

THAILAND

General Election

3rd July 2011

Report of the
International Election
Observation Mission
by
The Asian Network for Free Elections
(ANFREL)

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FOREWORD

ANFREL was established in 1997 as Asia's first regional network of civil society organisations promoting democratization. It has a strong network of over 20 partner organisations within Asia from whom it draws experienced election observers to take part in its various missions.

ANFREL has significant experience coordinating international election observation missions in Thailand, receiving international funding to observe the 2001, 2005, and 2007 general elections.

Through our work and the work of Thai election observation organizations such as the Open Forum for Democracy Foundation (PollWatch) and the People's Network for Elections in Thailand (P-NET), I believe that election observers made a significant contribution towards not just the fairness of this election, but towards strengthening Thailand's democracy in the long-term.

This report is the product of information and analysis from the ANFREL observers and Secretariat. It covers the pre and post election periods as well as Election Day itself. In addition to recording ANFREL's activities and

observations, I hope that it will serve as a valuable resource for students of Thai politics as well as those with a general interest in elections.

As is evident in the country's political instability since 2006, Thailand still has some ways to go to be a mature democracy. It goes without saying that the challenge of building democracy in Thailand is a long term one, and I firmly believe that Thai civil society and international organisations such as ANFREL still have a vital role to play in helping to build a flourishing democracy with a requisite respect for the rule of law, democratic institutions, and free and fair elections.

General Saiyud Kerdphol (Retd.) ANFREL Chairperson



ACKNOWLEDGEMENTS

The Asian Network for Free Elections (ANFREL) would like to thank all those involved in making the election observation mission a success, including:

- The Election Commission of Thailand for accrediting ANFREL observers and helping brief them
- The Australian Embassy in Bangkok & the Australian Agency for International Development (AusAID), the Royal Norwegian Embassy in Thailand, & the Embassy of Switzerland in Thailand for the generous support that they provided to the mission
- Our local partners, the People's Network for Elections in Thailand (P-Net) and the Open Forum for Democracy Foundation (PollWatch) whose members, in many areas, helped host ANFREL observers and provided valuable local political insight
- All of ANFREL's international observers, whose impartial analysis from the field is at the core of ANFREL's work and the local stakeholders that made their work possible, including the interpreters who facilitated their work

- The assistants whose dedication ensured that the logistics and innumerable details of the mission were smoothly arranged
- And finally, the ANFREL Executive Committee also acknowledges the hard work and dedication of the ANFREL Secretariat team in organising this successful mission

Mr. Rohana Hettiarachchi

ANFREL Secretary General, on behalf of the ANFREL Board

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MAP OF THAILAND





Basic Mission Overview

Following an invitation from the Election Commission of Thailand, ANFREL organised an international election observation mission to observe Thailand's election for the House of Representatives scheduled on 3rd July 2011. ANFREL was the only international organisation that had a substantive presence observing the election. This effort added another chapter to ANREL's election monitoring experience in Thailand, having observed during the previous general elections in 2005 and 2007.

ANFREL utilized in total 60 international observers, primarily made up of 24 Long Term Observers (LTOs) deployed from June 3rd to July 13th 2011, and 30 Short Term Observers (STOs) deployed from June 22nd to July 5th. The observers came from 30 different organizations and from 18 countries across Asia, but also included observers from Australia, South Africa, Austria, Canada, Egypt, and the USA. ANFREL is committed to gender equity and the mission's gender balanced team reflected those values. Five members of an international Core Team steered the operation from Bangkok.

LTOs were deployed individually so as to cover every province of Thailand, with more time and effort focused on sensitive areas with a high potential for fraud or election irregularities. They deployed a month before the election in order to comprehensively assess the early election environment and they remained until the consolidation of the results at the provincial level. The STOs were deployed in teams of two before Advanced Voting Day on 26th June to ensure a broader coverage of the immediate pre-election environment and the polling procedures. LTOs submitted weekly reports to ANFREL headquarters, while the STOs produced reports on the pre-election environment, advanced voting day, and Election Day.

Advance voting was observed on 26th June 2011 while the election itself took place on the 3rd July 2011. Re-elections ordered by the Election Commission of Thailand (ECT) in 2 constituencies were held on the 31st of July 2011.

The Head of Mission was Mr. Damaso Magbual, the ANFREL Foundation's Chairperson and one of the leaders of the National Citizens' Movement for Free Elections (NAMFREL) in the Philippines. The Deputy Chief of the mission was Mr. Koul Panha, Executive Director of the Committee for Free and Fair Elections (COMFREL) in Cambodia. Other senior observers included Mr. Andy M. Campbell (Australia), former NDI chair in Afghanistan; Ms. Ilona Tip (South Africa), Programme Director at the Electoral Institute for the Sustainability of Democracy in Africa (EISA); and Prof. Kapil Shrestha (Nepal), a board member of ANFREL and a lecturer in political science from the Univ. of Tribhuvan in Nepal.

The primary purpose of the mission was to provide international and local stakeholders with an independent assessment of the electoral process, including :

- The neutrality and performance of the Election Commission of Thailand
- The neutrality of state officials, including civil servants, the police, and military
- The extent and nature of election violations and the effectiveness of the investigation and adjudication processes
- The freedom of political parties to campaign
- The level of understanding amongst voters of the electoral system and the candidates and parties
- The administration of polling, including the counting of votes
- The legal/electoral framework

This mission also contributed to ANFREL's long-term objective of strengthening the capacity of local civil society organisations to observe elections effectively. Included in this group are ANFREL's local partners here in Thailand such as P-NET and also the ANFREL network members across Asia to whom the Thai Mission observers returned and shared their experience with.

“LTOs were deployed individually so as to cover every province of Thailand, with more time and effort focused on sensitive areas with a high potential for fraud or election irregularities.”



POLITICAL BACKGROUND

An Overview of Recent Political Events

Ex-Prime Minister Thaksin Shinawatra was removed from power by a military coup d'etat in September of 2006 and the former business tycoon has been outside of Thailand for most of the time since. Despite the length of time and distance that he has been away, Thaksin maintains an outsized influence on the country and its political debate.

The five years from the months before the coup up until the election saw Thailand's politics become increasingly polarized and unstable. During this period, street protests/confrontations between colored shirt wearing groups (either red or yellow) and the authorities became the norm. On several occasions, these protests ended violently, a pattern reaching its tragic nadir in the spring of 2010 when over 90 people were killed by fighting during military crackdowns on a months long red shirt protest. It is in this unfortunate context that the 2011 elections took place. This background made the elections crucial to the country's democratic development and doubly important for the various competing political camps.

The Thaksin Era

January 2001 saw the rise to power of former policeman and business tycoon Thaksin Shinawatra and his Thai Rak Thai (TRT) party in the first general elections held under the progressive constitution passed in 1997. In 2005, he was reelected with the strongest mandate that a Thai PM has ever received, winning 374 out of 500 parliamentary seats.

His rule, however, proved highly divisive. Then Prime Minister Thaksin introduced a range of populist policies such as low-cost health care (30 baht/visit), a development fund of one million baht available to each village, and loan forgiveness, policies which proved to be quite popular in the rural North and Northeast of the country. However, his hard line approach to the conflict in southern Thailand, a heavy handed 'war on drugs', as well as a lack of tolerance for independent institutions and the media, brought him many critics, predominantly from the middle class in Bangkok.

Large scale protests against Thaksin began in late 2005 and continued into early 2006, spurred on by allegations that he had misused his position of power to evade paying tax on the US \$1.9 billion sale of his telecoms company, Shin Corp. Tens of thousands protested in Bangkok and called for Thaksin's resignations, some camping outside of Government House.

In an attempt to subdue the rising dissent, Thaksin called snap elections for April 2006, banking on his popularity outside of Bangkok to restore his mandate and legitimacy. They were boycotted by the opposition and marred by allegations of vote rigging. In many constituencies, fewer than

20% of voters voted for a party, leaving parliamentary seats vacant and prompting a constitutional crisis.



Figure 1: Demonstrators shout anti-Thaksin Shinawatra slogans in downtown Bangkok in 2006. Source: AP.

The September 2006 Coup

In May 2006, the Constitutional Court annulled the results of the April election and the Elections Commissions scheduled elections for October. But before they could be held the military carried out a bloodless coup d'etat on 19th September 2006 while Thaksin was at the UN General Assembly in New York. It was Thailand's first coup in 15 years but its 18th since it became a constitutional monarchy in 1932.

Led by General Sonthi Boonyaratglin, the coup leaders suspended the constitution, dissolved the Cabinet, both houses of Parliament, and the Constitutional Court. They branded themselves the 'Council for Democratic

Reform' (later renaming themselves the 'Council for National Security', or CNS). Martial law was imposed and tight restrictions were placed on the media. Reporting of anti-coup activities or comments from Thaksin in exile were banned. Coup leaders alleged they seized power because Thaksin caused divisiveness and was corrupt. They accused him of nepotism and interfering with independent agencies, and, perhaps most gravely, of insulting the King. They cancelled elections scheduled for October 2006 and promised to hand over power to a civilian government within one year. A National Legislative Assembly was appointed.

The King remained silent immediately after the coup, a move interpreted by some as tacit acceptance. He endorsed General Sonthi Boonyaratglin as the head of the interim governing council, and later former General Surayud Chulanont as interim Prime Minister. Despite moves to quickly transition back to civilian leadership, the international community was generally critical of the coup.



Figure 2: Army Tanks parked on the Royal Plaza in Bangkok

Source: Richard Barrow.

In the months after the coup, Thaksin and his supporters were targeted with legal action by the state. TRT was ordered to disband in May 2007 by the Constitutional Tribunal for violation of election laws, with 111 of its party members, including Thaksin, barred from participating in politics for five years. Many of Thaksin's assets were seized, arrest warrants were issued, his financial dealings were scrutinized, and he was warned not to return to Thailand.

Constitutional Referendum

In an August 2007 referendum, Thailand voted to approve a new constitution – almost 58% of voters voted 'yes' while 42% voted 'no' in the referendum. Turnout was around 60%. There were some impediments to the holding of a free and fair referendum however, particularly the imposition of martial law in 35 of Thailand's 76 provinces.

The shape of the new constitution was largely determined by a desire to avoid a repeat of Thaksin era politics. It contains term limits for prime ministers, makes declaring assets compulsory, and allows for the Prime Minister to be more easily impeached. However, most political analysts believe that the new constitution is 'less democratic' than that it replaced e.g. almost half of all senators are chosen by a committee of judges and bureaucrats, not elected. By curbing the power of the executive, some also fear that Thailand will return to the unstable coalition governments that fail to see out their electoral term. The fear that governing majorities would be more unstable under the new charter has since been proven justified but not for the reasons feared.

December 2007 Elections

While the Thai Rak Thai party (TRT) was disbanded on the orders of the Election Commission, Thaksin still loomed over the 2007 Election as the split in the country between his supporters and those who had taken to the streets to oust him remained the primary political fault line in 2007.

Thai Rak Thai transformed into the People's Power Party (PPP), incorporating most of the former TRT members and MPs. Its leader at the time, Samak Sundaravej, was a veteran right-wing politician who acknowledged that he was Thaksin's nominee. The PPP's main challenge came from the Democrats, led by the young Oxford-educated Abhisit Vejjajiva.

While neither party won an outright majority that would allow them to form a single party government, the PPP's electoral performance, winning 233 out of 480 seats, surprised some analysts. The support from the rural and urban poor for Thaksin and his allies proved to be durable, despite the coup and what happened after, with the PPP's 233 far surpassing the 165 seats the Democrats won. Still, the PPP needed the support of smaller parties to form a coalition. Foremost amongst these smaller parties was the newly formed Puea Pandin ('For the Motherland') party comprised of former TRT officials, Democrats, and the military figures, and the Chart Thai party ('Thai Nation'), led by former Prime Minister Banhan Silpa-Archa. Other smaller parties include Matchima Thipataya, Ruam Jai Thai Chart Pattana, and Pracharaj. All minor parties eventually joined a coalition government led by Pheu Thai with the Democrats as the only party in parliament in opposition.

Summary of the 23 December 2007 House of Representatives of Thailand Thai general election results							
Party	Constituency			Proportional			TOTAL
	Votes	%	Seats	Votes	%	Seats	
People's Power Party	26,293,456	36.63	199	14,071,799	39.60	34	233
Democrat Party	21,745,696	30.30	132	14,084,265	39.63	33	165
Thai Nation Party	6,363,475	8.87	33	1,545,282	4.35	4	37
For the Motherland	6,599,422	9.19	17	1,981,021	5.57	7	24
Thais United National Development Party	3,395,197	4.73	8	948,544	2.67	1	9
Neutral Democratic Party	3,844,673	5.36	7	528,464	1.49	0	7
Royalist People's Party	1,632,795	2.27	4	750,158	2.11	1	5
Others	1,897,953	2.64	—	1,626,234	4.58	—	0
Valid votes	71,772,667*	100	400	35,535,767	100	80	480
No Votes				906,216	2.32		
Invalid Votes				2,539,429	6.51		
Total Turnout				38,981,412	85.38		

As you can see in the chart above, the Thai Rak Thai successor party People's Power Party (PPP) won a substantial plurality of the constituency based seats and the two main parties basically tied the party-list vote, with the democrats actually getting 13,000 more party list votes. Shortly after the People's Power Party (PPP) won the election and formed a coalition government, PPP leader Samak Sundaravej became Thailand's 25th prime minister. Thaksin, along with his wife Pojaman Na Pombejra, took their allies' return to power as an opportunity to return to Thailand even though they still faced corruption charges there.

Protests Continue

After having disbanding immediately after the 2006 coup, the People's Alliance for Democracy (PAD) reforms and returns to the streets to demand the prime minister's resignation, protesting that PM Samak is nothing but a nominee of their perceived enemy Thaksin. Adding fuel to

the fire during this period, Thaksin and his (now ex) wife, Pojaman, skip a court appearance and flee to the UK two weeks after she was sentenced to three years in prison for fraud.

The PAD yellow shirts protests continued throughout this period, escalating on the 26th of August when PAD protesters invaded Government House as well as three ministries and the headquarters of the national broadcasting center. Other disobedience and work stoppages are threatened against the government by a number of public sector unions and several highways/rail lines are blocked during this time. The protesters celebrated on 9 September 2008 when the Constitutional Court found PM Samak guilty of violating the conflict of interest law due to his accepting payments for his presence on a cooking show that he'd started doing before being elected PM and that he continued doing while in office.

Now in need of a new prime minister candidate, the PPP moved ahead and named Somchai Wongsawat, Thaksin's brother-in-law to be the next PM. This choice, quite predictably, only served to further enrage those protesters who were arguing that the unrelated Samak was already too close to Thaksin and was simply acting as a proxy for the exiled PM. Somchai Wongsawat became PM on 17 September 2008 and, as one would expect, he was immediately rejected by the PAD and their series of street protests would continue.

The PAD escalated their protest against the Somchai government in November of 2008 when they blocked both the international and domestic airports in Bangkok, shutting down all flights and stranding many travellers both in Thailand and outside it.



*Figure 3: Yellow Shirt Protesters Shutdown Suvarnabhumi Airport
in late 2008*

In early December, the airport shutdown still ongoing, the Constitutional Court of Thailand dissolved the governing People's Power Party and two more coalition parties and banned executives of the parties, including Prime Minister Somchai Wongsawat, from politics for five years. The court found them guilty of vote buying during the 2007 election. PM Somchai promptly resigned while the PPP called the ruling a “judicial coup.”

The airport blockade ended the next day with protest leaders declaring that they had accomplished what they set out to do. Within days, Democrat Party Leader Abhisit Vejjajiva announces that he has the votes to form a ruling coalition within parliament. This shift of power to the Democrats relied on a number of smaller parties MPs flipping but the most notable and controversial switch of new MPs caucusing with the Democrats came from the “Friends of Newin” faction. These were formerly PPP MPs that,

after the dissolution of the PPP, decided not to join its successor party Pheu Thai but instead joined a new party called Bhum Jai Thai (BJT) that would caucus with the Democrats. There's a great deal of speculation and gossip about whether some of those close to the monarchy and/or the military in Thailand pressured the "Friends of Newin" faction to desert the PPP so that the deadlocked political situation and the airport shutdown could both be solved.

Before the election, it was unclear how sustainable BJT's 32 seats in parliament would be, as they had not yet faced direct electoral competition. The party however was optimistic and as a result fielded over 100 candidates in the Northeast of Thailand alone. With this as the background for Bhumjai Thai, it is understandable why many expected that competition would be most fierce and possibly trending toward fraud or violence in those areas where Bhumjai Thai holds seats that once belonged to Pheu Thai and in seats across Isaan where BJT is now trying to challenge traditionally Pheu Thai areas.

Given recent Thai political tendencies, it was unsurprising when the United Front for Democracy Against Dictatorship (UDD) came out to protest Abhisit and call for his resignation soon after he took office. From abroad, Thaksin very straightforwardly accused Prem Tinsulanonda, the President of the Privy Council of the King, of organizing both the appointment of Abhisit and the Friends of Newin moving to the Bhum Jai Thai party and caucusing with the Democrats. UDD protests drew worldwide attention when they forced the cancellation of the Fourth East Asian Summit when they stormed the meeting venue. Afterwards, a state of emergency was declared in Bangkok and its five neighboring provinces.

The following days saw the protests in Bangkok broken up and what followed were scenes of violence, burning of vehicles, hundreds of injuries, and worst of all, several deaths in and around Bangkok. This period in mid-April 2009 was the worst violence of the year but intermittent protests would continue for the rest of the year in various areas both within Bangkok and outside it.

Moving forward to the spring of 2010, large protests, pictured above, began somewhat similarly to those in 2009. In February, the Supreme Court stripped Thaksin's family of approximately half of its wealth after ruling that ~\$1.4bn of their fortune was illegally obtained while he held office. Just weeks after that, at roughly the same time as the previous year's large protests, huge crowds of red shirts began to gather at two sites in Bangkok.



Figure 4 : Red Shirt Protests lasted weeks in the centre of Bangkok before the scene descended into violence during a military crackdown; Source:

Manpreet Romana / AFP

The protests at both sites were prolonged and lasted for the better part of two months. When no peaceful settlement could be reached, both protest sites saw bloodshed and violence when the army went in to remove protesters in April and May.

Approximately 91 people died from the closure of the two protest sites in April-May of 2010. The worst of the violence was on May 19th at the Ratchaprasong intersection in the commercial center of the city. The red shirts had built barricades around their protest site that the army stormed on the 19th after repeated efforts to negotiate a peaceful settlement failed. Mysterious armed “men in black” were present among the protesters. The army alleged that these were militant red shirts and the source of several grenade attacks in recent days. Pointing to the existence of the ‘men in black’ as justification, the army declared several protest areas “live fire” zones after ordering the shut down. Many were killed in the fighting that came out of the clearing out of the red shirt encampment. Most of the casualties were protesters but there were several journalists and soldiers that were also killed in the process.

Shortly after the army offensive began, there were arson attacks in many locations across the city, including the prominent mall next to the protest site itself. Red shirted men were seen setting the mall on fire but, as one might expect, the red shirts claim this was the army framing the red shirted protesters. Each side in the conflict has implicated the other in the burning of this mall and some of the other sites and no definitive evidence has come out to either clear or implicate one side or the other in the mall incident. At the same time, multiple city halls were burned in provinces across the North and Northeast regions of the country. Many red shirts have been arrested for arson in those incidents.



Figure 5 : An Army Armoured Personnel Carrier Begins to Breach the Red Shirt Encampment in Bangkok; Source:REUTERS/Fayaz Kabli

Broader investigations into the events of that day i.e. sources of gun fire, targeting orders, the men in black, etc. have mostly gone nowhere. As of early 2012, there are still several investigations underway but to date no real sincere, unimpeded, transparent fact finding effort has been completed.

Border Conflict

The beginning of 2011 saw a flare up in the long running conflict over the Khmer empire era temple complex known as Preah Vihear located on the Cambodian/Thai border. Seven Thai citizens connected to the Nationalist PAD group walked across the border into Cambodia and were arrested. PAD co-leader Veera Somkwamkid and his secretary, Ratee Pipatanapaiboon, were charged and found guilty of espionage, illegal entry, and trespassing, both receiving lengthy prison sentences in Cambodia.



Figure 6 : PAD Sign denouncing both parties and calling for a “no vote”

PAD protesters, once largely supportive of Abhisit, took to the streets to protest against what they perceived to be his weak, conciliatory efforts at handling the cases of those arrested as well as the conflict at large. They demanded that PM Abhisit take back some disputed territory around the temple before negotiating any peace agreement. Several soldiers and villagers on both sides died during the first few months of 2011 as intermittent fighting broke out. A tentative ceasefire was agreed to but the underlying issues remain unsettled and the PAD yellow shirt protest of Abhisit (and therefore both parties) continued up through the campaign. The PAD's unhappiness with Abhisit motivated their leader to call for their followers to “no vote” during the election. Utilizing Thailand’s “no vote”

ballot option, the PAD leader began a campaign for a “no vote” based on his belief that all politicians are corrupt and none deserve the peoples’ vote. He and some PAD members wanted to prevent an election from taking place. They believed a caretaker government should be appointed for several years while the system is “cleansed” of greed and corruption. Whether their “no vote” effort would be successful and how badly such an effort will hurt the Democrats that have relied on yellow shirt support in the past was a much discussed issue leading up the election. Please see the political timeline located in the annex to provide some additional background.

Code of Conduct

Shortly after the dissolution of Parliament, civil society came together to organize the pledging and signing of a Code of Conduct for the General Election Campaign by important election stakeholders. The code of conduct was facilitated by a number of civil society groups: Mahidol University’s Research Center for Peace Building, the Open Forum for Democracy Foundation, and the Political Development Council.

