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## THE MODERN THAI CONFLICT: NATIONAL SECURITY ISSUES AND PERSPECTIVES\*

The main purpose of this paper is to recall briefly the most relevant facts of the conflict that I have called the “modern Thai conflict”, as well as to brief about the main actors involved, the emotional and cognitive components of their interactions, the structural parts of the conflict itself and, finally, the issue of the insurgency in the South of Thailand, in order to better appreciate the current conflict resolution strategy in what is often an unknown conflict as far as the international community is concerned.

*Key words: Asia, Conflict, Political and Security Relations, Governance, Insurgency, Fundamental Rights.*

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## APPROACH

When analysing a conflict such as this, one must work on the basis of two fundamental and frequently overlooked premises: Firstly, the fact that each conflict is unique, with its own causal and differential elements and, therefore, calls for specific and concrete responses. It is unfeasible to carry across those offered in other conflicts, even when they share some similarities. In this regard, it is also necessary to rid oneself of the typical Western clichés when undertaking a study of the parameters of Asian conflicts. The second premise is the indispensable study of the role played by the different actors involved in the origin and development of the conflict and its cognitive and emotional elements, along with an examination of the structural elements of the conflict itself. As shown by Galvache Valero<sup>1</sup>, analyses tend to circumvent seeking the causes of a specific conflict, or the study thereof is limited to the immediate sphere of the circumstances that have given rise to its manifestations and conditioning factors most proximate to the moment of observation. This makes it essential to conduct an analysis of the current Thai conflict which, combined with the aforementioned elements, will allow us to pinpoint its causal and differential elements, as well as future lines of action and the available resources. Only in this way can its evolution and possible outcome be analysed rationally.

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1 Galvache Valero, Francisco, “La actuación de los actores estatales a lo largo del conflicto de Irlanda del Norte”, in *Reflexiones sobre la evolución del conflicto en Irlanda del Norte*, Spanish Ministry of Defence, Madrid, 2007. p. 21.

## BACKGROUND

Since the democratic revolution of 1936, when Thailand adopted a constitutional monarchy as its form of government<sup>2</sup>, the country has had 17 charters and constitutions, faced 9 coups d'état and, excluding its current leader Yingluck Shinawatra, a total of 28 Prime Ministers have governed what was formerly the Kingdom of Siam. Of all its former leaders, one of the most popular and controversial figures is ex-Prime Minister Thaksin Shinawatra<sup>3</sup>, brother of the current PM.

### The government of Thaksin Shinawatra (2001-2006)

Thaksin Shinawatra, a Lieutenant Colonel of Police turned telecommunications mogul, burst onto the Thai political scene in 1994. In 1998, following the deep economic crisis in Asia that left the country on the verge of bankruptcy, Thaksin Shinawatra founded the Thai Rak Thai Party (TRT), with which he stood for and won the 2001 elections.

His undeniable charisma and the populist politics of his electoral programme - essentially based on providing the poorer classes with access to health care services and affordable medicine<sup>4</sup>, combined with the launch of stimulation programmes for the local agrarian economy through microcredits - soon gained him popularity among the country's rural lower-middle class. This social strata quickly identified with him as he was seen as the first politician of the modern era that had not come from the traditional Thai elite who, until then, had governed the kingdom. He thus managed to attract a broad spectrum of the electorate, particularly in the north, bereft of political options to which to adhere due to the absence in Thailand of left-wing parties. Thaksin Shinawatra renewed his term of office by a large majority following the 2005 elections, which had a record participation of 75%.

At the same time, while his popularity continued to rise, the development of neo-liberal policies of privatization, a controversial fight against drug trafficking - with

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2 For more extensive information on the present Thai royal dynasty, see: <http://www.mahidol.ac.th/thailand/chakri.html>. As regards the reigning Monarch, see: Various authors, *King Bhumibol: Thailand's Strength of the Land*, Bangkok, 2008.

3 For a more in-depth study of Thaksin Shinawatra, see, Pasuk Phongpaichit and Chris Baker, *Thaksin. The Business of politics in Thailand*, Silkworm Books, Chiang Mai, Thailand, 2005; McCargo, Duncan and Ukrist Pathmanand, *Thaksinization of Thailand*, Nordic Institute of Asian Studies, Denmark, 2005.

