



Southern Thailand's Stop-start Peace Dialogue

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What's new? After reaching consensus with the Thai government on a roadmap toward a peace agreement in February, the insurgent group Barisan Revolusi Nasional (BRN) suspended talks pending formation of a new government after May elections. The suspension indicates deeper problems in the process, and the subsequent delay could last several months.

Why does it matter? BRN's suspended participation reflects internal discord over the dialogue, with the group's military wing sceptical of its design and objectives. The military wing's doubts raise the prospect of the group splintering, which would undermine prospects for peace. Meanwhile, the public has yet to be engaged in the process.

What should be done? BRN's senior leadership should participate more in the talks as well as better balance representation of military and political wings in its delegation to avert splintering. To encourage public consultation about a settlement, the Thai government should afford legal protections to BRN representatives and others who engage in public debate.

I. Overview

Negotiations between Thailand and the Malay-Muslim separatist group Barisan Revolusi Nasional (BRN) are on hold. The latest round of talks, toward the end of February, broke new ground, as the parties developed a roadmap for an agreement to settle the two-decade conflict. But BRN has since balked at further meetings, saying it awaits formation of a new Thai government after 14 May elections. The stated reason may be a pretext, however. BRN's delegation is caught between competing imperatives: moving the dialogue forward by making concessions and keeping the confidence of a military wing that still aims for independence. The BRN delegation risks becoming isolated from the rank and file, raising the possibility of the group splintering. When talks resume, structural and procedural changes could help, such as better balancing political and military representation in the BRN delegation, establishing a parliamentary commission to oversee the dialogue and ensuring space for informal contacts. A lasting settlement will also require consultation about political solutions with the public in Thailand's deep south.

In March, BRN quietly suspended its participation in talks to end the insurgency the group has been waging for what it sees as liberation of a Malay homeland, Patani,

encompassing all or parts of Thailand's four southernmost provinces. The suspension poured cold water on a peace process that had shown recent, if modest, promise. Over the course of the past year, the sides had agreed on a set of principles to guide the talks, namely, to seek political solutions in accord with the will of the Patani community and in line with the Thai constitution, as well as to reduce violence while holding consultations with the public about these solutions.

While BRN ascribed the pause in talks to desire to await formation of a new government after the May elections, other considerations appear to be in play. First and foremost, the insurgent group's decision to step back from talks reflects tensions within its own ranks about where the dialogue is headed. The parties agreed in March 2022 to seek political solutions in accordance with the Thai constitution, a move that some saw as taking the movement's long-time goal of independence off the table. The military wing, which rejects any such stipulation, has signalled its disapproval of the talks by increasing the pace and scale of its operations. BRN fighters are regularly dying in encounters with security forces rather than surrendering, and Malay-Muslims increasingly turn out in large numbers to venerate these men as martyrs, indicating the potential for intensified violence.

For its part, Thai officialdom's pursuit of security in the country's southernmost reaches often betrays its own insecurity about the relationship between state and society – and in particular whether it is viewed as legitimate by the latter. This anxiety is a legacy of subjugation and nation-building that predates the contemporary insurgency. Public expressions of Patani-Malay identity and talk of self-determination unnerve many Thai officials; authorities often harass political activists, stunting discourse. Some in the Thai security establishment still favour neutralising BRN through other means, including force, in particular cordon-and-search operations that often end with security forces killing suspects. The government's mixed messages and the perception that it has slow-rolled talks over the years – including by refusing to sign agreements – have fed disappointment among many in the deep south.

Still, given that the dialogue serves the humanitarian aim of ending the conflict – and that neither side shows any indication of seeking to abandon it – the parties should turn their attention to steps they can take to put it on a stronger footing. To start, the new Thai government should aim to resume talks at the earliest opportunity, taking BRN at its word that it will come back to the table when a new government is formed. Both sides should also prepare to accelerate discussion of substantive issues, including what long-term political solutions to the conflict could look like.

With respect to the dialogue's structure and process, several changes are in order. BRN needs to bridge internal rifts that are hindering progress and ensure that the military wing is adequately represented in its dialogue delegation. It would also behoove BRN for its senior-most leaders to play a more active role in the dialogue, both to allay internal doubts about whether the talks have their support and to demonstrate their faith in a political solution. Once it forms, the next Thai government should establish a parliamentary committee to monitor the dialogue, which could both ensure continuity between governments and help engage people in Patani, through their elected representatives, in the peace process.

Outsiders can also help. Malaysia, which is the dialogue's facilitator, has pressed the insurgents to end back-channel consultations with Bangkok, evidently to preserve its own influence over the process. Because Kuala Lumpur has historically provided

safe haven to BRN, its wishes are difficult for them to resist. The November 2022 election of Malaysian Prime Minister Anwar Ibrahim, who has ties to Thailand's deep south, along with his appointment of a new chief facilitator, raised hopes in some quarters for progress, but BRN members continue to privately complain of pressure from Kuala Lumpur to cease the informal parleys. That will not help the peace process: the parties need opportunities for informal exchange to try out ideas and test red lines. Malaysia should work with them toward flexible arrangements that allow these to continue.

Both sides also need to address the feeling in the deep south that talks are removed from local concerns and without effective means of participation. If talks do not come to grips with the political aspirations of people in Patani, they risk becoming a public relations exercise while the parties pursue strategies based on use of force. One thing that would help is for the authorities to improve the environment for free expression. Public consultations on changing the political status quo will be awkward for Thai officialdom, but authorities should resist the temptation to conduct tightly controlled forums or limit public hearings. They should provide BRN representatives who are in exile, and in many cases charged with national security crimes, with assurances that they can participate without suffering legal consequences. They should also tap respected third parties to moderate or monitor the discussions to help ensure that people in the southernmost provinces see them as fair. Much as they need to find agreement with each other, the parties also need the support of those who will live under the deal that they reach.

II. The Course of Dialogue

Talks between the Thai government and BRN, a Malay-Muslim separatist party that has been fighting Bangkok's rule in southernmost Thailand since 2004, formally date to the signing of the General Consensus on Peace Dialogue of 28 February 2013.¹ The two parties agreed that Malaysia act as facilitator. But the contemporary phase of dialogue, which brought BRN to the table willingly for the first time, began in January 2020, governed by the Berlin Initiative (16 November 2019), an agreement to pursue dialogue based on "principles accepted by both parties, ie, sincerity, honesty, human dignity, inclusivity and justice".² This landmark agreement was the product of years of back-channel contacts brokered by the Geneva-based Centre for Humanitarian Dialogue.

¹ The conflict has largely been confined to the provinces of Narathiwat, Pattani and Yala, and the four south-eastern districts of Songkhla province: Chana, Na Thawi, Saba Yoi and Thepa. This report refers to this area variously as the "southernmost provinces", "deep south" and "Patani". Patani with one T is the Malay spelling, used to refer to the region that comprised the historical Patani sultanate. Pattani with two Ts is the transliteration of the Thai name for the province. The conflict zone's population is roughly two million, about 84 per cent Malay-Muslim, with the remainder mostly Thai or Sino-Thai Buddhist. Population statistics from The Peace Dialogue Panel, *The Peace Dialogue Process in Southern Border Provinces*, July 2017, p. 31.

² "Explanation of the Patani Malay National Revolutionary Front (BRN) on the Design of Peace Dialogue Process (Berlin Initiative)", 30 October 2022.

