



Southern Thailand's Peace Dialogue: No Traction

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I. Overview

The peace dialogue between Thailand's military government and some Malay-Muslim separatist leaders in exile has foundered. Coordinated bombings in August on tourist areas outside the customary conflict zone in the deep south bear the hallmarks of the separatists and indicate that the government's approach of containing the insurgency is not working. The National Council for Peace and Order (NCPO), which seized power in the 2014 coup, professes to support dialogue to end the insurgency but avoids commitment, and the prime minister has questioned the talks. The main insurgent group has rejected the process, and the number of fighters the umbrella entity set up to negotiate in 2015 controls is unknown. A decentralised political system could help resolve the conflict by giving respect to Malay-Muslim identity and aspirations while preserving the unitary state, but a pernicious stalemate prevails, with both state and militants preferring hostilities to compromise. The August bombings in the upper south should encourage the government to seek talks for a comprehensive settlement.

Since seizing power, the NCPO has been preoccupied with running a politically divided country slipping toward the uncertainties of the approaching end of King Bhumibol Adulyadej's seven-decade reign. Though the army opposed the dialogue process when it began under Prime Minister Yingluck Shinawatra's government in 2013, the NCPO pledged to restart talks and invited Malaysia to resume facilitation. However, the NCPO appears caught between the imperative of talking to show locals and the international community that it does the right thing and an abiding fear that dialogue will legitimise the separatists and pave the way for international intervention and eventual partition.

In March 2016, after two plenaries and three rounds of technical talks, the NCPO's dialogue team and the MARA Patani – the Majlis Syura Patani (Patani Consultative Council) umbrella body established in 2015 to negotiate with Bangkok – reached preliminary agreement on an eight-point Terms of Reference (ToR) that would open the way for official talks. But the next month, the army abruptly transferred the secretary for the Thai dialogue team, who had led efforts on the ToR. At a 27 April meeting in Kuala Lumpur, the Thai team declined to sign, saying it needed to review the document, and questioned MARA Patani's standing to engage in official talks. Despite a further meeting on 2 September, dialogue remains at a preliminary, unofficial stage.

The NCPO's preferred approach has more to do with convincing militants to surrender than achieving a settlement with leaders in exile. It has suppressed political engagement countrywide, suspending elections and curtailing civil liberties, while seeking to establish a foundation for long-term control after the general election promised for late 2017. Its argument that rebels should give up violence and work for peaceful change rings hollow, since it allows no political activity. With local civil society increasingly stifled, prospects for bringing popular pressure to bear for genuine dialogue are slim.

Serious talks are also hindered by the militants' disunity and parochialism. While proponents of the dialogue argue that other factions will join once the process gains momentum, many observers doubt MARA Patani currently can speak for a critical mass of fighters. Professed members of the main insurgent group, the Barisan Revolusi Nasional Melayu Patani (Patani-Malay National Revolutionary Front, BRN), hold leading positions in MARA Patani, but do not have the sanction of the group's leadership. BRN has questioned NCPO sincerity and emphatically rejected talks without foreign observers, a stipulation that stokes the regime's fears of internationalisation. There are no indications that Islamic State (IS) or proponents of its global jihadist ideology have made inroads with Thailand's ethno-nationalist Malay militants.

Divisions and capacity constraints pose major challenges but are a less immediate obstacle than lack of determination to negotiate a settlement. The NCPO appears interested primarily in mere semblance of dialogue and opposed to any solution involving devolution of political power. BRN has not advanced a political platform that could serve as a basis for talks. MARA Patani has yet to demonstrate an ability to influence events on the ground. The stalemate is insufficiently painful to induce the parties to seek a negotiated end to the conflict with a sense of urgency. The 11-12 August bombings indicate the militants' capacity to inflict greater damage on lives, property and the economy, however. The government should recognise this threat and reconsider its approach to dialogue. The militants should recognise that a wider conflict and continued targeting of tourist areas is likely to bring an uncompromising military response from Bangkok and international opprobrium.

II. The Second Dialogue Process

The ethno-nationalist insurgency stems from the region's 1902 incorporation into Siam.¹ Beginning in the 1960s, but dormant for most of the 1990s, when BRN, the major militant group, was building a clandestine network in the southernmost provinces, it re-emerged with new vigour in 2004. Since then, more than 6,670 have

¹ For earlier Crisis Group work, see Asia Reports N°s 270, *Southern Thailand: Dialogue in Doubt*, 8 July 2015; 241, *Thailand: The Evolving Conflict in the South*, 11 December 2012; 181, *Southern Thailand: Moving Towards Political Solutions?*, 8 December 2009; 170, *Recruiting Militants in Southern Thailand*, 22 June 2009; 140, *Southern Thailand: The Problem with Paramilitaries*, 23 October 2007; 129, *Southern Thailand: The Impact of the Coup*, 15 March 2007; 105, *Thailand's Emergency Decree: No Solution*, 18 November 2005; 98, *Southern Thailand: Insurgency, Not Jihad*, 18 May 2005; and Briefings N°s 113, *Stalemate in Southern Thailand*, 3 November 2010; 80, *Thailand: Political Turmoil and the Southern Insurgency*, 28 August 2008.

been killed and 12,231 wounded; some 6,000 children have lost a parent and 3,000 women been widowed.²

BRN and other Malay nationalist movements cast their struggle as one of self-determination and liberation from Thai rule. BRN recruitment appeals emphasise the discrepancy between an idealised, prosperous and pious past with what they portray as present degradation and injustice resulting from Thai subjugation.³ Support is hard to measure, but the insurgents' ability to sustain operations over twelve years in the face of determined countermeasures is telling. While Bangkok has eschewed overtly assimilationist policies since the 1980s, BRN continues to harness disaffection arising from the rigid emphasis on Thai identity at the expense of Malay identity. Its aims are above all local and nationalist. It has spurned foreign jihadist efforts to establish links, and there is no evidence of such presence in the deep south.⁴

A. *Legacy of the Kuala Lumpur Process*

The dialogue process the NCPO military government initiated is a legacy of the Yingluck Shinawatra government (2011-2014). On 28 February 2013, in Kuala Lumpur, its representatives, identified as Party A, and BRN, then recognised as Party B, signed a "General Consensus on Peace Dialogue Process", inaugurating the first official talks between Bangkok and Malay-Muslim separatists. Malaysia facilitated via Datuk Seri Ahmad Zamzamin Hashim, ex-director general of the prime minister's department.⁵ This dialogue collapsed after three plenaries amid disarray on both sides and political turmoil in Bangkok that preceded the May 2014 coup. But it was also a breakthrough: Bangkok's first public acknowledgement of the need to negotiate an end to the conflict with "those with different views and ideologies from the state who use violence".⁶

² Casualty figures are for January 2004-June 2016 and from Deep South Watch's Incident Database. Some violence is from common criminality, not insurgency, but determination is often hard. "Children, women, bear toll of violence in Thailand's Deep South", Benar News, 4 January 2016. The provinces involved are Narathiwat, Pattani, Songkhla and Yala, which are referred to in this briefing alternatively as the "southernmost provinces" or the "deep south". The conflict zone includes four south-eastern districts of Songkhla – Chana, Na Thawi, Saba Yoi and Thepa – and the three other provinces. The conflict zone's population is roughly 1.8 million, about 80 per cent Malay Muslim, the remainder mostly Thai or Sino-Thai Buddhists. "Pattani" with two "t's" is a transliteration of the province name. "Patani" refers to the pre-annexation sultanate, corresponding roughly to the conflict zone.

³ อาทิตย์ เทียนศิริ, "การปลูกฝังความคิดทางการเมืองของผู้ก่อความไม่สงบในสามจังหวัดชายแดนภาคใต้: ศึกษาเฉพาะกรณีจังหวัดนราธิวาส" [Arthit Teansiri, "Political Indoctrination of Delinquents in the Three Southern Border Provinces: A Case Study of Narathiwat Province"], MA thesis, Sukhothaimatirat University (2008); Sascha Helbardt, *Deciphering Southern Thailand's Violence* (Singapore, 2015), pp. 115-118.

