



ANALYSIS

Southern Thailand: From conflict to negotiations?

Duncan McCargo
April 2014

The Lowy Institute for International Policy is an independent policy think tank. Its mandate ranges across all the dimensions of international policy debate in Australia – economic, political and strategic – and it is not limited to a particular geographic region. Its two core tasks are to:

- produce distinctive research and fresh policy options for Australia's international policy and to contribute to the wider international debate.
- promote discussion of Australia's role in the world by providing an accessible and high quality forum for discussion of Australian international relations through debates, seminars, lectures, dialogues and conferences.

Lowy Institute Analyses are short papers analysing recent international trends and events and their policy implications.

The views expressed in this paper are entirely the author's own and not those of the Lowy Institute for International Policy.

EXECUTIVE SUMMARY

It has been a decade since the outbreak of one of Asia's most serious insurgencies, the conflict between Malay Muslims and the Thai state in Southern Thailand. Often ignored and unremarked upon by the international community, this conflict has left over 6,000 dead and countless others wounded. There is more at stake here than just stability in the south. In recent years, Thailand has seen a resurgence of ethno regionalist tensions across the country, most recently in the North and Northeast. Grasping the nettle by addressing the root causes of the southern insurgency will be crucial in turning back the tide of regional resentments and allowing Thais everywhere more political space to manage their own affairs without constant interference from Bangkok. The deep south must not become a model for a larger nationwide civil conflict.

Sporadic attempts to settle the southern conflict peacefully have repeatedly failed. The most recent of these peace efforts was a Malaysian-sponsored dialogue process that began in February 2013. So far it has failed because neither the Thai government nor the militant groups have approached the talks with sufficient seriousness. Nevertheless, the Malaysian initiative marks considerable progress on previous, closed-door talks processes. Any new Thai government should persist with the Kuala Lumpur talks. For all their shortcomings, they offer the best prospects for reaching a political settlement. Both sides will, however, need to show greater commitment to such a settlement, including by introducing new structures and procedures that are more conducive to a serious negotiation.

INTRODUCTION

Southern Thailand is home to one of Asia's most serious insurgencies; more than 6000 people have been killed in this contested region since 2004.¹ The conflict is primarily one between elements of the Malay-Muslim population of the country's southern border provinces, and the Thai state. To date, attempts by successive Bangkok governments to address the conflict through a mixture of repressive security measures and ill-conceived socio-economic development projects have yielded little result. This is an essentially political problem that cries out for a political solution – something that until recently the Thai authorities have been very reluctant to acknowledge.

There is more at stake, however, than just the lives lost and disrupted in Southern Thailand. In recent years, Thailand has seen a resurgence of ethno-regionalist tensions across the country, most recently in the North and Northeast. Addressing the root causes of the southern insurgency will be crucial in turning back the tide of regional resentments. Potentially it would allow Thais everywhere more political space to manage their own affairs without constant interference from Bangkok. It is critical that the deep south not become a model for a larger nationwide civil conflict.

It is critical that the deep south not become a model for a larger nationwide civil conflict.

In February 2013, however, the Yingluck Shinawatra government publicly endorsed a Malaysian-initiated dialogue process which is aimed at exploring moves towards a negotiated settlement of the southern conflict. Three meetings were held in Kuala Lumpur during the first half of 2013, but talks have not resumed since June. This paper reviews the background to the conflict and to the current dialogue process, the approaches adopted by the Thai government, militant groups and the Malaysian facilitators to the process, and the obstacles they have encountered to date. It argues that neither the Thai government nor the militant groups have approached the talks with sufficient seriousness; the Thais have been ill-prepared, while representatives of BRN, one of the main militant groups, have been hectoring and inflexible. Nevertheless, the Malaysian initiative represents progress on previous, closed-door talks processes, and could form the basis for more serious negotiations given greater commitment on all sides.

HISTORY OF THE CONFLICT

The Malay sultanate of Patani has long been a leading centre of Islamic learning in Southeast Asia, renowned for producing religious scholars – many of whom studied and worked in Cairo and other cities in the Middle East – and as a place where Islamic texts were printed and published. For centuries, Patani had a loose, tributary relationship with Siam, the forerunner of the modern Thai state. A thriving merchant community of

largely Chinese descent created a lively commercial and trading centre based around the port towns of Patani Bay.

This all changed in 1909, when a treaty between Bangkok and the British formally absorbed Patani into what would become the modern nation state of Thailand. During the century that followed, the Thais have alternated between strategies of assimilation and accommodation, always with the aim of incorporating the Malay Muslim majority population of the area into an overarching Thai identity. But since Thai identity is predicated on the shibboleth of nation, religion and king, Malay Muslims have struggled to embrace 'Thainess'. In short, many Malay Muslims cling to a different nation (imagined notions of an earlier Patani nation), a different religion (Islam rather than Buddhism), and a different king (a political identity to which the Chakri dynasty is completely extraneous).

