

CHAPTER I

A. Background

After the coup in September 2006, Thailand government has been trying to return Thaksin Shinawatra back to Thailand to face some charges related to his corruption and abuse of power scandals during his positions as the Prime Minister. Thaksin Shinawatra with his family spent most their time in Britain where he had some properties and owned football club Manchester City after he was deposed by a coup d'etat of military junta. But the extradition process required long and complicated procedures, even it took years for the success of that process.

Ever since the first time this court was ran, Thailand government has been trying to bring back Thaksin home, along with the demand from the society to bring back Thaksin to face some charges there. Thailand's diplomacy effort to British Government has been showing a little progress by the cancelation of Thaksin's visa.

In September 19th 2006 there had been a coup toward Thaksin Shinawatra. The Prime Minister of Thailand at that time. The government also established an Assets Examination Committee (AEC) which froze all of his assets. Thaksin was claimed to become unusually wealthy during his time in government and demanded to return to Thailand to face some charges¹.

¹ The Nation, [Thaksin: Freeze won't affect Man City deal](#), 23 June 2007

However during his time as Prime Minister, he had done a number of things people think he should not do as the Prime Minister. Before the coup happened, on January 23, 2006 the Shinawatra family sold their entire stake in Shin Corporation to Tamasek Corp, a Singapore government investment company. Through this deal, Shinawatra family cheated and freed from tax-sales for about 73 billion baht to the government using regulations that make individuals who sells shares on the stock exchange escape from capital gains tax². This is triggered by Junta military. Furthermore, Thaksin as the Prime Minister announced the law governing limits on foreign holdings of industries was raised the foreigner capital owner from 20% to 49% just a day before the deal with Tamasek Corp was announced. Before the deal, there was a strict limitation on the foreign ownership regulation but Thaksin used his position as the Prime Minister to change that policy so that he can get profit from it³.

Ousted Prime Minister Thaksin refused to return to Thailand and planned to seek asylum in Britain due to the security problems and discrimination. He claimed that during his time in Thailand his life along with his family was in danger and he received unfair trial and treatment from the government. Since then, Thaksin remained in Britain. However on February 2008, Thaksin returned to Thailand after more than a year in exile. Then on the early of August 2008 Thaksin and his wife Potjaman was given permission by the court to attend Olympic opening ceremony in

² <http://www.tour-bangkok-legacies.com/2006-coup.html>

³ *ibid.*

Beijing in condition they have to report on the next Monday but the couple never showed and decided to have a flight to London. There was another rumors stating that Thaksin had been hiding behind local British law to justify refusing the extradition which he claimed that he received unfair trial and became the target of assassination threatening his life and his family. But all those arguments were denied by Thai legal and security establishment⁴.

On Tuesday, October 21 2008 Thailand's Supreme Court gave Thaksin two years in prison sentence for corruption charges. Criminal Division for Holders of Political Positions of the Court ruled with narrow 5-4 margin decided that Thaksin was guilty using his position to move force behind a below market price for his wife Khunying Potjaman for the land deal with the state⁵.

After the long investigation by Assets Examination Committee (AEC) appointed by the military, the AEC found that there were irregularities in several case, for example there were 1.5billion baht purchase of CTX 9000 scanners for new Survhanabhumi Airport, 73billion baht tax free for the sale of Shin Corporation to Temasek, 37.8billion baht worth for two and three digit lottery project and also the exclusion of telecom firms of the pay concession fees for 30.7billion baht⁶.

⁴ http://www.mathaba.net/0_index.shtml?x=604493

⁵ thai-pm-thaksin-sentenced-to-jail.html

⁶ <http://thestar.com.my/news/story.asp?file=/2008/8/11/nation/20080811144918&sec=nation>

The sentence to Thaksin still remains a decision with no realization yet since it is impossible to arrest and imprison him because he no longer stays in Thailand and he chose to keep in his exile in other countries. Several attempts are still being worked out by Thailand government including the process of extradition to the British Government especially diplomacy efforts.

