

PERSPECTIVE

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Prayut’s Premiership: As Strong as Steel, or a “Titanic”?

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EXECUTIVE SUMMARY

- Supporters of Thai Prime Minister General Prayut Chan-ocha believe that his premiership is as strong as steel. His critics say that his ship of state could turn out to be a “Titanic”, sinking unexpectedly and tragically because of the poor judgment of the over-confident captain.
- Prayut already faces stormy seas even before his ship has set sail. His credentials for holding the premiership are under scrutiny in a case against him in the Constitutional Court.
- Prayut committed a faux pas in leading his cabinet in its oath-taking ceremony before King Vajiralongkorn, forcing him to frantically look for a “solution”. Opposition parties are clamouring in the House of Representatives for an explanation of what happened.
- Opposition parties doubt the ability of the government to raise the revenue needed to fund numerous planned extraordinary expenditures, including costly farm subsidies and an income guarantee for the agricultural sector.
- Prayut has very limited time to prove his mettle in navigation skills, and his legendary overconfidence could lead to poor judgment and a sudden end to his premiership.

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INTRODUCTION

Prime Minister General Prayut Chan-ocha finds himself facing stormy seas even before his ship of state has properly set sail. His formal credentials for leading the new Thai government have come under scrutiny in a case now before the Constitutional Court.

Prayut took 41 days to form his cabinet, excessively long by Thai standards, largely because of quarrelling over plum ministerial posts among factions of Phalang Pracharat, the lead party in his 19-party coalition.¹

The prime minister also apparently botched the oath-taking ceremony for his cabinet in front of King Vajiralongkorn by omitting from the oath a crucial sentence concerning preservation of and compliance with the Constitution.

The new government's 35-page policy statement presented to parliament for debate in late July was very broad and uninspiring. Opposition members of parliament attacked it while engaging in character assassination, frequently reminding Prayut of his past roles as coup leader, junta head and authoritarian premier.

Prayut's ability to lead a diverse crew with a rather slim majority in the House of Representatives is in serious doubt. Factional rifts in the Phalang Pracharat Party and infighting among government parties could intensify before long.

Worse still, at least one of the 10 mini-parties, each holding one seat in parliament, in Prayut's coalition has walked out because of disappointment at having no meaningful role. Consequently, the government's strength in the 500-member House of Representatives has dropped to 253 votes, reducing its majority to only 50.6 per cent of seats. In mid-August, still another unhappy government party, the Thai Forest Conservation with two seats in parliament, publicly threatened to leave if the Prayut administration failed to protect national forests.

These problems notwithstanding, Deputy Prime Minister Dr Wissanu Krea-ngam has claimed that Prayut's ship is sound because it is made of steel.² Dr Wissanu, one of Thailand's most experienced jurists, is confident that Prayut's ship can weather the storm. Some critics have been quick to retort that, even though it might be as strong as steel, Prayut's ship could turn out to be a "Titanic",³ doomed to sink unexpectedly and tragically, because of poor judgment from an over-confident captain.

With his leadership of the 2014 coup in mind, opposition leaders consider this year the sixth of Prayut's premierships, rather than the beginning of a new government administration. There is no "honeymoon period" for him to take his time getting to know his new ministers.

Prayut has said that he knows that he is taking on a gigantic responsibility in carrying 70 million Thais on his ship. He has asked all his passengers to unite and work together with him and his crew on this long journey. His promise is to deepen government reforms and accelerate national development in order to help Thailand escape the middle-income trap and become a developed nation in the twenty-first century.

Whether Prayut can sail on successfully to reach such a destination depends on how he handles the many looming challenges. Too much self-confidence and too many missteps may wreck his premiership sooner rather than later.

QUESTIONABLE QUALIFICATIONS

Section 160, Paragraph 6, and Section 98, Paragraphs 12 and 15, of Thailand's 2017 Constitution in effect require that cabinet ministers not be civil servants, employees of state enterprises or "other state officials".⁴

Prayut was still head of the National Council for Peace and Order (NCPO) junta when, on 5 June 2019, he was elected prime minister in a joint session of the House of Representatives and the Senate.⁵ Four days later, he was formally appointed the prime minister on royal command. He retained the post of junta head until after he led his cabinet to take the oath of allegiance and honesty in an audience with the king on 16 July.