Earlier Crisis Group reporting has covered the dialogue process up to the fourth meeting of the Joint Working Group – South Thailand Peace Dialogue, which took place in the spring of 2022.³ This section traces developments at the negotiating table and events relevant to the dialogue since then, starting with the fourth round of talks that took place from 31 March-1 April 2022.

A. *Outcomes of the Fourth Round*

The two chief outcomes of the fourth round of talks in Kuala Lumpur were agreement on General Principles of the Peace Dialogue Process, “based on the spirit and substance of the General Consensus and the Berlin Initiative”, and the Ramadan Peace Initiative, a coordinated effort to reduce violence over several weeks during the Muslim holy month. Both of these developments seemed to herald progress.

The General Principles indicated that BRN and Bangkok have a common vision for how the talks should proceed. Although the document’s substance was clear from statements each side issued immediately after the fourth round, its text was not publicly available until BRN posted it online in October 2022.⁴ The text lays out for the first time, albeit in broad terms, a vision for reaching agreement to end the conflict. It commits the parties to seek agreement on reducing violence, establish mechanisms for consultations with the public to determine their “opinions and needs” and arrive at “political solutions in accordance with the will of the Patani community under the Unitary State of Thailand in accordance with the Constitution”.⁵ As discussed below, the latter phrase was especially consequential (and, in some BRN quarters, controversial) as it was in some circles read to suggest that the party was relinquishing its long-time goal of independence.

The 2022 Ramadan Peace Initiative likewise represented a major step. Authorities reported no act of violence perpetrated by BRN during the truce between 3 April and 14 May. At least one insurgent attack did take place in this period: a bombing on 15 April that killed a civilian and wounded three police officers in Saiburi district, Pattani. Leaflets at the scene referred to two theretofore unknown and possibly bogus groups, G5 and the Royal Patani Army.⁶ The Patani United Liberation Organisation (PULO), a once-formidable Malay separatist front now much diminished, claimed responsi-

³ For earlier reporting on the dialogue, see Crisis Group Asia Reports N°304, *Southern Thailand's Peace Dialogue: Giving Substance to Form*, 21 January 2020; and N°270, *Southern Thailand: Dialogue in Doubt*, 8 July 2015. See also Crisis Group Asia Briefings N°172, *Sustaining the Momentum in Southern Thailand's Peace Dialogue*, 19 April 2022; and N°148, *Southern Thailand's Peace Dialogue: No Traction*, 21 September 2016. In February 2013, Malaysian authorities reportedly pressured BRN representatives to meet Thai officials for what turned out to be short-lived discussions. Crisis Group Report, *Dialogue in Doubt*, op. cit., p. 4.

⁴ The parties did not sign the General Principles, but instead issued letters of authorisation endorsing the document. Press release, Peace Negotiation Secretariat, Patani Malay National Revolutionary Front (BRN), 1 April 2022.

⁵ General Principles of the Peace Dialogue Process, 31 March 2022.

⁶ The sophistication of the bombing, which involved three improvised explosive devices with different triggering mechanisms, suggests the involvement of an experienced BRN cell, either specialists hired by another militant group or dissenters who wished to convey to BRN leaders their own displeasure with the dialogue. Crisis Group telephone interview, security analyst, Bangkok, May 2023.

bility for the attack to indicate its displeasure at its exclusion from the talks.⁷ The government, however, quickly said the bombing would not throw the dialogue off course. Thai security forces also curtailed their own operations during Ramadan.

But signs of dissension were appearing in BRN ranks. On 1 May 2022, the group's Information Department, which speaks for its military wing, posted a video with greetings to mark Eid al-Fitr, the end-of-Ramadan feast known locally as Hari Raya Aidilfitri. In contrast to the conciliatory tone of the BRN delegation's statement following the fourth round, the video complained of increasing violence by Thai security forces, describing the "Siamese" as "devils".⁸ More concerning, it also suggested that the dialogue did not conform to international standards – an apparent reference to impartial mediation and foreign monitoring – and proclaimed BRN's goal to be independence. Since then, the gap between BRN's official delegation and its military wing seems to have only widened.

B. The Fifth Round

BRN and government delegations met again in Kuala Lumpur on 1-2 August 2022 for a fifth round of talks. According to statements issued by both sides after the meetings, they jointly assessed the Ramadan Peace Initiative and exchanged proposals on ceasefires and ways to conduct the public consultations provided for in the General Principles. The government statement highlighted the need for a "joint monitoring mechanism" for any future lessening of hostilities and reiterated the Thai delegation's proposal for a second phase of a bilateral reduction in violence. According to its statement, BRN submitted draft proposals on public consultations, emphasising the need for Thailand to grant legal protections to its participating representatives (who face legal peril in Thailand) and for both sides to reduce violence. It also proposed that both sides sign any agreement that they reach at the negotiating table. The Thai delegation has thus far refused to do so, arguing that signatures are unnecessary for preliminary deals, though apparently out of concern not to confer legitimacy on BRN or put the government in legal jeopardy.⁹

BRN's words and deeds over the succeeding months painted an ambiguous picture relating to talks, alternately conveying hope and doubt. Just two weeks after the fifth round, on the night of 16-17 August 2022, BRN demonstrated its continued ability to conduct coordinated operations by mounting a wave of near-simultaneous bombings and arson attacks on seventeen convenience stores and gas stations in the three provinces of Pattani, Narathiwat and Yala. Unusually, BRN claimed responsibility

⁷ Kasturi Makhota of PULO said, "The talks are not inclusive enough and it is going too fast". "Thai government says Ramadan bombings won't derail peace talks with rebels", Reuters, 17 April 2022. Police attributed four other violent incidents during Ramadan, including a sub-district administrator's murder on 23 April, to personal or business disputes.

⁸ Statement from BRN Information Department, video, YouTube, 1 May 2022. Use of the term "Siamese" rather than "Thai" evokes the history of Patani's subjugation by Bangkok in the 18th and 19th centuries.

⁹ Crisis Group interview, General Wanlop Rugsanaoh, head of Peace Dialogue Panel, Bangkok, 3 March 2023. Neither side signed the General Principles, which were instead signed by the international expert observers. The two sides exchanged letters endorsing the General Principles. "Thailand, southern rebels agree to 40-day Ramadan peace initiative", Benar News, 1 April 2022.

on Facebook on 18 August, expressing regret for the sole fatality, which it said was unintentional.¹⁰

In mid-October 2022, BRN's Information Department issued a statement drawing attention to the particularly brutal extrajudicial killing of a BRN member the month before. The statement said Yahri Dueloh, aka Zahri Bin Abdullah, was "picked up" (ie, abducted) on the Malaysian side of the border on 27 September, adding that his body was recovered near the Thai banks of the Sungai Kolok river (which runs along the frontier) two days later. It said Zahri was murdered, with his disfigured remains "disguised to obscure his identity". It did not identify a culprit but declared: "All forms of extreme persecution experienced by BRN members, ... in Patani, Thailand and Malaysia, are an affront to the current peace process".¹¹ To this day, it is not clear who abducted or killed Zahri.

