

## THAILAND 2018: A COUNTRY SUSPENDED BETWEEN AN ILLIBERAL REGIME AND THE HOPE OF A DEMOCRATIC TRANSITION

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*In May 2014 the Thai army seized power from the elected government led by Yingluck Shinawatra. The military coup promised to restore peace and harmony in the country and to allow political elections within one or two years. However, in 2018 Thailand was still under military rule and elections were expected only for early 2019. Before returning the power to a civilian government, the army tried to complete a comprehensive reform of Thai politics and economy – enforcing a new constitution, creating new parties, promoting a long-term economic strategy. These reforms had the objective to allow pro-junta political forces to win elections or, in any case, to constraint the action of future governments. Two initiatives in the economic sphere were expected to create consensus for the junta-sponsored political party: the launch of the Eastern Economic Corridor, promoting infrastructural development in the national key industrial area in order to increase FDI attraction; and the adhesion of Thailand to the Comprehensive and Progressive Trans-Pacific Partnership (the trade agreement that replaced the TPP after the US pull-out).*

### 1. *Introduction*

Thailand was seldom in the international news in 2018. The exception was the story of the boys and their football coach trapped in the Tham Luang caves in late June and then saved after a complex rescue operation. Nevertheless, this was an important year for the country as significant measures were adopted meant to influence the country political and economic life in the years ahead. The military junta who had seized power in May 2014 finally took concrete steps towards general elections at the beginning of the following year. However, the transition year was used to complete the reforms of the legal framework – electoral law, electoral districts revision, etc. – while a new pro-junta political party was created to

help the army to retain power after the elections. Furthermore, the military government adopted a long-term economic strategy that was legally binding for future administrations. Subtler, but equally important, was another step adopted by the junta: the promotion of a discourse for which good governance was not connected to a democratic process but on the contrary was guaranteed by righteous people that were above the inherently corrupted political life.

## 2. *A transition year in Thai politics – the military junta prepares for political elections*

In May 2014 a military coup seized power in the name of ‘peace’ and ‘political reconciliation’, promising to return the government to civilian rule within a couple of years. The date for the new political elections, however, was repeatedly postponed.<sup>1</sup> Eventually it was set for 24 March 2019,<sup>2</sup> after almost 5 years of military rule. While military dictatorships had been quite widespread in different regions in past decades, Thailand became conspicuous since 2014 as the only country in which democracy had been officially suspended. The Thai case could be put in perspective as part of a wider democratic regression but still remained noticeable as an isolated case in which the authoritarian regime was imposed by the army through the use of force.<sup>3</sup> The military rule since 2014 also stands apart from the coup of September 2006. In that case, the aim of the military intervention was to remove from government Prime Minister Thaksin Shinawatra and new democratic elections were held in little over one year (and Thaksin’s party won again). The coup of May 2014 had a more comprehensive objective, besides seizing the power from the Prime Minister Yingluck Shinawatra (Thaksin’s sister): it aimed at re-engineering Thai political life for the years to come. The army (and likely the palace) had the ambition to create new conditions – a new constitution, a new electoral system, new political parties – to put to an end the dominant influence exerted by Thaksin and his allies on Thai politics. It was this complex ambition to motivate Prayuth Chan-ocha, the leader of the military junta and self-imposed Prime Minister, to suppress democratic institutions for an extended period of time. The year 2018 was a phase in which the

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1 ‘Abhisit, academics criticise «risky» new election delay’, *The Nation*, 9 October 2017.

2 ‘It’s Official: Thailand Has an Election Date’, *The Diplomat*, 24 January 2019.

3 ‘I can be it all’: Thailand awaits elections but will Prime Minister Prayuth Chan-ocha be willing to cede power?’, *South China Morning Post*, 16 January 2018.

military junta tried to complete the institutional and political transformation of the Kingdom.

At the end of January 2018 Prime Minister Prayuth explained that he needed more time in office to prepare the country for a general election. The words he used were revealing: «Please give me some time to lay the foundation for the country, that's all».<sup>4</sup> The justification for continuing postponing the return to the polls was the need to complete the procedures to the application elections law, whose enforcement had been suspended by the military-appointed parliamentary assembly few days earlier for further three months. The real motivation, however was the work still to be done to increase the likelihood that Prayuth himself or one of his allies could continue ruling the country after the elections.

### *2.1. The new constitutional system and a new authoritarian consensus*

The first objective to be reached by the military junta was the adoption of a new constitution leading the country towards a «guided democracy» framework in which the Army, together with the King, could maintain control over key levers. A drastic constitutional reform was considered to be necessary to put to an end almost two decades of radical confrontation that had threatened to undermine the political and economic interests of the traditional national elites organised around the «network monarchy».<sup>5</sup> The Army determination to use its strength to reengineer political life also through constitutional reforms was not a novelty in Thai history.<sup>6</sup> The need of a far-reaching intervention was justified in the eyes of the junta and its allies by the failure of repeated attempts to oppose a popular political movement perceived as an anti-systemic force.

A democratic constitution had been adopted in 1997 immediately before the regional economic crisis severely hit the Kingdom. The rationale was to reduce the traditional fragmentation of the Thai Parliament, which systematically resulted in less than transparent post-election deals among

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4 'Thailand's PM Prayut Chan-o-cha says he needs more time in office to prepare for election', *The Straits Times*, 30 January 2018.

