

# **Southern Thailand/Patani Understanding the Dimensions of Conflict and Peace**

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Anders Engvall, Srisompob Jitpiomsri,  
Emma Potchapornkul, Norbert Ropers

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## Chapter 1

# The Southern Conflict and Its Transformation: An Overview

■ Anders Engvall  
Norbert Ropers

### 1. Purpose

This chapter presents an overview of the protracted violent conflict in the southern border provinces of Thailand. It analyzes the unique character of the area, the impact of the violence, and the ongoing political efforts to transform the conflict. We argue that the conflict is inherently political in nature, which is manifested not least in official terminology, which refers to the region as the “Southernmost Provinces of the Kingdom of Thailand”. By contrast, many Malay–Muslims prefer to use the term “Patani” in reference to the former sultanate.<sup>1</sup>

The core essence of the conflict concerns the legitimacy of the Thai state's exercise of control over the region. As in many other protracted subnational conflicts, the causes and history of its development are contested between the parties. The fairest way to engage with this contestation is to acknowledge that the thoughts

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<sup>1</sup>There are two spellings of this historical word: The Thai “Pattani” refers to one of the three southern border provinces. The Malay “Patani” refers to the former Sultanate of Patani and is used by supporters of the Patani movement. Both terms are used depending on the context. Some peace activists use the term “Pa(t)tani” to acknowledge the distinction.

and actions on both sides are deeply influenced by their respective historical narratives and discourses. The conflict manifests as a power struggle whereby the Thai State exerts control over the southern border provinces and the resistance movement undermines this control by challenging the state's monopoly on violence. The violent conflict in Southern Thailand has taken nearly 7000 lives and yet the underlying causes of the conflict remain disputed.

## 2. The Southern Context

Thailand is marked by substantial ethnic and religious variation. While all fourteen provinces in Southern Thailand have substantial Thai-speaking Muslim populations, the three southern border provinces of Yala, Pattani and Narathiwat and four districts of neighboring Songkhla Province are predominantly Malay and Muslim giving it a unique character within a Thai speaking and largely Buddhist country. The local language, religion, and culture are akin to those of the Malay-Muslims in neighboring Malaysia. While Malay-Muslims form a majority in the southern border area, making up about 80 percent of the population, they are a minority in Thailand as a whole. The southern border area is a transition zone that acts as a boundary between religions, languages and cultures. However, this boundary is not clear cut and does not conform to the borders of modern day nation-states.

It is commonly observed that the southern border provinces are a majority Muslim area within a largely Buddhist state. Yet, there is substantial religious variation within the region. While a core area in the central parts of the Deep South is almost universally Muslim, there are many majority Buddhist sub-districts particularly on the periphery of the three provinces.

Thailand does not have an official religion. Religious freedom is

maintained and there is a long tradition of inter-religious co-existence and of a state that has been accommodating towards Muslims.<sup>2</sup> Yet despite a history of harmonious relations between Buddhists and Muslims, there is a clear religious dimension to the conflict. Religious leaders from both sides have been the targets of violence perpetrated by insurgents and the security agencies. Islamic leaders that have been taken into custody by security forces have disappeared or been extra-judicially executed.<sup>3</sup> Insurgent attacks have targeted unarmed Buddhist monks.<sup>4</sup> There is evidence that the systematic militarization of Buddhist temples, many of which have been turned into military posts, and the practice of allowing soldiers to ordain as armed military monks have increased religious tensions in the region.<sup>5</sup> This suggests that religious tolerance has declined in Southern Thailand and it has likely also affected trust in government among adherents of Islam.

Ethnic relations have shaped interactions between the state and the local population. The majority of the population in the southern border region is ethnically Malay and this identity manifests in some unique cultural characteristics.<sup>6</sup> With a state that privileges a single

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<sup>2</sup>Michael Jerryson, "Appropriating a Space for Violence: State Buddhism in Southern Thailand," *Journal of Southeast Asian Studies* 40, no. 1 (2009): 33–57.

<sup>3</sup>Tyrell Haberkorn, "When Torture Is a Duty: The Murder of Imam Yapa Kaseng and the Challenge of Accountability in Thailand," *Asian Studies Review* 39, no. 1 (2015): 53–68.

<sup>4</sup>"No One Is Safe: Insurgent Attacks on Civilians in Thailand's Southern Border Provinces," Human Rights Watch, last modified June 25, 2015, <https://www.hrw.org/report/2007/08/27/no-one-safe/insurgent-attacks-civilians-thailands-southern-border-provinces>.

<sup>5</sup>Jerryson, "Appropriating a Space."

<sup>6</sup>Thomas M. Fraser, *Fishermen of South Thailand: The Malay Villagers* (New York: Holt, Rinehart and Winston, 1966).

cultural norm that is, to a great extent, built on Thai ethnic identity, frictions invariably arise and such friction has taken the form of local resistance against the state.

The role of language use goes beyond its link to ethnic identity. More than half of the population in the region speak Bahasa Melayu exclusively at home, while just over 20 percent rely exclusively on Thai.<sup>7</sup> Since Bahasa Melayu is quite distinct from Thai, this creates a significant barrier in terms of interactions with the state and its representatives as Thai is the only accepted language. Conservative Thai language policy fails to create opportunities for mutual understanding. The failure of the Thai state to accommodate local language use has prevented the government from being able to respond to the needs of the Melayu-speaking population.<sup>8</sup>

The linguistic pattern is similar to the religious one, which is unsurprising given the close connection between speaking Bahasa Melayu and being of the Muslim faith. Areas with higher levels of violence tend to have high rates of Bahasa Melayu speakers while the reverse holds true for areas with lower levels of violence. This gives weight to the commonly held view that one source of friction in the region is the conservative Thai language policy that is perceived as discriminatory towards the local minority language.

Statistics further indicate the division between a large share of the population (more than half) that only speak Bahasa Melayu at home

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<sup>7</sup>Bryce Smedley, "Language Policy and Linguistic and Cultural Identity in the Ongoing Conflict in Southern Thailand" (PhD diss., Indiana University, 2014).

<sup>8</sup>William A. Smalley, *Linguistic Diversity and National Unity: Language Ecology in Thailand* (Chicago: University of Chicago Press, 1994).

and about a quarter that only speak Thai.<sup>9</sup> Melayu use is highest in a core part of the region corresponding to Pattani and northern parts of Yala and Narathiwat. The use of Thai is higher in peripheral areas along the southern border with Malaysia and in sub-districts close to Songkhla Province to the northwest. Almost 80 percent of the population adheres to Islam. Islamic faith is high throughout the region with more than 90 percent in most sub-districts. The share is lower in peripheral areas along the border with Malaysia.

Nevertheless, the core part of the region where Melayu use is highest is also marked by substantial variation in religion and language use. The northern part of the region and urban centers such as Yala's Muang district have large Thai-speaking Buddhist populations, many of them descendants of Chinese immigrants. Rural areas, particularly in the interior part of the region, are more homogeneously Malay-Muslim.

Education has long been regarded as a key instrument for both economic development and for integration of minorities throughout the country.<sup>10</sup> However, the response from the population in the southern border region to government education has been mixed. Many opt out of secular government education and enrol their children into pondoks (traditional Islamic boarding schools) or private Islamic schools.<sup>11</sup> Bahasa Melayu is the main language of instruction in pondoks and students at these establishments rarely develop proficiency in Thai. The religious curriculum does not prepare these students for formal

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<sup>9</sup> Bryce, "Language Policy."

<sup>10</sup> Astri Suhrke, "The Thai Muslims: Some Aspects of Minority Integration," *Pacific Affairs* 43, no. 4 (1970): 531-547.

<sup>11</sup> Joseph Chinyong Liow and Don Pathan, *Confronting Ghosts: Thailand's Shapeless Southern Insurgency* (Sydney: Lowy Institute, 2010).

employment outside the local villages. Private Islamic schools are run on a dual-curriculum basis. They provide both religious instruction and a secular education similar to what is offered in Thai government schools. Receiving education from pondoks or private Islamic schools outside the government system may reinforce a perception that the Thai government is unable to fulfil an individual's educational needs. It may also increase a sense of perceived distance from the Thai state and its institutions. The region's low levels of educational attainment are confirmed by the fact that more than a third of the population lack formal education and about 15 percent were unemployed or outside the labor force at the time of the outbreak of the violent conflict.<sup>12</sup>

The region's geographical diversity also has implications for livelihoods and economic opportunities. Coastal regions vary both in terms of their environmental features and, thus, in terms of the income opportunities they offer through fisheries, agriculture, and trade. The interior areas are dominated by a rubber monoculture that is highly dependent on world market prices. The natural geography of the region has also affected the character of the violent conflict, impacting both insurgent and state strategies. The lowland areas have a higher population density and provide easier forms of access through a relatively extensive road and railway network. The more southern parts of the region neighboring Malaysia are elevated and covered by forest. Yala Province, in particular, contains elevated areas without road access. Malaysia can be reached at any of the border crossings and two larger border crossings connect the two countries' railway systems.

The southern border provinces are among the poorest regions of

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<sup>12</sup>National Statistics Office, *2003 Census Project in the Southern Region* (Bangkok: National Statistics Office, 2004).

Thailand together with some of the peripheral regions in the northeast and north. This is driven both by lower income among the economically active as well as the higher numbers of dependents within families. Poverty rates in the Malay-Muslim south are higher than comparable areas in the upper south as well as in the neighboring regions of Malaysia. They are also much less economically developed than other parts of the south. In the three southern border provinces, 33 percent of the population were said to live below the national poverty line in 2013<sup>13</sup> and household income is well below the average for rural Thailand.

In addition to low aggregate levels of economic development, there are also persistent economic cleavages within the area. Sino-Thai merchants, who dominate the urban economy, and Thai-Buddhist bureaucrats, who hold a substantial share of government positions, enjoy higher standards of living than Malay-Muslim villagers. This division in economic activities among the ethnic groups creates a spatial structure for the ethnic settlements where urban locations provide higher income levels.

### **3. A History of Submission, Accommodation and Rebellion**

As in most other protracted subnational conflicts, history is contested among the parties. The fairest way to engage with this reality

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<sup>13</sup>Xubei Luo, Theepakorn Jithitikulchai, Tijen Arin, Cecilia Poggi, Dilaka Lathapipat, Smita Kuriakose, Miguel Sanchez Martin, et al., *Getting back on track: reviving growth and securing prosperity for all*, (Bangkok: World Bank Thailand, 2016), <http://documents.worldbank.org/curated/en/855161479736248522/Thailand-Systematic-country-diagnostic-getting-back-on-track-reviving-growth-and-securing-prosperity-for-all>.



is to acknowledge that the thoughts and actions on both sides are very much influenced by their respective historical narratives and discourses. In Thai history schoolbooks this controversy is rarely mentioned in any detail. Rather, the focus is on highlighting the multiplicity of religious, ethnolinguistic and political formations that have shaped the region now defined as Southern Thailand. Malay discourses, by contrast, focus more attention on the historical formation of a network of Islamic Sultanates.

Since the first century B.C., the region has been shaped by the Kingdom of Langkasuka and was influenced by Hinduism and Buddhism before the arrival of Islam.<sup>14</sup> From the thirteenth century onwards, the region came under the increasing influence of Islam and the Malay Sultanate of Patani was said to have experienced a “golden age” of commercial and political outreach, particularly in the sixteenth and seventeenth centuries. At the same time, the peninsula, much like the rest of Indochina, was the site of an ongoing struggle for political dominance, which was characterized by shifting alliances and different levels of vassalage. The decline of the Malay Kingdom in the eighteenth century culminated with Patani’s defeat in 1785–6. From then on, the region was obliged to pay tribute to the Kingdom of Siam although a certain level of self-rule was maintained. This period lasted until the region was formally integrated into the Kingdom of Siam via the

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<sup>14</sup>Anthony Reid, “Patani as a Paradigm of Pluralism,” in *Ghosts of the Past in Southern Thailand: Essays on the History and Historiography of Patani*, ed. Patrick Jory (Singapore: NUS Press, 2013), 3–30; Francis R. Bradley, “Siam’s Conquest of Patani and the End of Mandala Relations, 1786–1838,” in *Ghosts of the Past in Southern Thailand: Essays on the History and Historiography of Patani*, ed. Patrick Jory (Singapore: NUS Press, 2013), 149–160; Dennis Walker, “The Formation of the Islamo–Malay Patanian Nation: Ideological Structuring by Nationalist Historians,” in *Ghosts of the Past in Southern Thailand: Essays on the History and Historiography of Patani*, ed. Patrick Jory (Singapore: NUS Press, 2013), 185–227.

## Anglo–Siamese Treaty of 1909.

During the nineteenth century, the level of self–rule was reduced by the Siam government; this development was very much driven by the threat of European colonial expansion in Indochina, which precipitated the need for local kingdoms and other political units to foment their own nation–building projects.<sup>15</sup> However, the Patani region still retained a great deal of autonomy under Thai suzerainty. Thai provincial administration was heavily decentralized prior to the reforms that were instituted at the end of the nineteenth century.<sup>16</sup> However, with those reforms came the Bangkok government’s efforts to assimilate and increase central control of the southern provinces.<sup>17</sup> As a result, Patani was incorporated into the Thai administrative system around 1901–2 and this led to the abolition of the local sultans. The centralization brought about the first revolts against Siamese rule in 1903 due to the resentment of the local Patani aristocracy.<sup>18</sup> In 1906, Bangkok implemented a policy reversal and gave traditional ruling families a greater role in governing the area. However, expanding colonial powers cemented formal Thai hegemony

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<sup>15</sup>Thanet Aphornsuvan, “Origins of Malay Muslim ‘Separatism’ in Southern Thailand,” in *Thai South and Malay North: Ethnic Interactions on a Plural Peninsula*, ed. Michael John Montesano and Patrick Jory (Singapore: NUS Press, 2008), 91–123; Philip King, “A Tin Mine in Need of a History: 19th–Century British Views of the Patani Interior,” in *Ghosts of the Past in Southern Thailand: Essays on the History and Historiography of Patani*, ed. Patrick Jory (Singapore: NUS Press, 2013), 161–182.

<sup>16</sup>Michael Vickery, “Thai Regional Elites and the Reforms of King Chulalongkorn,” *The Journal of Asian Studies* 29, no. 4 (1970): 863–81.

<sup>17</sup>Tej Bunnag, *The Provincial Administration of Siam 1892–1915: The Ministry of the Interior under Prince Damrong Rajanubhab* (London: Oxford University Press, 1977).

<sup>18</sup>Surin Pitsuwan, *Islam and Malay Nationalism: A case study of the Malay–Muslims of Southern Thailand* (Bangkok: Thai Khadi Research Institute, Thammasat University, 1985).

over the region and the Anglo-Siamese Treaty of 1909 established the current border between Thailand and Malaysia.<sup>19</sup> A system of indirect rule was retained until 1933 after Thailand's transition from an absolute monarchy to constitutional rule.

The first half of the twentieth century had a severe impact on relations between the Siamese/Thai state and Malay-Muslims owing to the global trend towards nationalism and the attendant assimilation of minority communities. During the 1920s and early 1930s the Bangkok government was content with maintaining authority and central control over the southern border provinces without assimilating its population and the Malay-Muslims were able to maintain their distinct religious and ethnolinguistic identity.<sup>20</sup> Nevertheless, the local elite gradually lost their positions in the provincial administration to Thai Buddhists from the center.<sup>21</sup> Bangkok's policy of cautious integration changed when a military-led nationalist regime came to power in the late 1930s and the administration attempted to forcibly assimilate the Malay-Muslim population.<sup>22</sup> Then-Prime Minister Phibun Songkram implemented a series of nationalist policies and Malay-Muslims were forced to assimilate with predominantly-Buddhist Thailand. Malay-Muslims were forbidden from wearing Malay clothing, using Malay names, and from learning and speaking Bahasa Melayu. Phibun also abolished the Islamic courts, which had overseen Muslim family and inheritance cases in the four southernmost provinces since 1901. Broad public resentment grew

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<sup>19</sup>Ira Klein, "Britain, Siam and the Malay Peninsula, 1906-1909," *The Historical Journal* 12, no. 1 (1969): 119-136.

<sup>20</sup>Andrew D. W. Forbes, "Thailand's Muslim Minorities: Assimilation, Secession, or Coexistence?," *Asian Survey* 22, no. 11 (1982): 1056-1073.

<sup>21</sup>Suhrke, "The Thai Muslims," 531-547.

<sup>22</sup>Forbes, "Thailand's Muslim Minorities," 1056-1073.

as the government dismantled local laws and discriminated against the use of Bahasa Melayu.<sup>23</sup>

During the first wave of resistance, two parallel movements demanded greater autonomy: the overseas movement was led by descendants of former sultans and the domestic movement was led by the religious leader Haji Sulong Abdul Kadir. The post-World War II (WWII) period between 1945 and 1948 can be described as the height of the Malay-Muslims' anti-Bangkok campaign.<sup>24</sup> The campaign had a strong international dimension. It took advantage of the Thai government's close collaboration with Japan during the war and of the opportunities that came with the creation of the United Nations, leading to appeals to the "International Community".<sup>25</sup> However, the main focus of Western powers and the Thai government was on combatting the "Communist Threat". As such, Haji Sulongs' domestic campaign, which was based around seven modest demands, was met with strong suppression. He was imprisoned for treason and was disappeared in 1954.<sup>26</sup> His disappearance put an end to what had been a largely peaceful resistance.

Influenced by the dramatic changes in the international arena from WWI to WWII and the Cold War and its aftermath, the political leadership in Bangkok alternated between strategies of assimilation and accommodation with respect to the southern border provinces.

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<sup>23</sup>Virginia Thompson and Richard Adloff, *Minority Problems in Southeast Asia* (Stanford: Stanford University Press, 1955).

<sup>24</sup>Kobkua Suwannathat-Pian, *Kings, Country and Constitutions: Thailand's Political Development, 1932-2000* (London: Routledge Curzon, 2003).

<sup>25</sup>Clive J. Christie, *A Modern History of Southeast Asia: Decolonization, Nationalism and Separatism* (London: Tauris Academic Studies, 1996).

<sup>26</sup>Pitsuwan, *Islam and Malay Nationalism*.

Accordingly, the Deep South oscillated between phases of heavy resistance to phases of adjustment on the part of the local population. Now, the majority of younger Malay–Muslims are conversant in Thai language as well as culture and have been integrated into the country’s political system. Yet, this has not changed the deeply ingrained linguistic, cultural and religious orientation among the majority Malay–Muslim population in the region.

At the political level, the competing discourses between the Thai state and the Malay–Muslim movement became more apparent after the country’s transition to a Constitutional Monarchy in 1932, which set the stage for Bangkok’s power struggle between the more authoritarian wing and the more liberal wing of the ruling political class in the 1930s and 1940s. While the leadership was keen to consolidate Thailand’s centralized statehood and borders after the dramatic events during and after WWII, the Patani movement was more interested in exploring alternative governance structures.

In the ensuing decade, Malay–Muslim resistance continued albeit at a somewhat lower intensity.<sup>27</sup> After the 1960s, the character of the resistance movement transformed from a movement of traditional aristocratic elites to a more ideologically driven militant organization during the peak of the Cold War. The late 1960s witnessed another increase in separatist sentiment as a succession of separatist groups carried out bombings, arson attacks, and shootings targeting representatives of the Thai government.<sup>28</sup> These insurgent activities continued throughout the 1970s.

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<sup>27</sup>W. K. Che Man, *Muslim Separatism: The Moros of Southern Philippines and the Malay of Southern Thailand* (Singapore: Oxford University Press, 1990).

<sup>28</sup>Forbes, “Thailand’s Muslim Minorities,” 1056–1073.

Many of the armed movements that have fought for independence over the years emerged in reaction to Bangkok's recurrent efforts to exert increased authority over the region. The 1970s and 1980s saw an extended separatist campaign conducted by the Patani United Liberation Organization (PULO), who relied on traditional guerrilla warfare conducted from jungle bases. This was effectively suppressed by a combination of conventional military campaigns and amnesty programs. Following the decline of PULO, the Barisan Revolusi Nasional (BRN) emerged as the main insurgent group and the movement made a number of strategic shifts away from its predecessors' failures. The BRN started by conducting a systematic mass-indoctrination campaign of the local southern population in order to build a solid political base before eventually launching its violent struggle.

The current wave of violence erupted in January 2004 with a bold raid on the Chulaphorn military camp in Narathiwat where separatists made away with a large weapons cache. More violence followed in the early hours of April 28 in the same year when simultaneous attacks were launched on a dozen checkpoints throughout the region. The incident culminated with the storming of the highly symbolic Kru Se Mosque. Many of the militants, who had fled into the mosque, were armed only with sticks or knives. 105 men were killed whereas security forces suffered only five casualties. On October 25, 2004 a demonstration outside Tak Bai police station in Narathiwat got out of hand and left seven demonstrators dead. Another 78 casualties died of suffocation after being stacked in military trucks and transported to an army camp several hours away.<sup>29</sup>

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<sup>29</sup>Senate Committee, *Violent Incident at Tak Bai and Problems of Human Security in the Area of Three Southern Border Provinces* (Bangkok: Senate Committee on Social Development and Human Security, 2005).

Most casualties have since been claimed via a continuous stream of attacks using light weapons resulting in a small number of victims in each attack. There have also been a few spectacular and coordinated acts of violence, including bombings. The history of relations between the south and the central government in Bangkok show that violent opposition against the state has escalated at times when central control over the area has increased and when systems for local resolution of grievances have been absent. In particular, the latest outbreak of violence is associated with the dismantling of a system of governance that had guaranteed relative stability in the region since the 1980s.

The BRN has developed a refined organizational strategy that directs the group's activities.<sup>30</sup> In the past, Patani insurgent groups claimed responsibility for violent attacks, a practice which ultimately proved fatal as it allowed security agencies to target them effectively. The BRN's centralized administrative structure is said to be led by a Party Leadership Council under which there are military and political wings. The two wings serve as a link between the leaders and the general population at the village level. The BRN's political strategy is primarily focused on building mass support among the general population in the region. Having village level support is a precondition for insurgent activity. A primary aim of the group is to ensure that the political wing gains control over the population and destroys the state's legitimacy among Malay-Muslims in the region through continued subversion. Ideally, community members recruit additional supporters. To that end, the BRN has also tried to win support from local religious leaders, who are well placed to take on this role.

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<sup>30</sup>Sascha Helbardt, *Deciphering Southern Thailand's Violence: Organisation and Insurgent Practices of BRN-Coordinate* (Singapore: ISEAS Publishing, 2015).

The militants are organized into RKK squads each with six fighters. These squads function as small-group assault units and are organized as largely independent cells. Larger operations may be carried out through cooperation between two or more RKK squads. Such coordinated military action is planned and executed by commanders. Members of the BRN military wing are based in villages, which allows them to alternate between their identities as combatants or civilians. This makes counter-insurgency very difficult for the Thai authorities.

The insurgency displays some clear strategic patterns, such as the targeting of Thai state representatives, notably military, police, and civil servants. Targets also extend to locals seen to be collaborating with or working for the government, including village headmen and teachers. Insurgent strategy includes attempts to provoke violent responses from the security forces to generate sympathy for the insurgents' cause and legitimize their use of force. Using the highly symbolic Krue Se Mosque as the site for the hostage siege was an example of such a strategy.

The Thai state has responded to the insurgency with violent suppression and with a pervasive police and military presence that has included the promotion of paramilitary groups, such as village defense volunteers and rangers.<sup>31</sup> Security agencies have also resorted to extrajudicial killings and abductions.<sup>32</sup>

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<sup>31</sup>International Crisis Group (ICG), *Southern Thailand: The Problem with Paramilitaries* (Brussels: ICG, 2007).

<sup>32</sup>ICJ, TLHR & CrCF, "Joint Follow-up submission by the International Commission of Jurists, Thai Lawyers for Human Rights and Cross-Cultural Foundation on Thailand's Implementation of the Human Rights Committee's Prioritized Recommendations Following its Review of the Country's Second Periodic Report at its 119th Session," last modified March 27, 2018, [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/THA/INT\\_CCPR\\_NGS\\_THA\\_30782\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/THA/INT_CCPR_NGS_THA_30782_E.pdf).



## 4. The Impact of Violent Conflict

The dramatic resurgence of armed resistance in 2004 took the Thai state by surprise. While Thailand has experienced armed rebellion in the southern border region for several decades, the scale and intensity of violence in the post-2004 period were unprecedented. Government agents or those perceived to be a symbol of the Buddhist-dominated Thai state – security forces, civil servants, government sponsored militias, Buddhist monks, and school teachers – have been targeted in insurgent attacks. However, civilians have suffered the heaviest casualties.

Violent incidents tend to follow linguistic and religious patterns reinforcing the view that southern insurgents rely on ethnic and religious identities for mobilization. The central Thai government has been largely ineffective at handling the violence in the south. Efforts to mediate the conflict are hampered by the hyper secrecy maintained by BRN leaders and the state's unwillingness to make any concessions.

There has been a marked reduction in the number of incidents and deaths since 2012. This was followed by a further reduction in the level of violence in mid-2014 coinciding with the military coup. Since then, there have not been any notable changes in the level of violence and the number of incidents, deaths, and injuries have remained constant.

The widespread use of bombs, with its indiscriminate impact, has led to high number of civilian casualties. Civilians make up the majority of deaths in this conflict. The most violent years, namely 2007 and 2011, also saw the highest share of civilian casualties. While there has been a decline in violence since 2014, this has not been marked by any change in the ratio of civilian versus non-civilian deaths.

The victims are predominately male. More than 90 percent of deaths during the first three years of conflict were men. Subsequent years

witnessed a larger share of women affected by violence. The number of female victims peaked first in 2007 and again in 2014. While Buddhists made up the majority of deaths in the first year of the conflict, subsequent years saw a shift to a higher proportion of Muslim victims. Over the past six years, Muslims deaths continue to make up the majority remaining stable at a level of approximately 60 percent.

## 5. Efforts to Contain the Violence

Between 2004 and 2012, conflict management in Southern Thailand was primarily driven by a classical counterinsurgency strategy, which focused on military suppression and development assistance. The military's response to the sharp rise in violence in 2004 was characterized by inefficiency, poor intelligence, and inadequate training. Tens of thousands of troops were dispatched to the Deep South following the January 4, 2004 raid. The Thaksin government responded with heavy-handed suppression, which exacerbated the situation. No group claimed responsibility for the violence and the prime minister ordered security forces to hunt down the perpetrators.

Counterinsurgency doctrine in Thailand has largely been influenced by the strategies that were developed to fight the Communist Party of Thailand between the 1960s and 1980s. This counterinsurgency strategy focused on a two-pronged approach of security and development. The doctrine underlying this approach posited that the suppression of insurgents needed to go hand in hand with development assistance since the latter would enable the military to conduct propaganda operations in order to win the hearts and minds of the local population. Since 2004, the government has spent billions on implementing this strategy against Malay-Muslim insurgents but the efficacy of such an approach remains in doubt.

Between 2004 and 2012, peace dialogue was a peripheral element of conflict resolution in Southern Thailand. For many years, the insurgent movement's highly-secretive nature was used as an excuse by the Thai state to refuse to hold formal peace talks. Thai security agencies were said to be "fighting with ghosts" due to the elusive nature of the militants operating in the southern border provinces.<sup>33</sup> The leadership of these organizations was something of a mystery to both outsiders and those seeking a negotiated end to hostilities. What is known about the resistance movements is that the leadership of the main separatist group, the BRN, is largely collective and fractionalized. Smaller separatist groups are led by single charismatic individuals, who are often engaged in conflicts with other groups claiming to fight for the self-determination of the Malay-Muslims. This has posed significant challenges which have led to multiple failures in the efforts to end armed hostilities in the region.

The role of international actors in efforts to resolve the conflict is limited as the Thai state has attempted to keep the southern conflict an internal affair at all costs. The Thai state fears that the involvement of international organizations would elevate the insurgents' political standing and heighten the risk of secession.

Several attempts have been made to find negotiated solutions to the armed conflict. For the first nine years of conflict, successive Thai governments initiated secret talks only to terminate them before achieving any concrete results. Prior to launch of an official peace process in 2013, at least four major initiatives had been started but all failed to develop into any kind of formalized peace process. The Langkawi Talks were inaugurated by Malaysian Prime Minister Mahathir Mohamad,

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<sup>33</sup>Liow and Pathan, *Confronting Ghosts*.

who brought exiled leaders of the separatist movements to meet senior Thai security officials in November 2005 and February 2006. The Langkawi Talks produced recommendations that were submitted to the Thaksin government but no serious consideration was given to the proposals. The Thai side's lack of response to the proposals as well as the change in Malaysian government led to the end of the Langkawi talks.<sup>34</sup>

A second initiative was the Bogor Talks led by Indonesian Vice President Yusuf Kalla. He organized a two-day meeting between Thai officials and separatist leaders at the presidential palace in Bogor, West Java in September 2008. The talks were stopped after Thai media published reports on the supposedly secret meetings.

The Organization of Islamic Cooperation (OIC) was behind the third attempt to establish some kind of negotiation process. Two parallel meetings were held with exiled leaders in Malaysia and Saudi Arabia in September 2010. However, this initiative was met with fierce opposition from the Thai government. Following the opposition, the OIC continued to support the establishment of a peace process but the body did not make any further attempt to become a mediator.

Another initiative, called The Geneva Process, was led by the Centre for Humanitarian Dialogue (HD Centre). In the early phases of the violent conflict, the HD Centre had attempted to establish communication channels between the Thai government and insurgent leaders. The effort eventually settled on the National Security Council (NSC) on the Thai government side and the PULO faction led by Sweden-based

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<sup>34</sup>Strategic Nonviolence Working Group (SNWG), *Peace Dialogue: Confronting Violence in the Deep South, 1991–2011* (Bangkok: SNWG, 2018).

Kasturi Makota on the movement side. The Geneva Process appeared to make some headway during the government of Abhisit Vejjajiva after the prime minister secretly instructed the NSC to formalize the peace dialogue. However, this process was abandoned after Yingluck came to power in 2011.

Several factors have hampered the development of a viable peace process. First and foremost, more than a decade of political turmoil at the national level has coincided with the southern violence and disrupted efforts to build a sustainable peace process. In addition, the Thai military, which plays a dominant role both in conflict management in Southern Thailand and in national politics, has opposed any sincere attempts by civilian governments to hold talks. The military has only supported secret negotiations aimed at co-opting or sowing division among the insurgent groups. Finally, influential Thai technocrats have objected to any external support ensuring that the southern conflict remains a solely internal affair and making it difficult for international organizations to support peace initiatives.

## 6. Towards an Official Peace Process

In comparison to other protracted conflicts in Asian countries, the pivot towards an official peace process came relatively late. A key turning point were the discreet explorations between ousted former Prime Minister Thaksin Shinawatra, the Government of Malaysia under Prime Minister Najib Razak and some members of the BRN. Several aspects of these explorations are still shrouded in secrecy with respect to the BRN's participation. Nevertheless, in February 2013 a formal dialogue process was announced by the Yingluck government. With Malaysia acting as a facilitator, both sides agreed to a political process "under the (2007) Thai Constitution".

The signing of the “General Consensus on Peace Dialogue Process”, as it was known, triggered several demands from the BRN. It was the first time that the resistance movement had expressed any request to the public since the 1940s (see Annex 1: BRN’s Preliminary Demands). The resistance movement’s request for some kind of self-determination could hardly have been considered a surprise. Yet, for the Thai public and for the military, in particular, the requests came as a shock. The Yingluck government’s dialogue efforts faced severe opposition from the military. General Prayut Chan-ocha, as the army commander at that time, publicly expressed his hostility to the BRN’s demands.

Notwithstanding the very fundamental differences between the two parties, a remarkable breakthrough was achieved in 2013 when the Thai government and BRN agreed to a 40-day ceasefire during Ramadan. However, the ceasefire ended in failure when the Thai military decided to continue combat operations in the south, in effect spoiling the agreement and the prospects for further talks.

The BRN’s military wing was also unwilling to pursue talks unless its five demands were endorsed in principle and they retreated from the talks in August 2013. The process was brought to a definitive end in November as the Yingluck government faced down growing anti-government protests in Bangkok. Yingluck was ousted from office by the Constitutional Court before General Prayut took power in a military coup against the caretaker government on May 22, 2014. This change of government was to have a significant impact on the direction of the peace dialogue process.

Given the military’s earlier position, it came as a surprise when the National Council for Peace and Order (NCPO)-led government publicly stated its willingness to resume the Malaysia-facilitated peace

dialogue. Nevertheless, significant changes were made to the dialogue structure on both sides. The NCPO created a comprehensive three-tier bureaucratic structure within the region as well as in the capital to ensure that the military could guide and control all measures related to the dialogue process.<sup>35</sup> General Aksara Kerdpol was appointed chief of the Dialogue Panel within this structure and he remained in this position until September 2018 when he was replaced by General Udomchai Thammasaroraj.

On the resistance movement side, the development of an inclusive negotiation strategy was marred by internal disagreements. At the start of the 2013 dialogue process, the majority of BRN activists were rather sceptical of negotiations. A minority group, however, saw potential in a negotiation process with the military, reasoning that it could be a changemaker for the long-standing struggle of the Patani-Malay movement. This group established a new umbrella outfit with the name MARA Patani. In addition to the BRN initiators, this group included representatives from three PULO factions and from BIPP and GMIP.<sup>36</sup> The new outfit was headed by Ustaz Muhamad Shukri Hari as the BRN representative although this has been disputed by several persons close to the organization.

Soon after the start of the talks in 2015, it became clear that both sides had very different intentions with respect to taking the peace process forward. The government was primarily interested in pursuing its traditional agenda of reducing insurgent violence, promoting development, and avoiding any formal acknowledgement of the

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<sup>35</sup>The Peace Dialogue Panel, *The Peace Dialogue Process in Southern Border Provinces* (Bangkok: Office of the Peace Dialogue Panel Secretariat, 2016).

<sup>36</sup>One of the PULO factions later left the umbrella organization.

movement's representatives. To reduce insurgent violence, they proposed the establishment of "Safety Zones", wherein both sides would refrain from violence and military operations. For the government, this concept had the additional advantage of enabling them to test the capacity of their negotiation partner to control the operations of resistance fighters in these zones. By contrast, MARA Patani entered into the dialogue with three procedural requests: 1) that the issue of the southern conflict should be put on the "national agenda"; 2) that their outfit should be acknowledged as a legitimate organization for the sake of the negotiations; and 3) that the state should guarantee immunity for the negotiators. With respect to the Safety Zones, MARA Patani pushed to broaden the concept and it was agreed that the area would also be the site to trial some form of local self-determination. However, it was clear that without backing from the BRN's military wing, it would be difficult to ensure the sustainability of the project.

While the parties eventually found a pragmatic solution for the first and last of MARA Patani's requests, the request for acknowledgement could not be settled. In April 2016, NCPO-head and Prime Minister Prayut declared that he was not ready to sign the Terms of Reference (ToR), which had been negotiated by the government's Peace Dialogue Team. This dealt another blow to the peace process as the ToR could have acted as a kind of confidence building measure because it addressed MARA's need for acknowledgement. MARA Patani responded by deciding to treat the dialogue process as an informal process. Between 2015 and 2018, a total of 20 meetings were held.<sup>37</sup> During this period,

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<sup>37</sup>Napisa Waitoolkiat, Katsuyuki Takahashi, Srisompob Jitpiromsri, Atit Pongpanit, Teuku Zulfikar, Romadon Panjor, Juanda Djamal, et al. *Locating Peace Through Harmonizing Religion, Gender, and Age: Thailand's Deep South and Indonesia's Aceh Province* (Phitsanulok: Center of ASEAN Community Studies, Naresuan University, 2019), 22.



several joint mechanisms and task forces were created and a Safe House was established as a coordination centre. In addition, the support of some former resistance activists and civil society sympathizers was mobilized. Unfortunately, the genuine commitment of several persons on both sides was not enough to overcome the deep divisions between the two parties. The process de facto ended in September 2017 when the parties failed to agree on how to implement the Safety Zones and were unable to come up with any alternative ideas for trust and confidence building.

Aside from the fundamental differences between the parties, the process also suffered from organizational deficits and severe strategic divisions within the two parties. On the government side, key critics argued that MARA Patani was the wrong partner to talk to. A significant portion of the military argued that counterinsurgency, the 4<sup>th</sup> Region Army's "Bring the People Home" project, and pro-active engagement with local civil society were sufficient to pacify the region without the need for any peace negotiations or Safety Zone agreements.

The main strategic difference within the resistance movement revolved around differences with respect to how talks with the Thai government should be organized. While MARA Patani accepted that their engagement with Thai state representatives would include a longer phase of informal talks, a larger contingent within the BRN leadership insisted that the government had to acknowledge them as an official negotiation partner. Ideally, this would also include a guarantee for the participation of additional third parties beyond the government of Malaysia.

In 2018, three developments occurred that had the potential to be significant change-makers for the Deep South; 1) the electoral victory of Mahathir Mohammad in neighbouring Malaysia; 2) the change in the

political landscape in Thailand following the 2019 Election and; 3) the shift in the military government's public policy vis-à-vis the Deep South conflict. The first event led to the appointment of a new Malaysian facilitator, Abdul Rahim Noor, and statements from Prime Minister Mahathir that the Thai government should consider some serious concessions in their engagement with the Patani-Malay movement. However, the expectation that a new facilitator might reinvigorate the process proved unfounded after the chief negotiator on the Thai side, retired General Udomchai Thammasaroraj, emphasized that the decision-making power on any political issue would lie exclusively with the government.

The two other factors turned out to be more promising. Several of the newly established or revitalized political parties generated specific political visions to address the conflict. These included the Prachachart Party, made up of former Wadah faction members with a strong base in the region, and the Future Forward Party. Finally, the head of the Dialogue Panel's outspokenness with respect to the names and requests of the resistance movement as well as his engagement with a broad spectrum of civil society seemed to signal the military's shift in public policy. Nevertheless, this engagement came with his explicitly declared aim to mobilize civil society for the pacification of the movement and the assertion that the time was not yet ripe for negotiations.

## 7. Civil Society Engagement

One of the first organized civil society responses to the re-escalation of the conflict was an open letter from 144 university lecturers in November 2004 to Thaksin Shinawatra. The letter triggered the establishment of the National Reconciliation Commission (NRC) composed of 50 representatives from civil society, politics and the civil service. The NRC's report that was published after nearly two

years<sup>38</sup> received a rather critical reception but for different reasons. Some observers criticized the lack of analysis of the conflict's root causes and a lack of engagement with the conflict's political dimension.<sup>39</sup> One of the key recommendations – to make Bahasa Melayu a working language in the region – was rejected by a large group of influential conservatives with reference to the importance of conserving Thainess.<sup>40</sup> Another problem was the use of the ambitious term reconciliation. While a significant number of the NRC members seriously intended to use the forum to help settle the conflict, most of the recommendations focused on restorative justice and did not address the conflict's root causes.

Nevertheless, the engagement of academics and human rights activists in this endeavour became one of the first manifestations of civil society's critical voice denouncing both Thai government policies vis-à-vis the resistance movement and the insurgent's violations of International Humanitarian Law (IHL). A key point in this context was the lack of understanding of the political and historical reasons

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<sup>38</sup>National Reconciliation Commission (NRC), *Overcoming Violence Through the Power of Reconciliation* (Bangkok: National Reconciliation Commission, Royal Government of Thailand, 2006).

<sup>39</sup>Duncan McCargo, "Thailand's National Reconciliation Commission: A Flawed Response to the Southern Conflict," *Global Change, Peace & Security* 22, no. 1 (February 1, 2010): 75–91; Nansiri Iamsuk, "Moving towards Amicability: An Insider Peacebuilding Platform as a Means to Reconciliation in the Patani Conflict in the Deep South of Thailand," in *Reconciliation in Conflict-Affected Communities*, ed. Bert Jenkins et al (Singapore: Springer Nature, 2018), 169–184.

<sup>40</sup>This concept of Thai national identity took root after 1932 with the three pillars of nation, religion (Buddhism), and kingship and had a particular impact on the Patani Malay population. Marte Nilsen, *Negotiating Thainess: Religious and National Identities in Thailand's Southern Conflict* (Lund: Centre for Theology and Religious Studies, Lund University, 2012).

surrounding the emergence of the resistance movement. Other criticisms highlighted the excessive focus on counterinsurgency, doubtful efficacy of development projects, and the creation of a complex network of seemingly state-loyal community leaders, who often only acted in self-interest.<sup>41</sup> Other responses to the escalation of violence included the surge of efforts to take care of victims and their families as well as extensive media coverage examining the conflict's context and drivers, particularly in local and alternative media. Socio-economic and psychosocial support efforts were strongly pushed by several charities, particularly by women and some youth organizations. However, there remains a dearth of discussion on collective and transgenerational traumatization of the local population even though its impact on social cohesion has become increasingly apparent.

The most notable transformation within the local civil society landscape started around 2010 when unofficial discreet peace efforts failed to deliver any progress and several Thai governments dismissed the need for a political settlement. This period could be described as a period of incremental “politicization”, which has since gained its own momentum. This politicization of the conflict was driven predominantly by civil society activists, Patani-Malay organizations sympathetic to the political goals of the resistance movement, and academic institutions who saw the need to raise awareness of alternative political power-

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<sup>41</sup>Srisompop Jitpiromsri, Chaolert Lomlim and Sawat Laipaporn, “เศรษฐกิจศาสตร์การเมืองว่าด้วยการพัฒนาจังหวัดชายแดนภาคใต้ในท่ามกลาง 8 ปีของความรุนแรง,” [Political economy in the context of development in southern border provinces in the midst of eight years of violence] last modified February 9, 2012, <https://deepsouthwatch.org/th/node/2871>; Srisompop Jitpiromsri, “An Inconvenient Truth about the Deep South Violent Conflict: A Decade of Chaotic, Constrained Realities and Uncertain Resolution,” last modified July 2, 2014, <https://deepsouthwatch.org/en/node/5904>.

sharing models in the Deep South's multi-ethnic environment. Several youth organizations were inspired by these initiatives and developed educational programs on the region's history, different concepts of governance and on models of democratic power-sharing, devolution and self-determination.

Some newly established CSOs have laid the foundation for the emergence of think tanks that aim to overcome the limited capacities of the resistance movement to engage in public political discourses. Patani Forum and The Patani are two such examples. These CSOs have provided analyses of the shortcomings of conflict transformation efforts so far and have produced studies that elucidate the needs, hopes and aspirations of local communities.<sup>42</sup>

The launch of an official Track-1 process in February 2013 under the Yingluck government would have been a good moment to connect the process with the emerging politicized civil society. Unfortunately, all four key actors and stakeholders at the Track-1 level—the Thai government, the BRN, the Malaysian government and the Thai military—struggled to develop a coherent and realistic strategy and lacked the capacities to make good use of civil society contributions. The CSO community itself was still at the beginning of their politicization process and also struggled with their internal divisions although the majority welcomed the creation of a political space for transforming the conflict.

The role of the CSO community also transitioned during the slow and rather fragile Track-1 process under the NCPO government. One

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<sup>42</sup>Don Pathan and Ekkarin Tuansiri, *Elusive Peace: Insurgency in Thailand's Far South* (Pattani: Patani Forum, 2017); Center for Peace and Conflict Studies (CPCS), *The Freedom to Decide our Future: Patani People Call for a Peaceful Settlement* (Siem Reap: CPCS, 2019).

factor underlying this fragility was the limited political legitimacy of the two main parties, albeit for different reasons. Both sides were keen to win support from local civil society actors, who could act as interlocutors with the local population. The government and the security agencies used this opportunity to offer financial support to various peace-related projects and to create support structures which enabled them to collaborate more closely with the CSO community. By contrast, the resistance movement could only engage with civil society through discreet channels because they did not want to endanger their own members nor their sympathizers in the community. Furthermore, such interactions have become more complex as the newly established and revitalized political landscape has produced new ideas and strategies among both the resistance movement and civil society. This has made it more difficult to find common ground on interests and activities.

The six years since the start of the official Track-1 efforts have had a mixed impact on the civil society landscape in the Deep South. On the one hand, it has contributed to enhanced awareness and engagement with human rights, IHL and the rule of law in general. There is consistently strong support for an ongoing peace process yet, there are several indications that divisions between CSOs leaning closer to either the Thai state or the Patani-Malay movements have deepened. One such indicator is the formation of new partisan lobby organizations, think tanks and networks that aim to end the violent conflict by emphasizing the need for a political solution based on some kind of identity-oriented internal or external self-determination. Another indicator is the increase in initiatives to sustain and improve the securitization of the region in light of the continuing violence. A potential bridge builder between these two trends could be the human rights and rule of law activists but this activist base remains relatively small.

## 8. Social Cohesion and Peace Survey Results

Some observers have also noted increased divisions within the overall community, particularly between Malay-Muslims and Thai-Buddhists. It has been argued that the protracted violence over the last 15 years has undermined people's trust and resilience in general while the securitization of public life has also divided Muslims and Buddhists. In a similar vein, it has been argued that this has also had an impact on migration in the region. Among the three major ethnic groups, members of the Thai-Buddhist and Sino-Thai populations are considered more likely to move away from the southern border provinces because of their status as minorities within an area that is 80 percent Malay-Muslim. By contrast, Malay-Muslim migration to Malaysia and Bangkok has been explained with reference to the high levels of unemployment in the region.<sup>43</sup>

With respect to the impact on Buddhist families, a widely shared argument is that many have moved from rural to urban areas where they feel safer within a more homogenous community. In addition, some wealthier Buddhist families have established second homes outside of the three southern border provinces. Another trend observed has been the tendency towards some kind of "zoning" creating new ethnically-homogenous settlements in the region.

Nevertheless, there are also voices that question whether the region's social fabric has deteriorated. They emphasize that time and again the region has experienced such tensions, but these have not undermined the principled attitude of local people to accept

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<sup>43</sup>Aree Jampaklay, Kathleen Ford, and Apichat Chamrathirong, "How Does Unrest Affect Migration? Evidence from the Three Southernmost Provinces of Thailand," *Demographic Research* 37 (2017): 25-52.

a multicultural environment. They emphasize that the way in which state and religious authorities manage critical incidents is the more decisive factor.

Surveys have been conducted that include questions examining the issue of trust and confidence between different groups. A series of four “Peace Surveys”, which were carried out in the region between February 2016 and September 2018, generated some interesting insights. One insight was the high number of respondents who felt “totally unsafe” or “unsafe” in a variety of different situations from “venturing outside at night” (62.8 percent) to “being visited at home by officials” (41.5 percent).<sup>44</sup> Another survey finding was the disproportionately high number of respondents who chose not to answer or stated that they did not know. These responses were particularly high (over 40 percent) with respect to positive or negative statements about the conflict parties, the causes of violence, and the political aims of the resistance movement.<sup>45</sup> The sensitivity of these questions and the fear that honest answers might be used against respondents was likely a strong motivation against answering the questions. A key conclusion that can be drawn is that absence of a safe space for freely sharing opinions will create challenges for achieving an inclusive, democratic and fair settlement for the region.

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<sup>44</sup>Peace Survey Network, *7 Policy Recommendations for the Deep South/Patani: Policy Recommendations for Political Parties Concerning the Southern Border Provinces (2019)*, 22, <https://peaceresourcecollaborative.org/en/publication/report/7-policy-recommendations-the-deep-south>. The other categories between these two were “meeting and encountering strangers” (61.4 percent), “being in close proximity with armed officials” (57.7 percent), “criticizing the movement” (51.5 percent), “being in the market” (46.1 percent), “passing checkpoints at night” (43.8 percent), “criticizing public officials or members of the security forces” (41.5 percent), “being visited at home by officials” (41.5 percent).

<sup>45</sup>Peace Survey Network, *7 Policy Recommendations*, 23.



The Peace Survey also helped to highlight five other challenges connected with the protracted conflict: regional development, the educational system, the assessment of the peace process to date, the local protection needs, and preferences for reform of the regional governance structure. The first topic can best be captured by contrasting the regional development investment of 130 billion baht (approximately 4.1 billion USD) between 2004 and 2017 with the average monthly income of respondents. 74.8 percent reported average monthly earnings of less than 10,000 baht (323 USD).<sup>46</sup>

The second topic relates to education. The education system in general, and language education in particular, has played a critical role in the development of the conflict since its inception. More than 40 percent of respondents mentioned education reform as a crucial issue to be addressed for the settlement of the conflict. At the lower end of the scale, rough estimates suggest that around 15 percent of non-dominant language speakers in Thailand were not taught in the language used in their family home.<sup>47</sup> Apart from the issue of language and the quality of the education, the most fundamental question is how to balance the rights and needs of the different ethnic and religious identities with those of the state.

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<sup>46</sup>Peace Survey Network, *7 Policy Recommendations*, 14. The publication compares this figure with the national average monthly income for undergraduates in 2017 of 23,090.68 baht (744.86 USD) according to the Bank of Thailand.

<sup>47</sup>At the other end of the scale, this figure is as high as 50 percent. The discrepancy rests on the classification of non-dominant language. Some consider non-dominant languages related to standard Thai as dialects. Others consider them entirely separate languages. Kimmo Kosonen, *Language of instruction in Southeast Asia (Paper commissioned for the 2017/8 Global Education Monitoring Report, Accountability in education: Meeting our Commitments)*, UNESCO, 2017.

The third topic relates to the assessment of the peace dialogue. About two-thirds of respondents expressed support for this process in general with only small variations between the identity groups in the region. Yet this overall backing of “dialogue and negotiation” turned out to be based on a rather sceptical assessment when compared with the concerns the respondents expressed with respect to the reality of the peace dialogue process. More than 60 percent did not expect any success with ending the violence. Instead they expected the situation to deteriorate. More than 50 percent agreed with the statement that “one party does not listen to and respect the other.” Agreement with the statement “the state only wants to gather intelligence and end violence instead of building sustainable peace” was similarly high.

The last topic relates to the highly sensitive question of the preferred form of governance in the region. To enable the respondents to express their preferences in a nuanced manner they were given five options and asked to rate the various forms of governance as either; essential, desirable, acceptable, tolerable, or unacceptable.<sup>48</sup> Respondents had to rate four forms of governance: 1) the existing administrative structure; 2) a more decentralized structure similar to other parts of the country; 3) a structure catering to the unique characteristics of the region and in accordance with Thai law; and 4) an independent state separate from Thailand.

Notwithstanding the precautions taken, 25 to 40 percent of respondents chose not to answer or stated that they did not know. 18 to

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<sup>48</sup>This concept was inspired by a pioneer-project in Northern Ireland where a series of peace polls played an important role in helping guide political parties in the peace negotiation efforts. See Colin Irwin, *The People's Peace Process in Northern Ireland* (Scotts Valley, CA: CreateSpace, 2012).

37 percent of remaining respondents avoided making a decision by marking all four forms of governance as “acceptable”.<sup>49</sup> Nevertheless, of those who chose to respond, 38.7 percent opted for “greater decentralization based on an administrative structure catering to the unique characteristics of the region” and 22.7 percent voted for an independent state (percentages as a sum of “essential” and “desirable”).

## 9. Future Scenarios

The future of the southern border provinces is closely connected to the overall development of the country. For nearly two decades, Thailand has been shaped by a competition between two power blocks, a conservative and elitist alliance of traditional powerbrokers and a progressive reform-oriented camp that included but was not limited to the Pheu Thai Party and the red-shirt movement. More recently, this latter camp has profited from the long tenure of a military regime that oversaw the country from 2014 up until the March 2019 General Election. This tenure has also inspired the emergence of new political parties, including the Future Forward Party, which have articulated a new and progressive democratic vision of the country.

With respect to the settlement or transformation of the southern conflict it can be assumed that at least five factors will be crucial. The first factor relates to the struggle between the two power blocks in the centre. For the foreseeable future, it is likely that the conservative and elitist alliance will keep the upper hand due to the mechanisms they have instituted in order to maintain power. This includes a tailor-made Constitution, a handpicked Senate and hamstrung independent

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<sup>49</sup>The different figures mentioned in this context represent the range of results of the four Peace Survey waves.

organizations, a mandatory twenty-year national strategy plan combined with the “Deep State” political structure of the country. Given the extent of control exercised, it is difficult to imagine that the governing alliance would be prepared to agree to any substantive political concessions that concern power-sharing compromises. In the longer-term, there are two developments that could make the prospect of power-sharing compromises possible: The first development would be if the progressive parties were able to form a government in the future. The second development would be a willingness on the part of progressive parties to discuss issues of decentralization and power sharing in general.

A second factor relates to the attitudes of the security agencies, particularly the military and their associated political bodies. Even if in the future a government comes to power that is willing to negotiate with representatives of the resistance movement, they would have to take into account the assessment of the security agencies. Potential talks will invariably cover elements of a truce or the cessation of hostilities/ceasefire and it is obvious that any such discussion would have to have the approval of the military leadership.

A third factor is linked to the decrease in the level of violence in the region over the last few years. There are two different interpretations regarding this development. One focuses on the structural shortcomings of BRN as an organizational entity and its attendant struggles to manage its less disciplined members. In addition, these structural shortcomings pose a challenge to the entity in terms of keeping pace with dynamic developments on the ground and has led to failures with respect to their political strategy. The other interpretation suggests that the BRN has no difficulties with maintaining their challenge against the state’s monopoly of force. This interpretation views the avoidance of non-combatant targets as deliberate. Independent of these two interpretations, it would

be remiss to interpret the decrease of violence as an indicator for the reduction of the level of conflict. In this respect the abovementioned Peace Survey serves as a more reliable source since it offers a sense of local frustration with the status quo of governance in the region.

The most unpredictable but also the most promising factor is connected to future socio-political developments in the Deep South. During the last decade the region has seen a remarkable growth of CSOs and community based initiatives. These organizations and initiatives have responded to the immediate humanitarian needs of the violent conflict, the hardships arising from the low level of economic development, the growing desire to learn more about how to transform the conflict as well as the interest to revitalize and nurture the unique cultural and religious features of the region. Some observers view these developments as a kind of local empowerment which might lead to the creation of more horizontal disputes. These developments provide knowledge, skills, and wisdom that may yet create a region at peace with itself. A similar trend was also at work when the 2019 General Election saw the success of MPs with a strong affiliation to the region. It also saw an increasing interest among young people to join political parties and to explore emergent political avenues for improving the quality of life in a region which has seen so much suffering.

The final two factors are also somewhat unpredictable although they have, at least, been put to the test in the context of other contemporary peace processes. One relates to the active inclusivity of all parties and stakeholders who will be affected by the outcome of the peace settlement. The other one relates to external third party support of the conflict's settlement. For the former, it would be helpful if apart from the partisan visions and manifestations generated, there is also space provided to explore inclusive political solutions. For the latter, it would be beneficial to study the creative model of the International Contact

Group (ICG) in the context of the Mindanao peace process. This model offers innovative options that could help to overcome the tensions that often burden negotiations between states and resistance movements.

## **Bibliography**

- Abuza, Zachary. *Forging Peace in Southeast Asia: Insurgencies, Peace Processes, and Reconciliation*. Lanham, Maryland: Rowman & Littlefield, 2016.
- Aphornsuvan, Thanet. "Origins of Malay Muslim 'Separatism' in Southern Thailand." In *Thai South and Malay North: Ethnic Interactions on a Plural Peninsula*, edited by Michael John Montesano and Patrick Jory, 91–123. Singapore: NUS Press, 2008.
- Bradley, Francis R. "Siam's Conquest of Patani and the End of Mandala Relations, 1786–1838." In *Ghosts of the Past in Southern Thailand: Essays on the History and Historiography of Patani*, edited by Patrick Jory, 149–160. Singapore: NUS Press, 2013.
- Bunnag, Tej. *The Provincial Administration of Siam 1892–1915: The Ministry of the Interior under Prince Damrong Rajanubhab*. London: Oxford University Press, 1977.
- Center for Peace and Conflict Studies (CPCS). *The Freedom to Decide our Future: Patani People Call for a Peaceful Settlement*. Siem Reap: CPCS, 2019.
- Che Man, W. K. *Muslim Separatism: The Moros of Southern Philippines and the Malay of Southern Thailand*. Singapore: Oxford University Press, 1990.
- Christie, Clive J. *A Modern History of Southeast Asia: Decolonization, Nationalism and Separatism*. London: Tauris Academic Studies, 1996.

- College of ASEAN Community Studies (CACS). *Locating Peace through Diversity: Thailand's Deep South and Indonesia's Aceh Province*. Phitsanulok: CACS, 2018.
- Deep South Watch. *Deep South Incident Database*. Pattani: Prince of Songkhla University, Pattani Campus, 2018.
- Engvall, Anders and Magnus Anderson. *The Dynamics of Conflict in Southern Thailand*. Bangkok: Stockholm School of Economics Asia, 2014.
- Forbes, Andrew D. W. "Thailand's Muslim Minorities: Assimilation, Secession, or Coexistence?" *Asian Survey* 22, no. 11 (1982): 1056-1073.
- Fraser, Thomas M. *Fishermen of South Thailand: The Malay Villagers*. New York: Holt, Rinehart and Winston, 1966.
- Haberkorn, Tyrell. "When Torture Is a Duty: The Murder of Imam Yapa Kaseng and the Challenge of Accountability in Thailand." *Asian Studies Review* 39, no. 1 (2015): 53-68.
- Helbardt, Sascha. *Deciphering Southern Thailand's Violence: Organisation and Insurgent Practices of BRN-Coordinate*. Singapore: ISEAS Publishing, 2015.
- Human Rights Watch. "No One Is Safe: Insurgent Attacks on Civilians in Thailand's Southern Border Provinces." Last modified June 25, 2015. <https://www.hrw.org/report/2007/08/27/no-one-safe/insurgent-attacks-civilians-thailands-southern-border-provinces>.
- Iamsuk, Nansiri. "Moving towards Amicability: An Insider Peacebuilding Platform as a Means to Reconciliation in the Patani Conflict in the Deep South of Thailand." In *Reconciliation in Conflict-Affected Communities*, edited by Bert Jenkins et al, 169-184. Singapore: Springer Nature, 2018.
- ICJ, TLHR & CrCF. "Joint Follow-up submission by the International Commission of Jurists, Thai Lawyers for Human Rights and



- Cross-Cultural Foundation on Thailand's Implementation of the Human Rights Committee's Prioritized Recommendations Following its Review of the Country's Second Periodic Report at its 119th Session." Last modified March 27, 2018. [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/THA/INT\\_CCPR\\_NGS\\_THA\\_30782\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/THA/INT_CCPR_NGS_THA_30782_E.pdf).
- Internal Security Operations Command (ISOC). *The Peace Dialogue Process in Southern Border Provinces*. Bangkok: Royal Thai Army, ISOC, 2016–2017.
- International Crisis Group (ICG). *Southern Thailand: The Problem with Paramilitaries*. Brussels: ICG, 2007.
- International Crisis Group (ICG). *Southern Thailand's Peace Dialogue: No Traction*. Brussels: ICG, Asia Briefing No. 148, 2016.
- Irwin, Colin. *The People's Peace Process in Northern Ireland*. Scotts Valley, CA: CreateSpace, 2012.
- Jampaklay, Aree, Kathleen Ford, and Apichat Chamrathirong. "How Does Unrest Affect Migration? Evidence from the Three Southernmost Provinces of Thailand." *Demographic Research* 37 (2017): 25–52.
- Jerryson, Michael. "Appropriating a Space for Violence: State Buddhism in Southern Thailand." *Journal of Southeast Asian Studies* 40, no. 1 (2009): 33–57.
- Jerryson, Michael. *Buddhist Fury: Religion and Violence in Southern Thailand*. New York: Oxford UP, 2011.
- Jitpiromsri, Srisompop, Chaolert Lomlim and Sawat Laipaporn. "เศรษฐกิจการเมืองว่าด้วยการพัฒนาจังหวัดชายแดนภาคใต้ในท่ามกลาง 8 ปีของความรุนแรง." [Political economy in the context of development in southern border provinces in the midst of eight years of violence] Last Modified February 9, 2012. <https://deepsouthwatch.org/th/node/2871>.

- Jitpiromsri, Srisompop. “An Inconvenient Truth about the Deep South Violent Conflict: A Decade of Chaotic, Constrained Realities and Uncertain Resolution.” Last Modified July 2, 2014. <https://deepsouthwatch.org/en/node/5904>.
- Jory, Patrick. *Ghosts of the Past in Southern Thailand: Essays on the History and Historiography of Patani*. Singapore: NUS Press, 2013.
- King, Philip. “A Tin Mine in Need of a History: 19th-Century British Views of the Patani Interior.” In *In Ghosts of the Past in Southern Thailand: Essays on the History and Historiography of Patani*, edited by Patrick Jory, 161–182. Singapore: NUS Press, 2013.
- Klein, Ira. “Britain, Siam and the Malay Peninsula, 1906–1909.” *The Historical Journal* 12, no. 1 (1969): 119–136.
- Kosonen, Kimmo. *Language of instruction in Southeast Asia (Paper commissioned for the 2017/8 Global Education Monitoring Report, Accountability in education: Meeting our Commitments)*. UNESCO, 2017.
- Liow, Joseph Chinyong and Don Pathan. *Confronting Ghosts: Thailand’s Shapeless Southern Insurgency*. Lowy Institute Paper 30. Sydney: Lowy Institute, 2010.
- Luo, Xubei, Theepakorn Jithitikulchai, Tijen Arin, Cecilia Poggi, Dilaka Lathapipat, Smita Kuriakose, Miguel Sanchez Martin, et al. *Getting back on track: reviving growth and securing prosperity for all*. Bangkok: World Bank Thailand, 2016. <http://documents.worldbank.org/curated/en/855161479736248522/Thailand-Systematic-country-diagnostic-getting-back-on-track-reviving-growth-and-securing-prosperity-for-all>.
- McCargo, Duncan. “Thailand’s National Reconciliation Commission: A Flawed Response to the Southern Conflict.” *Global Change*,

- Peace & Security* 22, no. 1 (February 1, 2010): 75–91.
- McCargo, Duncan. *Mapping National Anxieties: Thailand's Southern Conflict*. Copenhagen: NIAS, 2012.
- Montesano, Michael J. and Patrick Jory. *Thai South and Malay North: Ethnic Interactions on a Plural Peninsula*. Singapore: NUS Press, 2008.
- National Reconciliation Commission (NRC). *Overcoming Violence Through the Power of Reconciliation*. Bangkok: National Reconciliation Commission, Royal Government of Thailand, 2006.
- National Statistics Office. *2003 Census Project in the Southern Region*. Bangkok: National Statistics Office, 2004.
- Nilsen, Marte. *Negotiating Thainess: Religious and National Identities in Thailand's Southern Conflict*. Lund: Centre for Theology and Religious Studies, Lund University, 2012.
- Pathan, Don and Ekkarin Tuansiri. *Elusive Peace: Insurgency in Thailand's Far South*. Pattani: Patani Forum, 2017.
- Peace Survey Network. *7 Policy Recommendations for the Deep South/Patani: Policy Recommendations for Political Parties Concerning the Southern Border Provinces*. 2019. <https://peaceresourcecollaborative.org/en/publication/report/7-policy-recommendations-the-deep-south>.
- Pitsuwan, Surin. *Islam and Malay Nationalism: A case study of the Malay-Muslims of Southern Thailand*. Bangkok: Thai Khadi Research Institute, Thammasat University, 1985.
- Reid, Anthony. "Patani as a Paradigm of Pluralism." In *Ghosts of the Past in Southern Thailand: Essays on the History and Historiography of Patani*, edited by Patrick Jory, 3–30. Singapore: NUS Press, 2013.
- Ropers, Norbert and Mathus Anuvatudom. "A Joint Learning Process for Stakeholders and Insider Peacebuilders: A Case Study from

- Southern Thailand” *Asian Journal of Peacebuilding* 2, no. 2 (2014): 277–296.
- Senate Committee. *Violent Incident at Tak Bai and Problems of Human Security in the Area of Three Southern Border Provinces*. Bangkok: Senate Committee on Social Development and Human Security, 2005.
- Smalley, William A. *Linguistic Diversity and National Unity: Language Ecology in Thailand*. Chicago: University of Chicago Press, 1994.
- Smedley, Bryce. “Language Policy and Linguistic and Cultural Identity in the Ongoing Conflict in Southern Thailand.” PhD diss., Indiana University, 2014.
- Strategic Nonviolence Working Group (SNWG). *International Actors in the Deep South Deadly Conflict: A preliminary Survey*. Bangkok: SNWG, 2018.
- Strategic Nonviolence Working Group (SNWG). *Peace Dialogue: Confronting Violence in the Deep South, 1991–2011*. Bangkok: SNWG, 2018.
- Suhrke, Astri. “The Thai Muslims: Some Aspects of Minority Integration.” *Pacific Affairs* 43, no. 4 (1970): 531–547.
- Suwannathat-Pian, Kobkua. *Kings, Country and Constitutions: Thailand’s Political Development, 1932–2000*. London: RoutledgeCurzon, 2003.
- The Peace Dialogue Panel. *The Peace Dialogue Process in Southern Border Provinces*. Bangkok: Office of the Peace Dialogue Panel Secretariat, 2016.
- Thompson, Virginia and Richard Adloff. *Minority Problems in Southeast Asia*. Stanford: Stanford University Press, 1955.
- Vickery, Michael. “Thai Regional Elites and the Reforms of King Chulalongkorn.” *The Journal of Asian Studies* 29, no. 4 (1970): 863–881.

