Assessment Report: Thailand 2017 Election

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Political and Electoral Violence:
Analysis for the Policy and Practitioner Communities

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Executive Summary

This report analyzes the risks for electoral violence facing Thailand in its upcoming elections, using the Bureau of Conflict and Stabilization Operations' (CSO) Electoral Violence Assessment Framework from the U.S. Department of State as the methodology. The interim military government of Thailand has scheduled elections for late 2017, postponed from early 2016. Elections are likely to be postponed again even further.

Context

In May 2014, Prime Minister Yingluck Shinawatra was overthrown in a bloodless coup by the Thai military, after increasing accusations that Yingluck’s government was abusing its power and was being controlled by her brother, the exiled former Prime Minister Thaksin Shinawatra. The National Council for Peace and Order (NCPO), the military’s governing organization, has been in power ever since, led by Army Commander and Prime Minister Prayuth Chan-ocha. The NCPO maintains a de facto martial law over the population, severely restricting civil liberties. Before holding elections, the NCPO must draft a new constitution, which requires approval from the military-appointed National Reform Council (NRC). The NCPO will attempt to draft a constitution that grants itself as much power as possible in the new government, but it may not finish an acceptable draft in time for the 2017 election deadline.

Other complicating factors include the failing health of King Bhumibhol, who is likely to pass away soon, demoralizing the population and leaving behind a contested succession to the throne. In addition, the coup has exacerbated divisions between the two major parties. The Democratic Party, known as the Yellow Shirts, are mostly urban middle class and elites centered around Bangkok and other major cities. It is a minority party and has not typically had strong influence in the Thai government. Now, however, it dominates the government because of its alliance with the military regime, and would be disadvantaged by a return to regular elections. The Pheu Thai Party, known as the Red Shirts, is a populist and nationalist party affiliated with Thaksin Shinawatra. It is largely made up of the rural poor in the north and the urban poor in Bangkok. It holds a majority of the population but is not represented under the military regime.

Findings

While there are some actors that have the ability to mitigate violence in the upcoming election, many more are likely to perpetuate it. Governmental organizations have the potential to encourage peace by avoiding provocation, making uncontroversial decisions and holding free and fair elections on schedule. However, these factors are overshadowed by the likelihood of most actors involved in this case to perpetuate violence. This paper outlines five key findings on the likelihood of violence during Thailand’s elections, which are summarized below.

If the NCPO passes a constitution in which they retain undue governmental power, supporters of democracy and members of the Pheu Thai Party are likely to protest and become
violent. While a certain amount of military influence may be beneficial in stabilizing the new government, too much may cause outrage from these groups, who would be disadvantaged and underrepresented under a government dominated by the military.

If the NCPO postpones the election, Pheu Thai supporters are likely to resort to protests and violence in attempt to force an election. As the election date approaches, the risk of violence increases if elections are postponed. The regime may postpone the election for a variety of reasons, provoking the Pheu Thai Party, which is disadvantaged under the current regime and would benefit greatly from free and fair elections.

If the Democratic Party believes the results of the election will be upheld, they will be likely to hold potentially violent demonstrations at polling stations as they have in the past. The Democratic Party cannot win in a fair election, and will lose its advantage in government if the military cedes power in a transition back to democracy.

If the NCPO does not honor results of the election or if the Constitutional Court unfairly favors the Democratic Party, Pheu Thai supporters will protest and become violent in order to gain governmental control. The Constitutional Court has been biased against populist parties in the past, and may discriminate against the Pheu Thai Party in the upcoming election, provoking them to violence to advocate for a fair election.

If the Democratic Party does not win the election, and the NCPO upholds the results of that election, then supporters may violently protest their loss of governmental control. Similar to their capacity for violence during the voting period, supporters are perhaps more likely to take action in the aftermath of the election if they begin to lose power in the government.

**Policy Recommendations**

The most important factors in mitigating violence in Thailand’s upcoming elections are to ensure that the elections are held on schedule in late 2017 and that the results of that election are upheld. With this in mind, this paper makes eight policy recommendations to the United States.

The United States must diplomatically engage the NCPO and recommend that they create a constitution free of undue military influence in its institutions; hold free, fair elections on schedule; and uphold the results of that election.

In addition, the United States should request that the NCPO allow electoral monitoring institutions into Thailand, which will legitimize the election in the eyes of voters, who perceive the process as biased.

Upon King Bhumibol’s death, the United States should release a statement
recommending a fast and uncontroversial transition to the throne, which will avoid incentives for the NCPO to postpone the election.

The United States ought to support Thai civil society organizations in giving aid to rural poor, who are at high risk for perpetuating violence. This will mitigate their grievances as a cause for violence.