5 The so-called network monarchy refers to the complex web of relations and interests linking the Palace to the Army and to powerful economic elites. The definition is based on the pioneering Duncan McCargo, 'Network Monarchy and Legitimacy Crises in Thailand', *The Pacific Review*, Vol. 18, Issue 4, December 2005.

6 Federico Ferrara, *The Political Development of Modern Thailand*, Cambridge: Cambridge University Press, 2015.

political groups and lobbies.<sup>7</sup> The 1997 constitution allowed the creation of stronger political parties and in the aftermath of the regional economic crisis facilitated the rise of a new leadership impersonated by the media tycoon Thaksin Shinawatra.<sup>8</sup> His Thai Rak Thai party won elections in 2001 on the basis of a progressive populist agenda that found a strong consensus among the poor, especially in the North of the country. Thaksin was a successful entrepreneur and former police officer from a wealthy family background. However, he represented a challenge to the traditional national elites and the power network connected to the monarchy. In new general elections in February 2005 the Thai Rak Thai further increased its popular support, obtaining 374 of 500 seats in the lower house of the Parliament with a programme promoting debt relief for poor farmers and a universal healthcare scheme.<sup>9</sup> After the elections, however, a strong opposition mounted against Thaksin: the accusations ranged from corruption and conflicts of interests, to human rights abuses (for extra judiciary killing of drug dealers), to authoritarian control of the media. To contest Thaksin was a spurious coalition of forces – eventually named People’s Alliance for Democracy and more commonly known as Yellow Shirts – led by a media mogul who was a former allied of the Prime Minister and included representatives of the Bangkok bourgeoisie, human rights groups, royalists, and intellectuals.<sup>10</sup> Under pressure from the Yellow Shirts and conservative forces connected with the Palace, Thaksin decided to call for new elections in 2006 to prove he still had a majority consensus in the country. However, in September 2006 his government was deposed by a *coup d’état* while Thaksin was attending a UN meeting in New York.<sup>11</sup> The 1997 Constitution was abrogated and eventually a new one was adopted, which reduced the power of government and parliament while strengthening the role of the bureaucracy and legal institutions (Supreme Court, Constitution Court, Electoral Commission, etc.) directly responding to the Monarchy. The elected Senate was replaced by an appointed one and the electoral system was changed. Furthermore, the Constitutional Court dissolved the Thai Rak Thai and banned 111 of its members to participate in new elections for the next 5 years.<sup>12</sup> Crucially, however, all these changes

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7 Thanet Aphornsuvan, ‘The Search for Order: Constitutions and Human Rights in Thai Political History’, Faculty of Liberal Arts, Thammasat University, 2001.

8 Kevin Hewison, ‘Thaksin Shinawatra and the reshaping of Thai politics’, *Contemporary Politics*, Vol. 16, Issue 2, 2010.

9 ‘The rise and rise of Thaksin’, *BBC News*, 7 February 2005.

10 Seth Mydans, ‘Power of the People Fights Democracy in Thai Protests’, *The New York Times*, 11 September 2008.

11 ‘With Premier at UN, Thai Military Stages Coup’, *The New York Times*, 22 September 2006.

12 Federico Ferrara, *The Political Development of Modern Thailand*, p. 239.

did not prevent Thaksin to continue dominating the Kingdom's political life. Once the military junta allowed new elections to be held in December 2007, Thaksin allies regrouped in the proxy People's Power Party and won again.<sup>13</sup>

The events of 2006-2007 demonstrated that the Army had wasted a coup and the lesson was learned by the military putschists in 2014. After the 2007 election the political crisis became even more intricate. A new government formed by the PPP faced heated street protests organized by the conservative and royalist «yellow shirts» – which went so far to occupy the government offices and Bangkok international airport. Eventually, in December 2008 a «white coup» operated by the Constitutional Court dissolved the PPP and stripped many of its leaders of political rights for five years (including the Prime Minister Somchai Wongsawat, Thaksin's brother-in-law),<sup>14</sup> repeating what done to the TRT two years earlier. With many MPs removed from their seats, the leader of the opposition Democrat Party, Abhisit Vejjajiva, was able to form a new government.<sup>15</sup>

The overturning of the electoral results through the creation of the new Abhisit government further ignited the political tensions.<sup>16</sup> In April 2008 the pro-Thaksin Red Shirts movement launched large demonstrations asking for the resignation of the unelected government. The Red Shirts also supported also Thaksin's denounce of Privy Council President Prem Tinsulanonda as the mastermind of the military coup and the instigator of the Abhisit administration.<sup>17</sup> The crisis further escalated in the Spring 2010, when the Army violently suppressed large demonstrations in Bangkok killing 90 protesters and injuring several hundreds.<sup>18</sup>

New political elections were held in July 2011. Once again it was Thaksin-sponsored party, this time called Pheu Thai, to win an absolute majority.<sup>19</sup> The new Prime Minister became his younger sister Yingluck Shinawatra. Political unrest was momentarily subdued due to the worst floods to hit several parts of the country in fifty years. In November 2013 demonstrations resumed with the aim to oust Premier Yingluck. On 7 May 2014 Yingluck and nine ministers were removed by a ruling of the Constitutional Court.<sup>20</sup> Few days after the Army declared martial law and

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13 'Thaksin ally wins Thai election', *BBC News*, 23 December 2007.

