

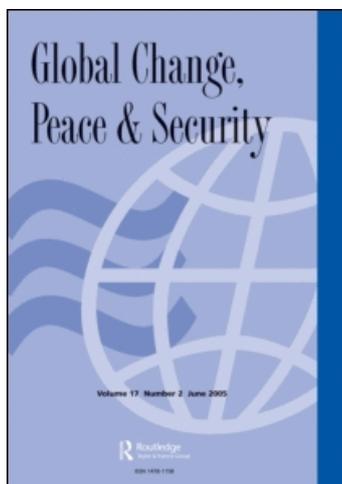
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Thailand's National Reconciliation Commission: a flawed response to the Southern Conflict

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This article examines the work of the National Reconciliation Commission (NRC) (2005–06), an independent body established by the government of Thailand to address a violent conflict in the country's southern border provinces. From the outset, the 50-member NRC chaired by former Prime Minister Anand Panyarachun was too large and unwieldy to function effectively. At the most basic level, there was a lack of trust and openness among the Commission's members which curtailed frank discussions. Because the political dimensions of the conflict were seen as off-limits, for a variety of cultural and historical reasons, the NRC produced a report that emphasized issues of justice, but failed to engage with the core questions underpinning the violence. Locating the NRC within an emerging global landscape of comparable 'truth commissions', the article argues that however well-intentioned, the Thai commission lacked clear goals, and was rather disappointing in its achievements.

Keywords: Thailand; South; conflict; violence; reconciliation; commission

Since January 2004, a low-intensity civil conflict in Thailand's Muslim-majority southern border provinces of Pattani, Yala and Narathiwat has claimed over 3500 lives.¹ While media accounts typically characterized the conflict in terms of a struggle between 'Islamic separatists' and the forces of the Thai state, the real causes of the violence were complex and often opaque. Alternative explanations include questions of identity, historical injustice, economic inequality and discrimination, unequal power relations, and networks of criminality involving local politicians and members of the security forces.² This area of Thailand, home to around 1.8 million people, was only incorporated into Siam in 1909; around 80% of the region's population is of Malay descent; most residents speak Pattani Malay as their first language. Long-standing attempts by the Thai state to assimilate Malay Muslims into Buddhist majority norms have largely failed. While the Malay Muslim population of Southern Thailand has been engaged in acts of resistance directed towards the Bangkok government for decades, 2004 saw lingering tensions enter a new and more disturbing phase. On 28 April 2004, 106 people lost their lives when lightly armed militants launched simultaneous attacks on 11 different security checkpoints; while on 25 October 2004, 78 Malay Muslim men died at the hands of the Thai military, after being piled into army trucks following a mass demonstration in Tak Bai, Narathiwat. These two episodes saw relations between the Thaksin Shinawatra government and the Malay Muslim population of Thailand's deep south plunge to new depths.

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- 1 For overviews of the Southern Thai conflict, see especially the International Crisis Group Report, *Southern Thailand: Insurgency, not Jihad*, Asia Report No. 98, May 2005, and several subsequent reports, accessible at www.crisisgroup.org; and the special issue of *Critical Asian Studies* 38, no. 1 (2006), also published as Duncan McCargo, ed., *Rethinking Thailand's Southern Violence* (Singapore: NUS Press, 2007).
- 2 For a discussion of some of these arguments, see Srisompob Jitpiromsri with Panyasak Sobhonvasu, 'Unpacking Thailand's Southern Conflict: The Poverty of Structural Explanations', *Critical Asian Studies* 38, no. 1 (2006): 95–117.

The resurgence of violence was clearly linked to a revived militant movement – which had already been active as early as 2001 – seeking to capitalize on the gradual erosion of state legitimacy in the region.³ While during the early 1980s the Thai authorities had been able to rely on co-opting and coercing the Malay Muslim elite to secure a tentative peace, 20 years later both political and religious leaders had been severely compromised in the eyes of many ordinary villagers. Using tactics of fear and intimidation (much of the Southern violence is Muslim-on-Muslim, aimed at ensuring the loyalty of local communities) militants were able to exploit a legitimacy vacuum in the region to advance their own ends. Militant cells, comprising mainly small groups of youths who had been radicalized by hardline Islamic teachers, functioned as largely self-managed violence franchises. Blunders committed by the Thai security forces at Krue-Ze and Tak Bai played into the hands of the militants, providing easy propaganda victories.

The unravelling of civil order in the South did enormous damage to the regional and international standing of the Thaksin government. In advance of the 2004 Association of South-east Asian Nations (ASEAN) meeting in Vientiane, Prime Minister Thaksin declared that he would not hesitate to walk out of the summit if any of Thailand's neighbours questioned his government's handling of the Tak Bai incident. This was a far cry from Thaksin's heyday as the host of the Asia-Pacific Economic Cooperation (APEC) in October 2003, when he had been hailed as a new regional leader of the calibre of Dr Mahathir Mohamad and Lee Kwan Yew.⁴ Thaksin was furious when Mahathir publicly called for the Southern provinces to be granted autonomy, and was further incensed by the new and unwelcome attention Thailand was receiving from the Organization of Islamic Countries (OIC). While Thaksin was able to fend off calls for international monitoring of the Southern conflict, he also had to contend with criticism from civil society groups within Thailand. More telling, he was repeatedly reprimanded by members of the revered King's Privy Council – notably its president Prem Tinsulanond, and former army commander Surayud Chulanont – who called upon the government to adopt a more conciliatory approach to the crisis. In retrospect, the pressures generated by the Tak Bai incident triggered the forces that eventually led to Thaksin's ouster in the 19 September 2006 military coup d'état, a coup staged by forces loyal to the Thai monarchy that were exasperated by Thaksin's lack of respect for royal authority and prerogatives. Despite his landslide victory in the February 2005 general election (during which, ironically Thai Rak Thai lost all its seats in the Southern border provinces), Thaksin was under pressure to make some sort of concession to his critics. His solution was a classic political ploy: he created a high level committee, in the hope of kicking the problem into touch.

Creating the National Reconciliation Commission

The National Reconciliation Commission (NRC) was established at the beginning of March 2005 by then prime minister Thaksin Shinawatra. Chaired by former premier Anand Panyarachun,⁵ the NRC arose from proposals by a group of academics critical of the Thaksin government's handling of the Southern crisis. The NRC was broadly aligned with a royalist perspective on the South, one that emphasized King Bhumibol Adulyadej's advice 'Understand, access, develop', as opposed to a more hardline security-based approach. Facing a hostile backlash in the wake of the February 2005 general election, Thaksin created the Commission as a

3 This argument is extensively elaborated in Duncan McCargo, *Tearing Apart the Land: Islam and Legitimacy in Southern Thailand* (Ithaca, NY: Cornell University Press, 2008).

4 See Duncan McCargo, 'Can Thaksin Lead Southeast Asia? Only If He First Wins Over the Region's Muslims', *Time*, February 7, 2005.

