COMPARATIVE STUDY OF ACEH AND THE DEEP SOUTH PROVINCES OF THAILAND

BY

MR. NARATHIP BOONJIT

AN INDEPENDENT STUDY SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF MASTER OF POLITICAL SCIENCE IN INTERNATIONAL RELATIONS

FACULTY OF POLITICAL SCIENCE
THAMMASAT UNIVERSITY
ACADEMIC YEAR 2017
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was approved as partial fulfillment of the requirements for the degree of Master of Arts in International Relations on August 10, 2018

Chairman of IS committee

(Asst. Prof. Wasan Luangprapat, Ph.D.)

Advisor

(Prof. Jaran Maluleem, Ph.D.)

Dean

(Assoc. Prof. Supasawad Chardchawarn, Ph.D.)
ABSTRACT

The research was written to develop the better understanding of the derivation of insurgency movements both in Indonesia and Thailand with the cases being the Aceh in Indonesia and 3 Deep Southern Provinces of Thailand. The research compares and contrasts the two situations that are similar but yet diverse in several contexts. At the same time, the research paper explores the possibilities of adopting new approaches employed by the Indonesian government that could address the problem in the restive area of Deep South Thailand. Moreover, the paper also studies how both countries approach or tackle the issue. The implication is if the context of Thailand’s Deep South problem resembles Aceh, Thailand could undertake the same peaceful measures used by Indonesia and apply them in the Deep South.

Last but not least, the research will also address the factors which contributed to the success of Indonesia while also looking at the limitations confronted by Thai side that prevents it from restoring peace in the restive area. The utilization of Decentralization in Indonesia has been instrumental in successfully achieving peace with the insurgent movement in Aceh but why such concepts are not considered by the Thai sides and what are some of the reasons behind the rejection of such notions.

Keywords: Aceh, Decentralization, Deep Southern Provinces, Helsinki Peace Process, GAM Fighters, MARA Patani
ACKNOWLEDGEMENTS

Firstly, the completion of this Independent Study could not have been possible without the guidance of my advisor, Professor Jaran Maruleem, an incredible person who has been supportive with my work since the beginning. His supervision and as well as his insight toward the subject has been profound to my work and I could not have finished this paper without his provision, recommendations, expertise, helpfulness, and kindness. So, Thank You.

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Thirdly, I also would like to express my utmost appreciation to Deep South Watch Organization. Their dedications and commitments to restoring peace in the Deep South region has been an inspiration for me to writing this paper. Several of their published works along with statistical data and updates on the Deep South situation have facilitated me tremendously in understanding the development of the situation in the Deep South area. Their works has aided me so much in expanding my understanding toward the situation and my work would not have been also completed without their committed efforts and contributions.

Fourthly, my acknowledgements also go to Khun Kanchana. Her patience with me the past 4 years in helping me coordinating with the MIR program are invaluable.

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Narathip Boonjit
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<td>ASEAN</td>
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<td>BIPP</td>
<td>Barisan Islam Pembebesan Patani</td>
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<td>BNPP</td>
<td>National Liberation Front of Patani</td>
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<td>BRN</td>
<td>Barisan Revolusi Nasional or National Revolutionary Front</td>
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<td>Bupat</td>
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<td>CHD</td>
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<td>CMI</td>
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<td>EU</td>
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<td>GAM</td>
<td>Free Aceh Movement (Gerakan Aceh Merdeka)</td>
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<td>GDP</td>
<td>Gross Domestic Product</td>
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<td>GMIP</td>
<td>Patani Islamic Mujahidin Movement (Gerakan Mujahidin Islam Patani)</td>
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<td>GoA</td>
<td>Government of Aceh</td>
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<td>GoI</td>
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<td>ISOC</td>
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ISOC  Internal Security Operations Command
JWG  Joint Working Group
JWG-PDP  Joint Working Group Peace Dialogue Process
Kabupaten  Rural district
Kecamatan  Sub-district
Kota  Urban district
LIZ  Lhokseumawe Industrial Zone
LoGA  Law on Governing Aceh
Madrasah  Religious School
MARA  Majilis Amnah Rakyat Patani
Meunasah  Community prayer hall
MoU  Memorandum of Understanding
NAD  Law on Special Autonomy for the Province of Naggro Aceh Darussalam
NCPO  National Council for Peace and Order
NGO  Non-Governmental Organization
Pancasila  Official, foundational philosophy theory of Indonesian state
Puskesmas  Community health centers
Qanun  Local by law in Aceh
Qanun Jinayat  Islamic Criminal Code
RTG  Royal Thai Government
SBPAC  Southern Border Province Administrative Center
Shariah  Islamic Law
TNI  Tentara National Indonesia
ToR  Terms of Reference
Ulama  Islamic religious leaders
Ulèëbalang  Local nobles in Aceh (mostly Dutch appointed lord)
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CHAPTER 1
INTRODUCTION

1.1 Research Rationale

The Islamic insurgent movement in Aceh and Southern Thailand are two of the most renowned militant separatist movements in the world and in particular Southeast Asia. The derivation of ethno-religious resistance in these regions stem from similar factors such as regional neglect, military oppression, coercion by force, insensitivity to local features, and the rise of contemporary force of militant Islam resistance. For instance, the conflict in the Deep South of Thailand has long spanned since the early 1900s and will continue unless serious efforts are taken by both conflicted sides. The conflict has forced more than a million people to live out their lives under the fear of bombs, assassination, and heavy military presence. Not only has it caused the losses of lives and property, but the longer the conflict continues, the living conditions of people residing in the restive area will further deteriorate, placing this area behind all other provinces in terms of development and progress.

In writing this dissertation, what I hope to gain is to be able to provide suggestions or measures that can be taken into consideration and may hopefully become instrumental in solving the problems in Thailand’s Deep South. In order to achieve that, this Independent Study explores the sources and development of the conflicts by comparing two ASEAN members, namely Indonesia and Thailand, both of which share several characteristics and encounter similar problems regarding the separatist movements. The importance and the main difference of this comparison between Indonesia and Thailand is while Indonesia has achieved its goal and reached a peaceful solution following the agreement of the Helsinki Peace Process in 2005, Thailand, in contrast, faces stronger resistance that has led to an increasing number of casualties. Indonesia’s methodology to reconcile differences in Aceh becomes the subject of study on what measures the conflicted parties in the Deep South of Thailand should take to establish groundwork for a peaceful settlement. I discuss how Indonesia achieves its
goal and whether such paradigms be implemented in Thailand’s case. Parts of the essay will address the factors which contributed to the success of Indonesia and what are some of the factors or limitations that are preventing Thailand from achieving this goal. I explore how both countries approach or tackle the issue. The implication is if the context of Thailand’s Deep South problem resembles Aceh, Thailand could undertake the same peaceful measures used by Indonesia and apply them in the Deep South. If not, I study the limitations from Thailand’s side and the local militant groups that determine the current situation.