The United States should consider cooperating with the Japanese government in the previous endeavors to increase pressure on the regime. As two of Thailand’s biggest allies, the US and Japan can heavily influence its policies.

The United States should privately suggest to the NCPO that it will withdraw military aid and cancel Cobra Gold in 2017 if it creates a constitution in which the NCPO retains undue governmental influence or if it is not on track toward a timely election.

The United States should consider recommending the creation of a political party council to the international community in order to help strengthen the electoral process and address grievances associated with perceptions that the process is fraudulent.

In following the previous recommendations, the United States must avoid alienating Thailand from the United States and Japan in favor of China, which is attempting to gain influence in Southeast Asia.

Introduction

This report uses the Bureau of Conflict and Stabilization Operations' (CSO) Electoral Violence Assessment Framework from the U.S. Department of State as the methodology. It was prepared for the course “Political and Electoral Violence: Analysis for the Policy and Practitioner Communities” within Georgetown University’s Democracy and Governance M.A. Program. To inform the findings, the authors conducted in-country interviews and performed an extensive review of secondary sources. The aim of this report is to analyze the risks for violence in Thailand’s upcoming general elections, currently projected for late 2017, to identify key actors that are likely to perpetuate violence or promote peace, and to make policy recommendations for the United States in the interests of preventing electoral violence. A brief context for Thailand’s upcoming elections is outlined below, followed by a discussion of electoral violence framework components: institutional practices and social patterns, windows and triggers for violence, key actors and their interests, grievances and related social groups, and social and institutional strengths. After this is a discussion of findings and recommendations for United States policymakers.
The current political conflict centers on former Prime Minister Thaksin Shinawatra. He was deposed in a coup in 2006, but retains significant control and influence over the Pheu Thai Party, a populist and nationalist party formed from the dissolved People’s Power Party, which in turn succeeded Thaksin’s own Thai Rak Thai Party, which was banned along with his government in 2006.1 In 2011, Thaksin’s sister, Yingluck Shinawatra, was overwhelmingly elected with the Pheu Thai Party, but it was widely believed that she was being controlled by her exiled brother. Accusations of corruption and abuse of power increased during her time in office, and remaining anti-Thaksin groups became more popular in response.2 The majority of Yingluck’s opponents were middle and upper class urban Thais, who led boycotts of the 2014 general election and even threatened a people’s revolution. On May 22, 2014, the military led a coup and deposed Yingluck, dissolved her Parliament, and declared martial law.3

Although there was periodic violence in protests leading up to the coup, the event itself was nonviolent. Army Commander Prayuth Chan-ocha declared himself Prime Minister, and the military named itself the National Council for Peace and Order (NCPO), promising to restore democracy as soon as it became feasible to do so. The NCPO appointed new government members and wrote an interim constitution. It promised to hold elections in February of 2016 after drafting a new constitution. However, the NCPO extended the election date to the end of 2017, and will likely do so again as the deadline approaches.4 Martial law was lifted on April 1, 2015, but heavy restrictions on civil liberties remain, justified by a purposely vague clause in the interim constitution which allows the NCPO to take any action necessary to preserve the country. In the interim constitution, the NCPO also granted themselves amnesty from their involvement in the coup.5

The NCPO is currently attempting to draft a new constitution, which must be approved by the National Reform Council (NRC), itself a military-appointed body. In September 2015 the NCPO’s first draft was rejected, and although they are writing another, it too is unlikely to pass. The military and the Constitution Drafting Committee are not likely to compromise on a publicly agreeable path for transition by the 2017 election deadline. This will either cause the NCPO to further extend the election date, or to use the approaching 2017 deadline as an excuse to amend their interim constitution to remove referendum requirements and allow themselves to pass their constitution without opposition. The NCPO’s ideal constitution is one that would allow them to maintain influence over future elected governments by restricting Thailand’s democracy.6

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1 Bunbongkarn, 2015
2 Bunbongkarn, 2015
3 Bunbongkarn, 2015
5 Haberkorn, 2015
To make matters even more complicated, King Bhumibhol Adulyadej is 88 years old and has been in and out of the hospital since 2009. Thais are discouraged from discussing the eventuality of his death and succession because of Thailand’s incredibly strict lèse-majesté laws in which a person can be imprisoned for up to fifteen years for criticizing, insulting, or threatening any of the royal family. The prospects for his replacement are unclear; the Crown Prince Vajiralongkorn is unpopular because of his frequent scandals and rumored connections with Thaksin. Princess Sirindhorn, although not directly in line for the throne, is more popular, especially with traditional elites who fear Thaksin’s return and the resurgence of a populist government if Vajiralongkorn were to become king. Finally, if Bhumibhol dies before the regime holds an election, they may use his contested succession as an excuse to postpone elections in order to maintain stability during the transition.