5 Anand served two short but distinguished terms as prime minister during the turbulent period 1991–92, appointed first by a military junta and later apparently as the personal choice of the King. He is best known internationally as the former chair of Kofi Annan's United Nations reform committee, known as the 'High-Level Panel on Threats, Challenges and Change', 2003–04.

concession to his critics. The Commission had 50 members, drawn from a variety of sectors. Seventeen members came from 'civil society in the area' (including Islamic council presidents, Muslim scholars, and academics), 12 from 'civil society outside the area' (including several prominent figures linked to the Bangkok NGO community), 7 members from the 'political sector', and 12 from the civil service and security forces. In practice, some of these categories were rather blurred. The Commission was charged with investigating the upsurge of violence in the Southern border provinces and making policy recommendations to the government. There was no obvious precedent in Thailand for such an initiative. One model for the NRC was other 'truth and reconciliation' commissions created in the aftermath of political violence in various parts of the world, most famously that of South Africa.⁶ A second model was the kind of public inquiry or 'royal commission' created by the governments of many developed countries in response to demands for in-depth analysis of complex issues, such as the 9/11 Commission in the United States, or the Franks Commission which examined the causes of the Falklands War.

In practice, however, the NRC differed significantly from both the 'truth and reconciliation' and 'public inquiry' formats. These models typically emphasized the importance of witness testimony, using a quasi-judicial model of proceedings. The core members of these commissions were normally few in number; in the 'royal commission' model, the report was generally drafted primarily by a single prominent individual. Yet nor did the NRC go down the road of trying to balance a wide range of stakeholders, using some kind of representative formula. Most members of the NRC could not be seen as representatives of the various parties to the conflict, and two-thirds of them were from outside the Southern region. Fifty members meant too many for a cabinet meeting, but insufficient for a parliament. From the outset, the main task of the NRC was to draft a report, and Anand seemed intent on completing this process as quickly as possible. Yet alongside the largely technical task of crafting a set of policy recommendations, the NRC also had to deal with the realities on the ground. People in the border region expected the NRC to follow and to respond to unfolding events; they looked to the Commission for the sympathy, understanding and support that was often lacking from the state authorities. Locals often had an unrealistic understanding of what the NRC could achieve, and were quick to blame the NRC for failing to ameliorate the shortcomings of government policies. Many people could not wait for the report: they wanted the NRC to have an immediate impact on the way the state was handling the conflict. One obvious example was the creation of the NRC Fund, which distributed small sums of money – usually 5000 baht – to the families of victims of violence to help them with funeral and other immediate expenses.⁷ The children of deceased victims were eligible for longer-term support in relation to educational expenses. Volunteers and staff from the NRC Fund went to see families in the day or two following any incident, and wrote detailed reports about what they found: in practice, however, these notes were compiled simply to justify the outlay of funds, rather than to inform a better understanding of the violent conflict.⁸ They were often the first 'official' visitors to victims of the violence, but as a rule visited the victims only once.

The NRC held a total of 28 main meetings between 8 April 2005 and 3 April 2006; most of these took place in Bangkok, but four were conducted in the Southern provinces. Much of the detailed work of the Commission took place in its sub-committees: Truth, Justice and Human Rights; Conflict Management through Peaceful Means; Development Approaches for Human Security; Power of Cultural Diversity in Thai Society; Unity and Reconciliation in the Area;

6 Other commissions were created in Argentina, Chile, El Salvador, Guatemala and Sri Lanka; see National Reconciliation Commission, *Overcoming Violence Through the Power of Reconciliation* (Bangkok: NRC, 2006), 132–3.

7 Fieldnotes, visit to NRC local office, Pattani, December 7, 2005.

8 Trip with NRC Fund staff to victims' families, February 9, 2006, notes by senior research assistant Bhattachara Aramsri.

and Communication with Society. This last sub-committee was created as an afterthought, and included a number of journalists and specialists who were not members of the main Commission. The sub-committees all ran their own projects; many of these were pet enthusiasms of individual NRC members and sub-committee chairs, and were only tangentially related to the core work of the Commission.⁹

Less visible than the sub-committees, but arguably more important, was a ‘working group’ of around a dozen members – including the chair, vice-chair, three secretaries and the research director¹⁰ – which put together the agendas for main meetings, and thrashed out some important issues. This group usually met before each full meeting. But even this group was too large to do the core work of report drafting, which was largely delegated to research director and Thammasat University academic Chaiwat Satha-Anand. Many of the NRC’s meetings were devoted to reviewing the nine drafts of the report, the first of which was presented at the 11–13 November 2005 Pattani meeting, only six months after the Commission’s first gathering. Chaiwat’s initial drafts were criticized by other members of the NRC for their academic language and format, and their somewhat idealistic tone. While the report was informed by a set of research papers commissioned by Chaiwat, the broad thrust of the report was shaped by discussions among the NRC’s members. While some members had extensive knowledge and experience of the region, others – including Anand himself – started from a very basic understanding.

The politics of the NRC

The large size of the NRC meant that much of the discussion was dominated by a small number of confident and assertive individuals, many of them members of the Bangkok elite.¹¹ Malay Muslims from the Southern region were often less comfortable speaking in Thai, and found the presence of so many senior figures – including leading security officials – rather intimidating. In some cases, Malay Muslim participants used sympathetic fellow NRC members (such as Gotham Arya or Mark Tamthai) as informal spokespeople to make their points. Used to chairing cabinet meetings and a high-level UN committee, Anand did not systematically ensure that all perspectives were represented, and tended to assume that silence indicated consent, which was not always the case. Some members were extremely busy and could not attend all – or even many – of the meetings (one was a deputy prime minister, for example). Achieving some sort of consensus or substantive breakthrough would have taken longer, and was perhaps impossible given the number and diversity of commissioners.

From the outset, the NRC was characterized by a number of fissures. The body comprised a mixture of locals and outsiders, and brought together conservative government officials and more progressive academics and civil society activists. Promoting an open dialogue between these various elements was not always easy. One member argued that the NRC was only really warming to its task by about the seventh or eighth month – in other words, around October 2005 – when the first draft of the report was completed. Just as the various members began to grow comfortable with one another, the substantive work of shaping the report was already done. Local NRC members were generally hesitant to speak out too loudly, partly because they lacked confidence in their Thai language ability, and partly for fear that their critical perspectives would brand them as separatist sympathizers in the eyes of the security officials who were also members of the Commission: some of those around the table had been involved in

9 For example, Prawase Wasi’s ‘Southern news desk’ project, which became the Sun Khao Issara News Centre.

10 The three secretaries were Gotham Arya, Bowornsak Uwanno and Surichai Wun’gao, all prominent figures based in Bangkok. The research director, or technical director, was Chaiwat Satha-Anand. None of the six leading members of the NRC came from the South, and only one of the six sub-committees was chaired by a ‘local’, former fourth army commander General Narong Denudom.

11 NRC member interview, November 16, 2005.

investigating local NRC members in the past. One NRC member observed that some of the security officials said practically nothing, except to veto certain more progressive proposals; this seemed to be their primary function on the Commission.¹² The large size of the NRC often militated against serious discussions of sensitive matters, and some of the most interesting meetings were actually those of the various sub-committees: but the work of the sub-committees was often a sideshow, which did not always directly inform the report itself.