In a ceremony held at the Parliament Building in Bangkok on 11th May 2011, party leaders and their representatives signed the Code and declared that they would adhere to its promises during the election season. In attendance as witnesses were many members of the media, leaders of religious institutions, Election Commission Officials, and foreign diplomats. The text of the code is below:

We, the political parties undersigned, declare that we will commit to and comply with this Code of Conduct for the General Election Campaign.

We will also exercise control over all of our candidates, members, as well as supporters and campaigners to strictly commit to and comply with this Code of Conduct which abides us to:

1. Respect and follow the letter and spirit of the Constitution, election laws, and regulations issued by the Election Commission of Thailand.
2. Refrain from relating the Royal Institution to election
3. Refrain from any vote buying, and from the use of state or other public resources for campaign purposes or to obtain votes.
4. Conduct the campaign using only peaceful means, not to threaten, harass, and disrupt the campaign efforts of any other party.
5. Avoid using inflammatory or defamatory language, particularly that which threatens or incites violence.
6. Accept the results of the election that generally reflects the will of the people and which is credible and fair.

The Election Commission of Thailand and its officials at all levels are hereby requested to conduct their duties with integrity and fairness, as well as to prevent any irregularities and to process complaints in a timely manner.

In order to have a coordinating and monitoring mechanism on the compliance, the undersigned political parties are ready to appoint their representatives to be in the Coordinating Committee on the Compliance with the Code of Conduct. The coordinating committee is tasked with coordinating and solving any conflicting issues, and to provide suggestions to ensure the implementation of the Code of Conduct is complied with in letter and spirit.

ANFREL applauds civil society's effort to establish norms for political behavior among the political class and the public at large and, most importantly, hopes that the principles therein are adhered to by signees.

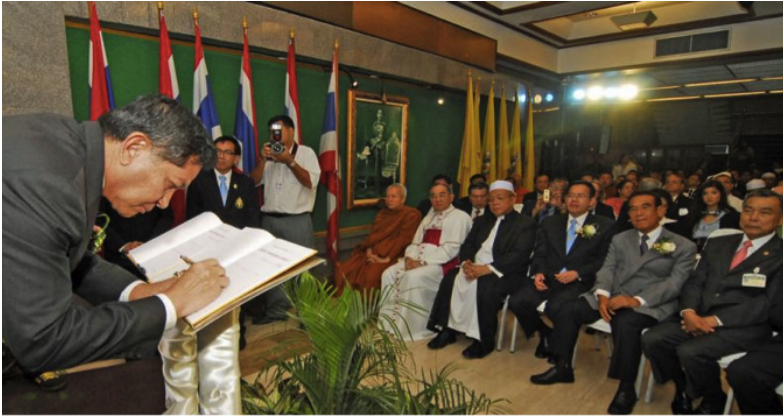
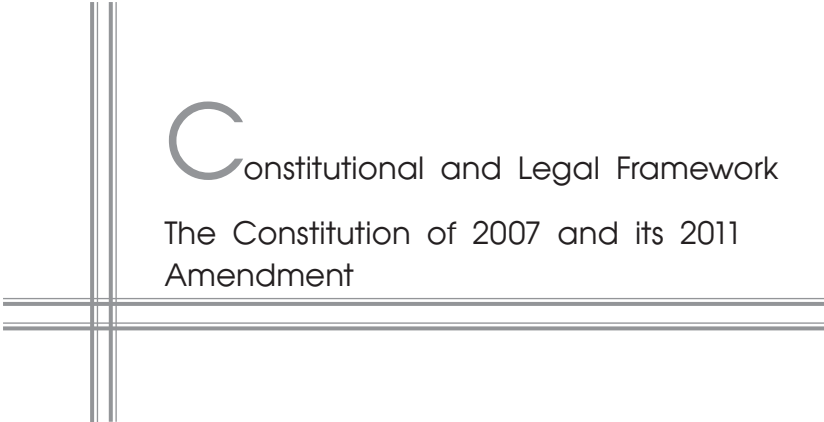


Figure 7: Former General & Coup Leader Sonthi Boonyaratklin signs the Code of Conduct

“...party leaders and their representatives signed the Code and declared that they would adhere to its promises during the election season.”



C onstitutional and Legal Framework

The Constitution of 2007 and its 2011 Amendment

Thailand's previous Constitution, passed in 1997, was widely praised at the time for its participatory drafting process and the wide-ranging reforms it introduced. Unfortunately "some of the new institutions and processes intended by that charter to fight corruption were methodically corrupted over the past few years." Among the institutions whose independence was challenged was the Election Commission¹.

Thailand's latest constitution was approved in the country's first referendum on 19th August 2007 with a 57% 'yes' vote. Its design, determined by a Constitution Drafting Committee appointed by the coup leaders, was largely a reaction against Thaksin era politics. It kept much of the structure, and the independent bodies of, the charter created in 1997 charter but with several substantive differences². For example, it contains term limits for prime ministers, makes declaring assets compulsory,

1 IFES Pre-Election Technical Assistance Report, 26th April 2007, p.1

2 Tom Ginsburg, "Constitutional Afterlife: The Continuing Impact of Thailand's Post political Constitution", International Journal of Constitutional Law 7 (2009): 83-105.

and allows for the Prime Minister to be more easily impeached³. While some of these amendments strengthen the transparency of government, some provisions have been criticised for weakening executive power and political parties so much that a return to the unstable coalition politics of the 1990s is more likely. One feature of the 2007 charter, its provision of greater powers to the judicial branch and the ECT to tackle political or electoral irregularities has proven to be, at the very least, both consequential and controversial.

A particularly notable power is the ability to dissolve political parties and ban members of their executive committee for five years for violations of the election law. The provision that allows for the dissolution of parties as punishment for the misdeeds of party members is unusual. Originally intended to create a greater deterrent effect against illicit behavior by members of a party, it is also now often seen as a cause of political instability, an obstacle to the creation of true political parties, and a cudgel used by both sides to try and have their opponents' party disbanded, a political sword of Damocles if you will. Both sides of the current political divide have hoped to use this provision against their opponents but actual punishments meted out have fallen on the supporters of former PM Thaksin and his allied parties. His first party, Thai Rak Thai (TRT), was dissolved and 111 party members were banned from participating in politics for five years by a constitutional court ruling in July of 2007. Most of the non-banned remaining members of the TRT joined a successor party known as the People Power Party (PPP). After winning a substantial plurality in the 2007 election, this party would also be dissolved by the Constitutional Court along with two smaller parties in a governing

3 Constitution of the Kingdom of Thailand (1997) & Constitution of the Kingdom of Thailand (2007).

coalition with the PPP. Regardless of whether or not the two Thaksin allied parties should have been dissolved according to the current law as it's written, doing so applies unjust collective guilt to the entire party for its members' wrongdoing. It also slows the development of a real political party system and, contrary to the hopes of some of those arguing for it, makes existing parties even more beholden to influential individuals by preventing parties from ever becoming properly institutionalized.

An additional change between 1997 and 2007 can be found in the relatively weak Senate which oversees the lower house and often has power to approve candidates to some of Thailand's many independent bodies. Consisting of 150 members, 77 of whom are elected, one for each province in Thailand, and 73 appointed by a seven member committee⁴, the Senate's current form was a compromise solution between the coup leaders initial proposal of a wholly appointed Senate and the '97 charter which created a fully elected Senate for the first time in Thai history. Most political analysts deem the new constitution to be less democratic than that it replaced, both because of the means by which it was drafted and because of content such as the change in the Senate. Before and after the election, talk of amending the constitution or of its outright replacement continued, with opponents citing either specific problematic sections or the undemocratic process that created it as reasons why it needs to be altered⁵.

4 The committee is comprised of: The President of the Constitutional Court, the President of the Election Commission, the President of the Ombudsman, the President of the National Counter Corruption Commission, the President of the Office of Auditor General, a judge to be assigned by a general meeting of the Supreme Court of Justice, a judge to be assigned by the Supreme Admin. Court.

5 www.ifes.org/features.html?title=New%20Thai%20Parliament%20Faces%20Tough%20Legal%20Legacy

2011 Constitutional Reform

The 2007 charter already saw changes when it was amended in early 2011, after which the Democrat led government passed electoral laws related to the constitutional changes, dissolved parliament, and called for new elections. These amendments impacted the electoral system in a number of ways. Most noticeably, the number of members of the lower house of parliament has been increased from 480 to 500. The previous makeup of the lower house was 400 MPs elected from single and multi-member constituencies and 80 elected from a proportional list system that elected 10 members each from the 8 zones the country was divided into for this purpose. Under the changes, the house will be divided into 375 single member constituencies (instead of 400 MPs from mostly multiple member constituencies) and 125 MPs chosen from a nationwide party list ballot (instead of 80 party list MPs from a total of 8 different zones). These changes made the party-list ballot considerably more important as it went from electing just 1/6 (16.67%) of the total number of lower house MPs to a full one-fourth (25%) of the house total. These changes, and the prevailing atmosphere of distrust between the parties, led the opposition Pheu Thai party to argue that the charter changes were politically motivated and intended to help the Democrat party's chances, given that the Democrats had done much better in the 2007 election's party list vote than they did in the constituency system (see chart in political context section). Pheu Thai would go on to walk out en masse during the final reading of the changes but they passed nevertheless.

FACTS & FIGURES:

2011 General Election

500 Seats contested
 375 constituency MPs
 125 party list MPs

47,321,136 Number of eligible voters

40: Number of political parties fielding constituency candidate

34: Number of political parties fielding party list candidates

2,422: Number of constituency candidates

1,410: Number of party list candidates

90,860: Number of polling stations nationwide

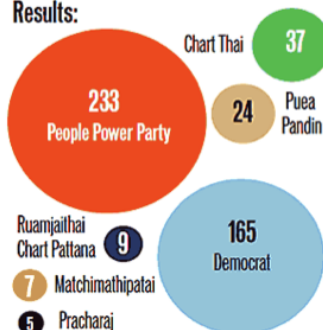
98,431: Number of police manning polling stations

2007 General Election

480 Seats contested
 400 constituency MPs
 80 party list MPs

74.45% Turnout (about 32.7 million people)

Results:



Source: Election Commission

Figure 8: Graphic comparing the 2007 and 2011 elections; Source:

Election Commission of Thailand statistics, Graphic: Bangkok Post

Instead of the more complex multi-member constituencies that dominated previously, Thailand now has 375 multi-member constituencies. The new system was expected to be simpler for voters since, across the country, all had but one candidate and one party to select on each of the two ballots. The change to a first past the post system should strengthen the position of the two largest parties, Pheu Thai and the Democrats. At the same time, smaller parties will likely over time be weakened by the single member constituency system as first past the post systems have been shown to usually favor the two largest parties. Smaller parties whose candidates often receive the 2nd or 3rd most votes in any constituency might not win any races outright and could be shutout of parliament altogether despite substantial support.

For the party-list (proportional representation seats), the system returns to a single nationwide constituency as was present before the 2007 constitution created 8 different zones electing 10 MPs each. But the new system would differ from the pre-2007 system in that they did away with the requirement that a party receive 5% of the total party-list votes in order to get seats from this system. The removal of this threshold requirement was undoubtedly a good thing for any smaller/regional party popular enough to garner a sizeable though less than 5% total of the nationwide party-list vote.

Candidates were, as in 2007, not able to run as 'independents' as the law demanded that they be affiliated with a political party, a limitation that may be regarded as an infringement of one's political rights.

	2007 Election	2011 Election
Number of parties sending candidates for constituency seats	39 parties	34 parties
Number of candidates for constituency seats	3,894 candidates	2,422 candidates
Number of parties sending candidates for proportional list seats	31 parties	40 parties
Number of candidates for proportional list seats	1,260 candidates	1,410 candidates
Population	62,828,706 (December 2006)	63,878,267 (May 2011)
Eligible voters	45,092,955 persons	46,921,682 persons

Table 1 : Table showing the number of parties and candidates contesting the election in 2011 versus 2007

Legal framework

To update the election law in accordance with the newly amended Constitution, three key organic laws were update dafter final passage on 25April 2011: the law on the Election of members of the House of Representatives and Installation of Senators, the Political Parties Act, and the Election Commission Act. Little was changed in these acts except for updating the sections that related to the changes in the numbers of constituency and party list MPs and the manner in which those would be chosen, as detailed above.

The laws, as Thai electoral laws have tended to be, were comprehensive and detailed for most areas related to the election, a fact consistent with how Thai authorities have historically approached organizing elections. As mentioned above, the ECT has a broad mandate that incorporates investigations and adjudications as well as election administration, and is empowered to severely punish election violations with, in the most serious cases, jailing candidates and dissolving entire political parties. There exists a mechanism for complaints and appeals of ECT decisions but the fact that the ECT has the power to adjudicate is unusual since most cases of such magnitude are usually processed through a full trial setting where the defendant has the full range of rights and protections afforded them.

Restrictions on campaigning are highly detailed, regulating everything down to the size and number of posters allowed and which kinds of organizations are allowed to organize campaign events. Where the election law did not specify particular elements of campaign restrictions, regulations issued by relevant bodies complemented the election law.

A prominent regulation from the ECT, and one widely believed to be disregarded by almost all candidates, related to campaign spending. Since the election law did not specify campaign limits, the ECT decided to limit candidates spending to no more than 1.5 million baht per campaign and issued the appropriate regulations to this effect a few weeks after the Election Date was set⁶.

The strict regulations and stern penalties for violations available to the ECT added to the atmosphere of both impunity and paranoia that dominated before and after the election. Impunity to regulations such as the campaign finance regulation and paranoia when it came to things like certifying candidates when, for example, the ECT delayed certification of then PM candidate Yingluck after the election. The possibility of party dissolution and mass disqualification of candidates was raised and many speculated/feared that, if the election was very close, the ECT could intervene to disqualify a sizeable number of candidates from one side to tip the election to the election's losing party. Fortunately, this scenario never played out and fears of such intervention proved unfounded. The amount of distrust and fear evident in such speculation is unfortunate though perhaps somewhat understandable given the ECT's power and the events of the last five years. Additional details of particular aspects of the election law and regulations are discussed in the relevant sections of this report that follow.

6 "Campaign Spending Limit Set, B1.5m", Bangkok Post, printed 20 May 2011 s& available at: <http://www.bangkokpost.com/news/local/237996/spending-limits-set-at-b1-5-million>

The Absence of Regulations Regarding Excess Ballots

The Electoral Laws of Thailand do not stipulate the percentage of excess ballots allowed to be printed by the ECT. This is good, from the ECT's standpoint, because it allows for maximum flexibility for the ECT to print however many they deem appropriate. This can create problems however when/if the ECT prints more than is absolutely necessary and causes the perceived legitimacy of the electoral body or even the election itself to be weakened thanks to excess ballot printing. The Electoral law of Thailand does not provide for a voter to be given a replacement ballot in the event that they spoil their vote. Given this to be the case, it would imply that the number of ballot papers printed need not be substantially more than the number of registered voters. This however has not been the case for this election or previous ones where many millions of extra ballots are printed. ANFREL recommends that Thailand explore developing guidelines over how many excess ballots can be printed by the ECT. The full accounting of the excess ballot issue in this election is found later in this report in the section on Election Administration.

Disenfranchisement

As has long been the case in Thailand, the monkhood and Buddhist nuns are forbidden by law from voting. ANFREL respects the cultural and religious traditions that made Thailand see a need for this kind of removal of the religious order's political rights. That said, as Thailand becomes a more mature and modern democracy, it should reconsider this abrogation of such fundamental rights for its religious leaders. There is space in a modern functioning democracy for monks and nuns to vote as private citizens without corrupting the process or their religious vows.

But as it stands now, the legal framework violates the principle of universal suffrage as laid out in the international human rights standards that Thailand has ratified. There are roughly 300,000 Buddhist clergy in Thailand left unable to vote because of this provision. While reasons for excluding this group from the political process can be found in the cultural and political history of the Thai Kingdom, ANFREL-taking other regional examples such as Cambodia or Sri Lanka, where Buddhist monks are allowed to vote, for comparison-encourages a public discussion on this issue in the spirit of universal suffrage.

Buddhist clergy are unfortunately not the only citizens left unable to vote. Whereas advanced voting is available to effectively give franchise to voters who otherwise might not be able to exercise their right to vote on Election Day, the system does not make provisions for hospitalized voters or voters in detention. Unless the crimes of the convicted are severe and the sentence includes a constitutionally grounded deprivation of political rights, those in pre-trial detention and those held in jail for minor criminal charges should not be deprived of their right to cast the ballot. Neighbors of Thailand such as Indonesia already have in place a system for giving prisoners the opportunity to vote, something that Thailand can consider in the future.

“ANFREL hopes that the ECT puts in place clear guidelines related to excess ballot printing that explain and justify to the public their need for whatever total they deem sufficient in the future.”



Election Administration

Genesis of the Election Commission of Thailand

Prior to the 1997 Constitution, elections were administered by the Ministry of Interior. To limit the possibility of incumbent governments influencing the electoral process, the Election Commission of Thailand (ECT) was established and the first team of five Commissioners installed in 1997. After serving their three and half year term, a second team of Commissioners was appointed in 2000. However, the independence of this team was undermined by the Thaksin administration. The Constitutional Court annulled the April 2006 elections organised by the ECT for systemic violation of the secrecy of the vote, while also finding three Commissioners guilty of malfeasance.

The current, third team of Commissioners was appointed after the coup in September 2006, all of whom have legal backgrounds. A new Secretary-General, Dr. Suthiphon Thaveechaiygam, was installed to oversee the administration of the Commission. The new Constitution stipulates that Commissioners shall serve a single term of seven years⁷. ECT commissioners are appointed by the King after nomination by the Senate⁸.

⁷ Section 232

⁸ Article 229

Mandate

The Election Commission has a broad mandate with significant powers not only to “control and arrange to hold an election”, “determine measures and controls of financial contributions to political parties and candidates”, but also “to conduct an investigation and inquiry for fact-finding and to adjudicate and make decisions on problems or disputes.”⁹ In carrying out its investigative duties, the ECT has extensive powers to “summon any relevant document or evidence from any person, or summon any person to give statements as well as to request the Courts, public prosecutors, inquiry officials, State agencies, State enterprises or local government organizations to take action for the purpose of performing duties, investigating, conducting inquiries and passing decisions.”¹⁰

The ECT’s adjudication powers are equally broad, with the ability not to just disqualify candidates but even dissolve entire parties and order a new election “in any or all polling stations when there occurs convincing evidence that the election ... in that or those polling stations has not proceeded in an honest and fair manner.”¹¹ They are, however, limited to 30 days after the election, after which the Supreme Court assumes responsibility.

The ECT is empowered by the Constitution¹² and organic laws to enlist the support of other state institutions to assist with their work as they see fit. For example, they used the Ministry of Interior (to compile the

9 Article 10 of the Election Commission Act

10 Constitution, Section 236 (9)

11 Constitution, Section 236 (6)

12 Constitution, Section 236 (4)

electoral roll), the Ministry of Foreign Affairs (for overseas voting), the Ministry of Education (for voter education channeled through children and to recruit polling officers), Thai Post (to transport ballot papers), Local Administration Organizations, and the Department of Public Relations.

Voter and Party Registration

For these elections, the ECT has registered a total of 46,987,281 voters out of a population of over 64 million people. 146,000 voters registered abroad. Further, 40 political parties registered candidates at the ECT for the party/proportional list system; of these, only 7 registered 125 candidates for the proportional ballot.

Election Commission Structure

At the central level, the five Election Commissioners, one of whom serves as the Chairman of the ECT, assume ultimate responsibility for fulfilling the Election Commission's mandate. In carrying it out, they are supported by the Office of the Election Commission headed by the Secretary-General. This office is made up of five key bureaus that cover the broad range of work undertaken by the ECT: General Administration, Investigation and Adjudication, Election Administration, Political Party Affairs and Referenda, and Public Participation.

A similar structure, though without division into such bureaus, is replicated in each of the country's 76 provinces and one in the Bangkok Metropolitan Administration. Five Provincial Election Commissioners are pre-selected by provincial state agencies, appointed

by the central ECT for a single term of four years, and have an administrative office supporting them. Operating beneath Provincial Election Commissions (PECs) are 375 Constituency Election Commissions (CECs), one per single member constituency.

On 3rd July, voters could cast their ballots in about 90,800 polling stations across the country. Polling station committees (PSCs) were to comprise seven members, a number that was exceeded with some local variation, with two additional staff to ensure security.

Training of Poll Workers

ANFREL observed that the ECT trainings of trainers for the provincial and constituency levels of the electoral management were conducted very well by use of diverse adult training techniques. However, the last cascade of trainings -the trainings for directors of polling stations and polling staff-needs improvement as training groups were too large and the trainings themselves were too brief, often without simulations or practical exercises. ANFREL also noted that copies of the amendments to the 2007 constitution, promulgated and enforced on 13 May 2011 and affecting the electoral law, have reached the PECs rather late to give ample time for provincial and constituency election officials to familiarize themselves with these updates. On a positive note, however, the instructions for poll workers included information on the electoral changes since the last election and advice on responses to non-resident voters who could not cast their ballot in advance on 26th June.

Allegations of Disputed Neutrality and the Capacity of the Elections Management

The ECT could rely on the support of governmental officers on all levels of electoral management. Political parties and voters have sometimes questioned the neutrality of these officers before Election Day, and the neutrality of the ECT and its bodies itself. ANFREL has observed some conflicts of interest of provincial administrators who were acting as polling staff and as vote canvassers at the same time. In most cases, however, the disputed neutrality of personnel involved in the electoral management remained on the level of allegations based on the lack of trust of segments of the electorate vis-à-vis the state administration. Village Heads were often acting as heads of polling stations. This practice should be changed as many of these officials have political interests and considerable authority in their communities.

