

2019 Election in Thailand and Year Forward

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note

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Introduction

The 2019 General Election is the first election after over five years of a military regime led by Prayut Chan-ocha. After six delays, the Election Commission of Thailand (ECT) set the election for 24 March 2019 from 8 am to 5 pm. This election decided the MPs and Prime Minister of Thailand. Since the March 24 election, the weeks have been filled with confusion, uncertainty, and anticipation for the final results to be announced. It remains unclear which party will be able to form a government. The long-awaited and delayed election, one of the most significant elections in Asia in the last five years, so far has brought more confusion than clarity.

In this election, more than 100 political parties registered with the Election Commission of Thailand (ECT) and 81 political parties competed in the election.¹ Approximately 11,181 candidates ran in 350 constituencies around the country and 2,917 candidates ran in party-list system which are 4.6% and 2% more than last election in 2011, respectively. Constituency 9 in Khon Kaen Province was competed by 44 candidates, the largest number of candidates in this election. And the first time voters in this election are seven millions.

In this 2019 Election, many new political parties were founded. The two new major parties that attracted media's focus are the Phalang Pracharath Party (PPRP or People's State Power Party) and Future Forward Party (FFP). PPRP is a Thai pro-military and conservative political party established in 2018 by Chuan Chuchan and Suchart Jantarachotikul, a retired army colonel who was a classmate of Prayut Chan-ocha at the Armed Forces Academies Preparatory School. The party is led by former Prayut cabinet ministers Utama Savanayana, Sontirat Sontijirawong, Suwit Maesincee, and Kobsak Pootrakool. In the 2019 election, PPRP nominated military junta leader, Prayut, as a candidate for prime minister.

FFP is a political party that was founded in March 2018 by Thanathorn Juangroongruangkit, former Vice President of the Thai Summit Group, and Piyabutr Saengkanokkul, a legal scholar. The party's main focus has been the young generation, first time voters and disenfranchised. Other major powers that competed in this election include the Democrat Party (DP), the oldest party in Thailand. The party was founded as a conservative and royalist party, and now upholds a conservative-liberal and classically liberal pro-market position; the Pheu Thai Party (PTP), the third incarnation of the Thai political party founded by former prime minister Thaksin Shinawatra; and Bhumjaithai Party (BP or Thai Pride Party), founded by the Friends of Newin Group and it ran a pro-marijuana platform in this election.

1 - “เลือกตั้ง 62: 81 พรรคการเมืองในสนามเลือกตั้ง เกิดครั้งเป็นพรรคตั้งใหม่ (2019 Election: 81 political parties in the election, more than half of political parties were formed in this election)”, In *iLAW*, 27 February 2019 <https://ilaw.or.th/node/5181> (accessed 12 May 2019).

Aside from these major parties, Thai Raksa Chart Party or Thai Save the Nation Party played a significant role in this election. The party was established as a back-up party in case the main Pheu Thai Party was disbanded. The party, however, was disbanded in early March 2019 for nominating the king's sister, Princess Ubolratana, as its candidate for prime minister before the Election Day. Banning the Thai Raksa Chart party just over two weeks before the general election struck a blow to opposition parties' chances of defeating parties allied to the military junta that aim to form the coalition government after the election.



Electoral System and Its Surprises

In this election, Thailand applied the Mixed Member Apportionment system (MMA). Under this new electoral system, voters will cast a single, fused ballot for a candidate instead of casting two separate votes as in the previous election, where they selected both a candidate and a party for the party-list. The fused ballot will count as both a vote for the candidate and simultaneously a vote for that candidate's party for purposes of the party list seats. The total number of votes a party receives nationwide via this single vote will determine the allocation of party-list members of parliament allocated to each party. The 150-party list seats will be distributed among parties according to the proportion of these district votes they received.