In a presentation in late 2006, one NRC member argued that the Commission had faced a fundamental choice between two different directions, determined by two different views of the conflict: was the conflict fundamentally a struggle over issues of justice, or was the conflict an expression of political aspirations by the Malay Muslim community?¹³ Interviews with members of this community suggest that many favour some form of autonomy, special zone or substantive decentralization to give them greater say in their own affairs, but few are willing to articulate this publicly for fear of being labelled as separatists. Justice is a very important concept in Islam, and no reasonable human being is opposed to promoting justice; justice therefore readily became the ground on which conservative government officials and local Muslims could most easily meet. Talking about justice was much easier than talking about governance, since the justice agenda allowed for a focus on implementation, and the cataloguing of specific grievances, while blurring core questions about how power was organized. Justice thus became the lowest common denominator upon which everyone could agree. The argument hinged upon a series of 'ifs': if there were more equality of opportunity, if the police and other agents of the Thai state behaved better, if 'good' officials predominated in the three provinces and 'bad' officials were transferred out of the area, then, so the argument went, the main wrongs would be righted and the violence against the state would decline. In the end, this argument appeared compelling to people such as Anand and Prawase – conservative royalists of liberal inclinations, who believed that Thailand's problems could be addressed if 'good' individuals were placed in the right positions of power. It was also attractive to liberals such as report-drafter Chaiwat Satha-Anand, whose philosophy of non-violence emphasized precisely such a quest for common ground, maximizing the number of 'winners' in any given proposed solution. But as one NRC member (who spoke for many Malay Muslims) argued:

I thought it was really nothing to do with justice. You could have a completely redone justice system and you are not going to stop violence if you don't answer the representation problem.¹⁴

The NRC faced two major challenges during its existence.¹⁵ The first and most serious was the Thaksin government's abrupt promulgation of wide-ranging emergency legislation in late July 2005, a decree explicitly intended to counter the growing violence in the South, but a measure apparently introduced without informing – let alone consulting – Anand and the NRC.¹⁶ Ironically, Bowornsak Uwanno, one of the NRC's secretaries, was a primary author of the legislation. The emergency decree demonstrated that Thailand actually had two parallel policies on the South: the nominal exercise of research, consultation and reconciliation under the NRC, and the de facto policy of securitization controlled by Thaksin himself. These policies actually reflected a wider split in the Thai state and society, between forces and groups loyal to the prime minister, and those whose primary loyalty lay with Thailand's revered King. Anand and other leading figures in the NRC were closely associated with 'network monarchy', and saw their task partly in terms of carrying out the royal injunction 'Understand, access, develop', which the King had

12 NRC member interview, May 21, 2006.

13 Presentation at EWC and IDSS workshop on Southern conflict, CS Pattani Hotel, October 30–31, 2006.

14 NRC member interview, October 30, 2006.

15 NRC member interview, May 21, 2006.

16 For details, see *Thailand's Emergency Decree: No Solution*, Asia Report 105, November 18, 2005, International Crisis Group, <http://www.crisisgroup.org> (accessed November 25, 2008).

suggested was the best approach to resolving the Southern crisis.¹⁷ Tensions between the palace and Thaksin gradually increased until Thaksin was ousted in a military coup in September 2006.

In the immediate aftermath of the emergency decree promulgation, many members of the NRC wanted to resign, and were only dissuaded from doing so by Anand's personal pleas:

On the day of the special decree announcement, almost all the commission members thought of quitting the NRC, because this was not at all a peaceful method. We didn't have any problem with martial law, but needed to see the draft first. We'd been asking for that, but the decree came out right after the blackout in Yala. It's very 'kamhua' [disrespectful] towards the NRC. Many of us feel upset and wanted to quit; only Khun Anand told us not to do so. Then the government would say that we got 'jainoi' [touchy] and didn't want to do the job. We decided to stay. From then on, our relationship with the government has gone downhill.¹⁸

At the same time, the relationship between the NRC and the emergency legislation was a complex one. Addressing the Foreign Correspondents' Club of Thailand (FCCT) in May 2005, Anand had spoken of the need to replace martial law with more appropriate legislation.¹⁹ The government may have believed, or chosen to believe, that the NRC had already given the green light for a new bill along these lines. It is striking that the NRC never directly called for the emergency legislation to be repealed.²⁰

Anand urged members to stop responding to the day-to-day violence and instead to concentrate on producing their report. While actively discouraging individual NRC members from speaking to the media – a request many of them resented or simply ignored – he also went on a publicity offensive by proposing a special joint television appearance with Thaksin, which was broadcast live from Government House on 28 July 2005. Though billed as a show of unity – in effect, reconciling the National Reconciliation Commission with the government that had created it – the broadcast starkly highlighted the differences between Thaksin and Anand: Anand spoke about cultural diversity and the need for tolerance, while Thaksin talked about the need to apprehend masterminds behind the violence.²¹ Worse still, Thaksin sat in the centre of the room, so displacing the clearly pro-government moderator, and kept on interrupting Anand in mid-sentence. The broadcast may have been a symbolic victory for the NRC, but relations between Thaksin and Anand never recovered from the fallout over the emergency decree, and the Commission was left demoralized and by-passed by the turn of events.

More was to come. A cruel attack on Wat Promprasit, a Buddhist temple in Panare, Pattani, in October 2005 left an elderly monk and two temple boys dead. The Sangha committee of Pattani province responded by issuing a 20-point declaration calling for the NRC to be abolished, arguing that the Commission was siding with militants and had shown little sympathy for or interest in the plight of Buddhists in the region. Such views were elaborated in interviews given by leading local monks to the Isara News Centre. The first of these was given by the head of the *sangha* in Pattani, Phra Maha Thawin Khemkaro, the abbot of Wat Lak Muang, who argued that the rhetoric of human rights did not seem apply to the rights of murdered monks.²² In similar vein,

17 For discussion of the concept of network monarchy, see Duncan McCargo, 'Network Monarchy and Legitimacy Crises in Thailand', *Pacific Review* 18, no. 4 (2005): 499–519. For Thaksin and the NRC as representing two alternative modes of power in Thailand, see Duncan McCargo, 'Thaksin and the Resurgence of Violence in the South: Network Monarchy Strikes Back', *Critical Asian Studies* 38, no. 1 (2006): 39–71.

18 NRC member interview, May 21, 2006.

19 Anand speaking at the Foreign Correspondents' Club of Thailand, May 18, 2005 (Bangkok: Foreign Correspondents' Club of Thailand, 2005), DVD 2.

20 In an interview published in *Post Today*, July 24, 2006, Anand stated that though he was unhappy with the emergency legislation, it was too late to change it.

21 'Kansanthana phiset ruang kansang santhisuk nai 3 jangwat chaidaeen phaktai' [Special conversation about peace-building in the three Southern border provinces], broadcast on July 28, 2005, 20.35 on TV Channel 11.

22 'Peutjai "jaokhana jangwat pattani" kor or sor aojai fai trongkham' [The Head of Pattani Monks Speaks Out: The National Reconciliation Commission Favours the other Side], *Sun Khao Issara*, October 23, 2005. This and other Sun Khao Issara stories may be found at <http://www.tjanews.org> (accessed November 25, 2008).

