

# *S44 addicts need some cold turkey*

**LET IT BE**  
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**T**wo recent opinion polls show a number of Thais still have a strong love affair with Section 44, the all-inclusive tool employed by Prime Minister Prayut Chan-o-cha.

That comes as no surprise.

Many, over 60% of those surveyed by the Bangkok Poll, said they think the law will help bring about reform success, while over 78% said the law should remain valid even after a general election to maintain social order. Those responding to a Dusit Poll thought much the same.

Thais are more than familiar with such a special power as authoritarianism has taken a firm hold on Thai society. The unsuccessful experiment with a democratic system following the 1932 Revolution gave military strongmen a golden opportunity to act as decisive patrons.

Field Marshal Plaek Phibunsonggram who ran the country in the 40s and early 50s, and Field Marshal Sarit Thanarat in the following decade, were the kind of leaders many Thais are well associated with. Sarit was the first to put in place a special power in the constitution and some still hold him in high regard, even though it was later found after his death that he had amassed enormous wealth.

Even leaders who rose to power through democratic means were not much different

to those military strongmen. Thaksin Shinawatra did not have the privilege of a special written clause, but he could wield power with the legitimacy of a parliamentary majority. His war on drugs and his decisiveness in the Thai-Cambodian diplomatic crisis that saw the Thai embassy in Phnom Penh reduced to ashes saw his popularity shoot up.

After more than a decade of political turbulence, a hopeful public turned to Gen Prayut and he appeared to read their minds. He often gets tough with the press, who many view as a dividing force for presenting conflicting and confrontational opinions. He gives orders like a military man and is willing to say "the buck stops here". And yes, he has no hesitation in employing the ultimate weapon, Section 44, to meet a goal — whatever that may be.

As suggested by the opinion polls, the prime minister has the people hooked. He has used this power widely in dealing with local politicians who fail to behave, protesting students, mafia gangsters, wayward or inefficient bureaucrats, a disappearing monk et cetera. Section 44 has become the household drug of choice.

But use of a special power is never everlasting. Dictators with special powers, namely Plaek, Sarit (posthumous) and Field Marshal Thanom Kittikachorn, who resorted to Section 17 to execute many, fell from grace. Gen Prayut cannot look to the past with confidence.

There are two reasons for this.

First, power used indiscriminately leads to abuses. Without due process, ordering actions with Section 44 undermines the basics of contemplating and implementing public policies. Advantage or disadvantage

depends on who gains access to the leader. Essential stakeholders and interest groups are usually left out.

With such a powerful and confident leader, bureaucrats and businessmen will cater to his emotions and ideas to please him. Dear leader is always right! Within such a cocoon, people with different opinions become state opponents who fail to value the good intentions of the government. Freedom of speech and liberty activities are suppressed.

And something like Section 44 is only enforced via the barrel of a gun, without which the leader is nothing.

Second, a consequence of the above, is that special power is unsustainable and unstable. As abuses rise, with more people feeling left out, resistance may increase. The public mood can change overnight and the coalition that supports the leader may shift.

As we can see, the Wat Phra Dhammakaya saga has shrunk the government's popularity, while the state's mishandling of the coal-fired power plant in Krabi has caused many NGOs to rethink their positions.

Even the urban middle class are restless. The economy has been in the doldrums for a few quarters now. Section 44 cannot resolve economic woes — the economic landscape is not a military operation.

When the time comes and the new coalition lines up, Section 44 could be useless. A pressure cooker without a release valve explodes more forcefully.

That is why democracy, to paraphrase Winston Churchill, although a bit messy, is still the best system with which to govern.

Power is not put in the hands of one man (or woman). A coalition of interests shifts and aligns with different issues. Stakeholders

can speak out directly or through their representatives. Democracy sets the rules of the game. With limits on authority, the system provides a peaceful transition of power.

Eventually, the regime will come to an end, voluntarily or by force, and democracy will return. But sadly, with a strong culture of authoritarianism, some people may still pin their hopes on knights on white horses as saviours when faced with political problems. Somehow they are addicted to Section 44.

So, how can we get out of this vicious circle, the unstable interchange between authoritarianism and democracy that hinders continuous development and growth?

To cure a drug addiction, one has to go cold turkey. The new constitution should totally omit Section 44, and not even be included for the provisional period. The National Legislative Assembly should work with the government, and reconsider various orders under the draconian law. Those orders should be carefully studied and then if the rationale is correct, be made into law. If not, then the pre-Section 44 alternative should be restored. This should be part of the roadmap toward a return to democracy and elections.

After the elections, the elected parliament must review it all and reconstruct legal mechanisms with the aim to strengthen democracy.

But as drug addicts know, withdrawal symptoms are harsh — and reverting to drug abuse is common — as power corrupts. Dictators or democrats alike, are human after all.

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