



Report of The National
Reconciliation Commission (NRC)



Overcoming Violence Through
**the Power of
Reconciliation**

Unofficial Translation

Unofficial Translation

“...There are people in this country who have lived here for so long, but they are not Thais. That is, they are not regarded as “real Thais.” As a matter of fact, they live and were born in Thailand but have received no benefit from “Thainess.” They need to be treated in the same and equal manner as other Thais. Our national security will be undermined if there are those who live in this society and yet feel deprived because no one cares.”



His Majesty the King

On granting an audience to the Prime Minister and Council of Ministers for the oath-taking ceremony before assuming office, at Sala Roeng, Klai Kangwol Palace, Sunday 18 February 2001



Unofficial Translation

“The Thai people, regardless of their faith, must each respect and abide by the principles of compassion and peaceful coexistence under the rules of society and the laws of the land. The entire Thai people, no matter in which region of the country they live, should demonstrate their sympathy and concern for their fellow countrymen who are going through such unbearable grief and suffering.”



Her Majesty the Queen

On Her Birthday Anniversary at Dusidalai Hall of Chitralada Villa, Thursday 11 August 2005



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the Power of Reconciliation

NRC

The National Reconciliation Commission

(Unofficial Translation)



No. Nor Ror 0506 (NRC)/270

National Reconciliation Commission
The Secretariat of the Cabinet
Government House, Bangkok 10300

16 May 2006

Re: Report of the National Reconciliation Commission

To: Mr. Prime Minister

Ref: 1. Prime Minister's Office Order No. 104/2548 on the appointment of the National Reconciliation Commission, dated 28 March 2005
2. Prime Minister's Office Order No. 132/2548 on the appointment of additional commissioner in the National Reconciliation Commission, dated 12 April 2005
3. Prime Minister's Office Order No. 212/2548 on the appointment of additional commissioner in the National Reconciliation Commission, dated 7 June 2005

Enc: Report of the National Reconciliation Commission

Pursuant to the Prime Minister's Order establishing the National Reconciliation Commission (NRC), charged with recommending policies, measures, mechanisms and ways conducive to reconciliation and peace in Thai society, particularly in the 3 southern border provinces, as well as submitting a report to the Prime Minister and the public, details as referenced;

The NRC has now completed its assigned tasks and herewith submits the NRC Report to the Prime Minister for information and further action as may be deemed appropriate. The NRC, on its part, will further disseminate this report to the public.

In addition, translations of the Report are being prepared in English, Pattani Malay and Arabic languages for the benefit of the government service and the public. These translations will all be submitted upon completion.

Respectfully submitted for your information and consideration.

Very truly yours,

Anand Panyarachun

(Mr. Anand Panyarachun)
Chairman, National Reconciliation Commission

Secretariat to the NRC

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1

The Story of **Yosathorn and Ammana**

Chapter 1

The Story of Yosathorn and Ammana

Yosathorn had 3 older siblings. The eldest brother had to drop out of school to stay home. The second, a sister, had passed away. The third, an 11-year-old brother, had leukemia. Yosathorn's father, Wichit, made a living selling sweets and fruit from a tiny roadside stall. One day at dusk, two motorcycle riders stopped by the stall. Yosathorn wasn't paying particular attention, just enough to see his father put bread into a bag and hand it to the two men. Three gunshots rang out. Yosathorn saw his father drop to the ground in a pool of blood, right there in front of their home. Father did not die, but from that day on, he could not take his children to school any more. He was paralyzed. He needed mother and the children to help him get up or sit down. At night he would startle at the sound of a motorcycle. Everyday, when mother handed goods to customers, Father's hands would shake and he would break out in a sweat because he didn't know if the customer was pulling from his pocket a wallet or a gun. Yosathorn knew that for father, just seeing mother and the children selling at the shop front was a terrifying ordeal.

Ammana was 8 years old. Her sister was 13. Ammana's father, Matawlaifi, was a veteran. Ammana remembers it was late at night—everyone had gone to bed and the lights were out. She was startled awake when a large group of men broke down the door and stormed into the house. Ammana saw the men restrain her father and ask him in Thai: “Where did you put the stolen guns?” Father said he didn't know, and the ten men beat him up. At midnight they dragged him into a vehicle. Three days

Reconciliation work is about the lives and futures of these children, because their futures is the future of Thai society. If they are bound together in love and friendship, no matter how much ill will exists, Thai society will remain strong.

later, the news was that someone found her father's body dumped on the roadside. He had burns from electric shocks and his nose was broken. Mother told those who visited her: "I'm so afraid I can't be any more afraid than this. I can only tell myself that no matter how afraid I am, if they want to kill us, they can kill us anyway."

Neither of these stories are fiction.

In the first story, Wichit Wilaspaisit, 47, is the head of a Buddhist household in Raman District, Yala Province. He remains paralyzed from those gunshot wounds. In the second story, the body of Matawlaifi Maesae, a Thai Muslim of Malay descent, was found by the roadside in Bajoh District, Narathiwat Province. Both incidents occurred in 2004.¹

It is not difficult to guess how Yosathorn and Ammana must have felt. Yosathorn probably wants to console his father but does not know how. He probably feels sorry for his mother for having to bear such a heavy burden, and that his father has to be like this. He does not understand what father did to deserve this. Yosathorn may therefore be full of anger and hatred toward the men who shot his father. Ammana's feeling might not be different: feeling sorry for her mother and hatred towards the men who killed her father.

What is alarming is that the numbers of such children as these two are growing every day and everywhere, in step with the number and scenes of violent incidents which have claimed lives of people from every walk of life. The press has indicated that in the three southern border provinces, several thousand children have been orphaned as a result of the epidemic of violence during these past two years.²

Reconciliation work is about the lives and futures of these children, because their futures is the future of Thai society. If they are

bound together in love and friendship, no matter how much ill will exists, Thai society will remain strong. But if they grow up with anger and hatred in their hearts, or are merely indifferent to the plight of their fellow citizens, Thai society will be darkened

with clouds of violence. Then no number of guns or amount of force will be able to restore peace and tranquility to society.

To be sure, there are bad people in this land, and they should be arrested and brought to justice according to the law. But the evidence from all sides indicate that they are few in number.³ There are, however, many groups whose aims are varied and not limited to separatism,⁴ and certain conditions have helped these people be consistently effective in their actions.

To solve the problem of violence in the southern border provinces, Thai society must understand that although the conflict in the area may have structural causes not unlike those in other parts of rural Thailand—poverty, brutal competition with external economic forces over natural resources, low-quality education, injustice at the hands of state officials and shortcomings in the judicial process—its color is different due to factors which include differences in religions, ethnicity, languages and understandings of history, all of which could easily be used to justify violence. Therefore, to overcome the problem of violence in the southern border provinces, political measures should be of paramount importance, with the aim of reordering relationship between the state and the people, and between majority and minority populations, both within the area and throughout the country, to solve the problems at the structural level and address the justifications for violence at the cultural level.

The National Reconciliation Commission (NRC) is not working only to put an end to daily violence, but also to serve as a catalyst for

to overcome the problem of violence in the southern border provinces, political measures should be of paramount importance

changes conducive to the reduction of violence in Thai society and the building of a sustainable peace. Its work is therefore oriented towards 3 main goals:

First, seek ways for the Muslim majority and the Buddhist minority in the southern border provinces of Thailand to live together in the Thai political society as reasonably contented Thai citizens.

Second, seek ways for the majority population of the country to understand the complex causes of the unrest responsible for the sufferings of those who live in the southern border provinces.

Third, imagine a peaceful future where people who are culturally diverse, both within the southern border provinces and between the people there and Thai society at large, could live side by side in happiness.

Reconciliation work is an attempt to answer the questions of how such unfortunate incidents can happen to Thailand, how the problems besetting the southern border provinces can be alleviated through reducing conditions for violence, *how to recreate Thai political society* so that children like Yosathorn and Ammana can live with hope as members of Thai society, and importantly, live together in equal rights and dignity, while caring for one another as fellow citizens of a healthy Thai society. ■

2

Explaining Violence
in the Southern
Border Provinces:

**A Conceptual
Framework**

Chapter 2

Explaining Violence in the Southern Border Provinces: A Conceptual Framework

If the problem of violence in the southern border provinces is to be approached using medical language, it should probably begin with a *diagnosis* to identify what the disease—or, in this case, the problem of violence—is and what its causes are. Then

based on present conditions and trends, a *prognosis* to predict the probable course of the disease, while determining whether the body or the body politic can recover and return to normal, could be suggested. The last stage is *therapy*, which means recommendations and a healing process for the body or body politic to return to health.⁵ It goes without saying that *the treatment or solution is a direct result of the diagnosis. If the diagnosis is mistaken, then the solution will be wrong.*

This diagnosis of the problem of violence is based on a conception of violence as being multi-layered. The violence in the southern border provinces is the same as violence everywhere else in that it consists of 3 layers:

The first layer, *the most visible, is the agency (individuals or groups) who commit the violence, who kill citizens, monks, and state officials everyday. It also includes the violence believed to be perpetrated by state officials.*

The second layer is the *structural conditions*. Individuals or groups do not exist in a vacuum but within the structural confines of

The treatment or solution is a direct result of the diagnosis. If the diagnosis is mistaken, then the solution will be wrong.

The violence in the southern border provinces consists of 3 layers: the first layer, the most visible, is the agency (individuals or groups) who commit the violence the second layer is the structural conditions the third layer is the cultural layer

society, such as family, type of education received, economic conditions, employment and social status. It may be said that *structural conditions give birth to violence-prone individuals*. Dealing only with individuals or groups without understanding, or giving interest to, how structural factors affect them is not useful in crafting long-term solutions to the problem of violence.

The third layer is the *cultural layer, which serves to legitimize various*

actions, making those who use violence feel that their actions are justified because they are legitimate (for example, viewing as legitimate and appropriate the torture of alleged traitors or separatists, or harming and killing those who do not share one's views or faith, even though they have nothing to do with one's grievances).

For example, Mr. A is an offender who shoots and kills a state official B. Mr. A does not exist in a vacuum, but is the product of many factors: age (he may be a teenager); economic situation (he may come from a poor family and is unemployed); experiencing local injustice (he or someone close to him may have suffered injustice at the hands of state authorities), knowledge of certain historical facts (such as the annexation of Pattani by Siam in the last century), among other things. These factors combined give rise to people like Mr. A, who are many in number. But if Mr. A sees the shooting of officials or innocent civilians as wrong and unacceptable, violence would not occur. If there exists cultural factors which lead him to see Mr. B (the official) as the enemy and the taking of his life as justified, violence will ensue.

Conversely, if Mr. A were an official and Mr. B a Thai Muslim teenager of Malay descent who joined the crowd in front of the provincial

police station in Tak Bai District on 25 October 2004, this explanation would also be valid. Official A would be the product of a certain structure (for example, he is from outside the region, having left his wife and children to serve on a dangerous assignment in a remote location, being extremely mindful of his duty to suppress felons; the history he learned was Bangkok-centric; his belief is that the southern border provinces have belonged to Thailand since the Sukhothai era, and therefore sees the history of these provinces as plagued with rebellions and betrayals towards the nation, while his duty is to defend the country; at the same time he is suffering with heightened tension fuelled by suspicion, etc.). When he sees the person before him as a bandit, he feels it appropriate to use violence. Whatever amount of force is used, whether these people are beaten or transported to their deaths would not be particularly important. From this perspective, if the aim is solely to suppress bandits or transfer state officials who do not act in accordance with the law, this problem will never be solved, because it disregards structural-level factors that give rise to people who use violence, and cultural factors which serve to justify the use of violence by various parties.

A sustainable solution to the violence in the southern border provinces through the reconciliation approach must seek ways to address these factors that give rise to and justify the violence at both the structural and cultural levels, while not forgetting the agency who are the perpetrators of violence. ■

3

Diagnosis:

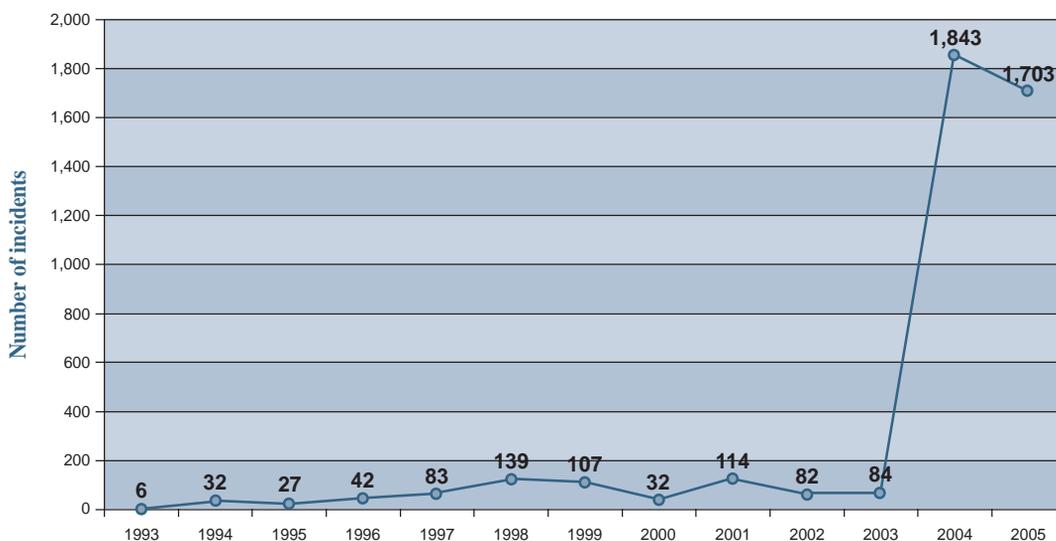
Understanding Violence in the Southern Border Provinces

Chapter 3

Diagnosis: Understanding Violence in the Southern Border Provinces

Over the course of 11 years, from 1993 to 2003, a total of 748 violent incidents occurred in Pattani, Yala, and Narathiwat (including Songkhla and Satun at certain times), an average of 68 incidents per year. However, in 2004 and 2005 the frequency of such violent incidents escalated at an alarming rate: there were 1,843 and 1,703 violent incidents in 2003 and 2004 respectively, a total of 3,546 incidents in the two years combined. These occurrences resulted in 1,175 deaths and 1,765 injuries. On average, there were 1,773 violent incidents per year over the last two years, or 148 per month. It may be said that the frequency of incidents between 2004-2005 increased 26-fold compared to the number of violent incidents during the previous 11 years (see Table 1).⁶

Table showing the number of annual incidents between 1993-2005



The National Reconciliation Commission is of the view that whoever uses violence to harm or kill the innocents, or to destroy the property of people and the state, are committing criminal acts and must be made accountable for such acts.

The more than 3,000 violent incidents in the southern border provinces that occurred since the beginning of 2004 could be explained through several perspectives and approaches, for example:

- The report of the Thaksin Government's Special Task Force, chaired by General Chaisuek Keduthat, focuses on gathering intelligence on perpetrators in the

area, on the assumption that the violence was spawned by groups of individuals linked to various movements, e.g., separatist movements, transnational terrorist networks, imperialist national strategies seeking to exploit the situation, and syndicates trafficking in illicit goods (such as drugs or illegal weapons).⁷

- The Senate Select Committee concluded that violence in the southern border provinces was caused by various factors such as poverty and social injustice, and not only by bandits or organized movements. The severity and intractability of violence could be attributed to socio-psychological factors resulting from religious, linguistic, and cultural differences. Such differences give rise to non-understanding, misunderstanding, suspicion, and negative feelings towards state authority which accumulate over time. This translated into vulnerability on the part of local residents which was ripe for exploitation by certain parties.⁸

- A study by National Defense College students divided the southern problem into four aspects. The socio-psychological aspect refers to historical circumstances and local religious-cultural attributes, which "lie at the heart of the present conflict and violence" and is a problem that has long "posed tremendous challenges to national administration." From the political aspect, the problem is caused by incongruence between government policy and local needs, inefficient state mechanisms, the state's

faulty understanding of the terrorism problem, and lack of courage in taking action against politicians linked to the problem. From the economic viewpoint, the violent situations have negatively affected the people's income and lowered consumption to some degree. Finally, the national defense perspective views that the core of violence lies in the separatist doctrine—which is itself a result of historical, political, and socio-psychological factors.⁹

The National Reconciliation Commission is of the view that whoever uses violence to harm or kill the innocents, or to destroy the property of people and the state, are committing criminal acts and must be made accountable for such acts. However, from a certain angle, the violence that took place in the area was a reaction to the state's excessively harsh tactics and measures, which resulted from miscalculated strategies and circumstantial assessments. Such miscalculations included the dissolution of the Southern Border Provinces Administrative Center (SBPAC) and the combined 43rd Civilian-Police-Military Command (CPM 43). At the same time, there was a conviction among the local Thai Muslims of Malay descent¹⁰ that they have been perceived as outsiders, marginalized or turned into second-class citizens living in a state bent on the destruction of their language and cultural traditions. Young Muslims felt they were discriminated against in making a living, and lacked participation in the administrative system. To make matters worse, some local state officials were corrupt, inefficient and lacked understanding of the local culture. Therefore, the majority of the populace, Buddhist and Muslim alike, was not prepared to assist the state in defeating the violence, either due to sympathy for the militants or fear that violence might threaten themselves and their families.

The NRC thus offers the following diagnosis of violence in the southern border provinces:

Diagnosis of violence

in the southern border provinces:

- *People in the area have been denied justice and do not have access to the national justice process.*
 - *confusion in State policy*
- *Children and youth in the area do not have access to education that is efficient enough*
 - *Local villagers are faced with internal conflict.*
- *increasingly distinct self-identity of each group*
 - *cultural diversity is viewed by some as a threat*

- People in the area have been denied *justice* and do not have access to the national justice process. At the same time, some state officials and groups of people resort to violence out of the perception that the justice system cannot be relied upon.

- There is a confusion in State policy between a *peaceful approach* and traditional means of solving the problems with the use of force. State agencies lack unity and coordination, which results in gaps between policy and implementation. Moreover, citizens in the southern border provinces are not given adequate political space to employ peaceful approaches in fighting injustice and in demanding what they desire.

- Children and youth in the area do not have access to *education* that is efficient enough to enable them to enter the

workforce. There is also an imbalance between secular and religious education.

- Local villagers are faced with *internal conflict*. On the one hand, their natural way of life is being threatened by massive forces of capitalism/materialism against which they feel helpless. On the other hand, there is a discrepancy between the older generation that prefers a simple way of life along religious principles without wishing to challenge the external forces, and the newer generation that either adapts itself to the threatening forces or resorts to various forms of resistance.

- These problems in the southern border provinces have thrown into sharper contrast the differences between the majority *Thai Muslims*

of Malay descent and the minority Thai Buddhists, whether in their differing views on the local military presence, on the use of the Executive Decree on the Administration of Public Affairs in Emergency Situations B.E. 2548 (2005), or on the control of pondok schools. This may be due to the increasingly distinct *self-identity* of each group and a decline in the acceptance of traditionally shared cultural institutions.

- The phenomenon of violence and all these problems take place within the Thai socio-political context where cultural diversity is viewed by some as a threat to the state and national security instead of a force of strength in Thai society, while others fail utterly to recognize its importance.

1. The agency layer

The NRC is well aware that violent incidents have been possible because there are those who choose to use force in their struggle, particularly in the almost century-old separatist cause. The separatist movement first took shape around 1947, when the son of the former raja of Pattani, Tengku Mahyiddin, set up an association of the great Melayu races (Kumpulan Melayu Raya - KAMPAR). These people resented the government for making local rulers lose their power to the then emerging Thai state. Eventually the Pattani Malay National Revolutionary Front (Barisan Revolusi Nasional Melayu Patani-BRN) was formed on 13 March 1960—eight years before the Patani United Liberation Organization (PULO) was established on 22 March 1968, and almost three decades before the United Front for the Independence of Pattani (Barisan Bersatu Kemerdekaan - BERSATU), which was formed in 1989. Some groups later emerged that defined their identity through the language of religion, such as the Gerakan Mujahidin Patani (GMP), set up on 16 September 1985, which considered itself ‘warriors of Islam’ (Mujahidin) and was

determined to establish a state called ‘Patani Darul Ma-arif’. Today, it is believed that the strongest separatist group is the BRN-Coordinate, which has a youth wing (Pemuda) established in 1992. Security agencies believe that this group has been involved in the local violence. The group’s forces are divided into three components:

The first component is a 200-strong commando force in charge of overseeing strategy.

The second component consists of small local mobile combat units or RKK (Runda Kumpulan Kecil - RKK). The term, used to describe small mobile combat units in Indonesia, has been adopted by the insurgent groups.

The third component consists of an agitation force with no more than 10,000 members. These groups are active in 230 villages in the area, gathering intelligence and causing daily disturbances.

Attempts to apprehend groups causing violence in the area have proven difficult due to their ambiguous structure, ability to operate as independent sub-groups or cells, some of which might even operate independently of the BRN-Coordinate structure.¹¹

The Southern Border Provinces Peace-Building Committee is of the view that the insurgent groups in the area have adopted as their operational structure a five-tiered network consisting of:¹²

Level one: a group of ideological leaders;

Level two: a political group responsible for policymaking and planning attacks;

Level three: an economic group responsible for raising funds from a variety of sources, both for themselves and for causing disturbances;

Level four: an operational force trained to follow instructions from the political group; and

Level five: a front, or risky group, that can later be converted into the operating force.

However, to the question of who has been behind all the violence—whether all of it is the work of these movements—state security agencies concluded that those behind the violence included militant groups, influential interest groups, and groups motivated by personal reasons.

The National Intelligence Agency reported that a total of 528 violent incidents occurred in the three southern border provinces during the first three months of 2005, of which 261 were security-related incidents—the equivalent of 49.4 percent.¹³ Meanwhile, police data indicated that during the first six months of 2005, a total of 701 cases of violent crime occurred in the southern border provinces, including 566 cases in which the culprits could not be identified, or the equivalent of 80.7 percent.¹⁴ The discrepancy in the numbers of intelligence/security and police agencies may be due to the intelligence agencies' figure, and they believe that 49.4 percent of these cases are security-related, being based on analysis of outdated data and how incidents are defined (for example, tip-offs about impending crime or bombings that employ particular techniques or ingredients). Police data, which indicated that perpetrators could not be identified in 80.7 per cent of the cases, are derived from the number of cases where insufficient evidence and witnesses meant that arrest warrants could not be issued at the time. However, in cases where arrests were made and sufficient evidence found, some perpetrators confessed to having committed crimes (such as planting bombing or tossing road spikes) over 10 times. At the same time, many local residents were of the view that the causes for these violent incidents include acts of personal revenge and opportunistic groups which created situations to avenge state officials, rather than separatist politics as believed by the state.¹⁵

Moreover, there are two reasons of greater importance for why the NRC is less interested in the violent militant groups than in other structural and cultural factors.

But all sides arrive at the same conclusion that the decisive factors in determining victory or defeat for the militants are issues of injustice and popular support.

First, information given by executives in the government of Pol. Lt. Col. Thaksin Shinawatra and several intelligence professionals corroborate the existence of separatist movements in the southern border provinces. They now comprise a new generation while still retaining the original

structure of the BRN-Coordinate separatist movement and the conditions that make the separatist ideology, as ever before, the ultimate objective of the present generation. Inflaming the emotions of the new generation also appears to have become more effective. *But all sides arrive at the same conclusion that the decisive factors in determining victory or defeat for the militants are issues of injustice and popular support.* For this reason, the violation of people's rights by state officials has the effect of aggravating the situation, as it would provide justification for intervention by the international community, in particular the Muslim world. *But the core and the membership of the separatist movements are very small as a proportion of the population of the southern border provinces.* That the current violence could be driven by such a small group of people would not be possible if the majority of the public had confidence and trust in the state, cooperated with state officials and/or wished to deal with local violence themselves. It may therefore be concluded that *even though the*

the main goal in solving violence, is to quickly bring about fairness and see to it that justice is done to all and to provide alternatives and nonviolent processes for the people to deal with violence.

separatist movements may be groups of individuals who are responsible for a number of violent incidents, a more important reason, which should be the main goal in solving violence, is to quickly bring about fairness and see to it that justice is done to all in order to reduce the influence of the movements and the dissemination of

separatist ideology, and to provide alternatives and nonviolent processes for the people to deal with violence.

Second, a more serious problem is the rift between the majority Muslim and minority Buddhist populations in the area.

the problem of violence in the southern border provinces has more than one causes, and that several groups are responsible for violence.

If ties cannot be restored and strongly forged among these people and their youngs, as well as among the diverse groups of people in this society, the future of Thai society itself will become much more ominous.

The NRC is of the view that the problem of violence in the southern border provinces has more than one causes, and that several groups are responsible for violence. These people act according to different motivations. But when one asks why these people seem to be effective—as seen from the still ongoing violence and the fact that many people in the area live under fear and suspicion of state authorities and of one another—the answer lies in understanding several factors involved, including at the agency level: the use of violence and threats by both the militants and some state authorities; but more importantly the structural factors: law enforcement, the weakness of the justice process, the local economy, problems of local natural resources, education, population; and cultural factors, both within and outside the area, which serve to legitimize existing violence.

