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Contemporary Southeast Asia: A Journal of International and Strategic Affairs,
Volume 41, Number 2, August 2019, pp. 153-162 (Article)

Published by ISEAS–Yusof Ishak Institute



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Anatomy: Future Backward

DUNCAN McCARGO

The most popular man in Thailand appears out of the bushes on Thammasat University campus, dripping with sweat and with no staff in sight: Future Forward leader Thanathorn Juangroongruangkit is promptly mobbed by fans clamouring for selfies and autographs. Voters on Bangkok's Charoenkrung Road look delighted to see a former prime minister out on the campaign trail: eager to show off his fitness, Abhisit Vejjajiva practically runs up some footbridge steps, leaving the local candidate panting behind. A Pheu Thai candidate asks a village crowd in Ubon Ratchathani to raise their hands if they are better off now than they were five years ago: everyone roars with laughter at a woman who puts her hand up by mistake, since nobody could possibly be better off. In Pattani, thousands of people stay until midnight at a football ground to hear prominent speakers from the Prachachart Party. No big outdoor rallies like this have been held after dark in the three insurgency-affected southern border provinces since 2004.

The weeks leading up to the 24 March 2019 elections were a time of excitement; after almost five years of military rule following the 22 May 2014 coup d'état, Thais were finally free to express themselves politically. Around 51 million people were eligible to vote, while a record total of 80 political parties and 13,310 candidates from across the ideological spectrum were listed on their ballot papers. The polls, which generated immense enthusiasm among Thai voters, were full of sudden twists and dramatic surprises.

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The campaign excitement and sense of freedom that preceded the elections proved entirely illusory. The ruling junta, the National Council for Peace and Order (NCPO), had no real intention of handing over power to an elected parliament: their plan was to craft malleable rules of the electoral game; to create a well-funded political machine that could become a major vote-winner around which to craft a ruling coalition; and to use a range of legal and judicial mechanisms to thwart the aspirations of opposition parties. The NCPO's goal was a new mode of electoral authoritarian rule, in the guise of restoring Thailand to parliamentary democracy.

These elections need to be viewed as three phases: the extensive stage-setting undertaken between May 2014 and March 2019; the February-March election campaign itself; and the convoluted electoral aftermath, culminating in the declarations of the results in May, the re-appointment of General Prayut as prime minister in June, followed finally by the formation of the new cabinet in July.

The main focus of this Roundtable is on the election campaign, but some context on the pre-election phase is required. Both the 1991 and 2006 military coups were accompanied by early promises of elections within a year, and elections did indeed take place after 13 and 15 months respectively. In contrast, the NCPO disdained legal niceties—initially ruling without even announcing an interim constitution, a prime minister or a government—and was distinctly reluctant to specify a timeline for a return to parliamentary governance. Promised elections were delayed six times, and only finally held almost five years after the NCPO seized power.¹ When the junta did agree to set up a constitution-drafting assembly under distinguished jurist Bowornsak Uwanno, the generals were unhappy with the resulting 2015 charter—with its emphasis on conservative notions of citizens' empowerment—and promptly killed it off.² The subsequent 2017 Constitution deployed the rarely-used and confusing Multi-Member Apportionment (MMA) electoral system. As Allen Hicken and Bangkok Pundit explained:

Instead of voters casting two separate votes, one for a candidate and one for a party list, under MMA voters will cast a single, fused ballot for a candidate (Section 80). That vote 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 total share of seats a party is entitled to (Section 86). Party list seats will be added to a party's constituency seats until this total is reached (Section 86).³

In practice, the main effects of MMA were to curb the dominance of large parties and to favour medium-sized ones. Under an additional interim provision, the prime minister was to be selected jointly by the elected lower house and an appointed Senate.