1.2 Research Objectives and Research Questions

The central question of writing this dissertation is: “Can the peace process in Aceh be applied in Thailand’s Deep South?” By perceiving the problems from multiple perspectives ranging from political, economic, and social angles will help distinguish the scope and area of study. Upon doing so, various factors will have to be observed in order to make an effective comparative study. Therefore, finding similarities and differences between the cases of Thailand and Aceh is extremely crucial.

In order to resolve conflicts and differences, one must identify the roots of the problems in order to effectively tackle the core factor contributing to the ongoing problems so that the governments can effectively come up with measures that can minimize the end-result intensity. This Independent Study will try to identify the root of the problem and tackle those points with theoretical frameworks. Measures taken by the government will also be evaluated. Meanwhile identifying limitations from the Thai side that makes such strategies inapplicable in Thailand will also help define ground rules on where Thailand should reevaluate its position.

Last but not least, exploring the possibilities of overcoming existing limitations will also be crucial. In order to make an agreement between opposing sides, not all demands will be met as both sides will have to sacrifice some concession over their demands in order for the dialogue to further progress and achieve better means. Exemplified by Aceh’s case, both the militant groups and Indonesia government must abandon a substantial amount of their existing goals before agreements can be reached.
1.3 Scope of Study

The Independent Study will be looking at numerous intangible factors ranging from political conditions as well as observing socioeconomic status, ethnicity, and social norms between the two case studies. While the paper will focus on Thailand and its government’s treatment on the restive region of the Deep South, the study on the case in Aceh will be referenced accordingly to address how Thailand could apply Aceh’s case study to find solutions within the Deep South of Thailand.

This research paper will first touch upon the historical development of the conflicts for both Thailand and Aceh regarding the beginning of the secessionist movement. The first part will begin with how the conflict in Thailand originated dating back to the time of King Rama 5 in the 19th century. Later, it will explore the differences of each administration of Thailand from 1980s up until present and how they handled Deep South issues. Measures and methods taken by the Government of Thailand will be discussed. Moreover, analysis will be made at the end to determine factors that are preventing the conflicted parties from working toward reconciliation. Last but not least, the paper will also attempt to verify the limitations of both conflicted parties encounter that deter them from being committed to find a peaceful solution.

In the next section, the paper will navigate the case of Aceh and learn what measures were taken by the Government of Indonesia that achieved them the peaceful settlement in Aceh. The paper will focus on how conflicts in Aceh derived, but the emphasis will be on the timeframe between 1998 and 2005 to see what methods the Government of Indonesia took to mutually co-exist with Aceh. This involves looking at how different administrations of Indonesia handled the issue. Moreover, the paper will also be observing how the Government of Indonesia employed theoretical frameworks such as “Conflict Resolution Theory” and “Decentralization” and implemented them in actual conduct to establish peace using the political solution such as offering autonomy as the country moves toward decentralization.

Ultimately, the paper will be able to determine the similarities and differences of these two cases and categorize them in 3 aspects, be it political, economic, and social groups. Then, in the end, a conclusion will be made to show why
limitations in political, economic, social perspectives leave both parties in Thailand in constant conflict.

1.4 Research Methodology

The Independent Study is conducted using a qualitative method. Therefore, the inquiry will emphasize on the questions of “Why” and “How” by comparing the case of Aceh and the Deep South of Thailand. As in this case, this paper will attempt to identify “Why” the conflict in the Deep South occurred and is still ongoing while in the meantime exploring “How” the conflicted can be resolved. Ultimately, it presents whether the conflicted parties in Thailand could achieve the same success like Aceh if Thailand were to undertake the same peaceful resolution employed by the conflicted players in Aceh.

A selection of historical studies from both Thailand and Aceh will be used heavily to acquire a better understanding of the problems. This means the study will explore many materials ranging from biographical studies, newspapers, articles, journal articles and books as references to explore the origin of the conflict of both Thailand and Aceh and see the derivation of factors that are mounting to the ongoing conflict. At the same time, personal opinions or insights of people involved in the conflict as well as their actions or measures taken will also be used to evaluate and determine their motives in order to get a deeper understanding of the nature of the conflict.
CHAPTER 2
CONCEPTUAL FRAMEWORK & REVIEW OF LITERATURE

2.1 Concept and Theories

2.1.1 Ethnic Conflict Theory

2.1.1.1 Ethnic Groups in Conflict by Donald L. Horowitz

Ethnic conflict in the present days has become a part of political issues in various countries all over the world. Following the end of WWII, ethnic violence in numerous parts of the world have claimed more than 10 million lives as it emerges to become one of the major threats to international peace and security.¹ Kashmir (India), West Bank, and Gaza Strip (Israel) are among the most renowned modern ethnic conflicts in the world in the late 20th century and early 21st century. In the meantime, various countries in South East Asia are also experiencing problems regarding the ethnic separatists with Thailand and Philippines being the most notable examples in the region. To develop a better understanding of ethnic conflict, “Ethnic Groups in Conflict” by Donald L. Horowitz written in 1985 is considered to be the benchmark regarding this topic. Drawing examples from numerous divided societies, the book consists of detailed explanations of principles by which to classify cases of ethnic conflict along with depictions of the structure and texture of group relations, an understanding of patterns of conflicts.

The book starts off with discoursing the term “ethnic” and begins to explore numerous topics that are correlated with ethnicity. According to Donald L. Horowitz, “ethnicity” means “a sense of collective belonging which may derive from common descent, history, race, language, religion, (or “ethno-religious group” an ethnic group whose members are unified by a common religious background).”² Horowitz also makes an important distinction between ‘nationality’ and ‘ethnicity’ as well. In certain circumstances, people with the same nationality may still fight due to ethnic differences. Horowitz claims that there are distinctions between

² Ibid., p. 87.
“nationality” and “ethnicity”. “Ethnicity” or an ‘ethnic group’ may live and band together without a state of its own whereas ‘nation’ refers to the bonding of ethnicity and statehood together. One may also define “nationality” as a nation group with a political and territorial home (added with cultural rights relating to language and sometimes religion) whereas ethnicity is a smaller collectivity which differs from the main nationality but not large enough to be called “nationality”. What this suggests is that although you have the common nationality, but differences of ethnicity could also prompt collective ethnic groups to demand their sovereignty.

In addition, Horowitz also talks about the transition from ethnic group to nationhood as he stresses the importance of recognizing minority rights and distinctive nationhood within the state. Drawn from renowned examples from all over the world such as Basques, Sikhs, or the Bengali Muslims, Horowitz claims that these minorities are similar in terms that they group together and create a “territorial concentration” of similar ethnicities within a nation-state. These ethnic groups typically request affirmative action from the official nation state to assist them in preference in jobs, education, or even political representation and protection of language, religion, and culture. Ultimately, these ethnic groups will go as far as requesting legitimate nationhood. This becomes problematic, particularly to the existing official territorial nationalism who see their national integrity challenged. The three principles of the nation-state system including “territoriality, citizenship, and sovereignty” become vulnerable, given the condition that the number of territorially based ethnic groups is larger than the number of nation-states. If a nation state does not realize minority rights and attacks a minority’s sense of distinct nationhood, it may even prompt disloyalty and escalate the desire for secession. Furthermore, some ethnic conflicts may not remain simply ethnic: they may eventually take steps towards separatist nationalism.

