

Electing the Thai Senate. A Passage to Democracy?

Stefan Collignon¹

Siripan Nogsuan Sawasdee²

Warin Chuchepchunkamon³

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¹ Chulalongkorn University, Bangkok, Department of Political Science

² Chulalongkorn University, Bangkok, Department of Political Science

³ Chulalongkorn University, Bangkok, Department of Economics

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The Senate elections in Thailand, held in June 2024, were designed as a step in the country's transition from military rule to democracy. Yet, they were widely criticized for being "antidemocratic" (Campion, 2024), "undemocratic" (Vanijaka, 2024), "flawed" (Phasuk, 2024) and "the most complicated election in the world" (Ewe, 2024). In this paper we ask whether the elections to this Senate have been a step toward democracy in Thailand.

It is a fundamental principle of representative democracies that governments are elected by parliaments that carry the mandate of the people. In an ideal world, governments respond to the preferences of citizens, implement reliably the mandate received from the people, and remain accountable to voters (Przeworski, Stokes, & Manin, 1999). That is more easily said than done. The constitutionalist Hans Kelsen (1961, chap. 9, §48) observed that the idea of democracy corresponds to monocameral legislatures. Bicameral systems follow the model of constitutional monarchies. Historically, the purpose of the second, upper chamber was to protect aristocratic privileges, but nowadays it is to improve the democratic representation. There are two ways to go about this. One is to let the upper house act as an independent expert and advisor and as a watchdog that protects the rights of individuals and minorities in the process of legislation. The other is to make the upper house a competing chamber that can block legislation from the lower house. Either way it is necessary that there is a degree of independence and diversity between the two chambers of Parliament.

In Thailand, the newly elected Senate occupies a middle position. It can review, scrutinize, endorse or reject legislation, but it cannot block it. It must, however, approve certain key positions for independent agencies (High Courts, Electoral Commission, National Anti-Corruption Commission), and it can veto constitutional reforms. However, since 2024, it can no longer veto the appointment of the prime minister. There is incongruence between the Senate and the House of Representatives because their tasks are different, but also because senators are not elected by universal suffrage. Effectively, candidate senators elected senators, and this system is unique in the world. Not surprisingly, the democratic legitimacy of the Thai Senate has been challenged.

To find an answer whether the Thai Senate strengthens democracy, we will first review theories of bicameralism and place the Senate of Thailand in its historical context. Second, we describe the intricate way the new Thai Senate is elected. Third, we analyse the representativity of the new Senate. Forth, the final section attempts to explain political affiliations of the new senators.

1. Bicameral constitutions in context

Bicameralism is common in many countries. It has a long history. The modern parliamentary system originated in European assemblies, which had their historic roots in the fragmented representation of distinct social groups. This segmentation was particularly pronounced in Sweden, where at one point the assemblies comprised four chambers representing the aristocracy, clergy, burghers, and peasants (Passaglia, 2018, pp. 5-6). Nowadays, nearly all

parliamentary systems in the world have either one or two chambers.⁴ Of the 190 national parliaments globally, 78 (i.e. 41 percent) maintain bicameral and 112 operate monocameral systems.⁵ Not all of the 190 countries deserve the title “democracy”. In the European Union, 13 countries are bicameral and 14 are monocameral, but given that democracy is a necessary condition for joining the EU, we can conclude that in principle both systems are compatible with democracy.

Among developing and emerging countries, the role of bicameralism is ambivalent. In Latin America, bicameralism remains common, but several countries, including Cuba, Nicaragua, and Venezuela, have abolished the second chamber to streamline legislative processes and consolidate presidential executive power (Llanos & Nolte, 2003). In Africa, bicameralism has resurged, serving as a strategic tool for incumbents to keep control over legislation. By designing indirectly elected or appointed second chambers, ruling parties can create loyalty within the legislative structure. These reforms appear democratic, but often strengthen the incumbents’ hold on power and weaken legislative accountability. Based on her studies of Africa, Gerzso (2024, pp. 512-3) found that “bicameralism in non-democratic settings can become a roadblock to democratization by further accentuating the executive branch’s domination over the legislative branch”. Among ASEAN member states, only 4 countries (Thailand, Malaysia, Philippines, Cambodia) have bicameral parliaments.

Second chambers around the world offer a wide range of diverse selection methods. They vary from wholly elected to wholly appointed chambers, including a mixture of both. Of all the second chambers in the world today, only 36 percent are directly elected, another 36 percent are indirectly chosen, and in 28 percent the majority of members are appointed (House of Lords, 2024). Thailand’s history is checkered. Since 1932 when absolute monarchy was abolished, Thailand has had 20 constitutions and charters with a series of intervening military coups. Over a period of 65 years, Thailand operated in 46 years with a bicameral system, that is in 70.8 percent of the time. In 33 years (72 percent of bicameral constitutions), the senators were appointed and not elected. See Table 1 and Figure 2.

Bicameralism and democracy

Functions of bicameralism

What is the point of having two distinct parliaments for producing one single law or legislation? The literature on bicameralism has identified two functions: expertise and checks-and-balances. These functions play different roles in unitary and federal states.

The archetype of the expertise function is the British House of Lords in its present form (since 1999). Traditionally upper houses were composed of older and wealthier individuals to represent the landed aristocracy and the rising commercial and industrial bourgeoisie (Money & Tsebelis, 1992, p. 28). Nowadays the House of Lords is a chamber that reviews the legislation coming from the House of Commons. Based on their professional skills, experience, and merits, members are appointed by the King on recommendation by the government (Russell,

⁴ The Isle of Man has the only functioning tricameral parliament in the world today.

⁵ See Inter-Parliamentary Union’s PARLINE database <http://archive.ipu.org/parline/parlinesearch.asp> (last accessed on 29 October 2024).

2013). They can reject bills and send them back to the Commons for reconsideration. However, most importantly, the Lords cannot block the passage of a bill into law. It is their task to improve the legislative project, but the power of decision stays in the lower house. There is a clear asymmetry of power which makes the expert function of the upper house acceptable and legitimate. Chambers that review legislation and provide expertise are called *revisionist*.

Constitutional checks and balances have the purpose of preventing the tyranny of majorities. Montesquieu (1989 [1748], p. XI.6) was one of the first to discover this: “In a state there are always some people who are distinguished by birth, wealth, or honours; but if they were mixed among the people and if they only had one voice like the others, the common liberty would be their enslavement and they would have no interest in defending it, because most of the representations would be against them. Therefore, the advantages they have in the state, which will happen if they form a body that has the right to check the enterprise of the people, as the people have the right to check theirs”. This is the classical argument of “mixing” democracy with oligarchy, i.e., balancing the interests of both the rich and the poor, as Aristotle (1932) taught 2500 years ago.

Bicameralism deliberately creates frictions for the legislative process, and this can improve the efficacy of law-making. But frictions can also undermine the system’s efficacy. As more legislators are given a voice, and myopic legislators in the lower house have second thoughts about adopting certain laws (Heller 2007), the law-making process slows down. This may minimize arbitrariness and injustice in governmental action (Riker, 1992), but it also renders change more difficult. Bicameralism combined with royal or presidential veto power can also create supermajority rules and gridlock (Daniel & Myerson, 1999). This is desirable if the delay in legislation contributes to closing the gap between political majorities in the lower house and collective preferences in society. If the frictions contribute to political stability, they will foster economic growth, but it is also possible that they may also create gridlock, especially when societies go through profound changes to which the government remains insensitive.

The *checks-and-balance* function implies more symmetry between the chambers. The power of higher chambers is most developed in federal systems, where the upper house represents territorial interests and the lower house represents the interests of the population as a whole (Money & Tsebelis, 1992, p. 27). In federal states, second chambers give a voice to culturally diversified groups. In post-colonial states they often represent ethnic minorities, but the most studied systems are the United States Senate or the German *Bundesrat*. The Federalist Papers conceived the American Senate as an anchor for stability that protected against “the mutability in public councils arising from a rapid succession of new members” (Madison, Jay, & Hamilton, 1788, p. paper 62). In unitary states like Thailand, the regional cleavage is constitutionally weak, cultural heterogeneity is less salient, and typically socio-economic cleavages dominate.