- Waitoolkiat, Napisa, Katsuyuki Takahashi, Srisompob Jitpiromsri, Atit Pongpanit, Teuku Zulfikar, Romadon Panjor, Juanda Djamal, et al. *Locating Peace Through Harmonizing Religion, Gender, and Age: Thailand's Deep South and Indonesia's Aceh Province*. Phitsanulok: Center of ASEAN Community Studies, Naresuan University, 2019.
- Walker, Dennis. "The Formation of the Islamo-Malay Patanian Nation: Ideological Structuring by Nationalist Historians." In *Ghosts of the Past in Southern Thailand: Essays on the History and Historiography of Patani*, edited by Patrick Jory, 185-227. Singapore: NUS Press, 2013.
- Wyatt, David. *Thailand: A Short History*. 2nd ed. New Haven: Yale University Press, 2003.

## **Annex**

### **Preliminary Demands by the BRN from 29 April 2013<sup>50</sup>**

1. This Peace Dialogue is between the Representatives of Patani freedom fighters, which are led by Barisan Revolusi Nasional Melayu Patani (BRN) with The Kingdom of Thailand based on the following:
  - a) BRN is a liberation organization which represents Patani Malay nation (bangsa).
  - b) BRN is the defender of the rights and interest of Patani Malay nation (bangsa).
  - c) BRN as a caretaker of the mission and aspiration Patani Malay nation (bangsa).
  
2. Barisan Revolusi Nasional Melayu Patani (BRN) agreed to appoint Malaysian Government as a mediator which is directly involved in this Peace Dialogue that plays the following roles:
  - a) To hold the dialogue process and to ensure the success of this Peace Dialogue.
  - b) To obtain recognition and trust from both Patani Malay people and the international community.
  - c) To have an intermediary between both parties to help in resolving political conflicts in Patani.

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<sup>50</sup>This version was disseminated via email from the “B.R.N. Voice” on 27.05.2013 signed by Hasan Toyib and accompanied by a letter. Altogether, several versions of this document circulated in the media. Differences between the versions were in part due to different translations of the original Melayu text but also due to efforts by the Malaysian facilitator to explain the demands more in detail.

3. The process of Dialogue must be witnessed by the representatives from ASEAN countries, OIC and NGOs which are approved by both parties; BRN and Thai government, due to the following reasons:
  - a) As an effort to solve the conflict in Patani. Thus, it requires participation from Muslims as well as international community.
  - b) As a norm, any dialogue and peace agreement should have witnesses who are mutually trusted and agreed upon by both parties.
  - c) To ensure the consistency of the dialogue will be guaranteed by both parties.
  
4. The Thai government should recognize the existence and the sovereignty of the Patani Malay nation in Patani homeland because of the following justifications:
  - a) The roots of the conflict in Patani is due to the occupation and confiscation of the rights of the Patani Malay nation.
  - b) Issues of human rights and self-determination.
  - c) Issues of political rights, economic justice, education, social and cultural identity.
  
5. Barisan Revolusi Nasional Melayu Patani (BRN) demands the Thai government to release all detainees held by the Thai authority due to political reasons and to abolish all warrant of arrest issued to the Patani fighters, because of the following reasons:
  - a) Patani fighters are the defender of their people and not the terrorists and separatists.
  - b) Patani fighters are the upholder of justice and not the oppressor, tyrant, and the traitor of the Patani People.
  - c) Patani fighters are the peace lovers and not troublemakers and extremists.

## Chapter 2

# Violence In Southern Thailand's Border Provinces: Status, Trends and Patterns 2004-2018

 Anders Engvall

## 1. Understanding Fourteen Years of Violence in Southern Thailand

This chapter seeks to identify the current status of violence in Southern Thailand. The region encompassing Pattani, Yala, and Narathiwat provinces and bordering districts in Songkhla Province has experienced elevated levels of violence due to the ongoing separatist conflict. The chapter also seeks to identify trends and patterns in violence by drawing on data going back to the outbreak of open conflict in January 2004.

The analysis is largely focused on separatist violence as this forms the bulk of incidents in the area. Yet, the analysis seeks to give a full picture of all types of events affecting the population by also covering the impact of non-separatist violence, such as that due to criminal activities or of unknown causes.

The basis for this chapter is the conflict incident database created by and maintained by Pattani-based Deep South Watch since 2004. It is hosted by Prince of Songkla University in Pattani but is run independently, with its own sources of funding. The Deep South Watch database records insurgency-related incidents and other types of violence



in the area. Since 2014, the scope of monitoring has been expanded to include any violent incident reported by the project's sources.

The dataset relies on local sources from news organizations as well as government and civil society sources. This, in combination with the use of a wide definition of violence, enables the database to offer a broad base for assessing virtually all violence occurring in the conflict affected region.

Separatist conflicts vary in their impact and intensity. They undergo phases where violence may intensify or decrease. Each subnational conflict area can be classified along a continuum of transition from escalated violence to consolidated peace. At one end of the spectrum are areas where there is no political transition. In such places, no credible process is underway to facilitate peace-making and end violence. In fragile transition areas, a process of political transition is unfolding (often embodied in early peace talks) but levels of confidence in the process are low. As peace talks take hold, often resulting in an accord, areas move to phases of accelerated transition with confidence improving and more political space emerging for conflict actors to make concessions. Where peace processes are successful or sometimes after military victories, areas move to a stage of consolidation. Southern Thailand, during the time period covered here, can best be described as having no political transition between 2004 to February 2013, after which a shift occurred to a highly fragile transition that still characterizes the situation today. This perspective is key for assessing the trends identified in this chapter.

## **2. Levels of Violence and Casualties**

During the fourteen years since the outbreak of serious violence on January 4, 2004 up until the end of 2018, a total of 6,924 persons

have been killed in violent incidents and another 13,546 injured in the southern border provinces. This is a stark indicator of the severity of the violence and of the large human cost in terms of lives lost and persons maimed. Moreover, there are the additional psychological costs for those who have lost loved ones as well as the burden of living in an area affected by ongoing violent conflict.

Over the course of the conflict there has been significant variation in the levels of violence. The first four years saw a steady increase in violence, reaching a peak in 2007. This was followed by a sharp decline as the number of violent incidents in 2008 halved compared to the previous year. This marked the beginning of a four-year period of lower levels of violence before another increase occurred in 2012. Following this secondary peak, there has been a steady decline in violence in the past six years.

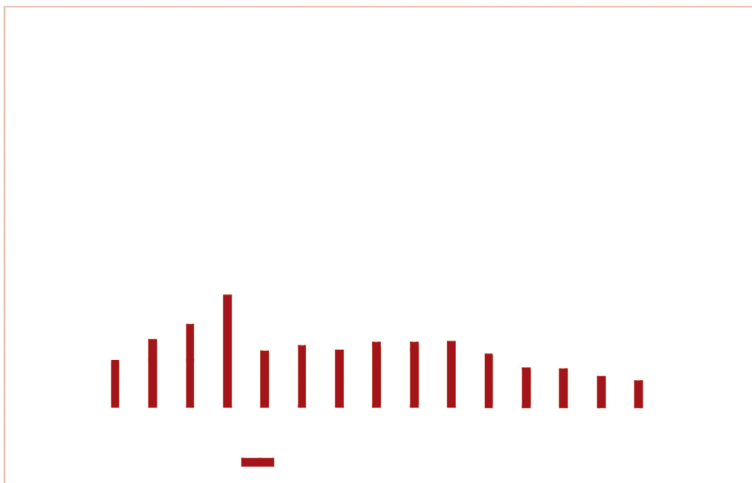


Figure 1: Annual Levels of Violence, 2004-2018

The fluctuations in violent incidents are closely related to the strategies pursued by the Thai state and organized militant groups active in the area. The initial rapid increase in violence over the first four years of the conflict reflected the inability on the part of Thai authorities to effectively contain the violence. It also reflected the strength that insurgents had been building up prior to the launch of their violent campaign. The state response further escalated the levels of violence; for instance, the rapid increase in the number of security forces deployed to the south occurred in the absence of well-coordinated or clear strategies. Moreover, the use of harsh tactics fed further resentment and built support for the insurgent movement. This was evident in the inability of security agencies to contain events and avoid extensive loss of life during the Krue Se Mosque stand-off and the Tak Bai incident in April and October 2004, respectively.

Following the coup d'état in September 2006 and despite the more conciliatory approach taken by the coup-appointed government of Surayud Chulanont, there was not any subsequent fall in the level of violence. The violence only started to decline after the appointment of General Anupong Paochinda to the position of army commander-in-chief in October 2007 and after a shift from tactics based on the use of overwhelming force to tactics based on extensive surround, search, and arrest operations that limited the militants' operational space.

There was a second escalation in violence during the elected government of Yingluck Shinawatra when General Prayut Chan-o-cha served as army commander-in-chief. Since the public launch of a peace dialogue process in 2013, there has been a steady decrease in violence that has held until the end of 2018.

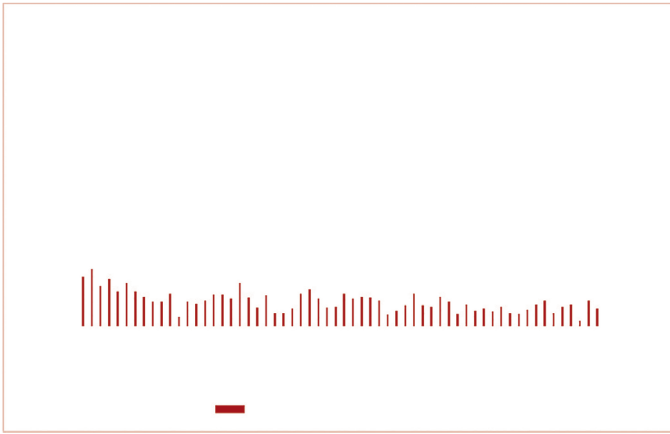
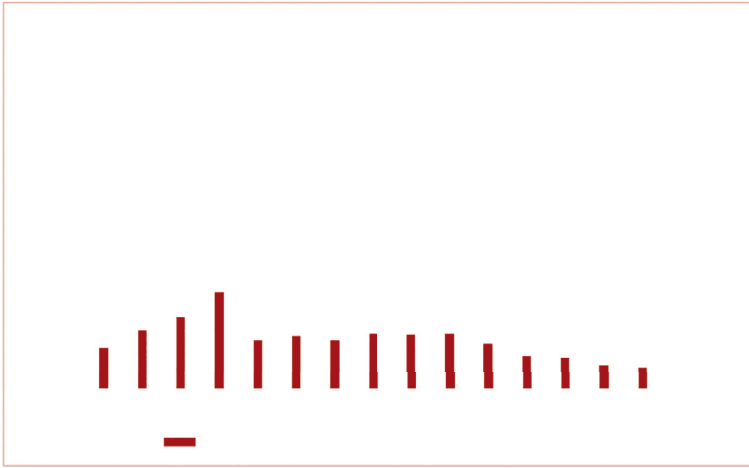


Figure 2: Monthly Violence Levels, 2014–2018

While there has been a steady fall in violence since 2013, there is still significant variation in daily and monthly rates of violence. This demonstrates the militants' enduring capacity to carry out attacks and the inability on the part of Thai security agencies to put a decisive end to violence in the region.

### 3. Intensity of Violence

An alternative measure of the impact of violence on the population in the southern border provinces is the number of victims as a share of the total population in the area. This can be interpreted as the annual risk to the average person – woman or man, old or young – of being a victim of violence. The intensity of violence follows the same trends as the levels of violence as indicated by the overall number of victims. The intensity of violence steadily increased, reached a peak in 2007, and then fell off before being followed by a secondary peak again in 2012, albeit at a lower level. Since then, the trend has been towards a declining intensity of violence with a lower risk to the average person of being killed or injured from the violence.



**Figure 3: Annual Intensity of Violence, 2004–2018**

The risk of victimization may also be measured through an analysis of the cumulative risk over the entire period of violent conflict, as displayed in Figure 4. For the average person living in the border provinces, there is a 0.8 percent risk of being injured from the violence and a 0.4 percent risk of death. This translates to almost one in 100 being injured and one in 250 being killed from the violence. This reflects the significant risk of victimization from a type of violence that does not affect other parts of Thailand. Furthermore, there are distinct groups of the population that face higher risks; those living in red zone areas with higher violence, young adult men, and Thai-Buddhists. These groups are overrepresented among victims.

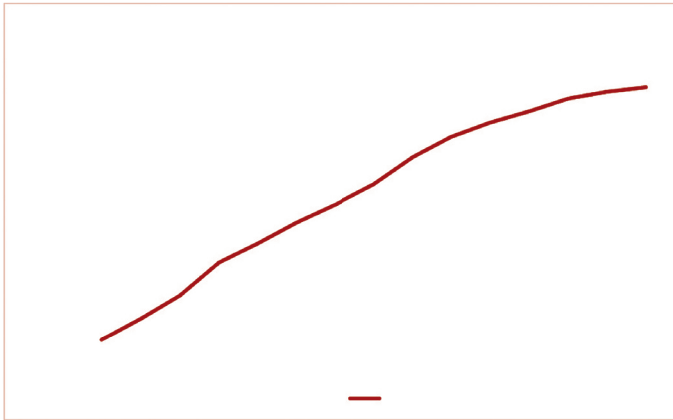


Figure 4: Cumulative Risk of Violence, 2004–2018

#### 4. Drivers of Violence

Not all the violence in the southern border provinces is related to the ongoing insurgency. Still, the bulk of the violence inflicted can be attributed to militants acting on political motivations. Drawing on Thai state security agencies and civilian authorities' categorization of violence, Figures 5 and 6 disaggregates incidents according to type.

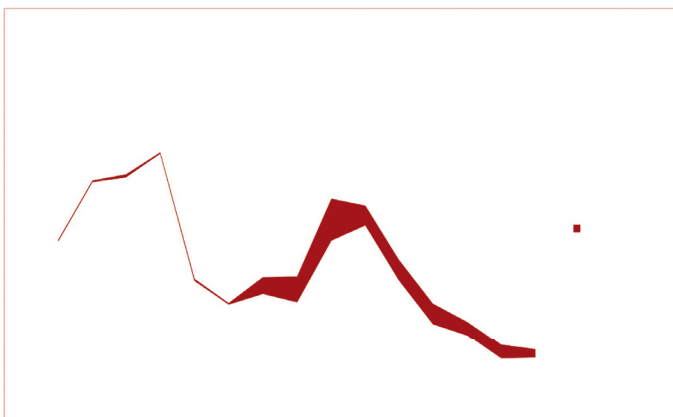


Figure 5: Incidents by Type of Violence, 2004–2018

During the initial phase of the conflict, almost all violence stemmed from the separatist insurgency. However, in more recent years, violence related to criminal activities accounts for an increasing share of deaths. This dynamic has not been fully acknowledged by most outside observers, who still view the southern conflict as driven almost entirely by separatism. Recognizing that the conflict has gone through a transformation, where a shift in the type of violence is indicative of the conflict's increasing complexity, is important for devising appropriate policies. There has also been an increase in the proportion of incidents that are classed as undetermined, where authorities lack sufficient information to determine the cause.

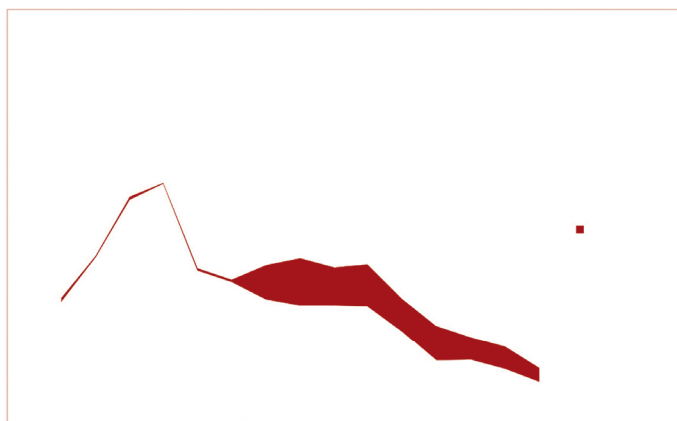


Figure 6: Deaths by Type of Violence, 2004–2018

When looking at the way in which violence-related fatalities are attributed, a similar pattern emerges. Most fatalities are due to the insurgency and together with fatalities attributed to crime and undetermined deaths, these makes up the bulk. The trends here are clear. There has been a steady decline in deaths attributed to the insurgency yet the share of fatalities arising from undetermined circumstances has remained constant. In 2018, a fairly small share of fatalities (less than 10 percent) was attributed to the insurgency whereas killings with undetermined

causes exceeded the number of other types of violence, constituting more than 70 percent of deaths. Clearly, the insurgency was the dominant driver of violence during the first five years of violent conflict. Since then, however, there has been an increase in the share attributed to crime and, even more, to undetermined causes.

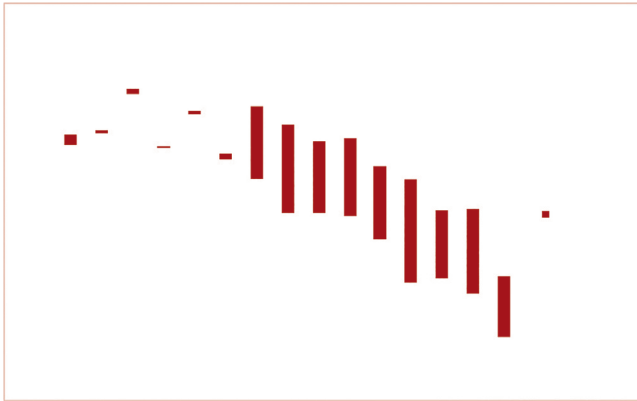


Figure 7: Share of Deaths by Type of Violence, 2004-2018

The share of incidents and fatalities attributed to the insurgency in 2017 and 2018 was lower than at any time since 2004. This has been accompanied by a decline in the share of incidents and fatalities with a determined cause.

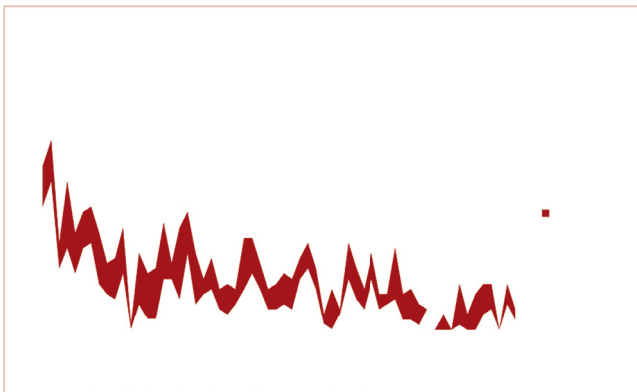


Figure 8: Number of Deaths by Type, Monthly 2014-2018



## 5. Forms of Violence

Subnational separatist conflicts can be distinguished from other types of armed struggle by the level of symmetry between parties as well as by the tactics that are employed. Wars fought for control of the central state tend to be between two parties with similar levels of strength and, largely, using conventional tactics of warfare. This results in face-to-face armed clashes for control of territory. By contrast, the subnational conflict affecting Southern Thailand is asymmetric and non-conventional. Armed insurgent groups are typically weaker than the state in terms of manpower and the technology of the weapons they possess. Given this asymmetry, an armed insurgent group will employ guerrilla tactics such as bombings or assaults or other types of attacks on their stronger state adversary. One consequence of this is that the forms of violence will often be different from those used during conventional wars.

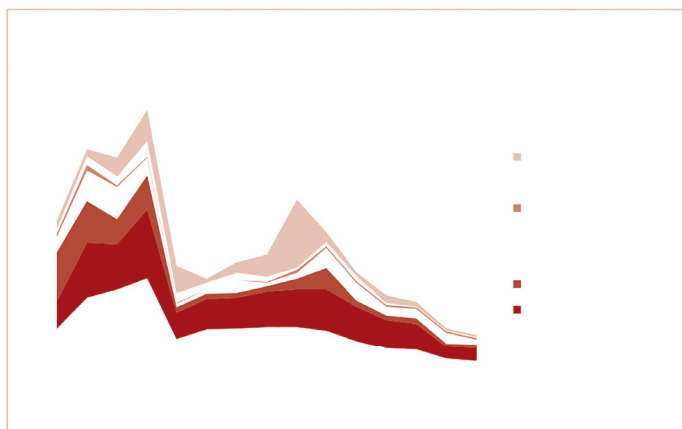


Figure 9: Incidents by Form of Violence, 2004-2018

Violent events may be classified according to the form, or the *modus operandi*, used by militants to inflict damage. The Deep South Watch data classifies the form of violence, in detail, based on the character of each single attack. The form of violence that occurs in

Southern Thailand is a reflection of the tactics used by the militant groups. Shootings are by far the most common form of violent incident, followed by bombings. Although most of the forms of violence refer to violence perpetrated by militants, violence perpetrated by law enforcement agencies is also coded in the dataset. Moreover, attacks/clashes refer to a two-sided form of violence whereby two individuals or groups engage in violence against each other. The other forms of violence are one-sided in that they refer to incidents where violence is inflicted by an individual or group upon another and where, in principle, a clear distinction between perpetrators and victims can be made.

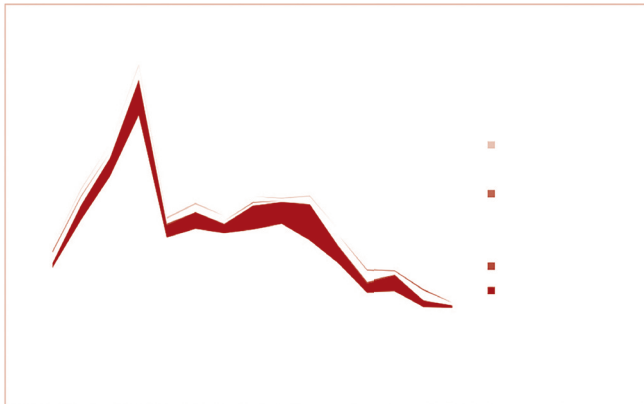
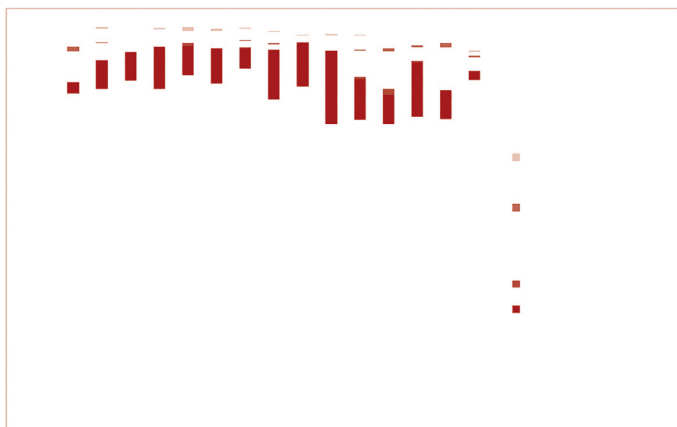


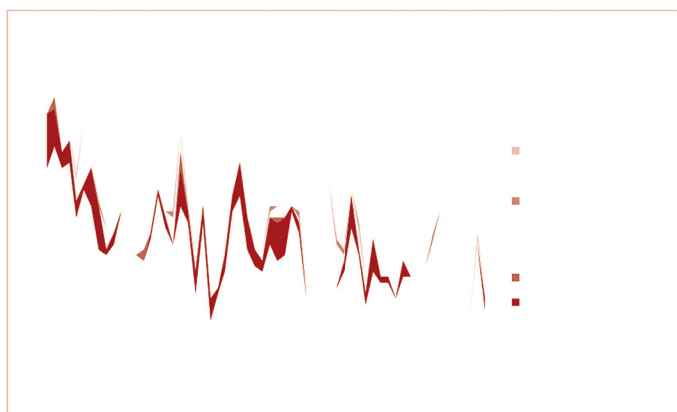
Figure 10: Deaths by Form of Violence, 2004–2018

This dominance becomes even greater when comparing the share and number of deaths. Bombs are a frequently used violent tactic in Southern Thailand but each bombing is less likely to result in fatalities or results in few fatalities. While there are some cases of larger bombs, often placed in trucks or cars, many devices are smaller and used for non-lethal purposes. One example is the widespread use of bombs mounted on electricity poles by attackers seeking to disrupt the electricity supply to urban centres. While causing disruption and material damage, these types of bombs rarely have any human impact.



**Figure 11: Share of Deaths by Form of Violence, 2004–2018**

There has been an increase in the share of incidents and deaths from forms of violence other than shootings since 2010. The share of deaths by form of violence has remained stable over the past three years, excluding temporary increases in deaths due to bombings. This is another indication of the conflict’s increased complexity.



**Figure 12: Number of Deaths by Form, Monthly 2014–2018**



Figure 13: Deaths by Weapon Type, 2004–2018

An alternative way of analysing the character of violence is to categorize incidents according to the type of weapon used by perpetrators. Guns are the dominant type of weapon used, which is consistent with shootings being the dominant form of violence. In most years, guns have been used by perpetrators in more than 80 percent of the violence. Besides guns, explosive devices are the only weapon that accounts for a significant share of fatalities. While arson, using various improvised incendiary devices, has inflicted significant material damage, this has not led to any major loss in terms of injury or death.

This reinforces the perception of the violence in Southern Thailand as primarily being a case of asymmetric warfare whereby militants carry out brief, isolated attacks using small arms and bombs to inflict damage on one or a few targets. While there have been some large-scale attacks, particularly during the early phase of the conflict, these have been few and far between.

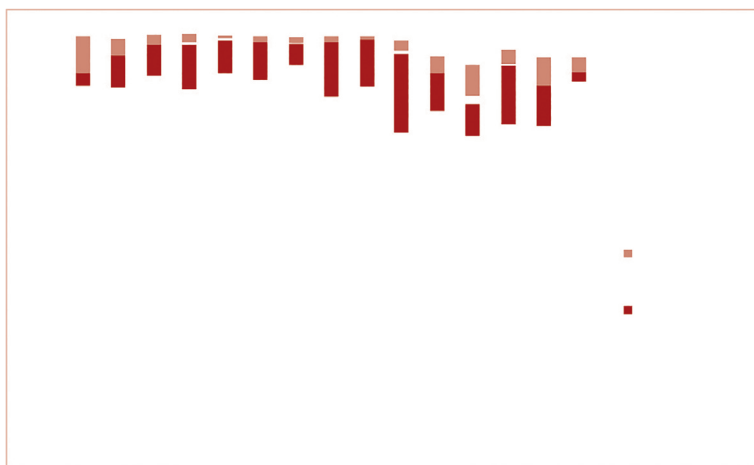


Figure 14: Share of Deaths by Weapon Type, 2004–2018

## 6. Geographic Patterns

While the conflict affects virtually every part of the three provinces of Pattani, Yala and Narathiwat and four districts of Songkhla, there is large variation in the levels of violence across different localities within the region. Some districts see consistently elevated levels of violence while others are spared the brunt of the violence.

The strategically important Muang district of Yala has seen, by far, the highest rates of violence and comprises almost nine percent of all incidents. Ra-ngae in Narathiwat, by contrast, is the district with the highest death toll, standing at exactly 500 deaths, over the fourteen years of violent conflict.

**Table 1: Most Violent Districts by Incident**

2004-2018		
District	Province	Incidents
Mueang Yala	Yala	1781
Ra-ngae	Narathiwat	1233
Raman	Yala	1119
Rueso	Narathiwat	1100
Bannang Sata	Yala	1074
Yarang	Pattani	1054
Nong Chik	Pattani	906
Mueang Pattani	Pattani	873
Sai Buri	Pattani	836
Bacho	Narathiwat	669

**Table 2: Most Violent Districts by Deaths**

2004-2018		
District	Province	Deaths
Ra-ngae	Narathiwat	500
Mueang Yala	Yala	481
Rueso	Narathiwat	432
Bannang Sata	Yala	404
Raman	Yala	376
Sai Buri	Pattani	343
Yarang	Pattani	343
Mueang Pattani	Pattani	312
Nong Chik	Pattani	259
Yaha	Yala	241

The ten most violent districts share some common features that provide insights into the factors contributing to violence in the area. Most districts are largely rural with a high proportion of Malay-Muslim populations that are susceptible to recruitment into the insurgent movements. Examples are the aforementioned Ra-ngae district as well as Raman, Rueso, Bannang Sata and Yarang. These districts are the heartland and staging ground for the separatist movements and they constitute the primary conflict hotspots. These rural strongholds of the insurgency form a contiguous area of high violence at the centre of the three provinces. All are interior districts with upland and forest areas that provide easy cover. The top ten list also includes the strategically important town of Yala, which acts as both a commercial centre and as a centre for the civilian administration, military and police in the region. This makes Yala a key target for those seeking to inflict violent damage against the Thai state. Indicative of its strategic importance, the commercial and administrative centre of Muang Yala is the most violent district in terms of number of incidents and the second most violent in terms of the number of deaths. The town of Pattani is also significant given its position as a secondary administrative centre and because it is the location of a major university. Furthermore, it holds historical significance as the capital of the former Sultanate of Patani. Thus, Muang Pattani and its neighbouring districts constitute a secondary conflict hotspot given this coastal area's symbolic and strategic importance.

The least violent districts include those that are largely Thai-Buddhist enclaves, such as Mae Lan and Mai Kaen in Pattani Province. They also include districts located at the periphery of the region, such as Betong, Kabang and Waeng. The latter are small, remote districts with predominantly Muslim populations and are of limited strategic importance. These districts have not been spared from occasional violence but the rates are significantly lower with eight districts seeing less than

one hundred deaths over the entire fourteen year period.

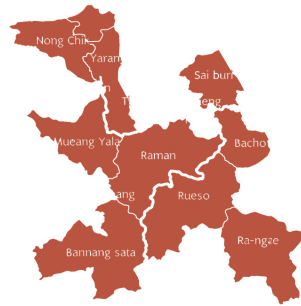
**Table 3: Least Violent Districts by Incidents**

2004-2018		
District	Province	Incidents
Mae Lan	Pattani	106
Mai Kaen	Pattani	109
Kabang	Yala	126
Sukhirin	Narathiwat	132
Betong	Yala	180
Waeng	Narathiwat	227
Thung Yang Daeng	Pattani	306
Krong Pinang	Yala	313
Kapho	Pattani	315
Yi Ngo	Narathiwat	332

**Table 4: Least Violent Districts by Deaths**

2004-2018		
District	Province	Deaths
Mai Kaen	Pattani	31
Kabang	Yala	40
Mae Lan	Pattani	44
Betong	Yala	47
Sukhirin	Narathiwat	47
Waeng	Narathiwat	48
Yi Ngo	Narathiwat	77
Than To	Yala	80
Krong Pinang	Yala	125
Kapho	Pattani	125





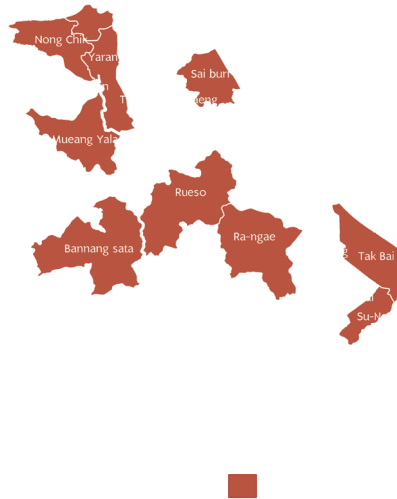
**Map 1: Most and Least Violent Districts by Incident, 2004–2018**



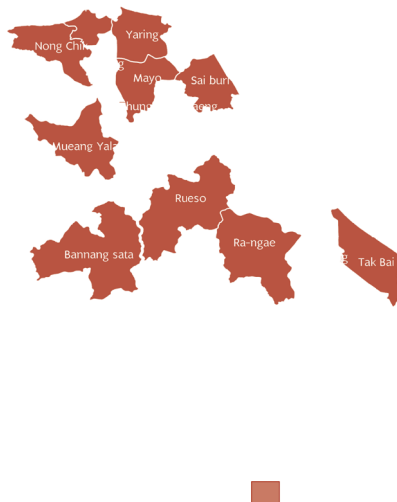
**Map 2: Most and Least Violent Districts by Deaths, 2004–2018**

An interesting pattern emerges when the distribution of incidents are illustrated on a map. As shown in Map 1, the most violent districts by incident form a contiguous and distinct area at the centre of the region. The red, highly violent area stretches from Ra-ngae to Bannang Sata in the south and across Muang Yala to Muang Pattani in the north. This red zone is surrounded by grey areas with mid-range levels of violence and green zones with low rates of conflict related events. As shown in Map 2, a similar pattern holds when mapping the distribution of incidents according to deaths.

Maps 3 and 4 focus on the past four years, corresponding to the period that the NCPO-led government of General Prayut Chan-o-cha has governed Thailand and been responsible for managing the southern situation. It is also the period throughout which there has been a peace dialogue process, brokered by Malaysia, between the Thai Government and MARA Patani. During the 2014 to 2018 period, a somewhat different pattern emerges. Unlike Maps 1 and 2, there is no longer a contiguous area of conflict hotspots and the violence is more diffuse. Higher rates of violence have affected the districts of Tak Bai and Sungai Kolok along the Malaysian border as well as more districts in Pattani Province. This is another indication of the increasing complexity of the conflict as it stretches out and affects areas beyond its traditional core.



**Map 3: Most and Least Violent Districts by Incident, 2014–2018**



**Map 4: Most and Least Violent Districts by Deaths, 2014–2018**

## 7. Soft and Hard Target Victims

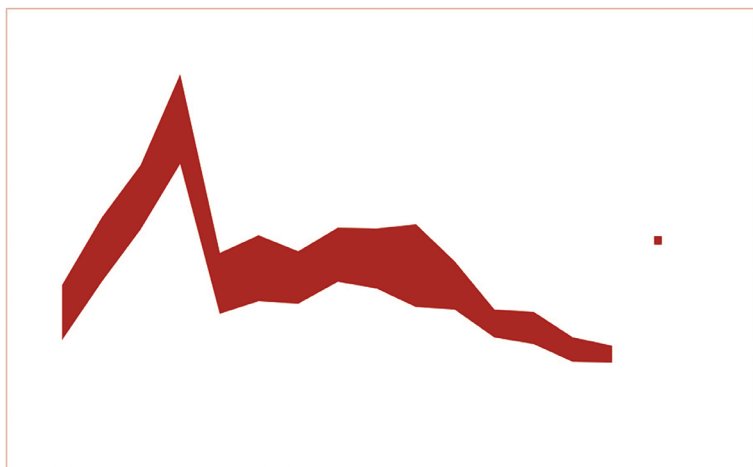
The evolving nature of the southern conflict and of the violence inflicted is also reflected by the change in the profile of the victims over time. Hard targets are defined as individuals that have been armed by the state or individuals that have taken up arms against the state. Soft targets refer to civilian non-combatants affected by violence. Throughout the conflict, more soft targets have been killed than hard targets. Civilians account for at least 60 percent of deaths in each year of conflict. This, again, confirms that the violence does not only take the form of the classic government-versus-rebel conflict that is fought between armed organizations and leads to hard target casualties. Rather, it highlights the fact that civilians are often the direct targets of violence or are affected as collateral damage.



Figure 15: Share of Soft and Hard Target Deaths, 2004-2018

During periods of increased conflict intensity (such as between 2011 and 2013 when both overall rates of death and frequency of incidents were relatively high), the share of non-combatant killings declined and more armed actors were killed. When overall conflict intensity decreased

after 2013, non-armed civilians were more likely to be targeted than armed actors. This points to a pattern whereby civilians suffer comparatively more in periods of relatively low intensity insurgency coupled with counter-insurgency operations as during these periods, armed groups tend to avoid direct confrontation.



**Figure 16: Soft Target and Hard Target Deaths, 2004–2018**

Civilians make up the majority of deaths in the conflict. Two of most violent years, namely 2007 and 2011, saw the highest share of civilian fatalities. However, the later period, which saw lower overall levels of violence, has also been associated with an increased share of civilian fatalities. This is clearly a worrying trend that indicates either that the perpetrators are directly targeting civilians or that perpetrators are increasingly resorting to forms of violence that lead to a higher risk of soft target casualties.

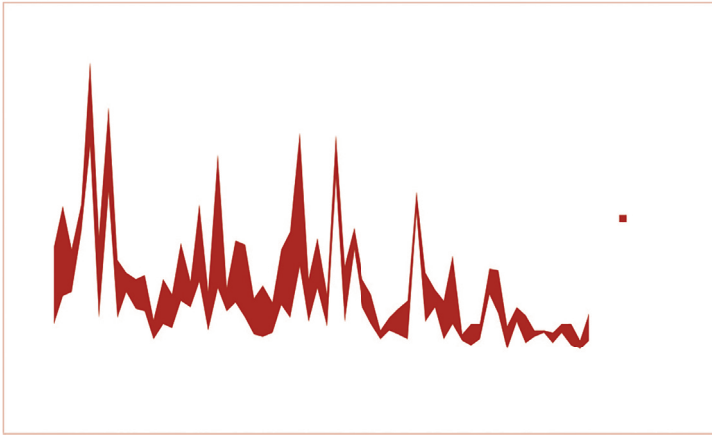


Figure 17: Injured Civilians and Hard Targets, Monthly 2014–2018

## 8. Gender and Violence

The vast majority of the victims of the southern violence are male. The share of male fatalities has remained fairly constant at more than 80 percent for each year of the conflict and comprising more than 90 percent of deaths during the first three years of conflict.

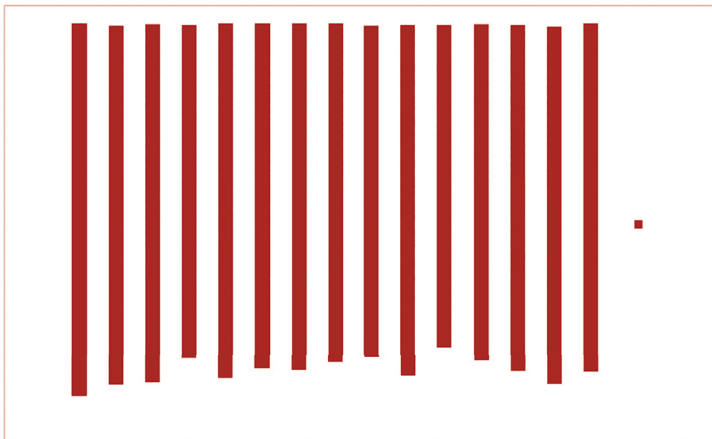
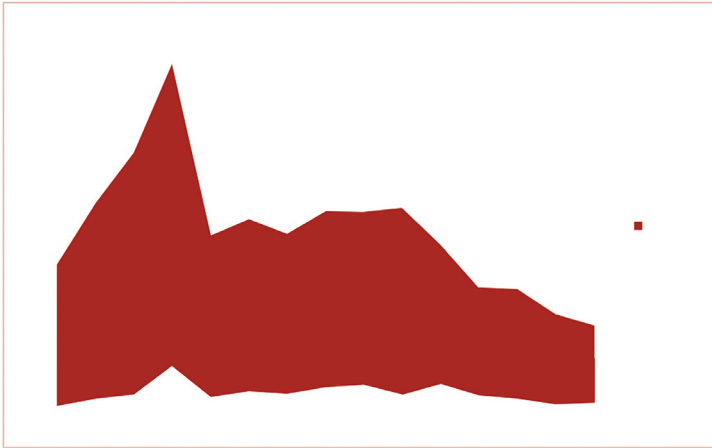
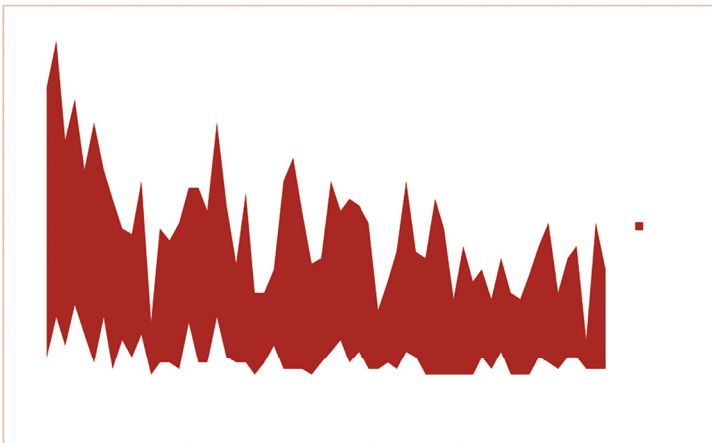


Figure 18: Number of Female and Male Deaths, monthly 2004–2018



**Figure 19: Female and Male Deaths, 2004–2018**

Despite the overall high rates of male casualties, there has been an increase in the share and number of female fatalities from the violence, with a first peak in 2007 and a second in 2014. More recently, there have also been episodes of higher rates of violence towards women.



**Figure 20: Number of Dead Female and Male, Monthly 2014–2018**

## The Impact of Violence Across Age Groups

Turning to the impact of violence across age groups, a clear pattern is discernible. The bulk of the victims are adults aged 18 to 64, making up 86 percent of all deaths from violence. Less than five percent of those killed are aged under 18 and an equivalent proportion of deaths are persons aged 65 and above.<sup>1</sup>

At the outset of severe violence in 2004, there were few elderly and almost no children or youth affected. Over the course of the conflict there has been an increase in the share of children and youth victims, another trend highlighting the increased complexity of the violence and the emerging trend towards greater victimization of vulnerable groups.

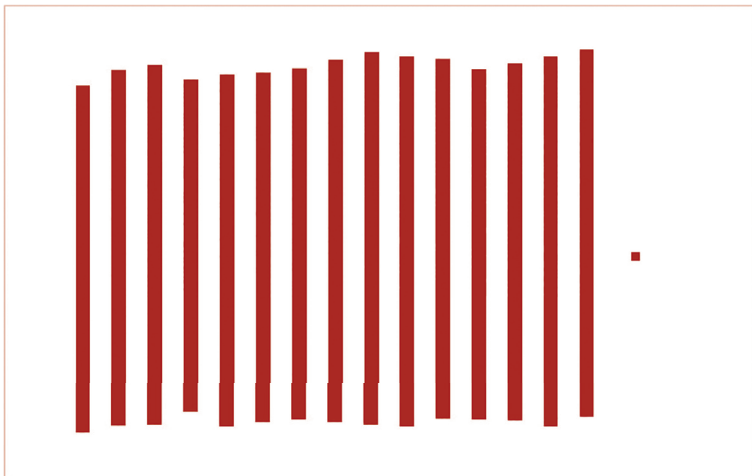
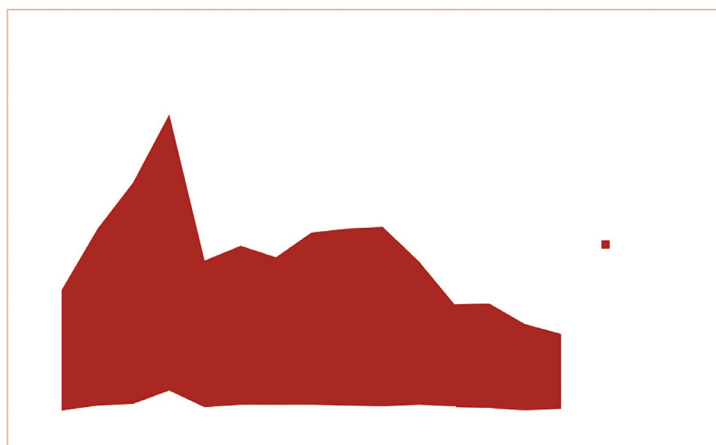


Figure 21: Share of Deaths by Age Group, 2004–2018

<sup>1</sup>The ages of approximately seven percent of those killed are unknown.





**Figure 22: Deaths by Age Group, 2004–2018**

The share of fatalities among children and youth has increased and peaked in 2007. In the past three years, higher levels of deaths among this age group can also be observed. The share of fatalities among the elderly has remained fairly constant over the fourteen years.

## 9. Victimization by Religion

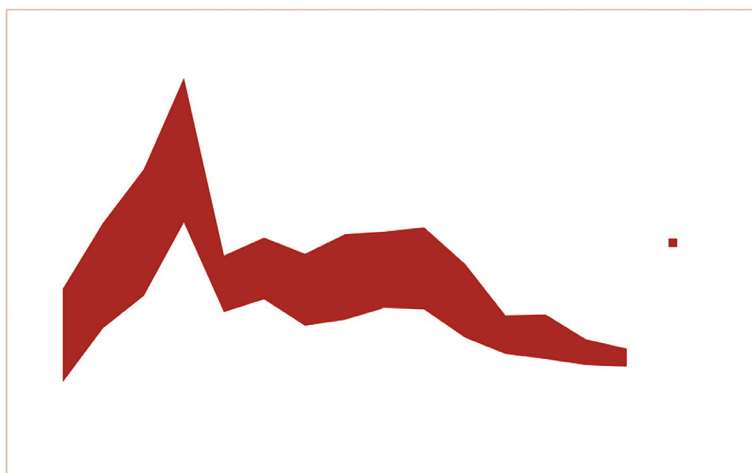
The southern border provinces are culturally and religiously diverse. The majority of the population are Muslims, who make up approximately three quarters of the population. The remaining 25 percent are Buddhists.

Buddhists comprised the majority of deaths in the first year of the conflict. Following years saw a shift to a higher share of Muslim victims. Since 2006, Muslims make up the majority of deaths at a level of approximately 60 percent.



Figure 23: Share of Deaths by Religion, 2004-2018

The trend towards a higher proportion of Muslim victims could be driven by several factors. The Thai state has clearly prioritized the protection of the Buddhist population as they are perceived to be vulnerable. In addition, security agencies focus their efforts on urban centers that are of economic and strategic importance. These urban centers also tend to be inhabited by a relatively large share of Buddhists. The state's security priorities could be an important explanation for the drop in the proportion of Buddhist victims. In addition, some vulnerable Buddhist population groups have moved to more secure locations within or outside the region in order to escape the risk of violence. This further adds to the falling levels of victimization among this group.



**Figure 24: Deaths by Religion, 2004–2018**

Another factor contributing to the higher rates of Muslim victims during the latter period of the conflict may be a shift in insurgent tactics to encompass a broadening of targets to include, not only Buddhists perceived as outsiders, but also Muslims working for the Thai state. The shift in the deployment of security forces from the use of army units sent from other parts of the country towards the use of locally recruited militias and paramilitaries has also contributed to this trend of conflict localization and the increased rates of Muslim victims.

## 10. Conclusion and Discussion

The southern conflict has had a large human impact as a total of 6,924 persons have been killed in violent incidents in the region with another 13,546 injured. The separatist insurgency is the dominant driver of violence. The first five years of violent conflict were universally separatist in nature but since then there has been an increase in the share

of violence attributed to criminal and more undetermined causes. The observed rates of violence have shifted over time, largely as an outcome of insurgent strategy, state tactics, and parallel developments in the political process. The conflict is currently best described as in a fragile transition since the initiation of an officially recognized peace dialogue process in 2013. This transition period has added to the complexity of the violence and contributed to a shift in patterns of victimization. At the core of any understanding of the drivers of violence in Southern Thailand is the clear association between the levels and character of the violence with the tactics employed by both the state and insurgent groups, together with the parallel political dialogue.

The average person living in the southern border region faces a non-negligible risk of violence. Anyone living in the area for the past fourteen years has a one percent risk of injury from the ongoing violence and a one in 250 risk of death. The bulk of this violence is attributed to the insurgency but recent years have seen an increased share of other causes of violence also, reflecting the conflict's increased complexity. Most attacks take the form of shootings but there has been a recent increase in the use of other modes of violence. Guns are the most common weapons, followed by bombs. This is consistent with tactics generally used by insurgent groups engaged in asymmetric warfare when facing a state that is better armed and that maintains territorial control.

There is large intra-regional variation in violence with a group of districts forming a core area comprising the highest levels of violence. This is the Malay-Muslim heartland, which holds the strongest support base for the insurgency. The strategically important urban centers of Yala and Pattani also see high levels of violence. By contrast, there are low levels of violence in districts with large Thai-Buddhist populations and along the border.

The majority of those killed in the southern conflict are civilian soft targets rather than hard targets belonging to the militant groups or the state security agencies. Males make up the majority of deaths but there has been a worrying increase in the number of female victims. While victims tend to be adults and most of those killed are adults, many young persons are also victimised. Although most victims are Muslims, Buddhists are over-represented among those killed and injured, given that they are a minority in a region that is predominantly Muslim.

The level of violence affecting Southern Thailand remains high despite the decline and despite a shift to a situation best described as a fragile transition since the initiation of an officially recognized peace dialogue process in 2013. The insurgency remains the dominant driver of violence but there has been an increase in the share attributed to criminal and more undetermined causes. This also affects the character of violence, which has become more complex over time. Victims also come from a broader spectrum of society as more and more groups are at risk of victimisation. A key finding in this chapter is that the levels and character of the violence is shaped by the tactics of the state and non-state armed actors involved, as well as by the parallel political dialogue. This calls for an increased focus on finding a political settlement to the conflict rather than prioritising the use of a more elusive military solution.

## **Dataset**

Deep South Watch (DSW) 2004–2018. Conflict Incident Database.

Deep South Watch. Prince of Songkla University, Pattani  
Campus.

## Chapter 3

# Militarization and Securatization in Thailand's Deep South

 Paul Chambers  
Napisa Waitookiat

## 1. Introduction

Thailand's civil-military relations have, traditionally, been fraught with tension and power struggles. This is no different in the country's Deep South, where an insurgency has been active since 2004. However, by 2019, the military's ascendancy over civilian bureaucrats in the Deep South policy-making tug-of-war was difficult to dispute. Thailand's security agencies have enforced state policy in the Deep South since the centralization of power by the Siamese monarchy over a hundred years ago. The historical legacy of military authoritarianism in the region along with the state's monopoly on force means that security agencies are crucial stakeholders in the continuing crisis. These agencies include not only the army, but also the police, paramilitaries and militias. This study examines the direction and evolution of Thai military/security policies in the Deep South across recent history up until the end of 2018. It argues that the conservative "Bangkok knows best" mindset of security forces, which sees all policy formulation centralized in the capital, has frequently led to the implementation of hardline policies in the region. Such policies have alienated local Malay-Muslims and foreclosed their cooperation with the state, engendering more suspicion from security

forces, and popularizing insurrectionary movements in the region. The result has been a vicious cycle of tension and violence between security officials and local Malay-Muslims, which have hampered efforts to bring about peace.

Any durable end to the violent conflict will have to satisfy, at least to some extent, military perceptions of security. How have Thai security forces engaged in the Deep South under successive governments and what have been important turning points in southern security policy up until Thailand's 2014 military coup d'état? What was the National Council for Peace and Order's (NCPO) policy in the Deep South up until its dissolution in 2019? What problems and dilemmas have Thai security agencies encountered in the execution of their strategy to resolve the conflict? What have been the resistance movements' strategies and activities vis-à-vis state security forces? How might Thai security policy for the Deep South look in the near future? This study examines these questions. Following the introduction, these five guiding questions represent the organizational order of this chapter's six parts with the final question addressed in the conclusion.

## **2. Brief History until 2014**

Historically, the activities of Thai security forces in the Deep South have been two-pronged; they have proactively sought to carve out control over the region while reactively attempting to contain any dissent against the state. This push-and-pull behavior has shaped the evolution of a predominantly heavy-handed security policy that has experienced 12 significant turning points.



1	1902	Incorporation of three provinces into Siam followed by martial repression: This event defined the onset of the tense relationship between Thai security forces and Malay-Muslims.	Under absolute monarchy
2	1959	Establishment of the Patani National Liberation Front (Barisan Nasional Pembebasan Patani, BNPP): The first insurrectionary group against Thai state.	Under Field Marshal Sarit Thanarat
3	1981	Establishment of the Southern Border Provinces Administrative Center (SBPAC) and Civil Police Military Taskforce 43 (CPM43)	Under Prem Tinsunalonda
4	2001	Police given lead in Deep South policy resulting in harsher state repression.	Under Thaksin Shinawatra
5	2002	Dissolution of SBPAC & CPM 43.	Under Thaksin Shinawatra
6	2004	Harsh state response and exacerbation of insurrectionary violence.	Under Thaksin Shinawatra

7	2006	Coup, revival of SBPAC and CPM 43, followed by brief state pragmatism.	Under Thaksin Shinawatra/ General Sonthi Boonyaratglin/ General Surayud Chulanont
8	2007	Revival of state repression and intensification of conflict.	General Surayud Chulanont
9	2009	“Politics leading the Military” policy attempted in Deep South.	Under Abhisit Veijaiva
10	2013	Pursuit of peace dialogue (via Malaysia) alongside army repression.	Under Yingluck Shinawatra
11	2014	Coup, a pause in dialogue, post-coup decrees and renewed state repression.	Under Yingluck Shinawatra/ General Prayut Chan-o-cha
12	2015	Use of NCPO's Section 44 and pursuit of a new peace dialogue (via Malaysia) alongside repression.	Under General Prayut Chan-o-cha

**Table 1: 12 Crucial Turning Points in Southern Security Policy**

The southern crisis has deep historical origins and involves a long-entrenched clash of ethnicities, languages, religions, cultures and political identity. The three provinces of Pattani, Yala, and Narathiwat, together with four states of Northern Malaysia, originally formed the Sultanate of Patani. Siamese forces quelled numerous insurrections and ultimately incorporated the three provinces into Siam in 1902. The four other areas were ceded to Britain and became part of British Malaya in

1909. In November 1947, a right-wing coup resurrected the policy of military oppression against Deep South Malay-Muslims.<sup>1</sup> Despite resistance and protest on the part of the local population, the military's authoritarian policies continued (See the Introductory Chapter for a more elaborated account of the historical origins of the conflict).

In 1959, Malay-Muslim insurrectionaries established the Patani National Liberation Front (Barisan Nasional Pembebasan Patani, BNPP), the first armed group to fight for Patani's independence. The BNPP engaged in attacks against the Thai state up until the late 1960s, when it began to splinter. Meanwhile, around 60 other armed groups also formed in Southern Thailand; some political and others criminal. Two important organizations to emerge in the 1960s were the Barisan Revolusi Nasional (BRN), founded in 1963, and the Patani United Liberation Organization (PULO), founded in 1968. These two organizations became the principal armed resistance groups in the ensuing 20 years.<sup>2</sup> During the 1960s, the Thai military waged war against these groups as well as against the Communist Party of Thailand (CPT) in the north and northeast. Guiding counterinsurgency policy were the 08 (1965) and 09/10 (1966/1967) plans, which focused on military repression as the central plank for achieving victory. Later, Plan 110/12 (1969) retained the military-oriented approach albeit with a greater emphasis on development projects.<sup>3</sup> Inspired by the United States' Counterinsurgency Policy (COIN)

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<sup>1</sup>Thanet Aphornsuwan, *Rebellion in Southern Thailand: Contending Histories*, Policy Studies, 35 (Washington, D.C.: East-West Center Washington, 2007), 41.

<sup>2</sup>Carlyle Thayer, "Insurgency in Southern Thailand: Literature Review," 7, accessed August 6, 2019 <http://www.scribd.com/doc/17965033/Thayer-Insurgency-in-Southern-Thailand>.

<sup>3</sup>Jeff Moore, "The Thai Way of Counterinsurgency" (PhD.Diss., University of Exeter, December 2010), 87-88.

formulated by David Galula, Robert Thompson and John McKuen, this latter plan was implemented by General Saiyud Kerdpol, who organized and became the first director of Thailand's Communist Suppression Operations Command (CSOC). By synchronizing political, economic, military and informational functions, the novelty of COIN was that it sought to build command and control to win the hearts and minds of populations susceptible to insurgent forces rather than using force alone. CSOC – which became the Internal Security Operations Command (ISOC) in 1974 – merged the operations of civilians, police, armed forces, paramilitaries, and citizen volunteers in counterinsurgency efforts.

In 1981, the government of Prem Tinsulanond (1980–1988) improved security by enhancing the role of ISOC in the Deep South and intensifying the application of the COIN agenda. Policies included allocating more money to security institutions, working with Malaysia, enhancing cooperation with moderate Muslim leaders, and at times pursuing conciliation.<sup>4</sup> However, dialogue between the state and insurgents was not a priority during this period. Nor was dialogue a component of classical COIN policy. Other policies stressed economic development, a limited amnesty for rebels, and the establishment of two inter-governmental agencies: The Joint Civil–Military Police Command (CPM43) attempted to enhance coordination among the security operations of civilians, police, and the military in the Deep South while the Southern Border Provinces Administration Center (SBPAC) sought to increase cooperation among government agencies on the southern insurgency's political issues.<sup>5</sup> The 1980s witnessed growing factionalism

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<sup>4</sup>Thayer, "Insurgency in Southern Thailand," 10.

<sup>5</sup>International Crisis Group (ICG), "Southern Thailand: Insurgency, not Jihad," *Asia Report*, no. 98 (May 18, 2005): 11–12, accessed August 6, 2019.

among the separatist groups and the emergence of new ones. In 1984, the BRN split into three groups: BRN-Congress (BRN-K), BRN-Coordinate (BRN-C), and BRN-Ulema.<sup>6</sup> Disunity among insurgent groups temporarily diminished with the 1989 establishment of the Patani Malay People's Consultative Council (Majelis Permesyuaratan Rakyat Melayu Patani shortened to *Bersatu* or "Unity") and following *Bersatu*'s reinvigoration in 1997. *Bersatu* was significant as it united PULO, BRN, and two other insurgent groups.<sup>7</sup> *Bersatu* led targeted assassinations of state officials in the late 1990s. By 2013, BRN-K and BRN-Ulema had become mostly obsolete and BRN-C emerged as the strongest insurgent organization. In 2013, the BRN-C changed its name to simply "BRN".

In 2001, Thaksin Shinawatra was elected prime minister. Considering Malay-Muslim insurgents as little more than bandits and wanting to reduce the influence of his political rivals in the region, Thaksin dismantled CPM43 and SBPAC in 2002. These agencies had become the military creatures of Thaksin's growing nemesis, former Prime Minister and Privy Council Chairperson Prem Tinsulanond.<sup>8</sup> SBPAC had also been influenced by the anti-Thaksin (and pro-Prem) Democrat Party.<sup>9</sup> Given his influence in the police, Thaksin placed

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<sup>6</sup>"Barisan Revolusi Nasional (BRN)," Terrorism Research and Analysis Consortium, accessed July 1, 2015, <http://www.trackingterrorism.org/group/barisan-revolusi-nasional-brn>.

<sup>7</sup>International Crisis Group (ICG), "Southern Thailand: Insurgency, not Jihad," 14.

<sup>8</sup>Duncan McCargo, "Thaksin and the Resurgence of Violence in the Deep South," in *Rethinking Thailand's Southern Violence*, ed. Duncan McCargo (Singapore: NUS Press, 2007), 39.

<sup>9</sup>Marc Askew, "The Democrats and the Southern Malaise," *Bangkok Post*, September 13, 2009.

overall control of southern security matters in the hands of police commanders, exacerbating tensions between the army and police. The police were accused of greater human rights abuses in the south and insurgent activities intensified.<sup>10</sup>

Insurgent strikes culminated in a well-organized attack on an army camp in Narathiwat Province on January 4, 2004. Militants executed four soldiers and seized almost 350 weapons. The state immediately responded with repression: Thaksin declared Martial Law in Narathiwat, Yala, and Pattani. Such a strategy reflected the mindset of what Surin Pitsuwan called “Bangkok knows best” – national problems in Thailand were best dealt with by the center without any local input.<sup>11</sup> State repression bred insurgent counterattacks and each side became increasingly implicated in human rights abuses. Soldiers and police now worked more closely together in counterinsurgency operations and in 2004 alone there were two massacres. Many in the Malay-Muslim community became even more disaffected with the Thai state and insurgent attacks increased.

Two months after the September 2006 military coup, the regime of General Surayud Chulanond officially recognized the need for a long-term strategy combining; 1) forceful repressive tactics; 2) political reforms, including dialogue and limited amnesty; and 3) economic reform. SBPAC was resurrected and ISOC's role in the Deep South expanded. Besides coordinating civilian state agencies, police, and the armed forces, ISOC oversaw the collaboration of personnel belonging to 25 state agencies. ISOC's objectives in the Deep South could be said

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<sup>10</sup>Thayer, “Insurgency in Southern Thailand,” 13.

<sup>11</sup>Surin Pitsuwan, “Seven Pointers to Claiming the South,” *The Nation*, February 17, 2004.

to mirror the COIN functions of economic, political, military and informational security.

Following the appointment of General Anupong Paochinda as army commander in 2007, the military once again adopted more hardline tactics and additional soldiers, police, and paramilitary were deployed. Anupong's stern approach to counterinsurgency aligned neatly with the military's traditional preference for using firepower to combat the insurgency. Under Anupong, a village-level security program evolved that was similar to the Village Scouts Program (*Luk Sua Chaoban*) of the 1970s. Anupong's hardline policies were bequeathed to his mentee and successor General Prayut Chan-o-cha, who served as army commander from 2010 until 2014.

In 2009, the coalition government of Democrat Abhisit Vejjajiva proclaimed that a new paradigm of "Politics leading the Military" would henceforth commence in terms of southern counterinsurgency policy. Since the military had been unable to resolve the southern "problem", elected civilians were to now lead the way in establishing peace and justice. The Democrat-led government sought to remove SBPAC from under military control and make it directly answerable to the prime minister, ostensibly to produce more unified policy delivery. The military had earlier been criticized for using SBPAC funds for corrupt purposes. However, concerns were raised that placing SBPAC under civilian control would then give the Democrats direct access to SBPAC funds, which could be used to shore up its voter base.<sup>12</sup> Despite the enhanced civilian control, the military managed to retain much informal control

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<sup>12</sup> Askew, "The Spectre of the South: Regional Instability as National Crisis," in *Legitimacy Crisis in Thailand*, ed. Marc Askew (Chiang Mai: Silkworm Books, 2010), 244, 250.

over SBPAC.<sup>13</sup>

In July 2011, the Yingluck Shinawatra-led Pheu Thai Party won a landslide election and there were hopes for change in Thailand's southern policy. However, Pheu Thai's much touted idea of making the three southern border provinces a special administrative zone was dropped once Yingluck was in office. This possibly owed to the fact that Pheu Thai had failed to win a single seat in the far South and thus saw no reason to show special attention to the area. Almost immediately, the southern region experienced an upsurge in violence. Army Commander-in-Chief General Prayut's hardline policies on the ground also offered little respite from state violence. Under Yingluck, Deep South policy came under greater civilian control than in any other period since 2006. This was partly due to the predecessor government's success in implementing its policy of "Politics leading the Military" between 2009 and 2011. However, although civilians were formally in control of security policy in the Deep South, the military were the ones spearheading operations. Furthermore, the upsurge in attacks suggested that the resistance movement groups were seeking to resurrect the high levels of violence reminiscent of 2007. In early 2012, the Yingluck government continued to focus on a policy of sticks-over-carrots, repression over conciliation, in an attempt to weaken the insurrection. Such an approach may have been intentional given that Thaksin Shinawatra was secretly trying to restart negotiations with the BRN-C with the help of the government of Malaysia. The repressive tactics employed under the Yingluck government could have been an attempt to pressure the BRN-C to join the peace talks. Similarly, some factions within the resistance movement distrusted Thaksin's intentions and they may have wanted to

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<sup>13</sup> *Ibid.*, 248–249.



demonstrate their power by increasing attacks. Nevertheless, it must be recognised that, traditionally, the military exercised a high degree of autonomy when it came to prosecuting counterinsurgency in the region. As such, it would not have been strange if Yingluck's civilian government also found itself having to acquiesce to the military preference for sticks-over-carrots.

On February 28, 2013, the Yingluck government's National Security Council (NSC) chief Paradorn Pattanabutr signed an agreement with a representative of the BRN-C to commence a formal peace dialogue. These negotiations were the direct result of successful discussions by Thaksin, the BRN-C, and the government of Malaysia. The agreement paved the way for three rounds of talks - also facilitated by Malaysia - in March, April, and June of 2013. During this time, the BRN-C changed its name to BRN. It was at these negotiations that the Yingluck government again brought up its earlier support for a special administrative zone, a proposal which the army steadfastly rejected. Meanwhile, the BRN put forward five key demands:

1. Bangkok must accept Malaysia as a mediator, not just a facilitator;
2. The talks are between the BRN-led Patani nation and the Thai state;
3. The talks must be witnessed by ASEAN members, the Organisation of Islamic Cooperation (OIC) and NGOs;
4. Bangkok must grant unconditional amnesty to all suspects and convicts and nullify all arrest warrants related to the Deep South insurgency;

5. Bangkok must recognize BRN as the Patani independence movement not a separatist movement.<sup>14</sup>

In the long run, the BRN sought to achieve either secession for Pattani, Narathiwat and Yala or a special administrative zone that offered far-reaching autonomy. Yet, the insurgent groups were divided. Within the BRN, there were disagreements over whether or not to even negotiate with the Thai government. Furthermore, other insurgent groups such as PULO were autonomous from BRN directives and in competition with them. Such insurrectionist disunity compromised the BRN's legitimacy and undermined its claim to represent all the insurgents. Ultimately, it diminished the efficacy of negotiations.

The state was also divided over the negotiations. During the Yingluck government's negotiating efforts, the military denounced the peace talks and dismissed the BRN as being insincere in negotiations. They contended that Thailand must not surrender territory to appease the rebels and claimed that even granting autonomy would cede too much control. The Thai army perceived Thaksin and Malaysia as meddling in southern affairs, which they saw as falling under their sphere of influence. In response, the military attempted to place General Akanit Muensawas, a vocal critic of the talks, into the Thai negotiating team.<sup>15</sup>

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<sup>14</sup>Thaweepon Kunmetha, "Srisompob Jitpiromsri on the latest round of Deep South peace talks," *Prachathai*, June 18, 2015, accessed August 6, 2019, <http://www.prachatai.com/english/node/5168>.

