

PERSPECTIVE

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Singapore | 27 September 2022

Thailand Has No Shortage of Aspirants to Succeed Prime Minister Prayut

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Thailand's Prime Minister Prayut Chan-O-Cha (C) leaving after his weekly cabinet meeting at the Government House in Bangkok on 23 August 2022. The next day, the Constitutional Court suspended him from the premiership, as it accepted for deliberation a question from opposition parties asking whether he had reached the eight-year constitutional limit of his premiership. Photo: Jack TAYLOR, AFP.

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EXECUTIVE SUMMARY

- On 24 August 2022, the Constitutional Court suspended Thai Prime Minister General Prayut Chan-ocha from the premiership after it accepted for deliberation opposition parties' questions on whether General Prayut had reached the 8-year constitutional limit of his premiership.
- The unexpected suspension constituted a serious setback to General Prayut, eroding his political stature as an infallible strongman.
- Opposition leaders welcomed it as a belated blow to shatter the myth of General Prayut's indispensability to Thai national security.
- The chief drafter of the current Thai Constitution and General Prayut's team of defence lawyers share the same interpretation that General Prayut has about two more years of premiership eligibility.
- The Constitutional Court's ruling, to be announced on 30 September 2022, may fall short of settling the question of when exactly General Prayut's premiership will reach the 8-year limit.
- If indeed General Prayut's premiership eligibility has only two more years to go, fewer political parties would want to nominate him to return to power in the next general election since he would not be able to serve the full four-year term.
- Political parties have already intensified their manoeuvrings to put forth their aspirants for the next premiership in anticipation of an early general election one or two months before the four-year term of the current House of Representatives ends on 23 March 2023.

INTRODUCTION

The writing was on the wall for Thai Prime Minister General Prayut Chan-ocha's political future when on 24 August, the Constitutional Court suspended him from the premiership, as it accepted for deliberation a question from opposition parties asking whether General Prayut had reached the eight-year constitutional limit of his premiership.

On the surface, the suspension appeared to be a prudent precaution to guard against legal complications should the Constitutional Court rule that General Prayut had reached the eight-year limit on 23 August 2022, based on him having assumed the premiership for the first time on 24 August 2014, about three months after leading a bloodless coup to seize power.

The suspension has delighted opposition politicians who consider it the end of General Prayut's illusion of political infallibility. And even though it remains uncertain what the exact ruling of the Constitutional Court will be, this much seems clear: the myth of General Prayut's indispensability to Thai national security has been shattered.

UNSATISFACTORY MINIMALIST OUTCOME

What is also notable is that the 5-to-4 vote in the Constitutional Court to suspend General Prayut indicates some serious disagreement among the nine judges, and this will deter them from being proactive.

One puzzling shortcoming in the opposition parties' case is its omission to ask the Constitutional Court to clearly state when General Prayut's premiership came under constitutional rule, as provided for in Section 158 of the 2017 Constitution.¹ They simply questioned whether General Prayut had reached the eight-year limit at the end of 23 August 2022.

This being the case, the Constitutional Court may simply rule "Yes" or "No".

If the ruling is "Yes," it means the Constitutional Court considers General Prayut's premiership to have started on 24 August 2014. Immediately after the coup on 22 May 2014, he became the head of the military junta, the National Council for Peace and Order (NCPO). Subsequently, he was appointed the prime minister by King Bhumibol. Should this be the ruling, then General Prayut premiership will be deemed to have ended on 23 August 2022, and the selection of his successor will now have to be carried out in parliament.²

However, if the Constitutional Court rules "No," without determining when to start counting the time of General Prayut's premiership, then the issue will remain unresolved.

There are two schools of thought: General Prayut's premiership came under the eight-year rule when the Constitutional entered into force on 6 April 2017. This is the understanding of the

chief drafter of the Constitution, Meechai Ruchuphan, who, upon request, has submitted his interpretation to the Constitutional Court.³ The team of lawyers defending General Prayut concurs with Meechai's interpretation.⁴ Deputy Prime Minister General Prawit Wongsuwan, leader of the Palang Pracharat Party (PPP), the largest party in the ruling coalition, appears to believe too that General Prayut has two more years of premiership eligibility.

Alternatively, some supporters of General Prayut would contend that the eight-year rule began to apply in General Prayut's case only on 9 June 2019, when he was formally appointed the prime minister under the relevant procedures and provisions of the 2017 Constitution, by King Maha Vajiralongkorn.