These two changes together had been deliberately crafted to block the long dominant Pheu Thai Party from winning future elections, or determining the premiership. From the outset, the NCPO had been intent upon "restoring national happiness" by ending the decade of political polarization that had culminated in the Shutdown Bangkok anti-government protests of 2013–14. Since 2005, Thais had been caught up in colour-coded antagonisms: the yellow side (pro-military, pro-monarchy, pro-Democrat Party) had repeatedly clashed with the red side (pro-Thaksin, anti-military, pro-Pheu Thai), both on the streets and at the ballot box; there had been two military coups, five general elections (two of them later annulled) and five rounds of massive demonstrations. The junta's approach to curbing polarization focused on ending the political influence of controversial former Prime Minister Thaksin Shinawatra, who had been ousted from power in 2006 but even in exile continued to dominate the country's politics. Just how difficult life would become for the anti-military side, very few people realized.

What became the 2017 Constitution was ratified in a popular referendum that took place on 7 August 2016. The referendum was troubling in various ways: the junta suppressed critical arguments and debate about the draft constitution; the Election Commission of Thailand (ECT) worked to promote a yes vote, rather than acting as a neutral arbiter; and many voters simply assented to the new Constitution, knowing it was flawed, but blindly assuming it would pave the way for a return to representative politics as usual.⁴ Compared with the referendum on the military-drafted 2007 Constitution, 2016 saw a marked decline in the "no" vote in parts of the North and Northeast, while the "yes" vote dropped by around 10 per cent even in the largely pro-junta Upper South—testifying to a subtle fall in levels of polarization, or perhaps simply to a growing weariness with Thailand's colour-coded political antagonisms.

The 2016 referendum was a dry run for the elections that followed two and a half years later. Again, the NCPO viewed the polls as a distasteful necessity: Prime Minister General Prayut Chan-ocha expressed constant irritation when pressed for an election date. Restrictions on political activity—including the ban on gatherings of five or more individuals—were only lifted in December 2018, and opposition parties continued to face harassment during the campaign period. The ECT was consistently partisan, always making decisions that favoured the junta, such as failing promptly to address allegations that state agencies had sponsored a massive fund-raising dinner for the junta-aligned Palang Pracharat Party.⁵

A number of new parties emerged during the year-long run-up to the polls, hoping to take advantage of the MMA system.⁶ Both the pro- and anti-military sides recognized that their best hope of forming a government was to line up a number of potential coalition partners.

Thaksin Shinawatra adopted a deliberate policy of diversification, backing the creation of the Thai Raksa Chart Party, which was tactically deployed to run candidates in constituencies where Pheu Thai had less chance of winning.⁷ As well as winning some constituencies, Thai Raksa Chart—sporting a logo containing Thaksin’s initials—aimed to pick up enough party list votes to help an anti-military alliance form a winning coalition. The formation of an anti-military coalition had already been boosted by the launch of the new Future Forward Party in March 2018. Led by 40-year-old autoparts billionaire Thanathorn Juangroongruangkit, Future Forward quickly positioned itself as the most progressive major contender in the election, building up a strong following among younger voters for its harsh criticisms of the military and ruling establishment.

The junta’s plan was to create a large, catch-all party—shades of the pro-military Sammakhi Tham Party created in advance of the March 1992 elections—and recruit electoral candidates with well-established canvasser networks by giving them financial incentives to switch party. It was an open secret that the resulting Palang Pracharat Party was backed by state agencies and local officials; and campaigned on the basis of the junta’s patronage-based “Pracharat” policies, which the well-funded party pledged to continue and expand.⁸ Palang Pracharat planned to nominate General Prayut to continue as prime minister with the help of the

appointed Senate, enticing small and medium-sized parties to join the ruling coalition.

The biggest surprises of the 2019 elections involved the monarchy. The upstart Thai Raksa Chart imploded with unprecedented drama on 8 February 2019, after announcing that the party's candidate for the post of prime minister was none other than Princess Ubolratana Mahidol, the eldest child of the late King Bhumibol. Accepting the premiership nomination, Ubolratana insisted that she was a commoner: she officially lost her royal status on marrying an American in 1972, though in practice she continued to be widely regarded as a member of the royal family. Controversially, Ubolratana is closely linked to Thaksin Shinawatra. Ubolratana's nomination was initially hailed by Thaksin supporters as a masterstroke—how could General Prayut run against her?—but was ridiculed on social media by furious royalists. Both red euphoria and yellow outrage faded by nightfall, when the King issued an unprecedented royal proclamation declaring that his sister's candidacy was inappropriate. Thai Raksa Chart was dissolved shortly afterwards by the Constitutional Court, citing “customary law”, thus upending Thaksin's game plan to create an anti-Prayut coalition. The dissolution was a huge blow to the anti-military parties.