Pra Maha Pusit Thitasiri, a well-known monk at Wat Prasimahapoe in Pattani, said that when the problems occurred, Thai Buddhists were never asked and paid sufficient attention to. However, Thai Muslims were treated differently. Too much attention was directly given to them over such problems as Krue-Ze and Tak Bai. He said that many Thai Buddhists told him that they were ignored and unequally treated. What he could do to help them was just to console them and to teach them not to be afraid of death.²³

Another monk, Phra Chaiyut Chotiawangso, secretary to the abbot of Wat Burapuram in Yaring, complained that the NRC had not included local monks among its members, and was dominated by groups such as Muslims from Bangkok or other outsiders who were not well placed to understand local problems.²⁴ This complaint was at the core of the protests; whereas all the presidents of the Islamic councils in the three provinces had been included on the NRC, there was no equivalent representation from Sangha councils. Anand was paying the price for not having included prominent local monks on the NRC, and failing to take other steps to reach out to the Buddhist community. Actions were quickly taken to remedy the matter; during the November 2005 NRC meeting in Pattani, Anand and other leading Commission members visited both Wat Promprasit and Wat Lak Muang. During the February meeting in Narathiwat, NRC members visited another Buddhist temple in Sungai Padi, and hosted an interfaith dialogue session with leading monks and Islamic leaders. It later emerged that *sangha* protests against the NRC had been backed by elements of the military;²⁵ furthermore, by no means all monks were in agreement with the 20-point declaration, some claiming that their names had been added without their consent. But the overall effect of the protests was to put the NRC on the defensive, further weakening the Commission's appetite for controversial recommendations. The NRC adopted a lower profile, and was largely ignored by the government.

Between April and September 2005, the NRC made a series of proposals for alleviating the violence in the short-term, 14 of which were issued in a 25 July 2005 press release. Full details of the various intermediate proposals and resolutions made were later published along with the main NRC report as a separate volume, which received little attention.²⁶ This additional volume reflected the early period of the NRC's work, when much of the focus was on day-to-day responses to the violence, often reflecting the concerns and priorities of commissioners from the region. Yet some of these recommendations were actually more radical than anything appearing in the final report, notably those in Chapter 2, 'Reduction of violence and the use of peaceful means'. A striking example was the recommendation that private ownership of guns in

23 'Mua phra tong phut: siang sathon jak chaidantai' [When Monks Have to Speak! Reflections from the Southern Border], Sun Khao Issara, October 27, 2005, <http://www.tjanews.org> (accessed November 25, 2008).

24 'Phra mahanikai won ko or sor rataban peut wethi rapfang khwamhen kahasang' [Mahanikai Monks ask National Reconciliation Commission and the Government to Listen to the Views of the Sangha], Sun Khao Isara, October 26, 2005, <http://www.tjanews.org> (accessed November 25, 2008).

25 NRC member interview, May 21, 2006.

26 *Overcoming Violence Through the Power of Reconciliation: NRC Recommendations to the Government (April-September 2005)* (Bangkok: National Reconciliation Commission, 2006). The recommendations included: the release of the Krue-Ze and Tak Bai reports; a request that proceedings be expedited over those charged in connection with Tak Bai; comments on the dismissal of Dr Waemahadi Wae-dao's legal case; a resolution that the government pay special attention to the question of disappearances, including that of Somchai Neelpajit; a proposal for a special committee to examine justice issues in the region; action on specific justice issues such as the right of suspects arrested under emergency legislation to see their lawyers; creating a legal assistance centre in the region; urging the security forces to use peaceful methods; ensuring that firearms are kept out of private hands; creating village peace committees; blockades created by villages should be dealt with peacefully; rapid investigation of the Tanyonglimo incident of September 2005; criticism of the 2005 emergency legislation; calls for a return to the principles of benevolent public administration outlined by King Rama VI on 6 July 1923; reporting on meetings between Anand and the present and former Malaysian prime ministers; looking into a problematic passage on Buddhism in a primary school textbook; requesting that the policy on recognizing overseas medical qualifications be reviewed; improved security for teachers and schools; supporting the teaching of local Malay; assistance to business owners in the region; ensuring fairer use of local resources, for example concerning fisheries; recommendations on zoning for vice establishments; and the creation of the NRC Fund.

the region should not be permitted,²⁷ which contradicted high-profile projects sponsored by the Queen to arm local Buddhists and teach them all to shoot.²⁸ Another recommendation stated:

The security branch should perceive situations where people gather and deny the authorities access to an area as peaceful gatherings in which the people feel victimized by the violence. Only peaceful means should therefore be used towards these people.²⁹

Since the practice of sealing off villages and other locations was clearly a systematic militant tactic,³⁰ the NRC's characterization of these actions as mere responses to victimization appeared terribly naïve, fuelling criticism and mistrust of the Commission by the security forces and Buddhist communities. In practice, there was often little difference between the supposedly 'short-term' recommendations in the additional volume and the main recommendations in the report, which might have been better integrated.

The NRC report

The NRC finally published its 132-page report on 5 June 2006. The report had been essentially complete for over two months, but Anand was loath to submit the report to a caretaker government; he may have hoped to present it to a prime minister other than Thaksin. However, the annulment of the April 2006 election and the postponement of new polls until late 2006 meant that the NRC was obliged to hand the report to a government that had long since lost all interest. Thaksin himself claimed that his eyes were too sore to read the report; deputy premier Chidchai Vanasatidya – who was supposedly running the country while Thaksin took a 'break' from office – insisted that he had not read it, even though he was himself an NRC commissioner.³¹ As one Commission member put it: 'I think that as long as the TRT and Thaksin are still in office, the NRC's proposals will be entirely meaningless.'³²

Linguistic choices were a highly salient feature of the report: early on in the proceedings, the NRC decided on the term 'Malay Muslims of Thai nationality', in preference to the more conservative 'Thai Muslims of Malay ethnicity'; this convoluted formulation was used in preference to the more direct phrase 'Malay Muslims'. In similar fashion, 'militants' was generally preferred over 'separatists', though both terms did appear in the report; it was proposed that Malay should be a 'working language' in the border provinces, not the more contentious 'official language'; and 'dialogue' with militants was preferred over 'negotiation'. Most important, however, was the distinction between 'decentralization' and other terms such as 'self-governing region', or the politically charged 'autonomy'. The NRC report studiously avoided these latter terms.³³ Each

27 *NRC Recommendations* 2.2, 10. This recommendation was one of the 14 measures proposed by the NRC on July 25, 2005. The other 13 measures were approved by a Cabinet resolution the following day; this one was set aside for further consideration.

28 For the full text of the Queen's original speech on this topic of November 16, 2004, see <http://www.manager.co.th/Home/ViewNews.aspx?NewsID=9470000083177>. English language newspaper discussions of the speech are compared and contrasted at <http://www.2bangkok.com/news04u.shtml> (accessed November 20, 2008).

29 *NRC Recommendations* 2.4: 12. The relevant recommendation was based on an NRC resolution at their September 5, 2005 meeting.

30 The development of this tactic has been examined in *Southern Thailand: The Impact of the Coup*, Asia Report No. 129, March 15, 2007, International Crisis Group, <http://www.crisisgroup.org>, 10–12 (accessed November 20, 2008).