4 It is what became known as "The 30 Baht Project", due to the token amount originally established to part-finance access to health care services. For a critical view on these policies, see, Pasuk Phongpaichit, "Thailand under Thaksin: Another Malaysia?", *Working Paper No. 109*, in *Asia Research Centre*, Murdoch University, Australia, September 2004, pp 4 and ss.

accusations, alleged interrogations and deaths with no judicial control<sup>5</sup>, the erratic manner in which his government addressed the issue of insurgency in the South - where the *Tak Bai* massacre of 25 October 2005 was a sad milestone in the nation's history and its fight against insurgency<sup>6</sup> -, his control over the media, and attacks against freedom of the press, all led to the emergence of numerous critics.

In response to these accusations - those relating to corruption and abuse of power - in June 2007 the *Assets Examination Committee* (AEC) decided to freeze 76 billion Baht (some 2 billion euros) of his bank accounts for illicit personal enrichment and embezzlement. This decision - confirmed by the momentous sentence of the Supreme Court on 26 January 2010 - was followed by a further sentence of 21 October 2008, in which he was sentenced in absentia to two years imprisonment for abuse of power while Prime Minister<sup>7</sup>. Since this sentence was passed, Thaksin Shinawatra has been a fugitive from Thai justice, seeking exile from different countries and with various criminal cases pending along with an order for his arrest issued on 25 May 2010 for alleged acts of terrorism relating to the *Red Shirts* protests in 2010.

### The crisis of late 2005 and the Coup of 2006

One of the first voices to be raised in 2005 against the Thaksin Shinawatra administration was that of Sondhi Limtongkul, a well known media mogul, who embarked on a personal crusade for what he regarded as the defence of traditional Thai national values - ethics, religion and the Monarchy - which he deemed to be at risk from the constant attacks by Thaksin Shinawatra's government and the growing levels of corruption. This crusade led to the creation of the first large-scale popular movement against the Prime Minister, the *People Alliance for Democracy* (PAD), known as the *Yellow Shirts* due to its having adopted this colour of clothing, a symbol of the Thai king. Around this time, Sondhi Limtongkul suffered a controversial and still unexplained assassination attempt.

The PAD, encompassing 23 citizens' organisations, mostly brings together the Thai aristocratic elite, liberal intellectuals, part of the university academic community and

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5 For a critical view, see, Jaran Cosananund, "Human rights and the war on drugs: problems of conception, consciousness and social responsibility", *Thailand Human Rights Journal*, 1, 2003, pp 59 to see also the English version of the report entitled "The war on Drugs, HIV/AIDS and Violations of Human Rights in Thailand", produced by the Human Rights Watch organisation, which is available at: <http://www.hrw.org/campaigns/aids/2004/thai.htm>.

6 On 25 October 2004, eighty-six alleged insurgents died in unexplained circumstances after being arrested by the police and by Thai troops in the district of Tak Bai, in Narathiwat province. This event came in the aftermath of the killing of one hundred and thirteen people at a mosque in Krue Sae on 28 April at the hands of soldiers and police. Most of the victims were militant Muslims.

7 Thus violating Art. 100 of the *National Counter Corruption Act*, which forbids any members of the government or their spouses from being stakeholders in contracts involving State agencies under their authority. This is the so-called *Ratchadapisek Land Case*.

the urban middle class of Bangkok. Its detractors accuse the PAD of basing its discourse on its own particular understanding of democracy which essentially favours the traditional upper class. The group began an intense campaign against Thaksin Shinawatra and, along with other social movements, held numerous protest rallies in early 2006 calling for his resignation and the beginning of an impeachment process.

At the height of the crisis - February 2006 - Thaksin Shinawatra dissolved parliament and called an April election, boycotted by the Democratic Party and the rest of the opposition, with accusations being made before the *Central Administrative Court* of electoral fraud for vote buying in numerous constituencies. While the TRTP won the elections, it failed to obtain 38 representatives in the South, a traditional stronghold of the Democratic Party, nor the minimum 20% of votes required to become elected in a district. Under Thai electoral law, it was not possible to form the Lower House, which led to a deep constitutional crisis.

A military coup seemed inevitable, and would indeed take place on 19 September 2006. Various high-ranking officers of the Royal Thai Army, led by its Commander-in-Chief, General Sonthi Boonyaratglin, staged a coup against Thaksin Shinawatra, taking advantage of his trip to New York to attend a United Nations conference. It became known as the “soft coup” due to the absence of violence. The military junta that was formed following its declaration, the self-proclaimed Council for National Security (CNS), set up a governing council and named retired General Surayud Chulanont as acting Prime Minister.

