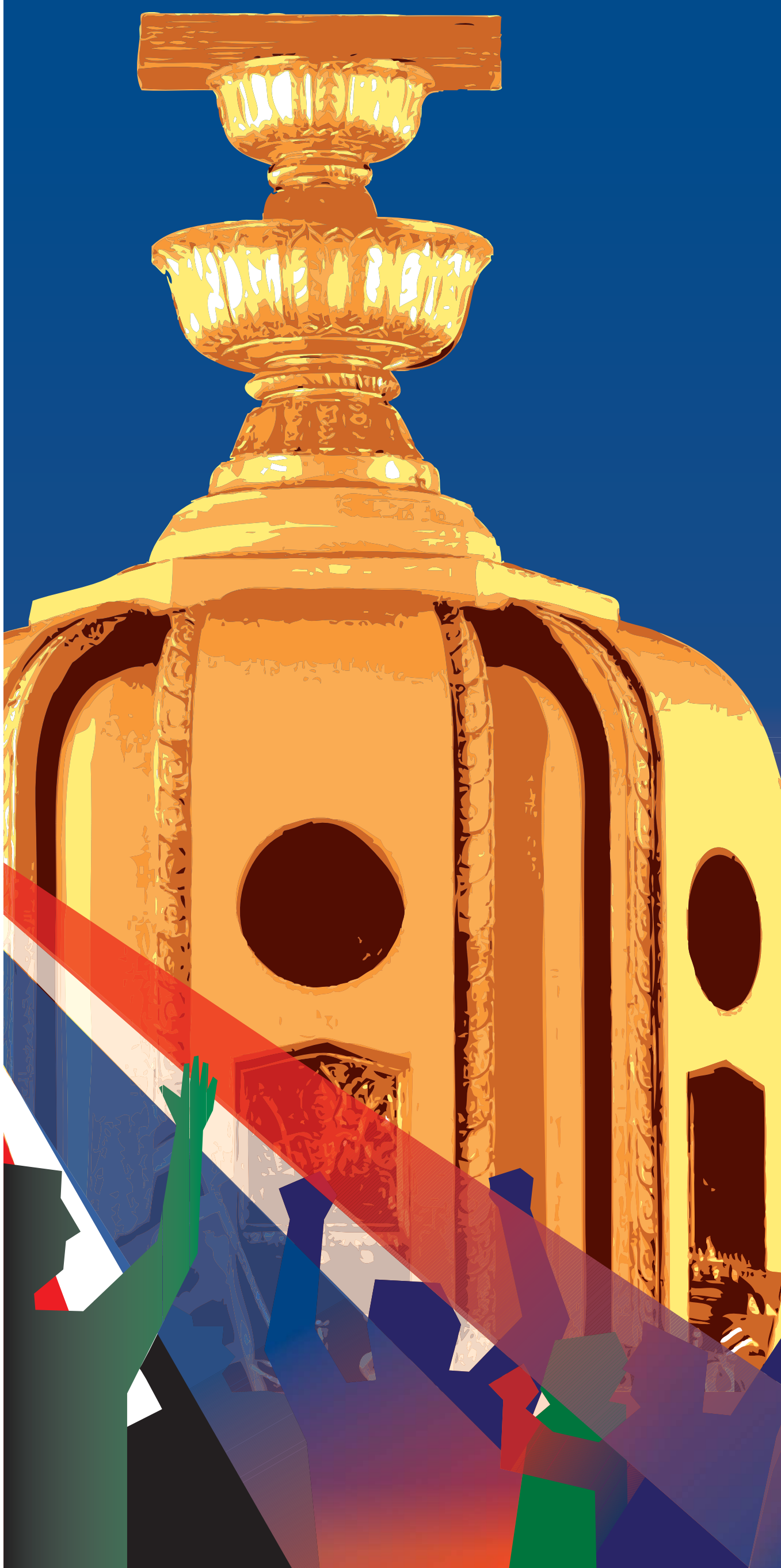


CONSTITUTION SPECIAL

รัฐธรรมนูญ: ประชามติเพื่อชาติ



รับ รัฐธรรมนูญได้ รับการเห็นชอบ

- ประธานสภานิติบัญญัติแห่งชาตินำร่างรัฐธรรมนูญขึ้นทูลเกล้าฯ เพื่อทรงลงพระปรมาภิไธย แล้วให้ประกาศในราชกิจจานุเบกษาและใช้บังคับ (ม. 31)
- สภานิติบัญญัติแห่งชาติพิจารณา ร่าง พรบ.ประกอบรัฐธรรมนูญ 3 ฉบับ ว่าด้วย พรบ.พรรคการเมือง พรบ.คณะกรรมการเลือกตั้ง และ พรบ.การเลือกตั้งส.ส. และการได้มาซึ่ง สว. ให้แล้วเสร็จใน 45 วัน หลังจาก รัฐธรรมนูญมีผลบังคับใช้
- ให้มีการเลือกตั้ง ส.ส. ภายใน 90 วัน และให้มีการเลือกตั้ง สว. ภายใน 150 วันนับจากวันที่ พรบ.ประกอบฯทั้งสาม ฉบับถูกประกาศใช้ (บทเฉพาะกาล รัฐธรรมนูญ 2550)

YES If the draft charter is accepted

- The National Legislative Assembly (NLA) president forwards the draft to His Majesty the King to sign before it is published in the Royal Gazette which marks its promulgation.
- The NLA then completes a deliberation of a draft bill on the House election and the election and appointment of senators, a bill on political parties and a bill on the Election Commission within 45 days of the new constitution being promulgated.
- An election of the House of Representatives must be held within 90 days, and the Senate must be installed within 150 days as from the date on which the three organic laws take effect.

ไม่รับ รัฐธรรมนูญไม่ได้ รับการเห็นชอบ

- คณะมนตรีความมั่นคงแห่งชาติ ประชุมร่วมกับคณะรัฐมนตรี โดยมีประธานคณะมนตรีความมั่นคงเป็นประธาน เพื่อพิจารณาลือกรัฐธรรมนูญฉบับที่เคยใช้มาก่อน มาปรับปรุงให้แล้วเสร็จใน 30 วัน และขึ้น ทูลเกล้าฯ เพื่อทรงลงพระปรมาภิไธย (ม.32)
- นายกรัฐมนตรีเป็นผู้ลงนามรับสนองพระบรมราชโองการ (ม.32)
- หากมีการเปลี่ยนแปลงโครงสร้างระบบการเลือกตั้งอาจต้องแก้ไข พรบ.ประกอบรัฐธรรมนูญ บางฉบับหรือทั้งสามฉบับ
