



The Asia Foundation



[ OCCASIONAL PAPER NO. 18, OCTOBER 2012 ]

## **CONFLICT MANAGEMENT AND RESOLUTION IN ASIA: The Role of Civil Societies in Thailand's Deep South**

*Don Pathan, Director of Foreign Relations, The Patani Forum, Thailand*



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## POLITICAL CONTEXT OF THE CONFLICT

### INTRODUCTION

Thailand's southernmost provinces of Pattani, Yala, Narathiwat, and the four Malay-speaking districts in Songkhla province have a combined population of about 2 million people, of whom more than 1.5 million are Malay Muslims. This distinctive ethnic-religious group has a history and identity that predates the imposition of centralized rule of the Thais in the early 20th century and was once part of the independent Sultanate of Patani. The region is situated between Buddhist Thailand and Malay-Muslim states of northern Malaysia. But in cultural and linguistic terms, it is at home in neither country.

Thailand's nation-state constructs, along with its historical narrative and the centralized structure of the Thai state agencies, have at various times been both unable and unwilling to accommodate their unique Malay identity and historical narrative. Adding to their sense of alienation is the fact that the restive region, commonly referred to as the Deep South, is one of the most neglected regions in the country.

Over this past century, Thailand's policy toward the region has centered mostly on assimilating the people of this contested region. Resistance to assimilation has taken various shapes and forms and has been based partly on ethno-religious grounds, but partly on a historical-cultural narrative that sees the Thai state claims as an expression of a century-old occupation and colonization by a Siamese force. Since the turn of the 20th century, Thai administrations have implemented policies meant to assimilate the Malay-Muslim provinces into the wider Thai geo-political body. Local Malays in the Deep South have resisted these attempts because they feel that their cultural and religious identity is at stake. Like the Thais, the Patani Malays are immensely proud of their institutions, way of life, and their place in the Malay-speaking world. In the late 1960s, these grievances translated into organized armed resistance and separatist movements most notably the National Liberation Front of Patani (Barisan Nasional Pembebasan Patani, BNPP), National Revolutionary Front (Barisan Revolusi Nasional, BRN), and the Patani United Liberation Organisation (Pulo).

Armed separatism peaked in the 1970s and early 1980s, and was financially supported by some governments in the Middle East that also provided military training, and refuge for the mushrooming Patani-Malay diaspora. At that time, groups such as Pulo and BNPP had set up offices in various Muslim countries in the Middle East and Southeast Asia. This revolutionary fervor subsided in the late 1980s and early 1990s partly due to Thailand's counter-insurgency strategy, known as *Tai Rom Yen* ("Cool Shade in the South"), and partly because of differences that emerged between combatants on the ground and the leaders based abroad. Because of these unresolved differences, many militants abandoned the armed insurgency and returned to the normalcy of rural life in the provinces. Even so, resentment toward Siamese rule never fully eroded.

The following decade saw massive development in this region. A civilian-led multi-sectoral agency—the Southern Border Provinces Administrative Centre (SBPAC)—was set up in the 1980s to administer the region. SBPAC took into consideration the culture and special needs of the Malay-speaking region in a way that previous Thai government agencies had failed to do, generating some degree of good will from the local population. For nearly a decade the region was at peace, or so it seemed. The state wrongly assumed the absence of violence meant peace. But the narratives never

went away. A new generation was being groomed and old grievances would create a new generation of militants who would resurface less than a decade later.

The current insurgency surfaced in late 2001, but was not officially recognized until January 4, 2004 when scores of militants raided an army camp in Narathiwat and made off with nearly 400 weapons. Prior to the January 2004 events, insurgents were dismissed as “sparrow bandits” working for influential figures and crime syndicates looking to create disturbances for political and/or financial gains. Since the 2004 arms heist, violence has been occurring at an almost-daily rate with more than 5,000 now believed to have been killed in what has become Southeast Asia’s bloodiest conflict.

The absence of claims of responsibility for attacks has also lent itself to multiple interpretations of the violence, as seen in the wide range of explanations offered by Thai and foreign scholars, security analysts, and terrorism specialists. But the fundamental premises of the current insurgency are nothing new when one considers the historical context of the conflict. Today, the Thai state no longer subscribes to the “sparrow bandit” explanation. Instead, it conveniently dismisses the new generation of insurgents as a network of angry young Muslim men who have been taught a distorted history and have embraced “false” Islamic teaching. They are often also accused of being drug traffickers and/or addicts.