Today, the area historically understood as 'Patani' roughly corresponds to the three Thai provinces of Pattani, Yala and Narathiwat, plus four districts of neighbouring Songkla. The total population of the three provinces is around 1.8 million, roughly 80 per cent of whom are Malay Muslims.² At different junctures over the past century, armed insurgents have challenged the Thai state militarily. The most serious phase of insurgent violence lasted from the early 1960s to the early 1980s. During this period, an alphabet soup of different groups including PULO, BIPP, BRN (which later divided into different splinter groups) – staged shooting and bomb attacks, including an attempt to assassinate King Bhumibol at Yala railway station in September 1977. However, in the early 1980s the government of Prime Minister Prem Tinsulanond was able to broker a form of elite pact that reduced violence to fairly token levels for the next two decades. Key figures in the militant groups were either co-opted, assassinated or forced into exile – mainly to Malaysia or Europe.

Shortly after Thaksin Shinawatra became prime minister in early 2001, violence in Patani was once again on the rise. For political reasons, Thaksin set out to undermine key elements of the Prem era deal, disbanding the Southern Border Provinces Administrative Center (a government agency which had dispensed patronage and worked closely with Malay Muslim political religious leaders) and putting the police, rather than the army, in charge of security in the region (Thaksin had once been a police officer). Thaksin's missteps coincided with a revival of insurgent activity, as a new generation of militants had become increasingly disillusioned with their former leaders. A bold attack on a Narathiwat army base in January 2004 saw four soldiers killed and a large cache of weapons seized, and marked a return to fully-fledged insurgency. Major incidents followed that year, most notably simultaneous attacks on 12 security checkpoints and bases in April, culminating in the bloody storming of the historic Kru-Ze mosque. This was followed in October by the Tak Bai incident, in which 78 Malay

Muslim men were suffocated during their incarceration in military trucks. All of these incidents were huge propaganda victories for the insurgents.

While nothing on the scale of Kru-Ze or Tak Bai has happened since, a relentless war of insurgent attrition has continued until the present day. Militants have made repeated changes of tactics, while the military has used a variety of responses, including mass arrests and attempts to remove suspected insurgents and sympathisers from their communities for periods of 'training' in army camps outside the region. None of these methods has achieved much success, and may indeed have hardened anti-state attitudes among Malay Muslims in the region. More recently, there has been an increasing focus by the militants on hard targets, especially members of the Thai security forces.

Both political and military leaders have often framed the southern problem in terms of 'development' issues, channeling project resources into the region which have generally failed to benefit their intended recipients. In reality, there is no evidence that socio-economic grievances play much role in inspiring the insurgency. Another red herring has been the question of insurgency-related crime: the Thai authorities have long been eager to assert that much of the violence is driven by organised criminal activity, smuggling and the drug trade. But the evidence points overwhelmingly in the opposite direction. Crime in the region is underpinned by an ongoing violent conflict which is essentially political.³

The structure of the militant movement remains unclear. There is no doubt that most of the violence is perpetrated by small cells of youths (or *juwae*, fighters) aged mainly between 18 and 25, who operate relatively independently after they are recruited and trained.⁴ The Thai security forces generally subscribe to the view that the *juwae* are working under the auspices of BRN-Coordinate, a spin-off of the old BRN; in their view, BRN-C is a hierarchical organisation with its own structure of provincial and district leadership that mirrors the Thai state. Others have argued that the current insurgent movement is a network rather than a hierarchy; linked together in a 'liminal lattice', individual cells constitute 'self-managed violence franchises'. If the insurgency is more network than hierarchy, and if at least some cells are not operating directly under a central command, defeating the militant movement is likely to prove extremely challenging.

TOWARDS A POLITICAL SOLUTION

The conflict is a challenge to the legitimacy of the Thai state, and like other comparable conflicts around the world – ranging from Aceh to Northern Ireland – is in urgent need of a political solution. That political solution remains to be defined, but is likely to involve some form of autonomy, ranging from elected provincial governors to a fully-fledged self-governing region.⁵ In the early years after the 2004 resurgence of

The conflict is a challenge to the legitimacy of the Thai state, and like other comparable conflicts around the world – ranging from Aceh to Northern Ireland – is in urgent need of a political solution.

violence, the Bangkok government was largely in denial about the nature of the conflict, and unwilling seriously to contemplate moves towards solutions that involved some form of autonomy. More recently, a greater degree of realism has prevailed, and most key actors on the Thai side are privately well aware of the need for a political solution, though many of them continue to deny this in public. Thailand remains an extremely centralised nation with a French-style understanding of identity: all citizens are deemed to be Thai, and the existence of ethnic minorities is not constitutionally recognised. Accepting the need to decentralise power to a geographically concentrated ethnic and/or religious minority such as Malay Muslims would be a very radical step for Bangkok to take.