<sup>15</sup>International Crisis Group (ICG), "Southern Thailand: Dialogue in Doubt," *Asia Report*, no. 270 (July 8, 2015): 8, accessed August 6, 2019, <https://d2071andvip0wj.cloudfront.net/270-southern-thailand-dialogue-in-doubt.pdf>.

In July 2013, the Thai government and BRN succeeded in coming to an agreement to voluntarily reduce violence during Ramadan. Initially, it was hoped that the cessation of violence might persist beyond Ramadan. However, the initiative was non-binding and a sudden spate of attacks and murders followed, the most notable being the August 5 assassination by unknown assailants of Imam Yacob Raimanee, a known moderate. Many officers disagreed with negotiations and preferred to prioritize a strictly military approach to counterinsurgency. If the military had been intent on sabotaging the Pheu Thai-conceived peace talks, then Raimanee was most likely targeted by the military.<sup>16</sup> With the intensification of violence in August, both the BRN and the Thai army became increasingly rigid in their positions. Furthermore, the government seemed unable to intelligently reframe the BRN's five demands in such a way that would ensure the peace process could move forward. As a result, Yingluck's government postponed the next negotiation round. At the end of November 2013, national political turmoil again delayed the talks. In December, the BRN announced that there would be no more negotiations if Thailand did not accept all of its demands. By the end of 2013, negotiations were close to dead. In early 2014, amidst chaotic anti-government political demonstrations in Bangkok and with the Yingluck administration acting only as a weak caretaker government, the talks were at a standstill. Thailand's May 22, 2014 military coup decimated any possibility of further negotiations as it dissolved Yingluck's post-2013 pro-dialogue cabinet and brought to power the army-led NCPO, which had always been suspicious of negotiations.

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<sup>16</sup>Duncan McCargo, "Southern Thailand: From Conflict to Negotiations?," Lowy Institute, April 23, 2014, accessed August 6, 2019, [https://www.lowyinstitute.org/sites/default/files/mccargo\\_southern-thailand\\_0\\_0.pdf](https://www.lowyinstitute.org/sites/default/files/mccargo_southern-thailand_0_0.pdf).

### 3. NCPO Security Policy in the Deep South until 2019

The putsch initially seemed to indicate the victory of anti-Thaksin military hardliners over pro-Thaksin civilian politicians willing to talk with the resistance movement. Coup leader (ret. General) Prayut and other army officials close to him had earlier taken a dim view of the 2013 talks.<sup>17</sup> However, by mid-2015 negotiations appeared to have resumed. Indeed, the military seemed to be pursuing a double game of repressive counterinsurgency measures coupled with avowed support for new talks.<sup>18</sup> Although the junta promised to support talks with “those who hold different views from the state”,<sup>19</sup> they also presided over an increase in army arrests and targeted raids of villages or venues deemed to be hotbeds of sympathy for the resistance movement. Junta leader and Prime Minister Prayut, together with deputy junta leader and Deputy Prime Minister (ret. General) Prawit Wongsuwan, ambitiously promised to end the southern conflict by the end of the year.<sup>20</sup>

Following the sacking of Yingluck's peace dialogue team eight days after the May 22, 2014 coup, the junta made drastic administrative changes to Thailand's Deep South policy. First, it issued Announcement 34/2557, which declared that SBPAC would be placed directly under the jurisdiction of the junta leader, voiding the 2010 law that had made SBPAC an independent agency. Thus, SBPAC was placed back under

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<sup>17</sup> International Crisis Group (ICG), “Southern Thailand: Dialogue in Doubt,” 13.

<sup>18</sup> Personal Interview with RN (pseudonym for interviewee who prefers to remain anonymous), July 24, 2015.

<sup>19</sup> *Ibid.*, 12.

<sup>20</sup> “Prayut: Peace in South by 2015,” *Bangkok Post*, September 29, 2014.; “Defense Minister: Peace will return to Deep South within one year,” *National News Bureau of Thailand*, November 4, 2014.

the control of ISOC and the management of the 4<sup>th</sup> Army Regional Command (hereafter called the 4<sup>th</sup> Army Region), as under the period of Prem.<sup>21</sup> Then, on July 21, the NCPO issued Announcement 98/2557. The decree enshrined a three-tiered structure to deal with the southern crisis, with Prayut spearheading policy formulation, a Steering Committee to Resolve the Protracted Southern Unrest Problem to manage coordination of state strategies, and with the 4th Army Region in charge of implementation (see Figure 1).<sup>22</sup> In effect, civilians lost all control over Deep South policy.

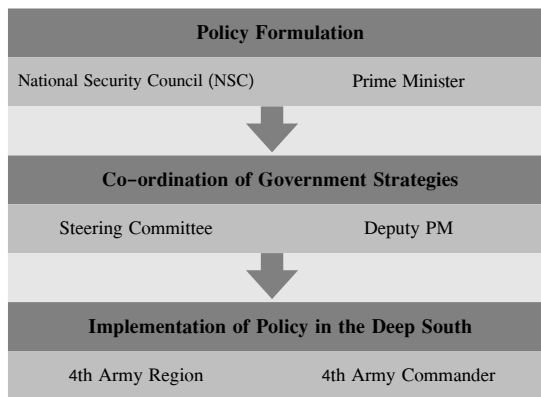


Figure 1: Three-Tiered Structure for Resolving the Deep South Conflict

<sup>21</sup>“ประกาศคณะรักษาความสงบแห่งชาติ ฉบับที่ 34/2557 เรื่อง การปรับปรุงโครงสร้างการจัดของคณะรักษาความสงบแห่งชาติ [NCPO Announcement 34/2014, on Adjusting the Structure of the National Council for Peace and Order],” *Ratchakittha*, May 30, 2014, [https://library2.parliament.go.th/giventake/content\\_ncpo/ncpo-announce34-2557.pdf](https://library2.parliament.go.th/giventake/content_ncpo/ncpo-announce34-2557.pdf).; “เปิดโครงสร้างดับไฟใต้ยุค คสช. ลุยพุดลุยสันติภาพ-ปิดช่องปกรองตนเอง [Establishing an Organization to Extinguish Southern Fire, NCPO to Pursue Peace Dialogue, Rules out Self-Rule],” *Isra News*, June 19, 2014, accessed August 1, 2019, [http://www.isranews.org/เรื่องเด่น-สำนักข่าวอิศรา/item/30538-close\\_30538.html](http://www.isranews.org/เรื่องเด่น-สำนักข่าวอิศรา/item/30538-close_30538.html).

<sup>22</sup>“ประกาศ คสช. ฉบับที่ 98/2557 เรื่อง การแก้ไขปัญหาจังหวัดชายแดนภาคใต้ [NCPO Announcement, 98/2014 on Solving Problems of the Southern Border Provinces],” *Ratchakittha*, July 21, 2014, accessed August 1, 2019, [http://library2.parliament.go.th/giventake/content\\_ncpo/ncpo-announce98-2557.pdf](http://library2.parliament.go.th/giventake/content_ncpo/ncpo-announce98-2557.pdf).

In late July 2014, a new Ad Hoc Committee Structure for Extinguishing the Deep South Crisis (CSDS) was also established (see Figure 2).<sup>23</sup> The CSDS was under the jurisdiction of the Steering Committee directed by deputy junta leader Prawit. It had been lauded by Prayut as the brain-child of the incoming Army Commander-in-Chief General Udomdej Sitabutr and sought to promote: 1) discussions in general; 2) discussions on laws; 3) discussions on politics; and 4) discussions on reducing violence. The CSDS structure was divided into three parts: the Safety in Life and Welfare Promotion Group (under ISOC control); the Justice Group, Understanding Group, Education Group, and Development/Commerce Group (under SBPAC control); and the Policy Efficiency Group and Security Maintenance Group (under NSC control).<sup>24</sup> On paper, ISOC, SBPAC and the NSC looked balanced in terms of their CSDS authority. However, ISOC, with its control over military security and its post-coup domination of SBPAC and the NSC, became the effective veto player in the CSDS, enshrining military supremacy over civilian decision-making in Deep South policy.

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<sup>23</sup>“NSC Decree 96, July 21, 2014: NSC Structural Forum of the Deep South Opening Four Areas for Talking and Discussing Peace,” *Isra News*, August 4, 2014, accessed May 2, 2015, [http://isranews.org/south-news/scoop/item/31815-talk\\_31815.html](http://isranews.org/south-news/scoop/item/31815-talk_31815.html).

<sup>24</sup>*Ibid.*

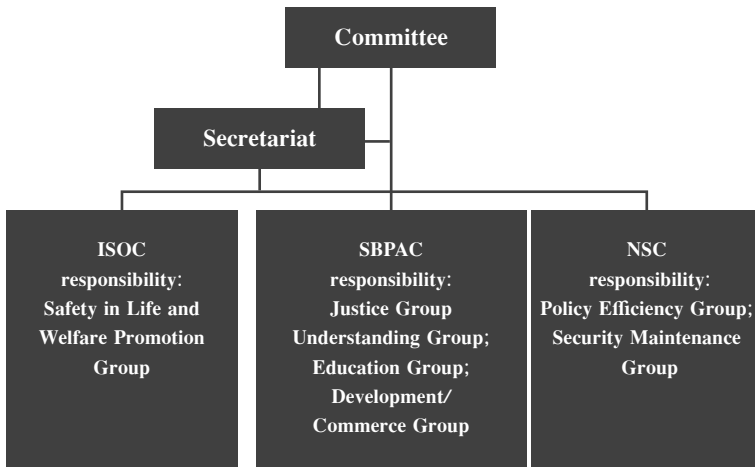


Figure 2: Ad Hoc Committee Structure for Extinguishing the Deep South Crisis (CSDS)

On November 26, 2014, the regime issued Prime Ministerial Order 230/2014, which mandated the creation of a junta mechanism for peace dialogue (See Figure 3).<sup>25</sup> After that, the NCPO finally moved back towards actual dialogue when Prayut formally agreed with Malaysian Prime Minister Najib Razak to three principles that would re-start the dialogue: 1) a period of no violence before talks could commence; 2) the inclusion of all insurgent groups and; 3) unity in rebel demands.<sup>26</sup>

<sup>25</sup>“คำสั่งสำนักนายกรัฐมนตรีที่ 230/2557 เรื่อง การจัดตั้งกลไกขับเคลื่อนกระบวนการพูดคุยเพื่อสันติสุขจังหวัดชายแดนภาคใต้ [PMO230/2014: Setting up mechanism for peace (happy) talks in the deep south of Thailand],” *Deep South Watch*, accessed August 6, 2019, [https://deepsouthwatch.org/sites/default/files/archives/docs/pm\\_order\\_230\\_2557\\_peace\\_dialogue\\_mechanism\\_plus.pdf](https://deepsouthwatch.org/sites/default/files/archives/docs/pm_order_230_2557_peace_dialogue_mechanism_plus.pdf)

<sup>26</sup>“ดับไฟใต้ สันติภาพกับสันติสุข [Extinguishing the southern fire-santipab and santisuk],” *Khao Sod*, 14 December 2014.



Figure 3: Three-Tiered Structure for Peace Dialogue

On May 13, 2015, it was reported that six of the Malay-Muslim resistance groups, with the assistance of Malaysia, had formed an umbrella organization called the Patani Consultative Council (Majilis Syura Patani or MARA Patani). The grouping consisted of three PULO factions, the Barisan Islam Perberbasan Patani (BIPP), BRN and the Gerakan Mujahideen Islami Patani (GMIP).<sup>27</sup> MARA Patani's avowed purpose was to participate in peace talks with the Thai government and "gain recognition and international support for the right to self-determination for the people of Patani." The umbrella group emphasized that all participating insurgent groups ascribed to "the claim for independence."<sup>28</sup> Thus, the establishment of MARA Patani appeared to fit one requirement of the December 2014 Prayut-Razak communiqué.

<sup>27</sup>"Southern Thailand Rebel Groups Set Up Umbrella Group for Peace Talks," *Benar News*, May 13, 2015, accessed August 9, 2019, <http://www.benarnews.org/english/news/thai/deep-south-peace-talks-05132015180353.html>.

<sup>28</sup>Abu Hafez Al-Hakim, "What is MARA Patani?," *Deep South Watch*, May 26, 2015, accessed August 1, 2019, <http://www.deepsouthwatch.org/node/7211>.



In early June 2015, the first in a new series of negotiations quietly commenced in Kuala Lumpur, Malaysia. The new round was reportedly started and backed by Prayut himself.<sup>29</sup>

The junta's decision to enter into dialogue with MARA Patani could be evaluated in two ways. On the one hand, the apparent move toward moderation could have been an insincere public relations stunt to garner support from the general population and to improve its standing in the eyes of the international community given that the 2014 coup was ill-received around the world. In addition, more right-wing elements within the military would likelier be more supportive of peace talks if they considered them little more than a public relations exercise. On the other hand, if the junta's decision to negotiate was serious, then it represented a victory for military moderates and a transformation of traditional COIN strategy as practiced in Thailand.

The concept of COIN refers to waging counterinsurgency using political, economic, security and informational functions. COIN had been implemented by the United States and by Thailand (initially) to combat communist insurgents. However, the Deep South's problems are historically rooted in a cultural and ethnic division where insurgents principally seek nationalistic secession. It is not a communist insurrection. Thus, junta moderates examined lessons from the Philippines and Indonesia, where COIN had also been used against secessionists in Mindanao and Aceh before negotiations finally resulted in different forms of autonomy. In the same vein, Thai military moderates have sought to extend Deep South military policy beyond classical COIN toward what might be termed "Neo-COIN." The term "Neo-COIN" encompasses the four traditional command and control strategies

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<sup>29</sup>Kunmetha, "Srisompob Jitpiromsri on the latest round."

(political, economic, informational, and military) with the addition of a fifth pillar, namely dialogue with insurgent leaders. However, it is not clear how such a neo-COIN acceptance of dialogue with the “enemy” is sustainable in the face of right-wing military opposition. This is a principal challenge facing Thai military moderates in the Deep South. Following its 2015 inception, the dialogue had appeared to bear some fruit. After 20 rounds of talks, the two sides agreed to the opening of a safe house in January 2018 to pave the way for the establishment of Safety Zones in the region.<sup>30</sup> However, the process was frustrated when Thailand pressed for one district to be used as a safe house and MARA Patani pressed to reserve disclosure of the Safety Zone until all issues related to it had been mutually considered and agreed upon. At the end of 2018, the dialogue remained stalled.

The legal framework in place in the region has provided the military with extensive powers to manage the insurgency (See Chapter 4 for a more elaborated account of the special security laws in place). These legal powers have led to the concentration of a large number of security personnel in the region, which is coupled with a sizeable budget. Following the 2014 coup, both the number of combat personnel and the amount of funding dedicated to counterinsurgency in the region increased. Indeed, the number of ISOC officials deployed increased from 60,000 to over 70,000 in 2015. Nearly half of the overall figure (32,958) was made up of soldiers and included numerous paramilitary Taharn Phran (rangers) under army command as well as a small number of navy and Marine Corps officials. It also consisted of 18,583 regular police and Border Patrol Police as well as 9,680 “Or Sor” volunteers under the

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<sup>30</sup>Wassana Nanuam, “‘Safe house’ to pave way for safety zones,” *Bangkok Post*, January 17, 2018, accessed August 1, 2019, <https://www.bangkokpost.com/news/security/1396990/safe-house-to-pave-way-for-safety-zones>.

purview of the Ministry of the Interior (See Table 2).<sup>31</sup>

Unit Title	Number of Officials
Command and Auxiliary Staff	1,050
Civilian Bureaucrats	2,489
Security Forces (includes Military, Police, Or Sor)	61,221
- Military(including Rangers)	(32,958)
- Police (including Border Patrol Police)	(18,583)
- Or Sor (Volunteers)	(9,680)
Intelligence Operations Unit	739
Explosives Control and Prevention Unit	75
Psychological Operations Unit	849
Combat Support and Assistance Unit	1,487
Developmental Support Unit	1,425
Patrol and State Support Unit	1,403
Total	70,738

**Table 2: Officials in Thailand's ISOC Region 4, December 2014**

In addition to the official security forces, state militias also operate in the Deep South. The first is the Or Ror Bor (Village Protection Volunteers), which are estimated to number almost 25,000 persons<sup>32</sup> although exact figures remain unclear due to the absence of official up-to-date state sources. The other militia group is the Chor Ror Bor (Self-Defense Volunteers). Each of Thailand's 2,050 villages in the provinces of Pattani, Yala and Narathiwat are supposed to eventually have 30 Chor Ror Bor volunteers. In theory then, there could be over 60,000 such volunteers in the region. However, figures from 2008 indicated that only 1,218

<sup>31</sup>"ISOC Announcement 560/2557[2014], entitled 'The Restructuring of Security Forces in the ISOC Region 4'," *Ratchakitcha*, December 30, 2014, <http://www.ratchakitcha.soc.go.th/DATA/PDF/2557/E/274/40.PDF>.

<sup>32</sup>Srisompob Jitpiromsri, "The New Challenges of Thailand's Security Forces in the Southern Frontiers," in *Knights of the Realm: Thailand's Military and Police, Then and Now*, ed. Paul Chambers (Bangkok: White Lotus Press, 2013), 562-563.

villages possessed Chor Ror Bor volunteers.<sup>33</sup> No further figures have been released for these volunteers since then. Beyond these two militia groups, there are other smaller state militia groups, including the “Iron Lady Unit,” established by the Queen in October 2005. The objective of this unit was to “train women in Pattani Province in self-protection and use of firearms.”<sup>34</sup> In 2019 reference was also made to 164 Chor Kor Tor (Sub-District Defence Volunteers) units that were said to serve alongside regular army units.<sup>35</sup>

Regarding the organization of troops, units permanently based in the Deep South include Army Circle Number 46, a newly designated 15<sup>th</sup> Infantry Division, as well as a 4<sup>th</sup> Development Division. Special Forces, Marines and the Air Force also contribute troops. These military units are accompanied by officers from the Region 9 Police and the Special Branch. Until 2016, soldiers were rotated from the 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Army Region Commands to assist soldiers in the 4<sup>th</sup> Army Region. Since then, a transition has occurred whereby security responsibilities are increasingly outsourced to paramilitaries and militias. By October 2018, 24,004 soldiers and 9,809 police were serving in the Deep South alongside 95,974 mostly-local paramilitaries and militias.<sup>36</sup> Thus, in 2019,

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<sup>33</sup> Diana Sarosi and Janjira Sombutpoonsiri, “Rule by the Gun: Armed Civilians and Firearms Proliferation in Southern Thailand,” *Non-Violence International Southeast Asia*, (May 2009): 14–15.

<sup>34</sup> *Ibid.*, pp. 14–15.

<sup>35</sup> With 36 volunteers in each unit, that comes to 5,904 Chor Kor Tor. Anchalee Kongkrut, “Not your Average Neighborhood Watch,” *Bangkok Post*, August 5, 2019, accessed August 10, 2019, <https://www.bangkokpost.com/thailand/special-reports/1724623/not-your-average-neighbourhood-watch>.

<sup>36</sup> “กำลังพลตรึง 1 ต่อ 10 ยังไม่สงบ? ไฟใต้จ่อ 15 ปีสูญงบประมาณ 3 แสนล้าน,” *Isra News*, October 3, 2018, accessed August 1, 2019, <https://www.isranews.org/content-page/67-south-slide/69962-ten-69962.html>.

Rangers, Border Patrol Police, Or Sor Volunteers, and the informal village-level militia units have spearheaded security efforts under the command of the 15<sup>th</sup> Infantry Division.<sup>37</sup> The reorganization has saved the Thai state money since paramilitaries and militias cost less than the regular army. It has localized counterinsurgency since paramilitaries and militias largely come from the region and are therefore more familiar with the Deep South. Finally, there are fewer regular soldiers from other parts of the country stationed in the region. Yet this de-professionalization has raised some serious concerns about the potential for human rights violations. Paramilitaries and militias undergo less training than regular troops and have a reputation for using more violence than regular army troops.<sup>38</sup>

In 2016, the junta also redesigned counterinsurgency administrative policy in an effort to better pacify the region. Following the enactment of NCPO Order 57/2559 in October, Deputy Defense Minister (ret. General) Udomdej Sitabutr was appointed to chair a 13-member delegation dubbed the “Forward Cabinet”. Other than three civilian members, the cabinet was heavy with active duty or retired senior army officials.<sup>39</sup> Reporting directly to Prayut and Prawit, the cabinet was tasked

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<sup>37</sup>Don Pathan, “Peace remains elusive in deep South amid local bickering and mistrust,” *The Nation*, May 23, 2017, accessed August 1, 2019, <http://www.nationmultimedia.com/detail/national/30315994>.

<sup>38</sup>International Crisis Group (ICG), “Southern Thailand: The Problem with Paramilitaries,” *Asia Report*, no. 140 (October 23, 2007), accessed November 20, 2019, <https://d2071andvip0wj.cloudfront.net/140-southern-thailand-the-problem-with-paramilitaries.pdf>.

<sup>39</sup>This includes: Aksara Kerdphol (former NCPO peace talks chair), Gen. Surachet Chaiwong (Deputy Education Minister), Gen. Sakol Chuentrakol, Gen. Udomchai Thammasaroraj (current peace talks chair), Gen. Prakan Cholayut, Gen. Wiwat Pathompak, General Chamlong Khunsong, and Gen. Manee Chanthip.

with overseeing the implementation of a roadmap to end the insurgency. This involved integrating the work of Prayut's cabinet and other central government agencies including ISOC and SBPAC. It also sought to take control over the management of all state agency budgets destined for the Deep South. The Forward Cabinet was given the power to redirect ministries' Deep South program budgets for any other purpose in the name of security and peace. In 2016, 89 projects worth 1.7 billion baht (54,838,709.67 USD) were under consideration.<sup>40</sup> The Forward Cabinet was also authorized to give recommendations to Deep South officials and to design and oversee special projects from the various ministries for the region. Finally, it was required to periodically report to the prime minister on obstacles and possible solutions to "douse" the insurgency.

Although it was hoped that the Forward Cabinet's establishment would enhance cohesion in state policy toward the Deep South and "fix the slow chain of command,"<sup>41</sup> the body has had its share of problems. First, it added to the already proliferated number of state actors and agencies involved in the Deep South. Second, most of its ideas for special projects had been proposed before and so were nothing new. The proposal to make the region a Special Economic Zone was one example. Third, its establishment did not address the problem of personal conflicts undermining the cohesiveness of state policy. In fact, if both the Forward Cabinet and 4<sup>th</sup> Army Region are responsible for Deep South policy, then there is greater potential for conflict. Indeed disagreements over policy between the head of the Forward Cabinet

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<sup>40</sup>Wassana Nanuam, "Udomdej to Tackle South Strife," *Bangkok Post*, December 23, 2016, accessed August 1, 2019, <https://www.bangkokpost.com/print/1166241/>.

<sup>41</sup>Pimuk Rakkanam, "Junta's Special Delegation for Thai Deep South Meets for First Time," *Benar News*, October 06, 2016, accessed August 1, 2019, <https://www.benarnews.org/english/news/thai/forward-committee-10062016170840.html>.

and the army commander could easily generate friction between the two. This was the case between Udomdej and former Army Commander General Teerachai Nakwanich. In October 2016, Teerachai's brother Piyawat became the 4th Army Region commander and in December, Teerachai was appointed to sit on the King's Privy Council. Whether personal problems between Udomdej and Teerachai carried over to Piyawat is difficult to answer, but it may have created obstacles to achieving a cohesive state policy.

State policy on the Deep South continues to be affected by the differences between various factions and individuals. Furthermore, the frequent rotation of personnel means that reconfigurations can yield a new set of dynamics, rivalries, and clashes. In 2016, when General Chalermchai became army commander, he restructured ISOC to include many of his colleagues in the Special Warfare Command.<sup>42</sup> The same happened in 2018 when General Apirat Kongsompong, who has close links with the palace, became army commander. In 2019, General Chai-  
chan Changmongkol, who is close to Prayut and Prawit, heads the Forward Cabinet while acting as deputy defense minister. Teerachai has since been dismissed from the Privy Council and General Pornsak Poonsawat has succeeded Piyawat as 4<sup>th</sup> Army Region commander.

Between 2004 and 2016, Thailand's budget to "douse the southern fire" totaled around 264 billion baht (8.5 billion USD) and averaged approximately 19.1 billion baht (616 million USD) per year. The annual budget started at 13.45 billion baht in 2004 and peaked at 30.88 billion

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<sup>42</sup>Wassana Nanuam, "Teething Problems for New South Delegation," *Bangkok Post*, November 10, 2016, accessed August 1, 2019, <https://www.bangkokpost.com/opinion/opinion/1131497/teething-problems-for-new-south-delegation>.

baht (996 million USD) in 2016.<sup>43</sup> Within the Office of the Prime Minister, approximately one-third or 9.14 billion baht (294 million USD) of the total budget in 2016 was earmarked for ISOC and its related programs, most of which were part of the counterinsurgency campaign.<sup>44</sup>

Since 2016, the NCPO government changed the way the budget was prepared and created the annual “Integrated Plan to Rectify the Southern Problem” as part of its attempt to streamline and harmonize the work of the different branches of government. Table 3 displays the total annual budgets allocated to address the conflict according to the Integrated Plan. It also shows the proportion of the total that was allocated to ISOC.<sup>45</sup>

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<sup>43</sup>“กำลังพลครึ่ง 1 ต่อ 10 ยังไม่สงบ? ไฟใต้จ่อ 15 ปีสูญงบ 3 แสนล้าน,” *Isra News*, accessed November 1, 2019, <https://www.isranews.org/content-page/67-south-slide/69962-ten-69962.html>.

<sup>44</sup>Budget Bureau, “ฉบับที่ ๓ เล่มที่ ๑ ฉบับปรับปรุง ตามพระราชบัญญัติงบประมาณรายจ่าย ประจำปีงบประมาณ ๒๕๕๙,” 204, accessed November 1, 2019, <http://www.bb.go.th/topic-detail.php?id=6701&mid=545&catID=866>.

<sup>45</sup>Budget Bureau, “แผนงานบูรณาการขับเคลื่อนการแก้ไขปัญหาจังหวัดชายแดนภาคใต้ ฉบับที่ ๓ เล่มที่ ๑๓ (๑) ฉบับปรับปรุง ตามพระราชบัญญัติงบประมาณรายจ่าย ประจำปีงบประมาณ พ.ศ. ๒๕๖๐,” 42, accessed November 1, 2019, <http://www.bb.go.th/topic-detail.php?id=6692&mid=545&catID=865>; Budget Bureau, “ฉบับที่ ๓ เล่มที่ ๑๒ (๑) ประจำปีงบประมาณ พ.ศ. ๒๕๖๑,” 55, accessed November 1, 2019, <http://www.bb.go.th/topic-detail.php?id=6518&mid=545&catID=863>; Budget Bureau, “ฉบับที่ ๓ เล่มที่ ๑๔ (๑) งบประมาณรายจ่ายฉบับปรับปรุง ตามพระราชบัญญัติงบประมาณรายจ่ายประจำปีงบประมาณ พ.ศ. ๒๕๖๒,” 35, accessed November 1, 2019, <http://www.bb.go.th/topic-detail.php?id=8393&mid=545&catID=1151>.



Year	Integrated Plan Budget (baht)	Integrated Plan Budget (USD)	ISOC Budget (baht)	ISOC Budget (USD)
2017–2018	12,510,110,300	403,551,945	3,554,642,600	114,665,890
2018–2019	13,255,744,700	427,604,668	3,739,113,100	120,616,552
2019–2020	11,924,266,300	384,653,752	3,974,191,600	126,302,987
<b>Total</b>	<b>48,555,584,600</b>	<b>1,566,309,180</b>	<b>15,123,840,900</b>	<b>487,865,835</b>

**Table 3: Budget for the Integrated Plan to Rectify the Southern Problem**

At first, it appears that following the development of the NCPO's integrated plan, the overall budget for the region decreased significantly from its 2016 peak. However, additional funding for the southern border provinces is also distributed throughout the budgets of individual ministries and other government agencies. Taken together, the overall amount allocated for the region remains incredibly high. Table 4 displays the projected budget for the fiscal year 2019 to 2020 as well as the portion allocated to different security agencies.<sup>46</sup>

2019–2020	Integrated Plan Budget (baht)	Integrated Plan Budget (USD)	Cumulated Budget (baht)	Cumulated Budget (USD)	% Increase
<b>Overall</b>	<b>11,924,266,300</b>	<b>384,653,752</b>	<b>38,500,662,700</b>	<b>1,241,956,861</b>	<b>223%</b>
ISOC	3,974,191,600	128,199,729	8,426,952,200	271,837,168	112%
Armed Forces	1,518,702,500	48,990,403	5,430,317,100	175,171,519	258%
Police	137,576,100	4,437,939	3,268,376,700	105,431,506	2,276%

**Table 4: Budget for the Integrated Plan vs. Cumulated Budget to Rectify the Southern Problem 2019–2020**

<sup>46</sup>Civil Society and Academic Network to Monitor the 2019–2020 Southern Budget

Figure 4 below shows the proportion of the overall budget for the Deep South allocated to the security agencies.<sup>47</sup> Almost half of the budget is apportioned to the security sector. This proportion also increases if one takes into consideration the budget allocated to Or Sor volunteers and other civilian militia groups that fall under the Ministry of Interior.<sup>48</sup> Insurgency during this period has represented a gold mine for Thai security forces. Indeed, the Deep South is a region where the Thai state prioritizes well-financed military, police, paramilitary and militias.

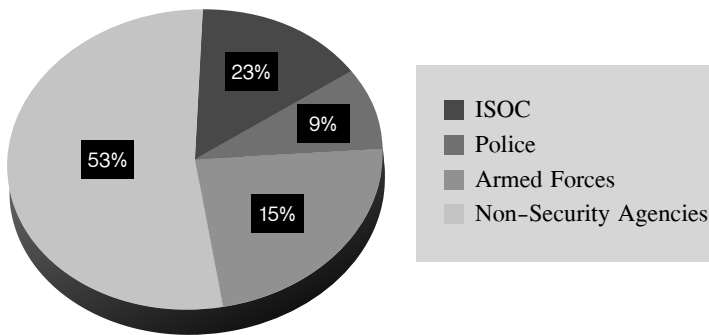


Figure 4: Share allocated to security agencies in the 2019–2020 cumulated budget

<sup>47</sup>Ibid.

<sup>48</sup>While there are some budget items under the MoI Deep South budget that are explicitly security-oriented (weapons, armoured vehicles and protective clothing), it is not unequivocally clear for every budget item. With respect to financing of civilian militias, since the Or Sor is a countrywide organization, it is not possible to identify how much of their approximately 6.64 billion baht (214 million USD) budget is apportioned to the Deep South. There is no mention of Chor Ror Bor in the budget. However, numerous accounts confirm that funding for these units come from the Department of Provincial Administration (DPA). Thus, there is a strong likelihood that part of the DPA budget for equipment, training and remuneration is allocated to the Chor Ror Bor civilian militia. However, given the ambiguity, it is not possible to disaggregate the security-oriented portion of the MoI budget.

The growth of the counterinsurgency budget parallels an increase in overall defense spending. In 2019, overall financing for the military remains high and in some areas continues to increase. The budget for the Defense Ministry has grown from 210 billion baht (6.86 billion USD) in 2017 to 220 billion baht (7.18 billion USD) in 2018 to 227 billion baht (7.41 billion USD) in 2019.<sup>49</sup>

Altogether, Thailand's neo-COIN strategy in the Deep South has been quite diverse. Political tactics have ranged from hiring SBPAC advisors from among the local community; forging links with and improving the Pondok educational system; as well as using psychological operations. Examples of "Psyops" include;

- informing locals that security officials are beneficial and do not want to harm them;
- spreading propaganda about the need to unite under the Thai state;
- educating Malay-Muslims about the negative aspects of insurgent groups;
- working with and promoting the agenda of moderate Malay-Muslim leaders;
- broadcasting Malay language news via state TV and radio;
- visiting various parts of the region and disseminating information via leaflets or other media promoting the importance of working under the Thai government and;
- granting partial or full amnesties to repentant insurgents.

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<sup>49</sup>Figures cited in Jitraporn Sennawong and Kas Chanwanpen, "Army Chief Bristles over Proposals to Cut Budget," *The Nation*, February 19, 2019, accessed March 2, 2019, <http://www.nationmultimedia.com/detail/politics/30364353>.

The ultimate objective of these psychological operations has been to generate positive public relations for the state among Malay-Muslims and to turn them against the separatists. Another strategy is the 2012-initiated “*Pha Khon Klab Ban*” (Bring the People Home) scheme, a limited amnesty program whereby former insurgents are given the opportunity to surrender and subsequently reintegrate back into society, provided they plead guilty to charges levelled against them in court.

To bolster intelligence in the Deep South and support law enforcement in combating crime, the state established a DNA database in 2004. After the coup, the military accelerated DNA collection and conducted random, compulsory DNA swabbing of residents in the region. The tactic aimed to identify insurgents from among the local population. However, the practice amounted to the forced collection of DNA, which overwhelmingly targeted the Malay-Muslim population. The UN Office of the High Commissioner on Human Rights and the National Human Rights Commission of Thailand pointed out that the increased use of DNA tests to combat the conflict may constitute racial discrimination against Malay-Muslims. NGOs have also accused the military of discrimination and racial profiling in implementing the policy. At a meeting with local Malay-Muslim peace groups, the 4<sup>th</sup> Army Region Commander promised that “officials are trying to adhere to human rights principles, as well as religious guidelines, when searching for targets.”<sup>50</sup> Yet the state’s failure to obtain consent before conducting the DNA tests raises doubts as to whether they are genuinely trying to adhere to human

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<sup>50</sup>Nasueroh, “Southern Thailand: Officials, NGOs Meet Over Controversial DNA Swabs,” *Benar News*, August 11, 2015, accessed August 1, 2019, <http://www.benarnews.org/english/news/thai/dna-08112015180328.html>.

rights principles. Another criticism raised in relation to the practice has been the charge of religious insensitivity following security forces use of sniffer dogs to identify explosives, drugs or suspects around mosques and religious objects.

With regard to economic security, the NCPO embarked on a number of initiatives in the region. These include encouraging and investing in tourism promotion, industrial ventures, development projects, and a free trade zone. They also worked with the palace to promote royal projects in the Deep South. Yet while the NCPO has attempted to kick off investment there, many private investors remain skittish about becoming more established in the region.

#### **4. Principal Problems and Dilemmas Facing Thai Security Policy in the Deep South**

Despite the enhanced Neo-COIN policy, there remain numerous obstacles that have impeded its success. The first problem involves the dialogue itself. Although peace talks resumed in 2015 under the NCPO-government, insurgent attacks and military raids persisted. Indeed, not all resistance movement groups joined MARA Patani; some movement members refused even to be a part of any negotiations and some groups defected from MARA. Since powerful elements of the Thai military have revealed themselves to be opposed to a political resolution, it is hardly surprising that some Malay-Muslims viewed the military's talk of dialogue as insincere. For example, before becoming the junta leader, Prayut publicly denounced any proposal for autonomy. In 2011, in response to proposals that would grant limited autonomy for the region, he declared, "any action that may serve to undermine our strength or weaken state authority should be of concern....what is important is

that Thais are Thais.”<sup>51</sup> Such skepticism towards the military government’s sincerity with respect to dialogue, at present, seems to be justified. Since April 2018, there has not been a single official dialogue meeting between the Thai government and MARA Patani as the former effectively sidelined the umbrella group and shifted its attention to the BRN’s military wing. In the meantime, current Army Commander General Apirat has been continuing with the state’s traditional two-pronged policy, which has so far consisted mainly of repressive counterinsurgency measures combined with attempts to restart discreet dialogue with Malay-Muslim resistance leaders. Aside from the abovementioned challenges, another challenge to dialogue over the last decade has been the instability of Thai politics. With the formation of a weak coalition government in 2019, it remains likely that political instability at the national level could also present yet another obstacle to the resumption of negotiations.

A second problem with Deep South counterinsurgency policy has been the sheer size of state investment in the region. As detailed above, from 2004 until 2016, Thailand had invested 264 billion baht (8.5 billion USD) into resolving the conflict and the state continues to pour money in.<sup>52</sup> Such costs bode ill for the Thai economy, which is currently showing signs of weakness. Nevertheless, some state agencies are likely enthusiastic about this heavy investment: the Ministry of Defense and the army can rationalize increases in their budgetary allocations

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<sup>51</sup> Jason Szep, “Analysis: A debate over autonomy in Thailand’s restive south,” *Reuters*, June 23, 2011, accessed August 1, 2019, <http://www.reuters.com/article/2011/06/23/us-thailand-election-muslims-idUSTRE75M0Q220110623>.

<sup>52</sup> “Forces Frozen 1 to 10, still no peace? Under fire for 15 years, losing 300 Baht Billion Baht,” *Isra News*, October 3, 2018, accessed February 23, 2019, <https://www.isranews.org/content-page/67-south-slide/69962-ten-69962.html>.

because of the continuing insurrection. At the same time, some rogue military officials have, according to the author's interviews, profited from the continuing crisis. This is because the conflict has guaranteed them a steady source of income in the form of higher salaries and illicit profits (e.g. oil smuggling, etc.).

A third problem is that security officials are often insufficiently trained to deal with counterinsurgency issues. The result has been a knee-jerk preference to use repression over more moderate tactics. In particular, the post-2016 outsourcing of security responsibilities to paramilitaries and militias has brought these concerns into stark relief since these groups lack even the most rudimentary training in human rights.

A fourth and related problem has been the misbehavior of some security officials toward the local Malay-Muslim population. Allegations of human rights violations, intimidation, discrimination and corruption have long tainted Thai bureaucrats. Despite the numerous reports of torture and enforced disappearance, no criminal legal sanctions have ever been taken against any security officials for such abuses against the local population.<sup>53</sup> The existence of these abuses and of other military excesses owes partly to laws that create an enabling environment for such violations to occur. The Martial Law Act (1914), the Emergency Decree Act (2005), and the Internal Security Act (2008)

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<sup>53</sup>Joint NGO Submission by Cross Cultural Foundation (CrCF) Hearty Support Group (Duayjai), and Patani Human Rights Network (HAP), "Situation of Rights to Life and Prohibition of Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment [Thailand]," February 6, 2017, [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/THA/INT\\_CCPR\\_CSS\\_THA\\_26528\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/THA/INT_CCPR_CSS_THA_26528_E.pdf); Abby Seif, "Thailand: Pressure mounts for enforced disappearance laws," *International Bar Association (IBAnet)*, May 23, 2016, accessed August 1, 2019, <https://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=08ec62b7-a86c-4fc2-a598-b780a3628b68>.

all help to ensure immunity from prosecution for soldiers and police.

A fifth problem is the frequent rotation of senior security officials in charge of the Deep South has led to an absence of policy durability. Indeed, the fact that Thailand has had five army commander since 2014,<sup>54</sup> each bringing in their own team of officials, has hampered policy consistency. The same is true at the level of the 4<sup>th</sup> Army Region. Since 2003, there have been twelve 4<sup>th</sup> Army Region Commanders and in 2014, General Walit Rojanapakdee served in the role for only six months.

A sixth problem is the disaggregation of security policy in the Deep South has promoted tensions among various security agencies deployed in the region as well as between senior officials tasked with policy-making. The United States Embassy in Bangkok has referred to the rivalry between the army and the police as “institutionalized.”<sup>55</sup> The army has traditionally been dominant over the region (and over the country). The periods where police exercised greater clout was between 1951 and 1957 and between 2001 and 2006. This entrenched inter-agency competition was a principal reason why CPM43 was created. Nevertheless, police and army interactions have often been less than seamless and have even resulted in “chaotic” security operations.<sup>56</sup> The issue of

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<sup>54</sup>Gen. Prayut Chan-o-cha, Gen. Udomdej Sitabutr, Gen. Teerachai Nakwanich, Gen. Chalermchai Sittisart and Gen. Apirat Kongsompong

<sup>55</sup>United States Embassy Cable, “A Long-term Thai Effort to Deal with Southern Violence,” *Wikileaks*, May 16, 2006, accessed August 1, 2019, [https://wikileaks.org/plusd/cables/06BANGKOK2890\\_a.html](https://wikileaks.org/plusd/cables/06BANGKOK2890_a.html).

<sup>56</sup>Jeff Moore, “The Thai Way of Counterinsurgency” (PhD diss., University of Exeter, December 2010), 268. accessed August 6, 2019, <https://ore.exeter.ac.uk/repository/bitstream/handle/10036/3142/MooreJ%20.pdf?sequence=2>.



poor collaboration was raised by key informants from both the military and police during the author's interviews. Army officials expressed frustration with what they saw as the police's excessive adherence to the law, which they considered problematic because "the law simply cannot solve the problems of the Deep South." In their view, although the military is less familiar with the law, they know what tactics to adopt to pacify the insurgency. The police, on the other hand, know the law but nothing else. Thus, the two institutions struggle to successfully collaborate.<sup>57</sup> At the same time, police officials interviewed felt that army officials tried to dominate Deep South policy and did not put enough effort into cooperating with police.<sup>58</sup> Responses from both police and military interviewees suggested that interagency rivalry plagued every level of the bureaucratic chain of command. Moreover, these tensions occur not only between service personnel on the ground but also, as discussed earlier, at the policy level despite all the efforts to integrate and harmonize policy-making.

A seventh problem has been the inconsistency of counterinsurgency policy across successive governments since 2001. This period of inconsistency began under Thaksin Shinawatra when he gave the police a much more prominent role in policy. However, the army's influence returned in 2006 following Thaksin's ouster. Elected civilian governments gained more influence over the Deep South in 2011 and Yingluck Shinawatra's government enhanced the role of the police again. Finally,

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<sup>57</sup> Personal Interview with Anonymous Royal Thai Army representatives, Pattani, Thailand, October 8, 2015.

<sup>58</sup> Personal Interview with Anonymous Royal Thai Police representatives, Pattani, Thailand, October 7, 2015.

the 2014 military coup resurrected the clout of the army in the region. Between 2006 and 2018, Thailand went through seven governments. In the face of such instability, guaranteeing policy consistency has proved to be a significant challenge.

An eighth problem provides an autocratic answer to the issue of policy inconsistency. The 2014 coup ended elected civilian control over SBPAC and voided the policy of “Politics leading the Military” that had been reinstated by the Abhisit government. Since the establishment of a new government following Thailand’s 2019 General Election, it is clear that the military will continue to maintain control over Deep South policy with the rationale of guaranteeing policy consistency. Yet in doing so, the principles of democracy, transparency and accountability continue to be undermined.

The ninth and final problem is the connection between violent incidents and dialogue. In 2019, counterinsurgency policy appeared to be quelling the insurgency. According to state sources, the number of violent incidents in the region decreased by 70 percent since 2011.<sup>59</sup> However, this success has not been the result of peace talks. Rather, it has come about from the implementation of a more brutal military policy. In 2017, then–Army Commander Chalermchai Sitthisart gave field unit commanders permission to “retaliate against militant attacks or threats immediately without having to wait for approval from superiors.”<sup>60</sup> Such an order invariably set the stage for heightened state–sanctioned

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<sup>59</sup>“Violence Falls 70 Percent in Deep South,” *Bangkok Post*, October 24, 2018, accessed August 6, 2019, <https://www.bangkokpost.com/news/security/1563278/violence-falls-70-in-deep-south>.

<sup>60</sup>“Army chief makes an inspection tour of restive South,” *Thai PBS*, April 23, 2017, accessed June 17, 2018, <http://englishnews.thaipbs.or.th/army-chief-makes-inspection-tour-restive-south/>.

repression. In addition, the perceived success of such an approach could well embolden hardline military factions to push for an end to the peace dialogue on the basis that enhanced force is all that is necessary to deal with the insurrection.

## 5. Strategies and Activities of the Resistance Movements

While security forces have been both pro-active and reactive in handling administration of the Deep South, the resistance movement has pursued pro-active insurrection. However, the insurgent strategy vis-à-vis security forces has generally lacked cohesion. Such disunity owes to the fact that there are various groups resisting the Thai state and they often disagree on strategy. Beginning with the strongest armed resistance group in terms of firepower, the leading insurgent groups include the BRN, Pertubuhan Pembesaran Patani Bersatu (PULO-DSPP), Barisan Islam Perbersasan Patani (BIPP), Gerakan Mujahidin Islamiya Patani (GMIP), “PULO-P4” led by Shamsudin Khan, the Patani United Liberation Organization (PULO-MKP) led by Kasturi Mahkota, and ‘PULO-PERPADUAN’ led by Tengku Mahmood Mahyuddin II.<sup>61</sup> In 2003, a year before the conflict reignited, a seven-step strategy for Patani secession was found in the home of a BRN leader.

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<sup>61</sup>Patani United Liberation Organization (PULO), accessed June 19, 2019, [puloinfo.net/statements.asp?ID=47](http://puloinfo.net/statements.asp?ID=47).

Step 1	Mobilize Malay-Muslim masses by raising their political consciousness through education covering Patani's history, culture and religion.
Step 2	Integrate specific institutions - including mosques, tadikas, pondoks, councils, and clubs - into the mass subversion.
Step 3	Integrate members into a mass insurgent political organization; gather intelligence and tax supporters of the revolution 30 baht (approx. 1 USD) per month.
Step 4	Build up and fortify the insurgent military organization; increase insurgent recruitment and training.
Step 5	Build up mass nationalism to support the insurgency; strengthen Malay-Muslim consensus around the notion of a Patani national consciousness.
Step 6	Final insurgent military preparation.
Step 7	Revolution.

Table 5: Seven-Step Strategy for Patani Secession<sup>62</sup>

Although negotiations are not included in this seven-step strategy, the willingness among some insurgent factions to commit to dialogue with the Yingluck government, the NCPO, as well as with previous governments since 2004, could be said to have constituted a

<sup>62</sup>Sascha Helbardt, "Anatomy of Southern Thailand's Insurgency: Some Preliminary Insights," accessed August 6, 2019, <https://www.newmandala.org/wp-content/uploads/2010/01/Anatomy-of-Southern-Thailand%D1%82%D0%90%D0%A9s-Insurgency.pdf>; Surachart Bamrungasuk, "Insurgency in Southern Thailand: Problems and Evolution," *Security Studies Journal*, no. 73 (February 2010): 20-23.

modification of the resistance movements' original hardline strategy.<sup>63</sup> In fact, several factors could be said to have influenced the change in the insurgents' original seven-step plan. First, foreign governments such as Malaysia and international organizations such as the Organization of Islamic Cooperation (OIC) have advocated in favor of moderation and negotiation. Second, following Thailand's commitment to negotiations under the facilitation of Malaysia, some segments of the BRN

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<sup>63</sup>Malay-Muslim insurgents have negotiated on-and-off with every Thai administration since 2004. In 2004, Bersatu leader Wan Kadir Che Man proposed talks with the Thaksin government. In December 2005, representatives from five Muslim insurgent groups met secretly with senior Thai military officers in Malaysia to produce a peace plan in talks mediated by Malaysia. However, the talks ended following the 2006 coup against Thaksin. The new Surayud regime could not accept the earlier peace plan's promise to establish an independent tribunal to try security officials for alleged human rights violations and to grant amnesty to all insurgents. However, Surayud jump-started his own peace talks dubbed the "Geneva Process." The failure in Geneva led the Samak government to commence its own "Bogor" peace talks and this was followed by a futile attempt by Chavalit Yongchaiyudh under the Somchai Wongsawat government. Indeed, opposition by Army Commander Anupong Paochinda and Thailand's 2008 political chaos brought Chavalit's peace initiative to an end. By 2009, talks were said to have commenced again, with then-Prime Minister Abhisit Vejjajiva stating that, "I have heard that there have been some talks, but I cannot be involved with these kinds of procedures."

See "Thai Prime Minister Throws Cold Water on Peace Talks Plans," *Daily Excelsior*, May 26, 2004, <https://web.archive.org/web/20070927201250/http://www.dailyexcelsior.com/web1/04may26/inter.htm#9>; Parvaiz Bukhari, "For Southern Thailand, Still no Peace," *Time*, December 31, 2006, <http://content.time.com/time/world/article/0,8599,1572061,00.html>; United States Embassy Cable, "Southern Violence: Chavalit Reenters Government with a Plan, Exits Quickly with Empty Hands," *Wikileaks*, October 7, 2008, [https://wikileaks.org/plusd/cables/08BANGKOK3033\\_a.html](https://wikileaks.org/plusd/cables/08BANGKOK3033_a.html); "An interview on the ongoing southern conflict with Abhisit & Thavorn," *Deep South Watch*, June 29, 2009, accessed August 6, 2019, <http://www.deepsouthwatch.org/node/371>.

acknowledged that a political settlement could be a workable option. Third, a growing number of Malay–Muslims appeared to disagree with the use of radical means for achieving political change in the Deep South.<sup>64</sup> Although the seven–step plan's validity could be disputed on the basis that the strategy does not correlate completely with the actions undertaken by the resistance movements, it could still be considered a holistic tool through which they have generally sought to achieve their ends.

Insurgent violence since 2004 has demonstrated some discernible patterns. Insurgents have consistently used targeted hit–and–run violence and maintained a resolute silence with respect to claims of responsibility. Insurgents act as phantoms by night or by day and this has made it difficult for Thai intelligence to identify the perpetrators. Both soft targets and hard targets have been the focus of insurgent attacks. Over time, the targets of these attacks have become increasingly urban–focused, not only rural–focused. Occasional bombings outside of Narathiwat, Yala and Pattani have led some observers to suggest that the insurgents may be expanding their field of operations. One such bombing occurred in Hat Yai in March 2012 and another took place on April 2015 in Koh Samui.<sup>65</sup> Other likely insurgent bombings were the attacks in seven provinces following the 2016 referendum and the August 2019 bombing in Bangkok (See Chapter 2 for a deeper discussion on violence in the Deep South).

In late 2019, with MARA Patani effectively sidelined from the dialogue process, it was unclear whether the other resistance movement

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<sup>64</sup>Telephone interview with Dr. Srisompob Jitpiromsri, February 6, 2016.

<sup>65</sup>Zachary Abuza, "The Smoldering Thai Insurgency," *Combating Terrorism Center, West Point*, accessed August 6, 2019, <https://www.ctc.usma.edu/posts/the-smoldering-thai-insurgency>.

groups would step up and engage in a fresh round of negotiations with the newly formed Prayut government. MARA Patani's greatest weakness was the fact that BRN had officially refused to participate in the dialogue even though individual BRN members had joined the talks in a personal capacity. Despite attempts made by the Thai state to entice the BRN to participate in talks, no effective dialogue has yet been observed.

According to a MARA Patani insider, the BRN was divided over pursuing dialogue with the Thai state and preferred to adopt a wait-and-see approach. During the period of the NCPO, some BRN members did not believe that the Thai state would be willing to make any genuine concessions and so preferred to wait and see what the outcome of the 2019 General Election would be.<sup>66</sup> Now that the outcome of the election is clear and with many of the same faces still dominating the cabinet, it is unlikely that the concerns of these BRN members would have been allayed.

The author's interviews with representatives of different security agencies offered a variety of explanations and interpretations of the insurgents' strategy. One hypothesis was centered on the belief that the BRN is biding its time as it sought to recruit one million people to its cause within 10 years. During this time, it would ensure that the Thai state was occupied with fixing irrelevant or minor problems in the Deep South. After 10 years, the BRN would emerge from the underground and more forcefully wage conflict against the state. Given that the population of the Deep South is almost two million, the figure of one million recruits comes across as somewhat implausible.

Another claim made during key informant interviews was that

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<sup>66</sup>Rungrawee Chalermripinyorat, "Ending Conflict in Thailand's Deep South," *New Mandala*, August 25, 2015, accessed August 6, 2019, <http://asiapacific.anu.edu.au/newmandala/2015/08/25/ending-conflict-in-thailands-deep-south/>.

the BRN often attacked and killed Muslim civilians while dressed as soldiers. It was explained that this tactic would prompt members of civil society to blame the military for attacks and the armed forces would then be perceived more negatively among Muslims in the region. Given the numerous allegations of soldiers intentionally targeting civilians, it is worth considering whether such a claim may be an attempt to counter the oft-repeated accusations made against the Thai military.<sup>67</sup>

An alternative interpretation of insurgent strategy was proposed by the *Or Sor* volunteer interviewed by the author. He suggested that since 2004 insurgent strategy had evolved from its initial objective of achieving an independent Patani state. The volunteer believed that insurgents now prioritized narcotics-trafficking, petroleum-smuggling and murder-for-hire work. He argued that it was difficult for the Thai military to really know if insurgent representatives at the negotiation table truly represented those insurgents engaged in attacks on the ground. He also claimed that insurgents likely received funding from wealthy Malaysians, or even Malaysia, that supplemented the income derived from illicit enterprise.<sup>68</sup>

Questions and rumors surrounding the resistance movement groups abound. What is clear is that they continue to engage in combat against the Thai security infrastructure. However, a certain number have demonstrated some willingness to negotiate with the Thai state and to push either for secession (independence) or for constitution-based autonomy depending on the group, despite the existing divisions among their ranks. That said, these fissures represent a significant challenge to

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<sup>67</sup>Personal Interview with Anonymous Royal Thai Army representatives, Pattani, Thailand, October 8, 2015.

<sup>68</sup>Personal Interview with Anonymous Volunteer, Pattani, Thailand, October 10, 2015.



the cohesion of the movement and, thus, to their overall strength.

The persistence of the resistance movement has compelled Thai security forces to employ both political as well as military strategies. Academic sources have noted how the state's counterinsurgency structure has undergone substantial internal changes. Indeed, ISOC's gradual takeover of SBPAC started before the 2014 coup. Yet the question arises as to why, following the coup, did Prayut not just use Article 44 to dismantle SBPAC? First, security officials believe that if SBPAC had been disbanded, there would have been an upsurge in violence similar to the upsurge Thaksin was confronted with in 2004. Second, it was suggested that Thai security forces were not ready to take complete responsibility for subduing the insurgency. Indeed, the NCPO's Deep South policy still made reference to "solving the problem through peaceful means", their preferred euphemism for dialogue. Finally, the military believed that their practice of handing over security suspects to the police freed them from becoming the target of revenge attacks.<sup>69</sup>

In fact, some academics believe that the military is aware that the Deep South problem can only be resolved with a political solution. They argue that Yingluck's move to pursue overt negotiations with the BRN was so momentous that no successor regime could "turn back the clock" in terms of policy. Although the traditional mentality of the security apparatus has been "to drain the swamp"-i.e. use force to separate militants from local people - the military has come to understand that it must complement its military strategy with a political strategy. Malaysia has played an important role in this endeavor as facilitator of the negotiations. Nevertheless, these academics reiterate that not all insurgent groups

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<sup>69</sup> Personal Interview with anonymous academics, *Deep South Watch*, Pattani, Thailand, October 6, 2015.

support negotiations as a means to resolve the conflict.<sup>70</sup>

## 6. Concluding Remarks: Future of Security Policy in the Deep South

At the beginning of this chapter, five questions were asked: How have Thai security forces' engaged in the Deep South under successive governments and what have been important turning points in southern security policy up until Thailand's 2014 military coup d'état? What was the NCPO military junta's policy toward the Deep South until its dissolution in 2019? What problems and dilemmas have Thai security agencies encountered in the execution of their counterinsurgency strategy? What have been the strategies and activities of the resistance movements vis-à-vis state security forces? How might Thai security policy for the Deep South look in the near future?

In answer to the first question, security policy in the region has suffered from a legacy of authoritarianism, bureaucratic ineptitude, ignorance, and discrimination toward local Malay-Muslims. While the 1980s witnessed greater attempts by policymakers to address the Deep South problem using COIN, the 2001 election of Thaksin Shinawatra contributed to greater state-society tensions. The result was the intensification of insurgency in 2004 which has continued to the present. Under Thaksin, harsh state repression dominated security policy. Under his sister Yingluck, Thaksin appeared to have learned that brute force alone was not a useful policy prescription. In 2013, Yingluck embarked on dialogue with the BRN, which ran alongside the army's counterinsurgency campaign. In answer to the second question, following

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<sup>70</sup>Personal Interview with anonymous academics, *Deep South Watch*, Pattani, Thailand, October 6, 2015.

Thailand's 2014 military coup, it seemed the NCPO would revert to a hard-line policy. Instead, the junta opted for negotiations combined with the more traditional elements of COIN strategy, the sum of which this study terms "neo-COIN." Although military moderates appeared to support negotiations with representatives of the resistance movements, right-wing military officials explicitly saw the talks more as a useful public relations exercise. In answer to the third question, this chapter has highlighted nine problems and dilemmas hindering security forces in the Deep South. With regard to the fourth question, insurgent strategy continues to prioritize the use of violence to achieve its goals. Since 2013, only some groups have supported the use of negotiations alongside the violence. In this sense, they are similar to Thaksin and the NCPO in coming to realize that negotiations are necessary. However, disagreements within the resistance movement has prevented them from achieving any substantial policy cohesion.

With regard to the final question, the likely future of security policy regarding the Deep South must be answered by examining the current facts on the ground. In early 2019, it appeared that the Thai military's strategy of repression overlaid with an ostensible support for dialogue had paid dividends. According to Thai government sources, the number of violent incidents in the region had decreased by 70 percent since 2011.<sup>71</sup> However, this success cannot be attributed to the peace talks. Rather, the reduction is the result of a more effective pacification and use of force on the ground. In 2017, Army Chief General Chalermchai Sittisart permitted field commanders to retaliate against militant attacks or threats immediately without having to wait for approval from

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<sup>71</sup>"Violence Falls 70 Percent in Deep South," *Bangkok Post*, October 24, 2018, accessed February 23, 2019, <https://www.bangkokpost.com/news/security/1563278/>

superiors<sup>72</sup> and this policy has been continued by his successor, Army Commander General Apirat. Such willful disregard on the part of the military leadership has set the stage for heightened state repression in the Deep South. By 2018, 20 different rounds of peace talks had occurred although none had led to any kind of breakthrough. The Safety Zone initiative faltered when Thailand pressed for one district to be used as a “safe house” while MARA Patani pushed to reserve disclosure of the Safety Zone’s location until all issues pertaining to the Safety Zone had been mutually considered and agreed upon. In the end, the initiative failed to materialize and talks stalled. In January 2019, the resistance movement stormed a Buddhist temple and killed two Buddhist monks. Apirat responded by announcing that soldiers would be ordained and stationed inside Buddhist temples in the Deep South.<sup>73</sup> This policy has since begun to be implemented.<sup>74</sup> Although dialogue between the two sides appeared to have temporarily ceased, discreet talks resumed and have continued.

It is clear that there is a growing realization among some segments of the Thai military that over a decade of heightened security investments have only contained rather than halted the violence. The NCPO-leaders

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violence-falls-70-in-deep-south.

<sup>72</sup>“Army chief makes an inspection tour of restive South,” *Thai PBS*, April 23, 2017, accessed February 23, 2019, <http://englishnews.thaipbs.or.th/army-chief-makes-inspection-tour-restive-south/>.

<sup>73</sup>Narong Nuansakul, “Army plans to have soldiers ordained, posted to temples in troubled South: Army chief,” *The Nation*, January 22, 2019, accessed February 23, 2019, <http://www.nationmultimedia.com/detail/national/30362720>.

<sup>74</sup>The ordaining of soldiers represented the public revival of a policy implemented in October 2005 by military agents under Queen Sirikit whereby soldiers would be barracked and army weapons stored in Buddhist temples. (Anonymous leading academic on Thailand’s Deep South, Phitsanulok, Thailand, February 27, 2019).

seemed to realize, on one level, that the Yingluck government's 2013 commencement of dialogue with insurgents represented an avenue for conflict resolution that Thailand could ill afford to reject, at least as a public relations stunt. Within the military, some have started to understand that repression alone cannot extinguish the insurrection. There is a recognition that the military must try to win the "hearts and minds" of local Malay-Muslims and offer, at least, the appearance of political engagement. However, the military is also aware that the resistance movement is beset with internal disagreements and may never succeed in uniting as a coherent entity against the Thai state. Given these considerations, the future of Thai security policy in the Deep South is likely to be one of continued repression coupled with further attempts to identify the right persons to engage with in a low-key dialogue process. Once an official dialogue process finally occurs, and preferably with the BRN, the state will seek a negotiated settlement on terms that are mostly favorable to Bangkok. Security forces will likely continue to use ISOC to enhance their attempts to co-opt the Malay-Muslim population. Such a counterinsurgency approach will take many years to successfully implement. Ultimately, as noted by Deep South specialist and political scientist Dr. Srisompob Jitpiromsri, "political solutions and security sector reforms are the critical factors required to gradually end the violence."<sup>75</sup> Tragically, in 2019, a just and peaceful resolution of the Deep South conflict through negotiations is unlikely to materialize in the short-term. Militarization and securitization of the region, however, remain ubiquitous realities.

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<sup>75</sup>Srisompob Jitpiromsri, "An Inconvenient Truth about the Deep South Violent Conflict: A Decade of Chaotic, Constrained Realities and Uncertain Resolution," *Deep South Watch*, July 2, 2014, accessed August 6, 2019, <http://www.deepsouthwatch.org/node/5904>.

## Bibliography

- Abuza, Zachary. "The Smoldering Thai Insurgency." *Combating Terrorism Center, West Point*, June 2015. <https://www.ctc.usma.edu/posts/the-smoldering-thai-insurgency>.
- Aphornsuvan, Thanet. *Rebellion in Southern Thailand: Contending Histories*. Policy Studies, 35. Washington, D.C.: East-West Center Washington, 2007.
- Askew, Marc. "The Democrats and the Southern Malaise." *Bangkok Post*, September 13, 2009.
- Askew, Marc. "The Spectre of the South: Regional Instability as National Crisis." In *Legitimacy Crisis in Thailand*, edited by Marc Askew. Chiang Mai: Silkworm Books, 2010.
- Bamrungsuk, Surachart. "Insurgency in Southern Thailand: Problems and Evolution." *Security Studies Journal*, no. 73 (February 2010): 20-23.
- Bangkok Post. "Prayut: Peace in South by 2015." September 29, 2014.
- Bangkok Post. "Violence Falls 70 Percent in Deep South." October 24, 2018. <https://www.bangkokpost.com/news/security/1563278/violence-falls-70-in-deep-south>.
- Bangkok Post. "Violence Falls 70 Percent in Deep South." October 24, 2018. <https://www.bangkokpost.com/news/security/1563278/violence-falls-70-in-deep-south>.
- Benar News. "Southern Thailand Rebel Groups Set Up Umbrella Group for Peace Talks." May 13, 2015. <http://www.benarnews.org/english/news/thai/deep-south-peace-talks-05132015180353.html>.
- Budget Bureau. "แผนงานบูรณาการขับเคลื่อนการแก้ไขปัญหาจังหวัดชายแดนภาคใต้ ฉบับที่ ๓ เล่มที่ ๑๓ (๑) ฉบับปรับปรุง ตามพระราช-

บัญญัติงบประมาณรายจ่าย ประจำปีงบประมาณ พ.ศ. ๒๕๖๐.”

<http://www.bb.go.th/topic-detail.php?id=6692&mid=545&catID=865>.

Budget Bureau. “ฉบับที่ ๓ เล่มที่ ๑ ฉบับปรับปรุง ตามพระราชบัญญัติ  
งบประมาณรายจ่าย ประจำปีงบประมาณ ๒๕๕๙.” <http://www.bb.go.th/topic-detail.php?id=6701&mid=545&catID=866>.

Budget Bureau. “ฉบับที่ ๓ เล่มที่ ๑๒ (๑) ประจำปีงบประมาณ พ.ศ. ๒๕๖๑.”  
Accessed November 1, 2019. <http://www.bb.go.th/topic-detail.php?id=6518&mid=545&catID=863>.

Budget Bureau. “ฉบับที่ 3 เล่มที่ 14 (1) งบประมาณรายจ่ายฉบับปรับปรุง  
ตามพระราชบัญญัติงบประมาณรายจ่ายประจำปีงบประมาณ พ.ศ. 2562.”  
<http://www.bb.go.th/topic-detail.php?id=8393&mid=545&catID=1151>.

Bukhari, Parvaiz. “For Southern Thailand, Still no Peace.” *Time*,  
December 31, 2006. <http://content.time.com/time/world/article/0,8599,1572061,00.html>.

Chalermripinyorat, Rungrawee. “Ending Conflict in Thailand’s Deep  
South.” *New Mandala*, August 25, 2015. <http://asiapacific.anu.edu.au/newmandala/2015/08/25/ending-conflict-in-thailands-deep-south/>.

Daily Excelsior. “Thai Prime Minister Throws Cold Water on Peace  
Talks Plans.” May 26, 2004. <https://web.archive.org/web/20070927201250/http://www.dailyexcelsior.com/web1/04may26/inter.htm#9>.

Deep South Watch. “An interview on the ongoing southern conflict  
with Abhisit & Thavorn.” June 29, 2009. <http://www.deepsouthwatch.org/node/371>.

Deep South Watch. “คำสั่งสำนักนายกรัฐมนตรีที่ 230/2557 เรื่อง การจัดตั้ง  
กลไกขับเคลื่อนกระบวนการพูดคุยเพื่อสันติสุขจังหวัดชายแดนภาคใต้  
[PMO230/2014: Setting up mechanism for peace (happy) talks in  
the deep south of Thailand].” <https://deepsouthwatch.org/sites/>

default/files/archives/docs/pm\_order\_230\_2557\_peace\_dialogue\_mechanism\_plus.pdf.

Hafez Al-Hakim, Abu. "What is MARA Patani?." *Deep South Watch*, May 26, 2015. <http://www.deepsouthwatch.org/node/7211>.

Helbardt, Sascha. "Anatomy of Southern Thailand's Insurgency: Some Preliminary Insights." <https://www.newmandala.org/wp-content/uploads/2010/01/Anatomy-of-Southern-Thailand%D1%82%D0%90%D0%A9s-Insurgency.pdf>.

