

## The fight against terrorism and the mutation of democracy in Thailand

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### Summary

Grey Area Phenomena, as mentioned in Sebastian Hiltner's article, pose a serious challenge to the foundation and the security of a nation state. They not only threaten a country's stability, but they also threaten the cohesiveness of the political system. In most cases consolidated democracies are resilient enough to absorb these threats, but for unconsolidated democracies the government's involvement in the fight against terrorism puts a country's democratization process at risk. Particularly proactive and pre-emptive strategies undermine the country's newly achieved democratic norms and rules. In some cases the government might be inclined to authoritarian structures. In some cases the fight against terrorism might even be instrumentalized for legitimizing the government's authoritarian measures. Thailand is a case in point. In this article we argue that for Thailand as an unconsolidated democracy the fight against separatist and terrorists in the Southern provinces has caused a transformation both in government and civil society which are closely related. The fight against terrorism increases the gap between the two major ethnic groups – Muslims and Buddhists – which in turn lead to a destabilization of Thai society. The fight against terrorism de-legitimizes the government which, as a consequence, returns to authoritarian structures.

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### 1 Thailand's road to democracy

Compared to other states in the region, Thailand has a long history of democracy since the country changed from an absolute to a constitutional monarchy in 1932. But the democratization process has not always been straight forward. It had many interruptions and setbacks: such as the „Day of the Great Tragedy“ on October 14, 1973,<sup>1</sup> the incident on October 16, 1976,<sup>2</sup> and the so called „May Massacre

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<sup>1</sup> Clark D. Neher, *Political Succession in Thailand*, (University of California Press: Asian Survey, Vol. 32, No.7, Jul., 1992), page 589.

<sup>2</sup> Written by Charnvit Kasetsiri and with English summary by Benedict Anderson, *October 14, 1973 Student Uprising in Thailand*, (Bangkok: Thammasat University Archives (หอจดหมายเหตุธรรมศาสตร์)), page 37.

(พฤษภาทมิฬ)“ of 1992.<sup>3</sup> As of today, Thailand is not a consolidated democracy in the sense of Merkel.<sup>4</sup> Repeatedly, the Thai Armed Forces seize control of the country. They continue to be a crucial player in Thai politics.<sup>5</sup>

After the May Massacre of 1992, Thailand was back on the road to democracy. After periods of authoritarian military rule, elections were held in 2001 and brought to power Thaksin Shinawatra.

In January 2004, a decades' long struggle of separatists in the three southernmost provinces of Pattani, Yala and Narathiwat started to revive anew.<sup>6</sup> This time, the separatists turned to terrorist actions, challenging the fragile democratization process which had begun in 1988. The Thai government responded by using violent instruments and other unpopular measures which were not compatible with democratic standards, triggering a process of „mutation“ of democracy.

Former Prime Minister Thaksin's policies of handling the separatist problem, combined with a widespread dissatisfaction with his economic policies, led to a coup d'état by military officers in September 2006. They stayed in power until new elections were held in December 2007. Although a coup by the military, this regime did not resort to violent action to solve the problem in Thailand's „Deep South“. A 'soft' approach muted violence in the Southern provinces, at least for a limited time.

## 2 The southern provinces: an ongoing trouble spot

Thai society, compared to that of other nations, is relatively homogeneous. The vast majority (94 percent) are Buddhist Thais, followed by Chinese of different religions and Muslims (4 percent each). The majority of Muslims are ethnic Malays. While Thais and Chinese mainly form the urban population, Malays live in rural areas. Nearly forty percent of them live in Thailand's provinces of Pattani, Yala, and Narathiwat of which the latter two border Malaysia. These three provinces once were part of the Pattani kingdom which was the hub of Islam in Southeast Asia.<sup>7</sup> At this time already, the seeds of conflict between Buddhists and Muslims were sown.

Nevertheless, despite the huge differences in language, religion, ethnicity and habits, the three groups (Thais, Malays and Chinese) considered themselves as members of the Thai state, respecting and tolerating each other. A clear division of labour and a

<sup>3</sup> Somchai Pakkawasawat, *Thai Politics after the end of Cold War 1989 in Southeast Asia: Politics after the Cold War*, (Bangkok: Thammasat University Press, 2001), page 10.

