

CHAPTER III
THE ADMINISTRATION OF THAI-GOVERNEMNT OVER SOUTHERN
PROVINCES DURING 2002-2014

Mishandling of the government

Since the Southern Provinces has long been conflicting between the government of Thailand and the insurgent groups. The government is attempting to adopt any suitable policy for Muslims people who are living in Southern provinces. The history of Pattani which the insurgent groups tried to fight against because they thought that Thai government has not been giving the justice, equality to Muslim especially in term of policy that implemented in that places. In 2004, as many people known that it was happened of intensified of unrest situations in the era of Prime Minister Thaksin Shinawatra which couldn't manage and solve any problem. This chapter will be mention about the policies of the government, how did the government implement and administrate the policies into the Southern Provinces.

A. Thaksin's administration over the Southern Thailand (2001-2006)

Thaksin Shinawatra was former policeman which had powerful enough to get supported from the majority people and led his party to get high vote that could be win in the national election in 2001, after Thaksin Shinawatra became the Prime Minister of Thailand, he tried to have influenced into the southern provinces which in that time still unrest situations. Thaksin was abolished the key conflict management structure which called "Southern Border Provinces Administrative center" on 30

March 2002 that this government agency was established in 1981 under general Prem

to serve as a liaison between Southern Muslim leaders and central government at Bangkok. Thaksin was deliver his speech on the government channel that said:

“In Southern Thailand, the guerrilla was just the shoddy, they had no capability to conduct any violence, just same with guerrilla in other provinces, therefore it wasn't necessary to have a Southern Border Provinces Administrative center anymore if compared with the previous because the situation was just normally in that places, I have decided to abolished this local government agency (SBPAC)”.

The abolishment for the role of the special government agency to ceasefire as one of the new theory of several experts which concluded as the main intensified of the fire in Southern Thailand.¹²

In January 2004, the military adopted the martial law in Southern Provinces which brought the two situations happened in the same year. In April, the security force has clashed with insurgent group that over one hundred people deaths and the mishandling a demonstration by Muslim outside a police station in the district of Tak Bai in October. The resulted in widespread international condemnation of Thaksin's government. Thaksin replaced martial law with an emergency decree in July 2005 which transferred authority back to the government. However, this gave the police and civilian authority significant power to restrict certain basic rights, delegated certain internal security powers to the armed force and provided security forces broad immunity from prosecution.¹³

The government of Thailand has been realizing that the situations in Southern Thailand which intensify of the violence between the insurgent groups and the government that cause of the misunderstanding of the action by government side to Muslim people especially the policies of that government to adopt in certain places.

The government of Thailand must awareness and take action, create the solution in the peace way which not really use the security force to solve any case because this is the one thing that the Muslim people don't want to see the government action on the fire attack. The Sothern of Thailand between 2004-2011 which the government used more budgets in order to solve the problems in which the writer would like to show the amount of money that is following:

The government budget allotment for counterinsurgency operations in Southern Thailand

Year	Baht (In millions)
2004	13,450
2005	13,674
2006	14,207
2007	17,526
2008	22,988
2009	27,547
2010	16,507
2011	19,102

Source: Isara News Service, "Seven year afterward, an achievement or a failure?" January 3, 2011.

In this table that could explain about the national budgets came from the central government of Thailand to solve any problems in which the policies of the government during 2004-2011 used a lot of money to solve unrest situation in Southern Province but the government was condemnation by the Thai people that just washed the national budget because the situations never getting better than the

previous. Therefore the policies of the government that would be adopted in Southern Provinces which must fully respect the basic rights of the Muslim people.

B. Military's rule in Thailand which influence to Southern Provinces (2006-2007)

In 2006, it was started of the political crisis that happened in Bangkok which has more people opposed to Thaksin Shinawatra. On 19 September 2006, government under control by Thaksin Shinawatra was coup by general Sonthi Boonyaratglin. After that, General Surayud Chulanont, the new prime minister was appointed by Sonthi Boonyaratglin, he was end the the Thaksin's policy of open confrontation in Southern Provinces and took more conciliation approach to the insurgent. General Surayud Chulanont was announced the policy to Southern Province. He was also said that unrest situation in Southern Province was the rooted of the historical injustice. Therefore General Surayud Chulanont was very caring to the people in the Southern Thailand.

