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The Zany State of Thai Politics in the Middle of 2024

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1. A prelude with a brief story on Thaksin Shinawatra and Thai politics until early 2024.

No one in modern Thai history could have greater influence and impact, for good or ill, on the Thai society than Mr. Thaksin Shinawatra, the 23rd Prime Minister of Thailand. He was born in 1949 in the Chiang Mai Province in the North of Thailand of a Sino-Thai family, and trained in the Police Academy and became a police officer in 1973 before receiving a scholarship to further his study in the United States where he received a PhD in criminal justice in 1978. Upon returning to Thailand, he continued his police career but decided to leave it to enter the computer and communications businesses in 1987. He received many concessionary projects from the government, and by the mid-1990s he became very successful in his mobile phone and other allied telecommunications businesses. By then he had become a very rich man.

In late 1994, Thaksin decided to enter politics by joining the Palang Dhamma Party and was given various ministerial positions. These early political appointments were not very successful. In 1998, he decided to leave the Palang Dhamma Party to form his own party named Thai Rak Thai Party which aimed to be a progressive populist party. In 2001 general election, his party won the largest number of seats and was able to invite many other parties to form a government. This time he became very successful in carrying out his election promises, especially his universal healthcare policy where almost all Thais would receive practically free overall medical services. This policy alone would guarantee Mr. Thaksin continuous political supports from the Thai electorates for many years. True to this, Mr. Thaksin's party won the second general election in 2005 with even greater majority than the last election.

This rising popularity unfortunately had brought about careless over-confidence of Mr. Thaksin who ruled the country more or less at will, disregarding legal propriety and apparent conflicts of interests. Popular protests from opposing groups in the Thai society ensued and spread throughout the country during his second term, fuelled by Mr. Thaksin's decision to sell off his shares in his company, Shin Corporation, worth about 2 billion US dollars, to a company owned by the Singapore government without having to pay any tax due to a loophole in the Thai tax law that he did not care to close. This event became the last draw on a general protest against Mr. Thaksin where the country was plunged into ungovernable situations. This eventually led to a military coup in September 2006 while Mr. Thaksin was outside Thailand.

A year and a half later, the new constitution was drafted and a new general election was held. Mr. Thaksin's party again won the majority of the seats and was able to form the government, attesting to the continuing popularity of Mr. Thaksin although he was a fugitive outside Thailand. With his government in control of the country, Mr. Thaksin was able to return to Thailand in 2008 to face many corruption and abuses of power charges against him initiated after the coup. The prospect of losing his first case on allowing his wife to buy government land under his (Mr. Thaksin's) control caused him to flee the country and became a fugitive again. Meanwhile his supporters in Thailand (so-called the Red Shirts) remained strong, and despite a brief period when Mr. Thaksin's party was not in power (late 2008 to mid-2011) his political supporters were able to elect his party to be in government again, this time led by Mr. Thaksin's youngest sister, Ms. Yingluck Shinawatra who became the first women prime minister of Thailand in late 2011.

However, Mr. Thaksin committed another major policy blunder (through his sister's administration) by executing the so-called rice pledging policy whereby Yingluck's government would buy all paddy rice with the price 50 per cent higher than the market price, in the hope that it could sell these rice stocks in the world market at an even higher price. But this policy failed miserably because the rice exports from India and Vietnam were more than sufficient to keep the world rice price down and had caused the Thai government more than 15 billion US dollars of losses. Many politicians and officials in Yingluck's government were involved in many court cases and met with long prison sentences. Ms. Yingluck herself was also met with a five-year prison term for her negligence in carrying out her duties. But before the sentence was announced, she also fled the country to join her brother in exile in 2015.

But before that, in 2014 when Ms. Yingluck was still in power, popular protests against her became widespread as a result of her attempt to enact a law to absolve Mr. Thaksin from all past wrongdoings. This political impasse had again resulted in a military coup by General Prayut Chan-Ocha in May 2014. General Prayut ruled the country with dictatorial powers until 2017 when the new Constitution was drafted and enforced. In 2019 when a new general election was called under the new Constitution, he joined a military-backed political party and contested in the election. His party won over Mr. Thaksin's Party which by then was regrouped with a new name, Pheu Thai Party, and was able to form government with General Prayut continuing as Prime Minister.