In addition, ANFREL could observe that voters questioned the judgement and professionalism of the ECT when it was reported that 4 of 5 commissioners personally travelled overseas for training and to handle out-of-country voting in the days before the elections.¹³ Should there have been any fraud complaints or investigations that needed immediate attention, it would have been difficult to gain the needed endorsement of four of the five commissioners given their absence. No such cases occurred but the incident nevertheless hurt the image of the ECT and created unneeded controversy in the run-up to the election.

13 "Concern as Election Commissioners head to Europe" *The Nation Newspaper*, 17 June 2011. Available at: <http://www.nationmultimedia.com/2011/06/17/national/Concern-as-Election-Commissioners-head-to-Europe-30158064.html>

Ballot Paper Printing and Design

Two controversies relating to ballot paper design occurred during the campaign period and incited some discontent, especially in the camp of Pheu Thai. On 19 May 2011, the leading candidates of the political parties entering the race participated in a lottery to determine their party's number and position on the ballot paper. This process gave the leading parties and their candidates the good fortune of prime ballot positions with Pheu Thai and the Democrat Party holding the numbers 1 & 10, respectively, on all ballots nationwide. But it was only after the printing of the ballot papers that it became evident that the party logo that Pheu Thai had submitted to the ECT for display on the ballot had been printed in a way so as to be hardly recognizable. Because of its landscape orientation, length, and the need to fit it inside the small box next to the party name on the ballot, it had been shrunk so far that it was basically illegible (see sample ballot). While the original error was Pheu Thai's for submitting a incorrectly laid out logo for this purpose, ideally in the future there would be an intermediate step in the ballot printing process by the ECT wherein each party could verify their name and the use of their logo before final printing. As it currently stands, there's no mechanism in the law for the ECT to correct or help check with a party that has made an error. Adding such a step could avoid the kind of controversy that this event stirred up, controversy that could have been more significant had Pheu Thai not drawn the easy to find number 1 on the ballot.



Figure 9: Example of Party List Ballot with Pheu Thai's undersized logo and unclear instructions

In addition, the proportional ballot bore unclear instructions about where the ballot should be marked. The ballot says to mark the column next to the party number, which for the party-list ballot is fine (both ballots shared similar instructions), but for the constituency ballot the column next to the party number is the column of party logos included on the ballot. Fortunately however, it appears that both these issues were sufficiently addressed by Pheu Thai voter sensitization and did not contribute significantly to the number of invalid ballots. These two issues, while small and relatively inconsequential in the end, created controversy that can be avoided next time through the adoption of appropriate ballot creation guidelines.

Excess Ballots

ANFREL considers it a cause for concern that the ECT printed over 12% excess ballots for the 2011 election, a total in excess of most international norms for excess ballot printing. Although there is no set international standard, it is worth noting that even in countries that do allow for a replacement ballot (which Thailand does not), the number of excess ballot papers is generally a far lower percentage. It is true that the Election Commission did need to print a substantial number of excess ballots thanks to the system in place in Thailand that includes an advance-voting day close to Election Day whose turnout is unknown. The fact that ballots are printed in booklets of 25, necessitating that PSs are supplied with ballots in multiples of 25 which leaves some PSs with up to 24 extra ballots also raises the total number of ballots printed. These facts accounted for, the numbers printed in excess don't all rationally add up. An example can be found during the advance voting day, for which the ECT chose to supply enough ballots for 10% of all eligible voters since they did not know how many voters would be utilizing advance voting at the time of ballot printing. This number (over four million ballots), while perhaps numerically satisfying due to its being an easy to count round number, actually seems to be unnecessarily high when broken down. First, the two-day advance voting period in 2007 drew only 2.95 million total voters. Of these 2.95 million, a significant portion (~1.12 million) were people living in their normal home constituency voting in advance. These people did not have to register in advance to vote as long as it was in the same constituency, a fact that would undoubtedly create higher advance vote turnout in 2007 compared to 2011. Given that all advance voters had to register beforehand in 2011, not to mention the fact that the advance voting had been cut down from two days in 2007 to 2011's single day,

the printing of ballots for 10% of eligible voters for advanced voting day seems to have been based on easy arithmetic rather than any kind of systematic projection of expected voter turnout for that day.

In the ECT's defence, they made a commendable effort to openly respond to questions on this issue, but the total number of extra ballots nevertheless remains well above norms established in many other countries. Even though there were fortunately no major incidents reported of abuse of the excess ballots printed, printing of an unnecessarily high number of extra ballots can nevertheless cause the ECT headaches as it heightens the opportunity for fraud and creates the perception of an election commission operating without standards in place that are common in other countries. ANFREL hopes that the ECT puts in place clear guidelines related to excess ballot printing that explain and justify to the public their need for whatever total they deem sufficient in the future.

“The printing of ballots for 10% of eligible voters for advanced voting day seems to have been based on easy arithmetic rather than any kind of systematic projection of expected voter turnout for that day.”



Campaign Environment

ANFREL observers gauged that campaigning was somewhat limited and rather subdued in many parts of the country. Leading candidates, however, had large rallies and traversed across the country in a modern campaign style that included well-staged rallies and well managed local photo-ops. Outside of these large rallies however, rallies were less common. In more populated areas, local candidates erected signs and hired trucks to deliver their audio campaign message across the constituency. In more rural areas, even signs were rare and voters' primary contact with the campaign came through the media rather than directly from a campaign.

Where signs were common, vandalism of those signs was also common. This type of property destruction was incredibly common and reveals that there remains work to do on civic and voter education.

More serious than sign vandalism however was the legitimate fear before the campaign that some parties could have a difficult time campaigning in areas loyal to their opposition. The freedom to campaign is an important principle of a free election. If all parties had not been able to campaign



Figures10 & 11: Equal Opportunity Vandalism: Campaign posters were frequent targets of vandals. Source: Pattaya Mail Newspaper, Friday May 27, 2011 (Vol. XIX No. 21). & Observer Photo

freely in all areas of the country, no matter their level of support there, it would be a serious violation of this principle. The vandalism of signs was one challenge to this principle already but, fortunately, the fear that candidates would be unable to travel and campaign freely proved to

be largely overblown. PM Abhisit was able to campaign, despite facing some amount of verbal harassment, in areas of the North and Northeast overwhelmingly loyal to Pheu Thai and PM candidate Yingluck went to the Democrat held South and campaigned without serious incident.



Figure 11: PM Abhisit Campaigning for the Democrats in the Pheu Thai leaning Northeast.¹⁴ Source: Bangkok Post

Campaign Expenses

The ECT's campaign finance regulations technically limit campaigns to B1.5m. This limit was widely believed to be disregarded by virtually all candidates and their supporters. Whether or not one included illicit expenses such as money spent for vote buying (that was believed to be widespread), ANFREL's observers were still told that most candidates spent far more than the 1.5 million baht limit.

¹⁴ "Contenders test their comfort zones" Bangkok Post 29 May 2011. Available at: <http://www.bangkokpost.nPalaet/lite/topstories/239435/contenders-test-their-comfort-zones>

The kind of incredible expense that most candidates undertook to get into office creates an unhealthy need for them to make their money back once in office. Running to be an MP is still seen as a good investment however because of the return on investment seen once someone takes office. Until the connection between the investment and the recoupment of those costs in office is severed, Thailand will face challenges enforcing their campaign finance regulations and getting the kind of clean & transparent good governance by its MPs that it so richly deserves.

Role of the PAD & UDD

The mass civic groups, the People's Alliance for Democracy(PAD) & The United Front for Democracy Against Dictatorship (UDD) were visible and active throughout the campaign period. But whereas the UDD was able to be mobilized to aid the campaign of Pheu Thai, the PAD had, by campaign time, turned against PM Abhisit because of his handling of the aforementioned Khao Phra Wihear incident with Cambodia. The royalist, nationalist PAD, also referred to as "Yellow Shirts", began a campaign calling for citizens to "vote no" a ballot option unique to Thailand wherein a voter is able to select what is essentially a "none of the above" option on the ballot. Having been long time enemies of Thaksin, and now enraged at what they saw as Abhisit's treasonous dealing with the Cambodians, the group moved to this third option, campaigning for a kind of protest vote to vote for no one. Some in the group simply hoped to show their anger at the political system and the current parties with a simple protest vote. Others hoped to have enough "no votes" that they would create a constitutional crisis large enough to force the king to intervene to solve the crisis through a royally appointed national leader.

The UDD, also known as “Red Shirts”, on the other hand, was very visible at campaign rallies and events. Their ability to mobilize large numbers of volunteers seemed to strengthen Pheu Thai during the campaign. The placement of prominent Red Shirt leaders high up on Pheu Thai’s party list showed that they were in fact intertwined with Pheu Thai itself and a valued part of the campaign effort. So called “red villages” sprouted in the North and Northeast during the campaign. These were villages that claimed to be so supportive of the Red-Shirt movement, and presumably of Pheu Thai, that they declared the whole village to be full of red-shirts. This effort, while generally proving to be harmless, was somewhat worrying to the degree that Democrat or PAD supporters living in such villages could be subject to harassment or intimidation.



Figure 12: Sign declaring a “Red-Shirt Village” in the Northeast



V

ote Buying and Electoral Violence in the Campaign

Vote buying and In-Kind payments

Vote buying has long been regarded as a systemic part and key weakness of the Thai electoral process. It is remarkable how little seems to have changed since ANFREL's last election observation mission in 2007. Some more educated voters, especially in Central Thailand and in parts of the South, believe vote buying to be an issue of the past. Others emphasize the secrecy of the ballot and argue that the voters' choices might not be influenced by financial and in-kind offers-although they might have accepted them. Allegations concerning vote buying were nevertheless widespread during the campaign period and increased before Election Day. The idea of bundles of money being handed out during the night of 'barking dogs', the night before the election, prevails very strong in public opinion, though not all who talk about it also believe in it. ANFREL recorded the strongest reference to this practice in the deep southern provinces of Yala, Pattani, and Narathiwat, where, interestingly, the election results were in stark contrast to many local experts' and observers' expectations (see chapter "Deep South"). ANFREL observer teams have overheard several conversations concerning attempts of vote buying at various locations across the country on Election Day.

The allegations concern all parties involved in the electoral race, but the means vary. ANFREL observers have collected direct reports of this type of malpractice in, among others, Narathiwat, Phuket, Ayuthaya, Chonburi, and Nakhon Ratchasima, although it is difficult to obtain evidence. The money offered for a single vote varied, appearing to differ based on the social status and level of income of the recipient, the phase in the campaign period when it took place, as well as the level of competition in that particular constituency such as, for example, Bangkok, Pattani, or Sukothai. Standard rates started from 100, 150, or 300 baht, went up to 500 or 400 baht, and could exceed 1000 or even reach 1500 baht per voter according to the reports that ANFREL has received. Also methods of vote buying varied widely, including in-kind gifts, cash handouts, electronic transfer of funds, payment to attend party rallies, politicians funding birthday parties, free telephone cards and supermarket coupons, transfer of money through fake wins at gambling, and free 'sightseeing' trips to different parts of Thailand. Some observers noted parts of the promised reimbursements would be paid "upon delivery" - once the vote canvassers could check on how voters have voted at a particular polling station when polling station results are published outside. Hence the transparency of the process can actually be used to continue malpractices.

Vote buying prevails despite the fact that campaign expenditures are highly regulated and both vote selling and buying are seriously punished under the law. Officially, expenditures for candidates contesting constituency seats should not exceed 1.5 million baht. Party treasurers have to disclose accounts of this expenditure, but only after the election campaign is complete, not as it is ongoing. Prohibitions are extensive, covering both the distribution of cash, in-kind gifts, and community

projects, as well as the promise of such benefits in the future. Transporting voters on polling day as an incentive to cast a vote for a particular party or candidate, a fairly common practice in many established democracies, is also prohibited.

All that said, it is widely agreed upon that the parties did not limit themselves to these expenditure regulations. Candidates and canvassers of opposing parties have often accused the other contestants of vote buying and in-kind payments when speaking to ANFREL observers. Also a significant number of informal and formal complaints made to the ECT at the local and national level concerned accusations of vote buying. A prominent case prior to E-day involved a candidate in Srisaket whom the ECT was investigating thoroughly, before eventually dropping the case. The ECT has only ordered a total of two re-elections as a result of its investigations, both after issuing a yellow card for charges of vote buying. In both cases - in Nong Khai's Constituency 2 and Sukothai's Constituency 3 - the challenged candidates' won their re-elections.

A case where allegations of vote buying were particularly common, but had no legal consequences, was the province of Chonburi, where the Democrat Party, Pheu Thai, and the newly founded party Palang Chon¹⁵ Party were competing. Palang Chon is a small local party that was able to win six out of eight available seats. The party is connected to the Khunpleum clan, the province's most influential family.

15 In Thai, "Palang Chon" means, literally, the power of the water (their logo is taken from a wave). "Palang" means power and "Chon" comes from the first part of the name Chonburi so the name translates as the "Power of Chonburi" or "Chonburi Power" party. It is also a word play on the latter part of the Thai word "prachachon" and can be taken to mean "Power of the People".

Sons and others close to family patriarch Kamnan Poh, now in his 70s, hold important positions in the provincial administration such as the post of mayor in tourism dependent Pattaya and the head of the Chonburi Administrative Organization, and act as senior advisors, party functionaries, or candidates for the Palang Chon Party.

Many interlocutors of ANFREL felt that the elections management in Chonburi was not neutral. A local volunteer believed that Palang Chon has been carefully cultivating support for three years since the past election and that the party has supporters within all levels of the general administration, electoral organizing bodies, and the ECT itself. He estimated that only 2 out of 9 EC members in his district are considered to be neutral/independent.

Voters in Chonburi also complained about vote buying: A 59-year-old woman who runs a khaokaeng(rice and curry) shop spoke to ANFREL by telephone to report a case of vote buying in her area. The caller said she was too scared to meet face-to-face and was even concerned about her safety after her phone call.

“Fortunately, the fear that candidates would be unable to travel and campaign freely proved to be largely overblown.”

"On one of my recent trips to my local market to stock up on fresh goods for my shop I was told that there were people willing to pay 500 baht for my vote. I don't want to say who they are. If I just say #6 that's enough for you to know. All I have to do is give them a photocopy of my tabienbahn [house registration] and then they will give me the money. I'm not sure, but I think that once they have your house registration they will be able to find out whom you voted for. I don't believe in this kind of cheating so that is why I would like to report it to you. But I'm scared to say too much around here; I'm afraid they could make serious trouble for me and my family-they could make it difficult for me to run my shop or might even become physically violent. If their party wins, I know it's only because they cheated in this manner."

Whereas the case of the Palang Chon party is particular to Chonburi province, such structures also exist in other parts of Thailand. But even where local politics are not dominated by single clans, fear and social pressure to vote for a particular party or candidate do exist. It is important to note that the patronage systems of (often long-term) politicians (with possibly changing party affiliations) are very influential in the electoral campaign. Similar to its earlier reports, ANFREL must conclude that vote buying remains deeply embedded as a part of patron-client relationships and still constitutes a significant part of the social and cultural webs that tie together candidates and their voters through their canvassers, with some local variations. In some provinces, sub-district heads (kamnans), village leaders (phuyaiban) and their assistants, as well as provincial administration staff members at different levels of hierarchy were reported to be involved in the management of the vote buying exercises. Apart from seeking the implementation of the existing legal framework, the ECT, civil society organizations, and the media must further intensify their anti-vote buying campaigns by emphasizing the significance, validity and

integrity of the secret ballot to deconstruct the grounds for vote-buying and in-kind payments.

Intimidation and Electoral Violence

The general atmosphere before, during, and after these elections was relatively calm and stable. Electoral Violence did by far not occur as widespread as it was feared in the beginning of the campaign period. These fears were based on past experiences with violence during electoral campaign periods and the generally tense political environment between the polarized political camps, especially bearing in mind the bloody end to the public protests of May 2010. The only act of 'violence' that was widespread across the country from the beginning to the end of the campaign period was the destruction of posters. Almost all political parties met by ANFREL observers complained about such acts of vandalism and have stated at the same time that the Thai Royal Police was generally slow to follow-up on such cases.

Campaign canvassers in several constituencies where political competition between candidates, especially those for the single constituency seat, was very high, have received threats to withdraw their support and activism-notably in the provinces of Ayutthaya, Nakhon Phanom, Nakhon Ratchasima, and Kamphengphet. Most of these attempts at intimidation were threats by anonymous phone calls rather than physical violence, however, in Kamphengphet, two houses of known party supporters were shot on 20 June without leaving anybody wounded. This incident was quickly investigated by the police though was without obvious suspects.

ANFREL noted that several cases of presumed electoral violence where party members were involved (compare the list of pre-electoral violence compiled on the basis of media and police reports in the annex) were, when ANFREL observers followed up with investigating officers, witnesses, or victims, soon declared by the police to be acts of non-electoral crime such as fights between neighbors or violence committed under the influence of alcohol. At the same time, the “Crime Suppression Division” police set up a “peace-keeping centre” amid rising requests by election candidates for police protection. Hundreds of candidates indeed asked for such protection for fear of violence. By mid-May, almost 1000 police officers were assigned to the task.¹⁶

A few localized cases of violence did occur, notably most of them in Central Thailand where the competition between local candidates appears to have been critically high. Such a case was the killing in Bangkok of a vote canvasser from Lopburi on 16 June. The victim, who was shot dead in broad daylight while his wife and secretary were wounded, was also the president of the Lopburi provincial administration organization and an MP candidate’s brother. Other violent cases against canvassers occurred, among other places, in Bangkok, Samut Prakarn, Phichit, Sukothai, and Ayuthaya, Ratchaburi, and the Deep South.

ANFREL also took notice of limited, but sadly occurring violence targeting polling staff and sensitive electoral material on Election Day. The ECT told ANFREL about two attacks on transports of the electoral material after the count in constituency 4 of Narathiwat, one by bomb and one by gunfire.

¹⁶ *Bangkok Post*, 16 June 2011



Media & Freedom of Expression

Media Assessment

Freedom of expression in Thailand has suffered in the last several years, in regards to both the media as well as individuals. Ex-PM Thaksin used his position as PM and his business fortune to intimidate and harass press that he perceived as hostile to him. The 2006 coup that removed Thaksin further worsened the media environment in the country as the coup leaders used TV channels owned by the military and controlled by the state to push forward their own agenda while also maintaining martial law in much of the country. Since that time, as political polarization in the country has worsened, freedom of expression for individuals has worsened with it.

Media critics are of the opinion that the majority of the media in Thailand remains highly politicized, biased and divided throughout both the pre-election and post-election periods. Many observed that the past five years of political instability and conflict in Thailand saw the emergence of a political mass media with its own goals and ideologies. Some resorted to giving political opponents degrading names, such as calling

the imprisoned red-shirt co-leader Jatuporn Promphan a “toad”. The use of hatred, dehumanising words and characterizations is commonly seen and heard in the media on both sides supporting different political ideologies. Although most media tycoons in the country say they understand too well that the media must lead society out of the current crisis, it does not seem to be the case in practice. Both broadcast and print media, by and large, can be categorized as supportive of one of the two major camps¹⁷ the red shirts/Pheu Thai Party or the Democrats.

The nationwide broadcast channels are virtually all controlled by either the government or the military. Some of these operate through concessions to private companies that run the channel while others are more directly under the influence of the government. Because of this, many TV channels, though they remain popular, are perceived to be biased and unreliable sources of objective news.

Local media outlets such as community radio stations across the country, some licensed, some not, and often on the other side of the political spectrum, are a source of local news and political talk. Many of these are used to mobilize and organize local members of the nationwide mass movements such as the UDD. Many such stations are clear and unapologetic about their political affiliations, often calling themselves, Red-Shirt Radio, part of the red-shirt kingdom, etc.

¹⁷ “Media to remain biased” *The Nation Newspaper*, 30 June 2011. Available at: <http://www.nation-multimedia.com/2011/06/30/national/Media-to-remain-biased-30159041.html>



Figure 13: Headquarters and Radio Station of a prominent Red-Shirt Group in Udon Thani, Thailand

For this election, broadcast TV and local radio, while often holding opposite agendas, both represent part of the challenge Thailand faces in developing a truly free press capable of acting as the much needed fourth estate. Local overtly politicised radio stations probably maintain lower levels of journalistic integrity but they at least are open about their biases and not funded by the state. Broadcast TV and state or military owned radio stations on the other hand are less excusable. Broadcast TV channels, by far the most influential media source throughout the country, are often seen as taken advantage of by whichever party is in power. No matter which direction they're being pulled, political pressure on the media is a serious violation of the freedom of the press. These channels and stations should untangle themselves from government ownership/control immediately. Because they need the favour of the ruling party and/or military, a dependent relationship between the media and government or military is created where there should be independence.

Whether these channels should be spun off to be completely private enterprises or should use a model similar to that employed by Thai PBS where they have a tax carve out that is set aside and independent of the yearly budget process, more can be done to make state controlled TV and radio more independent.

Freedom of expression is restricted in Thailand by a number of laws including the Internal Security Act (2007), Computer Crimes Act (2007) and lèse-majesté legislation (Art. 112). These laws have resulted in the closure of websites, media restrictions, and a great deal of self-censorship etc. This is problematic during an electoral campaign as it puts restrictions on topics that can be discussed and therefore on a citizen's access to public information. Their use during the campaign was only a part of the broader trend in recent years of increased censorship and the authorities' attempt to use these acts to crackdown on speech focused on the monarchy or the military. Freedom House moved Thailand from Partly Free to Not Free in their 2011 assessment of Press Freedom citing the use and abuse of the laws listed above. Thailand's ranking in the Freedom House survey has fallen since the last election as freedom of the press and of expression has suffered in Thailand.¹⁸

¹⁸ Freedom House, "Freedom of the Press 2011" 2 May 2011 Available at: <http://www.freedom-house.org/report/freedom-press/2011/thailand>



Voter Education

The Election Commission has the mandate to provide voter education and collaborate broadly with political parties, the media, universities and schools to reach out to the public and remind people of their duty to vote. During the last week before July 3rd, rallies organized to encourage voter turnout were held in many provincial capitals. However, the types of voter education differed by province as it remained in the hands of the provincial ECT boards to manage voter education activities. Unfortunately, the ECT failed to inform non-resident voters sufficiently about the need to re-register in their home provinces in case they had registered to vote elsewhere in 2007, resulting in many disenfranchised and disappointed voters.