2.1.1.2 Types of Conflicts

The book also talks about varying forms of violent conflict. Collective violence can be defined as violence perpetrated by a group on an individual (as in riots and pogroms), by a group on an individual (as in lynching), by an individual

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3 Horowitz, *Ethnic Group*, p. 36.
4 Ibid., p. 40.
5 Ibid., p. 62.
on a group (as in terrorist acts), by the state on a group, or by a group on agencies of the state (as in civil wars).\textsuperscript{6}

The most widespread collective violence is dividable into three forms –

1. Riots
   a. A riot refers to a violent clash between two groups of civilians, often characterized as mobs. While, in riots, the neutrality of the state may be in doubt, the state does not give up the principle of neutrality.

2. Pogroms
   a. Typically, a majority community attacks an unarmed minority, and the principle of neutrality is for all practical purposes dropped by the state. The state administration either looks away, or sides with the attacking group.

3. Civil Wars
   a. In civil wars, the state not only abandons the principle of neutrality, but it either becomes a combatant fighting an armed rebel group, or is physically unable to arbitrate between two armed groups fighting each other.

\textbf{2.1.1.3 The Key Difference between Pogroms and Civil Wars}

The target group–typically a minority–is unfortunate and unarmed whereas in civil wars, both combating sides are armed. Riots or pogroms typically precede civil war such as the Arab Spring, for instance. Albeit, not all riots and pogroms lead to civil war.

Horowitz’s book is very instrumental in the topic of ethnic conflict and to my research as it helps me identify the nature of ethnic conflict. Why do such ethnic conflicts occur? The book simplifies the complicated topic into a structural order which vastly helps improve my understanding.

\textsuperscript{6} Horowitz, \textit{Ethic Group}, p. 230.
2.1.2 Nation-Building Theory

2.1.2.1 Nation Formation, towards a Theory of Abstract Community by Paul James

The concept of nation-building is as equally important as learning and understanding ethnic conflict. The nation-building strategy conducted by a specific government in shaping country’s identity may also be remarked as one potential source of conflict. Particularly in a country with great diversity in terms of ethnic background or religions, the process of so-called “Nation Formation” may not all be accepted by all groups of people. As their heritage and cultural identity are at threat of being assimilated with the larger group, this collective group of similar descent groups up to confront the national government.

According to the book “Nation Formation: Towards a Theory of Abstract Community”, nation-building is the constructing or structuring of a national identity using the power of the state. Mainly, the nation-building theory was primarily used to describe the processes of national integration and consolidation that led up to the establishment of the modern nation-state—as distinct from various forms of traditional states, such as feudal and dynastic states, church states, empires, etc.\(^7\) According to Paul James, he defines nation-building as “nation formation”, a broad process and conduct through which nations come into being. He states, “Nation building aims at the unification of the people within the state so that it remains politically stable and viable in the long run.”\(^8\)

The process involving nation-building consists of an “initiative to develop national community through government programs, including military conscription, and national content mass schooling. Nation-building may also involve the use of propaganda or major infrastructure development to foster social harmony and economic growth. In this sense, state-building is typically characterized by massive investment, military occupation, transitional government, and the use of propaganda to communicate governmental policy.”\(^9\)

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\(^8\) Ibid., p. 11.

\(^9\) Ibid., p. 10.
Both Indonesia and Thailand suffer ethnic conflicts hugely contributed to by the failure of misguided nation state building that led to division and antagonism. For Thailand, it began during the reign of Rama V with bureaucratic and administrative reform. Modernization and nation-building with the ultimate goal to unify diverse groups of people under the same umbrella. But for the people in the South, the means of achieving such goals have created a detrimental impact on Malay Muslims, be it politically, economically, socially or religiously. This is similar to Indonesia in Suharto’s era, whose centralized idea of a united Indonesia was also what divided different ethnic people including the people of Aceh, who saw their native land being interfered and exploited by the Central Government.

2.1.3 Conflict Resolution Theory

2.1.3.1 Constructive Conflict Resolution by Louis Kriesberg

“Constructive Conflict Resolution” written by Louis Kriesberg contains detailed explanations on managing and figuring out peaceful resolution for conflicted parties. The book is essential in providing both broad and in-depth understanding in the analysis on the emergence of conflict. Furthermore, Kriesberg also pursues methods to limit the destruction associated with conflicts as well. In order to achieve this, he develops a comprehensive theory on conflict, for which he defines how certain conflicts may both become destructive or constructive. The importance of this book is that many of the methods suggested in the book can help simplify the complications in the understanding of the development of conflicts. Methods recommended in the book have a large resemblance to methods being utilized by the Government of Indonesia as well which thus may prove to be useful with the case of Thailand.

Chapters One and Two explore the types, stages, and basis of conflicts. According to Kriesberg, social conflict is defined as “A social conflict exists when two or more persons or groups manifest the belief that they have incompatible objectives.” Conflicts are varied depending on the nature of issues that are involved be it the character of and relationship between the oppositions, the background, the

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methods used to wage struggle, and the outcome. These components have impact and determine the degree to which conflict will be constructive or destructive. On one hand, conflicts will lean toward destructiveness if means conducted are harsh and detrimental. Destructive conflicts will most likely expand in scale and tend to prolong and become self-perpetuating. Moreover, conflict outcomes will incline to be destructive when they are applied unilaterally without regard to the other party’s preferences. On the other hand, constructive conflicts will often make better use of persuasion and positive reinforcement instead of sheer force. This means constructive outcomes will also likely be generated when both conflicted parties mutually accept, and are satisfied with the current condition of the relationship between the parties. Although, in reality, most conflicts will appear to have incorporated a combination of elements of both constructive and destructive as this mix can vary and develop over the course of the conflict.¹¹

Furthermore, in Chapter IV, Kriesberg talks about the conflict and notable components that affect the level of destructiveness of conflict with components such as identity and grievance being one of the causes of conflict. Kriesberg noted that “a conflict emerges when members of one or more potential conflict parties develop a shared identity, generate a sense of grievance, form a goal that another party, being responsible for the grievance, be changed, and come to believe that they can bring about that change.”¹² Moreover, Kriesberg made an observation suggesting that when conflicts yield no positive results to both sides, conflicted parties will look for alternatives. Therefore, both sides will attempt to change the course of conflict and start looking forward to mutual beneficial outcomes that could attain a “win-win” solution.

Also, one important suggestion Kriesberg brought up in the book is the method of involvement. In Chapter 8, Kriesberg studies the usages of intermediaries in order to reduce the level of confrontation in conflicts. Through the involvement of intermediary means other third parties can also contribute or be invited to help reduce the level of tension between the opposition parties. For instance, mediators can provide any of a number of services such play a good office role such as

¹¹ Kriesberg, *Constructive Conflict*, p. 87.
¹² Ibid., p. 91.
offering a neutral location equipped with proper services to help facilitate or for the conflicted parties to discuss, play a good office role or playing a mediator role. As exemplified in the case of Aceh, international organizations such as the Henri Dunant Centre (HDC), and the Crisis Management Initiative (CMI), along with respectable international leaders playing a mediator role can help achieve peaceful resolution. Former Finnish president Martti Ahtisaari led his Crisis Management Initiative and help mediated the Helsinki peace talks on Aceh leading to a peace agreement between GAM and Government of Indonesia.

