



# Southern Thailand's Peace Dialogue: Giving Substance to Form

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*Preventing War. Shaping Peace.*

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# Principal Findings

**What's new?** A peace dialogue process between the Thai government and Malay-Muslim separatists may be entering a new phase after stagnating for more than a year. A new Thai delegation chief has called for direct talks with the main insurgent group, Barisan Revolusi Nasional, which has rejected the existing dialogue.

**Why does it matter?** Though the level of violence in Thailand's deep south has declined over the years, recent attacks in Bangkok and Yala highlight the continuing threat. Meanwhile, civilians remain caught up in a protracted conflict that has claimed more than 7,000 lives since 2004.

**What should be done?** The dialogue process needs a reboot, with Barisan Revolusi Nasional included. That group should prepare to engage constructively. Bangkok should overcome its aversion to international mediation and cease equating decentralisation with partition. The Thai government and Malaysia, the dialogue facilitator, should consider how to incorporate external mediation.

## *Executive Summary*

Launched six years ago, the peace dialogue process between the Thai government and MARA Patani (Majlis Syura Patani, or Patani Consultative Council), an umbrella organisation of Malay-Muslim separatist fronts from southern Thailand, has misfired. The process, facilitated by Malaysia, is beleaguered by deep mutual mistrust, internal divisions on both sides and a lack of resolve to risk changes that offer better prospects for peace. It is also compromised by the refusal of the main militant group, Barisan Revolusi Nasional (BRN), to join. Thailand has quietly sought back channels to the group, raising hopes for a more substantive dialogue, but procedural and substantive obstacles loom. Progress requires that Thai policymakers overcome their aversion to political decentralisation and reconsider their objections to international mediation. BRN, for its part, needs to shelve its hesitations in joining a dialogue process and clearly articulate its agenda. Although a crucial facilitator, Malaysia is too enmeshed in the conflict for the parties to see it as impartial. It should make room for other international actors to serve as mediators.

The conflict in Thailand's Muslim-majority southernmost provinces has claimed more than 7,000 lives since the separatist movement re-emerged in early 2004. The rebels, with roots in separatist fronts formed in the 1960s, cast their fight as an anti-colonial struggle against Buddhist-majority Thailand, which annexed the region in the early 20th century. The conflict has dropped off in intensity, with the number of fatalities steadily declining over the past three years. The insurgency is far from defeated, however: rebels continue to mount damaging attacks and occasionally strike outside the provinces that constitute their traditional area of operation.

Meanwhile, the dialogue process has failed to gain traction, beset by discord within the conflict parties, ambivalence on both sides about the talks' utility and a structure that inhibits substantive negotiations. Disunity on both sides has shaken the participants' confidence. Thai officials have complained that some of their peers sought out direct channels to BRN, undermining the dialogue panel's work. For its part, BRN has remained aloof from the dialogue, insisting that the process be jointly designed by BRN and Thailand, mediated by an impartial third party, and monitored by international observers. These demands do not sit well with Bangkok, which fears that international participation will aggrandise the insurgents and open the door to outside intervention, or with Malaysia, which is protective of its role as facilitator.

If it is to succeed, the dialogue process needs a reboot. On 1 October 2019, the Thai government replaced the dialogue panel's leader, which may indicate a fresh approach. Speaking to the media, the new chief, General Wanlop Rugsanoah, appealed directly to BRN to join. Were the group to acquiesce, neither MARA Patani nor Malaysia ought to object. As the organisation that appears to direct all significant militant operations in southernmost Thailand, BRN must be a willing participant for any peace process to be credible. The group should shed its reticence to engage and articulate the kind of future it envisions for the region. The Thai government should relent on its opposition to allowing international observers into the dialogue, and both Bangkok and Kuala Lumpur should accede to impartial third-party mediation. Ultimately,

decision-makers on each side should recognise their responsibility to inhabitants of southernmost Thailand to bring an end to a conflict that has wrought considerable suffering for more than fifteen years.

**Bangkok/Brussels, 21 January 2020**

# Southern Thailand's Peace Dialogue: Giving Substance to Form

## I. Introduction

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Setbacks and breakdowns characterise Thailand's official peace dialogue process, which Prime Minister Yingluck Shinawatra's government started in 2013. The aim was to seek a resolution to the insurgency in the country's southernmost provinces, which had flared up some twelve years earlier.<sup>1</sup> The inaugural process included Thailand, represented by the National Security Council, and Barisan Revolusi Nasional (BRN), the main militant group, with Malaysia serving as facilitator.<sup>2</sup> It ended after three plenary meetings, undone by poor preparation and growing political turmoil in Bangkok, as well as BRN's objection to being pressured into talks by Malaysia.<sup>3</sup> After the 2014 coup d'état in Bangkok, and despite the fact that the military had until then opposed the process, the junta committed to pursuing the dialogue with Malay-Muslim militants – probably in part because the generals calculated that rejecting dialogue would play poorly internationally.<sup>4</sup>

But the dialogue has continued to stumble in its second incarnation, due to problems of both structure and substance. One hurdle among many is that BRN has thus far refused to rejoin the talks.

This report picks up the story of Thailand's peace dialogue in 2015, when its current iteration began. It identifies the main obstacles in the path of progress and suggests some ways for the parties to get around them as a new official takes over the Thai official delegation. The report builds upon Crisis Group's previous research on Thai politics and the Malay-Muslim insurgency in particular. It is based on fieldwork in both Thailand and Malaysia, including interviews with former and current Thai negotiators, BRN and other militants, local politicians and independent analysts.

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<sup>1</sup> "Thailand's southernmost provinces" refers to Songkhla, Pattani, Yala and Narathiwat provinces (listed from north to south). The conflict zone includes the latter three provinces as well as Songkhla's four south-eastern districts: Chana, Na Thawi, Saba Yoi and Thepha. The region has a population of roughly 1.8 million, approximately 80 per cent of whom are Malay-Muslim, with the remainder mostly Thai or Sino-Thai Buddhist. "Patani" refers to the sultanate that governed the area before Thailand's annexation. The conflict zone corresponds roughly to the sultanate's former domain. "Pattani", with two ts, is the transliteration of the Thai province name. For earlier Crisis Group reporting on the dialogue process, see Asia Report N°270, *Southern Thailand: Dialogue in Doubt*, 8 July 2015; and Briefing N°148, *Southern Thailand's Peace Dialogue: No Traction*, 21 September 2016.

<sup>2</sup> Malaysian Special Branch Police reportedly coerced BRN's chief delegate, Hassan Taib, into participating, after other two BRN leaders absconded. Crisis Group interview, Dr Faqih (pseudonym), BRN member, Malaysia, October 2019.

<sup>3</sup> See Crisis Group Asia Report N°263, *A Coup Ordained? Thailand's Prospects for Stability*, 3 December 2014.

<sup>4</sup> Crisis Group interview, academic, Bangkok, April 2015.

## II. The Elusive Dialogue Process

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The peace dialogue process restarted in 2015 with Majlis Syura Patani (Patani Consultative Council, or MARA Patani) formed, with Malaysia's encouragement, as an umbrella organisation of Malay-Muslim national liberation fronts to negotiate with Thailand.<sup>5</sup> As BRN did not join, MARA Patani has had to contend with allegations that its representatives belong to defunct fronts that, with the possible exception of Patani United Liberation Organisation, command no fighters in Thailand. A BRN member described MARA Patani as "all leaders, no followers".<sup>6</sup> In a bid for inclusivity, MARA Patani reserved its senior posts for BRN members, but BRN insisted that it was not involved as an organisation, and that those participating in the dialogue were suspended from its ranks.<sup>7</sup> Insurgents and others refer to "mainstream" or "hard-core" BRN to differentiate the group from the individual BRN members in MARA Patani.

