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The Crisis in Southern Thailand: The National Reconciliation Commission and the Emergency Decree

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Since late 2003, there has been continuous violence in Pattani, Yala, Narathiwat, and some areas in Songkhla, the four provinces on Thailand's southern border. In 2005, after previous attempts at resolving the crisis had failed, the government tried two new approaches, appointing an Independent Committee for National Reconciliation and issuing an Emergency Decree. However, the new approaches have not yet ended the violence.



Starting Out on the Path to Peace

After three years of insurgency, there are still no signs of peace in the southernmost provinces, and the number of casualties continues to rise. A poll carried out by Assumption University found that Thai people believe peace in South to be the most important challenge facing the government.

Following a meeting with academics in late 2004, the Prime Minister announced a plan to establish a National Reconciliation Commission (NRC). The NRC was launched on March 28, 2005, with Mr. Anand Panyarachun as chair, and Dr. Prawes Wasi as deputy chair. The NRC had 48 members from all sectors of society. Also in March 2005, the Prime Minister announced that the government would reduce the emphasis on armed suppression, and instead concentrate on law enforcement. A Cabinet Resolution was issued, establishing a 30 million baht fund to compensate victims of the Tak Bai incident of October 25, 2004. Many people were optimistic that the new approach would bring positive results.

However, on April 3, 2005, only six days after the announcement of the new approach, and before the NRC members had assumed their posts, three bombs exploded simultaneously in the airport, a hotel, and a department store in Hat Yai, Songkhla province. One person was killed and 73 injured. The United States and Australian governments issued travel warnings, recommending against travel in the three southernmost provinces. The government reorganized the security forces, appointing Lt. Gen. Kwanchat Klahan to the position of Commander of the Royal Thai Army Region 4, and Director of the Southern Border Provinces Peace-Building Command.

The Hat Yai bombings severely damaged the economies of the southern provinces. Tourism was particularly affected. Tourists ceased coming and hotel reservations were cancelled. According to the Bank of Thailand, in the first quarter of the year 2005, all sectors on the economy experienced reduced growth.

After the Hat Yai incident, NRC members visited the southern provinces to meet local Muslim people, particularly those affected by the insurgency. The aim was to identify the problems and seek people's opinions.

The NRC members discovered that the people were just as frightened of the state officials as they were of the militants. Local people were unsure whether it was the officials or the militants who were responsible for the violent incidents.

The NRC requested that the results of the investigation into the incidents at Krue Se and Tak Bai be released publicly, to help build trust between local Muslims and state officials. The NRC urged the government to accept responsibility for the mistakes and to show willingness to correct them. The government generally accepted these recommendations. However, it has still not responded to the request to dismiss the cases against 58 protestors involved in the Tak Bai rally. The military has also opposed the suspension of martial law, on the grounds that it is only applied in some areas.

The NRC faces many difficulties. Some programs on government-run radio stations have hardened separatist feelings among southern Thai Muslims, despite NRC recommendations about promoting religious and cultural diversity. After an NRC meeting on June 6, 2005, Mr. Surichai Wankeaw, a prominent NRC member, stated that the Prime Minister should act decisively against anyone who obstructs the peace process, whether they be politicians, ministers, state officials, or members of the mass media.

The National Reconciliation Commission Opposes Implementation of the Emergency Decree

On July 14, 2005, 23 attacks were carried out simultaneously in Yala Municipality, targeting police officers, power pylons, and commercial areas. Two people were killed and 17 injured. In response, on July 16, 2005, the cabinet approved an Emergency Decree on Public Administration under Emergency Conditions. The decree included the following:

1. A Royal Order to cancel martial law in the three border provinces
2. The appointment of Police General Chidchai Wannasathit as Chair of the Committee on Emergency Administration

3. Authorization for Police General Chidchai Wannasathit to give orders in compliance with the Emergency Decree, in place of the Prime Minister, and authorization for the Deputy Prime Minister, Mr. Chaturon Chaisaeng, to take charge of legal measures and for Mr. Wisanu Krea-ngam to act as advisor.

4. Declaration of a state of emergency in the three southernmost provinces, with the exception of three districts in Songkhla Province where the situation was deemed to be less serious.