PRAYUT'S DIMINISHED STATURE

Immediately following the suspension of General Prayut, his "Big Brother" General Prawit stepped in as the acting prime minister. Surprisingly, the health of the 77-year-old former army chief seemed to have suddenly improved. He can now walk unassisted during inspection trips to the provinces. Prawit has also pledged to serve the people with his heart despite his advanced age and physical frailty, has also become friendlier towards the media, and has shown himself to be more willing to answer questions in impromptu interviews. Undoubtedly, his lieutenants in the PPP see their boss as the most promising candidate for the premiership in the next general election.

On his part, General Prawit contends that he wants the PPP to re-nominate General Prayut for the premiership as it did successfully in the 2019 general election. He has however not ruled out the possibility of his nomination by the PPP as its second choice for the next premiership. The Constitution allows each party to nominate up to three candidates, but each candidate can only be nominated by one party.

If indeed General Prayut's premiership eligibility lasts until only 5 April 2025, or just about the midway point of the four-year term of the next elected House of Representatives, it will be unwise for the PPP to re-nominate only him as its sole candidate for the next premiership. The PPP would need to show its supporters from the outset who will succeed General Prayut after he has reached the eight-year limit.

Since his suspension from the premiership, General Prayut has sometimes gone to work at the Defence Ministry, because he is concurrently the prime minister and the minister of defence. He has chosen not to attend cabinet meetings in person, and has simply monitored them via video conferencing. But he has found time to undertake a few inspection trips in the provinces. On one such trip, he put on media record his concern about the well-being of flood victims in the eastern coastal province of Rayong – in his capacity as the minister of defence.⁵ Perhaps he does not want the Thai media to write him off too quickly.

General Prayut is apparently looking forward to hosting the APEC Economic Leaders Meeting in Bangkok, which U.S. President Joe Biden, Chinese President Xi Jinping, Russian President

Vladimir Putin, Indonesian President Joko Widodo, and Japanese Prime Minister Fumio Kishida, among others, are expected to attend. The event will most likely be General Prayut's last hoorah as a politician. This is presupposed on the Constitutional Court's ruling on 30 September 2022 allowing him to continue in the premiership.

After the APEC summit, he is widely expected to dissolve the House and call for an early general election.

WHEN TO DISSOLVE THE HOUSE?

The four-year term of the current House of Representatives will end on 23 March 2023. Dissolving the House and holding an early general election will give those of General Prayut's ministers who are politicians the significant advantage of incumbency during the election campaign.

However, for practical reasons, the House should not be dissolved until it has, in collaboration with the Senate, passed necessary new laws to put into effect recent constitutional amendments concerning election of MPs and revision of rules regulating political parties. The parliamentarians had earlier agreed to constitutional amendments which include increasing the number of directly elected MPs from 350 to 400 and reducing the number of party-list MPs from 150 to 100.

They also agreed to use two ballots, one for choosing a candidate for a House seat (in single-seat constituency), and another ballot that goes to a party for a share of the 100 party-list House seats.⁶

In addition, they voted to abolish the rule concerning holding party caucuses in every province for the selection of provincial candidates to stand in a general election and for the scrutiny of candidates on the party's list. Many political parties lack necessary sources to implement this rule. None of them have a branch office in each of the 76 provinces outside of Bangkok.

At issue now is the crucial question of how to calculate the allocation of the 100 party-list House seats. The latest proposed formula is to combine all second-ballot votes received by all parties in a general election, and to divide the grand total with 100 to derive the allocation rate of votes per one party-list House seat. Assuming that the grand total is 40 million, then the allocation rate is 400,000 votes per one party-list House seat.

A group of small parties and micro-parties (each with only one MP) has requested the Constitutional Court to examine the constitutionality of such a new formula. MPs from these micro-parties won their party-list House seats with only 35,000–80,000 votes. Few of these micro-parties will be able to get more than 100,000 votes in the next general election, let alone 400,000 votes to qualify for one party-list House seat under the proposed new rule.

Leaders of small parties and micro-parties also want the Constitutional Court to uphold the sanctity of the constitutional notion – as mentioned in Sections 93 and 94 – concerning how many MPs each party “deserves” to have in accordance with the party’s total of votes as a percentage of the grand total.⁷ They want to retain this rule in order to prevent large parties from taking most of the party-list House seats. The Constitutional Court’s ruling on these election issues will have significant political implications.