Bicameralism and democracy

In principle, democratic legitimacy can be achieved by two developments. First, output legitimacy emerges from welfare enhancing legislation. If the second chamber improves the quality of legislation and policymaking, a revisionist second chamber will generate output legitimacy even if members are appointed or indirectly elected. Second, input legitimacy

stems from the procedural logic of democracy and requires elections. Criticism of insufficiently democratic upper chambers hinges on input legitimacy (Russell, 2013).

In some countries, the upper chambers are more expert centred; in others they are made more similar to and congruent with lower houses. In this latter case the two chambers effectively converge to the behaviour of a single chamber parliament. Italy is an example where the Senate and the House of Representatives have nearly identical legislative functions. This high degree of congruence has led to a practise whereby alternately one chamber takes the lead in deliberating on the government's legislation while the other then rubber stamps the vote.

When second chambers have veto power over legislation, they are more powerful than revisionist chambers. Because they express regional and political cleavages, they are more political and competitive. This generates a trade-off between the revisionist efficiency and the competitive checks-and-balance function. In general, we would expect that revisionist or cooperating (i.e. non-competitive) legislatures are more welfare improving than competitive chambers. On the other hand, competitive, i.e., non-cooperating legislatures are likely to improve gridlock which can be welfare diminishing. This is more likely to occur when members of the second chamber are elected and not appointed. Taking economic growth as our benchmark, we shall see below that the Thai Senate has traditionally tended to be revisionist and cooperative, but when its members were elected, it became competitive and non-cooperative.

A stable balance of power between the two chambers requires that the output of legislation is perceived as fair. Fairness is a more delicate concept than legitimacy and it does not mean equable. For instance, poorer regions may deserve extra support and financial transfers, and people may find this legitimate. Fiscal federalism is the theory of how to balance political power by economic transfers. But in unitary states fairness must balance the interests of different social groups. If some actors can permanently dominate the upper chamber for their interests, the legitimacy and acceptance of the system is under threat.

In recent years, many authoritarian regimes seem to favour bicameral systems, presumably because it provides a legitimate "mask" to broader, more controversial changes (Gerzso T. , 2024). Second chambers are adopted as a means for controlling the legislature, particularly for the purposes of post-conflict reconciliation (Baturo & Elgie, 2018). Arguably, this logic of protecting the elites against excessive democratic demands also applies to post-military coups. However, even if the second chamber lacks democratic input legitimacy, it may generate output legitimacy by making the legislative process more effective, stable, and representative (Farrington, 2015).

In aristocratic England, the House of Lords served as the backstop against the egalitarian democratic demands from the Commons. There is little doubt that the last Thai Senate (2019-2024) had a similar function of preventing an incoming democratic government turning against the previous military rulers. But in a democracy, this backstop function is not tenable. The Thai constitution of 2017 has therefore taken back the veto powers of the Senate with

regards to the appointment of the Prime Minister, but only starting with the 2024 election of the Senate.

If the two chambers are elected by similar rules and have symmetric powers, legislative inefficiencies may be minimised because legislation is easily passed, but little would be gained for stability. Such a system approaches monocameral governance. But if the two chambers represent radically opposite interest groups and have mutual veto powers, efficient government may become impossible. Revisionist chambers avoid this trade-off, but the efficacy of system then depends on the competences and the composition of the chamber's members. The Thai constitution responds to this logic by composing the Senate out of 20 professional groups, supposedly without political affiliations, although in reality the electoral process generates a bias for party political dominance.

Thus, the efficacy of bicameralist regimes is ambivalent. The system generates a trade-off between the costs of inefficiency when legislation is delayed or blocked and the gains of long run stability resulting from greater consensus in society. Optimal bicameral systems are therefore based on a moderate degree of representative incongruence between the two houses and an asymmetry of power in favour of the elected chamber.

Bicameralism in Thailand

In Thailand, the bicameral system has a long tradition, as can be seen in Table 1. It was first introduced by the 1946 Constitution. However, after each of the subsequent coups d'état, the ruling military junta reverted to a monocameral legislature, with all members handpicked by coup leaders. Military rule sought to legislate without frictions.

Over time, Thailand has gone through periods with monocameral and bicameral parliaments, and sometimes the senators were appointed and at others they were elected. Figure 1 gives an overview of economic growth and institutional regimes since 1960. The military regime in the 1960s and early 70s ruled with a single chamber. When bicameralism was introduced, until the late mid-1990s, senators were appointed by the King, based on the government's recommendation, ensuring loyalty to established power structures.

The 1997 Constitution marked a shift, introducing a fully elected Senate of 200 members, using the Single Non-Transferable Vote (SNTV) system. Although this reform granted input legitimacy through direct elections in 2000, the elected Senate faced criticism for being dominated by the government, and allegations of corruption and cronyism (Chambers, 2009) (Rich, 2013, pp. 83-130). Following the military coup in 2006, the 2007 Constitution altered the Senate to a partially elected body, with 76 elected senators (one from each province) and 74 appointed members. After another coup in 2014, the current military-drafted constitution reshaped the Senate once again. According to the 2017 referendum, all 250 senators were appointed by the military junta for the first five years. After this transition, the Thai Senate evolved into a 200-member body selected through an occupational self-selection process, without the authority to choose the prime minister.

Figure 1.

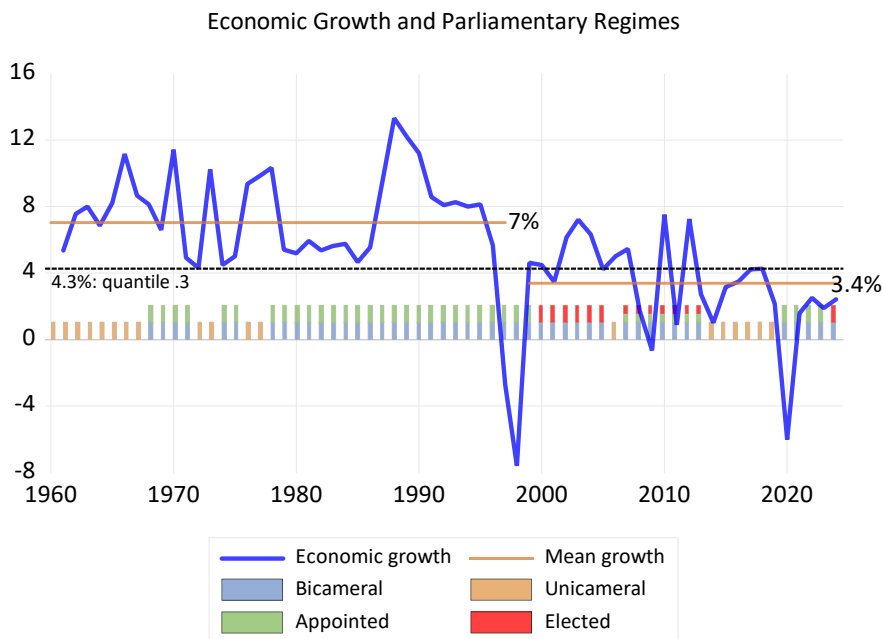


Table 1.

