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Weak Party System Dooms Thai Political Party Reforms

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EXECUTIVE SUMMARY

- The sudden demise of Thailand’s Future Forward Party (FFP) after a Constitutional Court ruling that it had received unlawful intra-party loans reveals the continuing failure of the country’s new political party law.
- Thanathorn Jungroongruangkit, founder and leader of the ill-fated FFP is facing at least one criminal charge, which he believes is politically motivated and intended to eliminate him from politics.
- The political party law’s new rules aimed at democratising political parties are not practicable in the existing Thai polity. Few citizens join political parties as registered members or work for them at the provincial or regional level.
- The political greenhorn Pita Limcharoenrathas has led the 54 remaining FFP MPs into the new Move Forward Party.
- Pita and the Move Forward Party face daunting challenges: moving out of Thanathorn’s shadow; fund-raising under stringent constraints; and recruiting as many as 100,000 members from the disinterested populace in order to continue struggling for political reforms in parliament and to establish a nation-wide presence through participation in local government elections.

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INTRODUCTION

The Thai Constitutional Court's ruling in February to dissolve the Future Forward Party (FFP) is tragic evidence of continuing failure in the Thai political party system. Idealistic measures incorporated into the Political Party Act of 2017 — intended to democratise political parties and to encourage democratic mass participation in party affairs at the regional and provincial levels — are not working.

Setting up a political party in Thailand, fielding hundreds of candidates in a general election, and securing continuing public support after the election, all require money — a lot of money. Thais have grown used to the notion that politics is about spending money to buy government power. Seasoned politicians would know how to raise funds, by hook or by crook,¹ without breaking the law, or getting caught.

Phalang Pracharat, the largest party in the coalition now in power, gleefully raked in 650 million baht (\$29 million) at a fund-raising dinner on 18 December 2019. This was an approach that Thanathorn Jungroongruangkit, founder and leader of the ill-fated FFP, did not know how to emulate. And he has learned a painful lesson the hard way.

Last May during an appearance at the Foreign Correspondents' Club of Thailand, Thanathorn casually mentioned that his two-year-old party was so poor that he had to lend it over 110 million baht to fund its operations. The 41-year-old auto part tycoon was seemingly oblivious to the fact that lending so much money to his party might be unlawful. But his revelation quickly set in motion an inquiry by the Election Commission, which eventually led to the Constitutional Court's ruling against the FFP on 21 February 2020.

Essentially, the Constitutional Court considered Thanathorn's lending as an abuse of his financial clout to dominate his party; by extending the loans, Thanathorn became a major creditor and benefactor of the party, and was in effect "turning [his] party into a political business."²

In addition to dissolving the FFP, the Constitutional Court also banned from politics for 10 years the 16 members of the FFP's executive committee. This has resulted in the termination of the status as members of parliament of 11 of those 16.

Just a few days after the Constitutional Court's ruling, 10 more FFP MPs defected to government parties; nine went to the Bhumjai Thai Party, amidst allegations that each of them was offered up to 23 million baht as a signing bonus,³ and one of the 10 MPs joined the Chat Pattana Party. Surprisingly, on 14 March, as many as 54 MPs⁴ joined the new Move Forward Party under the leadership of Pita Limcharoenrut, a 40-year-old Harvard graduate whose family owns CEO Agro Foods, one of Thailand's major producers of rice bran oil. Pita is a greenhorn in Thailand's cut-throat politics.

Pita sees his new party as a separate new vehicle, travelling on a different route from the FFP's but still heading towards the same political goals. Not least, his approach appears to be less confrontational.