In reality, political parties and the media played an important role in voter education since efforts by the ECT, while well intentioned, were not enough to adequately reach out to all parts of the country. Among the media, television and radio coverage, and some newspapers, covered the race and some of its issues, giving voter information about campaign platforms, Election Day, and the political/civic issues of the day.

The most glaring failure of voter education was related to the advanced voting day changes implemented since 2007. Parliament decided to tweak the rules for advance vote registration, leaving advance voters from 2007 on the advance voter list for 2011. This was a significant change that would require many of 2007's advance voters to re-register in their home provinces if they wished to vote in their normal residence. Reminding everyone that the change was out of their control and initiated by parliament, the ECT claimed that it realized the change could be a problem. Realizing this, the ECT said they did their best to educate the electorate on the changes so that people didn't lose their right to vote if they had moved or returned to their home province since 2007. The media was also culpable in that coverage of this significant issue was inadequate until after advance voting day when it was clear that up to 2.5% of the electorate had lost their right to vote on Election Day because they'd unknowingly been left on the advance vote list.

Despite whatever efforts were made by the ECT and the media, they must nevertheless share the blame for inadequately educating voters on this change. While it is true that much of the blame for the advance vote problems lies with parliament for their original decision, it is nevertheless true that the ECT should have done more, either through the media or through consultation with parliament, to prevent the massive disenfranchisement that occurred because of these failures of policy and voter education.

Thailand Political Database

An interesting effort towards greater voter education and empowerment was the Thailand Political Database (TPD), a project “dedicated to increase awareness and understanding of politics and its development in Thailand.”

The project began in 2009 as the product of a series of consultative dialogues between civil society groups and public organizations that were both interested in public monitoring and verification. TPD, primarily through its website but also other channels, offers the public unrivaled information and analysis about their MPs and government. Information provided includes personal/biographical information as well as policy analysis, electoral information, campaign information, etc.

Importantly, TPD strives to be impartial in its analysis, recognizing that the perception of its neutrality is an important strength for the organization and a differentiator compared to much Thai media. Its website allows a user to drill down and find out about the activities and performance of their individual MP, something ideally suited for the web that is difficult to do relying on other forms of mass media.

Efforts such as TPD help make Thai citizens and, in the election’s context, voters more informed and educated about the choices before them. When they go to the polling station, they are better able to make wise decisions based on empirical information about policy because of efforts such as TPD. Launched in 2009, it is an ongoing project that will hopefully continue into the future providing such a valuable public service to the Thai citizenry.



Security Environment & Role of the Military

The campaign period was generally quiet and peaceful and did not include the degree of violence feared before elections were called. That said, any amount of violence is too much and incidents of violence should be investigated, with perpetrators of violence punished.

The role of the military and security forces was heavily scrutinized thanks to their role in the 2006 coup and statements made by outspoken Army chief Gen Prayuth Chan-ocha before the election, which led to more fears that the military was still playing a political role in the country. General Prayuth as Army chief holds the most powerful military position in the country. In addition to holding military exercises in Bangkok while proclaiming the military to be the ultimate protector of the monarchy just weeks before the election, he reminded the people that, “if you allow the election [results] to be the same as before, you will not get anything new and you will not see any improvement from this election.”¹⁹

An incident exemplifying some of the larger divisions within the country occurred two months before the election when an aide to the

¹⁹ “Gen Prayuth urges voters to back the ‘Good People’” *Bangkok Post*, 15 June 2011. Available at <http://www.bangkokpost.com/news/election/242238/gen-prayuth-urges-voters-to-back-the-good-people>

aforementioned Army Gen. Prayuth, the most powerful military man in the country, filed a lese majeste complaint on behalf of his boss against prominent red shirt leader and MP Jatuporn Prompan. The charge was regarding comments Jatuporn made at a rally on 10 April 2011, the anniversary of the first crackdown on red-shirt protests in 2010. The filing of these charges was consistent with the military's claim that one of the reasons for the coup in 2006 was to protect the monarchy and their actions and public behavior since then. Pavin Chachavalpongpun, a fellow at Singapore's Institute of Southeast Asian Studies, wrote in the Wall Street Journal that "since becoming army chief in October last year, General Prayuth Chan-ocha has repeatedly stated that the military's top priority is protecting the monarchy. Under this doctrine, respect for the royal family is the key to the security of the nation. Making this linkage between the palace and the army explicit is designed to guarantee the military's special role and prerogatives in Thai politics."²⁰

A military led anti-drug effort around the time of the campaign created controversy and complaints from some Pheu Thai or Red-shirt supporters/leaders that the military's actions were part of a political effort designed to intimidate Pheu Thai supporters rather than one focused on drug eradication. The army denied these claims and, despite one confrontation between a Pheu Thai MP candidate and the military in Bangkok, the overall effort was not observed by ANFREL observers to be particularly political or designed to help the democrats, as some alleged.²¹

20 "Thailand's Military on the Offensive" Wall Street Journal, 19 April 2011. Available at: <http://online.wsj.com/article/SB10001424052748703922504576272432046756072.html>

21 "Army Denies Hidden Agenda Behind Anti-drug Drive" Thai-ASEAN News Network, 9 June 2011. Available at: <http://www.tannetwork.tv/tan/ViewData.aspx?DataID=1044697>



International and Domestic observers

International Observers

The Elections Commission of Thailand (ECT) extended strong cooperation to ANFREL, accredited the mission's observers, met the expert and core teams, and kindly supported the observer trainings. ANFREL's Election Observation Mission to Thailand was the only large-scale international observation presence during the electoral process of 2011, and the only mission based on observers coming from civil society groups. The ECT invited other election management bodies from the Asia-Pacific Region on a visit program around the Election Day of 3rd July. This invitation was accepted by Australia, Bangladesh, Bhutan, India, Korea, Malaysia, Nepal, the Maldives, and Taiwan, and brought together 27 participants. Also at the ECT's invitation, the European Union sent a two-person Election Expert Mission (EEM) mandated to analyze the electoral process and its legal framework. Despite its small size, the presence of this delegation can be considered an improvement for the transparency and openness of the Thai electoral stakeholders vs. international organizations after the misunderstandings concerning the presence of an EU Election Observation Mission in 2007.

Domestic Observers and Party Agents

What concerns citizen observers from within the country, it was notable that PNET did not have the funds and capacity to recruit, train, and operate a large-scale observation presence as they did during previous elections. Where visible, PNET activists also appeared in different roles, supporting the elections management as volunteers, providing some kind of civic education, or as observers. It further appears that the fragmentation and polarization that has affected Thai civil society during the political crisis since 2006 has also caused some PNET members to show alliance to some of the political camps. That being the case, P-NET did manage to organize the only discussion/debate panel during the campaign period at Sripatum University on 23rd June which brought together leading political candidates. P-NET's ability to bring attention to important issues such as the disenfranchisement of non-resident voters and excess ballot printing proved to be valuable contributions to the public debate.

Another exception to generally very little civil society engagement were the efforts of the United Front for Democracy against Dictatorship (UDD), the so-called "Red Shirts", to register as domestic election observers. The Red Shirts had indeed managed to field a significant number of observers on Advanced Voting Day 26th June and on Election Day 3rd July. It was argued prior to elections that the combined forces of the Pheu Thai Party agents and the observers reporting to the UDD would constitute an almost too strong monitoring presence across the country, with the possibility of intimidation taking place. These fears were unnecessary however, as ANFREL observers witnessed that, while on 26th June that Red Shirt observers carefully scrutinized voter lists in large polling centres, on 3rd July, they were mainly interested in recording results.

The Pheu Thai Party, the Democrat Party, and other parties with local variations, have managed to send party agents to observe the vote and count in polling stations across the country, with Pheu Thai being able to recruit the biggest number of such agents. As with civic observers, ANFREL observed that many of these party agents were not sufficiently trained and took a rather passive approach to their task. It was also noted that, although civic observers and party agents observed the transportation of electoral materials after the count, they did not usually observe the consolidation of results at CEC or PEC levels although the electoral law does not forbid access at this stages of the process.

Whereas party agents were usually allowed to witness the electoral procedures from within polling stations, the electoral law does not allow observers (international or national) to enter polling stations. This only rarely creates an obstacle to observe the polls because polling stations are located outside, however, several observers have noted that they were unable to make an independent judgment on the validity of ballot papers from a distance. Election observers should be allowed access inside polling stations and to all phases of the electoral process for the legal framework to be in line with international standards. The ECT should also review and standardize the criteria for the accreditation of observers against common transparent criteria.

There were only a few other local, province-based civil society groups that used ECT funds to get engaged in domestic election observation, but all in all ANREL noted the general disengagement of civil society with the electoral process and the great need for training and capacity building of those who got involved. International support to domestic observers was already very small scale during the last electoral process in 2007, but had

slowed even more in 2011 with the support provided to ANFREL to enable its observation mission being the remarkable exception. International organisations such as NDI, IRI, IFES, The Asia Foundation, and others should not regard Thailand as a setting where domestic observation and civic and voter education through civil society organizations, but also the training of party agents, would be unnecessary, but rather should review their policies to support the democratic process during the upcoming electoral cycle.

Online Monitoring

An interesting new initiative was a volunteer-based project, which was started at the Faculty of Political Science of Thammasat University, Bangkok, and supported by the Strategic Nonviolence Committee under Thailand Research Fund. Thaelectionwatch.net aimed to empower Thai citizens and other observers to monitor the Thai parliamentary elections on 3 July 2011 online. The project's goal was to unify nationwide data on election-related irregularities and violence, and visualize them on a map of Thailand, with the idea to contribute to a free and fair flow of information and thus to the accountability and transparency of the election process. The data sources were meant to be reports from official bodies (Police, Election Commission of Thailand etc.), established news outlets, accredited election observers, and citizen reports. Online participation did not happen at a large scale during this pilot project, but it can be considered a success that the platform was founded. Ideas to make the project permanent are currently being explored.



Advanced Voting

Under the 2007 Constitution, voting is compulsory in Thailand. To enable people to more easily comply with their constitutional duty, Advanced Voting is held one week prior to the polls. Around 2.8 million voters, both resident and non-resident, registered for the Advanced Voting that took place on Sunday 26th June 2011. In much of the country, the Advanced Voting was well administered, however, in urban centres voters who were able to cast their ballots were faced with long queues at some polling stations, particularly those consolidated polling centres where many thousands were expected to vote.

However, of the 2.09 million voters who registered for non-resident advance voting in 2007, a large number were not aware that their names remained on the Advanced Voting list in their former areas of residence. This meant that they were unable to vote in their home constituencies unless they had expressly requested the ECT to take their name off the Advanced Voting list. As a result, only ~55% of those voters registered for non-resident advance voting in 2011 voted compared to the ~87% that turned out for non-resident advance voting in 2007. It was unfortunate that the ECT did not rectify this matter in time to allow for non-resident voters to cast their ballots on 3rd July.

Another contributing factor to the disenfranchisement of voters was the reduced timeframe for the duration of polling for Advanced Voting. While taking into account that this change was made at the request of political parties, ANFREL does not perceive this reduction in polling hours to be conducive to ensuring that people fulfil their constitutional duty. Advanced Voting in 2007 was conducted over two days from 08:00 -17:00. In 2011 this was reduced to one day from 08:00 -15:00, a reduction from 18 hours to 7 hours. Given large traffic congestion in the vicinity of the polling centres in urban centres and poor weather conditions in the north and northeast of the country, a number of people did not arrive at the polling centres in time to cast their vote. In the future, the ECT and parliament should make advance voting as accessible as possible, in terms of registration and physical access, in order to maximize voter turnout and ensure the ease with which citizens can exercise their political rights.



Figure 14: The Thai Postal System used these nylon bags to ship the Advance votes to the home constituency of the advance voter



Election Day and Consolidation of Results

The elections of July 3rd took place in a generally peaceful environment and without major interruptions. All in all, about 75% of the eligible voters (around 45 million people) turned out to vote at one of the approximately 90,800 polling stations. ANFREL, with 84 total Election Day observers moving between polling stations all day, observed that the polling station staff administered the process well, with certain variations and areas for improvement noted.

ANFREL observers reported different practices of storage of the electoral material between the time of its distribution from CECs to polling station staff on the day before Election Day. The storage sites included not only administrative offices and schools, but were often the private homes or, in some cases, vehicles, of village heads or chiefs of polling stations. However, this did not turn into a concern. In the morning of the Election Day, observers did not encounter a situation where the ballot papers or other sensitive electoral material would have been tampered with.



Figure 15: Polling Station Information Board with info of candidates, voter lists, and other regulations



Figure 16: A voter(foreground) reads information posted about candidates while others(background) check that their names are on the voter list

Election Day

On Election Day, July 3rd, the procedures to conduct opening, polling and closing were largely followed, with the exception being that in two thirds of the observed polling stations the names of voters were not called out aloud according to procedures. Most polling stations opened on time at 08:00 am and were located in public sites that were perceived as neutral. In most observed cases, the assigned polling personnel reported for duty, and if not were replaced according to procedures. Printouts of computerized voter lists were on display at the entrance of each polling station. There were usually aides to help voters to identify their name on the voter list.



Figures17 & 18: Polling Station Staff display the empty ballot boxes and apply the proper seals and tape before upon the beginning of voting

The polling station staff checked the voter's identity and handed over the ballots according to procedures before the voter proceeded to the ballot booth. Although the integrity of the process was not questioned in principle, several ANFREL observers have witnessed the secrecy of the ballot being compromised by the positioning of the voting screen. While it was understood that these breaches of the secrecy of the ballot were not intentional, the set-up of polling stations-especially of those located outside-should be improved in the future to guarantee the secrecy of the ballot at all times.

The secrecy of the ballot was also compromised in nearly 10% of the observed polling stations by the presence of unauthorized persons inside the premises. Among these unknown or unidentified persons were village headmen, representatives of the administration, security agents, party representatives, or simply bystanders for whom it can't be certain that they tried to influence voters or the polling station committee. At the same time, observers and party agents were not always granted access to polling stations.

Security at polling stations was provided in appropriate numbers, as two of the appointed nine members of the PSC were guards, at least one of whom was from the police department. This regulation was handled differently in those constituencies under martial law and under the Internal Security Act in the Deep South where four security officers were foreseen. However, ANFREL observed that this number sometimes exceeded up to twelve security officials present. It was also observed in the Deep South as well as in Kanchanaburi that soldiers arrived at polling stations to cast their vote being fully armed. While there was likely nothing malicious about the action, the impact of this armed presence on the civilian electorate and

the regular voting process cannot be estimated and is in clear violation against internationally accepted principles for democratic elections.



Figure 19: A voter casting their ballot without incident in the type of open-air polling station common in Thailand

ANFREL observers witnessed minor inconsistencies in polling station management, including the sequencing of activities within the polling station and varying numbers of polling station staff, which could not really be explained by the staff involved, but which can be addressed through more detailed training. Even if the polling staff has worked in this capacity before, both intermediate and beginner trainings should include practical exercises and simulations to prepare the poll workers for their duties.

Also worth noting was the experience of two Akha villages in Mae Hong Son that boycotted the election with only a few votes cast out of around 1,000 eligible voters. The Akha population in these areas, frustrated by what they perceived to be years of government disregard and underinvestment in infrastructure, decided they would not vote to send a message to Bangkok. Local election officials implored them not to boycott in this manner, but the community wide protest went ahead anyway.

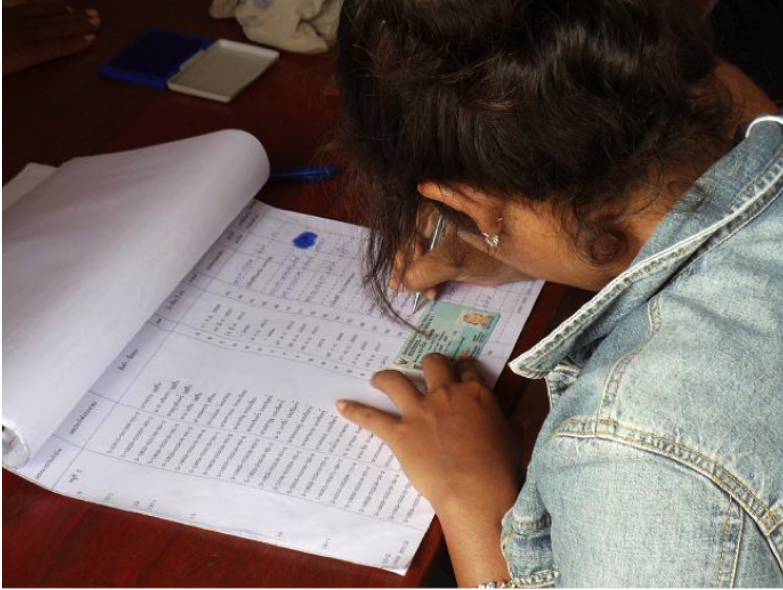


Figure 20: Polling Station staff cross checking a voter's ID with the voter list

Apart from these inconsistencies, the only persistent, widespread problem observed by ANFREL was the appearance of non-resident advanced voters who could not vote on 26th June and who therefore tried to cast their ballot on 3rd July, but were turned away. Their sending away was following the rules, but these voters were disenfranchised by the electoral law concerning the management of the voter lists (see advanced vote chapter).

Close, Count, and Consolidation of Results

The polling stations closed in time at 03:00 pm. Unfortunately, not all voters who were queuing outside polling stations at this time were allowed to vote as the rules and regulations proscribed. The

counting of the constituency and the proportional ballot was often conducted simultaneously which, although it speeds up the process, reduces the concentration of the counting officers as well as the transparency and the possibilities for oversight of this phase. Unused ballots were counted and then pierced to prevent further use. The used and unused ballot papers were usually reconciled against the turnout. ANFREL observed a few instances of messy administration and necessary re-counts.



Figure 21: Polling Station Staff announce the vote choice and show the ballot to observers lined up behind the yellow and black tape

Observers and party agents were often present during this phase. In rare cases, it was seen that they actively asked questions and thus contributed to the transparency of the process, but at most times they simply took notes of results. Whereas some accompanied the transport of the electoral materials and the polling station results to the upper level



Figure 22: Another Polling Station official tallies the totals for the ballots being counted

of electoral management, neither party agents nor domestic observers were present during the consolidation of results at the CEC or PEC levels although the legal framework would allow them that opportunity. The same is true for their absence during the counting of advanced votes that took place simultaneously to the counts at the polling stations.

The results of the count were publicly announced and transparently posted at the polling stations. Where observed, the transport of the electoral material to the constituency offices, its reception and storage as well as the tallying of the results itself was organized in a secure and transparent manner. In most areas, transmission of results was done in an orderly way, particularly at the district level. At CEC and PEC level however, the process of receiving the electoral materials occasionally turned chaotic



Figure 23: Long Queues to Return Election Materials in Udon Thani

and disorganized. Receiving and consolidating results at the provincial level was often not as transparent as the process at lower levels.

The transmission of electoral materials and results was delayed in few far-northern locations where remote polling locations could not be reached by helicopter due to bad weather conditions. Official results were delayed in some provinces in the northeast due to discrepancies in the number of votes counted and the total number of ballot papers issued. While the ECT was conducting a recount to settle the issue, outside parties criticized them for a lack of transparency in the recounting process. Discrepancies with the reconciliation of ballots, cases of allegedly disputed impartiality of the elections management staff, accusations of vote buying, but mostly the frustrations of contestants who lost the race led to more than 200 complaints that the ECT had to respond to during the weeks after Election Day. However, preliminary results of the elections were available on the 5th of July.