2. Structural Layer: Law Enforcement, Local Economy, Education, Population and Border Area Geography

2.1 Law Enforcement

(1) The uniqueness of law enforcement in the southern border provinces area

The problem of enforcing laws that are inconsistent with principles of legal justice which affect the people's basic rights is not

specific to the southern border provinces, but has always existed in other parts of Thailand as well. This is due to structural problems in the national judicial process and criminal justice system which lack suitable checks and balances and the problem at the cultural level, namely - the authority-oriented attitude to which state officials have long been accustomed to. As a result, investigation and gathering of evidence put greater emphasis on convenience, rather than adherence to the law and consideration for the basic rights and freedoms of those involved. This gives rise to unjust practices, such as searching without warrants; arrest prior to investigation; detention of suspects longer than allowed by law; disregard for the rights of suspects, e.g., the right to have a lawyer and someone trusted present during interrogation; extra-judicial exercise of authority, e.g., abduction of suspects; or even so-called extra-judicial killing by state officials of suspects without due process of law.¹⁶

Although these problems are prevalent elsewhere, when they occur in the southern border provinces, within their distinctive historical, social, cultural, linguistic, religious and ethnic contexts, the impact has been particularly severe. The Thai Muslims of Malay descent in this area are tightly knit, bound together by common religious and cultural ways over many generations. They have bonded together as a community network with shared sentiments, and are ready to exhibit collective behavior in retaliation against or hold back cooperation from state officials when individuals within the community are treated unjustly, or harshly without compassion. The villagers' behavior is a demonstration of their self-defense mechanism. Furthermore, if respected figures in the community, such as the imam and the *toh kru*, are treated inappropriately, this would further put the state in a negative light. If law enforcement officers who come from other areas, lack knowledge and understanding of the ways of Muslim culture, or are prejudiced against Thai Muslims of Malay descent in the area, the situation would worsen.

(2) Problems arising from law enforcement in the southern border provinces

The NRC research project, covering the period between January 2002 and June 2005, found several cases where officers in the justice process inappropriately treated people who were suspects, accused, wrongdoers, defendants, as well as their

relatives. This has given rise to several networks of people who were affected by or victims of the inefficient justice process.

Some of the tangible problems encountered by these people include:

- The launching of criminal proceedings on insufficient evidence;¹⁷
- Coercion of suspects to give testimony to officers disregarding legal principles;¹⁸
- Unlawful search;¹⁹
- Unlawful arrest of children and youths, prolonged detention during trial without granting temporary release;
- Treatment of suspects, defendants or prisoners without regard for practices required by Islam;
- Failure to return evidence.

The sentiment among some Thai Muslims of Malay descent that they do not receive justice from the state is in fact deep-rooted, having developed along with the history of the area. This sentiment intensified when the government miscalculated the situation and dissolved the SBPAC, and used the police as the main law enforcement arm, as though under normal circumstances, without the participation of other parties. The implementation of extreme measures—which were criticized as

The implementation of extreme measures—which were criticized as unlawful and in violation of human rights, further aggravated the people’s distrust of the state and misgivings about the justice process to an unprecedented degree.

Lack of cooperation from the public is one important reason for the inefficiency of the criminal justice process.

unlawful and in violation of human rights, such as the violent drug suppression policy in 2003 and the course of action in the aftermath of the rifle robbery on 4 January 2004 –has intensified the problem further. When combined with other instances where

the state used force or extremely unjust measures to solve the problem—such as the suppression of the insurgents on 28 April 2004 at Krue Se, Krong Pinang and Saba Yoi, the Tak Bai incident on 25 October 2004, and the disappearance of Somchai Neelapaijit, a well-known human rights lawyer, on 12 March 2004—this further aggravated the people’s distrust of the state and misgivings about the justice process to an unprecedented degree.

These conditions created a vicious cycle in the justice process. Lack of cooperation from the public is one important reason for the inefficiency of the criminal justice process. The result is that state officials are unable to arrest the guilty parties or to find evidence for a trial. Many cases therefore never go to trial. The increasingly violent situation may create additional pressure on some state officials to resort to extra-judicial means in the gathering of evidence.

(3) Attitudes of People in the Area about Law Enforcement and the Justice Process

The NRC conducted opinion survey of people in the area and found that justice and the justice process were top priority problems that required urgent attention, particularly on the following points:²⁰

- Officials must have clear evidence before every arrest and should not arrest the innocent.
- Officials must treat arrested suspects with respect and regard them as innocent until proven guilty.

- Officials must not force the accused to confess nor use physical force against the accused.
- Officials must not trump up charges and must allow the accused to speak the truth.
- For searches, officials must have warrants and speak politely.
- Forensic testing must be thoroughly conducted on these cases.
- Officials must abide by the evidence in any investigation.
- Relatives of suspects and defendants must be given the opportunity to visit.
- Offenders must be decisively charged and tried.
- In a trial, the suspect must be allowed to obtain legal assistance from lawyers.
- Trials must be speedy and fair.
- The state must compensate those affected by events.
- The state must dispense true and equal justice to the people.
- The state must educate the people about the workings of the justice process.

Importantly, most of the respondents sampled in the survey (92 per cent) felt that they had been affected by the violence, in terms of their lives and property, physically and emotionally, through direct personal experience and that of relatives. Half the survey sample said they had been professionally affected. Only a small minority of the survey sample had received treatment, compensation or relief, even though there were many agencies responsible, including the Lawyers' Council, the Muslim Lawyers' Council, the provincial Chambers of Commerce, the provincial Red Cross, and the Committee on Policy and Administration of Relief for Those Affected by the Unrest in the Southern Border Provinces, but the relief has been slow and inadequate.²¹

Furthermore, 83.8 percent of the respondents agreed that the public should participate in the justice process; 76.7 percent agreed with the setting up of Shari'ah courts in the three southern border provinces; while 88.8 percent disagreed with the declaration of martial law in the South, seeing it as an extreme measure which caused public fear, lack of rights and freedoms, and the granting of excessive powers to state authorities. 61.2 percent disagreed with the implementation of Executive Decree on the Administration of Public Affairs in Emergency Situations, B.E. 2548 (2005), seeing it as affecting the people's way of life and livelihood, the economy, causing fear and pressure, lack of rights and freedoms and the granting of excessive powers to state authorities. The Decree was likened to a dictatorial edict under which everything was up to the decision of one person, creating injustice and aggravating the situation further. Some were of the view that the issuing of the Decree did not derive from the opinions of people in the area, and that the enforcement of existing laws should be sufficient to bring the situation under control.²²

(4) The Impact of the Implementation of the Executive Decree on the Administration of Public Affairs in Emergency Situations, B.E. 2548 (2005)

When the public does not believe in the justice process, the authorities do not receive cooperation from the people in providing evidence and clues regarding perpetrators of violence. With limited forensic evidence to go on, the state had few options but to introduce the Executive Decree on the Administration of Public Affairs in Emergency Situations, in order to allow officials to detain and question suspects, while suspending the general principles of the Criminal Procedure Code. The enforcement of the Decree may be necessary in order to glean information about the structure of the terrorist network that would otherwise be unobtainable, and to control the situation from further spiraling out of control. But with a crisis of faith in the justice process that had never been

seriously rectified, the introduction of such a harsh and absolute measure and the granting of such broad powers to state authorities is a two-edged sword that, if used inappropriately, may cause greater damage to the state.

A study of the effectiveness of the Decree in preventing and controlling violence by comparing the situation before and after it was announced was inconclusive as to whether the implementation of the Decree has improved the situation, unless it allows for the real culprits to be detained

without affecting the rights and freedoms of the innocent or eroding confidence in the state even further.²³

(5) The Lack of an Integrated Policy on Law Enforcement and Unified Control and Monitoring

The problem of law enforcement in the southern border provinces clearly reflects the lack of a unified policy formulation of the justice process. Law enforcement under such a complex situation requires systematic policymaking on criminal justice for agencies involved. Mechanisms need to be set up which can drive implementation and policy supervision, which must be a collaborative unified effort among various agencies. So far, Thailand's justice system still lacks such a process

Efforts to integrate justice policy—such as the call by the Ministry of Justice to introduce civil society participation under the principle of “communal justice,”

with a crisis of faith in the justice process that had never been seriously rectified, the introduction of such a harsh and absolute measure and the granting of such broad powers to state authorities is a two-edged sword that, if used inappropriately, may cause greater damage to the state.

The problem of law enforcement in the southern border provinces clearly reflects the lack of a unified policy formulation of the justice process. Law enforcement under such a complex situation requires systematic policymaking on criminal justice for agencies involved.

the setting up of a process to receive complaints and seriously check the performance of state officials in the area, as well as the establishment of a Justice Fund to heal those affected by violence—have not been accepted as an approach towards the integration of security policy in the area.

The NRC recognizes the importance of this problem. It recommended to the government on 13 December 2005 the setting up of a Committee to Promote and Administer Justice in the Southern Border Provinces, composed of state agencies, religious leaders and local civil society, with powers to determine the approach of and supervise law enforcement in the three southern border provinces to ensure efficiency, speed, transparency, fairness and consistency with legal justice principles; monitor the exercise of state authority in law enforcement; and provide recommendations to raise the standard of criminal justice work, etc. Although the government accepted the recommendation and gave importance to this issue by setting up the Commission to Administer Justice and Promote Rights and Freedoms in the three southern Border Provinces, the composition of the committee still lacks participation of civil society representatives from the area. Its powers also do not include the formulation of an integrated policy on criminal justice as proposed by the NRC.

2.2 Local Economy

Between 1998-2003, the economies of the three southern border provinces were not very strong. Growth was significantly lower than that of other regions and Thailand's as a whole. The economic problems of the three southern border provinces were due to depressed agricultural prices, which put the three southern border provinces in the bottom four among provinces in the region, because they had the greatest proportion of low-income earners. Furthermore, between 1990 and 2003 they were found to have a lower provincial product per capita than other southern provinces and other areas of the country (Table 1). Significantly, they had

311,500 poor people, or 47.6 percent of the entire region's poor. The 3 provinces also face wide disparities in the distribution of income.

Table 1
Provincial Product Per Capita in Various Areas of Thailand
 (At constant prices with 1988 as base year)

Area	2003 (baht per person)	Growth rate during 1988-2003 (annual average)
The three southern border provinces	25,291	1.80
Other provinces in the South	36,465	3.44
Other provinces in the country (excluding Bangkok Metropolis)	44,970	5.16

Source : National Economic and Social Development Board

But both average income and income distribution are static pictures that do not show the dynamics of the economic roubles in the three southern border provinces, which are overly dependent on agriculture. The agricultural sector of any area requires abundant natural resources as underlying production factors. The natural resources in the three southern border provinces, however, are under tremendous pressure. When the most labor-intensive sector comes under such pressure,²⁴ those who make their living in the agricultural sector are justified in seeking employment elsewhere. But it turns out that employment opportunities for people in the three southern border provinces are rather limited. The result is that labor in the three southern border

employment opportunities for people in the three southern border provinces are rather limited. The result is that labor in the three southern border provinces, particularly those in the 20-24 age group, have a higher proportion of unemployment than in other regions.

one way to cope with violence is to reduce the pressure over natural resources by granting communities the right to manage resources

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It was also found that areas of high insurgency activity, the so-called “red zones,” in the three southern border provinces numbered 257 out of 1,638

villages, or 15.7 percent. Interestingly, 120 “red” villages in the three provinces, or 46.7 percent, have had conflict of some kinds over natural resources, specifically the overlapping of national forest lands with lands that villagers used to make their living. In Pattani along the coastal area alone, there have been 44 “red” villages or 58.7 percent of the 75 coastal villages.²⁵

If the villages are marked “red” because of violence, it is also possible that the violence has to do with the conflict over natural resources, not only because “criminals” plot violence against state authorities and civilians. Pressure over natural resources drives villagers into a corner of poverty. When impoverished people lack enough education to have other choices in life, the pressure on them mounts. For this reason, one way to cope with violence is to reduce the pressure over natural resources by granting communities the right to manage resources, i.e., use natural resources cost-effectively and without harm to others, on the basis of religious belief. All of this is readily possible according to the rules set forth in the Constitution.

2.3 Education

The pressure over natural resources which drive people away from agriculture to seek other employment is not a phenomenon limited to the three southern border provinces, but is occurring throughout Thailand. What is different is that in other parts of the country, farmers and their

offspring can resort to working in the industrial or other sectors. But in the three southern border provinces, it appears that the people have more trouble obtaining employment in other sectors, which is a result of the general education system.

In 2002, people aged 20-29 in the three southern border provinces received an average of 8.3 years of general education, while those in other southern provinces received 9.5 years, and those in other regions received 9 years. Only 2 percent of the school-age population in the three southern border provinces complete tertiary education. In terms of education quality, nationwide scholastic testing by the Ministry of Education showed that students in the three southern border provinces score lower than those in other regions on every subject except English.

This problem of educational level and performance applies to general education and is possibly a problem only for Thai Muslims of Malay descent. It does not mean that these people study less than Thais in other provinces. In fact, it may be said that Thai Muslim students in the three southern border provinces spend more time studying than Thai Buddhist students in general, because their parents wish them to study religion along with general subjects, and the Islamic studies courses taught in the private Islamic schools are much more intensive than those taught in public schools. The result is that 2 in 3 Thai Muslim students are sent by their parents to private Islamic schools and have a total of 35 study hours per week, compared to 25 hours per week in public schools.

That Muslim students are able to pursue general studies alongside religious studies is the result of a long evolution of the educational system in the southern border provinces, which are full of conflict and mutual prejudice between the state and Thai Muslims of Malay descent. The latter community tends to see the state as using mandatory education as a tool to assimilate the Malay Muslim culture until it becomes extinct. The state, meanwhile, sees the community-based religious education

institutions, and in particular the pondoks, as hotbeds for separatist ideology and, more recently, violent Islamic ideology.

Although both sides have resolved conflict to a manageable level, one issue remains unsettled: the effective teaching of the Thai language to children who use Malay in their daily lives.

Still, the prejudice has not disappeared. On the side of the government, politicians and civil servants who do not understand the problems often come out to criticize the pondoks and shut down these educational institutions which are the pride of the Muslim community in the southern border provinces. On the other side, the troublemakers seem to choose educational sites and personnel as their targets. Between April 2004 to July 2005, 61 schools were destroyed by arsons. From January 2004 to June 2005, 24 teachers, school administrators and other educational personnel were killed, and 18 were injured.

2.4 Population

A distinct feature of the three southern border provinces is a local culture which differs from the rest of Thailand: 79.3 percent of the population, 1.4 million people, are Muslims and prefer to speak Malay. The Buddhist population makes up only 20.1 percent and is scattered throughout urban and rural areas.

Interestingly, the growth rate of the Buddhist Thai population in the area declined greatly in the 15 years preceding the violent events that began in early 2004. In the eyes of some Buddhists in the area, the change in the proportion of the population was a problem that posed a burden for the state, as tax revenues had to be directed towards taking care of the expanding Muslim population, because Muslim families were poor, lacked opportunity, and were unable to raise the growing population to become productive members of society. At the same time, the growing Muslim population raises concern among some Buddhists about national security.

In addition, the number of state personnel is structured inconsistently with the distribution of the local population. In other words, there are not many Muslim Thai civil servants serving in the area.

This geographical proximity results in at least two problems.

- *the large number of people who hold dual citizenship*
- *the ease of migration to Malaysia.*

2.5 Border Geography

The southern border provinces of Thailand share a 573-km long border with northern Malaysia. The populations on both sides of the border are so close that some see the Kolok River, the natural border dividing the Malaysian city of Kota Bharu and Thailand's Narathiwat province, as merely a drainage channel during flood season.²⁶

This geographical proximity results in at least two problems. The first is the large number of people who hold dual citizenship,²⁷ which is seen as a problem by security authorities. The second is the ease of migration to Malaysia. An example is the case of the 131 Thais who sought refuge in Kelantan after the incident at Ban Laharn, Narathiwat province, at the end of August 2005. This prompted a response from Malaysia. Nik Aziz, the Chief Minister of Kelantan state in Malaysia and leader of Malaysia's opposition PAS (Parti Islam SeMalaysia-PAS) party, said that taking a position on the refugees from Thailand would be up to the federal government. Subsequently, he said during Friday prayers at a mosque that PAS would accept donations of money, food and clothing to help this group of refugees as they were in trouble and should be assisted through zakat. He said the migration of this group was very important for the people of Kelantan, because many relatives of the Kelantanese were still stuck in conflict on the Thai side. Afterwards, on the government side, Hishamuddin Hussein, leader of the UMNO (United Malays National Organization) Youth wing and Malaysia's Minister of Education, said that he was in constant coordination on the situation in southern

Thailand, because what was happening in southern Thailand could also be felt in Malaysia.²⁸ With this geopolitical importance, solving the problems of the South must rely on cooperation from the Malaysian authorities, both at the levels of the federal government and the northern states. Therefore Malaysia cannot be regarded as a villain on this.²⁹

3. Cultural Layer: Language-Religion and History

3.1 Language-Religion

Thai Muslims in the southern border provinces are of Malay descent. They speak the Pattani Malay dialect, which is close to Kelantan Malay. This Malay quality binds them closely to the ‘Malay cultural world,’ which has proven durable both geographically and historically, spanning the northern Malay Peninsula to the Indonesian island of Sumatra and the southern Philippines. This being part of the “Malay cultural world” is made more pronounced due to geographical factors.

When villagers in the area are asked who they are, the answer they give is “Muslim Malay, which means ethnic Malay of Islamic faith. Some identify themselves as ‘Islamic person,’ in a tone of voice that shows their pride and indicates a high degree of religious devoutness.” Some reply that they are “aukhae nayu” (a Malay), not “aukhae siyae” or “aukhae siyam” (a Siamese). It is possible that they are afraid of saying “a Thai” because in the understanding of some people, “Thais or Siamese are Buddhists.” Answering “aukhae siyae” might make that person guilty of “murtad”, or apostasy.³⁰ In this sense, language and religion have long and intensively shaped the identity of Malay Muslims in the area.

Moreover, the allegiance of the Malay villagers in the southern border provinces to the Malay language stems from the fact that they are rural people who have used the language since childhood with their parents and in their religious studies. In this sense, the Malay language, which has come to define whether or not a person is Malay, is a link

between the present-day population and the glorious past of the Pattani sultanate. When the Malay Peninsula came under the influence of Islam, the local people adopted the Arabic script for use in the Malay linguistic system. For this reason, the Malay language written in Arabic characters is not

Since there is no clergy in Islam, all Muslims, male and female, could be seen as simultaneously holding the dual status of both laymen and clergy.

only valuable in terms of communication, but also of religious significance, as it is used in the study and dissemination of Islam and its sacred rituals. For these people, the Malay language is a treasure trove of great cultural value and a source of pride for Muslims of Malay descent.³¹ In a way, this being “Malay” differs from being a Malaysian in Malaysia. While Malaysia is a new country born in the 20th century, for over 700 years Pattani was one of the two centers of Islamic studies in Southeast Asia (the other being Aceh, which was considered a gateway to the holy city of Mecca). In fact, 300 years ago, Pattani was considered the best center for Islamic studies on the Malay Peninsula.³² All Islamic texts written by Pattani scholars were either in Arabic or Arabic-scripted Malay, called *yawi*.

The majority of the Muslim population in the three southern border provinces, like most of the Muslim world, are Sunni Muslims, not Shi’a.³³ It may be said that Islam binds the Muslim faithfuls of the southern border provinces together with the fate of the Muslim world. They therefore also bear the consequences of global events that involve Muslims.³⁴

In the context of the violence in the southern border provinces, two factors need to be understood about Islam: the strict religious devoutness of Muslims, and the Muslim views on justice and struggle.

(1) Strict religious devoutness of Muslims. In Thai society for the most part, the place for strict religious devoutness lies with the clergy. Since there is no clergy in Islam, all Muslims, male and female, could be

seen as simultaneously holding the dual status of both laymen and clergy. This means that their way of life is bound by religious rules at all times, e.g., they pray 5 times a day; they pay zakat; they fast every year during the lunar month of Ramadan; those who are able go to Mecca to perform the Hajj. Islam also prescribes rules governing every aspect of daily life, such as dietary practices, manner of dress, and cleanliness. The state's allowing of an excessive inflow of undesirable cultural influences into society may make Muslims feel uneasy about living under such circumstances.

Islam considers cleanliness to be part of religious piety, which is particular to the Islamic context. Some villages may not appear particularly spotless, but if the Muslim villagers can use the area to perform their prayers, it is considered "clean." Importantly, a Muslim's house is not only a dwelling, but also a place for performing religious rites such as prayers and reading Al Qur'an. The house must therefore be clean in the religious sense because Muslims must wash themselves as religiously prescribed before every prayer, as well as before touching and reading Al Qur'an.

Lack of understanding on "cleanliness" can cause troubles. For example, Bagong Pittaya School, in Bang Khao Subdistrict, Nong Jik District, Pattani, was searched twice before the arms heist of January 4, 2004. Officials claimed that four students had shot a policeman in Tuyong Subdistrict, Pattani. In the first search, 100 police officers showed up, wrecked walls of the school building, and tromped around in their boots as they searched everywhere, including the mosque. The second time, they also brought in police dogs to help conduct the search. Baboh, the school owner, told an NRC researcher that after the officials had left, he had to wash the entire pondok, including his own house and the mosque as religiously prescribed because dogs may have gone everywhere during the search.³⁵ This is because under Islamic teaching, dogs—and

especially their saliva—are considered unclean (*nayis*). It is believed that performing religious rituals in an unclean place would invalidate their sanctity. Baboh, the school

*for Muslims,
peace includes
justice.*

owner, felt that: “what the officials did were “*luemoh samagah*,” meaning that it totally sapped our morale. How could they do such a thing and make us lose our dignity as Muslims? I felt grief, and anger as well. I thought ‘Don’t they believe us this much?’ Even though I tried to be as patient as I could, I couldn’t help thinking that way, because such a thing had never happened before.” But he put down everything that happened as a test from God.³⁶

It is often said that Islam is a way of life. In this sense, Islam is no different from other cultural systems that serve as codes specifying acceptable and unacceptable conducts. Culture usually prescribes patterns of conduct on such matters as diet, lifestyle and manner of dress, and relations with members of the opposite sex. Most people in Thai society may not adhere so strictly to such codes of conduct, but for Muslims the codes of conduct embody religious and spiritual dimensions. For this reason, such seemingly trivial matters may be the spark that transforms conflict into violence.

(2) Muslim views on justice and struggle. When one considers the incidents of violence involving Muslims, whether in the Middle East or elsewhere, the saying that Islam is a religion of peace seems to contradict the reality of the world. But if one takes this saying seriously, one must also understand that *for Muslims, peace includes justice*. Islam allows Muslims to fight in order to protect the truth, preserve peace, and stop injustice, threats, and transgression.

*“And why will you not fight in the way of God
For the men, women, and children who are oppressed,
who pray
‘O Lord, release us from this land of oppressors,
with your Mercy, grant us a helper and a protector.’
The believers fight in the way of God,
The unbelievers fight for injustice.”*

The meaning of Al Qur’an, Surah (chapter) 4, Ayah (verse) 75-76

Apparently, Islam allows Muslims to think up ways, within the bounds of the religion, to struggle against oppression and injustice at the hands of the unjust. From this perspective, a peaceful approach based on Islamic principles—such as speaking truth in the face of unjust rulers, or non-cooperation with those who abuse their authority—is one way to solve the problem.

For this reason, Muslims should look at the world around them and see whether there are others who are victims of injustice, whether they themselves have been blind and deaf to the sufferings of their fellow human beings. And if they find that to be the case, then they should ask themselves what to do next. Muslims live in a world created by God, which requires of them to both accept exiting misery as a test from God, and yet to struggle as Muslims to fight against injustice and make the world a better place for all. It is important to realize that such struggle is not merely political, but also a spiritual burden that the faithful must bear and carry out through various means, in deed, by both word and spirit. This means that within Islamic culture there is a system of meaning that is prepared to grant legitimacy to a struggle for justice. From such a perspective, fighting injustice is a struggle that should be taken up and could be justified by solid religious reasons, as it may be considered a fight in the way of God.

3.2 History

Three years after the establishment of the Chakri Dynasty in 1782, Pattani stopped paying tribute to Siam. King Rama I therefore sent a naval force to attack Pattani, exacting a high death toll among its people, eventually forcing Pattani to surrender. In 1808, Rama I restructured the administration of the southern region into 7 outposts: Pattani, Nong Jik, Yaring, Raman, Yala, Saiburi and Ra-ngae. However, a more significant change occurred with the modernization of the Siamese nation-state during the reign of King Rama V. Siam undertook a major administrative reform through the centralization of power and tax reform based on new Finance Ministry regulations. One consequence of this was conflict between the central authority and regional leaders over the loss of vested interests and prestige on the part of the local leaders. In 1902 alone, three rebellions broke out: the Ngiao Muang Phrae Rebellion in the North, the Phu Mee Bun (Phee Bun) Rebellion in the Northeast and the Jao Khaek Jed Hua Muang Rebellion in the South. That rebellions broke out in all the outlying regions of the country in the same year may be said to be a reaction by the regions to the centralization of power under the new Siamese nation state. When order was restored in the South, Tunku Abdul Kadir, or Phraya Vichitpakdi, the ruler of Pattani, was arrested by the Bangkok government, effectively ending the era of Raya Pattani.