⁴ Crisis Group interviews, MARA Patani member Abu Hafez Al-Hakim, Kota Bharu (Malaysia), senior army officer, March 2016; intelligence officer, April 2016; PULO member, BRN member, June 2016. Crisis Group Report, *Insurgency*, op. cit., pp. 1, 32, 37-38.

⁵ Crisis Group Report, *Dialogue in Doubt*, op. cit., p. 8.

⁶ "National Security Policy for Development and Administration of the Southern Border Provinces, 2012-2014", Office of the National Security Council. This policy remains in effect pending National Legislative Assembly approval of a new one. The army has held secret, unofficial talks with separatist groups since the 1970s, usually as intelligence exercises or to induce surrenders. In 2006,

Another outcome of this process was that BRN issued five conditions for continuing talks: Malaysia must mediate, not just facilitate; the Thai state must recognise the talks as between it and Patani Malays, represented solely by BRN; the Association of South East Asian Nations, the Organisation for Islamic Cooperation (OIC) and non-governmental organisations (NGOs) must observe; the state must release all insurgent suspects and revoke all arrest warrants; and it must recognise BRN as an independence, rather than separatist movement.⁷

In spite of the army's well-advertised opposition to the Kuala Lumpur process, the NCPO, headed by General and Prime Minister Prayuth Chan-ocha, publicly committed to a second dialogue process.⁸ On 26 November 2014, Prayuth issued Prime Minister's Order 230/2557 establishing a three-level dialogue mechanism: at the policy level, the Steering Committee for Peace Dialogue, chaired by him; a peace dialogue delegation, headed by General Aksara Kerdpol; and at the local level, an interagency coordination working group, headed by the commander of the 4th Army Region, Lieutenant General Wiwat Pathompak.⁹ The order authorises the dialogue panel to hold official talks with "those who think differently".¹⁰ The NCPO set out three phases of dialogue: confidence building, an agreement, and a roadmap for its implementation.

B. *Re-starting Preliminary Talks*

The second dialogue process started in Prayuth's 1 December 2014 meeting with Prime Minister Najib Razak, when he asked that Malaysia again facilitate. In March 2015, militant-group representatives established the MARA Patani for united participation in talks with Bangkok. It nominally brings together five groups: BRN, Barisan Islam Pembebasan Patani (Islamic Liberation Front of Patani, BIPP), two factions of the Patani United Liberation Organisation (PULO), and Gerakan Mujahidin Islam Patani (Patani Islamic Mujahidin Movement, GMIP).¹¹ MARA's leaders are senior figures

an international NGO received approval to facilitate dialogue with militants, but the process was undermined by disunity on both sides.

⁷ Crisis Group Report, *Dialogue in Doubt*, op. cit., pp. 6-7. After the Yingluck government determined in October 2013 that the conditions did not conflict with the constitution and could be discussed with the BRN, it faced seven months of anti-government protests in Bangkok. See also Duncan McCargo, "Southern Thailand: From Conflict to Negotiations?" The Lowy Institute, April 2014.

⁸ The NCPO reportedly recognised that locals supported peace dialogue, so retained it as policy to bolster its popularity. Crisis Group interview, senior police officer, Bangkok, April 2016.

⁹ The Steering Committee also includes the army chief, justice ministry permanent secretary, and directors of the National Intelligence Agency, National Security Council and Southern Border Provinces Administration Centre (SBPAC). The 4th Army Region, headquartered in Nakorn Sri Thammarat, is responsible for the fourteen southern provinces of peninsular Thailand. The 1st, 2nd, and 3rd Army Regions cover the centre, north east and north.

¹⁰ "คำสั่งสำนักนายกรัฐมนตรีที่ 230/2557 เรื่อง การจัดตั้งกลไก ขับเคลื่อนกระบวนการพูดคุย เพื่อสันติสุขจังหวัดชายแดนภาคใต้" [Prime Minister's Office Order 230/2014, "Establishment of a Mechanism for Peace Dialogue for the Southern Border Provinces"].

¹¹ The PULO factions in MARA Patani are PULO-MKP (Majlis Kepimpinan Pertubuhan, Party Leadership Council) headed by Kasturi Makhota, and PULO-DSPP (Dewan Syura Pimpinan Pertubuhan, Consultative Council Leadership Party) headed by Noor Abdurahman. A third, PULO-4P (Pertubuhan Persatuan Pembebasan Patani, Patani United Liberation Organisation) headed by Samsudin Khan, did not sign the founding agreement and withdrew in June 2015. Little is known about GMIP, which appears not to have conducted operations since the early 2000s. A recent

with long ties to the separatist movement who have been in exile, often for decades and mostly in Malaysia.

The top positions are held by professed BRN members – Awang Jabat is chairman, Shukri Hari delegation chief and Ahmad Chuwo a steering committee member. However, that group's senior leaders have not endorsed their participation. Movement sources say these MARA delegates were senior BRN figures but were suspended after violating its code of secrecy to participate in the dialogue. They may keep unofficial links to BRN and followers in the region, but their participation in MARA is free-lance.¹² The other MARA groups are not known to command significant numbers of fighters. Supporters have played this down, arguing that as the process shows progress, BRN will eventually join.¹³

The sides convened for a low-key introduction on 8 April 2015 in Kuala Lumpur. At the first “unofficial meeting” of the Joint Working Group (JWG)-Peace Dialogue Process on 8 June, Aksara, the Thai delegation head, proposed creating safety zones in which the militants would cease attacks. MARA said these could only be discussed after an agreement to begin official talks.

At the second JWG meeting, 25 August, each side tabled three proposals. MARA Patani demanded, as preconditions for an official process, that the government acknowledge it as Party B, rather than merely “those who have different views from the state”; the legislature endorse the process, thus making it part of the “national agenda”, to ensure continuity; and MARA members receive immunity from prosecution to facilitate visits to Thailand.¹⁴ The Thai delegation proposed to identify priority areas for development to improve life quality; mutually determine safety zones; and ensure equal access to the judicial process. These are standard formulations of NCPO policy for resolving the region's problems, but, a Malay-Muslim noted, development, security and justice are existing governmental responsibilities, so not

survey of 1,559 people in the region found that 55.1 per cent of respondents had heard of PULO and 48 per cent of BRN, but only 6.5 per cent of BIPP. “งานแถลงข่าว รายงานผลการสำรวจความคิดเห็นของประชาชนต่อกระบวนการสันติภาพในจังหวัดชายแดนภาคใต้ ครั้งที่ 1” [“Peace Survey, Results 1st Survey on Opinions of the People on the Peace Dialogue Process in the Southern Border Provinces”], press release, Centre for Study of Conflict and Cultural Diversity, May 2016, p. 7. A consortium of fifteen Thai research organisations did the survey.

¹² Awang Jabat was present at the signing of the General Consensus in February 2013 but was then dropped from the BRN delegation. Shukri Hari and Ahmad Chuwo taught at the Thammawitaya Mulinithi School in Yala. Shukri fled Thailand in 2007 after being indicted for a security offence and receiving bail. Secrecy is a defining BRN characteristic: experience persuaded its leaders that public exposure and security are incompatible. Crisis Group interviews (all 2016), BRN member, PULO member, June; MARA Patani member, Kota Bharu, March; intelligence officer, Bangkok, April; BRN sympathiser, May. See also Crisis Group Report, *Dialogue in Doubt*, op. cit., p. 21.