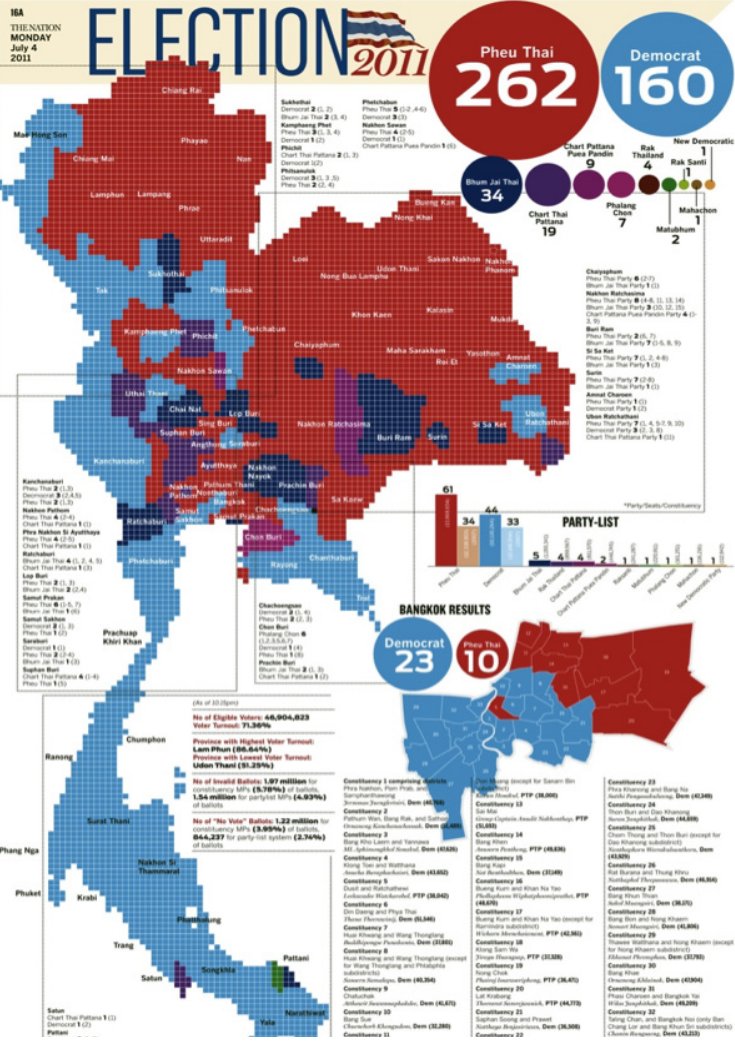


Figure 24: Preliminary Results From the Day After the Election Reveal Persistent Regional Political Divides²²

²² Graphic Courtesy The Nation Newspaper, 4 July 2011

Voting Results

These elections provided a clear winner. The Democrat Party admitted defeat, including a concession speech by former PM Abhisit, with 159 total seats won (115 elected in single-member constituencies and 44 on the party list) while Pheu Thai revealed once again the power of Thaksin's political legacy (along with PM Yingluck's effective campaign effort) with a total of 265 seats won (204 elected in single-member constituencies and 61 on the party list). Third came Bhumjaithai (34 seats), followed by Chart Pattana Pheu Pandin (7 seats) and political newcomer party Palang Chon (7 seats). Chuwit Kamolvisit's Rak Thailand gained a surprising 4 seats, all from the party list. The Malay Muslim-based Mathubum party of former coup leader General Sonthi Boonyaratklin won 2 seats, leaving each 1 seat to Rak Santi, Mahachon, and the New Democracy Party. Following these results, Pheu Thai formed a large coalition government of almost 300 seats with only the Democrat Party, Bhumjai Thai and Rak Thailand staying in opposition. Pheu Thai included 6 red shirt activists in their appointments but none received ministerial posts.

“On Election Day, July 3rd, the procedures to conduct opening, polling and closing were largely followed.”

Party	Votes	%	Seats
Puea Thai	15,752,470	48.42%	61
CPPD	495,762	1.52%	2
New Democrat	125,753	0.39%	1
Thai Citizen	35,475	0.11%	
Rak Prathet Thai	998,668	3.07%	4
Palangchon	178,042	0.55%	1
Prachathum	38,748	0.12%	
DumrongThai	12,489	0.04%	
Mass Power	57,793	0.18%	
Democrats	11,435,640	35.15%	44
Por Pieng	49,065	0.15%	
Rak Santi	284,100	0.87%	1
Thai Pen Suk	9,132	0.03%	
Social Action	81,824	0.25%	
Thais is Thai	27,193	0.08%	
Bhum Jai Thai	1,281,652	3.94%	5
Thaen Khun Phaendin	57,801	0.18%	
Heaven and Earth	12,823	0.04%	
The Farmer Network of Thailand party	36,931	0.11%	
New Politics	34,883	0.11%	
Chat Thai Pattana	907,106	2.79%	4
Liberal	34,111	0.10%	
Chart Samucee	9,601	0.03%	
Bamrungmueang	6,568	0.02%	
Kasikornthai	11,268	0.03%	
Matubhum	251,674	0.77%	1
Better Life Party	6,882	0.02%	
Palung Sungkom Thai	4,861	0.01%	
Thai Party for Thai People	15,071	0.05%	
Mahachon	133,752	0.41%	1
Prachachon Chow Thai	13,010	0.04%	
Rakpandin	6,501	0.02%	
Civil Peace	12,912	0.04%	
New Aspiration	21,195	0.07%	
Asmatupoom	6,692	0.02%	
Sport Party of Thailand	39,778	0.12%	
Parung Chownathai	7,332	0.02%	
Thai Sangsun	2,842	0.01%	

Figure 25: Party-List Vote & Seat Totals²³

23 Election Commission of Thailand, available at <http://www.ect.go.th/newweb/upload/cms07/download/3145-2801-0.pdf>; Chart courtesy of Bangkokpundit, available at <http://asiancorrespondent.com/66403/analysis-of-the-2011-thai-election-part-1-nationwide/>

	Bangkok	Central	North	Northeast	South	Total	Party	Total
Puea Thai	10	41	49	104	0	204	61	265
Democrats	23	25	13	4	50	115	44	159
Bhum Jai Thai	0	13	2	13	1	29	5	34
Chat Thai Pattana	0	11	2	1	1	15	4	19
CPPD	0	0	1	4	0	5	2	7
Palang Chon	0	6	0	0	0	6	1	7
Mathabhum	0	0	0	0	1	1	1	2
Rak Prathet Thai	0	0	0	0	0	0	4	4
Rak Santi	0	0	0	0	0	0	1	1
Mahachon	0	0	0	0	0	0	1	1
New Democrat	0	0	0	0	0	0	1	1
TOTAL	33	96	67	126	53	375	125	500

Figure 26: Seat Allocation Totals by Region Show Thorough Divide²⁴

If it would not have been for such clear results in favor of the Puea Thai party, the Elections Commission might have faced much more criticism and public debate on issues such as the disenfranchisement of voters thanks to advanced voting mismanagement, ballot paper design and distribution, and the various shortcomings on Election Day described above. Perhaps fortunately for them, the wide margin removed some of the pressure. The ECT took its time to proclaim the final election results and announced the names of 358 elected MPs on 12th July, 12 more on 19th July (this time including Yingluck and Abhisit), 32 on 21st July, and brought the number of endorsed MPs to 496 on 27th July which met the 95% threshold of certified MP races in order to enable the first session of the new House of Representatives to convene within the prescribed timeframe of 30 days after the election.²⁵ It also completed the investigation of more than 200 complaints within 30 days as foreseen in the electoral law²⁶ and ordered only two re-elections that were held

²⁴ *Id.*

²⁵ *Constitution, Section 127*

²⁶ Section 8

on 31st July and one re-count, all of which re-affirmed the earlier results. Yingluck Shinawatra was sworn in as the first female prime minister of Thailand on August 10th.

Parties	Constituency	Proportional			TOTAL	
	Seats	Votes	%	Seats	Seats	%
Pheu Thai	204	15,744,190	48.41	61	265	53.00%
Democrat	115	11,433,762	35.15	44	159	31.80%
Bhumjaithai	29	1,281,577	3.94	5	34	6.80%
Charthai Pattana	15	906,656	2.79	4	19	3.80%
Chart Pattana Puea Pandin	5	494,894	1.52	2	7	1.40%
Phalang Chon	6	178,110	0.55	1	7	1.40%
Rak Thailand	0	998,603	3.07	4	4	0.80%
Matubhum	1	251,702	0.77	1	2	0.40%
Rak Santi	0	284,132	0.87	1	1	0.20%
Mahachon	0	133,772	0.41	1	1	0.20%
New Democracy	0	125,784	0.39	1	1	0.20%
Other Parties	0	692,322	2.13	0	0	0.00%
Valid Votes	375	32,525,504		125	500	100%
Turnout	74.85%	35,220,208	75.03%			
Total Eligible Voters			46,939,549			
No Votes	1,419,148 or 4.03%		958,213	2.72%		
Invalid Votes	2,040,261 or 5.79%		1,726,768	4.90%		

Figure 27: 2011 Final Vote Totals²⁷

The ECT's regulations and guidelines for the invalidation of ballots are extremely strict when compared with international standards. Even if the will of the voter is clear, e.g. when a voter would clearly mark one party symbol or make a sign other than a tick in the empty box next to the party name, the ballot is invalidated - only a clear tick within the margins of the given empty box will make a valid ballot. However, it might be several reasons combined that help explain the rather high level of invalid ballots, its difference between single member constituency ballots and proportional ballots, and its regional variation:

²⁷ Data courtesy of the Election Commission of Thailand, Available at http://www2.ect.go.th/download.php?Province=mp54&SiteMenuID=8057&Sys_Page=1&Sys_PageSize=50. Summary courtesy of Bangkok Pundit, Available at <http://asiancorrespondent.com/59415/final-vote-count-for-july-3-election/>

- ANFREL observed invalid votes due to improper marking of the ballot as well as ballots left blank. Because of the politicization of the standard “vote no” option, it is possible that voters chose to intentionally invalidate their ballots as an alternative form of “no vote.”

- While this alone could have inflated the number of invalid ballots, ANFREL observers also witnessed many instances of marks drawn just outside of the box for marking on the ballot which made those ballots invalid.

- The ECT does not foresee options for spoiled ballots, e.g. when a PSC member would unintentionally damage a ballot or a voter unintentionally marks the ballot incorrectly.

- The number of invalid ballots for the single member constituency votes with 5.79% was higher than the number of invalid proportional ballots, 4.9%, and also significantly higher than in 2007. This must be explained through ballot paper design and choices given on the ballot: The ballot for the single member constituency was the same for all constituencies in the country even though not all parties had candidates running in all constituencies. This made it possible that voters chose options that were in fact not available.

- The rates of invalid ballots were lower than the national average (often between 3% and 4%) in the Pheu Thai dominated constituencies all across Isaan that was subject of a discussion in the Senate on 6th July. Possible explanations include less strict application of the rules for ballot invalidation and the Pheu Thai party efforts for voter education.

- The highest figures of invalid ballots come from the most extreme corners of the country, that is, from the northern-most province of Mae Hong Son and from Tak along the border with Myanmar on the one end (with 11.56% and 10.78% of invalid ballots respectively), and the deep southern provinces of Yala (10.37%), Pattani (9.21%) and

Narathiwat (8.37%) on the other. Explanations of insufficient literacy and lacking voter education might suffice for locations in the tribal areas of the north and west, but do not for the Deep South. The fact that all voter guidance provided through voter education material and the electoral material, including the instructions on the ballot stacks, are all in Thai language might disadvantage the majority Malay-speaking populations especially in more rural areas. At the same time, high level interlocutors to ANFREL in the region, including those representing the state administration, expressed the opinion that the high percentage of invalid votes is not a result of lacking education, but rather an intentional expression of discontent with governmental policies and the political choices available.

“At the same time, high level interlocutors to ANFREL in the region, including those representing the state administration, expressed the opinion that the high percentage of invalid votes is not a result of lacking education, but rather an intentional expression of discontent with governmental policies and the political choices available.”



Post-Election Period

The immediate post-election period was, by and large, relatively uneventful and peaceful. Only two yellow cards were issued for this election, a smaller number than many analysts expected given the number of complaints the ECT received as well as recent history. A yellow card, unlike the more serious red card, does not disqualify a candidate; it simply annuls the election results in that area if it goes to a winning candidate and thereby requires that a re-election be held. As required after the issuance of the two yellow cards, both going to winning candidates, re-elections were scheduled for 31 July 2011 in the provinces of Sukothai and Nong Khai.

Certification of Results

The constitution requires that the ECT certify at least 475 of the 500(95%) House seats within 30 days after the election before Parliament's first session can be held, a threshold that was met after a few weeks.

ANFREL sent two teams each of three observers to observe the re-elections. For the re-election, turnout was relatively low because of the lack of media attention and a national candidate/outcome in the results. Because no red cards were issued, re-elections in both places would include the candidate who'd been found guilty of irregularities the first time. Somewhat oddly, and perhaps indicative of how normal the populace sees vote buying or how low they regard ECT charges of it, both candidates whose campaigns had been accused of vote buying also won the July 31st re-election, each by larger margins than they'd won the first annulled election.



R Recommendations

Advanced Voting

- The registration for Advanced Voting should be conducted on a per election basis and the list should automatically expire at the end of each election season.
- The timeframe for Advanced Voting polling should ideally be restored to two days or greater. Regardless, the necessary resources, facilities and staff should be provided to enable all advance voters to cast their ballots without undue delay or wait times.
- Campaign activities should be suspended during Advanced Voting, as is the case for Election Day.

Election Management and Administration

- The electoral law should allow for registration of independent candidates.
- Complaint investigations by the ECT should be implemented in a timely, efficient and impartial manner and the **30** day rule with regard to the issuance of red and yellow cards should be respected.
- The ECT should consider engaging in regular consultations, through an institutionalized forum, with all electoral stakeholders (political parties, civil society, media).

- Village heads (phuyaiban) should not be part of the polling station staff.

Electoral Materials

- The relatively high numbers of excess ballot papers printed should be justified and lowered where possible. Excess ballot totals must be justifiable and no higher than is absolutely necessary. All stakeholders should agree to the limit.
- The Electoral Law should have provisions in case of spoilt ballot papers and make allowance for a replacement ballot paper to be issued to voters who make a mistake prior to inserting.
- The regulations for invalidating ballot papers should be eased so that voter intent can be made the guiding principle when assessing the validity of a ballot.
- The final ballot paper design should be officially approved by all political parties competing in the elections prior to the printing of the ballots.
- Ballot boxes should be standardized and made from translucent plastic rather than cardboard or metal.

Observers

- Civil society organizations should play a role in the electoral process, in particular in civic and voter education and national election observation.
- Election observers should be granted full access to all stages of the electoral process, including access inside polling stations, as per the Declaration of Principles for International Election Observation (2005).

Party Agents

- Recognizing the important role of party agents in ensuring the credibility of an election, party agents should be provided with training and capacity to engage and participate at all stages of the electoral process.

Legal Framework

- The legislature should revisit Section 94 of the Law on Political Parties to ensure the legal separation of political parties and their members. This would be with a view to ensure that wrongful acts of individual members of a political party are not held as grounds for dissolving a political party.
- The electoral law should make provisions to allow prisoners and people in hospitals to vote.

ANFREL/POLLWATCH SEMINAR REPORT

Post-Election Follow-up Activities



Summary of a Seminar On

“Post Election Civil Engagement and Revamp of the Thai Electoral Law”

Fortune 3, 3rd Floor, Grand Mercure Hotel, Dindang, Bangkok

16-18 December 2011

Seminar & its Summary Organized And Written by

Open Forum for Democracy Foundation (PollWatch) &
Asian Network for Free Elections (ANFREL)

Background

Although the 3 July General Election on July 3, 2011 has passed peacefully in the big picture (no mass protest of the result and acceptance of defeat by Democrat leader), there remain several observations, criticism, and suggestions from academics, critics, the media, and observers. These lead to an assumption that Thailand needs to revamp and restructure of the whole election system.

Issues on election law and regulations such as the power and duties of the Election Commission, the access to rights and exercise of election right by the electorates, the right to monitor and watch the election, advanced/out-of-constituency/overseas voting, sources and process of election of members of parliament and senators, political development fund, and punishment clauses in the Election Act are widely discussed. Also, there are recommendations and reservations from international observers such as; whether or not all the complaints related to the election have been attended to properly and efficiently, whether or not the use of electronic equipment will help to reduce cases of electoral fraud, whether or not overseas voters can cast their votes over the Internet to save costs, whether or not it is applicable in Thailand to award the right to vote to inmates and monks.

In terms of the political parties, debates and discussions surround the campaign budget, a call for re-election payment if a red-card candidate who is caught buying votes or breaking the law, the qualifications of politicians, and dissolution of a political that leads to a mass protest by its supporters.

At regional level, ANFREL joins in an effort to push for ASEAN Charter on economic, social and cultural security. Civil society should also bring to attention of ASEAN about the political context for representatives from the civil society to be able to take to governmental positions. ASEAN should be able to at least accept that governments from the Member States have been rightfully elected under the same standard. Member States such as Indonesia and the Philippines have modified their election systems and laws to suit their cultural environments.

As election is not the only aspect of democracy, there remain several responsibilities and roles for the civil society to play, in order to improve and monitor Thai politics under democratic system to develop into preferred condition and travel to the right direction. PollWatch, People Network for Election (P-Net) and ANFREL, with the support of AusAID and the Royal Norwegian Government, jointly organize this seminar.

Objectives

1. To brainstorm ideas from members of the civil society, academia, and election authorities, for changes in the 3 election laws. Summary of the discussion will be presented to ASEAN regional meeting, so that the Member States are aware of the same election practice under the same standard.

2. To draw lessons from the General Election on July 3, 2011, from P-Net's volunteers and to exchange experiences and share ANFREL's preliminary report on the election observation.

3. To identify post-election activities of P-Net and its local alliances and network.

Participants

The 40 Participants are regional P-Net's representatives, academics, election authorities, lawyers, labor leaders and the media.

Two Main Contributors:

1. Mr. Sakool Zuesongdham from Open Forum for Democracy or PollWatch Foundation

2. Mrs. Somsri Hananuntasuk from Asian Network for Free Elections

Summary of important points

- Perception on Electoral Laws Reform

Thai election systems have been designed by two different groups; those who are in power and academics. Each system in each period of time that Thailand has been using reflects who designed it. To solve the elections problems, one has to solve the system, not the electorates. There are three major types of election systems according to the International Institute for Democracy and Electoral Assistance (IDEA):

1. Majority System, comprising;
 - a. First Past the Post (FPTP), where the winner has the majority of the votes
 - b. Absolute majority, where the winner has more than 50% of the votes.
2. Proportional System, emphasizing that the proportion of the number of MPs has to reflect that of the national votes.
3. Mixed System, which Thailand has been using for a long time, where the election uses elements of each of the majority and proportional systems.

Most participants agreed that proportional system is suitable for Thailand to use because it can reflect the will of the people and it represents as a model of the whole Thai society. However, in past elections such as that in 2007, the results did not much yield the correct proportion of the people's votes and participants had the following proposals;

1. Thailand should continue to use a proportional election system.

2. Something have to be done to keep the balance of that proportional vote, so that it does not spread too many smaller political groups, and in turn does not create one - party system or a weak opposition party.

3. Thailand should also consider smaller party list system, as people have become more party-oriented when casting their votes. There should also be a system that reserves the rights of the minority for their voice to be heard. There could be just 5 larger constituencies in the North, South, East, West, and Deep South.

4. There should be a system of "Citizen Jury" such as that used in British Columbia. Jurors should be randomly selected by gender, profession, and region. With this method, jurors with the least personal interests will be elected, and they can work to push for things that the people want. This is a way to fully listen to the voice of the people, and it is a process to build the people's ownership of the election.

Other views

- There should be a clear separation between legislation and government and those who want to be MPs should realize that they should not be in the government.

- There is a concern that to have only 5 election constituencies, smaller political parties will disappear.

- The Election Commission should come from an election, not from selection by certain group of people, because personal connection and tides have been manipulated to get someone in the Election Commission.

- There should be a system that allows a fair amount of minority representatives in the House.

However, there was an explanation that separation between the legislation and the government may put the government in the difficult position and it may not be able to function properly. For example, in a parliamentary system, an elected prime minister will not be able to work at all if he/she does not get sufficient support from the House. Israel experienced such a difficulty. As for representation from the minority, the use of proportional election system is the most suitable to make it happen.

Further comments from the participants

- Alternative vote (AV) may be suitable for Thailand, as those who have got fewer votes will still have a chance to win.
- There should be an election at village, Tambon, and district levels, where a draw could be conducted at provincial level, to prevent the cycle of vote-buying.
- Division of 5 larger election constituencies is preferable, and this idea had to be communicated and elevated to the wider audience.
- There should be provincial representatives to take part in the would-be constitutional drafting committees.
- Professional representatives should be able to take part, not just to propose, in the legislation, as most of the MPs do not really have knowledge about laws.
- P-Net should be empowered to be able to work along with politicians in parallel.

Some example for alternative voting (AV), as being used in Australia, is suitable for certain society where people trust one another. But it still may not be suitable for Thailand because people still may not be able to fully understand the system. About local election, most local election

is controlled by the regional government, and the role of the regional government has to be reduced. And, to be able to get professional representatives in the legislation, the law on National Advisory Council has to be amended. There is a flaw in the selected representation that Thailand has been using. “Arab Spring” where people started talking about principles to be stated in the constitution is an example and the sources and qualifications of constitutional drafting committees. Meanwhile, in Bolivia, minority people of Spanish origin hold economic power, while the majority does not. Therefore, Bolivia has to go through several rounds of talk to reach an agreement on land rights and ownerships.

- Proposal for electoral reform on
“Election Commission of Thailand”

There are three questions about the Election Commission of Thailand (ECT) to be considered;

- 1) Does it have too much power?
- 2) Does it perform its duties diligently?
- 3) Is the ECT selection process fair?

The current ECT has a lot of power as given by the Government headed by General Surayut Chulanond (PM from the latest Coup). And, the first ECT headed by Dr. Gothom Arya had exercise a lot of power with a lot of election fraud cases to work on.

The ECT still do not work hard enough to bring good and reliable MPs to the parliament. The quality of elected MPs could reflect the quality of the ECT.

Meanwhile the recruitment process of the ECT should be reviewed. Many believe that the ECT should come from an election and there should also a fair amount of man-woman in the ECT, and with a good proportion of representatives from different profession not just from the lawyers. Religious leaders or anyone who is good and well-respected should also have a chance to be an election commissioner.

Other views

- Selection process of provincial and central ECT should be changed because currently people use their personal connection to get a position in the ECT at all level.

- There is an observation that the present ECT did not perform according to what is stated as their 17 duties in Article 10 in the Election Act on the ECT as follows;

- > Item 4 The ECT did not lay sufficient rules and regulations on election watch as stated in Article 25 on civil society organization.

- > Item 9 The ECT did not draw efficient and fair election constituencies and did not provide good voter's list.

- > Item 10 The ECT did not find out and work on properly about the truth on many election complaints and compliance with Election Act on MPs and Senators

- > Item 17 The ECT did not perform other duties as stated in the law such as it did not take any action when political parties failed to submitted list of man-woman candidate ratio, despite it is stated in the law that political parties have to conform.

> The ECT regulations do not allow sufficient room for civil society organizations to monitor the election.

