



# COVID-19 and a Possible Political Reckoning in Thailand

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# Principal Findings

**What's new?** The global slowdown caused by the COVID-19 pandemic will take a heavy toll on Thailand's economy, which is reliant on exports and tourism. The sharpest economic shock since the 1997-1998 financial crisis will strain a society simmering with discontent and a political order designed to thwart popular political participation.

**Why does it matter?** Thailand's economic model was already faltering, and the political order contested, before the pandemic. The crisis is likely to accelerate Thailand's extreme concentration of power and wealth and deepen political divisions, which could trigger a social, economic and political reckoning.

**What should be done?** The social consequences of the looming economic crisis should encourage the establishment to endorse a more pluralist political system that can build effective institutions, translate popular aspirations into policy and enable a fairer distribution of wealth. Such a scenario requires amending the 2017 constitution.

## *Executive Summary*

Thailand so far has curbed the COVID-19 pandemic, but it faces a severe economic shock that will deepen existing inequalities and is likely to fan smoldering political tensions. The economic strategy that lifted Thailand to upper middle-income status by 2011 has faltered over the past decade, leading to severe inequality and rising poverty, and the pandemic has now slowed the growth model's twin engines – exports and tourism. Already facing questions about its legitimacy following a 2019 election marred by irregularities, the military-backed Thai government will be hard pressed to meet the needs of a population facing massive unemployment, loss of income and rising debt. The fundamental problem is political: the reforms necessary to upgrade Thailand's economy run counter to the interests of the country's elite. What is needed is a new constitution that allows for articulation of popular interests through elected representatives and accountable institutions. The coronavirus, auguring the biggest economic shock since the 1997-1998 financial crisis, could hasten a social, economic and political reckoning.

At the heart of Thailand's uneasy politics is an unsettled conflict over political legitimacy that may be traced to the end of the absolute monarchy in 1932. At issue is whether political authority should derive from popular sovereignty or a traditional hierarchy that claims a moral right to rule. The nation's twenty constitutions attest to a Sisyphean effort to enshrine a system that mollifies the masses while preserving the prerogatives of a small, self-appointed elite whose power is rooted in its proximity to and loyalty to the palace. This conflict has roiled Thailand since late 2005, leading to two military coups, several rounds of mass protest and promulgation of two "permanent" constitutions. The outcome of all this turmoil is that power remains with the Bangkok-based establishment, comprising the army, palace and bureaucracy, as well as allied plutocrats.

The current political dispensation was designed under the junta, known as the National Council for Peace and Order, which ruled between 2014 and 2019, and codified in the 2017 constitution. This charter circumscribes the authority of parliament and political parties, empowers the conservative judiciary and watchdog agencies to discipline politicians, and provides for a junta-appointed senate to dilute elected power. The military-backed Palang Pracharat Party prevailed in the March 2019 general election, though a majority of voters rejected the party's nominee for prime minister, General Prayuth Chan-ocha, the junta's premier. Only a post-poll intervention by the Election Commission and Constitutional Court to change the formula for calculating party-list seats made it possible for the party to assemble a slim majority and, as anticipated, form a government with Prayuth as prime minister.

The political order is designed to discourage any challenge to the status quo, as illustrated by the fate of the Future Forward Party. Founded a year before the election by young billionaire Thanathorn Juangroongruangkit, the party placed third with some six million votes. Its platform of ending patronage, removing the military from politics and breaking up monopolies resonated with younger voters across the country. The courts and watchdog agencies swung into action to eliminate this direct challenge to the establishment. The Constitutional Court disqualified Thanathorn as MP,

then dissolved the party and banned its executives from politics for ten years. Thanathorn and other party leaders also face a range of criminal charges that could see them imprisoned. The result is that parliament no longer appears to many Thais as a viable route to political change. Before the COVID-19 pandemic made large gatherings impossible, protests had started to erupt across the country, with thousands, particularly among the youth, questioning the government's legitimacy. The state employs a range of tactics to discourage and punish its critics, from lawsuits to violence.

Though the government has performed well in handling the public health crisis, the pandemic's economic impact will be devastating. It will likely compound the failures of the country's outmoded economic strategy, but the legacies of the rigid political order mean that Thailand lacks the robust institutions to implement reform and upgrade the economy.

For the past decade, populist policies and the forbearance of millions of Thais pursuing increasingly precarious livelihoods papered over the deficiencies of the existing order. The coming crisis will cast a harsh light on the shortcomings of the economic system, such as extreme wealth inequality and an oversized informal sector. The pandemic is likely to accelerate Thailand's extreme concentration of power and wealth and deepen political divisions, eating away at peoples' incomes, tax revenues and resources to build elements of a welfare state.

Reform will have to start with amending the 2017 constitution. This is unlikely; the drafters made it effectively un-amendable. Consequently, popular pressure remains, for the moment, the most viable mechanism to bring about change. It is possible that in the face of public anger the establishment could discover, as it has in the past, that its interests are best served by opening political space. But any such efforts will be in vain if they do not address the issues of political legitimacy and institutional deficit. Thailand needs an inclusive political process if it is to sustainably address a sub-par education system, the consequences of an ageing and shrinking labour force, income inequality and pervasive corruption.

**Bangkok/Brussels, 4 August 2020**

# COVID-19 and a Possible Political Reckoning in Thailand

## I. Introduction

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Despite Thailand's success to date in curbing the COVID-19 virus, the pandemic's full economic and political impact has yet to be felt. Thailand has so far weathered the pandemic better than appeared likely in January, when the country became the first outside China to report cases. The government's early efforts to control the disease's spread were disjointed, but in short order it empowered public health experts and enacted an emergency decree to facilitate a more efficient response. Thailand's Centre for Disease Control declared the first wave of the outbreak over on 8 July, following 44 days without local transmission.<sup>1</sup>

This success in fighting the virus will not shield Thailand from the pandemic's broader effects, however. COVID-19's global nature and the measures necessary to fight it strike at the two pillars of Thailand's economy, namely exports and tourism. Lockdown measures, suspension of international travel, and the global downturn will continue to take an economic toll in the coming months and years.

This economic pressure is bearing down on a society that, while superficially tranquil, simmers with discontent.<sup>2</sup> A struggle to determine the basis of political legitimacy wracked the country beginning in late 2005, when protests broke out against Prime Minister Thaksin Shinawatra, who was then ousted in a September 2006 coup d'état. At the popular level, this struggle saw mass protest movements pitting royalist "yellow shirts" who decried "parliamentary dictatorship" against "red shirts" opposed to rule by the *amat*, a term referring to the elite comprising the palace, military, top bureaucracy and wealthy classes. The 2014 coup suppressed the crisis, imposing five years of military rule under the National Council for Peace and Order (NCPO). Junta appointees drafted the 2017 constitution that aimed to settle the conflict in favour of unelected moral guardianship at the expense of majority rule and popular sovereignty. A general election in 2019, marred by irregularities, allowed the generals to retain power claiming a popular mandate. But Thailand remains riven with regional, class and generational divisions.<sup>3</sup>

This report describes the political order instituted by the NCPO, as well as nascent efforts by democracy activists to challenge that system. It examines the looming economic impact of the pandemic on Thailand's economy and the political implica-

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<sup>1</sup> Thailand has recorded 3,269 cases of the coronavirus and 58 deaths as of 23 July 2020.

<sup>2</sup> See Crisis Group Asia Reports N°s 274, *Thailand's Lengthening Roadmap to Elections*, 10 December 2015; 263, *A Coup Ordained? Thailand's Prospects for Stability*, 3 December 2014; and 192, *Bridging Thailand's Deep Divide*, 5 July 2010; and Briefings N°s 121, *Thailand: The Calm Before Another Storm?*, 11 April 2011; 82, *Thailand: Calming the Political Turmoil*, 22 September 2008; and 80, *Thailand: Political Turmoil and the Southern Insurgency*, 28 August 2008.

<sup>3</sup> Prajak Kongkirati, "From Illiberal Democracy to Military Authoritarianism: Intra-Elite Struggle and Mass-Based Conflict in Deeply Polarized Thailand", *The Annals of the American Academy of Political and Social Science*, vol. 681, no. 1 (January 2019), p. 25.

tions the coronavirus may have given the country's unresolved legitimacy crisis. Research was carried out from April to June 2020, relying primarily on interviews with politicians, analysts, economists, journalists, activists and academics. The report was drafted under constraints imposed by the Thai Criminal Code's Article 112, which states, "Whoever defames, insults or threatens the King, the Queen, the Heir-apparent or the Regent shall be punished with imprisonment of three to fifteen years". The law inhibits critical discussion of the monarchy's political role.

## II. Political Order under the 20th Constitution

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The army staged the May 2014 coup in large part to redress what it viewed as shortcomings of the 2006 putsch that ousted Prime Minister Thaksin Shinawatra, particularly its failure to prevent parties aligned with him from gaining power at the polls. Despite his exile and ban from political activity, those parties won the 2007 and 2011 elections. Once in power, the NCPO and its allies in the conservative establishment determined not to waste another opportunity to rid the country of the perceived threat of unchecked majoritarianism. Accordingly, it oversaw drafting of a new constitution as well as a twenty-year national strategy that governments must now follow on pain of impeachment.

### A. *The 2017 Constitution*

Rewriting of the national charter is so regular a feature of Thai politics that scholars have likened it to a disease.<sup>4</sup> The 2017 constitution is the country's twentieth since the absolute monarchy ended in 1932. Over these 88 years, those in power have commissioned revised charters primarily to protect their own interests but, when necessary, permitting a degree of popular participation to placate voters.

The current constitution is no exception. It places heavy constraints on elected authority while empowering unelected institutions. The main features of this approach include provisions for a mixed-member proportional voting system for the lower house that favours medium-sized parties; a wholly appointed 250-member senate (with six seats reserved for military service chiefs, the national police chief and the defence permanent secretary); an unelected prime minister; limits on parliament's ability to shape policy; enhanced powers for judges and appointed watchdog bodies, called "independent agencies", to intervene in executive and legislative affairs; and regulations that make amending the constitution almost impossible.<sup>5</sup> An interim provision also allowed the appointed upper house to join in selecting the

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<sup>4</sup> Duncan McCargo, "Alternative Meanings of Political Reform in Thailand", *Copenhagen Journal of Asian Studies*, no. 13 (1998), p. 7.