Meanwhile, the Constitutional Court passed another key sentence on 30 May 2007. It unanimously ruled that the electoral laws had been violated by the TRTP in the 2006 elections, thereby ordering the party's dissolution and the disqualification of 111 of its members. Sixteen months after the military coup and in accordance with the provisions set out in the new Constitution, a new general election was held on 23 December 2007.

### The crisis of late 2008 and 2009

Those elections were won by the People Power Party (PPP), who obtained 45% of the votes. Its leader, Samak Sundarajev, a seasoned politician and former Governor of Bangkok, became the twenty-fourth Prime Minister of Thailand on 29 January 2008. Samak and his party governed the country for just eight short months - January to September 2008 - in coalition with five minority parties<sup>8</sup>.

During that time, the political crisis deepened and the PAD resumed its activity with great enthusiasm, carrying out an intense mobilisation campaign among its followers and against the government of Samak Sundarajev in response to the draughting

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<sup>8</sup> The Chart Thai Party, the Matchima Thipataya Party, the Pracharaj Party, the Pua Pandin Party and the Ruam Jai Thai Chart Pattana Party.

of a political amnesty law that would allegedly benefit Thaksin Shinawatra. In September 2008, a sentence passed by the Constitutional Court found Samak Sundarajev guilty of a “conflict of interest” by combining his office as Prime Minister with a TV cookery programme and obtaining unlawful private gain therefrom. This verdict led to his resigning as head of the government. Thereafter, the conflict was to experience moments of maximum confrontation and radicalisation. Thus, the appointment of Thaksin Shinawatra's brother-in-law, Somchai Wongsawat, as the new Prime Minister by the National Assembly on 17 September 2008, on the motion of the PPP and through the votes obtained from the parties pertaining to what had till then been the ruling coalition, led to wholesale rejection by the PAD. Not only did it continue with its occupation of Government House - which lasted from August to December 2008. It also extended its protests to the very doors of Parliament, where it came up against police repression of the demonstrators, resulting in the death of one and 45 being injured, which led to the resignation of the Deputy Prime Minister, who assumed all responsibility for the confrontations. The actions of the PAD reached their peak with the peaceful occupation of Dong Mueang Airport - where the government had temporarily set up its offices following the occupation of Government House - and Suvarnabhumi International Airport, whose closure was announced on 25 November 2008.

The crisis moved a step forward when, on 2 December, the Constitutional Court of Thailand passed another historic sentence dissolving the PPP for electoral fraud, along with two other groups from the coalition - the *Chart Thai* and the *Matchima Thipataya*. Their leaders were disqualified from holding public office for 5 years, including the recently appointed Prime Minister, Somchai Wongsawat, who was forced to resign. In response to this decision, on 3 December the PAD announced the end of its protests and abandoned the airports and public buildings.

Following a parliamentary vote held on 15 December 2008, Abhisit Vejjajiva, leader of the Democratic Party since 2005, took office as Prime Minister. Vejjajiva won this vote through the support of his party along with that of certain Members of the dissolved ruling coalition who had opted to change sides.

In addition to his connection to certain members of the PAD, his parliamentary election linked him to the traditional aristocratic politics.

As from March 2009, members of the civil movement known as the United Front of Democracy Against Dictatorship (UDD), which emerged in 2006 in opposition to the military coup that deposed Thaksin Shinawatra as well as to the other major civil movement in Thailand, the PAD, stepped up their protests against the Prime Minister, whom they accused of leading a government imposed by way of a judicial and military coup in another guise. Due to the colour of their attire, they became known as Red Shirts.



## THE MODERN THAI CONFLICT

### The “penultimate” crisis of 2010

The start of the modern Thai conflict, involving the same political protagonists as we have been describing thus far, can be pinpointed to the transition of 2009-2010. Thus, on 12 March 2010, the *Red Shirts* began their anti-government rallies in Bangkok, following on from those initiated the previous year. The rallies culminated on 2 April with the occupation of the Ratchaprasong, symbolic area in the centre of Bangkok and home to the city's top hotels and most luxurious stores. There, they set up their base camp, where some 3,000 people lived - increasing to almost 25,000 at times - until 19 May, when they were evicted by the army. They subsequently tried to occupy the financial districts of *Silom* and *Sathorn*, the latter being known as the Wall Street of Thailand and a symbol of the country's modernity and economic prosperity. This latest attempt at occupation was unsuccessful, but it allowed the Red Shirts to set up another camp right outside the aforementioned district, in the popular *Lumpini* park. This site was to become the true stronghold of the Red Shirts, where violent factions merging with the red movement decided to establish their battlefield.

