

PERSPECTIVE

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Daunting Uncertainties Ahead as Thailand Moves Towards 2019 Elections

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EXECUTIVE SUMMARY

- After considerable delay, the government of Prime Minister Prayut Chan-o-cha has confirmed that Thailand's next parliamentary elections will be held on 24 February 2019. General Prayut, leader of the May 2014 coup and head of the National Council for Peace and Order (NCPO) junta has indicated his interest in remaining in power after the polls.
- The NCPO will soon select 250 individuals for appointment as senators. These senators will have a decisive role in the selection of the new Thai prime minister.
- The 2017 constitution disadvantages large political parties, and the coming polls will see a record number of parties vying for electoral support.
- The outcome of the 2019 elections will inevitably be inconclusive, with no single party strong enough to elect its candidate to the premiership in a joint parliamentary sitting of the 500-member House of Representatives and the 250-member Senate.
- Medium-sized parties and NCPO-appointed senators will be able to secure the premiership for their nominee, in what seems to be the NCPO's grand design for General Prayut to stay in power.

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A FLAWED 2017 CONSTITUTION

The promulgation of laws on the selection of senators and on the election of members of parliament in September means that Thailand can now hold parliamentary elections on 24 February 2019. However, it is premature to jump to the conclusion that the polls will usher in a new golden era for Thai democracy. After all, Prime Minister General Prayut Chan-o-cha, leader of the 22 May 2014 coup and head of the powerful National Council for Peace and Order (NCPO), has confessed to entertaining the thought of staying on as prime minister. At best, then, the polls will be an experiment to test a new political model designed by the NCPO coup makers.

The 2017 Thai constitution allows parties to name up to three individuals – including “outsiders” who are not party members – on their lists of nominees for the premiership prior to elections. The August 2016 referendum approved that constitution as well as a proposal to enable the 250 appointed members of the Thai Senate to participate during their five-year term in the selection of prime minister in a joint parliamentary sitting with the 500 members of the lower house.

On the opening day for registration of new political parties, 1 March 2018, 42 new parties were registered. As of the end of October, 83 parties had received the official recognition of the Election Commission Office.¹ This new formula for allocation of non-constituency parliamentary seats from the party lists triggered the increase in the registration of new parties. Parties winning seats in direct elections in the 350 single-seat constituencies will no longer receive a proportionate share of non-constituency members of parliament from among 150 party-list seats. Instead, the allocation will now be based on the rate of representation, calculated by dividing by 500 the grand total of votes received by all candidates of all parties. The NCPO says that this means that votes cast for losing candidates of small parties at the constituency level can go toward helping these parties win seats from the party list allocation. This is unlike in the past, when proportional allocation gave victorious parties the lion’s share of party-list seats.

The new formula disadvantages large and successful parties, but will make it easier for small parties to win parliamentary seats even if none of their candidates wins in an electoral constituency. This innovation is intended to deter well-funded parties from buying experienced politicians to win elections, and recouping the “investment” through abuse of power and corruption.

At the same time, delays in enacting the new election law have made it difficult for new and small parties to undertake the required “primary votes” to select candidates for the 2019 elections in given provinces. The latter requirement is another political innovation intended to reduce the power of parties’ central executive committees.

Consequently, the few established Thai political parties, particularly the Democrat and Phuea Thai Parties, will face stiffer competition in the coming polls. Both parties have also been weakened by breakaways. Suthep Thaugsuban, leader of the People’s Democratic Reform Committee whose protests led to the 2014 coup, has spearheaded the formation of a new party called the Action Coalition for Thailand (ACT). A number of senior Democrats who

were active in the protest have left their party to join the ACT. This party has the potential to compete with the Democrat Party in Bangkok and in the South, its traditional strongholds.