<sup>5</sup> The NCPO selected 50 senators along functional lines from a pool of 200 candidates nominated by professional organisations or who applied on their own initiative and were vetted by the Election Commission. The junta directly selected the remaining 194 senators. In the event, the senate included 108 active-duty or retired military and police officers, eighteen former junta members, 89 former members of the junta-appointed National Legislative Assembly, five former members of its Constitutional Drafting Committees, 25 former members of the National Strategy Committee, and 51 former members of its National Reform Council. Punchada Sirivunnabood, "Uncle Tu's Full House: The New Thai Senate under Military-Dominated Government", ISEAS-Yusof Ishak Institute, 21 May 2019. The appointed "independent agencies" are: the Election Commission; State Audit Commission; National Anti-Corruption Agency; Office of the Ombudsman; and National Human Rights Commission. The 1997 constitution established these agencies, but the 2007 and 2017 charters empowered them further. Members of these agencies (except the National Human Rights Commission) are selected by a committee comprised of the presidents of Supreme Court, Supreme Administrative Court and House of Representatives, as well as leader of the opposition, and one person appointed by each of the other independent agencies, thus constituting, in effect, a closed loop. Nominees are approved by the senate. "Constitution of the Kingdom of Thailand, 2017", Council of State, unofficial translation, Sections 203 and 217.

prime minister. The junta's preferred candidate thus needs only one quarter of lower house votes to prevail.

On 7 August 2016, voters approved the constitution in a national referendum. Turnout was low, at only 55 per cent, and conditions of the plebiscite were unfair: the legislature had outlawed criticism of the draft, meaning there could be no free and open debate over the constitution's provisions.<sup>6</sup> Approval likely reflected a popular desire for elections after two years of military rule more than it indicated satisfaction with the draft's 279 sections. The results also registered the persistence of regional political differences, as voters in the north east, a pro-Thaksin stronghold, and in the Muslim-majority southernmost provinces, rejected the draft.

The junta also appointed a committee to draft a Twenty-Year National Strategy, the aim of which is to make Thailand a high-income country by 2037.<sup>7</sup> The constitution requires governments to align policies and budgets with the parameters specified in this document, monitored by a National Strategy Committee that includes the military service chiefs and other junta appointees. Critics say the Strategy is simply a mechanism for removing any government that does not serve establishment interests.<sup>8</sup>

Together, the 2017 constitution and Twenty-Year National Strategy aim to depoliticise Thai society, quash dissent and reserve power for the established elites.<sup>9</sup> A legal scholar noted, "The elite learned their lesson, and looked at the interim charters from 1991 to 2006 to improve their technique".<sup>10</sup> A critic said the junta's failure to accommodate any interests but their own "reflects the blindness of the elite".<sup>11</sup>

## B. *The 2019 General Election*

The NCPO repeatedly postponed a general election first promised for late 2015. Although in no rush to seek a popular mandate, the junta was sensitive about Thailand's international image and recognised the need to refresh their claim to power through an electoral exercise. The general election took place on 24 March 2019.

The newly created, military-backed Palang Pracharat Party (PPRP) enjoyed the advantages of incumbency, including use of the state apparatus and local government during the campaign.<sup>12</sup> While existing political parties were prohibited from carrying out any activities by junta orders on political gatherings, PPRP leaders were able to conduct a months-long campaign in the guise of mobile cabinet meetings

<sup>6</sup> Under the 2016 Referendum Act, passed by the appointed National Legislative Assembly in April 2016, those who attempted to persuade others to reject or accept the constitution could face up to ten years in jail and a fine of 200,000 baht (\$5,715). At least 120 people were arrested under the Act.

<sup>7</sup> It specifies strategies for security, competitiveness enhancement, human resource development, social equality, green growth and rebalancing, and public-sector development.

<sup>8</sup> Crisis Group interview, politician, Bangkok, May 2020; "20-year plan irreversible: PM", *The Nation*, 28 September 2018.

<sup>9</sup> Prajak Kongkirati and Veerayooth Kanchoochat, "The Prayuth Regime: Embedded Military and Hierarchical Capitalism in Thailand", *TRaNS: Trans-Regional and National Studies of Southeast Asia*, vol. 6, no. 2 (2018), pp. 287-288.

<sup>10</sup> Crisis Group interview, academic, Bangkok, 26 May 2020.

<sup>11</sup> Crisis Group telephone interview, academic, Bangkok, 22 May 2020.

<sup>12</sup> Crisis Group telephone interview, academic, Bangkok, 22 May 2020; "Army chief denies new campaign is ploy to promote Prayut", *Bangkok Post*, 15 April 2018; "EC completes redrawing of constituencies", *The Nation*, 29 November 2018.

around the country, which regularly featured government giveaways and ribbon cuttings soaked in media coverage.<sup>13</sup> These events served to cement alliances between the party and provincial politicians who could deliver votes. The PPRP cajoled established politicians and provincial strongmen to join the party. Some were promised clemency in pending legal cases. Some 40 MPs from the Thaksin-aligned Pheu Thai Party (PTP) defected to the PPRP.<sup>14</sup>

The Thaksin camp fielded smaller parties, in addition to the PTP, that were more likely to gain party-list seats, offering a better chance at pulling together a parliamentary majority. One of these parties, Thai Raksa Chart, stunned the nation by nominating the king's older sister, Princess Ubolratana, for prime minister. The nomination appeared to break the taboo against involving the monarchy in politics, but it also put royalists on the defensive. On 9 February 2019, the palace issued a proclamation declaring the princess's candidacy inappropriate, which precipitated prompt action by the Constitutional Court to dissolve Thai Raksa Chart.<sup>15</sup>

The military-backed PPRP won the largest share of the popular vote, while the PTP suffered a drop in support.<sup>16</sup> There were surprises: the Democrat Party, Thailand's oldest party and for years the preferred vehicle of the royalist establishment, collapsed, losing many of its supporters to the PPRP. The new Future Forward Party (FFP), which ran on a progressive platform of curbing military power in politics and breaking up Thailand's monopolies, fared exceptionally well. Founded only a year before the election by Thanathorn Juangroongruangkit, billionaire scion of an auto parts manufacturing empire, the FFP came in third, thanks to the support of young, urban, first-time voters. Although the PPRP performed better than expected, the coalition that opposed nominating NCPO leader Prayuth Chan-ocha as prime minister received 15.49 million votes – almost twice as many as the PPRP's 8.32 million.<sup>17</sup>

Many observers believe the Election Commission performed in a biased manner.<sup>18</sup> The Commission unexpectedly and without explanation halted announcement of vote totals on the night of the election. More egregious was its recommendation – after the vote – that the formula for calculating party-list seats be changed. The decision, endorsed by the Constitutional Court on 8 May, allowed eleven “micro-parties” – ten of them with only one MP – to gain seats under the party-list quota. These par-

<sup>13</sup> Restrictions on political gatherings were not lifted until mid-December 2018.

<sup>14</sup> Punchada Sirivunnabood, “The Rules Change but the Players Don't: Factional Politics and Thailand's March 2019 Elections”, *Contemporary Southeast Asia*, vol. 41, no. 3 (2019), p. 392; “Defections rock Pheu Thai, again”, *Bangkok Post*, 24 November 2018.

<sup>15</sup> “Thai Raksa Chart obeys King's order against his sister's PM bid as pro-junta camp calls for party's dissolution”, Agence France-Presse, 9 February 2019. Princess Ubolratana appeared at Thaksin's daughter's wedding in Hong Kong on election eve, prompting the king to issue a statement urging Thais to vote for “good people”, a clear message to vote against Thaksin-aligned parties.

<sup>16</sup> The Election Commission's final count had Palang Pracharath with 8,433,060 votes; Pheu Thai with 7,920,56; Future Forward 6,265,918; Democrats 3,947,702; and Bhumjai Thai 3,732,940. Voter turnout was 74.69 per cent. Spoiled ballots were 5.57 per cent of the total, similar to 2011. Blank ballots made up 1.58 per cent.

<sup>17</sup> Kasian Tejapira, “Elite realignment, a populist moment: reflections on Thailand's 2019 general elections”, New Mandala blog, 4 April 2019.

<sup>18</sup> Asian Network for Free Elections, *The 2019 Thai General Election: A Missed Opportunity for Democracy* (second edition) (Bangkok, 2019), pp. 82-97; “Ittiporn admits to errors, but insists poll ‘still valid’”, *Bangkok Post*, 28 March 2019; “EC under fire over poll gaffes”, *Bangkok Post*, 30 April 2019.

ties joined the PPRP-led coalition. The FFP lost seven seats in the process, representing 600,000 votes.<sup>19</sup>

The election, irregular at best, revealed deep polarisation in society and a lack of reconciliation under the NCPO. After five years of military rule, Thais eagerly participated in the polls, but the nature of the PPRP's victory, which was narrow and possible only with the rules rigged in the junta's favour, did little to enhance the new government's legitimacy.

### C. *The Palang Pracharat Party in Power*

The general election and the Election Commission's interventions permitted the erstwhile NCPO to form a coalition government, with eighteen parties, led by the PPRP and supported by the Democrats and a host of mostly new and small parties that conferred a thin majority.<sup>20</sup> Ex-NCPO chief Prayuth was selected as prime minister on 5 June, despite being neither a party member nor an MP. The core of the NCPO retained their cabinet posts: Prayuth serves concurrently as defence minister, Prawit Wongsuwon is deputy prime minister for security affairs and Anupong Paochinda is minister of interior.<sup>21</sup> Prior to the pandemic, the government's signal accomplishment was passing a budget, after months of delay.

As envisioned by the constitution drafters, the judiciary and "independent agencies" have repeatedly acted to bolster the government and shield it from legal challenges. On 16 July 2019, during the ceremony in which the king swore in the cabinet, Prayuth failed to recite the line, "I will also uphold and observe the constitution of the Kingdom of Thailand in every respect". His oath was therefore incomplete and his government potentially unconstitutional.<sup>22</sup> FFP secretary-general and MP Piyabutr Saengkanokkul drew attention to the omission in parliament.<sup>23</sup> The issue festered, raising questions about the government's legitimacy. On 27 August, the Ombudsman's office referred the matter to the Constitutional Court. On the same day, in an unprecedented spectacle, Prayuth and the cabinet members assembled at Government House to present offerings to a portrait of the king and receive framed copies of the king's

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<sup>19</sup> Party list seats were to be distributed to parties based on their proportion of the popular vote, approximately one seat per 71,000 votes. The Election Commission opted for a formula that allowed parties with as few as 33,748 votes to gain a seat. "EC keeps everyone guessing", *The Nation*, 24 April 2019; "Court rules MP calculation in line with Constitution", *The Nation*, 8 May 2019; "EC party-list calculation opens a can of worms", *The Nation*, 9 May 2019; Paritta Wangkiat, "Seat selections see political ethics hit nadir", *Bangkok Post*, 13 May 2019.

<sup>20</sup> The Democrat Party leader and former prime minister, Abhisit Vejjajiva, resigned on 6 June 2019. During the campaign, he pledged not to support General Prayuth as prime minister.

<sup>21</sup> These three men all served as army chief, belong to the same faction, the Burapha Payak, or Eastern Tigers, and are linked by service in the 2nd Infantry Division (Queen's Guard), and its 21st Infantry Regiment.

<sup>22</sup> Section 161 of the 2017 constitution requires the incoming premier to take this oath.