International Crisis Group (ICG). "Southern Thailand: Insurgency, not Jihad." *Asia Report*, no. 98 (May 18, 2005).

International Crisis Group (ICG). "Southern Thailand: Dialogue in Doubt." *Asia Report*, no. 270 (July 8, 2015). <https://d2071andvip0wj.cloudfront.net/270-southern-thailand-dialogue-in-doubt.pdf>.

International Crisis Group (ICG). "Southern Thailand: The Problem with Paramilitaries." *Asia Report*, no.140 (October 23, 2007). <https://d2071andvip0wj.cloudfront.net/140-southern-thailand-the-problem-with-paramilitaries.pdf>.

Isra News. "NSC Decree 96, July 21, 2014: NSC Structural Forum of the Deep South Opening Four Areas for Talking and Discussing Peace." August 4, 2014. [http://isranews.org/south-news/scoop/item/31815-talk\\_31815.html](http://isranews.org/south-news/scoop/item/31815-talk_31815.html).

Isra News. "Forces Frozen 1 to 10, still no peace? Under fire for 15 years, losing 300 Baht Billion Baht." October 3, 2018. <https://www.isranews.org/content-page/67-south-slide/69962-ten-69962.html>.

Isra News. "เปิดโครงสร้างดับไฟใต้ยุค คสช. ลุยพูดคุยสันติภาพ-ปิดช่องปกครองตนเอง [Establishing an Organization to Extinguish Southern Fire, NCPO to Pursue Peace Dialogue, Rules out Self-Rule]." June 19, 2014. <http://www.isranews.org/เรื่อง>



เด่น-สำนักข่าวอิศรา/item/30538-close\_30538.html.

Isra News. “กำลังพลตริ่ง 1 ต่อ 10 ยังไม่สงบ? ไฟใต้จ่อ 15 ปีสูญงบประมาณ 3 แสนล้าน.” October 3, 2018. <https://www.isranews.org/content-page/67-south-slide/69962-ten-69962.html>.

Isra News. “กำลังพลตริ่ง 1 ต่อ 10 ยังไม่สงบ? ไฟใต้จ่อ 15 ปีสูญงบประมาณ 3 แสนล้าน.” <https://www.isranews.org/content-page/67-south-slide/69962-ten-69962.html>.

Jitpiromsri, Srisompob. “An Inconvenient Truth about the Deep South Violent Conflict: A Decade of Chaotic, Constrained Realities and Uncertain Resolution.” *Deep South Watch*, July 2, 2014. <http://www.deepsouthwatch.org/node/5904>.

Jitpiromsri, Srisompob. “The New Challenges of Thailand’s Security Forces in the Southern Frontiers.” In *Knights of the Realm: Thailand’s Military and Police, Then and Now*, edited by Paul Chambers, 562–563. Bangkok: White Lotus Press, 2013.

Joint NGO Submission by Cross Cultural Foundation (CrCF) Hearty Support Group (Duayjai), and Patani Human Rights Network (HAP), “Situation of Rights to Life and Prohibition of Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment [Thailand].” February 6, 2017. [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/THA/INT\\_CCPR\\_CSS\\_THA\\_26528\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/THA/INT_CCPR_CSS_THA_26528_E.pdf).

Khao Sod. “ดับไฟใต้ สันติภาพกับสันติสุข [Extinguishing the southern fire-santipab and santisuk].” 14 December 2014.

Kongkrut, Anchalee. “Not your Average Neighborhood Watch.” *Bangkok Post*, August 5, 2019. <https://www.bangkokpost.com/thailand/special-reports/1724623/not-your-average-neighbourhood-watch>.

Kunmetha, Thaweepon. “Srisompob Jitpiromsri on the latest round of Deep South peace talks.” *Prachathai*, June 18, 2015. <http://www.prachatai.com/english/node/5168>.

- McCargo, Duncan. "Southern Thailand: From Conflict to Negotiations?." *Lowy Institute*, April 23, 2014. [https://www.lowyinstitute.org/sites/default/files/mccargo\\_southern-thailand\\_0\\_0.pdf](https://www.lowyinstitute.org/sites/default/files/mccargo_southern-thailand_0_0.pdf).
- McCargo, Duncan. "Thaksin and the Resurgence of Violence in the Deep South." In *Rethinking Thailand's Southern Violence*, edited by Duncan McCargo. Singapore: NUS Press, 2007.
- Moore, Jeff. "The Thai Way of Counterinsurgency." PhD diss., University of Exeter, December 2010). <https://ore.exeter.ac.uk/repository/bitstream/handle/10036/3142/MooreJ%20.pdf?sequence=2>.
- Moore, Jeff. "The Thai Way of Counterinsurgency." PhD diss., University of Exeter, December 2010.
- Nanuam, Wassana. "'Safe house' to pave way for safety zones." *Bangkok Post*, January 17, 2018. <https://www.bangkokpost.com/news/security/1396990/safe-house-to-pave-way-for-safety-zones>.
- Nanuam, Wassana. "Teething Problems for New South Delegation." *Bangkok Post*, November 10, 2016. <https://www.bangkokpost.com/opinion/opinion/1131497/teething-problems-for-new-south-delegation>.
- Nanuam, Wassana. "Udomdej to Tackle South Strife," *Bangkok Post*, December 23, 2016. <https://www.bangkokpost.com/print/1166241/>.
- Nasueroh. "Southern Thailand: Officials, NGOs Meet Over Controversial DNA Swabs." *Benar News*, August 11, 2015. <http://www.benarnews.org/english/news/thai/dna-08112015180328.html>.
- National News Bureau of Thailand. "Defense Minister: Peace will return to Deep South within one year." November 4, 2014.
- Nuansakul, Narong. "Army plans to have soldiers ordained, posted to temples in troubled South: Army chief." *The Nation*, January 22, 2019. <http://www.nationmultimedia.com/detail/>

national/30362720.

Patani United Liberation Organization (PULO). [puloinfo.net/statements.asp?ID=47](http://puloinfo.net/statements.asp?ID=47).

Pathan, Don. “Peace remains elusive in deep South amid local bickering and mistrust.” *The Nation*, May 23, 2017.

<http://www.nationmultimedia.com/detail/national/30315994>.

Pitsuwan, Surin. “Seven Pointers to Claiming the South.” *The Nation*, February 17, 2004.

Rakkanam, Pimuk. “Junta’s Special Delegation for Thai Deep South Meets for First Time.” *Benar News*, October 06, 2016.

<https://www.benarnews.org/english/news/thai/forward-committee-10062016170840.html>.

Ratchakitcha. “ประกาศ คสช. ฉบับที่ 98/2557 เรื่อง การแก้ไขปัญหาลำพูนชายแดนภาคใต้ [NCPO Announcement, 98/2014 on Solving Problems of the Southern Border Provinces].” July 21, 2014.

[http://library2.parliament.go.th/giventake/content\\_ncpo/ncpo-annouce98-2557.pdf](http://library2.parliament.go.th/giventake/content_ncpo/ncpo-annouce98-2557.pdf).

Ratchakitcha. “ประกาศคณะรักษาความสงบแห่งชาติ ฉบับที่ 34/2557 เรื่อง การปรับปรุงโครงสร้างการจัดของคณะรักษาความสงบแห่งชาติ [NCPO Announcement 34/2014, on Adjusting the Structure of the National Council for Peace and Order].” May 30, 2014.

[https://library2.parliament.go.th/giventake/content\\_ncpo/ncpo-annouce34-2557.pdf](https://library2.parliament.go.th/giventake/content_ncpo/ncpo-annouce34-2557.pdf).

Ratchakitcha. “ISOC Announcement 560/2557[2014], entitled ‘The Restructuring of Security Forces in the ISOC Region 4’.”

December 30, 2014. <http://www.ratchakitcha.soc.go.th/DATA/PDF/2557/E/274/40.PDF>.

Sarosi, Diana, and Janjira Sombutpoonsiri. “Rule by the Gun: Armed Civilians and Firearms Proliferation in Southern Thailand.”

*Non-Violence International Southeast Asia*. (May 2009): 14–15.

Seif, Abby. “Thailand: Pressure mounts for enforced disappearance

- laws." *International Bar Association (IBAnet)*, May 23, 2016. <https://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=08ec62b7-a86c-4fc2-a598-b780a3628b68>.
- Sennawong, Jitraporn, and Kas Chanwanpen. "Army Chief Bristles over Proposals to Cut Budget." *The Nation*, February 19, 2019. <http://www.nationmultimedia.com/detail/politics/30364353>.
- Szep, Jason, "Analysis: A debate over autonomy in Thailand's restive south." *Reuters*, June 23, 2011. <http://www.reuters.com/article/2011/06/23/us-thailand-election-muslims-idUSTRE75M0Q220110623>.
- Terrorism Research and Analysis Consortium. "Barisan Revolusi Nasional (BRN)." Accessed July 1, 2015. <http://www.tracking-terrorism.org/group/barisan-revolusi-nasional-brn>.
- Thai PBS. "Army chief makes an inspection tour of restive South." April 23, 2017. <http://englishnews.thaipbs.or.th/army-chief-makes-inspection-tour-restive-south/>.
- Thai PBS. "Army chief makes an inspection tour of restive South." April 23, 2017. <http://englishnews.thaipbs.or.th/army-chief-makes-inspection-tour-restive-south/>.
- Thayer, Carlyle. "Insurgency in Southern Thailand: Literature Review." <http://www.scribd.com/doc/17965033/Thayer-Insurgency-in-Southern-Thailand>.
- United States Embassy Cable. "A Long-term Thai Effort to Deal with Southern Violence." *Wikileaks*, May 16, 2006. [https://wikileaks.org/plusd/cables/06BANGKOK2890\\_a.html](https://wikileaks.org/plusd/cables/06BANGKOK2890_a.html).
- United States Embassy Cable. "Southern Violence: Chavalit Reenters Government with a Plan, Exits Quickly with Empty Hands." *Wikileaks*, October 7, 2008. [https://wikileaks.org/plusd/cables/08BANGKOK3033\\_a.html](https://wikileaks.org/plusd/cables/08BANGKOK3033_a.html).

## Appendix: State Security Officials' Perceptions in the Deep South<sup>76</sup>

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This appendix presents a summary of informant interviews, which helped to inform the discussion in this chapter. It provides some additional insights about the perspectives of officials from different agencies and sheds some light on the dynamics that shape interactions on the ground among those responsible for implementing state policy.

### *Perspective of senior military officers<sup>77</sup>*

According to those interviewed, the military understand that their priorities in the Deep South are to: 1) prevent violence by Muslim insurgents against other Muslims and sufficiently compensate Muslims who had been harmed; and 2) prevent Buddhists from being enticed to use violence while taking care of Buddhist communities.

Interviewees believed that the 2014 coup contributed to the improvement of Deep South policy by creating a more unified approach among state actors, which the NCPO could take advantage of to solve the region's problems. Interviewees explained that 17 ministries and 65 departments were involved in resolving the Deep South problem and

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<sup>76</sup>The methodological approach utilized for respondents was unstructured elite interviews. Such an approach gives respondents broad leeway in interpretation and open-ended answers rather than acquisition of numbers. The method can reveal respondents' values and biases. Different questions were asked to reveal the same answer as a means of achieving validity. For this section, the author talked to 6 senior army officials, 4 police and 1 Or Sor volunteer, who had previously served as a ranger.

<sup>77</sup>Personal Interview with Anonymous Royal Thai Army representatives, Pattani, Thailand, October 8, 2015.

claimed that the state had allocated 2 trillion baht to pacify the conflict. Following the coup, the new Ad Hoc Committee Structure for Extinguishing the Crisis in the Deep South (CSDS) brought together different functional sectors, including the grassroots, NGOs, and military. This body was praised by interviewees for its inclusivity. Interviewees felt it offered local people an opportunity to participate in terms of implementation. At the same time, interviewees also claimed that a major strength of the military-controlled CSDS was the fact that military leaders no longer had to listen to the opinions of elected civilian leaders and could do what they liked. Interviewees cited the subordination of SBPAC under ISOC as an example of this more improved and unified policy approach.

The policies of previous civilian-led governments were contrasted with the policies of the NCPO. Interviewees criticized the 2008–2011 Abhisit Vejjajiva government for playing a lot of politics; Abhisit was believed to have appointed people to positions overseeing Deep South policy based on partisan cronyism not based on their Deep South expertise. As for Yingluck Shinawatra, her government inordinately decentralized policy-making to people from the local community.

When asked why security officials had been unable to “fix” the Deep South problem, seven reasons were offered:

1. Thailand's acrimonious Red Shirt–Yellow Shirt conflict had overshadowed the southern conflict;
2. Policy inconsistency owing to the frequent rotation of 4<sup>th</sup> Army Region commanders. Every time a new regional commander arrived, he would bring in a new team of loyalists. It was suggested that each 4<sup>th</sup> Army Region commander should serve at least three years. This suggestion was also extended to army commanders. Since army commanders also tended to place

their loyalists into the 4<sup>th</sup> Army Region commander position, these loyalists would also end up only serving a one-year term if the army commander only served a one-year term.

3. The ineptitude of Deep South policymakers. Army officials with any real knowledge had little voice over policy. For example, interviewees believed that the BRN's influence was channeled through Islamic Studies teachers in the Centers for Islamic Education at all the Deep South mosques (Tadika). As such, they felt that the Education Ministry needed to play more of an active role by monitoring or taking care of these centers. If the BRN's educational connection was cut, this would prevent them from recruiting more children.
4. The military's misapplication of decades-old anti-communist counterinsurgency tactics to combat Malay-Muslim insurgents, who were very different from the Thai communists.
5. The lack of collaboration among state security agencies.
6. The secretive nature of the insurgents and their use of guerilla tactics. Interviewees also suggested that the state should publicly identify BRN leaders.
7. The "armed conflict" discourse, having been applied to the insurgency, gave lasting semantic capital to the rebels' cause.

#### *Perspective of police officials*<sup>78</sup>

In addition to the traditional duties of protecting the life, welfare, and property of the people in the region, the interviewees also saw themselves as facilitators of justice. They clarified this by explaining that the police today tend to focus more on political strategies before resorting to the use of force. Police officers attempted to make good

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<sup>78</sup> Personal Interview with Anonymous Royal Thai Police representatives, Pattani, Thailand, October 7, 2015.

relations with religious leaders and this had helped them build trust among local Muslims. They contrasted their approach with the military's tendency to use force. Interviewees attributed the low police casualty count as owing to this policy of moderation and trust-building<sup>79</sup> and dismissed the military's claim that this was due to police residing primarily in urban areas. Interviewees said the efficacy of their approach was borne out by a recent survey which found that local communities placed their confidence most in volunteers, teachers, sub-district heads (Kamnan), village headmen, heads of Tambon Administration Organization, and police. By contrast, communities felt most hostile to rangers and the military.

Interviewees acknowledged that there had not always been confidence in the police. When Thaksin became prime minister in 2001, the police spearheaded a policy of repression. Following the outbreak of violence in 2004, police policies were largely based on short-term experience rather than any coherent policy paradigm. After the 2006 coup which ousted Thaksin, the police took a backseat to the military. As such, despite the existence of parallel lines of police bureaucracy in the Deep South,<sup>80</sup> all police personnel had to work under the scrutiny of ISOC. The interviewees' accounts of working in the Deep South under the current and previous administrations also highlighted the pattern of policy inconsistency. Moreover, they recognised that this inconsistency was exacerbated by the dearth of cooperation between the

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<sup>79</sup> In 2015, only ten police personnel died.

<sup>80</sup> This includes the Border Patrol Police (BPP), a type of paramilitary organization, that also works under the police, operating in rural areas particularly along the border with Malaysia. According to a United Nations convention that Thailand has signed, there cannot be troops stationed within a certain number of kilometers of the border. As a result, Thailand utilizes the BPP.



police and military.

Since the 2014 coup, more police personnel and budget has been funneled into the Deep South. Although the NCPO offered more financial support to the police than the Yingluck government did, the police budget was still proportionally smaller when compared to the combined budgets of the military and the paramilitaries. Interviewees noted that the police's focus on field work instead of policy and planning work meant they lacked training on preparing and maintaining budgets. Nevertheless, their budgets had to adhere to the finely-detailed rules of the Office of National Budget. By contrast, the army attended to its budgeting and planning more carefully even though the Defense Ministry was not required to abide by the rules under the Office of National Budget. As such, although corruption and a lack of transparency were present in both the police and army, the fact that the Defense Ministry need not abide by these strict budgetary rules ensured that the military was able to circumvent legal obstacles that police could not avoid. Interviewees seemed to imply that, in contrast to the military, budgetary irregularities on the part of the police could be attributed to the institution's overall lack of capacity in budgeting matters.

*Perspective of a former Buddhist Ranger (eight years) currently an Or Sor Volunteer for 3 years<sup>81</sup>*

Rangers and *Or Sor* volunteers are paramilitary units. However, *Or Sor* volunteers serve under the MoI and each unit is headed by the deputy district chief, who serves under the provincial governor. In spite of falling under the purview of the MoI, the *Or Sor* volunteer's welfare stipend comes from the ISOC budget, unlike their counterparts serving

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<sup>81</sup> Personal Interview with Anonymous Volunteer, Pattani, Thailand, October 10, 2015.

in other parts of Thailand, since the Deep South is considered to be a war zone.

*Or Sor* volunteers receive 4,000 baht (129 USD) per month. However, they may also receive up to 8,000 baht (258 USD) as danger pay. Altogether, this amounts to 12,000 baht (387 USD) per month. As such, volunteers have to find additional work to supplement their income. Volunteers earn less than rangers because different salary scales are applied to the positions. Volunteer salary scales only have 13 levels whereas rangers have 33 levels. Apparently, demands for a salary increase had been refused by the head of the MoI's Department of Local Government Administration.<sup>82</sup> As for pensions, both rangers and volunteers receive their final month's salary multiplied by the number of years served as a single lump sum. The state offers compensation to family members in the event that a ranger or volunteer is killed in the line of duty. However, volunteers receive less than rangers and this was seen as unjust.

The interviewee described how in the past local people were recruited and trained to be rangers and because it was believed their local knowledge would generate better intelligence. Now, the state recruited people from outside areas because locals had grown frustrated with the corruption and had stopped becoming rangers.<sup>83</sup> As a result, rangers were increasingly imported from places such as Northeast

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<sup>82</sup> It was not explained why the request had been made to the MoI if the budget belonged to ISOC. Such confusion is symptomatic of the bureaucratic tangle of command and duties among different agencies in the region.

<sup>83</sup> An example of corruption was explained through the case of "ghost soldiers". This entailed inflating the number of rangers in a company in order to receive the additional stipends. Thus there would be a discrepancy between the number of reported rangers versus the actual number of rangers within a company.

Thailand and their lack of local knowledge was resulting in intelligence deficiencies.

He noted that rangers were disliked in rural areas and attributed this to the fact that rangers carried out army operations that over-emphasized attempts to corner the enemy. The “Black Uniformed Gentleman” (*Supap-burut Chut Dam*) rangers program, which began in 2009, was an attempt to apply a less abusive or intimidating strategy. Since this strategy began, rangers were placed in hard-to-defend locations and this made them more of a target. The interviewee eventually resigned from the rangers because he believed this strategy exposed rangers to greater danger.

Even though the interviewee received less as a volunteer, he now had more time to spend with his family. Another benefit was that volunteers could avoid being embroiled in any disagreements between police and the army because they were ultimately answerable to the provincial governor. Volunteers acted in more of an auxiliary role to the army or police. Volunteer duties could be limited to simply providing information to the military. However, this support role also meant that volunteer responsibilities were not always clear-cut. If they were ordered to do anti-narcotics work, then they would have to.

As a volunteer, he considered the NCPO’s policy to be an improvement to that of the Yingluck government’s because the former’s was less ambiguous and he felt there was now more stability. The interviewee also believed that Prayut closely followed what was happening on the ground. He cited policy inconsistency as well as inter-agency rifts as the state’s main policy weaknesses.

Despite some disagreement on the exact tactics to be used to resolve the “problem”, all the interviewees recognized that the insurgency could not be won through brute force alone. In terms of factors

contributing to the state's inability to quell the violence, three interrelated themes came up repeatedly in interviews with representatives of each of the three security agencies; policy inconsistency, poor implementation, and inter-agency rivalries. These factors were believed to have undermined an effective and coherent response to the conflict and led to mutual blame, particularly between the police and the military, as well as a degree of acrimony on the part of the volunteer.

## Chapter 4

# The Administration of Justice in Thailand's Southern Border Provinces

■ Emma Potchapornkul

### 1. Introduction

Since 2004, Thailand's three southern border provinces of Pattani, Yala, and Narathiwat as well as four districts of Songkhla have witnessed the resurgence of a violent ethno-political conflict leading to numerous deaths and an even higher number of maimed and injured. The issue of justice, or rather the lack thereof, has repeatedly been cited as one of the causes of the conflict. Claims of injustices on the part of the Thai state against the Malay-Muslim population reach far back into the region's history. The 2004 escalation of violence created new drivers for unrest and social division, including high levels of securitisation and related cycles of revenge and counter-revenge. This has given rise to further claims of injustice on the part of the region's inhabitants. The 2006 National Reconciliation Commission report cited "*injustice arising from the existing justice process and administrative system*" as one of the structural conditions that explained the phenomenon of violence in the predominantly Malay-Muslim provinces.<sup>1</sup>

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<sup>1</sup>National Reconciliation Commission, "Overcoming Violence Through the Power of Reconciliation," last modified May 16, 2006, accessed November 15, 2018, [http://thailand.ahrchk.net/docs/nrc\\_report\\_en.pdf](http://thailand.ahrchk.net/docs/nrc_report_en.pdf).

However, a cursory examination of the government's Integrated Budget to Rectify the Southern Problem suggests that the government is far less attune to the issue of justice. Between the fiscal years 2017/18 and 2019/20, a meagre 0.48 percent or 182,025,100 baht (5,871,777 USD) of the integrated budget has been allocated to the Ministry of Justice out of a total 37,690,121,300 baht (1,215,810,365 USD). Compared with the combined budget of the Internal Security Operations Command (ISOC), the Ministry of Defence and the Royal Thai Police, the contrast is stark. With 16,986,689,200 baht (547,957,716 USD), security agencies receive around 45% of the integrated budget to address the southern problem.<sup>2</sup> Large amounts of money have been spent to “secure” the region, yet the violence continues and claims of injustice continue to be made.

In attempting to establish the state of justice in Thailand's southern border provinces, this paper takes as a starting point the UN definition of justice as “*an ideal of accountability and fairness in the protection and vindication of rights and the prevention and punishment of wrongs.*”<sup>3</sup>

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<sup>2</sup> ฉบับที่ ๓ เล่มที่ ๑ ฉบับปรับปรุง ตามพระราชบัญญัติงบประมาณรายจ่าย ประจำปีงบประมาณ พ.ศ. ๒๕๕๙, p.204 <http://www.bb.go.th/topic-detail.php?id=6701&mid=545&catID=866>

แผนงานบูรณาการขับเคลื่อนการแก้ไขปัญหาจังหวัดชายแดนภาคใต้

ฉบับที่ ๓ เล่มที่ ๑๓ (๑) ฉบับปรับปรุง ตามพระราชบัญญัติงบประมาณรายจ่าย ประจำปีงบประมาณ พ.ศ. ๒๕๖๐ p.42 <http://www.bb.go.th/topic-detail.php?id=6692&mid=545&catID=865>

ฉบับที่ ๓ เล่มที่ ๑๒ (๑) ประจำปีงบประมาณ พ.ศ. ๒๕๖๑ p.55 <http://www.bb.go.th/topic-detail.php?id=6518&mid=545&catID=863>

ฉบับที่ 3 เล่มที่ 14 (1) งบประมาณรายจ่ายฉบับปรับปรุง ตามพระราชบัญญัติงบประมาณรายจ่าย ประจำปีงบประมาณ พ.ศ. 2562 p.35

<http://www.bb.go.th/topic-detail.php?id=8393&mid=545&catID=1151> [accessed 1 Nov 2019]

<sup>3</sup> Guidance Note of the Secretary-General, “UN Approach to Rule of Law Assistance,” last modified April 2008, accessed July 21, 2018, <https://www.un.org/ruleoflaw/files/RoL%20Guidance%20Note%20UN%20Approach%20FINAL.pdf>.

This paper attempts to assess the extent to which the formal mechanisms applied in the administration of justice in relation to the Deep South meet this ideal of accountability and fairness.<sup>4</sup> In doing so, it will be necessary to embed this assessment within a discussion of the changes to the overall constitutional and legal framework throughout the country since the May 2014 coup d'état as this will have an important bearing on the administration of justice in the future. Furthermore, over and above the institutional structures in place that comprise the formal justice system, an equally important yet highly subjective measure is the perception of justice, as viewed by different sectors and strata of society. This paper will also attempt to examine various discourses illuminating the differing perceptions of justice and how these are shaped by the way in which different branches of the state engage with the local populace at various levels and in different localities. Finally, this paper will explore the concept of transitional justice and how it may be employed to address the underlying grievances that have fuelled the conflict over the years, whilst also addressing the negative impact of the violence on the minority Thai-Buddhist population in the region.

### 1.1 Historical Context

The three southern border provinces of Pattani, Yala, and Narathiwat and four districts of Songkhla once formed part of the historical Sultanate of Patani. In 1909, the Anglo-Siamese Treaty formally demarcated the current border between Thailand and Malaysia and thus split the Patani Kingdom between these two newly-formed territories.

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<sup>4</sup>It is recognised that the administration of justice may also involve informal, customary and traditional mechanisms but these mechanisms are beyond the scope of this paper.

In the late 1930s, the military-led nationalistic administration of Field Marshal Phibun Songkhram sought to suppress non-Thai ethnic identity, and Thai language use was imposed on the Malay-Muslim population and on other ethnic groups scattered throughout the country's peripheral areas. An incident in April 1948, known as the Dusun Ynor Rebellion, highlighted the increased tensions between Thai officials and local Malay-Muslims. The three-day clash resulted in numerous deaths on both sides. Hundreds of villagers fled across the border into neighbouring Malaya. Another incident in 1954 involved the unresolved disappearance of a respected and influential Malay-Muslim religious teacher, Haji Sulong Abdulkadir al-Fatani, who had tried to engage with the Thai political system to advocate for the improved livelihood of Malay-Muslims.<sup>5</sup>

Such events have left deep imprints on many Malay-Muslims and are seen as exemplary markers of the injustices experienced by the Malay-Muslim population throughout its history of subjugation. The sense of injustice can exert a powerful influence on a group's sense of identity. The feelings of suffering and persecution that embed itself within the historical memory of a large group can endure over generations.

## 1.2 Re-emergence of Conflict

In January 2004, a well-coordinated attack and weapons seizure at a military barracks in Narathiwat signalled the re-emergence of the violent conflict. The then-government of Thaksin Shinawatra responded by declaring Martial Law in 2004. This was followed by the imposition

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<sup>5</sup>For a more elaborated account of the historical context and the abovementioned incidents, see: International Crisis Group, "Southern Thailand: Insurgency, not Jihad," last modified 2005, accessed November 5, 2018, <https://www.crisisgroup.org/asia/south-east-asia/thailand/southern-thailand-insurgency-not-jihad>.



of the Emergency Decree in July 2005. In 2008, the Internal Security Act (ISA) was passed to make the Cold War era Internal Security Operations Command (ISOC) a permanent agency with special powers to oversee all civilian agencies, particularly in situations deemed national emergencies.

On 28 April 2004, a confrontation known as the Krue Se Mosque massacre led to the deaths of roughly 108 insurgents and five members of the security forces. This incident, significant because security officials' storming of the mosque was seen as desecrating a place of worship, was said to recall the Dusun Ynor rebellion. On 25 October 2004, approximately 1,500 people launched a protest in front of Tak Bai police station in Narathiwat after six village defence volunteers were accused of stealing weapons from a local armoury. Seven people were killed during the protest. Furthermore, lacking enough vehicles to transport the protestors to Inkayuthboriharn Army Camp in Pattani, soldiers stacked individuals on top of one another in the available trucks. This led to the deaths of another 78 people, who suffocated during the six-hour trip.<sup>6</sup>

The parallels drawn between past and more recent events reinforce the sense of injustice felt among the Malay-Muslim population and provide justification for the armed resistance movements to continue waging violence. The following section will attempt to evaluate the formal mechanisms of justice to identify whether the available evidence supports such claims of continued injustice.

## **2. Formal Mechanisms of Justice**

### **2.1 Legal Framework in place in the Southern Border Provinces**

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<sup>6</sup>Ibid

Two sets of laws have been used in tandem to strengthen law enforcement's capacity to address the criminal and violent acts related to the insecurity in the conflict-affected region.<sup>7</sup> The first set comprises the body of texts that make up the Special Security Laws and the second set comprises Regular Criminal Law. Over the past 15 years, the southern border provinces have been subject to layers of laws that have been applied in a seemingly haphazard and arbitrary manner. Attempting to discern the pattern or procedure in which the special security laws are applied is a daunting task for those who have attempted to navigate the system.

## 2.2 Application of Special Security Laws in the Southern Border Provinces

Table 1: Special Security Laws

Law	Enforcement area	Superior power	Search and arrest	Detention	Political rallies	Amnesty	Immunity for officials
<b>The 1914 Martial Law Act</b>	Yala, Pattani, & Narathiwat	Military	Without court warrant	No longer than 7 days without court warrant	Prohibited	Not mentioned	Provided for individual soldiers

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<sup>7</sup>Following the Code of Conduct for Law Enforcement Officials adopted by UN General Assembly resolution 34/169 of 17 December 1979, "(a) The term 'law enforcement officials', includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention. (b) In countries where police powers are exercised by military authorities, whether uniformed or not, or by State security forces, the definition of law enforcement officials shall be regarded as including officers of such services." This paper also uses the term "security official" interchangeably.

Law	Enforcement area	Superior power	Search and arrest	Detention	Political rallies	Amnesty	Immunity for officials
<b>The 2005 Emergency Decree on Government Administration in States of Emergency</b>	Yala, Pattani, & Narathiwat, excluding Mae Lan district of Pattani, <sup>8</sup> Sungai Golok & Sukhirin of Narathiwat, & Betong of Yala <sup>9</sup>	Prime Minister	With court warrant	No longer than 30 days without court warrant	Prohibited	Not mentioned	Provided for officials
<b>The 2008 Internal Security Act (ISA)</b>	Mae Lan district of Pattani, Sungai Golok & Sukhirin of Narathiwat, Betong of Yala, & four districts of Songkhla <sup>10</sup>	Prime Minister <sup>11</sup>	With court warrant <sup>12</sup>	With court warrant <sup>13</sup>	Allowed	Allowed	Not provided for

Source: adapted from Chandra, T. (2017) "Political Participation during Conflict: A Case Study of the Conflict Areas in Songkhla and Pattani Provinces of Thailand" Degree of Doctor of Philosophy in Political Science. University of Canterbury

<sup>8</sup>The Emergency Decree was revoked in December 2010 and replaced by the ISA in Mae Lan district of Pattani. "Pattani Chief Labour Officer welcomed Prime Minister," Ministry of Labour, accessed November 5, 2018, <http://www.mol.go.th/en/anonymouse/provincial/13725>.

<sup>9</sup>The Emergency Decree was revoked and replaced by the ISA in Betong, Sungai Kolok, and Sukhurin in March, November, and June 2018 respectively. "Tourists return Betong emergency deree lifted," Thai PBS, accessed November 17, 2018, <http://englishnews.thaipbs.or.th/tourists-return-betong-emergency-decree-lifted/>;

Martial Law, the Emergency Decree, and the ISA constitute the three special security laws in force in the four southern border provinces since 2004, 2005, and 2008 respectively. These laws furnish law enforcement officials with broad executive powers of detention without recourse to adequate judicial oversight. They also establish a framework that provides impunity for perpetrators of a variety of human rights violations.<sup>14</sup>

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“Emergency decree lifted at Sungai Kolok,” *Bangkok Post*, accessed November 17, 2018, <https://www.bangkokpost.com/news/security/1487174/emergency-decree-lifted-at-sungai-kolok>; “Security law relaxed in district,” *Bangkok Post*, accessed November 17, 2018, <https://www.bangkokpost.com/news/general/1577250/security-law-relaxed-in-district>.

<sup>10</sup> The ISA replaced Martial Law in four districts of Songkhla: Chana, Tepha, Natawee, and Sabayoi in December 2010. “Thailand’s Internal Security Act: risking the rule of law?,” ICJ, last modified February 2010, accessed October 30, 2018, <https://www.icj.org/thailands-internal-security-act-risking-the-rule-of-law/>.

<sup>11</sup> The International Commission of Jurists (ICJ) has expressed concern that the ISA fails to guarantee civilian authority over ISOC as it allows the Prime Minister to delegate powers to the Commander-in-Chief of the Army. *Ibid.*

<sup>12</sup> ICJ cites one improvement of the final text of the ISA as the “*application of Criminal Procedure Code standards to criminal investigations, detentions and arrests in most circumstances*” such that “*arrest and detention is regulated by the Criminal Procedure Code and subject to the scrutiny of the Courts of Justice*”. *Ibid.* p.v.

<sup>13</sup> *Ibid.*

<sup>14</sup> ICJ & TLHR, “Joint Submission of the International Commission of Jurists and Thai Lawyers for Human Rights in view of the UN Committee against Torture’s Adoption of a List of Issues to be transmitted to the Kingdom of Thailand prior to the submission of its Second Periodic Report under Article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” last modified January 29 2018, accessed July 21, 2018, [https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/THA/INT\\_CAT\\_ICS\\_THA\\_30170\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/THA/INT_CAT_ICS_THA_30170_E.pdf).

Where the Emergency Decree has been lifted, the ISA is imposed instead. Although it has been described as the most moderate of the special security laws,<sup>15</sup> it still provides a range of enforcement powers in situations deemed a threat to national security. That the ISA does not clearly define threats to national security has raised concerns that the act “*is in fact an emergency law – only under a different guise.*”<sup>16</sup> Section 21 of the ISA contains a special measure which allows ISOC, subject to the court’s consent, to drop criminal charges against a suspect in a security case if the person confesses their guilt and agrees to participate in up to six months of “re-education”. This training, conducted by ISOC together with select Islamic teachers, is intended to counter the ideological underpinnings that lead individuals to carry out violence. Although touted as a valuable alternative justice mechanism supported by the Thai-Buddhist community in the region,<sup>17</sup> its operational procedures have been criticised for enabling judges to rule that a defendant be sent to training camp without establishing guilt, thus undermining the principle of presumption of innocence. Moreover, it raises questions of coercion and consent, since unwilling participants have to either, confess and undergo training, or refuse and face a protracted and flawed legal process.<sup>18</sup> Since its inception, approximately 12 Malay-Muslims are said to have participated in the rehabilitation programme to date.<sup>19</sup>

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<sup>15</sup> Thanikun Chandra, “Political Participation during Conflict: A Case Study of the Conflict Areas in Songkhla and Pattani Provinces of Thailand” (PhD diss., University of Canterbury, 2017).

<sup>16</sup> ICJ, “Thailand’s Internal Security Act: risking the rule of law?,” 18.

<sup>17</sup> Sophon Thipbamrung (Deputy Director General, Office of the Public Prosecutor Region 9) interviewed December 2018.

<sup>18</sup> ICJ, “Thailand’s Internal Security Act: risking the rule of law?.”

<sup>19</sup> Sophon Thipbamrung, interview.

The special security laws have complicated and impeded the justice system. For many suspects in the Deep South, the judicial process is undermined from the very start of the process by law enforcement officials. Basic legal protections are often violated under the special security laws. While some have argued that these special laws are necessary tools to manage the conflict,<sup>20</sup> the exercise of such authority carries attendant obligations of accountability and adherence to human rights principles.

- **Arbitrary and Inconsistent Application of the Special Security Laws**

The seemingly arbitrary and inconsistent manner in which the special security laws are applied is exemplified by ISOC Region 4 Forward Command Announcement No. 86/2018 on 16 September 2018, which declared two sub-districts in Nong Chik, Pattani, as temporary special control zones under Martial Law. This announcement followed the killing of two rangers and the injuring of another four in the area five days before. The announcement required all residents in the zone to bring their guns, bullets, cars, motorcycles, and boats to the military for inspection between 17 and 23 September 2018. A human rights lawyer noted the inconsistency of declaring an area to be under Martial Law despite Martial Law already being in operation. Moreover, since “special control zones” were not specified nor determined in the Martial Law Act, it was unclear whether such a term could have legal effect. Finally, the principle of proportionality was raised since the measure affected the rights and freedoms of the residents in the two sub-districts, treating

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<sup>20</sup> Worapong Chewprecha, *Criminal justice in solving the problem of Thailand's Southern Border Provinces* (National Justice Academy, Office of Judiciary, 2010).

them all as suspects, absent of any sufficient justification.<sup>21</sup>

- **Disproportionate Use of Power**

Malay-Muslims have long accused authorities of discriminating against them. Fifteen years of Martial Law in the region have only reinforced this feeling amongst the Malay-Muslim population. Law enforcement officials have used the special security laws to restrict the work of local activists and limit freedom of expression. For example, on 25 May 2016, five officers in Yala searched the house of a member of student activist group PerMAS.<sup>22</sup> Under the special security laws, this is permissible without need for a court warrant. Multiple instances of this kind have been reported by the student group over the years. On another occasion, five PerMAS members were summoned for “attitude adjustment” for wearing a T-shirt printed with a message that was construed as promoting independence.<sup>23</sup> Security officers have also prohibited public events from taking place. On 21 September 2016, officials prohibited the Network of Civil Society in Southern Thailand from hosting an event celebrating World Peace Day at Krue Se Mosque in Pattani.<sup>24</sup> Other examples include preventing activists from monitoring the activities of security officials during operations. On 22 December

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<sup>21</sup> “Human rights lawyer’s 5 observations on ISOC declaration of Nong Chik as a special control zone,” Prachatai, last modified October 3, 2018, accessed October 30, 2018, <https://prachatai.com/english/node/7819>.

<sup>22</sup> “Police search student activist’s house in Deep South,” Prachatai, last modified May 25, 2016, accessed October 30, 2018, <https://prachatai.com/english/node/6189>.

<sup>23</sup> “Knee-jerk reactions not the solution to crisis in far South – Editorial,” Nation, last modified July 10, 2016, accessed October 30, 2018, <http://www.nationmultimedia.com/opinion/Knee-jerk-reactions-not-the-solution-to-crisis-in--30290195.html>.

<sup>24</sup> “World Peace Day prohibited in Deep South,” Prachatai, last modified September 22, 2016, accessed October 30, 2018, <https://prachatai.com/english/node/6585>.

2017, one activist's attempt to document the details of a house raid and detention in Bannangsta district in Yala resulted in his arrest when he refused to comply with an order to delete photos he had taken for documentation purposes. The activist was later released having had the contents of his phone searched and after disclosing details such as his car registration number and information about his close friends.<sup>25</sup> Again, this kind of behaviour is permissible under Martial Law.

- **Detention under Special Security Laws**

Martial Law allows detention for a maximum of seven days without charge and without court approval. The Emergency Decree allows authorities to arrest and detain suspects for an additional 30 days without charge in locations other than prisons. These informal detention centres may be located on school, temple, or village grounds. Extension for detention must be requested every seven days from the court. After this period, detainees must either be formally charged or released. Security officials exploit these laws by using the “seven plus 30-day formula” to hold suspects for a total of 37 days without charge.<sup>26</sup>

During the first 37 days of detention, detainees exist outside the formal criminal justice system and therefore lack the rights and entitlements guaranteed under the Criminal Procedure Code. Detainees have no right to a lawyer. In addition, although family members of

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<sup>25</sup>“Martial Law allows military in Patani to arrest civilian for merely taking pictures,” Prachathai, last modified April 24, 2018, accessed October 30, 2018, <https://prachatai.com/english/node/7722>.

<sup>26</sup>“Country Reports on Human Rights Practices for 2017,” US State Department, accessed on July 21, 2018, <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm>.



detainees may launch a motion of habeas corpus<sup>27</sup> as per Section 90 of the Criminal Procedure Code, under the special security laws, it is likely the court would dismiss the motion. Under the terms of Martial Law and the Emergency Decree, detention officials are not required to allow families of detainees to visit, and family members may struggle to locate where detainees are being held. It has been noted that in some instances, families may be able to trace the arrest and movement of detained family members, but this is through their own persistence or the unexpected assistance of local officials. This is not guaranteed and often depends on the individual whims of the state officials involved.<sup>28</sup> Local CSO interviews with families of detainees in 2017 suggest that military officers have used tactics to coerce confessions from detainees with offers of early release or threats of limited or no family visits.<sup>29</sup>

In 2017, responding to Thailand's second periodic report under the International Covenant on Civil and Political Rights (ICCPR), the UN Human Rights Committee recommended that Thailand amend the Martial Law Act and Emergency Decree to ensure compliance with the provisions of the covenant. They also urged Thailand to work towards

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<sup>27</sup>Habeas Corpus is the right to appear before a court in order to secure a person's release unless lawful grounds are shown for their detention.

<sup>28</sup>Tyrell Haberkorn, "When Torture Is a Duty: The Murder of Imam Yapa Kaseng and the Challenge of Accountability in Thailand," *Asian Studies Review* 39, no. 1 (2015): 53–68.

<sup>29</sup>ICJ, TLHR & CrCF, "Joint Follow-up submission by the International Commission Of Jurists, Thai Lawyers for Human Rights and Cross-Cultural Foundation on Thailand's Implementation of the Human Rights Committee's Prioritized Recommendations Following its Review of the Country's Second Periodic Report at its 119th Session," last modified March 27, 2018, accessed July 21, 2018, [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/THA/INT\\_CCPR\\_NGS\\_THA\\_30782\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/THA/INT_CCPR_NGS_THA_30782_E.pdf).

lifting Martial Law and the Emergency Decree in the provinces without undue delay.<sup>30</sup>

- **Torture, Extrajudicial Killings, and Enforced Disappearance**

Local CSOs reported continued complaints from insurgent suspects alleging torture by security officials whilst in custody, but it has become increasingly difficult to substantiate allegations due to lack of cooperation from officials in carrying out credible investigations and in providing access to suspects in detention. It was said that between 2007 and 2014 there had been greater cooperation from officials and a willingness to improve conditions in detention. Since 2014, however, access to detention centres is no longer provided to local CSOs.<sup>31</sup> Reports of human rights violations undermine faith in the justice system. Such reports spread quickly throughout the conflict area and have led to a higher degree of suspicion from Malay-Muslims towards the Thai state.

Legal aid CSO, the Muslim Attorney Center (MAC), received a total of 523 complaints of alleged torture in detention in Yala, Pattani, Narathiwat, and four districts of Songkhla between 2007 and 12 March 2018.<sup>32</sup> It is interesting to note the high number of torture allegations in 2008. One explanation for this high figure is that 2007 was the year in which the number of conflict-related deaths peaked. Thus, it is possible that this was followed by a particularly heavy-handed response on the part of security forces. As mentioned previously, one of the key drivers

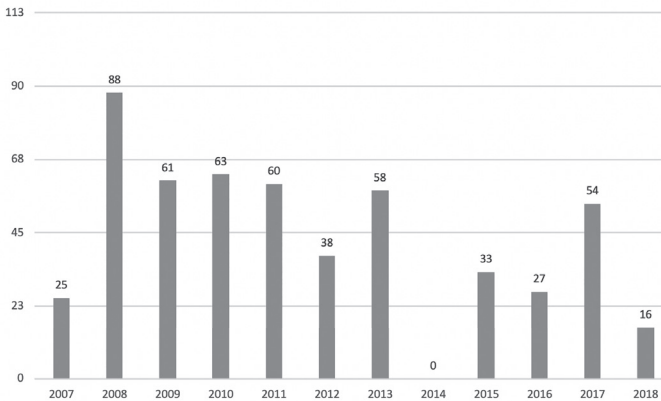
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<sup>30</sup>UN Human Rights Committee, "Concluding Observations on the second periodic report of Thailand," UN Doc, last modified April 25, 2017, accessed July 21, 2018, CCPR/C/THA/CO/2.

<sup>31</sup>Cross Cultural Foundation Legal team interviewed December 2018

<sup>32</sup>Muslim Attorney Center, adapted from Chantra, "Political Participation during Conflict" and updated using figures from ICJ, TLHR & CrCF, "Joint Follow-up submission"

of the conflict in its current incarnation are the cycles of revenge and counter-revenge.



**Figure 1: Number of Torture Allegations received by MAC  
between 2007 and 12 March 2018**

In addition to the alleged human rights violations that are said to have occurred in detention, human rights groups have recorded cases of extrajudicial killings and enforced disappearance carried out in the Deep South. As reported to the UN Human Rights Committee, “between 2004 and 2017, Duay Jai documented 219 cases of extrajudicial killings in the SBP, of which 10 were documented in 2017. MAC also documented 12 allegations of extrajudicial killings in 2017 in Yala province alone.”<sup>33</sup> Often the official version provided in response to such allegations is that suspects resist arrest, necessitating the use of deadly force. Families of suspects and human rights groups dispute these claims.<sup>34</sup>

With respect to enforced disappearances, human rights groups

<sup>33</sup>ICJ, TLHR & CrCF, “Joint Follow-up submission,” 8.

<sup>34</sup>US State Department, “Country Reports.”

commonly cite the figure of 82 cases nationwide since 1980.<sup>35</sup> In July 2018, the government reported that four of the 82 cases had been resolved,<sup>36</sup> bringing the figure down to 78.<sup>37</sup> Between 2004 and 2007, Human Rights Watch (HRW) documented 22 cases of unresolved disappearances in or associated with the Deep South.<sup>38</sup> Although comparison across different time periods can be difficult, HRW's figures suggest that over a quarter (28.2 percent) of reported enforced disappearances in the country since 1980 occurred in the Deep South in just a four-year period. On 30 June 2011, the UN Working Group on Enforced or Involuntary Disappearances requested an invitation to visit Thailand. A reminder, sent every year for the past five years, has still not been responded to by the Thai government.<sup>39</sup> Furthermore, the Thai Government has yet to ratify the ICPPED, despite signing it in 2012.<sup>40</sup>

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<sup>35</sup>International Federation for Human Rights (FIDH), Union for Civil Liberty (UCL) and Internet Law Reform Dialogue (iLaw), "Assessment of Thailand's follow-up actions for the implementation of the UN Human Rights Committee's recommendations," last modified August 14, 2018, accessed October 30, 2018, [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/THA/INT\\_CCPR\\_NGS\\_THA\\_32130\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/THA/INT_CCPR_NGS_THA_32130_E.pdf).

<sup>36</sup>The four resolved cases were related to the Black May uprising in Bangkok in 1992 and so are not related to the Deep South, see "3 Panels to Oversee Rights Protection," Bangkok Post, last modified July 12, 2018, accessed November 8, 2018, <https://www.bangkokpost.com/news/general/1501678/3-panels-to-oversee-rights-protection>.

<sup>37</sup>FIDH, UCL & iLaw, "Assessment of Thailand's follow-up actions."

<sup>38</sup>"'It Was Like Suddenly My Son No Longer Existed' Enforced Disappearances in Thailand's Southern Border Provinces," Human Rights Watch, last modified March 2007, accessed November 18, 2018, <https://www.hrw.org/sites/default/files/reports/thailand0307webwcover.pdf>.

<sup>39</sup>ICJ & TLHR, "Joint Submission."

<sup>40</sup>"Human rights defenders call for fair investigation of enforced disappearances," Prachatai, last modified August 31, 2018, accessed August 31, 2018, <https://prachatai.com/english/node/7352>.

The UN Human Rights Committee has urged Thailand to “ensure prompt, impartial and thorough investigations are carried out into all allegations and complaints concerning the unlawful and excessive use of force by law enforcement officials and the military, including torture, enforced disappearances and extrajudicial killings, including in the context of the southern border provinces” and that “it should also ensure that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions.”<sup>41</sup>

### 2.3 Application of Regular Criminal Laws in the Southern Border Provinces

Table 2: Regular Criminal Laws

Law	Legal function
Criminal Procedure Code (1934, 2008)	Provides the rules of procedure for all stages of the judicial process.
Special Case Investigation Act (2004)	Establishes the role and duties of Department of Special Investigation officials and empowers them to investigate complex criminal cases or cases that concern, among other issues, national security.
The Criminal Code (1956)	Primary source of criminal laws. Prohibited acts include those deemed to be offenses related to the security of the Kingdom (Book II Title I). Acts constituting illegal assembly are prohibited in sections 215 and 216. The Criminal Code also includes “Offenses related to Causing Public Danger” (Book II Title VI) and “Offenses in Respect of Terrorization” (Book II Title I/1).

<sup>41</sup>UN Human Rights Committee, “Concluding Observations,” 4.

Law	Legal function
Computer Crimes Act (2007) + Computer Crimes Act, No.2 (2017)	Contains provisions that describe acts constituting “cybercrimes”. It lays out the government’s powers and responsibilities to enforce this law.
Anti-Money Laundering Act (1999) + Anti-Money Laundering Act, No. 2 (2008)	Criminalises and establishes procedures to prevent money laundering.
Prevention and Suppression of Terrorist Financing Act (2013)	Provides a definition of terrorism and regulates terrorist financing.

Source: Reproduced and adapted from ICJ “Thailand – Southeast Asia Security Laws” <https://www.icj.org/south-east-asia-security-laws/thailand-southeast-asia-security-laws/>

Regular criminal laws applied in the southern border provinces consist primarily of the Criminal Procedure Code (1934, 2008) and the Criminal Code (1956). In particular, Sections 135/1 to 135/4 of the Criminal Code cover offences in respect of terrorism and has been enforced with respect to insurgency-related crimes.<sup>42</sup> The maximum penalty for offences under this category is the death penalty. In the most recent case on 11 February 2019, one man was sentenced to death for his role in a hostage raid at a car dealership that led to one death in 2017.<sup>43</sup>

<sup>42</sup>Sophon Thipbamrung, interview.

<sup>43</sup>“Gunman In 2017 Dealership Raid Sentenced To Die,” Khaosod, last modified February 12, 2019, accessed August 6, 2019, <http://www.khaosodenglish.com/featured/2019/02/12/gunman-in-2017-dealership-raid-sentenced-to-die/>.

The manner in which these sets of criminal law have been applied have contributed to the perception of discriminatory treatment against the Malay-Muslim population. In 2013, the Anti-Money Laundering Office filed a case against the locally renowned Pondok Jihad Witaya School in Yaring, Pattani. It had been closed since 2005 on the basis that its grounds were used to train fighters. On 14 December 2015, the court ordered confiscation of the school's land. The verdict was said to echo *"Bangkok's efforts in the early 1960s to control Islamic schools that helped spur armed resistance to the state and disturbed many locals, who regard the Pondok as repositories of Malay identity."*<sup>44</sup> The family accepted the court's authority and vacated the property. On 19 March 2016, Pondok Jihad supporters organised a fundraiser for the owner's family. Roughly 50,000 people attended and 3.9 million baht (125,806 USD) was raised. The Pondok Jihad case has been compared to other government actions that fuelled public contempt, such as the Krue Se mosque and Tak Bai incidents.<sup>45</sup>

Regular criminal laws have also been used to subject human rights defenders, victims and their families, as well as lawyers to judicial harassment, reprisals, and threats for working to expose cases of alleged human rights violations on the part of security officials. The following high-profile cases reproduced below represent a small portion of

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<sup>44</sup>"Southern Thailand's Peace Dialogue: No Traction Crisis Group Asia Briefing N°148," International Crisis Group, last modified September 21, 2016, accessed October 25, 2018, <https://www.crisisgroup.org/asia/south-east-asia/thailand/southern-thailand-s-peace-dialogue-no-traction>.

<sup>45</sup>Ibid.

documented cases.<sup>46</sup> That these cases have been taken up as part of advocacy efforts on the part of the international human rights community affords to the individuals concerned access to financial and other resources as well as a degree of protection that is largely inaccessible to grassroots human rights defenders.

- a) On 20 May 2014, Pornpen Khongkachonkiet, and her organisation, Cross Cultural Foundation (CrCF), were subject to a criminal complaint after she wrote an open letter to the government requesting an investigation into allegations that military personnel had beaten a man during arrest. She was accused of “damaging the reputation” of a Deep South paramilitary unit. In August 2015, Pornpen was informed that she would not be prosecuted.<sup>47</sup>
- b) On 26 July 2016, Pornpen Khongkachonkiet, Somchai Homlaor, and Anchana Heemina were charged with criminal defamation and violation of the Computer Crimes Act for publishing a report that documented alleged cases of torture and ill-treatment by authorities in the southern border provinces since 2004. ISOC Region 4 Forward Command stated that the allegations were not well-founded, and that only 18 out of 54 alleged torture victims could be identified. On 7 March 2017, ISOC Region 4 Forward Command said it intended to drop its complaint but it took another seven months before the

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<sup>46</sup>Cases 1, 2, 3, and 5 have been reproduced from the 2017 and 2018 International Commission of Jurists (ICJ), Thai Lawyers for Human Rights (TLHR) and Cross Cultural Foundation (CCrF) human rights reports submitted to UN rights agencies but have been edited for brevity.

<sup>47</sup>ICJ & TLHR, “Joint Submission,” 18.



Region 9 Senior Expert Public Prosecutor informed the Superintendent of Muang District Police Station in Pattani that the office would not prosecute the three individuals. Along with dropping its complaint, ISOC Region 4 Forward Command put forward three conditions: 1) to establish a “joint fact-finding committee” of military officers and NGOs to look into allegations of human rights violations in the southern border provinces; 2) to seek mechanisms to prevent and provide remedies for human rights violations; and 3) in publishing a report of alleged human rights violations, the report must first be reviewed by the “joint fact-finding committee” to ensure accuracy of information and to ensure that no person is adversely affected. Concerns have been raised that such a “joint fact-finding committee” may lack independence, as military officers will be involved in the investigation of human rights violations.<sup>48</sup>

- c) On 22 November 2017, former sub-district head of Sungai Padi District in Narathiwat, Anuphong Phanthachayangkun, was sentenced to a year in prison after the Supreme Court upheld the verdict of the lower courts that found Anuphong guilty of falsely complaining that he had been tortured into confessing his involvement in a 2004 armed raid at a Narathiwat military barracks, and the murder of a police officer. Anuphong filed his complaint against 20 police officers in the investigation team after he was acquitted by the Court of First Instance and the Appeal Court of the security charges.<sup>49</sup>

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<sup>48</sup>Ibid., 19–20.

<sup>49</sup>Ibid., 20.

- d) On 9 February 2018, the ISOC Region 4 Director lodged a complaint under Article 328 of the Criminal Code and Article 14(2) of the Computer Crimes Act against the editors of the 'Manager Online' news website for defamation. The offending story had been published on 5 February 2018 and concerned the alleged torture and ill-treatment of a suspect in military camp. The military sought 10 million baht (322,581 USD) in damages.<sup>50</sup> Nine months later, on 12 November 2018, prosecutors decided to indict two executives of Manager Online in the Pattani Court on charges of defamation. The two executives were offered bail of 50,000 baht (1,613 USD) each.<sup>51</sup>
- e) On 14 February 2018, ISOC Region 4 also lodged defamation complaints against Patani Human Rights Organization (HAP) founder Isma-ae Tae. The accusations related to a Thai PBS channel show entitled "Policy by People" that aired on 5 February 2018 in which Isma-ae Tae described being tortured and ill-treated by soldiers in 2008. This is despite the fact that although no security officer has been punished in this case, on 19 October 2016, the Supreme Administrative Court ordered the Thai Army and the Defence Ministry to pay 305,000 baht (9,839 USD) in compensation to Isma-ae Tae, after it found that he had been "physically assaulted" during his illegal detention for nine days, exceeding the seven-day limit permitted under Martial Law.<sup>52</sup>

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<sup>50</sup> ICJ, TLHR & CrCF, "Joint Follow-up submission."

<sup>51</sup> "Prosecutors indict 'Manager Online' duo," Bangkok Post, last modified November 13, 2018, accessed November 13, 2018, [https://www.bangkokpost.com/news/general/1574718/#cxrecs\\_s](https://www.bangkokpost.com/news/general/1574718/#cxrecs_s).

<sup>52</sup> ICJ, TLHR & CrCF, "Joint Follow-up submission," 10.

### 3. Prosecuting Security Cases in the Southern Border Provinces

Although the region operates under Martial Law, the government does not use military courts to try civilian defendants in the southernmost provinces. Thailand is divided into nine judicial regions. The conflict-affected provinces fall under Region 9, which also includes Trang, Phattalung and Satun Provinces. The Courts of Justice have authority over civil and criminal cases, which may be tried at either the provincial or municipal level.<sup>53</sup> Security cases,<sup>54</sup> given their severity, are tried in provincial courts. The Court of Appeals for Region 9 is based in Songkhla whilst Thailand's Supreme Court is based in Bangkok.<sup>55</sup>

Between 2012 and 2013, the Office of the Attorney General (OAG) Region 9 conducted an internal performance audit to assess the effectiveness of state prosecution of security cases.<sup>56</sup> The publication identified a number of flaws with respect to the prosecution of security cases. However, the findings led to several measures to improve the process which are outlined below.

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<sup>53</sup> Municipal Courts have jurisdiction over civil cases where the amount claimed does not exceed 300,000 baht (9,677 USD), and over criminal cases where the criminal offence is punishable with a maximum of three years' imprisonment, or a fine not exceeding 60,000 baht (1,935 USD) or both. "The Courts of Justice System," Office of Judiciary, accessed June 27, 2019, <https://www.coj.go.th/th/content/page/index/id/91994>.

<sup>54</sup> Security cases are defined as cases where charges are brought under Sections 112, 113, and 116 of the Criminal Code. It includes cases of sabotage that result in violence and large-scale loss as well as cases deemed to have caused public disturbance and terror. Sophon Thipbamrung, Interview.

<sup>55</sup> Office of Judiciary, "The Courts of Justice System."

<sup>56</sup> Sakchai Asawin-anand, *The Effectiveness of Prosecution of National Security Charges and the Protection of Citizens Rights: A Case Study of the Four Bordering Provinces in Southern Thailand*, The Asia Foundation, 2013.

- **Quality of Justice Delivery**

A high turnover of young, inexperienced prosecutors struggling with the pressure of working in the conflict environment and lacking the experience to deal with complicated security cases, often involving multiple defendants, some of whom may be involved in other security cases. Prosecutors also had to deal with inadequate evidence, especially provided by witnesses and forensics. Nevertheless, prosecutors tended to issue prosecution orders even if a case lacked sufficient evidence for a conviction. Attempts have since been made to recruit prosecutors with a minimum 12 years' prosecution experience. However, recruiting prosecutors with the requisite experience remains a challenge and is not always feasible given the undesirability of the region as a destination for those from elsewhere in the country.<sup>57</sup>

The criticism concerning the inexperience of prosecutors could also be raised with respect to judges working in the conflict area. One measure adopted to mitigate such a risk has been to ensure that a less experienced judge is paired with a senior judge who leads the adjudication on security cases.<sup>58</sup> It has also been argued that financial and other incentives to encourage judges from other provinces to work in the region could be particularly attractive to newly qualified judges, who should not be starting their career adjudicating complicated security cases. One incentive offered to judges is the opportunity to choose their next posting after completing a one-year term in the Deep South. This is not normally allowed for judges working elsewhere in the country.<sup>59</sup> A high turnover of judges would lead to a lack of continuity and poor

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<sup>57</sup> Sophon Thipbamrung, interview.

<sup>58</sup> Ibid.

<sup>59</sup> Chandra, "Political Participation during Conflict."

institutional memory. However, given that in 2004, a judge in Pattani was assassinated, it is understandable why incentives would be required to attract candidates.<sup>60</sup>

- **Duration/Timeliness**

Between 2004 and July 2012, the legal process for security cases in the Deep South was found to be extremely lengthy, particularly when compared with regular criminal cases across Region 9.<sup>61</sup> The maximum length of time allowed for police to refer cases to prosecutors and for prosecutors to issue prosecution orders is 84 days. However, the OAG audit found that it took police on average 81 days to refer cases to prosecutors, leaving prosecutors very little time to review the evidence collected.<sup>62</sup> To address this issue, a reform bill is said to have been submitted to the National Legislative Assembly (NLA) that includes a provision that would separate deadlines for police and prosecutors, thus dividing the 84 days into 48 for the former and 36 for the latter.<sup>63</sup>

The OAG audit also found that it took the Court of First Instance, the Court of Appeal, and the Supreme Court an average of 461 days,

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<sup>60</sup>Ibid.

<sup>61</sup>Statistics on Criminal Cases in Court of First Instance Region 9 reveal that there was an average 86.24 % disposal rate each year between 2008 and 2012. Average annual disposal rates over the same period were also high for Criminal Cases in the Court of Appeal (98.41%) although less so at the Supreme Court (40.69%). Source: “2009 – 2012 Annual Judicial Statistics Thailand,” Court of Justice, accessed November 20, 2018, <https://www.coj.go.th/en/statistic.html>.

<sup>62</sup>“Justice held up in South, study finds,” Phuketnews, last modified September 8, 2013, accessed July 21, 2018, <https://www.thephuketnews.com/phuket-news-justice-held-up-in-south-study-finds-41783.php#lwwpHDqowbBY5M2T.97>.

<sup>63</sup>Sophon Thipbamrung, interview.

424 days, and 858 days respectively to reach a verdict.<sup>64</sup> Suspects who are arrested and detained under the special security laws, often without bail, have to endure a protracted legal process. These lengthy legal processes place a heavy financial and psychological toll on both the accused and their family, particularly if cases are brought to the Court of Appeal and/or the Supreme Court. If cases are ultimately dismissed, the burden of having to go through such a drawn-out procedure can also represent a significant form of injustice. In response to the issue of lengthy court cases, the Court of Justice has issued internal regulations that aim to ensure that security cases do not exceed three years. Judges argued against the issuance of anything more binding than regulations given the challenges of adjudicating security cases. To that end, regulations state that the Court of First instance must endeavour to conclude security cases within six months; the Court of Appeal within 90 days; and the Supreme Court within two years.<sup>65</sup>

With respect to criminal charges brought against activists and journalists working to expose issues related to counter-insurgency measures, it could be argued that the length of time that elapses between the initial stages of the judicial process are less to do with the prosecutors' lack of capacity and more a tactic on the part of the government, with the support of prosecutors, to deter these groups from speaking out against government excesses. The abovementioned cases are illustrative of this lengthy process. In the first case, it took a year and three months before the prosecutor informed Pornpen that she would not be prosecuted. In the second case, seven months elapsed before ISOC informed the three human rights defenders that they would drop the defamation charges against them, and it took another seven months before the

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<sup>64</sup>Phuketnews "Justice held up in South"

<sup>65</sup>Sophon Thipbamrung, interview.

Region 9 Senior Expert Public Prosecutor informed the Superintendent of Muang District Police Station in Pattani that the office would not prosecute them. This amounts to a total of one year and two months that the three activists had to bear the weight of a possible prosecution. Finally, in the fourth case, the prosecutor decided to file the case to the court after nine months. There is no explanation to determine why prosecutors need to spend such a lengthy time collecting and examining the evidence beyond having a large backlog of cases to process. Given other similar cases cited throughout Thailand, it seems plausible to suggest that this is part of a toolbox of tactics used to suppress criticism and dissent.<sup>66</sup>

- **Coordination among Relevant Agencies**

Another issue that undermined the administration of justice was poor coordination between agencies. This had led to some suspects being charged twice for the same offence. Following the publication of the OAG audit, a special unit was established to oversee the prosecution of security cases in Southern Thailand to which experienced prosecutors were assigned and received special training. From 1 October 2013, all security cases in the Deep South had to be sent to this office in Pattani to be vetted and to decide whether any would proceed to court.

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<sup>66</sup> A review of CSO submissions in 2011 and 2015 as part of Thailand's UN Universal Periodic Review reveals a trend of increased restrictions on civil and political rights nationwide following the 2014 Coup. In parallel with these restrictions, there also appears to be an increase in the targeting of human rights defenders, particularly with respect to judicial harassment in the form of Strategic Lawsuits against Public Participation (SLAPP). For further details, see: "Civil society and other submissions," UPR Info, accessed November 23, 2018, <https://www.upr-info.org/en/review/Thailand/Session-25---May-2016/Civil-society-and-other-submissions#top>; Nation, accessed November 23, 2018 <http://www.nationmultimedia.com/detail/politics/30322931>.

