

# Losing after Winning an Election

written by David Streckfuss | July 19, 2023

Isaan voters have a long track record of their candidates winning and then eventually losing. Northeasterners picked parties whose leaders became prime ministers in 2001, 2005, 2006, 2007, 2011, and 2014. But they lost to coups (twice), court rulings (two or three times), and election annulments (twice). The overwhelming choice of Isaan voters (and the majority of voters throughout the country) now face a new challenge: an unelected Senate. Will its beloved Pheu Thai Party rise to the occasion and save democracy? Or will it take the premiership and break the pro-democratic bloc? Does it have any choice?

The results of the May 2023 election revealed the possibility of a new kind of Thailand: an actual democracy that sees the realization of a new, vibrant kind of politics that might actually address long-standing inequalities. Many Thais dared to hope.

But the ultimate outcome of the election was predetermined. The military-appointed senate was specifically placed into the 2017 constitution to distort any election result into an outcome ensuring continued military political domination, and the Bangkok-centric views and elite that it represents.

## **Elections a great victory for democracy**

The election outcome was unprecedented in many ways. It was the first time that there were two large political parties on the pro-democracy side, namely Move Forward and Pheu Thai parties (MFP/PTP). Together, they received 49.94% of the popular vote for constituency seats (suspiciously just under 50%).

It's less than what Thaksin Shinawatra's party received in 2005, when the party's democratic credentials were in question. But it is a little more than the 47% that PTP got when it became clearly identified as pro-democratic in the 2011 elections. And it is significantly more than the 39% of the popular vote that the two parties received in 2019.

What really stands out is the separate "party" ballot. Constituency votes may be the result of local politics or past loyalties. But when given the chance to vote their hearts, a remarkable two-thirds of voters chose these two parties, and when combined with other pro-democratic party's the total approaches 72% of voters: voters have chosen a democratic future for Thailand.

At the same time, the pro-military parties were soundly repudiated. While the Palang Pracharath Party (PPP) that headed the previous administration received 11% of the constituency vote, the party itself was chosen by only 1.4% of voters. The current prime minister had fled his own party to the newly-created, pro-military United Thai Nation Party (UTP). Even the full resources of the state could only scrounge up 20% of the constituency vote, and a paltry 14% of the party vote nationally.

## **Isaan vote solidly for democracy**

In the Northeast, the vote was even more skewed toward pro-democratic parties. For constituency seats, PTP won 36.5% of total votes, MFP secured about 21%, and pro-democratic parties received about 63% of the Isaan vote. Bhum Jai Thai (BJT), which collaborated with the pro-military government, took the next most votes in the region.

Pro-democracy parties received four out of every five Isaan party votes, becoming generally more popular as moving away from Bangkok: Khorat 77%, Maha Sarakham 83%, Sakon Nakhon 81%,

Bueng Kan 84%, Udorn Thani and Nong Bua Lam Phu 86%.

Even in Buriram where PTP and MFP were completely shut out by BJT in its ten constituencies and took 48% of the vote as compared to PTP (23%) and MFP (22%), Buriram voters largely switched their allegiance to pro-democracy parties in choosing a party (PTP 30%; MFP 34%) over BJT (20%).

Pro-democracy parties were particularly successful in Thailand's periphery like Isaan and the North. Even in the Deep South (Pattani, Yala, and Narathiwat), MFP came in second in virtually every constituency on the party vote.

Intriguingly, election results saw the very rare congruence between pro-democracy victories Bangkok and the Periphery, suggesting the possibility of a rethinking and new coalitions that might forge new ways of addressing inequality between the center and periphery.

In short, the election results were never so stark and clear in Thailand's otherwise desultory history of democracy. Never have pro-democratic parties done so well. Never have authoritarian parties been so humiliated.

### **Pretense of Legitimacy**

The 2023 election was a corrective outcome that finally makes a bridge between the 1997 constitution and the hopes for democracy that it inspired. What caused the gaping chasm was the stubborn reluctance of an awakened electorate to lend political legitimacy to the intervention of decidedly undemocratic institutions like the military and the monarchy. The instruments of intervention were the coups of 2006 and 2014.

Flailing about and completely losing the narrative, the Bangkok elite struggled to put the genie back in the bottle. Lacking imagination, it bet against the future and planted its stake with the institutions. The leadership, in all its self-righteousness and egotism, mistook its own suppression of dissent as a sign of its own popularity.

Meanwhile, the majority of the population was a growing reservoir, filled with years of resentment. The last government they'd elected into power was trying to clean up the mess made by the 2006 coup when it was overthrown by the 2014 coup. It had hoped to remove the undemocratic elements introduced by the 2007 constitution and bring the legal regime of Thailand back into the track laid out by the 1997 one. The 2006 coup was illegitimate; the 2014 one even more so.

The military leaders and what they ushered in was never seen as legitimate. There was only waiting, quietly, for a chance to continue the story of democracy.

The military was in a narrative all by itself: the protagonist, of course, but also its own principal audience. As heroes of their own narratives, the military leaders could never imagine the tawdriness of their own performance in the eyes of the vast majority.