At the same time, some elements in BRN sought to limit the damage done by October's events and strike a more moderate tone. First, Nikmatullah bin Seri, a senior BRN delegation member, weighed in with a pair of more measured statements – one in late October and the other in mid-December. On 30 October, BRN issued a press release to redress what it said was a "gap" in public knowledge of the dialogue process. In contrast to the Information Department's heated rhetoric, it noted that the dialogue "has been conducted on the proper foundation" and expressed "appreciation for facilities prepared by the Malaysian Government and professionalism of the opposite side, the Royal Thai Government". It stated BRN's desire for an agreement leading to a form of self-administration based upon "decentralisation and democratic principles" as well as "recognition of Patani-Malays' identity as the majority of the Patani Community which is diverse in ethnicity and religion".¹² BRN also posted links to the General Principles and a summary of the above-referenced 2019 Berlin Initiative.

Secondly, in a YouTube video posted on 10 December, Nikmatullah added that BRN and Thai government representatives were drawing up a "roadmap" for the peace process, including measures to provide safety and legal immunity for BRN representatives currently in exile and charged with security offences so they could participate in public consultations in Thailand's southernmost provinces. Echoing elements of the 30 October press release, he also explained that the group seeks "a decentralised and democratic governance system with a legislative assembly for the people". Noting that the Thai side had rejected BRN's proposed roadmap, Nikmatullah expressed his wish to be able to report progress before the sixth round of talks. He also hoped aloud that Malaysia's new prime minister, Anwar Ibrahim, would "bring positive change to the process of building real peace for the people of Patani".¹³

In this last remark, Nikmatullah was giving voice to widespread sentiment in southernmost Thailand. Many in Patani welcomed Anwar Ibrahim's November 2022 election, after which he was sworn in as Malaysia's tenth prime minister. Anwar has

¹⁰ "BRN reveals motive for recent blasts", *Bangkok Post*, 19 August 2022. The statement also decried capitalist penetration of the Patani homeland and the Patani-Malay people's economic dispossession, a critique that harks back to BRN's socialist roots.

¹¹ Press statement, Barisan Revolusi Nasional Melayu Patani, Information Department, 18 October 2022.

¹² Press release, Patani-Malay National Revolutionary Front, 30 October 2022.

¹³ BRN statement, video, YouTube, 10 December 2022.

longstanding ties to Patani, which date back to his days as a student activist, generating optimism in some quarters that he might help reinvigorate the talks.¹⁴

Reactions are mixed to Prime Minister Anwar's work on the Patani file so far. As many had anticipated, he replaced the peace dialogue's chief facilitator, Abdul Rahim Mohammad Noor, a former inspector-general of police reputed to be brusque and domineering. Anwar appointed in his stead General Zulkifli Zainal Abidin, a former head of Malaysia's armed forces, effective 1 January 2023.¹⁵ He then visited Bangkok himself on 9-10 February, meeting with his Thai counterpart Prayuth Chan-ocha. Anwar told the press that "Malaysia will not condone any sort of violence to resolve any conflict" and called the insurgency "purely an internal issue" for Thailand.¹⁶ It was unclear if Anwar was admonishing one party in particular or both to forswear violence. While some Muslims in the deep south welcomed his comments, many Patani-Malay nationalists were unimpressed.¹⁷ A month later, General Zulkifli went to Thailand to meet with General Wanlop Rugsnoah, head of the Thai dialogue delegation, and made a four-day working visit to the southernmost provinces, chaperoned by the Thai army.

C. *The Sixth Round*

General Zulkifli presided over the sixth round of the dialogue process in Kuala Lumpur on 21-22 February 2023. The meetings yielded a ballyhooed outcome. The parties agreed to a "Joint Comprehensive Plan toward Peace" (JCPP), described in Thai and Malaysian statements as a "roadmap" to a final peace agreement to be reached by the end of 2024.¹⁸ Yet for all the fanfare surrounding it, details of the JCPP are scant. According to the Thai delegation's statement, "The content of the JCPP includes matters related to 1) measures to reduce violence in the area; and 2) conduct of public consultation activities leading to political solutions".¹⁹ On its face, this language amounts to a restatement of items laid out in the March 2022 General Principles. The Thai delegation statement also said that technical teams from both sides would meet

¹⁴ Mongkol Bangprapa, "Smile, Anwar's here", *Bangkok Post*, 29 January 2023. As a student activist, Anwar opposed Thailand's policies toward Malay-Muslims, helping lead protests when Thai Prime Minister Thanom Kittikachorn visited Malaysia in 1971. Crisis Group Report, *Insurgency, not Jihad*, op. cit., p. 9, footnote 72.

¹⁵ It was widely expected that Anwar would replace Rahim Noor, given the history of antagonism between the two men. As inspector general of the police, Rahim Noor infamously assaulted Anwar while he was in custody in 1998, giving him a black eye. "Malaysia's former police chief, who beat Anwar in jail, raises hackles with new appointment", *Straits Times*, 2 September 2018. A journalist described Rahim Noor as "an irascible septuagenarian former police chief with a colourful reputation for table-thumping impatience". Anthony Davis, "Covid-19 gives peace a chance in South Thailand", *Asia Times*, 6 April 2020.

¹⁶ "Malaysian PM vows to help Thailand solve southern violence", Associated Press, 9 February 2023.

¹⁷ Crisis Group correspondence, analyst, Pattani, May 2023. PULO President Kasturi Makhota seemed to have Anwar's comments in mind when he declared, "Every party should refrain from issuing any statement sensitive to Patani Malays or Patani freedom fighters, whatever the motivation, such as: 'We do not support independence of Patani'; 'The issue of Patani is an internal affair of Thailand'; 'We do not support solution by using violence'". PULO statement, 9 March 2023.

¹⁸ "BRN agrees to have other rebel groups join peace talks", Thai PBS World, 23 February 2023.

¹⁹ "6th Meeting of the Peace Dialogue Process for Southern Border Provinces of Thailand", The Peace Dialogue Panel, 22 February 2023.

“in an informal setting” between March and May to hammer out details of a roadmap to be endorsed at the seventh round of formal dialogue, scheduled for June.

But those looking for signs of a breakthrough also found reason for caution in the aftermath after the sixth round: for the first time since the talks began, the Malaysian facilitator’s office issued a statement, but BRN did not. In hindsight, the lack of a BRN statement looks like a signal that it had decided to suspend its participation in the dialogue. BRN appears to have taken this decision soon after the sixth round, though the group did not announce it until early May.²⁰ Consequently, the planned technical team meetings did not take place in the March-May window and the June deadline for the detailed roadmap is now impracticable. The seventh round of talks also looks like it will not happen. Meanwhile, the ruling coalition suffered a resounding defeat in the 14 May elections, and the new government’s composition is yet to be determined. Given that the election commission has 60 days to validate the poll results, the decision to postpone talks until Thailand has a new government could mean a delay until August or later; in 2019, almost three months passed between election day and formation of a government.