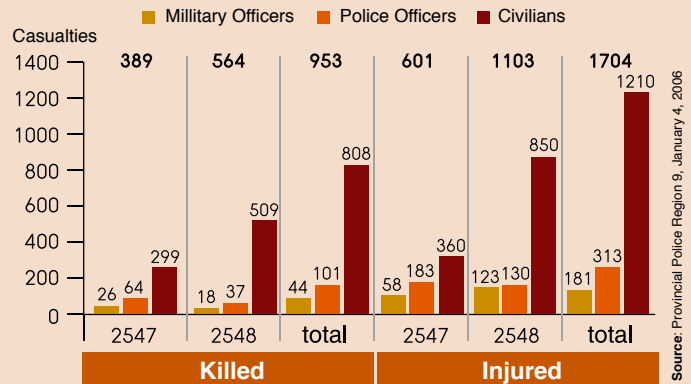
Under the cabinet resolution, some articles of the Emergency Decree were not applied. However, the plenary powers given to the Prime Minister affected the rights and freedoms of Thai people. The Journalist Council of Thailand, academics, the National Commission on Human Rights, and other groups put forward objections. Some members of the NRC suggested that the NRC be dissolved, as the Emergency Decree undermined the basic principles of the NRC.

Mr.Panyarachun proposed an alternative solution and met with the Prime Minister to express his objections. This led to a televised discussion between the Prime Minister and Mr.Panyarachun, and to the submission of 14 proposals by the NRC to be implemented in conjunction with the Emergency Decree. The NRC proposals were adopted as guidelines for a strategy to permanently eradicate violence in the southern provinces. The strategy, which is discussed later in this article, covers the individual, structural, cultural, and justice aspects of the conflict and is based on four principles. (See the chart at the end of this article)

Ordinary People Caught Up in the Crisis

Violence has become endemic in southern Thailand. According to the Thai police, there were 1,455 insurgency-related attacks in the three border provinces in 2005, an increase of 480 over the year before. Altogether, 564 people were killed in 2005, compared with 389 in 2004, and 1,103 were injured, compared with 601 the year before. The number of police officers injured and killed decreased, while the number of civilians injured and killed increased dramatically (see chart.)

Deaths and Injuries from the Conflict in the Southernmost Provinces 2004 and 2005



In response to the violence, 2,700 teachers in the three southern provinces requested transfers. The Ministry of Education's answer was to distribute bulletproof vests. Some teachers asked for guns to defend themselves. Officers were assigned to protect Buddhist monks collecting alms in the morning. Fifty Buddhist temples were unable to find sponsors for the Kathin ceremony occurring after Buddhist lent, and all religious ceremonies were held during daytime to reduce security risks. Militants distributed leaflets demanding that Muslims not work on Fridays. The government responded by holding low-price goods markets and concerts on Fridays, at which people were urged to go to work as normal.

In August and September 2005, the conflict acquired an international dimension. A group of 131 Muslim Thais crossed the border from Narathiwat Province in Thailand to Kelantan State in Malaysia, claiming that they were at risk from Thai officials. The Thai government announced that the Narathiwat Provincial Court had issued arrest warrants for some members of this group, because of their actions in the insurgency. As of February 2006, the situation has not been resolved, though some sources claim that the group members will soon return to Thailand.

Following frequent attacks on vehicles, officials were issued guidelines on how to avoid bomb attacks. The government has asked insurance companies to extend the life and property insurance of people in the three southern provinces so that it covers riots and terrorism.



Tragedy at Tanyong Limor

On the night of 20 September 2005, an incident occurred that became a nightmare for all Thai people. A group of militants opened fire at a tea shop in the village of Tanyong Limor, Narathiwat Province. Two villagers were killed and four injured. In response, the villagers took as hostages two marines from Chulabhorn Camp, Lieutenant Winai Nakbut and Chief Warrant Officer Kamtorn Thongeiad, and later killed them. Both soldiers were well known to the villagers and were willing to accede to the villagers' demands.

After the tragedy, some commentators called on the government to take strong counter-measures, claiming that a conciliatory approach was not working. The NRC issued a statement proposing measures to eradicate violence from Thai society. The commission suggested that a committee be set up to act as an intermediary between the government and local people, and to restore mutual trust.



Renewal of the Emergency Decree

On October 6, 2005, shortly before the Emergency Decree was due to expire, a group of militants attacked the Phrom Prasit Temple in Pattani Province, killing three monks and boys and burning the ordination hall and monks' residence. This barbaric incident was condemned by many groups, including the media, academics, politicians, the NRC, the National Commission on Human Rights, the Islamic Commission of Thailand, and the Southern Border Provinces Peace Building Command. A Buddhist organization in Pattani demanded that the NRC be dissolved, claiming that its actions were not leading to reconciliation and that it was treating Buddhists unfairly.

On October 18, 2005, the cabinet extended the Emergency Decree for three months, until January 19, 2006. The cabinet argued that the attacks on officials undermined the government's ability to protect innocent victims. In January 2006, the cabinet extended the decree for a further three months, despite claims that the Decree was not assisting efforts at peacekeeping.



In late 2005, the government transferred command of Army Region 4 from Lt. Gen. Kwanchat Klahan to Lt. Gen. Ongkorn Thongprasom. Critics argued that frequent changes in command were undermining attempts to deal with the insurgency.