Discussion of Electoral Violence Framework Components

Institutional Practices and Social Patterns

The period from 1997 to the present is profoundly transformative and turbulent for Thai politics and society. The tremendous changes in political institutions and civil society during this period contribute to the surge of electoral violence in every election since 1997.

History of Electoral Violence: Specifically, in the past four general elections (2001, 2005, 2007, and 2011), violent crimes including assassination, clashes, physical intimidation, bombings, and burnings occurred around voting days. In the 2001 election, 26 people were killed and 84 were wounded. The death toll increased to 30 in the 2005 election. The 2007 election witnessed ten more deaths. In the 2011 election, 14 people were killed and violent incidents reached 56. Most recently, in 2014, candidates’ registration was interrupted by deadly clashes. Gunfights between different political campaigns occurred on the day before voting day.

Reform of Electoral System: The electoral system reform in 1997 directly contributed to the intensification of electoral violence. The first-past-the-post system was introduced in Thailand, replacing the long-standing use of the block-vote system. Initially, the block-vote system helped diminish the intensity of electoral competitions by allowing strong candidates to avoid a head-on confrontation with each other, as it was unnecessary to win the most votes to be elected. For example, in a two-seat district with rivals standing, both of them could collect just enough votes to win the first and second position in order to get elected. In the new system, the competition became a zero-sum game as there is only one winner per district. The increased competition and intensity encouraged violence in the electoral system.

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7 Chanlett-Avery, Dolve, 2014
8 Kurlantzick, 2014
10 Kongkirati, 2014
11 Hermant, 2014
12 Kongkirati, 2014
**Historical Performance of the Election Commission of Thailand:** For mitigation efforts, the Electoral Management Body (EMB) is regarded as the most direct and effective institution to prevent violence. The EMB in Thailand, the Election Commission of Thailand (ECT), administers and oversees the country’s electoral process. However, in practice, the ECT has faced challenges to perform its duties. In the 2001 election, the ECT’s lack of experience and capacity, combined with unclear rules and mismanagement, became sources of violence, when the vote count was marred by violent protests at several ballot-counting centers. The ECT was unable to cope with those situations.

**Social Effects of the Military Coup:** The military coup in 2006 derailed the legitimacy and development of the country’s parliamentary democracy. It profoundly polarized the country, exacerbated political divisions, and radicalized political participation. The coup led to the emergence of many different forms of violence: the growth of militant social movements (the Yellow Shirts and the Red Shirts); the use of gangs and thugs in political confrontation; the presence and involvement of paramilitary forces (either affiliated with the movement or acting independently) in protests; violent clashes between protesters affiliated with different movements; the resurgence of the politicized army and its violent suppression of citizens; the selective use of force by security groups in dealing with protesters; the use of snipers by the army to kill protesters; the assassinations of mass movement leaders in broad daylight under the emergency decree; the assassination of rogue soldiers; assassination attempts and intimidation of privy council members, prime ministers, judges, and election commissioners; bombings in the capital targeting government buildings and the protest sites; and the wide use of war weapons on all sides of conflict.

**Politics of Exclusion:** The legislative branch of government, the House of Representatives, was abolished as a result of the 2014 military coup and was replaced by an interim body in which all members are appointed by military cadres. The Pheu Thai Party and its supporters are frustrated with this political exclusion because they had been the dominant force in the abolished House of Representatives and they have no voice in the current political environment. This powerlessness makes them likely perpetrators of violence against any attempt by the military to further entrench their power. For example, the confrontation between the army and the Red Shirts around the perimeter of the protest site ended up in the violent crackdown on May 19th, 2010, killing 94 people and wounding thousands.

**Windows and Triggers for Violence**

In each phase of the Thai election, there are different triggers for violence, all of which are closely linked with the landscape of Thai politics. Each is examined below and must be addressed in order to prevent electoral violence.

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13 Kongkirati, 2014
15 Kongkirati, 2014
1. Pre-election Phase:

Controversial New Constitution: In September 2015, the military-appointed National Reform Council (NRC) rejected one exceedingly controversial draft of the constitution. It was overruled in the face of withering criticism from both sides of the political divide. The new draft, released on January 29th, 2016, still contains anti-democratic fail-safes (from the military’s perspective) and will still allow the NCPO to exercise unchecked control over the interim government and election process all the way through the formation of a new cabinet. As for the new document, both the Pheu Thai Party and its chief rival, Abhisit Vejjajiva’s Democratic Party, have denounced the constraining and undemocratic provisions, seemingly designed to prevent either one from instituting stable or effective civilian governance.\(^\text{16}\)

Election Postponement: The military government has postponed the next election multiple times. The Pheu Thai Party’s supporters, who have no say in current politics, and other pro-democracy activists, may be growing impatient. For example, Charupong Ruangsuwan, the head of the Pheu Thai Party, founded The Organization of Free Thais for Human Rights and Democracy, an organization which campaigns to fight against military rule and restore the Party’s former influence in the Thai government.\(^\text{17}\) If the military fails to adhere to its projected election schedule in late 2017, the resulting frustration may be transferred into pervasive violence by these organizations.