2.1.4 Decentralization and Asymmetric Decentralization

2.1.4.1 The Challenge of Decentralization in Indonesia:
Symmetrical and Asymmetric Debate by Indra Kesuna Nasuton

Decentralization, in accordance to the definition given by the World Bank explained decentralization as “a process of transferring responsibility, authority, and accountability for a specific or broad management functions to lower levels within an organization, system, or program.” According to Indra Kesuna Nasuton, Indonesia is one of many countries that encourages decentralization in the country. The New Order led by Suharto created an authoritarian regime in Indonesia from the 1960s until his resignation in 1998. The end of Suharto’s regime marked the shift of the country toward the reformation that led to the massive implementation of decentralization throughout the country. Due to the detrimental impact of the centralized regime, decentralization as a form of government policy intended to provide services that were more equitable and in accordance with the needs of the society in the area concerned.\(^\text{13}\) It was also being used as a bargain with the Aceh and GAM to retract their demand for independence in exchange for local autonomy. Although, the implementation of decentralization (or asymmetric decentralization) presented a number of challenges, ultimately the conflict between the Central Government of Indonesia and GAM was settled. This piece of reading is crucial in allowing readers to understand the advantages and disadvantages of applying asymmetric decentralization as well as pinpointing

certain limitations and difficulties that are associated with it, including the problems of income distribution and transfer of responsibility. The central question of the paper does not focus on how it is being implemented but about how to “make” it, contributed to making or creating stability in the country.

2.2 Conceptual Framework

2.2.1 What Will Be Compared?

This writing will try to compare the cases of Aceh with the case of the Deep South of Thailand. One noticeable difference between the two is that Aceh has already achieved a peaceful settlement with the Central Government, whereas in Thailand, although the conflict has long spanned for over 100 of years, the past 10 years marks the most intense period of conflict.

The point of this comparison is to determine the similarities and differences in order to figure out what unique factors are preventing Thailand from achieving peaceful settlement with the separatist group. How did Aceh achieve peaceful settlement and how did Aceh and the government of Indonesia overcome the existing limitations, enabling them to have peace? Can Thailand do the same as Indonesia, and if not, why so?
CHAPTER 3
THE HISTORICAL BACKGROUND OF CONFLICTS

3.1 Development of Conflict: Aceh

3.1.1 Geography of Indonesia

Indonesia holds one of the most unique geographical features compared to various countries. The Republic of Indonesia is a sovereign island country in Southeast Asia and Oceania. It is the largest island country in the world, consisting of a total land mass of over 1,904,569 km² along with more than 14,000 islands, and has a population of over 255 million people; of which its population is diverse in terms of ethnicity backgrounds, cultures, and history. It is believed that Indonesia comprises of hundreds of distinct native ethnicities and linguistic groups with the largest being Javanese, who are politically dominant. Indonesia’s republican form of government includes an elected legislature and president. Indonesia has 34 provinces, of which 5 have Special Administrative status, namely: Aceh, Yogyakarta Special Region, Papua, West Papua, and Jakarta Special Capital Region. Due to such diversity, centralization conducted by the Java-dominant political group generally triggers tensions with the periphery lands which thus generates complexities and confrontations among ethnic minorities—with notable cases such as Indonesia Java against Aceh.

The province of Aceh is situated on the northern tip of the island of Sumatra in the Indonesian archipelago and holds economic and security importance to Indonesia. The island lies at the mouth of Malacca Strait, which is regarded as one of the busiest international sea-lanes in the world today and is a key point of strategic geopolitics for Indonesia, not to mention that the area is believed to also contain vast amounts of undiscovered natural gas and oil reserves. Aceh consists of 10 different indigenous ethnic groups in the region with the biggest group being the Acehnese people who account for 80-90 percent of the regional population. Aceh is believed to

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2 Ibid., p. 142.
have been the main destination where the spread of Islam occurred in 1250 AD throughout Indonesia and played a crucial role in the spreading of Islam religion in Southeast Asia. Aceh’s population is estimated to have over 4.7 million people.

**3.1.1.1 Aceh: Culturally, Religiously, Historically Unique from the Rest of Indonesia**

The ethno-cultural religion and historical uniqueness of the Acehnese people are what distinguish Aceh from the rest of the Indonesian population. According to James T. Siegal, author of “The Rope of God” and a professor of anthropology and Asian studies, claims that Acehnese people have shared glory and are very proud of their involvement in the resistance against the Dutch invasion that emerged to become one of the main notions of the Acehnese history and identity. While the rest of Indonesia fell under the Dutch colonies, Aceh remained the last independent entity that fought the Dutch in the Indonesia Archipelago. From a religious aspect, while the majority of Indonesian people are Muslims, the people of Aceh adhere to the conservative teaching of Islam and believe in the strict enforcement of Sharia code (which can be seen in the modern enforcement of Qanun Jinayat or Islamic Criminal Code). Jacqueline Siapno, an expert in ethnographic studies of Aceh, further added that Acehnese Islam is perceived by the locals as unique and distinct because Islam arrived in Aceh first before being spread throughout Indonesia. The Acehnese see their territory as a center for religious thought and devotion in relation to the rest of Indonesia. Therefore, Aceh developed a particular type of identity and strong ethno-religion characteristics unlike any other Indonesia archipelago.

**3.1.2 History of Aceh**

The history of Aceh traces its origin back to the 15th Century, with the sultanate of Aceh proclaiming Aceh as an independent state. The first Sultan of the Acehnese ‘empire’ was Ali Mughayat Syah, whose tombstone is dated AH 936

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4 Jacqueline Siapno, *Gender, Islam Nationalism and the State in Aceh* (London: Routledge Curzon, 2002), p. 120.
During the seventeenth century, the sultanate of Aceh reached the peak of its political and economic power, and emerged as one of the largest states in the region; it had power and control over large portions of both the island of Sumatra as well as the peninsula of Malacca in Malaysia. In the meantime, Aceh became a popular destination and a major international trading center due to local spice production, thus attracting the British and Dutch who competed to dominate the spice market.

With the efforts to weaken Aceh's grip on the international spice trade, in 26 March 1873, the Dutch declared war and invaded Aceh. The Dutch rationalized their aggression by falsifying Aceh for their battle against Acehnese piracy who raided and attacked their East Dutch Company trading ships and demand compensation from Aceh. It was recounted by many that the actual reasons for the invasion of Aceh wasn’t just for compensation, but because of Dutch territorial ambition to dominate the trading route, to ward off its colonial rival like the British and French, and to gain access to native natural resources in order to exploit them. The Acehnese battled against the Dutch and fought a war which would last from 1873 to 1942 or until nearly the end of World War II. Aceh was the only remaining sovereign region while the rest fall under the Dutch colonies. Subsequently, the Acehnese were defeated militarily. However, the Acehnese remained resistant and independent against the Dutch through periodic guerilla attacks and insurgencies under the leadership of religious leaders or Ulama (Islamic clerics) whose role became more and more prominent in the society during the time of conflict.