The MARA Patani process has achieved little in four years of on-and-off meetings. The dialogue initially focused on Terms of Reference, agreed upon in early 2016, and later on the establishment of "safety zones", areas where both sides would refrain from violence against civilians and jointly investigate any incidents.<sup>8</sup> In both cases, Bangkok refused to sign the agreements, apparently concerned that its signature would confer legitimacy on the rebels and ensnare it in legal jeopardy. MARA Patani could do little more than express its disappointment.

The process paused in view of the 9 May 2018 Malaysian election. Opposition leader, Mahathir Mohamad, who had sponsored an early effort at dialogue in 2005 when he was prime minister, was likely to revamp Malaysia's role as facilitator if elected. In the event, Mahathir returned to power and appointed Tan Sri Abdul Rahim Noor, a former national police chief, as the new facilitator.<sup>9</sup>

The appointment of General Udomchai Thammasararat, a former 4th Army Area commander with responsibility for the deep south, as head of Thailand's delegation panel in late 2018 raised hopes for a restart and fresh momentum in the dialogue.<sup>10</sup> Early in his tenure, Udomchai publicly stated that Bangkok would consider special

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<sup>5</sup> MARA Patani includes representatives from Barisan Islam Pembebasan Patani (Islamic Liberation Front of Patani, BIPP), the Patani United Liberation Organisation (PULO) and Gerakan Mujahidin Islam Patani (Patani Islamic Mujahidin Movement, GMIP). A PULO faction known as PULO-P4 (Pertubuhan Persatuan Pembebasan Patani), headed by Samsudin Khan, did not join MARA Patani.

<sup>6</sup> Crisis Group interview, mainstream BRN member (speaking in personal capacity), Malaysia, October 2019.

<sup>7</sup> Crisis Group Briefing, *Southern Thailand's Peace Dialogue: No Traction*, op. cit., p. 5.

<sup>8</sup> Matt Wheeler, "Thailand's Southern Insurgency in 2017: Running in Place", *Southeast Asian Affairs 2018* (Singapore, 2018), pp. 379-380.

<sup>9</sup> Rahim Noor was a controversial choice. In 1998, as police chief, he assaulted Anwar Ibrahim, Mahathir's then rival, while the latter was in custody. Now allied with Anwar, Mahathir has pledged to stand down from the prime minister's office to make way for Anwar in 2020, meaning that there is likely to be another change in the facilitator at that time.

<sup>10</sup> The 4th Army Area, one of four regional commands, covers the fourteen southern provinces of peninsular Thailand. Its headquarters are in Nakhon Si Thammarat.

administrative status and decentralisation for the southernmost provinces. He also expressed readiness to talk with all groups.<sup>11</sup>

But hopes for swift progress were short-lived: on 3 February 2019, an apparent misunderstanding led MARA Patani to suspend the dialogue. At issue was General Udomchai's insistence on meeting only with the chief of the MARA Patani delegation, Shukree Haree, rather than the group's dialogue team; Shukree Haree rejected the offer and suspended MARA Patani's participation until after the Thai general election on 24 March.<sup>12</sup> He subsequently resigned, citing health problems, leaving the official dialogue process in disarray.<sup>13</sup> Since April 2018, there has been only one brief meeting of the technical teams, in August 2019.

The past two years, however, appear to have seen more concerted efforts by Bangkok to bring in BRN. Behind the scenes, Thai officials have been attempting to open communication with the group since at least mid-2017.<sup>14</sup> BRN's unannounced ten-day unilateral suspension of hostilities in April that year, which saw a break in violence bracketed by coordinated attacks, appears to have convinced the Thai military that the group exercised effective command and control over fighters in the field. A 10 April 2017 BRN statement expressed willingness to talk on three conditions: "participation of third parties (international community) as witnesses and observers"; mediation by an impartial third party; and agreement by the negotiating parties on the design of the process.<sup>15</sup> Following this statement, General Aksara Kerdphol, then chief negotiator, was instructed by his superiors to make sure all relevant parties were at the table. The Malaysian facilitators met repeatedly with Dulloh Waemanor, reputed to be the mainstream BRN leader, but failed to persuade the group to join MARA Patani.

Although General Udomchai's tenure as Thai dialogue panel chief was notable for his failure to meet with MARA Patani even once, he frequently met with interlocutors in the southernmost provinces and sought direct contact with mainstream BRN abroad.<sup>16</sup> Twice in late 2018, BRN balked at meeting with Udomchai, who then reportedly accelerated efforts to find back channels to the group.<sup>17</sup>

The extent of Thai communication with mainstream BRN is uncertain, but security officials concede that it is essential to talk with those who can "control the situa-

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<sup>11</sup> Crisis Group analyst's notes on General Udomchai Thammasararat's comments at the Foreign Correspondents' Club of Thailand, Bangkok, 11 January 2019.

<sup>12</sup> According to Shukree Haree, MARA Patani believed that Udomchai intended to lead the delegation in a meeting of both full panels. When he learned that Udomchai would not attend, Shukree withdrew. Udomchai offered to meet Shukree, who declined. Crisis Group interview, Shukree Haree, BRN, former MARA Patani delegation chief, Kedah, Malaysia, October 2019.

<sup>13</sup> Shukree was involved in a motor vehicle accident. Crisis Group interview, Shukree Haree, BRN, former MARA Patani delegation chief, Kedah, Malaysia, October 2019.

<sup>14</sup> Crisis Group interview, army officer, January 2018.

<sup>15</sup> Barisan Revolusi Nasional (BRN), press release, 10 April 2017.

<sup>16</sup> Crisis Group interview, Buddhist activist, Yala, October 2019.

<sup>17</sup> Crisis Group interviews, Abu Hafez Al-Hakim, BIPP/MARA Patani, Kelantan, Malaysia, 14 October 2019; BRN member in MARA Patani, Malaysia, October 2019. Pimuk Rakkanam and Wilawan Watcharasakwet, "Deep south peace talks: Thai negotiator 'studying' decentralization", BenarNews, 11 January 2019.



tion on the ground”.<sup>18</sup> A senior Thai intelligence official told MARA Patani in August 2019 that Thailand was willing to talk with them in the expectation that “others” would join the process.<sup>19</sup> A security official went further, telling Crisis Group that under General Wanlop Rugsanoah, the new Thai dialogue panel chief who replaced Udomchai in October 2019, “we will give priority to the BRN mainstream, based on the principle of an inclusive dialogue”.<sup>20</sup> On 29 November 2019, General Wanlop publicly stated that Thailand had called on Malaysia to help bring BRN to the dialogue table. “Personally, I think there will be change [in the dialogue partner]”, he told reporters.<sup>21</sup>

Days later, a media report, citing a Malaysian source within the facilitator’s team, stated that Thai officials had met mainstream BRN in Berlin. This appeared to confirm progress in efforts to establish direct talks between BRN and Thailand, though the source said Malaysia did not recognise the meeting as part of the official dialogue process.<sup>22</sup> A Thai official would not confirm the meeting, but affirmed Thailand’s continuing willingness to talk with all parties.<sup>23</sup>

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<sup>18</sup> Crisis Group interviews, Bangkok and Pattani, May and October 2019; Crisis Group analyst’s notes on General Wanlop Rugsanoah’s comments at the Foreign Correspondents’ Club of Thailand, Bangkok, 20 November 2019.