31 Avudh Panananda, 'NRC Report Could Be Left on Shelf', *The Nation*, June 21, 2006.

32 NRC member interview, May 21, 2006.

33 The NRC report mentions 'decentralization' five times; four of the usages are on pages 104–7, and refer in very general terms to the remit of two proposed new bodies, the Southern Border Provinces Peace Strategy Administration Centre (SBPPASC) and Council for the Development of the Southern Border Provinces Area (CDSBPA). The appropriate form of decentralization is not discussed in the report, but the policy is left to these new bodies to 'promote' (SBPPASC) and 'provide recommendations' (CDSBPA). The word 'autonomy' does not appear once in the report, while there is a single reference to 'special administrative zone', as something the militants were rumoured to have opposed (58).

of these language choices reflected the sensitivity of the topics, and the need to bring on board different constituencies within the Commission's membership. One early idea was to link every major point in the report to a particular clause in the 1997 Constitution, which would offer a source of legitimacy and 'protection' for the argument and findings; in the end, this proved unworkable.

The report's primary author, Chaiwat Satha-Anand, argued at a workshop in Bangkok that the NRC had found the Thai state in a critical condition in the South, with a diminished capacity to govern, and a range of groups seeking to produce ungovernability for different purposes.³⁴ Most importantly, the Commission had found evidence of failed communities in the area, communities no longer able to provide basic protection for their members, or even for hostages such as Juling Pongkanmoon, a Narathiwat teacher who was seized and badly beaten in May 2006 and later died of her injuries. The NRC report followed a medical model, providing a diagnosis and prognosis for the Southern violence, and proposing some therapeutic measures.³⁵ Religion, argued the report, was not the cause of the violence; rather it was one justification invoked to legitimize violence.³⁶ The prognosis offered was somewhat pessimistic. Unless urgent action was taken, more violence, more civilian casualties and explosions, and a deterioration in the economic situation of the border provinces would follow. Important recommendations included:

- Establishing Shanti Sena, an 'unarmed army', as a special unit to defuse tense situations by non-violent means;
- Adopting Pattani Malay as a working language in the deep south;
- Creating a new agency to oversee the administration of the area, to be known as the Peaceful Strategic Operation Center for Southern Border Provinces (in effect, re-establishing the positive features of the old Southern Border Provinces Administrative Centre);
- Creating a regional development council;
- Establishing a fund for reconciliation and healing;
- Devising procedures to deal quickly with complaints against government officials in the region; and
- Promoting dialogue with militant groups.

One NRC member complained that whenever he asked people whether recommendations like these would really be sufficient to address the problem:

the answer I got is that this is just a starting point. They would be lots of other teams that would continue the work . . . This is really annoying. Why don't we do it when we have the chance? At least try to lay out certain steps . . . This is nothing at all.³⁷

NRC members themselves were generally rather ambivalent about the report; those really happy with it could probably be counted on the fingers of one hand. Many others were unconvinced by the tone, arguments and recommendations of the document. At Anand's insistence, the flyleaves of the report featured quotations from speeches by the King and Queen, apparently deployed to demonstrate the loyalty of the NRC to the monarchy. The report opened with a curious anecdotal chapter entitled 'The story of Yosathorn and Ammana', recounting the stories of two child victims of the violence in the South. The story adopted a didactic and moralizing tone, even stating: '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 indicates that they are few in number'.³⁸ This story started the report off on a peculiar note; the claim that the violence

34 Chaiwat comments at Bangkok workshop, July 12, 2006.

35 National Reconciliation Commission, *Overcoming Violence*.

36 *Ibid.*, 4.

37 NRC member interview, May 21, 2005.

38 National Reconciliation Commission, *Overcoming Violence*, 3.

was the work of a small number of ‘bad people’ was a disappointing reading of a complex political and social conflict. The opening story was only the first of a number of curious passages to be found in the text, many of which reflected the enthusiasms and hobbyhorses of individual commission members.

Reactions to the report

The NRC’s report pleased few commentators.³⁹ The reactions to the report in wider Thai society mirrored the feelings of members of the NRC itself. For conservative, security-oriented readers, the NRC was far too conciliatory and gave too much ground to the militants. The idea of making Pattani Malay a working language was criticized by Privy Council President Prem Tinsulanond,⁴⁰ who insisted that Thai was the only national language.⁴¹ NRC members tried vainly to explain that a ‘working language’ was not the same thing as an ‘official language’, but this distinction was lost on many Thais, for whom any such change would represent a national loss of face.⁴² The proposal for an ‘unarmed army’ was mocked in the popular Thai press; while for those who had seen the Southern Border Provinces Administrative Centre (SBPAC) as part of the problem, reviving it in new clothes was no real solution.

Ba-run, the pseudonymous author of an important book on the Southern conflict, circulated a more sustained critique of the NRC report in which he argued that ‘if the NRC denies that religion has anything to do with violence, they have been wasting all our time’.⁴³ He deplored the failure of Islamic religious leaders to adopt an unequivocal public stance against violence, and argued that deep-rooted political violence could not be addressed in the long term by using the criminal justice system. Ba-run argued that the misguided teachings of Islam had to be confronted directly. Ba-run’s arguments resembled those of some commentators who accused the NRC of being unwilling to address the real nature and origins of the Southern violence. For him, the Commission’s rhetoric about injustice and reconciliation glossed over the inconvenient fact that radical Muslims were committing most of the violence.

For other readers, however, the NRC report simply did not go far enough. Even some NRC members had been disappointed that proposals for a political solution to the problems of the South had been ruled off-limits by NRC chairman Anand Panyarachun. Anand and deputy chairman Prawase Wasi had tested the waters back in April 2005 with a proposal for a ‘Pattani Metropolitan Authority’, and backed off when they met with hostile reaction from the press.⁴⁴ All talk of autonomy or a ‘special administrative zone’ in the South was subsequently off-limits for discussion, even at closed-door NRC meetings.⁴⁵

The idea of autonomy or a special zone became a taboo in the meetings. They would limit that as much as possible. Anand or Prawase would immediately intervene when this was brought up. I have the feeling that they already fixed on that idea.⁴⁶

As another NRC member argued:

39 NRC member presentation, Pattani, October 30, 2006.

40 Some commentators privately speculate that Anand and Prem enjoy a degree of unspoken rivalry.

41 *The Nation*, June 26, 2006.

42 The NRC member noted in his October 30, 2006 presentation that he also saw no significance in this distinction, which appears to have served primarily as a face-saving measure.

43 Barun (pseud.), ‘Mong prawatissat duay ta nua’ [Seeing History through Northern Eyes], *Fa Diai Kan* 4, no. 2 (2006): 107–11.

44 NRC member interview, May 21, 2006.

45 Anand recounted to me that when he met militant leaders in Malaysia, they informed him that autonomy was not one of their demands (Conversation, September 7, 2006). He told an interviewer that following two or three meetings with ‘this group’ he did not believe separatism or an independent state was the aim of the movement either (*Post Today*, July 24, 2006).

46 NRC member interview, May 21, 2006.

Autonomy, in the way it is used in Thai, is a critique of the monarchy, and so no one will do it. Not that they don't want to do it out of fear, they sincerely do not think it's right.⁴⁷

Privately, most Malay Muslims wanted to see some form of regional autonomy for the three provinces, but were reluctant to express this view in public for fear of being labelled 'separatist', or of wanting to question Thailand's constitutional status as a unitary state: Article 1 of the Thai Constitution states 'Thailand is one and indivisible kingdom'. Some NRC members had hoped that Anand and Prawase – whose loyalty to the monarchy and the Thai state was unimpeachable – might have helped them advance ideas of devolution and self-rule. Yet a number of NRC members believed that Anand was acting on instructions 'from above' to ensure that these ideas did not find their way into the Commission's report.⁴⁸ Even Anand and Prawase were not immune from censure; speaking at the FCCT, Anand recounted his own experiences in the 1970s – when he was accused of being a communist – and attacks on him by rightists during the drafting of the 1997 Constitution. The failure of the NRC report to make bold proposals for governance reform in the three provinces meant that an opportunity to pull the ground from under the feet of the militants had been missed. While well-intentioned, the NRC report had failed to seize the nettle.