- ไม่มีบทบัญญัติใดรับรองกำหนดวันเลือกตั้ง นอกจากคำให้สัมภาษณ์ของรัฐบาล และ คมช. ว่าจะยังคงให้มีการเลือกตั้งในปลายปี 2550

NO If the draft charter is rejected

- A joint meeting is convened between the Council for National Security (CNS) and the interim cabinet with the CNS chairman as presiding chairman to choose one of the previous charters to promulgate. A charter of choice will be amended in 30 days and presented to His Majesty the King for endorsement.
- The prime minister countersigns the new constitution.
- The three organic laws may be amended in accordance with conditions of the constitution.
- A date for the general election is then set.

วิธีการลงประชามติ

- ตรวจสอบชื่อว่ามีชื่ออยู่ในทะเบียนบ้าน
- นำบัตรประชาชนไปยังหน่วยลงคะแนนซึ่งจะเป็นจุดเดียวกับที่ใช้เป็นคูหาเลือกตั้ง
- ช่องที่ให้ลงคะแนนมี 2 ช่องเท่านั้นคือ เห็นด้วย และ ไม่เห็นด้วย โดยไม่มีช่องไม่ออกเสียง
- กต.จะนับคะแนนการโหวต ณ. ที่หน่วยเลือกตั้ง และรวบรวมเพื่อเปรียบเทียบกับ การโหวตเสียงใดเป็นเสียงข้างมาก โดยไม่มีคะแนนขึ้นตำ คาดว่าจจะรัฐพลในเช้าวันที่ 20 สิงหาคม การลงประชามติ ถือเป็นสิทธิ ไม่ใช่หน้าที่ ประชาชนที่ไม่ไปใช้สิทธิ จะไม่พบผลต่อการถูกตัดสิทธิทางการเมืองใดๆ ทั้งสิ้น

Voting procedure

- Checking to see if a voter's name is on the house registration list.
- Voters bring their citizenship identification card to a designated polling station to obtain a referendum ballot.
- Voters mark on the ballot whether to accept or reject the draft charter.
- Officials tally up the votes at designated ballot-counting venues. There is no minimum voting restriction for the referendum. The result is expected by Aug 20. Referendum voting is a right, not a duty, and so a failure to vote will not cost voters their political rights.