While the military has tried to temper their security operations with a host of community-based projects, these have failed to win the hearts and minds of the local residents, proving that good intention does not necessarily constitute good policy, and that development is not necessarily the solution to the problem. Unfortunately, the issue of the legitimacy of the Thai state in the Patani Malay historic homeland continues to be ignored, as well as other contentious issues, such as cultural space and historical narratives of the Patani Malays.

Today, militant cells have created a network that stretches across the three southernmost provinces of Pattani, Yala, and Narathiwat, as well as the four Malay-speaking districts in the province of Songkhla. Significantly, the tactics employed by the militants today differ from those pursued by previous generations of separatists. This new generation of fighters is not restrained by the kind of institutional discipline that had guided previous generations of insurgents. Decisions to attack and the selection of targets are often decided at the cell level and, periodically, a number of cells would carry out simultaneous attacks, creating a greater psychological impact.

Thai security and intelligence officials tend to lump the new generation under the chain command of the BRN-Coordinate organization, conveniently ignoring the generation gap and the absence of command-and-control between the exiled group and the militants on the ground, locally known as *juwae*, (“fighter”) in the local Malay dialect. Sources in the BRN-Coordinate and the *juwae* maintain that while there is regular dialogue between the old guards and the young fighters on the ground, a shared command has yet to be finalized. An ideal situation, according to *juwae* sources and the leaders of the long-standing separatist groups, is to see the entire movement evolve in such a way that would have the militants on the ground be the military wing while the old guards would serve as the political front. But for that to materialize, Thailand would have to develop a clear policy on this very sticky issue of negotiating with the separatists. Neighboring countries, namely Malaysia and Indonesia, as well as the Organization of Islamic Conference (OIC), and other potential facilitators/mediators, could potentially be given a role in the peace process. Essentially, Thailand would have to give these countries, as well as other potential mediators, the mandate to mediate or at least facilitate. But Bangkok has never been comfortable with the idea of “internationalizing” the issue and the country's top brass has never liked the idea of a formal

peace process because it unnecessarily gives, in their view, the needed political capital the opposition desires.

Publicly, Bangkok continues to maintain that the conflict is a domestic matter and that the militants are more or less criminals motivated by a false teaching of Islam and distorted history. But secretly over the past recent years there has been a proliferation of initiatives aimed at establishing a formal peace process or a channel of communication. The problem is that there is no unity among the Thai agencies, no unity among the leaders of the long-standing groups, and no guarantee of continuity, especially at a time of great political instability in the country. Just as important, there is a lack of agreement as to what role the long-standing separatist groups could play. Most security and intelligence agencies said they would rather speak to the militants behind the violence, not aging self-proclaimed separatist leaders whose time may have passed and whose ability to influence the *juwae* is questionable. Adding to the difficulties is the fact that the longstanding separatist group with the best working relations with the *juwae* - namely the BRN-Coordinate - have refused to surface publicly or discretely to meet with potential peace brokers. Until all the gaps are closed, the prospect for the successful start of formal negotiations, to say nothing of a possible successful outcome, is slim at best.

## TALKING TO ADVERSARIES

The idea of talking to the Malay Muslim separatists is nothing new for Thailand, but officials have always wanted to keep it from the public spotlight. In the late 1980s, Thai military officials had been going back and forth between Bangkok and various cities in the Middle East to meet with separatist leaders. These meetings subsided in the 1990s after the armed wings of the separatist groups put down their weapons. Given what we have witnessed in the past decade, many now described the 1990s as the “lull before the storm.” Indeed, this was a period of grooming a new generation of armed separatists. Unfortunately for the then prime minister, Thaksin Shinawatra, the current generation of insurgents resurfaced at a time when he came into office in 2001.

The problem with Thaksin was that he saw the violence in the narrow definition of law and order and the solution was to crush the insurgents with superior firepower. Five years after being in power, Thaksin finally showed willingness to entertain the idea of talking to the insurgents. Former Malaysian Prime Minister, Dr. Mahathir Mohammed, was asked to facilitate a series of meetings between top Thai security officers and leaders of the longstanding separatist organizations. The meetings were held in Langkawi, Malaysia over a period of several months between late 2005 and early 2006. A set of recommendations were forwarded to Thaksin from the meetings, but the then premier was too bogged down with street protests in Bangkok and did not make time to seriously consider the recommendations.