<sup>19</sup> Crisis Group interview, Abu Hafez Al-Hakim, BIPP/MARA Patani, Kelantan, Malaysia, 14 October 2019.

<sup>20</sup> Crisis Group interview, Pattani, October 2019.

<sup>21</sup> “ไฟใต้: หัวหน้าคณะเจรจากันใหม่เปิดรับบีอาร์เอ็นร่วมเจรจาสันติสุขรัฐบาลไทย”, บีบีซีไทย [“Southern fire: New panel chief accepts BRN to negotiate with Thai gov’t”, BBC Thai], 30 November 2019.

<sup>22</sup> Noah Lee and Nisha David, “Hardline rebels may join southern Thai peace talks, officials in Malaysia say”, BenarNews, 2 December 2019. The source said Thailand had informed Malaysia of the meeting.

<sup>23</sup> Crisis Group telephone interview, Bangkok, December 2019.

### III. Dissecting Dialogue

Though the MARA Patani process may not be dead, it has been paralysed since April 2018. In order to hold more substantive talks, the parties will have to overcome internal dissension and ambivalence about dialogue, as well as gain confidence in the process structure and design.

#### A. Internal Discord

Disunity within leadership of both the Thai and separatist parties has afflicted efforts to build confidence and maintain continuity in the dialogue process.

Among Thailand's leaders and security officials, divisions are evident between supporters of dialogue and those who prioritise a military victory over the insurgents.<sup>24</sup> Although dialogue is codified in national security plans for the deep south, many officials appear to regard it as weakness. General Aksara noted that, as head of the delegation panel, he needed to expend effort in talking not only to militants but also to sceptics on his own side.<sup>25</sup> Even Prime Minister Prayuth Chan-ocha has periodically expressed doubts about dialogue.<sup>26</sup> The most public example of dissension was tension between Aksara and 4th Army Area commander Lt. General Piyawat Nakwanich. At the height of discussions of the safety zone in early 2018, Piyawat tacitly disparaged the process, declaring that he had already established safety zones in fourteen districts.<sup>27</sup>

Divergent views of dialogue are apparent in the government's published strategies for the deep south insurgency. Before the March 2019 general election, the junta codified its preferences in a long-term strategy that future governments are required to follow on pain of impeachment. The twenty-year National Strategy mentions the objective of "building understanding with groups that think differently through various mechanisms including friendly dialogue".<sup>28</sup> The more detailed twenty-year Master Plan for Security, however, does not refer to dialogue. Instead, it mandates efforts to destroy insurgent capabilities to recruit and operate, with the stated objective of achieving an annual 20 per cent reduction in attacks.<sup>29</sup> A Malay-Muslim analyst ob-

<sup>24</sup> "There are differences of views within the government, conservative versus more progressive. There are internal constraints on what is possible". Crisis Group interview, security official, Bangkok, October 2019.

<sup>25</sup> พล.ต.สิทธิ ตรีเศษวงษ์, *กระบวนการพูดคุยเพื่อสันติสุข จชต.: ความท้าทายของการต่อสู้ทางความคิดตามแนวทางสันติวิธีในทัศนะของผู้ปฏิบัติงานจริง (หัวขั้วปี 2558-2561)* (กรุงเทพฯ 2562) [Major General Sitthi Trakulwong, *The Peace Dialogue Process in the Southern Border Provinces: Challenges of Fighting with the Mentality of Peaceful Means from the Viewpoint of an Implementer* (Bangkok, 2019)], p. 4.

<sup>26</sup> Crisis Group Briefing, *Southern Thailand's Peace Dialogue: No Traction*, op. cit., p. 12.

<sup>27</sup> "Piyawat not helping matters in the south", *The Nation*, 21 March 2018.

<sup>28</sup> ยุทธศาสตร์ชาติ (พ.ศ. ๒๕๖๑ - ๒๕๘๐) [National Strategy (2018 - 2037)], October 2018, p. 15. Dialogue is prominent in the National Security Council's policy for the southernmost provinces. นโยบายการบริหารและการพัฒนาจังหวัดชายแดนภาคใต้ พ.ศ.๒๕๖๐-๒๕๖๒ สำนักงานสภาความมั่นคงแห่งชาติ สำนักนายกรัฐมนตรี, [Administrative and Development Policy for the Southern Border Provinces, 2017-2019, Office of the National Security Council, Office of the Prime Minister], pp. 6-8.

<sup>29</sup> แผนแม่บทภายใต้ยุทธศาสตร์ชาติ (๑) ประเด็น ความมั่นคง (พ.ศ. ๒๕๖๑ - ๒๕๘๐) [Master Plan under the National Strategy (1) Security (2018-2037)], 11 November 2019, pp. 18, 22.

served that this master plan aims to “depoliticise the ethno-political dimensions of the conflict in order to reduce it to the level of crimes”.<sup>30</sup>

There have also been divisions on how to best pursue dialogue, with some officials trying to establish direct links with BRN in parallel to the official MARA Patani process. Senior Thai officials involved have grumbled publicly about the existence of multiple and uncoordinated communication channels with the separatists – in other words, that officials are working outside the formal framework to contact insurgents.<sup>31</sup> In July 2017, the panel complained of officials maintaining “secret contact” with insurgents.<sup>32</sup> Former panel secretary General Sitthi Trakulwong argued that the multitude of channels undermined confidence in the dialogue process.<sup>33</sup>

For security reasons, BRN is highly secretive, which makes assessment of its leadership and disposition difficult. The group has political and military wings, though the latter has been ascendant for at least the past decade.<sup>34</sup> There appear to be differences within the leadership about pursuing dialogue with Bangkok, as well as the acceptability of autonomy rather than independence as a political objective. These divergences run both along generational lines as well as through internal factions. Some younger members of the political wing are reportedly more open to dialogue and an outcome short of independence, whereas older leaders are content with merely sustaining the fight.<sup>35</sup> Some reports suggest that the BRN political leadership council’s membership is dwindling as aging members pass away and no one replaces them. One consequence is that BRN’s policies may not emerge from the leadership council, its traditional mechanism for generating internal consensus.<sup>36</sup> According to Shukree Haree, “There is only one BRN, but perhaps also different ways of thinking [within BRN]”.<sup>37</sup>

Discord is also evident in mainstream BRN’s refusal to join MARA Patani. In statements and interviews, the group flatly contradicted early declarations by MARA Patani members and Thai officials that the umbrella organisation could speak for BRN.<sup>38</sup> One army officer lamented in response that Thailand was “talking to MARA and fighting with BRN”.<sup>39</sup> Later, MARA Patani argued that mainstream BRN would join when the process gained momentum, conceding that it was not yet involved.

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<sup>30</sup> Crisis Group interview, Romadon Panjor, Deep South Watch, Pattani, 4 November 2019.

<sup>31</sup> Crisis Group interview, General Sitthi Trakulwong, secretary of Thai Peace Dialogue Panel, Bangkok, May 2018.