Concerning the formula to calculate the party list seats, there were two opposing ideas.² For the first method finalized by the Constitutional Drafting Committee, all the remaining seats after allocating to eligible parties will be distributed to small parties that won votes less than the quota (approximately 71,065 votes). The opponents of this formula had argued that they may not pass the condition that says no party can get more seats than it is entitled to. It is feared that this will have a serious impact on the formation of a legitimate government.³ If the eleven small parties receiving less than the 71,065-vote threshold win places in the Lower House, those small parties will be easily wooed by the conservative faction – a development that will ultimately handicap the anti-military wing. Challenging this first method, the pro-democratic parties proposed that the total votes of contesting parties are calculated on the basis of the votes that each party has gained nationwide. The party-list seats should be allocated only to those parties which have received the quota of approximately 71,065 votes. To reach a unanimous resolution, the Ombudsman decided to call on the Constitutional Court to judge on the alleged contradiction between these two methods which has raised controversy over the Election Commission's counting formula for party-list MP seats.

2 - Allen Hicken, “Calculating the Party List Seats—UPDATED”, In *Thai Data Points*, 29 March 2007 <https://www.thaidatapoints.com/post/calculating-the-party-list-seats/> (accessed 9 May 2019).

3 - Pithaya Pookaman, “Thailand's 2019 Elections May Not Be as Fixed as the Junta Hopes”, In *Asiasentinel*, 8 October 2018 <https://www.asiasentinel.com/politics/thailand-2019-elections-not-fixed-junta-hopes/> (accessed 9 May 2019).

On May 8, the Thailand's constitutional court ruled that the contentious condition on the formula to allocate party-list seats in the organic law on parliamentary elections did not violate the country's 2017 charter. This means that many political parties with the total of 27 parties, a new record in Thai politics, will join the parliament. The inclusion of small parties has dropped the threshold from one seat per 71,065 votes to one seat per approximately 30,000 votes. Allocating party list seats to smaller parties would benefit the pro-military coalition, which is more likely to get these small parties on its side. At the time of writing, there are no official report on the number of coalition parties. However, on May 13, eleven small parties with 1-2 seats have announced their support for Gen. Prayut Chan-ocha as Prime minister and for PPRP to form the government. If these small parties with one parliamentarian seat join the pro-military coalition, the new government will face many challenges as it must manage a coalition of more than 20 parties. The 20 coalition parties would also mark a new record of Thai parliament that has never had a larger number of coalition parties for the last 18 years. Table 1 shows the number of coalition government in Thailand in the last 10 years.

Year	Number of Parliamentary Seats for Coalition Government	Coalition Parties	Opposition Parties
2001	325	3	4
2005	377	1	3
2007	315	6	1
2008	264	4	4
2011	300	6	5

Table 1: Number of Coalition Parties in Former Governments from 2001-2011

Source: the election commission of Thailand



Military and the 2019 Election

Thailand has experienced 21 coups or coup attempts since 1932 after the end of absolute monarchy. The 2006 coup that ousted Prime Minister Thaksin Shinawatra,⁴ Ms. Yingluck's brother, has led to more than a decade of political tension in the country. The recent coup, on 22 May 2014, led by Prayuth Chan-ocha, is different from other previous coups in which the military has tried to set up many political mechanisms to prolong its power after the election. In the past, the military coup would stay in power for approximately less than one year and would organize the election to set up a democratic government. However, this current junta government has been in power for more than five years and tried

4 - Thaksin Shinawatra, the former Prime minister of Thailand, has been living in self-imposed exile in Dubai and other countries for more than a decade. He was ousted in a 2006 coup and has been in self-imposed exile since 2008 to avoid being jailed for corruption on charges he denies. His sister, Yingluck Shinawatra, also a former Prime minister, was removed by the military coup in 2014 after three years as Prime minister. Yingluck fled the country in 2017 to escape arrest over a rice subsidy scheme, although she denies any wrongdoing.

to design the future of Thailand under military rule as found in its final expression in the 2017 Constitution. This Constitution, the second charter under the junta-government, was prepared by an NCPO-appointed committee (the junta had rejected the 2015 version (the first version) that had been drafted by another NCPO-appointed committee).

The 2017 Constitution, the 20th charter since Thailand became a constitutional monarchy in 1932 - previous charters have been tossed out over years of political volatility and military coups - is designed to allow the loser of an election held on March 24 to lead the government. The Prime minister is to be chosen by a joint sitting of the Senate, whose 250 members are nominated entirely by the army, and the House of Representatives, whose 500 members are directly elected. To be elected as a Prime minister, Prayuth Chan-ocha, the current head of the military junta, needs only 126 votes out of the 500 members of the lower house to reach the combined threshold of the two chambers.