NO SHORTAGE OF PREMIERSHIP ASPIRANTS

The suspension of General Prayut from the premiership has intensified political manoeuvrings in search of his successor. In addition to the PPP’s renewed efforts to promote General Prawit as the “most suitable” successor to General Prayut, several other political parties have put forth their candidates whom they all claim can be a much more capable and democratic head of government than General Prayut.

Old faces in new parties include former Public Health Minister Khunying Sudarat Keyuraphan of Thai Samg Thai Party, former Deputy Prime Minister Dr Somkid Jatusripitak of Futurise Thailand Party, and Pirapan Salirathavibhaga of Ruamthai Samgchart Party.

Khunying Sudarat was Phuea Thai Party’s No. 1 nominee for the premiership in the previous general election. However, she left the party in November 2020 after she and her team were eclipsed in the party’s power struggle. Nevertheless, her popularity remains high, especially in the Northeast,⁸ and this can erode the chances of Phuea Thai Party in winning the lion’s share of the 133 House seats at stake in the 20 “e-san” provinces in the next general election.

Dr Somkid was the first “economic czar” of the Prayut Administration until his resignation in July 2020 along with Finance Minister Uttama Saowanayon and Energy Minister Sonthirat Sonthijirawong. Uttama and Sonthirat are now party leader and secretary-general of Futurise Thailand Party respectively. On his return to national politics, Dr Somkid has declared that his mission is to bring about necessary changes to the country.⁹ Dr Somkid’s arrival makes the “economic team” of Futurise Thailand Party one of the strongest.¹⁰

Pirapan is an advisor to the prime minister. He is known to have close personal ties to ex-army chief General Apirat Kongsompong, who is now a deputy director of the Bureau of the Royal Household. Pirapan’s Ruamthai Samgchart is widely seen as a “spare party” set up for General Prayut to take over if and when he wants to have a party of his own, instead of relying chiefly on the PPP. Pirapan has dismissed recurring media speculations that he has been positioned to succeed General Prayut should the Constitutional Court rule that General Prayut had reached the eight-year limit of premiership.¹¹

In the next general election, one key challenge looming ahead of these three new parties is whether or not they can win enough MPs to be eligible to enter their premiership candidates in the selection race in parliament. In order to be eligible, a party must have at least 5% of the

House seats, or 25 MPs, and its candidate needs the endorsement of at least 10% of the House seats, or 50 MPs.

Most prominent among the old faces in old parties vying for the next premiership is the party leader of Bhumjaithai, Deputy Prime Minister and Minister of Public Health Anutin Charnvirakul. His party had at first won only 51 House seats; but its number of MPs has increased to 64, thanks to defectors from other parties, making it the second largest in the ruling coalition after the PPP. In the next general election, Bhumjaithai Party is expected to do well, partly because of its successful push to decriminalise marijuana.

Also always in the media limelight is the party leader of Move Forward, Pita Limjaroenrat, who on 9 September declared his readiness to become the next prime minister. His slogan : Be a modern prime minister. Thais must be equal. Move forward to make Thailand progress.¹²

Another familiar old face also in the quest for the next premiership is former Finance Minister Korn Chatikavanij. He recently left KLa Party to join Chartpattana Party and is expected to its party leader.¹³ The small government party has only four MPs and has kept a low profile. Its recruitment of Korn appears to be a renewed attempt to rejuvenate the party in preparation for an uphill battle in the next general election.

ENIGMATIC NEW FACE

Undoubtedly, one new face who has attracted a great deal of media attention is Ms Paethongtarn Shinawatra. This 36-year-old daughter of former Prime Minister Thaksin was appointed Phuea Thai Party's advisor on participation and innovation last October. Subsequently, she has assumed a high-profile role as the "Head of the Phuea Thai Family". On paper, her primary mission is to rally support for a "landslide victory" of the party in the next general election, but it is widely assumed that she is more interested in mobilising support to bring her father home scot-free after over 13 years in exile overseas.

If the 73-year-old Thaksin returns to Thailand under normal circumstances, he would face a combined jail term of 10 years from three convictions in corruption cases. Two other corruption cases are still pending investigation by the National Anti-Corruption Commission.¹⁴ The Phuea Thai-led government under Prime Minister Yingluck Shinawatra, a younger sister of Thaksin, tried but failed in 2013 to ram through parliament a controversial general amnesty bill designed to free Thaksin from all corruption charges. The controversial attempt led to prolonged and chaotic street protests in Bangkok, which eventually prompted General Prayut – who was at that time the army chief – to seize power on 22 May 2014.