The Nation journalist Supalak Ganjanakhundee, co-author of an invaluable book on the conflict,⁴⁹ accused the NRC of not going far enough – their recommendations were simply not bold enough.⁵⁰ The proposed new administrative body lacked sufficient local participation, and did not offer a special set of governance arrangements for the three provinces. He argued that the Commission should have staked out a strong position on the crucial governance questions, rather than tailoring its proposals to what the Thaksin government might find acceptable: the Thaksin government might have a short shelf-life, whereas the Southern conflict was a long-term issue. For Supalak, the NRC was too willing to think 'realistically' and accept the limitations on debate framed by ill-informed public opinion. He was also critical of the Commission's reluctance to 'name the problem', seen in the report's avoidance of serious discussion about the militant movement behind the violence. Supalak also claimed that the NRC had made little effort to expose the truth behind controversial episodes in the region. Although the Commission had made public the Krue-Ze and Tak Bai reports during its early months, there had been no follow-up on the Saba Yoi killings, or the issue of 'disappearances' at the hands of the authorities.

Some interesting critiques of the NRC appeared in a book of interviews published by the Commission itself. Iam Thongdee, an academic at Mahidol University, accused the NRC of lacking definitional and linguistic clarity, beginning with a failure properly to define the term 'reconciliation'.⁵¹ He argued that the NRC remained very attached to state thinking, had failed to show real independence, and did not dare to speak out concerning the implications of its own findings. He described the report as over-emotional, and accused the NRC of refusing to clarify the causes of the violence, or focus explicitly on the question of agency. There was insufficient discussion of the role of religious and 'natural' leaders in Muslim communities.

47 NRC member interview, October 2006.

48 This point draws on several interviews and conversations with NRC members. It is also equally possible to argue that Anand received no actual instructions 'from above', but sought nevertheless to ensure that the NRC report accorded with the known or assumed preferences of the palace.

49 Supalak Ganjanakhundee and Don Pathan (with the Nation Group news team), *Santhiphap nai plaew phleung* [Peace in Flames] (Bangkok: Nation Books, 2004).

50 Supalak Ganjanakhundee, 'Samphat Supalak Ganjanakhundee: kor or sor mai lomlaeo, kae sunplao thaonan eng' [Interview with Supalak Ganjanakhundee: The NRC Was Not a Failure, It was Just Pointless], June 19, 2006, <http://www.prachatai.com> (accessed November 25, 2008).

51 Iam Thongdee, 'Sing thi kho or so mai dia athibai khua khwammai khong kham wa 'issara' lae 'samanachan' [What the NRC Did Not Explain Was the Definition of 'Independence' and 'Reconciliation'], in NRC Sub-Committee on Communication and Society, *Wiphak raingan khanakhamakan issara phua khwa samanachan haeng chat* [Critiques of the National Reconciliation Commission Report] (Bangkok: NRC Sub-Committee on Communication and Society, 2006).

The recommendations of the NRC were tepid, simply calling for the revival of the SBPAC in a new form.

Elaborating a similar perspective, one Buddhist monk took issue with the report's wording concerning the culprits behind the Wat Promprasit attacks:

Although the assailants captured by the 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.⁵²

Phra Maha Charat Uchujaro cited this passage as an example of the NRC's lack of even-handedness, the tendency of the report to treat Muslims with kid gloves, and reluctance to accept that some of the violence was perpetrated by Muslims.⁵³ Another critique came from a very different direction: Pattani lawyer Anukul Awaeputeh, a prominent attorney working to defend numerous Malay Muslims accused of security offences, expressed dissatisfaction with the NRC's recommendations on justice.⁵⁴

Chaiwat observed that the NRC report had been framed by the prevailing political realities and constraints, including 'the history and agonies of the chair himself' – the difficult balancing act that Anand was required to perform. At root, public reaction to the report showed that most Thais remained unable to grasp the idea that Siam had acted as a colonial state, and failed to understand the degree of difference between the Malay Muslims of the southern border provinces and the rest of Thailand.

As one NRC member argued:

The report itself to me is just something out there. Anyone can do what they want with it. I think it has some ideas in there that can be discussed further, but it's certainly not a definitive analysis of the whole overall picture and all the variables involved, because many things people just didn't dare include, tiptoeing around, because you can't talk about the South without talking about, like, the monarchy. It's just not possible. And so no one wants to talk about that so it's not going to be a full report. And everyone accepts that, no one is pretending it is. The people who did it know that.⁵⁵

By the time of the 19 September 2006 military coup, a clear divide had emerged between two broad approaches to the Southern conflict. For most members of the NRC, along with a narrow circle of academics, journalists and activists, the crisis was essentially a political problem that demanded a rethinking of Thailand's ethnic relations. This rethinking involved questions of justice, equity, identity and governance. Underpinning such a rethinking lay a more nuanced understanding of Islam, and recognition of Pattani's distinctive history and cultural differences. But for the security community, the violence remained essentially a security problem. Tough legal measures such as the 2005 emergency decree or the systematic arrest of 'ringleaders' and front-line militants were the only way to confront the problem head-on. Despite the fact that security approaches had proved largely ineffective, and that 'failed communities' were proliferating in the three provinces, those who questioned security solutions struggled to mainstream their views.

Media and dissemination

Chaiwat Satha-Anand argued that the way the NRC report was misread and misunderstood was revealing about the nature of Thai society.⁵⁶ Various misunderstandings of the proposals could be traced back to criticism in the popular press, notably a column in *Thai Rath* newspaper dated 8

52 National Reconciliation Commission, *Overcoming Violence*, 52.

53 Phra Maha Charat Uchujaro, 'Bon khwamseumapak' [On Equality], in *Critiques of the NRC Report* (2006).

54 Anukul Awaeputeh, 'Patirup krapbuankanyutitham' [The Reform of Justice], in *Critiques of the NRC Report* (2006).

55 Interview, October 2006.

56 Chaiwat Satha-Anand, comments at Bangkok seminar, July 12, 2006.

June 2006, which had expressed unease at the proposal to make Malay a working language, and argued that an ‘unarmed army’ would play into the hands of ‘bad guys’.⁵⁷ While English-medium newspapers such as the *Bangkok Post* and *The Nation* took a broadly sympathetic view of the NRC’s proposals – or even argued, like Supalak, that they did not go far enough – the popular press was deeply mistrustful of the NRC’s conciliatory approach towards the Malay Muslim community in the South.