In spite of BRN’s cold shoulder toward the dialogue, the Thai delegation visited Kuala Lumpur on 14-17 March and delivered a revised JCPP document to the talks’ facilitator. Speaking to reporters, panel member Major General Pramote Prom-in, said, “We tried to make progress on the peace talks, but [BRN] didn’t come”. He added that General Zulkifli said BRN was absent in part because they were in the process of appointing a new head of their delegation.²¹

BRN then ignored a statement from the Thai delegation calling for a cessation of hostilities during Ramadan from 22 March to 21 April, which overlapped with the Thai new year holiday.²² The statement struck some in BRN as a cynical stunt, given its unilateral nature, suddenness and lack of detail.²³ On 16 April, in a video statement published to mark the end of Ramadan, Abdul Karim of BRN’s Information Department rehearsed a history of abuses perpetrated by the Thai state against Malay-Muslims, including a 2004 incident in which 78 men detained at a protest in Tak Bai, Narathiwat, died, most by suffocation, after being packed into trucks for transport to an army base.²⁴

Meanwhile, BRN militants dramatically stepped up attacks in April, including a rare platoon-strength assault on a security outpost in Muang district, Yala province, on 9 April, and a spate of bombings and shootings in the three southernmost provinces on the night of 14 April.²⁵ These attacks caused no casualties, but the insurgents also carried out several killings, including the fatal shooting of a Muslim Village

²⁰ “Statement of the BRN Information Department Regarding the BRN-RTG Peace Negotiation Process”, BRN Information Department, video, YouTube, 4 May 2023 [Malay].

²¹ “Peace pact still on track despite BRN’s no-show”, *Bangkok Post*, 5 April 2023.

²² “Message from the Peace Dialogue Panel for the Southern Border Provinces”, The Peace Dialogue Panel for the Southern Border Provinces, 24 March 2023 [Thai].

²³ Crisis Group correspondence, BRN member, 10 April 2023.

²⁴ “Greeting of Aidilfitri Al-Mubarak”, BRN Information Department, 16 April 2023 [Malay]. Security forces also killed seven protesters with small arms fire at the scene. See Crisis Group Report, *Insurgency, Not Jihad*, op. cit., pp. 27-29.

²⁵ “Insurgents attack a government outpost in Yala Province”, Thai PBS World, 9 April 2023; “Security stepped up after attacks in South”, *Bangkok Post*, 15 April 2023.

Defence Corps volunteer on 9 April in Tak Bai. This offensive represents a reversion to an older pattern of violence, in which militants often intensified attacks during the last ten days of Ramadan, in the belief that acts performed on behalf of the Muslim community are especially meritorious when conducted during the holy month.²⁶

Yet on the heels of these attacks, the BRN military wing sent another equivocal signal. On 4 May, Abdul Karim of BRN's Information Department posted a video statement, acknowledging the talks' suspension pending the Thai general elections that would be taking place on 14 May. Despite "ebbs and flows", he observed that the dialogue remained "stable", expressing hope that it would soon resume. Interestingly, Abdul Karim left out his typical polemics against "Siam", while noting the success of peace processes elsewhere in the region – pointing to Mindanao (Philippines), in which Malaysia mediated, as well as Aceh in Indonesia, Timor Leste, and the Malaysian provinces of Sabah and Sarawak.²⁷

III. Pathologies of the Peace Dialogue

The incongruity between the fanfare around the March announcement of the JCPP and BRN's subsequent suspension of talks makes clear the distance between anodyne official statements and a process that struggled to make progress amid complaints, misunderstandings and misgivings.

A. BRN's Triple Bind

Even as its membership wrestles with what BRN's bottom-line goals should be, its negotiators must thread a needle in talks. BRN's negotiating team – comprised mostly of political wing members – has at least three competing imperatives. They are required to move the dialogue with Thailand forward, which inevitably involves making concessions; to keep the confidence of the military wing and the movement's supporters; and to accommodate Malaysia, which is not only the peace dialogue's facilitator but also BRN's de facto safe haven, as most of the group's leadership lives there in exile. Failure to balance these oft-conflicting demands raises the risk that the delegation could become isolated from rank-and-file members; or miss opportunities with its government interlocutors; or strain its most important external relationship. The first risk is probably the most dangerous for the group as a whole: should the delegation drift away from the membership, BRN could splinter, crippling the dialogue and leading to a resurgence of violence.

The BRN delegation's assent to language about seeking solutions "within the unitary Thai state and under its constitution", as stated in the General Principles, is a dilemma for the group. According to Anas, the head of BRN's delegation, the decision to pursue solutions under the Thai constitution is consistent with the General Consensus of 2013, which is still operative, and is based on the idea of power sharing. Moreover, he said, BRN has an obligation to help end twenty years of conflict, even if

²⁶ Rungrawee Chalermripinyorat, "Islam and the BRN's Armed Separatist Movement in Southern Thailand", *Small Wars & Insurgencies*, vol. 31, no. 6 (2021), pp. 18-19.

²⁷ "Statement of the BRN Information Department Regarding the BRN-RTG Peace Negotiation Process", op. cit.

it means sacrificing the group's goal of an independent state.²⁸ But some in BRN, particularly within the military wing, are vexed by what they see as a concession that goes to the core of why they have been fighting. Perhaps for this reason, there were rumblings prior to the sixth round that BRN was considering changes to its dialogue delegation roster.²⁹

Malay nationalist opinion in Patani is divided over the General Principles concession. Some believe that it may be prudent to accept autonomy or some other form of self-determination short of independence, at least in the near term, in view of global trends and the challenges of establishing a new country.³⁰ According to one Malay-Muslim woman activist, "I haven't heard of any strong reaction against the dialogue, and I know many are trying to push it forward".³¹ Others are confused and disappointed; some even feel betrayed. Still others are suspending judgment until they see what happens with the dialogue process.³² One way around this dilemma would be for BRN to provisionally set the issue aside, allowing public consultations to address the matter of what form self-determination should take. According to Anas, "It depends on what the people want. ... BRN is the intermediary for the people's aspirations".³³

Of course, BRN can also shape those aspirations by giving a sense of what goals it sees as being in reach. Confusion about the meaning of the General Principles and the dissension it seems to be causing in BRN is partly a function of the failure of its senior-most leaders to articulate the party's positions clearly and publicly.

Many observers are concerned, to varying degrees, that BRN could break apart, with some in the military wing rejecting dialogue in favour of an intensified campaign of violence in pursuit of independence.³⁴ BRN has seen splits in the past.³⁵ Even absent another, some anticipate an increase in militant attacks: "[The military wing] feel as if they've gained nothing from the talks. Meanwhile, they continue to lose fighters [in counter-insurgency operations]".³⁶ While BRN has declined in military capability over the past decade, it can still inflict damage. Worryingly, although BRN is able to avoid civilian casualties, it has also recently demonstrated its continuing willingness to perpetrate indiscriminate bombings.³⁷ The bombings call into question commit-

²⁸ Crisis Group interview, Anas Abdulrahman, head of BRN dialogue delegation, Malaysia, 20 January 2023.

²⁹ Crisis Group interviews, Malay-Muslim activist, Pattani, January 2023; BRN members, March 2023.

³⁰ Crisis Group interviews, Muhammad Aladi Dengni, chairman, Civil Society Assembly for Peace (Patani), Pattani, 21 January 2023; Phaison Daoh, associate professor, Faculty of Political Science, Prince of Songkhla University (Pattani Campus), Pattani, 22 January 2023.

³¹ Crisis Group interview, representative of Perwani, a Muslim women's charity, Yala, 24 January 2023.

³² Crisis Group interviews, Malay-Muslim activists, Pattani, January 2023.

³³ Crisis Group interview, Anas Abdulrahman, head of BRN dialogue delegation, Malaysia, 20 January 2023.