Unfazed by this royal rebuke, Thaksin organized a spectacular wedding reception for his daughter in Hong Kong on 22 March—just two days before the election—and invited Ubolratana to preside over the ceremony. Apparently unhappy at the continuing Thaksin–Ubolratana connection, the King issued another late-night statement the following day, this time calling on Thais to vote for “good people”—an implicit reference to candidates aligned with the ruling junta. Thaksin's double Ubolratana *faux pas*—the premiership nomination and the wedding reception—did not win Pheu Thai any votes, and helped drive many erstwhile Democrat supporters into the arms of Palang Pracharat. For Thais intent on blocking Thaksin's political rehabilitation and return to Thailand, voting for Palang Pracharat seemed the most surefire way of achieving this goal.

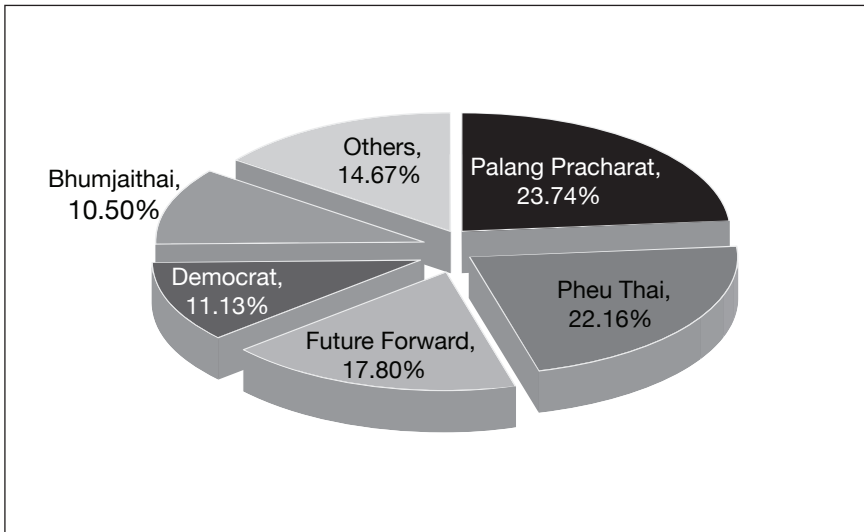
The elections saw a good turnout of 74.69 per cent. Results were expected shortly after the polls closed, but the ECT called an abrupt halt to counting on election night after it became clear that Pheu Thai would be the largest single party in the new parliament (see Table 1 and Figure 1).

Table 1
Results of Thailand's 24 March 2019 General Election (main parties)

<i>Party</i>	<i>Votes</i>	<i>% Vote Share</i>	<i>Constituency Seats</i>	<i>Party List Seats</i>	<i>Total Seats</i>
Palang Pracharat	8,441,274	23.74	97	19	116
Pheu Thai	7,881,006	22.16	136	0	136
Future Forward	6,330,617	17.80	31	50	81
Democrats	3,959,358	11.13	33	20	53
Bhumjaithai	3,734,459	10.50	39	12	51
Seri Ruam Thai	824,284	2.32	0	10	10
Chart Thai Pattana	783,689	2.20	6	4	10
New Economics	486,273	1.37	0	6	6
Prachachart	481,490	1.35	6	1	7
Pheu Chat	421,412	1.19	0	5	5
Action Coalition	415,585	1.17	1	4	5
Chart Pattana	244,770	0.69	1	2	3

Source: Election Commission of Thailand, Election Results, 28 May 2019, https://www.ect.go.th/ect_th/download/article/article_20190528140635.pdf.

