylvanta (1975), Gen Samran Bhaetyakul (1975), and Prakob Hutasing (1975).

Of these most important were Chao – who had broad experience in national affairs as a technocrat administrator and planner, as well as deep Buddhist spiritual leanings that matched the king's – and Samran, a no-nonsense security expert who was part of the Navapol arch-rightist secret society essential focused on repressing, through violence and other means, perceived communist threats. While King Bhumibol had had national security advisors before, Samran was the first he ever recruited personally to the privy council. Prakob was a legal expert like Sanya who led the 1973-74 effort to draft a new constitution.

Within three years King Bhumibol brought in six more councillors, on the back of the 1978 constitution's expanding the council. The greater numbers and new blood underscored the new importance he saw in it for advice as the fight against the Communist Party of Thailand insurgency raged and the need for continuity as he himself grew older and he needed to think of the throne's future.

These included arch-royalist Tanin Kraivixien, the king's choice for the prime minister after October 1976 but who was ousted in a coup nearly a year later (1977); Police Gen. Attasitthi Sittisunthorn, a lawyer close to Sanya who was Interior Minister in Sanya's 1974 government and helped launch anti-corruption legislation (1975?); Jinta Bunyakom and Kitti Sihanon, more legal minds from the Sanya clique (1978); diplomat Charunphan Isarangkul na Ayutthaya(1975); and educator ML Chirayu Noppawongs (ca. 1975-77).

The large number of lawyers and former judges on the privy council at this period probably reflect Sanya's influence over the choices and King Bhumibol's interest at the time in fighting corruption as a source of the communist insurgency. But it remains curious; while always mindful of not blatantly overstepping his constitutional power, the king did not display a huge interest in the law, and indeed, was known to make disparaging remarks about how the law served mostly the powerful.²⁷

The king's partnership with Prem as prime minister during 1980-88 made the council less important again, and it again aged with not a lot of substantial activities. Palace affairs expert, former grand chamberlain Kalya Israsena Na Ayutthaya was added to the council (1979), but mostly it shrunk as several passed away:

During the Prem years the king added palace money manager ML Usni Pramroj (1984), his longtime legal and development adviser, technocrat Chitti Tingsabadh (na.), and another technocrat, Air Vice Marshall Kamthon Sindhavananda (1987) to the group.

But with Prem's exit from the premiership in 1988 and immediate elevation to the privy council – where he became acting president for ailing Sanya and then full president – the council's importance was renewed. Prem recruited some of his top aides in government to the council during the 1990s, both from the national security side and from the bureaucracy.

There are several possible reasons for this. First is that Prem had become such an essential supporter of the monarchy that the king felt the need to place him in a position from which the former army commander could continue to influence events and maintain his own networks of influence. Secondly, Prem was replaced as premier by Chatichai Choonhavan, who came to power on a clamor by several political parties for government by elected representatives. Chatichai himself launched a policy aimed at sharply reducing the policies and structures of Prem's national security state in which the military was in the "driving seat" for democracy and anti-communism a continuing explanation for all sorts of stifling policies and actions. The palace could have had, and probably did have, reason to believe that Chatichai's approach threatened to erode its leadership position in society.

Thirdly, there was already anticipation that Crown Prince Vajiralongkorn could be, at any time, called to the throne, and that a strong "transition team" – the privy council – was needed. At the end of 1986 and in early 1987 there were direct hints that the king might abdicate for the prince.²⁸ Although that talk halted within a year, it was nevertheless a fact that King Bhumibol had turned 60 and had to think about organizing the palace for his successor.

His first recruitments were former foreign minister and national security expert Siddhi Savetsila (1991) and former army deputy commander in chief and deputy supreme commander Gen Pichit Kullavanijaya (1993). Two veteran justice department civil servants and ex-presidents of the Supreme Court were added: Sakda Mokhkomarnkul (1991) and Chamras Khemacharu (1994).

Also added were several agriculture, development and irrigation experts – a reflection of the king's intense plunge, with Prem's full-fledged support, in the 1980s into rural development activities under the royal projects banner. These included Chulanop Sanitwongs (1991), Amphol Senanarong (1994) and Sawad Wattanayagorn (2002).

The king elevated his private secretary ML Thavisan Laddawan to the Privy Council in 1995; he also added two representatives from Queen Sirikit's side of the family: her brother MR Adulkit Kitiyakara (1992) and M.R. Thepkamol Devakul (1997).

With the council again aging fast and concern over the aggressive, independent Prime Minister Thaksin Shinawatra's perceived moves to wrest power away from the Prem-focused network, more new blood was added in the 2000s. First were two figures much trusted by Prem but sacked by Thaksin: Palakorn Suwanrath and Kasem Watanachai (both 2001). Palakorn was a longtime civil servant who had been Director General of the Southern Border Provinces Administrative Center, where an insurgency was breaking out

and Thaksin was at odds with Prem-designed policies in place. Kasem was a lifetime educator and had been Minister of Education.

Boosting up the national security component of the council as Siddhi, the oldest council member, was ailing, Prem recruited army commander Gen. Surayud Chulanont to the council – another civil servant who fell afoul of Thaksin. (Surayud dropped out of the council in 2006 to serve as interim prime minister under the military junta after the September 2006 coup. He was expected to return to the council after new elections are held in December 2007.) Former navy chief Admiral Chumpol Pachusanon was then added (2005); and justice ministry veteran and ex-Supreme Court president, Santi Thakral (2005). Demonstrating the apparent focus on maintaining networks of influence and information through the justice ministry, yet another former Supreme Court president was named to the council in August 2007, Atthaniti Disathaamnari.