Thailand's bicameral and unicameral legislatures 1932-2024

Constitutions	Year of Election	Electoral System and district magnitude	No. of MPs	Unicameral /Bicameral	By Means of		No. of Senators
					MPs	Senate	
1. 1932	1933	MMD/province	78	Unicameral	indirectly elected/appointed	-	-
2. 1932	1937	SMD	91	Unicameral	elected + }	-	-
	1932	SMD	91	Unicameral	appointed }	-	-
3. 1946	1946	SMD	96	Bicameral	elected	indirectly elected ¹	80
4. 1947	1948	MMD/province	99	Bicameral	elected	appointed	99
5. 1949	1952	MMD/province	123	Bicameral	elected	appointed	100
6. 1952	1957Feb	MMD/province	160	Unicameral	elected	-	-
	1952	1957Dec	160	Unicameral	elected	-	-
7. 1959	-	-	-	Unicameral	appointed	-	-
8. 1968	1969	MMD/province	219	Bicameral	elected	appointed	¾ MPs
9. 1972	-	-	-	Unicameral	appointed	-	¾ MPs
10. 1974	1975	1-3 MMD	269	Bicameral	elected	appointed	100
	1976	1-3 MMD	279	Bicameral	elected	appointed	100
11. 1976	-	-	>300<400	Unicameral	appointed	-	-
12. 1977	-	-	>300<400	Unicameral	appointed	-	-
13. 1978	1979	1-3 MMD	301	Bicameral	elected	appointed	¾ MPs
	1978	1983	324	Bicameral	elected	appointed	¾ MPs
	1978	1986	347	Bicameral	elected	appointed	¾ MPs
	1978	1988	357	Bicameral	elected	appointed	¾ MPs
14. 1991	-	-	-	Unicameral	appointed	-	-
15. 1991	1992 Mar	1-3 MMD	360	Bicameral	elected	appointed	270
	1991	1992 Sep	360	Bicameral	elected	appointed	270
	1991	1995	391	Bicameral	elected	appointed	270
	1991	1996	393	Bicameral	elected	appointed	270
16. 1997	2001	SMD+PR	500 (400+100)	Bicameral	elected	elected	200
	1997	2004	500 (400+100)	Bicameral	elected	elected	200
	1997	2005	500 (400+100)	Bicameral	elected	elected	200
17. 2006	-	-	-	Unicameral	appointed	-	-
18. 2007	2007	MMD+PR (8 clusters)	480 (400+80)	Bicameral	elected	half elected, half selected	150
	2011	SMD+PR	500 (375+125)	Bicameral	elected	-	(76+74)
19. 2014	-	-	-	Unicameral	appointed	-	200
20. 2017	-2019	MMA	500 (350+150)	Bicameral	elected	appointed	250
	-2023	SMD + PR	500 (400+100)	Bicameral	elected	elected (2014)	200

Sources: Author's compilation, based on data from the Constitutions of Thailand 1932-2017 and Election Division, Department of Local Administration (DOLA), Ministry of the Interior.

Noted: MMA = Mixed-Member Apportionment

The impact of the Thai Senate on economic growth and democracy

To measure the impact of constitutional arrangements on the welfare of a country is not obvious. However, the long run the economic growth rate is an indicator for development. We therefore estimate a formal model that measures the effects of bicameralism and the election of senators on economic growth. We also estimate the impact on an index of democracy. Given Thailand's long experience with military governments we have also added a dummy for military rule. Our purpose is not to estimate the growth rate or the degree of democracy but to obtain some indication for the structural impact of institutions. We use data from the World Bank data set for Thailand and the V-dem index for democracy.⁶ To gauge the impact of regime-change and to optimise the lag structure, we have first estimated an autoregressive distributed lag model (ARDL) with the annual growth rate as the dependent variable and the rate of investment (to catch the economic factors) and three dummy variables as the independent variables, where the value 1 reflects bicameralism and elected Senates and 0 otherwise.⁷ The full econometric output is shown in the appendix. The optimal ARDL lag structure is (2,2,0,0,1) which means that over the full period 1963-2023 the bicameral dummy is significant with two lags, but the treatment for elected senators and military rule are only having a contemporary impact. See annex 1. The mean coefficient for bicameralism is highly significant and positive after two years and elected senators have a significant and negative contemporary effect. Military rule lowers economic growth but is not significant. However, Figure 1 reveals that after the Asian financial crisis in 1998 the average economic growth rate was fell to one half of what it was before. To get a clearer sense of the significance of the institutional impact, we have re-estimated the same variables as a Quantile Autoregressive Distributed Lag (QARDL) model, introduced by Cho, Kim, and Shin (2015), as an extension of traditional ARDL models. It captures the dynamics of conditional quantiles of the dependent variable.

Figure 2 shows the results. On the left of the charts, we find the coefficient for periods of low economic growth, on the right for high growth. We find that our structural dummies are only significant for growth rates in the range of .3 to .9 quantiles, which means above 4.3 percent (see Figure 1). This was always the case before the Asian Financial Crisis and never attained during the military rule of General Prayut Chan-o-cha. When growth was high, bicameralism had a significant positive effect on economic development, but when senators were elected the effect turned negative. The net effect of elected bicameralism was negative (see annex 1). Military rule has a negative coefficient, although it is not highly significant. The variable D(BICAMERAL) indicates a switch in the regime. We find that after one year, the change from mono- to bicameralism decelerates the growth rate, especially if the economic conditions are good. The rate of investment (GCF_GDP), however, accelerates economic growth as we would expect.

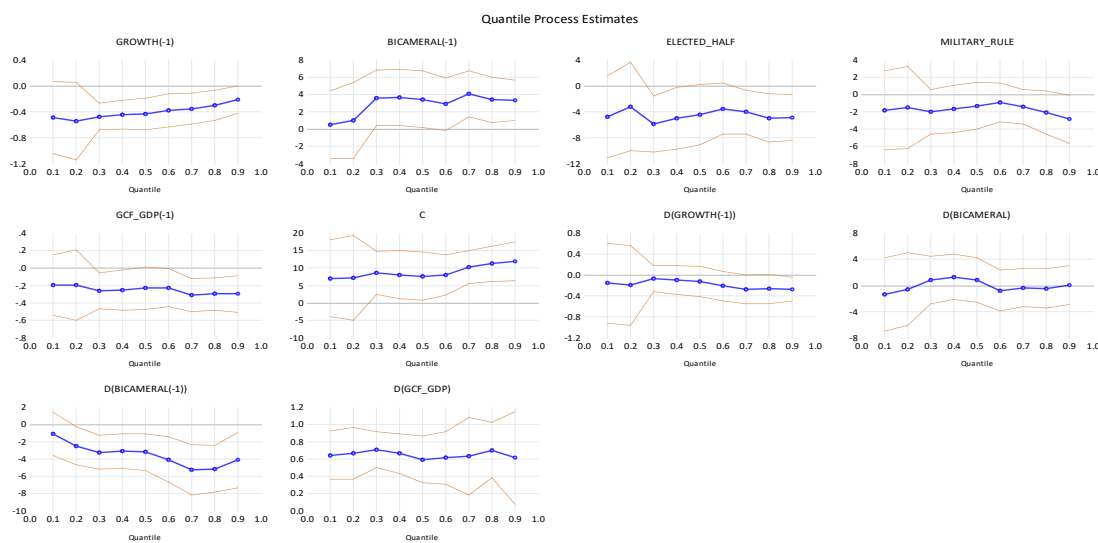
From this evidence we conclude that in good times the existence of the Thai Senate has contributed to higher economic growth and rising living standards. This is consistent with the

⁶ <https://data.worldbank.org/country/thailand>; Country-Year: V-Dem Full+Others v14 – V-Dem (v2x_polyarchy)