Phuea Thai is suffering from a more serious problem: the looming threat of party dissolution for alleged party control by non-members, particularly fugitive former Prime Minister Thaksin Shinawatra. Furthermore, some Phuea Thai senior members are being tempted to leave the embattled party to seek a safe haven elsewhere.² They fear the dissolution of Phuea Thai within 90 days before the polls. This would leave them with no party to field them in those polls, since a candidate must belong to a party for at least 90 days before elections take place. One solution for such candidates is to join new parties that can see eye to eye with Thaksin. One such party is Phuea Tham, headed by Thaksin ally Sompong Amornvivat.³ Another is the Thai Liberal Party led by Police General Seripisuth Temiyavet, a former national police chief who has not been afraid to criticise the NCPO openly.⁴

In addition, Jatuporn Promphan, a leader of the Red Shirt United Front of Democracy Against Dictatorship, and some of his Red Shirt colleagues will support and revitalise Phuea Chat, a small inactive party. Jatuporn cannot hold public office because of his recent imprisonment. But he says he wants to promote “national reconciliation”.⁵

Phuea Thai has been further weakened by the “defections” of veteran members to parties set up to support General Prayut’s return to power after the polls. Phalang Pracharat is a new party set up with the tacit support of Dr Somkid Jatusripitak, deputy prime minister for economic affairs in the Prayut administration. Four ministers of that administration have taken key positions in the party: Industry Minister Utama Sauvanayon became party leader; Science and Technology Minister Suvit Maesincee, deputy party leader; Commerce Minister Sonthirat Sonthijirawong, party secretary-general; and Minister in the Prime Minister’s Office Kobsak Pootrakool, party spokesman.⁶ All these four ministers are members of Dr Somkid’s economic team.

Both Dr Somkid and General Minister Prayuth have said the four ministers need not quit the cabinet just yet. They can do their party works after office hours and on weekends.⁷ General Prayut himself would not quit his powerful posts as the head of the NCPO and the Prime Minister either, as he sees no conflict of interest. In addition, nearly thirty former members of parliament from the Sam Mit group, in which Dr Somkid plays a leading role, are widely expected to join Phalang Pracharat.

The Phumjai Thai Party has also lost senior members to Phalang Pracharat. It will decide, based on the will of the electorate, whether to support Prayut’s candidacy for the premiership after the polls.⁸ Also weakened is the Chart Thai Pattana Party, an ally of Phuea Thai in the coalition government of Yingluck Shinawatra. It is now struggling to fend off “poachers” trying to lure experienced politicians away from the party. Finally, the emergence of a new Prachachat Party, headed by veteran Thai Muslim politician Wan Muhamad Noor Matha, can hurt the electoral prospects of the Democrat Party, Phuea Thai, and the ACT in the three southernmost, Muslim-majority provinces of Pattani, Yala and Narathiwat. Wan Noor is mobilising support from fellow Thai Muslim politicians who share his hope of ending the bloody security crisis in the Deep South, not least by wooing friends from his former Phuea Thai over to his new party.

NO SINGLE PARTY WILL WIN BIG

With such a large number of parties contesting the 2019 polls and established parties weakened, the electoral outcome is expected to be inconclusive. No single party can win big, certainly not to the extent of getting as many as 375 out of the 500 lower house seats, or even half of the combined number of 500 members in parliament and 250 senators needed to win the premiership for its nominee.

Consequently, parties with a sizeable number of members of parliament will struggle to form coalitions to bid for the premiership. Smaller parties will exploit the situation by joining coalitions with prospects of success if and when “the price” is right. Thailand may see money politics proliferating.

A coalition led by Phalang Pracharat and the ACT may gain the upper hand in this scenario. With the support of the 250 senators, this grouping would need just 125 members of parliament to reach the total of 375 votes to win the premiership for its nominee. If General Prayut lets either Phalang Pracharat or the ACT list him as a nominee for the premiership, then his political dream may well come true.