If the election is postponed very soon before it was scheduled to take place, the likelihood for violence increases much more than if the election is postponed long before the expected date. This is because parties, candidates, and voters will begin to make plans for the election and will be more frustrated and desperate for the elections to occur if they are cancelled in mid or late 2017.

Election Campaign: If the proposed election is held on schedule in late 2017, election campaigns are very likely to slide into violence simply due to the highly polarized political environment. In December 2013, Yingluck Shinawatra’s government rejected calls to postpone the election in February 2014, which caused violence to erupt first between the anti-election campaign and police and then between anti-government activists and government supporters, causing one dead and hundreds wounded.

2. During the Election

Polling Day: According to the records, on the polling day, the violence is possible in both the rural north and the urban Bangkok. In 2014 election, demonstrators from the Democratic Party blocked access to polling places and prevented early voting from taking place in southern provinces and parts of Bangkok. Additionally, there were violent altercations at some polling places between demonstrators and people wishing to vote. One protest leader, Suthin Tharatin, was shot and killed at a polling place in Bangkok during a confrontation with voters.\(^\text{18}\)

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\(^\text{16}\) Edens, 2016
\(^\text{17}\) “Free Thai.” 2016
\(^\text{18}\) Fuller, 2014
Also, local canvassers in rural areas survey or intimidate voters who already received money to vote for vote buyers. On the polling day of 2011 election, an election observer from the Asia Foundation witnessed how local canvassers watched and intimidated voters to fulfill their vote-buying business.19

3. Post-election Phase:

Outcomes: The post-election results may also trigger violence concerning the military’s reluctance to give up power. If the Pheu Thai Party still wins the next election and can form a government despite the many constraints against it, the military is prone to deny the result or leave some authoritarian enclaves, following the example of the Burmese military. If this were to happen, the supporters of the Pheu Thai Party and Red Shirts might stage a bloody protest again as in 2010.

Key Actors and Their Interests

The key actors in the Thai election are shaped by the polarization of Thai politics. The Pheu Thai Party affiliated with Thaksin Shinawatra and the anti-populist coalition are standing on opposite ends of the political spectrum. Each election is potential opportunity for violence between these two groups.

Military: Allied with the loyalists and top bureaucrats, the Thai military proclaims itself as a defender of conservative values and plays a crucial role in Thai politics. Compared to political parties in Thailand, the military has been much more institutionalized and powerful. At present, its main goal is to entrench power and constrain the Pheu Thai Party which is influenced by Thaksin Shinawatra. However, these two goals clash with the political reality in which the Pheu Thai Party is favored by the majority of the electorate. In addition, these two goals contradict the military’s fundamental value and duty. Staying out of domestic politics has been seen as the doctrine for a military in a modern state. Though the army violently suppressed the Red Shirts movement in 2010 and conducted two military coups, the military still cannot legitimize their direct ruling in the long run. As long as it nurtures a counter-populism coalition and constitution, the military will face pressure to withdraw from domestic politics. If such pressure grows large enough to boot an anti-military rally, the military is prone to crush it violently.

Judicial Authority: The judicial authority also has significant influence in Thai politics. According to the constitution, the decision of the Constitutional Court is final and unable to be appealed. The decision binds every state organization, including the National Assembly, the Council of Ministers, and other courts.20 With a background of pro-conservatives, the Constitutional Court has a strong incentive to target populist parties which support Thaksin Shinawatra. Several significant and controversial decisions, aimed to counter the populist parties, not only made many people question the impartiality of Constitutional Court, but also sparked a violent confrontation. Notably, the Constitutional Court nullified the result of the 2006

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19 “Dark Reality to Vote Buying in Thailand,” 2011
20 Government Gazette (in Thai), 2007
election in which Thaksin’ party, Thai Rak Thai, made a major gain. This move was seen to pave a legal way for the military to overthrow an elected government. Soon after, the Constitutional Court dissolved the Thai Rak Thai Party in 2007. This ban intensified the Red Shirts’ anger against the military government. In 2014, the Constitutional Court removed Prime Minister Yingluck Shinawatra, Thaksin’s sister, from the office. As the verdict in 2006, this decision turned a green light for the military coup to intervene in politics directly. If the Pheu Thai Party wins the election in late 2017 again, anti-populist forces may utilize the Constitutional Court to nullify the results again. If so, Pheu Thai supporters will resort to violent protest as they did in 2007.