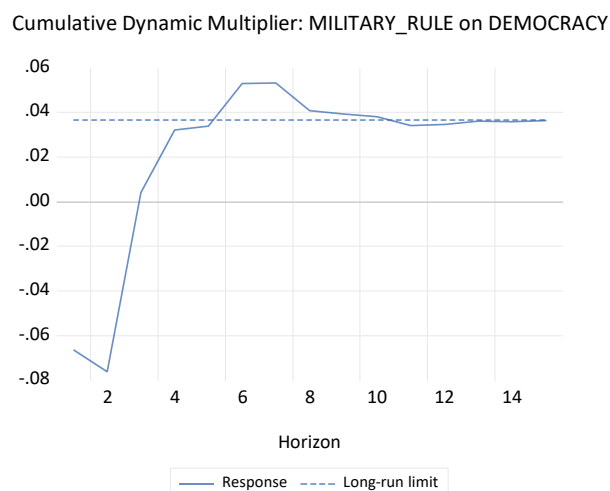
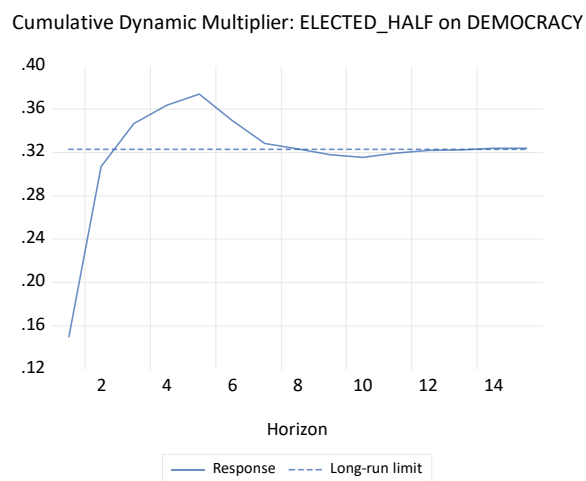
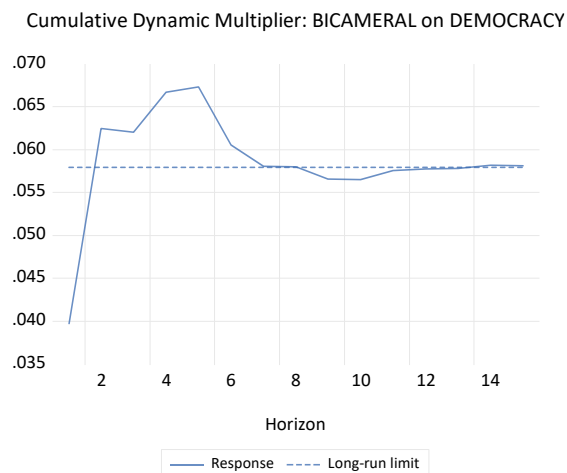
⁷ The variable ELECTED_HALF is a dummy of 1 for fully elected senates and 0.5 if half of the senators are appointed.

assumption that that it has mainly worked like a revisionary chamber. However, elections have introduced a competitive dimension which has reduced the senate's efficacy. However, in periods of stagnation this is less clear. We may presume that when the output legitimacy of the second chamber is in doubt, the frictions between the two chambers become more important. Furthermore, elected senators have lowered growth rates. We have taken this as an indication that bicameralism in Thailand has been competitive between the two chambers with negative consequences for economic development. We will therefore now assess what role the newly elected Senate may play in the future.

Figure 2.



Our second estimation relates our structural and economic factors to the V-dem index of democracy for Thailand. The econometric output is in Annex 2. The long-run coefficients indicate that bicameralism and elected Senate increase the level of democracy significantly. However, military rule also increases democracy, but this coefficient is not significant in the long run. The dynamic charts in Figure 3 reveal that the initial effect of military rule is negative for four years, but thereafter democracy comes back. This is coherent with the fact that military rule in Thailand - contrary to other countries like Myanmar - is usually rather short (see also Figure 1). Annex 2 also indicates that economic growth and democracy are negatively correlated. Hence economic booms are bad for democracy, but recessions generate a democratic impulse.

Figure 3.

2. The Thai Senate in the 2017 Constitution

Where does the 2024 elected Senate fit into our analysis? The 2017 constitution has redefined the Senate's competences and the rules for the election of Senators. We will first describe this unique system and then assess the empirical evidence for the congruence of its representativity with respect to people, geography, and socio-economy.

Under the bicameral constitution of Thailand, voters directly elect 500 members (MPs) to the House of Representatives for a four-year term using a parallel voting system. In this system, 400 MPs are elected through the first-past-the-post (single-member province) method, representing individual constituencies. The remaining 100 MPs are elected via proportional representation from closed nationwide party lists, which are ranked by political parties. Notably, there is no party-list threshold, meaning every party can potentially secure a seat regardless of the proportion of votes received.

The 2017 constitution initially aimed to camouflage military power behind a façade of electoral procedures. Following the end of its provisional clauses, it opened the transition from military rule to a more democratic system. Two significant provisions to block a rapid shift in power meant that the Senate was functioning as a competitive checks-and-balance chamber before 2024. Firstly, the military appointed 250 senators. It therefore kept full control over the government. Secondly, senators were allowed to elect the Prime Minister jointly with the House. Following the 2019 general elections, General Prayut Chan-o-cha, who led the 2014 military coup, was elected prime minister despite his party not securing the most seats in the House. His selection was largely due to the support of the appointed Senate. In the 2023 general elections, the Move Forward Party won the most seats in the House, yet it was blocked from forming a government by the Senate.⁸ The Senate's role in such critical decisions has sparked debate, highlighting the tension between democratic forces and the military-traditional elite. The power of the Senate to vote with the House of Representatives in the selection of the prime minister is seen an element of "competitive authoritarianism," where elections take place, but the playing field is skewed in favour of incumbents, (Levitsky and Way 2002), allowing military leaders to retain power.

The Senate's authority

These transitional provisions now no longer apply. The newly elected Senate of 2024 has been reduced to 200 members and cannot elect the Prime Minister anymore. The government now depends on a majority in the House of Representatives where political parties form coalitions. To nominate a prime minister, a political party must secure at least 5% of House seats, equating 25 MPs. Each party can propose up to three candidates.

However, the Senate holds significant influence over constitutional amendments. Section 256 of the Constitution establishes that for a draft constitutional amendment to pass, it must receive "approval" votes from at least half of the combined total of MPs and Senators (350 out of 700). Additionally, at least one-third (67) of the 200 Senators must vote in favour of the amendment. This means that even if all 500 MPs vote to amend the Constitution, the Senate can still veto (block) the effort if fewer than 67 Senators approve the amendment. This effectively grants the Senate a veto power over any constitutional change.

⁸ To be confirmed as Prime Minister, Pita needed the absolute majority of 750 vote (500 from the house, 250 from the Senate) in the joint houses of Parliament, hence 375. He was backed by a 312-member coalition of the House of Representatives' newly elected 500-member lower house but received the support of only 13 of 249 junta-appointed senators. But with 705 votes cast (45 Senators did not show up), Pita mustered a total of just 324 votes in favour of his candidacy with 182 votes cast against him and 199 abstentions, which effectively counted as votes against.

Nevertheless, the Senate holds less power today than the House of Representatives. Unlike the lower house, the Senate cannot remove the government from office and can only delay, rather than veto, most bills. Currently, the Senate's powers include:

- **Reviewing and Endorsing Key Legislation:** Although the Senate cannot block bills from becoming law, it can delay their enactment—up to 10 days for money bills and up to 180 days for other types of legislation (Constitution of 2017, Articles 137–138). After this delay period, a majority vote in the House of Representatives can pass the bill into law.
- **Endorsing Candidates for Independent Agencies:** The Senate approves appointments to bodies like the Election Commission of Thailand, the Constitutional Court, and the National Anti-Corruption Commission.
- **Questioning the Cabinet:** The Senate may question the cabinet, though it does not have the power to issue a vote of no confidence.
- **Veto Power in Constitutional Reform:** The Senate plays a pivotal role in constitutional amendments, requiring at least 67 senators to approve any bill proposing constitutional revisions—a potential obstacle for the government.

Thus, the Senate has gradually moved from a competitive checks-and-balance to a mainly revisionist chamber, except when constitutional change is at stake. But this means that the expertise of the Thai senators will matter more. We will review the profiles of senators and House members of parliament below, but first we must explain how senators are elected.

Electing the Thai Senate

We start with the modes of election. While the House is elected by the people, this is not the case for the Senate. The new system for the Senate consists of an occupational self-selection process on three levels of peer voting within 20 designated occupational and social groups. See Box 1. It replaces universal suffrage, which applies to the House, with a more complicated selection process. Senators are elected by candidates which form a pool without any participation from non-candidates.

The province mayor and provincial officers, under the Ministry of Interior, manage the process at the province and provincial levels, while the Election Commission of Thailand supervises the national-level procedures. To become a candidate, one must apply to the local province office and pay a fee of Thai Baht 2500 (USD 75.00). Applicants must be Thai nationals by birth, at least 40 years old at the time of application, and have a minimum of 10 years' experience in the field they wish to represent. They must have some connection with the province where they apply to contest, either having been born there or studied, stayed, or worked there for at least two consecutive years. Parents, spouses and children of senatorial candidates, MPs, senators, political appointees, local administrators, and officials of the Constitutional Court and independent organisations are prohibited from contesting. Like their predecessors, the new set of senators can serve only one five-year term.