Thailand Government has stated that they will not stop making huge effort in order to send him back through extradition attempts to the British Government. To begin the extradition process, there were several barriers that should be considered by Thailand Government. Besides long and complicated procedures, British still considered the political stability in Thailand itself. It was difficult for British to extradite Thaksin since the government in charge in Thailand after the coup was a military pointed government where in a military pointed government is authoritarian government with no freedom to defend himself. Thailand Government also had to prove that the crime done by Thaksin Shinawatra in Thailand was also agreed by the UK Extradition Court. Thailand Government also had to prove that there was not a human right violation toward Thaksin during his time in Thailand, especially in prison. The UK Extradition Court still marked Thailand prison by poor living conditions, overcrowded, insufficient food allowance, and poor sanitation⁷.

⁷ WWW.THAILANDQA.COM/FORUM/SHOWTHREAD.PHP?T=24228

Their efforts were somehow not as easy as they expected. But Thailand Government may also face some factors that the British Government must consider, such as whether the case against Thaksin is political manipulation or it is fairly running against him. If the charges against him are for political opinion, extradition seems difficult. The in absentia court can also be the considered factor for UK⁸. The existence of Thaksin in London was a major problem for Thailand government and yet they have to consider it with UK government. UK government had not yet sent Thaksin back because of several reasons. UK government considered Thaksin's case as political crimes whereas Britain has no authority to extradite political crime. Another barrier that Thailand Government has to face is whether or not Thailand Government with British Government has any clear extradition agreement. Thailand Government and British Government along with Northern Ireland already signed 1911 agreement on the transfer of offenders and on co-operations in the enforcement of penal sentence.

With this agreement, Government of Thailand expected that British Government will be willing to extradite Thaksin from their territory regarding to the law enforcement. Thailand Government hopes that under these terms of a 1911 treaty that reads extradition attempt between Britain and the Kingdom of Thailand will be made. Under this treaty also, the extradition to request for fugitives must be based on wrong doings recognized both by the British and Thai legal system. But in reality

⁸ <http://english.people.com.cn/90001/90777/90851/6518896>

British Government had not extradited Thaksin yet. However to show good intention to the Thai government, British government had revoked the Visa of Thaksin and his wife Potjaman. It means this couple would not be able to choose England as their exile anymore. British Government had sent email to the international airlines not to facilitate their trips to England and also announced that their visas are no longer valid. The cancellation of Thaksin's visa only further complicated the procedures of the extradition because Thailand government would have to establish where he lives first in order to send the extradition paper to begin the process.

Not only is the government of Thailand who is fighting for the extradition of Thaksin but these efforts are also done by most of Thai people as well. It was shown by their protests and demonstrations to the British Embassy in Bangkok on August 2008 in order to demand Britain to reject and refuse Thaksin and his wife to seek asylum there.

It is expected that this research could explain the diplomatic efforts done by Thai Government to the British related with extradition attempts of Thaksin Shinawatra which resulted in the cancelation of Thaksin's and Potjaman's visas.

B. Research Question

Concerned with the explanation above, a research question can be put forward, *“How was Thailand's diplomacy to the British Government in order to have Thaksin extradited from Britain from 2006 until 2008?”*

C. Theoretical Framework

To answer the research question above, the writer will use two concepts namely *Strategy Concept* and *Diplomacy concept*. These two concepts are best describing and analyzing this case and in the end will answer the question above.

The word of strategy derives from the Greece called 'strategis' which means the art of general. Long time before 19th Century, it appeared that many of a nation's victory depended on the great and wise warriors and in this era the understanding of strategy was limited within military and war. In this modern era, the meaning of strategy has been broaden far from the previous meaning which explained about military understanding. The understanding of strategy is not limited only by the province of military and power but also the more complex aspects including the non military aspects such as politic, and economy. Therefore presently strategy is also necessary to win any kind of battle, including non military war. The decision making and formulation in which strategy should be used is based on loss and benefit considerations in gaining certain purposes. Strategic planning is an action followed by full calculation, not an action by chance. Like what had been explained by Lovell, strategy is any pre-designed set of moves, or series of decisions, in a competitive situation where the outcome is not governed purely by chance⁹.

