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ANALYSIS

ELECTIONS AND DEMOCRACY IN THAILAND

Napisa Waitookiat

Thailand's democratic development has hardly been smooth. The 17th constitution, or so-called "people's constitution" of 1997—drafted immediately after the Asian financial crisis—was previously hailed by the Thai public as a democratic foundation for the country's future. The aims of the constitutional reforms included strengthening the party system, reducing the prevalence of corruption, and establishing a number of new accountability agencies. But the Thai Rak Thai Party, established in 1998 under the leadership of Thaksin Shinawatra, dominated both the executive and lower house since 2001, eroding institutions such as the judicial branch and National Election Commission and leaving little room for horizontal accountability. Corruption scandals within the party and the overall lack of government checks and balances precipitated the Thai military intervention in politics on September 19, 2006. Although the military coup was a real setback for Thailand's democracy, military leaders vowed to address the flaws of the Thaksin regime and to hold free and fair elections on the 23rd of December. What kind of changes will the upcoming elections bring, and how will the elections bear on the prospects for Thailand's democracy? This analysis suggests that the main concern in the post-election period will be the question of legitimacy, which will revolve around three main issues: corruption, the electoral system, and coalition government.

CORRUPTION: PLAYING BY THE NEW RULES

The issue of corruption is particularly important for the country's democratic future because it directly affects the regime's performance and legitimacy. In the past, allegations of corrupt behavior by elected politicians offered a pretext for the military's interference in politics. The recently adopted electoral rules, which combine multi-member districts (400 seats from constituencies) and a closed party list (80 seats on a proportional basis), could facilitate a higher level of electoral corruption. Multi-member districts with a bloc vote system allow candidates running from the same parties to compete against each other. Consequently, candidates will be inclined to rely on personal attributes—popularity, money, networks, etc.—rather than on party platforms as vote-getting strategies. This is precisely what occurred in the pre-1997 period, which witnessed the rise of factionalism, a weak party system, rampant corruption, and government instability. Indeed, these institutional problems were precisely the reasons for electoral re-engineering in 1997.

However, the difference between Thaksin's regime and what is expected during the December 23rd election lies in the strategies of corruption. While the Thaksin regime was characterized by large-scale corruption, such as utilizing state policies as a medium for rent-seeking activities, corruption in the anticipated multi-party coalition govern-

ment would probably occur through small and medium-sized projects involving a greater number of players. If this happens, the new regime will lose its legitimacy, and such de-legitimization could pave the way for another military intervention in politics in the future.

THE ELECTORAL SYSTEM: BACK TO THE DISTRICT DRAWING BOARD

The fairness of an election is regarded as one of the elements of “procedural quality,” which is in turn a key metric in whether a regime is democratic. Larry Diamond, a Senior Fellow at the Hoover Institution, has argued that elections are fair “when they are administered by a neutral authority and when electoral districts and rules do not systematically disadvantage the opposition.” Thailand’s electoral district drawing system could seriously undermine electoral fairness. The inconsistency of electoral district drawing creates an uneven playing field for parties, favoring some at the expense of others. For instance, in District 3, which includes two provinces in the south and 15 from the central region, parties with a stronghold in the south have very little chance of being elected—unless (1) southern voters in that district vote unanimously for the party representing their interests, and (2) district turnout is low—since the majority of votes in the district are from the central region.

That the districts are comprised of provinces which are not necessarily from the same regions has a noticeable impact on the strategies of parties, which in turn affects the degree of responsiveness to voters. In order to assure electoral victories, the best strategy for parties running in those districts is to prioritize the demands of majority voters over those of minority voters (assuming that interests of minority and majority voters differ). This significantly disadvantages those in the minority and raises the question of electoral fairness for both parties and voters.

COALITION GOVERNMENT: LEGITIMACY DEFICIT DISORDER?

Under the current electoral rules, it is unlikely that Thailand will again have a dominant single ruling party as experienced during the Thai Rak Thai government from 2001-2006. It is more likely that a coalition government will

emerge, similar to the ones of the early 1990s. Yet, under the present circumstances in Thailand, a multi-party coalition government may suffer from a legitimacy deficit, at least in the eyes of rural voters. In such a system, policies must be agreed upon through bargaining between different ruling parties, and actual implementation of policies will take time. A slow, ineffective, and highly bureaucratic executive may not fare well in Thailand’s current situation, where the economy is deteriorating and inflation is on the rise.

Populist policies promulgated by Thaksin Shinawatra to marshal support from rural voters may not be a viable strategy this time around because of the government’s multi-party structure, which could in turn lead to voter disillusionment and erode the new administration’s legitimacy. One of the major structural changes under Thaksin’s leadership was the creation of a new perception among rural voters about how politics are played. Rural citizens reaped tangible benefits from Thaksin’s populist policies, though the programs were not extensive. It is much less likely that we will see the same situation after the December elections.

CONCLUSION

The main concerns in the post-election scenario will revolve around the issue of legitimacy, which will arise most prominently in three main areas: corruption, the electoral system, and coalition government. These will set real tests for the post-coup government. Democracy can only be restored and consolidated when a regime has legitimacy, a point of equilibrium where diverse needs among different groups’ interests converge. But the recently adopted electoral rules, inconsistent district drawing system, and the prospect of a multi-party coalition government may very well promote rather than limit corruption in the upcoming elections. One lesson that should not be ignored is that, just as the recent coup altered the political environment, so too did Thaksin transform perceptions about how politics should be played. Politics in Thailand will never quite be the same again.

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