Four years on, General Prayut had served his term and faced a new election in May 2023. This time, however, the military-backed or the so-called conservative power groups lost badly to the new party called Move Forward Party. This time also Mr. Thaksin's Pheu Thai Party had also lost its former charm and came second to the Move Forward Party and had to agree to be a junior partner with the Move Forward Party to form new government. However, due to a quirk provision in the current Constitution, the Senate which was appointed by General Prayut and his military colleagues was able to thwart the attempt by the Move Forward Party to form a government. When this happened, the Pheu Thai Party of Mr. Thaksin was given a lucky chance to form a new government instead. It was here that Mr. Thaksin was rumoured to enter some kind of a "deal" with General Prayut to allow him (Mr. Thaksin) to return to Thailand safely without facing a harsh prison sentence, in exchange for allowing military-backed parties to share power in his government with Mr. Srettha Thavisin as prime minister.

Again, after being able to return to Thailand "in style", and to receive his reduced prison sentences from the King, and eventually to "serve his prison term" in the cozy confine of the Royal Suite on the 14th floor of the Police Hospital, Mr. Thaksin was released on parole after 6 months. But instead of keeping a low profile expected of a prisoner still on parole, Mr. Thaksin, on the contrary began his unreserved show of his power with a clear intention that he wanted to return to his political power again. This could have triggered a concern from a group of senators who represented the conservative power base to act against Mr. Srettha with repercussion to Mr. Thaksin as will be further explained. Since Mr. Thaksin still has a lèse-majesté case against him as a result of his comment on the Royal Family in 2015, this case was updated and finally

piled on him on May 29, 2024. This event could have clipped the high-flying wings of Mr. Thaksin at least for a while.

2. Mid-2024: Mr. Thaksin's ghost is haunting Thai politics further.

The decision on May 23, 2024, by the majority of the Constitutional Court judges (6 to 3) to accept the case against the Thai Prime Minister, Mr. Srettha Thavisin for consideration whether to remove him from office on charges of unethical conduct in appointing an unqualified minister for a post in his reshuffled government in late April this year, has created an enormous ripple in political stability of the government led by the Pheu Thai Party. According to the accusation against him submitted by a group of forty Senators, Mr. Srettha has committed a constitutional offence by appointing someone whom he knew or should have known to have lacked the necessary ethical qualifications for a ministerial position. That someone was Mr. Pichit Chuenbarn a well-known private lawyer of Mr. Thaksin Shinawatra, who, in 2008, was complicated in the attempt to give two million baht cash in a "cookie bag" to officials in the Office of the Supreme Court for Criminal Offences of Political Office Holders on the pretext that this money was from Mr. Pichit and his law firm while helping Mr. Thaksin on his conflict of interest case at that time. This act was construed as a contempt of the Supreme Court (an attempt to "bribe" court officials), and the appointed judges of the Supreme Court summarily sentenced Mr. Pichit and two of his accomplices to a six-month jail. Although the present Constitution stipulates that a person with a jailed sentence cannot be appointed a minister, this requisite is exempted after the lapse of ten years of the jail term. However, there are other provisions in the Constitution that should prevent Mr. Pichit from being appointed a minister, that is, Sections 160 (4) and (5) which state that a minister must be of evident integrity and must not have a behaviour which is a serious violation or failure to comply with ethical standards. Although Mr. Pichit decided to resign from his ministerial post on May 21, two days before the deliberation of the Constitutional Court, the Court still ruled that this did not invalidate the accusation against Mr. Srettha. Hence the above 6 to 3 decision with a condition that Mr. Srettha submits his defense in writing within 15 days before the next Court deliberation.

Even hardened gurus on Thai politics were surprised by the surreptitiousness and speed with which the petition from these 40 Senators were submitted to the Constitutional Court. The names of these senators were not disclosed, but it was widely speculated that they were from military people appointed by either General Prawit Wongsuwan or General Prayut Chan-Ocha and were seen as representatives of the so-called "conservative group" of current Thai power. Why did this power group come out strongly at this juncture? Again, it has been widely speculated that this conservative group of people who originally opposed the ascendancy of the Move Forward Party, and agreed to support the Pheu Thai Party of Mr. Thaksin Shinawatra to counter or stop the surge of the Move Forward Party became disillusioned or disenchanted with the behaviour and movements of Mr. Thaksin after he was released on parole from his "prison" in the Royal Suite on the 14th floor of the Police Hospital on February 18, 2024, exactly 180

days after returning to Thailand from his exile on August 22, 2023. Barely two days had passed when Mr. Hun Sen of Cambodia flew in to visit Mr. Thaksin. Then began a continuous series of high-profile movements of Mr. Thaksin which included the “open house” events at this private residence to welcome his loyal followers, the visit to Chiang Mai, his hometown during Song Kran Festival, a series of clandestine meetings with various rival groups in the war in Myanmar, and a visit to Phuket to meet with Malaysian Prime Minister probably on Southern Provinces political issues. Not only this, the recent cabinet reshuffle in late April 2024 was commonly understood as the handiwork of Mr. Thaksin, with a clear intention that he wanted to raise the power profile of his Pheu Thai Party. This behaviour and movements of Mr. Thaksin had gone over the understanding of the “deal” that he had made with the old military groups. Hence the unexpected manoeuvre by these senators to “pull” him back.

