Welcome Speech
by
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Excellencies, Distinguished Participants, Ladies and Gentlemen.

Let me first of all say how delighted I am to be with you this evening. Not only am I welcoming you in my capacity as a member of the Royal Thai government, but also as an elected representative of the people to my brethens – fellow elected representatives of your respective peoples. Also as an MP for Bangkok, it really is tremendous to be able to greet you and offer you all the delights of my constituency! Additionally, since we have started the traditional Thai New Year just a few days ago, I am happy to extend to you Season’s Greetings an all my best wishes.

I highly commend the organisers of this Seminar on Leadership and Democracy for their far-sightedness in bringing together distinguished parliamentarian from the five countries of Australia, Canada, Indonesia, Philippines, and Thailand, thereby affording them a splendid opportunity to network and draw from each other’s experience. I refer, of course, to Australia’s Centre for Democratic Institutions who in collaborating with Thailand’s King Prajadhipok Institute and the Canadian Institute On Governance.

I feel honoured by the invitation “to sing for my supper” tonight, and especially to sing a song best known to me and to you all, which, for lack of a more apposite title, should go by the name of “Plight of Politicians”. As between colleagues or, indeed, soul mates, I shall use plain language in the hope that I can be as clear, candid and informative as possible in getting across to you some of the new and exciting developments on the political front in Thailand.

Let me therefore begin at the very beginning.

What is expected of an MP?

I say, democratically elected representatives are under a great deal of pressure, we all know that very well. Think about all the people that you are responsible to by the
time you get elected: your constituents, your party, people who helped finance your campaign, not to mention your personal responsibilities to family and close friends. If you become a minister there is even more pressure because of the responsibility to your portfolio. Everyone expects something of you! And from you!

At the best of times, balancing all these expectations and responsibilities can be hard. It is even harder if you don’t know the rules.

In Thailand, over the last decade the rules have changed. The 1997 Constitution is the easiest change to point out, but there is more than that: People’s expectations seem to be different from the past, not just the letter of the law. The recent Senate election gives us a taste of some of the differences between the ‘old politics’ and the ‘new politics’.

Today, I am going to talk about some of these changes, and what they might mean to Thai politicians, in particular those in the House of Representatives. I will begin with the changing rules, focussing on the electoral system.

The 1997 Constitution has changed the way people are elected to the House of Representatives. In the past, each electoral district had multiple seats and every voter in the district could cast one vote for each seat. All the seats in the House were filled through constituency election. With the new constitution there is a new system for choosing the 500 members of the House of Representatives. Later this year, this new system will be used for the first time. Seats in the House will be filled in two ways: 400 seats on a constituency basis, and 100 seats from national party lists. More about the ‘party lists’ in a moment, but first I want to talk about the constituency elections.

Under the new system, there are 400 constituency seats in the House. Seats will be divided on a population basis, so that every seat represents the same number of people. Each electoral district will choose one constituency representative. This is a major departure from the old system. In the past, candidates would often form teams or slates in order to work together to get elected. Now, with every candidate on his or her own, some people fear that the increased competition could lead to violence. Some politicians are already hiring guards and buying bullet-proof jackets for fear that their competitors may try to take them out of the election, permanently! Is there really so much danger? In most cases, probably not. But the new system is different from the old, and that difference has made it harder for candidates to form reasonable expectations of how they should behave and how others will behave.

The party list mechanism is an innovation for Thailand. Party lists will be used to fill 100 seats. Each party will prepare a list of up to 100 candidates. Each voter will have one vote to cast for the preferred party. If a party gets more than five percent of the vote, it will be allocated seats proportional to the percentage of the vote it receives. Candidates will gain seats in the order that their names appear on the list, so in practice candidate number one on the list is likely to get a seat, while candidate number 80 probably will not.

Let’s look at another new rule. If an MP is appointed to the position of minister or prime minister, that MP must resign his or her seat in the House of Representatives.
Vacancies will then be filled through by-election – for constituency seats – and by going to the next candidate down the list – for party list seats.