Figure 1

Thailand's 24 March 2019 General Election: Vote Share by Major Parties

Source: Election Commission of Thailand, Election Results, 28 May 2019, https://www.ect.go.th/ect_th/download/article/article_20190528140635.pdf.

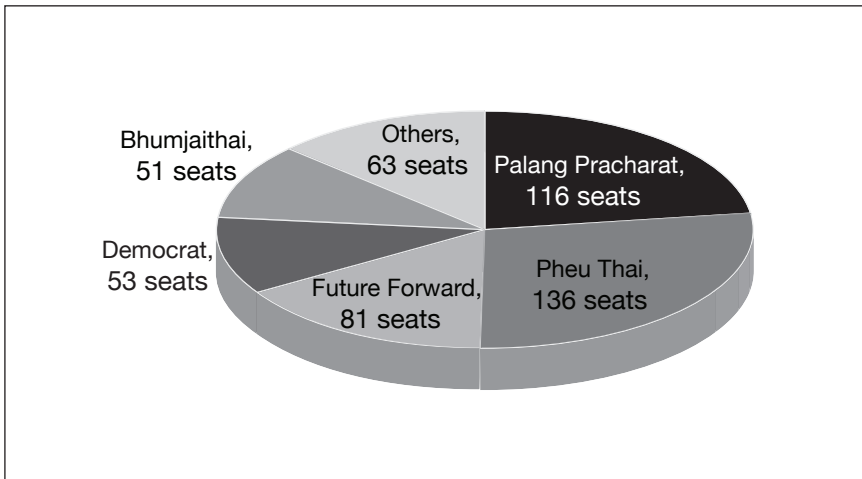
The ECT declined to announce the official results until 8 May as King Vajiralongkorn's royal coronation took place from 4 to 6 May. The initial results suggested that a "pro-democratic alliance" based on Pheu Thai and Future Forward would command the majority of house seats, but during the six-week coronation-related hiatus the ECT came up with a different method of calculating the allocation of party list seats (see Figure 2), which had the twin effects of reducing Future Forward's footprint by seven seats and awarding several party list seats to obscure "microparties".

The election results contained a number of important features:

- The reduced number of constituencies won by Pheu Thai: just 136, as against 204 in 2011.
- Pheu Thai's failure to win a single party list seat, a direct result of the bias against large parties built into MMA.
- The remarkable success of junta-affiliated Palang Pracharat in securing the largest percentage of the vote.
- Future Forward's astonishing vote-tally and resulting status as the third largest party in the new parliament.

- The partial demolition of the Democrat Party, down from 159 seats in 2011, representing a loss of nearly 5 million votes altogether.
- Bhumjaithai's success in achieving a similar vote share to 2011.
- Other new parties such as Prachachart and Action Coalition for Thailand (ACT) failed to make much of a breakthrough.

Figure 2
**Thailand's 24 March 2019 General Election:
 Lower House Seats by Major Parties**



Source: Election Commission of Thailand, Election Results, 28 May 2019, https://www.ect.go.th/ect_th/download/article/article_20190528140635.pdf.

The combined votes of parties pledged to block General Prayut's return to Government House exceeded those of parties committed to supporting him. Yet Pheu Thai and Future Forward's hopes of forging an anti-military coalition soon unraveled. Democrat leader Abhisit Vejjajiva—whose pledge to oppose General Prayut's continuing premiership backfired badly with many Democrat voters—resigned on election night, soon to be replaced by the more pragmatic Jurin Laksanawisit. Bhumjaithai and the Democrats promptly joined forces with Palang Pracharat to form the core of the new administration, along with a number of very small parties. Meanwhile, a series of tendentious legal challenges threatened the

political hopes of Thanathorn and Future Forward, only to be quickly taken up by the ECT and the courts: on 25 May, Thanathorn was suspended as a Member of Parliament (MP) right after being sworn in.⁹ It seems only a matter of time before Future Forward, Thanathorn himself or other leading members of his party face serious legal problems that could include party dissolution or lengthy bans from holding office.