14 'Ousting the prime minister', *The Economist*, 2 December 2008

15 'New Thai prime minister elected', *BBC News*, 15 December 2008.

16 'Question loom over new Prime Minister's legitimacy', *The Nation*, 17 December 2008

17 'Thai protesters bring Bangkok to a halt', *The Telegraph*, 9 April 2009.

18 'Rights group criticises "interfering" Thai army chief', *BBC News*, 23 August 2012.

19 'Thaksin party wins Thai election by a landslide', *Reuters*, 3 July 2011.

20 'Yingluck removed, Niwatthamrong acting PM', *Bangkok Post*, 7 May 2014.

then appointed a new government presided by General Prayuth Chan-ocha.<sup>21</sup>

The protracted crisis, with an implacable clash between contraposed parts, explains why the 2014 had overarching ambitions. Each election held since 2001 had been won overwhelmingly by Thaksin and his allies. A military coup in 2006, mass demonstrations, and repeated interventions of the Constitutional Court against elected governments had not succeeded in reducing the popular consensus of the self-exiled former Premier. Furthermore, the confrontation also directly involved the Palace, with Thaksin openly accusing the Privy Council of unjustifiable interferences. With revered King Bhumibol in frail health conditions and a delicate royal transition ahead, the Army choose to adopt bolder steps than it had taken in 2006.

The adoption of a new constitution in 2017 created an institutional framework able to harness the democratic process by various means, including assigning key powers to the Senate, the Constitutional Court and other institutions directly referring to, and appointed by, the Monarchy. For the political parties loyal to the Army (and the Palace) would be enough to get 25 percent of the seats in the House of Representatives as the unelected Senate will participate in the selection of the new Prime Minister and the new government. Furthermore, a binding 20-year economic strategy adopted by the junta will constraint the future elected government.<sup>22</sup>

The adoption of the last pieces of legislation, such as the Election Bill, needed to allow new elections was completed in the first months of 2018 by the Army-appointed Legislative Assembly, although the process was intentionally protracted to buy time for the junta.<sup>23</sup>

The constitutional reform did not merely represent a change of the legal framework: it promoted a different vision of the democratic process, aiming at creating the consensus of the middle classes for an authoritarian political system. Redistributive policies favouring the working masses were presented as a vote-buying that corrupted the electoral democracy: «elections themselves become a corrupt practice, one that favours populist leaders who, through policies, gain popular support without necessarily producing “good governance”». <sup>24</sup> Technocratic institutions were presented as a better and less corrupted alternative. In the Thai contest, the moral

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21 ‘Thailand military seizes power in coup’, *BBC News*, 22 May 2014; ‘Coup leader General Prayuth is Thailand’s new PM’, *Southeast Asia Post*, 22 August 2014.

22 See Pietro P. Masina, ‘Thailand 2017: Political stability and democratic crisis in the first year of King Vajiralongkorn’, *Asia Maior 2017*.

23 ‘Thailand election could be delayed to 2019’, *The Nation*, 21 January 2018.

24 Claudio Sopranzetti, ‘Southeast Asia’s middle classes and the spectre of authoritarianism’, *New Mandala*, 27 March 2018.

superiority of a technocratic form of government «was translated by conservative political ideologues as *thammarat*, the governance of *Dhamma*, transforming good governance into righteous governance, a governance that does not rely on electoral support but rather on alignment with the monarch, the *thammaraja*».<sup>25</sup> The idea that poor and uneducated peasants could easily be manipulated, voiding the democratic process of its fundamental legitimacy, had in fact been quite present in the Thai political debate for decades. However, the post-2014 coup authoritarian discourse allowed the elite to take one step further in advocating to itself the right to lead the country. The new Constitution, in sum, was part of a wider ideological project aiming at a «system of elite rule with elections».<sup>26</sup>

## 2.2. Political repression and new parties

The second objective to be reached by the junta was securing favourable conditions for maintaining the power after parliamentary elections. The constitutional reform and the new electoral system favouring smaller parties was an important prerequisite, which was achieved in early 2017. The next step was the formation of a party under whose banners candidates close to the Army could participate in the elections. This party was established in March 2018 as *Palang Pracharath* (People's State Power) by cronies of Premier Prayuth.<sup>27</sup> Although other smaller parties expressed their support for Prayuth as a possible post-elections civilian Prime Minister, the *Palang Pracharath* became the official pro-junta party as it had among its leaders several junta cabinet members and advisers.<sup>28</sup> The new party become also an instrument of the junta to expand its consensus through the co-optation of provincial bosses with local influence as well as politicians previously connected with the Thaksin network or the Red Shirts movement.<sup>29</sup> By the end of November 2018 up to 150 former MPs had joined the *Palang Pracharath*, among which a large number were ex Thaksin supporters and several came from the Democrat Party.<sup>30</sup> The

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25 Ibid.

26 Michael H. Nelson, 'Authoritarian Constitution-Making in Thailand, 2015-16: Elite (aphichon) Capture Turns a «Dual Polity» into a «System of Elite Rule with Elections», or a «Thai-style Authoritarianism»', Southeast Asia Research Centre (SEARC), Working Paper Series No. 188, 2016.