This Senate, handpicked by the NCPO, was empowered to vote with the House on who would become Prime minister. In practical terms, this meant that the NCPO-Senate only needed 126 elected MPs to push through its preferred Prime minister, coup leader Prayuth, though this would lead to a minority government as far as the House was concerned. And since the term of the Senate was set at five years, while that of the House was four years, the same Senate could be used in this way twice, bringing the possible domination of post-election Thai politics by the NCPO to eight years.

On May 14, the Royal Gazette released the announcement that King Vajiralongkorn had endorsed the 250 newly selected members of the Senate of Thailand's parliament. This announcement seems to ensure that the pro-junta Phalang Pracharat Party will form the next government. This wholly appointed Senate consists of many friends and relatives of members of the National Council for Peace and Order (NCPO) junta, numerous individuals who served it as cabinet members and lawmakers, and top active-duty military commanders such as Army Chief Apirat Kongsompong. General Prayut Chan-ocha's brother, General Preecha Chan-ocha, will be a member of the chamber. These officers will join 105 additional active-duty or retired military and police officers, 18 former members of the junta's cabinet, 89 former members of its National Legislative Assembly, five former members of its Constitutional Drafting Committees, 25 former member of National Strategy Committee, and 51 former members of its National Reform Council. Another six members—including the Defence Ministry's Permanent Secretary, the Supreme Commander of the Armed Forces, and the Commanders of the Army, Navy, Air Force and Police — serve on an *ex officio* basis. Only 26 members of the new Senate will be women. Many analysts have criticized this pattern of naked patronage appointments as a tool to extend the junta's power. And the new Senate is indeed expected to vote for NCPO leader Prayut to return as prime minister.

In addition, the Senate under the 2017 Constitution is empowered to jointly deliberate with the House of Representatives on any bills deemed to be related to national reform and constitutional amendment. And the Senate has the power to veto any bill on amnesty, as for political crimes, at joint meetings of the two Houses. So, if the opposition parties try to make a motion to submit any policy for parliamentary consideration and that policy defined as a reform policy or to submit any requests for constitutional amendment, the Senate will have the power to vote against that policy. With this full house of friends and relatives in the Senate together with 132 parliamentary seats (PPRP (115), Action Coalition for Thailand (5), Palang Chart Thai (1) and 11 small parties (11), it is likely that General Prayut will remain in charge as the government's head and have wide-ranging powers in the Parliament to challenge the opposition.



20-year National Strategy⁵

To continue its power, the military government also launched the 72-page document of National Strategy. This Strategy was formally incorporated in the 2017 Constitution in Section 65 in which the state should set out a national strategy as a goal for sustainable development of the country. This national strategy would be implemented under the principle of good governance as a framework for formulating consistent and integrated plans in a congruous force to achieve the sustainable development of Thailand.⁶

Like the 2017 Constitution, the National Strategy was drafted by panels appointed by the National Council for Peace and Order (NCPO) and endorsed by the cabinet in 2018. The Plan was later approved by the National Legislative Assembly. According to the 2017 Charter, all government agencies and public organizations must comply with the master plans and budget allocations must be in line with them. In addition, any policy proposed by political parties must also be in compliance with the national strategic framework in order to secure government budget. Senators will be responsible for monitoring how government agencies' policies comply with the strategy. The non-compliance cases would be reported to the National Anti-Corruption Commission (NACC). If NACC considers the cases and find that any government agency is found guilty of malfeasance, its chief may face suspension from public offices or from position, expulsion or a jail term.