Thaksin was ousted in a coup in September 2006 and eventually went into a self-imposed exile to avoid jail terms on charges of corruption. Former army chief and member of the King's Privy Council, Surayud Chulanont was named interim prime minister. The Surayud Administration made concerted efforts to reach out to long-standing Patani Malay separatist groups. Towards the end of his term, Surayud even held a secret meeting with a senior Pulo member in December 2007 during a stop-over in Bahrain. Early on in his administration, Surayud extended an olive branch to the Malay community in the Deep South, apologizing for the past atrocities committed against them by the state, including the Tak Bai massacre, an incident that ended in the death of at least 85 Malay Muslim demonstrators, 78 of whom died from suffocation after being stacked one on top of another in the back of military trucks. While his apology was welcomed by the residents of the Malay-speaking South, the militants on the ground were not appeased. Thai bureaucrats, and the general public as a whole, were largely indifferent to Surayud's plea for reconciliation. In the end, an

opportunity to build on the apology and create a foundation of cooperation with the international community was missed.

Surayud's term in the office witnessed the most violent year since this wave of violence resurfaced in the region eight years ago. The army, on the other hand, responded with a troop surge, rounding up men deemed sympathetic to the insurgents and sending them to "job training" sites in military camps in the upper South that functioned more like a "re-education camp." The initiative ended when a Thai court intervened by declaring the project unconstitutional.

After the Surayud government, progress on the talks quickly died down. Following the coup, elected governments of Samak Sundaravej (Sept-Dec. 2008) and Somchai Wongsawat (Jan-Sept 2008) were pre-occupied with street protests in Bangkok, and relegated Thailand's Deep South to the back-burner. However, Samak did give the green light to the then Vice President of Indonesia, Jusuf Kalla, in September 2008, to mediate a meeting between a Thai military-led delegation and a group of exiled leaders from various separatist groups, including a different PULO faction from the one that Surayud had met just a year earlier. News about the meeting was leaked to the media, and the Thai Foreign Ministry, as well as the Jakarta Government, immediately distanced themselves from the event. Kalla's initiative died quickly.

Prime Minister Abhisit Vejjajiva, after assuming power in December 2008, made an attempt to bring back civilian supremacy in the Deep South, where the army since 2004 has been in the driver's seat overseeing both security and development in the region. Legislation to give the multi-agency Southern Border Provinces Administrative Centre (SBPAC) a legal basis was passed that would permit the agency to draw from the government's budget instead of having to go through the military. As for dealing with the separatist movements, Abhisit decided to pick up from where Surayud had left off and permitted representatives from the National Security Council (NSC) to resume talking with the same PULO faction that former premier Surayud had met with in Bahrain in late 2007.

In August 2011, Yingluck Shinawatra became Thailand's first female prime minister. One of her campaign promises was to grant autonomy to the Muslim-majority South. But she and her Pheu Thai Party quickly reneged on this promise after their election victory as the military came out strongly against the idea, arguing that autonomy would undermine security in the Deep South. Moreover, the Pheu Thai Party did not win any of the 11 parliamentary seats from the three southernmost provinces, thus, suggesting that autonomy may have not been as important as many had believed. The outcome reflected on a pattern that emerged after the Tak Bai massacre in late 2004 in which none of the political parties associated with Thaksin has not won a seat.

As for how to deal with the separatist movement, Yingluck gave the SBPAC chief, Thawee Sodsong, a close ally of the Pheu Thai Party, authority to negotiate a settlement with the separatist groups. Essentially, this meant an end to the NSC-backed process. Various government agencies, except the military, were brought in to assist Thawee's initiative. Thawee toyed with various ideas with his advisors, including permitting future SBPAC chiefs to be locally elected. He talked of granting greater cultural space for the Malays of the restive region, such as supporting the use of the Malay language in the context of stronger Asean integration. Thawee took his message of peace and reconciliation to the leaders of the long-standing separatist movements living in exile. But his textbook-like approach would fail because Thawee had overlooked various factors in the construct of Thailand's statehood that add to the historical grievances and the deep-rooted mistrust between the Malays and the Thai state.



Another important factor that hampered Thawee's peace initiative is the fact that none of these groups that met with him, and later with Thaksin Shinawatra in a secret meeting in Kuala Lumpur in mid-March 2012, have adequate control over the new generation of insurgents on the ground. Members of the BRN Coordinate and others admitted that the chain of command is too fluid and more time will be needed to consolidate command-and-control with the *juwae*. And without the ability to effectively influence the *juwae* or curb the ongoing violence, Thawee's efforts at negotiating with the old guard could prove meaningless.