<sup>23</sup> 'ปิยบุตร' เสียใจ 'บิ๊กตู่' ไม่มาตอบกระทู้ข้อใจใช้เศษกระดาษไม่ทางการ เขียนเองหรือไม่? ["Piyabutr Saengkanokkul regrets that Big Tu does not respond on compliant of using unofficial scraps of paper, did he write himself?"], *Matichon Weekly*, 14 August 2019.

remarks at the swearing-in ceremony. Following this royal intervention, the court on 11 September declined the Ombudsman's petition. The matter ended there.<sup>24</sup>

The PPRP maintains close links with big business. In the 2014-2019 period, the NCPO formalised tight cooperation with the nation's wealthiest conglomerates to an unprecedented degree.<sup>25</sup> In September 2015, it introduced a program called Pracharat, or "people-state", a public-private partnership aimed at developing the provincial economy. Twenty-four major conglomerates had joined by December, including several businesses belonging to the "five families", who dominate the national economy.<sup>26</sup> Many of the companies in the program had helped fund the protests in 2013-2014 that paved the way for the coup, and would contribute lavishly to the PPRP's election campaign.<sup>27</sup> The program aimed to displace the populist initiatives associated with Thaksin while winning over his provincial voters.<sup>28</sup> Scholars have called this effort, in which selected tycoons "'nurture' and 'supervise' local enterprises", a "hierarchical mode of economic interaction".<sup>29</sup>

Compared to earlier pro-military political parties, which have all been short-lived, the PPRP has the advantage of a political system designed to keep it in power.<sup>30</sup> Some observers believe that its control of, or alliance with, so many powerful entities, including the military, the judiciary and big business, serves the aim of building a durable, dominant party on the model of the People's Action Party in Singapore, the United Malays National Organisation in Malaysia or even the Chinese Communist Party.<sup>31</sup> The coalition's majority has grown, through by-election victories and defections, from 254 MPs of 500 at the outset to 275 in June 2020.

#### D. *The New Reign*

Under King Bhumibol Adulyadej (Rama IX, ninth king of the Chakri dynasty, r. 1946-2016), the throne recovered much of the prestige and power it lost with the end of the absolute monarchy in 1932. It became not only the richest entity in the country, but also the centre of an ideological complex known as "democracy with the king as head of state". In the latter half of his reign, the monarch played a hegemonic role in Thai-

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<sup>24</sup> In July 2019, the Constitutional Court accepted a petition filed by 110 opposition MPs to determine if Prayuth Chan-ocha, as NCPO leader, should have been classified as a "state official", which would have disqualified him from standing as a candidate for prime minister. In September, the court ruled that his role as NCPO head fell outside state agencies' regulations because it was an interim post. "Constitutional Court rules PM was not state official as NCPO chief", *Bangkok Post*, 18 September 2019.

<sup>25</sup> Michael Peel, "Executives line up to advise Thai regime", *Financial Times*, 10 October 2014.

<sup>26</sup> These are: Chearavanont (Charoen Pokphand); Sirivadhanabhakdi (Thai Beverage); Chirathivat (Central); Srivaddhanaprabha (King Power); and Bhirombhakdi (Boonrawd Brewery).

<sup>27</sup> Prajak and Veerayooth, *op. cit.*, p. 22; Veerayooth Kanchoochat, "Thailand Trapped: Catch-up Legacies and Contemporary Malaise", *TRaNS: Trans-Regional and National Studies of Southeast Asia*, vol. 6, no. 2 (July 2018), p. 269.

<sup>28</sup> Prajak and Veerayooth, *op. cit.*, p. 15.

<sup>29</sup> *Ibid.*, p. 22.

<sup>30</sup> Crisis Group interview, political analyst, Bangkok, May 2020.

<sup>31</sup> Crisis Group interviews, political analyst, academic, Bangkok, May 2020.

land's political order as "the ultimate arbiter of political decisions in times of crisis".<sup>32</sup> He chose, however, to exert his political influence mostly indirectly, through proxies. This "Bhumibol consensus" began to unravel with Thaksin's tenure (2001–2006) and with growing speed as Rama IX grew infirm.<sup>33</sup>

Crown Prince Maha Vajiralongkorn acceded to the throne following Bhumibol's death in October 2016. Rama X has eschewed his father's method of indirect influence in the political realm, opting instead for direct interventions in a variety of matters concerning his interests.<sup>34</sup> He ordered changes to the 2017 constitution, after it had been approved in the referendum, that would make it easier for him to reign from abroad (the king has mostly resided in Germany for many years). In June 2018, the Crown Property Bureau announced that the king had assumed complete personal ownership of its assets.<sup>35</sup> These are estimated at roughly \$70 billion, making the Thai monarchy by far the wealthiest in the world and Thailand's most powerful economic player.<sup>36</sup> After expanding the size of the royal guards when he was crown prince, in September 2019 the king assumed direct command of the Bangkok-based 1st and 11th Infantry Regiments, historically instrumental in coups d'état.<sup>37</sup>

The new reign has coincided with the unexplained disappearance of several monuments associated with the end of the absolute monarchy. In April 2017, just days before the king signed the constitution, a plaque commemorating the 24 June 1932 People's Party coup in central Bangkok was removed and replaced by another with a royalist message.<sup>38</sup> In December 2018, workers also took down the large Constitution Defence Monument at an intersection in northern Bangkok. Built in 1936, it commemorated the 1933 defeat of a rebellion, led by Prince Boworadej, that sought to restore the absolute monarchy. Officials said its removal was to make way for an ele-

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<sup>32</sup> Duncan McCargo, "Network Monarchy and Legitimacy Crises in Thailand", *The Pacific Review*, vol. 18, no. 4 (2005), p. 501.

<sup>33</sup> Kasian Tejapira, "Thailand's first elections in the post-Bhumibol era", New Mandala blog, 23 January 2019.

<sup>34</sup> Duncan McCargo, "Democratic Demolition in Thailand", *Journal of Democracy*, vol. 30, no. 4 (October 2019), p. 124.

<sup>35</sup> The Bureau's statement explained, "His Majesty made the decision to make the 'Crown Property Assets' be subject to the same duties and taxation as would assets belonging to any other citizen". "Thai king takes control of some \$30bn crown assets", BBC, 16 June 2018. The Royal Gazette recorded on 27 July 2018 that all land owned by the king "used in state affairs, royal affairs, or used by agencies under the king" and other royal family members would be exempt from taxation. "Thai king exempted from tax on some land properties", Reuters, 28 July 2018.

<sup>36</sup> Kevin Hewison, "Crazy Rich Thais: Thailand's Capitalist Class, 1980–2019", *Journal of Contemporary Asia*, vol. 4 (August 2019), p. 3.

<sup>37</sup> Section 172 of the 2017 constitution allows for royal decrees in an emergency that threatens national security and the monarchy. No one ever specified the nature of the emergency in this case. Future Forward Party MP Piyabutr Saengkonokkul questioned the decree's legitimacy in parliament. "Thailand's king takes personal control of two key army units", Reuters, 1 October 2019; "Thai opposition protests emergency troop transfer to king", Reuters, 17 October 2019.

<sup>38</sup> The king signed the constitution on 6 April, Chakri Day, which honours the current dynasty. Khemthong Tongsakulrungruang, "Chaos, kings and Thailand's 20th constitution", International Journal of Constitutional Law blog, 11 April 2017. Democracy activists who asked the police to investigate were told to drop the matter. "Drop hunt for plaque, junta tells activists", *The Nation*, 19 April 2017.

vated train line; it has not been relocated.<sup>39</sup> On 24 June 2020, as democracy activists commemorated the 88th anniversary of the 1932 coup, the army sponsored a Buddhist merit-making ceremony to honour the 1933 rebels.<sup>40</sup>

Like the disappearing monuments, this official glorification of royalist rebels suggests to many observers a concerted campaign, backed by the state, to rewrite modern Thailand's history in a way that extols the absolute monarchy while deprecating the ideals of democracy and constitutionalism introduced by the People's Party. Officials' unwillingness to investigate the missing plaque, and their harassment of those who dared to demand answers, suggest high-level support for this campaign.<sup>41</sup>

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<sup>39</sup> "Monument marking defeat of royalist rebels removed in dead of night", *Khaosod English*, 28 December 2018.

<sup>40</sup> An army press release explained, "The brave heroism and self-sacrifice of Prince Boworadej and Phraya Sri Sitthi Songkhram deserve to be celebrated for their loyal defence of the institution of monarchy and their intention for the nation to uphold true democracy". Press release, Office of the Secretary of the Army, 24 June 2020. Translated by Pasuk Pongpaichit and Chris Baker.

<sup>41</sup> "Authorities respond to questions about missing plaque with arrests, silence", *Khaosod English*, 18 April 2017; "Two activists detained after promoting search for missing revolution plaque", *Pra-chatai*, 21 April 2017; "Activist arrested trying to petition Prayuth on plaque", *Khaosod English*, 25 April 2017.

### III. Contesting the Status Quo

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The political order established by the NCPO and codified in the 2017 constitution is widely unpopular. It was enshrined through processes that lacked fairness and public participation and is sustained by institutions that reject majoritarian rule and reserve power for self-appointed guardians of an allegedly moral hierarchy. This elite employs a variety of methods to counter dissenters from the status quo.

#### A. *Fate of the Future Forward Party*

The FFP's fate illustrates how the guardians of political order use the law to thwart opponents. The party's 2019 platform directly challenged the status quo; its leaders were particularly outspoken on matters that go to the political dispensation's foundations. The party pledged to build a welfare system, dismantle monopolies, remove the military from politics, end conscription, professionalise the armed forces and decentralise administration. The FFP's impressive electoral performance, particularly with young, well-educated Thais, revealed a generational divide that appeared to induce dread within the country's ruling elite.<sup>42</sup>

It was inevitable that the military-royalist establishment would confront the FFP's challenge. Authorities harassed party leaders from the outset.<sup>43</sup> Following the FFP's unexpected showing in the election, the judiciary and "independent agencies" swung into action, as they had before against Thaksin-aligned parties.<sup>44</sup> Thanathorn was charged for failing to sell off shares in a defunct media firm before registering as an MP candidate – a violation of Section 98(3) of the constitution, which prohibits owners and shareholders of media or publishing firms from applying to run for office.<sup>45</sup> The Constitutional Court suspended Thanathorn as an MP in May, pending a ruling, and disqualified him on 20 November 2019.

Only three weeks later, the Election Commission delivered another blow, recommending that the Constitutional Court dissolve the FFP on the grounds that Thanathorn had provided a 191 million baht (\$6.3 million) loan to the party before the general election. The petition claimed that the loan violated Article 72 of the Political Parties Law prohibiting parties and party executives from accepting donations from "illegal" sources. On 21 February, the Constitutional Court ruled that the loan was unlawful, dissolved the party and banned sixteen of its executives, including Thanathorn and secretary general Piyabutr Saengkanokkul, from political activity for ten years. The party's 65 remaining MPs joined the Kao Klai (Move Forward) Party, established earlier as a backup formation. Thanathorn and Piyabutr have remained politi-

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<sup>42</sup> Crisis Group interviews, political analyst, Bangkok, December 2019; politician, Bangkok, June 2020.