<sup>32</sup> Peace Dialogue Panel, *The Peace Dialogue Process in Southern Border Provinces*, Office of the Peace Panel Secretariat, Internal Security Operations Command, Bangkok, July 2017, p. 19.

<sup>33</sup> Sitthi, *op. cit.*, pp. 49-51.

<sup>34</sup> Crisis Group interviews, Malay-Muslim activist, Pattani; Abu Hafez Al-Hakim, BIPP/MARA Patani, Malaysia; member, BRN in MARA Patani, Malaysia, all October 2019.

<sup>35</sup> Crisis Group interview, member, BRN in MARA Patani, Malaysia, October 2019.

<sup>36</sup> Crisis Group interview, Romadon Panjor, Deep South Watch, Pattani, 4 November 2019.

<sup>37</sup> Crisis Group interview, Shukree Haree, BRN, former MARA Patani delegation chief, Kedah, Malaysia, October 2019.

<sup>38</sup> Crisis Group interview, BRN members, Indonesia, July 2018.

<sup>39</sup> Crisis Group interview, Bangkok, December 2017.

## B. *Ambivalence*

The dissension evident in the Bangkok leadership and among insurgents arises in part from lack of resolve to seek a resolution through compromise. Each side's ambivalence toward dialogue may be traced to tension between the imperative of upholding their respective claims to sovereignty over the region and the potential rewards of negotiation.

For Thailand's part, there is evident contradiction in official approaches to dialogue and conflict resolution. Peace dialogue has been official policy since 2013. But the Thai delegation under the National Council for Peace and Order, as the junta ruling the country between 2014 and 2019 was known, twice declined to sign documents negotiated with MARA Patani.<sup>40</sup> Many officials believe that signing any agreement would legitimise the insurgents or confer upon them legal parity with the Thai government. They oppose dialogue because they see it as a separatist tool and a path to losing the deep south.<sup>41</sup>

According to one theory prevalent among the Thai officer corps, BRN is grooming a new generation of combatants that, in ten or fifteen years, will rise up *en masse* in support of a declaration of independence.<sup>42</sup> The success of this uprising, the theory goes, will hinge on consensus within the international community that the conflict meets the definition of a "non-international armed conflict" per common article 3 of the Geneva Conventions.<sup>43</sup> The application of international humanitarian law would, in turn, open the door to outside intervention, presumably under UN auspices, leading to a referendum on independence and finally partition.<sup>44</sup> Prime Minister Prayuth Chan-ocha has spoken of the militants' aim to provoke heavy-handed repression in order to "meet international criteria and justify engagement by international organisations" in the deep south.<sup>45</sup>

Though farfetched, the fear of international intervention seemingly animates the government's efforts to minimise the conflict's political nature.<sup>46</sup> These efforts ex-

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<sup>40</sup> Crisis Group interviews, Abu Hafez Al-Hakim, BIPP/MARA Patani, Kelantan, Malaysia, 14 October 2019; Shukree Haree, BRN, former MARA Patani delegation chief, Kedah, Malaysia, October 2019. Crisis Group Briefing, *Southern Thailand's Peace Dialogue: No Traction*, op. cit., p. 12.

<sup>41</sup> Crisis Group interviews, army officers, September and October 2019.

<sup>42</sup> Ibid.

<sup>43</sup> For a discussion of non-international armed conflict, and an argument that the conflict in Thailand meets the legal criteria, see Benjamin Zawacki, "Politically Inconvenient, Legally Correct: A Non-International Armed Conflict in Southern Thailand", *Journal of Conflict & Security Law* (2012).

<sup>44</sup> Crisis Group interviews, army officers, September and October 2019.

<sup>45</sup> "PM: Violence in south aimed at bringing foreign intervention", *The Bangkok Post*, 21 January 2019.

<sup>46</sup> พีรศักดิ์ จันทวรินทร์, การดำเนินงานในมิติต่างประเทศเพื่อส่งเสริมสิทธิมนุษยชนในจังหวัดชายแดนภาคใต้, รายงานนี้เป็นส่วนหนึ่งของการฝึกอบรม หลักสูตรหลักนิทรรศน์เพื่อประชาธิปไตย รุ่นที่ ๑ วิทยาลัยรัฐธรรมนุญ สำนักงานศาลรัฐธรรมนูญ [Peerasak Chantavarin, "The Foreign Affairs Dimensions of Promoting Human Rights in the Southern Border Provinces", Constitutional College, Office of the Constitutional Court], 2013, p. 14; Rungrawee Chalermripinyorat, "Peace Dialogue in Thailand's Malay-Muslim South" in Michael J. Montesano, Terence Chong and Mark Heng, eds., *After the Coup: The National Council for Peace and Order Era and the Future of Thailand* (Singapore, 2019), p. 163.

tend to use of anodyne language, for example, “those who think differently from the state” rather than “insurgents”, in official discourse.<sup>47</sup>

A pamphlet issued by the Thai dialogue delegation in July 2017 expressed clearly this ambivalence toward dialogue. After describing a conventional negotiation in which parties “balance trade-offs which eventually lead to a win-win solution”, it concluded: “This concept cannot be applied to resolve problems of southern border provinces because we are the Government exercising a sovereign power to ensure territorial integrity”.<sup>48</sup> Some officials involved in the dialogue process reject this notion, but many military officers believe that “Thai strategy is premised on the idea of maintaining the political status quo. It is not based on ‘win-win’”.<sup>49</sup>

For Thailand, dialogue may serve purposes other than conflict resolution. One function, apparent to many militants, is to gather intelligence on the Patani liberation movement.<sup>50</sup> A recent official Thai assessment of the failures of past dialogue efforts acknowledged that this motive was a main obstacle to fruitful negotiations.<sup>51</sup> Dialogue also helps buy time for counter-insurgency measures, and is useful for portraying to outside powers that Thailand is actively seeking a peaceful resolution of the conflict and thus deflecting international opprobrium and potential interference.<sup>52</sup> One effect of the back channels, which militants believe to be deliberate, is to sow suspicion and disunity within the Patani liberation movement.<sup>53</sup>

The sources of BRN’s ambivalence are harder to pin down. They appear to stem from a combination of its extreme secrecy, its identity as a revolutionary party, which leads to caution and rigidity, and a lack of consensus within the movement on its ends and means.<sup>54</sup> Some Malay-Muslims in southernmost Thailand who are sympathetic to BRN’s nationalist message fault the party for allowing secrecy to inhibit communication with its ostensible constituents. Some also criticise BRN’s apparent failure to adapt to a changing social and political environment, particularly the advent of social media and the role of civil society, by engaging more directly with Malay-Muslims to determine their political preferences.<sup>55</sup>

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<sup>47</sup> See Romadon Panjor, “Dealing with Dangerous ‘Peace’: Politics of Words in the ‘Armed Conflict’ of Pa(t)tani”, *Asian Affairs: An American Review*, 45 (2012).

<sup>48</sup> Peace Dialogue Panel, *The Peace Dialogue Process in Southern Border Provinces*, Office of the Peace Panel Secretariat, Internal Security Operations Command, Bangkok, July 2017, p. 8.

<sup>49</sup> Crisis Group interviews, senior security official, Bangkok, May 2018; army officer, September 2019. Crisis Group analyst’s notes on General Wanlop Rugsanoah’s comments at the Foreign Correspondents’ Club of Thailand, Bangkok, 20 November 2019.