The contributors to this Roundtable offer a range of insights into what transpired during the campaign. Prajak Kongkirati's starting point is that these elections were not just about the various political parties, but were overshadowed by the constant presence of both the military and the monarchy. Anyarat Chattharakul explores another dimension of the polls: the migration of election campaigning to the realm of social media, which was widely credited with mobilizing the youth vote and engaging the interest of millions of first time voters. We then move into the close scrutiny of different regions of Thailand, starting with Petra Desatova's discussion of the duality of the Bangkok electorate, which was torn asunder between the conservative allure of Palang Pracharat and the progressive image of Future Forward. Saowanee Alexander examines how the populous, ever-pivotal Isan region continued to serve as the focal point for opposition to military rule, with Pheu Thai largely able to preserve its constituency dominance there. Chanintorn Pensute reviews developments in the North: even in the Upper North, support for parties aligned with Chiang Mai native and former premier Thaksin Shinawatra suffered a decline. Michael Montesano explores how and why longstanding support for the Democrat Party in their Upper Southern heartlands declined sharply in the 2019 elections. Daungyewa Utarasint describes a comeback for the Wadah group—largely incorporated into the new Prachachart Party—in the Deep South, where the Democrats also lost badly. Finally, Dipendra K.C., an election observer from the Asian Network for Free Elections (ANFREL) discusses his experiences of monitoring polling in the Northeast.

On the night of 24 March, the polls seemed like progress: a slim majority of voters had rejected the NCPO, and an anti-military administration looked poised to assume office. This was not to be: despite all the excitement generated by the election, the country's political establishment, closely linked to the monarchy, was determined to ensure the *de facto* continuation of the ruling junta, albeit cloaked in a new form of electoral authoritarianism. Thailand's future was not forward, but backward.

NOTES

The author gratefully acknowledges the support of: the PhD programme at the School of Politics and International Studies, University of Leeds (where Anyarat, Chanintorn and Desatova studied under his supervision); United States Institute of Peace research grant SG-477-15 (which funded election fieldwork in Thailand by Desatova, McCargo and Saowanee); and the Fifth Annual Thailand Update at Columbia University sponsored by WEAI and NYSEAN (where Daungyeewa, McCargo and Prajak presented their first versions of these papers).

- ¹ “All You Need to Know about Thai General Election 2019”, *Prachatai*, 13 February 2019, <https://prachatai.com/english/node/7927>.
- ² Duncan McCargo, “Peopling Thailand’s 2015 Draft Constitution”, *Contemporary Southeast Asia* 37, no. 3 (December 2015): 329–54.
- ³ See Allen Hicken and Bangkok Pundit, “Thailand’s New Electoral System”, *Thai Data Points*, 20 March 2019, <https://www.thaidatapoints.com/post/thai-election-pending-5>.
- ⁴ Duncan McCargo, Saowanee Alexander and Petra Desatova, “Ordering Peace: Thailand’s 2016 Constitutional Referendum”, *Contemporary Southeast Asia* 39, no. 1 (April 2017): 65–95.
- ⁵ See “Thailand: Structural Flaws Subvert Election”, *Human Rights Watch*, 19 March 2019, <https://www.hrw.org/news/2019/03/19/thailand-structural-flaws-subvert-election>.
- ⁶ Duncan McCargo, “Thailand’s Changing Party Landscape”, *ISEAS Perspective*, no. 2018/63, 12 October 2018, https://www.iseas.edu.sg/images/pdf/ISEAS_Perspective_2018_63@50.pdf.
- ⁷ Other Thaksin-aligned new parties included Pheu Tham and Pheu Chart: Pheu Chart won 419,121 votes and gained five party list MPs.
- ⁸ For a discussion of the meaning of “Pracharath”, see “Pracharath versus Prachaniyom: 50 Shades of Popularism”, *The Nation*, 1 October 2015, <http://www.nationmultimedia.com/opinion/Pracharath-versus-prachaniyom-50-shades-of-popular-30269906.html>.
- ⁹ “Thanathorn Officially Ceases Duty After Being Sworn In”, *Bangkok Post*, 25 May 2019, <https://www.bangkokpost.com/news/politics/1683728/thanathorn-steps-aside>.