## RECENT DEVELOPMENTS

A number of high-profile violent insurgency attacks in the middle of 2012 has forced the government to react seemingly in a knee-jerk fashion. Some of the government's ideas, such as having the governors of the three southernmost provinces be locally elected, which was proposed by a senior member in the ruling Pheu Thai Party, were bold. At the same time, the rearrangement of the security agencies and key security personnel that placed a deputy prime minister as a symbolic head, has created more confusion in the division of labor. Perhaps the most important thing that came out of this "knee-jerk" was the statement from Deputy Prime Minister Yuthsarak Sasriprapa, who stated that the government will be engaging in peace talks with leaders of the separatist movements. He added that the talks should not be equated to formal negotiation and that the SBPAC will be in charge of the task. The local press was not excited about the announcement because it was an open secret that successive Thai governments and various agencies have been engaging in an informal talks with the separatist movements, although nothing meaningful or anything that may have impacted policy have emerged from these discussions. Nevertheless, Yuthsarak's announcement should be taken seriously because it marked for the first time that a Thai government has admitted publicly that they had been talking to the separatist movements. But as stated earlier, the task is full of obstacles and challenges, including the inability for the Thai sides to come up with a unified position on how to move forward on the peace process. Successive Thai governments continue to rely on normal bureaucratic means to implement their policy, which do not seem to be very creative or imaginative.

One positive move is that Prime Minister Yingluck Shinawatra and opposition leader Abhisit Vejjajiva met in the middle of September to talk about the conflict in the restive region. It was not clear whether their coming together was a result of bluffing between the two political camps or an acknowledgment that both sides have exhausted their political capitals and thus, decided to come together because they have nothing to lose. Whether their meeting will evolve into a long-standing bipartisan approach to the conflict remains to be seen. For the time being, the Royal Thai Army appears to be giving the politicians more breathing space in their dealing with the peace process. This space is provided to the politicians with the understanding that the ruling party would have to take responsibility should their initiative fail to produce a desirable outcome.

In the past, the army was quick to attack any move to give the Deep South some sort of autonomous status, saying Thailand's sovereignty was at stake. But this time around, the ruling Pheu Thai Party appears to be gaining traction with a couple of proposals, such as permitting the governors of the three Malay-speaking southernmost provinces to be locally elected. So far, however, no serious study on this very proposal has been initiated and it remains unclear as to whether the government is serious about it.

While the announcement of peace talks, as well as the proposals to grant the local Malay Muslims more power to map out their destiny, is welcomed by the more progressive thinking quarters in Thailand, few Malay Muslim leaders are optimistic that these ideas will evolve into anything meaningful or have any real impact on insurgency violence. Part of the problem, according to them,

is that there is a huge gap between policy created by officials in Bangkok and the reality on the ground. Furthermore, the government has yet to find adequate partners to work with, much less a buy in from the community on the ground. The Malaysian government has been asked to facilitate some of these secret meetings, but the so-called separatist leaders who were brought to the table do not seem to have enough clout on the ground with the people and with the insurgents. Moreover, these self-proclaimed separatist leaders who surfaced since 2004 appear to be working against one another instead of looking for a common position.

## **ROLE OF THE CIVIL SOCIETY**

The idea of including civil society in a formal peace negotiation process has never materialized in a meaningful way in the history of Thailand's dealing with the Patani Malay separatist movements. Thai military and civilian officials see the conflict as an internal matter and genuinely believe that it would be a waste of political capital to bring in outsiders who could very well put the discussion of the legitimacy of the Thai state in the Malay homeland on the table. But there were exceptions, however. As noted earlier, the NSC-led initiative was assisted by a European nongovernmental organization specializing in mediation. It was hoped that this so-called Geneva Process that linked the Thai NSC to a PULO faction would gain the needed traction to attract other separatist organizations to come to the negotiating table. But the old guards could not unite. Part of the problem was that there were three PULO factions and all claimed to be the legitimate representatives of PULO. Likewise, there were other groups or factions who were calling themselves Barisan Revolusi Nasional-Coordinate (BRN-C). Three decades ago these self-proclaimed leaders may have been part of the same organization. But since 2004, these old guards who resurfaced took up the same old organizational name and competed among themselves to be the sole spokesman for the Malays of Patani.