Later, on 10 March 1909, Siam signed the Anglo-Siamese Treaty ceding to Great Britain control over Saiburi, Kelantan, Trengganu, Perlis, and nearby islands, a territory of 15,000 square miles and a population of over 500,000. In return, Great Britain guaranteed that the government of the Malay Federation would settle the debts owed by those states to the Siamese government, and would relinquish its extra-territorial rights and consular court in Siam, provided Siam reformed its laws so that people under British jurisdiction enjoyed the same rights as Siamese natives, except that they would be exempted from military service. In 1891,

during a visit to the Malay provinces, King Rama V said that “We do not have any special interests in these provinces...If we were to lose them to the British, we would lose only tributes of silver and gold flowers. Other than that, there would be no other material loss. However, to lose these territories would be a blow to the dignity of the country. That is why we must reassert our possession of these territories...”³⁷

The territory that was once the Sultanate of Pattani was divided into two parts: the north belonged to Siam, while the south came under the rule of British Malaya. Since then, the northern part of the original Pattani became part of the new Siamese state, an integral part of a unitary state, a kingdom that is indivisible according to every constitution since the change from absolute monarchy to constitutional democracy in 1932.

From this perspective, violence in the southern border provinces may be regarded as a problem of history, wherein people in the region have their own history with links to Ayuthya-Bangkok. But because the Pattani people’s memories and historical consciousness about their home remain powerful to this day, their history is therefore incompatible with the standard history established by state authority.³⁸

As a result, the history of the Pattani area may be viewed from two perspectives. From the perspective of Ayuthya-Bangkok, the history of Pattani is one of rebellion and insubordination. Every time that the power of Ayuthya-Bangkok waned, Pattani would launch a rebellion. But if this same history is viewed from the perspective of Pattani, it is a history of struggle for freedom. In this regard, the power of history rests not only in textbooks printed by the Ministry of Education or academic writings which recorded the events. The power of history instead rests also on the meanings that people give to past events at a time when they are struggling to protect the cultural symbols that have defined their way of life and identity.

4. Summary of causal diagnosis

Although some believe that many of the core leaders of the militant groups are neither poor nor direct victims of injustice, both factors are related to the violence in

the southern border provinces.³⁹ The NRC is of the view *that economic factors such as poverty and injustice are related to the violence* because they increase sympathy and support both within and outside the area, and also serve as conditions conducive to violent struggle.

Some see Islam as a cause of the violence. The NRC, meanwhile, is clear in its diagnosis that religion is not the cause of violence, but is related to violence as a justifications used by some groups for their violent methods.⁴⁰ Notably, religion is not the only factor that has been used to make their violence legitimate. The history of Pattani and Malay cultural identity have also been used as justifications. World events, such as the 9/11 attack on the United States, or the US response of invading Afghanistan and Iraq, can also be linked to the violence because they can be cited in claiming that the Muslim world is under attack by American imperialism in an unjust war.

If these points are arranged into layers of explanation, the phenomenon of violence can be seen as resulting from three conditions:

First: the agency condition. These are the perpetrators of unrest and some state authorities who respond in kind.

Second: the structural condition. These are:

- Injustice arising from the existing justice process and administrative system
- Economic and natural resource problems faced by most people

The NRC, meanwhile, is clear in its diagnosis that religion is not the cause of violence

- Education which fails to empower the people to overcome various forms of social challenges, both secular and religious
- General condition of the population
- Geopolitical factors that sharply contrast the quality of life between Muslim Malays on opposite sides of the border - in the southern border provinces of Thailand and in Malaysia.

Third: the cultural conditions. The religious and ethnic distinctiveness of the area—Islam, the Malay language, and the history of Pattani—are crucial in any attempt to persuade people to accept or agree with the perpetrators of violence. All of this allows militants in the southern border provinces to use ethnic and religious justifications to legitimize the use of violence in the pursuit of their own objectives in the name of Malay Muslim identity. ■

4

Prognosis of **Violence Phenomenon**

Chapter 4

Prognosis of Violence Phenomenon

Now that the phenomenon of violence has been diagnosed, what needs to be considered next is the probable trend of violence in the future. A prognosis of future trends is not to suggest possible futures which could be either good or bad, desirable or detestable, but an ordering of existing data and posing related questions on what is likely to happen, given the known factors and conditions.⁴¹

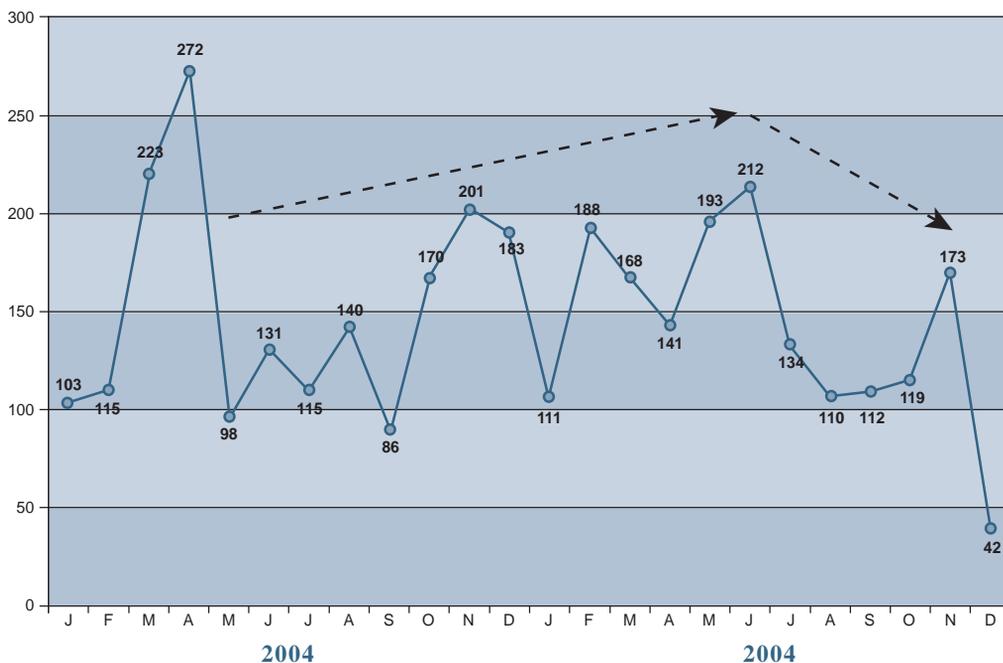
In this sense, a prognosis of future trends is like an early warning system which suggests what may happen if things are left the way they are. Therefore one must be committed to seeking a cure that could alleviate, lessen or prevent problems in the future. But it is important to realize at the outset that the killings that have already taken place in our society appear as a “late warning” for violence which springs from structural factors and legitimized by some cultural traits. If structural and cultural solutions could be found and used, violence and killings could be prevented from worsening.⁴² In some instances, attempts to prevent the situation from worsening may help restore conditions to a point before the violence of 4 January 2004, which was when the number of violent incidents started to climb higher than at any time in the past decade.

1. Prognosis based on various parties' projections and statistics

Several projections have been put forward regarding violence in the southern border provinces. A report by students at the National Defense College anticipates that militant groups will continue to pursue their separatist goals, and that violent acts will continue steadily without regard for loss of life and property, whether among ordinary people or the perpetrators themselves. This would cause the people to lose faith in state authority, government officials to feel intimidated, and increasing exodus out of the three southern border provinces.⁴³ Moreover, it appeared that the rate of death from external causes in 2004 soared, the province with the highest rate of increase being Yala.⁴⁴ Shortly after the Bali suicide bombings on 1 October 2005, some military officers believed that the situation would get further out of hand, as it was impossible to distinguish the perpetrators from the general public, or to arrest the culprits with certainty.⁴⁵ An opinion survey of both civilians and officials in the area between 21-25 September 2005 found that 55.7% believed that the situation had worsened or greatly worsened, while 35.4% saw the situation as unchanged from before, i.e., with violence occurring on a regular basis.⁴⁶ Even some NRC commissioners expected violence to worsen.⁴⁷

However, if one plots the monthly frequency of incidents during the 24 months from January 2004 to December 2005,⁴⁸ it is clear that after peaking in early 2004, there was an upward trend from June 2004 to June 2005, which fell again towards the end of 2005 when floods swept through the region (see chart below).

Frequency of incidents, 2004-2005



The violence during 2004-2005 had a clear and direct impact on the economy of the three southern border provinces. Fisheries, one of the region's most important income earners, saw production drop steeply, as did other business activities such as construction. The sector that faced the sharpest decline in growth was hotels/restaurants,

Violence during the past two years has directly impacted upon the economy in the three southern border provinces.

Violence during the past two years has directly impacted upon the economy in the three southern border provinces. Productivity in fishery, the region's extremely important agricultural product has been in decline. So have private businesses as evident in application for building constructions. The hardest hit by violence in terms of shrinking growth rate is the hotel/restaurant business followed by property/leasing/business services.

Although statistics showed a rising trend in some sectors such as commercial banking savings and credit, as well as registration of passenger vehicles and trucks, but these were economic activities that mainly involved higher-income groups. The middle and lower income groups who are the majority, continued to suffer from the worsening economic situation. Even though external factors continued to improve rubber prices and state spending in the area increased (in 2004, real budgetary disbursements totaled 18,143.6 million baht, an increase of 37% over 2003; in 2005, it was 25,335.4 million baht, 40% higher than 2004), it did not succeed in significantly boosting local economic conditions. 49

If these conditions do not change, one might project future trends from the data on violence during the past two years (beginning 2004 to end 2005) as follows:

- Violence will continue. Although the number of incidents dropped somewhat towards the end of 2005, there is no sign that it will continue to decline.
- Bombing incidents will increase. The trend in the latter half of 2005 shows an increase in the number of bombings over arson.
- More casualties among civilians as more become victims of violence.
- Violence will continue to adversely affect economic conditions in the area.

2. Prognosis based on two sets of relationship

Besides statistics and learned opinions, evaluating the trend of violence may also be based on an analysis of the violent incidents that asks not who committed the acts of violence or why, but considers the effect of the violence on two sets of relationship: between the state and the people, and among various groups of people, at both the local level in the southern border provinces and the national level.

Peace and internal security of every country is dependent on a 2-dimensional relationship, i.e., a vertical relationship between the state and the people in the state, and a horizontal relationship among diverse groups in the state. Both these relationships also exist within international relations at both the regional and international levels.

Focusing on the three southern border provinces, peace and security of

Thailand rests on the relationship between the state and the people as well as between the Muslim majority and the Buddhist minority in the area. This pair of relationships rest within the context of Thailand's relations with its neighbors in Southeast Asia as well as its international relations. Of the dual relationships, between the state and the people and among the people themselves, a country's security depends more on the relationship among peoples in the state even than on that between the state and the people. If various groups of people within a state are divided and mutually hostile, it would be difficult to maintain good state-citizen relations. Conversely, even if state-citizen relations are frayed on occasion, as long as peoples within the state remain united in caring for one another, national security will be protected by the ties that bind them together.

An extremely important question at this point is: in what ways has violence in the southern border provinces which exploded since 4 January 2004 affected the two sets of relationship? Understanding this issue would contribute to a meaningful prognosis of violence.

4 January 2004. An unknown number of assailants (estimated by the Army

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at around fifty) raided the 4th Development Battalion, Fort Kromluang Narathiwat Ratchanakharin, at Ban Pileng Village, Marue Bo-Ok Subdistrict, Joh Airong District, Narathiwat, robbed 403 guns and killed 4 soldiers. This heist of a military fort was synchronized with arson attacks on schools and patrol checkpoints at 22 points throughout Narathiwat province.

The incident was significant not so much because of the number of guns stolen in a single attack, but because the attack on a military fort to steal guns and murder soldiers was tantamount to attacking the armed core of the state's authority. Therefore, in the eyes of the state, it was necessary to respond by restoring state authority in the area as quickly as possible. In this sense, 4 January 2004 was a public blow to the stature of the state, for if the state was unable to protect its own armed officers, to prevent the weapons in its own hands from stolen, how could it protect its citizens as duty required? The incident severely jolted the relationship between the state and its citizens.

22-24 January 2004. Two men used a machete to slit the throat of a 64-year-old Buddhist monk who had just returned from his morning alms begging round in Bajoh District, Narathiwat Province. Two days later, someone attacked 3 monks and novices in Muang District, Yala Province. Two died, the youngest was a 13-year-old novice.

These events are highly significant for two reasons. First, although the southern border provinces had long been afflicted by violence, the attack and murder of monks was unprecedented. The act seemed intended to destroy the cultural boundaries that had always framed and confined the area's violence in the past. It used to be that any conflict or violence exempted innocent parties. Monks, in particular, were considered off-limits to the cycle of violence in the southern border areas. Second, the blades used in these attacks not only took the lives of the Buddhist monks and a novice, but cut deeply into the ties that bind Thai Buddhists and Thai

Muslims in the area. The mutual trust, fellowship and acceptance of one another's cultural differences turned into anger, mistrust and, in some cases, even hatred. This poses a grave danger to peace and security both at the local and national levels.

12 March 2004. Somchai Neelapaijit was a Muslim lawyer who, for over 20 years, had played a prominent role in defending Muslims accused of involvement in violence in the southern border provinces. He successfully defended his clients in important cases, winning acquittal by the Supreme Court for a defendant charged with arson on a school in 1993; and acquittal for the physician Wae Mahadi Waedaoh and associates who were arrested in 2003 and accused of being members of the Jemaayah Islamiyah. Somchai disappeared after meeting a friend at a hotel in Bangkok. It is believed that several policemen were involved in his disappearance. Even the government admitted to the probability that Somchai was dead. Deputy Prime Minister Gen. Chavalit Yongchaiyudh, in response to a query in the House of Representatives on 25 March 2004, said, "I have information about who Mr. Somchai talked to before he died..." Prime Minister Thaksin Shinawatra, in an interview to the press on 13 January 2006, said, "...we have learned from circumstantial evidence that he is dead."

This incident is important because Somchai Neelapaijit was a Muslim lawyer who had long fought on behalf of Muslims accused of involvement in the violence in the three southern border provinces. His abduction and disappearance was the destruction of a man who believed in the country's justice process, and who therefore always fought for justice through legal means within the system. The violence that claimed Somchai had a direct impact on state-citizen relations. Many people, in particular the country's minority, felt that here was someone who always put his faith in the state's justice process, yet even he was not safe. It goes without saying how important faith in the country's justice process is to

state-citizen relations.

28 April 2004. Hundreds of men armed with machetes decided to storm government offices in 3 provinces at the same time. Officials met the attack with gunfire. Five policemen and soldiers were killed, while 106 militants lost their lives. This included the number of casualties from the siege of Krue-ze Mosque in Pattani, in which all 32 militants who took refuge in the mosque and exchanged gunfire with authorities perished. If one compares the number of the dead on both sides, it is apparent that the state triumphed because it was able to kill more militants while sustaining fewer losses. But if one does not think of this as merely a military battle, the question becomes how the 106 deaths are remembered by the living.

Most of the bodies were buried without being bathed as is customary under Islam. They were buried in their bloody and bullet-riddled condition, as they were considered “shaheed,” or martyrs who had died fighting to protect Islam at the hands of non-Muslims. The manner of their deaths is believed to have already “cleansed” their bodies and therefore bathing would not be required. Using machetes against modern weapons was an image of courage in which religious faith was a key component. The decision to act on a day believed by many locals to be the anniversary of a major clash between the state and Thai Muslims at Duson-nyor village, Janae District, Narathiwat, in 1948 was symbolically meaningful. It meant that the violence of 28 April 2004 was an induction of the martyrs into the history of struggle between the state and the people of the three southern border provinces. It also connected the present alienation between the state and Thai Muslims in the area with the history of violent struggle. Meanwhile, for Thai Buddhists in the area, to see ordinary men from under 20 to over 60 year-old rose up to fight against the might of the state and willingly go to their deaths in line with their beliefs must have engendered both incomprehension and wariness.

25 October 2004. Three thousand people gathered in front of the provincial police station in Tak Bai District, Narathiwat, demanding that the authorities grant bail to six Thai Muslims of Malay descent who were members of a village security unit. This kind of situation was not new. A similar incident had happened before. On 25 September 2004, villagers had surrounded a peace operation task force at Ban Ai Batu School in Sungai Padi, Narathiwat, believing that some military officers had fired upon and wounded a woman in the village. On 10 October 2004, villagers reported 2 men dressed like soldiers firing 3 shots in the area of Panare Beach, Pattani. Villagers, mostly young men, surrounded the officials. Eventually they talked and managed to peacefully resolve the situation when the officials allowed the villagers to verify the facts while they exercised restraint even though the crowd was aggressive.⁵⁰

But the incident at Tak Bai was not successfully and peacefully resolved. Officials used force to break up the crowd, resulting in 6 deaths at the scene. About 1,300 people were arrested. During transportation of the prisoners to Inkayuth Boriharn Fort in Pattani, 79 suffocated to death from being stacked one on top of one another for an extended period.

This incident heightened public distrust even further. Most believed that the protesters were unarmed, and that the use of force to break up the protest was therefore excessive. Furthermore, whether those arrested were actual militants or merely protesters making demands in their protest, the state could not shirk responsibility for the treatment which resulted in their deaths while transporting them to a military barracks. The deaths, after all, occurred under state custody. The state set up a committee to examine the facts of the matter, but apparently refused to be accountable for. The result was that the trust and confidence of the people in the area was further eroded and weakened. The incident was seen by Thai Muslims of Malay descent as clearly showing that the state was treating them unjustly and felt no remorse at the deaths. It is unclear

whether this sentiment is shared by all the cultural groups in the area, but many regard the Tak Bai incident as unprecedented in history and totally unexpected by locals. It changed the relationship and the way Thai Buddhists and Thai Muslims live together.⁵¹

In the context of regional relations, the Tak Bai incident marked the point at which the media and various groups in Malaysia began to widely criticize the Thai government. For the first time, criticism of the Thai government was concentrated in the parliament of a neighboring country, where both government and opposition party members condemned the use of violent tactics to control the protesters, which resulted in 79 deaths. Moreover, the government and opposition parties together set up a study group regarding southern Thailand to “support human rights during unrest and violence in neighboring countries.”⁵² It may be said that the Tak Bai incident, besides poisoning the relations between the state and Thai Muslims of Malay descent, also became the subject of general commentary on the oppression of the Muslim minority in Thailand and the Thai state’s violation of human rights by treating suspects in custody so brutally that they perished.

3 April 2005. Several bombs went off in Hat Yai, Songkhla Province, at the local branch of Carrefour Department Store and Hat Yai Airport, wounding several and killing one. This incident was important because it was a bombing attack targeting innocent civilians in public places such as a department store and the airport. Also, it happened in Hat Yai, the economic center of the South. Since then the trend of bombings have been on the rise.

The bombing of the airport and Carrefour Department Store generated fear among the public, as shopping and travel form parts of a daily life. Violence affected ordinary people’s normal lives and caused fear and suspicion among different groups of people. At the same time, it also greatly undermined confidence in the ability of the state to maintain

public safety and protect the normal way of life of people in society.

14 July 2005. The city of Yala was shut down as disturbances erupted in the province. The city had a power blackout. Five bombs exploded at a hotel, a restaurant, and convenience stores. Shops were set on fire. Seventeen villagers, both Buddhist and Muslim, were injured. Two policemen were killed. Two days later, the government announced the Executive Decree on the Administration of Public Affairs in Emergency Situations.

On the basis of the number of deaths, this incident would be little different from the daily violence in the three southern border provinces. But because multiple incidents took place almost simultaneously in the early evening, and the whole city was plunged into darkness, while arson fires broke out in various places, the residents of Yala and witnesses felt that the safety and normalcy of their lives had been lost. Fear for personal safety spread throughout the general population of Yala. Buddhists and Muslims alike doubted whether state authority would be able to protect them.

30-31 August 2004. Imam Satopa Yusoh was shot in an ambush at Ban Laharn, Sungai Padi District, Narathiwat. Before his death, he instructed the villagers not to allow officials to see his body because he was certain that his assailants were state officials. Over 400 Laharn villagers, fearing for their safety, holed up inside their village and denied state officials and outsiders any access. Subsequently, a group of Thai Muslims of Malay descent left Thailand, fleeing into Tumpat, in the Malaysian state of Kelantan, across from Tak Bai District. The Malaysian authorities later moved these people into Terengganu.

Some believe that the closure of the village and the exodus of the 131 people was the work of the militants. But such thinking would have to presume that these villagers, mostly of adults and children, were incapable of thinking for themselves and always had to follow orders or

others' guidance. On the other hand, a question could be raised if the villagers did choose whom they want to believe or what kind of action they rationally thought should be done in light of the existing reality. In this sense, this incident reflected the problems in the poor relationship between the state and people in the area. In addition, from a cultural perspective, Muslims believe that the words of a dying person must be carried out. In this case, the dying man was a respected imam. When he instructed the villagers not to allow officials to see his body, that was what the villagers tried to do. Those last words and mistrust of the state made the villagers decide to close off their village and deny entry to state officials. Later, when this did not work, people from several communities, including Ban Laharn, decided to walk away from state authority which they regarded as unjust. Actually this form of protest against the state by walking away is a legitimate course of action under Islamic principles, called hijra, or exodus in the face of injustice. It is also a method that people all over Southeast Asia, including those in Thai society, have used since ancient times. But when it happened in a world of modern nation states, protesting by mass flight to "another town" became an international issue,⁵³ adding further tension to the Thai-Malay relations. Former Malaysian Prime Minister Mahathir Mohammad called for Malaysia to grant asylum to the emigrants, while the leader of the opposition PAS Party in Kelantan state was of the opinion that Malaysians had to try to help these people. They are considered eligible to receive zakat from Muslims. One Malaysian newspaper voiced the view that the case of the 131 refugees was an important test for Malaysia, because the country did not normally have a policy of granting political asylum to anyone, and to do so now would encourage other groups to follow. Moreover, this incident has taken place during the tenure of Prime Minister Dato' Seri Abdullah Ahmad Badawi as the chair of the Organization of the Islamic Conference (OIC), his role seen from a religious perspective would deepen

misunderstanding of Malaysia since the Thai Muslims of Malay descent in Thailand's southern border area have always had close historical and ethnic ties to the Malays of Malaysia. To refuse them asylum would be difficult for Malaysia.⁵⁴

20-21 September 2005. After maghrib (evening prayer) on 20 September 2004, villagers heard a burst of gunfire at a tea shop in Tanyong Limo Village, Ra-ngae District, Narathiwat. Six people had been shot: two were dead, one a 16-year-old boy. A rumor went around that state officials had carried out the deed. Shortly afterwards, when officials arrived, villagers massed together and moved to surround the officials, who withdrew from the area. But two Marines were slow in getting away and were held through the night. In the morning, authorities attempted to negotiate the release of the two soldiers. By the afternoon of 21 September, the two Marines had been killed, their bodies bearing beating and stab wounds. The villagers shut themselves in their houses, refusing to speak to anybody and living in fear.

The Tanyong Limo incident posed questions for several types of relationships. The episode at the tea shop and the villagers' refusal to allow officials to enter the area was reminiscent of Ban Laharn in Pattani, which reflected their extreme distrust of the state. When the villagers held the Marines hostage, they might have intended to show the community's capacity to take care of itself. But in allowing the two Marines to die indicated that the community had failed, as it was incapable of protecting people in its custody. Moreover, if the messages sent in by the public to television and radio shows could be taken as an indicator of the public mood, the incident seemed to have aroused great anger among the general public at the national level.⁵⁵ Thai society was plunged into hatred. The violence at Tanyong Limo dealt a blow to the relationship between Thai Buddhists, both in the area and in the country at large, and Thai Muslims of Malay descent in the area, and perhaps also in other areas. There were

reports that Thai Muslims who wished to attend the funerals of the two Marines dared not do so for fear of the reaction from other guests. The Tanyong Limo incident was the year's number one tragedy, filling "people in the whole country with thoughts of vengeance and sorrow."⁵⁶ Some saw the Tanyong Limo incident as reflective of the weakness of the state in being unable to protect the lives of its officers. On the other hand, many saw the incident as a great victory of the Thai state since it demonstrated a noble restraint on its part, when it chose a path of nonviolence, even at the cost of sacrificing the lives of two of its officials.

16 October 2004. At 01:45 hours, an unknown number of assailants broke in to murder a Buddhist monk and burn down their living quarters at Promprasit Temple, Mu 2, Ban Koh, Bannok Subdistrict, Panare District, Pattani. Phra Kaew Kusaro, a monk, was found nearly decapitated in front of his quarter. Nearby, two motorcycles were found burned. Bodies of two temple boys - In the ashes of the living quarters were found the bodies of two temple boys, Narong Kham-Ong, age 17, and Sataporn Suwannarat, age 15, were found. Both were from the village and both bodies bore bullet wounds before they were burned. The authorities managed to make an arrest in the case and obtained a confession from the perpetrator.

When one compares the killing of Buddhist monks on their morning alms rounds in Narathiwat and Yala in early 2004 with the incident at Wat Promprasit in late 2005, the two incidents differed in the number of monks meeting violent deaths, the time and the places of the crime. But most notable were the cultural undertones of the Promprasit Temple case. Although the assailants captured by authorities were Muslims, many Thai Muslims did not believe it possible that someone who so brutally took the lives of religious persons could be a Muslim, as it utterly contradicted the principles and teachings of Islam. Some Buddhists, meanwhile, believed that such atrocities against Buddhist monks could not possibly be the work

of Buddhists. Not only has this violence caused a deepening rift between people of different faiths in the area, this incident is significantly different from the killings of Buddhist monks on their morning alms rounds because the raid took place on temple grounds, traditionally a sanctuary free from all violence and strife. A murderous attack on Buddhist monks inside temple walls thus eroded the cultural boundaries that traditionally served to limit political violence in Thai society since days of old.