A key moment in the dispute took place on 10 April. Over the previous days, violent incidents had broken out in Bangkok, including attacks involving grenades, bombs and molotov cocktails, with around 35 such incidents being reported in one month<sup>9</sup>. But the so-called “Bloody Saturday”, when confrontations between protesters and the army resulted in 25 dead and 800 injured on both sides, marked the start of an escalation of violence without precedent in the Thai conflict.

Another key date in the conflict is 29 April. That day saw the storming of Chulalongkorn Hospital by Red Shirts guards. This event was of exceptional importance for two reasons: firstly, because the images of the raid on a hospital and the subsequent evacuation of its patients outraged public opinion, casting greater doubts as to the peaceful nature of the red movements. Secondly, because it brought into stark relief the deep division between its various factions.

The last key date prior to the eviction took place on the evening of 13 May, when a marksman killed a Major General and expert on terrorism while he was giving an interview to foreign media. This officer, an authentic symbol for many Red Shirts, was in charge of security at the red camp. His death caused demoralisation, loss of direc-

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<sup>9</sup> The abovementioned attacks are described in detail in the 30 March 2010 edition of *The Nation* newspaper. Likewise, you can also refer to a chronological list of the sabotage and violent attacks, produced by Doctor Deekana Tipchanta and containing exhaustive documental information, available at <http://blog.nationmultimedia.com/ThaiTalk/2010/05/29/entry-1>.



tion and the dispersal of the violent armed factions that were converging with the movement, as well as a fear of impending government action.

Finally, on 19 May, the army carried out “Operation Encirclement at Ratchaprasong”<sup>10</sup>. It commenced with the storming of *Lumpini* and surrounding area and culminated with the taking and removal of the Red Shirts' camp in Bangkok. Immediately after, those unhappy with this eviction and surrender committed a string of urban terrorist acts all over the city, including the torching of 31 buildings in Bangkok and numerous acts of sabotage and vandalism, triggering physical and emotional chaos nationwide.

Between March and June, according to government data, the toll came to 92 dead and 1888 injured. Such figures reveal the high levels of violence and confrontation that was reached over this period. It would be fair to say that these events intensified the escalation of the Thai conflict to unprecedented heights. A conflict that differs from its predecessors for various reasons. Firstly, although it began on 14 March as a peaceful and democratic protest, part of the Red Shirts movement degenerated into an urban war that culminated in the events of 19 May. In the meantime, Thai civilians started a resistance against the government and army which also developed into an armed struggle. Thus, a faction converging with the red movement and known as the Black Shirts employed violent means in order to achieve political goals. For the first time in its modern history, violence was employed in Thailand not only against the establishment, but also against Thai civilians, in contrast to what occurred in October 1973, 1976 or May 1992. The use of violence by insurgents in the south is a different issue.

A second differentiating reason is that the described violence posed a serious threat to National Security. The members of the violent factions converging with the red movement were labelled as terrorists by the government who, instead of the common and regular legal procedures<sup>11</sup>, applied exceptional, highly restrictive regulatory measures to the conflict that greatly affected fundamental rights and were clearly intended for repressive purposes.

### The 2011 General Elections and the Government of Yingluck Shinawatra

On 3 July 2011, elections to the National Parliament were held without incident. With a participation of 75%, the elections were won by the Puea Thai Party, the political backbone of the Red Shirts and offspring of the outlawed TRTP and PPP, obtaining 265 of the 500 parliamentary seats. Its leader, Yingluck Shinawatra, sister of the former prime minister and a successful businesswoman with no previous political experience, governed in coalition with five minority parties. Since taking office, she

<sup>10</sup> A detailed description of this urban military operation is available at: <http://prachatai.com/english/node/2642>. Consultation dated 25.08.2012.