Box 1. The 20 designated occupational and social groups for the Thai Senate:

1. Security, public administration and government
2. Court, law and justice procedures
3. Education and researchers
4. Medical professionals and public health personnel
5. Farming, agriculture and crop growers
6. Fisheries, forestry, and gardening
7. Private sector's employees
8. Infrastructure and the environmental, energy and urban development
9. Small and medium-sized businesses enterprises
10. Big companies
11. Hospitality and Tourism
12. Industry owners and operators
13. Science, technology, communication, and innovation development
14. Women
15. Inclusion and diversity, elderly, impaired, and ethnic groups
16. Arts, music, culture, entertainment, and sport
17. Civil society and non-governmental organizations
18. Mass communications, journalists, and writers
19. Gig economy, independent contractors
20. Other occupations not included in the lists above

Once the application to become a candidate has been admitted, the process of election goes through three phases, rising from 928 provinces and 77 provinces to the national level. See Figure 4. In 2024, there were 48 117 candidates at the first level.

The Three-Level Selection Process:

(1) Province Level:

Candidates cast votes within their own occupational group. Each candidate is allowed two votes, including one for themselves, but they cannot vote for the same person twice. The top five candidates from each group advance to an inter-group round, where they vote for candidates from other groups within their division. Each candidate is permitted one vote per group, excluding their own. The top three candidates from each group proceed to the provincial level. If a group lacks enough candidates, all participants automatically advance. Ties are resolved by random draw.

(2) Provincial Level:

At the provincial level, the process is repeated. The top two candidates from each group then move on to the national level.

(3) National Level:

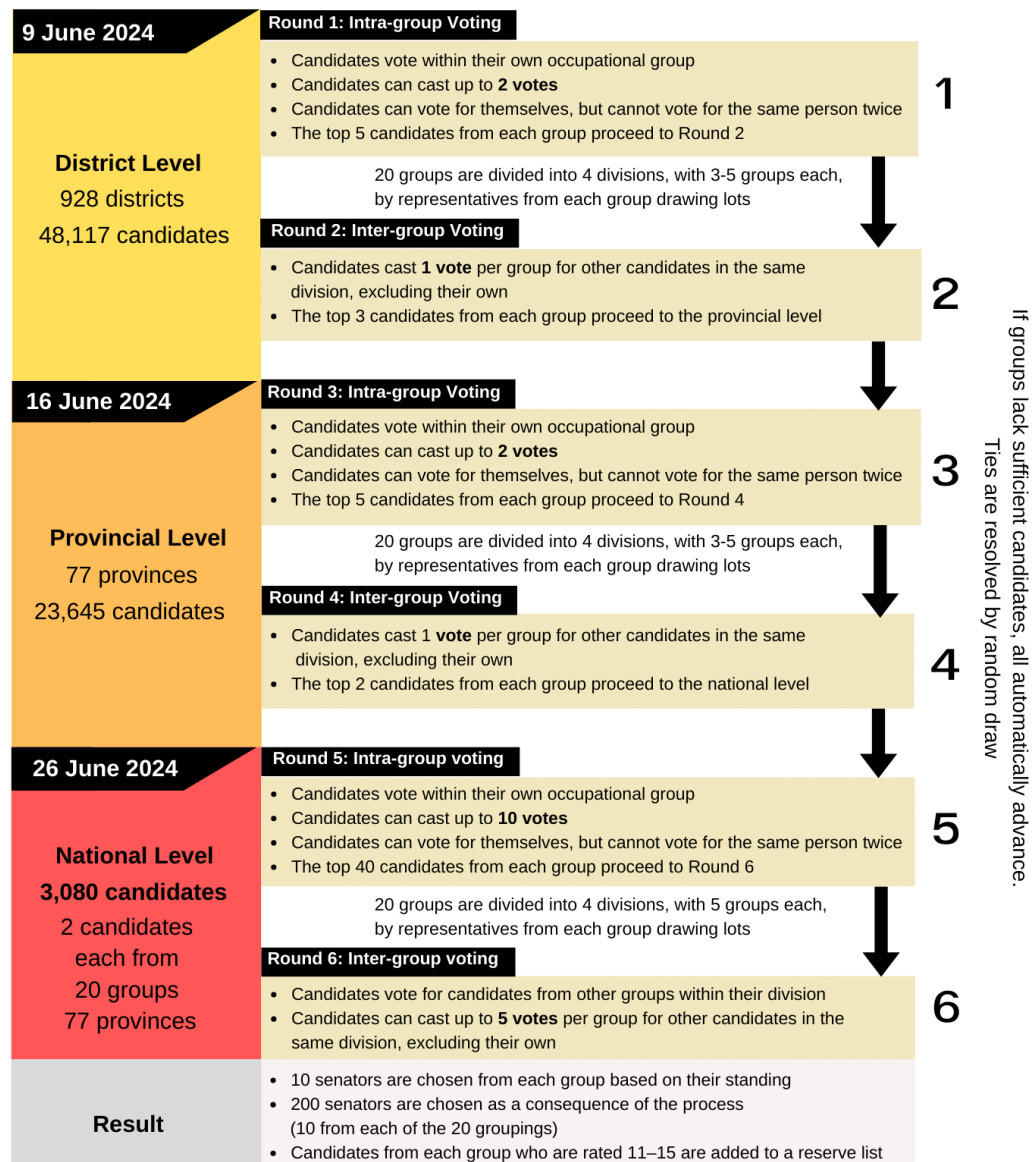
The two provincial-level candidates from each group, across all 77 provinces, cast votes within their own occupational group, with each person allowed up to ten votes. The top 40

candidates from each group advance to the inter-group round. At this stage, candidates are divided into four divisions, each comprising five occupational groups. Candidates can cast up to five votes for other candidates within their division, but they cannot vote for anyone from their own group. The top ten candidates from each group are selected as senators, while those ranked 11th-15th serve as reserves. This yields 200 senators and 100 reserve candidates.

The mode of electing senators is unique in the world. It does not rely on representation by citizens, but on a complex self-selecting process of candidates postulating to become senators, which raises transparency questions. However, the focus on professional groups presumably aims to generate an expertise function similar to the House of Lords in the UK. This would imply that party politics stay out of the Senate, although we will see below that this is not the case. The electoral process has generated considerable debates regarding its fairness and its exclusion of direct public voting, raising concerns about the impact on democratic representation.

Figure 4.

The Thai Senate Occupational Self-Selection Process



Source: Author's figure based on the 2018 Organic Act on Installation of Senators

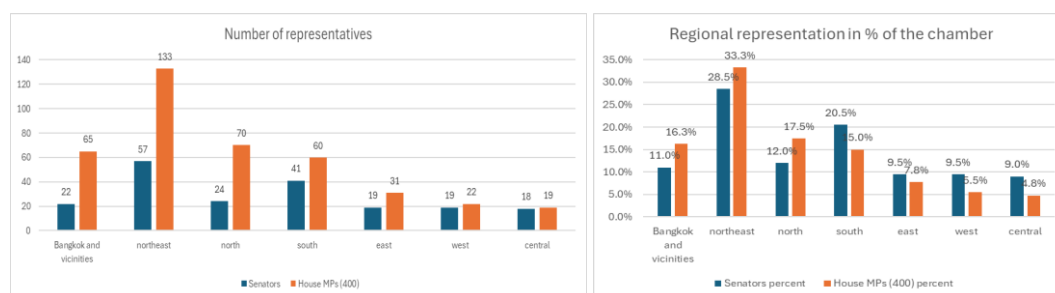
3. The congruence between Senate and House

General elections to the House took place in May 2023 and to the Senate in 2024 under the new constitutional self-selecting rules. We have said that the new Senate of 2024 occupies a middle position between a competitive checks-and-balance and a deliberative advisory body. In a revisionist chamber, members should have a different profile from the House of Representatives. They might be less representative of the population at large, but they ought to be better educated and have more diversified professional experiences. We will now assess the profile of senators in comparison to the members of parliament in the lower house. We look at representation from the point of view of geography, personal characteristics of the members of parliament, and the economic context in which they stand.