The idea to expand the scope of the participants in the peace process was explored by a group of Thai academics who have a close working relationship with the NSC. The term "peace dialogue" was coined. "Peace dialogue" sounds less threatening than "negotiation" and it was hoped that the military would go along with the idea of a less structured approach and concept. The debate had taken place during the Abhisit government. One thing that the Geneva Process did in 2011 was to permit local civil society leaders to take part in the discussion between the NSC and PULO leaders. Muslim and Buddhist leaders from the three southernmost provinces were invited to several rounds of meetings. The idea was to "expand a partnership for peace." A wide net was tossed and participants included a former student leader, a women rights activist, a Buddhist mayor, and a Muslim religious leader. Supporters of the idea said it was a way of acknowledging that civil society was a stakeholder as well, but critics said the idea to include these civil society representatives in the discussion was a way of enhancing the legitimacy of the Geneva Process amid an onslaught from various political and security circles. But the idea of "expanding a partnership for peace," as well as the Geneva Process, hit a brick wall not long after the Pheu Thai Party came into power and the mandate to "negotiate" with the separatists was given to the SBPAC's secretary-general, Thawee Sodsong, a close ally of Thaksin.

Thawee's initiative culminated in mid-March 2012 at a meeting between Thaksin and a group of about 17 leaders from various long-standing separatist groups. The former Thai premier and de facto leader of the ruling Pheu Thai Party urged the leaders to work toward peace and end the conflict once and for all. Thaksin expressed regret for the violence but did not apologize. He blamed government bureaucrats for providing him with "inaccurate information" that had shape his heavy-handed policy. Perhaps the most important aspect of the meeting was not the participants but the people who were not there. The meeting was boycotted by the BRN-Coordinate because, according to one of its senior cadre, the group could not forgive Thaksin for his abusive treatment of the

Malays of Patani. Moreover, two weeks after the meeting, on March 31, 2012, insurgents on the ground set off a triple car bomb in the heart of Yala's business district, killing 14 and injuring more than 100 people. Another car bomb went off in the basement parking lot of a major hotel in Hat Yai, a commercial hub of southern Thailand.

While the BRN-Coordinate refused to talk to Thaksin and his associates, this is not to say that they have ruled out the idea of talking to the Thai side. Sources in the BRN-Coordinate movement said they are not prepared to come to the table because the command-and-control is too fluid and has yet to be put to a real test. Moreover, the fact that more and more are selling their expertise to crime syndicates suggests that it would be even more difficult in the future to bring militant cells under some sort of chain of command.

After the meetings became public knowledge, both Thaksin and the Bangkok government dismissed the report for fear of political repercussion. It was not the first time that Bangkok distanced itself from such activities, partly because other stakeholders were quick to politicize the issue. Thaksin's meeting with the separatists may have raised the benchmark too high and too soon in a way that provided the military and opposition Democrat Party the ammunition to discredit their political opponent. But then again, the military, as well as the Democrats, have been talking with the separatist movements over the past decades. Besides the desire to discredit one's opponent for political gains, perhaps the vocal opposition has to do with ownership of the process. While it is clear that whenever politicians got involved in the sticky issue of talking to the adversaries, the incident always gets politicized. One idea that has been floated following Thaksin's encounter with the separatist leaders in mid-March was to come up with ways to isolate the peace process from the day-to-day political jockeying. Such a buffer would give the process the needed breathing space so that it could evolve into a non-partisan effort that can withstand administrative changes. As the peace process in Mindanao region of the Philippines has shown, aggressive spoilers can easily derailed a sound process.

It has been suggested that a working group of retired and active bureaucrats, as well as members of the civil society, with good working relations with the Malay-speaking region and the separatist movements should be permitted to continue the dialogue process. The aim is to create traction and instill a sense of confidence in the dialogue process. This is not to say that the working group is a "mediating body" because such a role should be reserved for an honest broker, such as a neutral third party or professional mediators. The idea here is to help pave the way for a formal process, to create some traction that would eventually require a buy-in from various sectors of the Thai government and military agencies, as well as the opposition parties. At the moment, there is no consensus over the idea of talking to adversaries among the Thai political circle and security agencies. In a way, the working group would be tasked with illustrating the importance of peace talks to the more conservative elements in the Thai establishment. But even if they succeeded in doing that, there is also the problem of rivalries among the long-standing separatist groups. Moreover, if the BRN-Coordinate was to surface and come to the table to take part in a formal peace process, will the international community provide them the needed space and assistance in the dialogue process? Theoretically, the BRN-Coordinate and other exiled groups would become the movement's political wing, while the militants on the ground would be the military wing. There is also the question of other long-standing separatist groups who also have a network on the ground. Will they be willing to sit at a table with the BRN-Coordinate calling the shots? And will their network on the ground agree to come together to form a united front?

