

Thailand: The Military Junta's draft constitution pushes democracy back indefinitely

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No one with an ounce of intelligence would have expected the junta, and its herd of “academics for hire”, to come up with a democratic constitution or anything other than a host of anti-reforms to set the authoritarian political agenda for years to come. Tedious as it may be, I and many other activists and academics have had to plough through the endless pages of garbage in the new draft constitution in order to establish a facts-based critique of this offensive document.

Overall, it differs little in its tone from the previous draft, although there is a shocking additional article towards the end. The general tone is patronising and banal, with constant references to the monarchy. Since the late 1950s, the monarchy has been a tool of the military and other elites, justifying all manner of authoritarian measures and human rights abuses. At the same time the king has been a pathetic and cowardly character, always willing to do the bidding of his masters, while keeping up the pretence of being a “God-like genius”.

The draft constitution reads like a Thai-style kindergarten text, talking about the “duties of citizens to be loyal to King and Country and to maintain discipline. Duty and discipline take priority over the rights of citizens. There are pages and pages of rubbish about the qualities of “good” political leaders and naturally they must be loyal to “Nation, Religion and King”. We should not forget that this draft constitution is drawn up by gangsters and thugs in uniform, who murdered pro-democracy demonstrators and used violence to stage military coups and pervert the democratic process.

It is also a neo-liberal constitution, like all the various constitutions since the 1996 economic crisis. So it talks of public health being organised according to a “fair” market economy, the need to maintain “fiscal discipline” and the importance of following the King’s reactionary “Sufficiency Economy” ideology. As usual, this is all aimed against redistribution of wealth and state spending which benefits the poor. Naturally, military and Palace spending are not a threat to fiscal discipline (in the interests of national security).

In this light, article 189 and other sections of the constitution outlaw what the reactionaries like to call “populist policies”. This is aimed directly at Taksin-style measures which were hugely popular among the electorate. Such policies need to be outlawed by wise men because the majority of the population are “too stupid” to know what is good for them. However, there will be “people participation” in managing communities through toy-like “citizens’ assemblies”.

People like Taksin and some other Pua Thai politicians will be barred from office for “legal” reasons, much like the gerrymandered electoral system in Singapore or Burma which bars opposition politicians for dubious legal reasons. However, state murderers like Abhisit and Sutep, will not be banned from office.

There will be 300 constituency MPs and between 150-170 national party list MPs. The number of party list MPs will be adjusted according to the national vote for each party and the number of

elected constituency MPs, so that it will be a more proportional representative system. However, parliament will have reduced powers.

The Prime Minister need not be an elected MP, if supported by 2/3 of parliament. All ministers must have bachelor degrees, to weed out any ignorant poor people, and the Prime Minister cannot hold office for longer than 8 consecutive years.

The all-powerful senate will be made up of 77 senators, elected in each province, and another 123 senators appointed by the military and the elites. The senate will have extensive powers to appoint the Electoral Commission, the Anti-Corruption Commission and the Constitutional Judges. In the past these bodies exercised power over the democratically elected Yingluck government and paved the way for a military coup. The senate will also appoint the useless Human Rights Commission, no doubt ensuring that there are plenty of military and police officers on board.

The illegal and highly oppressive “temporary” constitution, which was drawn up by the military in 2014 immediately after the coup, will be a guiding force for the new constitution, making sure, in article 285, that all the anti-democratic acts of the junta are “deemed to be legal”.

However, the worst aspect of this new draft is the last section, from article 259 onwards, with the establishment of a committee to determine the strategy for anti-reforms and so-called reconciliation. This committee will in effect be a “Super Junta”, with powers to veto any decisions made by an elected government and to take power at any time via a “legalised coup”, if and when it deems fit. Naturally the Super Junta will be dominated by the military top brass. This Super Junta will be enshrined in stone for 5 years, but its length of duty can be extended.

The upshot of this is that whoever is democratically elected to form a government will have very limited room to determine policy.

Of course, the constitution can never be amended to make Thailand into a republic or to allow self-determination in Patani. Any other amendments which have been sanctioned by a parliamentary vote, must be approved by the elite appointed Constitutional Court.

Now, it stands to reason that anyone who supports democracy and human rights would oppose this nonsense of a constitution. Yet, all manner of threats are being issued to silence critics. Apart from threatening to push back elections if the constitution does not pass in a referendum, the deputy Prime Minister Wisanu Kruangarm, and the head of the Electoral Commission, have stated that it is illegal to campaign against this constitution using social media and other means. Wisanu also took the opportunity of saying to the media that it was the “best constitution ever written”.

We all have rights, but some have more rights than the rest of us!

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