On 26 June, more than 110 opposition members of parliament petitioned House Speaker Chuan Leekpai to look into Prayut's qualification for selection as prime minister. They asserted that, as the junta head, Prayut was in fact "another state official" and that it was therefore unconstitutional for him to assume the post of prime minister. On 5 July Chuan forwarded the petition to the Constitutional Court.⁶

On 19 July, the Constitutional Court announced that it had accepted the petition for further consideration. However, it decided not to suspend Prayut from serving as head of government because the petition did not ask it to do so, and the Court saw no reason to believe that Prayut's continuing to perform that duty would cause any harm.⁷ The Constitution Court is now scheduled to announce its ruling on 18 September.

In ruling No 5/2543 of February 2000, the Constitutional Court defined "other state official" as someone with all of the following four characteristics: (1) having been appointed or elected under a law; (2) possessing authority to take action or to perform duty in accordance with the relevant law on a routine basis; (3) being under the command or supervision of the State; and (4) having a salary or wage or remuneration as determined by the law.⁸

General Prayut was the Army commander when he led the coup to topple the Phuea Thai Party-led coalition government of Prime Minister Yingluck Shinawatra on 22 May 2014. Four days later, he was formally appointed head of the NCPO junta on royal command. Prayut was thus neither elected nor appointed under any law. His roles as coup leader and junta head did not prevent him from retaining the post of Army chief. He retired from the military service on 30 September 2014, after reaching the retirement age of 60.

Whether or not he followed any law is debatable. Immediately after the coup, the junta scrapped the 2007 Constitution. On 22 July 2014, it put in place the 2014 Provisional Constitution. Prayut did occasionally exercise absolute government administrative power under the infamous Section 44 of that latter charter.

Another debatable point is whether he was under command or supervision of the state. His supporters would argue that, as the junta head, Prayut exercised the sovereign power of the state, and was not under any command or supervision of the state or any state body.

The fourth characteristic, having a salary, is most clear-cut. Prayut did draw a salary as the junta head, on top of his salary as the prime minister in the military government.

This is not the first time Prayut's qualifications have come under scrutiny. When the Phalang Pracharat Party nominated him as its candidate for the premiership in February 2019, several other parties immediately questioned the nomination on the grounds that he was constitutionally ineligible to receive it. Nevertheless, the Election Commission decided to accept the nomination. The three ombudsmen later ruled in a unanimous decision that Prayut did not have all the four characteristics of "another state official". Prayut was neither elected nor appointed as junta head under any law, and he was not under the command or supervision of the state.⁹

Whether the Constitutional Court will now rule differently remains to be seen. Its ruling is not expected until after mid-October, because five of its nine justices have left office. Recruiting their replacement will take several weeks.

STRENGTH IN NUMBERS, OR STRUCTURAL FLOWS?

Prayut set a new Thai record in rounding up as many as 19 parties¹⁰ into his coalition government. Be that as it may, the coalition started out with only 254 seats in the 500-member House of Representatives. After the departure of the member from the Thai Civilised Party in early August, the government's strength in the lower house is now at 253.¹¹

In the long struggle for ministerial posts, Phalang Pracharat's three main partners, the Democrats, Bhumjai Thai and Chat Thai Phatthana, ended up getting most of what they asked for. Phalang Pracharat had little bargaining power. Without the support of any of these three partner parties, the coalition that it led would have lost the majority in the lower house of parliament.

What turned out to be more problematic were the seemingly endless tussles among different factions within the Phalang Pracharat Party itself. Eventually, Prayut had to put his foot down to end the melee. He deployed his core team from his previous military government in ministerial positions to control the finance, interior, energy, digital economy and higher education ministries; he retained that defence portfolio for himself.¹²

AN INTRIGUING OMISSION DURING OATH-TAKING

Section 161 of Thailand's 2017 Constitution prescribes that every minister must, before taking office, make a declaration in front of the king that can be informally translated as: "I solemnly declare that I will be loyal to the king and will faithfully perform my duties in the interests of the country and of the people. I will also uphold and observe the Constitution of

the Kingdom of Thailand in every respect.” When leading his cabinet in the recitation of this oath on 16 July, Prayut omitted the last sentence.