¹³ A Thai military source estimated that BRN controls more than 90 per cent of fighters. Don Pathan, “Decades-long identity crisis fuels insurgency in Thailand”, Thailand News Today (online), 9 July 2016. Crisis Group interviews, PULO member, BRN member, June 2016; BIPP and MARA Patani member Abu Hafez Al-Hakim, Kota Bharu, March 2016. Major General Nakrob Bunbuathong, deputy commander, 5th Operations Co-Ordination Centre, Internal Security Operations Command (ISOC) and secretary, Thai peace dialogue delegation, comments at Foreign Correspondents' Club of Thailand (FCCT), 2016; Dato' Sri Ahmad Zamzamin Hashim, facilitator, Joint Working Group (JWG)-Peace Dialogue Process on Southern Thailand, “Facilitating the Peace Dialogue: Challenges and Next Steps”, unpublished remarks delivered at third Pa(t)ani Peace Media Day, Pattani, 28 February 2016.

¹⁴ Abu Hafez Al-Hakim, “Voice outside the fence: 1 year of peace dialogue – where are we?”, Prachatai, 1 December 2015.

appropriate peace dialogue topics.¹⁵ The facilitator circulated a draft ToR, intended to set guidelines for official talks.

On 27 August, MARA Patani met the press in Kuala Lumpur. Abu Hafez Al-Hakim of BIPP said sovereignty remained the ultimate goal, but MARA was “considering other options”, and the independence issue would be determined by negotiations. He conveyed MARA’s intention to be a platform for all Patani liberation movements and civil society organisations, including Buddhist and women’s groups.¹⁶ MARA, as well as non-MARA BRN representatives, have said that Patani independence would benefit all those native to the region, including Chinese and Thais, and that an independent Patani would protect freedom of religion.¹⁷

C. *BRN Opts Out*

With MARA’s unprecedented press conference and the exchange of proposals, the dialogue appeared at last to be making modest progress, but insurgent unity did not last. BRN broke its silence with a 7 September 2015 video declaring its intention to continue fighting for Patani independence. Its message was unequivocal rejection of the process, but not of dialogue in principle. Abdul Karim Khalib, speaking as a representative of its information department, noted the suspension of political rights under the military government and asserted that “establishment of a democratic government that respects the will of the people is the way out of the conflict” in the deep south.¹⁸ He also accused the “Siamese colonisers” of lacking sincerity and mentioned the challenge posed to Thailand by imminent royal succession.¹⁹

In a rare interview on 11 October 2015, another information department representative criticised discontinuity with the 2013 dialogue process and declared “BRN is categorically not involved”, and “the way in which this process has been set up is flatly rejected”.²⁰ Its statement the next day referred to the five conditions submitted under the previous dialogue and reaffirmed willingness to participate in peace talks if there was “engagement of a mediator and observers from other states”. Echoing Abdul Karim, it cited UN General Assembly Resolution 1514 (1960) on decolonisation as a basis for Patani self-determination and rejected “a peace process used as a form

¹⁵ See สำนักงานสภาความมั่นคงแห่งชาติ, แผนปฏิบัติการ การแก้ไขปัญหาและพัฒนาจังหวัดชายแดนภาคใต้ ประจำปีงบประมาณ พ.ศ. 2559 [Office of the National Security Council, “Implementation Plan for Resolving Problems of the Southern Border Provinces”, Fiscal Year 2016, January 2016], p. 2. Crisis Group interview, Muslim religious leader, Pattani, April 2016.

¹⁶ Thaweeporn Kunmetha, “Thailand’s Deep South insurgents officially meet media first time”, Prachatai, 27 August 2015.

¹⁷ Crisis Group interview, BRN member, June 2015. Abu Hafez Al-Hakim, comments quoted in Thaweeporn Kunmetha, “Pattani with two t’s or one? The politics of naming”, Prachatai, 20 September 2015.

¹⁸ Abdul Karim Khalib, a BRN youth wing leader, is considered a hardliner. He joined BRN’s delegation in talks with Yingluck’s government in 2013 after signing of the General Consensus.

¹⁹ Crisis Group email correspondence, Pattani-based analyst, 9 June 2016. A Thai translation of the Abdul Karim Khalib video omitted reference to succession and softened the original Malay language’s tone. “เปิดคำแปลฉบับเต็มคลิป BRN กับความเห็นของฝ่ายรัฐ” [“Full translation of BRN clip with viewpoint of the state”], Isara News, 8 September 2015.

²⁰ Anthony Davis, “Southern Thai insurgents stake out peace terms”, *Nikkei Asian Review*, 11 October 2015.

of political subterfuge in order to deceive and undermine the strategy of the Patani-Malay people's advancement".²¹

A few days after the video, Prayuth said he had not accepted MARA's conditions, would not be pressured, and dialogue was already a national priority, codified in national security strategies for resolving the conflict. Recognising MARA as Party B, he added, was not needed; trust had to be built first.²²

D. Technical Team Meetings

In October 2015, MARA received a more detailed response to its proposals that reportedly linked its three conditions to each of Thailand's proposals in a manner that a member called "vague and not up to our expectation".²³ MARA did not respond, preferring to wait for the next JWG meeting. In view of substantive disagreements, the sides decided to hold separate technical talks on the sticking points of the draft ToR.²⁴ Unsourced Thai-language media later reported that the meetings produced agreement on safety zones in Narathiwat's Bacho and Cho Airong districts. From the Thai perspective, this would help establish which groups were able to control fighters.²⁵ However, on 22 November, MARA Patani's Shukri Hari described reports that the meeting addressed safety zones as "untrue and baseless", and a deliberate effort to undermine the dialogue. MARA, he said, would not discuss safety zones until the dialogue was official.²⁶

On 10 January 2016, MARA Patani met in Kuala Lumpur with the OIC secretary general, Iyad Ameen Madani, at, according to Abu Hafez, the OIC's initiative.²⁷ Several civil society representatives from the deep south also attended.²⁸ Madani went on to Bangkok, meeting on 12 January with Prayuth, who said Madani praised Thai efforts and sincerity in solving the problems of the southernmost provinces; however, the OIC meeting rankled Thai officials. A retired army officer speculated that Malaysia organised it to help MARA gain OIC observer status as part of a strategy

²¹ Statement, BRN Information Department, 12 October 2015. "Declaration on the Granting of Independence to Colonial Countries and Peoples", UN General Assembly Resolution 1514 (1960). "[F]rom a legal perspective, a 'people' [in Resolution 1514] is generally understood as the collective inhabitants of a colonial territorial unit; minority groups are not intrinsically covered by it". Jay Lamey, "Peace in Patani? The Prospect of a Settlement in Southern Thailand", in *Stability: International Journal of Security & Development*, vol. 2, (2013), p. 5.

²² "บิ๊กตู่ยังไม่รับ 3 ข้อมาราปาตานี" ["'Big Tu' [Prayuth] doesn't accept MARA's 3 conditions"], *Matichon*, 11 September 2015. "นายกฯไม่รับขอเรียกร้องมาราปาตานี", ["PM rejects MARA Patani's demands"], *Krungthep Thurakit*, 11 September 2015.

²³ In the Thai proposal, acknowledgment of MARA Patani is tied to reduced violence, the national agenda issue to development, and immunity for members of the Party B panel to access to alternative judicial procedures. Al-Hakim, "Voice", op. cit., Prachatai, 1 December 2015.

²⁴ Major General Nakrob Bunbuathong, comments at FCCT, op. cit.

²⁵ "คณะทำงานชุดเล็ก 'รัฐ-มาราฯ' ชงนำร่องหมู่บ้านหยุดยิง 2 อำเภอธารา" ["State-MARA technical teams decide on ceasefire villages in 2 Nara districts"], *Isra News Service*, 19 November 2015; "นำร่องหยุดยิง 2 อำเภอธารา พิสูจน์มาราปาตานีตัวจริง?" ["Does a ceasefire in 2 Nara districts prove MARA Patani is for real?"], *Khom Chad Leuk*, 20 November 2015.

²⁶ "Patani Consultative Council (MARA Patani) Disclaimer", *Deep South Watch* (online), 22 November 2015.

²⁷ Crisis Group interview, Abu Hafez Al-Hakim, Kota Bharu, 25 March 2016.

