

## Thailand Votes for Democracy

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A judicial coup would reward the Democrats for bad behavior.

If the main opposition party boycotts an election, should this invalidate the result? The answer to this question is critical to Thailand's stability after the Democrat Party refused to participate in Sunday's poll.

Despite threats and some real attempts by protesters to disrupt the voting, as well as a gun battle on the outskirts of Bangkok Saturday, election day was surprisingly peaceful. Voting proceeded smoothly at 90% of polling stations. Official turnout numbers haven't been released, but it seems nearly half of the electorate voted.



Reuters

An anti-government protester raises a fist during a rally outside a government office where Prime Minister Yingluck Shinawatra had been holding a meeting in Bangkok February 3, 2014.

That's impressive considering voters didn't know whether they would face attackers as they went to the polls. To their credit, some opponents of the government ignored the opposition's antidemocratic rhetoric and turned out, casting spoiled ballots to register their position.

The result of the election, though also yet to be announced, is not in much doubt, and it never was. Prominent Democrat politicians admitted that they had no chance of winning and this was one reason they boycotted.

Now the Democrats vow to fight on by nondemocratic means, including more street protests and legal challenges. The first method, essentially mob rule, has failed, as attendance at antigovernment rallies dwindles. A new parliament will take six months to form as by-elections must be held in many constituencies that failed to register candidates. It will be tough to keep opposition supporters riled up with only a caretaker government to tilt against.

That leaves legal proceedings as the most likely means for the Democrats to bring down Prime Minister [Yingluck Shinawatra](#) and the supporters of her brother, former Prime Minister [Thaksin Shinawatra](#). The Constitutional Court has a long history of putting its thumb on the political scale. It invalidated the 2006 election, which the opposition also boycotted, on grounds that voting booths were incorrectly positioned.

The term "judicial coup" entered the Thai lexicon in 2008 when the Constitutional Court toppled two pro-Thaksin governments, outlawed the ruling party and banned individual MPs from politics for five years. A rump parliament and Democrat government then presided over Thailand for three years, until the 2011 election returned pro-Thaksin forces to power.

The military and aristocratic elite considerably enhanced the court's power in the 2007 Constitution put in place after a military coup. Along with the National Anti-Corruption Commission and other nonelected institutions, it is now the chief guardian against the pro-Thaksin forces. Since it can and does strike down amendments to the constitution, its power is near absolute.

However, should the court and the NACC use their power to remove Ms. Yingluck and Puea Thai, it could prove to be their downfall. A 2014 judicial coup would likely cement public views that these institutions are no longer a check on executive power but instead a tool for dictatorship. Rural Thais, who make up the bulk of the population, are losing patience with such arrangements designed to thwart their ability to elect popular parties.

For the Bangkok elite, who largely supported the Democrats' antidemocratic rallies, a judicial coup and the resulting uncertainty would also exact a high financial price. The strain of prolonged unrest is starting to show in tourist arrivals, which were down 50% in January, and investment is on hold. Combined with the general uneasiness about emerging markets, that makes Thailand's economy vulnerable.

The belief of the Democrat Party that their path to power lies through street demagoguery and lawyers rather than the ballot box is at the root of Thailand's problems. Only when both sides agree to let democratic institutions resolve their disputes will society return to normality. A judicial coup would reward the Democrats for their misbehavior.

There are circumstances under which a boycott of an election may be legitimate, for instance when voting is not free and fair. But that is not the case in Thailand, nor has the opposition substantiated such allegations. When a party in a modern democracy behaves like a spoiled child and boycotts an election, its punishment should be sitting on the sidelines until it decides to grow up.