Now, take these ideas together and you get some very uncertain politicians. Current MPs have experience running in constituencies. They know how to get the votes so they may be more comfortable running as constituency MPs, despite the increased competition of single member districts. The party lists, on the other hand, seem to offer guaranteed seats, at least for the people at the tops of the list of major parties. Also, cabinet posts will likely be handed to party list candidates in order to avoid risky by-election. So there is temptation to run on the lists, especially if you want to get a ministry. But then, if all the good people are put on the lists, what happens to the party’s chances of winning enough of the constituency seats it will need to form the government or at least to be head of the governing coalition? There are big decisions for candidates and parties to make, and because nobody has seen this system in action yet, nobody is absolutely sure what to expect.

I mentioned parties. The nature of parties in Thai politics may be changing too. Thai political parties are very much about their leaders and members. Currently, parties form around influential, electable people. To win a constituency, a party will usually try to sign up, as its candidate, the person in that constituency who has the connections with voters that will make him likely to win. As you may expect, this practice leads to a lot of party-switching and power-brokering. Parties have not been very ideological. With the party lists this may change. Party list candidates can not rely on personal connections with voters, because the list is national and it is difficult to have personal connections with voters throughout the country! Parties may be driven to become more ideological – to have policy platforms that distinguish them from other parties so they can attract a large share of the party list votes. For now, this is just speculation, but one should note that a newly-formed political party has gone to great lengths to appear ideological and to present a platform of policies. Our concern that party platforms might be disliked by voters at the local constituency level, some constituency candidates might prefer to ignore parties altogether and run as independents. They can not do this though because the Constitution clearly states that every candidate must be a member of a political party. And the remaining part of the party will be critical too. The Constitution has provision that prevent candidates from switching parties in mid-election, and from crossing the floor to another party after election. It appears that once you join a party you are with that party until the house dissolves.

This system will bind candidates closer to parties than they have been in the past. In doing so, it adds a dimension of expectations and responsibilities to a candidate’s political life. Formerly, MPs could switch parties more or less at their convenience. Now, party policy and party discipline will take on much greater importance. Candidates who want to appear at the top of the party list will probably work to please their party. Constituency candidates may have to give more thought about the parties’ policies before they decide to join.

So far, I have been talking about deciding how to run for election – the need to connect with a party and to decide to run as a constituency or party list candidate. Once the decision has been made the new constitution’s rules will affect what happens afterwards.
Thailand’s electoral practices have not been perfect. Vote-buying occurs in various forms: cash hand-outs, dinner parties, to name just two of the most common. We condemn vote-buying, but it was a fact of life, and some candidates see it as a routine part of campaigning. Less common were the problems of ballot tampering and cheating in the counting process. The 1997 Constitution takes a strong stand against such electoral malpractices.

The most important new feature on the electoral landscape is probably the Election Commission. This new organisation was established to oversee elections and ensure fair and clean conduct. It is armed with a number of powers including the power to nullify election results if there is evidence of misconduct or irregularity.

The Electoral Commission had its first test during the Senate elections. There has been controversy over a number of its policies and rulings. Restrictions on what the candidates could do to introduce themselves to the public had some candidates afraid to say anything other than their names. A question also came up over the definition of ‘other state offices’ which candidates were not allowed to hold, and led to the disqualification of many candidates because of their positions on university councils and similar posts. Many of these disqualified candidates were in fact viewed as the most desirable people running for the Senate. Eventually, almost all of them were reinstated, but only after a series of legal challenges and a Constitutional Court decision. Regardless of problems, the Election Commission has shown its willingness to bare its teeth by refusing to endorse the victories of several candidates on the grounds of misconduct or irregularities. Now there is a further controversy over whether the Commission is exercising its powers properly, but the fact is that there seems to be widespread support for the Commission’s efforts to stop corrupt electoral practices.

The Constitution and the Electoral Commission impose a new set of expectations on candidates. The Senate election shows that practising old tactics of vote-buying, or even being suspected of practising such tactics, now creates a real and significant risk for candidates. Unfortunately, the Senate election also shows that expectations are still not clear. Election Commission rulings changed so frequently, and individual commissioners sometimes contradict each other. All this created uncertainty for candidates as they struggled to understand the expectations to live up to. The only certainty is that a strong Electoral Commission will change the way elections are conducted in Thailand.

Having talked about some of the formal rules or expectations imposed on candidates and MPs, I will now turn to some of the less formal but nevertheless important expectations. I am talking about the expectations of political commentators including academics and the press, and the expectations of the public, both in general and as voters in constituencies.