Geographic representativity

The distribution of 200 senators and 400 members of the House of Representatives is shown in Figure 5. The 400 MPs are directly elected in local constituencies. We do not include the 100 MPS that are elected proportionally by the party lists. The region aggregates the smaller provinces. The number of Senators and elected representatives per region is displayed on the left and the distribution in terms percentages of the total chamber on the right. We observe that Bangkok, the North and Northeast are more strongly represented in the House, while South, East, West and Central are more represented in the Senate. Interestingly, this distribution is closer to the size of population than to the economic weight of the region.

Figure 5.



We obtain a finer picture when we look at provinces. Thailand has 77 provinces that constitute 7 regions. How does this distribution compare with population and the economic weight in the provinces? In Table 3 we have calculated representativity as the ratio of the percentage of members of parliament to the shares of population and GDP per province. A ratio of 1 indicates that the share of MPs in a province is equal to the share of its population. A ratio larger than 1 means that the average province has a larger share of representatives than it contributes to Gross National Product. Thus, on average, the voter-elected House is well balanced, but not the self-selected Senate where the ratio of senators per province is on average 50 percent higher than the population share. With respect to economic weight, both chambers of parliament have a bias in favour of poorer provinces, but in the Senate this bias is significantly stronger ($3.2/2.4=1.333$). We conclude that the Senate is the chamber that represents poor and little populated provinces in Thailand.

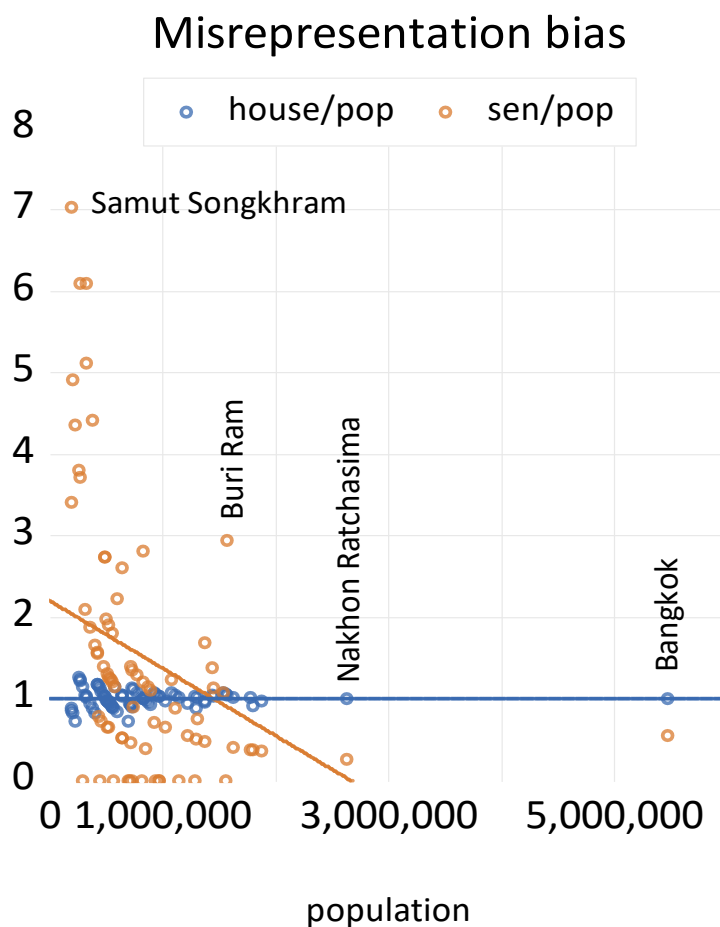
The misrepresentation bias is confirmed by Figure 6 which shows that many provinces with low population density are represented by a large number of senators, while large cities like

Bangkok and Nakhon Ratchasima are under-represented. By contrast, representation in the House of Representatives very neatly follows the rule of “one man one vote”.

Table 3. Ratio of relative shares

Distribution of representativity				
	House/Population	Senate/Population	House/GDP	Senate/GDP
Mean	1.0	1.5	2.4	3.2
Median	1.0	1.1	2.3	1.7
Maximum	1.3	7.0	5.5	18.9
Minimum	0.7	0.0	0.2	0.0
Std. Dev.	0.1	1.6	1.3	4.0
Skewness	0.0	1.6	0.2	1.9
Kurtosis	3.7	5.3	2.1	6.5
Normal distribution test				
Jarque-Bera	1.4	52.0	3.1	84.8
Probability	0.5	0.0	0.2	0.0

Figure 6. Distribution of population representativity



Personal characteristics of members of parliament

Gender balance does not exist in politics. Out of 200, only forty-five Thai senators are women. That is 22.5 percent, close but below to the average 25.5 percent of women in the world's parliaments according to the UN.⁹ Interestingly, with 20 percent, the share of women in the elected House is lower than in the Senate. In the USA, 27 percent of representatives were women and 25 percent of the senators. In the UK, 263 women were elected to the House of Commons (out of a total of 650 MPs), that is 40.5 percent. The House of Lords has 242 female peers out of a total of 804 sitting peers, that is 30.2 percent.¹⁰

We would expect that a revisionist chamber has a disproportionately high share of members with higher education. What is the educational background for members of the House and the Senate in Thailand? In both chambers more than 90 percent of the representatives have a university degree but the number is higher in the House. There are more members without a university degree in the Senate: 17 individuals (8.5%), against 12 MPs (3.0%) below graduate degrees in the House. This may reflect the selection bias of the 20 professional groups in the Senate election (see Box 1). However, the number of senators with a doctoral degree is significantly higher in the Senate, while more House representatives have a master's degree. This distribution would favour a revisionist and deliberative function for the Thai senate.

Table 4.

Educational levels	Difference					
	Senate	Senate	House	House	in persons	in %-points
below_undergraduate	17	8.5%	12	3.0%	5	5.50
bachelor	74	37.0%	142	35.5%	-68	1.50
master	71	35.5%	216	54.0%	-145	-18.50
doctoral	35	17.5%	29	7.3%	6	10.25
other	3	1.5%	1	0.3%	2	1.25
	200	100.0%	400	100.0%		

Economic aspects

Finally, we look at the correlation between the numbers of representatives and senators in the provinces and several structural factors. Table 5 shows a regression of representatives and senators on the educational variables and on the average income levels and growth rates in the provinces. We also add the share of agriculture to catch the cleavage between urban and rural populations. The coefficients of these factors indicate the strength of these factor for the average probability of becoming a member of the House or the Senate. We find that the coefficients for education are all close to 1 and statistically highly significant. Hence, there is no systematic bias for a candidate's education to become a representative in either chamber.

By contrast most coefficients for the economic variables are not statistically significant. The coefficients for income per capita in the provinces are positive for the House and negative for the Senate, although both are statistically insignificant. This confirms weakly the conjecture

⁹ <https://news.un.org/en/story/2021/03/1086582>

¹⁰ <https://www.instituteforgovernment.org.uk/explainer/gender-balance-politics>

that the Senate represents poorer provinces. However, for the House there is a significant negative correlation between economic growth $[D(\text{LOG}(\text{GDP}))]$ and the number of representatives, but for senators the coefficient is irrelevant. This means that provinces where the local economy is shrinking are more strongly represented in the House. For the Senate this is not the case. The Senate represents the poor rather than the decaying provinces. Finally, the share for agriculture also has a negative and insignificant coefficient, meaning that there is a slight bias against agriculture in the representativeness of both houses.

Table 5.