<sup>4</sup> Merkel, Wolfgang: *Systemtransformation. Eine Einführung in die Theorie und Empirie der Transformationsforschung*. Opladen. 1999.

<sup>5</sup> Military governments played such an important role of former Thai politics. Military governments have ruled 80% of the time since 1932, either directly or through surrogates appointed by military leaders (Ibid, p.586).

<sup>6</sup> We call it the revival because the violence in the last ten years was manageable but after January 2004, the unprecedented brutal violence occurred as the assailants killed Buddhist monks.

<sup>7</sup> Rung Kaewdaeng, *War and Peace at Southern Borders (สงครามและสันติภาพ ณ ชายแดนภาคใต้)*, (Bangkok: Matichon, 2005), page 69.

relatively fair distribution of benefits used to contribute to stability in this heterogeneous region.

Although the three southern provinces have tried to achieve autonomy or separation from the motherland for hundreds of years,<sup>8</sup> the Thai government always had been fairly successful in keeping the conflict under the lid. In 1981, the then acting Prime Minister Prem established the *Southern Border Provinces Administrative Center* (SBPAC) which proved to be highly effective in dealing with the separatist movement. The classical counter-insurgency strategy was combined with „soft instruments“ such as negotiations and measures to reconcile conflicting demands.

The SBPAC was successful for various reasons: first, its head quarter was strategically located right in the centre of the trouble spot, Yala. Therefore, it was not designed as a remote agency far away in the capital. In practical terms it was easily accessible for the local population. Second, it served as a „clearing house“ for all sorts of complaints including charges of corruption and of local officers' incompetence. These complaints were not only taken seriously but also prosecuted, if justified. Finally, the centre was well connected with the local intelligence community it shared information with. This increased its effectiveness. Together with the *Task Force 43* which also was responsible for security in the region, the SBPAC was regarded as a fair and just organization.<sup>9</sup>

In 2002, Thaksin dissolved these two organizations and assigned all responsibility to the police.<sup>10</sup> He argued that the situation in the areas was stable and manageable.<sup>11</sup> This proved to be wrong: disappointment grew and violence returned more brutal than ever before.

### 3 From separatists to terrorists

The terrorist attacks in the U.S. of September 11, 2001 induced the separatists to rethink their strategy, encouraging them to fight even harder for the common goal of strengthening Islam. The strategies of the separatist groups such as the *Pattani United Liberation Organization* (PULO), the most violent one<sup>12</sup>, were to attack not only the so called 'hard targets', but also 'soft targets' such as students, pupils and school teachers — with the ultimate goal of causing as many casualties among the civilian population as possible. Thus, tension was heightened; anxiety and aggression increased and widened the gap between Buddhists and Muslims. The government felt impelled to respond by resetting to violence and illegitimate acts which were not compatible with democratic norms. As a result, general resistance

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<sup>8</sup> Ibid., page 77.

<sup>9</sup> Ibid., page 75.

<sup>10</sup> Ibid., page 73.

<sup>11</sup> Coylin Anwar and Supaluck Karnchanakundee, *Fai Tai Krai Jud (ไฟใต้ครุฑ)*, Bangkok: Indochina Publishings, 2004, page 115.

<sup>12</sup> David G. Wiencek, page 242.

against the central government grew and local identities were reinforced to the same extent. The government had transformed the conflict, but now the conflict was transforming the government – back to an authoritarian regime.

#### **4 A fertile breeding ground for conflict**

A democratic state needs a democratic government ruling over a democratic society. It is common wisdom of democratization theory that a democratic society should have a solid civilian bases, negotiates peacefully competing demands, respects human rights, and should not discriminate against minorities.<sup>13</sup>

The separatists/terrorists movement in Thailand's South did not only change the government, but it also changed the Thai society. Despite social, ethnic, and religious cleavages Thailand's society used to live in relative peace and stability. But the separatist movement is not only a catalyst for violence but also a catalyst for disunity in the societies. Thus, the separatist movement and the subsequent governmental response have created an atmosphere of mutual suspicion, distrust, and insecurity.