The prime minister would not at first even acknowledge that the omission was a serious issue of widespread public interest. He considered sufficient and constitutional his pledge to the king that he and his cabinet members would look after all Thais and serve the entire Thai kingdom. In his opinion, such a pledge was in accordance with the king’s commitment and determination as stated in his first royal command at the coronation ceremony on 4 May.¹³

Prayut urged the Thai people to move on, saying that the oath-taking had already been completed and that there should be no politicising of the oath-taking to create more trouble.

However, the seven opposition parties have not wanted the matter to be dropped. Instead, they have twice put forth urgent interpellations in the House of Representatives, on 7 and 14 August. Prayut attended neither session to respond. Hence, the opposition parties have now submitted a motion under Section 152 of the Constitution, calling for a general debate to inquire into the omission in the cabinet’s oath.¹⁴

In the meantime, Prayut has insisted that he had no intention of violating the Constitution, saying only that he was “working on a solution ... and will do it himself”.¹⁵

Taking an incomplete oath could be deemed unconstitutional, and thus disqualify the Prayut’s cabinet from holding office. In that case, all of the cabinet’s decisions thus far would become null and void.

BROAD POLICY WITHOUT SPECIFIC TARGETS

The Prayut government’s 35-page policy document, presented to a joint parliamentary session in late July, included no specific implementation plans or target numbers. Neither were there details of ways and means for raising more revenue – in the wake of national economic slowdown – to fund extraordinary expenditures, such as farm subsidies and income guarantees to Thais in the agricultural sector. The document offered only a ball-park estimate that the government would need about 3,300 billion baht in budgetary resources in each financial year.¹⁶ The government explained that the policy document was just a framework. Necessary details would come in the budget bill for the 2019-2020 financial year.¹⁷

The government will submit its budget bill to the House of Representatives for a first reading on 17 October, in the first crucial test of Prayut’s political prospects. The defection of just 10 members of parliament could lead to rejection of the bill and the collapse of his government. In truth, Prayut cannot take it for granted that his coalition government will have enough votes in parliament to pass the budget bill later this year.¹⁸ This accounts for the rumours that resurfaced in August that he would co-opt the New Economics Party, with its six seats in the House of Representatives.

A NEW BOMB SCARE IN BANGKOK

Prayut's political headache worsened in early August when several home-made bombs exploded in Bangkok, in an apparent coordinated attack. Two more devices, including one anti-personnel bomb with explosives and steel balls, were found and deactivated. Authorities quickly arrested two men from the Southern Thai province of Narathiwat, and the police have issued arrest warrants for at least seven more suspects.¹⁹

Initial police reports indicated that the bombings were part of a conspiracy to embarrass Prayut while ASEAN foreign ministers and their counterparts from dialogue partner countries were in Bangkok for their annual meeting. The start of the attack on 1 August coincided with the anniversary of the founding of the Barisan Revolusi Nasional, a Malay-Muslim separatist group behind much of the escalation of violence in the Deep South in recent years. The BRN has been vying for leadership as the vanguard of the armed struggle in the provinces of Pattani, Narathiwat, and Yala Provinces.

The two suspects from Narathiwat reportedly confessed that they wanted to draw international attention to the plight of Muslims in the Deep South,²⁰ where security forces have for more than 15 years been trying to suppress the separatist movement.

Violence in the Deep South has continued, contradicting the Phalang Pracharat Party's claims during the campaign for the March general elections that Prayut's return to the premiership would bring continuing peace and security to the region. In one attack at a checkpoint in Baan Gorae Pirae, Muang District, Pattani Province on 24 July 2019, four government personnel were killed and two were seriously wounded.²¹

The seething security problem in the Deep South can be compared to the iceberg that sank the Titanic ocean-liner in mid-April 1912. The rising frequency of attacks in the region and the bombings in Bangkok in early August are clear warnings of the growing danger ahead. Prayut has reactivated "peace talks" with representatives of separatists in the Deep South, and he visited Yala Province on 7 August 2019 in an apparent attempt to boost morale.²²

CONCLUSION

Prayut may have very little time to demonstrate his navigation skills, but he is certainly not going to sink without a fight.