27 'New Party Wants to Recruit Prayuth', *Khaosod English*, 12 March 2018.

28 'PM allows ministers to back parties', *Bangkok Post*, 26 September 2018.

29 Prajak Kongkirati, 'Why Thailand's generals fail to co-opt elections', *New Mandala*, 15 January 2019.

30 '150+ Politicos Defect to New Pro-Junta Party', *Khaosod English*, 27 November 2018.

party become very popular also among the economic elites as witnessed by the success of its fundraising campaign: a lavish banquet hosted by the party leader, the Industry Minister Uttama Savanayana, on 19 December was able to raise the record sum of 20 million dollars in one evening.<sup>31</sup> However, this fundraising initiative led the opposition to move two accusations to the junta. The first was that government officers had abused their functions to obtain financial support for the pro-regime party; the second was that entire event lacked transparency.<sup>32</sup>

Among the accusations against the military government regarding conflict of interests and unfair support to the *Palang Pracharath*, notable was the «gerrymandering controversy» in which the junta was alleged to have delayed the design of electoral districts so that they could be devised to favour its sponsored party.<sup>33</sup>

In preparation for a return to the ballots, the government also took steps to increase its support in poor areas in which Thaksin Shinawatra had long dominated. A new scheme – social welfare cards – was launched in October 2017 to provide 200-300 baht (\$6.26-9.39) a month to those who earn less than 100,000 baht a year—some 11m people. The initiative proved popular among the rural populations as it targeted the poorest. The policy promoted by Yingluck Shinawatra to support poor farmers by buying rice at higher than market prices had in fact been criticised because it addressed only those who had some rice to sell and excluded the poorest families.<sup>34</sup> Allegations, however, indicated that government officers used the welfare cards scheme to force recipients to join the *Palang Pracharath*.<sup>35</sup>

With the creation of a pro-regime party in March, Premier Prayuth and other members of the cabinet began to tour the country to promote their political agenda. However, the government maintained its ban on political activities until September, when some restrictions were eased.<sup>36</sup> Only in December it allowed key activities such as assembling and fundraising –

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31 'Thailand's new pro-junta party raises \$20m in one night', *Nikkei Asian Review*, 27 December 2018.

32 'Bellies full, but who paid?', *The Nation*, 21 December 2018.

33 'New EC boundary ruling under fire', *Bangkok Post*, 18 November 2018; 'EC under microscope for gerrymandering over designing of boundaries', *The Nation*, 23 November 2018.

34 'Thailand's heartland is surprisingly keen on the military junta'. *The Economist*, 18 January 2018.

35 'EC to speed up poll breach probes', *Bangkok Post*, 25 December 2018.

36 'Thailand's junta eases politics ban in step toward polls', *Associated Press*, 14 September 2018.

but even then, the government still avoided setting a firm date for elections and barred the beginning of a real electoral campaign.<sup>37</sup>

Notwithstanding the restrictions still imposed by the junta, in the Spring 2018 the opposition tried to resume its work after four years of hard repression. In mid-May, the opposition Pheu Thai Party called a press conference, denouncing the delays in holding new elections and criticizing the junta for its failure to keep its promises. This press conference had a strong echo at home and abroad. In response the junta filed a complaint with the police against the PTP: five senior members were charged with violating the ban on political activities and three more with sedition.<sup>38</sup>

The level of popular support that the Pheu Thai Party was still able to command after four years of military dictatorship was difficult to predict for all the concerned parties. The new electoral system was explicitly devised to undermine the grip that Thaksin Shinawatra had exerted in the Northern regions, allowing his parties – the Thai Rak Thai, then the People’s Power and finally the Pheu Thai – to win the majority of seats in those areas. After years of harsh repression of the Red Shirts movement, aiming at disarticulating its leadership and frightening its militants,<sup>39</sup> the new tactic to attract former Pheu Thai MPs also represented a challenge for the 2019 general elections. The Pheu Thai leadership, however, remained confident as the party continued to be seen as the strongest opponent to the military regime.<sup>40</sup>

The Spring 2018 saw the attempt to reorganize also the oldest Thai party – the Democrat – which had been the main contender for the Pheu Thai before the military coup. Although the Democrat had officially condemned the junta for the suppression of civil liberties, many of its exponents were in fact in favor of the military intervention that had removed from power Thaksin’s sister and some openly supported Prayuth as post-elections Prime Minister.<sup>41</sup> Primary elections in early November, however, confirmed the leadership of Abhisit Vejjajiva and a platform of

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37 ‘Thailand lifts ban on political activity as election approaches’, *The Straits Times*, 12 December 2018.

38 Neil Thompson, ‘Thailand’s Junta Cracks Down on Thaksin’s Pheu Thai Party’, *The Diplomat*, 23 May 2018; ‘Thailand’s military government targets opposition for criticising election delays’, *South China Morning Post*, 18 May 2018.

39 Claudio Sopranzetti, ‘Southeast Asia’s middle classes and the spectre of authoritarianism’, cit.

40 ‘Rising from the dead: Shinawatras’ Pheu Thai Party registers members for 2019 elections’, *South China Morning Post*, 20 July 2018.