³⁴ Crisis Group interviews, Muslim woman human rights activist, Muslim women's welfare activists and Muslim political activist, Pattani, January 2023.

³⁵ BRN, founded in 1960, split into three factions in the early 1980s. Wan Kadir Che Man, *Muslim Separatism: The Moros of the Southern Philippines and the Malays of Southern Thailand* (Oxford, 1990), p. 99.

³⁶ Crisis Group interview, Muhammad Aladi Dengni, chairman, Civil Society Assembly for Peace (Patani), Pattani, 21 January 2023.

³⁷ On 22 November 2022, a vehicle-borne bomb exploded at a block of police apartments in Muang district, Narathiwat province, killing an officer and wounding at least eighteen civilians, including

ments that BRN has made with respect to abiding by international humanitarian law.³⁸ The uptick in attacks in April is a sign of the military wing's dissatisfaction with the dialogue process.³⁹

The public valorisation as martyrs of fighters killed in combat with security forces also suggests continued popular support for militants. For example, on 21 February, the same day that the dialogue's sixth round commenced in Kuala Lumpur, security forces killed a militant in Than To district, Yala province. The wanted man, suspected bomb-maker Ibrahim Salae, opened fire after being surrounded. His friends and family seized the corpse from a police ambulance to prepare for burying him as a martyr, or *shahid*. Officials on the scene allowed them to take the body rather than risk escalation.⁴⁰

Militant funerals are routinely broadcast on Facebook Live, often showing processions of hundreds, sometimes calling for *merdeka* or "independence", with youths rendering military salutes to the coffin. This phenomenon indicates the deep and passionate support that the militants enjoy, which could translate into backing for them if they opted to eschew dialogue so as to keep fighting for national liberation. The former director of the Southern Border Provinces Administrative Center, Thawee Sodsong, observed, "There is a rising spirit among the people. You can see it in the Saiburi gathering and the crowds at funerals. One dead [militant] breeds 100 more".⁴¹

Another source of tension in the dialogue is Malaysia's displeasure at having been excluded from the back-channel talks between the Thai government and BRN that started the formal process in January 2020.⁴² Malaysian officials have not registered their objection publicly or made it known to the Thai delegation.⁴³ Nevertheless, Malaysia has signalled to BRN that it regards this exclusion as an affront, given its role as facilitator, and is opposed to involvement by other international actors.⁴⁴

Some in BRN complain privately about what they see as a pattern of pressure from Kuala Lumpur to heed its guidance, including by abandoning the BRN-Bangkok back channel.⁴⁵ On 12 January 2022 – the same day that the third round of formal talks began – Malaysian authorities handed over to Thailand three Patani-Malays suspected of connections to BRN.⁴⁶ Some interpreted this move as a shot across BRN's bow, though Malaysian officials insisted that the timing of the handover was coincidental. Some also saw the above-referenced September murder of a BRN member first detained in Malaysia as a signal to BRN that it should not defy Kuala Lumpur.

ten women and three minors. "Police focus on 2 drivers of pickup used in car-bombing", *Bangkok Post*, 24 November 2022.

³⁸ In early 2020, BRN representatives signed the Deed of Commitment for the Protection of Children from the Effects of Armed Conflict following engagement with Geneva Call, a non-governmental organisation, on international humanitarian law. "Barisan Revolusi Nasional Melayu Patani commits to greater protection of children", Geneva Call, 19 March 2020.

³⁹ Crisis Group correspondence, BRN member, 10 April 2023.

⁴⁰ "Villagers seize body of slain Yala insurgent", *Thai Examiner*, 22 February 2023.

⁴¹ Crisis Group interview, Police Colonel (ret.) Thawee Sodsong, secretary general, Prachachart Party, Pattani, 22 January 2023.

⁴² Crisis Group Briefing, *Sustaining the Momentum*, op. cit., pp. 3-4, 16.

⁴³ Crisis Group interview, General Wanlop Rugsanaoh, head of Peace Dialogue Panel, Bangkok, 3 March 2023.

⁴⁴ Crisis Group interview, BRN members, March 2023.

⁴⁵ Crisis Group interview, BRN members, March 2023.

⁴⁶ Crisis Group Briefing, *Sustaining the Momentum*, op. cit., p. 5.

A Malay activist in Pattani said, “Last January, Malaysia sent back three men to Thailand. In September, they sent back a body”.⁴⁷ Such are the demands from Malaysia, one BRN member said, “The JCPP is an agreement between the Thais and Malaysians”.⁴⁸ General Zulkifli described the assertion that he coerced BRN into accepting the JCPP as “utter nonsense”.⁴⁹

What Malaysia may want from BRN and the dialogue process is unclear. One motive may be to reel in the insurgents when they refer to “international standards” in the peace process. By this phrase, BRN seems to mean that it would like to have foreign guarantors present at the talks.⁵⁰ Malaysia appears averse to participation by foreign officials (other than its own), experts or NGOs in the dialogue. It shares this view with some in Thailand, who see such foreign participation as internationalising the conflict.⁵¹

Some in southernmost Thailand suggest that Kuala Lumpur is not a disinterested party, not least because it must consider its larger relationship with Bangkok, which means it is ill suited to its role as de facto mediator.⁵² In January 2022, the chairman of a Muslim civil society organisation issued a letter addressed to the Malaysian consulate in Songkhla, noting that the facilitator “had not been able to ... [make] concrete progress to achieve a peace agreement” and asking that Malaysia “improve” its performance so that it accords with “international standards”. In this instance, “international standards” appears to refer to impartial, international mediation. Officials from the consulate subsequently admonished the activist to stop making such comments.⁵³

Malaysia ought not to dismiss such misgivings out of hand. Lack of confidence in the dialogue’s integrity within BRN and civil society could be fatal to the talks, especially if BRN’s military wing becomes further disaffected. Suspending talks for several months as BRN did is regrettable, but it may be preferable to persevering while the group is divided about how to proceed. Ideally, BRN will use the hiatus to resolve its internal differences and reach consensus on a dialogue strategy. Meanwhile, with a facilitator still new to the job, Malaysia and BRN have an opportunity to rectify the trust deficit that apparently afflicts the process.

⁴⁷ Crisis Group interview, activist, Pattani, January 2023.

⁴⁸ Crisis Group interview, BRN members, March 2023.

⁴⁹ Muzliza Mustafa and Nisha David, “Q&A with new southern Thailand peace broker: ‘This is about humanity’”, Benar News, 23 February 2023.

⁵⁰ There are five foreign experts, serving in their personal capacities, associated with the dialogue, with two meant to observe any given plenary meeting. Crisis Group Briefing, *Sustaining the Momentum*, op. cit., p. 5, footnote 18. There are no observers at technical team meetings.

⁵¹ Crisis Group interviews, Muhammad Aladi Dengni, chairman, Civil Society Assembly for Peace (Patani), Pattani, 21 January 2023; BRN members, March 2023. For Thailand’s concerns about internationalising the conflict, see Crisis Group Briefings, *No Traction*, op. cit., p. 15, and *Sustaining the Momentum*, op. cit., pp. 2, 9-10.

⁵² Crisis Group interviews, Muhammad Aladi Dengni, chairman, Civil Society Assembly for Peace (Patani), Pattani, 21 January 2023; Police Colonel (ret.) Thawee Sodsong, secretary general, Pra-chachart Party, Pattani, 22 January 2023; Ishak Latih, deputy, Provincial Islamic Council of Pattani, Pattani, 25 January 2023; BRN members, March 2023.