On 20 August, his cabinet approved a huge urgent economic stimulus package, which included 316 billion baht to fund new farm subsidies, additional cash handouts for the poor, and fresh measures to assist micro-, small and medium-size enterprises.²³ However, these initiatives are mostly short-term, with effects that may not last until the end of the year. Incorporating them into the new budget will further inflate the deficit, which is already around 469 billion baht in the existing draft budget bill.

On the political front, Prayut faces the looming threat of a general debate (without voting) in parliament on his "incomplete" oath-taking blunder before the end of August. He should

however be able to withstand the verbal assault of opposition members of the House of Representatives, just as he did during the policy debate last July.

The real test for Prayut will come when he presents the draft budget bill in mid-October. He will need as many votes as possible to pass the first reading of the bill. A defeat on that bill in parliament will require him either to resign or to dissolve the House and to call for elections.

Preparing for the upcoming struggle for political survival, Prayut's deputy and "brother-in-arms" General Prawit Wongsuwan has openly joined Phalang Pracharat as a party member and chief strategist.²⁴ Prawit is deputy prime minister in charge of security affairs and provincial administration. He has immense political clout and good connections in the armed forces. He was the defence minister in the previous military government. His new public role in the largest party in the coalition government is apparently intended to strengthen party discipline and to make it possible to co-opt a few opposition members of parliament to support Prayut's coalition government.

Prayut himself has not joined Phalang Pracharat Party, in spite of the continuing speculation that he will soon take over the party leadership and reorganise its executive committee. The prime minister still wants to sail on in his own way. But too many missteps, like the "incomplete" oath-taking, and other instances of poor judgment such as initially ignoring public outcry over that issue, will lead to a sorry end, no matter how strong his ship of state may be.

¹ The number of parties in the coalition government has dropped to 17. First to go was the smallest government party, Thai Rak Tham, which lost its only seat in the House as a result of the re-apportionment of party-list seats following the by-election in Chiang Mai's Constituency 8 on 26 May 2019, which Future Forward Party's candidate Srinual Boonlue won. The re-apportionment gave the Phalang Pracharat and Democat Parties one additional party-list seat each. Then, in early August, the Thai Civilised Party left after getting no satisfactory role in the government.

² After the coup in May 2014, coup leader General Prayut's military government was compared to a small wood sampan that lacked stability and international recognition. This was why Dr Wissanu used the ship metaphor to claim that Prayut's new ship is made of steel.

³ See for example the commentary "จากเรือแป๊ะเป็นเรือเหล็ก จากเอี่ยมจุ่นเป็นไททานิค" [From a wooden sampan to a steel ship, from a salt-carrying ship to the Titanic] in the *Thai Post* on 8 July 2019 (www.thaipost.net/main/detail/40380, accessed on 15 August 2019).

⁴ In Thai, "other state official" is "เจ้าหน้าที่อื่นของรัฐ" (*chao nathi uen khong rat*).

⁵ Prayut received altogether 500 votes from 251 members of the House of Representatives in the coalition government and the support 249 of the 250 senators chosen by the junta; the Senate President abstained. He thus beat the opposition's candidate for premier, Future Forward Party leader Thanathorn Juangroongruangkit, who received only 244 votes.

⁶ "‘ชวน’ ส่งศาลรัฐธรรมนูญแล้ว!" [Chuan submits [petition] to Constitutional Court!], *Khao sot*, 5 July 2019 (khaosod.co.th/politics/news_2684214, accessed 15 August 2019).

⁷ "รับวินิจฉัยคุณสมบัติ ‘ตุ’ แต่ไม่สั่งพักงาน" [Case concerning qualifications of "Tu" accepted for consideration, but no suspension], *Thai rat*, 20 July 2019 (thairath.co.th/news/politic/1618921, accessed 20 August 2019).