> The fact that voters have to register before making an advanced voting is an obstacle for people to exercise their voting right as it is not convenient for them to vote.

> It is disappointing that the ECT did not exercise their power according to Article 12, to punish Ruling party (Pheu Thai Party), as they clearly in breach of the law when “promising to give” minimum wage of THB300/day and THB15,000/month in the election campaign.

> The ECT should regulate a rule and allocate some budget to prepare enough campaign signs for all political parties so that all the parties are fairly treated.

> The unreasonable expenses of the ECT should be monitored and evaluated.

> There should be an election of about 15 commissioners and the people should vote out 10 and the final 5 winners get to be the commissions, to avoid the use of personal connection to be in the positions.

> The ECT should not have the jurisdiction power over election cases and the power should be given to civil society organizations.

> There should be an election court to especially consider election cases.

> There should be Item (4) in Article 16 about the qualification of the ECT, to prohibit those who are in civil service to be commissioners.

> The fact that the ECT has too much power is contradicted to the principle of balance of power between legislation and administration power.

> In Article 15 clause 3, the ECT should have a 6-year term or a 4-year term with extension for another term.

> The current ECT should be dissolved.

However, the ECT was found in breach of the law and did not perform properly, the civil society organizations or the people themselves should take the case to the court. It is also not right for the ECT to spend the budget on the election unreasonably. In addition, there should be an exemption for some civil servants such as university lecturers to be able to be a commissioner.

• Proposal for “Reform on Political Parties”

PollWatch Committee and former Senator suggested that Thailand currently use the 2007 Constitution that give the ECT all the legislation, administration and jurisdiction power. However, in the future the jurisdiction power should be referred to the court to work on election-related cases. They suggest that Political parties should be controlled, so that they do not become too powerful and overshadow the roles of civil society organizations. The people from civil society organizations should be able to be at the top position in the independent agencies.

The civil society sector must not allow vote-buying to happen, and it should accelerate the process to improve Thai society to be learning and participating society.

Other Views

- The ECT has the power to manage the political development fund, but political parties do not actually have the right to use it. Therefore, political parties should have direct access and the right to manage this fund among themselves.

- The Constitutional Court, Administration Court, and the civil society should monitor and check the expenses of political parties.

- The civil society does not get a support from the political development fund.

- The civil society currently works without being supported by any law. There should be a legislation on civil society and election monitoring, so that there will be some clear budget for the civil society to go by.

- P-Net's uniqueness should be reviewed.

- P-Net should have a voice on both local and national election.

- The ultimate goal of P-Net should be; 1) to make the Thai society a fair one, 2) to develop and a democracy that is nurtured by the people, 3) to make democracy a way of life in Thailand, where people live in learning and monitoring society, not just a one-day democracy on the election day.

- Election should be made an institute, not just a technique to go to power.

- P-Net has 3 missions;

- > Political development

- > Looking for/creating new political alternatives for Thailand

- > Developing a strong election monitoring network both locally and internationally

And the duties of P-Net are;

- > Work with the media to follow up about the work of elected politicians
- > Develop a better electoral system, beginning at local level to reduce conflicts.
- > Prepare new proposals for the drafting of a new constitution, and international lessons could be referred to.
- > Freely monitor elections without having to be accredited and with free speech.
- > Communicate with all sectors through different channels.
- > Build up a strong funding.

• Problems in Thai Election System

An election system is a process to select those to be in power by the people based on the principle that, "All men are created equal". Also, an election brings in members of the legislation power.

Dr. Prinya²⁸ divided election into three categories; 1) Majority System, where the winner has the most votes in an election, and First-Past-The-Post is the type of election under this category which is used the most. 2) Proportional System, where certain number of votes are used to decide the winner. 3) Mixed System

28 Dr.Prinya Thevanaruemitkul, Vice-Rector for Student Affairs, Thammasat University, presented under the topic of "Problems in Thai Election System",

He said that, in the December 23, 2007 Election, the result would have been announced differently if Thailand used the MMP (Mixed Member Proportional System) counting, as it is used in the Federal Republic of Germany where the share of the number of elected MPs would have been different as follows;

If Thailand wants to have a two-party system, an election under FPTP, it should be carried out to achieve the goal, and should give up the proportional system. And, if the Constitution is amended for the MMP counting to be used, Chart Thai Pattana and Bhum Jai Thai Party will get more seats in the House. In all, Thailand should be clear as to what type of politics it prefers, so that it can suitably choose appropriate election system that serves the purpose. Meanwhile, Thailand could elect the prime minister directly using the Two Round System (TSR).

Other views

- The election result should have been better reflected the will of the people.
- The importance of the proportional system is to prevent bad electioneers from entering the House of Representatives.
- The problem of people getting sick of politics should be resolved.
- There should be 5 larger constituencies in the next national election.

The division of the legislation and administration power can be observed from the method to get the members of the legislation and the government. Members of the legislation have to come from an election

only, where members of the administration or the government come from four sources 1) President 2) Parliament 3) Semi-President, where the prime minister comes from the majority in the parliament and there is a president 4) Prime Minister from direct election (Israel used to have this.)

As for the problem of people getting sick of politics, everyone should think that politics is their own business and they all have to help make it better. There is no election system that can solve vote-buying, but the people themselves. In addition comment, there is no need to register political parties, as it is not done that way either in the USA or Europe, where authorities can check whether or not a political party is a real party by monitoring their political movement and activities and how they ask for financial support from the government.



Following the seminar, ANFREL, PollWatch and P-Net released the statement below to the public and the media:

Post-Election Statement by CSOs on Electoral Reform



FOR IMMEDIATE RELEASE:

Civil Society Organisations Propose Revamp of Thai Electoral System

BANGKOK, 18 December 2011^o The Open Forum for Democracy Foundation (PolWatch), The People Network for Elections in Thailand (P-Net), and the Asian Network for Free Elections (ANFREL) today called for a restructuring of the electoral system in Thailand in an endeavour to more fully realize the democratic rights of Thai voters. After a 3-day seminar of about 40 people from P-Net's nationwide network of representatives and electoral experts, it was agreed that civil society organisations need to be strengthened so that they are able to freely monitor elections and contribute to a political system that represents the will of the Thai people. The concrete proposals are:

1. Review of electoral system for seats in the House of Representatives

1.1 The simple majority system (First Past the Post/FPTP) should be changed to a new system that can fairly and genuinely reflect the number of votes cast during an election. This will help to form a stable government that respects the voice of the minority, deters vote-buying, and promotes the participation of candidates from all sectors in the society.

1.2 An open list proportional representation system should be used in no more than 5 electoral districts. Voters should be able to list the candidates according to their preference, and choose from different political parties.

1.3 Candidates running in the single member district absolute majority system should not have to be members of a political party.

2. Eligible voters and vote casting

2.1 Voter registration should not be forced by law, and an advanced registration should be allowed. Voting restrictions barring religious leaders & inmates from voting should be lifted. More than one day should be allowed for advance voting.

3. Restructuring of the Electoral Commission

3.1 The commissioners should come from experienced and diversified careers and professions with a fair proportion of men and women.

3.2 The principal role of a commissioner should be to organise an election.

3.3 Civil society organisations should be able to play a genuine role in developing, improving, and monitoring elections.

3.4 The electoral commission should produce and provide media and public relations materials to all candidates and political parties in a fair and equitable manner.

4. Amendment of the laws on political parties

4.1 The prime minister (as the head of government) should be directly elected. The winner should have to gain more than 50 per cent of

the votes, and a second round of voting should be held if no candidate meets this threshold in the first round.

4.2 Provisions for the dissolution of political parties when a party member or official is in breach of the law should be removed.

4.3 There should be a clear statement in the law to ensure that political parties nominate a certain number of women candidates for each election. Punishments for violating these rules should be laid out clearly. Representation from the minorities and less privileged people in the House of Representatives should be encouraged.

4.4 Punitive measures for political parties failing to publically disclose income sources and expenses should be written into law and strictly enforced.

5. An act on electoral watch

5.1 There should be an Electoral Watch Act, to enable civil society organisations to freely monitor elections at all levels and check up on political parties without obstruction. The government should allocate sufficient funds for civil society development in proportion to the political development fund.

6. Electoral Court

6.1 An Electoral Court should be established, so that the election commission works more efficiently in resolving cases relating to election fraud. Both the related agencies and voters themselves should be able to file cases.

For all the proposals to be taken seriously, representatives from the civil society organisations will meet and submit the proposals to the Government, the Election Commission, the Law Reform Commission,

and related electoral agencies. Their campaign will call upon all sectors of society to help deliver concrete and practical reform to the Thai electoral system.

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For more information please contact Mr. Sakool Zuesongdham at 081 8186222 or Ms. Somsri Hananuntasuk at 081 8105306.

Open Forum for Democracy Foundation (PollWatch)
Asian Network for Free Elections (ANFREL)
People Network for Elections in Thailand (P-NET)

Summary of Focus Group

On Drafting Citizen Electoral Monitoring Act, B.E.

First Round 28 December 2011

Second Round 10 February 2012

Venue: Swissotel, Ratchadaphisek Road, Huaykhwang, Bangkok

First Round 28 December 2011

1. On the first round, December 28, 2011, there were 14 participants namely Pichai Rattanadilokna Phuket, Sorat Makboon, Praphot Srithes, Thiraphat Loywirat, Sakool Zuesongdham, Somsri Hananantasuk, Laddawan Tantivitthayaphithak, Suthada Mekrungruaengkul, Chonlada Boonkasem, Panit Payakhaphan, Somchai Srisutthiyakorn, Methee Chanjaruphorn, Charal Phakphian, Khomsan Phokhong attending this focus group.

2. The first round discussion produced the main chapters of the Act

which should include:

Chapter 1 General

- Workout principle concerning electoral campaign and monitoring
- Define definition of terms.
- Determine who will hold legal responsibility or take in charge of this act, or if possible as an independent body.

Chapter 2 Democratic campaign

Define the range of democratic campaign law which should not overlap with other existing laws.

Determine the qualifications and restricted conditions for any civic organisation seeking for accreditation for democracy campaign and promote inclusiveness in elections.

Chapter 3 Election Monitoring and Observation

Determine the scope relating to civic role to monitor and observe an elections at every level (which will not overlap with the existing organisations).

Work out the qualifications and restricted criteria of any organisation seeking for accreditation as civic electoral monitoring organisation.

Accreditation process for being listed as an electoral monitoring organisation- - - Any authority needed for electoral monitoring and observation.

Chapter 4 Electoral Justice on Complaints

- Define the scope on electoral cases which should raise to seek complaint settlement in a fair and honest manner.
- Judiciary process for electoral fraudulent cases which need to be challenged on the Electoral Management Body alleged to breach CoC and fair and honest administration.



- Define judiciary boundary for electoral cases.

Chapter 5 Electoral Monitoring and Democracy Promotion Campaign Committee

- The source of committee members, election vs. selection
- Number of committee members and terms in office.

Chapter 6 Electoral Monitoring and Democracy Promotion Campaign Fund

- Sources of fund.
- Fund administration and accountability.
- Fund spending and financial report. Etc.

Second Round on February 10, 2012

3. The same group agreed to propose a new Act for Accrediting

Citizen Organizations for Electoral Monitoring

3.1 The presenter suggested it, in Thai, be called (Draft of Citizen Organizations Accreditation for Electoral Monitoring Act, B.É.) based on its principle purpose and the need to initiate this act. This content was discussed briefly by some participants and finally was left for the presenter to complete for the final reading in the next focus group. Under article 1, the proper name of the act would be given when consensus was reached. Article 2 regards when this act will be implemented. Article 3 defined terms such as 'citizen organization, promoting of democracy, election, president, committee, general secretary, and office.

3.2 Chapter one, Part one, General, comprises content on 'Accreditation Civic Organisation' with one article and two main objectives were given when apply to monitor election of any level, (local & national). After deliberation for about half an hour, there were some remarks left for further debate, particularly the status of the office and how necessary that civic organization be accredited before applying to monitor elections.

3.3 Part two, the presenter proposed the body which would consider the application and approve for civic organization to monitor election. Inputs from the floor were that should civic organizations seek accreditation before monitoring an election, or they could just submitted a report the responsible body that they would monitor the election.

3.4 Also getting heavily debated was how the committee members be elected or selected and how many of them should be written in the law. The result could not reach consensus because of uncertain status unless this body was fully independent and the majority prefer 'the committee' that should not be under King Prajadhipok Institute which presently control the secretariat (and the budget) of the Political Development Council.

3.5 Qualifications and responsibilities of the committee was widely also deliberated. First and foremost qualifications reached in consensus were the committee must be non-partisan, non-government / state agency personnel and holding apparent performance in elections.

3.6 The term in office of the committee was agreed for three years, and might be re-selected for another term.

3.7 Under article 15, the committee performance would be accountable under the Administrative Act.

3.8 The presenter also proposed in the draft the names of some organizations to take part in the election and/or selection process, to name a few, the Press Council, University Council, Television & Radio Broadcasting Association, etc.

3.9 There would be, in the proposed draft act, a clear selecting process for the committee and articles at the final part of this chapter define the role of the office and general secretary.

3.10 Article 19 the power and responsibility of the committee include issuance of certification, study-survey & analyze on technical issues, issuance of regulations & orders, allocation of financial support, coordinate with ECT, in charge of some unavoidable legal cases, and prepare annual report for the parliament, etc.

3.11 The committee will be the beneficiary for remuneration from state budget and work full-time during their term in office, as well as sub-committees which may get appropriate income prepared by the office.

3.12 Part three comprises listing and certification process that requires a number of qualifications and criteria. Interaction between civic organisations and the office, activities after being listed and how they lose the certification status.

4. Chapter 2 defines the performance of the civic organisations, how they can get financial support, what kind of activity they chose to run under the proposed project. Monitoring an election may empower civic organization to request cooperation from state agencies as deem appropriate. Report submission process and how complaints are to be conducted and how to deal with electoral case in court when legal charge is made during or after the election.

5. Office of the Electoral Monitoring and Democracy Campaign Committee, contents define on setting up an office, authority and responsibility of permanent staff, the general secretary's qualifications, and term in office, termination and how to get the precedent general secretary.

6. Final part comprises revenue of the office, how to get personnel assistance from other state agencies if the Office need such assistance, accountancy and budget matters.

The drafting of the Act is not yet complete as the organizer will send it to its network for greater participation and to gather further opinions and comments as well as inputs to fill possible missing points. Having reviewed all the new inputs, the organizer will call a small number of experts to complete as the manuscript of the initiative to gain support from the public which should give their names to be in the listing of the Act promoters. Once the 10,000 name list of supporters are in hand, the draft Act will be submitted to the parliament and will be considered accordingly.

Summary of Outcomes from 7 provinces'

Deliberative Dialogues

Recommendations on principles of constitutional change process

1. If a new constitution will be drafted, it should be: (a) A draft constitution by people that are elected representatives of the people. Then the people can vote by a public referendum; (b) A constitution must be for the people and by the people. People should participate in the analysis and be able to critique the constitution as is done in general political schools. They should be able to identify content in the constitution; (c) The constitution must belong to the people. They must not feel they are ignored during the participation and their voices must be heard.

2. In the forum, participants still did not trust in the amendment process of the constitution and believed that the people should not use the amendment process for their own agenda.

3. For a preparation of a new constitution, there should be platforms for discussion from sub district to national level. The platform should be supported by clear rules to pursue common agreeable agendas. This will lead to resolving the country's problems and harmony through the process of drafting the constitution.

4. The Constitution is the supreme law of the country. It also should have the consent of people that reflects the "common ideologies"

Recommendations on numbers and sources of members of the Constitution Drafting Assembly and Constitution Drafting Committee

and a “new social contract” of the all Thai nations.

1. Constitution drafting members should directly come from an election. Expert members should not be allowed. However, one deliberative forum thought that the expert members should be elected rather than selected from the Senate.

2. A province should be a constituency. The quota of the Constitution Drafting Assembly member should be calculated on the population proportion.

3. Quota framework should be 175 - 225 members (Where one member represents approximately three hundred and twenty thousand people)

4. One man one vote system: An eligible voter can only vote for one candidate.

5. Qualification of the Constitution Drafting Representatives

- Thai nationality

- Being at least 25 years of age (Some deliberative forum wanted the age to be the same as the Senate: at least 40 years of age.)

- No educational requirement

6. Campaign of candidates: It was proposed that the campaign to show their vision or guideline for drafting the constitution can be done. The Election Commission would provide stages to introduce the candidate and campaign.

7. Timeframe for the draft constitution: The Constitution Drafting Assembly must finish the draft of constitution within 365 days or one year.

8. Constitution Drafting Committee: The 30 members of the Committee will be appointed by the Constitution Drafting Assembly; 15 members from the Constitution Drafting Assembly, 5 external legal experts, 5 external experts of political sciences or public administration and 5 external experts on politics, state administration or constitution drafting. Among the 30 members, they must contain an equitable number of representatives from every region and there must be at least ten women in the Committee.

Other recommendations

1. Constitution Drafting Assembly should organize systematic platforms for people's broadly participation. Once the Constitution Drafting Assembly identifies topics, learning and sharing forums should be first taken place among people. After having some opinions, the Constitution Drafting Assembly then process to public hearings.

2. For referendum process, Election Commission has to proceed in 90 days. People with different opinions, pro or against, must have equal chances to deliberate their thoughts. Various media will be used as learning tools and agenda setting in people's minds. Nevertheless, one deliberative forum thought that the joint meeting of Parliament Members and Constitution Drafting Assembly should discuss the draft of the constitution and vote to accept or reject the draft without

amendment. If the draft is rejected, then it will be passed to the Election Commission to organize a national referendum.

3. As for the content of the new constitution, it is noticed that the new constitution should give more precedence to local governance following the idea 'self-governing province'. For that purpose, there should be mechanism to prevent local politicians from abuse of power.

Way Forward

In March 2012, representatives from seven provinces deliberative dialogue forums have purposed recommendations to the Joint Parliamentary Constitution Amendment Committee. One of the core recommendations is that number of Constitution Drafting Assembly should be increased in order to have more representatives from diversity. It is still unclear that how much the Joint Parliamentary Constitution Amendment Committee has taken the recommendations into account. However, what can be seen is that now the Thai society is talking about constitution change more. Effort and action are to be taken further.

New Government demands for New Constitution

In April and May, the majority of MPs (mostly from the ruling coalition) voted for the New Constitution. They did not accept civil society's proposal to have 150 people to draft the new constitution as well as the recommendation of 1 year's time for the drafting process. Appropriately then, the academic and Civil Society led deliberation on the constitutional amendment process conducted by the Institute for Human Rights and

Peace Studies at Mahidol University concluded in March 2012. When they decided they would amend the Constitution of the Kingdom of Thailand, B.E. 2550, they explained that they had campaigned on the issue during 2011's General Election.

The present Constitution has been in place since October 24, 2007. During the years since, leaders from both Pheu Thai and the Red Shirts frequently alleged that, because the origin of this supreme law was the coup d'état, the charter was therefore a type of 'poisonous tree' that produced laws and effects that were also 'poisonous fruits'. They argued that, if the country needs peace, conciliation and harmony, the new constitution will help reconcile and remedy the rifts between parties. Those opposed to the fugitive former Prime Minister, Thaksin Shinawatra, asserted that the allegations against the constitution contained a hidden agenda designed to pave the way for Thaksin to return without having to face any of his unresolved legal problems.

Points to Consider About the Text of the New Constitution

From wider brainstorming among the attendees of various professions, the deliberation process outlined both the pros and cons of each issue that the new drafting committee needs to seriously discuss. The focus groups produced a summary of points to be deliberated on further by a larger forum made up of members that had joined the Institute's activities earlier in February and March 2012.

At the final deliberation forum, there were 60 representatives from relevant state agencies and civil society organizations from across the country. It was a diverse group which included among it the Open Forum for Democracy Foundation, law experts, academics, lawyers, the Office of the Election Commission, the Office of the National Human Rights Commission, the former leader of the Bank and Financial Workers' Federation, donor organizations, electoral monitoring organizations, the People Network for Elections in Thailand, and the Thai Election Network, Female Workers Foundation, Chiang Mai Self - Management Group, Truth Investigation Independent Commission, Community Radio Volunteer Network, ANFREL, Sathira Gosess-Naga Pradip Foundation, and the office of the Political Development Council, the Asia Foundation, the Law Reform Commission, and students, etc.

Some samples of the issues raised for further deliberation among the public include:

- General: discussion focused on whether the chapter should include the core values of the nation as well as fraternal interaction values?
- In the Preamble, should we discuss the unification of all races that resulted in the Thai nation and Thailand as a country? Should we include the historic struggles to achieve a democratic constitution in order to reveal the importance of

mutual struggling for having the constitution? Should such material be incorporated into the preamble, following the Constitution B.E. 2540?

- Should we regulate the rights and freedoms of every person in the Kingdom of Thailand, not only Thai citizenry?
- Should we regulate concisely and in principle only Fundamental State Policy, without including details, because the government holds the legitimacy to prepare and implement vital political policies?
- Should we define the judicial structure with more linkages to the people, i.e. an opening for the senate or parliament to participate in selecting the president of the Supreme Court from names nominated by a Judicial Committee or the parliament's endorsement with additional numbers?
- Should we include in the constitution asset reporting requirements for those holding significant positions, including not only politicians as is currently the case, but also for judges, court officials, and high ranking military officers?
- Despite the present constitution currently determining the judicial reform process, there is still an ongoing movement to issue such a judicial reform law. Should there be more active

participation of the people in this reform process?

- Should a candidate for MP be required to be a member of a political party or should he/she be able to run independently in the general election?

- Should there be senators? If yes, how many years in a term of service? Where do the senators derive from? Most participants believed that there should be a senate but what electoral system to apply to the body was more unclear.