A number of attempts to establish dialogue as a pathway towards a political solution have been made since 2005. These include moves supported by former Malaysian prime minister Mahathir (Langkawi 2006), by former Indonesian vice-president Jusuf Kalla (Bogor 2008), and by various international organisations working in the peace-building field. The latter has included a Geneva-based organisation which worked closely with the 2008-2011 Abhisit Vejjajiva government, and a Finland-based organisation that since 2009 has made persistent but unsuccessful attempts to insinuate its way into a dialogue process.⁶

None of these initiatives led to significant breakthroughs, partly because they have tended to focus their efforts on particular elements within the Thai state – the National Security Council, the military, or the prime minister's office – rather than engaging with a full range of state agencies.⁷ Given the diffuse nature of power within the Thai state and the competing networks operating within the government, any successful initiative would require broad-based support. Fragmented and polarised politics in Bangkok constitute a major obstacle to a political settlement. Since the military coup of September 2006, Thailand has been bitterly divided between supporters and opponents of former prime minister Thaksin. Pro- and anti-Thaksin forces have repeatedly staged massive street protests in Bangkok which paralysed the political system in 2006, 2008, 2009, 2010, and most recently 2013-14.

A similar problem is evident amongst the insurgents. Because of the diffuse nature of the insurgency and the lack of clearly identified groups and leaders controlling militant violence, it has not been easy to define who could or should represent the militants in any dialogue process. Previous processes have worked mainly with both non-insurgents – Malay Muslims with no direct ties to militant groups, but who may have relevant insights or access to back-channels – and former or exiled insurgents whose connections with the *juwae* are at best unproven, or at worst non-existent.

The third major problem facing any dialogue process is the question of who is well-placed to facilitate, broker or mediate between the Thai authorities and the insurgents. Non-state actors may enjoy advantages

Because of the diffuse nature of the insurgency ...it has not been easy to define who could or should represent the militants in any dialogue process.

in such situations, but they lack the clout or the resources of governments. Governments from neighbouring countries may have much to contribute; but Malaysia and Indonesia are viewed as overly sympathetic towards the Muslim community in Patani.

THE 2013 KUALA LUMPUR DIALOGUE PROCESS

Since early in 2013, the Malaysian government has been brokering a new dialogue process which has gained support from the Thai government, and was publicly endorsed by the prime ministers of both Malaysia and Thailand. Thai prime minister Yingluck Shinawatra and her Malaysian counterpart Najib Razak took part in a public signing ceremony for a 'general consensus document', accompanied by considerable international fanfare, on 28 February 2013.⁸

A large negotiating team from the Thai side was established. On the insurgent side is a group of representatives who claim to be from BRN, and were brought to the table by the Malaysian security services. The talks faced a serious challenge in June 2013 when the BRN side made a set of five wide-ranging demands that the Thai side struggled to address. A Ramadan ceasefire in July led initially to a decline in levels of violence, but was violated by some insurgents and ultimately sabotaged by the Thai Army. In September 2013, the insurgents sought to clarify their position by presenting the Thais with a document which aimed to convince them that the five demands were a negotiating position, not a pre-determined set of preconditions. Attempts to resume the dialogue meetings in late 2013 were thwarted by street protests in Bangkok, but the Malaysian side remained optimistic that talks could still be resumed.

THE THAI TEAM

Thailand's ten-member team to the Kuala Lumpur talks⁹ was led by General Paradorn Pattanabutr, secretary general to the National Security Council, General Niphat Thonglek, deputy permanent secretary of the Ministry of Defence, and Police Colonel Tawee Sodsong, secretary-general, Southern Border Provinces Administrative Center.¹⁰

The strength of the team lay in the range of different institutions covered by its members, including the NSC, SBPAC, the police and the interior ministry. But the weaknesses were also striking: there was no really high-ranking figure here, no minister or permanent secretary, and no top army commander. Analyst Don Pathan¹¹ – the most vocal and persistent critic of the Kuala Lumpur process – has referred to the Thai negotiators as 'Team Thaksin', since most were regarded as loyal or at least sympathetic to former premier Thaksin, and had apparently been picked more on the basis of their political orientation than their formal standing. The absence of army top brass was especially significant. The military viewed the Thaksin-initiated dialogue process with some suspicion, and so maintained a degree of distance from it. In practice, most of the

talking was done by Paradorn, Niphat and Tawee. Two of the Thai participants, Srisompob and Aziz, were supposed to be 'civil society representatives' who were brought in at the last minute and had no mandate to speak on behalf of the Thai government; their primary role appeared to be providing reassurance and supplementary perspectives. The Thais had no properly constituted secretariat, and the Malaysian facilitators were obliged to contact either Paradorn or Tawee personally to make all the arrangements for the meetings.

The Thai team did not travel to Kuala Lumpur with a well-developed plan. Despite military talk of a 'road map', no such map had been agreed in advance by the Thai side, who quickly found themselves wrong-footed when the initial meeting on 28 March focused mainly on addressing demands raised by BRN. The Thai side never recovered the initiative, and in subsequent meetings BRN persisted in demanding that their five core principles be accepted as a basis for further talks. The Thais had no clear core principles. Thaksin had initiated the process and Yingluck had given it her approval by signing an agreement in Kuala Lumpur on 28 February 2013. But once the talks were actually underway, there was little clear sense that the Thais had any plan, and there were no explicit signals from Bangkok that a political settlement – such as some form of autonomy – might be on the table. No prominent politicians made speeches to help prepare the Thai public for such an eventuality, and the militants naturally feared that the Thais were neither serious nor sincere about resolving the problem. The Thais persisted in talking about achieving a reduction in violence, but without making clear how this might come about.