A NIDA Poll conducted on 17-18 September 2018 found that 29.66 per cent of respondents supported General Prayut serving as prime minister after the elections. Coming second with 17.51 per cent was Sudarat Keyuraphan, now one of the frontrunners for the post of Phuea Thai Party leader. Coming third with 13.83 per cent was billionaire Thanathorn Juangroongruangkit of the Future Forward Party, and dropping to fourth place was Democrat Party leader and former Prime Minister Abhisit Vejjajiva with 10.71 per cent support.⁹ A Suan Dusit poll conducted earlier in the month found that 24.72 per cent support General Prayut being the prime minister after GE2019. In that poll, Abhisit came second with 17.57 per cent support, followed by Sudarat with 16.53 per cent and Thanathorn with 14.63 per cent. Interestingly, Thaksin received the support of 13.50 per cent of respondents to that poll even though he is not legally eligible to hold public office.¹⁰

While Thai public opinion is mixed, the NCPO wants to play safe. It has been considering new rules to regulate the use of social media before the elections. It is now on the offensive in using social media to showcase its reform initiatives. One recent move was to enlist the support of one of the most popular Thai social media idols, Cherprang Areekul, captain of BNK48 girl group, who joined General Prayut on his “Thailand Moving Forward” television programme on 15 September 2018.

GENERAL PRAYUT AS THE INVITED “OUTSIDER”

On 24 September 2018, General Prayut confessed to an open secret: he is “interested in politics”.¹¹ The junta’s prime minister has often talked about the need to ensure that the national “reform” initiated by the NCPO take root. The NCPO has laid down the twenty-year National Strategy as required under Section 65 of the 2017 constitution.¹² All future Thai governments up to the year 2036 are obliged to follow policies consistent with the National Strategy. This political innovation is aimed at deterring any return to allegedly wasteful populist policies which can win elections but drain the national coffers.

Prayut has yet to disclose whether he will let any party list him as its nominee for the premiership. In fact, no law prohibits his nomination. However, should he allow any party to list him as its nominee, serious conflicts of interest will arise. The constitution and election laws were designed by Prayut and the NCPO—the referees for the 2019 polls, that is.

If General Prayut declines to be listed as a nominee for the premiership, he will face other uncomfortable uncertainties. The Phuea Thai and Democrat Parties could win big, and one of them might be able to lead a successful coalition. Or, worse, Phuea Thai and the Democrats could reconcile and team up to lead a coalition with enough members of parliament to win the premiership for one of their nominees. If Future Forward wins a substantial number of seats, then it can be a crucial player in the coalition-building game. This party aims to be a national party and will contest in all the 350 constituencies.¹³ Like Phuea Thai and the Democrats, it shares a distaste for military interference in politics.

Even if no coalition succeeds in electing a premier without the support of the appointed senate, pro-Prayut parties, notably Phalang Pracharat and the ACT, still face big challenges. They need to find at least 250 members of parliament to join the 250 senators in overriding Section 88 of the Constitution concerning consideration of nominees for the premiership coming only from the lists submitted in advance by political parties. The support of at least two-thirds of the combined members of the lower house and of the senate will be needed.

There is serious uncertainty for General Prayut if he decides against being listed as a party's nominee for the premiership. Will pro-Prayut parties be able to muster the required level of support? Will the NCPO step in to squeeze some vulnerable and reluctant party leaders to jump on the Prayut bandwagon? And at what price?

When a new cabinet takes office after the 2019 polls, the NCPO will cease to exist. The executive power under Section 44 of the 2014 interim constitution will also lapse. If General Prayut heads the new cabinet, he will no longer have any magic wand in government. Instead, he will have to face the hard cold reality of parliamentary politics. General Prayut is known for his quick temper. Whether he will be able to calmly handle unruly members of parliament, including those in his own camp, or even the 250 senators installed by the NCPO is questionable.

Once a year, 100 opposition members of parliament can call for a no-confidence debate against the prime minister, individual ministers, or the entire cabinet. The prime minister, ministers or the cabinet can be sacked by a vote of 250 members, without the 250 senators having a role in a no-confidence motion in the lower house.