**Democratic Party:** Major political parties contribute to electoral violence directly. The Democratic Party represents the interests of the urban middle class and is concerned with how to rule Thailand with elites as allies. However, this party is unable to compete with the populist parties in a relatively free and fair election merely because its constituency is limited to urban and commercialized Southern Thailand and Bangkok where it is roughly 40% of the total population. So in the past, it resorted to extra-institutional methods to confront with the populist parties. For instance, the party boycotted the 2006 and 2014 elections under the rule of the populist parties, encouraged supporters (Yellow Shirts) to interrupt elections held by the populist government, and staged massive rallies pushing politics into deadlock. In the 2008 political crisis, several Democratic Party leaders allied themselves with the Yellow Shirts, occupied government buildings and pushed confrontations with security forces and Red Shirts, which led to at least three people dead and hundreds injured. If there is an election in late 2017, the Democratic Party is susceptible to violent protest in the post-election phase in part because it cannot win the election, and in part because it cannot tolerate the resurgence of a populist party.

**Populist Parties:** In contrast with the Democratic Party on the one end of the political spectrum, the Pheu Thai Party (a reincarnation of two other banned populist parties—Thai Rak Thai Party and People’s Power Party) represents the rural peasants as well as the urban poor. Their interests focus on implementing Thaksin Shinawatra’s populist policies and obtaining widespread support from the poor in elections. Critically, although Thaksin was ousted from office and is in self-imposed exile, he remains very much at the heart of Thailand's political drama. The Red Shirts—fiercely loyal to Thaksin—regularly stage violent rallies demanding political change, and Thaksin often makes an appearance on a giant video screen to give them encouragement.21 Thanks to Thaksin’s popularity with the poor, the Pheu Thai Party is projected to win in the late 2017 elections. If its victory is “stolen” by military or judiciary again, the Pheu Thai Party and its supporters are likely to resort to violence as they did in the 2008-2010 political crisis.

**Media:** The media in Thailand is highly politicalized and polarized. Sondhi Limthongkul, a media mogul, founded the newspaper *Manager Daily* as well as the satellite broadcaster ASTV. Originally a supporter of Thaksin Shinawatra, Sondhi later became a leader of the anti-Thaksin movement. Under his leadership and his media’s incitation, the Yellow Shirts played a major role in the 2005–2006 Thai political crisis that led to the 2006 military coup that toppled the Thaksin government. When Thaksin-affiliated People’s Power Party won the 2007

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21 “Profile: Thaksin Shinawatra,” 2011
general election, Sondhi again led the Yellow Shirts in violent clashes with security forces and the Red Shirts in the 2008-2010 Thai political crisis. Popular with the urban middle class, Sondhi’s media can quickly mobilize its audience to vote against the Pheu Thai Party before the election and take to the streets if populists win the majority after the election.

**Minority Separatists:** There has been an ethnic and religious separatist movement in Southern Thailand. Its original goal was to separate from Thailand and found a Muslim country ruled by Islamic law. The separatists have assassinated officials and school teachers randomly. Between 2004 and 2013, 157 teachers were murdered by a separatist group. Nevertheless, the local situation became complicated after the rise of Islamic State (ISIS) in the Middle East. Current insurgent groups proclaim militant jihadism and are no longer separatists. Mostly led by Salafist hardliners, they have extreme, transnational religious goals, including an Islamic Caliphate. To gain publicity, they are very likely to utilize the projected election in late 2017 to stage attacks and attract attention to their cause. For example, in order to protest the national minority policy, the Tamil Tigers, a minority separatist group in Sri Lankan, attempted to assassinate two presidential candidates in 1994 and 1999 general elections consecutively.

**Grievances and Related Social Groups**

Income distribution in Thailand has improved since the early 1990s, but economic disparities persist between urban and rural areas. A huge gap along class lines polarized society and intensified violence.

**The Poor and the Red Shirts:** Poverty in Thailand is primarily a rural phenomenon. As of 2013, over 80 percent of the country’s 7.3 million poor live in the countryside. Significant and growing disparities in household income and consumption exist across and within regions of Thailand, with pockets of poverty remaining in the North and Northeast. Those areas correspond exactly with the strongholds of populist parties affiliated with Thaksin Shinawatra. As long as the populist parties face political suppression in Bangkok, the poor peasants coming from the North and Northeast will ardently converge to form the Red Shirts and bolster their political representatives fiercely. The poor, disenfranchised in the current political game, are eager to return to a populist government. In the late 2017 election, the Red Shirts will act violently to fight against any possible repression of the Pheu Thai Party before and after the election, as they did in the last decade.

