

Summary of the Briefing by H.E. Wissanu Krea-ngam, Deputy Prime Minister
And H.E. Don Pramudwinai, Minister of Foreign Affairs
to the Diplomatic Corps
On the Roadmap and Related Political Processes
16 September 2015 at 14.30 hrs.
at Narathip Auditorium, Ministry of Foreign Affairs

Introduction

- FM stated that, following some requests from diplomatic corps, the Ministry has arranged for this briefing by DPM Wissanu to provide information on the roadmap and the timetable for the General Election.
- DPM Wissanu welcomed Mr. Saber Hossain Chowdhury, the President of Inter-Parliamentary Union (IPU) and the diplomatic corps to the briefing on Thailand's Political Roadmap. The gist of the said briefing is as follows:

Timetable of the Political Roadmap

- On 6 September 2015, the National Reform Council (NRC) voted against the draft constitution (135-105 with 7 abstained). Subsequently, Thailand will set up the new constitutional drafting committee within next week whereas the drafting process will take another six months. The formation of a representative government, therefore, will be delayed until July 2017 (approximately 20 months) since the new constitutional draft needs to undergo national referendum. This time period was imposed in the interim constitution and can be shortened. However, the 20-month timeframe cannot be further extended.

The Main Roadmap

- A year ago, the Chairman of the National Council for Peace and Order (NCPO) stated that the main roadmap is divided into three steps, namely:

1) The First Phase (from 22 May – 22 July 2014) or “NCPO Government” whereas NCPO took executive and legislative control of the country while upholding the rule of law as the main principle of the country. This modest use of power demonstrated that the NCPO was fully committed to reform and reconciliation process.

2) The Second Phase (from 22 July 2014 – the new constitution is being implemented) or “Constitutional Government” which is the current phase of the main roadmap which promulgated that the NCPO has stopped its role as a government since 22 July 2014. The National Legislative Assembly (NLA) was set up with 220 appointed members. General Prayut Chan-o-cha was appointed PM and the cabinet has been set up. This phase will be extended until the election in 2017.

3) The Third Phase (from election day – the formation of the new elected government) or “Representative Government”.

- The PM has been adamant about taking actions and has pushed forward on laws and obligations that previous governments had been unable to fulfill. He believes that Phase III should be supported by even more enthusiasm for change.

The Second Phase of the Roadmap

- According to the Main Roadmap, Thailand is in Phase II (the constitutional government). Phase I, the NCPO government, had the right to issue any order it wanted. The extremely modest use of its power demonstrates the NCPO's commitment to reform and reconciliation. The NCPO's rule ended with the promulgation of the interim charter, and the

constitutional government's rule will end with the formation of a representative government in Phase III.

- On 6 September 2015, the National Reform Council (NRC) and the Constitutional Drafting Committee (CDC) were dissolved without passing a constitution draft. Consequently, the national referendum, previously scheduled to take place on 10 January 2016 was postponed. The NCPO will soon form a new Constitutional Drafting Committee (CDC) comprising of 21 members, which should be completed within the next thirty days (by 6 October 2015). The CDC will draft the new constitution within six months. This drafting period can be shortened but not further extended. The draft constitution will then under national referendum within four months.

- The Prime Minister has stated that he will approve the new CDC members before 23 September 2015. However, the information may not be disclosed to public until later. The Prime Minister will also appoint the 200-member Country Reform Driving Council (CRDC) within thirty days (by 6 October 2015). The main task of the CDRC is to propose various reform agendas.

- The so-called "Constitutional Government" during the second phase of the roadmap has three primary functions, namely;

- (a) Administration of state affairs which can be done through policy implementation, law enforcement, and the development of sufficiency economy.
- (b) Reformation of the country which involves expediting actions and avoiding conflict through all-inclusive policies.
- (c) Reconciliation which can be achieved through amnesty, rule of law, and promoting development and peaceful co-existence.

Timeline for General Election

- The General Election is scheduled to be held within the next twenty months before the formation of a new elected government. This estimated 20-month timeframe or 6 - 4 - 6 - 4 consists of the followings:

- Six months for the CDC to complete the constitution drafting (6)
- Four months for National Referendum (4)
- Six months for implementation of the necessary organic laws, for example, election laws, political party laws, election commission laws, etc. (6)
- Four months for political campaign prior to the general election (4)

- Each process as described above is essential but they can also be shortened which will help reducing the timeline for the entire process to be completed within 16-18 months, allowing the new elected government to be formed earlier than scheduled.

Confidence Restoring Measures

- The PM has emphasized that Foreign Direct Investment (FDI) will be protected during this 20-month period as it is the government's responsibility to provide such protection to foreign investors in full legal extent.