The socio-economic situation of most Malay Muslims in the South is bad. They live below the poverty line and work in the agriculture sector, mainly in rubber plantations. There, competition is tough, and prices for rubber are low. It takes the yield of two rubber trees to earn the equivalent of US\$ 3.<sup>14</sup> On top of that, the demand for natural rubber has dramatically decreased after the introduction of artificial rubber. Apart from that, working in the agricultural sector is the least respected form of work. The civil service, which ranks first, is dominated by ethnic Thais, followed by the business sector dominated by Chinese.

Poverty, a minor social status, and the fact that Muslims are equated with extremists and terrorists make up for the image of Malay Muslims to be savage, unpredictable, potentially dangerous, and alien to Thai society. But the concept of the enemy exists on both sides: there is a deeply rooted feeling among Malay Muslims of being discriminated against Buddhist Thais. Police and army officers from the centre with a Buddhist Thai background are considered to be unable and unwilling to understand the Muslim Malays. The negative perception is mutually reinforcing and the rift in society is growing.

#### **5 A discriminatory government causes a „mutated democracy“**

When conflicts broke out openly in the Southern provinces, the Thai government had managed them in a constructive way. But with an „Us-against-the-Others“

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<sup>13</sup> See for example Guillermo O'Donnell, ed., *Transitions from authoritarian rule. Tentative conclusions about uncertain democracies*, Baltimore: John Hopkins University Press 1993.

<sup>14</sup> See [www.rubberthai.com/price/today%20price/ebay\\_price.htm](http://www.rubberthai.com/price/today%20price/ebay_price.htm): The price of rubber sap during the peak of the conflicts, retrieved on June 13, 2006.

perspective and a non-observance of Muslim norms and values, Thai government officers escalated hostility. In a consequence, the Thai government implemented policies and actions causing a „mutated democracy“.

Additionally, the Thai government saw itself as close ally to the United States concerning the fight against terrorism. The agreed counter measures of the Thai government followed the Bush-Administration's principle of not negotiating with terrorists.

Thaksin's identity seems to play an important role for explaining the discriminating instruments for solving the conflicts in the Southern provinces. Thaksin was the 23<sup>rd</sup> Prime minister of Thailand.<sup>15</sup> Because of his populist and nationalist policies,<sup>16</sup> he was elected as Thai Prime minister for a first period in 2001. Furthermore, Thaksin won the 2005 elections with a landslide victory. His *Thai Rak Thai Party* (Thai loves Thai) won 376 out of 500 seats in Parliament. It is important to note that none of the *Thai Rak Thai Party* members were elected in the Southern provinces. For Thaksin this fact was irrelevant: because of his tremendous success he developed a strong confidence in the righteousness of his policies. His socialization as a billionaire businessman led to a governmental administration which resembled a private company. Thaksin and his government presented themselves as „managers“, whereas the Thai people became the „hard workers“. <sup>17</sup> Additionally, Thaksin brought in his experience as a policeman. As such, he favoured power and force. It seems that the combination of these two identities – businessman and policeman – led to a lack of social instinct. It can be assumed that Thaksin's identity encouraged a somewhat chauvinistic policy towards separatists.

### 5.1 Launching the „War on Drugs“ and the Mafia elimination

On January 28, 2003, Prime Minister Thaksin announced the „War on Drugs“. Although this counter-measure against illegal narcotics traffic was started shortly before the rise of the „terror“, its impact on the human rights can not be underestimated. It was the governmental response to the increased trafficking, trade and use of methamphetamines, a relatively new and low priced synthetic drug called 'Ya Baa' or 'Crazy Pill' by the local people.<sup>18</sup> In the Southern provinces of Thailand, these pills find their way into the country by cross-border smuggling

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<sup>15</sup> Somchai Pakkapaswiwat, *Thai leaders in Southeast Asian Leaders: Indonesia, Philippines, Singapore, Malaysia and Thailand*, (Bangkok: Chulalongkorn University, 2005), page 531.