<sup>11</sup> Such as the *Emergency Decree on Public Administration in Emergency Situation B.E. 2548* (2005), published in the *Government Gazette*, volume 122, of 16 July 2005, p 58; and the *Internal Security Act (ISA) B.E 2551* (2008), published in the *Government Gazette*, 125, 39 a, of 27 February 2008, pp. 33-44.

has earmarked national reconciliation as a key priority. Indeed, the effective governance of Thailand, threatened with near collapse because of all the occurrences of the last few years, is the greatest challenge facing the current administration. In addition to the conflict in the South, other major challenges for the new government, which has already been heavily reshuffled, include<sup>12</sup>:

- The coordination of a possible return to Thailand, by way of amnesty or pardon and modification of the 2007 Constitution, of Thaksin Shinawatra, a fugitive from Thai justice following his 2008 sentencing in absentia for abuse of power. His return would trigger a political and social crisis of unforeseeable consequences.
- The reincorporation into public life of the 111 members of the dissolved Thai Rak Thai Party founded by Thaksin Shinawatra, having completed, in May 2012, the five-year disqualification imposed on them by the Constitutional Court in 2007.
- Control of the Red Shirts movement, which brought Yingluck Shinawatra to power. Its leaders have failed to obtain key posts in the government, besides those still serving time in prison.
- The pressure to amend article 112 of the Penal Code, which provides for lese-majesty crimes.
- The evolution of the territorial dispute between Thailand and Cambodia over sovereignty of the Temple of Preah Vihear territory. This dispute escalated in February 2011 following an armed confrontation between the armies of both countries, leading to at least five deaths.
- The consequences of the crisis arising from the controversial handling of the 2011 floods, the worst in the country's history. There were over six hundred deaths and almost thirteen million people were affected.
- Upholding the forever complicated balancing act with the army, whose role in Thai public life has been the object of some controversy.

As regards relations between Yingluck Shinawatra's government and the Armed Forces, it is important to point out that, while the new government was accepted from the outset by the Commander-in-Chief of the Royal Armed Forces, General Prayuth Chan-ocha, it must not be overlooked that this General, unquestionably loyal to the Monarchy, led the military in its confrontations with the Red Shirts on "Bloody Saturday", so his relationship with the red movement is hardly without friction. Yet General Prayuth has been extremely prudent in all his interventions since Yingluck Shinawatra came to power, refusing to make any kind of political statements. What is more, dur-

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<sup>12</sup> As regards the existing challenges in Thailand in terms of human rights, see, Human Rights Watch, *Thailand: Country Summary*, January 2012.

ing the 2011 floods, the head of the Royal Armed Forces maintained a position in line with that of the government, whereby the army was ultimately given the task of controlling the situation, helping the victims and re-establishing security in the affected areas. This has enabled it to win back favour with the Thai people who, according to the latest opinion polls, once again regard the army as one of their most valued institutions, ahead of the political class. It will be extremely interesting to monitor the evolution of this relationship, particularly when an amendment of the Defence Ministry Administration Act is in the pipeline aimed at professionalising the Armed Forces. This would limit the control over remodelling currently enjoyed by military leaders and which affects the appointment and transfer of high-ranking officers. Thus increasing the power of the Minister of Defence.

### The final report from the *Truth and Reconciliation Commission of Thailand*

In July 2010, Vejjajiva's government set up the Truth and Reconciliation Commission of Thailand (TRCT), which has a mandate to seek out the truth concerning the violent events of March and May, along with the reconciliation of the Thai people. This commission, whose legitimation was accepted by the government of the current PM Yingluck Shinawatra, officially presented its final report in September 2012. Its 351 pages are only available in Thai and no official English translation existed at the time of publishing. There are, however, translations of the speeches given by the members of the commission, the summarised recommendations and a definition of reconciliation<sup>13</sup>.

While it may not specifically state who was responsible for the deaths that occurred during the disturbances, it does contain important findings supported by forensic evidence, such as the connection between the Black Shirts, or Men in Black, and the security guards of the United Front for Democracy against Dictatorship (UDD) in at least two confrontations with the authorities<sup>14</sup>. In this respect, one criticism of the report is that the conclusions reached on certain allegations are merely based on clues as opposed to real evidence. Whatever the case may be, we should bear in mind that this commission is not formally transnational in legal terms nor its reports binding. The commission was therefore granted only limited powers to access key information and to force all implicated parties to testify. Ultimately, as shown by Ben-Josef Hirsh, MacKenzie and Mohamed Sesay, it must be pointed out that truth and reconciliation commissions, product of an international standard and an essential element of nation reconciliation, democratisation and post-conflict development, do not conform to the rules concerning the collection of criminal evidence and which afford a broader perspective as to the nature and causes of violence. Commission hearings and their final

13 See: Press Release for the Final Report of the Truth for Reconciliation Commission of Thailand, Monday, 17 September, 2012, Grand Mercure Fortune Hotel, Bangkok.

14 In the confrontations that took place at the Kok Wua intersection in Bangkok, close to the Democracy Monument, and in the clashes around Pratunam on 10 April 2010.

reports, if published, serve as a kind of official recognition of the victims' suffering and loss, aimed at providing a therapeutic effect for victims and for society as a whole<sup>15</sup>.