- On 21 July 2015, the government has passed the Licensing Facilitation Act which requires all governmental units (20 ministries, 140 departments, 50 stated-owned-enterprises and 40 public organizations) to publish handbooks for the public on the detailed procedure of how to obtain the relevant licenses and permits in order to promote more transparency and avoid corruption.

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Q&A Session

Q1. (Malaysia) If the new charter is rejected, what will be the next step?

Answer – (Dr. Wissanu) We do not have the answer yet. But it is possible that we have to amend the constitution again. Right now, if the draft does not pass the referendum, there is no answer in the constitution because we do not think it will fail again. There are some suggestions that the new Constitutional Drafting Committee (CDC) should not start from scratch. There are suggestions that some older versions of the 19 constitutions can be used as a model. However, this will depend on the decision of the new CDC.

Q2. (Denmark) Are there any lessons learned when the first constitution draft was rejected?

Answer – (Dr. Wissanu) In fact, a special committee will be formed as soon as possible to study and find out why the draft was rejected on 6 September 2015. This special committee will be called an investigation committee and the result of its study will be released to the public.

Q3. (Russia) According to the NRC voting result, 135 members disagreed with the draft while 105 members agreed with it. What is wrong with the previous draft?

Answer – (Dr. Wissanu) We guess that maybe they are not satisfied with some provisions. For example, there is a provision which provides that, in case of emergency, a non-MP candidate is allowed to be appointed as Prime Minister if the majority agrees to accept. This would allow the parliament to choose a non-MP or an outsider to be the Prime Minister, but some people object this idea. This was decided in order to aid the problem of political deadlock which happened in Thailand in the past. Before 22 May 2014, when Prime Minister Yingluck had to resign from the office, it was not possible to have a new Prime Minister. One group did not accept the Prime Minister that was nominated by the majority in the parliament. This provision was designed to provide an exit for this problem. But many people might not like this idea. Secondly, some people may oppose the provisions on the senate which provides that the 200 senators will consist of 77 elected senators from the 77 provinces and 173 appointed senators. Those who oppose this provision may not like the idea of having appointed senators and therefore, disagreed with the draft. However, the Prime Minister has already ordered that the investigation team be set up in order to find out the reason why the draft was rejected.

Q4. (Finland) Will there be an inclusive debate on the new charter draft given that in the current situation political gathering of more than five people is not allowed?

Answer – (Dr. Wissanu) We still have enough time which is 20 months from now. I strongly believe that the government and the NCPO will review the bills or the orders that restrict freedom of expression in order to pave the way for the people to discuss politics and the new constitution. It is time to return liberty and freedom to the people. I believe that after the new CDC starts its work, the authorities concerned will reconsider this otherwise democratic atmosphere cannot happen in Thailand.

(FM Don) I view this a little differently. Despite Article 44 which is in force, I think that the freedom is there. People can discuss politics openly in Thailand without disturbance from the authorities. The only problem is when people show up to disturb, heckle or create problem. One example is the incident at Khonkaen University. Other universities around the country also discuss politics. The government has never restricted the rights to discuss politics among

any group. People might mistaken that this country has no freedom of expression, but this is not true. You can see in the headlines or editorials of the news both Thai and foreign media that all opinions have been voiced. The freedom is there, except for those that intend to create problems or confusion.

Q5. (Nepal) Thank you for the very clear briefing. Nepal is also going through a constitution making process and we understand that it is a very time-consuming and difficult process. I am happy to share with you that the Nepal Constitution Assembly is ready to have a new constitution this coming Sunday. I understand that the previous CDC was a part of the NRC. This time, will the new CDC be part of or have to go through the assembly or the council?

Answer – (Dr. Wissanu) No. The new CDC will be a separate body and will not go through the assembly.

September 6, 2015 the National Reform Council
voted on the Constitutional Draft 285 Articles
Yes 105 No 135 Abstain 7

Main Roadmap

- Phase I May 22, 2014 – July 22, 2014 (NCPO
Government)
- Phase II July 22, 2014 – Election Day
(Constitutional Government)
- Phase III (Representative Government)

What will be done in each phase?

Phase I Act now. Act immediately to solve the old problems.

Phase II Act further to pave the way for the future.

Phase III Act further more for sustainable development.

Small Roadmap within the Main Roadmap phase II July 22, 2014 – Election Day

1. The National Reform Council was dissolved on September 6, 2015
2. The Constitutional Drafting Committee was dissolved on September 6, 2015
3. No referendum on January 10, 2016.
4. NCPO will appoint not more than 21 members of the new Constitutional Drafting Committee within 30 days (October 6, 2015) to draft the new constitution within 6 months. The draft will be put on referendum within 4 months.
5. The Prime Minister will appoint not more than 200 members of the Country Reform Driving Council (CRDC) within 30 days (October 6, 2015) to propose the reform on various areas.

What will be the functions of Government during the 2nd phase of this roadmap?