⁹ John P.Lovell, *Foreign Policy in Perspective*, Holt, Reinalt & Winston, New York, 1970, page 65, in Mochtar Mas' oed, *Studi Hubungan Internasional:Tingkat Analisis dan Teorisasi*,PAU UGM, Yogyakarta, page.90.

Based on the definition from Christiance, strategy is patterns from many purposes along with the basic policy and planning to achieve certain interests which is formulated in certain ways so it is clear what is being done and what will be done by an organization¹⁰. According to Glaeck, Strategy is a united planning which is comprehensive and integrated connecting an organization's strategy power with its environment and the entire of it will guarantee the achievement of the purposes¹¹.

Strategy is an art since within strategy intuition is needed therefore it is best to use the provided power that is possessed by a nation¹². According to Stoner and Wankel, strategy can be viewed from different perspective, one perspective viewed strategy as what an organization would like to do. In this perspective strategy is defined as a program to determine and accomplish targets of an organization and also to implement its missions¹³.

There is distinction between strategy and tactic. The difference between strategy and tactic was based on the perform and conduct. Strategy is how to win the war while tactic is how to win the battle. Basically, tactic is part of the strategy or tactic is included in strategy. Tactic is one of the strategies. War is more general than

¹⁰ Cristie C Ronald in RA Suouriono, *Strategi Perumusan*, Yogyakarta, 1986, page 9.

¹¹ Ibid. page 10.

¹² Budiono Kusumohamidjojo, *Hubungan internasional : Kerangka Studi Analitis*, Blna Cipta, 1987. Page. 64.

¹³ Minardi, *Strategi Pemasaran*, Mandarmaju, Bandung, 1989. Page 10.

battle or battle could include in war. Strategy generally focuses on universal planning or long term planning and targeted directly to the whole goals while tactic consists of one movement or limited step targeted into intermediate goals within broader strategy planning¹⁴.

From the explanation above, we may conclude that strategy is done to achieve definite purpose and interests in some certain ways. Strategy also describes what kind of ways and actions that people should conduct in gaining interests and purposes. Thus, strategy is planned and made based on what purposes and interests that will be reached. Most of different definitions define strategy as planning and actions done to accomplish what has been aimed and targeted. In the old era, strategy was limitedly understood as art to win the battle in war, in that era the challenges that were faced was physical war by using military aspects and people still fought each other. Unlike the physical war in recent days, the challenges that have to be faced does not involve physic war anymore but it considers more on how to win the battle through politic, economy, culture and society. The understanding to win the battle is also understood as achieving the purposes and the targets. What is needed to accomplish and reach the purposes is a good strategy.

Although the discussion of strategy is often related to conflict or competition, it does not necessarily contain conflict and competition all the time. It may include

¹⁴ Ibid.

almost every aspect to get their interests. In the study of politic, we know that a nation may have different national interests and to obtain these national interests a nation should have a good strategy in order to win the battle. The most common strategy in political study, especially in international relations, is diplomacy. Diplomacy is one of the feasible and common used strategies within international context.

The second concept used is diplomacy concept related to what strategy that is being used in this case. According to Plano and Olton, the definition of diplomacy is the practice of implementation for the relations between states through official representatives. Diplomacy may reach the whole process of international relations, foreign policy decision making and its implementation. In a more narrow and traditional understanding, diplomacy ranges facilities and mechanism while foreign policy determines purposes and targets. In more limited understanding, diplomacy accomplishes operational technique to gain national interests outside the jurisdiction area. Sometimes important issues involve head of Government within higher level of diplomacy. Every kind of diplomacy contributes to international relations systems which is a universal politic to solve international matters peacefully¹⁵.