When Paethongtarn joined the party's road show in Chiang Mai on 10 September, her mother and other members of Shinawatra family showed up in full force to support her.¹⁵ This was the first time in nearly two decades that her mother, Khunying Potjaman, appeared in a political event after the downfall of Prime Minister Thaksin in the coup on 19 September 2006.

Khunying Potjaman and Thaksin registered their divorce at the Thai Consulate in Hong Kong on 14 November 2008, after 32 years of marriage.

The Phuea Thai Party leadership has neither confirmed nor denied that Paethongtarn will be one of the party's nominees for the next premiership.

CONCLUSION

Bringing back Thaksin has practically become one important – if not the most important – goal of the Phuea Thai Party. Whether or not it will help the party score a “landslide victory” in the next general election remains debatable.

Other premiership aspirants in new parties are positioning themselves as alternative leaders who will move Thailand beyond the damaging power struggle between Thaksin through the Phuea Thai Party and the Thai military through General Prayut, General Prawit and the PPP. This line of thinking has found strong traction among young voters, who were either not yet born or too young to remember how Thaksin exploited his political successes in the early 2000s.

General Prayut has apparently run out of time and is still failing to end the power struggle with Thaksin.

Whatever the case, one should not expect the Constitutional Court to shine any new light on the political future of General Prayut when the decision of its nine judges is announced on 30 September.

ENDNOTES

¹ Section 158 of the 2017 Constitution prescribes that “*The Prime Minister shall not hold office for more than eight years in total, whether or not holding consecutive term. ...*”.

² To be considered first are existing nominees of political parties registered prior to the March 2019 general election. They include: Bhumjaithai's Deputy Prime Minister and Minister of Public Health Anutin Charnvirakul, Phuea Thai's Chaikasem Nitisiri, chief strategist. (Note: The party's two other nominees were Khunying Sudarat Keyuraphan and Chadchart Sittipunt, but both have left the party, and the latter was in May elected Bangkok Governor). If none of the existing nominees gets a majority of votes from MPs and senators, then parliament can consider outsiders, such as PPP party leader and Deputy Prime Minister General Prawit Wongsuwan, who is now the acting-prime minister during the suspension of General Prayut.

³ “คำชี้แจง ‘มีชัย รุชูปันธุ์’ วาระนายกฯ 8 ปี เริ่มนับ 6 เม.ย. 60” [Clarification of ‘Meechai Ruchuphan’: the prime minister’s term starts counting on 6 April 2017], *Isra News*, 6 September 2022, www.isranews.org/article/isranews-article/111824-nred-46.html, accessed 16 September 2022.

⁴ “เปิดเอกสารลับ ค่าแถลงผู้คดี นายกฯ 8 ปี จากทีมกฎหมายประยุทธ์” [Disclosing the secret defence document of Prayut’s legal team on the eight-year term limit], *Prachachat*, 7 September 2022, www.prachachat.net/politics/news-1041041, accessed 16 September 2022. The legal team contends that there is one crucial “discontinuity”: General Prayut who was first appointed prime minister on 24 August 2014 under the Provisional Constitution of 2014, which formally lapsed on 6 April 2017 when the current Constitution entered into force. Moreover, the rule on the eight-year limit to the premiership is a new law which cannot curtail anyone’s rights retroactively. General Prayut’s legal team also cites the conclusion of the seven former drafters of the Constitution, led by Meechai Ruchuphan, who were secretly appointed on 17 January 2022 to look into this issue. The Meechai-led group concludes that the 8-year rule started applying to General Prayut’s premiership when the Constitution entered into force.

⁵ “‘บิ๊กตู’ ตรวจท่วมระยองวันนี้ เยี่ยมให้กำลังใจ มอบสิ่งของให้ผู้ประสบภัย” [‘Big Tu’ visits flooded areas in Rayong today; consoling flood victims and handing out relief supplies], *Matichon*, 16 September 2022, www.matichon.co.th/politics/news_356372, accessed 17 September 2022. ‘Big Tu’ is the nickname of General Prayut.

⁶ In the 2019 general election, voters cast only one ballot to choose a candidate for a House seat. The total of votes going to all candidates of a party was then used in calculating how many party-list House seats the party would get.

⁷ Under this rule, the Phuea Thai Party did not get any share of the party-list House seats in the 2019 general election, after winning 136 directly-elected House seats. All of Phuea Thai’s candidates received a total of about 7.881 million votes, which accounted for 22.16% of the grand total of all votes going to all parties in the race. Twenty-two per cent of 500 House seats is 110. The Phuea Thai Party had thus won more House seats than it “deserved” to have, therefore it did not get any additional seats from the allocation of the party-list House seats.