²⁸ Crisis Group interviews, *ibid*; imam, Pattani, March 2016. "Interview: What is being discussed by OIC, Patani independence group in KL?", *Prachatai*, 13 January 2016.

to achieve “special administration”, or autonomy, like Mindanao’s Moro National Liberation Front in the Philippines, an OIC observer since 1977.²⁹

The technical teams met again on 25-27 January to address the conflict parties’ names; geographical scope of the conflict area; promotion of justice; and facilitation and logistics.³⁰ In February, Major General Nakrob Bunbuathong, the Thai delegation secretary, said a ToR document was 95 per cent set. Recognition of MARA Patani was resolved by a footnote that Thailand would refer to Party B, though Party B refers to itself as “MARA Patani”.³¹ Immunity for MARA members and arrangements for travel to Thailand remained open, but Nakrob said he expected ToR agreement in June. MARA was similarly optimistic.³²

On 28 February, a Pattani university hosted a Peace Media Day to mark the third anniversary of the General Consensus on Peace Dialogue at which Nakrob spoke for the Thai delegation and Malaysian facilitator Zamzamin Hashim and MARA Patani’s Awang Jabat sent video statements. Zamzamin acknowledged the high mutual mistrust: MARA, he said, had concerns about NCPO sincerity and its interim government status; Thais had misgivings about whether Awang Jabat had a mandate from BRN’s leadership, though he is “the best available BRN leader that had agreed to come out in public to initiate the process”. Awang Jabat said, “MARA Patani is not confident of the Thai government’s commitment to seek fair, holistic and sustainable solution to the conflict”. After three rounds of technical meetings over five months, the sides agreed to an eight-section ToR on 23 March, covering guidelines for talks, including identification of dialogue parties, formation of a Technical Working Group and security for Party B.³³

III. BRN Weighs In

A. Spike in Violence

In February, after several years of declining violence, militants stepped up operations. Over the course of the insurgency, violence has regularly risen and fallen, conditioned by insurgent strategy and resources and state countermeasures. Improvised explosive device (IED) and shooting attacks left 44 dead between 10 February and 1 June. On 27 February, a 100kg bomb exploded in a stolen car in front of a roadside restaurant next to a police post in Pattani’s Muang district, injuring seven police officers and five civilians. The site was just metres from a main security checkpoint

²⁹ “การมาของ ‘ไอโอซี’ ว่าด้วยหัวข้อ ‘ไอเอส’”, *ไทยโพสต์* [“OIC visits, speaks about IS”], Thai Post, 15 January 2016. Thailand is one of five OIC observers since 1998. “สถานการณ์ใต้-การรุกคืบของ‘มาราปาตานี’ ซึ่งจะส่งผลกระทบต่อ‘การพูดคุยสันติสุข’” [“South situation: MARA Patani’s advance will have negative impact on ‘peace dialogue’”], *Naew Na*, 26 January 2016. “สันติสุข-ปรองดองกับข้อเสนอดับไฟใต้” [“Peace-reconciliation with proposals to end southern conflict”], *Thai Post*, 17 January 2016.

³⁰ “หัวหน้าคณะพูดคุยเพื่อสันติสุขจังหวัดชายแดนภาคใต้บอกกระบวนการพูดคุยคืบหน้าด้วยดี” [“Head of South peace dialogue panel says talks proceeding well”], Benar News, 2 February 2016.

³¹ “We could not accept the name because although BRN is in the room [with MARA], there’s that video saying BRN disagrees. And there’s still violence. It shows they don’t control all their people”. Major General Nakrob Bunbuathong, comments at FCCT, op. cit.

³² Crisis Group interviews, MARA Patani members, Kota Bharu, March 2016.

³³ Dato’ Sri Ahmad Zamzamin Hashim, “Facilitating the Peace Dialogue”, op. cit. Awang Jabat, “The Patani Peace Process 3rd Anniversary Speech”, 28 February 2016. Abu Hafez Al-Hakim, “Dissecting the T-O-R”, Prachatai, 19 May 2016.

leading into Pattani town, near to the university where the Peace Media Day was to be held the next day and the hotel where many participants were staying. This suggested the bomb was a BRN statement of opposition to the dialogue process.³⁴

In a bold 13 March raid in Cho Airong district, Narathiwat, some 50 militants seized a hospital for more than an hour, detained staff and fired almost 2,000 rounds at a ranger base. Seven rangers and one militant were wounded; rangers did not return fire on the hospital. Diversionary attacks took place in the district the same day. It was the largest militant operation since February 2013, when sixteen militants were killed attacking a marine base in Bacho district. A military officer said a “hard-core” BRN faction sought to commemorate the BRN’s 56th anniversary and signal opposition to the dialogue process. Several sources said the intent was to embarrass the security forces, if not entice them to fire on the hospital. It was also widely viewed as a repudiation of the military’s unilateral designation of Cho Airong as one of two prospective safety zones.³⁵

Thai authorities, local human rights and international organisations and MARA Patani all condemned the raid.³⁶ The attack on a health facility highlighted belligerent obligations under International Humanitarian Law (IHL), which applies to non-state as well as state armed groups. Reproof fell on militants, but attention was also drawn to the military’s practice of stationing forces in or near public buildings, including schools and health facilities.³⁷

B. *Pondok Jihad*

A decision to seize the land of a small *pondok* (traditional Islamic boarding school) in Yaring, Pattani, gave militants a cause and helped drive another wedge between the state and ordinary Malay Muslims. Authorities closed Pondok Jihad, the Jihad Witaya school, in 2005 on suspicion its grounds were used to train militant fighters. The Anti-Money Laundering Office filed a case against the school in 2013. On 14 December 2015, the court ordered confiscation of its 14 *rai* (2.24 hectares).³⁸

³⁴ “Thai deep south: 7 killed in 2 days of violence”, Benar News, 1 June 2016. Crisis Group email correspondence, analyst close to BRN’s political wing, 28 February 2016; interview, diplomat, Bangkok, March 2016.

³⁵ “BRN linked to attacks in Cho Airong”; “Latest attacks show BRN’s new strategy”, both *Bangkok Post*, 15, 29 March 2016. “The only dignity [the rangers] salvaged was not firing on the hospital”. Crisis Group interview, Kasturi Makhota, president, PULO, Kota Bharu, 26 March 2016. “They wanted us to fire on the hospital, to create another incident like Tak Bai or Kreu Se”. Crisis Group interview, senior army officer, Hat Yai, 29 March 2016. “The safety zone ... was a unilateral proposal Considering the area is the [militants’] stronghold, the retaliation is understandable”. Abu Hafez Al-Hakim, quoted in “MARA Patani says peace dialogue not affected by Sunday attacks, willing to adopt laws of war”, Prachatai, 16 March 2013.

³⁶ Crisis Group interviews, MARA Patani members, Kota Bharu, March 2016. “UN condemns Thai insurgents for seizing hospital during attack”, *The Nation*, 16 March 2016. “Thailand: Insurgents Seize Hospital in South”, Human Rights Watch, 13 March 2016.

³⁷ Crisis Group interview, BRN member, June 2016. Don Pathan, “Outrage over hospital raid reveals military hypocrisy”, *The Nation*, editorial, 18 March 2016; also, Benjamin Zawacki, “Politically Inconvenient, Legally Correct: A Non-international Armed Conflict in Southern Thailand”, *Journal of Conflict & Security Law* (2012), pp. 1-29.