This self-delusion must have been behind the regime's decision to amend the election law so that in addition to a vote for a constituency candidate, voters would also vote for the party and its designated candidates for prime minister. It effectively turned the vote into a referendum on the military-led government and the prime minister. And the military must have both known what the polls said but somehow still believed they would win.

This particular situation set the stage for the military government to play poor sport.



## **Authoritarian Calculations**

The military government was also overconfident of an outright victory in the 2019 election. At first, it appeared that the military party, to its surprise, did not have enough MPs to form a government. It took more than a month of arithmetic machinations to come up with a formula that allowed a group of micro-parties to become MPs.

The government was so spooked by the surprising success of the new Future Forward Party (FFP) that it had to resort to blunt subtraction: erase the party. Within six months of forming a government, with the aid of the military-appointed election commission and Constitutional Court, was able to have the party dissolved and its leaders banned from politics.

The problem did not go away, however. The dissolution of FFP led to its resurrection as MFP which within months had become the inspiration for a new generation which was to push the boundaries of what seemed politically, even conceptually, possible. MFP for its part created an entirely new electorate of largely new voters.

In preparation for the 2023 election, the government did some gerrymandering and poured money into candidates. Unfortunately for the military, it apparently oversaw clean elections indicated by its poor performance. The MFP gained 26% of the constituency vote, PTP 25% and the two military parties combined 21%. But it is in the party vote that the military parties really pale, gaining only 14% of the vote compared to MFP's 38.5% and PTP's 29.3%.

In Isaan, the military parties, even when combined, were the party of choice for only 6.4% of the region's voters, compared to a combined 76% of PTP and MFP - different by a factor of almost 12.

## **Fall back on the sure deal: Appointed Senate**

There was no way for the military government to monkey around with the numbers in such a sound defeat. This had been foreseen: the entire purpose of the 2017 constitution was the provisions that:

- 1) the military itself would appoint the Senate;
- 2) that the Senate would have the deciding role, more or less, in determining who was to become the prime minister; and
- 3) that the makeup of the senate and the number of members (250) would be wholly in the hands of the military for five years, enough to decide the outcome in the first two elections (2019, 2023).

That way, even if the military parties came up short in the election – which it surely did in 2023 – it could always resort to tactics of the poor sport and simply cheat to keep power.

But the military could have also read the signs: it had had every chance to prove itself over five years of dictatorship and four years of semi-elected government. And it had, simply said, failed. Indeed, even with full power, the military-backed parties' share of the vote had even decreased by 11%. It was time to concede defeat, be a good sport, shake hands, and let the winner prevail.

The old guard started this maneuvers by undercutting MFP's legitimacy by essentially accusing the party of treason, according to this formula: that MFP wants to amend the law protecting the monarch means it wants to change the status of the highest institution which in turn means it wants to change the form of the government as specified in Section 49 of the constitution as "democratic regime with the King as Head of State."

Another tried-and-true maneuver is to arrange for the courts to dissolve the party entirely on some legal pretext or another.

While carrying these out, the trump card is the brute force of numbers: a candidate for prime minister needs 376 votes of the full parliament. The unelected and unaccountable Senate has 250 votes. Only another 126 votes are needed from the House of Representatives, or *just 25%* of that elected body.

That number could be easily reached by the two military-based parties and just one of the other two largest parties in the military-allied coalition. But that coalition was just voted out of office and has only 188 MPs, well short of the 251 votes needed to stave off the threat of a no-confidence vote.

The probable outcome is as unimaginable as it is objectionable. As the Senate was designed to be impervious to public pressure (in other words unaccountable to the public), and it is impossible to form any coalition without either MFP or PTP, the only possible outcome is for one of the two parties to join with at least two parties that had supported the military government to reach 251 MPs.

As it appears that the Senate as whole has determined to block MFP, only PTP can enter this loathsome pact.

Even if PTP was able to preserve something of the pro-democracy coalition and avoid including a military party, the coalition would lose its democratic luster by having to make BJT and the Democrat Party partners. It would be even more galling were it to head a coalition with the military parties.

It would be a sad and bitter testimony to the political distortions created by the Senate that the party that won the election would in the end lose, and that the best-case scenario is that it had to serve in the opposition along with the two military parties it had so decisively beaten.

## **Pheu Thai's fateful decision**

It will be up to PTP to decide its own historical legacy. Is it ideologically equipped to persevere for democracy, perhaps to its own ruin, at least in the short run? Will it be lured by some promise (such as Thaksin being allowed to return to Thailand) and choose to play into the military's hand? If it does, will the betrayal of its commitment to democracy cause the party to splinter? And would that eventuality - a crack in the pro-democracy alliance - be exactly what the Bangkok elite had hoped for all along?

The Thai people spoke loud and clear when they gave *overwhelming* support to the liberal and progressive bloc of parties. With the Senate's role at play, this bloc's success ironically seems to contribute to its own downfall: its parties gained so many seats that at least some of them *have to be* in the ruling coalition. But the Senate is doing all it can to ensure that doesn't happen by barring MFP.

It has come down to a test of nerves. The Senate can try to block the election winners from choosing their own candidate as prime minister. The Senate can veto but if the democratic bloc can hold the line, there can't be a new government. It's time for the Senate to take a historical stance and let the elected winners, let democracy, rule.