<sup>50</sup> Crisis Group interviews, Dr Faqih, BRN; Haji Man, BRN delegation in MARA Patani, both Kelantan, Malaysia, October 2019; Romadon Panjor, Deep South Watch, Pattani, 4 November 2019.

<sup>51</sup> Sitthi, *op. cit.*, p. 12.

<sup>52</sup> Crisis Group interviews, Arif Moktar, PULO/MARA Patani leader, Kota Bharu, Malaysia, 12 July 2018; Srisompob Jitpiromsri, director, Centre for Conflict Studies and Cultural Diversity, Pattani, May 2018. “The dialogue is to show that Thailand is a civilised country”. Crisis Group interview, Muslim academic, Pattani, 1 October 2019.

<sup>53</sup> Crisis Group interviews, BRN members, July 2018; PULO representative in MARA Patani; Dr Faqih, BRN, both Kelantan, Malaysia, October 2019.

<sup>54</sup> Crisis Group interview, member, BRN in MARA Patani, Kuala Lumpur, Malaysia, October 2019.

<sup>55</sup> Crisis Group interviews, Malay-Muslim politician; Malay-Muslim activist, Pattani; member, BRN in MARA Patani, Kuala Lumpur, Malaysia, all October 2019.

BRN has announced no political vision beyond calling for independence. This vagueness may serve to deter dissent in the ranks and safeguard a clear ideal that can motivate sacrifices. It may also reflect complacency among senior leaders living comfortably in exile, for whom maintaining the struggle has been an end itself. The unwillingness to articulate a path from the status quo to independence may suggest that BRN's leadership is internally torn about talks as a means of ending the conflict.<sup>56</sup>

### C. Structure

The dialogue's structure has also impeded progress. Thailand accorded Malaysia the role of facilitator in the initial 2013 dialogue, largely due to its capacity to supply militant interlocutors for talks. Its role is controversial, however, because some on both sides believe that it is not a disinterested third party. Misgivings from both parties to the conflict raise doubts about Malaysia's suitability as a de facto mediator.

Notwithstanding public avowal by leaders of both countries of strong bilateral ties, mutual suspicion between Thailand and Malaysia has deep historical roots. Malaysia's ethnic and religious affinity with Malay-Muslims in Thailand stirs Thai fears that Kuala Lumpur secretly fosters separatist ambitions.<sup>57</sup> Domestic politics dictate that Malaysian political parties portray themselves as supporters of fellow Muslims and ethnic kin across the northern border. Malaysia maintained links with armed separatists in the past, permitting them to maintain headquarters in the country until the late 1980s.<sup>58</sup> It continues to provide a home to many militants in exile, and its Special Branch Police keep tabs on Patani separatists. Some Thais believe that Malaysia uses separatists to foment a degree of instability in southernmost Thailand that helps keep its old rival off balance.<sup>59</sup>

As for BRN, many of its leaders have been in exile in Malaysia for decades. Some resent their dependence on Malaysia, and the leverage over BRN members it confers on Kuala Lumpur.<sup>60</sup> They are also aggrieved that Malaysia has occasionally extradited their comrades to Thailand. Most importantly, they object to being coerced by Kuala Lumpur to participate in dialogue, reducing them to the status of pawns.<sup>61</sup>

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<sup>56</sup> Crisis Group interviews, members, MARA Patani, Malaysia, April 2017 and October 2019.

<sup>57</sup> Duncan McCargo, *Southern Thailand: From Conflict to Negotiation*, Lowy Institute for International Policy, April 2014, p. 9.

<sup>58</sup> Jon Funston, "Malaysia and Thailand's Southern Conflict: Reconciling Security and Ethnicity", *Contemporary Southeast Asia*, vol. 21, no. 1 (2010), p. 239.

<sup>59</sup> Many Thai military officers feel that Malaysia has not reciprocated Thai assistance in brokering the surrender of the Communist Party of Malaya, whose fighters took refuge in southernmost Thailand and who surrendered at a ceremony in Hat Yai in 1989. Crisis Group interview, army officer, Yala, September 2019. See Crisis Group Briefing, *Stalemate in Southern Thailand*, op. cit., p. 6.

<sup>60</sup> Crisis Group interviews, analyst, Bangkok, May 2018; Pattani-based analyst, October 2019.

<sup>61</sup> Crisis Group interviews, Dr Faqih, BRN, Kelantan, Malaysia, October 2019; mainstream BRN member (speaking in personal capacity), Malaysia, October 2019.

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## IV. State of the Insurgency

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The long-running insurgency has been in a period of stagnation for the past several years. Violent incidents and casualties have decreased steadily since 2007, when 892 people were killed. In 2018, the death toll fell to 218, the lowest since 2004. But lower levels of violence do not necessarily correspond to a greater sense of safety among people in the region, who often feel threatened by the heavy presence of security forces. A survey whose results were reported in February 2019 found that nearly half of respondents felt the situation was unchanged.<sup>62</sup> An activist summed up local sentiment: “The local Malays are so used to violence that it has become a part of their life. It doesn’t matter if it increases or decreases”.<sup>63</sup>

More effective Thai counter-insurgency measures have played a role in reducing violence – at least in the short term. For several years, the Thai military has conducted persistent cordon-and-search operations, usually in rural areas, that have damaged insurgent networks in villages. Many fighters have been detained and others drifted away from militancy to pursue livelihoods and political activism.<sup>64</sup>

The local Malay-Muslim population also seems to be increasingly disaffected with the insurgency. After fifteen years of conflict, the communities insurgents claim to represent are weary of violence; indeed many fighters are themselves tired of combat.<sup>65</sup> The fatigue is taxing BRN’s ability to motivate people to take risks for the separatist cause. Security forces’ pressure on Islamic schools, traditionally bastions of Malay nationalism, has interfered with indoctrination, leading to a slackening of revolutionary fervour. Many young Malay-Muslims are more attracted to opportunities in a wider world, brought closer by information technology, than to the risks associated with life in the underground.<sup>66</sup>

Both Thais and Malay nationalists cite the dialogue process as another factor in the decline.<sup>67</sup> Speaking to Crisis Group, BRN members asserted that the reduction in violence is “a signal to the Thai government” meant to demonstrate their control and instil confidence.<sup>68</sup>

The decline in violence does not necessarily spell the end of the insurgency. As recent attacks demonstrate, militants are still able to inflict damage, and even strike outside their traditional area of influence. A series of small bombings and arson attacks in Bangkok on 2 August 2019, during the ASEAN Ministerial Meetings, showed

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<sup>62</sup> “Seven Policy Recommendations for the Deep South/Patani”, Peace Survey, February 2019. The data is drawn from four surveys of public opinion conducted annually since 2015 of a sample of 6,321 people in the three southernmost provinces and a 2018 survey in the same area covering 1,609 people.

<sup>63</sup> Crisis Group interview, Malay-Muslim activist, Pattani, May 2018.

<sup>64</sup> Crisis Group interview, Buddhist academic, Pattani, October 2019.

<sup>65</sup> Crisis Group interviews, senior security official, Hat Yai, May 2018; Malay-Muslim activist, Pattani; Ustaz Kamae, PULO (DSPP)/MARA Patani, Kuala Lumpur; mainstream BRN member (speaking in personal capacity), Malaysia, October 2019, Malaysia, all October 2019.