⁸ “เพื่อไทยพุ่งแล้ว! คนอีสานชู ‘สุดารัตน์’ ชี้ ‘แพทองธาร’ ” [Trouble for Phuea Thai! E-san people adore ‘Sudarat’ more than ‘Paethongtarn’], *Thai Post*, 10 September 2022, www.thaipost.net/politics-news/218618, accessed 17 September 2022. The newspaper reports the outcome of a recent survey by E-saan Poll of Khon Kaen University’s E-saan Centre for Business and Economic Research. Khunying Sudarat came first with 23.4% support, followed by Phuea Thai’s Paethongtarn Shinawatra at 21.1%. In third place was Move Forward party leader Pita Limjaroenrat, 20.2%. General Prayut came fourth, with only 12.5%. In terms of the popularity of political parties, Phuea Thai came first with 35.9%, followed by Move Forward at 19.8%, and Thai Sang Thai at 14.7%. See other outcomes of the E-saan Poll at www.facebook.com/EsaanPoll, accessed 17 September 2022.

⁹ “‘สมคิด’ ผู้กลับมาเพื่อเปลี่ยนแปลงประเทศ” [‘Somkid’: the one who returns to change the country], *Kom Chad Luek*, 8 September 2022, www.komchadluek.net/news/politics/529044. The party plans to nominate Dr Somkid for the next premiership.

¹⁰ “วัดฝีมือ ‘ทีมเศรษฐกิจ’ 8 พรรคการเมือง” [Assessing the “economic teams” of 8 political parties], *Manager Online*, 15 September 2022, www.youtube.com/watch?=1EMUmNcZzDU, accessed 19 September 2022.

¹¹ “‘พิระพานธุ์’ ปฏิเสธข่าวถูกดันนายกฯ คนใหม่ เชื่อเป็นไปได้ยาก” [‘Pirapan’ denies news about him being supported to be the new prime minister, believing that it is difficult], *Thai Post*, 16 September 2022, www.thaipost.net/politics-news/223226, accessed 17 September 2022.

¹² “‘พิธา’ ประกาศพร้อมเป็นนายกฯ” [‘Pita’ declares his readiness to be prime minister], *The Standard*, 9 September 2022, www.youtube.com/watch?v=wflOjd4eXZA, accessed 17 September 2022.

¹³ “ ‘ Korn’ เเท ‘ พรรคกล้า’ ไปเป็นใหญ่ที่ ‘ พรรคชาติพัฒนา’ ” [‘ Korn’ deserts ‘ Kla Party’ to assume a leadership role at ‘ Chartpattana Party’], *Thai Post*, 2 September 2022, www.thaipost.net/politics-news/213261, accessed 17 September 2022. Korn was a former deputy leader of Democrat Party. He left the party to set up Kla Party in February 2020. This failed to win anything in the Bangkok elections last May.

¹⁴ “ 8 คดีทุจริต โทษคุก 12 หนักติดหลัง ‘ทักษิณ’ ก่อนประกาศกลับไทย ” [8 corruption cases with combined jail terms of 12 years stuck on his back before ‘ Thaksin’ announced his return to Thailand], *Bangkok Business News*, 5 January 2022, www.bangkokbiznews.com/politics/980942, accessed 17 September 2022. The first conviction concerning abuse of power in his wife’s attempt to bid for a plot of government land resulted in two years of imprisonment. But the jail term has already lapsed after 10 years. Therefore, the total of jail terms awaiting Thaksin has dropped from 12 years to 10.

¹⁵ “ คุณหญิงพจมาน นำตระกูลชินวัตร ร่วมงานครอบครัวเพื่อไทย เชียงใหม่ ให้กำลังใจลูกสาว ” [Khunying Potjaman leads Shinawatra family to attend the Phuea Thai Family event in Chiang Mai to show support of her daughter], *Thai Rath*, 10 September 2022, www.thairath.co.th/news/politic/2496565, accessed 17 September 2022. The official objective of the event was to introduce the party’s candidates in northern provinces. But Khunying Potjaman’s presence stole the show and attracted most of the media attention. Also presented were her son Panthongtae, her eldest daughter Pinthongtha and husband Natthapong Kunakorn, her son-in-law Pidok Suksawas (Paethongtarn’s husband), Mrs Yaowapa Wongsawas (Thaksin’s younger sister) and husband former Prime Minister Somchai Wongsawas, and Banpot Damapong, an elder brother of Khunying Potjaman.

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