The new policy made by General Surayud Chulanont which he was announced end the policy of black list that implemented by former prime minister Thaksin Shinawatra. Moreover, he was apologized to Muslim people who was a victim of the case Takbai in 2004, he was promised to recruit the Muslim people into the officials role in Southern Thailand. The government was also reestablished the local conflict management structure which called Southern Border Provinces Administrative Center (SBPAC) that was abolished by former prime minister Thaksin Shinawatra.

The National Security Council and insurgent held a series peace talk in Malaysia. However the government tried to open the negotiate table with insurgent group but the result that it was still increased of the casualty rate.

C. Democrat Party policy initiative (2008-2011)

On 30 December 2008, the government under Democrat Party which was announced the policy to the Southern Provinces in order to resolution and development planning operation that was the rushed policy to implemented by adhering to reconciliation toward the royalty principle as “understanding, accessible, development”. To adopted the process of justices to the Muslim people who accused by government, specification to southern provinces as the special development, giving low interest loans, privilege of tax and halal industrial.¹⁴ Mr. Abhisit’s government in that time had a few policies toward Southern Provinces such as development project, reforms in detention of suspects for unrest situation, bureaucratic reorganization, negotiation with insurgent and try to civilianize government operation in Southern Thailand.

Arrests and Detention of Insurgent Suspects, in 2009, there was the decreased of a number of militants death. This may actually a positive development. In 2007, the military began arresting the detentions of suspects and the end of the year which a number of detained more than 2,000 people. Moreover, since the government’s emergency decree was applied into Southern Thailand, the result that suspects could be held without charge for 28 days, after that they had freed. The police was not able to gather the evident and to persuade the witnesses to cooperation. Furthermore, several cases have lacked of evident, they have just relied the confession which it was coerced by police.¹⁵

¹⁴ Government agency, development planning operation, <http://yeawya.prd.go.th/view_ebook.php?id=23>, 2008

¹⁵ Author interview with a team from the Muslim lawyers association, Bangkok, July 10, 2010. Anyone arrest or detained under national security laws must sign a confession of sorts before being released.

There was 7,439 cases that identified by Thai police, 77 percent still unsolved. Suspect was identified only 24 percent of the cases.¹⁶ Meanwhile, there was only 19 percent of 7,680 villages that were arrested through February 2001 wound up charge by the police. After that, the court ordered to release the detainees more than 90 percent. Furthermore, there was 238 cases that about 43 percent of 440 suspects went to trail were acquitted.¹⁷ The military has problems to handle the detainees more longer than 28 days. Many detainees were released but not allow to return to their communities. Some detainee was held 12-19 mouths without being charge and in the absence of double hazard in Thai law, were always arrested, as the legal defender said “the aim is not to find out a real culprit but to hold onto that people for as long as possible.”¹⁸

The government was not meditated to arrest and detention often wind up strengthening the insurgent. If the teenagers were not insurgents before they were arrest, sometimes they decided to join with insurgent group after due to resentment at their treat by Thai government. During in December 2009 until in June 2011, the number of arrests were decreased.¹⁹

2. Negotiation process, like former prime minister Thaksin Shinawatra and Surayut government. Mr. Abhisit administration was participated in some indirect peace talk with the insurgent. The problem was that not all the insurgent group in Southern Thailand participated, only some insurgent who have not ability to decision of the solution. Many people believe that the government get nothing on negotiation process. The leader of the various Pattani organizations including BRN-C, BRN-K,

¹⁶ Isara News Service, “Seven Years Afterward—An Achievement or a Failure?” January 3, 2011.

¹⁷ Muslim Lawyers Association interview; “Seven Years Afterward.”

¹⁸ Muslim Lawyers Association interview

¹⁹ Thai journalist interview, Yala

PULO, GMIP, and BIPP, meet and discuss every 2 months in Malaysia.²⁰ They have been pushed to meet and discuss by Malaysian External Intelligence Organization which this organization has to reported directly to their prime minister. Moreover, other actor such Malaysian Ministry of Defend that has also played the role to be broker these talks.²¹

They have no significant result since 2007, when the former prime minister Mahathir tried to broker in Langkawi. Meanwhile, the group is most powerful in Southern Thailand for the violence, there is BRN-C that unwilling to see a little reason to negotiation.