<sup>66</sup> Crisis Group interviews, Malay-Muslim activist, Pattani; Malay-Muslim politician, Pattani; BRN in MARA Patani, Kuala Lumpur, Malaysia, all October 2019.

<sup>67</sup> Crisis Group interviews, General Sitthi Trakulwong, secretary of Thai Peace Dialogue Panel, Bangkok, May 2018; Romadon Panjor, Deep South Watch, Pattani, 4 November 2019.

<sup>68</sup> Crisis Group interview, BRN members, Indonesia, July 2018.

a willingness to strike in the capital, a line that BRN had so far been reluctant to cross.<sup>69</sup> On 7 November, the insurgents conducted their deadliest attack ever: a raid on a security checkpoint which killed fifteen people in Yala's Muang district.<sup>70</sup> A BRN member said: "We are unhappy with Thai army operations, so peace is the last item on the agenda".<sup>71</sup> Such bellicose sentiments suggest that many militants remain to be persuaded of dialogue's benefits.

Military excesses could also fuel the insurgency's regeneration, as militants typically exploit repression and injustice to recruit and build support. Counter-insurgency measures often spawn abuses that feed resentment. Even some security officials concede that torture by the security forces is a problem.<sup>72</sup> One suspected insurgent, Abdullah Isomuso, fell into a coma the day after he was detained in Pattani under martial law on 20 July 2019, and died a month later. His family alleges that he was tortured. More than a thousand mourners attended his funeral, and his death has reinforced the discourse of historical grievances against the state.<sup>73</sup> In October, a senior judge shot himself in a Yala courtroom in a suicide attempt after alleging pressure from his superiors to convict suspected militants and hand down death penalties despite flimsy evidence. This incident lent credence to longstanding misgivings about bias in the administration of justice in the region.<sup>74</sup> The regular military excesses, and the Thai state's general authoritarianism, mean that rebellion as an option for Malay-Muslims is unlikely to vanish.<sup>75</sup>

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<sup>69</sup> BRN does not claim responsibility for attacks. Suspects in the 2 August 2019 Bangkok attacks are all Malay-Muslims from the southernmost provinces.

<sup>70</sup> Matthew Wheeler, "Behind the Attack in South Thailand", Crisis Group Commentary, 8 November 2019.

<sup>71</sup> Crisis Group interview, mainstream BRN member (speaking in personal capacity), Malaysia, October 2019.

<sup>72</sup> Crisis Group interview, retired senior military officer, Hat Yai, September 2019.

<sup>73</sup> Shintaro Hara, "The tale of Abdullah Isomuso – not a movie", Prachatai, 20 September 2019.

<sup>74</sup> Crisis Group interviews, Buddhist activist, Pattani; Haji Man, BRN in MARA Patani, Malaysia, both October 2019. "Thailand: Judge's suicide attempt underscores need for strengthening judicial independence", International Commission of Jurists, 7 October 2019.

<sup>75</sup> Crisis Group interviews, Malay-Muslim activist, Pattani; mainstream BRN member, Malaysia, both October 2019.



## V. Breaking the Stalemate

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It is not evident that Thailand and Malay-Muslim separatists have reached a point where they believe that compromise serves their interests better than continued hostilities. Each side appears to value preserving their claims to sovereignty above ending the violence. But each side also sees some utility in dialogue, even if it has more to do with managing the conflict than resolving it. The moment at least offers an opportunity for dialogue to become entrenched, and talking in itself may serve to uncover common ground. Getting there will require changes to the existing process, including bringing BRN to the table, taking advantage of international support for dialogue and building support for decentralisation and other compromises necessary to resolve the conflict.

### A. *Rebooting the Process*

If BRN is inching closer to engaging directly with Thai officials, as indications suggest, its involvement would have implications for the peace dialogue process.<sup>76</sup> Rumours and reports of progress in establishing direct talks are encouraging, but also raise thorny questions about the status of the existing process, not least MARA Patani's relevance. Some in MARA Patani have suggested that the organisation could be reconstituted with fresh BRN leadership and a new name.<sup>77</sup> The experience that the umbrella organisation has gained in talking with Thai officials could be an asset to the militants, who lack expertise in conducting negotiations. As one member of the insurgent dialogue team said, "MARA Patani is like a farmer cultivating the land. When it is ready, BRN can use the land to plant anything they like".<sup>78</sup>

On the Thai side, the recent nomination of General Wanlop, a former secretary general of the National Security Council, as head of the delegation panel, offers an opportunity to infuse fresh impetus into the dialogue effort. The establishment of the Secretariat for the Peace Dialogue within the National Security Council in December 2018 is also encouraging, signalling an effort to cast the dialogue as a civilian enterprise (after the 2014 coup, the Internal Security Operations Command supervised the process).<sup>79</sup> The new configuration raises hopes for greater continuity in the dialogue team's composition. Militants have complained about the rate of turnover in the Thai panel and the government's tendency to replace those officials most capable of developing a rapport with insurgents.<sup>80</sup>

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<sup>76</sup> Abu Hafez Al-Hakim, "The Lam Phaya attack and the peace talk – what was the signal?", Deep South Watch blog, 10 November 2019; Crisis Group analyst's notes on General Wanlop Rugsanoah's comments at the Foreign Correspondents' Club of Thailand, Bangkok, 20 November 2019; Noah Lee and Nisha David, "Hardline rebels may join southern Thai peace talks, officials in Malaysia say", BenarNews, 2 December 2019.

<sup>77</sup> Crisis Group interview, Ustaz Kamae, PULO (DSPP)/MARA Patani, Kuala Lumpur, October 2019.

<sup>78</sup> Crisis Group interview, Haji Man, BRN/MARA Patani, Kota Bharu, Malaysia, June 2018.

<sup>79</sup> Crisis Group interview, senior police officer, Pattani, October 2019.

<sup>80</sup> Crisis Group interview, Abu Hafez Al-Hakim, BIPP/MARA Patani, Kelantan, Malaysia, 14 October 2019.

One potentially constructive idea would be to pursue a dialogue secretly in its initial phases, outside the media glare.<sup>81</sup> Such clandestine talks would help reduce incentives for grandstanding and improve chances for compromise to allow the process to gain momentum. It is too soon to know, but the reported Berlin meeting could indicate that a parallel process is already under way.

### B. *The Need for Impartial Mediation*

Two of BRN's conditions for entering into dialogue relate to the presence of an impartial mediator and international observers. These conditions are controversial because they excite Thai fears about internationalising the conflict and challenge Malaysia's role as facilitator. Incorporating international support will be difficult as it requires Thailand and Malaysia to adjust their public positions. It is, however, essential if the process is to make progress.