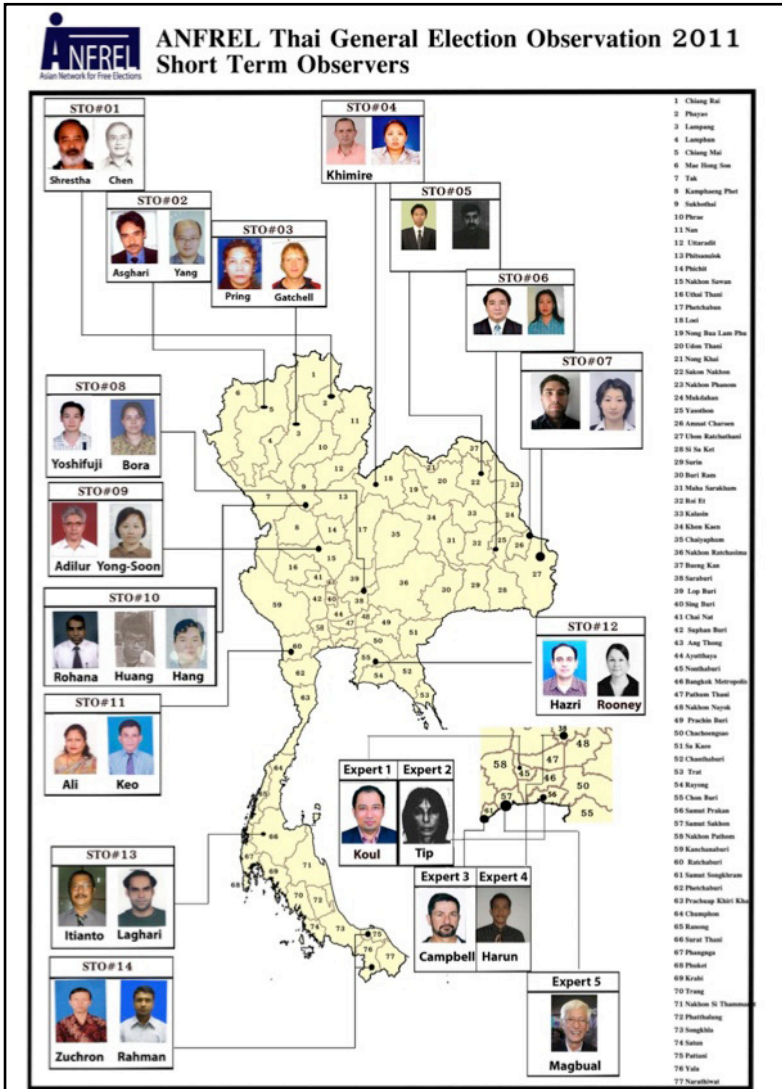
- Should there be general sections in the Chapter on independent agencies created by the constitution that discuss things like how far their independence reaches? What about standards of performance, and how to regulate the strategies?

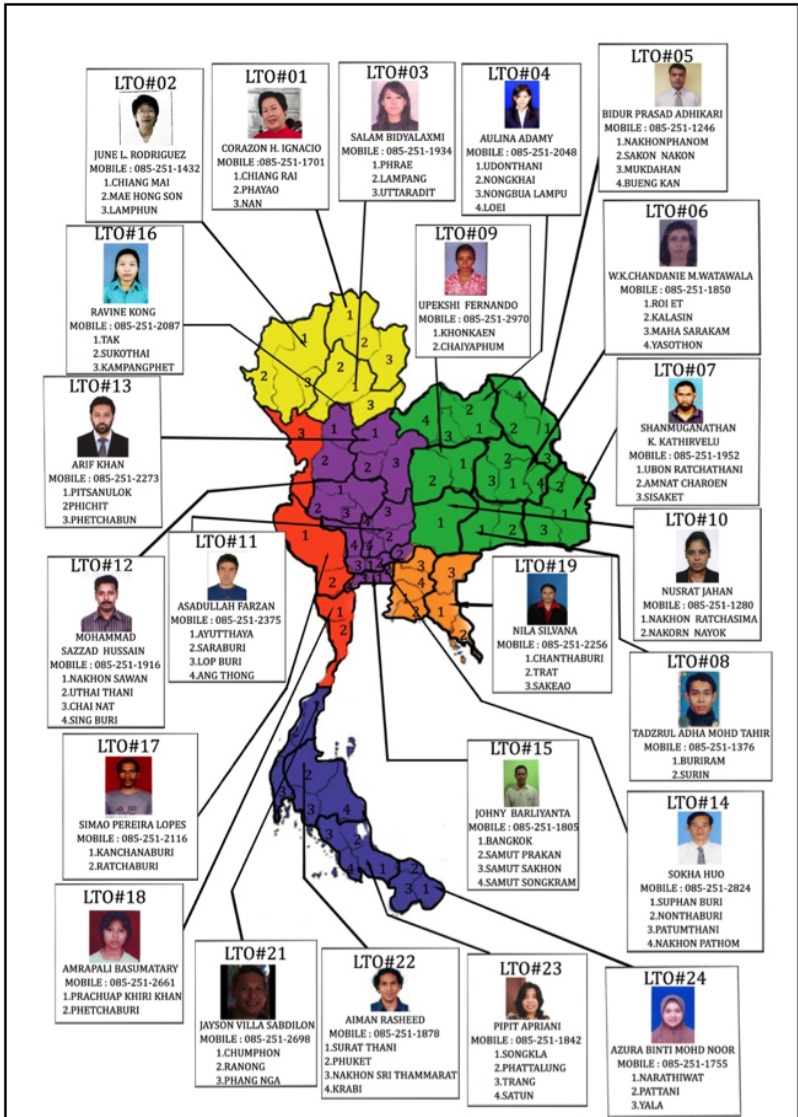
- Should there be more decentralization and emphasis on self-management for local governments including independence in local administration that corresponds with the local people's mandate?

“At the final deliberation forum, there were 60 representatives from relevant state agencies and civil society organizations from across the country.”

Appendices

Observer Deployment Maps





Thai Political Timeline

6 Jan 2001	Thaksin Shinawatra and his Thai Rak Thai (TRT) party win general elections on a populist platform of economic growth and development. He wins control of 296 of 500 seats in the House of Representatives.
Jan 2004	Muslim radicals launch an insurgency in the southern provinces. Thaksin responds with a strong military response that fails to quell the rebellion and brings strong criticism from human rights groups.
6 Feb 2005	Thaksin wins general election with an even larger majority (374 seats) thanks to his popularity in rural areas and high visibility in the aftermath of the Boxing Day tsunami.
Sep 2005	State-run television cancels a television news programme hosted by publisher Sondhi Limthongkul, saying the show that was often critical of Thaksin was 'irresponsible'.
Nov 2005	Sondhi begins weekly rallies that draw thousands of people and accuses the government of corruption, abuse of power, censorship and mishandling the Muslim insurgency.
23 Jan 2006	Thaksin's family sells its controlling stake in Shin Corp., the telecoms empire he founded, to a Singaporean firm for a tax-free US\$1.9 billion. Critics allege the sale involved insider trading and that

23 Jan 2006	national assets were sold to a foreign government, increasing anti-Thaksin sentiment.
4 Feb 2006	Tens of thousands of protesters gather in Bangkok for the first major demonstration demanding Thaksin's resignation.
24 Feb 2006	Amidst growing protests Thaksin dissolves Parliament and calls snap elections for 2 April 2006.
13 Mar 2006	Protesters march on Government House, Thaksin's office, and vow to stay camped out until he resigns.
2 Apr 2006	Elections are boycotted by the opposition. TRT party wins 57 percent of votes but unopposed TRT candidates for 38 seats fail to get the necessary quorum of 20% of eligible votes, preventing parliament from opening.
4 Apr 2006	After an audience with King Bhumibol and under increasing pressure, Thaksin announces that he would not accept the post of Prime Minister after the Parliament reconvenes but that he would continue to be Caretaker Prime Minister until his successor is elected by the Parliament.
Apr-May 2006	Thaksin takes a seven-week break from politics, but returns as caretaker Prime Minister and struggles to schedule a new election over increasing legal challenges.
8 May 2006	The Constitution Court invalidates the results of the April elections and calls for new elections.

30 May 2006	The Cabinet endorses an Election Commission proposal to hold a new round of elections on 15 October 2006.
24 Aug 2006	Thaksin accuses several army officers of plotting to kill him after police find a car containing bomb-making materials near his house.
19 Sep 2006	Military launches a coup d'état while Thaksin is in New York at the UN General Assembly. Led by General Sonthi Boonyaratglin, the coup leaders brand themselves the 'Council for Democratic Reform' (CDR), suspend the constitution, and dissolve the Cabinet, both houses of Parliament, and the Constitutional Court. Coup leaders later refer to themselves as the 'Council for National Security' (CNS).
20 Sep 2006	CDR issue a statement explaining their reasons for taking power, alleging Thaksin caused divisiveness, corruption, nepotism interfered in independent agencies, and insulted the King. General Sonthi announces that King Bhumibol Adulyadej endorsed him as the head of the interim governing council and promises to restore democracy in a year's time, implying elections scheduled for October 2006 are cancelled.
21 September 2006	Commissioners are Mr. Apichart Sukkhakhanond (Chairman), Mr. Praphan Naikovit, Mrs. Sodsri Sattayatham, Mr. Sumet Uppanisakorn, and Mr. Somchai Chuengprasert. (Later, Mr. Visuth Phodhithaen replaced Mr Sumet Uppanisakorn who retired at 70 years old in early 2010).
1 Oct 2006	Retired General Surayud Chulanont is appointed interim Prime Minister.
2 Oct 2006	Thaksin and most leading TRT figures resign from the party.
31 Dec 2006	Eight small bombs go off in Bangkok killing three people and injuring more than 38. No one claims responsibility. Coup

31 Dec 2006	leaders imply Thaksin is behind the bombs but a police investigation later alleges that southern insurgents were behind the attacks.
26 Jan 2007	Martial law is lifted in 41 of Thailand's 76 provinces but remains in place in another 35 provinces.
29 Mar 2007	Preliminary date for general elections set for 16 or 23 December 2007.
30 May 2007	TRT is dissolved by the Constitutional Tribunal for violation of election laws, with 111 party members barred from participating in politics for five years.
6 July 2007	The Constitution Drafting Committee votes unanimously to pass the draft constitutional charter.
31 July 2007	Final draft of constitutional charter is published. Major changes to the previous constitution include : making almost half of Senators appointed rather than elected, limiting the Prime Minister to two four year terms, banning the Prime Minister from major holdings in private companies, and making it easier to impeach the Prime Minister.
19 Aug 2007	A referendum on the constitution is held, with 57% voting 'yes' and 42% voting 'no', paving the way for elections later in the year. Turnout was around 60%. Pro-Thaksin areas generally rejected the constitution.
27 Aug 2007	Prime Minister Surayud Chulanont sets the election date as 23 December 2007.
11 Sep 2007	The Assets Scrutiny Committee (ASC) resolves to charge Thaksin and his wife with concealing their shares in Shin Corp, in violation of the constitution and the National Counter Corruption Act.
11 Sep 2007	Pheu Paendin (For the Motherland) Party' is created, grouping together more than 200 veteran Thai politicians, including many former TRT members.

11 Sep 2007	Elections Commissioner Sodsri Satayatham accuses the People's Network for Elections in Thailand (P-NET) of misusing ECT funds. P-NET later shows that the ECT has not given any money to P-NET in the past five years. Sodsri's refusal to apologise for her mistake leads to P-NET stopping cooperation with the ECT.
13 Oct 2007	Marital law removed in some areas but upheld in 27 provinces.
16 Oct 2007	The Cabinet approves a royal decree setting 23rd December as the date for the general election.
24 Oct 2007	PPP leader Samak Sundaravej claims he has documents from the CNS showing that the Council had approved a plan to prevent the PPP from coming to power. The Prime Minister, General Sonthi, and the CNS all initially doubt the documents are genuine but later admit their existence.
25 Oct 2007	PPP seek guidance from the Elections Commission on whether former prime minister Thaksin Shinawatra can act as its adviser.
16 Nov 2007	ECT rules that banned party executives cannot make campaign speeches, have their pictures depicted on campaign posters, or take part in public rallies.
6 Dec 2007	A poll shows that of the 80 party list seats, the PPP is projected to win 39, followed by the Democrat Party with 33, while other parties (Pheu Pandin, Chart Thai, Ruam Jai Thai Chart Pattana and Pracharaj) are predicted to win a total of eight seats.
23 Dec 2007	National Election Held In the first post coup election, the People Power Party(Allied to Thaksin) wins a plurality of seats, 233 out of 480 (199 from constituency system, 34 from the party list). The Democrat Party finishes second with 165 total seats(132 constituency, 33 party list)

29 January 2008	The PPP forms a coalition government with all minority parties except the Democrats and Samak Sundaravej becomes Thailand's 25th prime minister.
28 February 2008	Former prime minister Thaksin Shinawatra returns from his self imposed exile since PPP won elections and formed the new government. He and his wife face charges of corruption.
28 March 2008	After previously dissolving immediately after the coup, the PAD re-establishes itself and threatens to resume protests against Thaksin and his allies in government.
25 May 2008	The PAD begins street demonstrations at Democracy Monument, demanding Samak's resignation, and later settles at Makkhawan Rangsang Bridge.
July 2008	Thaksin Shinawatra's corruption trial begins. Thaksin's wife is found guilty of fraud and sentenced to three years in jail. She is granted bail pending an appeal.
July 2008	Cambodia and Thailand move troops to disputed land near ancient Preah Vihear temple after decision to list it as UN World Heritage Site fans nationalist emotions on both sides. Officials from both states start talks to resolve standoff.
11 August 2008	Thaksin and his (now ex) wife, Potjaman Na Pombejra, skipped a court appearance and fled to the UK two weeks after she was sentenced to three years in prison for fraud.
August - Dec 2008	PAD protesters invade Government House, three ministries and the headquarters of the National Broadcasting Service of Thailand. Public sector labor unions threaten to cut off water, electricity and telephone service to government offices and bring most public transport to a standstill. Seizure of government house would last until 2 Dec 2011.
29 August 2008	Train and air transport are disrupted by PAD supporters seizing smaller regional airports and blocking major roads in sev

29 August 2008	eral locations across the country. Services would resume a few days later and public sector labor unions would not follow up on their threat to disrupt services.
2 September 2008	Anti-PAD protesters clash with the PAD, leaving 1 PAD protester dead and 43 others injured. Vowing to not quit due to such "threats", PM Samak declares a controversial state of emergency in Bangkok which lasts until 14 September.
9 September 2008	The Constitutional Court of Thailand finds Samak guilty of violating the conflict of interest law and terminates his premiership, thanks to complaints brought by Senators and the ECT. The court ordered him to resign after being found guilty of violating Article 267 of the constitution for accepting money for hosting a TV cooking show which the court saw as a form of private employment while holding office, a violation.
11 September 2008	Army Gen. Anupong Paochinda publicly backs the creation of a unity government that would include all the country's parties. He also asks that the caretaker government lift the state of emergency that Samak declared on September the 4th.
17 September 2008	Somchai Wongsawat, Thaksin's brother-in-law, is chosen to be PM by the National Assembly(298 for Somchai-163 for Abhisit) and becomes prime minister. He is rejected by the PAD for being Thaksin's nominee and street protests continue.
4-5 October 2008	PAD leaders Chaiwat Sinsuwongse and Chamlong Srimuang are arrested by police on insurrection, illegal assembly, and refusing orders to disperse charges that were filed on August 27th, shortly after the PAD's invasion of Government House.
6 October 2008	PAD protesters rally at parliament, attempting to block a parliament session in which Prime Minister Somchai is to seek approval of policies. Police attempt to disperse protesters using tear gas. Somchai is forced to cross a fence to exit, while other members of par

	liament are stranded in the building for many hours. Intermittent clashes all day leave 2 dead and over 300 injured, including 20 policemen. Military troops are deployed to help control the situation.
8 October 2008	Queen Sirikit attended the cremation of one of the killed PAD protesters. The Queen was accompanied by her daughter Princess Chulabhorn, Army Chief Anupong Paochinda, and opposition leader Abhisit Vejjajiva.
9 October 2008	An appeals court withdraws insurrection charges against PAD leaders and releases Chamlong and Chaiwat on bail. The following day, the remaining PAD leaders turn themselves in to police and are released on bail.
21 October 2008	The supreme court found the exiled Thaksin guilty in a land purchase conflict of interest case, and sentenced him to two years in prison.
8 November 2008	The Government of the UK, where Thaksin had been primarily residing, revoked the visas of Thaksin and his (then) wife, Potjaman Na Pombejra, while the couple were travelling in China.
25 - 26 November 2008	The PAD blockaded Don Mueang, the domestic airport where the government held its temporary offices, and Suvarnabhumi International Airport which left thousands of tourists stranded and cut off virtually all of Thailand's international air connections. Several explosions and clashes occur in the following days.
26 November 2008	In a press conference, Army Commander General Anupong Paochinda proposed that the PAD withdraw from the airport and that the PPP coalition government resign.
27 November 2008	Government declares a state of emergency around the two occupied airports and orders police, with assistance from the military, to clear out PAD forces. Army spokesmen at the time

	refuses request while police clash with protesters over the next several days.
2-3 December 2008	On December 2nd, after weeks of opposition-led protests, the Constitutional Court of Thailand dissolved the governing People's Power Party and two coalition member parties and banned leaders of the parties, including Prime Minister Somchai Wongsawat, from politics for five years. The court found them guilty of vote buying during the 2007 election. PM Somchai promptly resigns. PPP calls the ruling a "judicial coup."
3 December 2008	Airport protests ended the day after the ruling. PAD leader Sondhi Limthongkul declares, "We have won a victory and achieved our aims."
6 December 2008	Opposition Democrat Party led by Abhisit Vejjajiva announced it had secured a coalition within parliament to become Thailand's new prime minister after MPs defected from former PPP coalition.
7 December 2008	The dissolved PPP transforms into the Puea Thai Party as many (but not all) MPs switch over. Importantly, MPs in the "Friends of Newin" group formerly within the PPP joined the BhumJai Thai party, which caucused with the new Democrat party government coalition.
17 Dec. 2008	Abhisit Vejjajiva becomes the 27th PM of Thailand.
March & April 2009	The United Front for Democracy Against Dictatorship (UDD) begins street protests against PM Abhisit. Thaksin accuses Abhisit of gaining power thanks to a system of aristocratic polity that, led by privy council president Prem Tinsulanonda's conspiring with the military, worked to bring the Democrats to power. The UDD, often referred to as the "RedShirts", is made up primarily of the rural and urban poor. During this time, they call for the resignation of Abhisit, dissolution of the parliament, and an immediate election.

2009 11-12 April	The UDD protest group stormed the Fourth East Asia Summit in Pattaya, forcing its cancellation. Prime Minister Abhisit Vejjajiva declares a state of emergency in Bangkok and five neighboring provinces.
14 April 2009	UDD/Red Shirt protests broken up by military. The "Red shirt" protests over the last 2 months result in several deaths and hundreds of injuries.
June 2009	Leaders of the PAD protest group that helped topple Thaksin Shinawatra apply to register themselves as the New Politics Party.
Jul-Sep 2009	Thousands of pro - and anti -Thaksin protestors hold regular rallies in Bangkok and elsewhere.
November 2009	Row with Cambodia grows over the appointment of Thaksin Shinawatra as an economic adviser to the Cambodian government.
26 February 2010	Supreme Court strips Mr Thaksin's family of half of its wealth after ruling that he illegally acquired \$1.4bn during his time as PM. Security forces placed on high alert amid fear of clashes with Thaksin supporters.
12-14 March 2010	Protesters converge on Bangkok & up to 150,000 hold a mass rally at the Phan Fah bridge in Bangkok's old quarter.
3 April 2010	Protesters seize the Ratchaprasong intersection in the commercial district of downtown Bangkok.
8 April 2010	State of emergency declared in Bangkok after red shirts force their way into parliament.
10 April 2010	Troops attempt to break up protest at PhanFah bridge, 25 people killed and more than 800 wounded in the country's worst clashes in 18 years.
14 April 2010	Red shirts consolidate protests into one site at Ratchaprasong.

22 April 2010	One woman is killed and more than 70 civilians injured when five M-79 grenades are launched from near pro-government demonstrators in Bangkok's Silom Road business district.
3 - 4 May 2010	Abhisit announces a five-point reconciliation road map which would culminate in a Nov 14 election. Red shirts respond, saying they accept Abhisit's offer, but object to election date.
12 May 2010	Abhisit tells red shirts the deal is off and cancels plans for November 14 election, giving demonstrators until midnight to end their protest or face eviction by force.
14 May 2010	Troops and protesters clash at multiple locations across Bangkok's commercial heart, where grenades and gunshots are heard throughout the day and night.
13 - 16 May 2010	Violence escalates as police and troops besiege protest camp. At least 35 total people have been killed and over 250 injured in clashes, including foreign journalists and medical workers. First reports of police officers joining with protestors and shooting at the army. "Red Shirt" leaders warn of the possibility of civil war.
19 May 2010	Army overruns red shirt camp resulting in more casualties which, in all, brought the death total to 91 people over the course of the recent months of protest. Red Shirt leaders surrender and are arrested which is followed by rioting across Bangkok in which many buildings are destroyed by arson attacks including the Central World shopping centre.
August 2010	Thailand resumes diplomatic ties with Cambodia after Phnom Penh announced the resignation of ousted Thai PM Thaksin Shinawatra as its economic advisor.
Late Dec - January 2011	Cambodia arrests 7 thai citizens/PAD members for illegally entering that country, including a Democrat MP and core leader of the PAD Veera Somkwamkid. Most are eventually given bail but PAD leader Veera and his secretary are eventually

Late Dec - January 2011	charged and found guilty of espionage, illegal entry, and trespassing, receiving lengthy prison sentences. “Yellow-shirt” nationalists protest in Bangkok against the government’s handling of the border row regarding the arrested Thais as well as disputed territory, demanding that Thailand get tougher with Cambodia.
February 2011	Thai and Cambodian forces exchange fire across the disputed border area near the Preah Vihear temple in the Northeast of Thailand. Both sides agree to allow Indonesian monitors to prevent further clashes.
11 Feb 2011	Constitutional Amendments pass final reading with Puea Thai Party members staging a walk out claiming that the vote was unconstitutional. Major changes to Sections 93-98 added 45 MPs from the party-list system to parliament and took away 25 MPs based on the constituency system. Total size of lower house increases from 480 to 500. Other changes were to Section 190 that relates to parliamentary approval for the signing of treaties.
23 March 2011	Army Chief Prayuth says army doesn’t want the Indonesian monitors coming to disputed areas because “it’s dangerous and will complicate the problem.” While rejecting the idea of observers, he finally concedes that it’s up to the government to decide.
23 March 2011	PAD leader Sondhi announces at rally that PAD will campaign for “No Votes” during election because they feel that all parties are corrupt. This campaign continues and includes fights with the leader of the New Politics Party that wants to contest, the party the PAD once founded.
April - May 2011	Fighting breaks out for several days between Cambodian and Thai forces across the border near two disputed Hindu temples of Ta Moan and Ta Krabey, later spreading back to the area around Preah Vihear temple.