Furthermore, in late 2013, the government opened a centre specialising in forensics and explosives in Yala.<sup>67</sup>

After the establishment of the Office of the Special Attorney on Criminal Case 2, Region 9, there was some improvement with respect to the percentage of cases that were forwarded by prosecutors to the court. Figures cited by The Asia Foundation (TAF) indicate that between 2004 and 2006, the number of cases forwarded to court stood at 90 percent. In 2013, it had declined to 60 percent. Between 2004 and 2011, conviction rates in the Supreme Court averaged 36 percent. In 2013 it increased to 72 percent. The combination of improved screening and higher conviction rates was said to be due to prosecutors' more rigorous scrutiny of the strength of evidence and insistence on sound forensics evidence as a basis for forwarding cases to trial.<sup>68</sup>

#### • Efficacy of Justice Process

Despite these improvements, the overall picture in terms of the administration of justice remains less positive. Figure 2 presents the number of security cases rejected by prosecutors and dismissed by judges in the three southern provinces between 2004 and 31 May 2015.<sup>69</sup>

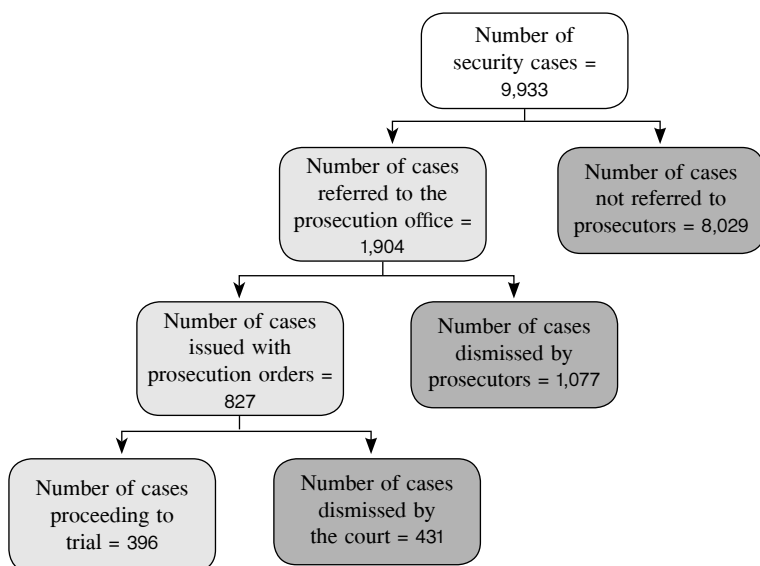
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<sup>67</sup>“Special Bomb Forensic Centre Nearing Completion, ISOC Says,” *Bangkok Post*, last modified October 12, 2013, accessed July 20, 2018, <https://www.bangkokpost.com/news/security/374285/special-bomb-forensic-centre-nearing-completion-isoc-says>.

<sup>68</sup>Santi Nindang, “Reversing the Legacy of Injustice in Thailand's Conflict-Ravaged South,” The Asia Foundation, last modified January 21, 2015, accessed July 20, 2018, <https://asiafoundation.org/2015/01/21/reversing-the-legacy-of-injustice-in-thailands-conflict-ravaged-south/>.

<sup>69</sup>“‘ม็อกต็อก’ ตกเพิ่มประสิทธิภาพการดำเนินคดี 3 จว.ใต้,” *Manager Online*, last modified June 25, 2015, accessed July 20, 2018, <https://mgronline.com/crime/detail/9580000072108>.





**Figure 2: Prosecution of Security Cases**

A comparison of the total number of security cases (9,933) with the number of cases that are referred to prosecutors by investigators (1,904) reveals that only 19.16 percent of security cases are referred to the prosecution office by investigators. This raises questions about the efficacy of the investigation process. If we compare the total number of 9,933 security cases from 2004 to May 2015 with the number that eventually proceeds to trial (396), this represents only 3.99 percent. It was not possible to access data on the verdicts handed down in these cases. The fact that most offenders remain unknown and at large points to a failure on the part of investigation officials to identify and apprehend suspects in security cases. This is despite the large amounts of money that are funnelled into the region to address the conflict coupled with the high numbers of security personnel stationed there. If one considers the figures from the perspective of direct victims who have been affected by violent incidents, the failure of investigators to identify and/or

apprehend suspects demonstrates a failure at the very first stage of the judicial process.

From the number of cases dismissed by prosecutors and by judges, it is apparent that there must be a problem with the quality and admissibility of evidence. The special security laws allow suspects to be held outside the formal criminal justice system for up to 37 days: This undermines the principle of due process. From the perspective of human rights groups, evidence derived during this period is fundamentally flawed, particularly if there is no record of the investigation process.<sup>70</sup> As previously discussed, a number of allegations of torture as a means to coerce confessions from suspects have been made. Section 226 of the Criminal Procedure Code states that any evidence derived wrongfully by unlawful means is prohibited. Another challenge is the reluctance of witnesses to testify because of distrust in the witness protection programme. Both Malay-Muslims and Thai Buddhists living in the midst of conflict avoid giving information to state officials out of concern for their own safety. Avoiding too much engagement with state officials is one strategy that local people adopt as a protection measure against possible retaliation on the part of the resistance movement. This makes the investigation work for police much harder. However, the high number of dismissals could reflect the reliability of judicial power if public prosecutors and judges refuse to prosecute weak cases with insufficient evidence.<sup>71</sup>

- **Transparency**

Aside from the OAG audit conducted in 2013, it is difficult to obtain up-to-date comprehensive data on security cases. The Annual

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<sup>70</sup>Cross Cultural Foundation Legal team, interview.

<sup>71</sup>Chantra, "Political Participation during Conflict."

Report on Judicial Statistics published by the Ministry of Justice provides an overview of civil and criminal cases throughout the country's nine administrative regions but it does not provide much in the way of disaggregated data beyond the broad categories of criminal offenses.<sup>72</sup> Sources of public information on security cases predominantly tend to be media reports on the verdicts handed down in such cases.<sup>73</sup> The lack of transparency and availability of data exacerbates the prevalence and ubiquity of rumours in the region, which has implications for how people perceive the state of justice. Although the Office of the Special Attorney on Criminal Case 2, Region 9 provided updated data on security cases from October 2013 to 18 December 2018, the data could not be cited due to issues with comparability.

Security cases are divided into four categories: Cases where suspects have been arrested; Cases with arrest warrants issued but no suspects apprehended; Cases with no known suspects; and Inquest cases regarding deaths during security operations or deaths of suspects in custody.<sup>74</sup> The last category is particularly salient to the question of extrajudicial killings. It is, naturally, even more difficult to get data

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<sup>72</sup>“Statistics of the Courts,” Court of Justice, accessed November 20, 2018, <https://www.coj.go.th/en/statistic.html>.

<sup>73</sup>For examples of such media reports, see “Three get life, jail terms for Pattani unrest,” Bangkok Post, last modified January 4, 2018, <https://www.bangkokpost.com/news/security/1390242/three-get-life-jail-terms-for-pattani-unrest>; “Two Men Jailed For Life For Mall Bombing,” Khaosod, last modified September 20, 2018, <http://www.khaosodenglish.com/news/crimecourtscalamy/2018/09/20/two-men-jailed-for-life-for-mall-bombing/>; “9 Students Convicted Of Bangkok Car Bomb Plot,” Khaosod, last modified September 25, 2018, accessed November 20, 2018, <http://www.khaosodenglish.com/news/crimecourtscalamy/2018/09/25/9-students-convicted-of-bangkok-car-bomb-plot/>.

<sup>74</sup>Asawin-anand, “The Effectiveness of Prosecution.”

related to inquests. According to the OAG audit, between 2004 and July 2012, there were 445 inquests referred to the prosecutor.<sup>75</sup> Concerning the death of suspects over the course of security operations, there is a tension with respect to how security officials explain such cases versus the allegations made by some human rights groups that some of these deaths amount to excessive and unjustified use of force. Article 3 of the Code of Conduct for Law Enforcement Officials adopted by UN General Assembly resolution 34/169 of 17 December 1979 states that “*law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.*”<sup>76</sup> Meanwhile deaths of suspects in custody are divided into deaths from natural causes and deaths from unnatural causes. The OAG audit does not disaggregate the 445 inquest cases.<sup>77</sup>

Inquests are extremely important to ascertain the circumstances in which deaths of suspects occur to ensure that responsible officials are

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<sup>75</sup> Ibid.

<sup>76</sup> “Code of Conduct for Law Enforcement Officials adopted by General Assembly resolution 34/169,” OHCHR, accessed August 12, 2018, <https://www.ohchr.org/en/professionalinterest/pages/lawenforcementofficials.aspx>.

<sup>77</sup> Attempts to disaggregate this figure of 445 through interviews has confirmed that included within these numbers are the deaths from the Krue Se and Tak Bai incidents. Various human rights reports of deaths in custody include the notable cases of Assari Sama-ae (2007), Yakariya Pao-mani (2007), Imam Yapa Kaseng (2008), and Sulaiman Naesa (2010). With respect to deaths during security operations, inquests have been criticised because no cross-examinations were conducted by lawyers representing the families of victims and because of the lack of substantive inquiry into whether the death occurred in self-defence or whether there was disproportionate use of force by officers. CCrF & MAC, “Report to UPR Human rights in Criminal Justice Systems in Southern Conflict & counter-insurgency policies of the State,” accessed December 17, 2018, [https://www.upr-info.org/sites/default/files/document/thailand/session\\_12\\_-\\_october\\_2011/js8-jointsubmission8-eng.pdf](https://www.upr-info.org/sites/default/files/document/thailand/session_12_-_october_2011/js8-jointsubmission8-eng.pdf).

held accountable for their actions. Lack of clarity around inquest cases only perpetuates mistrust of the government on the part of Malay-Muslims. This is compounded by the fact that all security suspects apprehended by law enforcement officials are Malay-Muslims.<sup>78</sup> Prevarication and assurances that deaths are justified (in the case of security operations) or natural (in the case of deaths in custody) are insufficient to assuage concerns, particularly in an environment where local people view law enforcement with suspicion and fear.

#### 4. Accountability of Officials

The concept of accountability is central to the ideal of justice. It is the idea that government and its agents are also answerable to the law. The law provides for access to courts and administrative bodies to sue for damages for, or cessation of, a human rights violation. However, the special security laws in force in the Deep South ensure that officials need not be held accountable for their actions. Instead, victims may only seek compensation from a government agency.

In the 15 years since the conflict's re-emergence, no state official has received criminal sanctions as a result of their actions.<sup>79</sup> As discussed later on in this section, sanctions tend to take the form of a transfer of the offending official out of the region. From the perspective of Haberkorn, "*the failure to secure criminal prosecution or even internal state sanction indicates the reluctance of the courts and other state investigatory bodies to see state violence as a crime.*"<sup>80</sup> Indeed, in her

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<sup>78</sup>Sophon Thipbamrung, interview.

<sup>79</sup>"World Country Report – Thailand," Human Rights Watch, accessed October 30, 2018, <https://www.hrw.org/world-report/2018/country-chapters/thailand>.

<sup>80</sup>Haberkorn, "When Torture is a Duty," 57.

analysis of the inquest report into the death in custody of Imam Yapa Kaseng in 2008, she identifies an uneasy juxtaposition between the findings of the autopsy report and testimonies provided by Imam Yapa's fellow detainees and his family compared against the inconsistent and incoherent testimonies provided by the officials on duty. From the report, she extrapolates two possibilities: either the on-duty officials were comfortable lying under oath, or they were coerced into taking the blame on behalf of those responsible. If the former, she concludes that the courts are a place to foreclose rather than secure accountability, particularly troubling given that the supply of false testimony is itself a punishable crime under Section 137 of the Criminal Code.<sup>81</sup>

Human rights groups continue to decry the culture of impunity that exists in Thailand, not only in the southern border provinces. Furthermore, it appears that Thais throughout the country have little confidence in the country's justice procedures. In a nationwide survey conducted by the Bangkok University Research Center, 71.7 percent of respondents reported low confidence in the country's justice procedures. In addition, when asked which group of people would likely get away with a crime, 69.2 percent of the respondents ranked "the group of influential figures". Also named were politicians (63.6 percent), "high society" wealthy people (61.5 percent), and civil servants, police, and military people (45.2 percent).<sup>82</sup> Internationally, Thailand ranks 61 out of 137 countries surveyed for judicial independence. The World Economic Forum's Global Competitive Report noted that Thailand needed judicial reforms to improve the justice system and ensure better and less partial

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<sup>81</sup> Ibid.

<sup>82</sup> "Survey reveals little faith in Thai justice system," Nation, last modified February 18, 2018, accessed July 21, 2018, <http://www.nationmultimedia.com/detail/national/30339149>.

accessibility.<sup>83</sup>

There are some instances which allow for cautious optimism with respect to judicial independence and oversight. On 9 April 2018, a man accused of involvement in a deadly bombing at a fresh market in Yala town in January 2018 was freed after Pattani Provincial Court refused to further extend his detention for the fourth time. MAC said it was the first time the court had ruled against a request by authorities to extend the detention period under the Emergency Decree, which could set a precedent for other similar cases involving civilians.<sup>84</sup> A separate hearing was called to investigate allegations that the individual was also tortured whilst in custody after his family lodged a petition with the court.<sup>85</sup>

Overall, when it comes to the issue of accountability for injustices at the hands of state officials, measures tend to fall into the following categories: 1) A public apology and/or; 2) Compensation for the victim or their families; and 3) Transfer of the offending officers to a different post outside of the region.

On 2 November 2006, General Surayud publically apologised to Malay-Muslims for the deaths that occurred during the Krue Se and Tak Bai massacres, acknowledging that what had happened in the past

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<sup>83</sup>“Judicial Independence in Asia,” Nation, last modified November 19, 2018, accessed November 19, 2018, <http://www.nationmultimedia.com/detail/breakingnews/30358828>.

<sup>84</sup>“Court frees man held for bombing of market in Yala,” Bangkok Post, last modified April 10, 2018, accessed October 30, 2018, <https://www.bangkokpost.com/news/security/1444039/court-frees-man-held-for-bombing-of-market-in-yala>.

<sup>85</sup>“Family of Yala suspect cite army torture,” Bangkok Post, last modified April 8, 2018, accessed October 30, 2018, <https://www.bangkokpost.com/news/security/1442554/family-of-yala-suspect-cite-army-torture>.

was mostly the fault of the state. The apology was televised throughout the country.<sup>86</sup>

On 18 May 2016, the Supreme Administrative Court of Songkhla ruled that ISOC pay two victims 201,200 baht (6,490 USD) with 7.5 percent interest annually from 11 May 2009. The two victims were beaten at a corn plantation in Pattani by the head of a patrol unit. The verdict was said to set a precedent for others to hold authorities accountable for their actions under the law.<sup>87</sup>

On 14 September 2016, the Pattani Provincial Court concluded an inquest into the deaths of four men by security officials in Pattani's Thung Yang Daeng district on 25 March 2015. Initially, security officers said the men were armed and died during a clash with security officials. Thirteen eyewitnesses said the men were unarmed and no weapons were ever produced. However, those responsible for the killings were never officially identified beyond being members of "security forces". Despite ISOC launching their own investigation, promising a full and fair probe, the end of the investigation was announced in April 2015 and the findings were not released. Although police said seven security officers would be charged with murder over the incident, all the officers involved were transferred and no charges were brought.<sup>88</sup>

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<sup>86</sup>Human Rights Watch, "It Was Like Suddenly My Son No Longer Existed."

<sup>87</sup>"Court orders govt to compensate Muslim Malay torture victims," Prachatai, last modified May 19, 2016, accessed October 30, 2018, <https://prachatai.com/english/node/6173>.

<sup>88</sup>AFP, "Pattani inquest rules army killed 4 unarmed men," Bangkok Post, last modified September 15, 2016, accessed October 30, 2018, <http://www.bangkokpost.com/news/security/1085956/pattani-inquest-rules-army-killed-4-unarmed-men>.



## 5. Access to Justice

Thailand's Administrative Court is the principle agency to adjudicate administrative cases. It is divided into two levels: The Supreme Administrative Court located in Bangkok and the Administrative Courts of First Instance. In the Deep South, the closest Administrative Court of First Instance is in Songkhla. According to local CSOs, cases seeking redress for human rights violations used to be filed in the Administrative Court where the inquisitorial system adopted ensured that trials were shorter and the burden of proof less onerous. Moreover, Administrative Court judges were said to be more inclined to summon officials, unlike their counterparts in the Court of Justice. As such, cases brought to the Administrative Court usually resulted in compensation. Subsequently, a dispute arose as to whether the Administrative Court or the Court of Justice should have jurisdiction in cases of alleged torture or extrajudicial killings. Since 2015, the Committee on the Jurisdiction of Courts has determined that jurisdiction of three such cases lies with the Court of Justice, not the Administrative Court.<sup>89</sup> It was reasoned that since torture to extract confessions is an offence under the Criminal Procedure Code, it could not be considered an official duty of state officials. Given that the process of deciding on competing claims of jurisdiction are themselves time-consuming, legal aid CSOs now file civil/compensation cases directly with the Provincial Courts of Justice. In 2017, two cases filed with the Court of First Instance resulted in rulings in favour of the defendants sparking concerns that this might set a bad precedent in subsequent civil cases against state officials.<sup>90</sup>

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<sup>89</sup>Cross Cultural Foundation Legal team, interview.

<sup>90</sup>Ibid

Aside from the judiciary, other state administrative agencies have been established with either a central or auxiliary goal to improve access to justice for victims of the unrest, victims of human rights violations, or victims of bureaucratic or administrative abuse.

The Southern Border Provinces Administration Center (SBPAC) has been described as the most important governing body set up by the central government for the Deep South.<sup>91</sup> Established in 1981 by then-Prime Minister Prem Tinsulanond, its explicit rationale was to improve the image of the Thai state in the eyes of local Muslims.<sup>92</sup> Since its inception, SBPAC has adopted a number of functions covering a broad range of policy issues and from 2006, justice provision was incorporated into policy formulations. As explained by Wheeler, initiatives to reduce Malay-Muslim disaffection towards the state evolved from assimilationist measures to positive discrimination measures in education, targeted public health programmes, and support for religious activities.<sup>93</sup>

Over the years, SBPAC's areas of emphasis have shifted depending on the strategic priorities of the prevailing government. Its role has either expanded or decreased in line with the vagaries of shifting power dynamics within successive civilian or military-dominated administrations. As elaborated by Poocharoen, SBPAC's successes and reputation for effective administration were often less to do with its efficacy as an institution and more to do with the current configuration

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<sup>91</sup>Ora-Orn Poocharoen, "The Bureaucracy: Problem or Solution to Thailand's Far South Flames?" *Contemporary Southeast Asia* 32, no. 2 (2010): 184–207.

<sup>92</sup>Matt Wheeler, "People's Patron or Patronizing the People? The Southern Border Provinces Administrative Centre in Perspective," *Contemporary Southeast Asia* 32, no. 2 (2010): 208–33.

<sup>93</sup>*Ibid.*

of power.<sup>94</sup>

SBPAC's Office of Justice Administration, staffed by Justice Ministry officials, has four departments: the Special Cases Department, the Damrongtham Center, the Justice Facilitation Section, and the Rights and Liberties Protection Department. The Special Cases Department investigates complaints received by the Damrongtham Center about official misconduct or cases of injustice. It includes a team of Department of Special Investigation officers who assist justice officials with investigations. The other two departments sponsor programmes to educate officials and local people about their rights and obligations, and to assist local people, including the families of those who have been arrested or detained, in their interactions with the judicial system. The Justice Facilitation Section also has a fund to provide financial assistance of up to 100,000 baht (3,226 USD) to assist detainees with legal fees, to enable families to visit detainees, and to assist with investigations.<sup>95</sup>

In October 2011, Thawee Sodsong was appointed as SBPAC Secretary General. In this role, he attempted to provide some relief for past abuses and alleviate the sense of injustice felt among Malay-Muslims. A victim compensation committee was established for a one-year term to consider how to provide retroactive compensation to victims of the unrest from 2004 onwards. Target groups to receive compensation included: 1) people affected by unrest; 2) state officials affected by unrest; 3) people affected by special security laws; and 4) families of the disappeared. A cabinet resolution was passed outlining the criteria and amounts that could be provided. A minimum of 500,000 baht (16,129 USD) and a maximum of 7.5 million baht (241,935 USD)

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<sup>94</sup>Poocharoen, "The Bureaucracy: Problem or Solution."

<sup>95</sup>SBPAC Official interviewed December 2018.

could be provided in compensation to victims depending on the specifics of each case.<sup>96</sup>

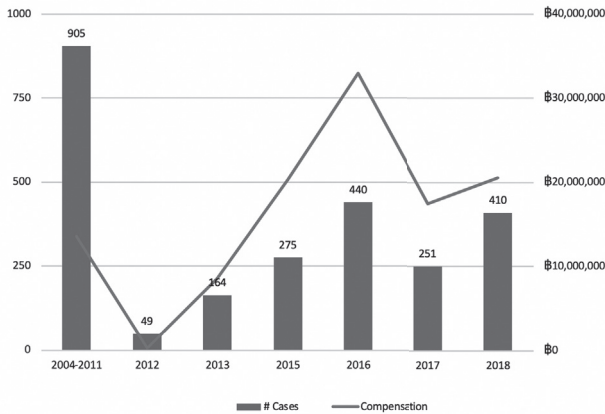


Figure 3: Compensation to Victims of Human Rights Abuses

Approximately 13.5 million baht (435,484 USD) was disbursed as retroactive compensation to victims of human rights abuses.<sup>97</sup> In 2012, regulations on assistance to victims of the unrest as well as victims of government abuses were issued together with a handbook detailing the procedure for providing compensation in future cases. Between 2012 and 2018, a further 99,963,000 baht (3,224,613 USD) was disbursed as compensation to victims of human rights abuses.<sup>98</sup> Excluding compensation provided to cover loss or damage to property, nearly 2 billion baht (64,516,129 USD) has been disbursed since 2004 to victims of the insurgency. Nearly 60 percent of compensation for those killed,

<sup>96</sup> SBPAC Official, interview.

<sup>97</sup> SBPAC, “การให้ความช่วยเหลือเยียวยาผู้ได้รับผลกระทบจากการกระทำของเจ้าหน้าที่ของรัฐ อันสืบเนื่องมาจากเหตุการณ์ความไม่สงบในจังหวัดชายแดนภาคใต้ ตั้งแต่ ก่อนระเบียบ กพต.-2561,” 2018.

<sup>98</sup> Ibid.

injured, or maimed has been provided to civilians with the remainder going to state officials.<sup>99</sup> Apart from compensation provided by SBPAC, the Ministry of Human Security and Development also provides a lifelong monthly stipend to those who have been maimed from incidents. In addition, the Ministry of Education provides scholarships to children who have lost a parent due to the unrest.<sup>100</sup>

Nevertheless, these measures do not mean that SBPAC has been fully accepted by the local population, as it is still a government agency. This is reflected by the failure of a sub-district community legal aid project, known as the Adilan Centre, which was eventually discontinued by Thawee. One explanation for the Adilan Centre's discontinuation was that Thawee likely understood that Malay-Muslims would be reluctant to report cases of mistreatment by state officials to a government agency.<sup>101</sup> An alternative explanation was that the local people who had been trained to staff the centres were only volunteers, thus they were not able to devote time to the project and so the centres often remained empty.<sup>102</sup> In the end, an assessment of the Adilan Centre found it did not provide an environment where vulnerable people could be confident that their case would be handled confidentially, fairly, or with the authority required to ensure their protection,

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<sup>99</sup> SBPAC, “สรุปผลการช่วยเหลือเยียวยาผู้ได้รับผลกระทบจากเหตุการณ์ความไม่สงบในจังหวัดชายแดนภาคใต้ ประจำปีงบประมาณ พ.ศ.2547-ปัจจุบัน,” 2018.

<sup>100</sup> SBPAC Official, interview.

<sup>101</sup> Rungrawee Chalermripinyorat and Sean Deely, “Southern Thailand Empowerment & Participation Project Review & Follow-Up Formulation Report,” UNDP, accessed August 3, 2018, [http://www.undp.org/content/dam/thailand/docs/others/UNDP\\_Thailand\\_STEP-Project-Review\\_ExecSummary\\_22.1.14.pdf](http://www.undp.org/content/dam/thailand/docs/others/UNDP_Thailand_STEP-Project-Review_ExecSummary_22.1.14.pdf).

<sup>102</sup> SBPAC Official, interview.

particularly if abuses were on the part of state officials themselves.<sup>103</sup>

On 30 May 2014, Prime Minister Prayut Chan-o-cha brought SBPAC under his control through NCPO Announcement 34/2557.<sup>104</sup> In doing so, he effectively subsumed SBPAC, once again, under ISOC.<sup>105</sup> In April 2016, Prayut suspended several articles of the 2010 Southern Border Provinces Administration Act, mostly concerning SBPAC's elected 49-member advisory council, replacing it with a committee comprising 60 members appointed by ISOC, SBPAC, provincial governors, and the Prime Minister. The new regulations diminished its status and concentrated its budget with ISOC officials.<sup>106</sup> On 18 June 2018, the NSC Steering Committee for Solving Problems in the Far South announced that SBPAC would see its role limited to that of a regulator of development policies, as operational works would be carried out by various ministries. The justification provided was to help tackle work and budgetary overlaps and because of SBPAC's "limited personnel".<sup>107</sup> These developments have signalled to local people that SBPAC lacks the power to truly function as a problem-solving centre that can genuinely address local grievances.

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<sup>103</sup> Chalernsripinyorat and Deely, "Southern Thailand Empowerment."

<sup>104</sup> "ประกาศคณะรักษาความสงบแห่งชาติฉบับที่ 34/2557 เรื่องการปรับปรุงโครงสร้างการจัดของ คณะรักษาความสงบแห่งชาติ," [NCPO Announcement 34/2014, on "Adjusting the Structure of the National Council for Peace and Order"], Thai Parliament, [https://library2.parliament.go.th/giventake/content\\_ncpo/ncpo-annouce34-2557.pdf](https://library2.parliament.go.th/giventake/content_ncpo/ncpo-annouce34-2557.pdf).

<sup>105</sup> SBPAC was previously placed under the control of ISOC in 2006 under Prime Minister Surayud Chulanont and in 2008 by Prime Minister Samak Sundaravej leading to criticisms that the agency was unable to carry out its function as a problem-solving mechanism to address the Southern conflict and that its subordination under ISOC lessened local people's trust in the agency.

<sup>106</sup> International Crisis Group, "Southern Thailand's Peace Dialogue."

<sup>107</sup> "Border agency's power curtailed," Bangkok Post, last modified June 19, 2018,

The quasi-governmental agencies that are supposed to assist citizens with access to justice serve primarily as mechanisms where complaints regarding official misconduct may be lodged. These agencies are national agencies and do not only cover the southern border provinces.

An inquest is held when there is a death in custody, but complaints of torture that do not lead to deaths are treated like other complaints of wrongdoing carried out by state officials and must be submitted by citizens to the National Anti-Corruption Commission (NACC), established in 1999. The NACC then examines the case and decides whether to recommend that the public prosecutor bring charges against the named officials.<sup>108</sup> However, it is regarded as ineffective due to the high backlog of cases the commission receives throughout the country. A more troubling critique is its lack of independence, leading to irregular or politically motivated enforcement of its powers. A request for data regarding the number of complaints of malfeasance in relation to security cases in the Deep South was declined citing the NACC Regulation on Disclosure and Dissemination of Documents and Data dated 19 September 2018.<sup>109</sup>

The National Human Rights Commission of Thailand (NHRCT), founded in 1997, exists with the mission to protect and promote human rights. It has a local office located in Pattani town which opened in 2014.

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accessed October 30, 2018, <https://www.bangkokpost.com/news/security/1487970/border-agencies-power-curtailed>.

<sup>108</sup> Haberkorn, “When Torture is a Duty.”

<sup>109</sup> This regulation gives the agency the discretion to decide which documents and data may be disclosed to the public and which must remain confidential. “คลอกระเบียบ ป.ป.ช.การเข้าถึงข้อมูล กำหนดชั้นความลับ กก.-เลขาชี้ขาดเปิดเผยหรือไม่,” Isranews, last modified September 19, 2018, <https://www.isranews.org/isranews-news/69612-isranews-69612.html>.

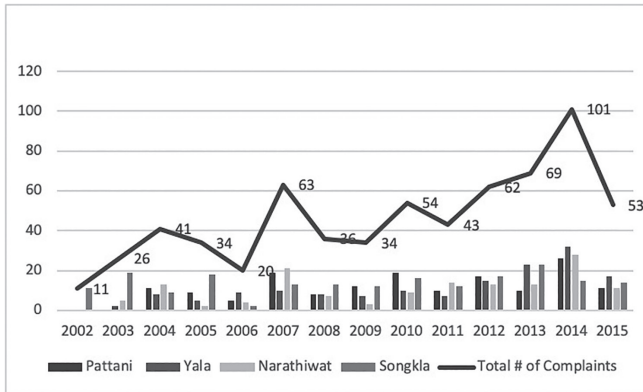


Figure 4: Report of complaints received by the NHRCT<sup>110</sup>

Remarks: Notes that figures for Songkhla represent the entire province so it does not disaggregate according to the four districts that are also considered part of the conflict area.

As Figure 4 demonstrates, there has been an overall increase in the number of complaints lodged with the NHRCT. This general increase could be due to increased awareness that such a mechanism exists. What is particularly noteworthy is the jump in the number of complaints filed in 2014, which is the year the National Council for Peace and Order (NCPO) seized power.

On 28 January 2016, the UN revealed that the International Coordinating Committee on National Human Rights Institutions (ICC), an independent international association of national human rights institutions (NHRIs) which monitors the performance of NHRIs, had downgraded the status of the NHRCT. The ICC had previously expressed concerns about Thailand's selection process for National Human Rights

<sup>110</sup>“Statistical information on complaints,” National Human Rights Commission of Thailand, [http://www.nhrc.or.th/NHRCT-Work/Statistical-information/Statistical-information-on-complaints/Yearly-\(2548-Now\).aspx](http://www.nhrc.or.th/NHRCT-Work/Statistical-information/Statistical-information-on-complaints/Yearly-(2548-Now).aspx).



Commissioners, a lack of functional immunity and independence, and the failure to address human rights issues in a timely manner, especially in the context of military rule in Thailand.<sup>111</sup> Human rights groups had criticised the commission for not filing lawsuits against human rights violators on its behalf or on behalf of complainants.<sup>112</sup> However, the NHRCT noted difficulties with accessing evidence in a timely manner and lack of cooperation from relevant authorities impeding its investigations.<sup>113</sup> Under Section 247 of the 2017 Constitution, the NHRCT is no longer empowered to take court action and its role is limited to investigating violations, preparing reports, and making recommendations on measures or guidelines for the promotion and protection of human rights to relevant government agencies.<sup>114</sup>

The Office of the Ombudsman is an independent agency empowered to consider and investigate complaints filed by any citizen. Local branches exist in each of the conflict-affected provinces. Following an investigation, the office may provide recommendations for further action to the appropriate agency. The office examines all petitions, but it cannot compel agencies to comply with its recommendations. A request submitted to the Ombudsman Region 15 Office for data regarding the number of complaints made in relation to security cases in the Deep South was declined. Under Section 230 of the new 2017

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<sup>111</sup>“International rights body downgrades Thai National Human Rights Commission,” Prachatai, last modified January 28, 2016, accessed July 20, 2018, <https://prachatai.com/english/node/5811>.

<sup>112</sup>US State Department, “Country Reports.”

<sup>113</sup>ICJ & TLHR, “Joint Submission.”

<sup>114</sup>Section 247. For an unofficial translation of the 2017 Thai Constitution see: “Unofficial Translation: Constitution of the Kingdom of Thailand” The Constitutional Court, [http://www.constitutionalcourt.or.th/occ\\_en/download/article\\_20170410173022.pdf](http://www.constitutionalcourt.or.th/occ_en/download/article_20170410173022.pdf).

Constitution, human rights cases submitted to the Ombudsman shall be referred to the NHRCT.

Despite the existence of these agencies, their lack of independence and limited mandate means that their efficacy is severely compromised. Thailand's political climate following the May 2014 coup d'état dampened any expectation that these agencies could act as oversight bodies able to adequately address the needs of the complainants that they are meant to serve. As the criticism levelled at these state agencies has demonstrated, there is little faith in state-sponsored justice mechanisms. As such, local CSOs play an essential role in shoring up the deficiencies embedded in the state's institutional framework. They do so by: 1) monitoring and documenting allegations of human rights violations; 2) striving to improve community engagement with the state; 3) mediating between communities and the state; or 4) offering community services in place of the state. International non-governmental organisations (INGOs) play an important supporting role to local civil society by providing much needed funding, training, and international advocacy. Some have also provided support by engaging with branches of the state where local CSOs have less access.

## **6. Is the State of Justice Improving?**

There are three key components that hopefully provide some clarity with respect to this question: 1) the implications drawn from the above assessment of justice administration in the Deep South; 2) the emergence of the current legal and constitutional framework of the whole country since the 22 May 2014 coup d'état; and 3) the perceptions of justice on the part of different identity groups.

## 6.1 Assessment of the State of Justice Administration in the Deep South

Looking at the overall state of justice administration in the Deep South offers a mixed picture. Between 2005 and 2015, the Ministry of Justice's (MoJ) strategy broadened from promoting reconciliation and developing a fair and effective justice process to include alternative justice mechanisms such as mediation, communal justice, and remedies for victims of human rights violations. It created avenues for wider stakeholder participation by emphasising the need for increased knowledge of the justice process. By 2015, their strategic plan also included the goal of developing a justice process that aligned with international standards.<sup>115</sup> Yet, although the MoJ's strategic plans relevant to operational procedures in the region strike all the right chords, there remains a gap between policy and implementation.

Improvements in prosecution and judicial proceedings have involved sourcing more appropriate and experienced personnel to work in the region, and human resource development, including the development of greater technical capacities, such as in the area of forensic science. Furthermore, the establishment of one prosecution office to oversee all security cases should have led to better coordination

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<sup>115</sup>“Action plan of Ministry of Justice 2005 – 2008 A.D.,” Ministry of Justice, last modified 2005, [http://website2556.moj.go.th/th/policy/check\\_count.php?FileID=1253](http://website2556.moj.go.th/th/policy/check_count.php?FileID=1253); “Strategic Plan of Ministry of Justice 2008 – 2012 A.D.,” Ministry of Justice, last modified 2008, [https://www.google.com/url?sa=t&rct=j&q=&src=s&source=web&cd=5&ved=0ahUKEwj9wqLrkp3KAhVRTI4KHdLGA\\_oQFgguMAQ&url=http%3A%2F%2Fstrategy.pacc.go.th%2Fdoc%2Fplansta5155.doc&usq=AFQjCNGrglZ-0-9yKIG8hzIjuyqlz2WBsQ](https://www.google.com/url?sa=t&rct=j&q=&src=s&source=web&cd=5&ved=0ahUKEwj9wqLrkp3KAhVRTI4KHdLGA_oQFgguMAQ&url=http%3A%2F%2Fstrategy.pacc.go.th%2Fdoc%2Fplansta5155.doc&usq=AFQjCNGrglZ-0-9yKIG8hzIjuyqlz2WBsQ); “Action Plan of Ministry of Justice 2012 – 2015 A.D.,” Office of the Permanent Secretary of Ministry of Justice, 2012, Bangkok: Ministry of Justice.

of relevant agencies and improvements to database management by centralising cases under one agency. Whether these initiatives have led to tangible improvements in terms of the prosecution and adjudication of cases is difficult to assess due to the lack of public and up-to-date data.

Moreover, it seems that the independence and fairness of the judicial process may come down to the capacities of individual prosecutors and judges. On the one hand, there are cases which allow for cautious optimism, whereby judges push back against the excesses of the security laws as seen in the case of a judge refusing to extend a detention warrant on the basis that the detainee may have been subjected to torture. On the other hand, the decision of the prosecutor to file defamation charges against the Manager Online editors in 2018 suggests that prosecutors may, at best, lack independence, or at worst, have been co-opted by the military authorities, leading them to file charges that constitute an attempt to suppress information that casts the military in a negative light. Regrettably, the latter example conforms to a nationwide trend that will be discussed in greater detail in the next section.

With respect to SBPAC, its efficacy in terms of winning the hearts and minds of the local population could be said to ebb and flow according to its current command and control structure. Between 2011 and 2014, SBPAC, under the leadership of Thawee Sodsong, enacted a number of symbolic gestures, including restoring the original Malay names to a large number of villages that had been renamed in Thai as part of an earlier “Thaification” policy.<sup>116</sup> On multiple occasions, Thawee also made

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<sup>116</sup>Douglas A. Olthof, “Compounding Fractures: State–Society Relations and Inter-Ethnic Estrangement in Thailand’s ‘Deep South’” (PhD diss., Simon Fraser University, 2016).

reference to the famous seven demands, issued in 1947 by Haji Sulong, as a potential framework for addressing local grievances. In addition to these symbolic gestures, SBPAC supported religious activities through such initiatives as the Quality of Life Improvement Program that many communities have used to improve religious education facilities (Tadika) for their children.<sup>117</sup>

Aside from these symbolic gestures, Thawee also initiated retroactive compensation for victims of the conflict. Although welcomed by families, the issue of compensation as a means to redress injustice is problematic. Compensation may provide some temporary relief from the economic losses that victims and their families must suffer, but compensation alone is insufficient. All families of the disappeared that were interviewed by HRW emphasised that compensation was not a substitute for serious investigations to determine the whereabouts of their loved ones, or for appropriate prosecutions of those responsible.<sup>118</sup> Without institutional reforms that lead to criminal sanctions against state perpetrators of violence, apologies ring hollow, particularly if what is meant by “sanction” is simply a transfer of the offending officer to an “inactive post.”

Since the NCPO-led government installed a new secretary-general to head SBPAC, subsumed the agency under ISOC’s control, and strictly curtailed its remit, its reputation has again diminished in the eyes of the local population, who are all too familiar with the pattern of alternating civilian and military control. These measures do not bode well for the future trajectory of the agency in terms of alleviating the sense of injustice felt by the local population.

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<sup>117</sup> Ibid.

<sup>118</sup> Human Rights Watch, “It Was Like Suddenly My Son No Longer Existed.”

Ultimately, any improvements in the judicial process coupled with the symbolic measures proffered by SBPAC are offset by the continued allegations of human rights abuses on the part of security officials and the environment of impunity in which they are able to operate. As such, the fact that the Ministry of Defence requires soldiers deployed to support counterinsurgency operations to undergo specialist human rights training appears, at best, ineffectual or, at worst, disregarded. That is not to say that all security officials are culpable. However, the proliferation of paramilitary forces, with varying degrees of training and discipline, has meant that some security forces are viewed with greater wariness than others. One such example are the Chor Ror Bor volunteers who have been accused by local people of engaging in vigilante violence or of lacking the discipline and training necessary to resolve tense situations without the use of excessive force.<sup>119</sup> In addition, paramilitary rangers have also gained a reputation for indiscipline and brutality.<sup>120</sup> As security officials are at the forefront of law enforcement, the way in which individual officers engage with local people has repercussions on how the entire security apparatus is viewed. Security forces are often one of the first points of contact for local people in terms of their interaction with the state. Recurring negative experiences with these officers will only reinforce suspicion and a lack of trust in the justice process.

Since the 2014 coup, the NCPO continued a long-standing policy of downsizing the number of soldiers in the Deep South. However,

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<sup>119</sup>International Crisis Group (ICG), "Southern Thailand: The Problem with Paramilitaries," Asia Report, no. 140 (October 23, 2007), accessed November 20, 2019, <https://d2071andvip0wj.cloudfront.net/140-southern-thailand-the-problem-with-paramilitaries.pdf>.

<sup>120</sup>Olthof, "Compounding Fractures."

the downsizing was balanced by outsourcing security duties to local paramilitaries.<sup>121</sup> Given concerns regarding the lack of discipline and training of certain civilian militias, this outsourcing of security represents an increased risk in the potential for human rights violations, thus further undermining rule of law and justice in the region.

## **6.2 Constitutional and Legal Framework following the May 2014 Coup d'état**

The state of justice in the southern border provinces must be evaluated within the context of the significant changes in Thailand's constitutional and legal framework following the 22 May 2014 coup d'état. Although the administrative arrangements in the southern border provinces have elements that are unique from the rest of the country, the general trend in terms of rule of law and justice throughout Thailand have implications for the prospects of positive advances in the administration of justice in the Deep South.

The NCPO, the governing body established by the Thai military after the coup, dissolved the civilian government, suspended the 2007 Constitution, and imposed military rule across the country through nationwide implementation of Martial Law. Although Martial Law was lifted in most areas of the country on 1 April 2015, it was replaced with draconian NCPO orders.

On 22 July 2014, two months after the coup, the NCPO promulgated an interim Constitution giving themselves broad powers

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<sup>121</sup>Don Pathan, "Thailand's Military Outsourcing Deep South Security to Local Militias," BenarNews, last modified October 5, 2016, accessed November 17, 2018, <http://www.benarnews.org/english/news/special-reports/Deep-South-troops-10052016164917.html>.

inconsistent with the rule of law; Specifically, Section 44 entrenched executive power absent of any check and balances; Section 47 granted all NCPO orders and announcements following the coup immunity from judicial review; and Section 48 prevents accountability of officials and embeds impunity.<sup>122</sup>

On 7 August 2016, voters approved a draft constitution prepared by the NCPO-appointed Constitution Drafting Committee (CDC). Although 61 percent voted in favour, voter turnout stood at only 59 percent. Despite the NCPO proclaiming the result a success, the severe restrictions on freedom of expression and assembly that increased in the lead up to the referendum did not go undetected. Between 23 April and 10 December 2016, at least 207 persons were prosecuted for exercising freedom of expression in relation to the referendum.<sup>123</sup> Considering the campaigning restrictions put in place prior to the referendum, it was notable that 60 percent of voters in the three southern provinces voted “no”.<sup>124</sup> This rejection of the draft Constitution, a text that is considered the supreme law of a state, was a clear indication of local voters’ views with respect to its legitimacy.

These legal and constitutional framework changes culminated with the enactment of Thailand’s 20th Constitution on 6 April 2017. Sections 265 and 279 of the 2017 Constitution kept the powers of the

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<sup>122</sup>“Thailand: interim Constitution seems to ignore key pillars of rule of law,” ICJ, last modified July 24, 2014, accessed August 8, 2019, <https://www.icj.org/thailand-interim-constitution-seems-to-ignore-key-pillars-of-rule-of-law/>.

<sup>123</sup>“TLHR’s Legal Opinion on Prosecutions of ‘Referendum Suspects’,” Thai Lawyers for Human Rights, last modified December 23, 2016, accessed October 29, 2018, <http://www.tlhr2014.com/th/?p=3095>.

<sup>124</sup>International Crisis Group, “Southern Thailand’s Peace Dialogue.”



interim Constitution accorded to the Head of the NCPO and the NCPO under sections 44, 47, and 48. Moreover, Section 279 of the 2017 Constitution reaffirmed the constitutionality and legality of all existing and future NCPO decrees, stipulating that they could only be repealed or amended by passage of legislation.<sup>125</sup>

Since the 2014 coup, the NCPO has issued a total of 557 decrees: 214 NCPO Orders, 132 NCPO Announcements, and 211 Head of NCPO Orders.<sup>126</sup> Some orders imposed particularly severe restrictions by granting military officers extensive powers to investigate, arrest, and detain persons in informal detention centres for up to seven days without adequate judicial supervision, thereby increasing the risk that individuals may be subjected to torture or other forms of ill-treatment.<sup>127</sup> That such restrictions, already applied in the Deep South for 15 years, were extended throughout the country is indicative of a negative trend in the administration of justice nationwide. Other orders have served to extend the influence of the military into other branches of government; on 22 November 2017, the ISA was amended to expand the Internal Security Committee's powers at the regional and provincial level. Regional and provincial public prosecutors were explicitly incorporated into these committees leading to fears that this would allow ISOC to extend its

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<sup>125</sup> ICJ, TLHR & CrCF, "Joint Follow-up submission."

<sup>126</sup> "Military authorities can still arbitrarily detain civilians Analysis of the Head of the NCPO Order no. 9/2562 that repealed some Announcements/Orders that are no longer necessary," TLHR, last modified July 11, 2019, accessed August 8, 2019, <https://www.tlhr2014.com/?p=12995&lang=en>.

<sup>127</sup> ICJ, TLHR & CrCF, "Joint Follow-up submission."

reach into the judiciary.<sup>128</sup> Given the role of prosecutors in bringing cases to court, this has worrying implications for prosecutorial independence.<sup>129</sup> On 9 July 2019, at least 70 of the 557 decrees were revoked. However, some of the most problematic orders still remain in place.<sup>130</sup>

It is no wonder then that since the coup, Thailand's ranking under the global Rule of Law Index has progressively declined. In 2019, Thailand ranked 76 out 126 countries covered compared to an overall global rank of 56 in 2015. Since 2016 Thailand has been ranked 10 out of 15 countries covered in the East Asia Pacific region. Thailand fared particularly poorly in the areas of fundamental rights, constraints on government powers, and criminal justice.<sup>131</sup> Thus, the general decline in rule of law and justice throughout the country offers little hope for possibilities of improved justice administration in the conflict-affected Deep South.

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<sup>128</sup> "ISOC Power Boost not Political," Bangkok Post, last modified January 8, 2018, accessed August 9, 2018, <https://www.bangkokpost.com/news/general/1391986/isoc-power-boost-not-political>.

<sup>129</sup> "10 years of the Internal Security Act: democracy as a danger to security," Prachatai, last modified March 26, 2018, accessed August 9, 2018, <https://prachatai.com/english/node/7686>.

<sup>130</sup> TLHR, "Military authorities can still arbitrarily detain civilians."

<sup>131</sup> World Justice Project, *Rule of Law Index 2019 Report* (Washington: World Justice Project, 2019), <https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2019-Single%20Page%20View-Reduced.pdf>; World Justice Project, *Rule of Law Index 2017–2018 Report* (Washington: World Justice Project, 2018), [https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2018-June-Online-Edition\\_0.pdf](https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2018-June-Online-Edition_0.pdf); World Justice Project, *Rule of Law Index 2016–2017 Report* (Washington: World Justice Project, 2017), [https://worldjusticeproject.org/sites/default/files/documents/RoLI\\_Final-Digital\\_0.pdf](https://worldjusticeproject.org/sites/default/files/documents/RoLI_Final-Digital_0.pdf); World Justice Project, *Rule of Law Index 2015–2016 Report* (Washington: World Justice Project, 2016), [https://worldjusticeproject.org/sites/default/files/documents/roli\\_2015\\_0.pdf](https://worldjusticeproject.org/sites/default/files/documents/roli_2015_0.pdf).

## 6.3 Perception of Justice

### 6.3.1 Understandings of Justice

From 2015, a collaborative effort between numerous domestic academic institutions has attempted to gauge the views of the local population and opinion leaders<sup>132</sup> on various issues related to the conflict and its resolution. In the first peace survey,<sup>133</sup> respondents were asked to define what they understood by the term “justice”. The key concepts that informed their understanding of justice was “equality” and “a process underpinned by the law”. This could largely be interpreted as conforming to the idea of procedural justice, which is “*concerned with making and implementing decisions according to fair processes that ensure ‘fair treatment’*” and whereby “*rules must be impartially followed and consistently applied in order to generate an unbiased decision.*”<sup>134</sup> Where general respondents and opinion leaders differed was with respect to retributive and restorative justice. General respondents also understood justice as wrongdoers needing to face responsibility for their crimes

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<sup>132</sup>The criteria for designation as an opinion leader was; (1) ability to articulate the opinions of a number of local people; (2) have widespread networks connecting a number of local people; (3) recognised by a number of local people as a leader or representative; (4) a person whose words and/or actions can influence the opinions of a number of local people; (5) a person whose words and/or actions impact on the livelihoods of a number of local people; (6) respected by a number of local people; (7) living or working in the southernmost provinces; and (8) someone with whom collaboration is possible or who is willing to collaborate.

<sup>133</sup>The survey of 1,559 respondents was carried out in the provinces of Pattani, Yala, Narathiwat and Songkhla’s four districts. Random sampling was applied at the sub-district, village, and household level. One household member was also chosen by random sampling method. Only those aged between 18 and 70 were selected.

<sup>134</sup>Michelle Maiese, “Types of Justice,” *Beyond Intractability*, last modified July 2003, accessed July 5, 2018, [https://www.beyondintractability.org/essay/types\\_of\\_justice](https://www.beyondintractability.org/essay/types_of_justice).

whereas opinion leaders identified reconciliation as the third most important component of justice.<sup>135</sup>

A subsequent question in the first two peace surveys delved further into what respondents meant in defining justice as “equality”. Consistent between the first and second surveys, a majority of respondents agreed that Thai–Buddhists/Chinese were generally treated better than Malay–Muslims, particularly with respect to security and the administration of justice. By contrast, Malay–Muslims were seen as better off than Thai–Buddhists/Chinese in terms of religion and language.<sup>136</sup> This result concurs largely with other research that does not identify a lack of religious freedom as a current driver of the conflict.<sup>137</sup> For example, Muslims in the Deep South are able to apply Islamic Law with respect to family matters, unlike Muslims living elsewhere in the country via the 1946 Act on Application of Islamic Law in the Provinces of Pattani, Narathiwat, Yala, and Satun.<sup>138</sup> Moreover, SBPAC support for religious activities, such as organising annual trips to Mecca, could be seen as another instance whereby accommodations are made for Islamic customs although this may also be viewed as merely an attempt to co-opt Malay–Muslims. The issue of language is also less clear-cut. Although efforts have been made to better accommodate the language needs of Malay–Muslims in terms of government service provision through more

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<sup>135</sup>Peace Survey Network, “Peace Survey 1,2 & 3: Survey results of people’s opinions on the peace process in the Southern Border Provinces,” February – April 2015, July –August 2016, April–May 2017.

<sup>136</sup>Ibid.

<sup>137</sup>International Crisis Group, “Southern Thailand: Insurgency, not Jihad.”

<sup>138</sup>“Rights groups call for end to child marriage,” Bangkok Post, last modified July 31, 2018, accessed October 31, 2018, <https://www.bangkokpost.com/news/asean/1512946/rights-groups-call-for-end-to-child-marriage>.

localised hiring practices for example,<sup>139</sup> there remain some controversies around different initiatives to provide bilingual education within the mainstream educational system.<sup>140</sup>

Variations in responses across the three annual surveys must be interpreted in light of the prevailing context in which they were conducted. Different issues become more salient depending on what topics currently dominate discussions in the region. Regarding recommendations to the dialogue parties as to which topics should be prioritised for discussion, justice and human rights were highlighted in the first two waves by opinion leaders. General respondents in each wave ranked reform of law enforcement, the justice process, and victims' remedies as the most urgent issues to be discussed, an explicit acknowledgement that justice needs be addressed in order to resolve the conflict.<sup>141</sup>

### 6.3.2 Government Interventions and Perceptions of Injustice

The government's often clumsy responses to instances of intercommunal tensions have also fuelled perceptions of injustice. An interesting case arose at Anuban Pattani School in 2018 over what female Muslim students should wear. The school had long implemented a policy against the wearing of the hijab by its Muslim students, as the school was built on a temple-owned plot of land, and thus had to comply with temple rules. However, some students reported for the new

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<sup>139</sup> Poocharoen, "The Bureaucracy: Problem or Solution."

<sup>140</sup> For more detailed discussions of these controversies, see Gotham Arya, "Language and Educational Policies: Improving Ethnic Relations in the South of Thailand," Asia Peacebuilding Initiatives, last modified August 14, 2015, accessed November 5, 2018, <http://peacebuilding.asia/language-educational-policies-south-thailand/>; "Malay language and conflict in Deep South," Prachatai, last modified June 30, 2016, accessed November 5, 2018, <https://prachatai.com/english/node/6295>.

<sup>141</sup> Peace Survey Network, "Peace Survey 1,2 & 3."

semester wearing hijab and long trousers, leading to objections on the part of the Thai-Buddhist teaching staff. Decisions moved back and forth over whether the school should allow Muslim-style clothes, which resulted in protests staged by groups on both sides of the debate. The Education Ministry attempted to defuse the row by allowing Muslim students to wear the hijab and long trousers. This led to more protests from Buddhist quarters.<sup>142</sup> A Royal Gazette announcement on 13 June 2018 ended the debate by declaring that Muslim students at non-Islamic schools could opt to wear uniforms or follow the dress code, except at schools located on temple property, where it would be mandatory. Thus, Muslim students attending a Buddhist-run school would not be allowed to dress according to Islamic customs.<sup>143</sup> The final decision may have allayed the sentiments of some Buddhists, but it also created more ill-feeling on the part of Muslims who felt strongly that the ban was a restriction on their religious freedom. As such, the issue remains unresolved.

That the NCPO ultimately sided with the Buddhists on this issue may be explained by the fact that the Thai-Buddhist minority in the region has started becoming more vocal with respect to their feelings of injustice at the way in which the government has handled the conflict and the unrelenting violence since 2004. Many Buddhists in rural areas of the three southern border provinces have migrated to urban centres or are said to have moved out of the region entirely. The belief that the Buddhist population is dwindling has created a deep-seated anxiety that

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<sup>142</sup> "Pattani School Lifts its Ban on Wearing Hijab," Nation, last modified May 21, 2018, accessed November 5, 2018, <http://www.nationmultimedia.com/detail/national/30345872>.

<sup>143</sup> "Thai Education Ministry Bars Hijab at Buddhist School in Deep South," Bernarnews, last modified June 14, 2018, accessed November 5, 2018, <https://www.benarnews.org/english/news/thai/Pattani-school-hijab-06142018170312.html>.

Buddhism may eventually disappear from the region. However, data constraints make it difficult to substantiate the claim that Buddhist numbers in the area have declined since the violence re-emerged in 2004. Even if statistics demonstrated such a trend, further research would be required to establish that the violence was indeed a primary push factor for migration out of the region. Nevertheless, there is a worry that this belief among Thai-Buddhist inhabitants is contributing to the rise of a new Buddhist nationalism. Successive Thai governments have provided funds and support to Muslim communities in the southern provinces in an attempt to avoid the conflict's exacerbation along religious lines, but this has only increased the feeling of neglect among Buddhists. In late 2016, the "Network of Buddhists for the Protection of Buddhism" was established in Yala to advocate for the government to do more to protect Buddhists, and to encourage Buddhists to stay or immigrate to the Deep South. The group blame the government for the apparent exodus of Buddhists from the region.<sup>144</sup>

On 2 October 2018, the incoming 4<sup>th</sup> Army Region chief Lt-General Pornsak Poonsawat met 500 Buddhist residents in Yala town to gather input and recommendations on tackling the unrest. A representative of Buddhist group "Tai Rom Puttatham Yala" raised the issue of double standards in the treatment of people and in the provision of aid. She urged measures to ensure equality among people of different religions to prevent the conflict escalating.<sup>145</sup>

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<sup>144</sup> "In conflict-hit southern Thailand, Buddhist nationalism is on the rise," Channel News Asia, last modified June 18, 2017, accessed November 5, 2018, <http://www.channelnewsasia.com/news/asiapacific/in-conflict-hit-southern-thailand-buddhist-nationalism-is-on-the-8940918>.

<sup>145</sup> "Southern Army chief urged to tackle 'double standards'," Nation, last modified 3 October 3, 2018, accessed November 5, 2018, <http://www.nationmultimedia.com/detail/national/30355663>.

### 6.3.3 Perception of Justice for Malay–Muslims and Thai–Buddhists at the local level

Olthof's "Compounding Fractures" offers more nuanced insights into how justice may be understood by different identity groups in the region. He predicates his arguments on an understanding of the state as fundamentally non-unitary; at the local level, the presence of different state agencies are distinct and only partially coordinated and the manner in which they interact with or are embedded in society are equally distinct. Although difficult to generalise from such an in-depth case, Olthof's ethnographic study of two villages in Yala Province offers a glimpse into how communities navigate their engagement with and avoidance of state officials based on their awareness of how competing interests and social influences affect the state in its various forms. Rumours and conspiracy theories that circulate throughout the region help to form and transmit this knowledge.<sup>146</sup>

His findings reveal how the character of state–society relations varies substantially depending on both the branch of the state and the ethno-religious identity of the individual in question. Relations with security officers were, generally, much friendlier and collaborative for Buddhists. Moreover, Buddhists were able to mobilise symbolic resources to accentuate their Thai ethnic identity to gain preferential access to state-provided security. By contrast, as a group, Muslims felt threatened and under surveillance by security officials. Muslims tended to avoid these officials and believed these particular state agents regarded them as Muslims first and foremost. This perception was taken for granted by Malay–Muslims whereas Thai-speaking Muslims, originally

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<sup>146</sup> Olthof, "Compounding Fractures."



from outside the region, found this to be a novel experience.<sup>147</sup> The observation that the actions of the Thai state security apparatus has given rise to the alienation of Malay–Muslims from Thai national identity is by no means a novel one. However, Olthof’s finding that Thai-speaking Muslims with origins in the upper south experience similar treatment and develop similar views is suggestive of how the Thai security apparatus in the Deep South groups all Muslims into a single, undifferentiated category that is distinguished solely by its opposition to the Thai-speaking, Buddhist national norm.

Olthof finds the situation for Buddhists and Muslims reversed with respect to the decentralised local level government. Villagers’ experiences in their relations with local level government was marked by perceptions of corruption, unresponsiveness and bias in the distribution of public goods. Structural deficits in Thailand’s decentralised government system prevent it from ensuring adequate representation and responsiveness to all sectors of society and made it highly susceptible to domination by local elites. As such, the boundaries between official state power and informal “influence” could be profoundly blurred. Specifically, one Malay–Muslim individual’s overwhelming influence in the sub–district government demonstrated how power operated outside formal channels with entry points available only to some segments of the population. For Buddhists, the informal channels of power were largely inaccessible. Alienated from the local level state, the Buddhist community had become insular, defensive and disengaged. Thai-speaking Muslims, meanwhile, adopted modes of dress

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<sup>147</sup>In the villages surveyed, Olthof’s demographic data distinguished Thai-speaking Muslims who had migrated to the region with their Malay-speaking counterparts. This enabled observation of deeper comparative insights into state–society relationship dynamics within the communities.

and practices that emphasised their identity as Muslims, in a manner that contrasted with practices exhibited in their ancestral villages outside of the Deep South. This was understood as a means of gaining access to the informal locus of power. Thus Olthof's study sheds some light into how state–society interactions with different identity groups at the local level can shape individuals' perceptions of justice in its various forms.

## 7. Transitional Justice

For the UN, *“transitional justice is the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation... Transitional justice consists of both judicial and non-judicial processes and mechanisms, including prosecution initiatives, facilitating initiatives in respect of the right to truth, delivering reparations, institutional reform and national consultations. Whatever combination is chosen must be in conformity with international legal standards and obligations.”*<sup>148</sup>

### 7.1 Justice vs. Peace

The concept of transitional justice has been beset by controversial debates around the dichotomy of peace versus justice. “Justice” advocates promoted a legalist approach, as criminal justice was seen as a way to deter future human rights violations and to support peacebuilding. By contrast, “peace” advocates emphasised bargains and amnesties

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<sup>148</sup>“Guidance Note Of The Secretary-General: United Nations Approach to Transitional Justice,” United Nations, last modified March 2010, accessed 9 November 9, 2018, [https://www.un.org/ruleoflaw/files/TJ\\_Guidance\\_Note\\_March\\_2010FINAL.pdf](https://www.un.org/ruleoflaw/files/TJ_Guidance_Note_March_2010FINAL.pdf).

rather than prosecutions due to the need to contain spoilers in many post-conflict situations. However, this did not amount to a complete acceptance of impunity. Rather amnesties, if applied, were only to be introduced as partial and conditional.<sup>149</sup>

Interestingly, over the three waves of peace surveys, opinion leaders consistently defined peace as consisting of justice and fairness; freedom and liberty; and social harmony, although not consistently in that order. By contrast, the concept of justice and fairness was only highlighted by general respondents in the first peace survey. This was replaced in the second and third waves by social harmony. General respondents, however, consistently defined peace in terms of freedom and liberty and the absence of violence,<sup>150</sup> suggesting understandable fatigue at the prolonged impact of the violence on an increasingly fractured society.

A more interesting divergence emerged between general respondents and opinion leaders in the second peace survey, when respondents' views on transitional justice were elicited. Over half of opinion leaders surveyed agreed with amnesty for non-serious cases, followed by a portion agreeing that amnesty was something to be provided in all cases in exchange for securing peace. By contrast, a little over a quarter of general respondents felt that amnesty should be provided in non-serious cases as a means to keep the peace process moving forward, and close to a quarter felt that no allowances should be made at all in

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<sup>149</sup> Martina Fischer, "Transitional Justice and Reconciliation – Theory and Practice," in *Berghof Handbook on Transitional Justice & Reconciliation* (2011), <https://www.berghof-foundation.org/nc/en/publications/publication/transitional-justice-and-reconciliation-theory-and-practice/>.

<sup>150</sup> Peace Survey Network, "Peace Survey 1,2 & 3"

any case of law-breaking.<sup>151</sup> The different emphases placed on restorative justice on the one hand and retributive justice on the other are a classic example of the peace versus justice dichotomy. The peace surveys also found that opinion leaders tended to have more information than the general population about the Southern Thai peace process. An awareness of the kind of challenges that face peace processes generally could explain opinion leaders' emphasis on the need for partial or full amnesties as a means of securing peace. However, it could also reflect the fact that access to amnesties usually depends on one's status. The rank and file are often the ones that end up being punished compared to those holding more senior positions. Unfortunately, the survey did not disaggregate responses according to identity groups. This could provide an interesting insight into how the different identity groups view restorative and retributive justice measures.

The issue of amnesty for members of the resistance movement was first raised as one of the Barisan Revolusi Nasional's (BRN) five demands in February 2013 during the first publicly announced peace talks with the Thai government. In a YouTube video statement, the BRN spokesperson listed as one demand that "Thai authorities must release all detained suspects and suspend and revoke all arrest warrants concerning national security cases without condition."<sup>152</sup> During the peace talks under the NCPO-led government, the issue of amnesty was again raised as one of three key conditions by the umbrella group MARA Patani in 2016. The third condition specifically called for "legal immunity for MARA members" as a means for ensuring security and protection for dialogue party members to enter Thailand in order to engage in

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<sup>151</sup> Ibid.

<sup>152</sup> "Penjelasan 5 Tuntutan Awal:BRN," [BRN 5 Demands], YouTube video, "flyer cryer," May 24, 2013, <https://www.youtube.com/watch?v=x6r5WxFIBIY>.

discussions with the people of the Deep South. However, this proposal was rejected by NCPO head Prayut.<sup>153</sup> In November 2016, MARA Patani issued three additional trust-building proposals to the Thai government following the tentative agreement between the parties to implement a Safety Zone (SZ) in a designated area of the region. The first proposal reiterated the immunity guarantee for MARA Patani interlocutors but also included the proposal to release some political prisoners who could help with the SZ's implementation.<sup>154</sup> By 2018, the project had stalled following the Thai government's refusal to formalise the initiative by signing the SZ agreement. The Thai government asserted that the initiative was merely a confidence-building measure, so the signing of any document was unnecessary.<sup>155</sup> This was yet another sign of the lack of political will on the part of the government to make any genuine concessions towards the resistance movement's interlocutors.

Outside the sphere of the peace dialogue process is a controversial amnesty programme named the "Bring the People Home" project headed by the ISOC Region 4 Commander and launched in 2012. On 2 February 2018, it was reported that ISOC Region 4 held a ceremony in Pattani where 288 individuals symbolically surrendered to authorities as part the programme. Of this figure, 161 were said to have enrolled since the start of 2018.<sup>156</sup> The programme's "success" was, however,

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<sup>153</sup> Abu Hafez, "Dissecting the T-O-R," last modified May 19, 2016, accessed November 5, 2018, <http://www.deepsouthwatch.org/node/8733>.

<sup>154</sup> Abu Hafez, "Peace Talk at Cross Road, Again," last modified May 23, 2018, accessed November 5, 2018, <https://deepsouthwatch.org/th/node/11829>.

<sup>155</sup> *Ibid.*

<sup>156</sup> "Thai Military Revamps Program to Entice Deep South Rebels to Surrender," *Bernarnews*, last modified February 2, 2018, accessed November 5, 2018, <https://www.bernews.org/english/news/thai/bring-home-02092018160352.html>.

exposed as a mere public relations exercise and more related to the interpersonal rivalry between the head of ISOC Region 4 and the head of the Peace Dialogue Team.<sup>157</sup> Thus, its efficacy as a genuine transitional justice measure is highly questionable.

Of greater note is how communities of Thai-Buddhists in the region responded to the additional follow up measures of the “Bring the People Home” project. Following an announcement that the military had reportedly allocated 6 million baht (193,548 USD) for supplies for 30 houses to be built, along with land to farm, for 105 enrolees,<sup>158</sup> on 2 May 2018, more than 500 people in Sukhirin protested against locating the resettlement close to their villages. ISOC Region 4 eventually abandoned the plan to relocate former insurgents following the fierce opposition.<sup>159</sup> This backlash from Thai-Buddhist villagers against resettlement of former militants is a telling example of the way in which Thai-Buddhists would perceive any similar restorative justice measures, and raises one of the key challenges that will be faced by the dialogue

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<sup>157</sup> See: “Gen Aksara assures no conflict over peace dialogue process with MARA Patani,” Thai PBS, last modified March 23, 2018, accessed November 5, 2018, <http://englishnews.thaipbs.or.th/gen-aksara-assures-no-conflict-peace-dialogue-process-mara-patani/>; “Thai General’s Comments Irk Panel Representing Southern Rebels in Peace Talks,” Bernarnews, last modified March 27, 2018, accessed November 5, 2018, <https://www.benarnews.org/english/news/thai/Thailand-militants-03272018152451.html>.

<sup>158</sup> Abdullah Benjakit, “Villages Oppose Resettling Returnees near their Home,” Bangkok Post, last modified May 2, 2018, accessed November 5, 2018, <https://www.bangkokpost.com/news/security/1456633/villages-oppose-resettling-returnees-near-their-homes>.

<sup>159</sup> Waedao Harai, “4th Army drops ‘Ex-Rebel’ Village Plan,” Bangkok Post, last modified May 11, 2018, accessed November 5, 2018, <https://www.bangkokpost.com/news/security/1462478/4th-army-drops-ex-rebel-village-plan>.

parties when discussing the issue of justice. In short, any initiatives to provide some redress for the injustices experienced by Malay–Muslims are likely to fuel the perceptions of injustice on the part of Thai–Buddhists, who feel that the state has over–accommodated the demands of Malay–Muslims at their expense. It also highlights a lack of awareness that local communities have concerning transitional justice mechanisms as a tool for conflict transformation.