3. Development fund, Abhisit government administration was increase the amount of fund for development project. He was spent 109 million baht for the security and development in Sothern Thailand. Moreover, Mr. Abhisit was earmarked 63 million baht for development plan in special area in southern provinces of fiscal years 2009-2012.²²

C.1.Boosting Development

After Mr. Abhisit was appointed to be prime minister of Thailand, he said to operation in Southern Thailand to focus on security and emphasis to justice and development. He was success as ability maintain the security and withdraw the military troops.²³ He was also lifting draconian law and empower to the civilian who led SBPAC. Meanwhile, SBPAC has been operating independently for the military control which they have only operated of Internal Security Operation Command and report directly to prime minister. The Prime Minister was set up a cabinet committee

⁰ Thai media routine label the insurgents Runda Kumpulan Kecil (RKK) literally small group training that was thought to have originated in Indonesia. The RKK is not an organization

¹ Author Interview Washington, DC, May 27, 2010

² United National for Development Programme (UNDP), 2009 Thailand Human Development Report (JNDP:Bangkok, May 2010), 45

³ Press Conference by Prime Minister Abhisit Vejjajiva at the Iri's Fourth Region, Pattani, 17 January 2009

to develop a special zone in southern border provinces in order to accelerate decision making process to solve the problems. The SBPAC has to implemented the government project and work with that committee.

C.2. Empowering the SBPAC

The Southern Border Provinces Administrative Center was set up in 1981, the goal to establishment this local government agency in order to enhance consultation with the Muslim people in Southern Thailand. Moreover, SBPAC has been addressing corruption and decrease the prejudice among officials government in Southern Thailand. Meanwhile Civilian-Police-Military Command was responsible of security operation. The SBPAC official has privately complain that its work has been obstructed by ISOC, there must be approve every project.²⁴ The military was opposed the proposal to empower the SBPAC which the Thai government decided to water down the law.

There was the draft that introduced by democrat legislator Mr. Nipon Boonyamane, the SBPAC has oversee all of operations in the Southern Thailand and must report directly to prime minister. There was unclear of the chain between SBPAC and ISOC because the military was feared that ISOC could be place under control by SBPAC.²⁵ After democrat party had power in the hand of the government, the Deputy Interior Minister Thaworn Seniem was clearly division of operation between SBPAC and ISOC. The SBPAC would be responsible for development and the ISOC would be in charge of security. Both government agencies would be report

⁴ Crisis Group interview, SBPAC senior official, Bangkok, 31 July 2009.

⁵ Crisis Group interview, Thaworn Seniem, deputy interior minister, Bangkok, 23 May 2009; senior army

directly to the prime minister.²⁶ Furthermore, the Prime Minister would appoint the SBPAC's leader who would be the interior ministry official of the Thai government.

Cabinet approved the weaker bill on 18 August and forwarded it to the state of the council, a government agency that advise on law enactment. The draft of was returned and partially revised by interior ministry before being approved again by the cabinet on 20 October. The lower house accepted the government's draft bill as well as five other bill proposed by members of parliament on 25 November and a 26 member committee was set up to deliberate the drafts.²⁷ The constant challenges by Thaksin and his allies have prompted speculation that parliament might be dissolve before this bill passes.

The last significant change to the government's bill is that the prime minister, instead of a senior bureaucrat, would lead the SBPAC, similar the current structure of the ISOC. Relevant ministers would be deputy director and a senior civilian official from the interior ministry would take a lower ranking post of secretary general. The new cabinet committee to develop a special zone in five southern border provinces would oversee this restructured of SBPAC.²⁸ While this bill grants to the SBPAC authority to transfer misbehaving officials out of the region, it would not apply to army officers.²⁹

This shows the government's unwillingness to antagonize the military. If it is to assert civilian control, the SBPAC should also be granted power to examine alleged

⁶ The prime minister automatically assumes the post of ISOC director, Thaworn Sennieng, Background, Rationale and Suggestions for the Drafting of a "Public Administration in Southern Border Provinces" Bill (undated), p. 27. See Section IV for detailed discussion on ISOC structure.

⁷ Crisis group telephone interview, Niphon Boonyamane, democrat party parliamentarian, 27 November 2009.

⁸ "क्रम. ดัน กม.แก้ได้ ดึงอำนาจทหารคืน นายก ผอ. ศอ.บต." มติชน รายวัน, 21 ตุลาคม 2552 (Cabinet Pushes for the law to tackle South, take back power from ministry; prime minister to head SBPAC", Maticon daily, 21 October 2009).