⁸ “คำวินิจฉัยของศาลรัฐธรรมนูญ 5/2543” [Ruling of the Constitutional Court 5/2543], 14 February 2000 (www.constitutionalcourt.or.th/occ_web/download/article/file_import?center5_43.pdf, accessed on 15 August 2019).

⁹ “มติ ‘ผู้ตรวจการฯ’ ชี้ ‘ประยุทธ์’ ไม่เข้าข่าย จนท. อื่นของรัฐ” [Ruling of ombudsmen: ‘Prayut’ does not qualify as another state official], *Krungthep thurakit*, 14 March 2019 (www.bangkokbisnews.com/news/detail/829594/, accessed 15 August 2019).

¹⁰ Previously, the record was 16 parties in the coalition government led by the Social Action Party of Kukrit Pramoj after the general election of 26 January 1975. Kukrit’s coalition government, with 140 votes in the 269-member parliament, lasted less than one year. Kukrit dissolved the House on 12 January 1976 and called for a new general election after some government parties threatened to defect in an imminent no-confidence motion.

¹¹ The Phalang Pracharat Party itself has only 115 votes in parliament. Even when teamed up with three medium-sized parties — the Democrats with 52 seats, Bhumjai Thai with 51, and Chat Thai Phatthana with 11 — a Phalang Pracharat-led coalition would still have fallen short of the simple majority of 251 seats. Hence there was a frantic rush to co-opt small parties, including 11 of the 12 mini-parties with only one seat each in parliament. (The only mini-party not joining the coalition government is the Thai People Power Party (*phak phalang puangchon thai*), whose chief advisor is former army chief General Chaisith Shinawatra, an elder cousin of fugitive former prime ministers Thaksin Shinawatra and his younger sister Yingluck.

¹² The “*sam mitr*” or “three friends” faction of the party, which controls about 30 of Phalang Pracharat’s 115 parliamentary seats, turned out to be the biggest loser in these tussles. The faction at first demanded control of the ministries of transport, overseeing numerous lucrative infrastructure projects, and of agriculture and cooperatives, controlling the disbursement of new funds for farm subsidies, for its leaders Suriya Juangroongruangkit and Somsak Thepsuthin, respectively. Suriya ended up with the post of industry minister, which no one else in Phalang Pracharat wanted. Somsak took the post of justice minister, but he will not supervise the Ministry of Justice’s powerful Department of Special Investigation (DSI). The DSI, with nation-wide powers of investigation, falls under the direct supervision of Prayut — a development that is akin to rubbing salt into Somsak’s wound; “วิษณุ เผย นายกฯคุมตำรวจเอง ควบคุมดีเอสไอ กลาโหม” [Wissanu discloses that the prime minister will control the police, DSI and defence as well], *Khao sot*, 30 July 2019 (www.khaosod.co.th/politics/news_2757062, accessed on 15 August 2019). Suriya and Somsak are apparently trying to hide their bitterness for the time being but their disappointment could turn into a serious crack in the main government party and weaken the prime minister’s premiership.

¹³ “Prayut makes light of alleged oath gaffe”, *Bangkok Post*, 5 August 2019 (www.bangkokpost.com/thailand/politics/1724983, accessed on 15 August 2019).

¹⁴ “ฝ่ายค้านยื่นไข่ม.152 หวังอภิปราย ‘ถวายสัตย์ไม่ครบ’ ภายในเดือนนี้” [Opposition invokes Section 152 in order to have a general debate on “the incomplete oath-taking” this month], *Work Point News*, 15 August 2019 (www.workpointnews.com/2019/08/15/government-24/, accessed 21 August 2019).

¹⁵ “บิ๊กตู วอนจบประเด็นถวายสัตย์” [Big Tu pleads for end to oath-taking controversy], *Thai Post*, 7 August 2019 (www.thaipost.net/main/detail/42896, accessed 15 August 2019).