7 November 2005 At 7.25 p.m. more than 60 assailants stormed the provincial police station of Bannangsta District and the residence of the Chief District Officer in Yala. From 7.30 p.m. to 11 p.m., chaos erupted throughout the city of Yala. The strategic outpost at Ban Galor, Raman District, was attacked. Villagers' houses in Tambon Na Tum were torched. Electrical transformers were destroyed by gunfire, causing a power blackout along the whole length of the Yala-Bannangsta Road. Two Tambon Administration Offices were set on fire. The Public Health Station was attacked by gunfire. One villager and one soldier were killed. Two assailants were also killed, one of whom had a warrant for arrest and a one-million-baht bounty on his head.

This incident at the end of the year seemed intended to reinforce the shutdown of Yala city in mid-year, a symbolic challenge to the ability of state authorities to provide peace and order. The recurring attacks against police stations and the residence of the Chief District Officer were probably meant to show that even government officials were under threat of violence and therefore have scarcely been in a position to protect the villagers in general.

16 November 2005 At 1 a.m., at least 10 assailants armed with war weapons spreaded out and opened fire on three houses in Kathong Village, Bor Ngor Subdistrict, Ra-ngae district, Narathiwat. Nine died in the attack, including two adults in their forties, three young women aged 17 to 20, and children who were 15 and under. The two youngest victims

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were an eight-year-old girl and an eight-month old infant boy. Most local villagers who agreed to speak to the NRC shared the belief that the family was wiped out by state officials.

The incident clearly reflected a spiraling of the violence to an unrestrained level, as seen in the killing of a Muslim baby and an eight-year-old girl. If this family indeed consisted of former insurgents, as the

state believed, it showed that the state was unable to protect defectors. If they had no part in the political violence, it clearly showed that the perpetrators seemed deliberate in destroying all religious and cultural limits that believed in the innocence of children. For this reason, the relationship between the state and most local people had suffered an even greater rift.

The impact of all 12 incidents that began in the beginning of 2004 until November 2005 clearly reflects that the relationship between the state and the majority of people in the southern border provinces have become a cause for grave concern. Thai Muslims of Malay descent are suspicious of the state because they are uncertain how much of the violence was the handiwork of state officials. Even graffiti saying “Fattaniy Merdeka” (Independent Pattani) spray-painted in Yawi or Rumi characters onto buildings, highway signs and roads, in the communities around Sungai Padi and Joh Airong districts, are believed by some Muslim locals to be the handiwork of state officials.⁵⁷ Meanwhile, local Buddhists also distrust the state, which is seen as unable to protect them or even its own officials.

Prognosis of State and Communal Weaknesses. A dangerous sign for the state is the movement toward a condition where it is incapable of guaranteeing safety for its citizens or providing them with basic public

services. Moreover, it seems that there is a growing number of areas in the South which lie beyond the reach of state power. This is a situation where the state gradually loses its capacity to govern. An important reason for the steady weakening of the state to such a degree is that the other has been able to expand and control more space while the state's legitimacy to govern has declined.

The legitimacy to govern was a direct result of the state's policy especially: respect for people's cultural identities, decentralization of policy-making, and the opening up of democratic political space equally for all. One problem is that the state's cultural policy and the opening up of democratic space have changed with the times.⁵⁸

When Field Marshal Plaek Pibulsongkhram became Prime Minister for the first time (1938-1944), part of his nation-building strategy was to impose cultural controls by issuing 12 cultural mandates on nationalism promulgated between 1939-1942 so that everyone in the country would be "Thai" regardless of their ethnicity or faith. A result of this nationalism was that Thai Muslims of Malay descent found their cultural freedom restricted. They were prohibited from wearing Malay Muslim dress, from teaching the Malay language in school, and from speaking Malay to government authorities. They were told to change their names into Thai, and subscribe to Thai customs and traditions. In 1943, the government replaced the traditional use of Islamic law on family and inheritance among Thai Muslims of Malay descent with the national civil and commercial law codes. As a result, the separatist movement for an independent Pattani became stronger and gained much support from local residents in the South when the insurgents utilized the government's nationalist policy to mobilize Malay-Muslim nationalist sentiment as well as to draw international attention to their plight.

When Field Marshal Pibul became Prime Minister for the second time (1948-1957), his Southern administration policy, this time was more

conciliatory than before, emphasized the preservation of territorial integrity and internal unity of the country. For example, he appointed Mr. Jeh-Abdullah Langputeh, a Muslim from Satun as Minister of Education.

Later, Field Marshal Sarit Thanarat sought to enhance legitimacy and recognition for his dictatorial regime through various development programs by addressing local ways of life and social institutions. He tried to control pondoks and alter the demographic composition in the area by bringing in Northeasterners to the southern border provinces. These development policies based on cultural control under a dictatorial state structure contributed much to the strengthening of the separatist movement and its support among local residents.

All this means that state policy at the strategic level has a direct impact on the reaction of local residents. The perpetrators of southern unrest could justify their violence with religious injunctions, culture, history, and the reality of the state's violation of human rights and liberty and could better mobilize local support whenever the government's policy moves towards an emphasis on the notion of "Thainess", a lack of respect for local cultural identities, centralization of policy-making process, and imposition of limits on democratic political space. Research found that a high number of civil servants in the three southern border provinces see that several state policies and measures involving harsh retaliation, including adding more troops and arms, and arming teachers, are not the correct approach, but would exacerbate the situation further.⁵⁹

So it was in the past two years. Due to the escalating violence since the beginning of 2004, the state retaliated with force and the restriction of democratic political space. But more recently there have been some signs of positive change. There seems to be a better understanding of the complex problems. Some officials have shown restraint and used peaceful means in addressing the situation (e.g., the Tanyong Limo incident on 20-21 September 2005). Some are more committed to improving the justice

process in the region based on forensic principles while others try to foster better understanding with neighboring countries.

These signs have convinced the national security staff that the tactical-level situation or the daily violence is likely to follow the trend assessed by the NRC and will likely remain at this level for some time. More important is the strategic solution that gives importance to methods at the

structural and cultural levels to prevent local people from supporting the perpetrators of violence and restore trust between the state and citizens.

No matter how strong or weak the state may be, if the community remains strong, the country's diverse population can live together as fellow citizens, and the country remains safe and secure. *A dangerous trend recently emerging from the violence in the southern border provinces is that not only is the state so severely weakened as to be practically unable to protect its citizens, the communities themselves have also become weaker.*

What is important is that the relationship among the culturally diverse people of the three southern border provinces, and throughout the whole country, seems to have been split ever wider by the wedge of violence. Some Thai Buddhists in the area feel that Thais of faiths other than Islam “have to retreat culturally,” that state power is unfair since it is biased in favor of Thai Muslims of Malay descent so much that it appears as though they are more privileged than other groups of Thais. When a Muslim does something wrong, he/she tends not to be punished, but people of other faiths are punished to the full extent of the law. On the other hand, Thai Muslims of Malay descent feel that they are treated unfairly and discriminated against due to the fact of their being Muslim, e.g., if

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they are dressed in traditional Muslim garb in the South, they tend to be looked upon with suspicion and searched more often.⁶⁰

In the past two years, various types of fliers, distributed by both the militants and the state, have been found in the area.

Fliers that threaten Buddhists would claim that all government officials, whether the police, the military or Interior Ministry officials, are Buddhists, enemies of God and the faith. At the same time, they would threaten Thai Muslims of Malay descent who cooperated with the state by calling them munafiq (hypocrites). Fliers written in Malay would describe the injustices of the Thai state, while those in Thai would attack people who cooperated with government officials.⁶¹ Though the NRC-commissioned research paper: “Local Perceptions of Violence: assessing public opinions from local media, fliers and graffiti” indicated that the fliers had disappeared at the end of 2005, during an NRC meeting on 23 January 2006, one commissioner stated that several Muslim leaders had received fliers with the message “6 Don’ts, 1 Must”. “6 Don’ts” are: do not negotiate nor compromise with the state, do not cooperate with government officials, do not accept parliamentary system, do not run away, do not turn oneself in, and do not accept a special administrative zone. The one “must” is: must wage a war of secession.

A perilous trend in the future is the danger from the wedge of violence that destroys shared cultural institutions that have bound diverse groups of people together, and turns friendly neighbors who hold different views into strangers or even enemies. Living in fear and suspicion, this wedge of divisiveness ties people to violence. Under such a conditions, not only is choosing violence as a solution misguided, it would plunge the futures deeper into crisis. Therefore, in order to curtail this dangerous prognosis, it is necessary to turn to reconciliation, a feasible option for

Thai society with its treasures of experiences in creatively solving problems of violence through remarkable alternatives.

3. Ending prognosis of violence with victories of Thai society

A common fate often suffered by creative and original ideas is that people tend to question whether they are possible in practice. But Thai society has accomplished much in the past that was politically remarkable. If such creative solutions once worked, then a solution such as a reconciliation approach should work as well. Two examples are here offered: the victory of the Thai state in the war against communism and the triumph of the victims of violence of 28 April 2004.

The Triumph of Politics over Violence: the Thai State in the War against Communism, 1980. After the events of 6 October 1976, the communist movement in the jungles of Thailand grew, its membership swelled by the brutal violence perpetrated by the state. Four years later, in the midst of domestic political change, the military, which was conducting a campaign against the Communist Party of Thailand, concluded that new fighting methods must be adopted as the situation had changed. Military units on the ground began implementing a new approach. When their superior officers saw that it was successful, it was made into a policy.⁶² Prime Ministerial Order No. 66/2523 designed to win the war against communism⁶³ was conceived with several special features. Importantly, to win this war, the PM Order held that social injustice in Thailand was a contributing factor which helped strengthen communism. Therefore, those who had joined the Communist Party must be treated as friends and not foes. They were to be thought of as “misguided” and therefore deserved to be forgiven. In particular, the state took the political offensive by creating conditions for the people to participate in the ownership and administration

of their country. The political offensive, and not violence, became the decisive factor in the war. Peaceful means was the main approach over military force.⁶⁴ At the same time, ordinary people from all walks of lives opened their hearts to accommodate these people with kindness, provide them an opportunity to live in Thai society with dignity. This is the renowned compassion that has always been ingrained in Thai society. It is the compassion shown to various groups of people, as evident in the treatments of those Thais who once took up arms to fight for what they believe in, as well as to countless foreign prisoners of war during World War II.

It could be said that Prime Ministerial Order No. 66/2523 reflects both the courage and creativity of the Thai Army in using a political approach, through nonviolence and forgiveness, to solve the conflict and end the war between fellow Thais. It was a groundbreaking attempt to reconstruct a political society based on reconciliation which opens up space where former foes could return to live as friends, fantastically leading the country towards victory and a sustained security.

The Triumph of Forgiveness: Violence in the Southern Border Provinces, 2004. Sergeant Samart Kapklangdon, 25, died during a battle with the militants at Krue-ze on 28 April 2004. The sergeant's mother realized that he had left her forever. She said "I don't want this to happen to anyone anymore. We should stop killing one another. It's a loss for all sides. I have lost a son like so many other mothers."

In the case of Zulkifli Panawa, 23, who died fighting government officials in the Samyaek Ban Nieng area on 28 April 2004, it was the same. His father was aware that he would never see his son again. But as a Muslim, he said "I've never hated the officers. I take it as the will of God."⁶⁵ These memories might become permanent scars that cause lingering pain. The reconciliation approach does not pretend to forget these events, or that they never happened. Instead, it seeks to transform

such painful memories into a force for solving the violence. The deaths of Thai sons like Sgt. Samart Kabklangdon and Zulkifli Panawa must be remembered, so that others may be prevented from becoming victims of the violence. There are probably many who want revenge. But vengeance will not bring back the sons of the grieving parents. It is necessary to choose to fight and solve the problems at its causes. “Getting back” what was lost, not by seeking

revenge, but by trying to help others from becoming victims of violence.

Both examples clearly show that Thai society has triumphed before against nearly impossible odds, thanks to its remarkable capacity for reconciliation. It is a quality that is found at every level in society, from among warriors in the battlefield to ordinary people with different religious and cultural backgrounds. These people have the courage to take risks for the country, relying on their compassion, nonviolent means and forgiveness as the way to confront the violence. This path was chosen by both those who risked their lives fighting and some who have fallen victims to violence. Reconciliation as therapy for violence in this context is therefore proposed to both the state and civil society in the belief that Thai society has the potentials for the realization of reconciliation for peace and security. ■

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5

Solving Violence with
**Reconciliation
Proposals for
Thai Society**

Chapter 5

Solving Violence with Reconciliation Proposals for Thai Society

Although Buddhist Thais form the majority in the country, they are a minority in the three southern border provinces. In the past, the relationship between the Buddhists and Muslims, who are of Malay descent, was reasonably cordial. There were loving kindness and some prejudices as to be normally expected, but they coexisted in peace. When intense violence broke out in the beginning of 2004, killing and injuring Buddhists and Muslims daily, the minority naturally became fearful. At present, some soldiers on the ground understand that some Thai Muslims of Malay descent feel that the government officials are unfair, but some of this might be the result of incitement and subjective assumptions. While the militants have become more efficient in their operations, officials have to “work endlessly day and night and are always on the receiving end”. Some police officers feel “discouraged and demoralized”. A Buddhist teacher felt that “every time the NRC talks about the Krue-ze or Tak Bai incidents, other incidents must be mentioned as well.” A group of Thai Buddhists believe that the government is unfair to them, giving privileged treatment to Thai Muslims of Malay descent, and that the Muslims are so “hypersensitive” as to be practically untouchable.⁶⁶

The Thai Buddhists minority is now in the position of not knowing who the perpetrators are, and when they might become the next target. But many believe that no one, not even the power of the state, can protect them. Similar to most minority groups caught up in the fog of violence in the world, the Buddhist minority would harbor fear and distrust of the majority, feelings that intensify with the growing spiral of violence.

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Solving violence, with its seething fears and suspicion, must begin with an acceptance of the fact that in Thai society there are a great many religious and cultural differences. Therefore, the “voices” of those in the margins, the minority groups, must be heard. That is why in the southern border

provinces, it is important for the state and the local majority to heed the “voices” of the Thai Buddhists. But at the national level, the “voices” of Thai Muslims of Malay descent also needs to be heard by the majority of Thais. When the whole country hears the voices of different minorities who have suffered from violence and they feel they have a place in society, then the state and the public can then work together to find ways to alleviate the suffering from violence that is now threatening everyone.

The NRC maintains that solutions for violence in the three southern provinces will be proposed within 3 major frameworks:

Framework 1: Solutions must be consistent with Constitution of the Kingdom of Thailand, B.E. 2540 (1997). In particular, they must follow the general provisions of Chapter 1, as follows:

Section 1. Thailand is one and indivisible Kingdom.

Section 2. Thailand adopts a democratic regime of government with the King as Head of the State.

Section 3. The sovereign power belongs to the Thai people. The King as Head of the State shall exercise such power through the National Assembly, the Council of Ministers and the Courts in accordance with the provisions of this Constitution.

Section 4. The human dignity, right and liberty of the people shall be protected.

Section 5. The Thai people, irrespective of their origins, sexes or religions, shall enjoy equal protection under this Constitution.

political and development measures, not suppression, must play the central role.

Section 38. A person shall enjoy full liberty to profess a religion, a religious sect or creed, and observe religious precepts or exercise a form of worship in accordance with his or her belief; provided that it is not contrary to his or her civic duties, public order or good morals.

In exercising the liberty referred to in paragraph one, a person is protected from any act of the State, which violates his or her rights or detrimental to his or her due benefits on the grounds of professing a religion, a religious sect or creed or observing religious precepts or exercising a form of worship in accordance with his or her different belief from that of others.

Section 76. The State shall promote and encourage public participation in laying down policies, making decision on political issues, preparing economic, social and political development plans, and inspecting the exercise of State power at all levels.

Framework 2: Solutions must focus on human security and nonviolent means. This means that political and development measures, not suppression, must play the central role. Importance is to be given to inter-faith dialogue so that subscribers to each faith will understand and wholeheartedly protect one another through peaceful means and help one another heal the wounds of today so that they do not fester and linger like those of the past.

Appreciation of nonviolent means requires an understanding of the following:

- Violence does not solve the problem at its root causes.

A distinction must be made between “wrongdoing” and “wrongdoers,”

- Violence cannot foster strong ties between the state and the people, nor can it do so among the people themselves.

• Most victims of the violence are fellow Thai citizens. The Thai state and society should therefore adopt nonviolent means as the primary option in solving the problem.

Framework 3: Nine Principles of Reconciliation must be emphasized to achieve a long-term solution to end violence and foster peace and justice in the country:

1: Disclosing the Truth. The truth is both a tool and a goal of national reconciliation. Seeking, disclosing and accepting truth is a way to clear the doubt, suspicion and mistrust on the part of people towards government officials, of the state towards ordinary people and religious leaders, and among peoples of different faiths. Disclosing the truth also serves as a foundation for justice, responsibility and forgiveness, among others.

2: Justice. Priority must be given to justice at all levels: individual, structural, and cultural. A distinction must be made between “wrongdoing” and “wrongdoers,” who are themselves victims of violence. In solving violence, the judicial process must treat everyone equally and without discrimination.

3: Accountability. A culture of accountability must be promoted in Thai society, based on the principles of compassion, righteousness, and transparency.

4: Forgiveness. All sides must forgive and be aware of the value of life, as both forgiver and those who are forgiven, as well as be aware of the pain and suffering of victims of violence at every level and dimension.

5: Engaging in Dialogue. It is important to be willing to listen, keep an open mind, exchange views on the basis of forbearance and fraternity, and respect cultural diversity, ways of life and beliefs.

6: Nonviolence. Nonviolence must be the primary course of action in the face of conflict, including having faith in one's religion and culture, and refusing to use violence to solve problems.

7: Remembering. Open up more space for local histories in addition to mainstream history. Encourage the learning of local cultures to foster understanding of one another's differences.

8: Use of Imagination to Solve Problems. Do not rely on the usual conventional methods, but be willing to apply one's imagination on the basis of religious principles, sufficiency economy, resilient community and popular participation. These are at the root of building reconciliation and peace.

9: Mutual Acceptance of Possible Risks. Searching for a sustainable solution might involve risk taking and unexpected outcomes. Risk taking reflects the trust and confidence that people in the region have in one another, and courage in accepting that risk.

The current violence in the southern border provinces is a problem for both the state and the militants. Although they differ in terms of social power and culture, they see violence as a way to confront violence. Each side may believe that it is justified in using violence as a means to achieve its objectives, either in creating justice or restoring peace and order. What they do not realize is that violence used as a means has at least 3 consequences:

- Violence drowns out the voices of the victims, especially their children, wives, friends and close relatives who love and depend on them.

confronting the current violence through reconciliation requires an appreciation of solutions based on nonviolence.

- Violence often prevents those involved from seeing structural causes responsible for existing conflict, e.g., injustice and disregard for one another's honor and dignity.

- Violence blinds

the society from seeing other alternatives because people in the society will be emotionally caught up by violence to such an extent that it will be difficult to apply their wisdom in the search for viable political solutions.

For these reasons, confronting the current violence through reconciliation requires an appreciation of solutions based on nonviolence. Ways also need to be found to build peace and security for Thai society in the future. The past is irreversible. But memories of the past will not easily fade away. No one has never committed any wrong. No nation-state is without its share of bitter experiences. Suppressing the painful pasts may in fact disturb the old wounds and turn them into further marks of divisiveness. The way to deal with such memories is to create a space for painful memories of different peoples in society who wish to remember their past, so that they have a place in the history of the Thai nation. At the same time, one must have the courage to re-imagine various patterns of relationship: between the people and their state, between the center and the periphery, and among culturally diverse groups of people. The future of Thai society depends on the power to imagine a future within a framework acceptable by all in the country, the creation of space for diverse memories, along with the courage to imagine future political relationships that are capable of solving existing problems and preventing violence from recurring. All this means taking risks. But Thai society must develop a capacity to trust itself, as well as in the wisdom and goodwill of its people.

It is important to trust in the ties that once bound the people in this society together reasonably well. Even though threatened and weakened by

violence, the ties between the state and citizens, and among various groups of people can still be sufficiently restored so that the path of reconciliation could be taken. All of this necessary to “mobilize all resources to find a long-term solution to this national problem, so that genuine reconciliation, peace and justice may arise.”⁶⁷

Based on the frameworks discussed above, measures to solve violence in the South would have the following salient features:

- Pay attention to the plight of minorities both at the local and national levels.
- Consider everyone in Thai society as a Thai citizen with equal importance, honor and dignity; refrain from favoring any minority or majority group, and love and care for them as if they were all part of the same family.
- Give weight to structural issues that would be of long-term benefit to all Thai citizens, without losing sight of the immediate problems at the agency level.
- Give priority to the realities of Thai society, in particular its cultural diversity, by recognizing diversity as a precious social asset, rather than as a liability threatening peace and order in society.
- Aim to deal with complex causes of violence at the structural and cultural levels.

Consider everyone in Thai society as a Thai citizen with equal importance, honor and dignity

Shanti Sena a special unarmed force at the level of special unit, consisting of the military, the police and civilian officers, with their own specific affiliation.

The NRC therefore proposes the following reconciliation measures:

1. Immediate Reconciliation Measures: Solving Violence at the Agency Level

1.1 Forming Unarmed Peace Unit (Shanti Sena)

Confronting violence with an aim to end violence with a political victory through the reconciliation approach requires a *willingness to accept risk* and the use of *nonviolent actions* to resolve the conflict. The idea of **Shanti Sena or unarmed peace unit is an innovation in conflict management**. Since the military in deadly conflict situation must be ready to accept risks, this is a proposal for the Thai military to set up a special unarmed force at the level of special unit, consisting of the military, the police and civilian officers, with their own specific affiliation.⁶⁸ The unit shall be tasked with five core missions:

(1) Perform unarmed peace-building operations in the event of conflict between the people and the state. Such conflict seems to be on the rise, including during September-October 2004 at Ban Aibatu, Sungai Padi District, Narathiwat, and at Panare District, Pattani as well as on 25 October 2004, which led to the tragedy at Tak Bai, Narathiwat.

(2) Undertake unarmed peace-building operations in the event of people-to-people conflict.

(3) Regularly educate local government officials and residents on the skills to face violence with nonviolent actions, as well as help develop such skills.

(4) Organize dialogues between one another and between the people and officials to foster better understanding.

(5) Inculcate government officials with integrity, and raise their working morale, through the use of religious principles.

The Shanti Sena Unit will be tasked with preventing existing conflict from escalating into violence. Due to some instances of state mismanagement, once violence occurs, it weakens the bonds between the state and the people, as was the case in the Tak Bai incident. The Shanti Sena Unit will have a composition for and be provided with training in 5 key areas:

- Special training on managing the conflict transformation through nonviolence.

- The unit will have a distinctive insignia clearly denoting it as an unarmed special force, showing the intention of the military to resolve conflict between the state and the people with courage and trust in the people, through the use of nonviolence.

- Have a clear operational approach based on nonviolence in facing conflict which may turn into violence, specified as “nonviolent rules of engagement.”

- Include in the unit civilian experts in nonviolent methods.

- Include in the unit religious teachers, both Buddhist and Muslim, who are well-versed in religion and culture. This will have at least two inherent benefits:

- It will be an effort to strengthen conflict transformation through local religious wisdoms.

- It will open up space for local religious experts to participate in solving violence and promote concrete inter-faith relations within the framework of the Thai military.

1.2 Engaging in Dialogue with Militant Groups

With the conceptual framework of *dialogue* and *risk taking*, the NRC believes **it is necessary to engage in dialogue, freely exchanging views with people, both at home and abroad, who may subscribe to ideologies different from that of the state, and who see violence as a**

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way to achieve their ideals. Two important reasons for this are:

First, violence is a curtain preventing people from seeing political solutions. It is therefore necessary to end violence through negotiation, if one wishes to offer a serious political solution.

Second, this proposal plainly proves that there is a place in Thai society for anyone or any group that refrains from violence, or choose to renounce violence as a way to achieve their political objectives.

So that dialogue with militant groups may succeed in ending southern violence, the NRC recommends that the state undertakes the following:

(1) Determine a **strategy of political primacy over military considerations to cover all operations of the state**. Such a strategy should not be merely a tactic for carrying out objectives such as intelligence gathering.

(2) **Unify security policy on this matter**, to show that the state chooses to engage in dialogue with the militants. As several agencies are actively involved in this matter, policy coherence would help strengthen inter-agency coordination, e.g., which issue is being handled by which agency at which level.

(3) Authorize a group of people responsible for action on this matter, and duly inform all concerned agencies.

(4) Arrange confidential dialogue as a starting point of a process which may lead to formal negotiations in the future.