In particular, the text produced by the TRCT accuses the Security Forces of negligence in its handling of the disturbances, as well as leaders of the red movement for having encouraged the escalation of violence. It also criticises the 2006 coup, claiming that it worsened the political problems in the country.

In turn, the report puts forward 13 recommendations for achieving long-term national reconciliation, including a reform of the army and its strict neutrality in political issues; the need to increase the independence of judicial power; the application of restorative or transitional justice principles; a proposal to amend article 112 of the Penal Code in order to protect the fundamental right to free speech; the reform of lese-majesty crimes; resolving of the economic and social inequalities within Thai society; and, finally, the setting up of permanent and fluid communication channels between the political authorities and citizens.

The challenge facing Yingluck Shinawatra's government is precisely the implementation of the commission's recommendations for the sake of true national reconciliation in a still-divided Thailand. As pointed out by Colleen Murphy, the processes involved in political reconciliation are both complex and controversial, since the morality of pursuing permanent reconciliation is somewhat blurred and there is considerable disagreement as to the most effective processes for promoting political reconciliation. So this cannot be accomplished simply through the political elite, but rather it depends upon citizen cooperation and involvement<sup>16</sup>. And this is also a challenge for the Thai people.

## STATE, NON-STATE AND VIOLENT ACTORS

### The government of the Kingdom of Thailand: Abhisit Vejjajiva and Yingluck Shinawatra

The only State actor involved in the conflict that we have been analysing is the government of the Kingdom of Thailand.

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15 Ben-Joseph Hirsh, Michael; MacKenzie, Megan; and Mohamed Sesay, "Measuring the Impacts of Truth and Reconciliation Commissions: Placing the Global "Success" of TRCs in Local Perspective", *Cooperation and Conflict*, volume 47, issue 3, September 2012, pp. 386-403.

16 Colleen Murphy, *A Moral Theory of Political Reconciliation*, Cambridge University Press, 2010. In relation to the scant understanding of the long-term effects and consequences of the TRCs and the absence of mechanisms for gauging the impacts of such commissions, see, Ben-Joseph Hirsh, Michael; MacKenzie, Megan; and Mohamed Sesay, "Measuring the Impacts...op. cit.

At the start of the conflict, it adopted a fundamentally passive policy, which in Thailand has been summed up by the expression “*mai pen rai*” (never mind), which illustrates the idiosyncratic essence of the Thai people.

In May, the government gave the Red Shirts leaders the so-called Road Map for National Reconciliation, along with a promise to dissolve parliament in September 2010 and hold a general election the following November. While the road map was initially accepted by the red leaders, much to everyone's surprise and perhaps pressured by the most hardline sector linked to former Prime Minister Thaksin Shinawatra, they presented new demands for abandoning their camp in the centre of Bangkok. The democratic government replied with an ultimatum which, under the silence of the Red Shirts, culminated in the military intervention of 19 May.

There are currently 61 members and followers of the red movement serving prison sentences in Thailand for various crimes relating to the 2010 disturbances. Some are on parole, while others are still awaiting trial. Their support was a key factor for bringing Yingluck Shinawatra to power. In this regard, we should highlight the fact that, in January 2012, he approved certain compensatory measures for the victims - activists and followers of the Red Shirts - of the political protests that have occurred since 2006. The opposition reproaches the discrimination of his not having approved a similar package for all victims of the confrontations that took place in Tak Bai and Krue Sue, in Southern Thailand, during Thaksin Shinawatra's mandate.

### The People Alliance for Democracy (PAD)

Diverse political and social groups, arising through processes of internal convergence, have proven to be key actors in this conflict. The first such group to show it had the capacity to promote mass mobilisation was the ‘yellow shirts’ Following the 2006 coup, the PAD was dissolved, only to re-group in March 2008 in response to the draughting of a new political amnesty law, allegedly for the benefit of Thaksin Shinawatra, hidden with the constitutional reform proposed by the government. This led to the movement's decision to formally enter the political arena in June 2009 through the creation of the New Politics Party (NPP).

Along with other groups from civil society, it organised numerous rallies in 2006 and 2008. The actions of the PAD during the 2010 crisis can be summed up by its symbolic presentation to the government and army of a document calling for the strict application of the law against anti-government demonstrations.

