

Towards Recentralisation?: Thailand'S 2014 Coup, Tutelage Democracy And Their Effects On Local Government

Abstract

Due to the tenacious rivalry between the royalist-nationalist faction and its pro-liberal counterpart nationwide since 2006, the traditional elites and the military have sought to reinvigorate their political hegemony, especially through the recentralisation scheme under the tutelage democratic regime. However, it appears too hasty to conclude at this stage that hopes for decentralisation in Thailand are fading. A growing public appetite for popular democracy and local self-government which led to mass protests in 2020 seems to keep such hopes alive. Meanwhile, recent problems, notably the persistent air pollution in Chiang Mai and economic fallout exacerbated by the outbreak of Covid-19, further expose the problems pertaining to recentralisation. This article seeks to assess the adverse effects of the 2014 coups and tutelage democracy on Thailand's decentralisation process as well as how political struggles for liberal democracy nonetheless help preserve hopes for this process.

Introduction

For eight decades, the implementation and progress of the decentralisation scheme in Thailand has been intermittently interrupted by the recurrence of military coups. These have occurred eight times since the late 1950s, the coup of 22 May 2014 being the most recent. Moreover, the military-backed elected government led by coup-leader-turned Prime Minister (PM), General Prayuth Chan-ocha from early 2019, has sought to reintroduce the model reformers earlier sought to deter—*tutelage democracy*, i.e. democracy with extremely centralised administration under the patronage and tutelage of royalist-conservative elites and the military (Riggs 1966). According to these holdover elites, this is deemed vital for resolving the country's disintegrating tendencies, rendered critical by the tenacious rivalry between the royalist-nationalist 'yellow' faction and its pro-liberal 'red' counterpart nationwide. Accordingly, these elites see local self-government as deleterious fragmentation of the polity. It is not without relevance that most of the supporters of the anti-elite red movement in Thailand's colour-coded politics live in the North or North-East of the country and are opposed to the hegemony of Bangkok in Thailand's highly centralised polity.

This does not bode well for the future of local self-government, despite the entrenchment of decentralisation in the 1997 and subsequent constitutions. Nevertheless, given a growing public appetite for popular democracy and local self-government reinforced by a watershed event -the constitutional reforms of 1997 - Prayuth's attempt to reintroduce tutelage democracy stirs up a significant degree of hitherto-repressed anger. As of October 2020, protests against Prayuth's government appear to be growing and pervading nationwide. Therefore, it would be too hasty to conclude that hopes for decentralisation in Thailand are fading. Recent problems, in particular, the persistent air pollution in the North and economic grievances exacerbated by the pestilence of Covid-19 further expose the problems of re-concentration. In this paper, we therefore assess the adverse effects of the 2014 coup and tutelage democracy on Thailand's decentralisation process as well as how political struggles for liberal democracy nonetheless help preserve hopes for this process.

Two Competing Conceptions of Local Governance in Thailand

The two competing notions of local governance are the conservative notion and its more liberal counterpart. The former is embraced by the elites and the military, while pro-liberal supporters, in particular the red movement, the left-leaning Future Forward Party, and its successor the Move Forward Party, champion the latter.

The conservative notion of local governance is intertwined with the Thai elites' preference for the model of 'deconcentration', i.e., the establishment of provinces, districts, *Tambon* (sub-districts), and villages, as agents of the central government, rather than 'decentralisation'; the difference between the two lies in the extent of local autonomy. From 1893 onwards, state officials appointed by the Ministry of Interior ('Mol') have been sent from Bangkok to the outer provinces in the South, North, and Northeast, to steer local administrative activities (Baker and Pasuk 2009: 55-6). Despite Thailand's tradition of parliamentary democracy going back to 1932, the royalist clique, backed by the military, was able to successfully restore royal hegemony by adopting the regime of Bangkok-centric, tutelage democracy known as *the Democratic Regime with the King as the Head of the State* ('DRKH'). The term 'democracy' here, in contrast to liberal democracy, is integrated with dictatorship. By claiming to act in the name of the people, Thai elites therefore proclaim the democratic legitimacy of their regime. Since the late 1950s decentralisation has been contingent upon, and so severely limited by, the hegemony of such elitist interests. When local politicians commenced 'to exert local influence over matters such as policy-making and appointments, traditionally reserved for officials in the military and centralised bureaucracy, the accusation of threats to the DRKH was invoked in consequence, thus, in turn, prompting royalist coups especially in 1958, 1971, 1976, 1991, 2006, and 2014 suspending both parliamentary democracy and decentralisation (Ferrara 2015: 271).