There is also the question of foreign mediation. The PULO faction that had worked with the Thai NSC through a foreign mediator had no problem with it. But the idea has not been high on the agenda of other long-standing separatist groups, much less the militants on the ground. As stated

earlier, Thailand has never liked the idea of foreign mediation for various reasons. A general rule is that any foreign participants – be they a state or non-state entity – in the dialogue process in whatever capacity must do so in a very discrete and secretive manner. In most cases, they do a good job in terms of keeping the issue from going public. Leaks tend to come from various political and security establishments in Bangkok, or the Patani Malay exiled community.

Beside international NGOs, the Organisation of Islamic Conference (OIC) has expressed their interest in mediating the conflict. OIC had organized simultaneous meetings with these exiled leaders in Kuala Lumpur and Jeddah, Saudi Arabia, on September 30-October 1, 2010. OIC Secretary-General Prof Dr Ekmeleddin Ihsanoglu chaired the meeting in Jeddah, while Talal A Daous, the organization's director for the Muslim Minorities and Communities group, chaired the gathering in Kuala Lumpur. The Patani-Malay leaders were urged to combine their efforts to form a political front, the United Patani People Council (UPPC), while the OIC vowed to help facilitate a dialogue process with the Thai government. As for the mandate, the Patani People's Council (PCC) would be formed to garnish support from the ground. How this is to be implemented is anybody's guess, as Thailand is a sovereign state with an electoral system of its own in this highly contested area.

## MAKING A DEAL AT THE LOCAL LEVEL

The government has introduced Article 21 of the Internal Security Act which permits insurgents to renounce separatist activities in exchange for amnesty. But few suspects have come forward to take up the offer. In the final analysis, Article 21 has not produced the kind of outcome that the government desired. The absence of a sound policy on negotiation with separatist militants has forced many government officials at the local level to look for ways to communicate with insurgent cells operating in their areas. One channel is through village heads and sub-district chiefs. Other channels include local Muslim clerics and religious teachers, as well as local influential people who are well connected with the local community. In some cases, advice and participation of former combatants who fought against the Thai state over two decades ago in the previous round of insurgency have been sought. Often, they serve as a sort of a broker between the local security unit and militant cells in that immediate area. Because the scope of the terms is largely confined geographically, these terms do not touch on topics and issues that are widely held to be the root cause of the conflict. Instead, they are more or less centered on the rules of engagement. Trades offs could be the removal or relocation of certain security units and the removal of personnel in exchange for ending the use of booby traps or explosive devices that could be detonated automatically by way of pressure from victims who stepped on it. In decades past, the use of time bombs was common. But today, in the Deep South, improvised explosive devices (IEDs) are set off remotely by mobile phone or by command detonation mechanisms, which would require a line of vision between the militant and the target. The latter is made easier because, compared to the previous round of insurgency three decades ago, separatist militants are not only carrying out their activities in the remote hills and mountains to villages and towns, but to cities as well. As the theatre of violence changed, so have race relations between the Muslim and Buddhist communities. Mistrust has grown as neighbors suspect one another of collaborating with the insurgents or spying for government security agencies. Indeed, much more work needs to be done in the area of race relations, but finding an honest broker for this task has been difficult. Village-based mediators, for good reasons, prefer to remain discreet rather than present themselves openly as members of civil society willing to mediate.

## **RULE OF LAW**

One of the biggest problems, many would argue, that has hampered any move toward reconciliation is the culture of impunity among government security forces. To date, no one has been charged or convicted of the massacres at Tak Bai or the handling of the standoff at the Krue Sae Mosque. Much as been documented by international NGOs such as Amnesty International and the Human Rights Watch about the culture of impunity in the Deep South. In this respect, better understanding on rule of law is extremely important. The challenge for Thailand is to reduce the current level of impunity for government organizations in their counter-insurgency practices in order to secure adequate levels of justice for their respective victims. The international community, with their expertise and resources, could work with Thailand to strengthen the framework for the rule of law by teaming up with local institutions and civil society who can facilitate the discussion with security forces and agencies. Thailand has to understand that a stronger legal framework that respects the very notion of the rule of law will help the country improve its legitimacy in the eyes of the Malay-Muslim population in the Deep South.