...the Thai approach to the talks was characterised by amateurishness, lack of planning, and an absence of strategy.

Overall, the Thai approach to the talks was characterised by amateurishness, lack of planning, and an absence of strategy. It would be easy to assume that this implied a lack of sincerity or commitment to the process, and this indeed might be true. But the fact is that most policy processes in Thailand have rather similar features, ranging from ASEAN security dialogues to the Yingluck government's attempts to deal with hostile mass protests. If the Thais did not always seem to know what they were doing in relation to the Malaysian-brokered dialogue talks, that is at least partly because Thai officials often seem not to know exactly what they are doing. But given the importance of the talks and the number of lives at stake, their amateurishness was extremely disappointing.

THE INSURGENT TEAM

The team representing the insurgents was arguably even more problematic than the Thai side. The team was headed by Hassan Taib of the BRN, along with two representatives from the BRN foreign affairs division, one other senior BRN figure, one representative of BRN-Ulama (a splinter group of BRN), another from the BRN youth wing, Pemuda, and Lukman Bin Lima from one of the PULO factions.¹² It was an open

secret that Hassan was not one of the core leaders of BRN, and during the meetings much of the talking was done by other members of his team. His role was that of liaison officer with the Malaysian government, and he had been involved in previous attempts by the Malaysians to broker peace deals dating back to the time of the coup era Surayud Chulanont government of 2006-07. When Thaksin wanted to encourage a peace process, and Malaysian prime minister Najib Razak was also eager to improve his domestic and international standing in the run-up to the general election of May 2013, Malaysia turned again to Hassan to set up a negotiating team. A more senior BRN figure who was asked to play the role declined to do so, and Hassan was then dragooned into taking part by the Malaysian special branch and security services. Hassan signed the agreement to take part in talks in his own name, rather than on behalf of BRN. He was not initially supported officially by the BRN's ruling body, the Dewan Pimpinan Parti (DPP).¹³ He had to deal from the outset with opposition to the process from within the militant movement. One source argued that BRN could be divided into roughly three camps: one third supported the dialogue, one third strongly opposed it, and another third reserved judgement.

Given their scepticism about the dialogue process, the BRN negotiators adopted a hard-line stance from the outset, seeking to set the agenda for the talks by strongly articulating their five demands. These comprised:

- Recognition of BRN as representatives of the Patani people
- Appointment of Malaysia as a mediator, not simply a facilitator
- Involvement of ASEAN countries, OIC and NGOs in the process
- Recognition of the existence and the sovereignty of the Patani Malay nation
- Release of all detained Patani fighters from prison

The BRN went public in that most modern of ways, issuing a video setting out their demands on YouTube in a deliberate attempt to bypass formal procedures and to seize the public relations initiative on the very eve of the second meeting.¹⁴ But this irritated both the Thai side and the Malaysian facilitators, and revealed that BRN lacked a clear understanding of how best to win friends or influence people. Compared with the Thai side, the BRN negotiators were much more focused on pushing forward a clear agenda. However, their notions of how to advance this agenda reflected years of isolation and exile. They seemed to be unable or unwilling to understand that a peace dialogue necessarily involves an extended process of exploring areas of possible agreement.

These shortcomings reflected the fact that BRN lacks a proper political wing, a trusted cadre of non-combatants whose focus is on advancing the organisation's objectives through non-military means. A further

...BRN lacks a proper political wing, a trusted cadre of non-combatants whose focus is on advancing the organisation's objectives through non-military means.

problem with the focus on BRN – which parallels the Royal Thai Army’s fixation with BRN-C as the prime movers behind the insurgency – is that it may give the organisation excessive credit, prompting their over-blown demand to be viewed as the representative of the Patani people. If many of the *juwae* on the ground are either not directly connected with BRN, or indeed are not part of any formal insurgent group, the BRN focus of the talks may be a serious problem. All along, the Malaysians have argued that they would like to create a more inclusive process that brought together other militant groups including the various elements of PULO.

MALAYSIAN FACILITATION

The Malaysian-brokered dialogue initiative reflects the personal interest of Prime Minister Najib Razak, and is led by semi-retired senior official Datuk Seri Ahmad Zamzamin Hashim. Zamzamin was the former director of the research division of the prime minister’s office, and has an intelligence background. It is clear that Malaysia has a vested interest in helping to resolve a violent conflict taking place on its northern border; for one thing, it is an open secret that tens or hundreds of thousands of Malay Muslims in border areas illegally hold dual Thai and Malaysian nationality. Many current or former leaders of the Patani militant groups live in Malaysia, most of them under the watchful eye of the Malaysian special branch and intelligence services. This is the reason why Zamzamin’s team was able to assemble a group of BRN negotiators to join the peace process. Zamzamin has strong support from eight senior officials in the National Security Council (an agency concerned primarily with internal security) who constitute a secretariat for the process – a much more robust operation than the *ad hoc* arrangements on the Thai side.