THANATHORN ON THIN ICE

Thanathorn has defiantly vowed to carry on his political activism outside parliament by transforming his dissolved party into the Progressive Movement. Announcing the arrival of the new movement with a bang, Ms. Pannika Wanich, previously the FFP spokesperson, claimed that Prime Minister General Prayut Chan-ocha helped his Malaysian ally, ex-Prime Minister Najib Razak, to cover up the multi-billion-dollar 1MDB scandal. A government spokesperson threatened taking legal action against Pannika for allegedly spreading distorted and false information.⁵

Thanathorn also faces at least one new criminal charge, relating to his violation of the election law by failing to dispose of all his shares in a media firm before running for parliament. If found guilty, Thanathorn faces a jail term of 1 to 10 years, a fine between 20,000 and 200,000 baht, and a suspension of voting right for 20 years. He might also face another criminal charge arising from his loans to the FFP.

The imminent legal troubles have clearly enraged Thanathorn. In a posting on Facebook on 11 March, he accused unnamed constitutional organs of being “tools for power succession” of Prayut and his military backers.⁶ He condemned as “bankrupt” the entire Thai political system for allegedly harassing him with the criminal charges in order to eliminate him from politics.

IMPRACTICABLE PARTY LAW

How successful Pita can be in leading the FFP’s successor party remains a big question. His immediate challenge is to gain public confidence in his ability to operate independently, outside of Thanathorn’s shadow and without Thanathorn’s control of the purse strings of the new party.

In announcing on 8 March the plan for himself and his fellow MPs to migrate *en masse* to the Move Forward Party, Pita promised that there will be “no borrowing of anybody’s watch”. His new party will be “small but lean” and suitable for Thai politics, which is a marathon and not a sprint. Financing the party will be based chiefly on funds from individuals, including owners of small and medium-sized enterprises who want change, from selling party merchandise, and from membership fees.⁷ These are all conventional means of funding, through which the FFP managed to earn an insufficient sum of only 7.17 million baht throughout 2019. Its reported annual expenditure was 7.26 million baht.⁸

Although in the 24 March general election last year, the FFP received nearly 6.27 million votes, it had only 51,283 registered members as of 11 February 2020.⁹ The Move Forward Party now hopes to recruit up to 100,000 members.

After over seven decades, the Democrat Party had 146,442 registered members as of 9 March 2020. Phuea Thai, the largest opposition party with 134 MPs, had only 44,020 members. Of the 74 parties in operation in early 2020, only 33 of them each had more than 10,000 registered members.¹⁰ The political party law requires every party to expand its membership up to a minimum of 10,000 within one year of registration. Quite obviously a large number of small parties will fail to meet this target and thus be dissolved.

Only 20 of the operating parties have more than the minimum four party regional branch offices. Each party branch office must have at least 500 registered members whose domicile is within the region concerned. Few well-established parties bother to set up more branch offices than the minimum required because local elections in Bangkok and all of Thailand's 76 provinces usually allow independent candidates to run. Money and the support of influential political families are often more important than party affiliation in elections outside of Bangkok.

PRIMARY ELECTIONS THAT WEREN'T

Perhaps even more daunting for Thai political parties than conditions on membership is the requirement that they hold primary caucuses to choose candidates. This ambitious political innovation is intended to decentralise party control and empower regional party branch offices and provincial representatives by giving them the most say in the selection of candidates in provincial constituencies.

However, very few political parties were prepared to hold the intra-party primary election in 2019, and the requirement was temporarily suspended. Central control of each party therefore continues to be the practice for now. The primary caucus rule remains in the political party law, Chapter 3 on Selection of Election Candidates. But, should there be a sudden need to hold yet another general election, few parties will be able to hold primary elections for selecting candidates.

The political party law also calls for the participation of the regional branch offices and provincial representatives in the selection of party-list candidates in elections for Thailand's House of Representatives.¹¹ In reality, however, each party list is usually prepared by a small group of party bosses with little or no input from party branches or provincial representatives.