⁹ Crisis group telephone interview, Niphon Boonyamane, democrat party parliamentarian, 27 November 2009.

misconduct by soldiers.³⁰ Some military officers are critical of the government's proposal, citing the time wasted in reorganizing the operation. If passed, the law would give the government direct control over the SBPAC's activities and budget and sideline the military, particular develop project.

D. The impact of the July 2011 election

During the election campaign, the south was a minor issue for the two major parties. The democrats were confident of dominating the local seat and parties list, as the south has been one of their two electoral strongholds. In the run up to the election, opinion polls indicate that the Thai public saw the democrat as better able to resolve insurgent. The democrat predicted that they would win at least 9 of the 11 seat in the 3 Southern Provinces, despite winning only 5 seats in 2007.

Yingluck Shinawatra, the new Pheu Thai leader and younger sister of Thaksin Shinawatra, made one prominent and well received campaign swing in the South in mid-June. She offered a few policy initiatives, including greater public input into decision making, increase in the number of Muslim who could go on the annual Haji pilgrimage to Mecca and establishment of the "special administrative zone in the three southernmost border provinces." However, she was a very short on specifics.

E. The National Security Policy for the Southern Provinces (2012-2014)

In 2012, the government was approved the NSC policy in Southern Thailand. They were conducting a research and draft including administrative and security officials, consultation with villages, 40 members SBPAC advisory council and

Review of any misconduct of army officers has been outside the SBPAC's authority since its inception in 1981. Under the revived structure, a joint committee headed by the SBPAC's secretary general and the CPM commander was set up to review official misconduct, including soldiers. In practice, the SBPAC has often forwarded the complaints and their initial investigations to the units to which officers are affiliated, but it does not directly transfer them. Complaints of misconduct in the South mostly involve police or military officers. Crisis Group interview, Kitti Surulhambha, director, CSBPAC, 11/11/11.

academic institutions, propose a progressive conflict resolution.³¹ Thai government has announced the policy nine objective, some policy similar with the previous including promotion of sustainable that relates with local identities and recognize the value of the culture diversity. Support the dialogue with the insurgents is codified in section Eight ;

“Create environment suitable and favorable for discussion of the conflict resolution and give guarantees for participation to those involve and the stakeholders in the process of peace building by encouraging continuity of peace dialogue process with the people who have difference opinions and ideologies from the state and choose to use violence to fight against the state, as one of the stakeholders in Southern Border province border problems.”³²

Dialogue with ideologically motivated militants is made government policy. Section Eight also seeks to encourage dialogue about the political decentralization “based on pluralism under the spirit of the constitution of Thailand and international accepted principle”. These are unprecedented policy positions that offer a basis for a more ambitious and far reaching approach t resolving the problems in the Southern Provinces. Many in the affected area have welcomed the NSC policy. It signals a fresh attitude from some officials within the bureaucracy and renewed high level attention to the problems, Civil society organizations have interpreted it as encouragement for their efforts to generate new thinking on decentralization and peace dialogue. It also provides an official stamp of approval for peace building,

¹ Crisis group interview, Danai Musa, director, Southern Border Provinces Strategic Security and Ethnic Culture Bureau, NSC, Bangkok, 18 October 2012. The 2010 Southern Border Provinces Administration Act mandates the Advisory council, whose members are elected from professional and social groups, such as locally elected officials, civil society, religion leaders and the business community. It advises the SBPAC on policies and practice. The cabinet approved the policy on 22 February 2012; parliament approved it in late march.

² “Summary of the Administration and Development Policy for the Southern Border Provinces, 2012-2014”, NSC. The previous NSC policy for the southernmost provinces covered the period 1999 to 2003. Thaksin disregarded it. Thereafter, individual governments formulated their own policies, codified in executive orders.

peace dialogue and decentralization. But while it reflects sound thinking about the problem, it will not enough on its own to resolve the conflict.