⁵³ Muhammad Aladi Dengni, “Subject: Asking Malaysia to be a facilitator in the Patani Peace Dialogue Process in accordance with international standards and genuine respect for the dignity of the Patani people”, 28 January 2022. On file with Crisis Group. Crisis Group interview, Muhammad Aladi Dengni, chairman, Civil Society Assembly for Peace (Patani), Pattani, 21 January 2023.

B. *The Thai Security State's Insecurity*

Although the Thai government has endorsed the need for consultation with the public about the southernmost provinces' political future, the prospect of genuinely participatory discussions poses enormous challenges to Thai officialdom. Thai politics have been tumultuous for eighteen years, largely due to concerted efforts by conservative institutions, principally the army and bureaucracy, to preserve the status quo in the face of popular demands for a more pluralistic order.⁵⁴ At the national level, the space for free expression shrank dramatically after the 2014 coup; since the pro-democracy protests of mid-2020, at least 1,910 people have been charged or prosecuted for alleged offences related to political participation and protest.⁵⁵ The 14 May vote reflected an emphatic rejection of military rule and a desire for sweeping, structural change to Thailand's economy and politics.

Senior Thai officials working on the dialogue contend that public consultation will proceed, but others concede that the bureaucracy's intolerance of dissent will make it difficult to hold frank discussions of alternative political futures in the southernmost provinces.⁵⁶ The apparent lack of appetite for public engagement suggests a corresponding lack of confidence that participants will speak in favour of the status quo. Since 2005, the region has been subject to special security laws that have offered impunity to security forces for well-documented human rights abuses, including arbitrary detention, enforced disappearance, torture and extrajudicial killings for which no official has been held accountable.⁵⁷ According to Thawee Sodsong, a former senior police officer and secretary general of the Prachart Party, in the deep south,

⁵⁴ Crisis Group Asia Report N°309, *COVID-19 and a Possible Political Reckoning in Thailand*, 4 August 2020. Since 2006, Thailand has experienced two military coups (2006, 2014); two general elections annulled by the courts (2006, 2014); three elected prime ministers removed by the courts (2008, 2009, 2014); six rounds of mass protest (2006, 2008, 2009, 2010, 2013-2014, 2020-2021); a deadly army crackdown on protesters (2010); six years of direct military rule (2006-2007, 2014-2019); two constitutions abrogated (the 1997 charter in 2006 and the 2007 one in 2014) and two "permanent" constitutions enacted (2007, 2017); an unfair constitutional referendum (2016); and an unfair general election (2019).

⁵⁵ This number includes at least 246 individuals charged under the lèse-majesté law (Section 112 of the Criminal Code) and at least 130 charged with sedition lodged under Section 116. Of those charged, 1,392 are men, 444 are women and 62 are LGBTQI+. Crisis Group correspondence, Thailand Lawyers for Human Rights staff, May 2023.

⁵⁶ Crisis Group interviews, Thai officials, Bangkok, March-April 2023; Crisis Group telephone interview, analyst, April 2023.

⁵⁷ Sunai Pasuk, "Prioritize rights, justice in southern Thailand peace efforts", Human Rights Watch, 21 January 2022. Three special security laws are imposed in all or part of the southernmost provinces: martial law, the Emergency Decree on Public Administration in Emergency Situations of 2005 and the Internal Security Act of 2008. The emergency decree took effect on 19 July 2005 in Narathiwat, Pattani and Yala and has been renewed by the cabinet every three months since. Section 17 of the emergency decree grants law enforcement officers immunity from prosecution for any action committed in the line of duty. It is currently in force in all districts in the southernmost provinces save Sri Sakhon, Sukhirin, Sungai Kolok and Waeng in Narathiwat; Mayo, Mae Lan, Mai Kaen and Yaring in Pattani; and Betong and Kabang in Yala. Martial law allows authorities to detain suspects for up to seven days without charges. Combined with the emergency decree, it permits them to extend the detention period to 37 days. Crisis Group Briefing, *Sustaining the Momentum*, op. cit., p. 14.

“National security and the security of local people are often at odds”.⁵⁸ Many in the security establishment continue to harbour doubts about talking with BRN, preferring a combination of law enforcement, amnesties and economic incentives as means of ending the conflict.⁵⁹

Bangkok's response to two recent gatherings of Malay youth illustrates the state's discomposure in the face of expressions of Patani-Malay identity. On 4 May 2022, several thousand young Malay Muslim men assembled at Wasukri Beach, Saiburi district, Pattani, to celebrate Hari Raya and take an oath to defend Patani-Malay culture. The event was organised principally by the Civil Society Assembly for Peace (CAP), an umbrella group of Muslim civil society organisations, and brought together youth associations from villages across the southernmost provinces. Wearing traditional Malay dress, the young men vowed to “eliminate all forms of oppression” and “to be loyal to religion, nation and the homeland for the sake of unity”. Organisers said more than 10,000 participated, though this estimate is likely inflated. Video of the event shows a BRN flag, a proscribed symbol of independence and armed rebellion, waving among several others representing various village youth organisations.⁶⁰ On 10 May, young Malay-Muslim women's associations, led by CAP Women and Children, held a similar event in Narathiwat province, attracting several thousand participants in traditional dress to honour their Patani-Malay identity; they did not recite an oath.⁶¹

These events caught authorities off guard. According to a local elected official, the Saiburi gathering caused officials “to freak out”.⁶² The images of Malay-Muslim youth pledging to defend Patani identity offered Thai bureaucrats a preview of the potential tenor of public consultation that they would not have found reassuring. The organisers were not prosecuted – the Pattani provincial police chief, a Muslim, declined to press charges – but security officers have been warning them to curtail their activism and pressuring local officials to bar them from convening events in their localities.⁶³ The women's gathering on 10 May does not appear to have generated the same degree of anxiety among Thai officials.⁶⁴ In April 2023, organisers held these gatherings for a second consecutive year, but only after agreeing with military authorities on ground

⁵⁸ Crisis Group interview, Police Colonel (ret.) Thawee Sodsong, secretary general, Prachachart Party, Pattani, 22 January 2023.

⁵⁹ Crisis Group interviews, senior military officer, Yala, January 2023; security officials, Bangkok, March 2023.

⁶⁰ Video of the event is available at the Wartani Facebook page, 5 May 2022. Wartani is a local media outlet.

⁶¹ Crisis Group correspondence, analyst, Pattani, May 2023. See also “It's time for ‘young women – pemudi’ to wear Malay dress”, Isra South News Centre, 10 May 2022 [Thai].

⁶² Crisis Group interview, local elected official, Pattani, January 2023.

⁶³ Crisis Group interviews, Muhammad Aladi Dengni, chairman, Civil Society Assembly for Peace (Patani), Pattani, 21 January 2023; Muslim academic, Pattani, January 2023. The commander of the Pattani Provincial Police was transferred from his job in December 2022 after failing to press charges against the Saiburi event organisers for minor offences. “Revealing the background of the security-case policy; ‘boss’ orders to charge even without evidence!”, Isra South News Centre, 10 January 2023 [Thai].