According the Chamber's Twentieth Century Dictionary, diplomacy is "the political skill and the art of negotiation, especially of treaties between states, political

¹⁵ Plano , Jack C & Roy Olton. *Kamus Hubungan Internasional*. Penerbit Putra A Bardin. 1999

skill". Then Satow offers different understanding. Diplomacy according to him is the application of intelligence and tact to the conduct of official relations between the government of independent states. Panikkar defines diplomacy used in relations to international politics as the art of forwarding one's interests in relation to other countries. Roy mentioned that the most important constituent in diplomacy is negotiation. Thus this negotiation is conducted to further gain the interest of the state concerned¹⁶.

From all the definitions above, we may obtain an understanding that diplomacy is one of the tools from one state to gain its interests through negotiation. Diplomacy in this understanding requires art and skill in order to struggle for one state's interests. Official representatives are also involved in diplomacy. Diplomacy can be broken down into formal diplomacy and informal diplomacy. Formal diplomacy is known as the diplomatic efforts based on written and implemented procedures, like negotiations, conferences, mediations, arbitration done by official representatives under the name of government. While informal diplomacy is known as diplomatic efforts done through different actors. In informal diplomacy, diplomats may work to recruit some figures that might be able to give informal access to a country. This figure can be varied, such as interests group, academic members, public figures, retired civil and military officials, and social activists. It happens when the government wishes to express intentions or to suggest methods of solution in

¹⁶ Roy, S.L., *Diplomacy*, New Delhi, 1984.

diplomatic situation but they do not want to express a formal position. Sometimes these figures also have no connection at all with the government¹⁷. Basically the difference between formal and informal diplomacy is the actors and the figures. Within formal diplomacy, the figures have done the diplomatic efforts under the name of government and have direct connection with the government while in informal diplomacy the figures doing the diplomatic efforts do not have direct connection or sometimes do not have any connection at all. Informal diplomacy can also be done through lobbying by the representatives appointed by the government.

The application of these two concepts to Thaksin's extradition case is that Thailand Government requires strategy to accomplish their interest, namely extraditing Thaksin from Britain through diplomacy. What Thai Government has done to their diplomatic efforts is also considered as their strategy to extradite Thaksin from Britain. In this case, Thaksin's extradition is the purpose of Thai Government so that they can conduct Court's decision to send Thaksin to prison. But since Thaksin escaped from the punishment and exiled in Britain, Thailand Government needs to have strategy to UK Government so they will be willing to send Thaksin back to Thailand in the extradition process.

With the purpose of Thaksin's extradition, Thailand Government requires and significantly need to have a good strategy to the British Government. There are

¹⁷ <http://www.answers.com/topic/diplomacy>

many things that should be considered by Thai Government if they are asking the British Government to extradite Thaksin. One of the considerations that is faced by Thailand is that Britain is known as a base to all opposition groups in the world and all controversial persons wanted in their home countries. Many of them are terrorists and wanted criminals. It is a part of British's establishment Strategy to maintain British influence toward the world. This has caused the distortion for most democratically elected government like Russia and other part of the world and mass demonstration and protests outside British Embassy in Bangkok.

The fact that British shows their positions as home based for wanted persons in their home countries leads to the difficulty faced by Thailand Government to extradite Thaksin. Since the background and the position of British itself does not support the extradition process, Thai Government really needs to have strategy in demanding British to extradite Thaksin.

As what it may be seen, Thailand is only developing country with less power compared to British. British is seen as a powerful country. Therefore Thailand has to have good strategy in order to gain their interest in extraditing Thaksin from British. Since Thailand is having less bargaining positions compared to British, Thailand is doing diplomatic efforts and negotiation. Good strategy in this case will help Thai Government significantly, therefore the correct types of strategies done by Thai Government are seen as important factors. In this case, strategy that had been done by Thailand can be seen from decision makers about opponent's strategy and self

capability estimation. Thailand government should be able to analyze the capability and the power of British Government so they will not take the wrong strategy.