By contrast, the root of the liberal notion of local governance can be traced back to the Revolution overthrowing royal absolutism on 24 June 1932, carried out by the group of civilians and military officers known as the People's Party. The civilian mastermind of the group, Pridi Banomyong, regarded local government autonomy as essential for consolidating democracy from the grassroots level. In 1933 he spearheaded the establishment of decentralised local authorities (DLA) known as *Thetsaban*, as distinct from mere deconcentrated agencies—the first local election law, the Local Assembly Election Act 1936, was later promulgated pursuant to such establishment (Banomyong 1931: 134-144). Before 1997, several laws were enacted to create other forms of decentralised local authority, namely the Provincial Administration Organisation ('PAO') Act 1955, Bangkok Metropolitan Administration ('BMA') Act 1975, and Pattaya City ('PC') Act 1978, and the Tambon Administration Organisation ('TAO') Act 1994. Each of these authorities has its own executive council and legislative body capable of enacting by-laws for the relevant precinct. However, it was not until 1997 that local self-government was endorsed as a constitutional right. The Decentralisation Plan and Process Act 1999 ('the 1999 Act') was enacted pursuant to the 1997 Constitution to galvanise decentralisation in Thailand, in particular by specifying types of public services and activities to be transferred to the DLAs, such as waste management, city and investment planning, sport and recreation, and education (Sections 16-18). It also requires the central government to transfer each fiscal year at least 35% of its budget to the DLA (Section 30(4)). The 1997 Constitution and the 1999 Act also guarantee local citizens' right to elect for four-year-term members of the local legislative assembly as well as the DLA executive head.

Growing demands for liberal democracy and decentralisation among local citizens fostered by the seminal 1997 'people's' Constitution nevertheless led to the formation of the anti-establishment red-shirt movement, and other pro-liberal activist groups. The emergence of this pro-liberal movement, together with the continuing popularity with the red shirts of former PM Thaksin Shinawatra, has generated frustration amongst the yellow faction. Thaksin and his supporters have since then been accused of disloyalty to the nation and the throne. Thailand's intractable political cleavage culminated in the colour-coded crisis between 2006 and 2014 which, in turn, instigated two royalist coups, in 2006 and 2014.

Since 2014, due to further intense demands for liberal democracy and local self-government, the elites and the military have striven to reaffirm tutelage democracy to ensure their political hegemony. Decentralisation is implicitly stigmatised as the process by which threats to the DRKH—pro-Thaksin local influence groups—are facilitated to legitimately participate in national politics (Pasuk and Baker 2009: ch 1). However, it is not necessarily correct to conclude that the recurrence of two military coups marks the end of decentralisation. In fact, despite the 2006 abrogation of the 1997 Constitution, which was the first Thai constitution with an explicit reference to DLAs, the attempt to reinvigorate tutelage democracy cannot totally abolish decentralisation, for the 1997 Constitution also galvanised regional demands for local self-governance. In the next two sections, we will assess the adverse impacts of the post-2014 reinforcement of tutelage democracy on the contours of decentralisation and hopes for its future development in Thailand.

Adverse Impacts of the Post-2014 Tutelage Democracy on Decentralisation

Having been wary of the red shirts' strong rural base and Thaksin's remaining popularity among the rural masses, Prayuth employed several draconian measures following the 2014 coup, notably coup announcements, directives, and Section 44 ('M-44') of the 2014 Interim Constitution, enabling him in the capacity of Head of the National Council for Peace and Order ('NCPO') to promulgate any executive orders, and thus to curb Thailand's decentralisation.

In 2014 Prayuth issued NCPO Announcements Nos. 85/2557 and 86/2557, suspending local elections at all levels. As of October 2020, it has been more than six years that they have been suspended. The lack of unison between the MoI and the Election Commission ('EC') further frustrates their restoration. On 10 August, the Interior Minister, General Anupong Paochinda, informed Senators that the EC was unprepared to organise local elections due to the initial need to train its

officers Anupong's statement signifies the junta's endeavour to prolong its tutelage regime. However, the EC fired back, confirming its readiness to arrange the polls on the next day (Bangkok Post 2020a). Meanwhile, as the terms of office of some sub-national elected legislatures and executives had already expired during NCPO rule, these two by-laws also established an appointments committee for each province. However, the composition of such committees severely compromised local self-government. Not only does the deputy director of the provincial Internal Security Operations Command sit on the committee, but the MoI-appointed provincial governor is also designated as its chair. Both Announcements also require that two-thirds of the newly-appointed members of local legislatures be former senior civil servants. In addition to the coup announcements, M-44 too was invoked to appoint local executives. Besides, by issuing the NCPO Announcements Nos. 88/2557 and 104/2557, Prayuth also bestowed upon military officials and deconcentrated agencies, i.e., provincial governors and district chiefs, substantial authority to review and countermand budgetary allocations at the local level.

As previously indicated, the BMA governor, and the PC mayor are executive heads directly elected by local citizens. In 2016, Prayuth issued M-44 Order No. 64/2559 dismissing the then BMA governor elected in 2013, Sukhumphan Boriphath, who was at the time struggling with corruption scandals. However, rather than letting the local electorate citizens decide the future of Bangkok, the PM appointed a former police general as the new governor. Likewise, when the term of office of the then PT mayor expired in 2017, M-44 Order No. 6/2560 was imposed to appoint another former police general as the new mayor. Apart from the matter of appointments, by issuing the NCPO Announcements Nos. 88/2557 and 104/2557, Prayuth also bestowed upon military officials and deconcentrated agencies, i.e., provincial governors and district chiefs, substantial authority to review and countermand budgetary allocations at the local level.