Thai officials and diplomats have abiding concerns that internationalisation will lead to foreign intervention. Officially, Thailand maintains that mediation is not required because the country is not at war. At the same time, some in the security sector are willing to consider how third parties other than Malaysia could help bring about more substantive dialogue.<sup>82</sup> Given Thai sensitivities about the legal ramifications of language used to describe the conflict, Bangkok is not likely to accept a "mediator". It may, however, agree to limited international support for the dialogue. For Thailand, the paramount concern is that the two parties in conflict – not someone else – work out the substantive issues.<sup>83</sup>

BRN and Thailand agree that no viable process is possible without Malaysia's participation, and Thai officials are adamant that Kuala Lumpur continue to play the facilitator's part.<sup>84</sup> But Malaysia's role as de facto mediator is awkward: since the country is Thailand's neighbour and home to many insurgents, some Thai officials regard it as an interested party. BRN's leaders appear to share this sentiment.<sup>85</sup> One idea suggested by MARA Patani is for a country from outside the region to act as co-mediator with Malaysia.<sup>86</sup> Welcoming the participation of other international actors would allow Kuala Lumpur to dispel misgivings about its role. Prime Minister Mahathir recently said his country would assent to outside mediation if Thailand and

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<sup>81</sup> Crisis Group interview, Malay-Muslim activist, Pattani, October 2019.

<sup>82</sup> Crisis Group interviews, security officials, Bangkok, October 2019.

<sup>83</sup> Crisis Group interviews, security officials, Bangkok, May 2018, October and December 2019.

<sup>84</sup> Crisis Group interviews, General Sitthi Trakulwong, secretary of Thai Peace-Dialogue Panel, Bangkok, May 2018; PULO representative in MARA Patani, Kota Bharu, Malaysia, 14 October 2019; Thai military officer, October 2019.

<sup>85</sup> Crisis Group interviews, Muslim NGO officer, Pattani, May 2018; Shukree Haree, BRN, former MARA Patani dialogue team chief, Kedah; Dr Faqih, BRN, Kelantan, Malaysia; Haji Man, BRN delegation in MARA Patani, Malaysia; mainstream BRN member (speaking in personal capacity), Malaysia, all October 2019.

<sup>86</sup> Crisis Group interview, Abu Hafez Al-Hakim, BIPP/MARA Patani, Kelantan, Malaysia, 14 October 2019.

the militants agreed it was necessary, though it may be optimistic to take this comment at face value.<sup>87</sup>

Given that BRN has made its participation in dialogue conditional on international engagement with the process, and the fact that BRN's participation is necessary, Thailand and Malaysia should set aside qualms about international involvement in the interest of resolving the conflict.

### C. *Building Support for Devolution*

One way to create an environment in which both Thailand and BRN may be more inclined toward compromise is to seize the opportunity created by the relatively greater political space available in the southernmost provinces to build support for devolution of political power.<sup>88</sup>

The 24 March 2019 general election did not augur a new dawn for democracy in Thailand. The junta's bespoke constitution was designed to ensure that the military would retain power with a fig leaf of democratic legitimacy.<sup>89</sup> As anticipated, General Prayuth Chan-ocha returned as prime minister, and the junta retained control of the most powerful ministries as well as the fully appointed senate.

Nonetheless, the election generated great enthusiasm in the southernmost provinces, which had the highest voter turnout in the country.<sup>90</sup> The new Malay-Muslim party, Prachachart, won the largest number of seats in the region, with conflict resolution – including decentralisation – a major plank in its platform.<sup>91</sup> One party leader has advanced the idea of decentralised regional administrations, echoing the regional “circles” or *monthon* of late 19th century Siam.<sup>92</sup> The Future Forward Party, another newcomer, campaigned at the national level against the military's outsized role in Thai politics and society. Though it failed to win any seats in the south, its pro-democracy message appealed to many young Malay-Muslims, generating renewed interest in parliamentary politics.<sup>93</sup>

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<sup>87</sup> Kate Beddall and Nani Yusof, “Malaysia's Mahathir: ‘No way’ Thai deep South will get autonomy or independence”, BenarNews, 27 September 2019.

<sup>88</sup> Crisis Group interviews, Muslim senator, Hat Yai, September 2019; Buddhist academic, Pattani, October 2019.

<sup>89</sup> Prajak Kongkirati, “Haunted Past, Uncertain Future: The Fragile Transition to Military-Guided Semi-Authoritarianism in Thailand”, *Southeast Asian Affairs 2018* (Singapore 2018); Duncan McCargo, “Democratic Demolition in Thailand”, *Journal of Democracy*, vol. 30, no. 4, October 2019.

<sup>90</sup> Don Pathan, “Future Forward's inroads in Thai deep south alarm military, BRN”, BenarNews, 17 October 2019. The Prachachart Party, a new Malay-Muslim regional party, won five seats. The pro-military Phalang Pracharat Party won four seats. The Democrat and Bhumjai Thai parties, both within the governing coalition, won a seat each.

<sup>91</sup> Crisis Group interview, Malay-Muslim academic, Pattani, October 2019.

<sup>92</sup> Crisis Group interview, Police Colonel Thawee Sodsong, Prachachart Party, Pattani, 31 October 2019. Thawee is a former head of the Southern Border Provinces Administrative Agency under the Yingluck Shinwatra government (2011-2014).

<sup>93</sup> Crisis Group interview, senior police officer, October 2019.

New MPs from the region have already demanded a role in the dialogue.<sup>94</sup> Some have suggested a joint house-senate committee on the southernmost provinces.<sup>95</sup> While it is reasonable that elected representatives be able to contribute to the dialogue, politicians should be pragmatic about the difficulties the government faces in absorbing popular views early in the process. Insurgents are also sceptical about politicians' participation.<sup>96</sup> Too many voices too early risk standing in the way of confidence building or compromise.

Yet the parties could profitably use the available political energy to refine the concept of and push for decentralisation. The Thai official stance on this question is ambiguous. Many officials, when pressed, accept that devolution is consonant with the constitution and an acceptable path out of the conflict. But the government appears loath to relinquish power to localities.<sup>97</sup> Politicians and parties should work with civil society to build consensus and articulate local people's preferences with respect to decentralisation, and push for new legislation in parliament.

The optimism occasioned by the election has been tempered by the reality that the authorities sometimes block the free exchange of ideas. Notwithstanding some senior officials' confirmation that devolution is consistent with the constitution, pushing for decentralisation is not without risk under the current pseudo-civilian regime.<sup>98</sup> In early October 2019, a senior army officer lodged legal complaints of sedition against participants in a public seminar that discussed constitutional amendments bearing on decentralisation. Among those charged were seven opposition leaders.<sup>99</sup> Such restrictions on political speech, which many conservatives see as necessary to maintain law and order, are counterproductive.

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<sup>94</sup> Mariyam Ahmad and Nani Yusof, "MPs from Thai deep south want role in peace talks", *Benar News*, 27 June 2019.

<sup>95</sup> Crisis Group interview, Muslim politician, Hat Yai, September 2019.

<sup>96</sup> Mariyam Ahmad and Nani Yusof, "MPs from Thai deep south want role in peace talks", *Benar News*, 27 June 2019.

<sup>97</sup> Crisis Group interviews, General Sitthi Trakulwong, secretary of Thai Peace Dialogue Panel, Bangkok, May 2018; senior security official, Hat Yai, May 2018; National Security Council officials, Bangkok, May 2019; Malay-Muslim academic, Pattani, October 2019.

<sup>98</sup> Crisis Group interview, Muslim local official, Yala, September 2019.