United in division

● NATTAYA CHETCHOTIROS

No matter what the result of the Aug 19 referendum on the draft charter turns out to be, divisions within society are here to stay — at least until the next general election.

With intensive campaigns for and against the draft charter underway, voters may feel they are being unduly pressured to choose sides.

Social activist Rosana Tositrakul deplores such political polarisation and describes it as unfair. She says she chooses not to make public her political opinions to avoid being labelled unpatriotic or undemocratic depending on which “side” she decides to vote for.

Anti-coup groups have been campaigning for the public to reject the draft.

Their tagline “No to the charter is equal to no to the Sept 19 coup” highlights their main argument — the charter has been written by military-installed drafters and thus is crafted in a way that will legitimise the military take-over and prolong their stay in power.

The groups, which are gaining support from middle-class voters in Bangkok and other cities around the country, are also demanding the Council for National Security (CNS) and the government resurrect the 1997 charter, unmodified, in its stead.

Also campaigning along this line are former members of the dissolved Thai Rak Thai party, whose political interest and objectives are clear. They have been working with people at the grass-roots level.

The alliance for the vote to reject the charter is also joined by some other groups who are bent on shooting the draft down because it does not respond to their direct political interests.

On the other side, the CNS and the numerous bodies they appointed after staging a military coup last September — the Constitution Drafting Assembly (CDA), the National Legislative Assembly (NLA) and the government — are encouraging the public to accept the charter.

Their argument is that a “yes” vote will set the stage for a general election and the swift return of an elected civilian government. And they appear to hold the trump card; the military-installed interim constitution stipulates that the CNS and the government will impose any of the kingdom’s previous charters within 30 days from the day the draft constitution is rejected at the referendum, if it is rejected.

However, as this is a rule they, the military junta, introduced themselves, it holds little sway with their opponents who are demanding they reinstall the 1997 constitution.

Jumping on the “yes” bandwagon are political parties who cannot wait to return to the polls. The majority of respondents in several opinion surveys look set to vote in favour of the charter in the referendum out of a firm belief it will put an end to the political crisis.

According to law expert Worachet Pakeerut, aside from the fact that it has been “imposed” by the coup-makers, the new constitution itself is flawed.

The most serious flaw lies with the elections of MPs and senators. The proposed election systems will weaken political parties, undermine their policy platforms, and open the way for politicians to bargain for their own interests as they did before the 1997 constitution.

Unlike the 1997 charter, under which a voter was allowed to choose one candidate, the 2007 version goes for multi-seat constituencies where voters can choose up to three candidates.

Mr Worachet considers this as a failure to recognise the basic democratic principle of one man, one vote.

The party-list system in which 80 MPs will be elected through eight clusters of provinces fails in term of voter representation, as it is unclear who the 80 MPs represent.

Instead, he said, the country should be divided into four regional constituencies with the number of MPs in each constituency varying in accordance with the size of the population. The northeastern region is likely to have more party-list MPs than other regions.

“It is fair this way. The political parties can also draw policy platforms to meet the needs of the people in their regions and they can better connect with the people,” the law lecturer said.

But Democrat party leader Abhisit Vejjajiva does not share the academic’s view. As a politician, he believes election systems have nothing to do with the development of political parties.

It is the political landscape that dictates whether political parties grow stronger or weaker, he says. With the current political situation, the next government will very likely be a coalition administration made up of several parties.

“If the election systems [proposed by the 2007 charter] had been deployed 10 years ago, do you think the Thai Rak Thai party wouldn’t have won most votes? No matter what election systems are put in place, we will have a coalition government,” he said.

Mr Abhisit however, says he finds the draft charter acceptable, especially in terms of the promotion of civil rights and liberties and development of the parliamentary system.

Unlike the 1997 charter, the 2007 version does not require MP candidates to hold a bachelor’s degree and does not force MPs to quit their parliamentary status to assume cabinet posts.

“I admit that I am not so fond of this charter. If our memory serves us right, back in 1997 politicians did not like the 1997 charter either. No matter what draft, politicians are always seen as the bad guys,” the Democrat leader says.

However, he admits there are flaws in the charter, and the weakest point involves the Senate, which he believes should be revised as soon as possible.

Under the 2007 charter, 76 senators are directly elected and the other 74 will be appointed by a selection process. In the 1997 charter, senators were directly elected by voters.