Picture 1. **Strategy of Foreign Policy Typology**¹⁸

		The Evaluation of Opponent's Strategy	
		Threatening	Supporting
Self Capability Estimation	Stronger	Confrontation	Lead
	Weaker	Accommodative	Accordance

SOURCE: John Lovell, *Foreign Policy in Perspective* (Holt, Rinehart, Winston, 1970), page. 99

¹⁸ John Lovell, *Foreign Policy in Perspective* (Holt, Rinehart, Winston, 1970), Page 99 in Mohtar Mas'oeed, *Ilmu Hubungan Internasional, Disiplin dan Metodologi*, LP3ES, Jakarta. Page 190.

From the typology above we have four dimensions which are confrontation, leadership, accommodative, and accordance. In Thailand's position, as a state that has weaker self capability estimation and stronger opponent with threatening action from the opponents, the accommodative strategy is best action that should be done by Thailand government. It is considered that British's position is threatening Thailand since at the beginning of the extradition process British did not show any unproblematic process for Thailand, Thailand would have face some barriers for the extradition process. In accommodative strategy, a state does not have strong bargaining position and weaker power. Thus to gain the interest, this state cannot apply confrontation or leadership strategy. It is impossible for Thailand to use confrontation toward British because Thailand does not have enough power to win the battle against British thus Thailand will loose. But since Thailand needs something from British which is extraditing Thaksin Thailand still also needs to ask British with appropriate ways, namely through accommodative strategy. Through the accommodative strategy, Thailand will be able to ask British to extradite Thaksin. One way that can be done through accommodative strategy is diplomacy. Since diplomacy does not involve confrontation or either diplomacy does not merely follow what the opponent wants so in the end what became the interests of Thailand to extradite Thaksin still can be achieved.

So far Thailand's strategy through diplomatic efforts has shown a little progress. This is proved by the cancelation of Thaksin's and his wife's visas by the

British Government. What we may see in Thailand's diplomacy effort to British Government is really showing the interest of Thailand Government. Their interest in having Thaksin extradited from Britain is in the name of law enforcement so Thaksin can face his sentence for two years in jail. Therefore what Thai Government had to do was first having diplomacy effort to British Government since Thaksin has been there for exile in order that Thaksin can be extradited by British Government.

Plano and Olton said that diplomacy accomplishes operational technique to gain national interests outside the jurisdiction area. At the case of Thaksin's extradition, here formal diplomacy also includes the operational techniques by Thailand Government proved by official letters and requests to the UK Government. Diplomacy effort is needed by Thailand Government because when Thaksin refused to stay in Thailand and having an exile in Britain, it is impossible for Thailand Government to enforce the law made by Supreme Court to have Thaksin being two years in prison. Thaksin is outside the jurisdiction area of Thailand territory. Even though the capture of Thaksin in British seems doable but still Thai Government will not be able to do the capture in British because it will violate the sovereignty of British Government. Hence diplomatic efforts had to be done. They also mentioned that diplomacy can be done through their official representatives, in this case Thailand Government is also using their embassy in London to conduct this extradition process.

One of the formal diplomacy efforts done by Thailand government to bring Thaksin back is by sending official requests to the British government. One example done by Thai Government was on August 13th, 2008 Permanent Secretary of the Ministry of Foreign Affairs Veerasak Futrakul stated that the ministry has given a memo to the Supreme Court's Division for crimes involving the individual holding political roles related with the warrants of Thaksin and his wife. Once the Supreme Court replies the memo, the case will be forwarded to Director-General of the Department of Consular Affairs so they can decide whether their diplomatic passport should revoke or not. Later on, the subject will be passed on to Thai embassy in London thus the officials in Thai embassy may collaborate with UK's interior ministry and start the extradition process for Thaksin soon¹⁹. Another thing that has been done is through informal diplomacy. Apparently formal diplomatic efforts were not sufficient then informal diplomatic efforts should be done. Informal diplomacy was done by lobbying the British authorities. This informal diplomacy was done by visiting by some Thailand's prosecutors.

