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Notes on recent elections

Parliamentary election in Thailand, 23 December 2007

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1. Background

The Thai Rak Thai (TRT) party, led by Thaksin Shinawatra, won landslide victories in the 2001, 2005 and the annulled 2006 parliamentary elections. The party's success at the polls has been largely attributed to Prime Minister Thaksin's populist policies, such as debt moratoriums for farmers, special development funds for all villages, and universal health care. Unsurprisingly, the party won overwhelming support in the north-eastern provinces, the poorest and most populous part of the country. According to World Bank reports, annual growth in real GDP was around 5% during the Thaksin governments. Moreover, poverty declined, with the proportion of people living below the poverty line having fallen from 21% in 2000 to under 10% in 2006 (World Bank, 2007, p. 12). The poverty situation improved the most in the north-eastern provinces, where half of the country's poor live (World Bank, 2005, p. 12).

This economic success has been accompanied by serious concerns about corruption and human rights abuses. Studies carried out by Kaufmann et al. (2007) and Transparency International (2001, 2006) suggest that corruption actually declined between 2001 and 2005. However, in 2003, Amnesty International expressed concern about gross human rights violations and extrajudicial executions in the context of the Thai government's anti-drug war. More than 2000 drug suspects were killed during the 3-month campaign. Serious human rights violations were also reported in the Muslim communities of the southern

border provinces of Pattani, Yali and Narathiwat (Amnesty International, 2003). Moreover, Freedom House (2005) has expressed concern about the deterioration of press freedom under the Thaksin government. Allegations of corruption, cronyism and censorship sparked off large-scale anti-Thaksin protests in November 2005. Then, in January 2006, Thaksin's family sold its 49.6% stake in the Shin Corporation, a leading Thai telecommunications company, to Temasek Holdings, an investment company owned by the Singaporean government. The fact that the family avoided tax on the capital gains from the sale served to intensify public dissatisfaction, and Prime Minister Thaksin responded by calling for a snap election. It was boycotted by opposition parties and later annulled by the constitutional court. The dispute between Thaksin and his opponents intensified and the military intervened in September by staging a *coup d'état*. A military-appointed tribunal outlawed the TRT and banned its leadership from contesting elections for five years. In August, a referendum on a new constitution was held. The new constitution was accepted by a majority of the electorate and replaced the interim constitution of the junta. In October, the King announced the holding of parliamentary elections on 23 December 2007 under the new constitution.

2. Electoral system

Thailand's National Assembly consists of the Senate (*Wuthi Sapha*) and the House of Representatives (*Sapha Poothaen Rassadorn*). These are elected for a 6-year and a 4-year term, respectively.

The 1997 constitution replaced the Block Vote (BV) electoral system that had been used for lower house

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elections. That system allowed voters to cast as many ballots as there were seats in a district. Voters were not permitted to cast all their votes for a single candidate, but could split their votes between candidates nominated by different parties. This system caused a proliferation of political parties and candidate-oriented campaigning, which in turn led to unstable coalitions and to vote buying. The new electoral system was expected to clean up the political culture around elections, and to create stable majorities in parliament. Under the 1997 constitution, 400 members were elected in single-seat constituencies and a further 100 in a nationwide PR constituency with a 5% threshold. Voters had two ballots, one for the constituency seats and one for the PR list seats. The reform achieved its objectives. The effective number of parties in the legislature fell from an average of 6.2 before the reforms to 3.1 in 2001. Moreover, for the first time since 1957 a single party nearly captured a majority in the legislature. In addition, political parties began to put significant effort into developing coordinated party-centred electoral strategies. Despite all this, the drafters of the 2007 constitution preferred to reintroduce a modified version of the previous electoral system, their aim being to make it more difficult for Thaksin and his followers to obtain an absolute majority in the legislature. Voters still cast separate ballots for constituency seats and the list seats, but the electoral procedure has been changed considerably. The previous 400 single-seat constituencies were combined into larger districts of varying magnitudes. There are now four single-seat constituencies, 63 constituencies with two seats, and 90 with three. The BV system used prior to the 1997 constitutional reform was re-introduced. The number of PR list seats has been reduced to 80 (and so there are now only 480 seats in the House of Representatives), and they are now proportionally allocated to political parties in eight regional constituencies of roughly equal population (c. 8 million). The 5% threshold has been removed. Each party has to submit a list with 10 candidates, all of whom can only be listed once and may not also contest constituency seats.