7 April 2011	House Passes three election related organic laws required due to changes brought by February's constitutional amendments
10 April 2011	Thousands of red shirts rally near Phan Fah bridge to mark the one-year anniversary of first major crackdown against protesters in 2010.
12 April 2011	Army files lese majeste complaints on behalf of Army Chief Prayuth against several red shirt leaders for comments made during 10 April rally.
18 April 2011	After the PM raises the issue, the ECT agrees to draw up rules that forbid mentioning the monarchy during the election campaign.
19 April 2011	Influential former PM Chavalit Yongchaiyudh quits as a member of the Puea Thai Party because he says he's uncomfortable with their connections to the red shirts.
25 April 2011	Senate passes the three organic election laws and they're sent to constitutional court to verify their constitutionality.
6 May 2011	PM Abhisit submits royal decree to the king to dissolve the house.
9 May 2011	Constitutional Court clears the three election-related organic laws which were passed by parliament, approving them as inline with the March constitutional changes.
9 May 2011	After returning from ASEAN summit meeting, PM Abhisit confirms the king has endorsed the royal decree to dissolve parliament and it will take effect the next day, 10 May. During the same broadcast, he confirms that the Election Day will be July 3rd.
10 May 2011	Yingluck Shinawatra declares herself a candidate on Puea Thai's party list.
16 May 2011	Yingluck is announced to be Puea Thai's PM Candidate.

19 May 2011	Party registration and drawing of ballot numbers for party list voting. Puea Thai gets #1, Democrat party #10.
19 May 2011	Tens of thousands of red shirts rally at Ratchaprasong to commemorate the 1-year anniversary of the military's 2nd major 2010 crackdown against protesting red shirts.
23 May 2011	Registration Period for party-list candidates closes with 40 parties competing with a total of 1410 party-list candidates for the 125 party-list seats.
24 May 2011	Registration for Constituency based MP candidates begins.
24 May 2011	The Internal Security Act (ISA) has been lifted in Bangkok and the Centre for the Administration of Peace and Order (CAPO) has been closed down.
25 May 2011	The Pheu Thai Party filed a complaint with the EC charging the Democrat Party with spreading false allegations against Pheu Thai candidates, an offence punishable by party dissolution. The complaints are based on comments by Democrat Party Sec. Gen. Suthep where he called certain Puea Thai candidates linked to the red shirt movement terrorists.
28 May 2011	Registration for constituency based MPs ends. Unofficial results released by the ECT show 2,422 Applicants registering from 34 political parties. The Democrats & Pheu Thai field candidates in all 375 constituencies, Chart Pattana Puea Pandin in 288, Bhum Jai Thai 188, Chart Thai Pattana 158 and Rak Santi 107. 8 political parties have fielded only party list candidates, 2 parties are fielding only constituency list candidates.
June 26, 2011	Advance Voting Day from 8am-3pm; More than 2.6 million citizens registered to advance vote nationwide outside of their constituencies. More than 147,000 Thais living abroad registered with their local embassy or consulate.

3 July 2011	Election Day - According to the Election Commission, there was an approximately 75% turnout(75.03%) or 35,203,107 of the 46,921,682 eligible voters
31 July 2011	Re-Elections held in 2 provinces, Nong Khai & Sukothai, where winning candidates received yellow cards after complaints and investigations against them. Candidates accused of misconduct won their respective re-elections in both provinces.

Instances of Violence

At least 21 violent attacks on politicians and canvassers were recorded after House dissolution on 10 May 2011.

May 10 A gunman sprayed bullets at the car of Pracha Prasopdee, Pheu Thai candidate in Samut Prakan, in Phra Pradaeng district. He sustained minor injuries.

May 13 A ping-pong bomb was hurled into the car of Manote Reunthong, a canvasser for Worachai Hema, a Pheu Thai candidate in Samut Prakan. No injuries were reported.

May 22 ViroteDamsanit, president of Phong Pheng Tambon Administration Organisation, was shot dead and his wife was injured when hit men shot at the couple's Toyota Fortuner in Ang Thong's Pa Mok district.

May 26 Gunmen attacked the house of Charoen Jaesaman, a canvasser for Panich Vikitsreth, a Democrat candidate in Bangkok in the city's Bung Kum district. Nobody was injured.

May 28 Gunmen attacked the home of Phansak Khamkaew, president of Khelang Nakhon municipal council, in Lampang's Muang district. No injuries were reported.

May 29 A hoax bomb was found at a security booth at a public park in Phra Nakhon Si Ayutthaya district, which is a meeting point for the election campaign convoy of Surachet Chaikosol, a Pheu Thai candidate for Ayutthaya constituency 1. No injuries were reported.

May 29 Nimit Kaewkamphol, president of Phai Kwang TAO and a canvasser for Chartthaipattana key leader Pradit Phataraprasit, was gunned down in Phichit's Muang district. The police initially concluded that a business conflict precipitated the murder.

May 31 A mini-grenade was hurled at the rear of the People's Alliance for Democracy's stage near the Makhawan Rangsan bridge, injuring two people, one seriously.

June 3 Gunmen attack the home of a canvasser for Samart Muangsiri, a Democrat candidate in Bangkok's Constituency 28. No injuries were reported.

June 12 Daharee Karee, a canvasser for Pheu Thai candidate in Pattani, was stabbed to death at a teashop in Pattani's Yaring district.

June 12 Gunmen opened fire on the houses of Pin Kaewpulsiri and Somnuek Jantakaew, canvassers working for the Bhumjaithai candidate for Sukhothai. There were no injuries.

June 15 The president of the Lop Buri provincial administration organization was killed and two others, his wife and secretary, wounded in a broad daylight attack by a gunman in Phra Nakhon (Khao Sarn Road, Bangkok) district on Thursday afternoon. He was a canvasser for Bhumjaithai Party.

June 16 A Bhumjaithai's Lopburi canvasser was shot dead in Bangkok.

June 18 Pheu Thai's Ayudhaya canvasser was shot dead by Chartthipattana canvasser.

June 19 An M26 grenade was found near the house of a former village chief turned key Bhumjaithai canvasser in Lopburi.

June 19 A Pheu Thai canvasser was shot dead.

June 19 Confrontation leading to a fight between Democrat and Pheu Thai's supporters in Samut Prakarn. Abhisit was also threatened. His campaign in the area was eventually canceled.

June 20 A Democrat canvasser in Yala was shot dead. His wife was seriously injured.

June 21 A Pheu Thai canvasser in Ayudhaya was shot, he was badly injured.

June 24 A Bhumjaithai Thai canvasser in Narathivas was shot, he was badly injured.

June 28 Another Bhumjaithai canvasser has been shot dead behind the wheel of his pick-up in Bang Phae district of this central province, Ratchaburi.

July 1 Four firebombs exploded near Pheu Thai Party Office in Constituency 1 in Ayudhaya. No one was injured. The area is known to be the UDD's base for political activities.

Events compiled by ANFREL's media officer, Mrs. Orawan Yafa, from the following sources: www.bangkokpost.com, www.manager.co.th, www.matchon.co.th, www.thairath.co.th, www.saranitet.police.go.th/index1.php

The Pledging and Signing Ceremony Agenda

Pledging & Signing of the Code of Conduct for the General Election

Campaign of 2011

At the first floor of the Parliament Building

May 11, 2011

- 09.00-09.30 h. Registration
- 09.30-09.40 h. Opening Ceremony by President of the Parliament
- 09.40- 9.50 h. Keynote Address on “Ethics and Code of Conduct in Buddhism” by Prof. Dr. Phra Theppariyatvimol,
President of Mahamakut Buddhist University
- 09.50-10.00 h. Keynote Address on “Ethics and Code of Conduct in Islam” by the representative of Sheikh-ul-Islam of Thailand
- 10.00-10.10 h. Keynote Address on “Ethics and Code of Conduct in Christianity” by Archbishop Francis Xavier KriengsakKovithavanij
- 10.10- 10.20 h. Keynote Address on “The Election Commission of Thailand and Electoral Justice” by Chair of the Election Commission of Thailand
- 10.20-10.30 Keynote Address on “The Importance of Elections” by Mr. UthaiPimchaichon, former Speaker of the National Assembly

- 10.30-10.40 h. Mr. UthaiPimchaichon leads the pledge on the Code of Conduct, followed by leaders of political parties
- 10.40-10.55 h. Leaders of political parties, by alphabetic order, sign two copies of the Code of Conduct
Witnesses signed the Code of Conduct
- 10.55-11.00 h. Mr. UthaiPimchaichon hands over the copies of the Code of Conduct to President of the Parliament and Chair of the Election Commission of Thailand

At the end of the ceremony, signatories and dignitaries join a photo session.

Press Statements

Asian Network for Free Elections (ANFREL Foundation)

For Immediate Release: ANFREL Press Statement July 5th, 2011

Thailand's General Election on 3rd July

The Asian Network for Free Elections (ANFREL) wishes to congratulate the people of Thailand for turning out in large numbers to exercise their democratic right in a peaceful and orderly manner. Further, ANFREL wishes to compliment the Election Commission of Thailand (ECT) for their management of the General Elections on July 3rd 2011. ANFREL also wishes to acknowledge the contribution of all of the Electoral Supporting Organizations such as the Ministries of Interior, Foreign Affairs, Education as well as the Thai Post, Thai Airways, and the Royal Thai Police. Given the tense political situation in the country, the ECT performed admirably to manage a process that has produced election results that generally seem to reflect the will of the people. After years of political turmoil and violence that have divided the country, Thailand's citizens have voted and, no matter their political views, been able to express their political opinion in a peaceful and orderly way based on the rule of law.

Mr. Damaso Magbual, ANFREL's Head of Mission, agreed when he said that "The election period, in particular Election Day on July 3rd, was managed well and without any major incident which would call into question the election's results. Where problems and complaints exist, ANFREL encourages the ECT and all involved stakeholders to thoroughly investigate these cases and administer justice in a professional, objective,

and timely manner.”

The campaign period leading up to the vote saw heated debates, numerous allegations of vote - buying, and isolated cases of electoral violence that are currently under investigation. Vote buying and the detrimental effect of money politics remains a long - term challenge for Thailand. Electoral violence was seen in some areas across the country both before the 3rd as well as on Election Day. A number of canvassers and candidates were attacked and reports of intimidation were not uncommon.

ANFREL has significant concerns with regard to the advance-voting day on June 26th. The use of 2007’s non-resident advance voter list as a foundation for this election disenfranchised between 500,000 and 1 million people. “Advance voter lists should be based only on those voters registering for advance voting during that election cycle,” offered Mr. Magbual. The ECT did not sufficiently inform voters of the need to re - register in 2011 through its voter education. To date, this issue is the most substantial problem encountered regarding election administration.

Secondly, the change from two days to only one for advance voting also left some of the larger voting centres in urban areas overwhelmed by queues and traffic long enough to dissuade busy voters. Both problems can be addressed and ANFREL hopes to see the new government consider both issues in the near future to avoid a repeat of such problems in the future.

The pre-election period also included a discussion of the ECT’s printing of more than 12% excess ballots. The ECT made a commendable effort

to openly respond to complaints and questions on this issue, but did not explain why they seem to violate the relevant regulation that allows at most 7% excess ballots. As Mr. Magbual explained, “violations of the electoral law by an electoral management body such as the ECT are always regrettable because they lower the perceived legitimacy of the election and can damage the perception of neutrality and competence that the public has for the institution.” ANFREL encourages the ECT to clarify to the public the reasons for printing such a large percentage of excess ballots.

Regarding polling station staff, the role of village leaders (phuyaibahn) working or congregating at polling stations is worth noting because of the influence such leaders have. “In many countries within Asia, village chiefs are kept from working at polling stations because the enormous influence they command can unfairly sway voters,” explained Mr. Magbual. ANFREL observed many examples of phuyaibahn with compromised neutrality that were canvassers for political parties during the pre-election period.

After discovering many polling stations without any observers or party agents and knowing that observation plays an important role in providing electoral transparency, ANFREL wishes to encourage Thai civil society and political parties to play a more active and constructive role in strengthening the democratic process by engaging in more observation during the elections.

ANFREL was encouraged to find that the military generally acted professionally and neutrally throughout the election period. Some exceptions to this were instances where soldiers coming to vote brought their weapons inside polling stations in clear violation of internationally

accepted principles. Partisan political statements by certain prominent military gave cause for concern. Going forward, it is hoped that the military will continue to exercise the professional restraint they showed on Election Day by allowing legitimately elected leaders to govern.

Regarding political actors accepting election outcomes, ANFREL is encouraged by Prime Minister Abhisit and the Democrat Party's acceptance of election results when they conceded defeat to Pheu Thai on the night of the election. PM Abhisit should be commended for the graciousness of his move.

In the spirit of helping to consolidate the aspects of the electoral process to date and because every election has areas for improvement, ANFREL wishes to offer some constructive recommendations based on the observations of 60 observers working in the field. These recommendations are attached to the Preliminary Statement. ANFREL will continue to observe the electoral process in particular the finalization of and reactions to results and the complaints and appeals process. Both the preliminary findings and the recommendations will be further substantiated in a Final Report.

“Generally, despite some flaws, the election period to this point was orderly and provided the people a means through which to have their voices heard,” concluded Mr. Magbual.

ANFREL Press Statement
Advanced Voting Observation in Thailand
26th June 2011

With the organization of the advanced vote on Sunday 26th June, the ongoing electoral process in Thailand has entered a new phase: nearly 3 million voters, both residents and non-resident voters registered to cast their vote one week prior to the General Elections on 3rd July 2011. Voters across the country were able to cast their ballots in a largely quiet and well managed election environment.

ANFREL complements the Election Commission of Thailand and all supporting organizations for their efforts to organize this advanced vote. At the same time, and based on the observations of 60 international observers across the country, ANFREL would like to comment on the conduct of this vote in light of the upcoming Election Day.

About 3.3 million voters who registered to vote in advance in 2007, some as non - residents, were not aware that their names remained on the advance voting list in their former areas. This fact left them unable to vote this year in their actual constituencies unless they had previously notified the ECT of their return home. As an alternative to the current system, advance voting registration should automatically expire at the end of each election season. In addition, voter lists were either not provided in sufficient numbers, or the access to the voter lists was managed in an haphazard manner at some polling locations, a shortcoming that should be addressed by the end of this week.

Polling Station management has seen small but significant inconsistencies both in the number of polling personnel on duty as well as what concerns the correct conduct of procedures, even in cases where polling stations were next to each other in the same polling centres. These managerial inconsistencies should be swiftly addressed by the ECT leadership during the yet to be held trainings for polling officials.

Polling Centers in Bangkok and other urban centres were planned for up to 100.000 voters. Whereas the logistics of this operation went remarkably well in most cases, it became evident that halving the advanced voting period from two days to one day caused traffic jams and led to overcrowded polling stations, resulting in some voters turning away without having cast their votes, especially in Bang Kapi (Bangkok), Chiang Mai, Samut Prakarn, etc. In cases such as these, ECT commissioners should use their authority to order some polling station officials to extend their voting time when necessary.

Advanced voting day falls during the campaign period and, while campaigning was forbidden around polling locations, ANFREL advocates for the advanced voting date to be treated as an Election Day where campaign activities such as rallies, campaign vehicle circuits, and house-to-house visits should not be allowed at all.

The presence of party agents inside the polling stations was scarcer than one might have expected. ANFREL calls upon all political parties and their candidates to train and send more agents to witness the polls inside the polling station. ANFREL also reminds all political actors to conduct a fair campaign finish according to the “Code of Conduct for Electoral Campaign”.

Security was adequately provided for the advanced polls, but the voting of soldiers has raised significant concerns in some parts of the country: In Narathiwat, Pattani, and Songkhla, military personnel cast their ballots while carrying arms to polling stations. Additionally, over one thousand soldiers at a polling center in Kanchanaburi were given priority at the ballot box, causing regular voters to return to their homes disappointedly.

ANFREL calls upon the ECT and the supporting organizations, in particular the Royal Thai Police and the Thai Post, to maintain the transparency and accuracy that was observed during the close of the advanced vote and the handover/ takeover of ballot papers. The ballots must be stored securely during the entire week. The transmission of non-residential ballot papers must not invoke any doubt about the integrity of the transport chains and the accuracy of them being counted after the close of polls next Sunday.

ANFREL further calls upon the media to constructively support the electoral process without overemphasizing singular violent incidents; upon civil society organizations to continue the recruitment and training of national election observers; and upon the voters to make their decisions independently and to vote freely on Sunday 3rd July.

Press Statement June 21, 2011

ANFREL Calls for Peaceful Free & Fair Elections in Thailand

The run up to the July 3 election, marred by reports of violence from different parts of the country, has become a cause of concern for everyone.

There have been several reports of violence from Samut Prakan under Phra Pradaeng district as well as from other provinces. The stabbing death of a Pheu Thai party canvasser in Pattani, the shooting death of the Lop Buri Provincial Administrator in broad daylight on June 15 near Khao San road in Bangkok, the killing of a Democratic party canvasser in Yala province on June 20, and other incidents in the last two weeks are indeed not conducive to a clean and free election process.

International observers are of the opinion that much of the violence is politically motivated; beginning with election campaigning after candidates began visiting their constituents. Incidents of violence, threats and intimidation are raising serious questions about the freedom of movement and the lack of a free campaign atmosphere.

Last month the Asian Network for Free Elections (ANFREL) together with other local organizations had launched a pledging ceremony at the Thai Parliament to call for a six-point code of conduct during the elections. As many as 18 political parties were signatory to the pledge, which was unveiled in front of religious leaders and diplomats. Party representatives specifically promised to direct all their candidates and supporters to maintain a nonviolent approach for the election campaign.

In this context and considering that the pre-election phase has been already tainted by violence, ANFREL would like to reiterate the fact that all contesting political parties should honor the pledge and create space for healthy participation for everyone, especially voters.

So far over 12 major cases of violence has been recorded by the media, with a number of cases of threats and intimidation. ANFREL's international observers who are out in the field have reported several cases of such threats and intimidation.

Therefore, ANFREL takes this opportunity to appeal to all party leaders to ask their supporters to end the violence, stop disturbing or obstructing the campaign process of their opponents. All stakeholders should encourage peaceful and violence free elections to pave the way for a credible and peaceful election process in Thailand.

Press Statement

Observers Hope Elections will Normalise Thai Politics and Reinforce Democracy

June 6th, 2011

The Asian Network for Free Elections (ANFREL) will begin deploying a team of election observers from countries across Asia and beyond. At a press conference held at 2:00pm on the 6th, ANFREL's team explained the structure and methodology of its observation effort and detailed the areas where ANFREL had concerns about the upcoming General Elections in Thailand.

This is ANFREL's 4th Election Observation Mission to Thailand. In 2007, observers highlighted their observation of vote buying by political parties, electoral violence, intimidation, and disputed impartiality of polling officials. Having those recent political developments in mind, ANFREL is concerned about the campaign strategies of political candidates, the improper use of money in politics, and possible violence. The group calls for the respect of the freedom of movement, assembly, and expression. Furthermore, the acceptance of democratically achieved election results by both political parties and voters will be of importance to ensure the integrity of the process. Observers wish to remind stakeholders of the code of conduct on campaigning and other electoral behaviour that was endorsed by most political parties. They hope that all stakeholders will take their commitment seriously for the sake of a peaceful and credible election outcome.

In total, by Thailand's Election Day on July 3rd, ANFREL will have a team of approximately 60 international election observers that will be deployed

to observe in every province across the country. ANFREL has 24 long-term observers (LTOs) that have been in the country since June 3rd that will stay and observe in the provinces until a week after the election. These observers will be on the ground for over a month in order to observe a majority of the pre-election period as well as the counting and official reporting of the results after the election. In addition to the LTOs, ANFREL's group of more than 30 short-term observers (STO) arrives on the 22nd of June and will begin their observation soon thereafter.

Finally, ANFREL is utilizing a team of 6 electoral experts that will be in the country to study the vital issues facing the country. These experts will add a depth of experience and knowledge in the field of democratic development that Thailand & ANFREL is fortunate to be able to rely upon.

ANFREL's observers come from more than 20 countries and are experienced in the field of election observation and/or human rights. They hope to observe a genuine electoral process free from irregularities and fraud that will bring afore the will of the people. ANFREL believes that the presence of international observers can help to make the entire process more transparent and accessible to the public.

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