³⁸ Don Pathan, “Southern insurgency: Islamic schools next in firing line?”, *The Nation*, 29 December 2015. Hara Shintaro, “An extraordinary event of ordinary people: The story of the fund raising event for Pondok Jihad”, Prachatai, 19 April 2016. Villagers donated the land, which was not common property (*wakaf*), but owned by the five children of the school’s founder, Baheng Che-asae, to

The verdict echoed Bangkok's efforts in the early 1960s to control Islamic schools that helped spur armed resistance to the state and disturbed many locals, who regard *pondok* as repositories of Malay identity. Recognising popular blowback from the ruling, Thai officials attempted to persuade Balyan Waemano, son of the school's former administrator, and his family to appeal and offered to allow them to rent the land. The family, in consultation with villagers, decided not to seek legal redress, but to accept the court's authority and vacate the property. In so doing, it sought an end to the case and formally demonstrated due regard for the judiciary. But it also ensured that the land seizure would be a *cause célèbre*.³⁹

The authorities contributed to this by prevailing on religious leaders and the Pattani Provincial Islamic Council to issue a statement urging the family to heed the advice to appeal and complaining that local civil society organisations were causing confusion.⁴⁰ This coordination with the military tarnished the Council and associated religious leaders in the eyes of many Malay Muslims. The school's history added a political dimension. Dolloh Waemano became headmaster after the founder, his father-in-law, was murdered in 1979. Dolloh, whom authorities believe is a senior BRN leader, fled Thailand in 2005, before the shutdown. In June 2005, his son, Ridwan Waemano, was killed in his Pattani apartment, with two other men, in what many locals consider an extrajudicial killing.⁴¹

On 19 March 2016, Pondok Jihad supporters organised an event to raise funds for the owner's family, featuring traditional local food and a panel discussion. Such fundraisers are common in the region, but the school's purported links to BRN charged it with political significance. Roughly 50,000 people attended, donating 3.9 million baht (\$110,740).⁴² It was the largest gathering of Malay Muslims since the 1975 Pattani protests that precipitated a new era of Pattani-Malay activism. Many liken the Pondok Jihad issue to earlier state blunders that excited public contempt and played into BRN's hands, such as the Kreu Se mosque massacre and the Tak Bai incident, both in 2004.⁴³

establish the school in 1968. In practice, the owners and villagers regarded the land as common property, however.

³⁹ Crisis Group Report, *Recruiting Militants*, op. cit., pp. 2-4; Hara Shinatro, "An extraordinary event of ordinary people: Part 2", Prachatai, 10 May 2016; Otto F. von Feigenblatt, et al., "Weapons of Mass Assimilation: A Critical Analysis of the Use of Education in Thailand", *Journal of Asia Pacific Studies*, vol. 1, no. 2 (2010), pp. 292-311. Crisis Group interviews, Balyan Waemano, analyst, Pattani, February 2016.

⁴⁰ Crisis Group interviews, member, Pattani Provincial Islamic Council, director, Malay-Muslim NGO, Yala, April 2016. Provincial Islamic Councils are state-sanctioned elected bodies that oversee mosque committees and application of Islamic family and inheritance laws. They are embedded in a state-sponsored administrative hierarchy under the National Islamic Council and royally-appointed *chularajamontri* (national Islamic leader and Islamic-affairs adviser to the king). Crisis Group Report, *Evolving Conflict*, op. cit., p. 6, fn. 47.

⁴¹ Crisis Group interviews, intelligence officer, Bangkok, April 2016; Malay-Muslim activists, local leaders, Pattani and Yala, February, March 2016. Images mocking the Pattani Provincial Islamic Council circulated on social media; one was captioned: "We are cattle led by the nose!"

⁴² To depress turnout, the Internal Security Operations Command (ISOC) ordered prayer ceremonies to coincide with the event, including one at Cho Airong Hospital, telling village headmen to have hundreds of people in front of every district office in the region. Crisis Group interview, humanitarian worker, Pattani, March 2016.

⁴³ Sparked by the extrajudicial killing of five Muslim youths in Bacho district, Narathiwat, 45 days of protests joined by 70,000 Malay-Muslims and covertly organised by PULO began in December 1975. Security forces killed 32 in the Kreu Se mosque, Muang, Pattani, after militants took it over

IV. Bangkok Balks

Faced with an uptick in attacks and widespread disaffection, the military tightened its grip on the deep south. The Pondok Jihad case convinced the army it had allowed a dangerous degree of political space there. The government was reportedly increasingly worried about BRN's long-term strategy, purportedly based on indoctrination of tens of thousands of youths in Islamic schools who might, in a decade or two, form a broad base of support and pool of recruits.⁴⁴

Tightened military control took various forms. The army barred the Federation of Patani Students and Youth (PerMAS) from staging an event on public participation in the peace process, scheduled for 13 February 2016. A spokesman explained it was prohibited because it concerned self-determination, meaning independence: “[PerMAS] is trying to internationalise the issue. Using the words ‘right to self-determination’ is against the law”. On 12 April, 4th Army Region Commander Lieutenant General Wiwat Pathompak, warned he would begin summoning for discussions those who “spread misinformation”, especially on Facebook. This was already the practice in other army regions since the coup.⁴⁵ Release of two reports by human rights groups detailing allegations of torture and other mistreatment of detainees by security forces in the deep south elicited another combative army response.⁴⁶ On 17 May 2016, the Internal Security Operations Command (ISOC) Region 4 filed criminal complaints against three authors of one report, accusing them of defamation and violation of the Computer Crimes Act.⁴⁷

on 28 April 2004. Seven Malay Muslims were shot dead at a demonstration in Tak Bai, Narathiwat, and 78 detainees suffocated while being transported to a military base in Pattani on 25 October 2004. Crisis Group Report, *Insurgency*, op. cit., pp. 9-10, 22-24, 27-30. Crisis Group interviews, Abu Hafez Al-Hakim, Kota Bharu; army officer, Bangkok, March, April 2016.

⁴⁴ Crisis Group interviews, Malay-Muslim analyst, Pattani, 31 March 2016; army officers, Narathiwat, civil society activist, Yala, March 2016. The relative liberty afforded civil society in the southernmost provinces post-coup contrasted with the repression in the rest of Thailand.

⁴⁵ “โฆษก กอ. รমন. 4 ชี้ right to self-determination ความหมายคือเอกราช ผิดกฎหมาย ห้าม PerMAS จัดเวที” [“ISOC 4 spokesman says ‘right to self-determination’ means independence, illegal, cancels PerMAS event”], Wartani.com, 13 February 2016. “กอ. รมน. ชี้ 3 ปัจจัยเร่งสถานการณ์แรงขึ้น ขอประชาชนช่วยบีบทุกกลุ่มเข้าร่วมพูดคุย” [“ISOC points out 3 factors behind violence, asks the people to help compel all groups to join talks”], Deep South Journalism School, 14 April 2016.

⁴⁶ Three groups released a 59-page report in January 2016 documenting 54 cases of alleged torture by security forces between 2014 and 2015. Another published a report in February citing 33 cases of alleged torture and ill treatment of insurgent suspects in 2015. “Torture and ill treatment in The Deep South Documented in 2014-2015”, Duay Jai Group, Patani Human Rights Network, Cross Cultural Foundation (CrCF), January 2016; “รายงานสถานการณ์การละเมิดสิทธิมนุษยชนจากการบังคับใช้กฎหมายพิเศษในพื้นที่จังหวัดชายแดนภาคใต้” [“Report on Human Rights Abuses from Use of Special Laws in the Southern Border Provinces”], Muslim Attorney Centre, 2 February 2016. The army denies torture, but a court ordered the ISOC to compensate two Malay-Muslim men security forces beat in 2009. “Court orders govt to compensate Muslim Malay torture victims”, Prachatai, 19 May 2016.

⁴⁷ ISOC filed complaints against Pornpen Khongkachonkiet, CrCF director, Somchai Homla-or, Law Reform Commission member and Anchana Heemmina, Duay Jai Group president. “Military say Deep South rights advocates sued ‘to defend country’s honour’”, Prachatai, 14 June 2016. The Computer Crimes Act (2007), which criminalises “bringing false computer information into the system”, is used to curb online dissent and regularly in conjunction with the lèse-majesté law. The judiciary construes “false computer information” as online speech in addition to technical crimes such as hacking. “Thailand Country Report”, Freedom House, 2015.

