

**Summary of the Briefing by Mr. Norachit Sinhaseni,
Member and Spokesperson of the Constitution Drafting Commission
to the Diplomatic Corps
On the Drafting of the Constitution
19 October 2015 at 10.00 hrs.
at Narathip Auditorium, Ministry of Foreign Affairs**

Background

- We are currently in the 2nd phase of the Roadmap which is the drafting of the constitution. On 6 September 2015, the draft constitution was turned down by the National Reform Council (NRC) before it was sent to the referendum.
- Under the Interim Constitution B.E. 2557, it is required that the terms of the NRC and of the Constitution Drafting Committee were terminated. On 5 October 2015, the National Council for Peace and Order (NCPO) appointed the new Constitution Drafting Commission.

Composition of the CDC

- The new Constitution Drafting Commission (CDC) comprises of one Chairman and not more than 20 Commissioners.
- Mr. Meechai Ruchupan, former Secretary-General of the Judiciary Council and former President of the National Assembly, was appointed Chairman.
- The 20 members come from various sectors, many are from the academic sector and the judiciary council. For example, the first Vice Chairman, Mr. Supoj Kaimook, was the former Ambassador and member of the Constitution Tribunal. The Second Vice Chairman Mr. Apichart Sukhaggonond, was a former Chairman of the National Election Commission and a judge in the Supreme Court.
- Other members include members of the Judiciary Council, Law and Political Science professors, prominent lawyers, scholars in human rights, women and children's rights, former head of the military judiciary body, former judges and election commission, President of the Thai journalist Association, and head of National Intelligence Agency.

Powers and Duties

- The commission has been given 180 days (or around 120 working days) to finish the draft (by early April 2016). The powers and duties of the commissions are identical to the former CDC.
- The final draft will be submitted directly to the public for a referendum. The Chairman has set up a timeline for the CDC to finish the first draft by January 2016 (within four months).

Constitution Drafting Framework

- As stipulated in Article 35 of the Interim Constitution, there are 10 topics to cover in the constitution. The prominent one is to invent a mechanism that will prevent those seeking public office to come up with policies which can be detrimental or create political deadlock in the country.
- In addition, the Constitution will have to be in accordance with the frameworks given by the NCPO (6.1 – 6.5 in the handouts).

Process

- The final draft will be submitted to the Cabinet (Council of Ministers). The cabinet will notify the Election Commission which will set the time for the referendum.
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- The referendum will be conducted in 1 day throughout the Kingdom to ask whether or not the Charter will be approved.

Sub-Commissions

- Seven Sub-Commissions have been appointed as follows:
 1. Sub-Commission on Public Relations and Public Hearings
 2. Sub-Commission to Consider and Summarize Recommendations
 3. Sub-Commission to Study the Structure of the Executive Branch
 4. Sub-Commission to Study the Structure of the Legislative Branch (to be completed in October 2015)
 5. Sub-Commission on the Preparation of the draft Constitution
 6. Sub-Commission on Digital Media (to produce content on social media, e.g. FB, twitter, to engage the younger generations).
 7. Sub-Commission on the Study of Issues concerning Reconciliation
- The two technical sub-committees (no. 3 and 4 above) were set up; one is to look at the structures of the parliament or the legislative body and the other is to look into the structure of the executive branch. These issues have been generating interest and possibly led to the rejection of the first draft proposed by Mr. Bowornsak Uwanno (e.g. the origin of PM, the election or appointment of senators and their working relation).
- The Sub-Commissions on administration and legislative bodies have to summarize and present their works by October 2015.

Restriction

- The Commissioners cannot hold a political position within two years upon the completion of their works.

Appointment of Advisors

- Secretaries of the drafting committees of the three most recent Constitutions which are regarded as forward-looking, are invited to serve as advisors. The Constitution B.E. 2540 is represented by Prof. Jade Donavanik, (representing Dr. Bowornsak Uwanno who excused himself as he was the Chairman of the previous CDC). The other two are Prof. Somkit Lertpaithoon who was the Secretary of the Drafting Committee of the Constitution B.E. 2550 and Mrs. Kanchanarat Leewiroj, the Secretary of the most recent drafting committee.

Progress

- Throughout the process, the CDC will be seeking views and comments from various sectors. These are the NCPO, the Cabinet, the National Assembly, the National Reform Steering Assembly (NRSA), the Administrative Courts, the Ombudsman, the Election Commission, the National Corruption Agency, the Auditor-General, and The Attorney-General, the National Human Rights Council. Views and comments from more than 70 political parties, the academic and the private sector (e.g. the Bankers Association, the BOI, the Federation of the Thai Industry) will also be taken into account.
- During the first two weeks, the CDC has completed two Chapters (Chapter 1 on General Provisions and Chapter 2 on Role of the Monarchy). It is now considering the provisions in Chapter 3 on the Rights and Freedom of the Individuals and the Rights and Freedom of the Thai people. The National Anti-Corruption Commission, the Auditor General and the Election Commission were invited to present their views.
- The CDC wishes to make this Constitution shorter and concise but cover all the basic rights and freedom of the Thai people.

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Q&A Session

Q1. (Austria) Are political parties represented in the Constitution Drafting Commission?

(Answer) – There are no active members of the political parties and no active or former Members of the Parliament in the CDC. However, there are members of the political parties in the 200-member National Reform Steering Assembly (NRSA).

Q2. (Austria) How much time do Thai people have after the completion of the draft to study the constitution before they go to vote on it? Will you publish the constitution after it was adopted?

(Answer) - Throughout the process if there are key issues, e.g. whether the PM should come from the parliament, then we will try to sound out from the public. The first draft will be finished in January 2016 and will be published in its entirety for the public. From there, anyone who has recommendations is invited to present his/her views. From January to April is when the Commission will go through each provision and consider the recommendations, compare the two and find the best compromise. By the 5th of April, we should come up with the final draft and submit it to the Cabinet and then go through the Election Commission to conduct a referendum. Therefore, the Thai public should be able to see the draft in January.

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