<sup>43</sup> "Future Forward Party criticised as inexperienced, republican and a personality cult", *Prachatai*, 15 March 2018; "Police seek to prosecute Thanathorn over junta criticism", Reuters, 20 February 2019,

<sup>44</sup> Crisis Group Reports, *A Coup Ordained?*, op. cit., pp. 1, 4-6; *Roadmap*, op. cit., p. 4.

<sup>45</sup> Thanathorn held shares in V-Luck Media Co., a media firm, when he registered as an MP candidate in early February 2019. Thanathorn argued that the publishing company in which he held shares had been inactive for more than a year. The court maintained that this contention was irrelevant, as the company's articles of association say it is permitted to operate as a media company. "PPRP asks court to dismiss media case against its MPs", *Bangkok Post*, 20 June 2019.

cally active, organising the Progressive Movement as a civil society group to push their reformist agenda.

Party dissolution was not the end of it. Thanathorn and other FFP figures also faced a slew of criminal charges, including allegations that they intended to destroy the monarchy. In January 2020, the Constitutional Court dismissed a case, brought by the Election Commission, which alleged, among other things, that the FFP was connected to the Illuminati, a secret society that conspiracy theorists believe seeks world domination, and had attempted “to undermine the monarchy”.<sup>46</sup> On 11 March, the Commission announced new charges against Thanathorn, accusing him of “applying to be an MP candidate knowing he was not qualified”. The charge, relating to the violation that cost him his seat, carries a sentence of ten to twenty years in jail.<sup>47</sup>

## B. Protest

Despite the risks, small numbers of pro-democracy activists staged demonstrations demanding elections throughout the NCPO’s five-year rule. Following the 2019 general election, protests against the new government grew in size and frequency, gaining further momentum after the FFP’s dissolution. On 2 December 2019, Thanathorn warned that those frustrated with the stunted political process could take to the streets.<sup>48</sup> On 14 December, several thousand people gathered in central Bangkok at Thanathorn’s urging to express opposition to the government in the largest demonstration since the 2014 coup. Thanathorn spoke briefly, vowing “no submission, no retreat” and pledging larger protests.<sup>49</sup>

In mid-January, the Student Union of Thailand sponsored “Run to Oust Uncle”, a road race patterned after a charity fundraiser, with the idea of chasing out “Uncle Tu”, a common nickname for Prime Minister Prayuth. The main event in Bangkok drew some 12,000 participants, with 49 sister events across the country.<sup>50</sup>

The general election generated intense interest in politics among many young voters, with some following political news for the first time.<sup>51</sup> Given the FFP’s popularity, its dissolution in early 2019 lent new ardour to anti-government protests. An academic explained, “When the party was dissolved, the students were able to connect the dots”.<sup>52</sup> At least 79 protests took place at more than twenty universities nation-

<sup>46</sup> “Future Forward acquitted in ‘Illuminati’ case”, *Bangkok Post*, 21 January 2020.

<sup>47</sup> Nontarat Phaicharoen and Wilawan Watcharasakwet, “Thai polls body pursues criminal charges against ex-leader of disbanded opposition party”, *Benar News*, 11 March 2020.

<sup>48</sup> “Thanathorn warns new protests possible as tension rises”, *Bangkok Post*, 3 December 2019.

<sup>49</sup> “Thousands join biggest protest for years in Thai capital”, *Reuters*, 14 December 2019.

<sup>50</sup> “Oust Uncle’: Thailand’s jog for dissent signals new breed of activists”, *Reuters*, 13 January 2020; “Hurdles on the track: an overview of the restrictions of rights and freedoms during #Run Against Dictatorship throughout Thailand”, *Thailand Lawyers for Human Rights*, 24 February 2020.

<sup>51</sup> Crisis Group telephone interview, academic, north east, 26 May 2020; “Tired of army rule, Thai youth rising force in March election”, *Reuters*, 29 January 2019.

<sup>52</sup> Crisis Group telephone interview, academic, north east, 26 May 2020. On 24 February, 36 law professors from Thammasat University issued a statement criticising the Constitutional Court’s decision, saying it was based on specious legal grounds and only served to worsen an already unstable political environment. “36 อาจารย์นิติศาสตร์ มธ. ออกแถลงการณ์กรณีขู่มพรรคอนาคตใหม่”, [“36 Thammasat U. professors issue statement on Future Forward Party dissolution”], *The Bangkok Insight*, 24 February 2020.

wide between 21 February and 14 March.<sup>53</sup> Students at Chulalongkorn and Kasetsart universities in Bangkok on 24 February held large, raucous rallies to protest the Constitutional Court's decision. A few days later, hundreds of protesters, most wearing masks as protection from the coronavirus, attended a night-time anti-government demonstration at Kasetsart University. The message was inchoate, but clear: the government is illegitimate and must go. On 13 March, more protesters assembled at the parliament building, calling on the government to step down and for a new constitution.<sup>54</sup> Thereafter, protests diminished under the emergency decree imposed on 26 March and the COVID-19 lockdown.

### C. *Online Dissent*

Cyberspace has become an increasingly vital space for political expression, providing new avenues for burgeoning public criticism of the monarchy. A satirical Facebook page, Royalist Marketplace, had more than 600,000 members as of late June 2020. The page, administered by exiled academic Pavin Chachavalpongpun, hosts critical commentary and discussion about the monarchy and royal family.<sup>55</sup>

Following an hours-long traffic jam caused by police blocking streets for a royal motorcade in Bangkok, a Thai-language hashtag, #royalmotorcade, went viral, with over 716,000 mentions on Twitter on 2-3 October 2019. A new spate of critical comments appeared on Twitter in March 2020, disparaging the king for residing in Germany during the pandemic. A hashtag that translates to “why do we need a king?” appeared more than a million times in a one-day period. The minister of digital economy and society, Puttipong Punnakanta, took to Twitter to warn citizens against violating the law.<sup>56</sup>

The online questioning of the status quo has presented the government with the challenge of policing anti-monarchy sentiment in an unfamiliar environment. While the 2014-2017 period witnessed several cases filed under the stringent *lèse-majesté* law, the new king reportedly ordered that Article 112 be used more selectively.<sup>57</sup> Regulations issued in February 2018 require the attorney general to determine whether or not to prosecute an alleged violation of Article 112.<sup>58</sup> Critics, however, continue to face prison under other laws. Those violating the Computer Crimes Act of 2007, amended in 2016 and 2017, can be imprisoned for up to five years for entering information “in a manner that is likely to damage the maintenance of national security, public safety, national economic security or public infrastructure serving national public interest

<sup>53</sup> “#เมื่อชาวรัชชไม่ขอทนแต่ขอชน: สถานการณ์สิทธิเสรีภาพในการชุมนุม 95 ครั้ง หลังยุบอนาคตใหม่” [“#When the people ask not to endure but to clash: The situation of rights and freedom of assembly 95 times after the dissolution of the new future”, Thailand Lawyers for Human Rights, 17 March 2020;

<sup>54</sup> “First Thailand pro-democracy march since 2014 coup”, Agence France-Presse, 13 March 2020.

<sup>55</sup> Pavin Chachavalpongpun, “The Royalist Marketplace: the supply and demand for dissent in Thailand”, New Mandala blog, 4 May 2020.

<sup>56</sup> “Coronavirus pandemic prompts rare questioning of Thai monarchy”, Reuters, 23 March 2020.

<sup>57</sup> “HM King puts stop on uses of royal insult law”, *Khaosod English*, 15 June 2020.

<sup>58</sup> “‘To Speak Out is Dangerous’: Criminalization of Peaceful Expression in Thailand”, Human Rights Watch, 24 October 2019, p. 6.

or cause panic in the public”.<sup>59</sup> These are vague criteria for stifling speech.<sup>60</sup> The state has also accused some activists of sedition under the Criminal Code’s Article 116.

Security officials have reportedly detained and interrogated those suspected of posting royal defamation, demanding that they sign a pledge to desist. Suspects who agree are not charged with any crime. These detentions appear to be without legal basis.<sup>61</sup> Security officials have reportedly harassed and intimidated dozens of people who post on Royalist Marketplace.<sup>62</sup>

The increasing prevalence and brazenness of online criticism of the king and monarchy is disconcerting even to some opponents of the status quo. Some veteran pro-democracy activists are worried for young people who, out of naivety or fearlessness, are uninhibited in their critical posts.<sup>63</sup>

#### D. *Suppression*

The suppression of dissent that characterised the NCPO regime has carried over to the present government, which employs a variety of means to discourage and punish its critics. Pro-democracy activists and human rights defenders face legal harassment, apparently intended to exhaust their energy and resources, and sometimes violence.<sup>64</sup> In the months after the March 2019 election, unidentified men assaulted several democracy activists in Bangkok, sending one into intensive care. The pattern of attacks, and failure to arrest suspects, suggests to many observers that the assailants acted with officials’ complicity.<sup>65</sup>

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<sup>59</sup> Computer-Related Crime Act (2007), as amended by the Computer-Related Crime Act (No. 2) (2017). Unofficial translation by Thai Netizen Network. Cited in “To Speak Out is Dangerous”, op. cit., p. 28.

<sup>60</sup> On 7 October 2019, a student activist, Karn Pongpraphapan, was arrested at his home and charged with violating the Computer Crime Act’s Section 14, which bans disseminating online content that “threatens national security”. Karn had posted information on Facebook about the demise of several European monarchies and asked, “How do you want it to end?” Karn was granted provisional release on bail of 100,000 baht (\$3,155) by the Criminal Court on two conditions: that he refrain from posting similar messages and that he receive no more severe charge. Karn’s arrest came less than a week after a wave of online criticism of the inconvenience caused by royal motorcades. Caleb Quinley, “Thai pro-democracy activist faces prison over Facebook post”, Al Jazeera, 17 October 2019.

<sup>61</sup> Crisis Group interviews, lawyers and human rights activists, Bangkok, May–June 2020; “Report says Facebooker detained over royal satire site”, *Khaosod English*, 29 May 2020.

<sup>62</sup> “The unfolding ‘witch hunt’ after the emergence of ‘Royalist Marketplace’ Facebook group”, Thailand Lawyers for Human Rights, 4 June 2020; “House Committee petitioned over royalist witch hunts”, *Prachatai*, 5 June 2020.

<sup>63</sup> Crisis Group telephone interviews, academic, Bangkok, May 2020; activist, north east, May 2020.

<sup>64</sup> Crisis Group interviews, activists, May, June 2020; “‘Law’ now state’s weapon of choice”, *Bangkok Post*, 7 October 2017; “Junta critics ‘weeded out’, says journalist who quit TV”, *The Nation*, 3 April 2018.