## 7.2 Truth vs. Justice

Another debate within the transitional justice discourse is between truth and justice. Truth commissions have been promoted as alternatives to prosecutions and as important mechanisms for counteracting cultures of denial. It has been argued that public and official exposure of truth provides redress for victims and may contribute to individual and social healing and reconciliation.<sup>160</sup> However, these initially high expectations regarding the potential of truth commissions became more sober following the wide gaps between commission mandates to develop detailed recommendations on societal reforms and the non–implementation of such proposals by the governments that received them.<sup>161</sup> This is perfectly exemplified by Thailand’s 2005 establishment of the National Reconciliation Commission (NRC).

In the context of the Deep South, the heavy–handed approach of the Thaksin government together with the 2004 Tak Bai massacre led to regional and international condemnation. Under pressure, Thaksin created the NRC. McCargo describes how from the start the 50–member NRC, chaired by former Prime Minister Anand Panyarachun, was

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<sup>160</sup> Fischer, “Transitional Justice and Reconciliation.”

<sup>161</sup> Ibid.

“*too large and unwieldy to function effectively.*”<sup>162</sup> Moreover, although the report emphasised issues of justice, it did not engage with the fundamental questions underpinning the violence and the final report had little effect on policy because most of its recommendations were ignored.<sup>163</sup> An NRC fund was established to provide victims of the massacre with one-off payments of roughly 5,000 baht (161 USD) per family.<sup>164</sup> On 2 November 2006, Prime Minister Surayud Chulanont formally apologised for Thaksin’s policies in the south and two days later the charges against the surviving protesters were dropped. The apology was not followed by prosecutions of the officials involved.<sup>165</sup>

It is generally agreed that societies recovering from violent conflict require both retributive justice and restorative justice processes, addressing different levels and dimensions of truth and justice. Alexander Boraine advocated a holistic interpretation based on five key pillars, including accountability, truth recovery, reparations, institutional reform, and reconciliation.<sup>166</sup> In fact, the UN has adopted this holistic interpretation and incorporated it into their Guidance Notes on the UN Approach to Transitional Justice. The Guidance Notes identifies five key components of Transitional Justice: 1) Prosecution initiatives; 2) Facilitating initiatives in respect of the right to truth; 3) Delivering

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<sup>162</sup> Duncan McCargo, “Thailand’s National Reconciliation Commission: A Flawed Response to the Southern Conflict,” *Global Change, Peace & Security* 22, no. 1 (2010): 75–91.

<sup>163</sup> *Ibid.*

<sup>164</sup> “Memorialisation as Related to Transitional Justice Processes in Thailand: an Exploration,” Impunity Watch, last modified November 2014, accessed November 9, 2018, <https://www.impunitywatch.org/docs/ThailandCountryExploration.pdf>.

<sup>165</sup> Human Rights Watch, “It Was Like Suddenly My Son No Longer Existed.”

<sup>166</sup> Former member of the South African TRC and founder of the International Center for Transitional Justice, cited in Fischer, “Transitional Justice and Reconciliation.”



reparations; 4) Institutional reform; and 5) National consultations.<sup>167</sup> As highlighted in the above discussion, it is clear that there is substantial progress still to be made to develop effective transitional justice mechanisms for the Deep South. Moreover, the time is arguably not yet ripe for transitional justice mechanisms given that there remains an overall lack of political will to resolve the conflict through genuine political engagement and dialogue.

## 8. Conclusion

In assessing the state of justice in the Deep South it has been necessary to differentiate between the various mechanisms and processes that constitute the formal justice system. Although important in terms of setting standards to which different agencies must adhere, if policies no matter how well articulated make little discernible impact on people's everyday lives, they are effectively meaningless and represent little more than rhetoric.

A strong disconnect between the policy and operational level is apparent when compared with the local populations' perceptions of justice, which are informed by their interactions with different branches of state. Understandings of justice as synonymous with equality of treatment indicate that attitudes and feelings towards the state as a whole are shaped by the positive or negative interactions that form part of their lived experience. Both Thai-Buddhists and Malay-Muslims feel a strong sense of injustice, but these feelings are directed towards different state actors. Moreover, such divergent interactions with the state also shape interactions among different identity groups and, as discussed, may reinforce divisions along religious lines, exacerbating growing tensions

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<sup>167</sup>United Nations, "Guidance Note of the Secretary-General."

between Buddhist and Muslim communities.

Security operations have disproportionately impacted the Malay-Muslim community. As such, government attempts to win hearts and minds are viewed as insincere or as an attempt to co-opt their support. At the same time, the hearts and minds approach has alienated the minority Thai-Buddhists, who despite also being negatively impacted by the violence, feel they have been marginalised by the government. For some Thai-Buddhists, the security measures do not go far enough.

Examining the justice system from an institutional perspective, improvements appear to be piecemeal and ad hoc. Absent of any substantial judicial reform, these improvements cannot be institutionalised in a significant way. In terms of prosecutorial and judicial oversight, progress appears to depend on the capacity of individual prosecutors and judges. Despite the advancements made in building the capacity of personnel within the judicial arena, this is undermined by the high turnover of personnel rotating in and then back out of the region. It is also undermined by the potentially compromised independence of the prosecution and judiciary within the country's prevailing political climate. The issue of judicial independence was brought to the fore after the attempted suicide of the Deputy Presiding Judge in the courtroom of Yala Provincial Court in October 2019. In a 25-page statement, the judge alleged political interference in his judicial functions. His statement highlighted a number of issues with respect to the judicial process that have been discussed in this paper, namely the problematic application of the special security laws, failure to observe due process, and the inadmissibility of evidence.<sup>168</sup> Besides the shocking manner in which

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<sup>168</sup>Thammachart Kri-aksorn, "What explains the judge's attempted suicide?" Prachathai, accessed October 12, 2019, <https://prachatai.com/english/node/8241>

the judge attempted to communicate his message, the incident was remarkable insofar as it was the first time an experienced member of the judiciary had made such public claims about the administration of justice in the region. At the very least, such claims warrant a thorough investigation.

Finally, the lack of prosecutions can be seen as a failure of the justice system by those who want perpetrators of violence punished. That many security cases do not result in arrests, let alone convictions, is a serious injustice if one considers the perspective of direct victims of violence. Ultimately, reducing the violence alone will not resolve the conflict since there is also a need to address inaction with respect to past violence perpetrated on both sides.

With the formation of a new government dominated by the same set of faces and with Prayut continuing on as prime minister, there is slim hope that an alternative, more progressive strategy will be adopted to resolve the conflict, one in which issues of injustice are addressed in a meaningful and substantive manner. The overarching trajectory of the country since the 2019 General Election does not bode well for the institutionalised reforms that are required to ensure an effective and well-administered justice system. With a constitutional and legal framework that works towards entrenchment of military and elite power coupled with an NCPO-initiated fixed 20-year National Strategic Plan that frames the Southern conflict primarily as a security issue,<sup>169</sup> there will likely be little space for addressing the political solutions that are required to transform the conflict, of which the issue of justice is but one element.

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<sup>169</sup>Hara Shintaro, "From santiphap to santisuk: What Mahathir's visit to Thailand indicates," Prachatai, accessed November 15, 2018, <https://prachatai.com/english/node/7841>.

## **Bibliography**

- “Penjelasan 5 Tuntutan Awal:BRN.” [BRN 5 Demands]. YouTube video, “flyer cryer,” May 24, 2013. <https://www.youtube.com/watch?v=x6r5WxFIBIY>.
- AFP. “Pattani inquest rules army killed 4 unarmed men.” Bangkok Post. Last modified September 15, 2016. <http://www.bangkokpost.com/news/security/1085956/pattani-inquest-rules-army-killed-4-unarmed-men>.
- Arya, Gotham. “Language and Educational Policies: Improving Ethnic Relations in the South of Thailand.” Asia Peacebuilding Initiatives. Last modified August 14, 2015. <http://peacebuilding.asia/language-educational-policies-south-thailand/>.
- Asawin-anand, Sakchai. *The Effectiveness of Prosecution of National Security Charges and the Protection of Citizens Rights: A Case Study of the Four Bordering Provinces in Southern Thailand*. The Asia Foundation. 2013.
- Bangkok Post. “Emergency decree lifted at Sungai Kolok.” <https://www.bangkokpost.com/news/security/1487174/emergency-decree-lifted-at-sungai-kolok>.
- Bangkok Post. “Security law relaxed in district.” <https://www.bangkokpost.com/news/general/1577250/security-law-relaxed-in-district>.
- Bangkok Post. “20-year National Strategy comes into effect.” Last modified October 13, 2018. <https://www.bangkokpost.com/news/general/1557462/20-year-national-strategy-comes-into-effect>.
- Bangkok Post. “3 Panels to Oversee Rights Protection.” Last modified

- July 12, 2018. <https://www.bangkokpost.com/news/general/1501678/3-panels-to-oversee-rights-protection>.
- Bangkok Post. "Border agency's power curtailed." Last modified June 19, 2018. <https://www.bangkokpost.com/news/security/1487970/border-agencys-power-curtailed>.
- Bangkok Post. "Court frees man held for bombing of market in Yala." Last modified April 10, 2018. <https://www.bangkokpost.com/news/security/1444039/court-frees-man-held-for-bombing-of-market-in-yala>.
- Bangkok Post. "Family of Yala suspect cite army torture." Last modified April 8, 2018. <https://www.bangkokpost.com/news/security/1442554/family-of-yala-suspect-cite-army-torture>.
- Bangkok Post. "ISOC Power Boost not Political." Last modified January 8, 2018. <https://www.bangkokpost.com/news/general/1391986/isoc-power-boost-not-political>.
- Bangkok Post. "Prosecutors indict 'Manager Online' duo." Last modified November 13, 2018. [https://www.bangkokpost.com/news/general/1574718/#cxrecs\\_s](https://www.bangkokpost.com/news/general/1574718/#cxrecs_s).
- Bangkok Post. "Rights groups call for end to child marriage." Last modified July 31, 2018. <https://www.bangkokpost.com/news/asean/1512946/rights-groups-call-for-end-to-child-marriage>.
- Bangkok Post. "Special Bomb Forensic Centre Nearing Completion, ISOC Says." Last modified October 12, 2013. <https://www.bangkokpost.com/news/security/374285/special-bomb-forensic-centre-nearing-completion-isoc-says>.
- Bangkok Post. "Three get life, jail terms for Pattani unrest." Last modified January 4, 2018. <https://www.bangkokpost.com/news/security/1390242/three-get-life-jail-terms-for-pattani-unrest>.
- Benjakit, Abdullah. "Villages Oppose Resettling Returnees near their Home." Bangkok Post. Last modified May 2, 2018. <https://www.bangkokpost.com/news/security/1456633/villages-oppose->

resettling-returnees-near-their-homes.

Bernarnews. "Thai Education Ministry Bars Hijab at Buddhist School in Deep South." Last modified June 14, 2018. <https://www.benarnews.org/english/news/thai/Pattani-school-hijab-06142018170312.html>.

Bernarnews. "Thai General's Comments Irk Panel Representing Southern Rebels in Peace Talks." Last modified March 27, 2018. <https://www.benarnews.org/english/news/thai/Thailand-militants-03272018152451.html>.

Bernarnews. "Thai Military Revamps Program to Entice Deep South Rebels to Surrender." Last modified February 2, 2018. <https://www.benarnews.org/english/news/thai/bring-home-02092018160352.html>.

CCrF & MAC. "Report to UPR Human rights in Criminal Justice Systems in Southern Conflict & counter-insurgency policies of the State." [https://www.upr-info.org/sites/default/files/document/thailand/session\\_12\\_-\\_october\\_2011/js8-jointsubmission8-eng.pdf](https://www.upr-info.org/sites/default/files/document/thailand/session_12_-_october_2011/js8-jointsubmission8-eng.pdf).

Chalermripinyorat, Rungrawee, and Sean Deely. "Southern Thailand Empowerment & Participation Project Review & Follow-Up Formulation Report." UNDP. [http://www.undp.org/content/dam/thailand/docs/others/UNDP\\_Thailand\\_STEP-Project-Review\\_ExecSummary\\_22.1.14.pdf](http://www.undp.org/content/dam/thailand/docs/others/UNDP_Thailand_STEP-Project-Review_ExecSummary_22.1.14.pdf).

Channel News Asia. "In conflict-hit southern Thailand, Buddhist nationalism is on the rise." Last modified June 18, 2017. <http://www.channelnewsasia.com/news/asiapacific/in-conflict-hit-southern-thailand-buddhist-nationalism-is-on-the-8940918>.

Chantra, Thanikun. "Political Participation during Conflict: A Case Study of the Conflict Areas in Songkhla and Pattani Provinces of Thailand." PhD diss., University of Canterbury, 2017.

Chewprecha, Worapong. *Criminal justice in solving the problem of*

- Thailand's Southern Border Provinces*. National Justice Academy, Office of Judiciary, 2010.
- Court of Justice. "2009 – 2012 Annual Judicial Statistics Thailand." <https://www.coj.go.th/en/statistic.html>.
- Court of Justice. "Statistics of the Courts." <https://www.coj.go.th/en/statistic.html>.
- Fischer, Martina. "Transitional Justice and Reconciliation – Theory and Practice." In *Berghof Handbook on Transitional Justice & Reconciliation* (2011). <https://www.berghof-foundation.org/nc/en/publications/publication/transitional-justice-and-reconciliation-theory-and-practice/>.
- Ganjanakhundee, Supalak. "Religion not central to southern conflict: Dr M." Nation. <http://www.nationmultimedia.com/detail/national/30357209>.
- Guidance Note of the Secretary-General. "UN Approach to Rule of Law Assistance." Last modified April 2008. <https://www.un.org/ruleoflaw/files/RoL%20Guidance%20Note%20UN%20Approach%20FINAL.pdf>.
- Haberkorn, Tyrell. "When Torture Is a Duty: The Murder of Imam Yapa Kaseng and the Challenge of Accountability in Thailand." *Asian Studies Review* 39, no. 1 (2015): 53–68.
- Hafez, Abu. "Dissecting the T-O-R." Last modified May 19, 2016. <http://www.deepsouthwatch.org/node/8733>.
- Hafez, Abu. "Peace Talk at Cross Road, Again." Last modified May 23, 2018. <https://deepsouthwatch.org/th/node/11829>.
- Harai, Waedao. "4th Army drops 'Ex-Rebel' Village Plan." Bangkok Post. Last modified May 11, 2018. <https://www.bangkokpost.com/news/security/1462478/4th-army-drops-ex-rebel-village-plan>.
- Human Rights Watch. "'It Was Like Suddenly My Son No Longer Existed' Enforced Disappearances in Thailand's Southern

- Border Provinces.” Last modified March 2007. <https://www.hrw.org/sites/default/files/reports/thailand0307webwcover.pdf>.
- Human Rights Watch. “World Country Report – Thailand.” <https://www.hrw.org/world-report/2018/country-chapters/thailand>.
- ICJ & TLHR. “Joint Submission of the International Commission of Jurists and Thai Lawyers for Human Rights in view of the UN Committee against Torture’s Adoption of a List of Issues to be transmitted to the Kingdom of Thailand prior to the submission of its Second Periodic Report under Article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.” Last modified January 29 2018. [https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/THA/INT\\_CAT\\_ICS\\_THA\\_30170\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/THA/INT_CAT_ICS_THA_30170_E.pdf).
- ICJ, TLHR & CrCF. “Joint Follow-up submission by the International Commission Of Jurists, Thai Lawyers for Human Rights and Cross-Cultural Foundation on Thailand’s Implementation of the Human Rights Committee’s Prioritized Recommendations Following its Review of the Country’s Second Periodic Report at its 119th Session.” Last modified March 27, 2018. [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/THA/INT\\_CCPR\\_NGS\\_THA\\_30782\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/THA/INT_CCPR_NGS_THA_30782_E.pdf).
- ICJ. “Thailand’s Internal Security Act: risking the rule of law?.” Last modified February 2010. <https://www.icj.org/thailands-internal-security-act-risking-the-rule-of-law/>.
- ICJ. “Thailand: interim Constitution seems to ignore key pillars of rule of law.” Last modified July 24, 2014. <https://www.icj.org/thailand-interim-constitution-seems-to-ignore-key-pillars-of-rule-of-law/>.
- Impunity Watch. “Memorialisation as Related to Transitional Justice Processes in Thailand: an Exploration.” Last modified November 2014. <https://www.impunitywatch.org/docs/Thailand->



CountryExploration.pdf.

International Crisis Group (ICG). “Southern Thailand: The Problem with Paramilitaries.” *Asia Report*, no.140 (October 23, 2007).

<https://d2071andvip0wj.cloudfront.net/140-southern-thailand-the-problem-with-paramilitaries.pdf>.

International Crisis Group. “Southern Thailand: Insurgency, not Jihad.” Last modified 2005. <https://www.crisisgroup.org/asia/south-east-asia/thailand/southern-thailand-insurgency-not-jihad>.

International Crisis Group. “Southern Thailand’s Peace Dialogue: No Traction Crisis Group Asia Briefing N°148.” Last modified September 21, 2016. <https://www.crisisgroup.org/asia/south-east-asia/thailand/southern-thailand-s-peace-dialogue-no-traction>.

International Federation for Human Rights (FIDH), Union for Civil Liberty (UCL) and Internet Law Reform Dialogue (iLaw). “Assessment of Thailand’s follow-up actions for the implementation of the UN Human Rights Committee’s recommendations.” Last modified August 14, 2018. [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/THA/INT\\_CCPR\\_NGS\\_THA\\_32130\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/THA/INT_CCPR_NGS_THA_32130_E.pdf).

Isranews. “คลอตระเบียบ ป.ป.ช.การเข้าถึงข้อมูล กำหนดชั้นความลับ กก.-เลขาฯชี้ขาดเปิดเผยหรือไม่.” Last modified September 19, 2018. <https://www.isranews.org/isranews-news/69612-isranews-69612.html>.

Isranews. “กำลังพลตรึง 1 ต่อ 10 ยังไม่สงบ? ไฟใต้จ่อ 15 ปีสูญงบ 3 แสนล้าน.” <https://www.isranews.org/content-page/67-south-slide/69962-ten-69962.html>.

Khaosod. “9 Students Convicted Of Bangkok Car Bomb Plot.” Last modified September 25, 2018. <http://www.khaosodenglish.com/news/crimecourtscalamity/2018/09/25/9-students-convicted-of->

bangkok-car-bomb-plot/.

Khaosod. "Gunman In 2017 Dealership Raid Sentenced To Die." Last modified February 12, 2019. <http://www.khaosodenglish.com/featured/2019/02/12/gunman-in-2017-dealership-raid-sentenced-to-die/>.

Khaosod. "Two Men Jailed For Life For Mall Bombing." Last modified September 20, 2018. <http://www.khaosodenglish.com/news/crimecourtscalamity/2018/09/20/two-men-jailed-for-life-for-mall-bombing/>

Kri-aksorn, Thammachart. "What explains the judge's attempted suicide?" Prachatai. Last modified October 11, 2019. <https://prachatai.com/english/node/8241>

Maiese, Michelle. "Types of Justice." Beyond Intractability. Last modified July 2003. [https://www.beyondintractability.org/essay/types\\_of\\_justice](https://www.beyondintractability.org/essay/types_of_justice).

Manager Online. "'ม็อบต็อก' ถกเพิ่มประสิทธิภาพการดำเนินคดี 3 จว.ได้." Last modified June 25, 2015. <https://mgronline.com/crime/detail/9580000072108>.

McCargo, Duncan. "Thailand's National Reconciliation Commission: A Flawed Response to the Southern Conflict." *Global Change, Peace & Security* 22, no. 1 (2010): 75–91.

Ministry of Justice. "Action plan of Ministry of Justice 2005 – 2008 A.D." Last modified 2005. [http://website2556.moj.go.th/th/policy/check\\_count.php?FileID=1253](http://website2556.moj.go.th/th/policy/check_count.php?FileID=1253).

Ministry of Justice. "Strategic Plan of Ministry of Justice 2008 – 2012 A.D." Last modified 2008. [https://www.google.com/url?sa=t&rc=t=j&q=&esrc=s&source=web&cd=5&ved=0ahUKEwj9wqLrkp3KAhVRTI4KHdLGA\\_oQFgguMAQ&url=http%3A%2F%2Fstrategy.pacc.go.th%2Fdoc%2Fplansta5155.doc&usg=AFQjCNGrglZ-0-9yKIG8hzIjuyqlz2WBsQ](https://www.google.com/url?sa=t&rc=t=j&q=&esrc=s&source=web&cd=5&ved=0ahUKEwj9wqLrkp3KAhVRTI4KHdLGA_oQFgguMAQ&url=http%3A%2F%2Fstrategy.pacc.go.th%2Fdoc%2Fplansta5155.doc&usg=AFQjCNGrglZ-0-9yKIG8hzIjuyqlz2WBsQ).

Ministry of Labour. "Pattani Chief Labour Officer welcomed Prime

- Minister.” <http://www.mol.go.th/en/anonymouse/provincial/13725>.
- Nation. “Judicial Independence in Asia.” Last modified November 19, 2018. <http://www.nationmultimedia.com/detail/breakingnews/30358828>.
- Nation. “Knee-jerk reactions not the solution to crisis in far South – Editorial.” Last modified July 10, 2016. <http://www.nationmultimedia.com/opinion/Knee-jerk-reactions-not-the-solution-to-crisis-in--30290195.html>.
- Nation. “Pattani School Lifts its Ban on Wearing Hijab.” Last modified May 21, 2018. <http://www.nationmultimedia.com/detail/national/30345872>.
- Nation. “Southern Army chief urged to tackle ‘double standards’.” Last modified October 3, 2018, <http://www.nationmultimedia.com/detail/national/30355663>.
- Nation. “Survey reveals little faith in Thai justice system.” Last modified February 18, 2018. <http://www.nationmultimedia.com/detail/national/30339149>.
- National Human Rights Commission of Thailand. “Statistical information on complaints.” [http://www.nhrc.or.th/NHRCT-Work/Statistical-information/Statistical-information-on-complaints/Yearly-\(2548-Now\).aspx](http://www.nhrc.or.th/NHRCT-Work/Statistical-information/Statistical-information-on-complaints/Yearly-(2548-Now).aspx).
- National Reconciliation Commission. “Overcoming Violence Through the Power of Reconciliation.” Last modified May 16, 2006. [http://thailand.ahrchk.net/docs/nrc\\_report\\_en.pdf](http://thailand.ahrchk.net/docs/nrc_report_en.pdf).
- Nindang, Santi. “Reversing the Legacy of Injustice in Thailand’s Conflict-Ravaged South.” The Asia Foundation. Last modified January 21, 2015. <https://asiafoundation.org/2015/01/21/reversing-the-legacy-of-injustice-in-thailands-conflict-ravaged-south/>.
- Office of Judiciary. “The Courts of Justice System.” <https://www.coj.go.th/th/content/page/index/id/91994>.

- OHCHR. "Code of Conduct for Law Enforcement Officials adopted by General Assembly resolution 34/169." <https://www.ohchr.org/en/professionalinterest/pages/lawenforcementofficials.aspx>.
- Olthof, Douglas A. "Compounding Fractures: State–Society Relations and Inter–Ethnic Estrangement in Thailand's 'Deep South'." PhD diss., Simon Fraser University, 2016.
- Pathan, Don. "Thailand's Military Outsourcing Deep South Security to Local Militias." BenarNews. Last modified October 5, 2016. <http://www.benarnews.org/english/news/special-reports/Deep-South-troops-10052016164917.html>.
- Peace Survey Network. "Peace Survey 1,2 & 3: Survey results of people's opinions on the peace process in the Southern Border Provinces." February – April 2015, July – August 2016, April – May 2017.
- Phuketnews. "Justice held up in South, study finds." Last modified September 8, 2013. <https://www.thephuketnews.com/phuket-news-justice-held-up-in-south-study-finds-41783.php#lwwpHDqowbBY5M2T.97>.
- Poocharoen, Ora–Orn. "The Bureaucracy: Problem or Solution to Thailand's Far South Flames?" *Contemporary Southeast Asia* 32, no. 2 (2010): 184–207.
- Prachatai. "10 years of the Internal Security Act: democracy as a danger to security." Last modified March 26, 2018. <https://prachatai.com/english/node/7686>.
- Prachatai. "Court orders govt to compensate Muslim Malay torture victims." Last modified May 19, 2016. <https://prachatai.com/english/node/6173>.
- Prachatai. "Human rights defenders call for fair investigation of enforced disappearances." Last modified August 31, 2018. <https://prachatai.com/english/node/7352>.
- Prachatai. "Human rights lawyer's 5 observations on ISOC

declaration of Nong Chik as a special control zone.” Last modified October 3, 2018. <https://prachatai.com/english/node/7819>.

Prachathai. “International rights body downgrades Thai National Human Rights Commission.” Last modified January 28, 2016. <https://prachatai.com/english/node/5811>.

Prachathai. “Malay language and conflict in Deep South.” Last modified June 30, 2016. <https://prachatai.com/english/node/6295>.

Prachathai. “Martial Law allows military in Patani to arrest civilian for merely taking pictures.” Last modified April 24, 2018. <https://prachatai.com/english/node/7722>.

Prachathai. “Police search student activist’s house in Deep South.” Last modified May 25, 2016. <https://prachatai.com/english/node/6189>.

Prachathai. “World Peace Day prohibited in Deep South.” Last modified September 22, 2016. <https://prachatai.com/english/node/6585>.

SBPAC. “การให้ความช่วยเหลือเยียวยาผู้ได้รับผลกระทบจากการกระทำของเจ้าหน้าที่ของรัฐอันสืบเนื่องจากเหตุการณ์ความไม่สงบในจังหวัดชายแดนภาคใต้ ตั้งแต่ ก่อนระเบียบ กพต.-2561.” Last modified 2018.

SBPAC. “สรุปผลการช่วยเหลือเยียวยาผู้ได้รับผลกระทบจากเหตุการณ์ความไม่สงบในจังหวัดชายแดนภาคใต้ ประจำปีงบประมาณ พ.ศ.2547-ปัจจุบัน.” Last modified 2018.

Shintaro, Hara. “From santiphap to santisuk: What Mahathir’s visit to Thailand indicates.” Prachathai. Last modified November 16, 2018. <https://prachatai.com/english/node/7841>.

Thai Lawyers for Human Rights. “TLHR’s Legal Opinion on Prosecutions of ‘Referendum Suspects’.” Last modified December 23, 2016. <http://www.tlhr2014.com/th/?p=3095>.

Thai Parliament. “ประกาศคณะรักษาความสงบแห่งชาติฉบับที่ 34/2557 เรื่องการปรับปรุงโครงสร้างการจัดของคณะรักษาความสงบแห่งชาติ.”

- [NCPO Announcement 34/2014, on “Adjusting the Structure of the National Council for Peace and Order”]. [https://library2.parliament.go.th/giventake/content\\_ncpo/ncpo-annouce34-2557.pdf](https://library2.parliament.go.th/giventake/content_ncpo/ncpo-annouce34-2557.pdf).
- Thai PBS. “Tourists return Betong emergency decree lifted.” <http://englishnews.thaipbs.or.th/tourists-return-betong-emergency-decree-lifted/>.
- Thai PBS. “Gen Aksara assures no conflict over peace dialogue process with MARA Patani.” Last modified March 23, 2018. <http://englishnews.thaipbs.or.th/gen-aksara-assures-no-conflict-peace-dialogue-process-mara-patani/>.
- TLHR. “Military authorities can still arbitrarily detain civilians Analysis of the Head of the NCPO Order no. 9/2562 that repealed some Announcements/Orders that are no longer necessary.” Last modified July 11, 2019. <https://www.tlhr2014.com/?p=12995&lang=en>.
- UN Human Rights Committee. “Concluding Observations on the second periodic report of Thailand.” UN Doc. Last modified April 25, 2017. CCPR/C/THA/CO/2.
- United Nations. “Guidance Note of The Secretary-General: United Nations Approach to Transitional Justice.” Last modified March 2010. [https://www.un.org/ruleoflaw/files/TJ\\_Guidance\\_Note\\_March\\_2010FINAL.pdf](https://www.un.org/ruleoflaw/files/TJ_Guidance_Note_March_2010FINAL.pdf).
- US State Department. “Country Reports on Human Rights Practices for 2017.” <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm>.
- Wheeler, Matt. “People’s Patron or Patronizing the People? The Southern Border Provinces Administrative Centre in Perspective.” *Contemporary Southeast Asia* 32, no. 2 (2010): 208–33.
- World Justice Project. *Rule of Law Index 2015–2016 Report*.

Washington: World Justice Project, 2016. [https://worldjusticeproject.org/sites/default/files/documents/roli\\_2015\\_0.pdf](https://worldjusticeproject.org/sites/default/files/documents/roli_2015_0.pdf).

World Justice Project. *Rule of Law Index 2016–2017 Report*.

Washington: World Justice Project, 2017. [https://worldjusticeproject.org/sites/default/files/documents/RoLI\\_Final-Digital\\_0.pdf](https://worldjusticeproject.org/sites/default/files/documents/RoLI_Final-Digital_0.pdf).

World Justice Project. *Rule of Law Index 2017–2018 Report*.

Washington: World Justice Project, 2018. [https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2018-June-Online-Edition\\_0.pdf](https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2018-June-Online-Edition_0.pdf).

World Justice Project. *Rule of Law Index 2019 Report*. Washington:

World Justice Project, 2019. <https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2019-Single%20Page%20View-Reduced.pdf>.

## Chapter 5

# Language and Language-In-Education as Key Features of the Conflict and its Transformation

■ Pindarica Malyrojsiri

### 1. Introduction

The term Bahasa Melayu refers to the language that is spoken in Pattani, Yala, Narathiwat, and some parts of Songkhla Province. Bahasa Melayu is connected to persons that identify as Malay-Muslim. It carries profound cultural, political, and historical associations for its speakers. The language forms an integral part of Malay-Muslim identity. As such, language and, by extension, education are profoundly implicated with the conflict in the southern border provinces of Thailand/Patani.

The issue of language has become one of the key drivers of the conflict after its use as a tool in Thailand's nation-building process. The Thai language was a critical component in the construction of a common Thai identity, particularly through the formal education system. At the beginning of the twentieth century, Thai identity was forged throughout the nation and imposed upon diverse populations within Thailand.<sup>1</sup> In the context of the southern border provinces/Patani, these nation-

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<sup>1</sup>Michael E. Brown, "The Politics of Language in Thailand and Laos," in *Fighting Words: Language Policy and Ethnic Relations in Asia*, ed. Sumit Ganguly, (NetLibrary, 2013), 177-210.



building policies led to the linguistic, educational and cultural marginalization of Malay-Muslims and have fueled the conflict in the region.<sup>2</sup> In particular, Thai monolingual education has bred grievances related to language and culture that have, in turn, spurred political and violent mobilization.<sup>3</sup>

This chapter analyses how language and education are intrinsically connected to the region's violent conflict. It considers how reform of language and education policies could provide the impetus to help manage the conflict. The paper focuses on basic education, which also encompasses vocational education and special education, and refers to education that the Thai government provides free of charge to all Thai citizens. Basic education is divided into three levels – pre-primary, primary, and secondary – which cover a period of 15 years.<sup>4</sup>

While language and education play a crucial role as drivers of the conflict, they also have the potential to act as drivers to transform the conflict. As such, this chapter also explores the potential for language-in-education to be used as a bridge-builder for conflict transformation in the region. Here, conflict transformation is understood as a process of engaging with and transforming relationships, interests, and discourses, as well as the core constitution of society that supports the

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<sup>2</sup>International Crisis Group, “Thailand: The Evolving Conflict in the South, Asia Report N°241 – 11 December 2012,” accessed June 15, 2016, <https://d2071andvip0wj.cloudfront.net/241-thailand-the-evolving-conflict-in-the-south.pdf>.

<sup>3</sup>William W. Bostock, “Language Grief: A ‘Raw Material’ of Ethnic Conflict,” *Nationalism and Ethnic Politics* 3, no. 4 (1997): 94–112.

<sup>4</sup>“NCPO Order 28/2016, 15 June 2016. 15 Years Mandatory Education without Tuition Fee,” Bureau of International Cooperation, Ministry of Education, accessed September 22, 2016, [https://www.bic.moe.go.th/images/stories/pdf/The\\_provision\\_of\\_basic\\_education\\_to\\_15\\_years\\_without\\_charge\\_17-6-2559.PDF](https://www.bic.moe.go.th/images/stories/pdf/The_provision_of_basic_education_to_15_years_without_charge_17-6-2559.PDF).

continuation of violent conflict.<sup>5</sup>

The main discussion around language-in-education and language status aims to address structural transformation, namely how to transform the asymmetric power relationship as expressed through language. In other words, where one language is privileged over another, how can a shared balance of power or a more symmetric power-relationship be achieved to enable diverse linguistic identities to survive and thrive with dignity.

The first part contextualizes language institutionalization and use in Thailand and in the southern border provinces/Patani. The second part examines how language and education are intrinsically connected and how they became an assimilationist tool used to further Thailand's nation-building process. The third part describes how the emergence of the armed resistance groups created national security concerns that led to greater restrictions in the education sphere. Part four compares the language provisions at different educational establishments in the Deep South and is followed by a discussion of the implications of monolingual education on children from minority groups in part five. Part six examines efforts to promote language status recognition and corpus planning development for Bahasa Melayu in the region. Part seven offers some examples of how other countries have managed the language-in-education issue and appears as a reference for readers. It outlines how language recognition and planning may help protect and promote non-dominant languages, which in turn, may help reduce grievances among affected populations. This chapter concludes by highlighting the need

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<sup>5</sup> Hugh Miall, "Conflict Transformation: A Multi-Dimensional Task," Berghof Foundation, 2004, accessed June 15, 2016, [http://www.berghof-foundation.org/fileadmin/redaktion/Publications/Handbook/Articles/miall\\_handbook.pdf](http://www.berghof-foundation.org/fileadmin/redaktion/Publications/Handbook/Articles/miall_handbook.pdf).

for open dialogue among stakeholders to discuss language status recognition in a broader sense through inclusive decision-making processes. Whether stemming from the peace process or political reform, alternative language-in-education planning and policy has the potential to re-balance asymmetric power-relations. Such policy and planning is crucial for creating the conditions that can help defuse the contestation of identities and address grievances stemming from unmet linguistic and educational needs.

The author used a combination of methods to formulate this analysis. Semi-structured interviews were conducted to assess attitudes towards language-in-education policies and practices in the region. Interviewees were individuals with knowledge and expertise in language-in-education policies. They were composed of academics, opinion leaders, high-ranking policy-makers, as well as education practitioners in the region. Interviewees remain anonymous due to the sensitive nature of the issue in relation to the conflict.

## **2. Contextualization: Language in Thailand and the Southern Border Provinces/Patani**

Language is institutionalized within a society through the language planning and language policy of the state. As such, language planning and policy are essential in determining the importance afforded to a particular language as well as the development of that language.

Language planning is generally understood as consisting of three dimensions;

- 1) Status planning consists of both policy-level planning and structural planning. Policy-level planning is concerned with defining the goals of language policy. Structural planning is

concerned with identifying an administrative approach that is in line with how a language is positioned; for example, through national and/or official language designation, the status of language(s)-in-education, or household use.

- 2) Corpus planning refers to linguistic development and includes the standardization of language structure, script, and spelling. It covers pronunciation, accent and the coining of new words.
- 3) Acquisition planning ensures that target groups have access to knowledge of the language and are able to gain linguistic proficiency through political and social mechanisms that include education, religious institutions, the media, literature, and government.

In Thailand, status planning has been conspicuously absent. Successive Thai constitutions have not made any reference to the official language of the country and no official language is explicitly designated in any laws. State Convention Number Nine, issued in 1940 during the regime of Field Marshal Plaek Pibunsongkhram, is the only official document declaring Thai to be the national language. At that time, the designation of Thai as the de facto national language and its designation as the medium of instruction in the education system was aimed at uniting people of diverse ethnic groups as part of Thailand's extensive nation-building project.<sup>6</sup>

Since then, despite the fact that the Thai language has been extensively promoted as a means of constructing a common national identity, there has been a notable lack of comprehensive language

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<sup>6</sup> Weera Somboon, *State-Ethnic Ethnicity Some Observations on Ethnicity, State and Ethnic Problems* (Bangkok: Sommut Publishing, 2010), 42-44.

planning and policy. In the absence of an overarching and elaborated language policy, corpus planning falls under the scope of the Royal Society of Thailand (under the Office of the Prime Minister). Acquisition planning falls under the remit of the Ministry of Education (MoE).

Although the explicit status of language has been largely absent from the country's legal framework, the formal education system has been a key vehicle for ensuring that the Thai language is imparted to the populations within the country's borders. To that end, efforts to increase Thai literacy rates are outlined in the national agenda and serves as one of the country's national education goals.<sup>7</sup> Even without an official language designation, Thai remains the language predominantly spoken in Thailand since it is the language used in education, the media, and government administration. That said, there exists substantial ethnolinguistic heterogeneity with around 70 languages spoken within the country's borders.<sup>8</sup> In 2001, when the country's total population was 60,657,660, it was estimated that close to 100 percent of the population could speak some basic standard Thai. However, the number of speakers for whom Thai is a second language (L2: 40,000,000) was estimated to be almost double the number of speakers for whom Thai is a first language (L1: 20,657,660).<sup>9</sup>

With respect to the southern border provinces/Patani, where the majority of the population are ethnic Malay, Bahasa Melayu – a

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<sup>7</sup> Banchong Farungsang, *Education in Multicultural Southern Bounders* (Chiang Mai: Somchai Imprint & Copy Center, 2012).

<sup>8</sup> Suwilai Premsrirat et al, "Language Situation and Ethnic Diversity in Thailand," TCI-ThaiJO, 2006, accessed March 3, 2016, <https://www.tci-thaijo.org/index.php/JLC/article/view/22287/19129>.

<sup>9</sup> "Ethnologue: Thai," Ethnologue, accessed August 23, 2019, <https://www.ethnologue.com/language/tha>.

vernacular of Malay – is spoken as a colloquial language. The written form of Bahasa Melayu consists of either the Jawi script (Arabic alphabet) or the Rumi script (Roman alphabet). Standard Thai is used by ethnic Malays in formal settings such as in the classroom, government offices, or as the lingua franca between different ethnic groups. Non-ethnic Malays in the region speak the Southern Thai vernacular as a colloquial language and use standard Thai in formal settings. National Statistical Office (NSO) data from 2004 indicated that in a population of approximately 1.8 million inhabitants, the proportion of households where Bahasa Melayu was the main language spoken was 62.21 percent. The proportion of households speaking a mix of Thai and Malay was 20.36 percent (66,938 households) and the proportion of households that used Thai was 17.43 percent (57,395 households).<sup>10</sup>

Although comprising a sample of only 1,559 respondents, the 2016 Peace Survey provided more recent insights regarding language ability and use in the region. The survey found that 53.9 percent of respondents identified Bahasa Melayu as the main language spoken in the household. This was followed by Southern Thai (26.3 percent) and standard Thai (24.6 percent). However, when asked about reading and writing ability, the majority of respondents identified greater proficiency in Thai with respect to reading (78.1 percent) and writing (75.9 percent). By contrast, reading proficiency in Jawi was identified by only 45.1 percent of respondents and a mere 39.5 percent of respondents with respect to writing proficiency in Jawi.<sup>11</sup> That proficiency in Bahasa Melayu

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<sup>10</sup> RYT9, “Census Data Survey in Southern Border Provinces,” accessed August 3, 2014, [https://www.ryt9.com/s/cabt/146831\)%20\(22](https://www.ryt9.com/s/cabt/146831)%20(22).

<sup>11</sup> Peace Survey Network, “Peace Survey 2: Survey results of people’s opinions on the peace process in the Southern Border Provinces, July – August 2016” (unpublished manuscript, 2016), typescript.

was identified primarily in terms of speaking but not in terms of reading and writing can be explained by the fact that Thai is the medium of instruction in the formal education system.

The above data presents two contrasting insights which, taken together, go to the heart of the issue. On the one hand, efforts to promote the Thai language over the course of the twentieth century can be viewed as a success if one considers its preponderance throughout the country. Yet, the high percentage of households in the southern border region/Patani that still use Bahasa Melayu as the main language spoken in the household also illustrates Malay-Muslims resistance to such efforts over the years.

### **3. Language and Education as Tools for Assimilation and Nation-Building**

Thailand's nation-state building process was, in part, an attempt to resist the influence of neighboring British and French colonial powers. It was also an attempt to unite a population that was linguistically, religiously and culturally diverse. As part of this process, significant changes to language and education were instituted together with the administrative reforms initiated by King Chulalongkorn (Rama V). In 1892, Rama V laid the foundations of what would become the modern education system with the establishment of the Krasuang Thammakan. Initially, this ministry not only oversaw education, but religion, nursing, and museums as well. It later narrowed its focus to education and subsequently became the Krasuang Suksathikan or Ministry of Education (MoE). In creating the formal educational system, Rama V sought to centralize and standardize the provision of education throughout the country.

In 1898, Rama V issued a royal command to set up the first two

government schools in the region, one in Nongchik and another in Pattani town.<sup>12</sup> The newly established government schools were poorly received by the local Malay population. At first, only a small number of students, the children of Malay civil servants and aristocrats, attended. Malay-Muslim parents perceived government schools as Buddhist institutions that were part of the government's agenda to undermine the Islamic faith and convert local Malay-Muslims to Buddhism.

In 1918, the MoE enacted the Private School Act B.E. 2461 with a view to introducing a core national curriculum, standardized textbooks and examinations in order to address low levels of academic attainment in government schools. It was also part of the state's efforts to regulate diverse ethnic private schools. This was followed by the Primary Education Act B.E. 2464 in 1921, which made it mandatory for all children between the ages of seven and 14 to attend Thai primary school.<sup>13</sup>

The policy of nation-building and assimilation accelerated between 1939 and 1942 under the military regime of Field Marshal Phibunsongkhram. Aside from the initiatives adopted with respect to the education system, other measures were instituted that further infringed upon the cultural identity of the Malay-Muslims in the southern border provinces/Patani. This included prohibiting the use of Bahasa Melayu in all government offices, limiting the provision of Islamic education, and prohibiting the wearing of traditional dress. Such mandates undermined and conflicted with the predominant beliefs and practices

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<sup>12</sup> Klairung Rattana-amatakul, "Educational Policy Analysis in Pattani Province, between BC. 2449-2461," (Thesis, 2007).

<sup>13</sup> Ibid.



of the local people.<sup>14</sup> These policies aimed to supplant the linguistic and cultural identities of minority ethnic groups with the Thai cultural identity and led to widespread resentment among the Malay–Muslim population.<sup>15</sup>

Despite strong demands for the recognition of Bahasa Melayu in the southern border provinces/Patani, the Thai state's main strategy continued to focus on assimilation through the imposition and forced acquisition of the Thai language. It led to instances of civil disobedience whereby, for instance, disgruntled locals refused to pay taxes. Other forms of resistance, such as protests, were also attempted and oftentimes these protests were violently suppressed by the Thai authorities.<sup>16</sup> One notable example of Malay–Muslim activism in response to Thailand's assimilationist policies occurred in 1947 when the spiritual leader and representative of the Islamic Council of Patani Haji Sulong Abdul Kadir put forward seven key demands to the Thai state. Of these seven demands, two were related to language: 1) Institute Patani–Malay language as the medium of instruction for the seven–years of primary education; and 2) designate Patani–Malay to be an official language in the region, alongside the Thai language.<sup>17</sup> These demands were ignored. Haji Sulong was arrested and later disappeared in 1954.

The MoE continued to promote Thai language education in the formal school system nationwide. From 1953 to 1957, teacher training

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<sup>14</sup> Arifin Binji et al, *History and Politics in Malay World* (Songkla: Islamic Cultural Foundation of Southern Thailand, 2013), 263.

<sup>15</sup> Joseph Chinyong Liow, *Islam, Education, and Reform in Southern Thailand: Tradition & Transformation* (Singapore: Institute of Southeast Asian Studies, 2009), 26.

<sup>16</sup> Wan Kadir Che Man, *Muslim Separatism: The Moros of Southern Philippines and the Malays of Southern Thailand* (Singapore: Oxford University Press, 1987).

<sup>17</sup> Arifin Binji et al., *History and Politics in Malay World*, 284.

for Thai as a second language was organized.<sup>18</sup> The main goal of education in the southern border provinces/Patani was to foster Thai language literacy and this was integrated into the national agenda of the Thai Government. Although the pursuit of literacy development is not, in and of itself, an endeavor that can be criticized, the initiative must be considered with reference to the country's extensive ethno-linguistic heterogeneity. The goal of creating an educated and literate populace went hand-in-hand with a political agenda that involved cementing the power of one dominant group and the subjugation of others. In short, the Thai language was imposed upon Patani society in the context of Siamese rule.

The emphasis on Thai language education was highlighted during a visit to Yala Province by King Bhumibol (Rama IX) in 1959. He delivered a speech at a conference organized by the regional education office in which he declared that, "Education is very important here. One must provide good education so that the citizens can speak Thai. Even if they don't become fluent, they should at least be able to speak and understand to facilitate communication."<sup>19</sup> The directives in his speech functioned as a kind of royal affirmation of efforts to enhance Thai language literacy in the region.

#### **4. Armed Resistance, National Security, and Education**

Between the 1950s and the 1980s, the ideology of resistance and liberation spread widely among the Malay-Muslim population and this period saw the emergence of a number of armed resistance groups.

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<sup>18</sup> Ibid., 347.

<sup>19</sup> Farungsang, *Education in Multicultural Southern Bounders*.

Arson and attacks against education personnel became an act of resistance against the public education system and the Thai state. The years 1968 to 1975 were particularly violent as non-violent political attempts to redress Malay-Muslim marginalization met with little success. At one end of the spectrum, the Rakchartpattani Party advocated for wholesale reform of the political system by proposing an autonomous region under the Thai state. At the other end of the spectrum, more piecemeal reforms were attempted. The Prachachart Pattani Party, which was established in 1973 by a group of Muslims aspiring to join national government, advocated for Bahasa Melayu to be designated an official language in the region.<sup>20</sup>

The Thai state's counterinsurgency response to the armed resistance included measures to tighten control of non-formal educational establishments in the Deep South as concerns grew that education in pondoks was perpetuating Malay-Muslim narratives of resistance and separatism.<sup>21</sup> National security was cited as the reason for imposing more stringent administrative requirements and regulations on non-formal educational establishments, including Islamic pondoks and ethnic Chinese schools. It was also cited as the justification for increased control of their curriculum. The threat of Communism also fed into national security concerns and led to intense monitoring of these educational establishments. In 1954, the Private School Act B.E. 2497 established standard procedures and guidelines for these private schools to follow. In 1961, the government mandated the registration of pondoks via the MoE's Regulation on Improvement and Promotion of Pondoks in the 2nd Semester B.E 2504. The main objectives of these regulations were, ostensibly, to improve

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<sup>20</sup> Songporn Tacharoemsak, "Language Policy and National Security," *Security Studies Pamphlet* 70, December (2009): 31.

<sup>21</sup> Liow, *Islam, Education, and Reform*, 26.

infrastructure and to ensure that classes were conducted in Thai. Yet these ethnic educational establishments were also required to adopt the Basic Education Curriculum and a revised religious studies curriculum. Financial incentives were offered to entice pondoks to voluntarily register and 122 pondoks signed up.<sup>22</sup> However, these reforms frustrated Islamic scholars, who perceived the government's efforts as impinging on their religious and cultural rights. Many pondoks and ethnic Chinese schools were forced to shut down because they failed to meet the requirements.

Islamic education in the region continued to be perceived as a threat to national security and the government organized a new round of reforms with the Private School Act B.E. 2525 (1982). The Private School Act replaced the original Act of 1954 and its revised 1975 version. Under the new Act, what had been known as "People's Islamic Schools" became "Private Islamic Schools". Traditional pondoks were encouraged to style themselves as these Private Islamic Schools. These newly coined institutions were provided personnel, equipment as well as financial and academic support for secular subjects. The 1982 Act also put forward additional criteria under which these schools were supposed to reform. Islamic educational establishments were divided into two categories: Private Islamic schools that teach Islamic and secular subjects and private Islamic schools that teach only Islamic subjects. As a result of these legal and strategic reforms, the government was able to increase their control of traditional Islamic education.

In the ensuing decades, Malay-Muslim leaders and their constituents have continued to make demands for linguistic recognition and social justice, but their demands have not been accommodated. The marginalization of Malay-Muslim identity was perceived as a threat to

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<sup>22</sup> Ibid., 25.

the group's survival and attempts at political mobilization as a means to counter this threat eventually transformed into violent physical confrontation.<sup>23</sup> The acts of violence carried out from the 1990s to the present, again in the form of arson and shooting attacks, have targeted educational establishments and personnel. In 1993, there were coordinated acts of arson in 36 schools.<sup>24</sup> That the armed resistance movements have chosen such targets is a reflection of their symbolic value insofar as they represent tangible instantiations of the Thai state's assimilationist policies.

After the re-escalation of violence in 2004, schools and education personnel continued to be on the receiving end of attacks. Data recorded between August 2004 and December 2014 illustrates how the armed resistance movements have targeted public education personnel and school infrastructure. During this period, 202 formal education schools and two non-formal education establishments were attacked leading to the deaths of approximately 175 teachers and other education personnel.<sup>25</sup>

Given the profound link between Bahasa Melayu and Malay-Muslim identity, it is understandable how the marginalization of language and education constitute some of the foremost grievances that have fueled conflict and violence in the region.<sup>26</sup> The BRN has cited the state's cultural assimilation policy and discrimination against local

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<sup>23</sup> Brown, "The Politics of Language," 177–210.

<sup>24</sup> "Today in the Past, 36 schools were burned down (translated from Thai)," Komchadluek, last modified September 1, 2017, accessed November 22, 2017, <http://www.komchadluek.net/news/today-in-history/290182>.

<sup>25</sup> Hearty Support Group, "Children Situation Report in the Southern Border Conflict Area, Annual Report 2014," accessed December 16, 2017, [https://voicefromthais.files.wordpress.com/2015/01/child\\_report\\_duayjai\\_2014\\_updated2-1.pdf](https://voicefromthais.files.wordpress.com/2015/01/child_report_duayjai_2014_updated2-1.pdf).

<sup>26</sup> Bostock, "Language Grief," 94–112

Malay-Muslims as justification for their armed struggle.<sup>27</sup> More pointedly, the BRN have also made reference to the change of education system from Malay to Thai as having contributed to the loss of Malay-Muslim identity.<sup>28</sup>

## 5. Current Education Provisions in the Deep South

The Thai education system provides nine years of compulsory education, with 12 years of free basic education guaranteed under the Constitution: six years of primary education (Prathom 1 to 6) and six years of secondary education (Mattayom 1 to 6).<sup>29</sup>

Education is divided into two categories: 1) Formal Education and 2) Non-formal Education. Formal education is divided into Early Years Education, Primary Education, Vocational and Technical Education and Higher Education.<sup>30</sup> It refers to the country's official educational system and is organized as a continuous process with clearly-defined stages. Students receive formal certification which is recognized by the national or sub-national educational authorities.

The Education Act of B.E. 2542 (1999) defined Non-Formal Education as education that gives institutions the flexibility to determine

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<sup>27</sup> Shintaro Hara, "Malay Language and Conflict in the Southern border provinces," interviewed by Thaweeporn Kummetha, *Prachathai*, July 13, 2016, <http://prachatai.com/journal/2016/07/66854>.

<sup>28</sup> "Declaration on Five Demands," YouTube Video, May 24, 2013, <http://youtube.be/x6r5WxFIBIY>.

<sup>29</sup> "Towards a Learning Society in Thailand: An Introduction to Education in Thailand," Bureau of International Cooperation, Ministry of Education, last modified November 2008, accessed September 6, 2019, <http://www.bic.moe.go.th>.

<sup>30</sup> Ibid.

the aims, modalities, management procedures, duration, assessment and evaluation of the syllabus on offer. Informal Education enables learners to learn independently according to their interests, potential, and readiness, depending on the opportunities available. It remains the responsibility of the MoE to support informal education to enhance the human development of citizens.

In the southern border provinces/Patani, there are four main types of schools: 1) Government Schools; 2) Private Secular Schools; 3) Private Islamic Schools and; 4) Pondok. The first three types of schools operate under the formal education system. Pondok operate under the non-formal education system.

#### **a) Thai Government Schools/ Thai Government School with Intensive Islamic Program**

The Basic Education Curriculum B.E. 2551 (2008) is mandatory at regular government schools. It is made up of eight core subjects: Thai; mathematics; science; social studies, Buddhist religion and culture; health and physical education; arts; careers and technology; and foreign languages. Since 2004, the MoE has attempted to improve the quality of education provision in the Southern Provinces Development Zone by ensuring that the Basic Education Curriculum can be tailored to suit local culture and customs. It has provided specialist teacher training and incorporated more Islamic studies and standard Malay classes. Moreover, although Thai is used as the primary language of instruction, Bahasa Melayu may be used in Islamic-related subjects and, informally, as a secondary language of instruction for further explanation and clarification.

At Thai government schools offering the intensive Islamic program, Muslim students are taught using the Basic Islamic Education Curriculum B.E. 2546 (2003) and non-Muslim students are taught using the Basic Education Curriculum. The intensive Islamic program has

been piloted in some government schools since 2004. In 2010, it was used alongside the regular curriculum in 350 schools.<sup>31</sup>

Table 1 displays the number of government schools and the number of students enrolled at these government schools in the conflict affected region.

**Table 1: Number of Government Schools in the Deep South**

Province	Elementary		Secondary	
	No. of Schools	No. of Students	No. of Schools	No. of Students
Pattani	321	52,570	17	9,706
Yala	212	41,302	12	7,396
Narathiwat	342	65,216	17	12,221
Songkhla (Education District 3: Thepa, Chana, Natawee, Sabayoi, and Sadao)	195	31,156	42 *all districts in Songkhla	46,490 *all districts in Songkhla
<b>Total</b>	<b>1,070</b>	<b>190,244</b>	<b>88</b>	<b>75,813</b>

Source: Data as of 10 June 2013. Information Development Group, Regional Education Office No. 12.

<sup>31</sup>“OBEC Launch Islamic Curriculum in Southern Border School,” Thairath, last modified December 5, 2012, accessed September 15, 2015, <https://www.thairath.co.th/content/310968>.



### **b) Secular Private Schools**

Private schools also follow the Basic Education Curriculum and Thai is the language of instruction. They may offer Bahasa Melayu classes as an elective subject. Other private religious- or identity-based schools, such as Catholic/Christian schools or Chinese schools, may offer intensive English or Chinese classes as their elective foreign language subject.

### **c) Private Islamic School**

Greater emphasis is placed on religious studies and Malay language studies for religious purposes at these schools and the Basic Islamic Education Curriculum B.E. 2546 (A.D. 2003) is used. It differs from the Basic Education Curriculum in that it includes an additional five hours of religious and cultural studies on top of the four hours that is provided for in the Basic Education Curriculum. The Basic Islamic Education Curriculum is mandatory at private Islamic schools. Bahasa Melayu with the Jawi-script is used in religious classes. In Bahasa Melayu language classes, the Rumi script is used. Non-religious subjects are taught in Thai, with supplementary explanation provided in Bahasa Melayu as necessary.

### **d) Pondok**

A pondok is a traditional Islamic school of religious and cultural importance. Teachers are Islamic scholars, who are locally referred to as “Tok Guru”. There is no fixed timeframe for study and assessments are conducted orally. The language of instruction is Bahasa Melayu and textbooks are written in Jawi or classical Arabic.

Decades of government’s efforts to shape and control teaching and learning in pondoks have led to the current division of pondoks into four types: 1) Traditional pondoks offer a non-standardized curriculum

of Islamic religious studies and assessment; 2) Pondok that only provide Islamic studies while adopting the curriculum, assessment format and class divisions of the private Islamic school; 3) Pondok that provide Islamic studies and secular studies. This type of pondok closely resembles the private Islamic school and; 4) Pondok that provide Islamic studies as well as vocational training, life skills, and Thai language as per the Non-Formal Education Curriculum B.E.2551 (2008). This fourth type of pondok is able to offer a wider curriculum by bringing in teachers and resources from the Non-Formal Educational Office. Thai is the language of instruction for the additional secular subjects.

In 2004, the MoE issued the Regulation on Pondok Institutes of Education 2547 B.E., which required pondoks to register with the Education Office. In line with this regulation, the MoE sought to build the capacity of these institutions by developing a standardized government curriculum based on the 16 subjects traditionally taught in pondoks. It also produced a vocational curriculum, sponsored further teaching training for Tok Gurus and their assistants, and provided financial support of between 200,000 to 450,000 baht (6,451 to 14,516 USD) to improve infrastructure. Nevertheless, pondoks continue to resist such measures and in 2018, new regulations were again issued requiring all pondoks to adopt and implement the newly standardized Pondok Basic Education Curriculum BE 2561.

#### **e) Tadikas**

Madrasas, locally known as Tadikas, are weekend schools for Islamic Study that are compulsory for Muslim children aged five to 12 years old. Their aim is to develop religious literacy and proficiency. The language of instruction is Bahasa Melayu and most of the religious studies textbooks are written in the Jawi script with some written in Rumi. Arabic textbooks are available in Arabic language class. Tadikas

provide lessons on culture and ethics as well as Bahasa Melayu lessons in both the Jawi and Rumi script.<sup>32</sup>

Table 2 displays the number of private educational establishments in the southern border provinces/Patani. It also identifies the number of students enrolled at these establishments in each other four provinces.

**Table 2: Number of Non-Government Schools in Deep South**

Province	Private Secular School		Private Islamic School		Private Islamic & Secular School		Pondok		Tadika	
	No. of Schools	No. of Students	No. of Schools	No. of Students	No. of Schools	No. of Students	No. of Schools	No. of Students	No. of Schools	No. of Students
Pattani	41	19,062	29	2,190	65	57,726	219	20,205	640	63,663
Yala	31	14,635	1	109	41	37,891	117	11,311	427	43,371
Narathiwat	28	19,894	49	33,450	51	62,285	62	6,530	617	71,475
Songkhla (4 provinces)	23	6,222	1	118	26	15,118	36	2,662	188	16,653
<b>Total</b>	<b>123</b>	<b>59,813</b>	<b>80</b>	<b>35,867</b>	<b>183</b>	<b>173,020</b>	<b>434</b>	<b>40,708</b>	<b>1,872</b>	<b>195,162</b>

Source: Data as of 5 March 2014, by Information Development Group, Office of the Private Education Commission (OPEC).

While there are many types of schools in the region, most Malay-Muslim parents choose to send their children to government primary schools. These schools are the most popular choice of school at primary level. After graduating from primary school, around 70 percent

<sup>32</sup> "Fundamental Islamic Education in the Mosque (2016): Islamic Education Center in the Mosque," Office of the Private Education Chanae District, accessed February 18, 2017, <https://opechanae.simdif.com>.

of Malay-Muslim students enroll in private Islamic secondary schools, where they are taught using the Basic Islamic Education Curriculum and 30 percent in government secondary schools.<sup>33</sup> Muslim students attending government secondary schools may opt to take extra-curricular religious classes at private Islamic schools or pondoks. It is generally recognised that students enrolled at a pondok will likely end up as a religious teacher or leader since most other career opportunities are foreclosed due to the limited scope of the education on offer. Students that enter the pondok system may also do so because of low academic attainment at the government primary school or because of their perceived low aptitude in secular subjects.<sup>34</sup>

With respect to language-in-education, some efforts have been made to promote and protect local languages in recent years. The National Education Act B.E.2542 (1999) gave schools a degree of autonomy to develop their own language or community-based curriculum in order to accommodate the needs of their students as long as it remained in accordance with the Basic Education Curriculum.<sup>35</sup> Despite the freedom afforded to schools to develop their own curriculum, national security concerns still feed into the discussions of education provision in the region. As such, education plans and policies are closely monitored and controlled by the MoE.

As per the current MoE regulations, the Basic Education

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<sup>33</sup> Ganya Seangraya, "The path of Muslim students... to be separatists?," accessed October 29, 2016, <http://www.islammore.com/view/2080>.

<sup>34</sup> Thailand Development Research Institute, "Report of the Subcommittee on Human Development for Human Security," 2006, accessed March 2, 2018, [http://tdri.or.th/archives/download/reports/unpublished/as\\_papers/edu2\\_final.pdf](http://tdri.or.th/archives/download/reports/unpublished/as_papers/edu2_final.pdf).

<sup>35</sup> Maneerot, "Local curriculum: What? Why? How?," Primary Education Office Region 2, 2011, accessed March 4, 2018, 203.172.179.23/myoffice2554/tkk3/214996.doc.

Curriculum specifies the number of hours that can be devoted to religious and language classes. Public and private schools in the region have also started to provide Bahasa Melayu as a subject. However, this remains on an ad hoc basis as the choice of subjects offered depends on an individual school's policies and the availability of resources. With respect to the medium of instruction, what language is used depends on the individual teacher and the institution's policy as to whether additional explanation or clarification of subject matter can be conducted in Bahasa Melayu or in Thai.

**Table 3: Language Provisions at Different Types of Schools in the Deep South**

<b>Type of School</b>	Thai Government School/Thai Private School	Private Islamic School/Thai Government School with Intensive Islamic Program	Pondok
<b>Type of Curricula</b>	Basic Education Curriculum BE 2551 (2008)	Basic Islamic Education Curriculum BE 2546 (2003); Eight subjects (Arabic, Malay, Tarikh, Fiqh, Hadith, Akhlaq, Al-Quran, and Al-Aqidah) taught alongside regular subjects.	Pondok Basic Education Curriculum BE 2561 (2018) with 16 Islamic subjects taught together with the Non-Formal Education Curriculum BE 2551 (2008).
<b>Thai Language Classes</b>	200 hrs per year for Grade 1-3 160 hrs per year for Grade 4-6 120 hrs per year for Grade 7-9 240 hrs per year for Grade 10-12	200 hrs per year for Grade 1-3 160 hrs per year for Grade 4-6 120 hrs per year for Grade 7-9 240 hrs per year for Grade 10-12	Not required.

<b>Malay Language Classes</b>	Incorporated into the 40 hrs per year designated for Islamic studies classes.	40 hrs per year Students use Jawi-script textbooks mainly for Islamic studies classes.	Standard Malay and Malay language used as the medium of instruction.
<b>Other Languages</b>	Some regular schools promote other foreign languages such as Chinese, Standard Malay, Arabic (Malaysian Standard), and Indonesian.	Some private Islamic schools promote other foreign languages such as Standard Malay, Arabic (Malaysian Standard), and Indonesian or other foreign languages	Focuses on Arabic and Malay language with the Jawi script.

In sum, although there have been efforts to promote Bahasa Melayu in education, the language is currently limited to Islamic studies, as a foreign language subject or as transitioning medium of instruction before the full of adoption of Thai as the medium of instruction. Bahasa Melayu still does not have any formal status in the region. The current demand for language rights as well as efforts at language revitalization and promotion continue to be the subject of extensive debate.<sup>36</sup>

## 6. Implications of Thai-only Education Policy

Thailand's strong assimilationist culture and its historical promotion of Thai as the only medium of instruction has threatened the many other languages spoken within its borders. As younger generations

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<sup>36</sup> Office of Education Policy and Planning, *Education Development Plan in the in Special Administrative Region of the Southern Border Provinces* (Bangkok: Secretariat of the Council of Education, 2005).

are not given the opportunity to learn in their mother tongue, a number of languages are at risk of extinction. This risk is compounded by the fact that many of these languages are spoken languages with no written script. It has been noted that of the approximately 70 languages that are spoken within the country, some are failing to develop or evolve to the point where some languages are considered endangered.<sup>37</sup> Ultimately, the prolonged impact of this situation could be the loss of different languages, which form a significant part of the identities and cultures of non-dominant minority groups.

Even though Bahasa Melayu is considered essential to the maintenance of Malay-Muslim identity, the assimilationist language policy has also contributed to the deterioration of Bahasa Melayu. The number of Bahasa Melayu speakers has dropped, particularly in urban areas.<sup>38</sup> Furthermore, Bahasa Melayu has been strongly influenced by Thai in the form of loan words or phrases, code-switching, and even language shifts.

Furthermore, the imposition of a Thai-language only based education has led to disparity in educational outcomes between students whose first language is Thai and students whose first language is Bahasa Melayu. The region has among the highest illiteracy rates in the country, with an average illiteracy rate of approximately 24 percent in the three provinces. Narathiwat Province was found to have the highest illiteracy rate with as many as 32 percent of students in Pathom (Grade) 6 found

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<sup>37</sup> Premsrirat et al, "Language Situation."

<sup>38</sup> Hara, interview.

to be illiterate in Thai.<sup>39</sup> Moreover, according to data on academic achievement from the Office of the Basic Education Commission covering the 2013 academic year, students in the three southern border provinces/Patani scored the lowest in the country with respect to the Ordinary National Education Test (O-Net).<sup>40</sup>

Illiteracy and educational underachievement can be explained by a combination of factors. Several reports have found that Malay-Muslim children struggle to understand lessons because they are not able to learn in their mother tongue.<sup>41</sup> Students struggling to understand lessons in Thai may persist in speaking Bahasa Melayu to the teachers and refuse to communicate in Thai.<sup>42</sup> Globally, researchers have identified an important link between academic attainment and whether the medium of instruction is in a child's first language or mother tongue. A study from the World Bank found that 50 percent of school dropouts were identified as children from communities where the language of instruction was different from the language used at home. The study also identified a relationship between students and the social-cultural conditions of the

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<sup>39</sup> The test, conducted on students in Pattani, Yala and Narathiwat, found that 16% of Pattani students could not read and write in Thai, 24% and 25% of Yala students could not read and write in Thai respectively, and 32% of Narathiwat students could not read and write in Thai. For more information, see; The Office of the Minister Newslines, "Public Hearing on the Development of Education in the Southern Border Provinces, News 88/2557," last modified April 9, 2015, accessed June 15, 2016, <http://www.moe.go.th/websm/2014/apr/088.html>.