On 4 April, Prime Minister Prayuth completed subordination to the military of the Southern Border Provinces Administrative Centre (SBPAC), a special agency established in 1980 charged with coordinating civilian development and administration in the five southernmost provinces.⁴⁸ The new regulations diminish its status, concentrating its budget with ISOC's military officials. The move was presented as a way to increase efficiency, but the effect is that many local people are losing the confidence SBPAC had gained under its previous director.⁴⁹

Through March and early April 2016, members of the Thai and MARA delegations were upbeat on the dialogue's prospects. That changed on 20 April, when the army chief transferred Nakrob from his ISOC position and thus his post as secretary of the Thai delegation. NCPO officials insisted the move was routine, with no bearing on the dialogue but its abruptness, a week before a scheduled JWG meeting, appeared to signal something more, particularly given Nakrob's energetic efforts to finalise the ToR and build public support for the process.⁵⁰

It was at that next JWG meeting that Aksara declined to sign the ToR, saying Prime Minister Prayuth had not approved it. Foreign affairs and justice ministry officials reportedly persuaded the NCPO to reverse course out of fear the ToR would boost MARA's international status and trap Bangkok into concessions. Explaining the refusal to sign, Aksara also questioned MARA's standing to conduct negotiations.⁵¹ Questioned by reporters, Prayuth expressed annoyance with the dialogue, saying he had to contend with it as an inheritance from the old government. It had to be held abroad because the law and constitution prohibit negotiations with "lawbreakers", he said; recognising Party B by name would encourage others to make similar demands, embroiling the state in difficulties.⁵²

⁴⁸ Prayuth used the interim constitution's Article 44 to suspend several articles of the 2010 Southern Border Provinces Administration Act, mostly concerning SBPAC's advisory council. The council's 49 members were elected in nine professional groups. Prayuth ordered the creation of an Advisory Committee for Administration and Development of the Southern Border Provinces, with 60 members, 45 appointed by ISOC and SBPAC, ten by the five governors (each appointing two), and five appointed by the prime minister. "จับตากรเปลี่ยนแปลงครั้งสำคัญจาก 'บอร์ดดับไฟใต้' ไปเป็น 'มอดดับไฟใต้'" ["Watching important changes, 'blinding' the 'board to end South violence'"], ASTV Manager Online, 9 April 2016. "ยุบสภาที่ปรึกษาตั้ง 'บอร์ด' ดับไฟใต้หรือลดอำนาจประชาชน" ["Dissolve advisory council, set up 'board' to quell southern fire, or decrease people's power"], *Thai Post*, 16 April 2016. SBPAC's status vis-à-vis the military has been a recurring preoccupation of the bureaucracy from the start. Crisis Group Reports, *Stalemate*, pp. 10-11; *Evolving Conflict*, pp. 15-18; *Dialogue in Doubt*, p. 4, fn. 17, all op. cit.

⁴⁹ The former director, Police Colonel Thawee Sodsong, won praise for tirelessness, accessibility and informal manner, which contrasted with that of most civil servants. Crisis Group interviews, Malay-Muslim provincial official, civil society activist, Yala, March, May 2016.

⁵⁰ Rumours circulated that Nakrob was forced out of the dialogue team because he was too sympathetic to dissidents, talked too freely to the media and had a conflict with the army chief's younger brother. Crisis Group interview, army officer, Bangkok, April 2016. "ปรับทีมเจรจาไฟใต้" ["Changes to South dialogue team"], *Post Today*, 22 April 2016.

⁵¹ Crisis Group interviews, army officer, diplomat, Bangkok, April, May 2016. Rungrawee Charlernsripinyorat, "Regime's stance hurts South peace talks", *Bangkok Post*, 9 May 2016. "Thailand: Officials give mixed signals on Deep South talks", *Benar News*, 29 April 2016. Aksara said MARA Patani does "not have a clear status while we ... have an order from the prime minister's office [to negotiate]". "‘อักษรายืนยันเดินทางกลับตีสวยใต้'" ["Aksara' affirms south peace talks to continue"], *Krungthep Thurakit*, 30 April 2016.

⁵² "บิ๊กตุ้มไม่เห็นหนทางจดับไฟใต้ ซึ่งแก้ปัญหามไม่ได้ อัดรบ. เก้าจะทำเลยต้องตามเช็ด" ["Big Tu' [Prayuth] opposes talks to end south violence [which] can't solve the problem, must clean up after previous gov't"], *Khao Sod*, 29 April 2016.

Abu Hafez conveyed MARA's disappointment but said the delay would give Bangkok "ample time to reconsider and reverse that decision" and reminded Prayuth that he had requested Malaysia's help to resume the process. MARA's Shukri Hari expressed concern about Prayuth's subsequent comments, which, he said indicated "that the peace talks are only a false promise despite the fact that we are in the process of confidence building". Thai officials insist the process will continue. Aksara said the ToR would be reviewed by the National Security Council and other agencies, amended and submitted to the prime minister for approval.⁵³ The sides reportedly exchanged letters stating their willingness to continue through facilitator Zamzamin on 1 June during his visit to Bangkok.

V. Bombs of August

On 7 August, voters approved a draft constitution prepared by the NCPO's handpicked committee, with 61 per cent voting in favour and 59 per cent turnout.⁵⁴ The three Malay-Muslim majority southern provinces, however, voted 60 per cent "no". The draft codifies semi-democracy, including an appointed senate, the possibility of an unelected prime minister, and a continuing role for the NCPO after the next general election. That Section 67 enjoins the state to propagate Buddhist principles does not sit well with many Malay Muslims. The deep south experienced a wave of bombings, at least 50 in the first ten days of August, and graffiti condemning the draft appeared across the three provinces.⁵⁵

On 11-12 August, coinciding with Mothers' Day and Queen Sirikit's birthday, seventeen coordinated bombing and arson attacks in tourist destinations in seven provinces of the upper south killed four and wounded 35. Targets included Phuket, Phangnga, and Hua Hin, which suffered four bombings and two fatalities. NCPO officials were quick to blame domestic political foes ostensibly upset at the referendum, and to dismiss the possibility Malay-Muslim militants were involved. Consistent with BRN operations, there was no claim of responsibility, but the attacks bore its hallmarks.⁵⁶ Investigators considered the devices and tactics, including coordination over wide areas and blasts in sequence to hit responders to the initial bombing, the same as those

⁵³ Crisis Group email correspondence, Abu Hafez Al-Hakim, 28 April 2016. "Thailand to unilaterally review TOR of Deep South peace talks", Prachatai, 9 May 2016. "สมช. นัดทีมคุยสันติสุขฯปรับบันทึกข้อตกลงกลุ่มเห็นต่าง" ["NSC meets dialogue team to change the ToR with dissidents"], *Daily News*, 7 May 2016.

⁵⁴ The referendum process was flawed. The NCPO prohibited open debate on the draft, and the appointed national assembly passed a law in April 2016 that made campaigning for a "no" vote punishable by up to ten years in prison.

⁵⁵ Anders Engvall, "Bombs, facts, and myths in southern Thailand", New Mandala blog, 13 August 2016.

⁵⁶ An anonymous BRN commander reportedly claimed responsibility for the 11-12 August attacks and subsequent bombings in the deep south, including one in Narathiwat on 6 September that killed a young Malay-Muslim girl and her father. Many observers are sceptical of the claim, which did not originate from BRN's information department. "Thai deep south: bomb kills three, including small girl", Benar News, 6 September 2016. Crisis Group interviews, diplomats, analyst, Bangkok, September 2016.

employed in the deep south. Arrest warrants were issued for suspects associated with the insurgency.⁵⁷

These attacks were not the first by militants outside their customary operations area of the four southernmost provinces. In addition to periodic attacks on Hat Yai in Songkhla province, the largest city and commercial centre of the south, militants deployed a truck bomb to Phuket, which did not explode and was discovered in December 2013. A car bomb on Samui Island in April 2015 wounded seven.⁵⁸ But the scale of the August attacks, geographic reach and choice of targets mark a clear shift, and apparent decision to expand the conflict.

