

## **Draft Thai constitution draws criticism**

**The first draft of Thailand's proposed constitution, which was formally submitted Thursday to the government, could weaken elected politicians.**

*By Simon Montlake | Correspondent of The Christian Science Monitor*

BANGKOK, THAILAND - The first draft of Thailand's proposed constitution, which the Constitution Drafting Committee formally submitted to government agencies on Thursday, offers a route back to civilian rule in Thailand after the military seized power last September in a bloodless coup. If adopted, it would be Thailand's 18th constitution since the end of absolute monarchy in 1932.

But the document has drawn flak from politicians who say the new arrangement would hand too much power to civil servants and other unelected officials. The draft, which the public and government agencies have until May 26 to amend, would end the election of senators, offer amnesty to the military for the coup, weaken political party discipline, and cut the number of members of parliament.

To some observers, the proposed constitution – drawn up by a handpicked body chaired by one of the coup plotters – is designed to stop ousted Prime Minister Thaksin Shinawatra or any future politician from using a popular mandate to challenge the status quo. Instead, the framers appear to favor a partial democracy that reins in the powers of elected representatives and keeps their ambitions in check.

With so many points of contention, analysts warn that the draft may fail a national referendum promised for September. A rejection would delay efforts to restore stability in Thailand after more than a year of turmoil and political paralysis that has put the brakes on economic growth and turned away foreign investors.

Much of the disagreement has focused on the fate of former Mr. Thaksin, a brash billionaire who became the first elected Thai leader to complete a full term in office. Since his overthrow last year, Thaksin has been living in exile while the military-appointed government investigates alleged corruption during his five-year rule. He was also accused of using his parliamentary majority and immense wealth to trample constitutional checks on his power and curb media freedom.

"They don't trust politicians, so they try to diminish the power of the political parties. They don't trust the people, either," says Nidhi Eoseewong, a prominent historian and cofounder of an academic network whose popular website was shut down by the ruling junta.

Leaders of Thailand's main political parties, which are still banned from holding public meetings, say this suspicion has driven the framers too far in the opposite direction.

"The problem wasn't strong government per se. The problem was allowing that government to manipulate independent agencies. That's where the target should have been," says Abhisit Vejjajiva, leader of the Democrat Party, the largest opposition party in the last parliament.

The framers have defended the draft document, which has been published in Thai newspapers, as a compromise between opposing views. One of the most controversial proposals to allow an unelected prime minister – seen as a sop to ambitious generals – was eventually dropped, as was a call to enshrine Buddhism, the most practiced faith, as the national religion.

To protest the exclusion of a religion clause, more than 3,000 Buddhist monks and other devotees staged a sit-in protest in front of Parliament. Prime Minister Surayud Chulanont said he was concerned that the Buddhist protests could lead to political chaos and bloodshed.

The draft will be opened up for debate at public forums across the country before final revisions by a 100-member constitutional assembly in July. Under the government's timetable, it would then be put to a national referendum in September, paving the way for proposed elections in December.

A referendum defeat wouldn't necessarily derail that process, as the military has reserved the right to promulgate any past constitution to take its place, though analysts say a rejection could prove problematic.

Another potential stumbling block is a court ruling due May 30 on alleged electoral fraud by the Democrat Party and Thai Rak Thai, the party founded by Thaksin. The allegations stem from an April 2006 election that was later annulled by the courts. Prosecutors have called for the dissolution of the parties, a move that would anger their supporters.

Among the provisions in the draft constitution that has drawn most flak is a clause on the appointment of the Senate, which became an elected body in 2000. The reformed body would be selected by a committee of top bureaucrats and judges and would, in turn, appoint the heads of powerful independent agencies. Critics say this would entrench the power of Bangkok elites who believe that ordinary voters are too easily fooled by unscrupulous politicians like Thaksin, who won landslides in Thailand's rural north.

One new mechanism included in the draft is a crisis committee of politicians and judges to steer the country through any repeat of last year's upheaval. Another is a two-term limit on a prime minister. The latter seems crafted to stop Thaksin, a two-term winner who once vowed to rule Thailand for 20 years.

"Had this rule been in effect when Thaksin dissolved parliament [last year] he would not have been able to run, because that would have been a third term," says James Klein, country representative of the Asia Foundation. "So that's an escape valve, if you do have someone a lot of people don't like, you know there's light at the end of the tunnel."

Despite the bias against politicians, the draft offers some improvements for civil-society campaigners trying to access the justice system, says Mr. Klein, an expert on the 1997 constitution. It also closes loopholes that allowed politicians to pressure the news media and scraps a requirement for MPs to hold bachelor's degrees, which was hotly contested in 1997.

Still, it remains unclear how this latest charter will fare in a political system fueled by vote buying and influence peddling amid a yawning gap between urban elites and the rural masses.

"In order to have real democracy, elections alone aren't enough," says Somchai Phagaphasvivat, a politics professor at Thammasat University in Bangkok. "As long as the political culture is entrenched in patronage, no matter how well we draft the constitution, in reality it can go bad."

- *Material from the Associated Press contributed to this report.*