A lesson from other comparable conflicts is that neighbouring countries that are historically implicated need to be brought on board in order for violence to be reduced. The role of the Irish Republic in the Northern Ireland conflict is an obvious example. The larger question is whether a historically implicated neighbour is capable of brokering a deal, as opposed to supporting one. Many Patani militant leaders are sceptical about Malaysia’s role as self-proclaimed honest broker. They have a love-hate relationship with the Malaysian state, which has provided them with a safe haven but has closely monitored and controlled their activities, sometimes for decades. Likewise, the Thai state harbours an abiding mistrust of Malaysian intentions in the region, fearing either that the country would like to ‘take back’ Patani into its own territory, or to sponsor the separatist aspirations of its kith and kin across the Thai border. While in reality the current Malaysian government would be strongly opposed to incorporating Patani – which would become a stronghold for the PAS opposition party – disabusing Thai military and government officials of their anti-Malaysian views is a struggle.

The Malaysian side persistently called for their status to be upgraded from that of facilitator to that of mediator and core participant. In reality, the Malaysian side was already acting as far more than a mediator. This became evident in September 2013, when Zamzamin travelled to Bangkok from Kuala Lumpur to 'explain' the BRN's five demands to General Paradorn. The Malaysian delegation (which did not include any militant representatives) provided a 38-page document and accompanying PowerPoint presentation elaborating on the demands, explaining how they were compatible with the Thai constitution, and offering concessions (a point-by-point 'offer in return') from BRN if the Thais were to accept the principles they contained. There was widespread suspicion that the detailed document had been produced mainly by Zamzamin's office. Both the demands themselves and the way they were elaborated appeared to reflect the concerns of the Malaysian side. At the core of the document was the demand that Malaysia be upgraded to mediator, as part of a process of upgrading the talks from a peace dialogue to a peace negotiation. This was partly justified by reference to the third demand – Malaysia's status as a member of both ASEAN and the OIC.

After the problems surrounding the 2013 Ramadan ceasefire, Malaysia went on something of a diplomatic offensive to try to regain the initiative and maintain the momentum of the talks. After the September PowerPoint trip, Zamzamin pursued a variety of other initiatives in the absence of further formal meetings of the dialogue partners. These included reaching out to different factions of PULO, who signed a November agreement to take part in future talks, visiting Indonesia to talk to representatives of other militant factions, and giving talks and press conferences in Thailand to drum up more support for the process in February 2014. However, none of these efforts succeeded in restarting face-to-face talks. The high-profile progress of the Mindanao peace talks – in which Malaysia is also involved – has increased pressure on Zamzamin to deliver the goods in Southern Thailand, though in reality this is not a fair comparison given the much longer investment of time in the Philippine process.¹⁵

THE RAMADAN PEACE INITIATIVE

The Malaysians were nothing if not ambitious about the talks. Speaking in Pattani on 28 February 2014, Zamzamin admitted that he had been hoping to see a cessation of hostilities within 2015. The first stage towards this goal had been the Ramadan initiative; in effect a 40-day ceasefire starting on 10 July 2013. Billed as a confidence-building measure, the planned ceasefire was a bold move which the facilitators hoped would create an inexorable momentum towards peace. The problem was the proposed ceasefire came after just three meetings between the two sides, and it was far from clear that either side could deliver. Elements in the Thai military were not yet on board with the

process, while the BRN representatives at the Kuala Lumpur talks had only limited influence over the *juwae*.

In the event, there was a significant drop in violence during the first week of Ramadan, and according to Deep South Watch, over the entire month there was less violence than in any of the previous nine years.¹⁶ However, troubling incidents from the early days of the ceasefire soon undermined its credibility. There were continuing attacks by militants, while the Thai security forces failed to adhere to the detailed seven-page guidelines agreed in Kuala Lumpur, under which the military were supposed to keep a low profile and scale back their presence in sensitive areas. On 19 July, an army unit undertook an unusually bold raid: a platoon of men trekked for ten hours into the jungle to attack an insurgent camp in Narathiwat.¹⁷ This raid looked suspiciously like a deliberate attempt by elements in the Thai security forces to sabotage the talks.

In the first week of August, BRN announced its withdrawal from the ceasefire, and suspended its involvement in the talks – announced in yet another YouTube video.¹⁸ This video was far more aggressive than previous ones, featuring armed masked men rather than identifiable members of the dialogue team – a clear sign of hard-line dissatisfaction. There was an immediate and sharp escalation in attacks. These included the killing of Yacob Raimanee, the imam of Pattani Central Mosque, who had been a prominent supporter of the dialogue process. The subsequent unravelling of the ceasefire dealt a serious blow to credibility of the Kuala Lumpur initiative. But the ceasefire did demonstrate that the BRN negotiators apparently had the capacity to reduce violence, especially in the central areas of Pattani and Yala; they had less control over peripheral areas of the southern border region where other groups were stronger.¹⁹ The clearest lesson of the Ramadan initiative, however, was the limited degree of control that the NSC and SBPAC could exert over the Thai security forces, especially the Army. Any future ceasefire will need more robust enforcement and much better monitoring.