<sup>65</sup> On 13 May, four men beat activist Ekachai Hongkangwan in front of the Bangkok Criminal Court; it was the seventh time he had been assaulted in two years. Sirawith “Ja New” Seritiwat, was attacked twice in June, spending several days in an intensive care unit after he suffered fractures to his skull, eye socket and nose. “Thailand: No Arrests for Assaults on Junta Critics”, press release, Human Rights Watch, 29 May 2019; “Police unable to identify attackers in Ja New assault”, *Bangkok Post*, 20 February 2020.

Security officials have harassed pro-democracy protest organisers, sometimes contacting university administrators, teachers and parents to warn of possible consequences for activism. In some cases, security officials visited activists and warned them to cease political activity.<sup>66</sup>

There is also a disturbing pattern of violence against Thai dissidents who fled into exile following the 2014 coup. Nine have disappeared, and at least two have been murdered; there have been no arrests in any of these cases. Of these, at least five members of an anti-monarchist group called the Organisation for Thai Federation (OTF) have disappeared from Laos since 2016. The bodies of two of these men, Chatcharn Buppawan and Kraidej Luelert, were found in late December 2018 on the Thai banks of the Mekong River, arms and legs bound, beaten, stuffed with concrete.<sup>67</sup> A history of state-backed extrajudicial killings and enforced disappearances, along with official stonewalling of investigations, suggests state complicity.<sup>68</sup>

On 4 June 2020, exiled political activist and dissident Wanchalearm Satsakit was kidnapped in front of his apartment building in Phnom Penh, Cambodia. Wanchalearm had fled Thailand after the coup rather than answer a summons for “attitude adjustment” by the army. His abduction took place the day after he posted on Facebook a polemic against Prayuth. Police had visited his mother asking for his whereabouts several weeks earlier.<sup>69</sup> Some activists speculate that he was targeted because his name was on a blacklist and he was easy to reach.<sup>70</sup>

Wanchalearm’s kidnapping caused greater public anger than earlier disappearances; Thai Twitter users broadcast the hashtag #SaveWanchalearm more than 400,000 times within the first 24 hours of his disappearance.<sup>71</sup> On 10 June, Kao Klai Party MP Rangsiman Rome cited allegations of official involvement in parliament made by prominent monarchy critics, asking Foreign Minister Don Pramudwinai if the gov-

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<sup>66</sup> Crisis Group telephone interviews, student activist, human rights lawyer, Bangkok, June 2020. James Wilson and Cod Satrusayang, “Intimidation and harassment: Thai student leaders face a paranoid state threatened by their protests”, *Thai Inquirer*, 19 June 2020.

<sup>67</sup> Both had disappeared along with a third OTF member, Surachai Danwattanusorn, a few weeks earlier; he is believed also to have been murdered. Itthipol Sukpaen and Wuthipong Kachathamakul were abducted in Laos, in June 2016 and July 2017, respectively. No bodies have been recovered, but activists believe that they, too, were killed. In May 2019, Vietnamese authorities reportedly repatriated three exiled OTF members, who had fled Laos after their associates’ murders. All three – Chuchep Chivasut, Siam Theerawut and Kritsana Thapthai – were accused of lèse-majesté. Their whereabouts are unknown. “Bodies of exiled Thai activists ‘stuffed with concrete’”, Reuters, 23 January 2019; Pravit Rojanaphruk, “Photos suggest third Mekong corpse was found, then lost”, *Khaosod English*, 22 January 2019; “Thailand: Critics Feared ‘Disappeared’”, press release, Human Rights Watch, 9 May 2019.

<sup>68</sup> “การบังคับบุคคลให้สูญหายในประเทศไทย”, มูลนิธิยุติธรรมเพื่อสันติภาพ, พฤษภาคม 2555 [“Enforced Disappearances in Thailand”, Justice for Peace Foundation, May 2012].

<sup>69</sup> Crisis Group interview, lawyer, Bangkok, June 2020; Craig Keating, “Thailand: Another dissenter disappears”, The Interpreter (Lowy Institute) blog, 12 June 2020.

<sup>70</sup> Crisis Group interviews, June 2020.

<sup>71</sup> “Thailand: Exiled activist’s disappearance sparks calls for justice”, Deutsche Welle, 17 June 2020.

ernment would investigate.<sup>72</sup> Don demurred, saying Wanchalearm's case was of little importance and calling reports of official involvement "fake news".<sup>73</sup>

Alleging a conspiracy to undermine the monarchy is a hoary mechanism the elite uses to discredit and silence their opponents. It was rarely as explicit as during the speech army chief General Apirat Kongsompong delivered on 11 October 2019, ostensibly on the topic of security in Thailand's southernmost provinces.<sup>74</sup> His comments concentrated on his pet theme of "hybrid warfare" against the monarchy and nation, which he alleged is being waged through a combination of violence and online propaganda by a vast network including former communists, politicians educated abroad and young academic leftists.<sup>75</sup> General Apirat, who drew a comparison with protests in Hong Kong, wept at times, evidently overcome with emotion. His speech encapsulates a zealous strain of royalism that in the past has been used to justify coups and deadly violence against pro-democracy activists in Thailand.<sup>76</sup>

The government regards anti-monarchy sentiment as a national security threat. At the same time, hinting at threats to the monarchy is politically expedient for the army and government.<sup>77</sup> On 15 June 2020, Prime Minister Prayuth warned of an anti-monarchy movement, and complained that *lèse-majesté* violations had increased since authorities stopped using Article 112 at the behest of the "merciful" king.<sup>78</sup> On 23 June, the police chief touted the seizure of an arms cache on the Myanmar border as possible evidence of a plot to "create political chaos" on the eve of the 88th anniversary of the end of absolute monarchy.<sup>79</sup> Security officials have previously discovered supposedly hidden weapons, which they have tied to junta critics, at politically sensitive moments.<sup>80</sup>

<sup>72</sup> Rangsiman Rome cited posts by Andrew MacGregor Marshall and Somsak Jeamteerasakul.

<sup>73</sup> "วาทะกระทู้ถามสดผู้มหายวันเฉลิม รัฐบาลตรวจสอบบุคคลที่สมศักดิ์เจียมฯ กล่าวถึงแล้วหรือยัง" ["Theme of questioning on Wanchalearm's abduction: Has the government investigated Somsak Jeam's allegations yet?"], *Pra-chatai*, 10 June 2020.

<sup>74</sup> Patpicha Tanakasempipat, "Thai army chief decries opposition, hints at threat to monarchy", Reuters, 11 October 2019. In 1992, Apirat's father, General Sunthorn Kongsompong, staged a coup against Prime Minister Chatichai Choonhavan, the first elected premier in twelve years.

<sup>75</sup> "The threat now is fake news': Thai army chief describes 'hybrid war'", Reuters, 9 August 2019.

<sup>76</sup> Most dramatically, the army, or its proxies, killed pro-democracy demonstrators in October 1973, October 1976, May 1992 and April-May 2010.

<sup>77</sup> Crisis Group email correspondence, expert on Thai military, June 2020.

<sup>78</sup> "Prayut, Prawit warn 'movement' against palace", *Bangkok Post*, 15 June 2020.

<sup>79</sup> "Police on high alert for political movements", *Bangkok Post*, 23 June 2020. In fact, the weapons, discovered in Mae Sot, Tak province, were most likely destined for an armed group in Myanmar. "Chinese-made arms due for Myanmar seized on Thai border", *The Irrawaddy*, 24 June 2020.

<sup>80</sup> "Arms cache find seen as regime ploy", *Bangkok Post*, 2 December 2017; "Red-shirt weapons seized, plot derailed, say police", *Bangkok Post*, 25 May 2018.

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## IV. The Economy and the Pandemic

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The Thai economy was slowing, and poverty rising, long before the pandemic hit. On 13 January 2020, when the government reported the first COVID-19 case, industrial production had been in decline for eight months. Investment, consumption, trade and tourism had all been dropping off and a severe drought was expected to limit GDP growth in 2020 to 2.8 per cent.<sup>81</sup> Longer-term trends showed that, since the military coup in 2014, poverty and inequality had been rising steadily.<sup>82</sup> Some 1.8 million Thais became poor between 2015 and 2018, a highly unusual trend for an upper middle-income country.<sup>83</sup> Stagnant household wages and incomes were at the root of rising poverty.

This gloomy picture reflects the exhaustion of a growth strategy based on low-skilled labour and exports that lifted Thailand to upper middle-income status in 2011.<sup>84</sup> In the 1980s and 1990s, the average Thai household's income doubled every eight years. Thais born in those decades of economic boom could expect, on average, to be 64 times richer than their grandparents. But that period of explosive growth is over: it now takes 25 years for incomes to double. Since the mid-2000s, annual GDP grew at a mere 2-3 per cent, about half of what the International Monetary Fund considers the Thai economy's potential.<sup>85</sup> South East Asia's second largest economy is gripped by inertia: the modal income, or that which occurs most frequently among Thai households, remains low at around 120,000 baht (\$3,825). The social, economic and political consequences of this stagnation are enormous.

### A. Thailand's Middle-income Trap

One explanation for Thailand's slow growth is the "middle-income trap" concept, according to which rapid gains from low-cost labour and technological imitation diminish as average incomes near \$4,000 per year. The country is relatively expensive when competing in labour-intensive industries but lacks the skilled labour force to compete with advanced economies. Moreover, the work force is rapidly ageing, so it is shrinking even as it carries a growing burden to support the young and old.<sup>86</sup>

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<sup>81</sup> Bank of Thailand, "Monetary Policy Report December 2019", January 2020.

<sup>82</sup> "Taking the Pulse of Poverty and Inequality in Thailand", World Bank Group (Washington, 2020).

<sup>83</sup> Defined as a country with average incomes of \$3,976-\$12,275. Thailand's national official poverty rates are based on household-level poverty lines. Data updated 14 November 2019 by the National Economic and Social Development Council. The national poverty line in 2018 was 2,709.91 baht (\$86.47) per month (equivalent to 90.3 baht [\$2.88] per day). Poverty rose in 61 of Thailand's 77 provinces in 2018, according to the government's own data.

<sup>84</sup> "Thailand Now an Upper Middle-Income Economy", press release, World Bank, 2 August 2011.

<sup>85</sup> "Thailand: 2017 Article IV Consultation-Press Release; Staff Report; and Statement by the Executive Director for Thailand", International Monetary Fund, 31 May 2017.

<sup>86</sup> In 2011, the dependency ratio – the proportion of economically inactive to active people – started rising sharply, from 39.045 in 2010 to 41.302 in 2019. World Bank, "Age dependency ratio (% of working-age population) – Thailand".

