

# Current Development in Preventing and Resolving Conflicts through Reconciliation Election Project: Thailand's Experience

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## Background

The Election Commission of Thailand (ECT) has been established according to the Constitution of the Kingdom of Thailand as an independent statutory body consisting of a Chairman and other four Commissioners appointed by His Majesty the King on the advice of the Senate, from persons of apparent impartiality and integrity.

The Election Commission assumes the office for a term of seven years non-renewable. The present members of the Election Commission of Thailand are former distinguished justices and public prosecutor selected by the plenary session of the Supreme Court and the House of Senators in accordance with the 1997 Constitution. They have restored into this organization trust and confidence of the Thai people. The success of the Election Commission in conducting the national referendum, the general elections of members of the House of Representatives and Senators, including local elections has reflected the Election Commission's commitment to uphold the principles of transparency and integrity in the management of democratic elections.

## Authorities and Duties of the Election Commission of Thailand

1. To organize an election and a referendum to be proceeded in an honest and fair manner.
2. To issue notifications and regulations about an honest and fair election campaign of a political party, candidate, and eligible voter as well as determine a measure for the State to support equal election campaign.
3. To conduct a fact finding investigation and inquiries and make decision on arising electoral problems and disputes.

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4. To order a new round of election or referendum where there occurs credible evidence indicating electoral irregularities.

5. To announce the results of an election, selection, and referendum voting.

6. To conduct civic education about the democratic regime with the King as the Head of the State including promoting political public participation.

7. The ECT Chairman serves as the Political Party Registrar.

Electoral process is very important in democratic nations as crucial instrument in selecting good persons to represent public interest in communities. Like other countries, election competition in Thailand is very high and often leads to conflicts in the society. For the past elections of members of the local assemblies including local administrators in Thailand, there were lots of electoral complaints and petitions and most of them were caused by misinterpretation of the relevant laws. As a person does not realize facts which are an element of malfeasance and furthermore thinks such a fact really exists, results in ordering a new round of election. A repeated election contributes to waste of budget, loss of trust in an electoral process, social conflict and lack of unity necessary for improving the society. Therefore, every single part of the society shall hold its hand to build reconciliation. The process of building reconciliation is a process of dispute resolution concerning electoral complaints and petitions by which the disputes would be settled for satisfaction of stakeholders in order to reduce social conflict.

### **Attempts in building reconciliation in election**

In 2007 the Election Commission of Thailand or the ECT issued its regulation called “the Election Commission Regulation on the Reconciliation Election B.E. 2550” which determines following 2 methods for its implementation:

1. Building knowledge and comprehension as the *“Prevention Measures”*

2. Process of building reconciliation as the *“Disputes Resolution Measures”*

The Reconciliation Election Project aims to create consciousness of candidates that they will not violate laws and furthermore the unity among related electoral persons is constructively concentered and eventually benefits local community directly. Both candidates and their supporters should focus on prosperity and future of their community or probable public interest rather than specifically look only into a little benefit by playing old-fashioned politics that is the way of getting into power by not making any good thing for their localities.

Currently, the reconciliation politics is increasingly important to the Thai society since it makes every stakeholder see their goal clearly and participate in developing their local communities gracefully which will definitely be, as a result, a basic of enhancing the national democratic governance. Moreover, when a competition is completed, everyone should move towards interests of community, society and country as a whole as well as create harmony among persons involved in an election.

### **Objectives of the Reconciliation Election Project**

The objectives of this project are as follows:

1. To suppress electoral complaints and petitions and resolve them for satisfaction of stakeholders.
2. To provide knowledge and comprehension about relevant electoral laws, regulations and practice for candidates and related persons.
3. To make all stakeholders compete fairly and accept an election result including maintaining friendship among candidates both before and after election so that an election campaign can be proceeded transparently without any breach of law, votes buying and mud-slinging.