1.3 Officials Must Understand the Special Characteristics of the Area

One cause of violence in the region stems from the actions of government officials. In particular, some civil servants who exercise state

authority in the three southern border provinces do not understand religion, culture, language and way of life of Thai Muslims of Malay descent. The exercise of authority in a manner that contradicts religious principles and culture of the area's majority population creates problems and resistance from the people. Moreover, the fact that government ministries and departments still harbor obsolete attitudes such as transferring officials who were punished from the center to the periphery, in particular the three southern border provinces, aggravates the problem even further. Importantly, officials who have used their power unjustly and violated the law, and whom the former SBPAC recommended be transferred out, still remain on active duty in the same area today. This has caused the majority of people to distrust government services as a whole, and to withhold cooperation with the government which make it more difficult to address or prevent violence.

Therefore, to put an end to the immediate violence, the state must urgently take the following actions:

(1) Transfer state officials against whom complaints had been made of abuse of authority out of the area, investigate the facts, and take legal action against such officials in a transparent manner.

(2) Prohibit government agencies from transferring officials with problems from the center or elsewhere into the three southern border provinces as has been past practice.

(3) Appoint state officials from other areas who are honest, with understanding of religion, culture and way of life of the local population. If such officials still lack adequate understanding of these matters, they must undergo a learning process to familiarize themselves with the special characters of the area before they arrive for duty. For example, a training course may be organized for state officials together with natural leaders in the three southern border provinces.

2. Sustainable Reconciliation Measures: Solving Violence at the Structural and Cultural Layers

2.1 The NRC proposes 7 structural-level measures to solve violence:

(1) Pass legislation granting communal rights to manage natural resources based on religious faith

The pressure from limited natural resources has pushed villagers into a corner of poverty. When the poor lack adequate education to have other options in life, the pressure on them grows. One way to reduce violence is thus to reduce the pressure of inadequate natural resources by granting communities the right to manage local resources. This is because *almost all conflicts related to the use of natural resources in the southern border provinces result from problems in the use of public areas*, such as watershed forests, peat swamp forests and, in the case of local fishermen, maritime areas. Thai law specifies only 2 categories of land: privately-owned land and the rest, which is managed by the state. This means that lands allocated or reserved by the state for common public use and those which had once been used by the people are considered by law to be public property for common use by all citizens. As such, they may not be occupied for private benefit, unless granted permission by competent authorities in accordance with existing law and regulations. Such a legal circumstance means there is no role for a collective body that can connect individuals with the state, despite the fact that in many cases the people make use of limited areas, where it is possible to have efficient management and reduce conflict by specifying new rules to be used in those areas, or specifying the rate of land utilization to ensure sustainability of existing resources, provided the user has the legal right to manage the land as well.

Resolving conflicts stemming from natural resources can be achieved by cost-effective usage of natural resources based on religious beliefs without causing trouble for others. As this is already possible under the provisions of the Constitu-

tion, a law to support Section 56 of the Constitution should quickly be drafted in line with the culture of local communities. The co-existence of people of different faiths sharing resources will not cause conflict that escalates into violence. Buddhism teaches its adherents moderation, adequate consumption and living in harmony with nature. Islam, meanwhile, considers sky, earth and sea and all things as belonging to Allah. Human being has no right to assume permanent ownership but can only use the sea and resources cost-effectively without causing trouble to others. No one must be taken advantage of, because everyone has to be accountable to both Allah and his/her fellow human beings regardless of religion or faith.

Of importance is the problem of communal rights over public lands which are not yet upheld by law. This problem is not particular to the three southern border provinces, but a chronic problem throughout the country. A movement grew to call for the drafting of a Community Forest Bill. The bill has been submitted to Parliament and undergone several amendments by various parties. It is now formally under consideration by the Senate, but due to changes in government, has not been revived since.

The NRC proposes **a reform of the land and resource management and ownership system, particularly in public areas**, e.g., public use lands, bodies of water, coastal seas, peat swamp forests, and community forests, to grant systematic rights to local communities. This would be in addition to the original provisions which granted rights only to individuals, legal entities, local organizations and government agencies.

The NRC proposes a reform of the land and resource management and ownership system, particularly in public areas

*Solving unemployment is crucial
for solving violence in
the three southern border provinces*

It should be specified that communities have common rights to allocate the use of lands, public areas and local natural resources.

The NRC also urges the government to quickly **resubmit the Community Forest Bill to Parliament**. Furthermore, a bill should be drafted giving coastal communities the right to manage coastal areas based on the same principles and methods as the Community Forest Bill. Pending enactment of this law, moves to issue water title deeds (*chanode nam*) or the project to develop a seafood production base under the assets capitalization policy should be suspended until an Act has been passed which upholds the rights of communities in coastal areas. This proposal will be useful not only for the three southern border provinces but can also be applied to other regions of Thailand.

(2) Solving Unemployment in the Southern Border Provinces

Solving unemployment is crucial for solving violence in the three southern border provinces, in terms of human security, social justice as well as sustainable peace and order in society. In this respect, all sides concerned should exercise their powers of imagination in proposing all possible approaches that meet the needs of the local people, as follows:

(2.1) The people improve their livelihoods with promotion by the state, such as through crop cultivation, animal husbandry, fishery, handicrafts, One Tambon One Product production, border trade, etc.

(2.2) Create local employment by the government which aims for economic rather than political impact, e.g., improving brackish water and freshwater fishery zones, hiring for rehabilitation of natural resources, elimination of pollution, revitalization of arts and cultural heritage, etc.

(2.3) The state supports employment by the private sector. Even though in the short run one cannot expect much investment in the area, the state should take advantage of the goodwill of several Malaysian and Thai businessmen who wish to help and have a strong sense of social responsibility. There should be an intermediary to match potential business partners, conduct a survey to produce data on the available labor force and labor training opportunities in the area, and bring together experts on product design to meet with entrepreneurs. At present, local workers are sub-contracted to produce product components; small and medium-sized enterprises in nearby Malaysian states and Thai provinces assemble the components into semi-finished goods, which are turned into finished products by medium and large companies and sent to various markets. In some cases, the components may be assembled directly into finished products.

(2.4) Promote employment in Malaysia and Arab countries, as Thai Muslims of Malay descent in the three southern border provinces have the advantage of being able to speak Malay or Arabic. Furthermore, those countries' Muslim population should be sympathetic to their fellow Muslims. What should be done is to survey the demand for semi-skilled or skilled labor in those countries, in such areas as nursing care, supervision of construction machinery, skilled agricultural work, etc. Thereafter, job procurement contracts should be drawn up, followed by development of skills in tandem with language training and cultural orientation.

(2.5) For workers with clear employment objectives, prior to sending them abroad, the government is recommended to undertake the following:

- Brainstorm all parties concerned, such as by holding a workshop to determine an appropriate approach to employment in order to prepare a plan of action.

before the justice process can be reformed and made dependable to the people in the area, it is imperative to begin by building confidence in the justice process by clarifying several questions that arose since the arms heist on 4 January 2004

- Designate the southern border provinces a primary area of high priority in the government's poverty alleviation policy, which relies on local public participation.

- Relevant ministries should promote self-employment and public employment in line with the plan obtained from brainstorming.

- Assign government agencies such as the Institute for Small and

Medium Enterprises Development to promote employment by socially responsible private companies.

- Assign the Ministry of Foreign Affairs, Ministry of Labor and Ministry of Education to be the main agencies in developing employment opportunities in Malaysia and Arabic-speaking countries.

(3) Improving the efficiency of the justice process based on truth, the rule of law and accountability, and strengthening society by allowing public participation in upholding justice

(3.1) Building confidence in the justice process

The southern border provinces are undergoing a crisis of confidence in the justice process. Therefore, before the justice process can be reformed and made dependable to the people in the area, it is imperative to begin by building confidence in the justice process by clarifying several questions that arose since the arms heist on 4 January 2004, for example:

- Undertake investigations on the violent incidents to uncover the truth, with independent committee(s) looking into incidents such as those since 28 April 2004, apart from the case of Krue-ze Mosque, such as the deaths of 19 men at Saba Yoi district, Songkhla, the cases of

Tanyong Limo village and the Promprasit temple. Offenders on all sides should be brought to justice without discrimination and be provided the opportunity to be held accountable.

- Seriously treat all sides with fairness in cases where local residents regard as clear instances of injustice, e.g., the abduction of the Muslim lawyer Somchai Neelapaijit, the fatal custody of protesters at Tak Bai district, and the legal action against 58 of the Tak Bai protesters.

- Make the truth known on missing persons cases by establishing a national commission to investigate the cases systematically and disclose all the facts to the public.

- Carry out a process of healing and damage relief for those affected by mistakes in the justice process.

(3.2) Creating consistency in policy formulation on the integrated administration of justice in the southern border provinces

Implementing criminal policy and justice policy in areas of critical conflict such as the southern border provinces, where various agencies have to work together, requires clear-cut, coherent strategies, so that officers on the ground have a clear direction, lack confusion, and are able to solve problems quickly and efficiently. An integrated justice administration policy and its efficient implementation is therefore the most urgent task in **developing the justice process to solve violence in the southern border provinces. The state should have clear political intention on this matter.**

An integrated justice administration policy and its efficient implementation is therefore the most urgent task in developing the justice process to solve violence in the southern border provinces. The state should have clear political intention on this matter.

The main policy approach should be as follows:

- Formulate policies that emphasize nonviolence, strictly uphold the law and the rule of law, while refraining from the use of violence in dealing with questions of justice.
- Formulate a unified and consistent criminal justice policy and justice process, using relevant government agencies and personnel from all areas in the southern border provinces as the main driving mechanisms.
- Create a balance between law enforcement and the protection of the rights and freedoms of the people.
- Give importance to strategies that emphasize prevention and community-level conflict resolution as appropriate to the community's ways, by emphasizing community participation according to the principles of community justice and reconciliatory justice.

(3.3) Improve the efficiency of the justice process in line with the rule of law

Carrying out the justice process in strict accordance with the rule of law is of utmost importance in building confidence and trust in the justice system on the part of citizens in the southern border provinces. It will also prevent the performance of law enforcement functions from becoming a factor suggesting that the state discriminates against or withholds justice from the people in the area, who are mostly Thai Muslims of Malay descent and have negative experiences with law enforcement by government officials. It is thus urgent to develop the justice process in the southern border provinces into a model on the application of the rule of law before this correct approach is introduced to other areas of the country.

For the above reason, the introduction of a special law giving government officials broader powers than normal, such as the 2005 Executive Decree on the Administration of Public Affairs in

Emergency Situations, should be used only when absolutely necessary. Such a law should be carefully applied, as it might affect the suspects and their families, particularly when involving detention and retraining activities, which would require them to be under government supervision for extended periods.⁶⁹

Forensic procedures must be improved for the gathering of information and analysis of evidence.

Examples of an approach to enhance the efficiency of the justice process in the southern border provinces and its consistency with the rule of law are:

- In criminal investigations of cases suspected to be related to the unrest in southern border provinces, the investigation should be handled not only by police officers but include officials from various agencies in the justice process, including administrative officers, as well as public participation.
- Forensic procedures must be improved for the gathering of information and analysis of evidence. Forensic officers should be the first to arrive at a crime scene. Officials from other agencies must wait for forensic officers to finish collecting evidence before entering the crime scene.
- In enforcing measures that affect basic civil rights, such as search, arrest, and detention of suspects, prisoners and defendants, government officials must strictly abide by the law and as much as possible treat suspects with respect for their human dignity and consideration for the basic rights of those affected.
- Sufficiently strong evidence must be found before arresting or taking legal action against a suspect. When a suspect is invited for questioning or arrested, his relatives must be informed promptly so that they may visit and arrange bail.

- When searching homes, living quarters or school grounds, community leaders or school administrators must be notified in advance as much as possible. Those persons should be present during the search to ensure transparency of the process.

- A system must be set up to provide prompt and efficient legal aid for suspects. As most suspects tend to be poor, necessary assistance on legal expenses and to ease the impact should be provided.

- Mechanisms should be put in place to help impoverished suspects and defendants obtain temporary release as much as possible. They should also receive counsel and financial support from a fund while under trial.

- A Malay-speaking interpreter or lawyer should be provided for Thai Muslims of Malay descent suspects and defendants at every step of the law enforcement and justice process.

- The law must be strictly observed while the suspect is in custody. The collateral impact of custody must be alleviated as much as possible, e.g., education opportunities for the young, opportunities to practice religious rites as appropriate, use physical restraints only when necessary, the availability of halal food (food permitted for Muslims according to Islamic principles) during custody, and visitation rights for relatives and friends on religious holidays.

- Certain types of cases in the three southern border provinces should be regularly expedited and monitored to reduce the impact on the suspect or the accused, and to allow the process to establish their innocence or guilt to proceed more quickly.

- The following handbooks for officials and citizens should be published and distributed:

- A manual and operational guidelines according to the Criminal Procedural Code and the Executive Decree on the Administration of Public Affairs in Emergency Situations B.E. 2548 (2005)

for criminal justice officers operating in the three southern border provinces.

- A manual on appropriate operational procedures for officers in conducting searches of individuals or places to prevent violation of local culture and religious beliefs.

- A manual to educate

the public on the rights and duties of citizens, criminal justice procedures when one is invited for questioning, or becomes a suspect or defendant, pursuant to the Criminal Procedural Code and the Executive Decree on the Administration of Public Affairs in Emergency Situations B.E. 2548 (2005) and relevant laws. The manual should identify agencies that can render assistance to people who encounter problems with the justice process. The manual should be available in Thai and Malay, and widely distributed to communities, mosques and schools.

(3.4) Create an efficient system to monitor the criminal justice process and heal those affected by the violence

In enforcing the law in situations of frequent violence and where the performance of official duties is likely to be met with violent retaliation, **there is a need to develop mechanisms to protect the rights of citizens in the area, including a monitoring system and comprehensive, swift and thorough healing for those affected.** The following steps should be taken:

- Develop human rights personnel and human rights defense lawyers from the community of Thai Muslims of Malay descent in a systematic manner. The project should be clearly conceived, sustained and supported by a fund. Efficient training programs should be set up with cooperation from the law departments of well-known universities. Assistance should also be sought from international organizations that

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are established in this field, such as Amnesty International, Human Rights Watch, Asian Human Rights Commission (AHRC), and the International Commission of Jurists (ICJ).

- Establish a committee to monitor the exercise of state authority in law enforcement. The committee should comprise personnel from relevant organizations involved in the justice process, and importantly, a suitable civil society component. This committee must be independent from agencies responsible for local law enforcement, and must receive the full support of the state in terms of authority and operating budget. It may also be responsible for coordinating policy and recommending development of law enforcement consistent with legal justice principles.

- Support the establishment of a mechanism to accept complaints from the public regarding law enforcement and to heal those affected. Examples include the Lawyers Council of Thailand Complaints Office, the Center for the Rule of Law and Reconciliation under the National Human Rights Commission, the Lawyers Council of Thailand, legal clinics in provincial justice bureaus, and community justice centers under the Ministry of Justice.

- Strengthen and develop the capacity of communities to unite into a community justice network to work with the state on law enforcement. At the same time, it would be a pooling of strengths to ensure that law enforcement is consistent with principles of justice.

- Set up a “Justice Fund” with the objective of healing and tending to the welfare of those affected by the justice process of a scope wider than that specified by law. Compensation claims for victims must be handled promptly. Suspects or defendants should be provided assistance on expenditures such as finding a lawyer, arranging bail, contesting the case, and alleviating the hardship on themselves and the families of those wrongly accused and held. The Fund will also go towards research for the improvement of the judicial process. The Fund may

initially begin with a government contribution and partially from money the government receives from fines and assets confiscated from criminals. This could begin in the southern provinces, and lead to the improvement of the justice process nationwide.

adjustment of attitudes, perspectives and work methods of officials involved in the justice process is equally important.

- From the work of the NRC, it was found that there are orphans from the 28 May 2005 incident who have not been sufficiently cared for by the government. These children were listed separately from those orphaned in other incidents, as they are considered children of insurgents, and as a result receive scholarships of only one year, 70 and no monthly allowance. Those orphaned by the violence in the three southern provinces and five districts of Songkhla Province are entitled to annual scholarships from the Ministry of Education (the duration of the scholarships remains unclear; some say it is until the completion of undergraduate studies), and receive monthly allowances from the Ministry of Social Development and Human Security. This suggests discrimination by state officials in the case of orphans in the area. However, officials from both ministries in Bangkok insisted that their ministries had no policy to discriminate in the provision of financial assistance to orphans in the three southern provinces (nor elsewhere). The government must therefore investigate at what point the discrimination took place and in which organization, and must rectify the situation as quickly as possible.

(3.5) Adjusting the attitudes and methods of officials in the justice process

Apart from improving the system and work procedures, **adjustment of attitudes, perspectives and work methods of officials involved in the justice process is equally important.** The following approach is recommended:

- Give more importance to the selection of officials working in the justice process in the three southern provinces to obtain more suitable personnel, not create conditions that might be used as a pretext for violence, and restore faith of local people in the justice system.

- Provide training and orientation for officials based in the southern border provinces so that they understand, among others, the way of life of the local people; law enforcement strategy and policy; the justice process, which emphasizes strict adherence to the rule of law to reduce conditions that would create sympathizers for the militants; and operational procedures for investigation, interrogation, search, arrest, and legal detention, which should be clearly described in a training manual.

- Develop a personnel management system which will inspire public confidence in the justice system. Build the morale and pride of officials in the justice process, such as by rewarding officials who set a good example and have the trust and confidence of the people. Conversely, official misconduct must be promptly investigated, and guilty officials punished and transferred out of the area as quickly as possible.

(3.6) Enhance the role of civil society in the justice process and develop an alternative justice process

Developing the participatory role of the people in the justice process is an important approach that will lead to cooperation between the state and the people. This will improve the efficiency of law enforcement, create transparency and monitor the law enforcement process all at the same time. Opening up space for greater public participation will also create optional ways to gain access to justice, through means that are suited to the social and cultural context of each community. For this to be achieved, the following steps may be taken:

- Educate the public regarding matters of the law, the Constitution, and the basic rights of citizens.

- Promote a comprehensive community therapy process to heal those affected by violence.

- Promote and develop a personnel management system in the justice process in which the public takes part in rewarding good and punishing bad officials.

- Encourage interested citizens to participate in the justice process by forming a “Community Justice Network” based on the strength and togetherness of the local community to carry out activities related to the justice system. Space should also be opened up for youths of all faiths and cultures to participate in the justice process as “Youths for Justice”.

- Enhance the role of religious and community leaders by developing their knowledge of the law and dispute settlement skills by developing relevant supporting laws.

- Give importance to imams and mosques as community focal points which provide assistance and relief to the public on justice matters, as well as encourage the application of social capital from Friday sermons (khutbah) to help prevent crimes and misconduct in the community.

- Develop an alternative justice process which emphasizes the role of religious and community leaders in advocating a justice process conducive to reconciliation.

(4) Improving the Islamic law system in the context of the three southern border provinces

Muslim society has a constitution for living known as the Shari’ah, derived from Al Qu’ran and the teachings of the Prophet. Muslims are obliged to follow the Shari’ah, as it constitutes the law and social standards for Muslims to follow in leading their lives from birth till

Muslims are obliged to follow the Shari’ah, as it constitutes the law and social standards for Muslims to follow in leading their lives from birth till death

death, whether or not it receives the endorsement of any state. Given this principle, the southern border provinces have been using Islamic legal concepts, as provided for by the Act on the Use of Islamic Law in the Provinces of Pattani, Narathiwat, Yala and Satun, B.E. 2489 (1946), which stipulates that where family and inheritance are concerned, Islamic law may be used instead of the civil procedural law codes. In addition, the justice datoû should have a role in interpreting the said law in court. Nevertheless, the actual application of this law is fraught with problems and difficulties, both from the law itself, which lacks detail, and in the implementation process. Action should therefore be taken to upgrade the **administration of justice on family and inheritance cases according to Islamic law**, as follows:

(4.1) Publish Islamic laws related to family and inheritance in comprehensive detail, as well as laws on court procedure, the appeal process, and clear principles regarding conflict of laws, taking into consideration the example of similar courts in other countries such as Singapore, the Philippines and Sri Lanka.

(4.2) Study the feasibility of setting up an Islamic law division in courts in the southern border provinces.

(4.3) While the setting up of an Islamic law division and publication of the above laws are still pending, the following concrete measures should be taken:

- Adopt the arbitration court system under the civil procedural code for use in civil cases where both parties are Muslim, and develop arbitration procedural guidelines, which the arbitrators may apply in the same way as guidelines allowing for the arbitration system to be applied in other types of cases, in accordance with relevant laws. Arbitrators may be appointed from learned persons knowledgeable in Islamic law and respected by the community, such as imams. This would allow Islamic legal proceedings to be more fully implemented, under the supervision of the judge.

- Revise the Islamic law handbook used to decide cases so that it is comprehensive in content and written in language that is easily understood by the public, for use in conjunction with Islamic laws on family and inheritance. A handbook for arbitrators should also be made available.

- Establish a system of mechanisms to deal with family and inheritance matters, as well as dispute management for the Muslim community, in the form of an alternative justice process by building the participation of religious leaders, such as imams, who already share a close relationship with the community. At the same time, work on making the process more systematic and ensure that the settlements derived from this process are legally enforceable.

(5) Amending the Act on the Administration of Islamic Religious Organizations, B.E. 2540 (1997)

Currently, the state administers Islamic religious affairs through four state agencies: the Ministry of Interior, Ministry of Culture, Ministry of Education and Ministry of Justice. The Act on the Administration of Islamic Religious Organizations, B.E. 2540 (1997), has been in force for some time but has problems, as it does not cover many aspects of the Muslim way of life and is inconsistent with bureaucratic reform. This Act should therefore be amended, which would have an impact on solving the problems faced by Thai Muslims in the southern border provinces, who are often at the receiving end of various powers, whether political power, the power of some elements of the bureaucracy, and the power of the militants. This has weakened society in the southern border provinces, making development of various aspects difficult. **The Act on the Administration of Islamic Religious Organizations, B.E. 2540 (1997)** should therefore be amended to be more suitable and acceptable by the Muslim community overall on the following points:

(5.1) Collapse agencies handling Islamic affairs under the Ministry of Interior Affairs and Ministry of Culture into the jurisdiction of the Ministry of Culture alone, but expand their tasks in line with the Act on the Administration of Islamic Religious Organizations, with a suitable new structure.

(5.2) Use the amendment as an opportunity to manage religious donation agencies so that they are integrated, open, transparent, and accountable, in order that society in general may monitor the collection, deposit and spending of religious donations. This would help reduce state misgivings about monetary donations in the Muslim community and ensure efficient management of donations, whether *zakat* for charity (*sadaqah*) or other religious donations (*waqaf*) to assist those in need in Thai society, regardless of religion or culture.

(5.3) Use this Act to select ethical and capable leaders to form a council of learned advisors (*shura*) in each community. Such councils should be spread out widely to serve as mechanisms driving the work of the Muslim community in general.

(5.4) To ensure that amendment of the Act achieves its objective of strengthening the Muslim community, the state should take the initiative in amending the Act by appointing a committee to study and compile the issues, and present them to the public for further amendment as appropriate.

(6) Maintaining diversity in the education system, improving the quality of general education and giving importance to oversea Thai students

The present education system, where the curriculum blends general, religious and vocational subjects, is already appropriate. The cultural diversity has resulted in diverse educational institutions run by families, communities, the private sector and the state. **The NRC therefore proposes that the state should not undertake any measures that would**

diminish or eliminate the diversity in the education system of the three southern border provinces. As a point of caution, it is important to prevent cultural rifts in which Thai Buddhist and Thai Muslim students become increasingly segregated.

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(6.1) Cultural rifts can be prevented through:

- Improving the quality of learning and teaching of secular subjects in private Islamic schools.
- Enhance the learning and teaching of religious subjects or Islamic studies in public schools. (The state may cooperate with private Islamic schools or pondoks, similar to the cooperation with *tadika* schools at the elementary level.)
- Public and private schools may jointly design the curricula for certain subjects, e.g., subjects on peace and cultural diversity. A joint activity centre may be set up between Thai Buddhist and Thai Malay students.
- Promote and support educational arrangements by local communities, such as *kiroati*, *raodoh*, *tadika* and *pondok* institutions, and the participation of local communities in government and private educational establishments.
- Promote joint sports activities at the local level and provide local youths with more sports facilities throughout the area.

(6.2) Public elementary schools should coordinate or cooperate with *tadika* schools within the same community or nearby, to jointly organize religious or Islamic studies and cultural classes for students in public elementary schools. This may help solve the problem of excessive school hours spent by students at the elementary level.

(6.3) Develop an integrated curriculum that includes both secular as well as Islamic studies at all levels, in government as well as

develop a model school to serve as a model for integrated management of secular and religious studies at the national level.

private Islamic schools. The state must provide sufficient and continuous funding in order allow students to remain in the secular school system, even though some problems may arise from community misperception that the state is interfering in

the local educational system. This can be resolved, however, by allowing the local community to participate closely in every step of curriculum development.

(6.4) Develop educational excellence in the three southern border provinces by having the government and the central Islamic committee of each province jointly develop a model school to serve as a model for integrated management of secular and religious studies at the national level. The state does not necessarily have to set up new schools but may select from existing schools (government or private) of quality (for secular as well as Islamic studies subjects). The schools must have enough potential so that its quality is widely recognized, especially amongst Muslim communities in the three southern border provinces.