Thailand's sluggish growth is in many respects a function of the way that power is organised and exercised.<sup>87</sup> The country's political system is based on oligarchy.<sup>88</sup> Wealth and power are often tied to an individual's or company's proximity to the bureaucracy, holders of political office and the palace.<sup>89</sup> For three decades, starting in the 1950s, this oligarchic system remained compatible with rising household incomes, as elite self-enrichment worked in harmony with broader-based growth that distributed benefits to other groups. The oligarchy exhibited flexibility in incorporating rising social classes.<sup>90</sup>

Over time, however, an economic strategy based on foreign direct investment, borrowed technology, cheap labour and exports, and that lacked redistributive measures, led to an increasingly disproportionate concentration of wealth and power.<sup>91</sup> Using conventional measures of income inequality, Thailand is not exceptionally unequal compared with its peers.<sup>92</sup> But such broad measures do not capture the way in which wealth, as opposed to income, accumulates in extreme cases, such as Thailand's. In 2019, Thailand's wealthiest top 1 per cent held 50.4 per cent of total wealth and the top 10 per cent held 76.6 per cent of it.<sup>93</sup> A recent study shows that Thailand has the worst wealth inequality among the ASEAN nations and is the fourth most unequal country in the world (behind Ukraine, Kazakhstan and Egypt).<sup>94</sup> A large portion of the country's economic activity is concentrated in the hands of a few powerful families that are largely shielded from domestic and foreign competition.

## B. *Impact of the Economic Crisis*

The pathologies of the middle-income trap make Thailand especially vulnerable to the economic crisis now unfolding. Consumer spending, production and investment have collapsed, and entire sections of the economy are moribund – particularly international tourism, which contributes almost 15 per cent of the country's GDP.<sup>95</sup> In late June, the Bank of Thailand forecast that the Thai economy would contract by 8.1 per cent in 2020, before expanding by 5 per cent in 2021.<sup>96</sup> This is the worst forecast

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<sup>87</sup> Richard F. Doner and Ben Ross Schneider, "The Middle-Income Trap: More Politics than Economics", *World Politics*, vol. 68, no. 4 (2016), p. 1-37.

<sup>88</sup> Pasuk Phongpaichit and Chris Baker, "Introduction" in Pasuk Phongpaichit and Chris Baker, (eds.), *Unequal Thailand: Aspects of Income, Wealth and Power* (Singapore, 2016), p. 20.

<sup>89</sup> Puangchon Unchanam, *Royal Capitalism: Wealth, Class and the Monarchy in Thailand* (Madison, 2019).

<sup>90</sup> Pasuk and Baker, "Introduction", op. cit., pp. 20-21.

<sup>91</sup> Rick Doner, "Political economy of Thai political pathologies", New Mandala blog, 6 July 2014; Veerayooth, "Thailand Trapped", op. cit., p. 264.

<sup>92</sup> World Bank, "Gini Index".

<sup>93</sup> Credit Suisse, "Global Wealth Data Book 2019", October 2019, p. 168.

<sup>94</sup> Credit Suisse, "Global Wealth Report 2019", October 2019.

<sup>95</sup> "Thailand Economic Monitor June 2020: Thailand in the Time of COVID-19", World Bank, 30 June 2020, p. 4. Some sources estimate that with its indirect and induced impact tourism contributes almost 20 per cent to Thailand's GDP. World Tourism and Travel Council, "2020 Annual Research: Key Highlights".

<sup>96</sup> "BoT minutes: Financial system vulnerable as pandemic hits economy", Reuters, 8 July 2020.

in Asia, and Thailand's biggest GDP decline ever since such measures have been taken. Others foresee a 10 per cent contraction.<sup>97</sup>

Thailand has one of the biggest shadow economies in Asia. Defined as all economic activities that are hidden from authorities for monetary, regulatory or institutional reasons, it was the equivalent of 43.1 per cent of GDP in 2015.<sup>98</sup> In 2018, 21.2 million Thais worked in the informal sector, compared to 17.1 million formal workers.<sup>99</sup> The proportion of informal workers has increased over the past twenty years, after declining during the preceding quarter-century.<sup>100</sup>

In such an economy, the social consequences of the pandemic will be deep and long-lasting. The immediate impact will show up in rising un- and underemployment, poverty, inequality and household indebtedness. Some seven million Thais lost their jobs in the first months of the pandemic, a figure that may rise to 14.4 million by the end of 2020, out of a working-age population of 43.2 million.<sup>101</sup> The number of "economically insecure", or those living on less than \$5.50 per day, has more than doubled to an estimated 9.7 million between the first and second quarters of 2020.<sup>102</sup> A pair of surveys from April and May show that 73.2 per cent of households have suffered a decline in income since the pandemic began, with 39.9 per cent of them reporting a drop of more than one half. Some 30 per cent said the consequent stress was unmanageable.<sup>103</sup> Increases in suicides and calls to helplines reflect increasing desperation.<sup>104</sup>

Unlike during the 1997 financial crisis, when two thirds of Thais earned an income from agriculture, villages' ability to cushion the economic impact is much reduced.<sup>105</sup> Whereas in 1997-1998, an estimated 45 per cent of rural household incomes came

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<sup>97</sup> Thai consumer mood improves for first time in over a year as virus lockdown eases – survey", Reuters, 4 June 2020; "GDP expected to shrink by 10% in virus-stricken 2020", *Khaosod English*, 7 July 2020.

<sup>98</sup> As a percentage of GDP, Thailand's shadow economy is double the size of Indonesia's and triple that of Vietnam. Leandro Medina and Friedrich Schneider, "Shadow Economies around the World: What Did We Learn over the Last 20 Years?", International Monetary Fund working paper, 24 January 2018.

<sup>99</sup> "Thailand Economic Monitor June 2020: Thailand in the Time of COVID-19", op. cit., p. 20.

<sup>100</sup> Jonathan Rigg, *More than Rural: Textures of Thailand's Agrarian Transformation* (Honolulu, 2019), pp. 187-188.

<sup>101</sup> This number includes 8.4 million workers in manufacturing and services, and 6 million farmers at risk from drought, according to the National Economic and Social Development Council. "Over 14 million Thais face unemployment due to COVID-19, drought", *New Straits Times*, 29 May 2020; "Working-age population decreasing: NESDC", *The Nation*, 15 January 2020.

<sup>102</sup> "Thailand Economic Monitor June 2020: Thailand in the Time of COVID-19", op. cit.

<sup>103</sup> Crisis Group interview, Somchai Jitsuchon, research director, Inclusive Development, Thailand Development Research Institute, Bangkok, June 2020; สมชัย จิตสุชน, "โควิด-19 กระทบใคร กระทบอย่างไร พวกเขารับมือไหวไหม" [Somchai Jitsuchon, "COVID-19: Who is It Impacting, How and How are They Coping?"], Thailand Development Research Institute, 28 May 2020. Online surveys on the social and economic impact of COVID-19 conducted by this institute and UNICEF Thailand, with 43,338 respondents in the period 13-27 April 2020, and 27,986 respondents in the period 27 April-18 May 2020, in all Thai provinces. Half the respondents were civil servants or state-enterprise employees, so they are likely more affluent and better educated than average.

<sup>104</sup> "Calls to suicide helpline show Thais' stress in downturn", Reuters, 5 June 2020.

<sup>105</sup> Crisis Group telephone interviews, academics, Bangkok, May 2020.

from non-farm activities, the figure now is 65 per cent.<sup>106</sup> The pandemic will therefore result in rising indebtedness, further complicating the revival of domestic demand, considered as the main challenge to kickstart the national economy in the wake of COVID-19. Some 40 per cent of Thais were indebted before the crisis, and Thailand's household debt was at 80.1 per cent of GDP in the first quarter of 2020, one of the highest in ASEAN.<sup>107</sup>

### C. Government Response

After stumbling in the pandemic's early phase, the government embarked on a strategy to curb the virus at virtually any cost. By early June, authorities could claim success, with only 58 deaths reported countrywide and apparently no further local transmission in a population of 68 million.<sup>108</sup> At the same time, the economic costs rose sharply, notwithstanding a phased reopening of the domestic economy and an unprecedented fiscal and monetary stimulus.

On 24 March, the cabinet approved imposition of a state of emergency in order to help combat the coronavirus. It has been extended three times, most recently until the end of August 2020. The government established a Centre for COVID-19 Situation Administration, headed by the prime minister, with daily briefings by a medical doctor. The decree allows the prime minister to: impose curfews; ban public assemblies; limit the number of people moving in a group; censor the media and order arrests for spreading alarmist or false news; close down roads and public transport; ban the use of specific buildings; and order people evacuated from specified areas. In spite of the nationwide emergency declaration, provincial governors retain significant authority in determining the scope and scale of lockdowns. The National Security Council chief said the government would not enforce the decree's ban on public gatherings in order to prove that its purpose is not to discourage protests.<sup>109</sup>

With an estimated seven million Thais already out of a job, the government on 8 April announced a program to provide relief payments of 5,000 baht (\$153) per month, for three months, to the unemployed and others experiencing hardship. By late April, some 28.8 million people had registered, far outstripping the nine million for whom the government had planned. Following protests, the government eventually determined that fifteen million informal, non-farm workers were eligible.<sup>110</sup> A separate program provides three months (May-July) of assistance to some ten million farmers.<sup>111</sup> In spite of delays, those approved for assistance have been receiving the payments.<sup>112</sup>

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<sup>106</sup> Peter Janssen, "No rural refuge for Covid-19 unemployed Thais", *Asia Times*, 1 May 2020.

<sup>107</sup> Bank of Thailand, "EC\_MB\_039 Loans to Household 1/".

<sup>108</sup> See data at the website of the Department of Disease Control, Ministry of Public Health.

<sup>109</sup> "Emergency decree extended", *Bangkok Post*, 23 July 2020.

<sup>110</sup> "Farming households get B15,000 aid", *Bangkok Post*, 28 April 2020. Hundreds of people whose claims were denied gathered at the Finance Ministry on 14 April, hurling insults at officials. One applicant drank rat poison in desperation; another threatened to hang herself.

<sup>111</sup> "Thailand Economic Monitor June 2020: Thailand in the Time of COVID-19", op. cit., p. 37; "Farming households get B15,000 aid", *Bangkok Post*, 28 April 2020.

<sup>112</sup> Crisis Group telephone interviews, community activist, north east; academic, Prachuapkirikan, May 2020.

On 31 May, parliament passed three bills authorising a 1.9 trillion baht (\$61 billion) economic package, the largest non-budgetary stimulus in the country's history, to help businesses and millions of ordinary Thais deal with the pandemic's economic fallout.<sup>113</sup> The World Bank reports that the total fiscal stimulus is 6 per cent of GDP, compared to 2.4 per cent for Malaysia, 4.5 per cent for Indonesia and 3.4 per cent for the Philippines. The total value of Thailand's proposed relief package is 12.9 per cent of GDP, on par with the U.S. and Sweden.<sup>114</sup> The government has also undertaken fiscal and monetary measures to spur growth.