⁶⁴ Crisis Group correspondence, analyst, Pattani, May 2023.

rules, including a prohibition on “display of any symbols that might negatively impact security”.⁶⁵

Meantime, the constricted space for discourse about the conflict means that local people are largely disconnected from the peace process. Referring to the talks, a Muslim politician lamented that “there is no popular or grassroots element driving the dialogue”.⁶⁶ “The dialogue doesn’t touch the experience of villagers. ... It’s like something parallel to reality”, added a human rights activist.⁶⁷ If a durable resolution to the conflict rests in part on the extent to which local people’s political aspirations are realised, then the talks’ success requires greater engagement with the public.

IV. What to Do When Talks Resume

The latest Thai elections may have a direct impact on the dialogue, including the government delegation’s composition and its approach to seeking a political settlement. In general terms, the elections pitted parties led by those associated with the 2014 coup and their supporters against parties that oppose the military’s outsized role in politics. The popular vote was a thumping defeat for the conservative establishment and an undeniable triumph for the progressive Move Forward Party, which campaigned on removing the military from politics, ending conscription, rewriting the constitution, decentralising political authority and dismantling monopolies.⁶⁸ But the 2017 Thai constitution stipulates that the prime minister is elected by a joint session of the lower and upper houses, the latter comprising 250 junta-appointed senators, so it is unclear who will form the next government.⁶⁹

The Prachachart Party, a regional party in the deep south with links to the opposition Pheu Thai Party, increased its seats from six to nine, and will be a part of any coalition government formed by either Move Forward or Pheu Thai.⁷⁰ The party’s secretary general, Thawee Sodsong, is widely regarded as having a sound grasp of the

⁶⁵ A message posted on Facebook warned of a bombing at the site of the men’s event on 24 April, which some observers interpreted as a clumsy “information operation” by the Thai military to disrupt the event. Crisis Group correspondence, analyst, Pattani, 1 May 2023.

⁶⁶ Crisis Group interview, Abdulkahar Awaeputeh, lawyer, Bhumjaitai Party, Pattani, 23 January 2023.

⁶⁷ Crisis Group interview, Anchana Heemina, Duayjai Group, Pattani, 19 January 2023.

⁶⁸ The Move Forward Party won 152 of 500 seats, including all but one of Bangkok’s 33 constituencies. The Pheu Thai Party, previously the largest opposition party, won 141 seats and has pledged to support Move Forward. The coalition needs 376 seats to overcome the presumed Senate vote for a prime minister other than Move Forward leader Pita Limjaroenrat. As of 20 May, the opposition coalition has 314 votes. The new United Thai Nation Party of incumbent prime minister, Prayuth Chan-ocha, won 36 seats, and the Palang Pracharat Party of caretaker deputy prime minister, Prawit Wongsuwan, won 41 seats.

⁶⁹ The Election Commission must certify results by 13 July. The first session of the lower house to elect a speaker will take place within fifteen days of election certification. A joint parliamentary session to elect a prime minister will take place in August at the earliest. It is possible that Move Forward’s prime minister candidate, Pita Limjaroenrat, could be disqualified, pending results of an Election Commission inquiry into allegations that he illegally held shares in a media company. “EC looking into Pita’s shareholdings”, *Bangkok Post*, 22 May 2023.

⁷⁰ In Pattani, Romadon Panjor of the Move Forward Party won a party-list seat. Kannavee Seubsang of the Fair Party, a new regional party that addressed peace dialogue in its platform, also won a party-list seat and joined the Move Forward Party’s prospective coalition.

issues in the deep south and the respect of Malay-Muslim leaders. Some hope that Thawee and former National Security Council Director Paradorn Pattanabutr would be appointed to positions overseeing the dialogue.⁷¹ Prachachart joined Move Forward, Pheu Thai and six other parties in issuing a memorandum of understanding, which listed among its policy priorities: “Collaborate on the process of building sustainable peace in the southern border provinces, considering human rights, coexistence in a multicultural society, participation of all sectors, and reviewing the missions of agencies and laws related to security”.⁷²

Specifics will have to await the government’s composition and take into account the disposition of the conflict parties. But, at the appropriate time, there are a number of structural and procedural changes that could enhance the dialogue’s chances of success.

A. *Structure and Process*

Both BRN and the government can take certain steps to improve structural and procedural aspects of the dialogue. Key recommendations include:

Balance representation in BRN’s delegation. Divisions between BRN’s military and political wings are an obstacle to progress in the dialogue and threatens to undermine the peace process. BRN should appoint military-wing representatives to its negotiating team to increase the odds that fighters buy in to the talks.⁷³

Arrange more direct engagement from BRN’s senior leadership in the dialogue. After twenty years of violence, BRN risks fumbling the dialogue for lack of clear policy direction from its senior-most leadership, which currently takes the form of a three-man council.⁷⁴ This lack of engagement allows internal divisions to fester and sows doubt in the Thai camp about BRN’s cohesion. Greater participation by this senior troika would demonstrate the party’s commitment to talks and help close any rift between the political and military wings.

Articulate a vision. For a party that claims a right to rule, BRN has been vague about how it would like to see Patani governed. Certainly, public consultation can help in this endeavour, but BRN should communicate a clear political platform, which it has historically lacked. Among other things this would help demonstrate its commitment to moving away from violent resistance, which it has often used in a manner divorced from concrete political ends.

Allow for flexible arrangements and informal contact. Both the BRN and Thai government delegations have attested to the value of maintaining the back channel for informal communication, without which the formal dialogue would not have come to pass. According to BRN delegation head Anas, “It is common for any peace

⁷¹ Crisis Group interviews, Romadon Panjor, Move Forward Party, Pattani, 19 January 2023; Zahari Ishak, The Motive, Bicara Patani, Pattani, 19 January 2023; Muhammad Aladi Dengni, chairman, Civil Society Assembly for Peace (Patani), Pattani, 21 January 2023.

⁷² “Memorandum of Understanding for the formation of a government”, 22 May 2023.

⁷³ At the fourth round of talks, a member of BRN’s military wing, Deng Awaeji, was present at the negotiating table for the first time. Crisis Group Briefing, *Sustaining the Momentum*, op. cit., p. 6.

⁷⁴ Private security consultancy report, April 2023. On file with Crisis Group.

process to have a back channel. It is nothing special”.⁷⁵ “We still need something like [the back channel]”, Wanlop, the Thai panel chief, concurred. “It is still useful. If there is only one channel, there may be obstacles”.⁷⁶ Among other things, the parties need a way to discuss issues informally outside the media glare and fault-finding scrutiny of the dialogue’s critics.⁷⁷ It is the conflict parties’ prerogative to make such contacts; Kuala Lumpur should respect their preferences.

Establish a parliamentary committee to monitor the dialogue. Dialogue could continue for some time. Empowering parliament to exercise oversight of the dialogue will give the process a more democratic character by engaging elected MPs nationwide and will help check the military’s tendency to dominate matters of internal security. A parliamentary committee may also be able to help promote continuity of effort between governments as a repository of information and expertise. Eventually, it should facilitate enactment of legislation necessary to implement a peace agreement. It could also offer an avenue for greater exchange between Thai and Malaysian lawmakers, helping strengthen bilateral ties that should benefit the dialogue. Thailand’s next government should push to form such a committee early in its tenure to demonstrate its commitment to the dialogue.