<sup>16</sup> Since the economic crisis in 1997, Thailand needed to pay the debt back to IMF, in 2001, the election year, Thaksin policies' tried to arouse the Thais to be more nationalists to buy Thai commodities and travel in Thailand in order to invest the money in the country. Thaksin believed that if Thailand could save the money from the Thais and got the incomes from foreign tourists, then Thailand could earn more money and be able to pay back the debt.

<sup>17</sup> See <http://www.info.tdri.or.th/reports/unpublished/thaksinomic.pdf>, accessed on August 20, 2008. Thaksinomic can be called Thaksin's economic policy. For more detail, please go to this website.

<sup>18</sup> Ibid.

activities from Myanmar and Malaysia. Trade and profits are strictly controlled by local mafia-like groups. Their heads, by the use of great financial power, not only gained a special status within their social environment: this situation also granted them to act as local politicians in some cases.<sup>19</sup> Thaksin's „War on Drugs“ was, therefore, aimed at disrupting smuggle of drugs and at resuming the political influence of the central government within the Southern provinces.

In the course of this ‘war’ the police forces received the right to despatch all people involved in the illicit narcotics activities without proper persecution. Thus, a fundamental human right was abolished in favour of the fight against drugs. But this was not the only problem: police forces not only killed most of the local mafia heads, they also started to use harassment and malpractice against many not involved citizens. Many police officers obviously made use of these opportunities to get rid of disagreeable people and to settle old scores.<sup>20</sup> Altogether, nearly 2,000 people were killed in the course of this ‘war on drugs’ all over Thailand.<sup>21</sup> This caused fear and hatred, especially among the local population in the Southern provinces. Particularly, ethnic Malay Muslims felt frightened by the violent and arbitrary police actions which even induced numerous Malay Muslims to flee to Malaysia.<sup>22</sup> Others joined the terrorists groups, thereby increasing the number of its members significantly. In sum, it can be argued that the more the government resorts to illegal instruments in order to solve the terrorist problem, the more it loses legitimacy in the population, and the more it encourages disobedience of legal norms by individuals on both sides – by the police and the terrorist alike.

## 5.2 Ordering Martial Law

With the torching of schools on January 4, 2004, the separatist movement arrived at a new stage. Prime Minister Thaksin avowed the causer of these incidents as ‘common bandits’<sup>23</sup>, declared martial law, and began to dispatch a huge number of soldiers and other armed forces personnel to the South. Thaksin hoped to subdue the conflict with these measures. The martial law gave permission to the armed forces to arrest and to despatch every person who was suspected to be a terrorist. A warrant of search or a warrant of arrest exposed by a judge was not necessary.<sup>24</sup> In addition, a

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<sup>19</sup> Wattage Sagunnasil, *Islam, Radicalism and Violence in Southern Thailand: Berjihad di Patani and the 28 April 2004*, (Routledge Taylor and Francis Group, March 2006), page 123.

<sup>20</sup> Rung Kaewdaeng, page 135.

<sup>21</sup> Human Rights Watch, Not enough Graves: *The war on drugs, HIV/AIDS, and Violations of Human Rights*, (Human Rights Watch Report: June 2004, Vol.16, No.8) in Alexander Horstmann *Violence, Subversion and Creativity in the Thai-Malaysian Borderland in Equality in Asia-Pacific: Reality or a Contradiction in Terms?*, page 6.

<sup>22</sup> Alexander Horstmann, *Violence, Subversion and Creativity in the Thai-Malaysian Borderland in Equality in Asia-Pacific: Reality or a Contradiction in Terms?*, page 1.

<sup>23</sup> Captain Daniel J. Polar, page 76.

<sup>24</sup> See <http://www.southpeace.go.th/knowledge/law.htm>, accessed on August 20, 2008 for more information.

dusk-to-dawn curfew was implemented. In the Southern provinces, the every day life became notably restricted. Given that the ‘war on drugs’ was still in process, these governmental measures brought another wave of fear to the citizens.