3.1.2.1 Evolving Role of Ulama


Being under colonial Dutch rule marked a period of time that drastically expanded the role of the Ulama (religious clergy) in assuming the leader role in combatting and arranging insurgencies against the Dutch. With Daud Bareueh as an Ulama, he bridged various groups of people from different social classes and united them under the same religious principle and mutual interests to deter Dutch colonization. Such unification became a prominent force against the Dutch occupation.

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6 Ibid., p. 33.
and this led to the declining power of Uleebarang, a Dutch-appointed aristocrat district official’s warlord who slowly saw themselves lose their influence in the region. The Ulama emerged and developed a supremacy and legitimacy as leader of Aceh.\(^8\)

### 3.1.3 The Civil War and Daud Bereueh as Military Governor of Aceh

In March 1942, the Dutch East Indies were defeated by Japan, which ended with the Japanese Empire’s occupation over Indonesia, briefly ending Dutch dominance in the area. However, the Japanese occupation over Indonesia didn’t last long, as it lasted until the surrender of the Japanese Empire in August 1945 to the Allies. After Japan’s surrender, Sukarno, a prominent leader in Indonesia, and his associates Mohammad Hatta together declared Indonesian Independence on 17\(^{th}\) August 1945 as Sukarno was appointed the first president of the Republic of Indonesia.\(^9\) As World War II ended, the **Indonesian National Revolution** broke out in Indonesia with the Dutch seeking to regain control over Indonesia. From 1945 to 1949, Aceh assisted the Central Government through personnel, military reinforcement, with the addition of political and economic support in battling the war for Independence of the Republic of Indonesia against Dutch colonial aggression. In a 1948 speech, the first president of Indonesia acknowledged the pivotal role Aceh played in Indonesia’s independence movement, when he stated:

“The people of Aceh carried this struggle to the very end; they attacked, staved off and held back Dutch imperialism from entering the province of Aceh.”\(^10\)

1949 finally marked the end of colonial control of the Dutch East Indies in Indonesia with the Dutch finally admitting Indonesia independence. During the **1949 Round Table Conference Agreements** or the **Dutch-Indonesian Round Table Conference** brokered by the United Nations, the agreement concluded the transfer of sovereignty of the territory owned by Dutch East Indies to the Republic of Indonesia.

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On December 27, 1949, when the Dutch East Indies Empire ceased to exist, lands occupied by the Dutch were reintegrated with the sovereign of the Federal Republic of Indonesia and the Republic of Indonesia was created in August 1950. (It became known as the Republic of Indonesia when it joined the United Nations in 1950.) The Kingdom of Aceh was also included in the agreements despite the fact that it has never been formally merged into the Dutch colonial possession. Many Acehnese perceived the 1949 Round Table Conference Agreements as the first betrayal by the Central Government. Also, Sukarno’s secular concept of Pancasila didn’t share or gain the popularity in Aceh. Pancasila is the official, foundational philosophical theory of Indonesia. As part of his nation-building strategy, Pancasila was heavily promoted throughout Indonesia with the aim to unify the new nation that was made up of many different cultures and ethnic groups. The concept is based on the amalgamation of elements of monotheism, nationalism, and socialism that would serve as the national model and norm for all Indonesian citizens. Although, being an Islamic country, Pancasila dismissed Islamic teaching or elements, but instead emphasized democracy and Marxism. Such concepts didn’t appeal to the people of Aceh, and in particular the Ulama (who was still playing influential in the society) who deemed Pancasilla as a blasphemy to the creation of the Islamic State in Aceh and Indonesia.

Moreover, the relationship between Aceh and the Central Government were worsened when Sukarno established an autocratic system called “Guided Democracy” in 1957. Due to such diverse culture, to unify the factious country became very difficult and problematic, and “Guided Democracy” was launched to end instability in the country deriving from various rebel groups and factions from different parts of Indonesia. Particularly in Aceh, the core of the conflict lies in the management between the center and periphery relations between Aceh and Jakarta. These problems originated from the assurance made by Sukarno to grant concession to Aceh with special status and administrative functions in recognition for their contribution to fight for Indonesian independence. Furthermore, Aceh’s interest also diverged with the

12 Ibid.
13 Ibid.
Republic of Indonesia. While Aceh’s effort was to protect and retain their strong regional and ethnic identity (which derived from Aceh’s history of strict adherence to Islam and rule by independent sultanate until the Dutch invasion in 1873), Sukarno perceived it as a challenge to his current “secular” regime to build his ideal Indonesia. Sukarno’s highly centralized agenda attempted to create one unified parliament under the same constitution as a unification of the Republic of Indonesia. This upset Daud Bereueh who was promised to be allowed to set up and rule Aceh itself in accordance to its religious value or Sharia principle. The Republic removed Aceh’s special independence status and it was incorporated into the province of North Sumatra in 1950. Non-Acehnese civil servants were sent to run the administration along with troops to annex Aceh.

### 3.1.4 The Darul Islam Rebellion

While the battle with the Dutch ended, problems lingered when many Indonesians from different regions were opposed to the imposition of the centralized and secularized rule of mainland Indonesia. Soekarmadji Maridjan Kartosoewirjo, an Indonesian Islamic nationalist and a leader of the Darul Islam militant group was among those who disagreed with such enforcement. Contrary to Sukarno, Kartosoewirjo envisioned Indonesia as a future of the Islamic State based on the application of Islamic law since he believed Shari’a is the only valid source of law. Kartosoewirjo and his militia group refused to recognize the new Republic of Indonesia and instead proclaimed the establishment of the Islamic State of Indonesia (Negara Islam Indonesia) on August 7, 1949 as he led his militant group against the Indonesian government. Subsequently, Aceh under Ulama Daud Beureu’s leadership joined in the Darul Islam Rebellion against the Republic of Indonesia in 1953 by working together with Kartosuwoiroj as Imam (leader) both of whom shared similar beliefs in the application of Sharia law.

Acehnese participation in the Darul Islam rebellion only diminished after January 1957, when the Province of Aceh was reestablished. Until 1959, tensions

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15 Schulze, *The Free Aceh*, p. 11.

eased down with the rebellion briefly ending in Aceh since the Central Government agreed to grant special autonomy status to Aceh, providing enormous packages granting Aceh significant concessions. Aceh acquired ‘special region’ (Daerah Istimewa) status on 26 May 1959. Aceh was granted religion, customary law, and education. The agreement enabled the restoration of Islamic courts and authorize the Ulama to consolidate the state educational system with the madrasas (religious schools), thus significantly elevating the role of Islam in education.