<sup>99</sup> Major General Burin Thonggraphai, 4th Army Area Internal Security Operations Command legal officer, filed a complaint in Pattani against twelve people, including seven opposition party leaders, for allegedly violating the constitution's Article 116: "To raise unrest and disaffection amongst the people in a manner likely to cause disturbance in the country". The sedition charges arose from a public seminar held in front of the Pattani provincial hall on 28 September, in which one panellist, an academic, discussed the possibility of amending Article 1 of the constitution, which states that Thailand is one indivisible kingdom. Among those charged were Professor Chalita Bundhuwong and the leaders of seven opposition political parties, including Future Forward, Pheu Thai, Pheu Chart and Prachachart.

## **VI. Conclusion**

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For many years, peace dialogue was a taboo for Thai authorities. Only in 2013 did the Thai state officially recognise a challenge from Malay-Muslim insurgents and undertake to seek a resolution through negotiations. For its part, BRN operated in complete secrecy, content to let violence speak for the movement. Though the advent of dialogue changed the conflict's dynamics, it is so far characterised by missteps and long pauses. Internal discord on both sides, mixed motives for participating in talks and a structure that does not enjoy the belligerents' confidence have stood in the way of productive talks. But even the equivocal outcomes of dialogue to date are signs of progress; an official dialogue was not on the agenda a decade ago. Any future advances are likely to be equally slow and hard won.

To advance beyond procedural issues and address the conflict's cause, changes are necessary. Crucially, BRN, as the main separatist actor, needs to come to the table and prepare to engage constructively. Thailand can help facilitate BRN participation by accommodating its demands for international mediation and observers. Fears of foreign interference should not stand in the way of reaching a peaceful resolution, from which Thailand has much to gain. Likewise, Thai authorities should follow through on senior leaders' assurances that political decentralisation is compatible with national sovereignty. Malaysia, through history and proximity, is implicated in the conflict. Its willingness to facilitate is commendable, but Kuala Lumpur should respect the conflict parties' preferences, including making room for external mediation and observers if they so choose.

**Bangkok/Brussels, 21 January 2020**

Appendix A: Map of Thailand



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations or International Crisis Group.

International Crisis Group/KO/Sept 2016. Based on UN map no. 3853 Rev. 2 (July 2009).

## Appendix B: About the International Crisis Group

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early-warning bulletin, providing a succinct regular update on the state of play in up to 80 situations of conflict or potential conflict around the world.

Crisis Group's reports are distributed widely by email and made available simultaneously on its website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board of Trustees – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policymakers around the world. Crisis Group is chaired by former UN Deputy Secretary-General and Administrator of the United Nations Development Programme (UNDP), Lord (Mark) Malloch-Brown.

Crisis Group's President & CEO, Robert Malley, took up the post on 1 January 2018. Malley was formerly Crisis Group's Middle East and North Africa Program Director and most recently was a Special Assistant to former U.S. President Barack Obama as well as Senior Adviser to the President for the Counter-ISIL Campaign, and White House Coordinator for the Middle East, North Africa and the Gulf region. Previously, he served as President Bill Clinton's Special Assistant for Israeli-Palestinian Affairs.

Crisis Group's international headquarters is in Brussels, and the organisation has offices in seven other locations: Bogotá, Dakar, Istanbul, Nairobi, London, New York, and Washington, DC. It has presences in the following locations: Abuja, Algiers, Bangkok, Beirut, Caracas, Gaza City, Guatemala City, Hong Kong, Jerusalem, Johannesburg, Juba, Mexico City, New Delhi, Rabat, Tbilisi, Toronto, Tripoli, Tunis, and Yangon.

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**January 2020**

## Appendix C: Reports and Briefings on Asia since 2017

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*Council of Despair? The Fragmentation of UN Diplomacy*, Special Briefing N°1, 30 April 2019.

*Seven Opportunities for the UN in 2019-2020*, Special Briefing N°2, 12 September 2019.

*Seven Priorities for the New EU High Representative*, Special Briefing N°3, 12 December 2019.

### North East Asia

*China's Foreign Policy Experiment in South Sudan*, Asia Report N°288, 10 July 2017 (also available in Chinese).

*The Korean Peninsula Crisis (I): In the Line of Fire and Fury*, Asia Report N°293, 23 January 2018 (also available in Chinese).

*The Korean Peninsula Crisis (II): From Fire and Fury to Freeze-for-Freeze*, Asia Report N°294, 23 January 2018 (also available in Chinese).

*The Case for Kaesong: Fostering Korean Peace through Economic Ties*, Asia Report N°300, 24 June 2019.

### South Asia

*Pakistan: Stoking the Fire in Karachi*, Asia Report N°284, 15 February 2017.

*Afghanistan: The Future of the National Unity Government*, Asia Report N°285, 10 April 2017.

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*Sri Lanka's Conflict-Affected Women: Dealing with the Legacy of War*, Asia Report N°289, 28 July 2017.

*Countering Jihadist Militancy in Bangladesh*, Asia Report N°295, 28 February 2018.

*China-Pakistan Economic Corridor: Opportunities and Risks*, Asia Report N°297, 29 June 2018 (also available in Chinese).

*Building on Afghanistan's Fleeting Ceasefire*, Asia Report N°298, 19 July 2018 (also available in Dari and Pashto).

*Shaping a New Peace in Pakistan's Tribal Areas*, Asia Briefing N°150, 20 August 2018.

*Sri Lanka: Stepping Back from a Constitutional Crisis*, Asia Briefing N°152, 31 October 2018.

*After Sri Lanka's Easter Bombings: Reducing Risks of Future Violence*, Asia Report N°302, 27 September 2019.

*Getting the Afghanistan Peace Process Back on Track*, Asia Briefing N°159, 2 October 2019.

### South East Asia

*Building Critical Mass for Peace in Myanmar*, Asia Report N°287, 29 June 2017 (also available in Burmese).

*Buddhism and State Power in Myanmar*, Asia Report N°290, 5 September 2017 (also available in Burmese).

*Jihadism in Southern Thailand: A Phantom Menace*, Asia Report N°291, 8 November 2017 (also available in Thai and Malay).

*Myanmar's Rohingya Crisis Enters a Dangerous New Phase*, Asia Report N°292, 7 December 2017 (also available in Burmese).

*The Long Haul Ahead for Myanmar's Rohingya Refugee Crisis*, Asia Report N°296, 16 May 2018 (also available in Burmese).

*Myanmar's Stalled Transition*, Asia Briefing N°151, 28 August 2018 (also available in Burmese).

*Bangladesh-Myanmar: The Danger of Forced Rohingya Repatriation*, Asia Briefing N°153, 12 November 2018.

*Fire and Ice: Conflict and Drugs in Myanmar's Shan State*, Asia Report N°299, 8 January 2019 (also available in Burmese).

*A New Dimension of Violence in Myanmar's Rakhine State*, Asia Briefing N°154, 24 January 2019 (also available in Burmese).

*Building a Better Future for Rohingya Refugees in Bangladesh*, Asia Briefing N°155, 25 April 2019.

*An Opening for Internally Displaced Person Returns in Northern Myanmar*, Asia Briefing N°156, 28 May 2019 (also available in Burmese).

*The Philippines: Militancy and the New Bangsamoro*, Asia Report N°301, 27 June 2019.

*Peace and Electoral Democracy in Myanmar*, Asia Briefing N°157, 6 August 2019.

*Myanmar: A Violent Push to Shake Up Cease-fire Negotiations*, Asia Briefing N°158, 24 September 2019.

*A Sustainable Policy for Rohingya Refugees in Bangladesh*, Asia Report N°303, 27 December 2019.



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