Dependent Variable: HOUSES_400_					Dependent Variable: SENATORS				
Method: Least Squares					Method: Least Squares				
Date: 09/06/24 Time: 18:51					Date: 09/06/24 Time: 19:19				
Sample (adjusted): 2 77					Sample (adjusted): 2 77				
Included observations: 76 after adjustments					Included observations: 76 after adjustments				
Variable	Coefficient	Std. Error	t-Statistic	Prob.	Variable	Coefficient	Std. Error	t-Statistic	Prob.
BELOW_UNDERGRADUATE	1.016642	0.033681	30.18408	0.0000	BELOW_UNDERGRADUATE	0.968849	0.041788	23.18496	0.0000
BACHELOR	0.997075	0.007814	127.5946	0.0000	BACHELOR	1.038326	0.02035	51.02222	0.0000
MASTER	1.009061	0.006825	147.855	0.0000	MASTER	0.98981	0.029849	33.16063	0.0000
DOCTORAL	1.051214	0.020961	50.15136	0.0000	DOCTORAL	1.02132	0.034057	29.98838	0.0000
C	-0.0668	0.297623	-0.22446	0.8231	C	3.49E-01	5.17E-01	0.674885	0.5020
LOG(GDPPC)	0.005585	0.023644	0.236225	0.8140	LOG(GDPPC)	-0.02832	0.043084	-0.65739	0.5131
D(LOG(GDP))	-0.02759	0.012395	-2.22595	0.0293	D(LOG(GDP))	0.001034	0.019836	0.052107	0.9586
AGRICULTURE_SHARE	-0.12542	0.133365	-0.9404	0.3503	AGRICULTURE_SHARE	-0.0225	0.237934	-0.09456	0.924943
R-squared	0.999423	Mean dependent var	5.236842		R-squared	0.993115	Mean dependent var	2.565789	
Adjusted R-squared	0.999363	S.D. dependent var	4.363083		Adjusted R-squared	0.992406	S.D. dependent var	2.282312	
S.E. of regression	0.110083	Akaike info criterion	-1.47587		S.E. of regression	0.198888	Akaike info criterion	-0.29285	
Sum squared resid	0.824037	Schwarz criterion	-1.23053		Sum squared resid	2.689829	Schwarz criterion	-0.04751	
Log likelihood	64.08306	Hannan-Quinn criter	-1.37782		Log likelihood	1.91E+01	Hannan-Quinn criter	-0.1948	
F-statistic	16821.38	Durbin-Watson stat	1.906799		F-statistic	1.40E+03	Durbin-Watson stat	1.3546	
Prob(F-statistic)	1.76E-107				Prob(F-statistic)	6.97E-71			

We conclude from this evidence that there is some incongruence between the House of Representatives and the Thai Senate, although the differences are not so large that they would lead to significant gridlock in legislative work. This is what one would expect in bicameral legislatures leaning toward a revisionist model. From this perspective the present Senate is potentially effective, and the costs of bicameralism are limited.

4. The political affinity of senators

A revisionist and cooperative Senate must not be torn apart by political partisanship. We have seen that elected Senates have traditionally had a negative impact on economic growth in Thailand. What is the likelihood that the newly self-selected Senate will reproduce this pattern? The constitution clearly points out that senators must act in their professional capacity and not represent any party. Political affiliations and active campaigning are strictly forbidden in the senatorial selection process, as it is designed to minimize political influence and preserve the neutrality of the Senate. The goal is to ensure that the Senate is composed of individuals from a diverse range of sectors without direct affiliation to political parties or sway from public opinion.

However, the reality seems different. Immediately after the constitution of the new Senate three groups emerged: the "Blue group," is said to command 150 members and to be allied with the Bhumjaithai Party, whose official colour is blue (Bangprapa, 2024). The second group calls itself the "New Breed," with about 30 senators, while the third faction represents

independent, unaffiliated Senators (Sattaburuth, 2024). Insiders claim that the Move Forward Party (now People's Party) can only count on 20 Senators, despite being the largest group of MPs in the House.

It has quickly become apparent that the conservative Bhumjaithai Party has become the dominant force in the Senate (Bangprapa, 2024). Given that a year ago this party had only arrived in the third place in the general elections with 14 percent of the MPs, the mechanism by which Bhumjaithai was able to gain a majority in the Senate remains a bit of a mystery.

After the election of the Senate leadership (one president and two deputies), the media immediately declared that "the Senate is blue". The Senate president, former Buriram Governor Mongkol Surasatja was elected with a majority of 159 votes. He is known for his strong association with Newin Chidchob of the Bhumjaithai Party and for his connections with a dominant "Ban Yai" (big house) political family in Buriram, the base of the Bhumjaithai Party.¹¹ We also note that with 14 Senators (7% of the total) Buriram has more Senators than any other province including Bangkok while Buriram only represents 2.4 percent of the population and 2.5 of MPs. The president's deputy, General Kriangkrai Srirak (150 votes) responded to criticism about his close ties to political parties that he was not closely affiliated with any political party. He was simply a close friend of Deputy Prime Minister Anutin Charnvirakul, who is the leader of the Bhumjaithai Party. The second Vice president, former Judge Bunsong Noisophon (167 votes) reportedly does not belong to the group of conservative senators that supported Mongkol and Gen. Kriangkrai, but the conservative group reportedly voted for him instead of fielding its own candidate to reduce criticism of controlling the Senate (Thai Enquirer, 2024). Another example of the close affiliation between the Bhumjaithai Party and the Senate was evident when 167 senators voted against the House's proposal on the constitutional referendum bill, aligning with the Bhumjaithai Party's stance (Tantivangphaisal, 2024). Thus, there is a widely shared perception that the Senate is not apolitical but a bastion of conservatism. Voting records over the next five years will reveal to what degree this is true. It is, of course, impossible to obtain an official record of party affiliation, for that is illegal. Nevertheless, there is a simple explanation for explaining how political parties can manipulate the election of senators.

First, keep in mind that the senators are elected by the candidates who get gradually filtered out in the three-stage election process (Figure 4). The key factor is that candidates vote for candidates. No one else. Hence, the initial electoral franchise in 2024 were 48 117 candidates. The constitution also says that a candidate who applies for the election must have roots in a province. This means, first, that a party with a strong regional presence in the province is likely to propose more candidates than others. Given that the fee for registering as a candidate is relatively low, the conditions for entering the competition are not difficult. Second, a political party with strategic intentions will support as many applications for the first round as possible because these candidates will then select the candidates at the next voting level. Third, this

¹¹ <https://aseanow.com/topic/1333667-mongkol-surasatja-wins-senate-presidency-with-159-votes-in-initial-senate-gathering/>

strategy only works if the candidates will vote for other candidates whom they know or where they know that they will support their political agenda. Hence the (unofficial) affiliation with party political networks is crucial for the selection of candidates at the first level.

A political party right combines these three conditions is likely to find a strong presence in the Senate. We have been told by insiders in this process that Bhumjaithai party pursued such strategy, but Pheu Thai party, which presently provides the Prime Minister, did not do so – assuming to be able to influence senators after the election. This system also implies that new parties, like Move Forward Party, who cannot rely on well-established political networks across the country will be handicapped in their senatorial representation.

Conclusion

The institution of the Senate in Thailand has a long history, and the recently elected Senate stands in this tradition. Our analysis shows that the Thai Senate has the potential to improve legislation and economic development provided it fulfils the revisionist function of experts. This would support output legitimacy of the Thai institutions and thereby strengthen the democratic credentials of the elected House of Representatives.

Our study shows that the representativity of the senators is compatible with such a revisionist and cooperative second chamber. However, the mode of election for the Senate is the weak point in the system, for it provides opportunities for strategic manipulation that can turn the Senate into a partisan chamber. It is too early to judge in which direction the Senate will evolve in future years.