The NRC had not done a good job of promoting its mission and disseminating its message.⁵⁸ A core problem was that the NRC did not have an official spokesman: Anand had insisted on acting as his own spokesman, a role for which he was singularly ill-suited. At his most charming and polite when speaking to the international media, Anand was frequently offhand or downright rude to the local press. A press conference following the November 2005 NRC meeting in Pattani revealed Anand at his worst. Before he spoke, an official listed various kinds of questions that Anand would be unwilling to answer, including ‘hypothetical’ questions about the report. When questions met with his disapproval, Anand berated the questioners, accusing them of stupidity or professional failings. This was no way to build a media strategy, especially since most of those attending the briefing were broadly well-disposed to the work of the commission. Other senior figures in the NRC sometimes had to go around trying to placate the press and undo the damage Anand had wrought. While a series of ‘Meet the Press’ events were held with groups of journalists, Anand was not willing to visit the offices of major newspapers to promote the NRC’s approach. While Anand might have considered it beneath him to visit, for example the offices of *Thai Rath* – Thailand’s best-selling and most influential newspaper – such visits could have done wonders for the NRC’s coverage. An avid reader of the *Bangkok Post*, Anand was sometimes unduly preoccupied with English-language media that had little impact on the mainstream Thai news agenda.

Thais in other parts of the country continued to post hostile messages about Southern Muslims on websites, apparently completely untouched by the NRC’s work. Many viewed the NRC as ‘pleasing Muslims’ rather than addressing a deep-rooted problem. With hindsight, it seems clear that the NRC should have waged a much more effective media campaign, using events such as public hearings to communicate its findings.

The Issara News Centre – which aimed to promote alternative understandings of the Southern crisis in the media – failed significantly to influence the mood of wider Thai society.⁵⁹ The Issara Centre was a project strongly supported by NRC vice-chair Prawase Wasi, who seems to have envisaged it as the de facto news service of the Commission, and helped the Centre secure funding from Thailand’s Health Promotion Fund. The Centre worked by supporting short-term secondments of Bangkok-based journalists to an office in Pattani, from where they filed stories onto a website which could be re-published freely by any newspaper. The Centre was backed by the Thai Journalists’ Association, but in practice was generally viewed as the informal domain of four major newspaper groups: Post Publishing, *Matichon*, *Nation* Group, and *Phujatkan* (in that order). The main users of INC copy were *Post Today*, *Matichon*, and *Krungthep Thurakit*. Accordingly, it received virtually no support from the mass circulation *Thai Rath* and *Daily News*,⁶⁰ and remained a structurally marginal player

57 The *Thai Rath* column, known as ‘Samnak khao hua khiao’ [Green Headed News Office] was written by ‘Mae lukjan’ [pseud.]

58 Interview with Supalak, ‘The NRC Was Not a Failure’.

59 For detailed discussions of the Issara News Centre, see Duncan McCargo, ‘Communicating Thailand’s Southern Conflict’, *Journal of International Communication* 12, no. 2 (2006): 19–34; and Supapohn Kanwerayotin, ‘Peace Journalism in Thailand: A Case Study of Issara News Centre of the Thai Journalists Association’ (MA diss., MA International Development Studies, Faculty of Political Science, Chulalongkorn University, 2006).

60 Supapohn notes that *Thai Rath* did use some INC materials in one major September 2005 story. A source at *Thai Rath* told her that the newspaper ‘does not oppose the INC project’, while a *Daily News* staffer explained that their paper received sufficient coverage from a dedicated local correspondent. ‘Peace Journalism’, 46–47.

in Thai media circles, one with the character of a pet project and innovative example of ‘alternative media’, rather than an effective means of mainstreaming and popularizing the NRC’s ideas and approach. As Supapohn’s study shows, the INC’s effectiveness was highly contingent on the presence of strong Bangkok-based reporters, most of whom were withdrawn from their secondments after February 2006. From the outset, a body such as the NRC needed an explicit media strategy, and ideally a professional spokesperson working with a dedicated public relations team; yet these nettles had never been properly grasped.

The 2006 coup and beyond

On the night of 19 September 2006, the Thai military staged a coup d’état against the Thaksin regime, ousting him from power. Reasons cited for the coup included allegations of corruption and abuse of power by the Thaksin government, and claims that Thaksin had acted disrespectfully towards the monarchy.⁶¹ In no small measure, Thaksin’s mishandling of the South had contributed to his downfall, by poisoning his relations with the security forces and displeasing the palace. The leader of the coup group was General Sonthi Boonyaratglin, Thailand’s first ever Muslim Army Commander, who had harboured deep misgivings about Thaksin’s handling of the Southern conflict. It was an open secret that the palace and Privy Council President Prem were supportive of the coup, which had been staged by royalist military officers furious at Thaksin’s lack of respect for the monarchy. ‘Network monarchy’, arguably the main force behind the NRC, was now in direct control of the Thai government. General Surayud Chulanont, another former Army Commander, was appointed prime minister by the coup group, and had to take the unprecedented step of resigning from the Privy Council to assume the post. Sonthi and Surayud both spoke favourably about the work of the NRC, and declared a willingness to implement most of the Commission’s proposals. The new prime minister swiftly reinstated the Southern Border Provinces Administrative Centre, and appointed as its new director the younger brother of privy councillor Palakorn Suwannarat, himself a former SBPAC director. Surayud also made an important symbolic gesture by apologizing for the Tak Bai episode in response to questions at a forum in Pattani on 2 November 2006. Yet this move was not followed up by any action: there was no reinvestigation of the incident, and no efforts to hold accountable those responsible for the deaths of 78 Malay Muslim men.

Surayud and Sonthi expressed a desire to engage in a dialogue with the militants, hoping to broker a political deal that would bring the conflict to an end – but a deal which would involve no substantive concessions on the part of the Thai state. Both men visited Malaysia for high-level meetings, seeking to repair a bilateral relationship that had been extremely poor during the Thaksin era. To a large extent, the language and approach of the new power group mirrored the royalist discourse of the NRC, placing an emphasis on justice and understanding, rather than imposing security solutions on the rebellious region. It was ironic that while an elected civilian government had preferred military solutions to the Southern crisis, the new military government was all in favour of political initiatives. Yet it soon became apparent that simply replacing Thaksin with Surayud was not about to solve the problems of the deep south. At times, Surayud seemed personally pained that the violence had not ceased: did the militants not understand that the ‘bad guys’ were no longer in power? But the Tak Bai apology led to an immediate spike in violent incidents, as the militants sought to repudiate the new government’s conciliatory gestures.

61 For discussion and analysis of the 2006 coup, see ‘Thailand’s “Good Coup”: The Fall of Thaksin, the Military and Democracy’, special issue of *Journal of Contemporary Asia* 38, no. 1 (2008), ed. Michael K. Connors and Kevin Hewison; and the special issue of *Crossroads* 19, no. 1 (2007), ed. James Ockey.

Convinced that they had gained the upper hand against Thai security forces, militants pressed on with bolder and bolder attacks, especially in Yala. Whole Buddhist communities were driven out of their homes and the Border Patrol Police was forced to withdraw from one of its bases, while all of the government schools in the three provinces were completely closed for a time at the end of November 2006. As the security situation deteriorated rapidly, reconciliation now appeared less likely than ever. The modest palliatives offered by the NRC report looked increasingly inadequate. The more controversial of these – the ‘unarmed army’ and the promotion of Malay as a working language – were shelved. The primary emphasis of the Surayud government was on the revived SBPAC, which included a special unit to monitor complaints against errant government officials. All this smacked of an attempt to revert to the pre-Thaksin status quo ante, an unrealistic goal. In the final weeks of the Surayud government, as a newly-elected administration led by Thaksin ‘nominee’ Samak Sundaravej prepared to take power, the outgoing premier placed SBPAC under the control of the military’s Internal Security Operations Command (ISOC) in a misguided attempt to insulate the agency from political interference, which had the effect of incorporating SBPAC firmly into the security apparatus.