The National Strategy for 2018-2037 comprises six strategies: national security; competitiveness enhancement; human resources development and empowerment; broadening opportunity and social equality, environmental-friendly development and

5 - Announcement on National Strategy (2018-37) in Thai can be found from http://www.ratchakitcha.soc.go.th/DATA/PDF/2561/A/082/T_0001.PDF

6 - Constitution of Thailand in 2019, Section 65

growth and reforming and improving government administration. By implementing this Strategy, the junta-government aims to expand 5-6% economic growth; increase per capital income of US\$15,000; enhance healthy people of all ages with lifelong learning; increase forest cover up to 40% of land mass; and elevate Thailand's ranking in ASEAN for the Corruption Perception Index.

Although this Strategic Plan seems to push forward the development of the country, it forced all subsequent governments to follow this policy frameworks. This Strategic Plan would later reduce even a fully elected government to some sort of administrative committee that would have to implement the NCPO's policy platform for many following years. Large sectors of politicians and academics, therefore, have strongly criticized the national strategy which they describe as a political stagnation.⁷ Although the anti-junta parties want to make a motion to submit a request for constitutional amendment on the implementation of the National Strategy when the next Parliament convenes, it seems very difficult. The Senate, most of its members are junta-alliances, would reject the motion on constitutional amendment at joint meetings of the two Houses in order to push forward the implementation of this 20-year National Strategy.



Thailand as the Chair of ASEAN in 2019

After a long time of political vacuum, Thailand needs the new government as soon as possible. The absence of a democratic government would lead to unstable consequences on Thailand's economy and foreign policy. More importantly, Thailand is currently the chair of ASEAN. There are plenty of important stability issues for Thailand to deal with under its leadership in 2019, including the Rakhine crisis in Myanmar, the contentious South China Sea and the Regional Comprehensive Economic Partnership (RCEP). The first ASEAN Summit in Thailand, however, has been set for late June to avoid a power vacuum during the formation of the new government after the election. The new government needs an immediate action on these issues right after its appointment.⁸

As the driving force for chairmanship of ASEAN in 2019, Thailand has chosen the theme «Advancing Partnership for Sustainability» which contains the key elements essential for ASEAN to meet the challenges of the next decade and beyond. In undertaking this theme, Thailand seeks to achieve a people-centered ASEAN Community that leaves no one behind and is fully prepared for the future of the region. In addition,

7 - “ยุทธศาสตร์ชาติ 20 ปี คืออะไร? เข้าใจกันแบบย่อๆ (What is 20 year National Strategy? Understand in summary)”, In *iLAW*, 19 July 2017 <https://ilaw.or.th/node/4570> (accessed 12 May 2019).

8 - Prashanth Parameswaran, “Thailand's ASEAN Chair Challenge in 2019”, In *The Diplomat*, 29 November 2018 <https://thediplomat.com/2018/11/thailands-asean-chair-challenge-in-2019/> (accessed 9 May 2019).

with the term “Advancing” Thailand would focus on the development of digital technology. ASEAN should move forward to become the ‘digital ASEAN’⁹ in order to protect ASEAN people from the new challenges arising from disruptive technologies. During its chairmanship, Thailand will host an ASEAN Digital Agility Leaders’ Meeting and will enhance the ASEAN-Japan Cyber-security Capacity-Building Center. These actions would ensure security and smooth integration among ASEAN members during the new era of digitalization.¹⁰

The Regional Comprehensive Economic Partnership (RCEP) agreement, a trade pact involving ASEAN and six of its key trade partners, including Australia, China, India, Japan, New Zealand, South Korea, is another important task that need to be concluded during Thailand’s Chairmanship. The successful conclusion of RCEP negotiation would be the world’s biggest trade pact, covering half of the global population. The objective of launching RCEP negotiations is to achieve a modern, comprehensive, high-quality, and mutually beneficial economic partnership agreement among the ASEAN Member States and ASEAN’s FTA partners. The RCEP negotiation includes: trade in goods, trade in services, investment, economic and technical cooperation, intellectual property, competition, dispute settlement, e-commerce, small and medium enterprises (SMEs) and other issues. The RCEP negotiations commenced in early 2013 and have continued until today.