### **Targeted groups**

The Reconciliation Election Project focuses in these targeted groups:

1. Candidates for an election of members of the local assemblies or local administrators
2. Candidates' supporters
3. Persons involving in electoral management
4. Senior respected persons of the community

## **Operation of the Reconciliation Election Project**

The Election Commission of Thailand initiated the Reconciliation Election Project with an aim to make candidates know and understand well about the electoral laws, rules and regulations; for example, “How to run an election campaign legally?” Furthermore, the project cultivates consciousness of candidates, candidates’ supporters and eligible voters to realize the principles of competition in a democratic way and bad effect of votes buying as well as reduce complaints, breaches of electoral laws and conflicts in the society.

Under the Election Commission Regulation on the Reconciliation Election, whenever there is an election of members of the local assemblies or local administrators, every the Office of the Provincial Election Commission must submit the main ECT Office proposals of the reconciliation election project. The sub-committee for certifying the non-governmental organizations for monitoring an election chaired by the Election Commissioner, responsible for the Public Participation Bureau, will consider the proposal and can approve a budget for operation not more than 200,000 Baht (or about 5,700 US Dollar).

Having been approved the project proposal, the Office of the Provincial Election Commission throughout the country will organize projects for providing knowledge and comprehension including cultivating consciousness of candidates, candidates’ supporters or canvassers and eligible voters about the local elections as the prevention measure. Candidates will be supplied with knowledge and understanding about laws and regulations, the democratic principles and correct methods of election campaign. In addition, a community forum is maybe held in sub-district or village area for reaching consensus of selecting suitable candidates to run an election.

However, under the circumstance of struggling for political interests, it might be possible to use the disputes resolution measure by which after an election finishes if candidates do not agree with the result due to the fact that they might misinterpret or misunderstand the legal provisions or facts; the mechanism of reconciliation election will be implemented to find a mediator accepted by the related stakeholders to settle down the dispute. However, as for a case of legal violation, an authority concerned will assume responsibility honestly, impartially, transparently and accountably according to the good governance principles in order to contribute fairness for everyone.

The Reconciliation Election Project can be viewed that it works more than regular ADRs since it not only resolves but also prevents conflicts. It is believed that not only the reconciliation election will prevent the local elections from being a channel for seeking power and personal interests, but it can also make an electoral competition be a place of giving advantages to community and country.

### **Outcome of the Reconciliation Election Project in Thailand**

The Office of the Election Commission of Thailand has conducted studies and assessments of building reconciliation in the so far local elections and finds the reconciliation election is successful by which electoral complains occurred from misunderstanding in laws and facts has considerably decreased in number. The result of the project of monitoring and evaluating the reconciliation election indicated that a number of electoral complaints and petitions dropped from 1,493 cases in the 2003 local elections to 1,387 cases in 2007 local elections. The project is proved to be an effective mechanism to resolve disputes for preventing violence in the local community, particularly at the Sub-district Administration Organization level. Consequently, the ECT prepares to expand this project to cover the national elections. A political reform can occur when perspective, knowledge and understanding are appropriately adjusted to a concept that politics is everyone's life. The real politics is not limited only having politicians to administer and monitor the state's affairs; on the other hand, the democratic governance is people's business because people are directly impacted by policies, laws and regulations promulgated by their representatives. People must therefore prudently elect their representatives only the ones having good faith and public mind for doing the country's business. An election shall not be regarded as a stage of dreadful competition, while politicians should always realize the people's needs and operate everything within the legal framework both before and during holding their positions. So, the reconciliation politics is of the people, by the people and for the people.

### **Conclusion**

Thailand has come a long way to reach the present stage of democracy, in which active participation of civil society is essential. The strength of the democratic nation depends not only upon a democratically elected government, but also on the quality and constructive role of its electorate, the degree to which its citizens are aware of their rights and responsibilities in the society, and the extent of their active participation

in all political processes. Please bear in mind that there is no single blueprint for democracy to suit the prevailing circumstances. Thailand in this respect has her own form of parliamentary democracy, in which public participation is accommodated and promoted.

Building reconciliation in an election is an important change of the Thai society requiring strong will and position including a new ideology based on people's interests that ultimately bring about sustainable unity and harmony in the country.

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