Speculation about the timing of the August attacks has centred on BRN's displeasure with Bangkok's approach to dialogue. Proximity to the referendum and the bombings that preceded it suggest a political message to the NCPO. An experienced analyst said, "it was a signal to warn the government that [dialogue] is a big issue for them ... and the government will pay more attention from now on".⁵⁹ Diminishing returns from twelve years of insurgent operations in the deep south may also have factored into the unprecedented scale and choice of targets beyond the traditional area of the insurgency.

In the wake of the Mothers' Day attacks, the dialogue process began to move again. A technical meeting took place on 16 August, and on 23 August, Prayuth told reporters a plenary meeting could take place on 2 September.⁶⁰ That night, a car bomb – the fourth of 2016 – exploded in front of a hotel and nightclub in Pattani, killing one person and wounding more than 30.

The dialogue teams met on 2 September in Kuala Lumpur. The day before, women from 23 deep south civil society organisations marched in Pattani calling for safety zones, a longstanding NCPO precondition for official talks. The Thai delegation tabled a proposal from one such group, Women's Agenda for Peace, on a safety-zone concept, which MARA said it would evaluate. The sides reportedly reached preliminary consensus on a revised ToR, but nothing was signed, and the meeting ended with agreement to continue the unofficial dialogue.⁶¹

⁵⁷ "Thai leader links attacks on tourist sites to constitution change", *The New York Times*, 12 August 2016; "Reds denounce attempts to blame them for serial bombings", *The Nation*, 15 August 2016. Anthony Davis, "Thailand bombings mark major shift in southern separatist strategy", *Jane's Terrorism and Insurgency Monitor*, 18 August 2016; "Prawit: KL offers help to hunt for bombers", *The Nation*, 30 August 2016; "Thai police arrest first suspect in connection with tourist-town bombs", Reuters, 5 September 2016.

⁵⁸ Crisis Group Report, *Dialogue in Doubt*, op. cit., pp. 18-19.

⁵⁹ Srisompob Jitpiromsri, quoted in, "Bombings won't stall peace talks, army says", *Khao Sod English*, 17 August 2016.

⁶⁰ "Thai deep south: government, rebels to meet next month", Benar News, 23 August 2016.

⁶¹ "Thai govt, Deep South insurgents reach agreements crucial for official peace talks", Prachatai, 2 September 2016; "South 'safety zones' on table", *Bangkok Post*, 3 September 2016; "Progress in South peace talks", *The Nation*, 3 September 2016.

VI. Intractability and Other Obstacles to Dialogue

The conflict has characteristics of a “soft, stable, self-serving stalemate”, which is “generally bearable to both parties, both in the absolute and relative to any likely solution on the table at the moment”. The protagonists still seem inclined to preserve the status quo rather than opt for the uncertainties of compromise.⁶² This is evident in the military’s tacit aversion to substantive dialogue and political change and BRN’s explicit opposition to the current talks. MARA’s uncertain influence over fighters and civil society’s limited role complicate matters.⁶³

The NCPO and army are guided by two imperatives in their approach to dialogue. The first is that the conflict is and must remain domestic. They harbour an abiding fear it will be internationalised, leading to foreign intervention and, eventually, partition.⁶⁴ The second is that it must be resolved without political reform or devolution of power, which many officials regard as a potential precursor to national fragmentation.⁶⁵ Proposals for “special administration”, such as a regional governing council or popularly elected provincial governors, were widely discussed in the region prior to the 2014 coup but today are again taboo.⁶⁶ Asked if autonomy was needed, Aksara replied: “What year is this? Is there anyone still talking about this?... We passed beyond the old context”. The government needs to relinquish the wish to resolve the conflict without devolution. A recent regional survey found 61 per cent of respondents considered new administrative arrangements appropriate to local conditions necessary to end the insurgency.⁶⁷

⁶² “The predominance of [soft, stable, self-serving] stalemates instead of ripe moments in intractable conflicts means that there is no pressure on the parties to come to a resolution of the conflict on their own or even listen to mediators. At most, there may be motivation to manage the conflict, that is, to reduce the conflict to a less costly level without touching on the basic issues and underlying causes But reducing the cost also reduces the pressure for a settlement and so further contributes to intractability”. William I. Zartman, “Analyzing Intractability”, in Chester A. Crocker, Fen Osler Hampson and Pamela Aall (eds.), *Grasping the Nettle: Analyzing Cases of Intractable Conflict* (Washington DC, 2005), pp. 52, 53.

⁶³ “Civil society” here refers to NGOs and non-profits that may receive state support, including academics, media and religious leaders. Kayanee Chor Boonpunth, Mark G. Rolls, “The Role of Civil Society in Peacebuilding in Southern Thailand”, *Journal of Public Affairs* (2016).

⁶⁴ “International organisations want to say it’s armed conflict; they want to internationalise it”. Crisis Group interview, senior army officer, Narathiwat, May 2016. “We do not want to make it an international security issue because it’s our internal security issue”. General Aksara Kerdpol, quoted in “Hospital siege shows disunity among Deep South separatists: authorities”, Prachatai, 7 April 2016 (translation from Thai, *Prachachat Business*, 19 March 2016).

⁶⁵ “Deep down, Thai officials and political leaders fear that granting some form of regional autonomy could lead to the unraveling of the modern Thai state, as other ethnic minority groups in the North (Lanna) and Northeast (Isan/Lao) might demand parallel recognition and treatment”. Duncan McCargo, “Autonomy for the South: Thinking the Unthinkable?”, *Pacific Affairs*, vol. 83, no. 2 (June 2010), p. 267.

⁶⁶ Crisis Group Reports, *Moving Towards Political Solutions?*, pp. 17-18, *Evolving Conflict*, pp. 19-20, both op. cit. See also Srisompob Jitpiromsri and Duncan McCargo, “A Ministry for the South: New Governance Proposals for Thailand’s Southern Region”, *Contemporary Southeast Asia*, vol. 30, no. 3 (2008); and McCargo, “Autonomy for the South”, op. cit.

⁶⁷ Aksara, quoted in “Hospital siege”, op. cit. “When they talk about self-determination, I ask, ‘what’s wrong with the existing system, with sub-district and provincial administrative councils?’”. Major General Nakrob, comments at FCCT, op. cit. “Don’t ask about governance ... in terms of development the [central] government can provide everything”. Prime minister, quoted in “Thai junta chief

Thus, many regard dialogue with MARA as little more than the NCPO's "flagship public relations project". Some military officers share the view it is primarily about improving the regime's image.⁶⁸ Many officials understand dialogue as a means to persuade militants to lay down arms and accept an amnesty or plea bargain rather than a process aimed at achieving an agreement with militant leaders.⁶⁹ This is the army's traditional approach to talks with militants, currently embodied in the "Bring the People Home Project".⁷⁰ The aim is to reach out via family or civil society organisations to sway insurgents to give up violence. "The idea", an army officer said, "is to coax them out to talk; that's real dialogue".⁷¹

The NCPO's lack of a democratic mandate and restrictions on civil liberties are another problem. Those who oppose the NCPO or the political status quo do not enjoy the right to call for political change without fear of reprisal, not only in the deep south, but also nationwide. This renders hollow army arguments that militants should abandon armed conflict to pursue peaceful change. The NCPO has promised a 2017 general election, but the draft constitution provides for a five-year transition during which the military regime retains broad powers. Protracted military tutelage bodes ill for decentralisation prospects.

A related issue is the diminishing space for civil society to engage on political issues. For various reasons, locals are less interested in the current dialogue than they were in the previous process.⁷² The army is on one side, a separatist diaspora leader-

plays down autonomy for rebellious south", Agence France-Presse, 22 April 2016."Peace Survey", op. cit., p. 10.