E.1. Special law

There are three special laws that has been adopted in order to counter-insurgents in Southern Thailand. In 1917 martial law act, in 2005, executive decree on government administration in state of emergency (Emergency Decree), in 2008, internal security act. Those special law has been adopted in conflict areas in order to control the situations, sometimes the Muslim people called the wicked law because of this laws that the military could do anything without investigation. In contrary, the government thought that this law would be useful to overcome and reduce the violence.³³

Martial law, the first martial law was defined in 2004, under the law that the military was allowed to use military forces and detain a suspect in seven days without warrant of arrest. The 2005 emergency decree defined by executive order that was allowed up to thirty days detention without charge in the place. The military force have used this law in order to hold a suspect without being charge for 37 days. The suspect has been a victim to abuse and pressured to confess by this laws.

There are two objections to the special law that following:

1. The security force used the power to encourage abuse, in 2012, the Muslim Attorney Center has information about seventeen cases for torture by security officials.
2. Those laws has failed to give the justice for insurgents.

³³ Martial law was first imposed in Pattani, Narathiwat and Yala as well as the four south-eastern districts of Songkhla Province in January 2004 and replaced by the emergency decree in July 2005. Martial law was re-imposed nationwide following the 19 September 2006 coup, and has not been subsequently lifted in the Deep South Crisis Group interview. Sarai Manning, director, Muslim Attorney Center, Yala, 12 July 2012.

E.2. Development the "Red Zone"

The conflict has been occurring in several places in Southern Provinces, the government realized that must adopted the planning o solve the problem at red zone. It has been starting in 2007, the government of Thailand has given the special development into the villages especially in the red zone which in charged by SBPAC. Several villages have strong insurgent that the civilian officials afraid for their safety. Therefore the military was asked to help in the red zone in order to adopt the development project. In 2009, there was a green zone that more than 2,200 villages were safe for civilian officials which managed by SBPAC. Meanwhile, there was 217 red zone villages that responsibility of the military.

In red zone, the government used a peace development unit which consist of twenty regular military, two polices officer and two volunteers. They have been deploying in each red zone villages.³⁴ A peace development unit's responsibility for military because they have to destroy the structure of insurgent operation such as each villages have set up the small group. It was called "ayah" consist of several division such as religion leader, secretariat, durong ngae and youth who provide gather intelligence and economic support, logistic.³⁵

D.3. Decentralization

The violence in Southern Thailand could be address through a political solution process, not really through a military solution. The political solution must be awareness to local people who could be participated into political process. There is a suitable policy called decentralization to greater participation of Muslim people in

³⁴ Each "green zone" village received an annual grant of 228,000 baht (\$6,779). The project in "red zone" areas was launched in 75 villages in early 2008 and expanded to cover 217 villages by December 2008. There is no fixed grant for each "red zone" village and budgets vary according to need. The SBPAC earmarked 135 million baht (\$4 million) for "red zone" villages in 2009. Crisis Group interview, Kitti Surakhamhaeng, director of SBPAC's justice administration bureau, 31 July 2009.

³⁵ See detailed discussion on the structure of insurgents' operations in the Crisis Group Report, *Recruiting Militants in Southern Thailand*, op. cit., pp. 18-19.

Southern Thailand to come up with political solution. Moreover, the decentralization process of political power, enhance administrative structure may promote better results of stability and peace in the Southern provinces. Considering of the central government, if the local people could be participate into political arena which the insurgency could be mitigated and reduced. Meanwhile, the Thai government authority must be willing to adhere to the political way. In addition, the Thai government will offer the special administrative region such as Pattaya and Bangkok.

During the election campaignin , Pue Thai Party under lead by Yingluck Shinawatra. She said that PTP would implemented Pattani city, this modeled after Bangkok and Pattaya. After PTP was failing to win any seats in Southern Thailand, then PTP was cancelled this idea. In March 2012, the new idea in the banner "Greater Pattani City" which the lawmaker of government was sent two draft bills of SBPAC reform and decentralization to the military and security agencies for review. Some officers thought that the decentralization has more violent in local political conflicts.³⁶ The official also said that the system has already existed to devolve the power through the local elected and district administrative. Eventually, the decentralization has to be the great opportunities for Muslim people in Southern Provinces to participate into political solution. Therefore the government of Thailand must realized about the situation and understanding the problems.

Crisis Group interview, army colonel, Hat Yai, 30 May 2012; Achara Ashayagachat, "Akanit urges new faces talks", *The Bangkok Post*, 7 September 2012. "4th Army Region commander on how to end the southern conflict: empathy for security", *The Bangkok Post*, 17 September 2012.