BUILT-IN CONSTITUTIONAL CONTRADICTIONS

Although the goal of the new political party law is to democratise and strengthen the Thai political party system, the 2017 Constitution contains stipulations that will inevitably weaken parties. For example, an MP expelled from a party will not lose his or her seat in the House if he or she joins a new party within 30 days.¹² An MP whose party has been dissolved, as in the case of the FFP, has 60 days to join a new party.¹³

The constitution also allows political parties to nominate non-MPs as candidates for the premiership. Prayut himself was nominated by the Phalang Pracharat Party, although he is not even a member of the party.¹⁴

ANTI-CONSTITUTION FLASH MOBS

The dissolution of the FFP triggered university students to stage “flash mobs” on many campuses in protest. But the protestors seemed more concerned about the undemocratic constitution and military machinations in politics, and what had happened to the FFP and Thanathorn seemed secondary to them. The students’ demands were aimed at overhauling the political system. They called for the resignation of Prayut, the formation of a drafting committee to produce a new and truly democratic constitution of the people, the election of senators, an end to legal impunity for coup makers, among other things.

The Prayut administration has so far grudgingly tolerated the flash mobs, which have sometimes also involved secondary school students and supporters of opposition parties. Prayut has said that he has no objection to students showing an interest in politics and peacefully airing grievances in public gatherings. But he has cautioned them against being misled by unscrupulous politicians, or unlawfully criticising the monarchy.

The university students behind the “flash mobs” have apparently adopted the “Hong Kong Model”: spontaneous sudden protests in small groups organised through cyber networking applications, but without centralised leadership. However, the fear of Covid-19 has prevented an escalation of these student protests into large-scale off-campus and protracted anti-government demonstrations, in Bangkok or elsewhere.

On 13 March, a group of about 300 protestors (with a proper police permit) marched to the Parliament to air their grievances with members of the House *ad hoc* committee set up to study possible ways and means of amending the constitution. Another group of university students’ representatives also met members of the same House committee to put forth ideas including reviving local government elections as soon as possible.

LOCAL ELECTIONS NEEDED

On 25 December 2014, Prayut suspended all local elections with an executive order, following which he and his colleagues on the National Council for Peace and Order junta assumed the authority to pick and choose whom to retain in local government posts and whom to sack. The revival of parliamentary democracy following the general election last year has raised hopes that local government elections will soon be restored. A new law on local government elections law of 2019 was published in the Royal Gazette on 16 April 2019, making it possible for local elections, including the gubernatorial election in Bangkok, to be held soon, possibly in the second half of 2020.

The Move Forward Party intends to establish its nation-wide presence through local elections. This is a good long-term strategic objective, but contesting local elections will require substantial financial and human resources. It is an uphill battle fighting money politics and political cronyism in the provinces.

The upcoming Bangkok gubernatorial election will also be a crucial test for the new party. In Bangkok, winning the hearts and minds of voters with inspirational policy initiatives will be the decisive factor. Money, of course, is also needed to fund campaign activities, but it may be of secondary importance in the Thai capital.

CONCLUSION

Without a strong and functioning political party system, Thailand's political reform is doomed to continuing failure. Strong parties are needed to serve as vital links between citizens and government policies, to bring about greater democracy and to strengthen the rule of law.

The FFT's successor party, the Move Forward, is facing daunting challenges: moving out of Thanathorn's shadow and mobilising enough financial resources to make a difference in both parliamentary politics and local elections. Its best bet is in Bangkok, in the upcoming gubernatorial election.

¹ A list of corporate donors in “ฟปช. ติตประกาศรายชื่อเงินระดมทุน 90 ล้าน ‘บิ๊กธุรกิจ’ โผล่อื้อ ทั้ง ‘คิงพาวเวอร์-มิตรผล-ทีพีไอ’” [Phalang Pracharat releases listing of 90 million in money collected. “Big Business” well represented: King Power, Mitr Phol, TPI], *Prachachat Online*, 18 January 2020 (<http://www.prachachat.net/politics/news-279708>, accessed 13 March 2020), indicates that King Power Suvarnabhumi and King Power Duty Free each donated 9 million baht, and King Power International donated 6 million baht. Taken altogether, their combined donation of 24 million baht exceeded the 10 million baht limit from one corporate donor to a political party. But since the money came from three separate firms, neither the Election Commission nor the National Anti-Corruption Commission saw anything wrong with it.