In the wake of the troubled Ramadan initiative, BRN became increasingly adamant that the Thais needed to demonstrate their sincerity by signing up to the five demands, even calling for these points to be ratified by the Thai parliament as a basis for continuing negotiations. Such a call illustrated the extent to which BRN was willing to overplay its hand, since parliamentary endorsement at such an early stage was not at all realistic. But the Thais were also sluggish in responding to BRN, and it was not until 25 October that Paradorn issued a letter accepting the further discussion of the demands. The failure of the Thais to respond more promptly and positively increased the pressures on Hassan, who referred to himself in a short YouTube video posted on 1 December 2013 as a 'former' BRN delegate – which was widely construed as suggesting he had stepped down.²⁰ He proceeded

to disappear from public view, though apparently privately assuring people around him that he had not formally ended his participation and was willing to continue fronting the negotiations. But the inability of the Malaysians either to produce Hassan or to name a replacement had the effect of further undermining popular faith in the peace process.

Following a disastrous attempt to pass a wide-ranging amnesty bill in November 2013, the Yingluck government found itself facing mass protests from opposition groups in the capital, and was forced to dissolve parliament in December. But the parliamentary dissolution did nothing to assuage her opponents, who convened a set of parallel mass rallies aimed at a 'Bangkok Shutdown' on 13 January 2014. The snap election held on 2 February was boycotted by the opposition Democrat Party and did little to resolve the situation. Unable to function with anything resembling normality, the caretaker Yingluck government lost interest in dealing with the southern conflict. Key officials such as Paradorn were focused on the national security of the ruling administration, rather than furthering peace talks with BRN. Following a legal decision concerning the circumstances of his appointment, Paradorn himself faced probable removal from his position as head of the NSC in April 2014 – potentially leaving the Thai delegation with no chair.

EVALUATING THE TALKS PROCESS

The Malaysian-brokered dialogue process is by far the most credible of the various processes so far seen in relation to the southern conflict. Nevertheless, the process faces a host of challenges.²¹ On the Thai side, the dialogue team struggles domestically with the perception that they are 'Team Thaksin', representatives of one major political faction, with little support or buy-in from the opposition Democrats or from the military. The team has also been characterised by lack of preparation, by internal tensions – the key players on the team do not enjoy especially warm relations – and lack of administrative support. Above all, however, the Thai side has suffered from a lack of strong national backing. There has been little evidence that the Yingluck government is deeply committed to the pursuit of a political solution to the southern conflict.

On the militant side, the BRN team has struggled to manage its relations both with the Malaysians and with the diverse and fractious militant movement more broadly. Its claims to represent the entire Patani Malay people are quite tendentious and its negotiating strategies have been high-handed and inept. Nevertheless, a source close to the militant groups has argued that there is still a basis for optimism about future progress.²² He suggested that the talks were neither a failure nor dead, but merely suspended.

The Malaysian-brokered dialogue process is by far the most credible of the various processes so far seen in relation to the southern conflict.

The strongest criticisms of the Malaysian process have come from Yala-based analyst Don Pathan, who has described the talks as ‘somewhere between a hoax and a big leap of faith’.²³ At the core of his criticisms lies his belief that the BRN team is out of touch with most of the young fighters on the ground, and has no capacity to deliver a settlement.²⁴ Pathan regards the demands issued by BRN simply as attempts to test the waters, rather than as real statements of their negotiating position. He is equally critical of the Thai side, given their pro-Thaksin alignment and lack of support from senior figures in the Army.

Malaysia has been struggling to counter criticism from both the insurgents and the Thai side that it has an agenda of advancing its own interests, and is in some ways not well placed to play the role of honest broker. But the current process remains the only serious game in town, and has been widely supported in the deep south, especially by ordinary Malay Muslims. For the first time since Thaksin’s 2005 announcement that he was setting up the National Reconciliation Commission to investigate the causes of the southern conflict, people in the region feel that they are receiving some serious attention from Bangkok. Various initiatives among civil society groups in the region reflect grassroots attempts to promote the peace process from below, and these are worthy of greater support.

Ultimately, the peace process is not going to succeed without the real commitment of both sides to a political outcome. But even with that commitment all sides will also need to address some structural and procedural problems that will continue to undermine any negotiating process.

The **Thai side** would need to revamp its team, reducing the size of the delegation and including more senior military figures from the inner circles of the Army’s high command. In order to support the process more effectively, the Thai government would have to establish a full-time secretariat, based probably in the prime minister’s office, to support the process, and second a core group of highly capable officials to this secretariat. The process would ideally have ministerial oversight or even direct participation, and the prime minister would need to give regular briefings to the Cabinet, parliament and the public on the progress of talks. Political leadership at the highest level would have to be used to prepare the wider Thai public, both in the deep south and around the country, for the prospect of a political settlement. Agreement would need to be sought with the Democrat Party and other opposition forces that achieving peace in the south could become a bipartisan goal, and that any successor government to the Yingluck administration would continue to support the current dialogue process (albeit possibly with a revised format).