41 ‘Does it matter who leads the Democrat Party?’, *The Nation*, 15 October 2018.

not commitment for the participation to future coalitions.<sup>42</sup> Abhisit's line was to verify after the election which majority could be expressed by the lower house and, eventually, if suitable conditions existed, «join a government that we feel will take the country in the right direction».<sup>43</sup> Given the bitter contrasts that had opposed the Democrats to the Pheu Thai, including the violent repression of the Red Shirts movement by the Abhisit cabinet in 2010, the likelihood of a coalition between these two parties appeared quite low. Not to be excluded, instead, that the Democrats could join forces with the pro-junta *Palang Pracharath*, although the characteristics and the leadership of such a government would depend on the election results.

A new contender – possibly an ally for the Pheu Thai Party after the elections – emerged in March after the electoral commission allowed new parties to register for the first time in five years. The new *Future Forward* was funded by the young and charismatic Thanathorn Juangroongruangkit, a left-wing oriented billionaire, whose fortune was connected to the automotive sector. This party was expected by many observers to have an appeal among the educated, urban youth.<sup>44</sup>

When the 39-year-old Thanathorn announced his intention to step aside from the business world and commit himself full-time to politics, he was candid on the possibility that he and his party may face retaliation from the military junta. Few months later these fears become concrete when the police charged 5 Future Forward leaders with violating the computer crime law, which could result in five-year prison terms.<sup>45</sup>

Repression of dissent had been a hallmark for the junta since it took power in May 2014, with the Red Shirts as the main target.<sup>46</sup> Political repression continued in 2018, but with some changes. In the previous years all political activities were banned as well as the gathering of more than five persons. Opposition political leaders and activists were systematically intimidated, often detained, sometimes condemned to lengthy prison terms under spurious accusations.<sup>47</sup> In the year ahead of general elections

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42 'What's next for the Democrat Party?', *Bangkok Post*, 17 November 2018.

43 'Thai Democrats open to coalition that moves «in right direction»', *Nikkei Asian Review*, 26 December 2018.

44 '«I might go to jail tomorrow» – Thai tycoon takes on junta', *The Guardian*, 1 April 2018.

45 'Founders of Thailand's newest political party charged with computer crime', *South China Morning Post*, 23 August 2018.

46 Kevin Hewison, 'Thai junta's election facade a political throwback', *East Asia Forum*, 22 April 2018.

47 Pietro P. Masina, 'Thailand 2017: Political stability and democratic crisis in the first year of King Vajiralongkorn'.

intimidation and threatening continued, but political trials became less frequent. As we will discuss in the following paragraph, the junta had previously used the Thai draconian *lèse-majesté* law – which punish those who insult the King or the heir to the throne with up to 15 years in jail – to silence the opposition, but in 2018 no one was persecuted on the basis of this law.<sup>48</sup> However, authoritarianism continued to inform the way in which the junta prepared the country to the general elections be the held early in the following year. Political parties continued to be restricted in their operations until late in the year and then arbitrary rules were adopted.<sup>49</sup>

Although less frequent than in the previous four years a number of incidents demonstrated that the regime continued to rely on discretionary use of the law to silence dissent. A prominent case was the prosecution of 39 pro-democracy activists after they had peacefully protested military rule at a rally in Bangkok on 27 January. Seven of them faced charges of sedition and, if convicted, risking up to seven years in prison.<sup>50</sup>

Another notable case occurred in October, when the son of former Premier Thaksin Shinawatra was indicated of money laundering and then granted bail of 1 million baht (S\$41,909).<sup>51</sup> Although the business activities of the family had been less than transparent, those more sympathetic with Thaksin saw this as yet another case of politically motivated accusations.

The most surprising judiciary case regarded at the beginning of the year nine former leaders of the royalist Yellow Shirts movements for anti-government protests in 2013 and 2014 – against the Administration led by Yingluck Shinawatra. Among those charged was Suthep Taugsuban, a former Democrat Vice premier under Abhisit. The same Suthep eventually became a support of the military junta and then created a pro-Prayuth faction within the Democrat Party.<sup>52</sup>

### 2.3. *Completing the monarchic transition*

At the time of the coup, King Bhumibol – who had reigned for 70 years and was seen by many has the symbol of national unity – was ill and

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48 Kevin Hewison, ‘Another year of military dictatorship in Thailand’, *East Asia Forum*, 18 December 2018.

49 ‘Thailand “not free” since coup’, *Bangkok Post*, 13 April 2018.

50 ‘Thailand: 39 Democracy Activists Charged’, *Human Right Watch*, 2 February 2018.

51 ‘Thai court grants bail to son of former PM Thaksin in money laundering case’, *The Straits Times*, 11 October 2018.

52 ‘Thailand charges nine in anti-government protests dating to 2013’, *Reuters*, 24 January 2018.

frail. Although there was no doubt on the possible succession, the Crown Prince Vajiralongkorn did not command the same popularity of his father and even within the Palace there was fear that he may not be up to the task.<sup>53</sup> However, after the death of his father and his ascent to the throne in December 2016, Maha Vajiralongkorn proved rapidly able to consolidate his position through a series of bold initiatives. At the time of the solemn cremation of late King Bhumibol, in October 2017, the new King Vajiralongkorn was firmly established in his power. The last step in the royal succession – the ceremony for the coronation – was expected to take place in mid 2019.