(6.5) The number of students who graduate from high school, especially private Islamic schools, each year in the three southern provinces is high (expected to be no less than 5,000 students annually). However, opportunities for further study at the tertiary level in their home districts are quite limited. Students therefore have to pursue further studies elsewhere (in the central region as well as other provinces). Furthermore, students from the three southern provinces are unable to gain admission to quality educational institutions (government as well as private), as the quality of secular education they received is lower than in other parts of the country. Therefore, the state needs to consider the following measures:

- Develop existing as well as new local institutions of tertiary education, being concerned not only with the number of

subjects or subjects as part of the curriculum for the southern border provinces, but giving priority to the quality of local tertiary education.

- Provide opportunity and flexibility for graduates from the three southern border provinces so that they may further develop their skills and enhance their abilities sufficiently to pursue further study in quality institutions.

(6.6) The state should provide opportunities for students who have trouble studying secular subjects to pursue further study in some courses such as Islamic studies. In addition, a number of students who graduate in Islamic studies at the *zanawiyah* level, which is equivalent to high school, have not been given state-recognized credentials. These graduates therefore have to continue their studies abroad (religion students who complete the *zanawiyah* level are accepted overseas). If the state could see to it that these students are prepared for opportunities for tertiary education within the country, they would not have to travel abroad for study.

(6.7) Thai Muslim students who study abroad, particularly in the Muslim world, should be provided with a greater range of options, not limited to religious studies. Scholarships should be granted to such students who have not received financial assistance from the university or country in which they are studying. The Higher Education Financing Reform project should be expanded to include these students as well. All Thai embassies, including those in Muslim countries, should look after these Thai students, care for and assist them as Thai youngsters abroad. When they return home, space should be opened for them to find work in Thai society commensurate with their abilities.

(6.8) Important conditions for the successful reform of the education system in the southern border provinces are:

- To promote and preserve the educational arrangements of local communities, such as *kiroati*, *raodoh*, *tadika* and *pondok* schools, pursuant to Sections 42 and 43 of the Constitution of the Kingdom of

Thailand, B.E. 2540 (1997), and the participation of local administrative organizations and local communities in the management of local educational institutions, both public and private.

- The state must develop a policy of language for education beginning from kindergarten, including a policy of using the mother tongue as a medium of instruction, the effective teaching of spoken and written languages, i.e., Thai, Pattani Malay and English, the preparation of teachers and the production of teaching materials.

- The state must develop and produce local education personnel to have experts directly specializing in education on every subject. This may be done through existing local government educational institutions or those to be newly established.

- The policies of the Ministry of Education must be designed to last and not be contingent on any particular individual. In addition, the implementation of the various policies of the Ministry of Education should be conducted through community educational bodies, such as the provincial central Islamic committee, or at the very least, these organizations should be closely involved in the decision-making process or the functioning of the Ministry of Education.

(7) Promoting nonviolence as the main approach to resolve violence in the southern border provinces

Work to promote nonviolence as the primary method to resolve the violence in the southern border provinces must be carried out at 5 levels:

(7.1) **The local people in affected areas.** Space for nonviolent methods must be opened up for every sector of society. Citizens both inside and outside the affected areas should be encouraged to drive the process of using nonviolence towards the target group, the militants; to create the realization that nonviolent method is a politically meaningful alternative that will be useful for the future of the southern border

provinces and Thai society. **Community Peace Committees should be established for the southern border provinces, comprising officials from both the security side and the civil service, as well as political, religious and business representatives in the southern border provinces.** Such committees should be established in all villages or subdistricts, consisting of

Community Peace Committees should be established for the southern border provinces, comprising officials from both the security side and the civil service, as well as political, religious and business representatives in the southern border provinces.

community leaders, religious leaders, teachers or public health officials, to prevent violent incidents arising from misunderstanding, foster unity and reconciliation between people of different faiths and ethnic backgrounds in the community, and serve to mediate to create positive understanding between the government and the people.

(7.2) **Civil society and the media.** Both local and non-local civil society organizations should pay closer attention to and study further the problem of conflict and violence in the southern provinces on all 3 levels, promote tolerance and cultural diversity, create a new conceptualization of being Thai that goes beyond narrow nationalism, and consider aligning themselves into networks, such as a network for reconciliation and nonviolence, to facilitate study and exchange of knowledge on the southern provinces among civil society organizations and society at large. Cooperation should be forged with various media to instill a culture of peace into the very fabric of Thai society.

(7.3) **State officials.** Press the state not to create conditions that could be used by violence-prone groups for political gain, in order to reduce the chances of their activity. It is encouraging that the Army commander, General Sonthi Boonyaratklin, is of the view that the solution to the security situation in the South will stress “conciseness, rightness, clarity and fairness, without stressing the use of arms”.⁷¹ Furthermore, an

Encourage top government executives to send a clear signal showing leadership on a nonviolence policy.

Islamic Institute for Nonviolent Alternatives should be set up, bringing together local people belonging to “risk groups” as well as others to exchange views with members

of the general public who are interested in nonviolence, so that they realize their suffering has meaning, and life still offers nonviolent alternatives in the sociopolitical system. Upgrade the status of the Strategic Nonviolence Committee, an independent agency within the National Security Council, so that it may present alternative security policies for the state and society. Draft a curriculum on promoting nonviolence in the public sector, so that all officials are professionals in working with conflict with alternatives that reduce violence and enhance the legitimacy of the state in fairly administering public affairs within the rule of law.

(7.4) **The government.** Encourage top government executives to send a clear signal showing leadership on a nonviolence policy. It is important to be able to differentiate nonviolence used as the leading national strategy as opposed to peaceful means used merely as a tactic to complement other strategies. It is encouraging that officials in the field now understand that nonviolence is a strategic factor in overcoming the violence, more than merely a tactic that is used occasionally. Although some losses may be incurred, that is to be expected in any kind of fighting, including through the use of nonviolence, but these brave people realize just how important a political victory is to the future of the country.

(7.5) **The international arena.** Promote the building of relations between Muslims in Thailand and the Muslim world, giving importance to problem solving through nonviolence based on religious principles recognized by the Muslim world. Good understanding and close ties must be promoted between Thailand and neighboring Muslim countries to immunize against regional-scale violence, with due emphasis on continuity

of policy to avoid gaps during changes in national leadership, especially with regard to relations with Malaysia. In addition, Thailand should step up the strengthening of its relations with international organizations recognized by Muslims worldwide, such as the Organization of the Islamic Conference (OIC) and the World Muslim League, so that they may understand Thailand's efforts to resolve the violence in its southern border provinces through the reconciliation approach.

So that the use of peaceful means is possible in practice, the government should undertake the following:

- At the domestic level
 - Pass a Cabinet resolution to expedite follow-up on the implementation of Prime Minister's Office Order No. 187/2546 on policy on conflict management through nonviolence, and have every ministry report regularly on the implementation and make such reports widely available to the public.
 - Establish a committee tasked with reviewing laws that might conflict with the nonviolence approach, and put up draft bills to amend such laws, as well as draw up measures to promote peaceful means.
- At the domestic-international level, the National Security Council is to quickly draw up a security strategy for the southern border provinces in continuation of the 1999-2003 version for use as a key strategy on peaceful means. The NSC should then closely follow up on the implementation of the strategy.

2.2 The NRC proposes 5 measures to solve violence at the cultural level

(1) Promote cultural diversity in every part of the country

Thai society has a precious asset in its religious and cultural diversity. The problem is that Thai society seems to be attached to a period of history when the dictatorial regime defined "Thai identity" as

it is necessary to create a common understanding among all Thais that cultural diversity is a precious historical heritage and a social reality.

being homogeneous and attempted to diminish or destroy this diversity. This is despite the fact that at the height of Thailand's historical glory, during the Ayutthaya period, the country was teeming with communities of diverse cultures—other

than the Chinese, the country also had large numbers of Japanese, Dutch, Portuguese, Persian and Arab merchants. Therefore, it is necessary to create a common understanding among all Thais that cultural diversity is a precious historical heritage and a social reality. This may be done by:

(1.1) Having the Ministry of Education reform its curricula on history and culture

(1.2) Having the Ministry of Education act to open up space so that local histories may proudly become part of national history

(1.3) Encouraging the writing of textbooks so that the diverse local histories form a solid foundation for the history of Thailand

(1.4) Being cognizant of the beauty of the diverse cultures and the profundity of the faiths that people use as a guiding light in their lives

(1.5) Using public media, in particular state-run media, both central and local, to educate Thai society in general on the cultural, historical and linguistic diversity in Thai society

(2) Promote nonviolence as a part of the Thai way of life in addressing conflict throughout the country

At present, the whole of Thailand is facing the problem of violence on a disturbing scale, in many shapes and forms. Based on death registration data gathered from death certificates in 2004, it was found that death from physical assault and from self-inflicted injury ranked second and third, respectively, among the top five causes of death, below only death from travel and transport accidents. For this reason, the

promotion of nonviolence is not only necessary to cope with violence in the South but is also important for peace in Thai society as a whole.

Working to promote nonviolence at the cultural level means making Thai society confront the truth about violence in

Thai society and the culture that underpins and legitimizes the ongoing violence.⁷² At the same time, one must promote the peaceful alternatives that exist in both Buddhism and Islam, as well as in other aspects of Thai culture and society. One must encourage Thai society's awareness of examples where culturally diverse peoples live together in peace, and of people in Thai society who choose to employ nonviolence to face conflict in order to cultivate justice in the society. Every segment of society should be encouraged to form attitudes and skills that lend themselves to the peaceful management of conflict, with the education system and the media as supporting mechanisms. Moreover, importance should be given to social capital, such as Buddhist sermons and Muslim Friday sermons in a way that delegitimizes the use of violence as a means to solve problems. Importance should also be given to nonviolent means by earnestly promoting state officials to have the proper knowledge and understanding on employing nonviolence in dealing with conflict, to prevent conflict and from the negative perception when ordinary people organize themselves, which have been responsible for past violence.

When conflict arises, such as over natural resources, the direction of development, race, politics, or others, all sides should be encouraged to explore and use nonviolence in solving their problems, such as non-cooperation with wrongful acts, civil disobedience, and other nonviolent alternatives when injustice occurs, e.g., problem-solving through dialogue, mediation or negotiation, to arrive at win-win solutions.

the promotion of nonviolence is not only necessary to cope with violence in the South but is also important for peace in Thai society as a whole.

*Language can be both a key
and a barrier to communication.*

(3) Declare Pattani Malay an additional working language in the southern border provinces

Language can be both a key and a barrier to communication. Many Thai Muslims of Malay descent understand spoken Thai to varying extents, but lack confidence in speaking it. Some cannot read nor write in Thai. The Ministry of Education should therefore promote the learning of Thai. However, we must accept the fact that those with little knowledge of Thai will have trouble communicating with state authorities, sometimes so much so that they are discriminated against due to linguistic differences. Malay should therefore be declared an additional working language in the three southern border provinces. For example, official documents used in the area should be in both Thai and Malay; signs for government offices, street names and village names should also be written in the Malay script; the proportion of government officials who know the Malay language should be increased. The teaching of Malay should be arranged according to the demand of officials in the area. Most importantly, communicating in Malay should be facilitated for local people, such as through the use of bilingual interpreters at government facilities.

The state should also draft a master plan to develop the local media, with emphasis on content, usage of language and local participation, including using the media to communicate the *truth* to establish credibility and communicate diversity in the form of *dialogue*, so that Thai Muslims of Malay descent may communicate freely to strengthen their thinking, arts, and culture at the same time.

(4) Dialogue for reconciliation

A mutual learning process between Buddhists and Muslims is essential to the strengthening of society in the southern border provinces and the improvement of communal relations. It can be achieved through the following measures:

(4.1) Encouraging peoples of faiths to study their own religions intensively, from both a theological and historical perspective, in order to grasp the core essence of each religion. Understanding core truths and the theological and historical context of one's religion would contribute much to both personal self-understanding and the problems facing each religion, important requirements for religious dialogue.

(4.2) Dialogue is a technique that, other than helping to reconcile religious differences, can also rely on the power of religious teachings to end violence and promote peace in local communities. This may be seen from the religious dialogue between Buddhist and Islamic religious leaders on 20 February 2006 in Narathiwat, which not only concluded that local Muslims and Buddhists were not embroiled in religious conflict, but together also announced and disseminated 7 points of intention:

- Religious followers should strictly adhere to the pure path of their religions and cultures, and reject the use of violence in solving problems.

- Problem-solving must be based on respect for the law, the rights, freedoms and human dignity of the people, the principle of equality, non-discrimination, compassion and religious virtues.

- Buddhists and Muslims alike have a common duty to defend religious institutions and places of worship, as well as protect monks and Islamic teachers from harm or assault. If any such violence should occur, they must join together in condemning the incident and strongly reject any attempt to amplify the effects of the incident into further violence.

- Religious and local leaders, Muslim and Buddhist alike, must set a good example on reconciliation and persuade their congregation to live within the teachings of their religion, and cherish the fraternity of mankind and the value of life.

The way to build immunity so that Thai society will not be ensnared in violence is to increase tolerance for one another, or forbearance

- Religious and local leaders, Muslim and Buddhist alike, should cooperate to promote the principles of the sufficiency economy and virtuous principles for leading one's life, so that Thai society and its religions, especially in the southern

border provinces, will not be threatened from various forms of vice, among other things.

- Religious leaders will cooperate to foster reconciliation in every aspect, especially in inculcating youths with excellence in both secular and religious endeavors, gratitude, and abstinence from vice and addictive substances.

- In problem-solving, all sides should adhere to His Majesty the King's saying: "Understand. Accessibility. Develop".

(5) Creating cultural immunity against violence

Immunity against violence will be created if society has a culture of peace. However, Thai society must accept the truth about violence in our society, and not take it as an article of faith that because Thai society has religion as a central pillar, it is a society of little violence and high tolerance. Members of Thai society should quickly improve themselves in terms of self-knowledge, mindfulness and knowledge on using nonviolence to resolve conflict, whether within, between individuals in the group, between groups, between races or between countries.

The way to build immunity so that Thai society will not be ensnared in violence is to increase tolerance for one another, or forbearance, by having members of the minority and majority groups meet in a formal or semi-formal setting, to engender a genuine exchange of ideas, including learning to listen to different opinions and working to find solutions together.

All of this will be possible if the principle of tolerance is so widely accepted that it becomes part of Thai political culture. **The NRC proposes that the promotion of such a culture can be achieved by:**

The government should encourage the teaching of nonviolence and peace studies in schools and government agencies.

(5.1) Promoting the strength of existing local cultures, especially religious rites that people from other faiths accept and can practice together.

(5.2) Ensure that every forum, formal or semi-formal, for the exchange of views have a suitable and equitable representation of the minorities.

(5.3) Accept the principle of consensus seeking, giving due respect to the rights of the minorities.

(5.4) The government and Thai society should make it a tradition that, in appointing any committee, minority groups and women should be proportionally represented, whether in the composition of those invited to share their views, in community councils, or school councils.

(5.5) The government should encourage the teaching of nonviolence and peace studies in schools and government agencies. In universities, Cabinet resolution of 29 November 2005, calling for the establishment of a center of nonviolence or center for peace studies in educational institutions, should be speedily implemented.

(5.6) Encourage youths to foster cultural strength through their own efforts, develop critical thinking skills and learn to ask thoughtful questions, so that they may resist and filter out undesirable cultures that would influence and lead them astray.

The NRC proposes the drafting of an Act on Peaceful Reconciliation in the Southern Border Provinces (Calming the South Act)

3. Political Reconciliation Measures: An Act on Peaceful Reconciliation in the Southern Border Provinces

The NRC proposes the drafting of an Act on Peaceful Reconciliation in

the Southern Border Provinces (Calming the South Act) to solve violence and engender durable peace and reconciliation in the southern border provinces. The principles and rationale for the Act, responsible agencies under the Act, and the drafting procedure shall be as follows:

Principles and Rationale

Solving the problem of violence in the southern border provinces consists of stopping the immediate violence and engendering lasting peace. To stop the immediate violence, the state must have a coherent operation policy and build a shared understanding in society, be it at the local and national levels, among the media, in the global Islamic community or and the international community at large. For this task to be carried out, it is necessary to have strategic command mechanisms that are effective and can sustain such works, supported by laws.

In building lasting peace in the three southern border provinces, one must bear in mind the just and equitable co-existence of local people. One must promote ways of life that are consistent with cultures and beliefs of each group of people, their religious teachings, and sufficiency economy concepts. There must be a process to foster trust and confidence in one another. There should be cooperation to build an educational system, socioeconomic development, the justice system, decentralization of authority, and strengthening of local communities for balance, safety, harmony and peace throughout the entire area of the southern border provinces. This requires a civil sector mechanism that can promote the process to build understanding and encourage participation by all sectors of society.

The NRC is of the view that the success of efforts to resolve the violence in the southern border provinces rests, on the one hand, on a mechanism that fosters coherence among state strategies in the area, and on the other, a mechanism that strengthens the civil sector. However, these two mechanisms do not exist or, if they do, are not strong enough. It is therefore proposed that the Act on Peaceful Reconciliation in the Southern Border Provinces (Dousing the Southern Fire Act) be issued as an instrument to solve the problem.

Responsible Agencies under the Act

This Act should decree the establishment of the following three agencies to serve as instruments in solving violence in the three southern border provinces:

3.1 Southern Border Provinces Peace Strategy Administration Center (SBPPSAC)

In the past, the *SBPAC* (Southern Border Provinces Administrative Center) functioned fairly well. It was dissolved and replaced with the *SBPPBC* (Southern Border Provinces Peace-Building Command). Both these bodies were established by order of the Prime Minister. They were therefore susceptible to change and lacked continuity, with limited mandate and capacity to consolidate state strategies.

The NRC is therefore of the view that a *Southern Border Provinces Peace Strategy Administration Center* should be set up under this Act. The center's director should be royally appointed, with the Prime Minister carrying out the royal command, meaning that the director of the SBPPSAC could come from either the military or civil service, through a recruitment process to find the most suitable person, with a term of office of 4 years.

The board of the SBPPSAC should be made up of representatives from the military, police, Ministry of Interior, Ministry of Foreign Affairs, the National Security Council, and other agencies necessary to create coherence in state strategies. At least one-third of the board should be

made up of highly qualified people from the civil sector both from within and outside the area.

The SBPPSAC would have the following powers and responsibilities:

(1) Promote understanding of the situation and solutions in the entire public sector, the local population, society at large, and the global community.

(2) Creating strategic coherence among all related agencies, at the policy, command, and operational levels.

(3) Recommend the transfer of wayward officials out of the area.

(4) Promote the development of the justice system and process for peace and reconciliation in the area.

(5) Put an end to actions or policies by government agencies that contradict SBPPSAC strategy, with the authority to report such actions to the government.

(6) Promote the development of the education system, development of a sociopolitical system that is consistent with culture, religious virtue and the sufficiency economy, including decentralization of power to local communities as provided for by the Constitution, allow local communities to plan and drive development towards sufficiency, balance, harmony and peace.

(7) Promote the strengthening of civil sector mechanisms to enable participation in policy formulation, development planning and checking the exercise of state power pursuant to Section 76 of the Constitution.

(8) Make recommendations and report performance to the government and Parliament annually.

3.2 Council for the Development of the Southern Border Provinces Area

In compliance with Section 76 of the Constitution, the Council for the Development of the Southern Border Provinces Area is established as the implementing mechanism.

This Council will not exercise any official or other executive powers. Rather, it is a Council that promotes the knowledge-building process and public participation, as well as a process of mutual learning by all sides, to lead to the building of justice, development of the educational system, and development of a socioeconomic system that is consistent with culture, religious virtue, and the sufficiency economy. The Council makes recommendations on the management of natural resources; considers and monitors budgetary expenditures by government agencies in the area and the decentralization of power to local communities as mandated by the Constitution, so that local communities have the strength and capacity to plan and drive development towards sufficiency, balance, harmony and peace.

Tasks and responsibilities:

- (1) Provide recommendations to the SBPPSAC, Parliament, and the Cabinet for the formulation of policy on education development; development of a socioeconomic system that is consistent with culture, religious virtue, and the sufficiency economy; allocation and utilization of local natural resources; and decentralization of power to local communities as required by the Constitution.
- (2) Make recommendations on and analyze problems concerning religions and cultures upon request by the SBPPSAC.
- (3) Listen to opinions and promote equality, rights and freedom.

Council for the Development of the Southern Border Provinces Area will not exercise any official or other executive powers. Rather, it is a Council that promotes the knowledge-building process and public participation

- (4) Administer justice, promotion of equality, rights and freedom.
- (5) Appoint committees or working groups to assist with work as appropriate to the objectives.
- (6) Report performance to the Parliament and the Cabinet annually.

Members of the Council are to be selected and appointed from religious leaders, community leaders, local scholars, highly qualified persons and an appropriate proportion of representatives from professions.

The office of the Council is not to be constituted as a government agency, and is able to recruit persons of high caliber and qualifications to serve as Secretary-General and officers of the Council.

The government should allocate a budget to support the work of the Council, categorized as a general supporting budget.

3.3 The Fund to Support Healing and Reconciliation

There are many wise and compassionate religious and community leaders in the area. These respected persons can provide healing for sufferers through existing community institutions, such as temples, mosques, schools, and pondok schools, without choosing sides or ideologies but with concern for their fellow human beings. This form of healing engenders positive feelings and hope, and can be a force for reconciliation.

To this end, the NRC deems it appropriate to establish a *Fund to Support Healing and Reconciliation* under this Act, as an organization with supporting legislation and a considerable budgetary allocation from the government. The Fund should have an independent administrative board, the members of which may be nominated by the Council for the Development of the Southern Border Provinces Area.

The task of the Fund is to support wise and compassionate religious and community leaders so that they may provide healing for those suffering in the area, and foster reconciliation through existing

community institutions, such as temples, mosques, schools, and pondok schools. The Fund also supports the work of various community-oriented networks, such as the networks of monks for community, teachers for community, nurses for community, etc., so that the spirit of compassion between fellow human beings may produce warmth, hope and friendship, which would help strengthen the community and create long-lasting peace in the entire area of the southern border provinces.

The Drafting Process for the Act

As this Act deals with the establishment of efficient organizations and mechanisms to solve violence in the three southern border provinces in practical terms, the drafters of the Act should understand the situation, obstacles and difficulties in solving the problem. They should also understand how to set up truly efficient organizations and mechanisms, and not limit themselves to technical legal work. For this reason, the drafting committee for this legislation should be suitably composed.

While the government is considering the NRC's proposals, persons in the civil sector who are interested in solving the problem may get together to put up a draft of this legislation, leading to joint consideration by all sides, with the draft bill to be put through a public hearing involving all sides in the area. ■

the drafters of the Act should understand the situation, obstacles and difficulties in solving the problem. They should also understand how to set up truly efficient organizations and mechanisms, and not limit themselves to technical legal work.