### National United Front of Democracy Against Dictatorship (UDD)

Emerging in 2006, the ‘red shirts’ are the second social movement in terms of importance and also, together with the Thai government, the second key actor in the 2010 crisis. The political backbone of this movement is the Pheu Thai Party, which feeds its ranks from those loyal to Thaksin Shinawatra, offspring of the dissolved TRT and PPP, and which is currently the ruling political party. Its rank and file is essentially the rural

population in the north and the working classes in the capital and provinces. Particularly in 2010, Thai academics, intellectuals and entrepreneurs also donned the red shirt.

Their key demands were: immediate dissolution of Parliament and the calling of an early general election; reform of the constitutional monarchy; repeal of the 2007 Constitution and reinstatement of the one approved in 1997; and weakening of the traditional elite (the *ammart*) through the elimination of double standards.

As regards foreign influences, various attempts were made to internationalise the conflict. They appealed for intervention from the United Nations, the European Union and the United States, with varying degrees of success. While the United Nations stressed the need to conform to the principle of proportionality and international standards on the resolution of conflicts - in the use of arms by government officials - the EU parliament described the confrontations as “a threat to democracy”.

### The violent actors (*Black Shirts*)

The essential fact distinguishing the modern Thai conflict and making it the most intense in the nation's recent history is the merger of Red Shirts and violent actors, the Black Shirts, who were the protagonists of the armed confrontations and political violence of 2010.

While not all the Red Shirts movement is violent nor entirely made up of terrorists, political violence undoubtedly acquired a leading role in the 2010 crisis, with a combination of rhetoric and tension that posed a danger for the upholding of democratic values. When the violent faction known as the *Black Shirts* became involved in the protests, the peaceful red-shirt demonstrators found it hard to disassociate themselves from the violence. Indeed, most red movement leaders have yet to denounce any of the 360 acts of violence and sabotage.

## TERRORISM AND THE MALAYSIAN-MUSLIM INSURGENCY IN THE SOUTH

Most current approaches to terrorist conflicts in South-East Asia relating to Muslim societies must necessarily consider the infiltration, establishment and growth within the area of such international terrorists groups as *Al-Qaeda* and *Jemaah Islamiyah* (JI). Just as I have upheld in previous papers, the insurgent Malaysian-Muslim violence in southern Thailand represents a local, politically-based conflict aimed at obtaining greater autonomy<sup>17</sup>. The existence of increasingly strong connections has

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<sup>17</sup> Beatriz Larriba Hinojar, “La insurgencia del sur de Tailandia: financiación de un conflicto permanente”, González Cussac (dir.), *Financiación del terrorismo, blanqueo de capitales y secreto bancario: un análisis crítico*, Valencia, 2009. As regards its depiction as a non-international armed conflict, see,



been evidenced between separatists in southern Thailand and terrorist groups, both regional and transnational, particularly over the last few years. Thailand might even be regarded as a transit centre for regional terrorists. Yet, as things stand, the geographical limits of the Thai conflict combined with the *modus operandi* of the insurgency, or the lack of knowledge regarding the identity of its leaders, the specific demands and its organisational structure, lead to a belief that there is insufficient evidence to confirm the existence of direct ties between the regional terrorist networks of *Al-Qaeda* or *Jemaah Islamiyah* and local militants<sup>18</sup>. Or between the latter and the so-called State sponsors of terrorism, such as Syria or Iran.

In contrast to what occurs in other nearby terrorist conflicts such as in Indonesia, deriving from the ideology of creating an Islamic State, the insurgent violence in southern Thailand arose with the aim of regaining territory “occupied” by Thailand and re-establishing a political, cultural and religious identity for the Muslim provinces in the south, the majority Malays. Its historic origins date back to the early 20th century when, in 1902, the independent Sultanate of *Pattani Darussalam*, along with six other Malay Sultanates, were incorporated into the Kingdom of Siam. This annexation was ratified in 1909 by way of a treaty establishing the borders of the British colonies in Malaysia and the modern Thai State.

The conflict encompasses the provinces of *Narathiwat*, *Pattani* and *Yala*, where 80% of the population is of Malaysian origins, without its having yet spread to the rest of the country. Since the early 1930s, with the emergence of an organised Islamic political movement in the south, violence has been ever-present in that region. While the 1960s and 1980s saw the separatist resistance groups re-organise into armed groups, the true re-birth of insurgent violence occurred between 2001 and 2004, since when the insurgency has gone through its period of maximum confrontation and radicalisation.