⁶⁸ Crisis Group interviews, Malay-Muslim analyst, Pattani, March 2016; senior army officers, Hat Yai, March, Bangkok, April 2016. "เปิดปมปัญหาที่ยึดเยื้อ 'โต๊ะเจรจาดับไฟใต้' ["Untangling the protracted problem of 'southern peace talks'"], *Khom Chad Leuk*, 17 June 2015.

⁶⁹ Crisis Group interviews, Malay-Muslim provincial official, Yala, army officer, Narathiwat, May; Muslim religious leader, Pattani, April; all 2016. "กอ.รมน.ชี้ 3 ปัจจัยเร่งสถานการณ์รุนแรงขึ้นขอประชาชนช่วยจับทุกกลุ่มเข้าร่วมพูดคุย" ["ISOC points out 3 factors behind violence, asks the people to urge all groups to join talks"], Deep South Journalism School, 14 April 2016.

⁷⁰ An ISOC spokesman reported that 4,089 people had joined the project since its 2012 launch, 2,093 of them in 2016 up to 25 June. "กบฏม็อบรถทหารพลีชีพ 1 เจ็บอีก 3 หลังพบชาวบ้านระแวกถล่มฐานจนท. 'ตากใบ' โชคดีบอมบ์ 22 กก. ดับ" ["Army vehicle bombed, 1 dead, 3 wounded after meeting Rangae villagers, luckily 22kg bomb in Tak Bai misfires"], *Matichon*, 30 June 2016. Some army officers privately discount the amnesty program, and BRN is reportedly untroubled by it. Crisis Group interviews, army officer, April; BRN member, June 2016. Prayuth repeatedly said the way out of the conflict was for militants to surrender under Article 21 of the Internal Security Act, which provides a form of plea bargain. "แฉพวกปั่นหัวสร้างเหตุรุนแรง" ["Revealing the instigators of violence"], *Thai Post* (online), 9 April 2016. "PM refuses to recognise any separatist South group", *The Nation*, 30 April 2016. See Crisis Group Reports, *Stalemate in Southern Thailand*, pp. 8-9; *Evolving Conflict*, p. 11; and Briefing, *Political Turmoil*, p. 13, all op. cit.

⁷¹ Crisis Group interview, army officer, Narathiwat, May 2016. The SBPAC director, Panu Uthairat, said in reference to dialogue: "We have to ask first, are you Thai? Do you love Thailand? We don't speak to foreigners who wish to separate themselves. If you are Thai, then dialogue is a process of building understanding. You don't have the right to set out conditions for me What do you misunderstand? ... It's my duty to listen ... and solve [their problems]". "ภานอภัยรัตนก่อนเฟิร์ม 2 ปีปัญหาชายแดนใต้ดีขึ้น" ["Panu Uthairat' confirms South improves over past two years"], *Matichon Weekly*, 1 July 2016.

⁷² Crisis Group interview, civil society activist, Yala, 3 March 2016. Thaweepon Kunmetha, "Peace talks get cold shoulder from villagers: local Deep South media", Prachatai, 4 January 2016. According to a recent survey of 1,559 people in the region, 33 per cent had no opinion on whether the dialogue process would bring peace; 20.6 per cent were confident it would, and 23.1 per cent believed it would not. "Peace Survey", press release, op. cit., p. 8.

ship on the other, and they are excluded.⁷³ Zamzamin's encouragement of them to get involved with MARA Patani, even elect representatives to its central committee "to synchronise your demands and aspirations with those of the Armed Groups", misapprehends conditions in Thailand: authorities would not permit collaboration with armed rebels. After more than a decade of conflict, many in civil society who work on peace issues are exhausted, and their groups lack space and resources to push for greater popular engagement with dialogue.⁷⁴

Another critical impediment is BRN's refusal to participate. A process that does not include its armed wing will not deliver a lasting resolution. It questions Bangkok's seriousness and has reiterated in public statements its demand for international organisations to observe the talks. A lack of technical capacity and a detailed, long-term political platform also inhibit it. "In terms of personnel, preparation, platform, BRN is not ready", a sympathiser said. This must change. BRN should subordinate military operations to pursuit of viable political ends and observe its obligations under IHL, including an end to targeting civilians. Many militants have misgivings about Malaysia's facilitation. A PULO member said the dialogue has failed twice, and new personnel and procedures in facilitation, such as including third-party observers and advisers, could help rebuild confidence.⁷⁵

Though MARA has some support in the southernmost provinces, it also faces indifference and antagonism. Many locals know little about it. Only 21.8 per cent of respondents to a recent survey in the region reported having heard of MARA Patani.⁷⁶ This is one reason it emphasises proposals for immunity and safe passage, without which it cannot build links to its ostensible constituents. Some locals consider MARA a creature of Malaysia, lacking the local support BRN has cultivated over two decades. A prominent Muslim human rights activist said MARA must prove itself, and that people need more than a binary choice between it and the government.⁷⁷ The extent to which MARA might eventually represent BRN's militant wing, as well as separatists in exile, remains an open question. Popular support will ultimately be determined by its ability to deliver a deal, which requires buy-in from BRN and local people.

Given NCPO aversion to participatory politics and fear of internationalising the insurgency, near-term scope for breaking the stalemate is narrow. But the Mothers' Day attacks illustrate the risks of attempting to preserve the status quo while engaging in a pro forma dialogue that leaves out the main insurgent group. The attacks should also encourage the NCPO and any successor government to develop avenues of exchange with BRN's leaders so as to start official peace talks. The alternative could be further, more damaging attacks outside the customary conflict zone as BRN seeks leverage. BRN should facilitate and reciprocate overtures from Bangkok. It should

⁷³ Crisis Group interview, Malay-Muslim analyst, Pattani, March 2016.

⁷⁴ Hara Shintaro, "Rhetoric and reality about the Patani Peace Process", Prachatai, 8 March 2016. Crisis Group interview, Malay-Muslim civil society activist, Yala, March 2016.

⁷⁵ Crisis Group interviews, BRN member, June 2016; sympathiser, May 2016; PULO member, June 2016.

⁷⁶ Crisis Group interviews, imam, analyst, Pattani, March, April 2016; civil society activist, local elected official, Yala, March 2016. "Peace Survey", op. cit., p. 7.

⁷⁷ Crisis Group interviews, Malay-Muslim politician, Malay-Muslim religious leader, Pattani, March, April 2016. An ex-PerMAS leader, Suhaimee Dulasa, critiqued MARA's and Malaysia's roles in the dialogue on Facebook, 6 March 2016. "ทั้งหมดเข้ามา: ต้องยุติความรุนแรงก่อน" ["Up against a wall: Must stop the violence first"], *Khao Sod*, 7 September 2015.

also be prepared to implement a ceasefire or safety zones to satisfy the government's preconditions for talks. MARA Patani should be candid about the extent of its influence inside Thailand and encourage a broader dialogue with BRN. The NCPO should also restore rights to freedom of expression and assembly. A lasting resolution to the conflict is unlikely without sustained public participation.

VII. Conclusion

The protracted conflict is more than twelve years old, with no signs of abating. The dialogue process is beset by deep mutual mistrust that a year of preliminary talks has done little to dispel. The failure to sign a ToR agreement and comments by Thai officials questioning MARA Patani's status cast doubt on NCPO willingness to engage in an official dialogue. The assumption that the dialogue's momentum will sway BRN to join is improbable at best. The belligerents need to take seriously their obligation to those they claim to represent to find a peaceful resolution, based on a political order that accords with local aspirations.

The August bomb attacks in the upper south raise the spectre of a wider conflict, with more attacks in tourist areas. That should prompt the NCPO to reconsider its approach of containing the insurgency and seeking militant capitulation rather than a comprehensive political solution. In view of the military government's antipathy to decentralisation and determination to keep control after the promised 2017 election, however, there is little scope for a breakthrough. An earnest attempt to decentralise power, the best hope for resolution of the conflict, is unlikely to materialise under the current government.

Bangkok/Brussels, 21 September 2016

Appendix A: Map of Thailand