The militants would need to develop an explicit ‘political wing’ to represent them in any dialogue process. This would also need to include

Ultimately, the peace process is not going to succeed without the real commitment of both sides to a political outcome.

a secretariat and a team of advisers who could prepare policy options and develop responses to issues raised during the talks. A broader group of militant groups would also be represented in the talks to achieve greater buy-in. The BRN negotiators would need to adopt a more pragmatic approach to the dialogue process rather than engaging in constant brinkmanship.

The Malaysians would need to play down their agenda of formalising their role as mediators, since in practice they are already performing this function. Harping on this issue only serves to arouse suspicion on both the Thai and militant sides. If they were content to allow the dialogue process to evolve more organically, this would be broadly welcomed.

CONCLUSION

The Yingluck government is facing a range of political and judicial pressures which may well force it from office in the weeks and months ahead. There is a real possibility that a more conservative administration might soon assume power, one much closer to the Democrat Party and the military. Any such administration would be likely to face continuing protests and challenges to its legitimacy, and hence have limited capacity to focus on the southern conflict. But in the medium term, a new government of this complexion would be likely to look askance at the current 'Thaksin-initiated' peace process and might be tempted to abandon it on partisan political grounds. It would be an enormous pity if the gains made over the past year were to be squandered by an incoming Thai administration that simply disbanded the Kuala Lumpur initiative. In short, given the number of lives that have been lost in this terrible insurgency, any peace process is better than no peace process.

NOTES

¹ For overviews of the conflict see International Crisis Group, *Thailand: The Evolving Conflict in the South*, Asia Report no. 241, 11 December 2012; Duncan McCargo, *Tearing Apart the Land: Islam and Legitimacy in Southern Thailand*, (Ithaca, NY: Cornell University Press, 2008); International Crisis Group, *Southern Thailand: Insurgency, Not Jihad*, Asia Report no. 98, May 2005; and Supalak Ganjanakhundee and Don Pathan, *Santhiphap nai plaew phleung [Peace In Flames]* (Bangkok: Nation Books, 2004).

² At the time of the 2000 census, there were just over 350,000 Buddhists from a total population of 1,748,682 in the three provinces. Narathiwat had a population of 680,303 with an 83.5 per cent Muslim majority, while the figures for Pattani were 628,922 (82 per cent Muslim) and Yala 439,456 (71 per cent Muslim). Population and Households Census 1970, 1980, 1990, 2000, National Statistical Office (Bangkok: Prime Minister's Office, 2003).

³ See Srisompob Jitpiromsri and Duncan McCargo, "The Southern Thai Conflict Six Years On: Insurgency, Not Just Crime," *Contemporary Southeast Asia*, 32 no. 2 (August 2010) 156–83.

⁴ For relevant discussions see McCargo, *Tearing Apart the Land*, 168-75, Joseph Chinyong Liow and Don Pathan, *Confronting Ghosts: Thailand's Shapeless Southern Insurgency*, Lowy Institute Paper 30 (Double Bay, NSW: Lowy Institute for International Policy, 2010); International Crisis Group, *Recruiting Militants in Southern Thailand*, Asia Report no. 170 (Bangkok and Brussels: ICG, 2009).

⁵ See Duncan McCargo, "Autonomy for Southern Thailand: Thinking the Unthinkable?" *Pacific Affairs*, 83 no. 2 (June 2010) 261-281.

⁶ See Gerard B. McDermott, Barriers Toward Peace in Southern Thailand, *Peace Review: A Journal of Social Justice*, 25 no. 1 (February 2013) 120-28.

⁷ For a discussion see Patani Forum, *Negotiating a Peaceful Coexistence Between the Malays of Patani and the Thai State* (Pattani: Patani Forum, November 2012).

⁸ Matthew Wheeler, "Thailand's Southern Insurgency in 2013," in Daljit Singh (ed.) *Southeast Asian Affairs 2014* (Singapore: ISEAS, forthcoming).

⁹ This team was also supplemented by 2-3 additional members there in a support role, which meant that the 6-7 militant representatives faced around a dozen Thai participants: a case of quantity rather than quality.

¹⁰ Other members comprised General Samret Srirai, Office of the Permanent Secretary of the Ministry of Defence; Police Lieutenant-General Saritchai Engkwiang, Commander, Special Branch; Major General Nakrop Bunbuathong, ISOC; Apinan Sothanu Wong, Governor of Narathiwat (who was replaced for the 13 June 2013 dialogue meeting by Pramuk Lamul, Governor of Pattani); Dr Srisompob Jitpiromsri, Assistant Professor at Prince of Songkla University, Pattani, and Director of Deep South Watch; Aziz Benhawan, Muslim community leader from Pattani; and Major-General Charin Amornkaew, Fourth Army Region, Chief of Staff (later made Deputy Commander).