Political commentators have an increasingly important role in Thai politics. Academics have for a long time been political commentators. Many have also been active in political reform, especially the so-called democratic period from 1973 to 1976, and the protests leading up to the “Bloody May” demonstration in 1992. Largely, though, academics were not directly involved in government and only a
limited audience heard the academics’ views regularly. This situation appears to be changing. The Constitutional Drafting Assembly, which drew up the 1997 Constitution, deliberately included a large number of experts in politics, law and public administration. These experts played an important role in determining the content of the Constitution – a fact evident in the western idealism underlying and expressed in the document. Academics are also becoming more involved in politics in the traditional sense of running for election. Matichon newspaper estimated that 12 percent of the unofficial winners in the March 4 Senate election could be classified as academics. It appears, therefore, that academics will have greater importance in Thai politics in the future. They have already changed the expectations on politicians through the Constitution. They are likely to continue to change expectations by bringing their idealism to the political arena.

The news media has for a long time been active in commenting on the Thai political situation, and has also been rather free to do so, especially in the press. However, its effectiveness at influencing political affairs has been debatable. In the past, the media would break stories of suspected wrong-doing by politicians but after a brief flurry of accusations and denials, the situation would usually remain unchanged. The Constitution provides mechanisms that increase the news media’s effectiveness in influencing political affairs. Though many of the mechanisms are more statements of principle rather than enforceable laws, the fact that the mechanisms are there speaks of their increasing importance. Reporters and news commentators are guaranteed freedom to present news and express opinions. There are new access to information clauses that give the public the right to obtain state information. The press has already used these clauses to obtain information in a number of corruption scandals, including a hospital procurement scandal that saw the resignation of prominent officials. When considered in conjunction with new institutions, such as the National Counter Corruption Commission that have the power to investigate and punish politicians and state officials, the press’ ability and willingness to investigate state activities imposes a set of expectations for transparency and good behaviour on politicians.

Closely tied to commentators’ expectations are the public’s expectations. In the past, the general public often did not have very high expectations for the National Assembly. Revelation of wrong-doing was met with resignation. Civil society groups such as the Farmer’s Unions that tried to pressure the government were few and relatively powerless. Again, this is changing. The Constitution guarantees public hearings and consultation on a variety of issues. There are also mechanisms for allowing the general public to propose bills to the House to initiate local by-laws. There are even provisions to allow the public to launch impeachment proceedings against national and local politicians. All this will probably create an expectation among the general public that their voices should be heard. It is still too early to see how these provisions will work in practice, but already there are people and groups beginning to exercise them. For MPs this may come to mean having much more of their work exposed to public view. With that will come the need to justify and be accountable for one’s actions. Secrecy in office may become a thing of the past for MPs. Looking at the recent Senate election, there appears to be broad public support for the Election Commission’s efforts to stamp out corruption. It seems that public expectations are leaning towards transparency and accountability in government.
While these pressures function on the broad national level, constituency MPs still have to satisfy the expectations of their constituents. At least in the short term, this may lead to conflicts between the high-minded principles set out in the Constitution and practical considerations at the constituency level. In rural constituencies especially, there is a tradition of give and take between representatives and constituents. Many people who vote for a candidate do so because they expect a direct benefit in return. That benefit could take the form of money as in a bought vote, or it could take the form of favours or improvements for the community. The representative is a patron who must produce visible benefits to maintain the loyalty of the voters. This sort of practice is clearly frowned on by the Constitution. Still, the Senate election suggests that some candidates felt that buying support was necessary to ensure they won office. Such practices will not disappear easily. As long as they continue, politicians will feel caught between the expectations of the constituents and the expectations imposed by the Constitution and the broader general public.

I have touched on some of the major features of Thailand’s new political scene. As you can see, MPs are under a great deal of pressure due to the varied expectations that they have to fulfil. If we strive for good governance, the path of accountability and transparency is best, though difficult to follow, at least at first. MPs must be careful and adapt to the changing situation so they can serve the best interest of the country and their own best interests at the same time.

I hope I have offered enough food for thought for this evening. I am very certain that in the next two days you will meaningfully devote your time to ponder and discuss the multifarious significant developments in the region and the world, which are bound to send repercussions on our national societies, in particular, our political systems. I am also confident that you will emerge from these deliberations all the wiser for having 'compared notes' and learnt about each other’s experience.

I wish the Seminar on Leadership and Democracy all the success it duly deserves.