Another important concern that needs an immediate action from the new government of Thailand is the Rohingya crisis. Since late 2017, more than 700,000 Rohingyas have fled Myanmar’s Rakhine state to Bangladesh following a brutal crackdown by the country’s military.¹¹ Incumbent government of Thailand has called for collective efforts to help Myanmar end the humanitarian crisis. ASEAN should also empower the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre) in providing humanitarian assistance to affected people, support the initiation of credible repatriation on a meaningful scale and the improvement of the quality of life for communities in Rakhine state. Aside from collective ASEAN efforts to help Myanmar, individual member states like Thailand, Malaysia and Indonesia are also assisting with projects in Rakhine state to improve the lives of refugees there. Thailand with the leadership of its Ministry of Foreign Affairs would send official teams to Rakhine state in order to help Rohingyas on humanitarian assistance.

9 - Phidel Vineles, “Advancing ASEAN’s digital economy”, In *Eastasiaforum*, 15 December 2018 <https://www.eastasiaforum.org/2018/12/15/advancing-aseans-digital-economy/> (accessed 15 May 2019).

10 - Don Pramudwinai, “Sizing up the year as Asean chair”, In *Bangkok Post*, 1 January 2019 <https://www.bangkokpost.com/opinion/opinion/1603610/sizing-up-the-year-as-asean-chair> (accessed 15 May 2019).

11 - David I Steinberg, “Commentary: Old wounds, fresh denial in Myanmar over the Rohingya”, In *CNA Lifestyle*, 6 January 2019 Read more at <https://www.channelnewsasia.com/news/commentary/rohingya-old-wounds-fresh-denial-in-myanmar-aung-san-suu-kyi-11079708> (accessed 17 May 2019).

Foreign Policy toward Major Powers after 2019 Election

While Thailand is known for its astute balance of foreign affairs, the military government’s form of the balancing policy has lacked a clear strategic compass, which may lead to breakdowns in comity doing more to threaten than consolidate key relationships. After the 2014 military coup, many analyzes view Thailand had moved closer toward China and away from the United States.¹² While Thai-U.S. ties have plumbed new lows, it is quite clear China has decisively filled the gap during the military-led-government. A series of diplomatic incidents over U.S. officials who have publicly criticized the junta’s rights record and delayed roadmap to democracy has severely strained ties between two countries. More importantly, the US Ambassador (Glyn Davies)’s statement to criticize the arrest of activists on anti-royal charges has ruined the relationship between the two countries. The ambassador himself was also being investigated on suspicion of having insulted King Bhumibhol Adulyadej when he had spoken to the Foreign Correspondents Club of Thailand in 2015.

While the relationship between Thailand and the US seems to be weaker, the junta-government has pushed for stronger strategic ties with China. In 2015, General Prawit Wongsuwan, the Minister of Defense, supported the first-ever joint air force exercises between Thailand and China, recently expanded joint naval exercises, and the planned purchase of 28 Model VT4 battle tanks. Greater deals between the two countries, including a \$1 billion purchase of three Chinese S26T T Yuan-Class submarines and a multi-billion dollar deal to upgrade Thailand’s Sattahip naval base, have been discussed but they have not been concluded yet.¹³

Not only did Thailand and China develop closer relationships in security, the two countries also push forward their economic ties. The Chinese construction of a high-speed rail line, designed to connect Thailand’s eastern seaboard through neighboring Laos to China’s southern Yunnan province, is a significant policy of the junta on economic transformation. The rail line is vital for the feasibility of the junta’s economic plan to spark more provincial growth through new special economic zones in border areas. More importantly, this project would lead to the establishment of a “connectivity” trade hub for the newly enacted ASEAN Economic Community and existing ASEAN-China Free Trade Agreement.

Although the relations between Thailand and the United States were chilled following the military coup in 2014, there have been signs of warming ties in recent years. After Prime Minister Prayuth Chan-ocha’s visit to the White House in October 2017, the Thai army’s

12 - Prashanth Parameswaran, “What’s With the New China-Thailand Military Facility?”, In *The Diplomat*, 17 November 2017 <https://thediplomat.com/2017/11/whats-with-the-new-china-thailand-military-facility/> (accessed 17 May 2019).