3. Campaigning

Thai nationals aged 18 years or older have the right to vote. Monks, novices, Brahmin priests and clergies are banned from the electoral process. The right to candidacy is restricted to those Thai nationals who obtained citizenship by birth, are aged 25 years or older, and have been a member of only one political party for a consecutive period of not less than ninety days. A total of 39 parties nominated 3894 candidates for the 400 constituency seats. The People Power Party (PPP) nominated most candidates. The party was founded in 1998 and won three seats in the annulled 2006 parliamentary election. Former members of the disbanded TRT took over the leadership of the party in July 2007 and assigned a new party logo resembling that of the TRT. PPP thus contested the election as the de facto successor of Taksin's TRT. The party fielded candidates in every constituency and was expected to emerge as the strongest party in the legislature. Its principal challenger was the Democratic Party, the oldest political party in the

election. It put up candidates in all but one (central region) constituency, and stated its aim of winning 180 seats and forming a coalition government with the help of minor parties. The five most significant of these minor parties were the Chartthai Party (CTP), Pue Pandin Party (PP), Ruam Jai Thai Chart Pattana Party (RC), the Matchimathipataya Party (MCM) and the Pracharaj Party (PRP). All of these parties put up substantially fewer candidates, and indeed apart from the CTP none of these parties even existed at the beginning of 2006.

According to electoral law, official campaigning begins on the ninetieth day before the expiry of the 4-year term. In case of an early dissolution of parliament, it begins with the public announcement of new elections and ends on the eve thereof. For this election, the campaign period began on 25 October and ended on 22 December. There are official ceilings on campaign expenditures, both for constituency candidates (who may not spend more than 1.5 million baht, around 28,000 Euros) and for political parties nominating candidates in PR constituencies (who may not spend more than 15 million baht per constituency). During the campaign period, candidates and political parties may disseminate messages by means of the Internet, by post, and using campaign vehicles. In addition, billboards may be placed at designated public places, although the size of such billboards is restricted and the law demands that designated space must be equally distributed among all candidates. Campaign staff must be registered with the election commission, and only they – plus of course candidates themselves – are permitted to canvass for votes. Any form of entertainment as part of an electoral campaign is strictly prohibited. And political parties, candidates and voters are banned from offering financial assistance or any other benefit to any individual, association, foundation, religious group, or institution.

There are also strict rules for campaigning via the broadcast media. Candidates, political parties, and governmental officials are prohibited from taking part in any TV or radio program. The purchase of airtime on broadcasting stations for campaign purposes is illegal. Publicly funded commercials on radio and TV are restricted. The law requires broadcasters to offer every party three 30-second slots a day to advertise their platforms. Moreover, parties may request designated radio stations to read their policy statements three times a day for 10 minutes each. There are, in contrast, no legal restrictions on newspaper and Internet advertising (and indeed local media experts expected the advertising industry to grow by 3–4% largely due to the election¹). However, the release of opinion poll results is prohibited during the last seven days of the campaign period.

At the time of writing, there were no reliable data available on actual campaign expenditures, utilization of media, and campaign practices. There were, however, several reports on the overall conduct of the election. The Asian Network for Free Elections concluded in its post-election report that the election commission “should be

¹ Author's interviews with representatives of advertising agencies, Bangkok, February 2008.

commended for the generally good administration of polling” (ANFREL, 2007, p. 1). The electoral campaign was generally considered peaceful, despite reports by Human Rights Watch of the killings of five canvassers. Although international observers collected only limited hard evidence of vote buying, local observers claim that that remains a serious problem in rural areas. ANFREL (2007, p. 5) reports that the methods of vote buying ranged from in-kind gifts, cash handouts, electronic transfer of funds, payment to attend party rallies, politicians funding birthday parties of journalists, free telephone cards and supermarket coupons, to free ‘sightseeing’ trips to different parts of Thailand. Furthermore, the military failed to remain neutral. There is evidence that military officials were ordered to spread anti-PPP sentiment, to advise voters against supporting the party, and to harass its candidates (Human Rights Watch, 2007).

4. Issues

The economy, social welfare, and Thaksin himself were the most salient issues in the campaign. The two main contending parties proposed several different economic policies. PPP politicians stated that the party would strive to achieve a fourfold increase in revenues from the tourism industry by developing the country into a hub for medical and pharmaceutical services (of the kind that in recent years have attracted a growing number of foreign nationals – mostly from the USA and UK – who cannot afford health care in their home countries). They also proposed several major infrastructure projects, such as a high-speed train network and ten new rail routes for Bangkok commuters. Meanwhile, the DP vowed to create 400,000 new jobs and to revise controversial foreign business laws which had dismayed foreign investors. The party also promised to raise the minimum wage and to curb petrol prices. There was disagreement about the future of several controversial projects initiated under the Thaksin government, such as universal healthcare and the Village Fund, a special development fund offered to every village and urban community in Thailand as working capital for locally run rotating credit associations (Boonperm et al., 2007). Not surprisingly, the PPP (as the successor to Thaksin’s TRT) announced that it would maintain these projects, whereas the DP said that it would abolish the village fund system and promote the so-called sufficiency economy instead (UNDP, 2007). The minor parties also focused on the economy, with the RC pledging to invest in the country’s infrastructure and to triple economic growth, and the MCM promising to reduce taxes on small businesses and the middle class, again in order to stimulate growth.

Free education was another issue frequently mentioned during the election. Candidates of the DP promised free education up to high school level. The MCM made education its main campaign issue. Prachai Leophairatana, its acting chairman at the time of the election, was placed at the centre of the party’s campaign. With its slogan “Good-hearted Uncle Prachai: Free education up to bachelor’s degree”, the party primarily targeted young voters and mothers. It also promised to raise salaries of education personnel and to grant teachers a 10-year debt moratorium. The MCM was also the most publicly ambitious of the

minor parties, asserting that it could claim the prime minister’s post after election.