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Annex 1. Econometric output for regime effects of bicameralism on economic growth

Model estimation				
Dependent Variable: GROWTH				
Method: ARDL				
Date: 11/26/24 Time: 11:59				
Sample: 1963 2023				
Included observations: 61				
Lag selection: Automatic (deplags=4, reglags=4)				
Selected model: ARDL(2,2,0,0,1) using AIC (2500 models evaluated)				
Estimated quantile: 0.5				
Huber Sandwich Standard Errors & Covariance				
Sparsity method: Kernel (Epanechnikov) using residuals				
Bandwidth method: Hall-Sheather, bw=0.24681				
Estimation successfully identifies unique optimal solution				
Variable	Coefficient	Std. Error	t-Statistic	Prob.*
Distributed-lag Regressors				
Dependent				
GROWTH(-1)	0.449903	0.151254	2.974475	0.004475
GROWTH(-2)	0.119714	0.146084	0.819491	0.41632
Independent				
BICAMERAL	0.783771	1.725802	0.454149	0.651649
BICAMERAL(-1)	-0.53541	1.768278	-0.30279	0.763283
BICAMERAL(-2)	3.191602	1.07536	2.967939	0.004557
ELECTED_HALF	-4.39619	2.364785	-1.85902	0.068798
MILITARY_RULE	-1.30096	1.383256	-0.94051	0.351391
GCF_GDP	0.595628	0.137164	4.342441	6.70E-05
GCF_GDP(-1)	-0.82543	0.163117	-5.06037	5.80E-06
Deterministic Regressors				
C	7.647917	3.51941	2.173068	0.034445
Mean dependent var				
S.D. dependent var				
S.E. of regression				
Akaike info criterion				
Schwarz criterion				
Log likelihood				
Hannan-Quinn criter				
Objective				
Sparsity				
*Note: p-values and any subsequent test results do not account for model selection.				
Null hypothesis: No levels relationship				
Number of dynamic cointegrating variables: 4				
Deterministics: Rest. constant (Case 2)				
Sample size: 61				

Bound test				
Test Statistic	Value			
F-statistic	5.117444			
	Sample Size	10%	5%	1%
I(0)	60	2.323	2.743	3.71
I(1)	60	3.273	3.792	4.965
I(0)	65	2.335	2.75	3.725
I(1)	65	3.252	3.755	4.94
I(0)	Asymptotic	2.2	2.56	3.29
I(1)	Asymptotic	3.09	3.49	4.37
* I(0) and I(1) are respectively the stationary and non-stationary bounds.				
Long-run cointegrating relation				
Variable	Coefficient	Std. Error	t-Statistic	Prob.
BICAMERAL(-1)	7.992786	5.244155	1.524132	0.133104
ELECTED_HALF	-10.2146	6.456192	-1.58214	0.11925
MILITARY_RULE	-3.0228	3.334537	-0.90651	0.368549
GCF_GDP(-1)	-0.53396	0.380563	-1.40307	0.166115
C	17.77003	10.13766	1.752873	0.085097
Conditional error correction				
Dependent Variable: GROWTH				
Method: ARDL				
Date: 11/26/24 Time: 11:59				
Sample: 1963 2023				
Included observations: 61				
Lag selection: Automatic (deplags=4, reglags=4)				
Selected model: ARDL(2,2,0,0,1) using AIC (2500 models evaluated)				
Estimated quantile: 0.5				
Huber Sandwich Standard Errors & Covariance				
Sparsity method: Kernel (Epanechnikov) using residuals				
Bandwidth method: Hall-Sheather, bw=0.24681				
Estimation successfully identifies unique optimal solution				
Variable	Coefficient	Std. Error	t-Statistic	Prob.*
Long-run Regressors				
Linear: Dependent				
GROWTH(-1)	-0.43038	0.124681	-3.45186	0.001127
Linear: Independent				
BICAMERAL(-1)	3.439959	1.663269	2.068192	0.043711
ELECTED_HALF	-4.39619	2.364785	-1.85902	0.068798
MILITARY_RULE	-1.30096	1.383256	-0.94051	0.351391
GCF_GDP(-1)	-0.22981	0.123646	-1.85858	0.068862
Deterministic				
C	7.647917	3.51941	2.173068	0.034445
Short-run Regressors				
Linear: Dependent				
D(GROWTH(-1))	-0.11971	0.146084	-0.81949	0.41632
Linear: Independent				
D(BICAMERAL)	0.783771	1.725802	0.454149	0.651649
D(BICAMERAL(-1))	-3.1916	1.07536	-2.96794	0.004557
D(GCF_GDP)	0.595628	0.137164	4.342441	6.70E-05
Mean dependent var	-0.09298	S.D. dependent var	3.73889	
S.E. of regression	2.494464	Akaike info criterion	4.814845	
Schwarz criterion	5.16089	Log likelihood	-136.853	
Hannan-Quinn criter	4.950463	Objective	48.14451	
Sparsity	6.160133			

Annex 2. Econometric output for regime effects of bicameralism for democracy

Dependent Variable: DEMOCRACY				
Method: ARDL				
Date: 12/10/24 Time: 14:19				
Sample: 1965 2023				
Included observations: 59				
Lag selection: Automatic (deplags=4, reglags=4)				
Selected model: ARDL(4,0,1,2,4,3) using AIC (12500 models evaluated)				
Variable	Coefficient	Std. Error	t-Statistic	Prob.*
Distributed-lag Regressors				
Dependent				
DEMOCRACY	0.571191	0.145231	3.932981	0.000334
DEMOCRACY	-0.33658	0.15595	-2.15825	0.037125
DEMOCRACY	0.315636	0.136082	2.31946	0.025697
DEMOCRACY	-0.23623	0.092976	-2.54082	0.015151
Independent				
BICAMERALISM	0.039735	0.019722	2.01472	0.050866
ELECTED_H	0.149967	0.045442	3.300156	0.002071
ELECTED_H	0.07163	0.046494	1.540609	0.131487
MILITARY_I	-0.06656	0.025076	-2.65444	0.011439
MILITARY_I	0.028415	0.034898	0.814231	0.420457
MILITARY_I	0.063324	0.028316	2.236333	0.031122
GROWTH	0.00297	0.002366	1.255154	0.216892
GROWTH(-)	2.01E-05	0.002607	0.007717	0.993882
GROWTH(-)	0.000583	0.002475	0.23557	0.814999
GROWTH(-)	-0.00425	0.001987	-2.13775	0.038861
GROWTH(-)	-0.00532	0.002455	-2.16705	0.0364
GCF_GDP	-0.0007	0.002767	-0.25427	0.80062
GCF_GDP(-)	-0.00333	0.004027	-0.82602	0.413818
GCF_GDP(-)	0.008445	0.00393	2.148763	0.037919
GCF_GDP(-)	0.006989	0.003155	2.21539	0.032641
Deterministic Regressors				
C	-0.14732	0.063892	-2.30569	0.026533
R-squared 0.94604 Mean dependent variable 0.301119				
Adjusted R-squared 0.919752 S.D. dependent variable 0.145771				
S.E. of regression 0.041294 Akaike info criterion -3.27221				
Sum squared residuals 0.066503 Schwarz criterion -2.56796				
Log likelihood 116.5302 Hannan-Quinn criterion -2.9973				
F-statistic 35.9874 Durbin-Watson statistic 2.149196				
Prob(F-statistic) 0.000000				
*Note: p-values and any subsequent test results do not account for model selection.				

Bound test					
Null hypothesis: No levels relationship					
Number of dynamic cointegrating variables: 5					
Deterministics: Rest. constant (Case 2)					
Sample size: 59					
Test Statist Value					
F-statistic	6.342651				
	Sample Size	10%	5%	1%	
I(0)	55	2.226	2.617	3.543	
I(1)	55	3.241	3.743	4.839	
I(0)	60	2.204	2.589	3.451	
I(1)	60	3.21	3.683	4.764	
I(0)	Asymptotic	2.08	2.39	3.06	
I(1)	Asymptotic	3	3.38	4.15	
* I(0) and I(1) are respectively the stationary and non					
-stationary bounds.					
Cointegratin relation					
Deterministics: Rest. constant (Case 2)					
Variable	Coefficient	Std. Error	t-Statistic	Prob.	
BICAMERAI	0.057924	0.029153	1.986872	0.05212	*
ELECTED_H	0.323034	0.052206	6.187682	0.00000	***
MILITARY_I	0.036702	0.037704	0.973408	0.33477	
GROWTH(-	-0.00874	0.004054	-2.15591	0.03565	**
GCF_GDP(-	0.016624	0.002894	5.744413	0.00000	***
C	-0.21475	0.094002	-2.28453	0.02637	**