¹⁶ “คำแถลงนโยบายของคณะรัฐมนตรีพลเอกประยุทธ์ จันทร์โอชา นายกรัฐมนตรี แถลงต่อสภา” [Reading of policy statement of Prime Minister Prayut Chan-ocha before parliament], *Bangkok Insight*, 22 July 2019 (www.thebangkokinsight.com/179454, accessed on 15 August 2019), p. 34.

¹⁷ On 1 August, a high-level meeting of the Budget Bureau, the Finance Ministry, the Bank of Thailand, and the National Economic and Social Development Board set the expenditure ceiling for the new financial year at 3,200 billion baht, an increase of about 6.67 per cent from the current financial year. The new budget would see a deficit of 469 billion baht, an increase of about 4.22

per cent; “[กรม.อนุมัติวงเงินงบประมาณรายจ่ายประจำปี 2563 วงเงิน 3,200,000 ล้านบาท](#)” [Cabinet approves expenditure ceiling for 2020 budget at 3,200 billion baht], *The Standard*, 1 August ([www.thestandard.co/government-expenditure-budget-2563](#), accessed 15 August 2019).

¹⁸ The coalition already suffered its first defeat in parliament on 8 August. With 205 votes to the government’s 204 votes, the opposition prevailed on the matter of putting in writing in the rules of procedure for meetings of the House of Representatives meeting, to the effect that the speaker shall perform his duties with impartiality. Two members of the House of Representatives on the government side abstained: House Speaker Chuan Leekpai and his deputy Suchart Tancharoen; “[ส่งสัญญาณเสียงปรี่มน้ำ ฝ่ายรัฐบาลแพ้อีกรอบ 1 เสียง แก่ข้อบังคับสภา](#)” [Signal of thin majority: government loses by one vote on revision of parliamentary regulations], *Work Point News*, 6 August 2019. A similar defeat followed on 14 August; “[รัฐบาลโหวตแพ้อีก](#)” [Government loses again], *Khao sot*, 14 August 2019 ([www.khaosod.co.th/politics/news_2801553](#), accessed 19 August 2019).

¹⁹ “[ออกหมายจับมือปืนป่วนกรุงเพิ่มอีก 3 ราย](#)” [Arrest warrants issued for three more suspects in city bombings], *INN News*, 20 August 2019 ([www.innnews.co.th/crime/news_469111](#), accessed 21 August 2019).

²⁰ Deep South Watch has estimated that, between January 2004 and May 2019, more than 7,000 people have been killed in 13,644 incidents in the Deep South, where the majority of the population is Malay-Muslims. It is unknown what proportion of that population supports the separatist cause. The estimate appears in Deep South Watch, “Summary of Incidents in Southern Thailand, May 2019”, 18 June 2019 ([www.deepsouthwatch.org/en/node/11925](#) , accessed 21 August 2019).

²¹ “[นาทีปะทะเดือดที่ปัตตานี ยิงสนั่น จนท.ตาย 4 อส. เจ็บ 2](#)” [Moment of bloody clash, four government personnel killed, two civilian volunteers wounded], *MSN Video*, 24 July 2019 ([https://www.msn.com/th-th/video/news/เปิดคลิป-นาทีปะทะเดือดที่ปัตตานี-ยิงสนั่น-จนท.ตาย-4-อส.เจ็บ-2/vp-AAEMwfw](#), accessed 15 August 2019).

²² “PM Prayut meets locals in southern Thailand”, National News Bureau of Thailand, 8 August 2019 ([thainews.prd.go.th/en/news/print_news/TCATG190808153343397](#), accessed 15 August 2019).

²³ “Thailand unveils \$10 bn stimulus for struggling economy”, *Financial Times*, 20 August 2019 ([www.ft.com/content/5d3e6e20-c336-11e9-a8e9-296ca66511c9/](#) , accessed 21 August 2019).

²⁴ “[พล.อ.ประวิตร เข้าประชุมพรรคพลังประชารัฐ ครั้งแรก](#)” [General Prawit joins meeting of Phalang Pracharat Party for first time]. *Thai PBS*, 20 August 2019 ([www.news.thaipbs.or.th/content/283151/](#), accessed 21 August 2019).

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