**The Middle Class and the Yellow Shirts:** Thanks to the country’s remarkable economic growth in the 1980s and early 1990s, Thailand has a robust middle class in Bangkok and the South. Under the rule of Thaksin Shinawatra from 2001 to 2006, the urban middle class were angered by Thaksin’s populist policies and felt exploited by the state in order to excessively subsidize the poor. Frustrated by being the minority in the election, the middle class, labeled as Yellow Shirts, resorted to direct demonstrations and confrontations on the streets. Facing the

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22 “Thailand: Separatists Targeting Teachers in South,” 2014
23 Gunaratna, Acharya, 2013
24 “Poverty in Thailand,” 2016
possible return of a populist government, the Yellow Shirts are prone to take to the streets again in the aftermath of the 2017 election. Without respect to political rules and procedural justice, this confrontation will undeniably ignite violence.

**Social and Institutional Strengths (Mitigating Factors)**

**Monarchy:** Traditionally, the most important institution to maintain political stability in Thailand is the monarchy, in which the king acts as a widely respected moral authority. In 1992, after a bloody military coup, King Bhumibol Adulyadej condemned the action and led Thailand back to democracy. However, the health of Bhumibol has deteriorated recently, and he is unable to exercise his influence as a balance between conflicting political forces. In the 2007 election, the People's Power Party won the majority and formed a government. The Yellow Shirts refused to accept the new government’s policy and protested, eventually laying siege to government buildings and international airports in 2008. Although the Yellow Shirts claimed they were defending the monarchy, Bhumibol remained silent. However, after a Yellow Shirts supporter died in a clash with police, Queen Sirikit presided over her cremation. This move was interpreted as the royal family backing extra-institution appeals. Therefore, ambivalent signals from the royal family contribute less to stability and more to conflict.

**Security Forces:** A virtue of the current military government is that it can maintain approximate stability before and during the election. In previous elections, the Electoral Commission, police, and military cooperated to mitigate electoral violence. In the 2007 election, the military government deployed 200,000 soldiers and police officers to maintain security and 1,500 officers to supervise the election. Despite sporadic incidences before the election, the whole election was processed peacefully. If there is an election in late 2017, the current military government can exercise its controlling capacity to forge a peaceful election.

**Electoral Management Body:** Though the Election Commission of Thailand (ECT) faced criticism in the early elections, the ECT has developed over the years. As an independent body, the ECT is responsible for administering and overseeing electoral processes. It was also mandated to investigate violations of electoral law and misconduct, and it had the power to counter electoral fraud by disqualifying candidates before or after voting day. These sweeping powers made the ECT one of the key players shaping electoral violence.

**Voter Education:** ECT and various non-government organizations (NGO) have carried out numerous campaigns to improve the education of voters. The ECT has concentrated on explaining the importance of elections, offering information about candidates, explaining the virtues of a clean election and clarifying for the public why re-elections may be needed when electoral irregularities occur. Voters are further urged to mark ballots properly and make sure they register themselves at least 90 days before an election. But this voter education faces many obstacles, such as illiteracy and deep-seated loyalties to local patrons.  

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26 Kongkirati, 2014  
27 Kokpol, 2002
Findings

While there are some actors that have the ability to mitigate violence in the upcoming election, many more are likely to perpetuate it. Organizations such as the military, ECT, and Constitutional Court have the potential to encourage peace by promoting security, making uncontroversial decisions and holding free and fair elections on schedule. However, these efforts are overshadowed by the likelihood of most actors involved in this case to perpetuate violence. Five findings are described below detailing the likelihood of violence in the upcoming elections, as well as the few opportunities for key actors to promote peace.

Undemocratic New Constitution

*If the NCPO passes a constitution in which they retain undue governmental power, supporters of democracy and members of the Pheu Thai Party are likely to protest and become violent.* The NCPO is working to draft a new constitution, which it must do before holding elections. The constitution must be approved by the National Reform Council (NRC), a military-appointed body which has already rejected one draft in September 2015. The NCPO will attempt to use this opportunity to pass a constitution in which it retains as much control of the government as possible. While a certain amount of influence may be beneficial in stabilizing democracy, too much may cause outrage from supporters of the Pheu Thai Party, who would be disadvantaged and underrepresented in a military-dominated government, and from pro-democracy groups such as the Organization of Free Thais for Human Rights and Democracy, which may lead violent protests in the rural north or in Bangkok to attempt to gain governmental influence and reduce military interference in the new government.

Postponed Election

*If the NCPO postpones the election, Pheu Thai supporters are likely to resort to protests and violence in attempt to force an election. As the election date approaches, the risk of violence increases if elections are postponed.* The regime has postponed the election before and may do so again for a variety of reasons, especially if the regime is unable to draft their ideal constitution and have it approved by the NRC, or if King Bhumibol passes away before elections can be held. If elections are postponed, members of the Pheu Thai Party are likely to protest and become violent because of their lack of representation under the current regime and their likelihood of winning a majority in a free and fair election.

