

เขียนโดย ศ.นพ.วิจารณ์ พานิช

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Some Suggestions for the Political Reform of Thailand

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The true root cause of the current political impasse in Thailand is “Corruptions” of many politicians and government officials. Nearly all elected officials are fighting, even among themselves, within the same political party, for the ministerial position(s) as these positions give them the opportunity for graft money, the return of their investment spent during the election. Ridding out all corruptions will be the true solution for a prosperous Thai society and Thailand. Rapidly developing country like China also faces with the same corruption problems of public officials and politicians, the Chinese Government under the current President, Xi Jinping, has made it a national agenda of his government to take serious action against corruptions in China. In 2013, the Chinese government reported that the prosecutor office has investigated 209,000 officials in nearly 180,000 cases of embezzlement, bribery, corruptions, dereliction of duty and rights during the past five years, an average of 35,000 corruption cases per year. The highest ranking government official that was dismissed and prosecuted was Huang Songyou, a Vice President of the Supreme People’s Court, who was indicted on corruption charges. If Thailand were to compete with China and other countries in Asia and the world, fixing the corruptions within our government system must be the priority.

For the political reform of Thailand, the following are some suggestions to fix the current problems:

1. Debt Ceiling

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Introduce and set the limit of the “Debt Ceiling” of Thailand to the current government system: At present, the national debt of Thailand is 4.22 trillion baht (estimated at 250,000 baht per household). If the 2.2 trillion baht loan for the high speed train and the 350 billion baht loan for the flood-controlled project go through, the national debt will increase to 6.77 trillion baht (estimated at 404,000 baht per household). There must be a limit to the national debt ceiling.

1. Balance Budget

All future Thai government must be required by laws to provide a balance fiscal budget. They cannot keep spending public money and create public debt, as they like, on programs that do not clearly provide any return of investment. And, worst, if much of the fund is corrupted by leading government officials and politicians.

1. Ballot for Public Vote of Approval for any Mega Loan

The reform must have a policy requiring public ballot and voting when mega-loan projects are introduced. For example, for any mega loan of more than (let's say) 10,000 million baht, the government will need a ballot for public approval of the project prior to apply for the loan. This practice is presently used in many States in the U.S. In 2012, the State of New Jersey requested the public to vote to approve a loan (public bond) of \$750 million (22,500 million baht) for an infrastructure improvement project for NJ Higher Education.

1. Perjury of Government Officials and Spoke-persons while in office or on official duty

- In recent years, we frequently see public officials such as Ministers, MPs, Government Spoke persons, Speaker of various Political Parties, Speaker(s) of CAPO, and senior Police Officers, etc., commit perjury in public news conference and press conferences, intentionally misleading the public causing confusion, social chaos and conflicts in many communities.

- While perjury of individuals may be the right of free speech, but as public officials, such an act must be considered as professional misconduct and, therefore, cannot and should not be tolerated.

- As such, it is proposed that any public officials, while on duty or in office, commits perjury in public, such as giving interview to the press or giving a press conference with false information, is to be subjected to legal consequences, and be prosecuted for public perjury. Punishment of these acts should include mandatory jail term and fine with no exception.

- In addition, these officials are to be dismissed permanently without pension from all government agencies. All these perjury cases can be retroactive, which means individual(s) committed such perjury while in office could be prosecuted even after they left office.

- For politicians and speaker(s) of political party, in addition to the fine and mandatory jail term, these individuals are to be banned and dismissed from any political engagement for life.

- In case that these perjury acts led to any loss of life and property, these individuals are to be responsible personally for any compensation, so as his/her affiliated political party.

- Since these government officials are often the role model of many others in the society, government and public alike, severe punishment, therefore, must be imposed to these individuals so laws and order are to be maintained and abided by.

- If these Thai elected and/or appointed senior government officials cannot lead our country to prosperity, they should, at least, be

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honest with us, the general public.

1. Penalty for Corruptions

- The Reform or new Laws must demand any future Prime Minister (PM) and Government to make corruption the top priority of our National Policy, similar to what the current Chinese President, Xi Jinping, is doing.
- Any politician(s) and government official(s) as well as contractors of any government projects involved in corruptions, embezzlement, bribery, dereliction of duty and rights, when found guilty, must be subjected to mandatory jail term and fine.
- These cases have no expiration.
- In addition, all family assets of these individuals are subjected to seizure, regardless of large or small the amount of corrupted fund involved.
- All practices that are considered as corruptions are to be clearly listed and posted in front of all public government buildings and facilities to remind everyone of these illegal acts, for example, making sight-seeing year-end trip(s) just to burn up the remaining fiscal fund, etc.
- All ministers and senior government officials must file monthly report of any gift(s) and monetary presents received. Failure to report will be treated as professional misconduct and subjected to prosecution.
- All government officials must attend annual corruption training courses.
- All ministers and senior government officials must sign a public oath against all forms of corruptions and such statement is officially treated as contract with binding and legal consequences when violated.