¹¹ Don Pathan is one of the most respected analysts of the southern conflict. He is the former regional editor of *The Nation*, co-author of a book on the insurgency, and a prime mover behind the civil society group Patani Forum.

¹² At the first meeting on 28 March there were only six militant representatives; an additional senior BRN figure joined the subsequent meetings.

¹³ Don Pathan, "Doubts over BRN Chief's Control of South Rebels," *The Nation*, 1 March 2013. Additional information from confidential interviews.

¹⁴ In all, BRN issued 6 videos concerning the talks on YouTube in 2013: 26 April 2013 with Hassan Taib; 29 April 2013 with Haji Adam Muhammad Noor; 28 May 2013 with Abdulkarim Khalib and Hassan Taib; 24 June 2013 with Hassan Taib; 6 August 2013; and 1 December 2013 with Hassan Taib.

¹⁵ See for example Floyd Whaley, "Philippines and Rebels Agree on Peace Accord to End Insurgency," *New York Times*, 25 January 2014, http://www.nytimes.com/2014/01/26/world/asia/philippines-and-rebels-agree-on-peace-accord-to-end-insurgency.html?_r=0.

¹⁶ For a relatively upbeat assessment of the ceasefire, see Srisompob Jitpiromsri and Anders Engvall, "A Meaningful Peace: Ramadan Ceasefire Assessment," Deep South Watch, 9 September 2013, http://www.deepsouthwatch.org/sites/default/files/dsw_analysis_-_a_meaningful_peace_eng.pdf.

Deep South Watch is a civil society organisation based on the campus of the Prince of Songkla University in Pattani. It supports monitoring and journalistic coverage of the conflict, and campaigns for a political solution to the violence.

¹⁷ For a more critical assessment see Anthony Davis, "Meaningless Ceasefire in South Thailand," *Asia Times*, 27 August 2013, http://www.atimes.com/atimes/southeast_Asia/SEA-01-270813.html.

¹⁸ <https://www.youtube.com/watch?v=8JE9NiawBL8>.

¹⁹ Srisompob and Engvall, "The Southern Thai Conflict Six Years On," 9.

²⁰ See <http://www.youtube.com/watch?v=bcWmriF3TNM&sns=emBismillah>.

²¹ For a detailed discussion of the shortcomings of the process and possible ways forward, see the policy paper by Insider Peacebuilders Platform, "How Can the Peace Process be Taken Forward?" Peace Media Day, PPP101, Pattani, 27-28 February 2014, <http://www.deepsouthwatch.org/en/node/5446>.

²² Abu Hafez Al Hakim (pseudonym), Speech for Peace Media Day Festival, Peace Media Day, PPP101, Pattani, 27-28 February 2014, <http://www.youtube.com/watch?v=mjKu28s4GMA> and <http://www.deepsouthwatch.org/en/node/5389>.

²³ Don Pathan interview, 17 February 2014.

²⁴ For recent examples of Don Pathan's critical arguments, see "Deep South Talks: A Fresh Attempt to Revive the Corpse," *The Nation*, 27 February 2014, <http://www.nationmultimedia.com/opinion/Deep-South-talks-a-fresh-attempt-to-revive-the-cor-30227877.html>, or "Hostage to National Politics: Thailand's Southern Peace Initiatives," Asian Peace Initiatives, 27 January 2014, <http://peacebuilding.asia/hostage-to-national-politics-thailands-southern-peace-initiatives/>.

ABOUT THE AUTHOR



Duncan McCargo

Duncan McCargo is Professor of Political Science at the University of Leeds. He is best known as a specialist on contemporary Thailand, where he regularly conducts extended fieldwork, most recently for the whole of 2012. McCargo divides his time between Britain and New York, where he is a Visiting Scholar at the Weatherhead East Asian Institute, Columbia University, and from 2014-15 will take up a shared appointment with the Columbia political science department. His ten books include *Politics and the Press in Thailand* (Routledge 2000), *Media and Politics in Pacific Asia* (Routledge 2003), *The Thaksinization of Thailand* (co-authored NIAS 2005), *Tearing Apart the Land: Islam and Legitimacy in Southern Thailand* (Cornell 2008) (which won the inaugural 2009 Bernard Schwartz Book Prize from the Asia Society), and most recently *Mapping National Anxieties: Thailand's Southern Conflict* (NIAS 2012). His articles have appeared in numerous journals including *International Affairs*, *Journal of Democracy* and *Government and Opposition*. McCargo currently holds a Leverhulme Trust Major Research Fellowship to work on politics and justice in Thailand.

Duncan McCargo
Tel: +61 478 656 669
D.J.McCargo@leeds.ac.uk

LOWY INSTITUTE
FOR INTERNATIONAL POLICY

31 Bligh Street
Sydney NSW 2000 Australia

Tel: +61 2 8238 9000
Fax: +61 2 8238 9005

www.lowyinstitute.org
twitter: @lowyinstitute