In 2004, Thaksin Shinawatra had invoked the weary and discredited ASEAN doctrine of non-interference, so dismissing the opportunity to frame the Southern Thai conflict within a wider regional context, and thereby taking the heat off the beleaguered Thai government. His actions had fanned the flames of the conflict, while the Commission he set up to propose solutions was too unwieldy, conservative and timid to firmly address the causes of the crisis, the question of agency, and the need for a political settlement. Sadly, the NRC was to prove a lost opportunity, its thin recommendations becoming less relevant with each passing day. More than ever, Thailand needed a bold and imaginative set of ideas for resolving the Southern crisis. The lineaments of such a solution could involve understanding the conflict as a regional, not simply a domestic, problem; and thinking seriously about alternative forms of substantive political devolution.

The NRC in comparative perspective

In an appendix discussing the ‘special nature’ of the NRC’s work, the Commission’s report observes that various conditions normally related to work of such bodies are essentially absent in the Thai case.⁶² Most other such commissions were set up after a period of violence had ended. Well known examples included South Africa’s Truth and Reconciliation Commission (generally considered the model for most such bodies), the Argentinean National Commission on the Disappearance of Persons, the Chilean National Commission on Truth and Reconciliation, the Commission on the Truth for El Salvador, Guatemala’s Commission for Historical Clarification and three commissions established to investigate removals and disappearances in Sri Lanka. Among others not mentioned in the NRC report were the Truth and Reconciliation Commission of Liberia, the National Unity and Reconciliation Commission of Rwanda, the Truth and Reconciliation Commission of Sierra Leone, the Commission for Reception, Truth and Reconciliation in East Timor, Morocco’s Justice and Reconciliation Commission, and the Peruvian Truth and Reconciliation Commission.⁶³ Such commissions were generally focused on uncovering the truth concerning extra-judicial killings or other serious abuses of power by previous regimes.⁶⁴ The violent episodes they addressed normally

62 National Reconciliation Commission, *Overcoming Violence*, 131–4.

63 Other commissions include the Greenboro Truth and Reconciliation Commission (concerning the death of five anti-Klu Klux Klan demonstrators in North Carolina in 1979) and the Indian Residential Schools Truth and Reconciliation Commission of Canada, set up to examine the childhood experiences of former school students.

64 For comparative discussions of the early wave of truth commissions, see Robert I. Rotberg and Dennis Thompson, eds., *Truth v Justice: The Morality of Truth Commissions* (Princeton, NJ: Princeton University Press, 2000), and

involved a clearly identifiable set of protagonists, unlike in Thailand. And unlike in many of these cases, the NRC's quest for 'truth' was not shared by Thai society generally. The sense of a 'binding force' uniting different groups of people in the region was being eroded rather than firmed up during the period of the NRC's work: the NRC was not part of a 'healing process' as conventionally understood.

As the NRC report itself argues, the effectiveness of such commissions may be evaluated by using a number of criteria. One of these was the extent to which they were able to make 'society in general' see matters differently, or accept things it had not accepted before. Another was the quality of the report produced by the commission: how credible was the 'truth' it presented, and how realistic were the proposals for supporting victims and reforming the system? A third concerned the long-term impact of the commission's work: did perpetrators of violence see the error of their ways? How successfully was the commission's work disseminated and received by society? And how far were the key proposals implemented? In addressing these criteria, the NRC faced a combination of ideological and practical problems.

Outside Thailand, no other commission relied solely on 'reconciliation' as the core word of its title; elsewhere 'reconciliation' was generally twinned with 'truth' or some other abstract noun. While uncovering some version of 'truth' is relatively straightforward – a commission report can draw on witness testimony and other evidence to provide a detailed account and analysis of events – promoting or achieving any form of 'reconciliation' is an ambitious task for any official body. The concept of reconciliation has been criticized as conservative, vague, illiberal, question-begging, assimilative, quietist and exculpatory. Underpinning these criticisms lies the view that reconciliation is essentially ideological, privileging the existing social order.⁶⁵ Schaap argues that reconciliation 'tends to inscribe an enforced commonality'. From the Malay Muslim community, the NRC faced persistent suspicion that it would produce a liberal cover-up of the political realities in the region. Yet since such a liberal reading was itself inimical to the more conservative perspectives of most Thais, any unenforced commonality was a very tall order.

Many of the other commissions worked full-time for three or more years on their tasks, supported by a professional secretariat. By contrast, the NRC was an essentially part-time body, a large committee of volunteers, meeting mainly at weekends, and supported by officials borrowed from the prime minister's office. The NRC had no office or even meeting rooms of its own, generally convening at the Ministry of Foreign Affairs or at various hotels. Even a cursory comparison of the NRC with counterpart commissions in other countries suggests that the Thai body adopted an over-ambitious mandate, and was under-resourced in terms of personnel and duration for the task in hand. In the event, the NRC flunked the first two of the tests it had set itself, in the short term failing significantly to change the way Thai society viewed the Southern conflict, and failing to produce an impressive report which was generally admired and appreciated. Given these shortcomings, the NRC seemed unlikely to succeed in advancing its agenda over the longer term either. Though neither a failure nor 'pointless', Thailand's National Reconciliation Commission proved a disappointing and rather ineffective attempt to address a complex violent conflict.

The post-2006 coup period proved to be an era of policy drift in relation to the South. Thaksin's two responses to the violence – securitization and the creation of the NRC – were arguably contradictory and misguided, yet the governments that followed his lacked both clarity and focus in their approaches. The Surayud regime, while adopting the language of recon-

Priscilla Hayner, *Unspeakable Truths: Facing the Challenges of Truth Commissions* (New York and London: Routledge, 2002).

65 See Andrew Schaap, 'Reconciliation as Ideology and Politics', *Constellations: An International Journal of Democratic and Critical Theory* 15, no. 2 (2008): 249–64.

ciliation, concentrated on massively boosting security budgets and bringing the South firmly under the control of the Internal Security Operations Command, a military agency. The elected Samak Sundaravej and Somchai Wongsawat governments of 2008 were short-lived, both preoccupied with ensuring their own political survival in the face of mass protests from the yellow-shirted, pro-royalist People's Alliance for Democracy (PAD). The subsequent Democrat administration led by Abhisit Vejjajiva faced major protests from pro-Thaksin red-shirted demonstrators that made any focus on the South difficult. While claiming that he would preside over a politically-led approach to the Southern conflict, Abhisit soon proved a prisoner to elite interests, including the military and elements of his own party.⁶⁶ In retrospect, the 15-month tenure of the NRC coincided with an unusually long period of relative political stability in Thailand, offering an extended opportunity for study, reflection and policy advocacy that was largely squandered.

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66 See Supalak Ganjanakhundee, 'Military Alone Cannot Solve Problems in the Deep South', *The Nation*, June 18, 2009.