But the collateral damage during this whole episode is not Mr. Thaksin, at least not directly, but Mr. Srettha, the hapless prime minister who is well-understood as being under control of Mr. Thaksin. No one knows how he would defend himself with the Constitutional Court where the outcome could be very dire, that is, he is removed from his prime ministership. We all know that Mr. Srettha did not want to appoint Mr. Pichit but went along with the wish of Mr. Thaksin to do so. Now he has to suffer the consequence of his action which he committed on behalf of others. However, it is possible that the Constitutional Court may absolve him from his alleged wrongdoing, probably on the basis of lack of willful intention. In this case, the stature of Mr. Srettha should improve, and he could more strongly exert his own power as the prime minister of the country. We have to wait and see.

Meanwhile, the political environment of Thailand is still thick with political haze of unexpected occurrences. Take for example, on May 29, 2024, the Office of the Attorney General of Thailand announced that the Attorney General had decided to prosecute Mr. Thaksin on charge of defamation of the King as mentioned earlier. Mr. Thaksin did not show up to hear this announcement due to his illness, but he has to report to the Office of Attorney General on June 18, 2024 where he will be taken to the Criminal Court to start official prosecution process. The judge may not grant him a bail because he has a past history of fleeing the country before a court sentencing. In this case, he will be taken to a “real” jail right away to await his trial. But, if this bail is granted, we will see a striking difference between Mr. Thaksin’s case and the cases against many other lèse-majesté culprits who were refused bails on the same charge, one of whom had died from hunger strike in protest of this apparent unfair treatment from the court.

On June 10, 2024, the Constitutional Court will begin to deliberate on the dissolution case against the Move Forward Party, where the prospect of dissolution of this party is very high. Again no one knows how the political landscape of Thailand will look like when the political party which received the highest votes from the Thai people in the last election is dissolved on the charge of willful undermining of the current political system. Then this Court will determine the fate of Mr. Srettha probably in August 2024. If he loses, a new government must be formed. No

one knows how this new government will look like. It is possible that we may see Ms. Paetongtarn, aged 36, the youngest daughter of Mr. Thaksin, and current Leader of the Pheu Thai Party, be selected as the new prime minister of Thailand. Moreover, the forming of new Senate based on incredibly complex rules which is supposed to finish in early July may not happen as expected, creating an added confusion to the already complex political situations in Thailand.

It is understood that part of the “deal” between Mr. Thaksin and the government of General Prayut which had enabled Mr. Thaksin to return to Thailand without having to spend even one day in jail also includes the provision that his sister, Ms. Yingluck Shinawatra who is still in exile outside Thailand can also return to Thailand without facing any imprisonment. Ms. Yingluck is already sentenced with a five-year jail term for her negligence in her rice pledging policy during her tenure. To escape this jail term like Mr. Thaksin may be more difficult because she is not yet 70 years of age where staying outside the physical prison could be an option. However, it is possible that a plan could be conceived whereby Ms. Yingluck could be detained in her private residence or at a special designated premise. In order to do this, Mr. Thaksin may have to tone down on his activities and be more circumspect of the feeling of the conservative factions of the coalition government. Or a new law could be passed whereby all past politically-related legal cases, including lese-majeste case where Mr. Thaksin himself is now a culprit could be exonerated.

How could we manage this zany politics in Thailand? A short answer to this question is that we must strictly observe and enforce the rule of law, or do not distort or abuse the true intention of the law. The country is in trouble because there are many people in Thailand who are “above the law” or could bend the law to serve their own purposes. In my opinion, the underdevelopment of politics in Thailand where the lack or abuse of the rule of law is evident in both military coup d’état and parliamentary majority as a result of old-styled patronage systems and rampant populist policies, they have translated into the distrust of countries and people outside Thailand, resulting in the fall of various economic activities that explain the low economic prosperity of our country at the moment. Until this strict observation and enforcement of the rule of law is achieved, there is no hope for the political future of Thailand.