Responses to the National Reconciliation Commission's Proposals

The guidelines proposed by the NRC to solving the crisis are summarized in the chart at the end of this article. One proposal was to allow plea-bargaining, so that accused who plead guilty can have their sentences reduced (though not removed entirely). On December 27, 2005 the cabinet ordered that legislation implementing this proposal be drafted.

The cabinet also established two new bodies. The first was the Independent Committee for the Promotion of Justice, Rights, and Freedom in the Three Southern-Border Provinces, chaired by Mr. Ukrit Mongkolnavin, a former House Speaker. The second was the National Commission on Rights and Freedom and Justice (NCRFJ), chaired by Mr. Kramol Thongthammachat.

Most members of these two bodies came from the government sector. The high proportion of officials was criticized by Mr. Panyarachun, the NRC Chair, who said that it implied that the government sector was more important than other sectors. It could also, according to Mr. Panyarachun, lead to unfair treatment of local people, and reduce the prospect of a just outcome. Mr. Panyarachun suggested that the majority of members should come from civil society, because it is ordinary people who suffer the worst effects of the crisis. The government disagreed.

The NRC, the National Commission on Human Rights, and the Lawyers' Council of Thailand coordinate a Rule of Law and Reconciliation Center, which provides legal assistance to people in the three southernmost provinces.

The Center has cooperated with the Forensic Science Institute, in the Ministry of Justice, to search for missing persons in the south. There are rumors of many such cases.

The search for missing persons has three components. The Lawyer's Council, Region 9, collects information on disappearances. Forensic investigations are being carried out with 300 unidentified corpses buried in a graveyard in Pattani Province. It is widely believed that the bodies belonged to migrant workers, but the investigations will establish whether this is correct. Identifications are also carried out for other unidentified bodies.

Eradicating Violence will be Difficult

It is impossible to know when peace will return to the southern provinces. Local people have little faith in government officials. Attacks continue to kill and injure people of all ethnic groups, religions, and occupations. According to General Chawalit Yongchaiyuth, a former Prime Minister and now chair of the Prime Minister's Council of Advisors, "local people in the southern provinces have suffered so much, that everyone is now an insurgent." He cited a case where officials told villagers that they would be taken for training with a 100 baht per diem; instead, the officials subjected the villagers to interrogation and announced on television that they were suspects surrendering to the authorities.

On 4 January 2006, Amnesty International announced that Thai government was detaining people in the southern provinces without reasonable grounds, and was using torture during interrogations.

Mr. Thirayuth Bunmi, a prominent scholar and political critic, has argued that the insurgency in the southernmost provinces is one of four most difficult challenges facing Thai society, since it involves complex issues of identity, religion, and ethnicity. However, Mr. Bunmi has welcomed the participation of General Prem Tinasulanond in the peace process. General Tinasulanond played a key role in the successful campaign to resolve conflicts between the Thai government and the Communist Party of Thailand. According to Mr. Bunmi, the government must increase the budget allocated to intelligence and protection against terrorism. All parties must show the same determination as was shown in the campaign to end the conflict with the Communists.

The NRC will soon submit its final report to the government before dissolving. No matter what happens in 2006, a tangible start has been made in the approach based on peace and reconciliation. The basic assumption of this approach is that the problems in the South can only be resolved through peaceful means.



National Reconciliation Commission (NRC) Proposals for a Permanent Solution to Insurgency in the Southern Provinces

Dimensions and strategies Methods

Structural:

Promulgate an Act on Reconciliation in the Three Southern Provinces

- Establish a special local administrative organization, run by local people with support from the military and police
- Issue an amnesty law
- Issue a law on the rights of communities to resource management based on religious belief
- Eradicate unfairness and create security of life and property
- Reduce economic disparities
- Encourage tolerance for ethnic diversity throughout the country
- Establish a Council on Culture, Economics, Society and Security in the three southern provinces

Cultural:

Reconciliation among diverse cultures

- Use Melayu as a second language or working language
- Design the educational system so that separation of students along lines of ethnicity is avoided
- Avoid threats to people's identities
- Set up a religious forum against violence

Individual:

End violence through peaceful methods

- Treat the insurgents who surrender or who are arrested with friendship, and prepare them for a new life
- Establish a "Peace Army", consisting of Muslim and Buddhist religious leaders, to find a solution to religious conflicts
- The government and local people exchange ideas on politics, economics, socio-cultural issues

Justice:

Rule of law with public participation

- Establish a Justice Protection Unit and a "Justice Youth Unit"
- Avoid discrimination and give legal assistance to accused people with low incomes
- Investigate disappearances
- Allow detained suspects to practice religious rites correctly
- Return exhibits as soon as possible after the completion of trials
- Expedite trials and monitor the progress of investigations

Source Based on "Two draft documents submitted by the NRC", <http://www.tjanews.org/cms/>, accessed January 17, 2006