Thailand's economic policy response to the pandemic has been swift and sizeable. The government set aside long-held fiscal conservatism and mounted a robust fiscal response, while the Bank of Thailand cut interest rates and significantly eased monetary conditions for consumers and businesses. The size and direction of the short-term stimulus are in line with what other governments have done to support incomes and keep firms afloat. But some have criticised the response for lacking transparency and sufficient focus on ordinary people and the small and medium-sized enterprises (SMEs) that employ 90 per cent of people in the formal sector; business owners and others remain worried about SMEs' ability to get access to finance.<sup>115</sup>

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<sup>113</sup> The parliament resolved to reallocate funds in the 2020-2021 budget to the COVID-19 response and borrow an additional 1 trillion baht (\$32 billion) between May and September 2021; 60 per cent of the additional borrowing is earmarked for public health measures, utilities subsidies and social security contributions, and the emergency cash handout scheme. The remaining 40 per cent of the funds will be used for labour market and community support measures.

<sup>114</sup> "Thailand Economic Monitor June 2020: Thailand in the Time of COVID-19", op. cit., pp. 39-40; "How global coronavirus stimulus packages compare", *Forbes*, 11 May 2020. According to the Finance Ministry, the fiscal stimulus will increase Thailand's public debt to GDP ratio from 42 per cent at present to 57 per cent in 2021 – still below the 60 per cent mark mandated by the country's fiscal framework.

<sup>115</sup> Crisis Group interviews, Pannika Wanich, Progressive Movement, Bangkok, May 2020; Korn Chatikavanij, former finance minister and leader of the Kla Party, Bangkok, 5 June 2020; "Federation of Thai Industries says unemployment could hit 8m", *Bangkok Post*, 24 July 2020.

## V. Political Implications

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Although the full impact of the economic crisis remains to be felt, all indications are that painful and far-reaching consequences are fast unfolding. Many SMEs will soon run out of money to make payroll, the government's initial cash assistance program ends in July and it has announced no follow-up initiative.<sup>116</sup> While “no one really knows what the ‘new normal’ will look like”, most analysts believe that the scale of the economic impact will shake the political order.<sup>117</sup> “Politics is going to change with this level of hardship. You can't expect things to stay the same”.<sup>118</sup>

A basic question is whether or not the economic crisis will be of sufficient magnitude to precipitate political change. This question invites comparison to the 1997 financial crisis, which started in Thailand and fostered a political opening that resulted in ratification of the 1997 constitution, the most liberal in the country's history. But the reform process was well under way prior to the crisis, arising in reaction to Black May 1992, when the army killed dozens of pro-democracy protesters in Bangkok. There was a broad coalition, including liberal royalists and business leaders, in favour of reform leading to a stronger, more effective government. “At that time, we had an enlightened elite”, said a political scientist.<sup>119</sup> Crucially, the army was also discredited as a political force. There were no widespread political protests; with a reform movement under way and a viable political process, there was no need.<sup>120</sup> Discontent was channelled into ballots and party politics, leading to Thaksin's Thai Rak Thai Party victory. He became the first elected Thai prime minister to complete a full term (2001-2005) and was subsequently re-elected.<sup>121</sup>

The looming economic crisis appears set to surpass that of 1997 in severity and scope, and it comes at a time when Thailand has already had more than a decade of sub-par growth.<sup>122</sup> The 2017 constitution is regressive, and a broad coalition for reform has yet to appear. Instead, there is growing polarisation amid a worsening environment for freedom of expression.

### A. *A Boon for the Government?*

The pandemic's immediate political impact has been salutary for the government. What at first appeared to be a “perfect storm” that would weaken the government has instead allowed it to consolidate its position.<sup>123</sup> The emergency decree and the public health menace posed by the pandemic quashed burgeoning anti-government protests, sparing Prayuth the decision to crack down, which he could not have afforded to put off much longer.<sup>124</sup> The government's response has so far succeeded in con-

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<sup>116</sup> Crisis Group interviews, academic, Ubon Ratchathani; human rights lawyer, Bangkok, May 2020. Crisis Group interviews, academic; entrepreneur, Bangkok, June 2020.

<sup>117</sup> Crisis Group telephone interview, economist, Bangkok, June 2020.

<sup>118</sup> Crisis Group telephone interview, academic, Bangkok, 22 May 2020.

<sup>119</sup> Crisis Group telephone interview, Bangkok, 22 May 2020.

<sup>120</sup> Crisis Group telephone interview, academic, Bangkok, 21 May 2020.

<sup>121</sup> Crisis Group telephone interview, academic, Bangkok, 22 May 2020.

<sup>122</sup> “BoT forecasts record contraction”, *Bangkok Post*, 25 June 2020.

<sup>123</sup> Crisis Group interview, Pannika Wanich, Progressive Movement, Bangkok, 29 May 2020.

<sup>124</sup> Crisis Group interview, human rights expert, Bangkok, June 2020.

taining the spread of the virus, projecting an image of competence. The borrowing bills and cash now at the government's disposal give it breathing space in the near term.

The pandemic has put into sharp focus the symbiosis between the government and the oligarchs. In April, the prime minister wrote a personal letter to Thailand's top twenty billionaires asking them to propose new projects to help Thai people.<sup>125</sup> But there is little the tycoons can do to address the economy's structural problems. Their service-sector businesses rely on foreign tourist dollars and healthy domestic demand. None of the 25 richest Thais has made a fortune in manufacturing. Prayuth's letter sparked ridicule for evincing a government bereft of ideas and dependent on the nation's billionaires.<sup>126</sup>

A simmering rift within the PPRP that pitted the technocratic party leadership and economic team against provincial politicians who felt it was their turn for top-tier cabinet posts surfaced in April.<sup>127</sup> The jockeying echoes the pattern of "money politics" that characterised the 1980s, when politicians sought to recoup their investment in seeking elected office through access to kickbacks from government programs.<sup>128</sup> On 1 June, one day after the 1.9 trillion baht loan bills passed, eighteen members of the PPRP executive committee resigned, paving the way for Deputy Prime Minister Prawit Wongsuwon to become party leader. A businessman explained that Prawit, as the junta's *eminence grise*, a deal maker and Prayuth's close associate, is better suited than the technocrats to appease the party's factions.<sup>129</sup>

The staggering sums to be disbursed by the government have sparked concerns about corruption and lack of transparency.<sup>130</sup> The uneven performance of the National Anti-Corruption Commission and the composition of the senate anti-graft committee give little confidence in thorough and impartial scrutiny.<sup>131</sup> A cabinet reshuffle is in the offing, following the economic team's resignation on 15 July. This change, in the midst of a crisis, is poor optics for the PPRP.

<sup>125</sup> "Leaked letter: Prayut asks top tycoons for virus rescue plans", *Khaosod English*, 21 April 2020.

<sup>126</sup> Crisis Group telephone interviews, academics, Bangkok, 22 May 2020.

<sup>127</sup> The economic team included Finance Minister and party leader Uttama Savanayana, Deputy Prime Minister Somkid Jatusripratak and Sontirat Sontijirawong, the party's secretary-general and energy minister.

<sup>128</sup> Crisis Group interviews, academics, businessperson, Bangkok, May and June 2020. See also Shawn W. Crispin, "COVID-19 gives Prayut new political life in Thailand", *Asia Times*, 3 July 2020. A business executive reported that kickbacks on government contracts are sometimes as high as 50 per cent. Crisis Group correspondence, Bangkok, May 2020.

<sup>129</sup> Crisis Group interview, Bangkok, June 2020.

<sup>130</sup> Crisis Group telephone interviews, democracy activists, Bangkok and Udonthani, June 2020; Pichayada Promchertchoo, "Calls for more transparency in public spending as Thailand pledges US\$61 billion to fight COVID-19", Channel News Asia, 12 June 2020; Sanitsuda Ekachai, "Govt continues to exploit pandemic", *Bangkok Post*, 18 June 2020; Crispin, *op. cit.*

<sup>131</sup> The National Anti-Corruption Commission is appointed in an arcane process by a committee headed by the chief justice of the Constitutional Court. The senate's committee anti-graft committee includes the younger brother of Deputy Prime Minister and PPRP chief General Prawit Wongsuwon. "Graft panel an oddity", *Bangkok Post*, 19 September 2019.

## B. *Political Dilemma of Economic Reform*

Over the past fifteen years, unelected Thai leaders have prioritised political stability while elected leaders have prioritised economic growth. According to a political scientist, these competing priorities capture a dilemma: the political package necessary to win over a majority of voters and deliver high rates of growth also excites the anxiety of the traditional elite, thus triggering an anti-democratic backlash. But military governments impose political stability at the expense of higher growth and a more equitable distribution of benefits.<sup>132</sup> Since the 2014 coup, the pendulum has swung decidedly in favour of efforts to compel political quiescence. The 2017 constitution and the Twenty-Year National Strategy aim to protect the status quo from majoritarian challenge, keeping elected officials weak and subject to discipline by unelected bodies. Under these circumstances, the reforms necessary to upgrade the economy are improbable.<sup>133</sup>

There is broad consensus among economists working on Thailand on the weaknesses of the prevailing economic model, and on what needs to be done to improve it. In simple terms, Thailand needs to reduce dependence on cheap labour and increase productivity by developing the capacity to absorb high technology and to innovate. To do so would require better education, infrastructure, and research and development. Achieving these goals, in turn, would be more feasible were Thailand's institutions stronger, more accountable and better able to raise revenue, deliver public services and regulate the economy.<sup>134</sup> The NCPO recognised both the middle-income trap and inequality as serious problems facing the country.<sup>135</sup> In 2015, it announced the Thailand 4.0 initiative to promote high-tech industries and innovation to lead Thailand into upper-income status.<sup>136</sup> The junta's flagship development project was the Eastern Economic Corridor, a special economic zone meant to transform Thailand into a high-tech economy, which offered investment incentives.<sup>137</sup>

These initiatives have made little progress, in part because they do not address structural problems caused by Thailand's outmoded political order and economic

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<sup>132</sup> Veerayooth, "Thailand Trapped", op. cit., p. 273.

<sup>133</sup> Apichat Satitniramai, "Thai State Formation and the Political Economy of the Middle-Income Trap" in Pavin Chachavalpongpun (ed.), *Routledge Handbook of Contemporary Thailand* (London, 2019), pp. 191, 199-200.

<sup>134</sup> Doner and Schneider, op. cit., pp. 2-3; Pasuk Pongphaichit, "Confronting Thailand's inequality through fiscal reform", *East Asia Forum*, 14 January 2012; Forrest E. Cookson and Tom F. Joehnk, "Thailand and the coup trap", *The New York Times*, 5 January 2015.

<sup>135</sup> Office of the National Economic and Social Development Board (NSEDDB), Office of the Prime Minister, "The Twelfth National Economic and Social Development Plan (2017-2021)", pp. 94-101; National Strategy Secretariat Office, NSEDDB, "The National Strategy (2018-2037): Summary", p.10; สำนักงานสภาพัฒนาการเศรษฐกิจและแผนระดับชาติว่าด้วยความมั่นคงแห่งชาติ (พ.ศ.๒๕๖๐-๒๕๖๔) [National Security Council, Office of the Prime Minister, "National Security Strategy 2017-2021"], pp. 15-16; Michael J. Montesano, "The Place of the Provinces in Thailand's Twenty-Year National Strategy: Toward Community Democracy in a Commercial Nation?", ISEAS-Yusuf Ishak Institute, 8 August 2019.