In 2018 King Vajiralongkorn continued to consolidate his power and at the same time tried to promote himself as a benign monarch. The palace and the junta cooperated in the promotion of several public events sponsored by the king. In a bike ride led by the king, participants donned free shirts designed by Vajiralongkorn himself.<sup>54</sup> Furthermore, the junta and palace sanctioned the creation of an official royal support group, known as Volunteer Spirit, which reportedly has some four million members.<sup>55</sup>

Probably part of this goodwill campaign in the year ahead of the royal coronation was the sudden halt in *lèse-majesté* charges in 2018. After the 2014 coup the junta routinely justified political repression using section 112 of the criminal code that prescribes jail terms of up to 15 years for each count of offending the king, queen, heir or regent: at least 94 people were prosecuted for *lèse-majesté* and as many as 43 were sentenced.<sup>56</sup> The lack of new prosecution in 2018 and the dismissal of ongoing cases may suggest that the junta felt strong enough not to need to use such drastic measures. Likely it also reflected the explicit will of King Vajiralongkorn not to tarnish his reign ahead of coronation.<sup>57</sup>

A prominent case regarded the pro-Red Shirts publisher Somyot Prueksakasemsuk who had been condemned to a 10-year jail term in 2013. His sentenced was reduced by the Supreme Court in 2017 and he was released from prison in April 2018.<sup>58</sup> A direct intervention of King Vajiralongkorn was decisive in dropping the charges against the elderly

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53 Pietro P. Masina, 'Thailand 2016: The death of King Bhumibol and the deepening of the political crisis', *Asia Major* 2016.

54 Kevin Hewison, 'Another year of military dictatorship in Thailand'.

55 Ibid.

56 'Thailand frees former magazine editor jailed for royal insult', *Reuters*, 30 April 2018.

57 Kevin Hewison, 'Another year of military dictatorship in Thailand'.

58 'Thailand frees former magazine editor jailed for royal insult'; 'Thailand can do without lese majeste statute', *The Nation*, 1 May 2018.

scholar Sulak Sivaraksa, who opposed the military junta but remained a radical royalist.<sup>59</sup> According to Sulak, who was interviewed after he had an audience with the king, Vajiralongkorn had sent a written message to the Supreme Court and the Attorney General instructing them no to file any charge of *lèse-majesté* without the consent of the palace.<sup>60</sup>

Significant measures were adopted by the new King Vajiralongkorn in 2017 to establish personal control over the palace administration and royal finances.<sup>61</sup> New steps were taken during the year in review, in particular asserting direct ownership of the assets previously administered by the Crown Property Bureau and estimated to amount to US\$30 billion. In a statement in June 2018 the Crown Property Bureau said that it was required «to return whatever asset of the Crown property previously under its charge, to His Majesty so that His Majesty may take decisions on all matters pertaining to their charge and management at his discretion».<sup>62</sup>

Crucially, the ascent to the throne of a new king involved a reassessment of that symbiotic relationship between the monarchy and military that has characterized much of recent Thai history.<sup>63</sup> While in 2018 Vajiralongkorn continued to consolidate his power in various directions – from new appointments to the Privy Council to quadrupling police force protecting the royal house<sup>64</sup> – there was no hint to suggest that this symbiotic relationship was at stake. On the contrary, the palace continued to secure royal legitimacy to the military junta in the difficult preparation of political elections which were meant to further consolidate the power of Prayuth and his allies. At the same time, in September 2019 the appointment of General Apirat Kongsompong as the new chief of the Thai army seemed to be a further sign of the strengthening of the relationship between the king and the military. General Apirat, considered to be a close ally of the junta leader Prayuth, belonged to the King's Guard faction in the

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59 Michael Ruffles, 'Lese-majeste is dead. Long live lese-majeste', *The Sydney Morning Herald*, 22 November 2018.

60 Shawn W. Crispin, 'A lighter royal touch for Thailand', *Asia Times*, 16 October 2018.

61 Pietro P. Masina, 'Thailand 2017: Political stability and democratic crisis in the first year of King Vajiralongkorn'.

62 'Thai king takes control of some \$30bn crown assets', *BBC Online*, 16 June 2018.

63 Andrew Alan Johnson, 'New networks in Thai royal politics', *New Mandala*, 12 February 2019.

64 Kevin Hewison, 'Another year of military dictatorship in Thailand'; 'Thailand's king to have 1,600-strong royal police security force', *The Straits Times*, 5 October 2018.

First Infantry Division of the First Army Region – a group at the very heart of the royalist military establishment.<sup>65</sup>

3. *Navigating difficult waters: balancing the relations with China and the United States*

During the Cold War, Thailand was considered one of the US closest allies. As China started to re-establish its regional prominence and became the Kingdom's largest economic partner, Bangkok had to rebalance its relations. This realignment had been already in place for several years when the 2014 coup complicated the interaction with the Obama Administration.<sup>66</sup> Strained relations with the US and the European Union further motivated the military government to intensify the interaction with China, while not renouncing to try to maintain a balance among major partners. A breakthrough for the junta in 2017 was the Premier Prayuth's invitation to Washington by President Trump – against the custom for which military dictators are not invited to the White House.<sup>67</sup> The year 2018 did not see any significant change in the Bangkok's relationship with its two main partners: military cooperation with the US returned to the pre-coup levels, but economic exchanges continued to tilt the balance towards closer integration with China.