3.1.4.1 Intensification of Conflict

Although the relation of Aceh and the Republic Indonesia signaled a better relation, with the displacement of President Sukarno in 1965, overthrown by the anticommunist regime led by Mohammad Suharto, the confrontation between Aceh and Republic of Indonesia was further refueled for at least another 30 years. President Suharto instantly revoked Aceh’s special status. His regime “Orde Baru” (New Order) marginalized the Acehnese Ulama role and supported the newly established government to take up the leadership role in Aceh. These actions were employed as part of a scheme to further effectively centralize the factious country and singularize the multi-disciplinary system under the same umbrella. President Mohammad Suharto, in regards to Aceh, imposed a centralized regime while, at the same time, exploited its resources, thus resorting in heavy military repression, as well as the extension of his dominance over various islands situated around Indonesia. With Suharto’s “New Order” regime (1965-1998) becoming widely unpopular among the Acehnese in which many resented the Central Government’s policy of promoting a “Unified Indonesian Culture” and a move toward a secular system. However, another core of the problem also began in 1971 when large amount of natural gas were discovered in north eastern part of Aceh, thus leading the military to heavily intervene Aceh. Aceh was declared “Lhokseumawe Industrial Zone (LIZ)” an economic zone generally associated with businesses concerning natural resources such as natural gas and oil.

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19 Aguswandi and Large, *Reconfiguring Politics*, p. 15.
20 Aguswandi and Large, *Reconfiguring Politics*, p. 15.
Suharto was very popular among Americans in his combat against the Communist Regime that further led to American investment in energy in Indonesia and most specifically in Aceh, resulting in mass settlement of foreign companies and investments such as ExxonMobile and military bases being built for protection reasons. Note that previously from 1960s to 1970, Aceh generated USD 2 billion to 3 billion annually in exporting earnings to Indonesia state, comprising 11 percent of Indonesia’s national revenue. The economic situation of Aceh was also generally better than the rest of Indonesia. However, in the 1980s, poverty rates more than doubled. The massive military presence and the deployment of special troops known as Tentara National Indonesia (TNI-Indonesia Defence Forces) in Aceh was also a contributing factor to the escalating tension. TNI was deployed to oversee and procure the natural resources rich area. Under Suharto, TNI was given an unprecedented amount of power as they emerged to develop a status close to being a guardian of the state and enjoy massive privilege such as the right to prosecute prisoners who were deemed as threats and were granted immunity from prosecution. In addition to that, by the 1980s, Aceh supplied the total of 30 percent of Indonesia’s total oil and gas exports but receiving nothing in exchange for its contribution.

With constant intervention from foreigners, marginalization, and misconduct by the Central Government, driven by inherent ethnic-chauvinism, a former Darul Islam “foreign minister” Hasan Di Tiro launched the Free Aceh Movement (GAM) in October 1976 and declared its independence against the Java government on the 4th of December of the same year in an attempt to secede from the republic. His ultimate goal was to re-establish a Sharia parliament and Sharia law in Aceh while also creating a sovereign Sultanate with himself as the constitutionally empowered monarch. Since then GAM established its reputation as freedom fighters of Aceh and would partake in numerous conflicts with the Central Government. The popularity of GAM also gained foothold and support from the local people as they established a guerilla network against the Central Government with assistance of the local people who believed their rights were being mistreated.

22 Schulze, The Free Aceh, p. 5.
23 Aguswandi and Large, Reconfiguring Politics, p. 15.
3.1.5 Conflict between GAM and the Indonesian Government

The conflict can be categorized into 3 phases:

- 1st phase: (1976-1979) with low intensity level of conflict with around 100 deaths
- 2nd phase: (1989-1991): intensive fighting that led to an estimated 2,000 to 10,000 deaths
- 3rd phase: (1999-2005): led to between 2000 to 6000 deaths

The first phase of the conflict was generally low in intensity with roughly around 100 insurgent deaths over the period of 2 years. However, in the second phase, the number drastically jumped to an estimated number of over 10,000 and the insurgency movement resurfaced once again in 1989. GAM resumed its military operations in Aceh. This time, the insurgencies were better-prepared with an improved organizational structure and with genuine support by locals and intellectuals in the area. Part of the support came from foreign assistance such as Libya under Guddafi leadership, which many of GAM’s personnel were trained for guerilla welfare. GAM fighters returned to Aceh from Libya, where they had undergone intensive military training since 1986, and started a new rebellion. However, the resistance was short-lived, as Suharto officially militarized Aceh and enacted harsh security measures that involved the application of Daenah Operasi Militer (DOM-Military Operation Area) which automatically positioned Aceh under martial law. In this phase, various human rights were violated by official agencies. Such misconducts include kidnapping, torture, and rape as none of those who violated the law were put on trial. Jakarta also increased the size of their troops to 12,000, and successfully suppressed GAM activities by early 1992. It was reported that an estimated number of 9,000 to 12,000 people were killed from 1989 and 1998.

By 1999, East Timor’s demand for independence became a success, such achievement in East Timor reignited the inspiration for Acehnese to become Independent as it finally lead to the third phase of the resistance that will span for the next 7 years from 1999 to 2005. The downfall of Suharto in May 1998, which signified

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25 Aguswandi and Large, Reconfiguring Politics, p. 16.
the decline of the military regime, intensified the motivation structure of the rebellion.\textsuperscript{26}By 1998, GAM resumed the insurgency activities and began enlarging its recruitment and support base. Moreover, GAM also attempted to strengthen their international profile by working together its exiled leadership, who based themselves in Stockholm, Sweden. Prolonged mistreatment conducted by the TNI officers helped foster the feeling of alienation of the Acehnese population toward Jakarta, as it has helped strengthening GAM movement.\textsuperscript{27}

3.1.5.1 Towards a Reconciliatory Process

(1) BJ Habibie (1998-1999)

Following 30 years of occupation, Indonesia’s system of government became increasingly centralized and autocratic under Suharto’s regime. It wasn’t until 1998 that BJ Habibie succeeded and became the next president of Indonesia following resignation of Suharto. Habibie’s brief presidential term is a milestone in transforming the authoritative nation toward a democratic system which would contribute to the transformation of relations between Aceh and the Central Government.

Under the transition period towards the Post-Suharto Era, the Indonesian people called fora push towards reformation (Reformasi) and democracy with the notion of a “free election” and “liberalization” becoming prevalent concepts.\textsuperscript{28} Habibie undertook numerous political reforms, passing the Political Parties Law in February 1999, which would enable political parties to formally participate in the next general elections. In the meantime, Habibie also attempted to weaken the power of the military sector such as TNI.\textsuperscript{29} Back in Suharto’s era, NGO agencies and humanitarian assistance who worked closely with the public and people sector were mostly limited and prohibited through surveillance and constant monitoring by the military force. TNI grew an enormous amount of power through 30 years of occupation in Aceh and was even believed to surpass the power of the president.