Should political chaos return, there is no guarantee that General Prayut will continue to enjoy military backing. He may believe that the new Army Commander-in-Chief, General Apirat Kongsompong, is one of his “beloved brothers”. The lesson in history is that many Thai Army chiefs – including General Prayut himself – have seized power from elected civilian governments, especially when a prime minister loses control of parliament or fails to resolve a political crisis.¹⁴

CONCLUSION

General Prayut wants to stay on as prime minister after Thailand's coming elections. And the NCPO is doing everything it can to make his political dream come true. This scenario is creating a great deal of consternation and uncertainty.

Without absolute executive power and a political party of his own, General Prayut is not likely to last long, certainly not long enough to realise any significant reform that he wishes to see.

¹ The list of active political parties is available on the website of the Office of the Election Commission (www.ect.go.th).

² “Phuea thai klua mai plotphai tang phak alai phoem” [Phuea Thai fears for its safety, sets up additional spare parties], Spring News Network, 3 October 2018 (www.springnews.co.th/view/357066, downloaded 23 October 2018).

³ “Not Taking Any Chances”, *The Bangkok Post*, 6 October 2018 (www.bangkokpost.com/news/politics/1553014, accessed 22 October 2018).

⁴ “Thaksin’ triam rapmue yup phuea thai song samachik khaosu om ok ‘Seripisuth’” [“Thaksin” prepares to deal with dissolution of Phuea Thai, sends members to the embrace of “Seripisuth”], *Manager Online*, 10 August 2018 (www.mgonline.com/specialcoop/detail/9610000079532, accessed 23 October 2018).

⁵ “Pheu [Phuea] Thai Multiplies Uneasily”, *The Bangkok Post*, 13 October 2018 (www.bangkokpost.com/news/politics/1557334, accessed 22 October 2018).

⁶ “Palang Pracharath [Phalang Pracharat] Promises Not to Cheat”, *The Bangkok Post*, 30 September 2018 (www.bangkokpost.com/news/politics/1549066, accessed 23 October 2018).

⁷ “Somkid Insists 4 Ministers Need Not Quit After Joining Palang [Phalang] Pracharat”, Thai PBS World, 1 October 2018 (www.thaipbsworld.com/somkid-insists-4-ministers-need-not-quit-after-joining-palang-pracharat, accessed 1 October 2018).

⁸ “Prachum yai phumchai thai khuekkhak” [General meeting of Phumjai Thai eventful], *Prachachat thurakit*, 2 October 2018 (www.prachachat.net/politics/news-228384, accessed 23 October 2018).

⁹ Results of NIDA Polls are available at www.nidapoll.nida.ac.th.

¹⁰ Results of Suan Dusit Polls are available at www.suandusitpoll.dusit.ac.th/WEB.

¹¹ “Thai Junta Leader Interested in Staying in Politics”, The Associated Press, 24 September 2018 (www.apnews.com/e89a1a89e44d4868b3310e7709e4ccb1, accessed 23 October 2018).

¹² “20-Year National Strategy Comes into Effect”, The Bangkok Post, 13 October 2018 (<https://www.bangkokpost.com/news/general/1557462/20-year-national-strategy-comes-into-effect>, accessed 23 October 2018).

¹³ “Future Forward to Push Charter Changes after Election”, *The Bangkok Post*, 6 October 2018 (www.bangkokpost.com/news/politics/1553114, accessed 23 October 2018).

¹⁴ In his debut press conference on 17 October 2018, the new Army chief would not rule out the possibility of yet a military coup if political chaos returned after next year's general elections; see “An baep kham to kham ‘Bik Daeng – pho. bo. tho. bo.’ kap botbat kongthap lae sathannakan prathet thai!” [Read word-for-word: Army Commander “Big Red” on the Role of the Army and Thailand's Situation!] (www.thaipost.net/main/detail/20171, accessed 23 October 2018).

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