V. The evolution of the privy council's role since King Chulalongkorn and especially in the reign of King Bhumibol reflects the same sort of tensions over its statutory powers and its political influence that can be seen in other monarchies. While officially it has been mostly a private consultative body serving the monarch, at times that role has been conflated with the roles of the cabinet and the parliament.

The weight of its influence on politics and social developments has also waxed and waned with King Bhumibol's needs and interests, weakening especially at times the king had his strongest direct relationships with the governing regime. With the addition of Prem and then his own allies to the council, one can see a surge in its political activities and effectiveness in advancing the palace's views and interests. This resurgence is accompanied by a sort of formal recognition: the establishment of the Privy Council's own official premises in 2004. Before that the council shared offices with the office of the king's principal private secretary. In January 2004, though, a new three-story building dedicated to council use was opened in the Saranrom Palace Gardens near the Grand Palace.

In the past 5-6 years, however, the council has moved to a new level of overt political intervention, in the context of the tensions that developed between the palace and the Thaksin government between 2001-2006. The height of this was Prem's widely-believed involvement in the September 2006 coup, and then the appointment of Privy Councillor Sorayud to be prime minister during 2006-07.²⁹ It brought the council so directly into politics that opponents of the coup took their protests to Prem's residence and a number were subsequently arrested for doing so.

Essentially, in this case the council remains an institution competing with the prime minister and his cabinet for powers in policy-making and, to an extent, administration, though clearly the council has not sought to supplant the cabinet. One result is that it has made it extremely difficult for the palace to assert that the Privy Council is "above politics" and so "above criticism", even as the throne itself maintains this image. Even so, in October 2007 there was a legislative proposal to include privy councillors in the lese

majeste protections for the royal family. The proposal was strongly criticized and was withdrawn.

If other constitutional monarchies are fair examples, one can assume that these tensions between the elected prime minister's cabinet and an assertive Privy Council will continue for some time in Thailand. Prem appears to have consciously braced the body for this, recruiting especially top justice ministry veterans and national security specialists onto the council. Still, the council will have to undergo a significant renewal in the next several years, as the eventual succession – which the council oversees -- draws near. Eleven of its 16 current members are aged 70 or more, and four of them more than 80. Prem himself is 87 this year, suggesting that an imminent question is who will become president of the council when he passes away.

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¹ The author has chosen to spell it “councillor” out of tradition, while acknowledging that modern British usage prefers “privy counsellor” because, as the British Privy Council Office explains, “counsellor” better suggests “one who gives counsel.” Website for the Privy Council Office, www.privacy-council.org, Frequently Asked Questions.

² Ibid, www.privacy-council.org.uk/output/page4.asp .

³ Keene, p. 418.

⁴ Article LVI of the Japanese constitution, in Ito, pp 97-8.

⁵ See Colgrove.

The American Political Science Review, Vol. 25, No. 3 (Aug., 1931), pp. 589-614

⁶ Terwiel, 1983, p 223.

⁷ <http://kanchanapisek.or.th/ohmpc/history.en.php>

⁸ Kopkua, 2003, p 76

⁹ The regent council formed in 1935 included Anuwat Chaturon, aka Prince Oscar Anuvatana, who had served Prajadhipok before 1932; Prince Aditya Thipapha, a high-born but weak member of the royal family; and Chaophraya Yommaraj (Pan Sukhum), who had been a minister under Rama VI but was pushed from government in the Seventh Reign. Prince Oscar died the same year he was named to the regency council; he was replaced by Chaophraya General Bijaiyendra Yodhin (Phichien Torayothin), an aged ally of Phibun. Yommaraj died in 1938 and was not immediately replaced; in 1942 Pridi Bhanomyong was named to the council, the same year that Bijaiyendra died. Aditya remained on the council until the end of the war.

¹⁰ Perhaps it was in exchange for this that the constitution then allowed royal family members to compete in elections for political positions.

¹¹ Thak, 1978, pp 526-7.

¹² Thak, 1978, p 823.

¹³ Far Eastern Economic Review, 18.4.74, p18.

¹⁴ Kobkua, 2003, p 59.

¹⁵ Nation, July 1 2007: “CDA member Krisada Hai-wattanakul claimed that some private universities had been inappropriately exploiting ‘the aura’ of some privy council members for financial benefit.”

¹⁶ Office of the Prime Minister, 1979: pp. 123-4

¹⁷ McCargo, p501.

¹⁸ Confidential interview.

¹⁹ Far Eastern Economic Review, 10.12.87, p. 25.

²⁰ Kobkua, 2003, 156.

²¹ See for instance: Dhani Nives, Prince, *Chum Num Phra Niphond*, (funeral volume), 1974 and Dhani Nives, *Biography of Krom Muen Phitayalap Phruethiyakorn*; (funeral volume), 1974; Samran Bhaetyakul, *Prawat Lae Phon-ngan* (funeral volume) Sampantpanich, Bangkok 1986; Srivisarn Vacha, Phraya. (funeral volume, in Thai and English), Bangkok, 1968; Thawiwongs Thawalyasak (funeral volume), 1971.

²² Nation, 23.3.98

²³ Handley, 2006, pp 376-77.

²⁴ Subhavasti, p 87

²⁵ Bangkok Post, 20.6.49

²⁶ Kobkua, 151-52

²⁷ See Handley, pp 201-203.

²⁸ This began with the king’s typically slightly cryptic reference to retirement in his 4 December, 1986 birthday address

²⁹ On Prem’s role in the coup, see Hewison, 2008.