In regards to the insurgency movement in East Timor and Aceh, the demand for the Central Government to decentralize its authorities and

\begin{itemize}
\item \textsuperscript{26} Schulze, “The Struggle,” 237.
\item \textsuperscript{27} Schulze, The Free Aceh, pp. 16-17.
\item \textsuperscript{28} Ricklefs, A History of Modern Indonesia, p. 427.
\item \textsuperscript{29} Aguswandi and Large, Reconfiguring Politics, p. 16.
\end{itemize}
functions to regional power were also popularized. Habibie’s plans for “Reformasi (National Reform)” would consist of writing a comprehensive reform for the country’s unitary system that would have to devolve its power to other regions while also arrange for a general election. One prominent issue faced by BJ Habibie during his short presidential term was dealing with East Timor in 1999, which at that moment was running a campaign to gain them independence. Habibie wasn’t fond of the idea of giving away said independence. Instead, he encouraged autonomy as an optional choice which was mandatory to ensure the State’s unity and existence. Therefore, Regional Autonomy Law was passed as an initiative toward peace and unity in Indonesia. To a certain extent, the move surprised and upset many, and Habibie called for a referendum in East Timor that subsequently ended with East Timor’s independence.\(^{30}\) Meanwhile, a series of efforts had been made to illustrate a political will to resolve conflict in Aceh. The termination of DOM status in Aceh was enacted on 22 August 1998, which came with an official public apology by the military leadership and the withdrawal of unnecessary military forces from Aceh.\(^{31}\) These actions were carried out to advocate the government’s objective to stop GAM from fighting and accept a special autonomy within Indonesia. Meanwhile, on the Acehnese side, Indonesia’s political transition provided GAM with the incentive to engage in negotiations with Indonesia government with an indication that peace is still achievable in the post-Suharto era. With the New Order ceasing to function, this created an impression that Aceh could finally be free from TNI occupation. In the meantime, the independence of East Timor drew great aspiration to Aceh in order to achieve the same outcome. In November 1999, rallies were carried out in Banda Aceh, Aceh’s capital, calling for a referendum for independence and an end to military violence rather than special autonomy.

The conflict over Aceh stemmed from numerous causes and dimensions. One may simply identify the conflict as a self-determined struggle to preserve its tradition, while another may also identify the causes from the exploitative policies and oppressive military regime of Sukarno that spanned for 3 decades. Although, if conflicts occurred from bad policies imposed by the government that created legitimate resentment, like in the case of East Timor which ended in the latter

\(^{30}\) Ricklefs, A History of Modern Indonesia, p. 431.

gaining independence, then the remedy would be improving governance rather than altering the status of territory. Before his presidency ended with a general election, Law No. 44/1999 was enacted to give special status to Aceh as a means to soften Aceh’s demand for independence. While it took a long time to agree to the terms, the notion of self-autonomy and a formula of self-governance of a local government initially didn’t appeal to Aceh people, but provided a glimpse of hope for Aceh to have its own sovereignty.

(2) President Abdurrahman Wahid (1999-2001)

President Abdurrahman Wahid became the first elected President of Indonesia succeeding BJ Habibie. He was a reformer, an advocator of openness and political pluralism in the country, and also against military political influence. Similar to Habibie, he didn’t believe in the utilization of force but approached Aceh with the will to negotiate. Meanwhile, the suitable democratic atmosphere also served to reduce tension and enabled both the government and the local insurgency in the corresponding area to start reengagement. With political space becoming available, non-governmental organizations along with humanitarian groups, people of different sectors such as academic scholars, and students came and worked together to bridge the conflicted parties to join and restart a peace dialogue. International organizations, NGOs, and human rights agencies such as Amnesty International, Human Rights Watch, and International Crisis Group, condemned TNI’s rule over Aceh, which resulted in violence and constant human right violations. Their prominent role also included the internationalization of the issues and keep them on the international agenda. This pressured Indonesia to quickly push forward a settlement of conflict in Aceh. Wahid also welcomed third party players to help mediate the situation. The Centre for Humanitarian Dialogues (HDC), a Geneva-based non-governmental agency, was invited to the discussion panel. Under the suggestion of HDC and the need to quickly resolve conflict, he created an independent commission to study the violence in the restive area which finally led to the detention on number officers whom were convicted over cases of killings of civilians. In a televised statement, Both Wahid and the former Minister of Defense (who was also a head of

33 Aguswandi and Large, Reconfiguring Politics, p. 18.
TNI) General Wiranto came out and apologized for past misconducts done the officials to regain creditability from the Acehnese people and to stabilize the relationship with Aceh. Shortly following this, President Wahid undertook two important initiatives in 2000 and 2001: with the 'Humanitarian Pause' on the 2nd of June 2000 and the drafting of the Special Law or 'Special Autonomy' for Aceh in July 2001 known as Law No. 18 of 2001. The Humanitarian Pause is ceasefire agreement created to prevent the cycle of confrontation and enable the humanitarian assistance distribution to enter the area and observe and help the people of Aceh. Moreover, Law No. 18 of 2001 is the Special Autonomy law which was designed to revitalize certain elements of Sharia law in local courts, re-structuring the number of oil and gas revenue and to provide Aceh with opportunity to conduct direct election in search of province's Governor.  

However, in 2001, Wahid was ousted in July through impeachment proceedings and Megawati Sukarnoputri, his then vice-president was appointed as the next president to succeed him. Megawati received enormous support from the military and police elite to become the next president.

(3) President Megawati

President Megawati became the first female president of Indonesia and upon taking the job, one of President Megawati’s primary tasks was to sign a legislation offering Aceh “special autonomy”. It renamed Aceh to “Nanggroe Aceh Darussalam” (NAD) while also granting various concessions such as implementation of Islamic Law and providing fair proportionate revenue sharing from natural resources. She also continued working with HDC to find a solution for Aceh. Subsequently, more intensive and ambitious groundwork known as the “Cessation of Hostilities Agreement” (COHA) was agreed upon. COHA was signed in Geneva on 9 December 2002, and arranged by HDC. The arrangement for peace provided by the COHA was first to acquire a ceasefire, which is expected to be proceeded by disarmament and demilitarization. Then, the peaceful environment would forge greater trust and promote creative attempts to find a permanent resolution.  

34 Schulze, The Free Aceh, p. 50.
35 Aguswandi and Large, Reconfiguring Politics, p. 19.
37 Aguswandi and Large, Reconfiguring Politics, p. 20.
Megawati also endorsed the NAD law with the goal to provide an alternative withdrawal option for GAM out of the conflict. This decision conferred special powers of self-governance and control over natural resources in exchange for the cessation of hostilities and to avoid the abandonment of the independence demand. Some of the most important provision includes the rearrangement of revenue sharing from natural resources to a 70-30 split in Aceh’s favour during an initial period of 8 years. The autonomy deal was agreed upon and passed in a non-consultative manner without consent as it was rejected by GAM.\(^{38}\)

President Megawati’s initial effort was to resolve the conflict in Aceh peacefully but in the end when the ceasefire agreement yielded the opposite result of what was intended, the agreement broke down with oppositions accusing each other of violation of agreements. TNI successfully convinced Megawati to approve the employment of military force, to which thus putting martial law in effect.\(^{39}\) This immediately put an end to the implementation of NAD laws and its provisions of wealth sharing. In the perceptions of TNI officers, COHA was the initial step toward legitimizing GAM’s creditability that may result in the departure of Aceh, similarly to when East Timor gained its independence. The government claimed GAM used COHA to strengthen its force and gain foothold support as President Megawatt reverted to military force declaring “Martial Law” or “Military Emergency” on Aceh in May 2003, giving legitimate rights for TNI (Indonesia National Military) to revert to the use of force; 50,000 soldiers and police officers were deployed in Aceh and operation “Operasi Ternadu” was launched to eradicate GAM fighters.\(^{40}\)

### 3.1.6 Susilo Bambang Yudhoyono and Jusuf Kalla and the 2004 Tsunami

Contentious fighting continued following the failure of the COHA agreement as both sides appeared to realize that unilateral efforts would not achieve them their goals. GAM in particular began to realize their existing efforts of armed struggles had reached a dead end. At the same time, the presidential election in 2004 landed victory for Susilo Bambang Yudhoyono along with Jusuf Kalla as Vice President with both of them having been working extensively in the Aceh peace talks

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\(^{38}\) Aguswandi and Large, *Reconfiguring Politics*, p. 19.