<sup>40</sup> Ibid.

<sup>41</sup> Nantawan Watwadra, "Bilingual Education: Multiculturalism or Assimilation," last modified September 16, 2016, accessed October 18, 2016, <http://www.multied.org>.

<sup>42</sup> Jeerawat Na Thalung, "Cover Story," *Bangkok Post*, October 2, 2016, 6–9.



school as one factor that had a bearing on drop-out rates.<sup>43</sup> In another study conducted by UNESCO, it was found that 40 percent of the global population did not have access to education in a language they spoke or understood and this was cited as one of the factors that exacerbated educational disparity.<sup>44</sup>

## 7. The Future of Bahasa Melayu

Following the re-emergence of violence in 2004, a report that was published by the National Reconciliation Commission (NRC) proposed that Bahasa Melayu should be made a working language and that it should be adopted in public and official settings such as district offices, hospitals, and police stations within the region. The NRC also recommended that authorities develop a language policy that would guarantee the use of Bahasa Melayu as the medium of instruction in schools. In addition, the NRC proposed that all road signs and official signboards should be bilingual. This last measure was subsequently put into place by the Southern Border Provinces Administration Center (SBPAC). However, the NRC's more far-reaching proposals on working language and language-in-education were rejected by high-ranking officials.<sup>45</sup>

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<sup>43</sup> Jessica Ball, "Enhancing Learning of Children from Diverse Language Backgrounds," UNESCO, 2011, accessed June 15, 2016, <http://unesdoc.unesco.org/images/0021/002122/212270e.pdf>.

<sup>44</sup> UNESCO, "Global Education Monitoring Report: Policy Paper 24," last modified February 2016, accessed June 15, 2016, <http://unesdoc.unesco.org/images/0024/002437/243713E.pdf>.

<sup>45</sup> TRCT, *Final Report of Truth for Reconciliation Commission of Thailand (TRCT): July 2010 – July 2012* (Bangkok: TRCT, 2012).

Since then, more efforts have been made to promote the use of Bahasa Melayu. Under the auspices of SBPAC, the Malay–Thai Language Institute (locally known as Dewan Bahasa dan Pustaka Melayu Thailand) was established in 2013 to coordinate on matters related to Bahasa Melayu in Thailand. However, after Police Colonel Thawee Sodsong, a patron of the institution, was removed from his position as SBPAC Secretary–General, the center discontinued its support for the language institution. Following the dissolution of the Malay–Thai Language Institute, no official support has been provided to revive this initiative. In addition, the Badan Cendekiawan Rakyat Bidang Bahasa Dan Budaya Melayu Patani (BACENDRA) was created to act as a body of expertise on Malay language and culture in the region. It was represented by local organizations such as the Provincial Islamic Council, the Tadika Association, and the Southern Border Provinces Center for Art, Culture, and Environmental Conservation. The pioneer institution aimed to promote local culture, provide Malay language training, and conduct research on language and culture.<sup>46</sup>

The deterioration of Bahasa Melayu over the course of much of the twentieth century has posed a challenge to current efforts that seek to identify the most appropriate way to alter the corpus to suit the local vernacular. This has been the subject of much debate among local civil society and academia. Moreover prominent discussions on the direction and development of Bahasa Melayu have been influenced by global and regional debates. The choice of script for Bahasa Melayu is one such discussion; it has been argued pragmatically that the use of Rumi (Roman script) is more modern and forward–looking. As such,

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<sup>46</sup> Research Community, Thailand Research Fund, “BACENDRA: Expert Committee on Local Malay Language and Culture in the Southern Border Provinces,” accessed August 28, 2019, [http://rescom.trf.or.th/display/keydefault.aspx?id\\_colum=3008](http://rescom.trf.or.th/display/keydefault.aspx?id_colum=3008).

the use of Rumi would promote greater regional integration of the southern border provinces/Patani with the Malay-speaking countries of Indonesia, Malaysia, Brunei, and Singapore. In contrast, arguments in favor of the Jawi script tend to highlight the script's symbolic value. Proponents of Jawi script argue that it would be an acknowledgment of the notable contributions made to Islamic education by the (former) Sultanate of Patani. It has also been argued that the Jawi script more adequately captures and represents Malay-Muslim identity. The challenge to identify a suitable corpus for the written script has impeded efforts to incorporate Bahasa Melayu into the educational system in the region. A study conducted by the Research Institute for Languages and Cultures of Asia (RILCA) proposed the use of a special Thai-based script, which they reasoned could also act as a medium to transition from Bahasa Melayu as mother tongue to Thai.<sup>47</sup>

In addition to the debates on language standardization, there needs to be more discussion of the pros, cons and possibilities of language recognition and status in a broader sense. That said, there have been some attempts at the national level to support the protection and promotion of non-dominant languages. In 2006, the Royal Institute of Thailand drafted "the Strategic Plan on National Languages." The plan outlined specific measures for the promotion, protection, and conservation of the diverse languages currently in existence in the country. Among the six sub-policies of the national language plan, two sub-policies were aimed at achieving language equality in Thailand and included a

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<sup>47</sup> Suwilai Preamsrirot, "Education administration with local languages and the Thai language as medium: The case of bilingual education (Thai-Local Malay language) in the four Southern border provinces [Scholarly project]," The Thailand Research Fund, accessed August 7, 2015, [http://www.trf.or.th/index.php?option=com\\_content&view=article&id=220:2013-12-02-07-39-09&catid=53&Itemid=202](http://www.trf.or.th/index.php?option=com_content&view=article&id=220:2013-12-02-07-39-09&catid=53&Itemid=202).

component that focused on the promotion of mother tongues and local languages. However, the Royal Institute of Thailand's plan was never endorsed by the cabinet.<sup>48</sup>

## 8. Multilingual Education in Other Countries

The international framework on language and education rights places a strong emphasis on the individual and collective right to choose mother tongue or first language education<sup>49</sup> as demonstrated by several international instruments related to language rights, child rights, and the rights of indigenous and minority groups.

The United Nations Permanent Forum on Indigenous Issues (UNPFII), a high-level advisory body to the UN Economic and Social Council, has affirmed that “*education in the mother tongue and bilingual education, foremost in primary and secondary schools, leads to effective and long-term successful educational outcomes.*” Furthermore, it acknowledged that the UN Declaration on the Rights of Indigenous Peoples provided “*a critical framework for ensuring the necessary transformative changes in indigenous education and the exercise of the right to self-determination*” before going on to say that “*educational systems should respect, recognize and include indigenous peoples’ world views, cultures, languages and traditional knowledge, while ensuring gender equality and the recognition of traditional knowledge-keepers*”

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<sup>48</sup> Udom Warotamasikkhadit and Kirk Person, “Development of the National Language Policy (2006–2010) Committee to Draft the National Language Policy,” *The Journal of the Royal Institute of Thailand* 3, (2011): 29–44, [http://www.royin.go.th/royin2014/upload/246/FileUpload/2523\\_4254.pdf](http://www.royin.go.th/royin2014/upload/246/FileUpload/2523_4254.pdf), accessed February 11, 2018.

*as pedagogical authorities.*"<sup>50</sup>

Meanwhile, the Convention on the Rights of the Child, which Thailand ratified in 1992, affirmed that the education of the child shall be directed to the development of respect for the child's cultural identity, language and values. Article 30 explicitly declares that "*States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language*".<sup>51</sup>

In line with the practice of language recognition and protection, many countries have incorporated these principles into their national frameworks with a view to ensuring the minimum basic language and education rights for their diverse populations. This final section explores the experiences of several multicultural societies that have adopted and administered multilingual planning and policies in education. The following examples highlight the range of available models and have been chosen because of the uniqueness of their approaches. However, it must be acknowledged that these models are not without their flaws. Indeed, a more in-depth examination of these models will no doubt offer up a variety of critiques. Nevertheless, they represent efforts to accommodate the specific cultural and linguistic aspirations of minority

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<sup>50</sup> United Nations, Department of Economic and Social Affairs, "Recommendations on Education - United Nations for Indigenous Peoples," accessed August 22, 2019, <https://www.un.org/development/desa/indigenouspeoples/mandated-areas1/education/recs-education.html>.

<sup>51</sup> United Nations Office of the High Commissioner, "Convention on the Rights of the Child," accessed August 22, 2019, <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

groups in multiethnic societies. As such, they are presented below to illustrate the array of options that could be explored in the context of the southern border provinces/Patani.

### a. The Kingdom of Spain

In the Kingdom of Spain, language-in-education policy has long been a contentious issue, as languages other than Spanish were repressed during the dictatorship of General Franco. However, the current Constitution of Spain recognizes Spain's multilingual character and has conferred legislative powers to autonomous populations to manage their autonomous regions. As such, every autonomous community has implemented its statute in different ways.

In the **Catalan Autonomous Region**, the local government has designated Catalan as the sole language of education under the 1983 Law of Linguistic Normalization. Catalan's unitary language education is firmly established with Spanish taught only as a language and literature subject. Non-Catalan students who enter the Catalan school system can receive additional support if Catalan is not their first language. The aim of the system is to prevent school segregation on linguistic grounds and to ensure that everybody has the right to education in Catalan at all levels, as mandated in Article 35 of the 2006 Catalonia Statute of Autonomy. However, the monolingual education policy has provoked heavy debate for those who speak Spanish as a first language. These native Spanish speakers currently account for 55 percent of the population in the region. Increasing calls for the autonomous government to adopt multilingual education models<sup>52</sup> led to the Catalan Court of Justice ruling in favor

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<sup>52</sup> Sonia Sierra and Mercè Vilarrubias, "Language rights in Catalonia, Euro Crisis in the Press: The politics of public discourse in Europe," last modified April 22, 2014, accessed November 11, 2015, <http://blogs.lse.ac.uk/eurocrisispress/2014/04/22/language-rights-in-catalonia>.

of a policy change in 2014. From that time onwards, public schools were required to use Spanish in 25 percent of their teaching so that students could receive more of their education in Spanish.

In the **Basque Autonomous Region**, the Basque Declaration paved the way for the 1982 Law on the Normalization of the use of the Basque language. However, in the Basque Autonomous region, three different educational models are offered with each model offering variations with respect to the language(s) of instruction:

- Model A: Spanish as the language of instruction with Basque offered as a separate subject.
- Model B: Basque and Spanish as the languages of instruction with both Basque and Spanish offered as standalone subjects.
- Model C: Basque as the language of instruction with Spanish offered as a separate subject.

Model C is the most popular option as demonstrated by data collected in 2013, which revealed that 62.7 percent of students were enrolled at schools offering this educational model. By contrast, only 20.6 percent of students were found to be enrolled in schools adopting Model B with the lowest proportion (16.7 percent) of students enrolled in schools that had adopted Model A.

## **b. South Africa**

After apartheid, the 1994 constitution designated 11 ethnic languages to be official languages of the country. The government then established 14 agencies to manage and develop these languages at the

national level.<sup>53</sup> With respect to education policy, the national education framework provides for the right to choose the medium of instruction with the goal of promoting equitable and meaningful access to education as well as with a view to developing languages that had previously been marginalized. South Africa's education policy has granted all ethnic students the right to choose their language of instruction. Each district office is obliged to provide students with an education in their chosen language of instruction from among the country's 11 official languages; at the primary level, this obligation obtains once the demand threshold of 35 students has been reached. At the secondary level, this obligation obtains once the demand threshold of 40 students has been reached. In cases where the threshold that triggers the requirement for this obligation to be met is not reached, the district office is required to provide some kind of alternative support to students who wish to learn in their chosen language in accordance with South Africa's national education framework.<sup>54</sup>

### c. Myanmar

In Myanmar, decentralization and local governance are issues of critical importance to the country. In the current context, the central government has provided limited recognition of ethnic languages as regional languages, thereby providing some ethnic communities with the space to develop their own education systems. In Mon State, the New Mon State Party (NMSP) has maintained a ceasefire agreement

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<sup>53</sup> Neville Alexander, "Language Education Policy, National and Sub-National Identities in South Africa," Language Policy Division, Council of Europe, 2003, accessed January 12, 2018, <https://www.coe.int/t/dg4/linguistic/source/alexander.en.pdf>.

<sup>54</sup> SALanguages, "South Africa Language and Education," last modified 2009, accessed January 12, 2018, <http://www.salanguages.com/education.htm>.



with the national government since 1995. During this time, the Mon state model has developed as a bottom-up approach whereby local organizations have come together to self-manage their own education, culture, and natural resources. The Mon National Education Committee (MNEC) established Mon National Schools where a combination of the Mon curriculum and the national curriculum are taught. The Mon curriculum emphasizes Mon history and Mon language which are taught alongside the national curriculum. All subjects are taught in Mon at Mon National primary schools from kindergarten to grade four. From upper primary school to secondary school, students transition to Burmese as the language of instruction as per the national curriculum. Currently, 17,000 students in 156 schools are educated under this system.<sup>55</sup>

#### d. Bosnia and Herzegovina

While education in the rest of the country is segregated along ethnic and linguistic lines, **Brčko District** differs in that it aims to build knowledge and promote the values of ethnic diversity under the banner of “two schools under the same roof”. As part of post-conflict reconstruction efforts, the education system was reformed with a view to contesting ethno-nationalist sentiment through the establishment of a model whereby students from all ethnic groups could study together in the same classroom. The curriculum in Brčko allows linguistic freedom in terms of the written scripts in textbooks. Moreover, students can choose which language they wish to write in, as per their ethnicity. However, it must be acknowledged that this option is only possible

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<sup>55</sup>Lawi Weng, “Mon State to Allow Ethnic Language Classes in Govt Schools,” *The Irrawaddy*, last modified April 10, 2014, accessed January 14, 2018, <http://www.irrawaddy.com/news/burma/mon-state-allow-ethnic-language-classes-govt-schools.html>.

because the three languages share similar linguistic characteristics and differ only slightly in terms of pronunciation, vocabulary, spelling and script. Serbian can be written in the Cyrillic or Roman alphabet while both Croatian and Bosniak are written with the Roman alphabet. Furthermore, the Bosniak language could be considered a mix between the Croatian and Serbian languages.<sup>56</sup>

The abovementioned examples represent a spectrum of language-in-education policies that range from full official status recognition to local self-organizing implementation. What is most important, however, is the fact that non-dominant languages are recognized and afforded legal protection, be it as a co-official language of the country or within the bounds of sub-national self-governing regions. The experiences outlined above are meant solely to contribute to the discussion on the possibilities for language-in-education planning and policy for the southern border provinces/Patani.

## 9. Conclusion

Language-in-education is a key factor determining a language's survival in a given society.<sup>57</sup> Language-in-education planning for the southern border provinces/Patani requires the accommodation of diverse ethnic backgrounds, interests, and needs. It must also take into account

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<sup>56</sup> Wayles Brown and Theresa Alt, "A Handbook of Bosnian, Serbian, and Croatian," SEELRC, 2004, accessed January 19, 2018,

<sup>h</sup>[http://seelrc.org:8080/grammar/pdf/compgrammar\\_bcs.pdf](http://seelrc.org:8080/grammar/pdf/compgrammar_bcs.pdf).

<sup>57</sup> Susan E. Malone, "MTB-MLE for sustainable development for all: what have we learned? (and what comes next?)" (paper presented at The 5th International Conference on Language and Education: Sustainable Development through Multilingual Education, October 19-21, 2016, Bangkok, Thailand).

international or regional influences in the area. There is no “right” language-in-education model that will meet all the needs of each and every individual within the population, but communities and schools should be given a greater level of autonomy to determine which type of education and which language best fits their aspirations and needs.

Constructive and inclusive dialogues covering a broad range of perspectives are required to unravel the intricacies of the language issue. The most important aspect to be highlighted is inclusivity so that the discussion does not fall into hands of government institutions or private agencies. Rather, a collective body or a committee composed of diverse stakeholders should act as a coordinating mechanism to facilitate open dialogue.

Nevertheless, in order to achieve genuine and inclusive dialogue, an open political space is required for people of all convictions, interests, and needs to share their views and raise their concerns. This will best accommodate the reality of diverse populations and provide an opening for a realignment of power that is mutually acceptable to all stakeholders.

Ultimately, responsive language planning and policy is crucial to create the environment and conditions in which the contestation of identities may be defused and eventually lead to the resolution of grievances stemming from unmet linguistic needs and interests.

## **Bibliography**

- “Declaration on Five Demands.” YouTube Video. May 24, 2013.  
<http://youtube.be/x6r5WxFIBIY>.
- Alexander, Neville. “Language Education Policy, National and Sub-National Identities in South Africa.” Language Policy Division, Council of Europe, 2003. <https://www.coe.int/t/dg4/linguistic/source/alexanderen.pdf>.
- Ball, Jessica. “Enhancing Learning of Children from Diverse Language Backgrounds.” UNESCO, 2011. <http://unesdoc.unesco.org/images/0021/002122/212270e.pdf>.
- Binji Arifin, et al. *History and Politics in Malay World*. Songkla: Islamic Cultural Foundation of Southern Thailand, 2013.
- Bostock, William W. “Language Grief: A ‘raw Material’ of Ethnic Conflict.” *Nationalism and Ethnic Politics* 3, no. 4 (1997): 94–112.
- Brown, Michael E. “The Politics of Language in Thailand and Laos.” In *Fighting Words: Language Policy and Ethnic Relations in Asia*, edited by Sumit Ganguly, 177–210. NetLibrary, 2013.
- Brown, Wayles, and Theresa Alt. “A Handbook of Bosnian, Serbian, and Croatian.” SEELRC, 2004. [http://seelrc.org:8080/grammar/pdf/compgrammar\\_bcs.pdf](http://seelrc.org:8080/grammar/pdf/compgrammar_bcs.pdf).
- Bureau of International Cooperation, Ministry of Education. “NCPO Order 28/2016, 15 June 2016. 15 Years Mandatory Education Without Tuition Fee.” [https://www.bic.moe.go.th/images/stories/pdf/The\\_provision\\_of\\_basic\\_education\\_to\\_15\\_years\\_without\\_charge\\_17-6-2559.PDF](https://www.bic.moe.go.th/images/stories/pdf/The_provision_of_basic_education_to_15_years_without_charge_17-6-2559.PDF).
- Bureau of International Cooperation, Ministry of Education. “Towards a Learning Society in Thailand: An Introduction to Education in

- Thailand.” Last Modified November 2008. <http://www.bic.moe.go.th>.
- Che Man, Wan Kadir. *Muslim Separatism: The Moros of Southern Philippines and the Malays of Southern Thailand*. Singapore: Oxford University Press, 1987.
- Ethnologue. “Ethnologue: Thai.” <https://www.ethnologue.com/language/tha>.
- Farungsang, Banchong. *Education in Multicultural Southern Bounders*. Chiang Mai: Somchai Imprint & Copy Center, 2012.
- Hara, Shintaro. “Malay Language and Conflict in the Southern border provinces.” Interviewed by Thaweeporn Kummetha. Prachatai, July 13, 2016. <http://prachatai.com/journal/2016/07/66854>.
- Hearty Support Group. “Children Situation Report in the Southern Border Conflict Area, Annual Report 2014.” [https://voice-fromthais.files.wordpress.com/2015/01/child\\_report\\_duay-jai\\_2014\\_updated2-1.pdf](https://voice-fromthais.files.wordpress.com/2015/01/child_report_duay-jai_2014_updated2-1.pdf).
- International Crisis Group. “Thailand: The Evolving Conflict in the South, Asia Report N°241 – 11 December 2012.” <https://d2071an-dvip0wj.cloudfront.net/241-thailand-the-evolving-conflict-in-the-south.pdf>.
- Komchadluek. “Today in the Past, 36 schools were burned down (translated form Thai).” Last Modified September 1, 2017. <http://www.komchadluek.net/news/today-in-history/290182>.
- Liow, Joseph Chinyong. *Islam, Education, and Reform in Southern Thailand: Tradition & Transformation*. Singapore: Institute of Southeast Asian Studies, 2009.
- Malone, Susan E. “MTB-MLE for sustainable development for all: what have we learned? (and what comes next?)” Paper presented at The 5th International Conference on Language and Education: Sustainable Development through Multilingual Education, October 19–21, 2016, Bangkok, Thailand.

- Maneerot. "Local curriculum: What? Why? How?" Primary Education Office Region 2, 2011. Accessed March 4, 2018. [203.172.179.23/myoffice2554/tkk3/214996.doc](http://203.172.179.23/myoffice2554/tkk3/214996.doc).
- Miall, Hugh. "Conflict Transformation: A Multi-Dimensional Task." Berghof Foundation, 2004. [http://www.berghof-foundation.org/fileadmin/redaktion/Publications/Handbook/Articles/miall\\_handbook.pdf](http://www.berghof-foundation.org/fileadmin/redaktion/Publications/Handbook/Articles/miall_handbook.pdf).
- Na Thalang, Jeerawat. "Cover Story." *Bangkok Post*, October 2, 2016.
- Office of Education Policy and Planning. *Education Development Plan in the in Special Administrative Region of the Southern Border Provinces*. Bangkok: Secretariat of the Council of Education, 2005.
- Office of the Private Education Chanae District. "Fundamental Islamic Education in the Mosque (2016): Islamic Education Center in the Mosque." <https://opechanae.simdif.com>.
- Peace Survey Network. "Peace Survey 2: Survey results of people's opinions on the peace process in the Southern Border Provinces, July – August 2016." Unpublished manuscript, (2016), typescript.
- Premrirat, Suwilai. "Education administration with local languages and the Thai language as medium: The case of bilingual education (Thai-Local Malay language) in the four Southern border provinces [Scholarly project]." The Thailand Research Fund. [http://www.trf.or.th/index.php?option=com\\_content&view=article&id=220:2013-12-02-07-39-09&catid=53&Itemid=202](http://www.trf.or.th/index.php?option=com_content&view=article&id=220:2013-12-02-07-39-09&catid=53&Itemid=202).
- Premrirat, Suwilai., et al. "Language Situation and Ethnic Diversity in Thailand." TCI-ThaiJO, 2006. <https://www.tci-thaijo.org/index.php/JLC/article/view/22287/19129>.
- Rattana-amatakul, Klairung. "Educational Policy Analysis in Pattani Province, between BC. 2449-2461." Thesis, 2007.
- Research Community, Thailand Research Fund. "BACENDRA:

- Expert Committee on Local Malay Language and Culture in the Southern Border Provinces.” [http://rescom.trf.or.th/display/keydefault.aspx?id\\_colum=3008](http://rescom.trf.or.th/display/keydefault.aspx?id_colum=3008).
- RYT9. “Census Data Survey in Southern Border Provinces.” [https://www.ryt9.com/s/cabt/146831\)%20\(22](https://www.ryt9.com/s/cabt/146831)%20(22).
- SALanguages. “South Africa Language and Education.” Last Modified 2009. <http://www.salanguages.com/education.htm>.
- Seangraya, Ganya. “The path of Muslim students... to be separatists?” <http://www.islammore.com/view/2080>.
- Sierra, Sonia, and Mercè Vilarrubias. “Language rights in Catalonia, Euro Crisis in the Press: The politics of public discourse in Europe.” Last Modified April 22, 2014. <http://blogs.lse.ac.uk/eurocrisispress/2014/04/22/language-rights-in-catalonia>.
- Siltragool, Wisanee. “Thailand Non-Formal Education. Country Profile Commissioned for the EFA Global Monitoring Report 2008, Education for All by 2015: Will We Make It?” UNESCO, 2007. <https://unesdoc.unesco.org/ark:/48223/pf0000155581>.
- Somboon, Weera. *State-Ethnic Ethnicity. Some Observations on Ethnicity, State and Ethnic Problems*. Bangkok: Sommut Publishing, 2010.
- Tacharoemsak, Songporn. “Language Policy and National Security.” *Security Studies Pamphlet 70*, December (2009): 31.
- Thailand Development Research Institute. “Report of the Subcommittee on Human Development for Human Security.” 2006. [http://tdri.or.th/archives/download/reports/unpublished/as\\_papers/edu2\\_final.pdf](http://tdri.or.th/archives/download/reports/unpublished/as_papers/edu2_final.pdf).
- Thairath. “OBEC Launch Islamic Curriculum in Southern Border School.” Last Modified December 5, 2012. <https://www.thairath.co.th/content/310968>.
- The Office of the Minister Newsline. “Public Hearing on the Development of Education in the Southern Border Provinces, News

88/2557.” Last Modified April 9, 2015. <http://www.moe.go.th/websm/2014/apr/088.html>.

TRCT. *Final Report of Truth for Reconciliation Commission of Thailand (TRCT): July 2010 – July 2012*. Bangkok: TRCT, 2012.

UNESCO. “Global Education Monitoring Report: Policy Paper 24.” Last Modified February 2016. <http://unesdoc.unesco.org/images/0024/002437/243713E.pdf>.

United Nations Office of the High Commissioner. “Convention on the Rights of the Child.” <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

United Nations, Department of Economic and Social Affairs. “Recommendations on Education – United Nations for Indigenous Peoples.” <https://www.un.org/development/desa/indigenouspeoples/mandated-areas1/education/recs-education.html>.

Warotamasikkhadit, Udom, and Kirk Person. “Development of the National Language Policy (2006–2010) Committee to Draft the National Language Policy.” *The Journal of the Royal Institute of Thailand* 3, (2011): 29–44. [http://www.royin.go.th/royin2014/upload/246/FileUpload/2523\\_4254.pdf](http://www.royin.go.th/royin2014/upload/246/FileUpload/2523_4254.pdf).

Watwadra, Nantawan. “Bilingual Education: Multiculturalism or Assimilation.” Last Modified September 16, 2016. <http://www.multied.org>.

Weng, Lawi. “Mon State to Allow Ethnic Language Classes in Govt Schools.” *The Irrawaddy*. Last Modified April 10, 2014. <http://www.irrawaddy.com/news/burma/mon-state-allow-ethnic-language-classes-govt-schools.html>.



## Chapter 6

# Comparative Perspectives on Interethnic and Interreligious Dynamics in South Thailand and Beyond

 Christopher M. Joll

### 1. Introduction

This chapter examines interethnic and interreligious interactions between Buddhists and Muslims in South Thailand. Thailand's large and growing Muslim minority<sup>1</sup> has had long-standing and close contacts with (Theravada) Buddhists, as have similar minorities in Myanmar,<sup>2</sup>

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<sup>1</sup>In *Islam in Modern Thailand: Faith, Philanthropy and Politics*, Rajeswary Brown claims that Muslims constitute 12 percent of Thailand's sixty-six million people. These figures are based on National Statistical Office, Ministry of Information and Communication Technology, Statistical Report BE 2549 (2006) and Ministry of Religious Affairs and Ministry of Information and Communication Report BE 2549 (2006).

<sup>2</sup>Jean Berlie, *The Burmanization of Myanmar's Muslims* (Bangkok: White Lotus Press, 2008); Moshe Yegar, *Between Integration and Secession: The Muslim Communities of the Southern Philippines, Southern Thailand, and Western Burma/Myanmar* (Lanham, MD: Lexington Books, 2002); Stephen Keck, "The Making of an Invisible Minority: Muslims in Colonial Burma," in *Living on the Margins: Minorities and Borderlines in Cambodia and Southeast Asia*, ed. Peter J. Hammer (Phnom Penh: Center for Khmer Studies, 2009); Eric Tagliacozzo, "Burmese and Muslim: Islam and the Hajj in the Sangha State," in *Burmese Lives: Ordinary Life Stories under the Burmese Regime*, ed. Eric Tagliacozzo, Wen-Chin Chang and Mandy Sadan (Oxford: Oxford University Press, 2014).

Sri Lanka,<sup>3</sup> and Cambodia.<sup>4</sup> As such, the uniqueness of these dynamics should not be over-exaggerated. On the basis of its geographical spread, Islam is an overwhelmingly Asian religion.<sup>5</sup> Regardless of where Muslims live and what languages they speak, the Qur'an is recited in Arabic. This is also the language in which prayers, conducted facing Mecca, are performed. However, the vast majority of Muslims reside in South and Southeast Asia. Interest in Christian-Muslim relations is understandable. These represent the world's two largest religious blocks. Even so, Muslim interactions with Hindus and Buddhists deserve much more attention than they have received over the last decade.<sup>6</sup> Anthropologists and historians, who have worked in the Thai/Malay penin-

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<sup>3</sup>Dennis McGilvray, *Crucible of Conflict: Tamil and Muslim Society on the East Coast of Sri Lanka* (Durham, NC: Duke University Press, 2008); Dennis McGilvray and Mirak Raheem, "The Origins of the Sri Lankan Muslims and Varieties of the Muslim Identity," in *The Sri Lanka Reader: History, Culture, Politics*, ed. John Clifford Holt (Durham, NC: Duke University Press, 2011); Dennis McGilvray, "Sri Lankan Muslims: Between Ethno-Nationalism and the Global Ummah," *Nations and Nationalism* 17, no. 1 (2011).

<sup>4</sup>Allen Stoddard, "The Cham Muslims of Cambodia: Defining Islam Today and the Validity of the Discourse of Syncretism," in *Living on the Margins: Minorities and Borderlines in Cambodia and Southeast Asia*, ed. by Peter Hammer (Phnom Penh: Center for Khmer Studies, 2009); Omar Farouk Bajunid and Hiroyuki Yamamoto, *Islam at the Margins: The Muslims of Indochina* (Kyoto: Center for Integrated Area Studies, Kyoto University, 2008).

<sup>5</sup>Pew Research Center, *Mapping the Global Muslim Population: A Report on the Size and Distribution of the World's Muslim Population* (Washington, DC: Pew Research Center, 2009); Pew Research Center, *The Global Religious Landscape*, (Washington, DC: Pew Research Center, 2012).

<sup>6</sup>The project of Buddhist-Muslim dialogue has been pursued by Daisaku Ikeda and Majid Tehrani, *Global Civilization: A Buddhist-Islamic Dialogue* (London: British Academic Press, 2004); Reza Shah-Kazemi and Hamza Yusuf, *Common Ground between Islam and Buddhism* (Louisville: Fons Vitae, 2010); David Scott, "Buddhism

sula, have documented a range of interactions,<sup>7</sup> but Thai-based religious studies specialist Imtiyaz Yusuf is the only scholar that has interrogated issues of Buddhist–Muslim dialogue.<sup>8</sup>

Interactions between communities speaking different languages, following different religious traditions and who self-identify as either Thai or Malay in South Thailand are many and varied. Contact, like

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and Islam: Past to Present Encounters and Interfaith Lessons,” *Numen* 42, no. 2 (1995). Studies dealing with contact and conflict between Muslim and Hindus in South Asia include Imtiaz Ahmad and Helmut Reifeld, *Lived Islam in South Asia: Adaptation, Accommodation and Conflict* (Oxford: Berghahn Books, 2004); David Gilmartin and Bruce Lawrence, *Beyond Turk and Hindu: Rethinking Religious Identities in Islamicate South Asia* (Gainesville: University Press of Florida, 2000); Peter Gottschalk, *Beyond Hindu and Muslim: Multiple Identity in Narratives from Village India* (Oxford: Oxford University Press, 2000); Peter Gottschalk, *Religion, Science, and Empire: Classifying Hinduism and Islam in British India* (Oxford: Oxford University Press, 2012); Peter Van der Veer, *Religious Nationalism: Hindus and Muslims in India* (Berkeley: University of California Press, 1994).

<sup>7</sup>See Irving Chan Johnson, *The Buddha on Mecca’s Verandah: Encounters, Mobilities, and Histories along the Malaysian–Thai Border* (Seattle: University of Washington Press, 2012); Robert Winzeler, *Ethnic Relations in Kelantan: A Study of the Chinese and Thai as Ethnic Minorities in a Malay State* (Singapore: Oxford University Press, 1985); Mohamed Yusoff Ismail, *Buddhism and Ethnicity: Social Organization of a Buddhist Temple in Kelantan* (Singapore: Institute of Southeast Asian Studies, 1993); Wattana Sungunnasil, *Dynamic Diversity in Southern Thailand* (Chiang Mai: Silk Worm Books, 2005); Louis Golomb, *Brokers of Morality: Thai Ethnic Adaptation in a Rural Malaysian Setting* (Honolulu: University of Hawai’i Press, 1978); Louis Golomb, *An Anthropology of Curing in Multiethnic Thailand* (Urbana: University of Illinois Press, 1985); and Michael J. Montesano and Patrick Jory, *Thai South and Malay North: Ethnic Interactions on a Plural Peninsula* (Singapore: National University of Singapore Press, 2008).

<sup>8</sup>Imtiyaz Yusuf, “Islam and Buddhism Relations from Balkh to Bangkok and Tokyo,” *The Muslim World* 100, no. 2 (2010); Imtiyaz Yusuf, “Dialogue between Islam and

conflict, takes a number of forms. Multi-causality needs to replace sometimes tantalizing mono-causal myths.<sup>9</sup> My approach toward interethnic interactions in South Thailand follows Chayan Vaddhanaphuti's attentiveness to historical processes, which reveal that problems labeled as "ethnic" have developed for more than one reason.<sup>10</sup> His analysis in the north of Thailand has identified: The abandonment of Siamese cosmopolitanism that flourished during the Ayutthaya period (ca. 1351–1767); the exploitation of northern Thailand's natural resources; Bangkok's policy of internal colonization from the late 1800s and assimilation under military rule during the 1930s; the profiling of ethnic minorities as threats to national security during periods of communist expansion; and the denial of Thai citizenship.

This chapter is organized as follows: I begin with a short methodological and theoretical prolegomena explaining reasons for adopting a comparative approach to this topic. As few problems or solutions are without precedent, I seek to make sense of the present by considering the past. This chapter's second section interrogates the

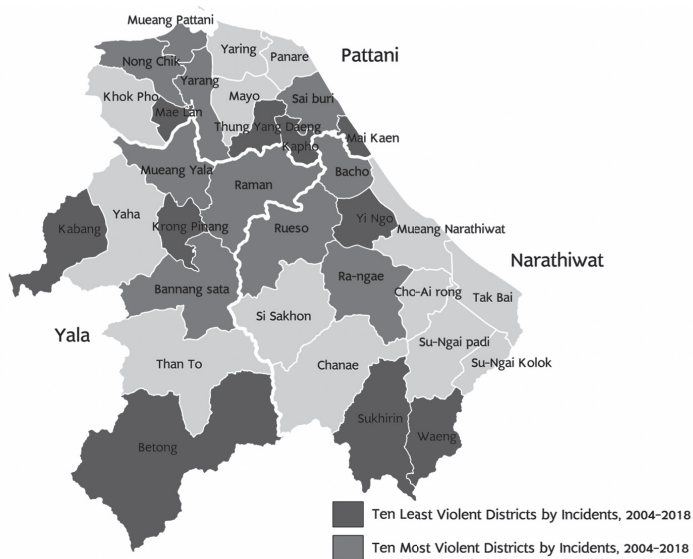
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Buddhism through the Concepts of Tathagata and Nur Muhammadi," *International Journal of Buddhist Thought and Culture* 5, (February 2005); Imtiyaz Yusuf, "Muslim-Buddhist Relations Caught between Nalanda and Pattani," in *Ethnicity and Conflict in Buddhist Societies in South and Southeast Asia*, ed. Kingsley M. DeSilva (Colombo: Vijitha Yapa, 2015).

<sup>9</sup> Christopher M. Joll, "Revisiting Ethnic and Religious Factors in Thailand's Southern Discomfort," in *The Politics of Scholarship and Trans-Border Engagement in Mainland Southeast Asia: A Festschrift in Honor of Ajarn Chayan Vaddhanaphuti*, ed. Oscar Salemink (Chiang Mai: Silkworm Books, 2015)

<sup>10</sup> Chayan Vaddhanaphuti, "The Thai State and Ethnic Minorities: From Assimilation to Selective Integration," in *Ethnic Conflicts in Southeast Asia*, ed. Kusuma Snitwongse and W. Scott Thompson (Bangkok: Institute of Security and International Studies; Singapore: Institute of Southeast Asian Studies, 2005), 156.

history of interactions between Muslim and Buddhists along the Thai/Malay peninsula. This is followed by case studies of interactions between Bangkok and its Chinese, Lao, and Khmer minorities. These considerations reveal that Thailand is an ethnic and linguistic geobody and that differences between Bangkok and its southern Malay subjects are not limited to religious differences. Sticking with my comparative approach, I then describe the range of factors impacting interactions between Muslims and Buddhists in present-day South Thailand.



Map 1: Analysis of Violent Events (Source: Engvall 2020, 73)

## 2. Comparative Approaches to Interreligious Interactions: A Methodological and Theoretical Prolegomena

I have taken a comparative approach to analyzing interactions across ethnic, religious, and (the all-important) linguistic divides in

Pattani, Yala, and Narathiwat Provinces in southern Thailand. Before summarizing the case studies contributing to this discussion, I will first address some issues about the constraints and concerns that have led me to analyze interactions in this manner.

While my study of merit-making<sup>11</sup> documented how urban Malays negotiate Thai influence, specifically through the adoption of the Thai merit-making rhetoric of *tham bun*, I have no interest in repeating this material here. At the time, I was pleased to be making sense of this (seemingly mundane) aspect of interreligious relations in South Thailand when most were searching for evidence of transnational jihadism. My comparative approach has, to a large extent, been necessitated by the lack of primary data personally collected on (a) what I consider the key issues, in (b) the most violent parts of South Thailand that we know least about (Map 1). Studies of upland (*hulu*) Yala and Narathiwat do exist; Some are based on archival work, while others are the product of fieldwork. Regrettably, these are few.<sup>12</sup> A nuanced treatment of Buddhist-Muslim contact cannot be achieved by examinations of how bilingual

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<sup>11</sup>Christopher M. Joll, "Muslim Merit-Making in Thailand's Far-South," in *Muslims in Global Societies*, ed. Gabriele Marranci and Bryan Turner (Dordrecht: Springer, 2011).

<sup>12</sup>Recent anthropological research conducted in Yala include; Anusorn Unno, *We Love Mr King: Malay Muslims of Southern Thailand in the Wake of the Unrest* (Singapore: ISEAS-Yusof Ishak Institute, 2018); Munirah Yamirudeng, "Language as an Ethnic Denominator in Southern Thailand: A Case Study of Yala Province" (PhD diss. University Utara Malaysia, 2011). They update the picture provided in previous studies. i.e. Andrew Cornish, *Whose Place Is This? Malay Rubber Producers and Thai Government Officials in Yala* (Bangkok: White Lotus Press, 1997); Saihoo Patya, "Social Organization of an Inland Malay Village Community in Southern Thailand (with Emphasis on the Patterns of Leadership)" (PhD diss. Brasenose College, Oxford University, 1974). Fieldwork in the Narathiwat border town of

urban Malays in Pattani have interacted with Thai modernity for a number of reasons. Following a decade in metropolitan Pattani and since late 2012, I have made regular visits to isolated parts of Narathiwat and Yala. I was forced to accept that many of the dynamics that I had become familiar with in Pattani were either entirely absent or drastically different in more rural areas. There is more than one South Thailand and Pattani is not representative of the whole. Indeed, this chapter is part of a broader revisionist and comparative project. Yala and Narathiwat are not the only places where I have conducted fieldwork since late 2012.<sup>13</sup> Although I had been primarily concerned with the distribution of Islamic movements inspired by Sufism, this project presented unexpected opportunities to revisit assumptions about the cultural geography of Islam and how Buddhists and Muslims interact between the central plains and the Deep South.

Whether representative, deviant, or extreme, what are the unique features and contributions of case studies and comparative historical analysis? Units of analysis may include social, cultural, linguistic, religious, and political phenomena. Moreover, individual case studies are temporally and spatially contingent. David Snow notes that while comparative approaches supply insights about defining characteristics and distinct dynamics, they are not a research method per se. More precisely, it is a “research strategy associated with a number of data-

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Sungai Kolok was conducted in Michiko Tsuneda, “Navigating Life on the Border: Gender, Marriage, and Identity in Malay Muslim Communities in Southern Thailand” (PhD diss. University of Wisconsin–Madison, 2009); Suparb Pas-Ong, “Trader and Smuggler: Who Is Who? A Sociology of Market, Trade, State and Society” (PhD diss. Bielefeld University, 1990). Historians Phillip King (2006) and Mala Sathian (2004) have provided an invaluable picture of upland Yala and Narathiwat.

<sup>13</sup>My principal fieldwork sites have been Songkhla, Phang Nga Bay, Bangkok, and Ayutthaya.

gathering methods or procedures.” Richly detailed and contextual understandings are produced by triangulating multiple sources of (mainly qualitative) data.<sup>14</sup> Stephen Ball adds that while many quantitative studies seek statistical generalizations, qualitative case studies generate theory whose robustness increases in proportion to the number and heterogeneity of case studies considered.<sup>15</sup> However tempting it might be to introduce new empirical data, comparative historical analysis can shed light on old problems by reexamining existing evidence. However, the case studies analyzed must be sufficient in quality and quantity. Adopting this approach demands a historian’s diligence both in interpreting primary sources and in judiciously selecting secondary sources.

How might one respond to concerns about comparative projects relying too heavily on secondary sources, something that James Scott’s *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia* (2009) has been criticized for? It is unacceptable for researchers to exclusively select sources that support their theoretical preferences but historians can easily mitigate assertions that their historiographies present biased accounts of past events by exhibiting a thorough knowledge of the secondary literature.<sup>16</sup> Researchers who consider a diversity of past approaches and divergent conclusions can

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<sup>14</sup>David Snow, “Case Studies and Social Movements,” in *The Wiley-Blackwell Encyclopedia of Social and Political Movements*, ed. David Snow, Donatella della Porta, Bert Klandermans, and Doug McAdam (Oxford: Wiley-Blackwell, 2013), 89.

<sup>15</sup>Stephen Ball, “Case Study,” in *The Social Science Encyclopedia*, ed. Adam Kuper and Jessica Kuper (London: Routledge, 1996).

<sup>16</sup>Daniel Ritter, “Comparative Historical Analysis,” in *Methodological Practices in Social Movement Research*, ed. Donatella della Porta (Oxford: Oxford University Press, 2014), 107.



provide a number of new insights.<sup>17</sup>

David Gilmartin and Bruce Lawrence’s study of interactions between Muslims and Hindus in South Asia provides lines of analysis directing inquiries about interreligious interactions away from conceptual cul-de-sacs and forever circling eddies. Gilmartin and Lawrence identify a number of “historical fictions.” The first is that differences in belief determine “all other patterns of exchange.” Second, religious communities are not “fixed as oppositional groups, [...] pitted irreconcilably against the other.”<sup>18</sup> As all history is present minded, even “fair-minded” historians have erroneously read “fixed religious categories back into history laden with modern valences.” Even when categories do not fit the evidence, scholars are often reluctant to jettison them.<sup>19</sup> As I have argued elsewhere, ethnonyms such as “Malay” and “Thai” are recent and competing nationalist inventions.<sup>20</sup>

Expressing similar sentiments, Emily Tripp questions widely held assumptions about the role of the state, language, and religion in subnational “ethnic conflicts”.<sup>21</sup> It is impossible to assess whether conflicts occur more often in states divided by religion or those divided by

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<sup>17</sup>James Mahoney and Celso Villegas, “Historical Enquiry and Comparative Politics,” in *The Oxford Handbook of Comparative Politics*, ed. Carles Boix and Susan Carol Stokes (Oxford: Oxford University Press, 2007), 82–84.

<sup>18</sup>Gilmartin and Lawrence, *Beyond Turk and Hindu*, 1.

<sup>19</sup>Ibid. 1.

<sup>20</sup>Christopher M. Joll, “Thailand’s Muslim Kaleidoscope between Central Plains and Far-South: Fresh Perspectives from the Sufi Margins,” in *Ethnic and Religious Identities and Integration in Southeast Asia*, ed. Volker Grabowsky and Keat Gin Ooi (Chiang Mai: Silkworm Books, 2016).

<sup>21</sup>Emily Tripp, “Evaluating Religious or Linguistic Conflict through the State,” *E-International Relations, Students*, January 17, 2014, <http://www.e-ir.info/2014/01/17/>

language. More questions need to be asked about how “the state, and those acting in relation to it” internalize control. Regardless of the form that ethnoreligious and/or ethnolinguistic diversity takes, it is the state that creates conditions that encourage conflict. A second proposition rejected by Tripp is that religious and linguistic identities are fixed. Furthermore, elites are deeply invested in perpetuating primordialist positions that are commonly associated with US anthropologist Clifford Geertz.<sup>22</sup> Many anthropologists also appear incapable of weaning themselves off primordialist porridge despite “constructivist” alternatives long having been on the menu. The latter asserts that although identities are far from arbitrary, neither are they fixed.<sup>23</sup> Furthermore, the decision

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evaluating-religious-or-linguistic-conflict-through-the-state/. See also Joseph Ruane and Jennifer Todd, “Ethnicity and Religion: Redefining the Research Agenda,” *Ethnopolitics* 9, no. 1 (2010).

<sup>22</sup> Elite perpetuation of such primordialist positions has been discussed in the following studies, which are based on multi-sited fieldwork. Kee Howe Yong, “There Are Ponoks, and There Are Ponoks: Traditional Religious Boarding Schools in Thailand’s Far-South,” *Advance in Anthropology* 2, no. 3 (2012); Michael Jerryson and Mark Juergensmeyer, *Buddhist Warfare* (New York: Oxford University Press, 2010).

<sup>23</sup> Proponents of constructivist approaches include Murat Bayar, “Reconsidering Primordialism: An Alternative Approach to the Study of Ethnicity” *Ethnic and Racial Studies* 32, no. 9 (2009); Roger Brubaker and Frederick Cooper, “Beyond ‘Identity’” *Theory and Society* 29, no. 1 (2000); Thomas Schwandt, “Constructivist, Interpretivist Approaches to Human Inquiry,” in *The Landscape of Qualitative Research: Theories and Issues*, ed. Norman Denzin and Yvonna Lincoln (Thousand Oaks, CA: Sage Publications, 1998). For my application of constructivist or circumstantialist approaches to ethnicity in South Thailand, see Joll, “Thailand’s Muslim Kaleidoscope,”; Joll, “Revisiting Ethnic and Religious Factors,”; Joll, “Muslim Merit-Making,” 61–79; Christopher M. Joll, “What’s in a Name? Problematizing Descriptions of Muslims in Southern Thailand,” in *Islamic Thought in Southeast Asia: New Interpretations and Movements*, ed. Patrick Jory and Kamaruzzaman Bustamam-Ahmad (Kuala Lumpur: University of Malaya Press, 2013).

as to which ethnonyms are accepted or rejected are based on individual and community preferences. States, especially weak and unstable ones, exploit ethnolinguistic or ethnoreligious divisions among their citizens. Anyone familiar with Thai politics will appreciate the utility of this observation. Writing before Thailand entered a decade of political instability, Charles Keyes argued that due to its strength, the Thai state could afford to officially support linguistic minorities.<sup>24</sup> Finally, Tripp echoes Gilmartin and Lawrence by lamenting that conflict specialists erroneously assume that clashes primarily occur across—rather than within—religious or linguistic divides.

### 3. Interreligious Interactions in the Past: Historical Perspectives

Historians of Muslim Southeast Asia have pointed out that medieval Arab historians included descriptions of Southeast Asia in material relating to India. These accounts referred to the presence of a number of Indic kingdoms where Sanskrit had been adopted in Java, Srivijaya, and Angkor. Colonial historians, who maintained that Southeast Asia had been colonized by the older and “superior” civilization of India, fell out of favor in the postcolonial period. Such views were replaced by a theory of Indianization developed by Georges Coedès, who argued that commercial interactions, Indian merchants, Brahman advisers, and ritual specialists had been responsible for transplanting Indic civilization.<sup>25</sup> In contrast, Daud Ali suggests that Indic civilization

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<sup>24</sup> Charles Keyes, “The Politics of Language in Thailand and Laos,” in *Fighting Words: Language Policy and Ethnic Relations in Asia*, ed. Michael Brown and Sumit Ganguly (Cambridge, MA: MIT Press, 2003), 208.

<sup>25</sup> Georges Coedès, *The Indianized States of Southeast Asia* (Honolulu: University of Hawai‘i Press, 1971).

may have been “absorbed, translated and recontextualised for their own ends.”<sup>26</sup> Sheldon Pollock argues that from 300 CE through to the time that classical Sanskrit had become “the preferred medium for proclamatory political discourse and aesthetic representation,” Southeast Asia was transformed by a “trans-culturation,” which Pollock referred to as the “Sanskrit cosmopolis”.<sup>27</sup> The local adoption of Sanskrit increased the participation of local rajas in cosmopolitan South and Southeast Asia.<sup>28</sup> Ronit Ricci develops Pollock’s concept of cosmopolis by arguing that early Islamic expansion, in which Muslim Tamils played an important role, contributed to the creation of an “Arabic cosmopolis”.<sup>29</sup> Torsten Tschacher has suggested that Malay borrowed Arabic words through Tamil. One of the best examples of a Tamil term that is part of the Malay lexicon is *lebai* (from *leppai* or *lappai*), which refers to petty religious functionaries, such as those performing the call to prayer.<sup>30</sup> Without downplaying the importance of Arabic in the modern Malay lexicon, many Sanskrit terms have been retained and Islamized long after the demise of the Sanskrit cosmopolis. Despite the presence of

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<sup>26</sup>Daud Ali, “Connected Histories? Regional Historiography and Theories of Cultural Contact between Early South and Southeast Asia,” in *Islamic Connections: Muslim Societies in South and Southeast Asia*, ed. R. Michael Feener and Terenjit Sevea (Singapore: Institute of Southeast Asian Studies, 2009), 12–13.

<sup>27</sup>Sheldon Pollock, *The Language of the Gods in the World of Men: Sanskrit, Culture, and Power in Premodern India* (Berkeley: University of California Press, 2006).

<sup>28</sup>Ali, “Connected Histories?” 16.

<sup>29</sup>Ronit Ricci, *Islam Translated: Literature, Conversion, and the Arabic Cosmopolis of South and Southeast Asia* (Chicago: University of Chicago Press, 2011).

<sup>30</sup>Torsten Tschacher, “Circulating Islam: Understanding Convergence and Divergence in the Islamic Traditions of Mabar and Nusantara,” in *Islamic Connections: Muslim Societies in South and Southeast Asia*, ed. R. Michael Feener and Terenjit Sevea (Singapore: Islamic Connections, Muslim Societies in South and Southeast Asia, 2009), 55–56.

Arabic equivalents such as *salat* and *saum*, Sanskrit terms such as *sembahyang* and *puasa* function as default terms for prayer and fasting.<sup>31</sup>

Language is an important form of evidence that Islamic and Indic influences interacted in what is now Muslim Southeast Asia. Advances in protohistoric archaeology over recent decades reveal the presence of Indic influence in the portion of the Thai/Malay peninsula that is routinely referred to as South Thailand.<sup>32</sup> The most dramatic material example is the Yarang complex located fifteen kilometers from present-day Pattani. Chinese records make a number of references to Langkasuka's Hindu and Buddhist influences but the demise of that kingdom remains a mystery.<sup>33</sup> There is general acceptance that Langkasuka was replaced by an Indic polity based in Krue Se that

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<sup>31</sup>Joll, "Muslim Merit-Making," 86. For excellent recent studies of the multiple linguistic influences on modern Malay, see Seong Chee Tham, *A Study of the Evolution of the Malay Language: Social Change and Cognitive Development* (Singapore: National University of Singapore Press, 1990); James Sneddon, *The Indonesian Language: Its History and Role in Modern Society* (Sydney: University of New South Wales Press, 2003).

<sup>32</sup>On the issue of archaeology, see Michel Jacq-Hergoualc'h, *The Malay Peninsula: Crossroads of the Maritime Silk Road (100 BC–1300 AD)*, trans. Victoria Hobson (Leiden: Brill, 2002); Michel Jacq-Hergoualc'h, "Archaeological Research in the Malay Peninsula" *Journal of Southeast Asian Studies* 85, no. 1–2 (1997); Paul Wheatley, *The Golden Khersonese: Studies in the Historical Geography of the Malay Peninsula before AD 1500*. (Kuala Lumpur: University of Malaya Press, 1961); Jane Allen, "History, Archaeology, and the Question of Foreign Control in Early Historic-Period Peninsular Malaysia" *International Journal of Historical Archaeology* 2, no. 4 (1998).

<sup>33</sup>David Welch and Judith McNeill, "Archaeological Investigation of Pattani History," *Journal of Southeast Asian Studies* 19, (1989); Paul Wheatley, "Langkasuka," *T'oung Pao* 44, no. 4–5 (1956); Wales, "Langkasuka and Tambralinga: Some Archaeological Notes," *Journal of the Malaysian Branch Royal Asiatic Society* 47, (1974); Jacq-Hergoualc'h, *The Malay Peninsula*, 326–28.

functioned as the Malay Sultanate (*Kerajaan*) of Patani.<sup>34</sup> A form of Tantric Shivaism was followed. Successive Malay rajas identified with Shiva,<sup>35</sup> and Hindu (and later Buddhist) conceptions of the universe were expressed in the architectural tropes constructed in Patani, and the wider Malay World.

Patani's oldest mosque, Surau Aur, is designed on Hindu-Buddhist prototypes,<sup>36</sup> a phenomenon that is widespread throughout the Malay-Indonesian world.<sup>37</sup> Other examples of Indic influence in local material culture are numerous. These include the tropes in the paintings that cover local fishing boats known as *prahu kolek*<sup>38</sup> and woodcarvings, including *kris*.<sup>39</sup> The same holds for the performing arts. Regardless of the cultural milieu in which they are practiced in, these have been translated into local languages and adapted in ways that secure their acceptance and success. Highly percussive ensembles (consisting of

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<sup>34</sup> Andries Teeuw and David Wyatt, *Hikayat Patani: The Story of Patani* (The Hague: Martinus Nijhoff, 1970), 3.

<sup>35</sup> Wayne Bougas, *The Kingdom of Patani: Between Thai and Malay Mandalas* (Bangi: Institute of the Malay World and Civilization, Universiti Kebangsaan Malaysia, 1994), 77.

<sup>36</sup> Wayne Bougas, "Surau Aur: Patani's Oldest Mosque?" *Archipel* 43, (1992).

<sup>37</sup> For studies of Muslims in the Malay-Indonesian world, see James Dickie, "Allah and Eternity: Mosques, Madrasas, and Tombs," in *Architecture of the Islamic World: Its History and Sacral Meanings*, ed. George Michell (London: Thames and Hudson, 1978); Abdul Halim Nasir, *Mosque Architecture in the Malay World* (Bangi: Universiti Kebangsaan Malaysia Press, 2004).

<sup>38</sup> Paul Coatalen, *The Decorated Boats of Kelantan: An Essay on Symbolism* (Penang: Penerbit Universiti Sains Malaysia, 1982).

<sup>39</sup> See esp. Farish Noor, Eddin Khoo, and David Lok, *Spirit of Wood: The Art of Malay Woodcarving: Works by Master Carvers from Kelantan, Terengganu, and Pattani* (Singapore: Periplus, 2003). Ismail Said and Zumahiran Binti Kamarudin, "Composition of Malay Woodcarving: Case Studies on Two Traditional Timber

drums, gongs, and cymbals) support melodies by Javanese oboes, which accompany a range of Malay and Indian epics. Arguably, the most iconic Javanese cultural export is shadow puppetry, which is known in Kelantan as *wayang jawa*, and in Thailand as *wayang siam* and *wayang kulit*.<sup>40</sup> Dramatic repertoires include Malay versions of the Ramayana epic, the Panji stories, and Malay folktales performed by a puppeteer (*dalang*).<sup>41</sup> In the southern Thai-speaking parts of the peninsula between Phatthalung and Nakhon Si Thammarat, this genre is referred to as *nang talung*.<sup>42</sup> Similar dynamics exist in the *mak yong* dance and the *main puteri* healing ceremony. *Manora*, its Thai equivalent (named after a

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Houses” *Jurnal Alam Bina* 11, no. 2 (2008); Ismail Said, “Visual Composition of Malay Wood Carvings in Vernacular Houses of Peninsular Malaysia” *Jurnal Teknologi* 37, (December 2002); Ismail Said, “The Art of Woodcarving in Timber Mosques of Peninsular Malaysia in Southern Thailand” *Jurnal Teknologi* 34, (June 2001).

<sup>40</sup>For studies of *wayang*, consult Beth Osnes, *The Shadow Puppet Theatre of Malaysia: A Study of Wayang Kulit with Performance Scripts and Puppet Designs* (Jefferson, NC: McFarland, 2010); Barbara Wright, “Islam and the Malay Shadow Play: Aspects of the Historical Mythology of the Wayang Siam” *Asian Folklore Studies* 40, no. 1 (1981); Amin Sweeney, *Malay Shadow Puppets: The Wayang Siam of Kelantan* (London: Trustees of the British Museum, 1972); Jeune Scott-Kemball, “The Kelantan Wayang Siam Shadow Puppets ‘Rama’ and ‘Hanuman’: A Comparative Study of Their Structure” *Man* 59, (May 1959).

<sup>41</sup>Patricia Matusky and James Chopyak, “Malay Peninsula,” in *The Garland Handbook of Southeast Asian Music*, ed. Terry Miller and Sean Williams (London: Routledge, 2008), 225.

<sup>42</sup>Paul Dowsey-Magog, “Khao Yam, a Southern Rice Salad: Heteroglossia and Carnival in Nang Talung; The Shadow Theatre of Southern Thailand” (PhD diss. University of Sydney, 1997); Paul Dowsey-Magog, “Popular Culture and Traditional Performance: Conflicts and Challenges in Contemporary Nang Talung,” in *Dynamic Diversity in South Thailand*, ed. Wattana Sungannasil (Chiang Mai: Silkworm Books,

heavenly bird-maiden), is closely associated with Songkhla.<sup>43</sup>

None of this would have been possible without close and sustained contact between Muslims and Buddhists. Obviously, this is not the complete picture. In recent years, important pieces of the puzzle have been provided by Francis Bradley, who has recounted—in often harrowing detail – the five decades of war that Bangkok waged against the Malay Kerajaan of Patani beginning in 1786.<sup>44</sup> Bradley argues that Siam subdued Patani through “massacre, slave-raiding, environmental warfare, and the expulsion of refugees,” which brought an end to traditional mandala state relations.<sup>45</sup> Wayne Bougas has claimed that Patani was unique among Malay states, located as it was between Ayutthaya and Malacca,

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2005). *Nang* is Thai for leather (from which the puppets are made), and *talung* is a shortened local form for Phatthalung. See Michael Smithies and Euayporn Kerdchouay, “Nang Talung: The Shadow Theatre of South Thailand” *Journal of the Siam Society* 60, no. 1 (1972), 379.

<sup>43</sup>Marlane Guelden, “Ancestral Spirit Mediumship in Southern Thailand: The Nora Performance as a Symbol of the South on the Periphery of a Buddhist Nation-State” (PhD diss. University of Hawai’I, 2005a); Marlane Guelden, “Spirit Mediumship in Southern Thailand: The Feminization of Nora Ancestral Possession,” in *Dynamic Diversity in South Thailand*, ed. Wattana Sungannasil (Chiang Mai: Silkworm Books, 2005b).

<sup>44</sup>Francis Bradley, “Siam’s Conquest of Patani and the End of Mandala Relations, 1786–1838,” in *The Ghosts of the Past in Southern Thailand: Essays on the History and Historiography of Patani*, ed. Patrick Jory (Singapore: National University of Singapore Press, 2012); Francis Bradley, “Forging Islamic Power and Place: The Legacy of Shaykh Da’ud bin ‘Abd Allah al-Fatani in Mecca and Southeast Asia,” in *Southeast Asia: Politics, Meaning, and Memory*, ed. David Chandler and Rita Smith Kipp (Honolulu: University of Hawai’i Press, 2016), 39–62.

The dates of Siamese campaigns in South Thailand are 1785–1786, 1789–1791, 1808, 1831–1832, and 1838.

<sup>45</sup>Bradley, “Siam’s Conquest of Patani,” 150.



which were the most powerful mandalas at the time.<sup>46</sup> Although in other *kerajaans* Islam replaced Hindu-Buddhist influences, Islam and Buddhism interacted with each other in Patani. As a result, Islam demonstrated some Buddhist influences.<sup>47</sup> Seventeenth-century Dutch sources claim that 30 percent of Patani's population were Buddhist<sup>48</sup> and Ibrahim Syukri mentions sixty Burmese slaves being gifted to the Muslim raja—none of whom were forced to convert to Islam.<sup>49</sup> Before Islamic reformist activism marginalized this practice, it was once common that before being circumcised, the heads of Malay boys were shaved in a manner similar to the rite accompanying the ordination of Buddhist monks.<sup>50</sup> As late as the 1960s, the social status of hajis in southern Malay communities was akin to that of Buddhist monks.<sup>51</sup>

Louis Golomb, whose ethnographies are among the most empirically rich accounts available of Buddhist-Muslim engagement in Thailand and Malaysia,<sup>52</sup> warns that the employment of the ethnoreligious designations “Thai-Buddhist” and “Malay-Muslim” may be understood as surmising the existence of separate sociocultural traditions or bounded cosmologies. Not all Thai speakers are Buddhists and not all Malay speakers along the Thai-Malay border are Muslims. Many practices and

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<sup>46</sup> Bougas, *The Kingdom of Patani*, 1.

<sup>47</sup> *Ibid.* 37.

<sup>48</sup> *Ibid.* 37. See also Francis Bradley, “The Social Dynamics of Islamic Revivalism in Southeast Asia: The Rise of the Patani School, 1785–1909” (PhD diss. University of Wisconsin–Madison, 2010), 108.

<sup>49</sup> Ibrahim Syukri, *History of the Malay Kingdom of Patani*, trans. Connor Bailey and John Miksic (Athens: Center for International Studies, Ohio University, 1985), 20.

<sup>50</sup> Bougas, *The Kingdom of Patani*, 37.

<sup>51</sup> Raymond Scupin, “The Social Significance of the Haji for Thai Muslims,” *The Muslim World* 72, (1982).

<sup>52</sup> Golomb, *Brokers of Morality*; and Golomb, *Anthropology of Curing*.

beliefs followed by traditional Buddhists and Muslims represent components of “*multiethnic strategies for harnessing supernatural power*”.<sup>53</sup> Anthony Milner suggests that “religion” should be understood in terms of techniques rather than affiliation. He thus warns that extreme caution must be exercised when archaically employing “isms” such as Buddhism or Hinduism because such an approach erroneously assumes the presence of integrated, exclusive systems of knowledge.<sup>54</sup> Golomb’s proposal predates those forwarded by Suthiwong Phongpaibun, who referred to the “bonds of brotherhood” between Buddhists and Muslims in Songkhla.<sup>55</sup> Alexander Horstmann is another scholar, who developed his perspectives on the state of Buddhist–Muslim relations in Songkhla. He suggests that widespread beliefs about merit, ancestors, and ghosts suggest the presence of a “shared cosmology”.<sup>56</sup>

My analysis of merit-making rhetoric has shown that South Thailand’s Malays continue to pragmatically engage with the changes in their linguistic environment. Thai-speaking Malays refer to a range of activities through which religious merit (*phonlabun, bun*) is accrued and transferred as *tham bun*. Although no Malay equivalent for the uniquely Thai concept of *tham bun* exists, this “cosmic cash” is *pahala*, another term derived from Sanskrit. The most common Sanskrit terms for merit are *punya* or *kusala*, while the Pali equivalents are *pūñña* or

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<sup>53</sup> Golomb, *Anthropology of Curing*, 1.

<sup>54</sup> Anthony Milner, *The Malays* (Oxford: Wiley-Blackwell, 2008), 32.

<sup>55</sup> Suthiwong Phongpaibun, “Ties of Brotherhood: Southern Thai–Malay Cultural Roots,” in *Thai South and Malay North: Ethnic Interactions on a Plural Peninsula*, ed. Michael J. Montesano and Patrick Jory (Singapore: National University of Singapore Press, 2008).

<sup>56</sup> Alexander Horstmann, “Ethnohistorical Perspectives on Buddhist–Muslim Relations and Coexistence in Southern Thailand: From Shared Cosmos to the Emergence of Hatred?” *Sojourn: Journal of Social Issues in Southeast Asia* 19, no. 1 (2004): 85, 93.

*kusala*. F. K. Lehman argues that *kusala* specifically refers to one's merit store, which determines the trajectory of one's subsequent existences. *Puñña* more specifically relates to the ethical quality, the right action and intention, of one's current existence.<sup>57</sup> Torkel Brekke makes some important comments about the Sanskrit term *phala*, from which *pahala* is derived. He cites the maxim that giving donations to increase the merit (*punya*) for oneself and for one's parents will be rewarded (*phala*) both in this world and in the next.<sup>58</sup> As the Sanskrit cosmopolis was Islamized, *phala* may have been adopted to be more translatable than *punya*.<sup>59</sup>

Interactions between Buddhists and Muslims along the Thai/Malay peninsula have been many and varied. Notwithstanding times of conflict, contact has been peaceful, even when religious sensitivities and linguistic loyalties have been challenged. Although mention has been made to five decades of violence initiated by Siam during the reigns of Rama I, II, and III, the case studies introduced below challenge misconceptions that Siam's southern Malays were the only target of Bangkok's attempts to manage the religious, linguistic, and "ethnic" diversity of its geobody.<sup>60</sup>

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<sup>57</sup> F. K. Lehman, "Can God Be Coerced? Structural Correlates of Merit and Blessing in Some Southeast Asian Religions," in *Merit and Blessing in Mainland Southeast Asia in Comparative Perspective*, ed. Cornelia Ann Kammerer and Nicola Beth Tannenbaum (New Haven, CT: Yale University, Southeast Asia Studies, 1996), 24.