Ensure that the dialogue is inclusive. The General Principles specify the need for inclusivity in the talks. Chief facilitator General Zulkifli raised this issue after the sixth round, noting that BRN had agreed in principle to including PULO and other groups.⁷⁸ In discussions with PULO in 2022, BRN proposed two positions on the technical team.⁷⁹ Given evident tensions within BRN, the details of how and when other groups should be incorporated need to be handled with finesse. One option is for representatives of the separatist Patani diaspora to form a working group to engage in the proposed public consultation hearings. But PULO and other separatist fronts should not be excluded, particularly given the risk that they might otherwise sabotage the process.

B. *Public Consultation*

According to the General Principles, the parties are meant to consult with the public on an itemised range of issues. These include: form of governance; recognition of Patani community identities; human rights, justice and legal matters; economics and development; education; culture; and safety and security. The failure to effectively engage local people in the peace process is, according to many interlocutors in the deep south, a conspicuous shortcoming of the dialogue thus far. Against this backdrop, the parties should take the following steps.

⁷⁵ Crisis Group interview, Anas Abdulrahman, head of BRN dialogue delegation, Malaysia, 20 January 2023.

⁷⁶ Crisis Group interview, General Wanlop Rugsanaoh, head of Peace Dialogue Panel, Bangkok, 3 March 2023.

⁷⁷ Crisis Group interviews, Buddhist woman village head, Pattani, January 2023; Police Colonel (ret.) Thawee Sodsong, secretary general, Prachachart Party, Pattani, 22 January 2023.

⁷⁸ Muzliza Mustafa and Nisha David, “Malaysian facilitator: BRN agrees to other Thai deep south groups in talks”, Benar News, 22 February 2023.

⁷⁹ Crisis Group interview, Anas Abdulrahman, head of BRN dialogue delegation, Malaysia, 20 January 2023.

Commit to conducting public consultation in the southernmost provinces, at the earliest. That public consultation be conducted “within the area” is already stipulated in the General Principles.⁸⁰ But, as noted, Thai authorities may be tempted to avoid the awkward and inflammatory episodes that might well arise in the course of discussions of reforming the political order. Some officials and activists have mooted alternatives, such as meetings in Malaysia or opinion surveys.⁸¹ But neither is fully satisfactory. Civil society organisation representatives have met with separatists in Malaysia, under Malaysian government auspices, but such meetings are no substitute for discussions in Thailand.⁸² As for a survey, many in the deep south, Buddhists and Muslims alike, want BRN representatives to answer questions face to face with the public.⁸³ BRN wants this interaction as well: its delegation insists that its access to the public be on par with the Thai government's.⁸⁴

Provide BRN members with the necessary legal protections to conduct public consultations in Thailand. Many BRN members in exile are liable to be arrested on pending charges against them in Thailand. Legal protections for BRN representatives are a precondition for equitable and productive public consultations. Providing such protections is a challenge for the Thai justice ministry, but it is by no means an insurmountable obstacle. Thai delegation chief General Wanlop himself argued there is no reason Thailand cannot issue the necessary protections for BRN to conduct public consultations in the southernmost provinces.⁸⁵

Allow third-party moderation/monitoring of public consultations. Another temptation for Thai officials may be to conduct a few tightly controlled public consultations with carefully vetted participants in what would be a simulation of genuine exchange. It would be a mistake to do such a thing. First, they would lose an opportunity to build trust with residents of the deep south. Secondly, they could reinforce perceptions among locals that the Thai state is not serious about exploring political solutions. Instead, the parties should agree to bring in as moderators respected third parties – individuals, non-governmental organisations, institutions or even foreign

⁸⁰ “Both Parties will seek to establish a safe and inclusive mechanism for the public consultation within the area, based on the principles of dignity, safety, and freedom of expression, which will reflect the opinions and needs of all people in the area, regardless of ethnicity and religion. In this regard, appropriate safety and security measures will be provided to designated BRN representatives to participate in the mentioned consultation”. “General Principles of the Peace Dialogue Process”, 31 March 2022.

⁸¹ Crisis Group interviews, Buddhist woman village head; Buddhist woman activist, Pattani, January 2023.

⁸² Thai civil society representatives met to exchange views with BRN delegation members in Penang, Malaysia, under the auspices of Malaysian Special Branch, in December 2022.

⁸³ Crisis Group interviews, Buddhist woman village head, Pattani; Malay-Muslim journalist, Pattani, January 2023.

⁸⁴ Crisis Group interview, Anas Abdulrahman, head of BRN dialogue delegation, Malaysia, 20 January 2023.

⁸⁵ Crisis Group interview, General Wanlop Rugsanaoh, head of Peace Dialogue Panel, Bangkok, 3 March 2023. In 2018, the Thai delegation had provisionally approved a “safe house” to allow members of MARA Patani, an umbrella group of separatist fronts with which Bangkok was then in talks, to stay temporarily in Thailand to monitor proposed safety zones. Thapanee Ietsrichai, “Safe house to open as a safety zone coordination centre”, Deep South Watch, 24 February 2018 [Thai].

actors. Third-party involvement may be the best way to ensure that people in the southernmost provinces see the process as credible and fair, which will improve the prospects for buy-in to political solutions based on local preferences.

Ensure inclusive public hearings. People in the southernmost provinces have sufficient interest in the peace process, and sufficient appetite for articulating political views, that encouraging participation in public consultations by a representative sample should not be difficult. That said, authorities should ensure that participation reflects the ethnic, religious, age, class and occupational diversity of the region's population. Organisers should provide avenues for women's participation in these hearings.

Allow greater freedom of expression. While some Buddhist activists, academics and local officials believe there is greater openness and freedom to express political views than in years past, this sentiment is not generally shared by their Malay-Muslim counterparts. State use of informants is widespread, increasing feelings of insecurity in Malay-Muslim villages, where dissenters risk being labelled as agitators.⁸⁶ Without confidence that one can express one's views freely, the public consultations will fall short of their potential to accurately reflect local political preferences. The Thai government should clearly convey to the public, and ensure, that views expressed in public consultations will not result in harassment or legal jeopardy.

V. Conclusion

Thailand's peace dialogue has arrived at an ambiguous juncture, with developments both worrying and promising. On one hand, talks are in abeyance and violence is rising. On the other hand, the election of a new Thai government and appointment of a new Malaysian facilitator offers an opportunity for a fresh approach to the stalled dialogue. For its part, BRN should use the pause in talks occasioned by its own decision to step back and Thailand's interregnum to bolster internal consensus about its political objectives and the role that dialogue can play in advancing those aims. Bangkok should also remain alert to the constraints imposed on BRN's delegation by its military wing and the risks of splintering, which would do significant damage to the talks. The next Thai government should quickly resume dialogue as a way of signalling its commitment to resolving the country's most acute security issue.

The public also needs to have a greater role in the process. The onus is on Bangkok to create conditions for public consultations that are open, equitable, inclusive and candid. The fundamental goal identified in the dialogue's General Principles – of reaching political solutions “in accord with the will of the Patani community” – demands a credible process of public consultation. The ultimate success of any deal the parties are able to strike could well depend on it.

Bangkok/Brussels, 25 May 2023

⁸⁶ Crisis Group interview, Phaison Daoh, associate professor, Faculty of Political Science, Prince of Songkhla University (Pattani Campus), Pattani, 22 January 2023.



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