13 - Prashanth Parameswaran, “Where Is the New China-Thailand Submarine Deal Headed? , In *The Diplomat*, 5 September 2018 <https://thediplomat.com/2018/09/where-is-the-new-china-thailand-submarine-deal-headed/> (accessed 17 May 2019).

announcement in April 2018 that it would add four US-made Black Hawk helicopters, worth 750 million baht each, to its existing fleet. Recently, the Thai army would buy 37 refurbished Stryker armored vehicles, worth US\$80 million, from the United States. Moreover, the US army will give 23 more Strykers to the Thai army for free, bringing the number to 60 in total.¹⁴ Many informants anticipated that the Thai army would purchase more Chinese-made vehicles. But after the Army Chief Apirat Kongsompong stepped into power, he has managed to secure deal with the US instead of China. General Apirat has participated in many training programs in the US. The relationship between the two countries seems to be stronger under his premiership. In May 2019, Thai soldiers will attend in a joint training exercise called Lightning Forge 2019 in Hawaii among activities designed to bolster the bond between the two countries.¹⁵ Although Thailand purchased arms from China in the past, Thai-Chinese defence relations will not replace the Thai-US security relation. These strategic relations between Thailand and the US are focusing on a balanced foreign policy toward China in the Southeast Asia region. Although the relationship between Thailand and the US might not be stable during the beginning period of military government, it has been improved in the past few years.¹⁶

44 of the junta's interim constitution that provided General Prayut Chan-ocha with unchecked power, the Prime minister and his coalition government will struggle to enact their preferred policy due to political challenges. Unlike the last five years when the member of National Legislative Council (NLA)¹⁷ called as a rubber-stamp parliament, had never voted against or criticized those laws and policies proposed by the military, the new parliament that is full with professional, long time politicians will no longer be in silence.¹⁸ The check and balance process for this new government will be strongly exercised by the anti-military parties which may later lead to the instability of pro-junta coalition government. This uncertainty of Thai politics under the new government will not only worry among Thai people and investors, but will also cause scepticism among ASEAN members and other international counterparts whether or not this new government would enable the country to steer the progress of ASEAN as well as economic and security development in the region.



Conclusion

After almost two months of election, it remains unclear how the coalition government will be formed. At the time of writing, the official results released by the ECT on May 8 seem to push a pro-military party to set up the government. On the other hand, the anti-junta parties' effort to form the new government might still prevail. If the anti-junta alliances could set up a coalition government, it would be difficult for them to overcome the Senate's vote to appoint the Prime minister and to form its own government under a post-coup constitution ratified in 2017. As indicated earlier in this article, most of the senators are directly selected by the NCPO and those senators are friends, relatives and former colleagues of the military-government. Hence, they would vote for incumbent Prime minister Prayut Chan-ocha to remain in charge as the government's head. Playing a role as Prime minister in the real democratic parliament with strong opposition parties would challenge Prayut and his pro-military party, Phalang Pracharath. Without any empowering legislative mechanisms, especially Article

14 - Wassana Nannuam, "Army seals deal to buy US armour", In *Bangkok Post*, 14 May 2019 <https://www.bangkokpost.com/news/security/1676940/army-seals-deal-to-buy-us-armour> (accessed 17 May 2019).

15 - "บิ๊กแดง»ตรวจเยี่ยม ร.29 เตรียมลุยสหรัฐฯ ฝึกร่วม Lightning Forge 2019 ("Big Dang" visited RO 29 preparing for military training with the US on Lightning Forge 2019)", In *Thairath Online*, 12 May 2019 <https://www.thairath.co.th/news/politic/1566070> (accessed 17 May 2019).

16 - Naticha Chuwiruch, "U.S. Is Ready to Boost Arms Sales to Thailand After Its Elections", In *Bloomberg*, 5 March 2019 <https://www.bloomberg.com/news/articles/2019-03-05/u-s-ready-to-boost-thai-arms-sales-after-vote-countering-china> (accessed 17 May 2019).

17 - The member of National Legislative Council (NLA) was comprised of representatives from the authorities and military directly selected by the NCPO .

18 - According to the Internet Law Reform Dialogue (iLaw), over the five years of the NCPO-led government, the NLA has considered at least 509 laws and passed 412 of them. So, essentially, the NLA has approved new laws at a surprising speed of around 100 per year.