The CTP, one of Thailand’s oldest parties, made social welfare its key policy. It proposed a thorough reform of the healthcare system, monthly stipends of 500 baht to the elderly, disabled and retired farmers, and the construction of 100,000 housing units per year for low-income citizens. The PRP, whose stronghold is in the eastern province of Sakaeo, addressed many of its policies to farmers. Finally, the PP ran a conciliatory campaign, presenting itself as the third choice in the election and vowing to end conflict between the pro- and anti-Thaksin supporters.

5. Results and implications

Voting is compulsory in Thai elections. Yet the penalties for abstention are minor: those who do not vote (and do not notify the authorities) merely lose their right to candidacy in local and national elections until they cast their ballot in any future election. Hence turnouts are typically closer to those seen in non-compulsory voting systems. In 2007 turnout was 77.5%, slightly up on the 2005 figure of 75%. Abstention was highest in the north-eastern provinces and lowest in the central region. The law allows those who do not want to support any party or candidate to mark ‘no desire to vote’ on the ballot. About 3% of the valid votes were such no-votes.

The PPP emerged as the strongest party but failed to obtain a majority in parliament (see Table 1), winning 233 (48.5%) of the seats. This is well short of the parliamentary representation won by its predecessor party, the TRT, in 2005, not least because of the more proportional electoral system. The PPP remained dominant in the northern and north-eastern provinces, whereas the DP, the largest opposition party, received overwhelming support in the south and regained control over the capital. Overall, the DP improved its position considerably compared to 2005, increasing its total share of seats from 19.2% to 32.4%. However, the party was able to secure only about one-third (165) of the 480 seats at stake. This was partly due to the workings of the electoral system and an inefficient distribution of the DP’s votes: in the PR element, the DP was only one percentage point behind the PPP, and thus took only one fewer seat. The remaining seats were shared between the five largest of the minor parties, whose support was also concentrated in the north and northeast. Not surprisingly, given the new electoral system, smaller parties found it much easier to win seats than in 2005.

Soon after the election, there were substantiated reports of illegal campaign practices in several constituencies in the northern and north-eastern provinces. The election commission initiated a formal investigation into the campaign activities of a total of 83 elected candidates. The majority of those under investigation were from the PPP. The alleged illegal practices included vote buying and the distribution of video CDs featuring former Prime Minister Thaksin Shinawatra. The constitution empowers the commission to declare election results void and to announce by-elections when it discovers major irregularities in the electoral process. There is also a system of yellow and red cards for the candidates under investigation. If candidates are issued with a yellow card, they may contest

Table 1Results of parliamentary elections in Thailand, 6 February 2005 and 23 December 2007^a

	PR votes %	PR seats	Const. seats	Total seats (2007)	Total seats (2005)	Seats (% 2007)	Seats (% 2005)
People Power Party (PPP)/ Thai Rak Thai (TRT) ^b	41.1	34	199	233	376	48.5	75.2
Democrat Party (DP)	40.4	33	132	165	96	34.2	19.2
Chartthai Party (CTP)	4.0	4	33	37	26	7.1	5.2
Puea Pandin Party (PP) ^c	5.3	7	17	24	–	5.0	–
Ruam Jai Thai Chart Pattana Party (RC) ^c	2.5	1	8	9	–	1.9	–
Mactchimathipataya Party (MCM) ^c	1.5	0	7	7	–	2.3	–
Pracharaj Party (PRP) ^c	1.4	1	4	5	–	1.0	–
Others	3.8	–	–	–	2	–	0.4
Totals	100.0	80	400	480	500	100.0	100.0

Source: author's calculations based on data provided by the Election Commission of Thailand.

^a Final results after by-elections.^b PPP de facto successor to TRT which was banned from 2007 election.^c Party did not stand in 2005 election.

the by-election; red cards bar them from taking part. In January 2008, the commission issued red cards to three PPP winners in the north-eastern province of Buri Ram, and to two CTP candidates and one MCM candidate in the central province of Chainat. A total of 24 yellow cards were handed out: 16 to the PPP, three to the DP, two each to the PP and DP, and one to a newly elected member from the MCM. By-elections were held on four separate dates in January and February. Final results of the election (including changes due to the by-elections) were released at the end of February and meant minor changes to the composition of the new parliament. In total, the DP lost one seat and the CTP three. The big winner from the by-elections was the MCM, gaining four additional seats.

After the election, the new parliament elected Samak Sundaravej, leader of the PPP, as prime minister. In February, the new government was finally sworn in and consists of the PPP and the four minor parties represented in parliament. The DP is therefore the only party in opposition. The majority of the new cabinet members have close ties to former Prime Minister Thaksin. Local business analysts expect the new government to boost economic growth, but human rights activists predict little progress in the nation's democratic development.²

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² Author's interviews with business executives and human rights activists, Bangkok, February 2008.