1. Serious Consequences for Election Fraud and Vote Buying

- All politicians, involved in illegal election fraud and vote buying, when found guilty, will be subjected to mandatory jail term and fine; and
- These individuals and their family members are to be banned for life from all political engagement, directly and indirectly;
- All these cases have no expiration and can be prosecuted retroactively.

1. Minimum Technical Qualification of any Appointed Ministerial Post(s) and Advisors

- To serve as Minister, Deputy Minister, and Advisors of any Ministry of future Thai government, the nominated candidates and their advisors must possess technical background and professional experience in the field related to the main tasks and responsibility.
- These positions, which have serious critical national interests, are not for unskilled, inexperienced individuals or public elected representatives.
- Therefore, all these senior appointees must go through confirmation from an external professional expert panel, formulated from the professional society. For example, nominated candidate for the Minister of Justice must receive confirmation from panel formed by the Bar Association, etc. Likewise, nominated candidate for the Ministry of Commerce must receive confirmation from panel formed by the Federation of the Thai Industry and the Thai Chamber of Commerce.

1. Elected MPs Are Not Eligible for Any Ministerial Post

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- At present, all politicians are fighting for ministerial position for authority to control mainly the budget of key ministries with the expectation of getting “Kick back” and “Corruptions”. Ministries with lesser budget are generally considered as “second-grade ministry” and are less desirable among senior politicians.
- As such, to minimize the chance of corruptions, all future elected MPs are not eligible for any ministerial post(s), thus cutting down the potential return of their election investment, and, in some cases, vote buying.
- The roles of elected MPs are to set national agenda and serve as watchdog to monitor all government officials and ministerial offices to perform as they have stated in their policy, thus ending the “buy-votes-in-order-to-corrupt” principle among some crooked politicians.

1. Check and Balance

- At present, no effective means (existing rule involves lengthy and routine clumsy process) to prosecute corrupted “law enforcement officers”, “district attorneys”, “judicial staffs”, and ministers when these individuals engage in corruption and unethical practices.
- These corrupted individuals often lie in public, commit unethical acts in support of corrupted officials without concerns on legal consequences as there is no “check and balance” in our judicial system. In other words and in simple terms, how to prosecute police officers, DSI, and officers in the judicial system when these individuals corrupt?
- It is suggested that a special prosecuting unit, attached to the high court, be formed with authority and resources to expedite arrest warrant under court order to arrest these individuals without going through the normal judicial process that requires the approval and consensus from these corrupted offices.
- Note that the Chinese government, during the past five years, has prosecuted more than 209,000 government officials in 180,000 corruption cases.

1. Public Authority to Remove Elected MPs and/or Appointed Senior Government Officials

- Thailand currently has 500 elected MPs and a handful of senior government officials in key critical positions that are vital to our national interests. With the population today of 67 million people, each MP represents 134,000 Thais.
- At present, in the event of any ill-performing elected MPs with corrupted records and practices, the impeachment process of these individuals can be done only by their own peers, a process that can never happen as these MPs are well protected by their affiliated political party.
- It is suggested that under the reform the Thai public must have the authority to remove any elected or appointed government official(s) and senior officers with a specific required number of signed petitions for the intent. For examples,
 - To remove an MP requires 500,000 signatures of eligible voting members;
 - To remove a Minister and a senior government official (for example, the Head of the Police Department) requires 1,000,000 signatures of eligible voting members;
 - To remove the Prime Minister requires 1,500,000 signatures of eligible voting members.

1. Public Education on Election and Fraud

- The Election Commission should routinely run courses to the general public on individual’s right and responsibility with regard to

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election. These basic courses should be incorporated into all levels of public education, starting from middle school, high school, and college.

- All MP candidates must sign and make public oath against all forms of corruptions and election fraud, as well as making public denouncement on election fraud and vote buying. These denouncement of corruptions and fraud should be made as part of the application process.
- All ballot booths and election stations must post sign listing all forms of election fraud, corrupted acts, and legal ramification and consequences in case of violation.
- Each voting individual must read, sign, and take home a one-page contract stating that he/she does not engage in any form of election fraud, such as, bribe, monetary compensation in return for vote, or any form of compensations from any candidates.
- The form should clearly outline all penalties involved with election fraud and corruption.

1. Public Disclosure of all forms of Gifts, Presents, and Monetary Contributions

- Since corruptions have plagued Thai politics and government system for so long, one way to begin the clean-up process is to require all public officials to file public disclosure of all forms of gifts, presents, and monetary contributions received while in office.
- In the State of New Jersey, after a major corruption case at one of the State Universities, all state employees are required to file annual disclosure of all gifts, presents, and any other forms of financial support received for any other organizations during the year.
- Each state university has set up the Ethic Office to monitor and follow up on these disclosures.
- In early December, the Ethic office at all state universities will send out a reminder to every university employee to turn in any present(s) they received from students and others during the Holidays season. All collected gifts and presents were then donated to the Salvation Army and Hospitals.