<sup>58</sup> Torkel Brekke, "Contradiction and the Merit of Giving in Indian Religions," *Numen* 45, no. 3 (1998): 296.

<sup>59</sup> Joll, "Muslim Merit-Making," 86.

<sup>60</sup> Thongchai Winichakul, *Siam Mapped: A History of the Geo-Body of a Nation* (Honolulu: University of Hawai'i Press, 1994).

### **Bangkok's Interactions with Chinese, Lao, and Khmer Minorities**

This section compares Bangkok's attitude toward its southern Malay subjects with Chinese immigrants and with Lao- and Khmer-speaking Buddhist minorities in Thailand's Northeast. Chris Baker has pointed out that, historically, Malacca and Ayutthaya share a number of features in common. Malacca's defeat by the Portuguese in 1511 was central to Ayutthaya's subsequent prosperity before the latter's defeat by the Burmese in 1767. Both were cosmopolitan maritime city-states possessing only loose control over their vassals.<sup>61</sup> A decade after Rama I began his reign in Bangkok in the late 1700s, the new Siamese dynasty controlled more territory than Ayutthaya ever did. Nevertheless, no shared language or corporate identity existed. Andrew Simpson and Noi Thammasathien point out that at least half of Bangkok's subjects spoke Lao and Khammueang. Furthermore, following Siam's treaty with the French in 1893, "almost 80 percent of the total ethnic Lao population" in Indochina resided within the borders of northeastern Siam.<sup>62</sup> Assertions about Thailand's ethnolinguistic homogeneity are, therefore, "very much a social construct, ideologically serving at certain times to mask and at other times to highlight the internal diversity of the Thais".<sup>63</sup> In Thailand, more than seventy languages belonging to the Tai-Kadai, Austroasiatic, Austronesian, Sino-Tibetan, and Hmong-Mien language families are spoken. Central Thai might be the only official language in Thailand

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<sup>61</sup> Christopher J. Baker, "Ayutthaya Rising: From Land or Sea?" *Journal of Southeast Asian Studies* 34, no. 1 (2003) doi:10.1017/S0022463403000031.

<sup>62</sup> Andrew Simpson and Noi Thammasathien, "Thailand and Laos," in *Language and National Identity in Asia*, ed. Andrew Simpson (Oxford: Oxford University Press, 2007), 391–92.

<sup>63</sup> Antonio Rappa and Lionel Wee, *Language Policy and Modernity in Southeast Asia: Malaysia, the Philippines, Singapore, and Thailand* (New York: Springer, 2006), 106

but its northern (Khammueang), northeastern (Lao), and southern (Phak Tai) dialects function as local vernaculars. Differences in grammar, pronunciation, and lexicon among these vernaculars resemble the differences that can be found among languages in the Romance or Germanic language families for instance. Speakers of a number of displaced languages and languages such as Chinese and Vietnamese also exist.<sup>64</sup> Finally, Shan and Khmu in the North, Khmer in the Northeast, Mon in the Northwest, and Malay in the Deep South are cross-border languages.

At a time when European influence in Southeast Asia was on the rise, Bangkok viewed its survival as requiring the establishment of a unitary state. Having avoided direct colonization by either the French or the British, Siam became a colonizer itself. Following the 1932 coup that deposed King Prajadhipok, Siam's new military rulers emphasized the role of central Thai as a national language. The military governments led by Field Marshal Plaek Phibunsongkhram, between 1938 and 1944 as well as between 1948 and 1957, promulgated a series of state decrees (*ratthaniyom*). The first, on June 24, 1939, changed the name of the country from Prathet Siam to Prathet Thai.<sup>65</sup> A third, issued on August 2, 1939, reinforced the first by forbidding the use of "any regional or ethnic/religious modifier of the word 'Thai,' so that terms such as 'Southern Thais,' 'Northeastern Thais,' and 'Islamic Thais' should not

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<sup>64</sup> Displaced languages are spoken by refugees, most of whom are Tai speakers (Phuan, Song, Phuthai, Lao Wiang, Lao Khrang, Nyoh, and Yooy), but others include Mon and Khmu, spoken in parts of central Thailand. Suwilai Premsrirat, "Thailand: Language Situation," in *Encyclopedia of Language and Linguistics*, ed. Keith Brown (Oxford: Elsevier, 2005).

<sup>65</sup> "Ratthaniyom [Cultural Mandate] no. 1," in *Royal Gazette Volume 56* (Bangkok: The Prime Minister's Office, 1939), 810.

be used.” All inhabitants were simply “Thais”.<sup>66</sup> The decrees are an example of what Amri Baharuddin Shamsul has referred to as “authority-defined labels,” which he compares to everyday ethnonyms.<sup>67</sup> Terms such as “Lao” and “Shan” were to be replaced by the word “Thai.” The ninth *rattaniyom* was specifically concerned with the Thai language.<sup>68</sup> The tenth stated that Thai people should not appear at public gatherings, in public places, or in city limits without being “appropriately dressed,” which included not wearing any untailed wraparound cloths.<sup>69</sup>

As I have argued elsewhere,<sup>70</sup> these decrees represent a state-sponsored project of ethnogenesis indiscriminately imposed upon the

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<sup>66</sup> “Rattaniyom [Cultural Mandate] no. 3,” in *Royal Gazette Volume 56* (Bangkok: The Prime Minister’s Office, 1939), 1281.

<sup>67</sup> Amri Baharuddin Shamsul, “Identity Contestation in Malaysia: A Comparative Commentary on ‘Malayness’ and ‘Chineseness,’” *Akademika* 55, (July 1999); Amri Baharuddin Shamsul, “‘Malay’ and ‘Malayness’ in Malaysia Reconsidered: A Critical Review,” *Communal/Plural: Journal of Transnational and Crosscultural Studies* 9, no. 1 (2001).

<sup>68</sup> The decree specified: “1. Thai people must extol, honor and respect the Thai language, and must feel honored to speak it; 2. Thai people must consider it the duty of a good citizen to study the national language and must at least be able to read and write; Thai people must also consider it their important duty to assist and support citizens who do not speak Thai or cannot read Thai to learn it; 3. Thai people must not consider place of birth, residence, or regional accent as a marker of division. Everyone must hold it to be true that all born as Thai people have the same Thai blood and speak the same Thai language. Place of birth or accent makes no difference; 4. Thai people must consider it their duty to conduct themselves as good Thai citizens should and to urge and instruct those who do not yet know and understand their duty as to the duties of a good citizen of the Thai nation” *Rattaniyom* no. 9 (1939).

<sup>69</sup> “Rattaniyom [Cultural Mandate] no. 10,” in *Royal Gazette Volume 57* (Bangkok: The Prime Minister’s Office, 1939), 151.

<sup>70</sup> Joll, “Thailand’s Muslim Kaleidoscope.”

state's ethnolinguistically and ethnoreligiously diverse population. Notwithstanding the fact that many of these measures specifically targeted Siam's large and economically influential Chinese population (whose newspapers were banned and schools closed), Malays were also impacted; They were now "Thais" who had to speak Thai and only wear sarongs at home or while performing *salat*. Malays assessed the term "Thai-Muslim" as indistinguishable from the oxymoronic "Buddhist-Muslims".<sup>71</sup> Even today, rural Malays of Pattani, Yala, and Narathiwat do not refer to Buddhists—let alone themselves—as Thais. They refer to them as Siamese, or Orae Siyae.

In what ways have Bangkok's interactions with Malay-dominated South Thailand resembled policies toward the Chinese minority, which is widely referred to as Thailand's largest non-Buddhist ethnic minority? Duncan McCargo's comparative analysis of state policies toward Malays and Chinese is one of his many contributions to scholarship on southern Thai politics. In his analysis, McCargo explores the concept of informal citizenship and challenges the widespread assumptions that citizenship relates to nationality by demonstrating how both Malays and Chinese minorities have experienced what he refers to as "graduated citizenship".<sup>72</sup> While Thailand is often cited as a positive example of Chinese as-

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<sup>71</sup> Pierre Le Roux, "To Be or Not to Be ... The Cultural Identity of the Jawi (Thailand)," *Asian Folklore Studies* 57, no. 2 (1998), 243.

<sup>72</sup> William Skinner, *Chinese Society in Thailand: An Analytical History* (Ithaca, NY: Cornell University Press, 1957); William Skinner, *Leadership and Power in the Chinese Community of Thailand* (Ithaca, NY: Cornell University Press, 1958); Chee-Kiong Tong and Kwok Chan, *Alternate Identities: The Chinese of Contemporary*

similation, “the reality is rather more nuanced and complicated.”<sup>73</sup> For example, Chinese have occasionally been denied the right to vote. As for Malays, they are not viewed as meeting all “informally understood criteria” to vote.<sup>74</sup> Extant definitions of citizenship, such as T. H. Marshall’s notions of “formal” citizenship, inadequately captures the Thai realities. Equally deficient are alternatives such as “cultural citizenship,” a concept developed by Western nations assimilating immigrants.<sup>75</sup>

During the early decades of the twentieth century, as McCargo explains, Thai laws on naturalization and nationality were comparatively liberal. For example, locally born Chinese were automatically granted Thai citizenship, and after five years in Thailand Chinese immigrants of good character and financial means could apply to be naturalized. After the end of the absolute monarchy in 1932, however, Chinese were forced to meet “stringent educational or employment requirements” before they were entitled to either vote or stand for electoral office. They were also excluded from various trades and professions. Between 1953 and 1956, children born to two Chinese parents were not considered Thais even if born on Thai soil, while anyone with a non-Thai father was not eligible for military service. These were

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*Thailand* (Leiden: Brill, 2001); Kasian Tejapira, “The Misbehaving Jeks: The Evolving Regime of Thainess and Sino-Thai Challenges,” *Asian Ethnicity* 10, no. 3 (2009); Kasian Tejapira, “Pigtail: A Pre-History of Chineseness in Siam,” *Sojourn: Journal of Social Issues in Southeast Asia* 7, no. 1 (1992); Kasian Tejapira, “The Postmodernisation of Thainess,” in *Cultural Crisis and Social Memory: Modernity and Identity in Thailand and Laos*, ed. Shigeharu Tanabe and Charles Keyes (London: Routledge Curzon, 2002).

<sup>73</sup> Duncan McCargo, “Informal Citizens: Graduated Citizenship in Southern Thailand,” *Ethnic and Racial Studies* 34, no. 5 (2011): 837

<sup>74</sup> *Ibid.* 833.

<sup>75</sup> *Ibid.* 835.



examples of “contingent and graduated rights, [...] not identical with the holding of Thai nationality,” which could also be revoked. McCargo cites G. William Skinner’s fascination with the fact that despite widespread prejudice against Chinese, Thai psychology prevented the outright rejection of Chinese who speak and behave like Thais.<sup>76</sup> Thai citizenship therefore possessed a “legal dimension based on formal status and rights” and an “informal dimension based on attitude, self-presentation, and behavior,” which Kasian Tejapira has referred to as “Thai deficiency syndrome”.<sup>77</sup>

McCargo’s case study elucidates a range of issues. The first is that theoretical approaches to citizenship erroneously assume that minority groups enjoy full citizenship. Many Malays in Thailand only reluctantly participate in a “broader society from which they feel alienated.” Second, in South Thailand, the Malay language creates and maintains “identity cleavages” between Buddhists and Malay-speaking Muslims. Many of Thailand’s Buddhist majority question Malay loyalty to what they perceive as a benevolent state. In addition to language, religious practices, such as veiling, perpetuate the Malay agenda of “differentiation and separation.” For McCargo, Malays perceive Bangkok as “unwelcoming, suspicious, patronizing, and deeply unsympathetic”.<sup>78</sup>

Another point that confirms the relative importance of language (over religion) in Thailand is that Thai-speaking Muslims have enjoyed long-standing close ties with political elites in Bangkok. For example, the Bunnag family, descended from Persians, held a number of influential

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<sup>76</sup> Skinner, *Chinese Society in Thailand*, 381.

<sup>77</sup> Tejapira “Misbehaving Jeks,” 271.

<sup>78</sup> McCargo, “Informal Citizens,” 833.

positions in Ayutthaya's courts.<sup>79</sup> The first Thais to hold the (royally appointed) post of Chularajamontri (Sheikh al-Islam) were from this family, as is General Sonthi Boonyaratglin, who led the September 2006 coup that ousted Thaksin Shinawatra.<sup>80</sup> Modern Thailand deserves its reputation for providing religious freedom for its ethnically and religiously diverse population. However, it must also be noted that during times of political instability, religious minorities have been persecuted.<sup>81</sup> For example, the attitude of King Taksin (r. 1767–1782), who ruled during the short-lived Thonburi interregnum, differed from those of his predecessors. He pursued anti-Christian and anti-Islamic policies that included banning Siamese and Mon from becoming Muslims (*phuak mahamat*) or Christians (*phuak khao rit*) with a maximum punishment of execution.<sup>82</sup> This may have contributed to branches of the Bunnag family converting to Buddhism; these converted Bunnags, through their activities, contributed to the modernization of Siam's infrastructure and economy.<sup>83</sup>

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<sup>79</sup> See "The Bunnag Lineage Club," <http://www.bunnag.in.th/english/index.html>.

<sup>80</sup> Intiyaz Yusuf, "Islam and Democracy in Thailand: Reforming the Office of the Chularajamontri/Shaikh Al-Islam," *Journal of Islamic Studies* 9, no.2 (1998); Christoph Marcinkowski, "Iranians, Shaykh al-Islams and Chularajamontris: Genesis and Development of an Institution and Its Introduction to Siam," *Journal of Asian History* 37, no.2 (2003).

<sup>81</sup> Shane Strate, *The Lost Territories: Thailand's History of National Humiliation* (Honolulu: University of Hawai'i Press, 2015); Shane Strate, "An Uncivil State of Affairs: Fascism and Anti-Catholicism in Thailand, 1940–1944," *Journal of Southeast Asian Studies* 42, no. 1 (2011); Thongchai Winichakul, "Buddhist Apologetics and a Genealogy of Comparative Religion in Siam," *Numen* 62, no. 1 (2015)

<sup>82</sup> Sombat Plainoi, *Chao Tang Chat nai Prawatsat Thai* [Foreigners in the History of Thailand] (Bangkok: Prae Phithaya, 1973).

<sup>83</sup> Chris Baker and Phongpaichit Pasuk, *A History of Thailand* (Cambridge: Cambridge University Press, 2014).

The Thai state might officially advocate an “undifferentiated citizenship” in which no “explicit ethnic privileges” exist, but the reality is that Thailand is characterized by “sharply differentiated modes of (albeit informal) citizenship that privilege certain groups.”<sup>84</sup> These resemble the dynamics in Malaysia and (more particularly) Indonesia.<sup>85</sup> McCargo is one of the few to have pointed out the importance of South Thailand’s proximity to Malaysia. The significance of this is that ethnic minorities geographically concentrated near international borders are “more likely to develop secessionist movements”.<sup>86</sup> However, there need to be (real or perceived) economic and political advantages to “separatism,” a dynamic that explains the absence of northern Khmers seeking to join Cambodia and of Shan, Mon, or Karen attempting to join Myanmar. By contrast, southern Malays live in close proximity to Malaysia, where a model of “differentiated, consociational citizenship” has been implemented, in which ethnic Malays and *bumiputera* (‘sons of the soil,’ or indigenous peoples) are privileged as part of the policy of *Ketuanan Melayu* (Malay Supremacy). Under Malaysia’s New Economic Policy (NEP), Malays enjoy economic and employment privileges.<sup>87</sup>

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<sup>84</sup> McCargo, “Informal Citizens,” 837.

<sup>85</sup> Eugene Tan, “From Sojourners to Citizens: Managing the Ethnic Chinese Minority in Indonesia and Malaysia,” *Ethnic and Racial Studies* 24, no. 6 (2001); Chee-Kiong Tong, *Identity and Ethnic Relations in Southeast Asia: Racializing Chineseness* (Dordrecht: Springer, 2010); James Chin, “The Malaysian Chinese Dilemma: The Never Ending Policy (NEP),” *Chinese Southern Diaspora Studies* 3, (2009).

<sup>86</sup> Keyes, “Politics of Language,” 203.

<sup>87</sup> Edmund T. Gomez and Johan Saravanamuttu, *The New Economic Policy in Malaysia: Affirmative Action, Ethnic Inequalities, and Social Justice* (Kuala Lumpur: Strategic Information and Research Development Centre, 2013); Souchou Yao, “After the Malay Dilemma: the Modern Malay Subject and Cultural Logics of ‘National

The discourse of “Thai-ness” pursued by Thailand’s nation-building elites has sought to suppress ethnic differences that do not fit neatly into their nationalist project. The construction of Thai identity has been a “quietly repressive process” that has forced ethnolinguistic and ethnoreligious minorities to “conceal, deny, or play down” their origins.<sup>88</sup> Although lack of space does not permit this discussion the consideration it deserves, most Muslims residing north of the southern provinces of Satun and Songkhla have cooperated with Bangkok’s project of ethnogenesis. They are “Thai Muslims”.<sup>89</sup> I hasten to note that this is also true for an increasing number of Malays raised and educated in the provincial capitals of Pattani, Yala, and Narathiwat. Many, however, resist the “hegemonic discourse of Thai-ness,” in which there is a place for Muslims but not for Malays.<sup>90</sup> In Thailand, *subordinate*

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Cosmopolitanism’ in Malaysia,” *Sojourn: Journal of Social Issues in Southeast Asia* 18, no.1 (2003); Ling Chien Neo, “Malay Nationalism, Islamic Supremacy and the Constitutional Bargain in the Multiethnic Composition of Malaysia,” *International Journal on Minority and Group Rights* 13, no. 1 (2006) doi:10.1163/157181106777069950.

<sup>88</sup> McCargo, “Informal Citizens,” 836.

<sup>89</sup> Joll, “Thailand’s Muslim Kaleidoscope,”. Important recent studies on Satun include Claudia Merli, “Bodily Practices and Medical Identities in Southern Thailand” (PhD diss. Uppsala University, 2009); and Thomas Parks, “Maintaining Peace in a Neighbourhood Torn by Separatism: The Case of Satun Province in Southern Thailand” *Small Wars and Insurgencies* 20, no. 1 (2009). Those interested in Songkhla should consult Angela Burr, “Buddhism, Islam and Spirit Beliefs and Practices and Their Social Correlates in Two Southern Thai Coastal Fishing Villages” (PhD diss., School of Oriental and African Studies, University of London, 1974); Alexander Horstmann, *Class, Culture and Space The Construction and Shaping of Communal Space in South Thailand* (Hamburg: LIT, 2002).

<sup>90</sup> McCargo, “Informal Citizens,” 840.

identities are accepted, but none are *equal*.<sup>91</sup> Anyone wishing to become Thai must subsume one's "ethnicity, language, and religious identity" to this "dominant discourse and mind-set".<sup>92</sup>

The impact of policies promulgated by Bangkok on Malays and Chinese is the most obvious starting point for comparative historical analysis of state interactions with ethnic minorities in Thailand. These are Thailand's two largest minorities, followed by the northern Khmer of southern Isaan, whom Peter Vail has estimated to number one million.<sup>93</sup> Malays and Chinese are viewed as non-Buddhist minorities, despite most Sino-Thais attending both Buddhist and Chinese temples, observing events in the Buddhist ritual calendar, and ordaining male family members. A proportion of Chinese in Thailand are incapable of communicating in Thai and few second- and third-generation Chinese still speak the dialects of their parents and grandparents. Despite most of Thailand's southern Malays now being bilingual, they are widely viewed as a religious—not linguistic—minority. Bangkok's (often fraught) relationship with Khmer-speaking and Lao-speaking Buddhists in northeastern Thailand challenge assumptions that religious differences contribute to contact leading to conflict.<sup>94</sup>

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<sup>91</sup> Michael Connors, "Another Country: Reflections on the Politics of Culture," in *Divided over Thaksin: Thailand's Coup and Problematic Transition*, ed. John Funston (Singapore: Institute of Southeast Asian Studies, 2008), 113; cited in McCargo, "Informal Citizens," 289.

<sup>92</sup> McCargo, "Informal Citizens," 846.

<sup>93</sup> Peter Vail, "Thailand's Khmer as 'Invisible Minority': Language, Ethnicity and Cultural Politics in North-Eastern Thailand," *Asian Ethnicity* 8, no. 2 (2007): 125.

<sup>94</sup> Nils-Christian Bormann, Lars-Erik Cederman, and Manuel Vogt, "Language, Religion, and Ethnic Civil War," *Journal of Conflict Resolution* 61, no. 4 (2015).

Siam's policy of assimilation has impacted educational institutions and the organization of Buddhism in this region.<sup>95</sup> Peter Vail relates that from 1898, Bangkok began the "slow process of instituting mass education." Before this, state and temple schools coexisted. Dismal exam results among northern Khmer confirmed that, compared to Lao-speaking students further north, Khmer speakers faced many obstacles to learning Thai. The Sangha Act of 1902 forbade Khmer monks from teaching the Lao and Khmer scripts in temple schools. Prince Damrong, who at the time held the influential post of Minister of the Interior, permitted local languages to be taught.<sup>96</sup> However, only education in the central Thai dialect was funded. The pace with which Siamese schools spread in Isaan increased after (often violent) resistance to the Sangha Act. The primary driver of local resistance was that the form of Buddhism mandated by the newly established Sangha differed from the ritual and doctrinal idiosyncrasies of Buddhism in Isaan.<sup>97</sup>

Between 1947 and 1973, four members of Parliament from Isaan were assassinated for leading protests against Bangkok's discrimination and interference. The most notorious of these incidents occurred in 1949

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<sup>95</sup> Those interested in the role of the Lao language in northeastern identity should consult Saowanee Alexander and Duncan McCargo, "Diglossia and Identity in Northeast Thailand: Linguistic, Social, and Political Hierarchy," *Journal of Sociolinguistics* 18, no. 1 (2014). doi: 10.1111/josl.12064.

<sup>96</sup> Federico Ferrara, *The Political Development of Modern Thailand* (Cambridge: Cambridge University Press, 2015), 46–47; 72–73; 221–22.

<sup>97</sup> Volker Grabowsky, "The Isaan up to Its Integration into the Siamese State," in *Regions and National Integration in Thailand 1892–1992* (Wiesbaden: Harrassowitz Verlag, 1995); Duncan McCargo, "Contesting Isaan-ness: Discourses of Politics and Identity in Northeast Thailand," *Asian Ethnicity* 5, no. 2 (2004).

during Phibun's second tenure as prime minister.<sup>98</sup> In what is referred to as the Kilo 11 incident, four MPs were killed by the police while two others were subsequently—and unsuccessfully—tried on charges of separatism.<sup>99</sup> One detail that commentators have not pointed out is that this incident occurred around the same time that Muhammad Sulong bin Abdul Kadir bin Muhammad al-Fatani (Haji Sulong) (1895–1954) disappeared after being summoned to the Songkhla police station in 1954.<sup>100</sup>

## 5. Factors Impacting Interreligious Interactions

The case studies considered above suggest that analysis of some interactions between Bangkok and southern Malays need to be de-exceptionalized. Malays are neither the first nor only minority viewed as a threat to national security or as suffering from the “Thai deficiency syndrome.” Khmer- and Lao-speaking Buddhists resented—and actively resisted—a range of assimilationist policies that resembled bulldozers with which Bangkok intended to raze their religious and linguistic landscapes. In the following section, I develop my comparative approach by describing the range of factors impacting interactions between Muslims and Buddhists in present-day South Thailand. I provide more

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<sup>98</sup> Kobkua Suwannathat-Pian, *Thailand's Durable Premier: Phibun through Three Decades, 1932–1957* (Kuala Lumpur: Oxford University Press, 1995).

<sup>99</sup> Thomas Parks, “The Last Holdout of an Integrated State: A Century of Resistance to State Penetration in Southern Thailand,” in *Autonomy and Armed Separatism in South and Southeast Asia*, ed. Michelle Ann Miller (Singapore: Institute of Southeast Asian Studies, 2012), 245; 247.

<sup>100</sup> James Ockey, “Individual Imaginings: The Religio-Nationalist Pilgrimages of Haji Sulong Abdulkadir al-Fatani,” *Journal of Southeast Asian Studies* 42, no. 1 (2011).

reasons for earlier assertions about differences between southern Songkhla, Pattani, Yala, and Narathiwat. Next, I delineate the range of Buddhist minorities scattered throughout these provinces. Finally, I explore how both the level and comfort of interactions between Buddhists and Muslim in cosmopolitan urban contexts differ from those in conservative rural Malay communities, and the impact of gender.

I have a number of reasons for asserting that studies of inter-religious dynamics in South Thailand have largely overlooked differences between Pattani, Yala, and Narathiwat.

My first—and shamelessly self-reflexive—is that however grateful I might have been for having lived in an urban Malay community (on and off) for a decade, conducting multi-sited ethnographic fieldwork since late-2012 has increased my appreciation for the cultural geography of Islam in Thailand. My study of Sufism in Thailand involved regularly visiting, not only, Thai-speaking Muslim communities in Ayutthaya, Bangkok, Koh Yao Nao (east of Phuket), and Songkhla, but also Malay-speaking communities in Narathiwat that I had not had any contact with while living in Patani/Pattani.<sup>101</sup> I vividly recall having been warned against venturing into the interior where South Thailand's most violent districts were at the time – and remain today – concentrated (as visualized in Map 1).

My second reason for raising this issue of differences in inter-religious dynamics between Pattani, Yala, and Narathiwat is empirical. Differences between Satun and Songkhla, and the three provinces to the south, are well-known. Specifically, few Muslims from southern Satun or Songkhla possess levels of loyalty to the Malay language as Muslims

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<sup>101</sup> Joll, “Thailand’s Muslim Kaleidoscope.”



living to their south. Furthermore, rates of intermarriage with Buddhists decreases the further south one travels. Claims that the three provinces to the south can be viewed as some sort of unitary block are, empirically, extremely suspect. Few regular visitors to South Thailand over the past two decades would take issue with Pattani's provincial capital having become an educational hub as well as a showcase for Thai modernity. The latter is explained, in part, by the city's proximity to Hat Yai and the relatively low rate of lethal attacks when compared with Yala's provincial capital. The importance of education is partly historical and partly related to Prince of Songkhla University's Pattani campus having attracted large numbers of students and staff.

The provincial capital of Yala has long been acknowledged as both the most violent of South Thailand's three provincial capitals and the one with the lowest proportion of Malay residents. It is also important to add that the reformers and revivalist movements, which have profoundly impacted the local religious geography since the late 1980s, established their operational headquarters in Yala.<sup>102</sup>

The provincial capital of Narathiwat, which is considerably smaller than those of Pattani and Yala, has the highest proportion of

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<sup>102</sup> The "reformist" project of al-Fatoni University, can be distinguished from the "revivalist" agenda of the South Asian Tablighi Jama'at, whose huge *Markaz* is located only 8km away from this campus, in that, like other movements inspired by "Salafism", the primary objective of the former is to reform local religious practice so as to resemble those of the *Salaf al-Salih* (The Prophet and his first generation of disciples), from which this movement/theological method derives its name. By contrast, wherever it works, the principal concern of the Tablighi Jama'at is more in the *revival* of religious practice, rather than its reform. The success of the local Tablighi Jama'at in South Thailand is related to its ability to recruit from South Thailand's traditionalist majority who have been both resentful of, and resistant to "Salafi" activism.

Malays residing within its municipal boundaries, and has benefited least from Thai modernity. It is also worth noting that conservative rural Malays in Narathiwat have been more resistant to local reformist – and to a lesser extent revivalist – movements' attempts to transform local religious practices. At this juncture I wish to reiterate an important point previously made: There is a lamentable lack of studies conducted among upland (*hulu*) rural Malay communities in Narathiwat where many of the most violent districts are local (see Map 1). While appreciative of some of the operational and ethical reasons for Thai and foreign researchers choosing not to conduct fieldwork in Narathiwat, this perpetuates some highly suspect assumptions that traditional rural Malays in Yala and Narathiwat share the same assessments of the Thai State and the BRN's objectives as bilingual Malays in Pattani's provincial capital. There are also historical reasons for pointing out differences between these provinces. Between 1816 and 1932, this portion of the Thai/Malay peninsula evolved from a unitary Malay Kerajaan to seven smaller sultanates and then to four *monthon*, before the present administrative structure was finalized. Before the Anglo-Siamese Treaty of 1909, a number of British travelers<sup>103</sup> making the journey from Songkhla to the Kolok River wrote accounts of their impressions. They wrote, for example, that the Raja of Patani was a powerless figurehead who presided over an economy that had been wrecked by war and that his Siamese advisers were shamelessly exploiting him for their own personal gain. These were some of the reasons for the raja's opium addiction. By contrast, according to these British chroniclers, the Raja of Raman, who

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<sup>103</sup> Nelson Annandale and Hervert Robinson, *Fasciculi Malayenses: Anthropological and Zoological Results of an Expedition to Perak and the Siamese Malay States, 1901–1902* Vol. 1 (London: University Press of Liverpool, 1904); James McCarthy, *Surveying and Exploring in Siam* (London: J. Murray, 1900).

resided in a part of the South that was less accessible to the Siamese, was actively seeking ways to take advantage of the stability and prosperity brought by the British to the west of Raman. His sphere of influence was blessed with expansive forests containing prized elephants. More importantly in the nineteenth century, it was also rich in tin deposits. Similar observations were made about the sparsely populated and resource-rich district of Rangae.

Not only do a variety of Malay communities exist between Songkhla and the Kolok River, these communities have also long been in contact with a range of Buddhist minorities. In the districts of Panare, Ying-Ngo, and Tak Bai, a number of Buddhist communities have existed since the end of the Ayutthaya period, many of which continue to be bilingual.<sup>104</sup> In the 1950s, Bangkok promulgated a resettlement program, “Khongkan Nikhom Sang Ton Eng phuea Phattana Pak Tai.”<sup>105</sup> Mala Sathian recounts that this program resettled Buddhists from less fertile and poorer sections of the Northeast to “unoccupied or sparsely populated” parts of Yala and Narathiwat.<sup>106</sup> In addition to clearing and farming unused land, Thai migrants increased the Buddhist population in South Thailand by 10 percent.

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<sup>104</sup> Chan Johnson, *Buddha on Mecca’s Verandah*, 12–16; 58–60. Chan Johnson provides a comprehensive background to Tak Bai Buddhism.

<sup>105</sup> For more on Nikhom, see Doug Olthof, “‘Playing on Relations’: Practices of Local-Level Citizenship and Inter-Ethnic Estrangement in a Southern Thai Village,” *Simons Papers in Security and Development*, no. 49 (Simon Fraser University, School for International Studies, Vancouver, 2015), 10.

<sup>106</sup> Mala Sathian, “Economic Change in the Pattani Region c. 1880–1930: Tin and Cattle in the Era of Siam’s Administrative Reforms” (PhD diss. National University of Singapore, 2004), 62.

There are several reasons why conflict specialists have become more attentive to the unintended consequences of Bangkok establishing Buddhist communities in the sparsely populated, resource-rich districts of Raman and Rangae. Violent districts such as Bannang Sata, Rueso, Rangae, and Sungai Padi have been impacted by this project. It is in rural communities that sympathy and support for violent resistance to Bangkok and its proxies are strongest. While a reminder that violence is a male problem runs the risk of stating the obvious, it is a risk worth taking: rural Malay males are less likely to interact with Buddhists and benefit from contact with Thai modernity than women. Furthermore, Malay parents choosing to educate their sons in Pondok or private Islamic schools inadvertently perpetuate low levels of contact and comfort between Malay males and Buddhists. In South Thailand, Bangkok's most "pervasive and successful mechanism of state penetration" has been the network of government schools and the national curriculum that private Islamic schools are required to teach.<sup>107</sup> This is due to their promotion of Thai identity and loyalty to the state through nationalistic interpretations of Thai history and geography, which is taught in the central Thai dialect. As is well known, state schools are frequently targeted in arson attacks and their teachers (both Buddhist and Muslim) are among the most common victims of drive-by shootings.

Table 1 summarizes educational choices made by Muslim parents in Pattani, Yala, and Narathiwat. The data provides answers as to where rural and urban Muslim parents send their sons and daughters. Between 80 and 90 percent of Muslim parents send their children between the age of five and nine years old to Thai government schools. This drops to between 60 and 65 percent of students between ten and fourteen years

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<sup>107</sup> Parks, "Last Holdout of an Integrated State," 239.

old. For Malay students between the ages of fifteen and nineteen, the following trends are discernable: (a) rural males are the least likely to continue their education after the age of fourteen; (b) the percentage of male students studying in religious schools is twice that of female students although differences in the rural and urban dynamic are negligible; and (c) urban Malay parents are twice as likely to send teenage children to government schools than rural parents, although differences between male and female students are negligible.<sup>108</sup>

**Table 1: Educational Choices among Muslims in Pattani, Yala, and Narathiwat**

Age	Gender	Urban Rural	No Information	Not in school	Religious School	Private School	Government School
5-9	♂	Urban	2%	2%	1%	16%	79%
		Rural	1%	3%	2%	4%	90%
	♀	Urban	-	2%	2%	17%	79%
		Rural	-	3%	2%	5%	90%
10-14	♂	Urban	1%	7%	16%	11%	65%
		Rural	2%	8%	19%	6%	65%
	♀	Urban	-	5%	18%	13%	64%
		Rural	-	8%	24%	8%	60%
15-19	♂	Urban	1%	36%	14%	8%	41%
		Rural	1%	43%	24%	8%	24%
	♀	Urban	-	27%	18%	11%	44%
		Rural	-	34%	29%	10%	27%

Source: Adapted from Suwannarat 2011, 48-49

<sup>108</sup> Gary Suwannarat, *Children and Young People in Thailand's Southernmost Provinces: UNICEF Situation Analysis* (Bangkok: UNICEF, 2011), 43

## 6. Concluding Comments

I have pursued a comparative approach to analyzing interactions between Muslims and Buddhists in the parts of South Thailand most impacted by the latest chapter of violence for a number of reasons. The most important is that although this has been a personal interest of mine, my perspectives were based on fieldwork conducted in some of the least violent parts of the Deep South, where interreligious interactions were most civil. Although since 2012, I have regularly visited parts of Narathiwat, comfort and contact between Buddhists and Muslims has not been my primary focus. Rather than lament my dearth of relevant ethnographic data, in this chapter I have placed the range of interactions in this troubled portion of the Thai/Malay peninsula in their wider context. This is the utility of comparative historical analysis. I began with a historical lens providing reasons why Islam needs to be viewed as primarily an Asian religion. I argued that Muslims have historically had more interactions with Hindus and Buddhists than with either Christians or Jews and pointed out numerous examples of these interactions in local materiality and religious lexicons. I presented case studies of interactions between Bangkok and Siam's Chinese, Lao, and Khmer minorities, arguing that southern dynamics should not be considered exceptional. Bangkok's assimilationist policies have not been exclusively concerned with its southern Muslim minority and Malay-language loyalty may have been as worrying to central authorities as Malay allegiance to Islam. Finally, I have examined a range of factors that are likely to shape interactions between Buddhists and Muslims. There is more than one Malay Deep South and dynamics encountered in Pattani cannot be assumed to exist in either Yala or Narathiwat. Furthermore, there are important differences between cosmopolitan communities and (conservative) rural realities. Related to this, decisions made by Malay parents about where their sons and daughters are educated

have also influenced the level and extent of contact between the two identity groups. There is a need for more research about how young Malay women brought up in South Thailand's cosmopolitan provincial capitals differ from (often disenfranchised) rural males. After all, violence is a project that young rural males are disproportionately attracted and committed to.

## **Bibliography**

- Abdul Halim Nasir. *Mosque Architecture in the Malay World*. Bangi: Universiti Kebangsaan Malaysia Press, 2004.
- Ahmad, Imtiaz, and Helmut Reifeld, eds. *Lived Islam in South Asia: Adaptation, Accommodation and Conflict*. Oxford: Berghahn Books, 2004.
- Alexander, Saowanee T., and Duncan J. McCargo. "Diglossia and Identity in Northeast Thailand: Linguistic, Social, and Political Hierarchy." *Journal of Sociolinguistics* 18, no. 1 (2014): 60–86. doi: 10.1111/josl.12064.
- Ali, Daud. "Connected Histories? Regional Historiography and Theories of Cultural Contact between Early South and Southeast Asia." In *Islamic Connections: Muslim Societies in South and Southeast Asia*, edited by R. Michael Feener and Terenjit Sevea, 1–24. Singapore: Institute of Southeast Asian Studies, 2009.
- Allen, Jane. "History, Archaeology, and the Question of Foreign Control in Early Historic-Period Peninsular Malaysia." *International Journal of Historical Archaeology* 2, no. 4 (1998): 261–89.
- Allport, Gordon W. *The Nature of Prejudice*. Cambridge, MA: Addison-Wesley, 1954.
- Annandale, Nelson, and Hervert Robinson, eds. *Fasciculi Malayenses: Anthropological and Zoological Results of an Expedition to Perak and the Siamese Malay States, 1901–1902*. Vol. 1. London: University Press of Liverpool, 1903.



- Baker, Chris. "Ayutthaya Rising: From Land or Sea?" *Journal of Southeast Asian Studies* 34, no. 1 (2003): 41–62. doi:10.1017/S0022463403000031.
- Baker, Chris, and Phongpaichit Pasuk. *A History of Thailand*. Cambridge: Cambridge University Press, 2014.
- Ball, Stephen J. "Case Study." In *The Social Science Encyclopedia*, edited by Adam Kuper and Jessica Kuper, 129–31. London: Routledge, 1996.
- Bayar, Murat. "Reconsidering Primordialism: An Alternative Approach to the Study of Ethnicity." *Ethnic and Racial Studies* 32, no. 9 (2009): 1639–57.
- Berlie, Jean A. *The Burmanization of Myanmar's Muslims*. Bangkok: White Lotus Press, 2008.
- Bormann, Nils-Christian, Lars-Erik Cederman, and Manuel Vogt. "Language, Religion, and Ethnic Civil War." *Journal of Conflict Resolution* 61, no. 4 (2015): 744–771.
- Bougas, Wayne A. "Surau Aur: Patani's Oldest Mosque?" *Archipel* 43, (1992): 89–112.
- . *The Kingdom of Patani: Between Thai and Malay Mandalas*. Bangi: Institute of the Malay World and Civilization, Universiti Kebangsaan Malaysia, 1994.
- Bradley, Francis R. "The Social Dynamics of Islamic Revivalism in Southeast Asia: The Rise of the Patani School, 1785–1909." PhD diss., University of Wisconsin–Madison, 2010.
- . "Siam's Conquest of Patani and the End of Mandala Relations, 1786–1838." In *The Ghosts of the Past in Southern Thailand: Essays on the History and Historiography of Patani*, edited by Patrick Jory, 149–60. Singapore: National University of Singapore Press, 2012.
- . "Forging Islamic Power and Place: The Legacy of Shaykh Da'ud bin 'Abd Allah al-Fatani in Mecca and Southeast Asia."

- In *Southeast Asia: Politics, Meaning, and Memory*, edited by David Chandler and Rita Smith Kipp. Honolulu: University of Hawai'i Press, 2016.
- Brekke, Torkel. "Contradiction and the Merit of Giving in Indian Religions." *Numen* 45, no. 3 (1998): 287–320.
- Brown, Rajeswary. *Islam in Modern Thailand: Faith, Philanthropy and Politics*. London: Routledge, 2013.
- Brubaker, Rogers, and Frederick Cooper. "Beyond 'Identity.'" *Theory and Society* 29, no. 1 (2000): 1–47.
- Burr, Angela. "Buddhism, Islam and Spirit Beliefs and Practices and Their Social Correlates in Two Southern Thai Coastal Fishing Villages." PhD diss., School of Oriental and African Studies, University of London, 1974.
- Chan Johnson, Irving. *The Buddha on Mecca's Verandah: Encounters, Mobilities, and Histories along the Malaysian–Thai Border*. Seattle: University of Washington Press, 2012.
- Chin, James. "The Malaysian Chinese Dilemma: The Never Ending Policy (NEP)." *Chinese Southern Diaspora Studies* 3, (2009): 167–82.
- Coatalen, Paul J. *The Decorated Boats of Kelantan: An Essay on Symbolism*. Penang: Penerbit Universiti Sains Malaysia, 1982.
- Coedès, George. *The Indianized States of Southeast Asia*. Honolulu: University of Hawai'i Press, 1971.
- Connors, Michael K. "Another Country: Reflections on the Politics of Culture." In *Divided over Thaksin: Thailand's Coup and Problematic Transition*, edited by John Funston, 110–23. Singapore: Institute of Southeast Asian Studies, 2008.
- Cornish, Andrew. *Whose Place Is This? Malay Rubber Producers and Thai Government Officials in Yala*. Bangkok: White Lotus Press, 1997.
- Dickie, James. "Allah and Eternity: Mosques, Madrasas, and Tombs."

- In Architecture of the Islamic World: Its History and Sacral Meanings*, edited by George Michell, 15–47. London: Thames and Hudson, 1978.
- Dowsey-Magog, Paul. “Khao Yam, a Southern Rice Salad: Heteroglossia and Carnival in Nang Talung; The Shadow Theatre of Southern Thailand.” PhD diss., University of Sydney, 1997.
- . “Popular Culture and Traditional Performance: Conflicts and Challenges in Contemporary Nang Talung.” In *Dynamic Diversity in South Thailand*, edited by Wattana Sungannasil, 109–52. Chiang Mai: Silkworm Books, 2005.
- Engvall, Anders. “Conflict and Peace in South Thailand.” Paper presented at the fifth Annual East Asian Peace Conference: Regional Peace and Domestic Conflict, Singapore, November 6–8, 2015.
- Farouk Bajunid, Omar, and Hiroyuki Yamamoto, eds. *Islam at the Margins: The Muslims of Indochina*. Kyoto: Center for Integrated Area Studies, Kyoto University, 2008.
- Ferrara, Federico. *The Political Development of Modern Thailand*. Cambridge: Cambridge University Press, 2015.
- Gilmartin, David, and Bruce B. Lawrence, eds. *Beyond Turk and Hindu: Rethinking Religious Identities in Islamicate South Asia*. Gainesville: University Press of Florida, 2000.
- Golomb, Louis. *Brokers of Morality: Thai Ethnic Adaptation in a Rural Malaysian Setting*. Honolulu: University of Hawai‘i Press, 1978.
- . *An Anthropology of Curing in Multiethnic Thailand*. Urbana: University of Illinois Press, 1985.
- Gomez, Edmund Terence, and Johan Saravanamuttu, eds. *The New Economic Policy in Malaysia: Affirmative Action, Ethnic Inequalities, and Social Justice*. Kuala Lumpur: Strategic

- Information and Research Development Centre, 2013.
- Gottschalk, Peter. *Beyond Hindu and Muslim: Multiple Identity in Narratives from Village India*. Oxford: Oxford University Press, 2000.
- . *Religion, Science, and Empire: Classifying Hinduism and Islam in British India*. Oxford: Oxford University Press, 2012.
- Grabowsky, Volker. “The Isan up to Its Integration into the Siamese State.” In *Regions and National Integration in Thailand, 1892–1992*, 107–29. Wiesbaden: Harrassowitz Verlag, 1995.
- Guelden, Marlane. “Ancestral Spirit Mediumship in Southern Thailand: The Nora Performance as a Symbol of the South on the Periphery of a Buddhist Nation–State.” PhD diss., University of Hawai‘I, 2005a.
- . “Spirit Mediumship in Southern Thailand: The Feminization of Nora Ancestral Possession.” In *Dynamic Diversity in South Thailand*, edited by Wattana Sungannasil, 179–212. Chiang Mai: Silkworm Books, 2005b.
- Horstmann, Alexander. *Class, Culture and Space. The Construction and Shaping of Communal Space in South Thailand*. Hamburg: LIT, 2002.
- . “Ethnohistorical Perspectives on Buddhist–Muslim Relations and Coexistence in Southern Thailand: From Shared Cosmos to the Emergence of Hatred?” *Sojourn: Journal of Social Issues in Southeast Asia* 19, no. 1 (2004): 76–99.
- . “Pilgrimage and the Making of Identities in the South of Thailand.” In *Thai South and Malay North: Ethnic Interactions on a Plural Peninsula*, edited by Michael J. Montesano and Patrick Jory, 275–91. Singapore: National University of Singapore Press, 2008.
- . “Living Together: The Transformation of Multi–Religious Coexistence in Southern Thailand.” *Journal of Southeast Asian*

- Studies* 41, no. 3 (2011): 487–510.
- Howe Yong, Kee. “There Are *Ponoks*, and There Are *Ponoks*: Traditional Religious Boarding Schools in Thailand’s Far-South.” *Advance in Anthropology* 2, no. 3 (2012): 161–68.
- Ikeda, Daisaku, and Majid Tehranian. *Global Civilization: A Buddhist–Islamic Dialogue*. London: British Academic Press, 2004.
- Jacq–Hergoualc’h, Michel. “Archaeological Research in the Malay Peninsula.” *Journal of Southeast Asian Studies* 85, no. 1–2 (1997): 121–32.
- . *The Malay Peninsula: Crossroads of the Maritime Silk Road (100 BC–1300 AD)*. Translated by Victoria Hobson. Leiden: Brill, 2002.
- Jerryson, Michael K., and Mark Juergensmeyer, eds. *Buddhist Warfare*. New York: Oxford University Press, 2010.
- Joll, Christopher M. “Muslim Merit–Making in Thailand’s Far-South.” In *Muslims in Global Societies*, edited by Gabriele Marranci and Bryan S. Turner. Dordrecht: Springer, 2011.
- . “What’s in a Name? Problematizing Descriptions of Muslims in Southern Thailand.” In *Islamic Thought in Southeast Asia: New Interpretations and Movements*, edited by Patrick Jory and Kamaruzzaman Bustamam–Ahmad, 125–38. Kuala Lumpur: University of Malaya Press, 2013.
- . “Revisiting Ethnic and Religious Factors in Thailand’s Southern Discomfort.” In *The Politics of Scholarship and Trans–Border Engagement in Mainland Southeast Asia: A Festschrift in Honor of Ajarn Chayan Vaddhanaphuti*, edited by Oscar Salemink, 91–113. Chiang Mai: Silkworm Books, 2015.
- . “Thailand’s Muslim Kaleidoscope between Central Plains and Far-South: Fresh Perspectives from the Sufi Margins.” In *Ethnic and Religious Identities and Integration in Southeast Asia*,

- edited by Volker Grabowsky and Keat Gin Ooi. Chiang Mai: Silkworm Books, 2016.
- Keck, Stephen L. "The Making of an Invisible Minority: Muslims in Colonial Burma." In *Living on the Margins: Minorities and Borderlines in Cambodia and Southeast Asia*, edited by Peter J. Hammer, 222–34. Phnom Penh: Center for Khmer Studies, 2009.
- Keyes, Charles F. "The Politics of Language in Thailand and Laos." In *Fighting Words: Language Policy and Ethnic Relations in Asia*, edited by Michael E. Brown and Sumit Ganguly, 177–210. Cambridge, MA: MIT Press, 2003.
- King, Philip. "From Periphery to Centre: Shaping the History of the Central Peninsula." PhD diss., University of Wollongong, 2006.
- Laffan, Michael F. "Southeast Asia, History and Culture." In *Medieval Islamic Civilization: An Encyclopedia*, edited by Josef W. Meri, 765–67. New York: Routledge, 2006.
- Lehman, F. K. "Can God Be Coerced? Structural Correlates of Merit and Blessing in Some Southeast Asian Religions." In *Merit and Blessing in Mainland Southeast Asia in Comparative Perspective*, edited by Cornelia Ann Kammerer and Nicola Beth Tannenbaum, 20–52. New Haven, CT: Yale University, Southeast Asia Studies, 1996.
- Le Roux, Pierre. "To Be or Not to Be ... The Cultural Identity of the Jawi (Thailand)." *Asian Folklore Studies* 57, no. 2 (1998): 223–55.
- Mahoney, James, and Celso M. Villegas. "Historical Enquiry and Comparative Politics." In *The Oxford Handbook of Comparative Politics*, edited by Carles Boix and Susan Carol Stokes, 73–89. Oxford: Oxford University Press, 2007.
- Marcinkowski, Christoph. "Iranians, Shaykh al-Islams and Chularajamontris: Genesis and Development of an Institution and Its Introduction to Siam." *Journal of Asian History* 37, no.

- 2 (2003): 59–76.
- Matusky, Patricia, and James Chopyak. “Malay Peninsula.” In *The Garland Handbook of Southeast Asian Music*, edited by Terry E. Miller and Sean Williams, 222–46. London: Routledge, 2008.
- McCargo, Duncan J. “Contesting Isan-ness: Discourses of Politics and Identity in Northeast Thailand.” *Asian Ethnicity* 5, no. 2 (2004): 219–34.
- . “Informal Citizens: Graduated Citizenship in Southern Thailand.” *Ethnic and Racial Studies* 34, no. 5 (2011): 833–49.
- McCarthy, James. *Surveying and Exploring in Siam*. London: J. Murray, 1900.
- McGilvray, Dennis B. *Crucible of Conflict: Tamil and Muslim Society on the East Coast of Sri Lanka*. Durham, NC: Duke University Press, 2008.
- . “Sri Lankan Muslims: Between Ethno-Nationalism and the Global Ummah.” *Nations and Nationalism* 17, no. 1 (2011): 45–64.
- McGilvray, Dennis B., and Mirak Raheem. “The Origins of the Sri Lankan Muslims and Varieties of the Muslim Identity.” In *The Sri Lanka Reader: History, Culture, Politics*, edited by John Clifford Holt. Durham, NC: Duke University Press, 2011.
- Merli, Claudia. “Bodily Practices and Medical Identities in Southern Thailand.” PhD diss., Uppsala University, 2009.
- Milner, Anthony. *The Malays*. Oxford: Wiley-Blackwell, 2008.
- Neo Jaclyn, Ling Chien. “Malay Nationalism, Islamic Supremacy and the Constitutional Bargain in the Multiethnic Composition of Malaysia.” *International Journal on Minority and Group Rights* 13, no. 1 (2006): 95–118. doi:10.1163/157181106777069950.
- Noor, Farish A., Eddin Khoo, and David Lok. *Spirit of Wood: The Art of Malay Woodcarving; Works by Master Carvers from Kelantan, Terengganu, and Pattani*. Singapore: Periplus, 2003.

- Ockey, James. "Individual Imaginings: The Religio-Nationalist Pilgrimages of Haji Sulong Abdulkadir al-Fatani." *Journal of Southeast Asian Studies* 42, no. 1 (2011): 89–119.
- Olthof, Doug. "‘Playing on Relations’: Practices of Local-Level Citizenship and Inter-Ethnic Estrangement in a Southern Thai Village." *Simons Papers in Security and Development*, no. 49. Simon Fraser University, School for International Studies, Vancouver, 2015.
- Osnes, Beth. *The Shadow Puppet Theatre of Malaysia: A Study of Wayang Kulit with Performance Scripts and Puppet Designs*. Jefferson, NC: McFarland, 2010.
- Parks, Thomas I. "Maintaining Peace in a Neighbourhood Torn by Separatism: The Case of Satun Province in Southern Thailand." *Small Wars and Insurgencies* 20, no. 1 (2009): 185–202
- . "The Last Holdout of an Integrated State: A Century of Resistance to State Penetration in Southern Thailand." In *Autonomy and Armed Separatism in South and Southeast Asia*, edited by Michelle Ann Miller. Singapore: Institute of Southeast Asian Studies, 2012.
- Pas-Ong, Suparb. "Trader and Smuggler: Who Is Who? A Sociology of Market, Trade, State and Society." PhD diss., Bielefeld University, 1990.
- Patya, Saihoo. "Social Organization of an Inland Malay Village Community in Southern Thailand (with Emphasis on the Patterns of Leadership)." PhD diss., Brasenose College, Oxford University, 1974.
- Pew Research Center. *Mapping the Global Muslim Population: A Report on the Size and Distribution of the World's Muslim Population*. Washington, DC: Pew Research Center, 2009.
- . *The Global Religious Landscape*. Washington, DC: Pew Research Center, 2012.



- Phongpaibun, Suthiwong. "Ties of Brotherhood: Southern Thai–Malay Cultural Roots." In *Thai South and Malay North: Ethnic Interactions on a Plural Peninsula*, edited by Michael J. Montesano and Patrick Jory, 327–35. Singapore: National University of Singapore Press, 2008.
- Plainoi, Sombat. *Chao Tang Chat nai Prawatsat Thai* [Foreigners in the History of Thailand]. Bangkok: Prae Phitthaya, 1973.
- Pollock, Sheldon I. *The Language of the Gods in the World of Men: Sanskrit, Culture, and Power in Premodern India*. Berkeley: University of California Press, 2006.
- Premisrirat, Suwilai. "Thailand: Language Situation." In *Encyclopedia of Language and Linguistics*, edited by Keith Brown, 642–44. Oxford: Elsevier, 2005.
- Rappa, Antonio L., and Lionel Wee. *Language Policy and Modernity in Southeast Asia: Malaysia, the Philippines, Singapore, and Thailand*. New York: Springer, 2006.
- "Ratthaniyom [Cultural Mandate] no. 1." In *Royal Gazette Volume 56*, 810. Bangkok: The Prime Minister's Office, 1939 [2482].
- "Ratthaniyom [Cultural Mandate] no. 3." In *Royal Gazette Volume 56*, 1281. Bangkok: The Prime Minister's Office, 1939 [2482].
- "Ratthaniyom [Cultural Mandate] no. 9." In *Royal Gazette Volume 57*, 78. Bangkok: The Prime Minister's Office, 1939 [2482].
- "Ratthaniyom [Cultural Mandate] no. 9." In *Royal Gazette Volume 57*, 151. Bangkok: The Prime Minister's Office, 1939 [2482].
- Ricci, Ronit. *Islam Translated: Literature, Conversion, and the Arabic Cosmopolis of South and Southeast Asia*. Chicago: University of Chicago Press, 2011.
- Ritter, Daniel P. "Comparative Historical Analysis." In *Methodological Practices in Social Movement Research*, edited by Donatella della Porta, 97–116. Oxford: Oxford University Press, 2014.

- Ruane, Joseph, and Jennifer Todd. "Ethnicity and Religion: Redefining the Research Agenda." *Ethnopolitics* 9, no. 1 (2010): 1–8.
- Said, Ismail. "The Art of Woodcarving in Timber Mosques of Peninsular Malaysia in Southern Thailand." *Jurnal Teknologi* 34, (June 2001): 45–56.
- . "Visual Composition of Malay Wood Carvings in Vernacular Houses of Peninsular Malaysia." *Jurnal Teknologi* 37, (December 2002): 43–52.
- Said, Ismail, and Zumahiran Binti Kamarudin. "Composition of Malay Woodcarving: Case Studies on Two Traditional Timber Houses." *Jurnal Alam Bina* 11, no. 2 (2008): 101–18.
- Sathian, Mala R. "Economic Change in the Pattani Region c. 1880–1930: Tin and Cattle in the Era of Siam's Administrative Reforms." PhD diss., National University of Singapore, 2004.
- Schwandt, Thomas A. "Constructivist, Interpretivist Approaches to Human Inquiry." In *The Landscape of Qualitative Research: Theories and Issues*, edited by Norman K. Denzin and Yvonna S. Lincoln. Thousand Oaks, CA: Sage Publications, 1998.
- Scott, David. "Buddhism and Islam: Past to Present Encounters and Interfaith Lessons." *Numen* 42, no. 2 (1995): 141–55.
- Scott, James C. *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia*. New Haven, CT: Yale University Press, 2009.
- Scott-Kemball, Jeune. "The Kelantan Wayang Siam Shadow Puppets 'Rama' and 'Hanuman': A Comparative Study of Their Structure." *Man* 59, (May 1959): 73–78.
- Scupin, Raymond. "The Social Significance of the Haji for Thai Muslims." *The Muslim World* 72, (1982): 25–33.
- Shah-Kazemi, Reza, and Hamza Yusuf. *Common Ground between Islam and Buddhism*. Louisville: Fons Vitae, 2010.

- Shamsul, Amri Baharuddin. "Identity Contestation in Malaysia: A Comparative Commentary on 'Malayness' and 'Chineseness.'" *Akademika* 55, (July 1999): 17–37.
- . "'Malay' and 'Malayness' in Malaysia Reconsidered: A Critical Review." *Communal/Plural: Journal of Transnational and Crosscultural Studies* 9, no. 1 (2001): 69–80.
- Simpson, Andrew, and Noi Thammasathien. "Thailand and Laos." In *Language and National Identity in Asia*, edited by Andrew Simpson, 391–414. Oxford: Oxford University Press, 2007.
- Skinner, G. William. *Chinese Society in Thailand: An Analytical History*. Ithaca, NY: Cornell University Press, 1957.
- . *Leadership and Power in the Chinese Community of Thailand*. Ithaca, NY: Cornell University Press, 1958.
- Smithies, Michael, and Euayporn Kerdchouay. "Nang Talung: The Shadow Theatre of South Thailand." *Journal of the Siam Society* 60, no. 1 (1972): 379–90.
- Sneddon, James N. *The Indonesian Language: Its History and Role in Modern Society*. Sydney: University of New South Wales Press, 2003.
- Snow, David A. "Case Studies and Social Movements." In *The Wiley-Blackwell Encyclopedia of Social and Political Movements*, edited by David A. Snow, Donatella della Porta, Bert Klandermans, and Doug McAdam, 89–93. Oxford: Wiley-Blackwell, 2013.
- Stoddard, Allen. "The Cham Muslims of Cambodia: Defining Islam Today and the Validity of the Discourse of Syncretism." In *Living on the Margins: Minorities and Borderlines in Cambodia and Southeast Asia*, edited by Peter J. Hammer, 235–48. Phnom Penh: Center for Khmer Studies, 2009.
- Strate, Shane R. "An Uncivil State of Affairs: Fascism and Anti-Catholicism in Thailand, 1940–1944." *Journal of Southeast Asian*

- Studies* 42, no. 1 (2011): 59–87.
- . *The Lost Territories: Thailand's History of National Humiliation*. Honolulu: University of Hawai'i Press, 2015.
- Sungunnasil, Wattana, ed. *Dynamic Diversity in Southern Thailand*. Chiang Mai: Silkworm Books, 2005.
- Suwannarat, Gary. *Children and Young People in Thailand's Southernmost Provinces: UNICEF Situation Analysis*. Bangkok: UNICEF, 2011.
- Suwannathat-Pian, Kobkua. *Thailand's Durable Premier: Phibun through Three Decades, 1932–1957*. Kuala Lumpur: Oxford University Press, 1995.
- . “Thai Wartime Leadership Reconsidered: Phibun and Pridi.” *Journal of Southeast Asian Studies* 27, 1996.
- Sweeney, Amin. *Malay Shadow Puppets: The Wayang Siam of Kelantan*. London: Trustees of the British Museum, 1972.
- Syukri, Ibrahim. *History of the Malay Kingdom of Patani*. Translated by Connor Bailey and John N. Miksic. Athens: Center for International Studies, Ohio University, 1985.
- Tagliacozzo, Eric. “Burmese and Muslim: Islam and the Hajj in the Sangha State.” In *Burmese Lives: Ordinary Life Stories under the Burmese Regime*, edited by Eric Tagliacozzo, Wen-Chin Chang, and Mandy Sadan, 83–108. Oxford: Oxford University Press, 2014.
- Tan, Eugene K. B. “From Sojourners to Citizens: Managing the Ethnic Chinese Minority in Indonesia and Malaysia.” *Ethnic and Racial Studies* 24, no. 6 (2001): 949–78.
- Teeuw, Andries, and David K. Wyatt. *Hikayat Patani: The Story of Patani*. 2 vols. The Hague: Martinus Nijhoff, 1970.
- Tejapira, Kasian. “Pigtail: A Pre-History of Chineseness in Siam.” *Sojourn: Journal of Social Issues in Southeast Asia* 7, no. 1 (1992): 95–122.

- . “The Misbehaving Jeks: The Evolving Regime of Thainess and Sino–Thai Challenges.” *Asian Ethnicity* 10, no. 3 (2009): 263–83.
- . “The Postmodernisation of Thainess.” In *Cultural Crisis and Social Memory: Modernity and Identity in Thailand and Laos*, edited by Shigeharu Tanabe and Charles F. Keyes, 202–27. London: Routledge Curzon, 2002.
- Tham, Seong Chee. *A Study of the Evolution of the Malay Language: Social Change and Cognitive Development*. Singapore: National University of Singapore Press, 1990.
- Tong, Chee–Kiong. *Identity and Ethnic Relations in Southeast Asia: Racializing Chineseness*. Dordrecht: Springer, 2010.
- Tong, Chee–Kiong, and Kwok B. Chan. *Alternate Identities: The Chinese of Contemporary Thailand*. Vol. 1. Leiden: Brill, 2001.
- Tripp, Emily. “Evaluating Religious or Linguistic Conflict through the State.” *E-International Relations, Students*, January 17, 2014. <http://www.e-ir.info/2014/01/17/evaluating-religious-or-linguistic-conflict-through-the-state/>.
- Tschacher, Torsten. “Circulating Islam: Understanding Convergence and Divergence in the Islamic Traditions of Mabar and Nusantara.” In *Islamic Connections: Muslim Societies in South and Southeast Asia*, edited by R. Michael Feener and Terenjit Sevea, 48–67. Singapore: Islamic Connections, Muslim Societies in South and Southeast Asia, 2009.
- Tsuneda, Michiko. “Navigating Life on the Border: Gender, Marriage, and Identity in Malay Muslim Communities in Southern Thailand.” PhD diss., University of Wisconsin–Madison, 2009.
- Unno, Anusorn. *We Love Mr King: Malay Muslims of Southern Thailand in the Wake of the Unrest*. Singapore: ISEAS–Yusof Ishak Institute, 2018.
- Vaddhanaphuti, Chayan. “The Thai State and Ethnic Minorities: From

- Assimilation to Selective Integration.” In *Ethnic Conflicts in Southeast Asia*, edited by Kusuma Snitwongse and W. Scott Thompson, 151–66. Bangkok: Institute of Security and International Studies; Singapore: Institute of Southeast Asian Studies, 2005.
- Vail, Peter. “Thailand’s Khmer as ‘Invisible Minority’: Language, Ethnicity and Cultural Politics in North–Eastern Thailand.” *Asian Ethnicity* 8, no. 2 (2007): 112–27.
- Van der Veer, Peter. *Religious Nationalism: Hindus and Muslims in India*. Berkeley: University of California Press, 1994.
- Wales, H. G. Q. “Langkasuka and Tambralinga: Some Archaeological Notes.” *Journal of the Malaysian Branch Royal Asiatic Society* 47, (1974): 15–40.
- Welch, David J., and Judith R. McNeill. “Archaeological Investigation of Pattani History.” *Journal of Southeast Asian Studies* 19, (1989): 27–41.
- Wheatley, Paul. “Langkasuka.” *T’oung Pao* 44, no. 4–5 (1956): 387–412.
- . *The Golden Khersonese: Studies in the Historical Geography of the Malay Peninsula before AD 1500*. Kuala Lumpur: University of Malaya Press, 1961.
- Winichakul, Thongchai. *Siam Mapped: A History of the Geo-Body of a Nation*. Honolulu: University of Hawai’i Press, 1994.
- . “Buddhist Apologetics and a Genealogy of Comparative Religion in Siam.” *Numen* 62, no. 1 (2015): 76–99.
- Winzeler, Robert L. *Ethnic Relations in Kelantan: A Study of the Chinese and Thai as Ethnic Minorities in a Malay State*. Singapore: Oxford University Press, 1985.
- Wright, Barbara S. “Islam and the Malay Shadow Play: Aspects of the Historical Mythology of the Wayang Siam.” *Asian Folklore Studies* 40, no. 1 (1981): 51–63.

- Yamirudeng, Munirah. "Language as an Ethnic Denominator in Southern Thailand: A Case Study of Yala Province." PhD diss., University Utara Malaysia, 2011.
- Yao, Souchou. "After the Malay Dilemma: the Modern Malay Subject and Cultural Logics of 'National Cosmopolitanism' in Malaysia." *Sojourn: Journal of Social Issues in Southeast Asia* 18, no. 1 (2003).
- Yegar, Moshe. *Between Integration and Secession: The Muslim Communities of the Southern Philippines, Southern Thailand, and Western Burma/Myanmar*. Lanham, MD: Lexington Books, 2002.
- Yusoff Ismail, Mohamed. *Buddhism and Ethnicity: Social Organization of a Buddhist Temple in Kelantan*. Singapore: Institute of Southeast Asian Studies, 1993.
- Yusuf, Imtiyaz. "Islam and Democracy in Thailand: Reforming the Office of the Chularajamontri/Shaiikh Al-Islam." *Journal of Islamic Studies* 9, no. 2 (1998): 277–98.
- . "Dialogue between Islam and Buddhism through the Concepts of Tathagata and Nur Muhammadi." *International Journal of Buddhist Thought and Culture* 5, (February 2005): 103–14.
- . "Islam and Buddhism Relations from Balkh to Bangkok and Tokyo." *The Muslim World* 100, no. 2 (2010): 177–86.
- . "Muslim-Buddhist Relations Caught between Nalanda and Pattani." In *Ethnicity and Conflict in Buddhist Societies in South and Southeast Asia*, edited by Kingsley M. DeSilva, 157–270. Colombo: Vijitha Yapa, 2015.

