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Informal Explanatory Notes
to the Main Provisions in the Interim Constitution

Overview

- **Promulgation of an Interim Constitution:** The Interim Constitution was promulgated on 1 October 2006. The Interim Constitution, containing 39 Sections, was prepared by an advisory group of experts, while inputs were invited from the deans of the law faculties of respected universities of Thailand before being promulgated.
- The Interim Constitution echoes the democratic character of the 1997 Constitution, and contains provisions for an open and inclusive process paving the way towards the promulgation of a new Constitution and free and fair elections within one year.
- **Guarantees of rights and Freedoms (Section 3):** Human dignity, rights, liberties and equality, including in part those reflected in the 1997 Constitution and Thailand's international obligations, are protected under the Interim Constitution. Freedom of speech and press freedoms will therefore be ensured
- Independent agencies under the 1997 Constitution, such as the National Counter Corruption Commission, the National Human Rights Commission, the Auditor-General and the Election Commission of Thailand, will continue to have their place in providing checks and balances.

The Council for Democratic Reform becomes the Council for National Security

- **The Council for National Security (Section 34):** The Council for National Security (CNS) will serve to maintain public order and security of the state, comprising the members of the former Council for Democratic Reform and no more than 15 additional members. If deemed appropriate, the Chairman of the CNS or the Prime Minister may request a joint meeting of the CNS and the Council of Ministers to consider and resolve issues as well as to consult.
- **Before the Cabinet takes office, the Chairman of the CNS shall act as Prime Minister and Council of Ministers (Section 39).**

Appointment of the Prime Minister and the National Legislative Assembly

- **Appointment of the Prime Minister (Section 14):** After the Interim Constitution is promulgated, a Prime Minister will be appointed, with the Chairman of the CNS countersigning the Royal Command (General

Surayud Chulanont was appointed Prime Minister on 1 October 2006). The Prime Minister will form a Council of Ministers comprising not more than 35 other Ministers to carry out the administration of government. After the swearing-in of the Council of Ministers, the administrative power of the CNS will be turned over to the government.

- **The National Legislative Assembly (Sections 5-13):** A Legislative Assembly will be formed, comprising about 250 members representing various stakeholders from the public, private, social and academic sectors, and from various regions (Section 5). The Legislative Assembly will be responsible for legislation and the filing of motions.

Constitution drafting process (Sections 19-32)

1) **Launching the Constitution drafting process**

- **A National People's Assembly (Section 22-23)** of no more than 2,000 drawn from all sectors of society and professions, from all regions, will be formed. The Chairman of the CNS will countersign the Royal Command appointing the members of the National People's Assembly. This National People's Assembly will, within 7 days of its first sitting, propose from among its number 200 names (Section 22) to form a nomination list for membership of the **Constitution Drafting Assembly**. Following the completion of this duty, the National People's Assembly will be dissolved.
- From the nomination list proposed by the National People's Assembly, the CNS will select 100 persons to form the **Constitution Drafting Assembly (Section 23)**. The Chairman of the CNS will countersign the Royal Command appointing the members of the Constitution Drafting Assembly.
- This Constitution Drafting Assembly will then assign a smaller **Constitution Drafting Committee** of 35 persons, comprising 25 eminent persons elected by the Constitution Drafting Assembly and 10 eminent persons proposed by the Chairman of the CNS, to draft the new Constitution (Section 25).

2) **Drafting and consideration of the draft Constitution**

- **Drafting and consultations:** The Constitution Drafting Committee will present a draft Constitution together with an explanatory note to the Constitution Drafting Assembly, the Council of Ministers, the National Legislative Assembly, the CNS and other relevant institutions and agencies for their comments. At the same time, the draft Constitution will also undergo a public hearing for the public to give their views on the issue (Section 26). Following these consultations, which will take 30 days, the draft will undergo a

correction process after which the Constitution Drafting Committee will present the draft Constitution to the Constitution Drafting Assembly for consideration (Sections 27 and 28). This process of drafting and considering the new Constitution will take no more than 180 days (Section 29).

- **Approval by national referendum:** The completed draft Constitution will then be disseminated to the public and undergo a **national referendum** for people to vote on whether to approve or disapprove the whole text, between 15-30 days after its dissemination (Section 29). If the people approve the draft Constitution, it will be presented to His Majesty the King for his signature (Section 31). If the people does not approve the draft Constitution, the CNS will hold a joint meeting with the Council of Ministers to consider and revise one of the previous Constitutions within 30 days for promulgation (Section 32).
- **Drafting and approval of organic laws:** After the drafting and consideration of the new Constitution within no more than 180 days, the Constitution Drafting Committee shall also complete the **drafting of organic laws** within 45 days. The National Legislative Assembly will complete consideration of these organic laws within another 45 days (Section 30).
- **In all, the whole process of approving the new Constitution is expected to take around 9 months, but best efforts will be exerted to finish earlier.**

Other Provisions

- **The Constitutional Tribunal (Section 35):** The Constitutional Tribunal is established to consider whether any law is or is not in contravention of the Constitution.
- **All announcements and orders of the Council for Democratic Reform shall continue to be in force (Section 36).**

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Curriculum Vitae
General Surayud Chulanont

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- Date of Birth** - 28 August 1943
- Education**
- Royal Thai Army Academy (B.S.)
 - Infantry Center School
 - Joint Staff College, Thailand
 - Joint Staff College, U.S.A.
 - Resource Management Program, Ministry of Defence, U.S.A.
 - National Defence College (1993)
- Marital Status** - Married to Colonel Khunying Chitravadee Chulanont
- Previous Position**
- Privy Councillor (since 14 November 2003)
 - Supreme Commander
 - Commander in Chief, Royal Thai Army
 - Commanding General, Second Army Area
 - Commanding General, Special Warfare Command
 - Member of the Senate (1992 and 1996)
- Thai Decorations**
- Knight Grand Cordon (Special Class) of the Most Exalted Order of the White Elephant (1995)
 - Knight Grand Cordon (Special Class) of the Most Noble Order of the Crown of Thailand (1992)
 - Knight Grand Commander (Second Class, higher grade) of the Most Illustrious Order of Chula Chom Klao (2001)
 - Member of "The Rama Medal" of the Honorable Order of Rama (1990)
 - Freeman Safeguarding Medal (First Class) (1974)

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