It appears not only the government of Thailand who is only doing the efforts but apparently the struggle to extradite Thaksin is also done by most of Thai people. It can be seen when they protested and demonstrated to the British Embassy in Bangkok on August 2008 to demand Britain deny and refuse Thaksin and his wife to

¹⁹ http://www.thaindian.com/newsportal/thailand/foreign-affairs-ministry-awaiting-information-from-supreme-court-to-seek-extradition-of-thaksin-shinawatra_10083323.html

seek asylum there. They also wrote and addressed a letter to the British Ambassador stated that if British Government meets Thaksin's request, it will create terrible precedent for other rich and powerful also non-democratic figures to obey the suit not only in Thailand but also elsewhere²⁰.

D. Hypotheses

Thailand Government has been making attempts to extradite Thaksin Shinawatra through accommodative strategy by deploying formal as well as informal diplomacy to the British Government.

E. Purpose of Research

The purposes of this research are:

1. To explain types of the diplomatic efforts that have been done by Thailand to extradite Thaksin Shinawatra from British.
2. To analyze Thailand's diplomacy to British Government for returning back Thaksin through extradition which finally made British Government revoke The Visa of Thaksin.

²⁰http://www.thaindian.com/newsportal/uncategorized/ousted-thai-premier-seeks-political-asylum-in-britain_10086755.html

3. To discuss the bilateral relationship between Kingdom of Thailand and United Kingdom of British related with extradition agreement in 1911 treaty.

F. Method of Research and Data Analysis

In order to conduct the research and discussing the material mentioned in the system of writing, the writer utilizes several methods below:

1. Study of literature, this method is used to examine the relevant data related to the case in order to discuss the main problem as the starting point of this research. The data might be obtained through library (books), magazine, internet based sources as well as the scripts and journal (secondary data)
2. Data analysis, the relevant data that are obtained through study of literature will be analyzed and examined in order to gain the validity and relevancy to be used as the source in the research.
3. The verification of hypothesize is derived from discussion of the problem and data analysis.
4. Time limitation, the writer put time limitation for the research from 2006 until 2008. It was necessary to have time limitation to scope the data used within this research related with diplomatic relations

between Thailand and British in extraditing Thaksin Shinawatra. The data used in his research was limited from after the coup happened until the cancellation of Thaksin's Visa by British.

G. System of Writing

CHAPTER I

This chapter consists of background, research question, theoretical framework, hypotheses, purpose of research, method of research and data analysis, and system of writing. Chapter 1 was started by background of the problem and followed by research question. To answer the research question, theoretical framework was explained afterward and it can be derived from a hypotheses. After that it was followed by purpose of the research, method of research, data analysis and the system of writing.

CHAPTER II

The Background Of Thaksin Shinawatra And The Story Of His Exile To British

In this chapter it will be explained about the story of the exile of Thaksin to Britain. It was started by the background of Thaksin Shinawatra and the story of the coup and his court. The process of Thaksin's exile after the coup and during the court as well as his choice to have exile in Britain will be explained afterward to describe the reason why the court's verdict could not be formalized. Then history of British as second home for controversial people and wanted people in their homeland especially from Thailand will follow

CHAPTER III

The Diplomatic Efforts by Thailand Government Toward British Government

Within this chapter the diplomatic effort done by Thailand government will be explained more. Firstly the explanation will be started by Thailand's foreign policy related with Thaksin extradition. Then it will be followed with the explanation of diplomatic efforts through formal diplomacy which had been done by Thailand to have Thaksin extradited to the British Government. Then it will be followed by the

diplomatic efforts through informal diplomacy which had been done by Thailand to have Thaksin extradited to the British Government. Thailand and British bilateral relations related with Co-operation in transferring offenders will be explained afterward and the last would be the explanation of the factors which influenced British Government's decision in cancelling Thaksin's visa.

CHAPTER IV

Conclusion