In February 2018, Washington decided to send to the Cobra Gold – Asia's largest multilateral military exercise, hosted by Thailand – the biggest force since the 2014 coup. The strong American presence was not even abated by Bangkok's invitation of the Myanmar Army, which was accused of ethnic cleansing against the Rohingya.<sup>68</sup> Later in the year, the appointment of Gen. Apirat Kongsompong as the new Thailand's army chief was also seen by some as a sign that the Kingdom aimed at closer relations with Washington as he was considered staunchly pro-American.<sup>69</sup> Even in the field of military cooperation, however, Bangkok continued to

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65 'New army chief takes over as Thailand prepares for return of civilian rule', *ABC CBN News*, 28 September 2018.

66 Kevin Hewison, 'Thailand: an old relationship renewed', *The Pacific Review*, Vol. 31, Issue 1, 2018.

67 Pietro P. Masina, 'Thailand 2017: Political stability and democratic crisis in the first year of King Vajiralongkorn'.

68 Shawn W. Crispin, 'Biggest U.S. force in years joins Thai military exercise', *Reuters*, 13 February 2018.

69 'Thailand mends US military ties after post-coup tilt to China', *Nikkei Asian Review*, 30 July 2018.

play on both sides, purchasing Chinese weapons and discussing plans for joint facilities in Thailand to manufacture and repair armaments.<sup>70</sup>

In a country highly polarized on most policy issues, foreign relations under the military government were substantially consistent with the line adopted by the previous administrations. In an interview for the *Time*, Prime Minister Prayuth was quite candid in reporting that Washington was an important ally but China was the «partner number one».<sup>71</sup> The words of the retired general, however, reflected more the evidence of the stronger role of China as an economic partner than a strategic policy choice. The attempt to resist an excessive Chinese influence was particularly notable in the very slow construction of the China-Thailand railway, an 873-kilometer high-speed line projected to link Thailand's east coast ports and industrial zones to China's southern city of Kunming traveling through neighboring Laos. The project, considered to be one of the most important components of the Chinese Belt and Road Initiative, saw in 2018 only a very modest development, while the Thai government gave priority to infrastructures in and around Bangkok.<sup>72</sup>

#### 4. *Economy: the Easter Economic Corridor and the CPTPP*

Once projected to be part of an *East Asian Miracle*, Thailand has never resumed pre-1997 regional crisis' growth rates. Since the 2010s the country is often presented as stacked in a so-called «middle-income trap», which contributed to aggravate its lasting political crisis.<sup>73</sup> To address this trap the military junta launched a series of initiatives under the brand of Thailand 4.0, aiming at taking the kingdom's industries up the value-added ladder by luring investment into ten designated higher-tech sectors. The last piece of this wider strategy – the US\$43 billion Eastern Economic Corridor (EEC) – was approved by the National Legislative Assembly in February 2018.<sup>74</sup> The new law provides tax breaks for investors in the EEC

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70 'What's Behind the New US-Thailand Military Facility Hype?', *The Diplomat*, 5 January 2018.

71 Charlie Campbell, 'Exclusive: Thailand PM Prayuth Chan-ocha on Turning to China Over the U.S.', *Time*, 2 June 2018.

72 'China can't always get what it wants Thailand', *Asia Times*, 12 September 2018.

73 Pietro P. Masina, 'An Uneven development trap in Southeast Asia and its implications for labour', in S. Vignato and M. C. Alcano (eds) *Searching for Work: Small-Scale Mobility and Unskilled Labor in Southeast Asia*, Chiang Mai: Silkworm Books, 2018.

74 Peter Janssen, 'Thai junta rushes to keep it plans on track', *Asia Time*, 12 June 2018.

project and target investment into hi-tech industries. It also enables investors to rent land for up to 99 years.<sup>75</sup>

The idea behind the EEC was to replicate the success of Thailand's first-generation Eastern Seaboard development in the 1980s. The Eastern Seaboard was developed by the military government of Gen Prem Tinsulanonda and became the lynchpin for Thai export-led growth for more than a decade prior to the 1997-98 economic crisis.<sup>76</sup> The six priority infrastructure projects included a 220 kilometre high-speed airport rail linking U-Tapao Airport in Rayong province to the two airports serving Bangkok (Suvarnabhumi and Don Mueang); the modernization of U-Tapao Airport; a maintenance, repair and overhaul (MRO) facility at U-Tapao; the expansion of Laem Chabang Port and Map Ta Phut Port; and construction of a «Digital Park» in Chonburi.<sup>77</sup> Chinese investments were particularly targeted for the EEC development.<sup>78</sup>

In preparation for the next general election, the military government took another important decision: it decided to bring Thailand within the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP).<sup>79</sup> Thailand had not participated in the negotiation for the US-led Trans-Pacific Partnership agreement. The TPP was eventually transformed into a CPTPP when 11 nations decided to resume the project after Trump had announced that the US would not become part of the deal. The government justified its policy change indicating that the new trade pact was more flexible in crucial areas for Thailand such as medicine patents.<sup>80</sup> Concerns remained among different stakeholders, particularly regarding agriculture, but the government estimate was that advantages would compensate losses.<sup>81</sup> The official demand for joining the CPTPP was expected to be formulated in early 2019, before the elections.

