

## **Only Election Cheats Need to Panic Over Article 237**

Suthichai Yoon

What's with the sudden panicky uproar about this terrible 2550 Constitution that needs to be rewritten here and now because it's bringing the country to ruin?

The shortest and bluntest answer is: the ruling People Power Party is running scared, really scared, of being dissolved. If that comes to pass, the disastrous consequence is that all the 37 executive members, including PM Samak Sundaravej and Deputy PM Surapong Suebwonglee, would be in deep, deep trouble. They could be banned from politics for the next five years.

It's all because Article 237 of the new Constitution, for the first time, incorporates a clause that requires "collective responsibility" from political parties if any of their executive members are found to have been involved in violating the election law - or if any of them aided and abetted a candidate in poll cheating.

The rationale behind the inclusion of this draconian clause in the new charter is obvious. Thai politicians have been cheating in elections with impunity. They have always got away with fraud, corruption and vote-buying. Corrupt "electioneers" couldn't care less about what the law said about rigging an election. They were confident they could always circumvent any piece of legislation.

The charter-drafting committee that put the 2550 Constitution into force made this a serious point of consideration. The drafters were convinced that if the law remained flexible, Thai democracy would be nothing but a facade for money politics.

In order to bring a halt to election fraud, they decided to make vote-buying a serious crime, punishable by not only dissolving the party but also making the party's executives accountable.

In other words, if you are a member of a political party's executive committee and you buy votes or fail to prevent your candidate(s) from committing fraud or knowingly ignoring such serious violations of the law, you will have to be removed from the political scene for five years. In their series of public hearings to get the electorate's reaction to this particular clause, the charter drafters got overwhelming support from voters everywhere. Why? Most people are simply fed up with the country's dirty, money politics. They were all in agreement that only a political death sentence could put a stop to this highly damaging tendency in Thailand's political arena.

Did the current MPs who ran in the December 2007 general election know that they were competing under this set of new, tougher rules?

Of course they did.

So why are they screaming hell? Why are they saying that Article 237 is not only killing them but also subverting the nation's stability?

Because they have been caught red-handed. They thought they could get away with their wrongdoing. They thought that somehow the tougher law would apply only to somebody else.

Now, contrary to what they had expected, the powers-that-be are ready to bring the axe down on their heads. These politicians suddenly realise that not all members of the independent National Election Commission can be brought under their control. And if things are to run their course to a logical conclusion, their days are numbered.

PM Samak Sundaravej says the proposed amendment to the charter has nothing to do with the fact that Yongyuth Tiyyarat, a PPP deputy party leader, and also House Speaker, is charged with election fraud and is faced by the serious threat of a red card. In fact, he claims that the whole exercise is aimed at an overall review of the Constitution - and is not focused on Article 237.

In other words, he has taken a step back, to avoid being seen as demanding a change only for the selfish reason of pre-empting a court verdict to dissolve the PPP and place all its executive members in a five-year limbo.

But the cat is already out of the bag. The cover has been blown. The dent in the PPP's credibility is perhaps beyond repair. The best that can be done now is limited damage control.

Has any leading member of the ruling party come out to apologise to the voters now that a number of the party's leading candidates, including the deputy party leader, have been accused by the National Election Commission of election fraud?

The silence is deafening indeed.

(Share your views in my blog at <http://blog.nationmultimedia.com/ThaiTalk> .)

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