Demonstrations at Polling Stations

*If the Democratic Party believes the results of the election will be upheld, they will be likely to hold potentially violent demonstrations at polling stations as they have in the past.* The Democratic Party cannot win in a fair election, and will lose its advantage in government if the military cedes power in a transition back to democracy. Supporters of the Democratic Party have
been mobilized to violence at polling stations before and are likely to do so in this election as well.

**Electoral Bias against the Pheu Thai Party**

*If the NCPO does not honor the results of the election or if the Constitutional Court unfairly favors the Democratic Party, Pheu Thai supporters will protest and become violent to gain governmental control.* The Constitutional Court has been biased against populist parties in the past, and may discriminate against the Pheu Thai Party in the upcoming election. The Court has the ability to mitigate violence by becoming as transparent and unbiased as possible, but this is not likely to occur. The Pheu Thai Party will win a majority in a fair election, so the NCPO and the military-allied Constitutional Court may refuse to cede government control to them. In response, supporters of the Pheu Thai Party, who have been mobilized to violence in the past especially in rural areas, may take action to push for election results to be upheld or for the process to become less biased against them.

**Disadvantageous Elections for the Democratic Party**

*If the Democratic Party does not win the election, and the NCPO upholds the results of that election, then supporters may violently protest their loss of governmental control.* The Democratic Party is not able to win in a fair election, and if the military ends their regime, the Democratic Party will find itself with less governmental power, and may resort to violence out of desperation. This is related to the Democratic Party’s capacity for violence during the election as described above, but supporters are perhaps more likely to take action in the aftermath of the election if they begin to actually lose power in the government.

**Policy Recommendations**

The most important factors in mitigating violence in Thailand’s upcoming elections are to ensure that the elections are held on schedule in late 2017 and that the results of that election are upheld. The majority of the risks for violence stem from a potentially delayed election or from the military regime refusing to uphold the results of that election. With this in mind, eight policy recommendations for the United States government are described below in order to mitigate electoral violence in Thailand.

**International Pressure**

*The United States must diplomatically engage the NCPO and recommend that they create a constitution free of undue military influence in its institutions; hold free, fair elections on schedule; and uphold the results of that election.* External pressure is one of the major motivating factors for the NCPO to hold elections and transfer power. The United States has
already spoken out against the coup and encouraged Thailand to hold its elections soon. As one of Thailand’s biggest allies, the United States has significant influence over Thailand’s conduct. The regime is already eager to strengthen its relationship with the United States. In order to take advantage of this, the United States’ rhetoric should become more specific in what these elections should look like and what should happen afterwards. The military regime has the ability to decrease the risk for violence by creating a stable and uncontroversial constitution, holding fair elections on schedule, and upholding the results of that election, so the United States should encourage it to do so.

**Electoral Monitoring**

*The United States must request that the NCPO allow electoral monitoring institutions into Thailand, which will legitimize the election in the eyes of voters, who perceive the process as biased.* Thailand has not been receptive to international electoral monitoring in the past, but doing so now would bring an element of legitimacy and fairness to the start of its new government. Many voters are concerned that the election will be biased or that the results of will not be upheld. Mitigating this grievance by providing a source of legitimacy for the election will discourage voters from using violence as a means of expression. Additionally, international attention will also pressure the military, Electoral Commission, and Constitutional Court to have an unbiased election and to uphold the results.

**Royal Succession**

*Upon King Bhumibol’s death, the United States should release a statement recommending a fast and uncontroversial transition to the throne, which will avoid incentives for the NCPO to postpone the election.* The United States ought not to make any comment concerning Bhumibhol’s succession prior to his death because of the taboos surrounding the topic and the cult of personality surrounding the king. Thai attitudes toward the royal family are so strong and nationalistic that any specific recommendations for either Crown Prince Vajiralongkorn or Princess Sirindhorn would not be well received. But emphasizing a speedy transition is key; an extended period of intense debate without a monarch would increase tensions, and the NCPO would be likely to use Bhumibol’s death as an excuse to remain in power and postpone elections in the name of stability.

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28 “Thai-U.S. launch Cobra Gold military exercise amid tensions over coup,” 2015
29 Parameswaran, 2015
30 Lemargie, 2016
31 Kurlantzick, 2014
32 Kurlantzick, 2014
**Rural Aid Assistance**

*The United States should support Thai civil society organizations in giving aid to the rural poor, who are at high risk for perpetuating violence. This will mitigate their grievances as a cause for violence.* The rural poor, who comprise a large part of the Pheu Thai Party, are easily mobilized to violence and have been in the past. To mitigate this risk, the United States should assist existing civil society organizations in the form of aid donations or in development programs that improve the abilities and scope of current civil society organizations. Alleviating the grievances of the rural poor means that they will not be as desperate and willing to resort to violence in order to be heard.