Endnotes

Endnotes

- ¹ Sophon Suphamong. “The Remaining Life (Southern border 8): Vicious cycle on the lives of the innocent” *Thai Post*, 27 July 2005.
- ² *Matichon Daily*, 10 August 2005, states that 6,020 children were orphaned by violence, while data from the supporting and regional coordinating government section, Ministry of Social Development and Human Security, states that as of 11 November 2005, there were 1,100 children who were orphaned by the unrest in South, and 12,176 “orphans in general.”
- ³ General Sonthi Bunyaratlaklin, the new army commander, said at a congratulatory party at the Islamic Center of Thailand on 3 October 2005 that “violence in the southern border provinces is the work of only a few with different ideologies... I reaffirm that the majority of Thai Muslims in the southern border provinces (over 95 percent) are good people who deserve our sympathy.”
- ⁴ Lt. Col. Thaksin Shinawatra, “Passing the Executive Decree on the Administration of Public Affairs in Emergency Situations B.E. 2548 (2005),” *Thaksin Photo News*, Year 45, Vol. 6 (15-31 July 2005), pp. 6-7.
- ⁵ This analytical approach appears in Johan Galtung, *Peace by Peaceful Means* (London: SAGE, 1996), p. 1.
- ⁶ Most numerical data on the violence is from Srisompob Jitpiomsri, “Structural violence or violent structure in the southern border provinces?: the situation on violence in the southern border provinces over 2 years (2004-2005),” (report presented to the NRC) (Bangkok, the National Reconciliation Commission, 1 February 2006)

- ⁷ Cited in *Report of the Special Committee on the Planting of Bombs and Instigation of Unrest in the Southern Border Provinces Area, The House of Representatives* (Bangkok, Secretariat of the House of Representatives, 2004), p. 3.
- ⁸ Senate Special Committee, *Report on the Deliberations of the Special Committee to Study the Problems of the 5 Southern Border Provinces: Pattani, Yala, Narathiwat, Songkhla and Satun* (Bangkok: Committee Division, Secretariat of the Senate, 1999), p. 5-1.
- ⁹ Students of the National Defense College, year 46, and students of the National Defense College public-private sector course, year 16, school year 2003-2004, *Report on Outcome of Seminar on “Next Steps towards the Security of the Southern Border Provinces,”* (Bangkok: National Defense College, 2004), sentences in quotation marks appear on pages 23 and 22, respectively.
- ¹⁰ A word proposed by Saowani Jitmuad to replace the word “Malay Muslims” previously in usage. This word simultaneously connotes diversity and unity. It is thus useful in two aspects. First, it points out the cultural diversity among the Muslims in Thai society—such as Thai Muslims of Chinese descent in the North, Thai Muslims of Pakistani descent in the Northeast, Thai Muslims of Indian-Arab-Khmer descent in the Central Region. Second, it points out that no matter what their ethnic origins, all Muslims in this country are Thai citizens, with the same constitutional rights and liberties as Thais of other faiths throughout the country.
- ¹¹ See details in *Report of the Special Committee on the Planting of Bombs and Instigation of Unrest in the Southern Border Provinces Area, The House of Representatives* (Bangkok, Secretariat of the House of Representatives, 2004), pp. 43-44; Chidchanok Rahimmula, “Peaceful Resolution of Conflict: A Case Study of Separatist Movements and Terrorism in the Southern Border Provinces of Thailand”, *Songkla Nakharin Journal (Social Sciences and Humanities)* Year 10, Vol. 1 (Jan-April 2004), pp. 97-112, and International Crisis Group, *Southern Thailand: Insurgency, not JIHAD* (Asia Report No.98, May 18, 2005), pp.12-16.
- ¹² Pol. Maj. Gen. Chidchai Wannasathit, “Strategies and Operating Procedure under the Peace-Building Policy in the Southern Border Provinces”, 27 December 2005, pp. 2-3.
- ¹³ Data collected 1 January › 31 March 2005 (published 30 April 2005)

- ¹⁴ Data from Police Operations Center, Yala Provincial Station, collected 1 January - 30 June 2005.
- ¹⁵ Srisompob Jitpiomsri, “One Year, One Decade of Violence on the Southern Border”, p. 87. This conclusion is from a survey specifically in Pattani province, 28 February - 4 March 2004, before the incident of 28 April 2004. But another study, i.e., Srisompob Jitpiomsri, “Structural violence or violent structure in the southern border provinces?: the situation on violence in the southern border provinces over 2 years (2004-2005),” [Seminar Paper on the Background and Inside Story of the Unrest in the Southern Border Provinces](#), (Mahasarakham University, 11 February 2006), p. 86, found that some people believed that 85% of the violence in the South was caused by insurgents, 12% was personal and 3% was perpetrated by the government.
- ¹⁶ See additional details in Senate Committee on Administration and Justice, “[Report on Study of Development of Bodies and Agencies Related to the Criminal or Civil Justice System](#)” (Bangkok, KP Printing Ltd., 1996); Kitipong Kityarak, “[Strategies on the Reform of the Thai Criminal Justice System](#)” (Bangkok: Thailand Research Fund, 2001) pp. 27-45.
- ¹⁷ For example, the arrest of Dr. Waemahadi Waedaoh and associates on the charge of being J.I. members based solely on hearsay. The Criminal Court dismissed the case, but the case caused outrage among many Muslim youths.
- ¹⁸ For example, the arrest of Mr. Aama Hayidurraamae, who was brought in for questioning on the torching of Ban Ta Pad school, Tapa District, Songkhla Province without notifying relatives as to who had taken him and where, until 5 days later when an officer informed his mother he was at the Songkhla provincial police station.
- ¹⁹ For example, the incident in which around 30 fully armed police and soldiers surrounded the house of Mrs. Pisoh Udoh and asked to search the premises without showing a warrant and without notifying the village headman or local community. Nothing illegal was found.
- ²⁰ Jutharat Ua-amnuay et al., [Carrying Out the Justice Process in the three southern Provinces: Problems and Solutions](#) (complete edition) (Bangkok: National Reconciliation Commission, 2005), pp. 163-170.

²¹ Ibid., pp. 129-137.

²² Ibid., pp. 84-85.

²³ Ibid.

²⁴ The agricultural sector is the largest employer in the three southern provinces, employing one-third of the labor force.

²⁵ [Report of the Sub-Committee on the Study of Ways to Improve Human Security](#) (Bangkok: National Reconciliation Commission, 2005), p. 7.

²⁶ Nadzru B. Azhari, "The Crisis in the South: A Kelantanese perspective," *The Nation* (14 May 2004).

²⁷ The number of persons with dual citizenship is undetermined. The Royal Thai Embassy in Kuala Lumpur and Royal Thai Consulate in Kota Bahru estimate that there are 30,000 Thai citizens with domiciles in Kelantan and voting rights in Malaysia (*Kom Chud Luek*, 28 September 2005).

²⁸ Prangtip Daorueang, [Research Paper on the Malaysian Print Media and the Conflict in the three southern Border Provinces](#) (Bangkok: National Reconciliation Commission, 2005).

²⁹ "Fears of Another Bali October", *Bangkok Today*, 4 October 2005.

³⁰ Alisa Hasamoh and Dusadao Lertpipat, [Research Paper on the Identity of Malay Muslims: Areas of Conflict and Negotiation](#) (Bangkok, National Reconciliation Commission, 2005).

³¹ Seni Mudmarn, "Language Use and Loyalty among the Muslim Malay of Southern Thailand." (Ph.D. Dissertation, State University of New York at Buffalo, 1988)

³² Krongchai Hatta, *Pattani: Trade and Administration in the Past* (Pattani: Pattani Studies Project, Faculty of Humanities and Social Sciences, Prince of Songkhla University, Pattani, 1998), pp. 61-62

³³ Note the misconception on this matter by a military officer who stated that an analysis of Muslim society revealed that “Satun province is predominantly Sunni, while Yala, Pattani and Narathiwat are influenced most by Iran,” at the hearing taskforce of the 5th sub-committee for reconciliation. National Reconciliation Commission, *Report on the Opinions of Various Professions on the Resolution of the Unrest in the Three Provinces* (2005), p. 63.

³⁴ Consider the analysis of protests by southern Thailand’s Muslim Thais against the US invasion of Iraq in Chaiwat Satha-Anand, “Praying in the Rain”, *Global Change, Peace and Security* Vol. 16 No.2 (June 2004), pp. 151-168.

³⁵ Cleaning requires 7 rounds of washing with clean water. One in the 7 washings must use “soil water”. “Soil water” comes from selecting clean soil, digging it up and performing “sa-moh”, meaning taking one handful of muddy earth, mixing it with clean water so it becomes mud water and then using it to wash the entire pondok once. Then the place is washed with the cleanest water 6 times.

³⁶ Alisa Hasamoh and Dusadao Lertpipat, *Research Report on the Identity of Muslim Malays: Areas of Conflict and Negotiation*.

³⁷ Cited in Krongchai Hatta, *Pattani: Trade and Administration in the Past*, p. 111.

³⁸ Thongchai Vinijjakul, *Crossing Over post-14 October Democracy: 2005 Annual 14 October Lecture* (Bangkok: 14 October Foundation, 2005), pp. 68-73.

³⁹ See examples of the correlation between poverty and civil war, in which the higher the number of poor people, the higher the possibility of civil war, in *A more secure world: Our shared responsibility: Report of the High-level Panel on Threats, Challenges and Change* (New York: United Nations, 2004), pp. 15.

⁴⁰ See an analysis of this issue in Chaiwat Satha-Anand, *Islam and Violence: A Case Study of Violent Events in the Four Southern Provinces, Southern Thailand, 1976-1981* (Tampa, Florida: University of South Florida, Monographs in Religion and Public Policy, 2nd printing, 1990).

⁴¹ In other words, there are several ways of thinking about the future. Some people think about “possible futures” which often means envisioning multiple future scenarios, both good and bad. But a prognosis presents a probable future given existing conditions. The word “prognosis” has been used since the time of Hippocrates, the father of medicine in ancient Greece, with a meaning similar to current usage, i.e. asking what the future course of the illness is expected to be, and the chances of recovery given that course (www.medterms.com). In conflict and peace research, this word means projecting trends in a given system over time, to predict whether violence will increase, remain constant, or diminish. It goes without saying that an accurate projection affects the decision to choose the best way to solve the problem. For example, peace researchers proposed that the amnesty law be abolished in Chile (therapy) because they projected that true justice was not possible (prognosis) as the country’s system of government was not democratic (diagnosis). Please see (<http://www.unam.na/centres/hrdc/journal/docs/Conflict%20Transformation%20Jane.doc>)

⁴² Johan Galtung, *Conflict Transformation by Peaceful Means* (The Transcend Method) (New York: United Nations Disaster Management Training Program, 2000), pp. 130-131.

⁴³ Students of the National Defense College, year 46, and students of the National Defense College public-private sector course, year 16, school year 2003-2004, *Report on Outcome of Seminar on “Next Steps towards the Security of the Southern Border Provinces,”* (Bangkok: National Defense College, 2004), pp. 74-75.

⁴⁴ Suwanee Surasiengsang, *Research Paper on the Mapping of Births, Deaths and Relocations in the Southern Border Provinces* (Bangkok: National Reconciliation Commission, February 2006).

⁴⁵ *Bangkok Today*, 4 October 2005.

⁴⁶ Piya Kittaworn, Research Coordination Unit for the Lower South, Thailand Research Fund Regional Office, Social Science Association, Prince of Songkhla University, Pattani Campus, *Research Paper on Violence and Results of a Survey of Opinions by the Public and State Officials on the Declaration of State of Emergency in Every District of Pattani, Yala and Narathiwat Provinces (draft)* (Bangkok: National Reconciliation Commission, 2005), p. 14.

- ⁴⁷ Data from interviews of the Chairs and Vice Chairs of various Sub-Committees of the National Reconciliation Commission between 15 August – 19 September 2005.
- ⁴⁸ Srisompob Jitpiromsri, “Structural violence or violent structure in the southern border provinces?: the situation on violence in the southern border provinces over 2 years (2004-2005),” *Seminar Paper on the Background and Inside Story of the Unrest in the Southern Border Provinces*, (Mahasarakham University, 11 February 2006), p. 86.
- ⁴⁹ Rasidah Raden Ahmad, Parichart Benrit, Anuwat Songsom and Ranchida Sangduang, *Research Paper on the Economic Structure of the Three Southern Border Provinces* (Bangkok: National Reconciliation Commission, February 2006)
- ⁵⁰ *Public Relations News*, 4th Army Area Command, Front Unit/ Southern Task Force, Ingkayuth Boriharn Camp, Nong Jik District, Pattani, 6 and 12 October 2004.
- ⁵¹ The hearing taskforce of the 5th sub-committee for reconciliation. National Reconciliation Commission, *Report on the Opinions of Various Professions on the Resolution of the Unrest in the Three Provinces* (2005), p. 58.
- ⁵² Prangtip Daorueang, *Research Paper on Malaysian Views of the Violence in the Southern Border Provinces*
- ⁵³ For an elaboration, see Nithi Eawsriwong, “Reconciliation in Practice,” *Matichon*, 12 September 2005.
- ⁵⁴ For data from Malaysian media, see Prangtip Daorueang, *Research Paper on Malaysian Views of the Violence in the Southern Border Provinces*.
- ⁵⁵ For example, “We will not let these two officers die for nothing,” “These are the acts of beasts,” “Why don’t officials solve the problem by closing off the village and killing them all?” See Janjira Sombutpoonsiri, “Narratives of Fear,” *Matichon*, 4 October 2005.
- ⁵⁶ *Bangkok Today*, 29 December 2005.

- ⁵⁷ Saronee Duereh, *Research Paper on Opinions of Locals on Violence in the South: Studies from Leaflets, Graffiti, and Local Press* (Bangkok: National Reconciliation Commission, 2006).
- ⁵⁸ For changes in these policies, see Piyanart Bunnag, *The Thai Government's Administrative Policies towards Thai Muslims in the Southern Border Provinces (1932-1973)* (Bangkok: Research Dissemination Project, Research Section, Chulalongkorn University, 1991) pp. 78-134.
- ⁵⁹ Suan Dusit poll, *Research Paper on Opinion Survey of Government Officials Operating in the Three Southern Border Provinces* (Bangkok: National Reconciliation Commission, 2006).
- ⁶⁰ These opinions can be found in the hearing taskforce of the 5th sub-committee for reconciliation. National Reconciliation Commission, *Report on the Opinions of Various Professions on the Resolution of the Unrest in the Three Provinces* (2005), pp. 60-61.
- ⁶¹ Saronee Duereh, *Research Paper on Opinions of Locals on Violence in the South: Studies from Leaflets, Graffiti, and Local Press* (Bangkok: Report of the National Reconciliation Commission, 2006).
- ⁶² Interview of Major General Pichet Visaijorn, Deputy Commanding General of the 4th Army Area Command, *Sarakadee Magazine*, August 2005, p. 94.
- ⁶³ After nearly two decades of armed conflict between the Thai state and the Communist Party of Thailand, the government of Major General Prem Tinasulanonda decided to change tact by and recast the fight as a political struggle. Decisive victory could therefore only come from political measures. After issuing Prime Ministerial Order 66/2523, the government instructed all governmental agencies to strictly adhere to this policy. The Thai state's subsequent decisive victory over the Communist Party made news around the world.
- ⁶⁴ Chaiwat Sata-Anand, *Prime Ministerial Order 66/43?: The State, the Problem of State Culture and Conflict Management in the New Century* (Bangkok: Strategic Institute, The Office of the National Security Council, 2001).

- ⁶⁵ Chaiwat Sata-Anand, “Those who die are humans,” *Fah Diaew Kan (Under the Same Sky) Magazine*, Year 2 Issue 3 (July-September 2004), pp 50-69. Quotes are from pp. 67-68 and 63.
- ⁶⁶ These opinions are from the sub-committee for reconciliation, *Report on the Opinions of Various Professions on the Resolution of the Unrest in the Three Provinces* (Bangkok: National Reconciliation Commission, 2005).
- ⁶⁷ Prime Minister’s Office Orders No. 104/2548 on the establishment of the National Reconciliation Commission, dated 28 March 2005; No. 132/2548 dated 12 April 2005; and No. 212/2548 dated 7 June 2005.
- ⁶⁸ It has been proposed that this special force should not be formed as battalions, but as small units at various levels of the army.
- ⁶⁹ For details of proposals to improve officials’ implementation of the Executive Decree, see Jutharat Ua-amnuay et al., *The Declaration of the Executive Decree on the Administration of Public Affairs in Emergency Situations, B.E. 2548 (2005) in the Three Southern Border Provinces: Success, Impact and Recommendations* (Bangkok: National Reconciliation Commission, March 2006.)
- ⁷⁰ Information from a provincial social development officer.
- ⁷¹ *Bangkok Today*, 4 October 2005.
- ⁷² For example, a columnist in a daily newspaper commented on violence in the southern border provinces that “...every day we see the corpses of soldiers, policemen and civilians killed by the southern terrorists, but we never see the corpses of dead terrorists...I think it must be checked into why this is so.” In the same column, the writer commented about a rapist who had raped and nearly killed a 14-year-old girl, and who was himself about to be lynched: “I don’t know why the police had to escort him out of there... They should have let the people stomp him.” *Bangkok Today*, 8-9 October 2005, p.13.

Appendices

Appendix A

Appointment, Mission and Composition

of the National Reconciliation Commission,

**Pursuant to Prime Minister’s Office Orders No. 104/2548 dated 28 March 2005;
No. 132/2548 dated 12 April 2005; and No. 212/2548 dated 7 June 2005**

When the violence in the southern border provinces began to spread in early 2004 and resulted in the Tak Bai tragedy, 144 university lecturers from around the country wrote an open letter, dated 14 November 2004, to Prime Minister Thaksin Shinawatra, calling for the government to review its policy regarding the southern border provinces, and turn its attention to peaceful means and civil society participation. Subsequently the Prime Minister invited former Prime Minister Anand Panyarachun to chair the Commission, endorsing his full freedom to appoint capable and knowledgeable persons from various sectors of society to serve as members of this commission.

On 28 March 2005, the Prime Minister issued Prime Minister’s Office Order No. 104/2548 setting up the 48-member National Reconciliation Commission (NRC), so that “persons from various parts of society may pool their mental and physical energies to find a long-term solution to the problem, in order to bring about true reconciliation, peace and justice.” Next, Orders No. 132/2548 and 212/2548 were issued, appointing 2 additional committee members. The Commission consists of the NRC Chairman, the NRC Vice Chairman, 17 persons from the southern border provinces area, 12 persons from civil society outside the area, 7 persons from the political sphere, including the government, the opposition and members of the Senate, and 12 civil servants involved in resolving the problem related to security and development, for a total of 50 commissioners. Their responsibilities and positions at the time of the appointment are as follows:

- | | |
|--------------------------|---------------------------------|
| 1. Mr. Anand Panyarachun | Former Prime Minister, Chairman |
| 2. Mr. Praves Wasi | Vice Chairman |

Commissioners from civil society in the area (17 persons)

- | | |
|--------------------------------------|--|
| 3. Gen. Narong Denudom | Former 4th Army Area Commander |
| 4. Phrakhru Dhammadharanipala Jotako | Abbot of Thoongkoi Temple, Pattani
(appointed on 12 April 2005) |
| 5. Mr. Netr Chantrasmi | Businessman, Diana Department Store
Public Company Limited, Songkhla |
| 6. Mr. Bunchar Pongpanich | Board member, Well being Community
Development Project |
| 7. Mr. Prasit Meksuwan | Former board member, Teacher’s Federation
of the 5 Southern Border Provinces |
| 8. Mr. Piya Kitthaworn | Lecturer, Prince Songkhla University,
Pattani Campus |
| 9. Ms. Pechdau Tohmeena | Director, Mental Health Center 15,
Southern Border Provinces |
| 10. Mrs. Maryan Samos | Chairperson, Pattani Home for Orphaned
and Poor Children |
| 11. Mr. Muhummad Adam | Licensee, Nurul Islam Phumi Wittaya School,
Pattani Province |
| 12. Mrs. Rattiya Saleh | Lecturer, Thaksin University, Songkhla |
| 13. Mr. Worawit Baru | Vice President for Student and Community
Development, Prince Songkhla University,
Pattani Campus |
| 14. Mr. Waedueramae Mamingchij | Chairman, Pattani Provincial Islamic
Committee |
| 15. Mr. Ananchai Thaipratan | Advisor, Muslim Youth Association
of Thailand |

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|--------------------------------|--|
| 16. Mr. Abdulrohmae Jesae | Chairman, Yala Provincial Islamic Committee |
| 17. Mr. Abdulrohman Abdulsamad | Chairman, Narathiwat Provincial Islamic Committee |
| 18. Mr. Ahmadsomboon Bualuang | Former scholar, Prince Songkhla University, Pattani Campus |
| 19. Mr. Ismaill Lutfi Japakeya | Rector of Yala Islamic University, Pattani |

Commissioners from Civil Society Outside the Area (12 persons)

- | | |
|--------------------------------|--|
| 20. Mr. Gothom Arya * | Chairman, Peace and Culture Foundation |
| 21. Mr. Chaiwat Sathanand ** | Lecturer, Thammasat University |
| 22. Mr. Dejudom Krairit | President, Lawyers Council of Thailand |
| 23. Ms. Naree Charoenpolpiriya | Non-violence trainer, Peace Information Centre, Foundation for Development and Democracy Studies |
| 24. Mr. Pichai Rattanapol | Chairman, Strategic Committee on Peaceful Means, National Security Council |
| 25. Mr. Pibhop Dhongchai | Advisor, Commission of Democracy Promotion |
| 26. Mr. Paisarn Promyong | Deputy Secretary, Central Islamic Commission of Thailand |
| 27. Phra Paisal Visalo | Abbot of Sukato Temple, Chaiyaphum Province |
| 28. Mr. Mark Tamthai | Director, Institute of Religious and Cultural Studies, Payap University, Chiangmai |
| 29. Mr. Srisakra Valliphodom | Scholar, Lek-Prapai Viriyaphand Foundation |
| 30. Mrs. Sawvane Jitmoud | Lecturer, Rajabhat Thonburi University |
| 31. Mr. Ammar Siamwalla | Distinguished Scholar, Thailand Development Research Institute |

* Commission and joint-secretary of NRC

** Director of NRC Research

Commissioners from the Political Sector (7 persons)

32. Ms. Kanjana Silpa-archa Member of the House of Representatives,
Chart Thai Party
33. Mr. Chaturon Chaisang Deputy Prime Minister, Thai Rak Thai Party
34. Pol. Gen. Chidchai Vanastidya Deputy Prime Minister and Minister of Interior,
Thai Rak Thai Party
35. Mr. Prasert Pongsuwansiri Member of the House of Representatives,
Democrat Party
36. Mr. Phongthep Thepkanjana Member of the House of Representatives,
Thai Rak Thai Party
37. Mr. Surin Pitsuwan Member of the House of Representatives,
Democrat Party
38. Mr. Sophon Suphapong Member of the Senate

Commissioners from the Civil Service Sector (12 persons)

39. Mr. Kittipong Kittayarak Director General, Department of Probation
40. Gen. Khwanchart Klaharn Director of the Southern Border Provinces
Peace-Building Command
(appointed 7 June 2005)
41. Mrs. Jiraporn Bunnag Deputy Secretary-General,
National Security Council
42. Mr. Borwornsak Uwanno * Secretary-General to the Cabinet
43. Mrs. Pornnipha Limpaphayorm Secretary-General to the Basic Education
Commission
44. Mr. Wichai Tiantaworn Permanent Secretary,
Ministry of Public Health

* Commission and secretary of NRC

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|--------------------------------------|---|
| 45. Lt. Gen. Vaipot Srinual | Assistant Chief of Staff for Intelligence |
| 46. Mr. Sirachai Chotratana | Deputy Director
of the National Intelligence Agency |
| 47. Pol. Lt. Gen. Somsak Kwaengsopha | Commissioner-General,
Border Patrol Police Bureau |
| 48. Gen. Sirichai Thunyasiri | Director of the Southern Border Provinces
Peace-Building Command |
| 49. Mr. Sujarit Patchimnan | Director-General,
Local Administration Department |
| 50. Mr. Surichai Wungaeo * | Lecturer, Chulalongkorn University |

Secretariat Staff

- | | |
|---------------------------------|--|
| 1. Mr. Vidhya Rayananonda | Chief of Staff to the Chairman |
| 2. Mrs. Sunanta Kanchanaakradet | Deputy Secretary-General to the Cabinet,
Secretariat of the Cabinet |
| 3. Mrs. Pongthong Tangchupong | Director of the General Affairs Bureau,
Secretariat of the Cabinet |
| 4. Ms. Wannapid Jarusombat | Director of the Cabinet Affairs Bureau,
Secretariat of the Cabinet |

Research Assistants

- | | |
|-------------------------------|--------------------|
| 1. Ms. Chayanit Poonyarat | Research Assistant |
| 2. Ms. Janjira Sombutpoonsiri | Research Assistant |

* Commission and joint-secretary of NRC

The NRC appointed subcommittees to carry out work in six areas:

1. Subcommittee to Promote Trust, Justice, and Human Rights

- | | |
|-----------------------------------|--------------------------------|
| 1) Mr. Chaturon Chaisang | Chairman |
| 2) Mr. Kittipong Kittayarak | Vice Chairman |
| 3) Mr. Ananchai Thaipratan | Vice Chairman |
| 4) Pol. Gen. Chaidchai Vanastidya | Member |
| 5) Mr. Dejudom Krairit | Member |
| 6) Mr. Phongthept Thepkanjana | Member |
| 7) Ms. Pechdau Tohmeena | Member |
| 8) Mr. Paisarn Promyong | Member |
| 9) Mr. Muhummad Adam | Member |
| 10) Mrs. Jiraporn Bunnag | Member and Secretary |
| 11) Mr. Ahmadsomboon Bualuang | Member and Assistant Secretary |

2. Subcommittee on Conflict Management Through Peaceful Means

- | | |
|--------------------------------------|--------------------------------|
| 1) Phra Paisal Visalo | Chairman |
| 2) Mr. Ismaill Lutfi Japakeya | Vice Chairman |
| 3) Mr. Mark Tamthai | Vice Chairman |
| 4) Mr. Kittipong Kittayarak | Member |
| 5) Ms. Naree Charoenpolpiriya | Member |
| 6) Mr. Prasit Meksuwan | Member |
| 7) Mr. Pichai Rattanapol | Member |
| 8) Mr. Pibhop Dhongchai | Member |
| 9) Mrs. Sawvanee Jitmoud | Member |
| 10) Mr. Ahmadsomboon Bualuang | Member |
| 11) Mrs. Jiraporn Bunnag | Member and Secretary |
| 12) Pol. Lt. Gen. Somsak Kwaengsopha | Member and Assistant Secretary |

3. Subcommittee to Study Development Approaches for Human Security

- | | |
|--------------------------------------|---------------------|
| 1) Mr. Ammar Siamwalla | Chairman |
| 2) Mr. Surin Pitsuwan | Vice Chairman |
| 3) Mr. Piya Kitthaworn | Vice Chairman |
| 4) Mr. Dejudom Krairit | Member |
| 5) Mr. Bunchar Pongpanich | Member |
| 6) Mrs. Pornnipha Limpaphayorm | Member |
| 7) Mr. Pibhop Dhongchai | Member |
| 8) Mrs. Rattiya Saleh | Member |
| 9) Mr. Waedueramae Mamingchij | Member |
| 10) Lt. Gen. Vaipot Srinual | Member |
| 11) Mr. Srisakra Valliphodom | Member |
| 12) Pol. Lt. Gen. Somsak Kwaengsopha | Member |
| 13) Mrs. Sawvanee Jitmoud | Member |
| 14) Mr. Abdulrohman Abdulsamad | Member |
| 15) Mr. Ismaill Lutfi Japakeya | Member |
| 16) Mr. Napaporn Mekdumrongruks | Secretary |
| 17) Mr. Nuttanan Wichitaksorn | Assistant Secretary |
| 18) Ms. Tawae Korleeyorkabee | Assistant Secretary |