<sup>136</sup> The government identified five industries for promotion: food and agriculture, especially biotechnology; biomedical; robotics; embedded digital technology; and creative and cultural services.

<sup>137</sup> The junta also initiated a welfare card system to subsidise living costs for some fourteen million poor Thais but failed to stem an increase in poverty. Wannaphong Durongkaveroj, "Thailand's grand welfare experiment: showcase or basket case?", Policy Forum, 15 January 2020.

strategy.<sup>138</sup> The junta's strategic plans envision no consequential role for political parties and parliament in mediating between state and society.<sup>139</sup> But the "oligarchic nature of politics" impedes formation of reformist coalitions and institutions that could foster a stronger economy and fairer society.<sup>140</sup> Profits are commonly acquired through rents derived from association with the politically powerful. This stunts innovation and efficiency, while increasing inequality.<sup>141</sup> The middle-income trap discussed above encourages clientelism and populism. Big business has little incentive to advocate for reform, while small entrepreneurs face enormous barriers.<sup>142</sup> A rigid and complacent bureaucracy makes implementation of more inclusive policies difficult, if not impossible.<sup>143</sup> Meanwhile, the political and economic elite are suspicious of electoral democracy, and support military interventions that preserve the oligarchic status quo.<sup>144</sup>

### C. *Prospects for Change*

The economic problems associated with the exhaustion of Thailand's growth strategy have been evident for the past decade, but successive governments, elected or not, have failed to institute reforms. Thailand has muddled through, relying on populist policies and the forbearance of Thai workers with increasingly precarious livelihoods. The coming economic crisis almost certainly will lay bare these weaknesses in a manner that is likely to make the political status quo less viable.

Many of those seeking political reform see the 2017 constitution as the main obstacle to change. There is wide support in parliament for constitutional amendment, even within the governing coalition.<sup>145</sup> Most troublesome, according to many critics, are the appointed senate and the electoral system.<sup>146</sup> Although a parliamentary committee is charged with examining how best to amend the charter, proponents of a rewrite are concerned that the government will slow-roll this process. If political ten-

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<sup>138</sup> Prapimphan Chiengkul, "Uneven Development, Inequality and Concentration of Power: A Critique of Thailand 4.0", *Third World Quarterly*, vol. 40, no. 9 (2019), pp. 1689-1707.

<sup>139</sup> Montesano, "The Place of the Provinces", op. cit.

<sup>140</sup> Pasuk Pongphaichit and Pornthep Benyaapikul, "Political Economy Dimension of a Middle-Income Trap: Challenges and Opportunities for Policy Reform", Faculty of Economics, Chulalongkorn University (Bangkok), November 2013, pp. 3, 33-39, 43; Rick Doner, "Political economy of Thai political pathologies", *New Mandala* blog, 6 July 2014; Doner and Schneider, op. cit., p. 4; Pasuk and Baker, op. cit., p. 25.

<sup>141</sup> Crisis Group interview, Somchai Jitsuchon, TDRI, Bangkok, June 2020; Pasuk and Baker, op. cit., p. 26; Krislert Samphantharak, "Thailand's Corporate Sector and International Trade", in Pavin, *Handbook*, op. cit., pp. 201, 211.

<sup>142</sup> Doner and Schneider, op. cit., pp. 14-16.

<sup>143</sup> Crisis Group interviews, academic, Bangkok, May 2020; economist, Bangkok, 2020. Apichat Satitniramai, "Thai State Formation and the Political Economy of the Middle-Income Trap" in Pavin, *Handbook*, op. cit., pp. 196.

<sup>144</sup> Kevin Hewison, "Considerations on Inequality and Politics in Thailand", *Democratization*, vol. 21, no. 5 (2014), p. 4; Pasuk and Baker, op. cit., p. 26.

<sup>145</sup> Crisis Group interviews, Chaturon Chaisaeng, former education minister and politician; academic, Bangkok, 28 May 2020; academic, student activist, Bangkok, June 2020.

<sup>146</sup> Crisis Group interviews, Chaturon Chaisaeng, former education minister and politician, Bangkok, 28 May 2020; Korn Chatikavanij, former finance minister and leader of the Kla Party, Bangkok, 5 June 2020.

sions escalate, however, the government may see amendments as a means of defusing the situation.<sup>147</sup> A cooperative effort to facilitate amending the charter seems essential to precluding future conflict. “If we want to avoid bloodshed, there must be some compromise on constitutional amendment”, said a political scientist.<sup>148</sup>

Standing in the way of such a compromise are the devilish regulations for reviewing the constitution: any amendment must clear a series of nearly impossible hurdles. A successful vote requires more than half the members of both houses, and in the third reading must include the votes of at least 10 per cent of MPs from every party. A proposed amendment can be submitted for review to the Constitutional Court at the request of only 10 per cent of MPs and senators. “This rigidity may prevent any peaceful constitutional change, encouraging a more violent option”, observed a constitutional scholar.<sup>149</sup>

In light of the FFP’s dissolution and the politically motivated criminal cases lodged against its leaders, many activists and politicians maintain that only popular pressure can bring about necessary change. A prominent opposition politician said, “first we need a movement to convince the people that we need constitutional amendment”.<sup>150</sup> The Progressive Movement and student activists are explicit about the strategy of popular mobilisation as a means of effecting change, suggesting an impending round of protests, repression and instability. It foresees “guerrilla protests” such as flash mobs rather than prolonged mass rallies typical of the past red shirt and yellow shirt movements. Its spokesperson said building a reformist coalition is pressing: “Time is not on our side if we sit and do nothing”.<sup>151</sup> In the meantime, the Movement sees its main task as countering government propaganda that attempts to stigmatise protesters as enemies of the nation.

Many young people and students, in particular, are eager to resume activism. An academic noted: “Young people were very excited by the general election. Their anger is building up. It’s impossible that they do not go to the streets”.<sup>152</sup> There are already signs that the emergency decree and the pandemic will not indefinitely discourage large protests or demonstrations. On 18 July, in the largest protest since the 2014 coup, some 2,000 people assembled at Bangkok’s Democracy Monument to make three demands: an end to officials’ harassment of those exercising their rights; dissolution of parliament; and a new constitution. The next day, students in Chiang Mai and Ubon Ratchathani also demonstrated in support of these demands.<sup>153</sup> These demonstrations indicate a willingness on the part of a new generation of protesters to take to the streets.

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<sup>147</sup> Crisis Group interview, academic, Bangkok, 26 May 2020; “Charter amendment committee seeks extension”, *Bangkok Post*, 6 June 2020.

<sup>148</sup> Crisis Group telephone interview, academic, Bangkok, 22 May 2020.

<sup>149</sup> Khemthong Tonsakulrungruang, “Thailand: The State of Liberal Democracy”, *International Journal of Constitutional Law*, vol. 16, no. 2 (2018), p. 651.

<sup>150</sup> Crisis Group interview, Chaturon Chaisaeng, former education minister and politician, Bangkok, 28 May 2020.

<sup>151</sup> Crisis Group interview, Pannika Wanich, Progressive Movement, Bangkok, 29 May 2020.

<sup>152</sup> Crisis Group telephone interview, academic, Bangkok, 21 May 2020.

<sup>153</sup> “Students lead mass protest against dictatorship at Democracy Monument”, *Prachatai*, 20 July 2020; “Chiang Mai, Ubon rally to oust Prayut, government”, *Bangkok Post*, 19 July 2020.

The question is how large and sustained protests will be. Activists are confident that they will grow, and that the circumstances are sufficiently charged for a mass movement, particularly in view of the worsening economy. Half a million graduates are expected to enter a labour market in September; most of them are unlikely to find a job.<sup>154</sup> A professor noted that the movement's strength depends on whether student activists manage to build alliances with other social sectors. "If they succeed, it will be formidable", he said.<sup>155</sup> Others are less confident. A scholar opined it would take something worse than the "everyday bad behaviour of the government" to provoke mass rallies.<sup>156</sup>

A wild card in this equation is the burgeoning online criticism of the monarchy, which presents a dilemma for the palace and the government. Failure to quash the criticism risks allowing it to expand to a point past which the taboo is irreversibly broken. Conversely, greater coercion in policing such views risks a further loss of legitimacy. In either case, the ideological underpinnings of the status quo will likely be undermined, along with the structure of fear that protects it. Such developments could achieve a momentum of their own, with far-reaching consequences for Thai society. Questions about the monarchy's role may resonate in new ways as the economic crisis intensifies.

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<sup>154</sup> Crisis Group interviews, Korn Chatikavanij, former finance minister and leader of the Kla Party, Bangkok, 5 June 2020; academic, Bangkok 29 June 2020.

<sup>155</sup> Crisis Group telephone interview, academic, Bangkok, 22 May 2020.

<sup>156</sup> Crisis Group interview, constitutional scholar, Bangkok, 26 May 2020.

## **VI. Conclusion**

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In February 2020, the Thai government appeared to be foundering, with COVID-19 threatening to topple the PRRP-led coalition. As events played out, the pandemic served to buoy the government, burnish its image and hobble its opposition. But the disease's economic impact has yet to be fully felt, and all signs indicate that it will be catastrophic.

The looming economic crisis highlights the limits of Thailand's oligarchic political and economic model. For an elite that sees itself as having a moral mandate to rule, preservation of the status quo trumps economic growth. Their position can be compared to that of a business family with a publicly listed company: minority shareholders are welcome to the extent that they expand the capital base and lend respectability, but, for the family, maintaining control will always be more important than growth or profit. What appears from the outside as a middle-income trap may be, for the elite, a developmental sweet spot allowing the ideal balance of rent extraction and political control. But intrinsic to this system is a failure to distribute benefits equitably. The pandemic threatens to expose this failure in a way that makes the status quo increasingly untenable.

**Bangkok/Brussels, 4 August 2020**

Appendix A: Map of Thailand



International Crisis Group/KO/Sept 2016. Based on UN map no. 3853 Rev. 2 (July 2009).

## Appendix B: List of Acronyms

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FFP	Future Forward Party
NCPO	National Council for Peace and Order
PPRP	Palang Pracharat Party
PTP	Pheu Thai Party

## Appendix C: About the International Crisis Group

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early-warning bulletin, providing a succinct regular update on the state of play in up to 80 situations of conflict or potential conflict around the world.

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**August 2020**

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## Appendix D: Reports and Briefings on Asia since 2017

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### Special Reports and Briefings

*Counter-terrorism Pitfalls: What the U.S. Fight against ISIS and al-Qaeda Should Avoid*, Special Report N°3, 22 March 2017.

*Council of Despair? The Fragmentation of UN Diplomacy*, Special Briefing N°1, 30 April 2019.

*Seven Opportunities for the UN in 2019-2020*, Special Briefing N°2, 12 September 2019.

*Seven Priorities for the New EU High Representative*, Special Briefing N°3, 12 December 2019.

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