## **CAPACITY BUILDING**

Traditional and long-standing donors and international nongovernmental organizations have been funding a wide range of activities centered on strengthening the capacity of Thai civil society doing work in the Malay-speaking South. While these activities are not in any way related to conflict resolution/management, nevertheless, they help create an atmosphere conducive to peace. For example, a capable civil society can serve as a link in various capacities between the state agencies and the insurgents or people who are one-step removed from the insurgents' circle.

## **CONCLUSION**

In spite of the fact that more than 5,000 people have died since 2004 from the ongoing insurgency violence, the conflict in Thailand's Malay-speaking South is still in a very early stage in terms of formulating a meaningful and sustainable and identifiable peace process that the global community can point to. Various initiatives have been carried out but none has been able to sustain itself for various reasons. Perhaps the most important reason for the discontinuity has to do with the lack of political commitment from the side of the Thai state. Rival agencies have been too quick to dismiss an initiative by another agency and the government has never openly and fully backed any one negotiation track, at least not publicly. Moreover, professional mediators are extremely territorial and have never entertained the idea of working with other groups or organizations with a similar mandate. Long-standing separatist groups, too, have chosen to compete among themselves to obtain the much needed legitimacy from the state rather than seeking a common ground for all groups to come on board.

Beside the lack of trust among the old guards, there is also a trust gap between them and the new generation of militants on the ground. BRN-Coordinate, the one group with the best working relations with the militants on the ground, has admitted that one of the reasons for not working with other groups in various initiatives over the recent years has to do with the fact that they don't have adequate control over the insurgents on the ground. In other words, there would be tremendous expectation from whoever is at the table from them to deliver and the fact of the matter is the group is not prepared to do that. As pointed out earlier, the command-and-control structure is too fluid and the cells on the ground too organic. It will take some time to consolidate this.

While the gap between the old guard and the militants on the ground is a generational one, another problem is that there isn't a consensus among the Thai policymakers and security-military agencies

over the idea of talking to its adversaries. Civilians with a public mandate have always had to contend with the military for taking initiative to talk to the insurgents in spite of the fact that the military themselves have done it as well. Perhaps the real issue is about ownership, and not necessarily the unwillingness to talk with their adversaries.

The verdict is still out over whether the proliferation of peace efforts is a good thing for the conflict in Thailand's Deep South. One good thing is that the proliferation has helped build a more critical mass and has opened up space that would not otherwise have been there. On the down side, however, the enterprise could be brought down easily if a member makes a false claim. If anything, such damage would distance the insurgents from entertaining the idea of engaging in a peace process or with potential mediators. Trust is already something that the industry has to work for and if a member in the community does something that widens the trust gap, the entire enterprise would suffer.

Efforts have been made on the ground to garnish support from community and religious leaders, people who could build the needed bridge to the insurgents, to come on board of various peace initiatives. As stated earlier, there is no one single formal process that everybody can point to nor is there one that can provide the needed protection and cover for such religious and community leaders, as well as civil society organizations, who wouldn't mind helping the state agencies but are concerned with possible implications from their participation. Unless there is a meaningful buy-in from the state, a real commitment with an identifiable agency, bureau, or a ministry that the public can point to, the idea of garnishing support from local and community leaders is still a thing of the distant future.

With the exception of the NSC initiative, in which the process tried to bring on board members of the civil society and other stakeholders to form a "partnership for peace," other initiatives were mainly looking to secure a one-time peace agreement to end the conflict once and for all. The disastrous outcome of the Thaksin initiative is a testimony that there is no such thing as a shortcut to peace. Instead of going for broke by seeking to establish a one-time settlement to end the violence once and for all, perhaps the best way to go about this is for the government to step aside and permit civil society organizations to look for space. Given the shortcomings mentioned earlier, the Thai government could be waiting for a very long time before a meaningful peace process can get off the ground. Civil society organizations' aim should be modest but with the understanding that these efforts will lead to something bigger. This would be the so-called Track II level. Track I, the official track, would have to wait until Track II creates enough confidence-building measures for conditions to be right and everything in place before they can step in. Most importantly, members of the Track I community would have to agree among themselves that it is not in anybody's interest to politicize the issue for quick political gains.