² “เปิดคำวินิจฉัยศาลรธน. โดยละเอียดให้ขุมพรรคอนาคตใหม่” [Detailed Constitutional Court ruling on dissolution of Future Forward Party], *Post Today*, 21 February 2020 (<http://www.posttoday.com/politic/news/615510>, accessed 1 March 2020).

³ “เด็ก อนค. จัดคลิปเสียงแชตข้อความ 23 ล้าน ชิงสกัด สส. แดกรังชนพรรคอื่น” [FFP kid discloses audio clip showing offers to buy over MPs for 23 baht million each, in effort to pre-empt defections], *Naewna*, 24 February 2020 (<http://www.naewna.com/politic/475196>, accessed 9 March 2020).

⁴ Chullapin Nornsrichai, the only one of the 55 MPs of the dissolved FFP who did not join the Move Forward Party, chose to join Chat Thai Pattana, a small party in the ruling coalition.

⁵ “Police target Pannika’s IMDB allegation”, *Bangkok Post*, 24 February 2020 (<http://www.bangkokpost.com/thailand/politics/1864589/police-target-pannikas-1mdb-allegation>, accessed 12 March 2020).

⁶ “ทอน เพ้อ โดนคดีอาญา เพราะองค์กรอิสระเป็นเครื่องมือยึดอำนาจ” [Thanathorn complains that he is facing criminal charges because constitutional organs are tools for holding onto power], *Manager Online*, 11 March 2020 (<http://www.mgconline.com/politics/detail/9630000024764>, accessed on 12 March 2020). Also see also Thanathorn's Facebook post of, 12 March 2020 (<http://www.facebook.com/ThanathornOfficial/>, accessed 14 March 2020).

⁷ “เปิดตัวพรรค ก้าวไกล! บ้านใหม่ 55 สส. สัม” [Introducing the Move Forward Party! New home for 55 MPs from the orange party], *Isra News Online*, 13 March 2020 (<http://www.isranews.org/isranews/86254-isranewss-86254>, accessed 13 March 2020).

⁸ See “เปิดคำวินิจฉัยศาลรธน. โดยละเอียดให้ขุมพรรคอนาคตใหม่”, *op cit*. These figures as a matter of course raise questions about why the party needed to borrow considerable additional funds to support its campaign activities and support staff,

⁹ “ข้อมูลพรรคการเมืองที่ขึ้นดำเนินการอยู่ ณ วันที่ 11 กุมภาพันธ์ 2563” [Data on political parties in operation as of 11 February 2020], Office of the Election Commission (https://www.ect.go.th/ect_th/, accessed 13 March 2020).

¹⁰ “ข้อมูลพรรคการเมืองที่ขึ้นดำเนินการอยู่ ณ วันที่ 9 มีนาคม 2563” [Data on political parties in operation as of 9 March 2020], Office of the Election Commission (https://www.ect.go.th/ect_th/, accessed 13 March 2020).

¹¹ In the last general election, 150 House seats were set aside for the party-list allocation; leaving 350 seats for direct election from constituencies. The FFP won 30 constituency seats, including 9 out of 30 seats in Bangkok, and 50 party list seats in the last general election.

¹² Section 101, Paragraph 9, of the 2017 Constitution. The English text of the official translation of the charter is available on the Website of the Office of the Council of State (http://www.krisdika.go.th/documents/67673/181643/837163_0001.pdf/3d0aab10-e61f-03a4-136a-75003ce4c625, accessed 16 March 2020).

¹³ Section 101, Paragraph 10, of the 2017 Constitution.

¹⁴ Prayut can still count on strong support from the 250 senators that he and his “big brothers” — General Prawit Wongsuwan and General Anupong Paochinda, who helped him stage the coup in May 2014 and run the military government from 2014-2019 — handpicked. The appointed Senate will continue to join the elected House in the selection of prime minister until 2023. The Senate has practically become the single largest and most decisive voting bloc in the selection of Thai premiers, over-shadowing even the political party with the largest number of MPs — Phuea Thai with its 134 seats.

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