Lesson learned from accepting/not accepting a Thai Juntas’ constitution since 2007

![Bar charts showing the result of August 7, 2016 Thai consensus to accept/not accept the Junta’s Constitution compared with its predecessor Junta’s Constitution in 2007 (Approximated)](chart)

**Figure 1. The result of August 7, 2016 Thai consensus to accept/not accept the Junta’s Constitution compared with its predecessor Junta’s Constitution in 2007 (Approximated)**

I believe it was quite a shock for every Thai Red Shirt to learn from the Thai media which have falsely claimed that the 2016 Junta’s constitution was passed to be used by the agreement of the majority of the people, even though evidently by the common rule in enacting any law it was not passed since it did not receive the consent up to half amount of the eligible voters and the constitution is the most important law in the country. Besides, it can be considered the worst constitution ever written in any so-called democratic country since by its details and the existing context it would definitely take away the Thai people’s sovereignty in the Legislative (enacting laws), Administrative (run the government), and juridical (appointing judges in all courts) powers, ending the 84-year-long legacy of the People Group’s
Revolution that has changed Thailand from Absolute monarchy to be Democracy since 1932, and Thailand will fully plunge into a constitutional authoritarian state. Anyway if we (especially Thai Red Shirts) looked back at the predecessor 2007 Thai consensus to accept/not accept the 2007 Junta’s Constitution we should not have been so surprised about the past Sunday voting outcome. The Red Shirts have faced this same condition about 9 years before, only this time it is much serious since the Constitution and the surrounding constraint are much worse than those in 2007. I did not go to vote to accept/not accept the 2007 Junta’s Constitution since I totally did not accept the junta, thinking at that time that if I had participated in any activity created by the junta that would have implied that I, somehow, accepted it more or less. Anyway the 2007 Junta’s Constitution was declared to pass the consensus even though it received acceptance from less than half of the number of total eligible voters. At that time (and still now) I thought that the 2007 Constitution should have had been considered not passed the consensus since, considering that it is the highest law in the country, it received not up to half amount of the total eligible voters then. If we accepted it, it would destroy the vital criterion that has been supporting the holiness of all laws in the country. Disappointingly, the politicians in Palang Prajajoan then (Peau Thai Party now) thought that once it had gained more points from the voters who accepted it than from the voters who did not accept it, then it could be accepted as passed the consensus since they could win the following election and make some change to that 2007 Junta’s Constitution later by the merit of the expected number of the elected representatives. However, even though the Red Shirt’s Party had 2 landslide victories in the general elections after that in 2008 (Palang Prajajoan) and 2012 (Peau Thai) but it could not be able to change the 2007 Junta’s Constitution to be more democratic or even run the government according to the promised policies, but worse than that is it
has mutually created the degradation in the process of enacting the most important Law by accepting that not up to half of the numbers of the total eligible voters is able to pass the constitution.

The present traumatic Thai decade-long political mess has occurred because the evil Thai dictators have been able to trick the common Thai people to fall prey of their own ignorance and confusion about the basic different uses of the popular consensus and the parliament whose all members are supposed to be well-educated in enacting a law, and the custom concerning the election of a representative. When a specific social or political matter significantly concerns all the people in the country (i.e. to set some rules about compulsory education, environmental protection, abolishing all point-tipped knives, to unite or separate from an international organization, etc.) then a popular consensus should be made. Once the result from that popular consensus is known it will be sent to the parliament to enact or change the concerning law(s). To pass an already-written law requires at least half of the full number of voters in the parliament. In a democratic country which have 2 Houses which are the House of the Representatives and the Higher House (in Thailand it is called the House of the Well-educated), usually, the decision concerning a matter will be determined by the House of Representatives (which represents the people), which each member has to have at least a bachelor degree, and then the corresponding law will be drafted. Then the drafted law will be passed on to the Higher House which the members are supposed to be more educated in writing laws and exclusively in charge to make sure that the going-to-be-enacted law can serve the purpose of the House of Representative in practice. So the people or the House of Representatives is the owner of the decision concerning the matter (i.e. social, political, environment, etc.) but the finishing of the written Law in the last step has to be technically proved by those who are well-
learned in laws-writing in order to guarantee that the enacted law will serve the purpose of the House of Representatives or of the people concerning that matter without any legal problem. So, it is like to use the head as the tail and the tail as the head to launch a popular consensus to approve an already-written constitution which is composed of many vital laws concerning the people’s basic rights and duties since generally no one can see its subtle flaws unless he/she is a well-learned and experienced lawyer and politician. It is like to use an average junior high school student to approve a Master degree thesis. Moreover, the claim that those 2 Junta’s constitutions should be considered ‘passed’ by the judgment of the people is obviously meant to make the people think of the custom of selecting a representative from a general election which should not be used in this case. Since, generally, in a popular consensus, if the matter is not quite vital (i.e. selecting the national artists of the year, etc.) it might be OK to use the same measure as in the general election, but if the matter is vital (i.e. to separate from the mother country such as separating Quebec from Canada) the number of the voters for the change should always at least half of the total eligible voters, the same as in enacting any law in the parliament. This accepting of the new constitution should be considered both a vital change of all the people in the country and also, by its nature, a passing of a law since the constitution is a set of laws concerning the basic rights and duties of everybody in the country, so it should have received at least half of the total amount of consents from the eligible voters which is about 25 million votes not 17 million votes on the past Sunday. So actually from the past Sunday consensus the 2016 Junta’s constitution did not pass the consensus (the same as its predecessor in 2007). All Thai politicians who still want to work for the benefit of all Thai people should no more be fooled by this Junta’s leader and his gangsters’ idiotic trick.
I do believe that no sensible government of any democratic country will appreciate the use of the general consensus to validate the whole newly-written constitution. The reason that some countries have declared that they are willing to accept the Thai government only if it comes from a general election without saying anything about from what kind of constitution only implies that no country is really interested to pay attention in detail about the real democracy of other country more than the benefit that it will get from that country and if there is really some heroine-typed country which cares for the democracy in some country else she can do nothing once the constitution in that interested country is of authoritarian type (the good example is North Korea).

Now the evil leader of the junta is happily making use of this faulty-formed political idiocy at least to get away with his crimes and establish a non-recoverable evil political system with this 2016 Junta’s Constitution which will affect every person in Thailand in all walks of life in negative ways from now on if he successes in doing this. So it is the high time that all the Thai politicians should have learned the lesson that we should never trade off any basic fundamental rule of justice only for the hope to temporarily solve our facing problem which finally will create a faulty tradition which, in turn, will degenerate the people’s morality (conception of justice) and peace of the whole society also curtail all the people’s right and freedom in the future. And if the Thai politicians still work for the people as the whole not for themselves (for the sake of their own wealth, privileged statuses, power, etc.) they should, as best as they can, not let this 2016 Junta’s Constitution to be in use since it did not pass the consensus and it will take away the people (as the whole)’s right to govern themselves, be free, and
receive justice. And for those common people who have never come to vote (which I used to be one of them) thinking that they do not want their life to deal with any politics they are thinking wrongly since if they do not care about politics at all then some small group of greedy and shameless self-deluded people will ever be able to take control of, make use of, and eventually destroy all our lives.

“*It is never too late to correct ourselves and do the right thing.*”

“The good politicians should regard all the people’s right and power as their 1st priority to preserve, shouldn’t they?”

“Politicians are essentially all the people’s representative.”

Those who are fooled by egomaniac idiots to spoil all the people’s benefit either unknowingly or knowingly in order to preserve their own benefit are not worthy to be called the people’s representatives.”

Please receive my bow.

A Thai citizen

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