4. Subcommittee to Promote the Power of Cultural Diversity in Thai Society

- | | |
|-------------------------------|---------------|
| 1) Mr. Praves Wasi | Chairman |
| 2) Ms. Kanjana Silpaarcha | Vice Chairman |
| 3) Mr. Worawit Baru | Vice Chairman |
| 4) Mr. Bunchar Pongpanich | Member |
| 5) Mr. Prasert Pongsuwansiri | Member |
| 6) Mr. Prasit Meksuwan | Member |
| 7) Mr. Phongthept Thepkanjana | Member |
| 8) Mr. Pichai Rattanapol | Member |

9)	Ms. Pechdau Tohmeena	Member
10)	Mr. Paisarn Promyong	Member
11)	Mr. Muhummad Adam	Member
12)	Mrs. Maryan Samos	Member
13)	Mr. Wichai Tiantaworn	Member
14)	Mr. Srisakra Valliphodom	Member
15)	Mr. Sophon Suphamong	Member
16)	Mr. Somsak Chunharas	Secretary
17)	Ms. Duangporn Hengboonyaphan	Assistant Secretary

5. Subcommittee to Promote Unity and Reconciliation in the Area

1)	Gen. Narong Denudom	Chairman
2)	Phrakhru Dhammadharanipala Jotako	Vice Chairman
3)	Mr. Worawit Baru	Vice Chairman
4)	Ms. Naree Charoenpolpiriya	Member
5)	Mr. Netr Chantrasmi	Member
6)	Mr. Bunchar Pongpanich	Member
7)	Ms. Pechdau Tohmeena	Member
8)	Mr. Muhummad Adam	Member
9)	Mrs. Maryan Samos	Member
10)	Mrs. Rattiya Saleh	Member
11)	Mr. Prasert Pongsuwansiri	Member
12)	Mr. Prasit Meksuwan	Member
13)	Mr. Waedueramae Mamingchij	Member
14)	Mr. Sirachai Chotratana	Member
15)	Gen. Sirichai Thunyasiri	Member
16)	Mr. Ananchai Thaipratan	Member
17)	Mr. Abdulrohmae Jesae	Member
18)	Mr. Abdulrohman Abdulsamad	Member

- | | |
|--------------------------------|----------------------|
| 19) Mr. Ahmadsomboon Bualuang | Member |
| 20) Mr. Ismaill Lutfi Japakeya | Member |
| 21) Mr. Piya Kitthaworn | Member and Secretary |
| 22) Col. Poach Nuaboon | Assistant Secretary |

6. Subcommittee on Communication with Society

- | | |
|-------------------------------------|----------------------|
| 1) Phra Paisal Visalo | Advisor |
| 2) Mr. Praves Wasi | Advisor |
| 3) Mr. Pongsak Payakvichien | Advisor |
| 4) Mr. Pibhop Dhongchai | Chairman |
| 5) Mr. Netr Chantrasmi | Member |
| 6) Ms. Pechdau Tohmeena | Member |
| 7) Mr. Ahmadsomboon Bualuang | Member |
| 8) Mrs. Sawvane Jitmoud | Member |
| 9) Mrs. Jiraporn Bunnag | Member |
| 10) Mr. Sontiyon Chuenruetainaidama | Member |
| 11) Mr. Pattara Khumphitak | Member |
| 12) Mr. Chavarong Limpattamapanee | Member |
| 13) Mr. Somchai Sawuankarn | Member |
| 14) Ms. Duangporn Hengboonyaphan | Member |
| 15) Ms. Pacharee Tanasomboonkij | Member and Secretary |
| 16) Mr. Pannavij Tamtai | Assistant Secretary |
| 17) Ms. Ilham yeedin | Assistant Secretary |

Appendix B

Special Nature of the Work of the National Reconciliation Commission

The work of the National Reconciliation Commission (NRC) of Thailand has characteristics that are somewhat different from similar efforts elsewhere. An appreciation of such differences should be helpful in achieving a better understanding of the proposals of the NRC in solving and reducing the violence in the southern border provinces.

In reviewing the work of truth and reconciliation commissions in other countries, it was found that there are four conditions that facilitate reconciliation work:

1. Violence or the threat of violence must end. Otherwise, the work of those working for reconciliation cannot take deep root.

2. There must be admission of truth and compensation must be paid to the victims of violence, because if the perpetrators of violence do not admit the truth, the victims cannot forgive them.

3. It takes a binding force to bring the people together. In many of the conflicts in Africa, the ethnic and tribal groups pitted against one another lacked strong ties of kinship. It was therefore necessary to build these ties of kinship.

4. Structural inequities and material needs must be addressed. The Truth and Reconciliation Commission of Southern Africa thus concluded that those who used to benefit from a structure that exploits a group of people are obligated to eliminate the inequity and poverty that do not regard people as human beings.¹

Considering the above conditions, it may be said that amidst the current situation of violence in the southern border provinces, the current reconciliation work in Thai society is different from similar work elsewhere in 4 aspects:

1. People tend to ask, “Who do we reconcile with if we can’t identify yet who the other side is?” It is generally believed that the past violence is the work of various parties with various motivations.² For this reason, it is also possible that the ongoing violence benefits certain groups that care nothing for the peace and well-being of people in society. From this perspective, it is not surprising that the violence continues even as reconciliation work is going on.

2. Despite efforts to find the “truth” through both the justice process (such as the push to use forensic science as a key tool) and through sociopolitical means (such as the disclosure of the government reports on the Tak Bai and Krue Se incidents), it does not mean that these “truths” are accepted in Thai society as a whole.

3. An important problem at present is that the “binding force” that united the diverse people of the southern border provinces together in various forms³ is being eroded. Reconciliation work is thus an effort to encourage the people in the area together to “restore” the bonds.

4. Reconciliation work in other places usually takes place after the violence has ended, for example:

- In Argentina, the **National Commission on the Disappearance of Persons** was established in 1983, after the end of military rule. The work of the commission covered disappearances from 1976 to 1983.

- In Chile, the **National Commission on Truth and Reconciliation** was established in 1990 to gather data on violence occurring from 11 September 1973 to 11 March 1990.

- In El Salvador, the United Nations established the **Commission on the Truth for El Salvador** in 1992 as part of the peace process in the country. The commission was tasked with finding and gathering the truth on the violence from January 1980 to July 1991.

- In South Africa, the **Truth and Reconciliation Commission** was appointed by Parliament in 1995 to uncover the truth and build reconciliation. Its work covered data from 1960 to 1994.

- In Guatemala, the United Nations established in mid-1997 the **Commission for Historical Clarification** as part of the peace-building process in which the United Nations served as a mediator. The work of the commission included uncovering the facts from 1962 to 1990.

- In the case of Sri Lanka, although the fight between the Tamil Tigers and the Government continues in the Northeast, President Kumaratunga appointed three **Commissions of Inquiry into the Involuntary Removal or Disappearance of Persons** in November 1994, each performing the same responsibilities in each of three areas covering only the period of 1987-1990.⁴

In the case of Thailand, reconciliation work is carried out amidst ongoing daily violence. Such a situation requires that attention be paid to healing the victims of the continuing violence concurrently with efforts to address the structural problems and cultural and belief factors that impede the work of reconciliation. In this respect, other than concentrating on concrete measures to solve immediate problems, it is also necessary to correct problems at the structural level of society, such as improvement and reform of the justice process. Importantly, reconciliation work is a process of educating the society as a whole, such as seeking ways to encourage the public to accept the reality that cultural diversity is not a shortcoming but a force that strengthens Thai society, and emboldens citizens to envision the future of the relationship between themselves and their community, including that between the state and its citizens as well.

Given these particulars, the reconciliation process in Thai society differs from the work of truth commissions elsewhere. It is more than solving the ongoing violence in the southern border provinces, as it is an effort to use peaceful means to build a desirable political community that is strong and secure, where everyone has dignity and all live together in friendship.

In considering the work of truth-finding and reconciliation commissions in other countries, there are 3 questions that should be used in assessing the success of their efforts or proposals.

First, as a process, these commissions should be assessed on the extent to which they managed to make society in general see and understand things that it had never thought about or expected before, or accept things it never had the courage to before, on whether participants in the process came from all sectors, including victims and perpetrators of violence, and how beneficial the work of the commission is for the victims of violence.

Second, from an output standpoint, what is the quality and nature of the report presented by the commission? How credible is the “truth” disclosed by the report? How realistic are the proposals for healing and compensating victims and for reforming the system?

Third, from an impact standpoint, other than the process and the full report, how much impact did the work of the commission have on reconciliation, healing, and social reform in the long term. The impact of the work of the reconciliation commission is contingent on whether the perpetrators of violence eventually admitted fault and apologized for their misdeeds, how the work of the commission was disseminated and received by society, and finally, to what extent the state and society implemented the commission’s key proposals.⁵

As the NRC differs from all the other efforts elsewhere, some of the criteria could probably not be assessed here and will have to wait for time to be the true judge. The comprehensive assessment of the effects of reconciliation work in Thai society is the responsibility of Thai society more than of any one person or side. But no matter what the results of the reconciliation efforts are, at least 2 things can be said: the concept of reconciliation that had traditionally existed in Thai society has been somewhat transformed, but has become clearer as an important experiment in confronting violence that has threatened the lives and dreams of the people in the southern border provinces; and no matter what, reconciliation work has already borne some fruit, but how the future turns out will depend on how Thai society tries to walk the path of reconciliation, overcomes hatred and violence, and builds bonds of kinship among the people of the land through peaceful means.

Appendix C

Glossary¹

Al Qur'an	The book that God gave to man through the Prophet Muhammad. Written in beautiful Arabic, Muslims consider the book to be life's greatest charter. The holy book mentions various sciences and the relationship of man with three things: God, one's fellow man, and the environment. For Thailand, His Majesty the King requested the Chularajmontri (Tuan Suwannasart) to render the meaning of the holy book into the Thai language, so that Muslim Thais who are unable to translate from the Arabic may understand the book and use it to guide them in living correctly. For example, the Al Qur'an teaches about the upholding of justice, forbearance, forgiveness, respect for others, co-existence in diversity, the use of natural resources, economic principles, manner of dress and diet.
Aukhaenayu	Malay word used to call Malays who are Muslim, i.e., modern-day Muslim Thais.
Aukhaesueyae	Malay word used to call Siamese who are Buddhist, i.e., modern-day Buddhist Thais.
Ayah	A verse of Allah's words. There are over 6,200 such verses of varying lengths in the Al Qur'an.

¹ Based on popular usage, which may not correspond to vocabulary prescribed by the Royal Academy.

Baboh	Owner of a <i>pondok</i> school; can also be used to refer to one's father, <i>toh kru</i> , or an elder <i>haji</i> .
Eid Prayer (Eid lamad)	Islam has 2 important days of merriment: Eid ul-Fitr, the celebration after the end of the fast in the month of Ramadan, and Eid ul-Adha, the celebration of the hajj. Both days are called Eid for short. Muslims in central Thailand call them <i>wan ok buat</i> and <i>wan ok hajji</i> , respectively. The Malay terms are <i>hari raya posoh</i> and <i>hari raya hajj</i> , respectively. On these days, Muslims gather to pray together at the mosque and visit each other, ask forgiveness and give blessings to one another.
Fasting	One of the five pillars of Islam, called <i>assiyam</i> in Arabic, meaning abstinence or refraining from eating, drinking and sexual intercourse, controlling the passions and maintain sensory humility beginning from dawn to sunset. Muslims who have attained the religious state must fast for one month each year, in the month of Ramadan, which is the 9 th month of the Hijra lunar calendar. The month of Ramadan therefore rotates to every season. Some Muslim Thais use the word <i>thue buat</i> , while the Malay word is <i>posoh</i> .
Friday Prayer (Friday lamad)	A prayer gathering at a mosque or another place at midday on Friday. The prayer is preceded by a <i>khutbah</i> or sermon. This <i>lamad</i> is mandatory for men only.
Hajj	The last of the five pillars, it is required only of Muslims who are able (physically, financially and to provide for their own travel safety), must be practiced according to prescribed steps at the prescribed time at various places in Mecca, Saudi Arabia.
Halal	That which is permissible. For example, Muslims must eat only halal food, meaning food that is permitted by religion, e.g., animals ritually slaughtered while reciting the name of Allah. Forbidden food includes animals that do not undergo such ritual slaughter, pork, alcohol, etc.

Hijrah	The Prophet's migration. The Islamic calendar is referred to as the Hijrah calendar, as Muslims use the date of the Prophet Muhammad's migration from Mecca to Medina, where he lived the rest of his life, to mark the beginning of the calendar.
Imam	Leader; an administrative leader of a Muslim community that has a mosque at its center; the leader at group prayers. The term <i>toh imam</i> is an even more respectful honorific.
Islam	The religion in which the Prophet Muhammad is the messenger of God, proclaiming forth the faith. Those who adhere to the Islamic faith are called Muslims. Both the words Islam and Muslim derive from the same word which means peace. Islam is also a culture and way of life for Muslims, as they hold the dual status of layman and cleric, there being no clergy in Islam.
Justice dato'	A joint magistrate in family and inheritance cases involving Muslims in a court of law (since 1946), pursuant to the Act on the Application of Islamic Law in Pattani, Narathiwat, Yala and Satun provinces, B.E. 2489 (1946)
Kafir	A non-Muslim.
Khutbah	Sermon or homily delivered before Friday prayers, after prayers on Eid and sunat or other sunnah.
Kiroati	New Indonesian teaching format for reading the Al Qur'an which uses teaching techniques to allow the student to read correctly and learn more quickly.
Lamad	Prayer; a Thai-accented variant of the Urdu word <i>namaz</i> . The Arabic word is <i>assalah</i> ; the Malay word is <i>summahyang</i> or <i>samayang</i> . <i>Lamad</i> is one of the five pillars that every Muslim must practice once they attain religious status. Muslims must perform the <i>lamad</i> 5 times a day, at the first light of dawn, at noon, in the afternoon, dusk and night. This is considered mandatory <i>lamad</i> , or <i>lamad fardu</i> . The <i>lamad sunat</i> , or non-compulsory <i>lamad</i> , may be performed

voluntarily, e.g., late evening prayer (*tahajjut*), evening prayer during the fasting month (*tarohwiya*), prayer for making special wishes (*hayat*). Before prayers, Muslims must bathe, their clothes and the venue must be clean, as this is a religious rite equivalent to appearing before God's presence. There must be peace in one's movements and composure. The face must be turned in one direction, towards the Ka'aba in Saudi Arabia, to the west of Thailand.

Malay

Name used to refer to peninsula in Southeast Asia, as well as to the ethnicity and language of the people there. The Malay language used in Thailand's southern border provinces is a local Malay dialect, which is accented differently from Malay proper. Written Malay is called *yawi* when written in the Arabic alphabet, and *rumi* when using the Roman alphabet.

Mosque

Place of worship used by Muslims for prayer, considered the House of God. Wherever Muslims settle, they would build a mosque as the center of the community. Other than religion, a mosque also performs cultural, educational, economic, social and political/administrative functions. In Thailand, there are 3,507 registered mosques. Of these, 1,687 are located in the three southern border provinces.

Munafiq

Hypocrite; two-faced.

Murtad

Apostasy; losing the status of a Muslim.

Muslim

A person who follows the Islamic faith, with the dual status of both layman and cleric. Muslims must abide by three principles in the teachings, i.e.,

- 1) The principle of faith. Muslims must have faith in six beliefs: in one God, Allah; in the Malaikah; in the holy messengers; in the holy book; in Judgment Day or the end of the world; and in the will of God.

- 2) The principle of the five pillars: practice as one professes that Allah is the only God and Muhammad is his messenger; pray 5 times daily; fast for 1 month annually in the month of Ramadan; giving *zakat* to 8 categories of people; and performing the hajj to Mecca by those who are able.
- 3) The principle of the fear of God, the realization that ethics, morality and all actions are taken before God, and that God knows what one is doing at all times.

Nayis An unclean thing, which needs to be washed clean according to religious decree.

Pondok Literally, small house or hut. The word is used to refer to a Muslim school in the Malay Peninsula, where students live in huts surrounding the school. There are many pondoks in the southern border provinces. In 1965, a number of pondoks registered as private Islamic schools teaching both religious and secular curricula. The original pondoks registered in 2004 and were called pondok educational institutions, teaching 16 classes on Islam, as part of non-formal education.

Raodoh School for small children, pre-mosque level.

Sadaqah Voluntary donation which may be given to anyone; can also mean all good deeds, including giving a smile.

Shaheed One who dies in a holy war or in the way of Allah, who will be rewarded on Judgment Day. The body of such a person is not washed before burial, unlike other deaths in general.

Shari'ah Islamic law derived from the Al Qur'an and from the words and example of the Prophet Muhammad

Shi'ah A Muslim who believes that the leader of Islam after the Prophet Muhammad must be his descendant, whereas *sunnah* or *sunni* differ on this point. The difference in thinking on rulership causes differences in practice. *shi'ah* Muslims observe some religious practices and traditions that are different. The majority of Muslim

	Thais are <i>sunnah</i> , with <i>shi'ah</i> being in the minority.
Shura council	A group of people appointed by a leader to take decisions on public matters.
Sunni	Word used by Thais to refer to the majority Muslim population in Thailand; a variation of <i>sunnah</i> .
Surah	Chapter in the Al Qur'an, which has 114 <i>surah</i> .
Tadika	The arrangement to teach Islam to Muslim children at the primary school level on Saturday, Sunday and/or weekday evenings. The teaching venues are usually community-run mosques. At present, they are called mosque-based centers for moral training (<i>tadika</i>), and are considered part of non-formal education.
Toh Kru	Religious teacher at a pondok. The derivation is from <i>tuwan guru</i> , which means “respected teacher”, also <i>toh guru</i> in Malay.
Ustad	Male teacher in private Islamic school. If female, the word is <i>ustazah</i> .
Waqaf	Endowment of one's assets to a mosque or charitable trust.
Zakat	One of the five pillars of Islam requiring Muslims who possess a certain level of wealth, as specified by the religion, to donate a specified proportion of their wealth to eight categories of people. This religious pillar helps narrow the economic gap and provides relief for the needy.
Zanawiyah	The highest level of religious studies at the secondary-school level. Completion of this level is regarded by universities in Muslim countries as equivalent to completion of the senior high school level.

Appendix D

Meetings of the National Reconciliation Commission

No.	No of meeting/ year	Date of meeting	Meeting Venue	
			Ministry of Foreign Affairs	Other places
1	1/2005	8 April 2005	✓	
2	2/2005	22-24 April 2005		C.S. Hotel Pattani, and Prince Songkhla University, Pattani Campus
3	3/2005	9 May 2005	✓	
4	4/2005	20 May 2005	✓	
5	5/2005	6 June 2005	✓	
6	6/2005	27 June 2005	✓	
7	7/2005	11 July 2005	✓	
8	8/2005	19 July 2005	✓	
9	9/2005	5-7 August 2005		C.S. Hotel Pattani
10	10/2005	5 September 2005	✓	
11	11/2005	26 September 2005	✓	
12	12/2005	17 October 2005	✓	
13	13/2005	11-13 November 2005		C.S. Hotel Pattani, and Yala Islamic College

No.	No of meeting/ year	Date of meeting	Meeting Venue	
			Ministry of Foreign Affairs	Other places
14	14/2005	28 November 2005	✓	
15	15/2005	19 December 2005	✓	
16	16/2005	27 December 2005	✓	
17	1/2006	16 January 2006	✓	
18	2/2006	23 January 2006	✓	
19	3/2006	30 January 2006	✓	
20	4/2006	6 February 2006	✓	
21	5/2006	14 February 2006	✓	
22	6/2006	18-20 February 2006		Imperial Hotel, Narathiwat
23	7/2006	27 February 2006	✓	
24	8/2006	3-5 March 2006		The Regent Cha-am Hotel, Petchaburi
25	9/2006	13 March 2006	✓	
26	10/2006	20 March 2006	✓	
27	11/2006	27 March 2006	✓	
28	12/2006	3 April 2006	✓	
Total			23	5
Grand Total			28	

Appendix E

Projects and Activities of the National Reconciliation Commission

1. Projects and activities of the Subcommittee to Promote Trust, Justice and Human Rights

- Research on the impact of the violence in the 3 southern border provinces
- 3 public hearings for people in the area
- 1 dialogue forum

2. Projects and activities of the Subcommittee on Conflict Management through Peaceful Means

- Workshop on the 14 Measures
- Research on the level of understanding of the policy on conflict management through peaceful means (Prime Minister's Office Order No. 187/2546) among military, police and administrative officers in Yala, Pattani and Narathiwat provinces
- Project on cooperation among youth (students) and state officials in development work
- Dialogue forum on the peaceful means strategy to resolve the conflict in the three southern border provinces
- Dialogue to find ways of conflict management through peaceful means (with the Tak Bai incident as case study)
- Brainstorming session on the use of peaceful means with the civil sector in the area for proposal inclusion in the NRC master plan
- The Southern News Desk project

- The Security News Report Handbook project
- Consultation forum on ways and approaches to cooperation for resolving conflict and seeking cooperation through peaceful means in formulating public policy on the management of marine and coastal resources
- Television media work project
- Project on the role of the civil sector and participation in resolving the situation in the 3 southern border provinces
- Project on peaceful means in community ways
- Peaceful Means Festival project
- Short documentary film competition under the topic “Under the Shade of Reconciliation”
- Voices from the Southern Border project

3. Activities of the Subcommittee to Study Ways on Development for Human Security

- 3 field study visits to the southern border provinces area
- 2 public hearings for people in the 3 southern border provinces
- 1 seminar to present the Subcommittee’s draft report

4. Projects and activities of the Subcommittee to Promote the Power of Cultural Diversity in Thai Society

- Joint meeting with the Strong Communities Network
- Forum on the exchange of learning for the Muslim community’s cultural propulsion
- Academic Network for the Community project (emphasis on studying positive things about community culture and the state of well-being)
- Community Culture Forum, broadcast on television and radio
- Traveling media project: Studying true stories from the 3 southern border provinces
- Media production project: publications, videos, short films, and others.
- Project to promote participatory learning on formulating a life plan for communities in the 3 southern border provinces
- Visiting Friends in their Hometown project

5. Projects and activities of the Subcommittee for Harmony and Reconciliation in the Area

- Dialogue project for harmony and reconciliation in the area
- Field visit to hear public opinions grouped by profession
- Project to support reconciliation in the area by organizing forums
- Consultation forum in support of activities to build reconciliation in the area
- Project to support reconciliation in 12 subdistricts, at 50,000 baht per subdistrict
- International seminar project on Southeast Asia Building Peace
- Poetry for Pattani project
- Khutbah project
- NRC morale booster gift bags project

6. Projects and activities of the Subcommittee to Communicate with Society

- 5 meetings of the NRC with the media
- Project to build knowledge towards Muslims: reconciliation and peaceful means
- Project on cooperation to produce radio and television programming for understanding towards reconciliation
 - “Multi-Colored Flowers” television documentary in Thai, English and Malay
 - Documentary segment on the three southern border provinces in the TV show *Rueng Jing Pan Jor* (True Stories on Screen)
 - “For Understanding Towards Reconciliation” radio documentary, in Thai and Malay
- Local Media Visits the Three Southern Border Provinces project
- Local Media Dialogue project: Messenger of Peace
- NRC website project www.nrc.or.th

7. Research projects and other activities

- Project on local community views on the violence: A survey of public opinion from local media, flyers and graffiti
- Project on building the economy of the 3 southern border provinces
- Project on development of a database on the violence
- Project on the identity of Muslim Malays
- Attitude survey of working officials
- Survey of public forbearance
- Project on resolving the problem in the three southern border provinces through a new public administration system
- Study project on Islam and security
- Research project on population mapping
- Research project on Malaysian attitudes
- Project on Thai society's views on the problem of violence in the southern border provinces
- Study on the carrying out of the justice process in the 3 southern border provinces
- Dialogue project on the situation in the 3 southern border provinces for reconciliation
- Project on the power of youth and music to restore peace to the birthplace
- Study of the situation's law and order aspect and opinion survey
- Academic seminar on Unrest in the Southern Border Provinces: A Perspective from the Discipline of Thai Studies
- Publication of report on the judicial process in the 3 southern border provinces
- Sister University Network (SUN) project to build peace in the South (2005)
- Project on Muslim students' mission in building peace in Thai society
- Project to publish series of books on reconciliation
- Seminar series on "The Southern Situation and the Role of Universities"
- Meeting to coordinate cooperation among religious leaders on "The Role of Religious Adherents in Building Reconciliation"

- Training on “Peaceful Means, Experience, Approach and Practice in Building Reconciliation”
- Seminar on “Erasing the Rifts in Society through Peaceful Reconciliation: Experiences and Lessons”
- Call on NRC Chairman by representative of the Organization of the Islamic Conference (OIC) and the diplomatic corps
- Public dissemination of the reconciliation approach through the media, such as press conferences, press statements, articles in newspapers and other print media, interviews, production of documents and discs for dissemination, appearances on radio and television programs (*Thueng Look Thueng Khon, Krong Sathanakarn*, etc.)
- Live telecast of special conversation between the Prime Minister and the NRC Chairman on “Peace-Building in the Southern Border Provinces” on 28 July 2005

Etc.