There are many existing aid organizations within Thailand. Many focus on the poor in the slums of Bangkok, such as the Duang Prateep Foundation and the Human Development Foundation. Others, including the Population and Community Development Association, assist the poor throughout Thailand. Additionally, the ECT has taken recent measures to increase voter education, which can mitigate violence in rural areas as voters will gain understanding of the results of the elections. The United States could assist the ECT in this effort as well.

**Cooperation with Japan**

*The United States must cooperate with the Japanese government in the previous endeavors to increase pressure on the regime. As two of Thailand’s biggest allies, the United States and Japan can heavily influence its policies.* Japan, like the United States, has already condemned the removal of the democratically elected government, but the United States should request that Japan also be more specific in its appeals to Thailand, requesting that the country hold free, fair, and transparent elections according to schedule, and that the government follows the results of the election and establishes noncontroversial laws that will restore democracy. Japan could assist the United States in its recommendations to Thailand in the aftermath of King Bhumibhol’s death. Japan could also work with the United States in supporting civil society organizations. In fact, Japan has already begun infrastructure development work in Thailand.33

**Military Aid and Cobra Gold 2017**

*The United States should privately suggest to NCPO that it will withdraw military aid and cancel Cobra Gold in 2017 if it creates a constitution in which the NCPO retains undue governmental influence or if is not on track toward a timely election.* The privacy of this stipulation ensures that the United States can exert its influence without interference from the international community or attract negative press, and the United States should be willing to decrease military aid or cancel the Cobra Gold exercises if necessary. The United States has

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33 Rudolph, 2015
already decreased its 2015 and 2016 Cobra Gold exercises in response to the coup, but should use the possibility of cancelling the 2017 event as a measure of keeping Thailand on track as it writes its constitution and prepares to hold elections. This would pressure the Electoral Commission and the NCPO to stay on schedule as well as to create a democratic government.

**Political Party Council**

*The United States should consider recommending the creation of a political party council to the international community in order to help strengthen the electoral process and address grievances associated with perceptions that the process is fraudulent.* The international community, through the UNDP or a similar organization, could help the conflicting political parties in Thailand to form a political party council and hold regular meetings in which parties receive updates on the electoral process and have a platform in which to air grievances. This can help reduce inter-party tensions, which will in turn prevent supporters from the Democratic Party and Pheu Thai Party from turning to violence in order to feel that they are being heard.

**Chinese Influence**

*The United States must be cautious not to encourage Thailand to strengthen its relationship with China at the expense of its own relationship with Thailand.* While Thailand’s relationships with China and the United States are not mutually exclusive and China’s attempts to compete with the United States for foreign relationships are not new, the United States does not want to lose its influence in the region to China. China also will not condemn its military rule or pressure Thailand to restore democracy, which will do nothing to discourage violence or promote peace during election time. Therefore it is in the United States’ best interests, and in the interest of maintaining peace, to avoid taking so hard a stance on Thailand’s military rule that it is driven too far toward China.

**Conclusion**

Thailand is facing electoral violence in its upcoming elections, especially during the post-election period when tensions will be higher and the military will be forming a new government. Pro-Thaksin groups in the Pheu Thai Party will be motivated to action because under the new government’s electoral system they will not have the same advantages and level of control over the Thai government as they have had in the past. Anti-Thaksin groups in the Democratic Party may also be angered by their loss of overwhelming government support when the military regime ends. The possibility of postponed or cancelled elections and the inevitability of the King’s death complicate matters and raise the possibility of pre-election violence from these

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34 Parameswaran, 2015  
35 Lemargie, 2016  
same groups, especially if these events occur very close to the projected election date in late 2017.

While there are some actors that have the ability to mitigate violence in the upcoming election, many more are likely to perpetuate it. Governmental organizations have the potential to encourage peace by promoting security, making uncontroversial decisions and holding free and fair elections on schedule. However, these efforts are overshadowed by the likelihood of most actors involved in this case to perpetuate violence.

The United States has options to encourage Thailand to avoid situations that are more likely to lead to violence. The most important factors in mitigating violence in Thailand’s upcoming elections are to ensure that the elections are held on schedule in late 2017 and that the results of that election are upheld. The majority of the risks for violence stem from a potentially delayed election or from the military regime refusing to uphold the results of that election. While action from the United States cannot guarantee Thailand a peaceful transition to a new democratic government, it can help the country navigate its complicated future with as little chance of violence as possible.
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