This fear was additionally fortified by the *Krue-Sae Massacre* on April 28, 2004, and the *Tak Bai Massacre* on October 25, 2004. With the first incident the Thai government showed that it did not care about the Malay Muslims in the Southern provinces: 32 militant Muslims took refuge in the Krue-Sae mosque hiding from military persecution. Instead of peaceful negotiations, the Thai armed forces began to fire directly into the mosque killing the refugees which was commented ‘Extra-Judicial-Killing’.<sup>25</sup> It was clear to most Malay Muslims that the government was not willing to respect their religion and culture. The firing officers neither were accused nor arrested.<sup>26</sup> The *Tak Bai massacre* exceeded the governmental response in an unprecedented way. In a demonstration’s aftermath in Tak Bai, Province of Narathiwat, nearly 1,200 Muslim demonstrators were arrested by Thai armed forces. Their hands were tightened and they were stuffed like animals on military transporters.<sup>27</sup> Due to the fact that at this time of the year the Muslims celebrate Ramadan, most of the arrested had not eaten or drunk throughout the day. In combination with the small transporters and the lack of fresh air, 78 arrested people died on the way to the police office.<sup>28</sup> The Thai government obviously disregarded Muslims special fasting regulations. As a consequence, Malay Muslims in the Southern provinces assumed that their democratically elected government was far away from solving their problems with democratic and legitimate measures.

### 5.3 Instituting Royal Ordinance 2005 (พ.ร.ก.บริหารราชการในสถานการณ์ฉุกเฉิน พ.ศ. ๒๕๔๘)

In a short period of time, martial law was substituted by a royal ordinance. On July 16, 2005, the decree became effective and contained large-scale rights for police and armed forces: With regard to Unit 11<sup>29</sup> of this Ordinance, it was still possible to accuse and arrest people who were suspected to support terrorist activities. Additionally, the curfew was maintained.

There is more evidence that Thaksin obviously was not interested in solving the problem in the South peacefully. Initiatives to replace non-local officers by staff recruited in the region were rejected by the central government. And so were

<sup>25</sup> Wan Garde Jehmarn (วัน การ์ด เจ๊ะมาน), *Problems of Patani and Thai: When we can't live together and can't be divided* (ปัญหาของปัตตานีและไทย: เมื่อเราไม่อาจอยู่ร่วมและแบ่งแยกจากกันได้) in *Out of Thaiism Definition: When we can't live together and can't be divided*, (Songkhla: Center of Lake Studies), page 21.

<sup>26</sup> Squadron leader Prasong Sunsiri, „*War on Terror: the dangerous near by* (สงครามก่อการร้าย อันตรายใกล้ตัว)” (Bangkok: Kor Kid Duay Kon, 2005), page 136.

<sup>27</sup> Squadron leader Prasong Sunsiri, page 137.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

initiatives to negotiate further procedures. Thaksin made clear that in order to combat violence he would always prefer the use of force. In this way he violated the Thai constitution which stated that all measures should be in compliance with human rights.<sup>30</sup> To the same extent as the government did not adhere to democratic principles, terrorist violence accelerated.

## 6 Conclusion

Thailand's democracy is at stake. We have shown that the separatist movement in the South leads to a destabilized democratic political system. With it, an emergence of a solid civilian base which fosters properly executed security measures and hinders separatist movements to a great extent is prevented.

Thailand seems to return to an authoritarian regime ruling over a heterogeneous society, deeply split along ethnic and religious lines, particularly in the Southern provinces. The Thaksin government seems to have made use of this situation: it not only launched a „War on Drugs“ accompanied by a simplified persecution, but also resolved to implement martial law in the Southern provinces with a grave restriction of human rights guaranteed by the Thai constitution. The subsequent events point into the same direction.

In August 2008, we witnessed uproar of greater parts of the Thai society which does not seem to be linked to the separatist movement in the South at first sight. But the use of the temporary state of emergency in Thailand's capital Bangkok during the civil protest could give evidence for an increased willingness to set in disproportional and violent measures. Presuming that this low inhibition concerning the use of undemocratic and sometimes illegal sanctions originated in the fight against terrorism and separatism, prove is given that the unconsolidated Thai democracy returns to an authoritarian structure.

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<sup>30</sup> Wan Garde Jehmarn (วัน การ์ด เจ๊ะมาน), page 21.



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