The aforesaid attempts at 're-centralisation' significantly deteriorate Thailand's already ailing democracy (Unger and Mahakanjana 2016). The promulgation of the 2017 Constitution further worsens the situation. While its 1997 and 2007 predecessors (though the latter was initiated by the 2006 military junta) emphatically articulated that members of the legislative assembly and the executive council be elected directly by local citizens, the current 2017 Constitution permits the installment of administrators of specially autonomous local authorities (currently, BMA and PC) by 'means other than direct popular election', thus implicitly leaving room for the military-backed government to pass laws or issue orders appointing its favourites to such positions (Section 252). Unlike its predecessors, the 2017 Constitution no longer bars MoI bureaucrats from running for local office. This permission clearly strengthens central government dominance over DLAs. Even so, recent incidents, namely the air-pollution problem in the northern province of Chiang Mai ('CM') and the spread of Covid-19, blatantly expose the problems of re-concentration.

In early 2019 and 2020, the sky of CM was blanketed by airborne fine particulate matter precipitated by smouldering forest fires. This problem has been persistent for a decade, and there can be no doubt that the CM government with its local knowledge is much better able to deal with this problem than the central government. However, due to Prayuth's recentralisation scheme, CM citizens' role in determining the solution is severely limited. Given that the central government holds the ultimate decision-making authority over this matter, no sustainable solution has so far been initiated (AsiaTimes 2020a). Yet, this does not mean CM residents have never struggled for local self-government. In fact, shortly before the coup, the sense of local identities fostered by the 1997 Constitution propelled some of them to propose before Parliament the Chiang Mai Metropolitan Administration Bill 2014, containing provisions devolving several decision-making powers on local matters, including environmental issues, to the CM government, and several other innovative provisions. Yet, as CM is the red shirts' heartland, Prayuth has continuously halted the Bill from being passed, and it seems unlikely it will become law at any point in the near future. Nonetheless, this Bill indicates that the demand for ever greater decentralisation is by no means dead.

Recentralisation has proved ineffective too in dealing with the recent spread of Covid-19. The government chose to handle the pandemic by declaring a state of emergency. Such declaration, enabling him to issue several Covid-19 Regulations, significantly buttressed Prayuth's recentralisation policy, and is widely berated as a mechanism aimed at repressing rising demands for liberal democracy among younger generations (CrisisGroup 2020). The wearing of face masks becomes

mandatory; meanwhile, a nationwide curfew was put in place, while social gatherings and the dissemination of 'false' and 'fake' information on the pandemic are forbidden. The government also bestows upon provincial governors the responsibility to supervise the implementation of these emergency measures within their precincts (Covid-19 Regulations Nos.1, 2 and 3). However, the imposition of the emergency 'lockdown' policy, in turn, hastens job losses and liquidations. Rising poverty has subsequently resulted in a mass exodus of destitute Thais from Bangkok to the countryside, thus fuelling calls for local economic-stimulus packages (AsiaTimes 2020b). Recentralisation appears to offer no effective or plausible solution, and, in fact, has the effect of stirring up grievances. As with the economic crisis in 1997, Janssen (ibid.) rightly demands reinvigoration of the liberal notion of local governance enshrined in the 1997 Constitution, as Covid-19 conditions demand different responses according to the locality rather than one-size-fits-all solutions.

Anti-Coup Movements: Some Hope for Decentralisation?

In his interview on 14 June 2020, Deputy Prime Minister Wisanu Krua-ngam publicly stated that local elections might be postponed as 'the central budget for them has been diverted to contain the coronavirus outbreak' (Bangkok Post 2020b). Not unexpectedly, the interview infuriated large segments of Thai society. Already frustrated by the prolonged regime of 'tutelage democracy' led by Prayuth, younger generations and pro-liberal, pro-decentralisation advocates disparaged such postponement as an attempt by the conservative elites and the military to totally subvert liberal democracy. Due to this simmering discontent, nationwide anti-junta protests eventually burst out in July and August 2020. This simmering discontent together with adverse impacts on the Thai economy caused by Covid-19 undoubtedly prodded the ruling elites to urgently contemplate adopting a more decentralised scheme to mitigate social rift.. Due to immense public pressure, Prayuth allowed the local election to be held within 60 days from 26 October 2020. The anti-junta group, the Progressive Movement ('PG'), led by Thanathorn Juangroongruangkit, former leader of the dissolved left-wing Future Forward Party, also announced its intention to run for such election. However, to maintain his recentralisation scheme, Prayuth still barred the election of Bangkok Governor. Meanwhile, given the climate of growing dissent against the tutelage regime compounded with the PG's announced intention to contest, the forthcoming election will no doubt be a critical juncture of Thailand's pestering rivalry between the royalist-nationalist faction and its pro-liberal counterpart. This leads us to the conclusion that the fate of Thailand's decentralisation efforts is indelibly bound up with the long struggle between the opposing forces represented by the yellow and red movements. Any compromise between these groups must necessarily involve some form of power-sharing or at least the possibility of changing local leaders by popular election. It seems unlikely that local elections could be postponed indefinitely.

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