The Credit Suisse Global Wealth Databook 2018 listed the Kingdom as the country with the largest – and rising – inequality: in 2016, the 1%

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75 'Thailand approves law for \$45 billion Eastern Economic Corridor', *Reuters*, 8 February 2018.

76 Thitinan Pongsudhirak, 'Eastern Economic Corridor must continue', *Bangkok Post*, 7 December 2018.

77 Peter Janssen, 'Thai junta rushes to keep it plans on track'.

78 'Thailand invites Chinese entrepreneurs to invest in Eastern Economic Corridor', *China Daily*, 27 August 2018.

79 'Thailand wants to join CPTPP trade pact this year: deputy PM', *Reuters*,

80 'Somkid: Thailand eyes becoming CPTPP member', *Bangkok Post*, 30 March 2018.

81 'Despite seed concerns, CPTPP study to proceed', *Bangkok Post*, 1 October 2018.

richest Thais (500,000 people) owned 58.0% of the country's wealth, while in 2018, they controlled 66.9%.<sup>82</sup> While the World Bank estimates that the national Gini Index is in line with other countries at the same level of development, it also recognises that inequality remains very high.<sup>83</sup> The military government, whose main supporter is the national elite, was unable and unwilling to address the problem. A draft proposal for a mild inheritance law was abandoned soon after the coup. A so-called Land and Building Tax was approved in November 2018,<sup>84</sup> but only after several revisions had watered down its redistributive effects to preserve the interests of rich land owners.<sup>85</sup> A 2 percent increase in minimum wage – the first since 2013 – was not expected to have a major impact in reducing inequality.<sup>86</sup>

##### 5. *Society: social reforms and long-term concerns*

Two progressive initiatives were taken in Thailand in 2018, which contrasts with the typical image of a country under a repressive military rule. The first was the permission of marijuana for medical purposes.<sup>87</sup> The second was the government approval of a bill for the recognition of same-sex civil partnerships. If confirmed by the parliament after the general elections, Thailand would become the first country in the region to approve a similar legislation. Some activists opposed the bill due to limitations in the rights it would offer, while others welcomed it as a step towards marriage equality.<sup>88</sup> The country is generally considered to be relatively friendly towards LGTB people, but a recent World Bank report suggested that there are still high levels of discrimination, especially in jobs and housing.<sup>89</sup>

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82 'Report: Thailand most unequal country in 2018', *Bangkok Post*, 6 December 2018.

83 World Bank, Thailand Economic Monitor: Inequality, Opportunity and Human Capital, January 2019.

84 'Land and building tax legislation passed by NLA', *Bangkok Post*, 16 November 2018.

85 Peter Janssen, 'Wealth gap remains under Thai junt rule', *Asia Times*, 6 September 2018.

86 'Thailand to boost minimum wage nationwide for first time since 2013', *The Straits Times*, 18 January 2018.

87 'Thailand to Allow Medical Marijuana, a First in Southeast Asia', *The New York Times*, 26 December 2018.

88 'Thai government backs same-sex civil partnership bill', *The Guardian*, 27 December 2018.

89 'Thailand steps closer to recognising same-sex civil unions', *The Telegraph*, 28 December 2018.

More complex proved to tackled a long-standing problem for which Thailand had been singled out by both the US and the European Union: the treatment of workers in the fishing industry.<sup>90</sup> In 2018 Thailand was the first country in the region to ratify the ILO Convention on Work in Fishing (No 188), but strong concerns remained regarding implementation especially for what regarded immigrant workers who still often face slavery-like conditions.<sup>91</sup>

The most prominent news in international media on Thailand in 2018 regarded the rescue of 12 teenage football players and their coach who had remained trapped inside Chiang Rai's Tham Luang Nang Non cave on 23 June. The rescue operation was quite complex. It involved over 1,000 people, including a large number of foreign experts and not only attracted large international coverage but became very relevant in national politics.<sup>92</sup> The successful saving of the football team was a boost for the junta legitimization in a moment of national unit. The teenagers, and particularly the young coach, were hailed as national heroes for their bravery. However, the event ironically also exposed the condition of statelessness and marginalization affecting almost half million people of migrant descent, among which were three of the rescued kids and their coach.<sup>93</sup> The lack of citizenship had deprived them of some basic rights and benefits, including the right to travel outside of the northern Chiang Rai province – home to ethnic minorities with roots in neighbouring Myanmar. Although the rescued teenagers were eventually granted citizenship, the national problem remained.<sup>94</sup>

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90 Pietro P. Masina, 'Thailand 2017: Political stability and democratic crisis in the first year of King Vajiralongkorn'.

91 'Thailand ratifies ILO convention on «work in fishing»', *Asia Times*, 3 December 2018.

92 Edoardo Siani, 'Myth and politics in Thailand's cave rescue operation', *New Mandala*, 3 July 2018.

93 'Thailand grants citizenship to the stateless boys and their coach rescued from a cave', *Time*, 9 August 2018.

94 'Cave rescue highlights plight of Thailand's stateless people', *Reuters*, 14 July 2018.