According to Mr Abhisit, the senators should all be directly elected because they are vested with the political power to impeach political office holders who are elected by the public.

Mr Worachet agrees with Mr Abhisit on this point, noting



Manas Dejsaneh climbs the Democracy Monument with Dhammajaka flags and sits on the plinth supporting the symbolic Thai constitution. He stayed up there all night, demanding the Constitution Drafting Committee declare Buddhism the national religion.

that the election system of 76 senators in which voters select one Senate candidate in their province is poorly thought out and unfair to people in larger provinces.

The law lecturer also finds it “unacceptable” that the 2007 charter involves the judiciary in politics — in the selection of the 74 senators in this case.

Mr Worachet concludes the 2007 charter looks geared to return us to the political landscape of the 1980s, with successive coalition governments driven by political interests and elite bureaucrats pulling the strings.

Bishop Dhongchai, of the People’s Assembly for Political Reform, agrees that the most serious flaw of the 2007 charter lies with the unelected senators.

On the other hand, the constitution does offer improvements on civil rights and liberties, directly involves the public in checks and balances, and makes it easier for them to remove corrupt political office holders, he said.

But he also agrees with Mr Abhisit that the draft charter is unlikely to undermine political parties whose development lies with the ability to win public support and turn it into votes.

“We have learned a lesson — neither a coalition government nor a single-party government is good,” he said.

Chamlong Srimuang, a core member of the former People’s Alliance for Democracy, does not hesitate to say the 2007 charter is better than the 1997 constitution, even though it was brought about by the military.

Maj-Gen Chamlong points out that the draft charter has been put forward for dozens of public hearings and revised accordingly.

But was the budget of 1.5 billion baht to fund the charter writing and referendum process money well-spent?

“We have no other choice but to move on,” he said.

Facing up to political change

How will the outcome of the national referendum on the draft constitution change the face of Thai politics?

Pibhop Dhongchai, of the People’s Assembly for Political Reform, believes if the draft charter is endorsed, it could change the political landscape for the better.

The seasoned political activist expects the latest constitution to give birth to new political parties in the same way some of the previous charters did in the past.

The 1974 constitution produced parties with exceptional ideals such as the Socialist and the Palang Mai parties, which no longer exist.

The 1992 charter saw the rise of the Palang Dharma party, which in its heyday was a magnet for urban voters wooed by its austerity and moral-guidance policies.

Thai Rak Thai was the product of the 1997 charter, and achieved an extraordinarily high level of success with its populist policies.

But the now-dissolved party was still far from ideal, Mr Pibhop says, adding that he dreams of seeing new parties like a Green party evolve out of the new charter.

However, Mr Pibhop is realistic about the future of Thai politics. After the referendum, politicians from bygone eras will have an opportunity to get back into the fray. They are set to regroup and rear their ugly heads in new incarnations, he said.

But he hopes that when the new charter is in place, Thai politics will be in better shape.

The dominance of bureaucrats over Thai politics will fade into the sunset, ushering in the dawn of a new era where true politics aimed at helping the Thai people will grow and succeed, he says.

Democrat party leader Abhisit Vejjajiva said endorsing the draft charter will make political activities go to plan and will ensure the general election takes place in December. But if the draft charter is defeated at the referendum, everything will be thrown into limbo, he said.

“It would be odd to reject the draft charter and to give the Council for National Security a free hand to choose any of the past constitutions for promulgation,” Mr Abhisit said.

He also predicts a multi-party coalition government is inevitable after the election.

Maj-Gen Chamlong Srimuang, a former leader of the People’s Alliance for Democracy, said if the draft charter is shot down, political unrest is sure to follow and the Council for National Security would be viewed as illegitimate.

As far as Maj-Gen Chamlong is concerned, endorsement of the draft charter is key to achieving peace in the country.

However, he admitted the new constitution alone cannot bring about the major political breakthroughs that Thailand yearns for as long as most Thais remain politically docile.

Nidhi Eowseewong, a prominent academic, said that giving a stamp of approval for the document in the referendum gives no assurances whatsoever that Thai politics will stabilise after the turmoil it has been through.

He argued that at least 12 million people would oppose it and they would continue to put pressure on the coup-makers, even if it passes the referendum.

Mr Nidhi said whatever the outcome of the national referendum, the general election is certain to take place and deposed prime minister Thaksin Shinawatra will have no place in Thai politics by then.