It is estimated that, between 2004 and 2012, 5,086 people have been murdered and a further 8,485 injured in *Yala*, *Pattani*, *Narathiwat* and four districts of *Songkhla*, with the educational community being one of the most badly hit<sup>19</sup>. Likewise, the insurgency has evidently become more sophisticated in recent years. This has been revealed by its perpetration of more elaborate and efficiently coordinated attacks, though its organisational structure continues to be based on highly compartmentalised, independent cells. In addition, its greater sophistication has translated into a change of strategy, including the deliberate selecting of victims among those Buddhists and Muslims who either work or collaborate with the government; the

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Benjamin Zawacki, “Politically Inconvenient, Legally Correct: A Non-international Armed Conflict in Southern Thailand”, *Journal of Conflict & Security Law*, Oxford University Press, 2012, pp. 1-29.

18 In the same vein, see, International Crisis Group, *Southern Thailand: Insurgency, not Jihad*, Asia Report No. 98, 18 May 2005, Singapore/Brussels, pp. 1-39.

19 Source: *Southern Violence January 2004 to February 2012*, Deep South Watch/Prince of Songkla University, Pattani Campus, Thailand, 2012.



*Munafiks* or hypocrites<sup>20</sup>. The numbers reveal the magnitude of the violence. They also reveal how, after years of fruitless talks with successive governments - the latest being initiated in August 2012 -<sup>21</sup>, the Thai State has yet to address the problem from a multi-disciplinary perspective, which is necessary in order to address a conflict that certainly does not correspond to conventional parameters. Here it is the army, not the government, who has a key role in handling the insurgency.

Today, as explained throughout this paper, Thailand continues to suffer moments of political instability that threaten its governability, whereby insurgent groups also become more vulnerable to future infiltration by *Jemaah Islamiyah* (JI) or related groups. At the same time, lack of continuity in the development of political agreements to counteract the economic, political, educational and social underdevelopment in this region of southern Thailand on the part of a Thai State highly centralised in Bangkok only increases the threat<sup>22</sup>.

Attacks continue to occur on a daily basis within this region of South-East Asia, thereby dragging on one of its bloodiest internal conflicts, which is in turn becoming one of the greatest risks and threats to security, political order, the national interests of the Thai State and the freedom of its citizens.

## CONCLUSIONS

The final settlement of the modern Thai conflict - the most intense in the country's recent history - must come about through national reconciliation. Yet, at the time of publishing, effective governance of Thailand, constantly put under threat by all the occurrences of the last few years, is the greatest challenge facing the country<sup>23</sup>.

The government faces the difficult task of implementing the recommendations proposed by the Truth and Reconciliation Commission of Thailand to promote true na-

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20 As regards the Muslim victims of the insurgency, see, Watcharin Komolmalai, Metta Kuning, and Don McNeil, "Muslim Victims of Terrorism Violence in Southern Thailand", *International Journal of Business and Social Science*, Vol 3, No. 13, July 2012, pp. 114-119.

21 It is important to highlight the failure of the National Reconciliation Commission, set up in March 2005, which is when the conflict began to reach its highest levels of confrontations.

22 For a more detailed analysis of the violence that followed the 2011 elections, see, Srisompob Jitpiromsri, "The Protracted violence amidst the Unstable Political Situation after 2011 Elections", *Deep South Watch Center for Conflict Studies and Cultural Diversity*, Prince of Songkla University, Pattani Campus, Thailand, September 2011, pp. 1-16.

23 Of particular interest in terms of National Security, Defence and governance in Thailand is the work of Professor Thitinan Pongsudhirak, entitled "Thailand's Security Outlook: External Trends and Internal Crises", Various authors, *Asia Pacific Countries' Security Outlook and Its Implications for the Defense Sector*, The National Institute for Defense Studies, NIDS Joint Research Series, No. 5, Japan, 2010, pp. 85-92.

tional reconciliation. In addition to this is the need to address the conflict in the south from a multi-disciplinary perspective. In this regard, the new national Security strategy for the south, drawn up by the current government and embodied in the so-called *Pentagon II* plan, represents an attempt to improve the coordination of all government agencies involved in security and service provision in the region, but it also presents certain contradictions with its policy for the opening of peace talks. We can infer from this a lack of adequate strategic and operational reflection based on proactive analysis which may favour an efficient response to the escalating violence in the region.

Based on all of the above, Thailand's role in the upholding of regional order and achieving a balance in relation to China's economic and military rise in power may prove to be a key factor over the coming years. Providing it can overcome the aforementioned challenge of achieving effective governance in the country.

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