\(^{39}\) Ibid., p. 21.

\(^{40}\) Ibid., p. 20.
in the previous administration. Susilo Bambang Yudhoyono and Jusuf Kalla were once appointed by Megawati to assume the role of Coordinating Minister for Security and Politics.\textsuperscript{41} When Yudhoyono was elected, both agreed to the notion that negotiation is the only way of achieving a peaceful settlement. The previous administrations of Abdurrahman Wahid (1999-2001) and Megawati Soekarnoputri (2001-2004) failed to reach a conclusion of agreement due to their lack of high-level backing from the government, particularly from the military sector. With Yudhoyono as President and a reputable former general, the president also called for the support of all sectors and in particular the military sector to collectively mobilize the dialogue toward a peace process.\textsuperscript{42} Jusuf Kalla is also another prominent figure and the most active government advocate of the talks as he has been exploring the possibility of reopening talks. Yudhoyono and Kalla were very committed to negotiations as talks resumed with GAM, allowing both sides to again sit at the same table.\textsuperscript{43}

### 3.1.6.1 The 2004 Tsunami

With the occurrence of the tsunami in 2004, the incident triggered an opportunity for change in Aceh. It provided a common focus for the people of Aceh and the Government of Indonesia to put aside conflict and work together to recover and reconstruct the area. Meanwhile, due to the destructive impact, immediate demands for external assistance on the closed province enacted by martial law became a necessity as humanitarian aid and international scrutiny influxed the area. The tsunami signified the end of the military’s occupation over Aceh as their power had tremendously declined. Many of its infrastructures were destroyed by the wave along with numerous official documents regarding martial law having been completely lost. High level officials were pressing to prevent foreign relief but because of such a catastrophic impact, this had made it an urgent issue that was irrefutable. With Aceh being the area most severely damaged by the natural hazard, both international and national humanitarian assistance were once again welcomed by the locals to aid them. This was a catalyst for unification as the government entered the area in the disaster relief efforts. The situation pushed the government and the community to reconstruct all

\textsuperscript{41} Aguswandi and Large, \textit{Reconfiguring Politics}, p. 10.  
\textsuperscript{42} Aspinall, “The Helsinki Agreement,” p. 28.  
\textsuperscript{43} Ibid., p. 29.
dimensions of life, socially, culturally, politically, and economically. Most people may believe that the necessity for external aids of Aceh was the cause mobilizing the peace process but it was in fact the sincerity that both sides experienced in the post-tsunami environment, providing both sides with new opportunities to advance their interests and accelerated the push for peace.

3.1.6.2 Why Was It a Success?

With Yudhoyono as the new president in 2004, he was committed to resolving the Aceh tension. Coinciding with the Andaman tsunami, his administration saw an opportunity to rebuild Indonesia’s international creditability, which was tarnished by rampant corruption and the infamous reputation of the military sector, especially with TNI officers. At the same time, GAM also saw negotiation as the last resort to recover themselves from post-disaster as they declared their intention to sit and discuss terms with the Government of Aceh. Several donors such as Japan and Germany had made the condition to provide aid if both conflicted parties found a peaceful solution so that reconstruction could proceed unimpeded. Both agreed to the notion and agreed to momentarily stop conflict and focus on the reconstruction and recovery of Aceh. Many believed that the devastated impact caused by the tsunami contributed to the peaceful solution, but in fact, the tsunami was the catalyst that accelerated the process. There are 5 main reasons why peace was achieved in the 2005 Helsinki Agreement.44

1. Various sectors from NGOs and peace initiative groups still upheld peace efforts and maintained a continuous coordinating role between the conflicted parties, dismissing the reality of conflict that was highly volatile. CMI personnel in particular were committed to mediating and ensuring the various actors ranging from government, GAM, and military that peace was still achievable.

2. With Susilo Bambang Yudhoyono as President, this signaled a sincere political stance to end the conflict through dialogue and negotiations.

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3. Both sides became weary of the ongoing conflict. Both realized that even though they could not lose, yet they could not win either.

4. The Crisis Management Initiative (CMI), as an independent international organization, was respected by both sides and also received enormous support from the international community. The facilitator’s reputation was also well respected by many people which indicated the power to make binding agreements on both parties.

5. The dialogue aimed at finding a political settlement in order to distinguish the governance relationship between the peripheral land and main land government. The negotiations brought both parties to what the core issue of the problem was and to settle the problem of managing the relationship.

Vice President Jusuf Kalla was also an important figure who spearheaded the dialogue towards a peaceful settlement. His proposal known as the “Kalla Initiative” offered new lessons associated with employing financial incentives to mobilize the peace-strengthening process with the rebel group. It was an attempt to coordinate with GAM commanders through providing economic incentives. In October 2004, Kalla held a secret meeting with a GAM commander in Malaysia through businessmen who were affiliated with GAM. He offered and agreed to provide amnesty and economic concessions for the GAM leaders in exchange for GAM fighters to terminate any separatist activity. The talks were taken in a constructive manner as it led to agreement entitled as Points of Agreement between Negotiators of the Government and the GAM. The agreement provided many incentives to GAM and Aceh in numerous perspectives ranging from land distribution for the GAM, a reimbursement fund for the victims, the rebuilding of schools, and the promise to enlarge the size of airport in Banda Aceh as part of the long term development plan. In exchange, GAM agreed to the notion that the national government remained responsible for security and order in Aceh.45

3.1.6.3 Post-Tsunami Dialogue

When the tsunami hit Indonesia and Aceh, the destruction and trauma, help brought International humanitarian agencies to enter the area and such catastrophic effect help further mobilized the negotiations. Nevertheless, Aceh’s post-tsunami transition began with a significant transformation. The security situation improved and at the end of 2005, 7,628 soldiers and 2,150 police were withdrawn from Aceh while Aceh and GAM fighters handed over its last weapons. This reduction of military personnel had also reduced the military business activities in the province.\(^{46}\)

Also, the problem of revenue sharing had been addressed. Unfair revenue sharing generated from oil and gas production constituted as one of the primary reasons for Acehnese grievances. It was solved with an agreement offering Aceh to now receive 70 per cent of the net profit.\(^{47}\)

With continuous efforts to reach a conclusion, the former Finnish president and highly revered peace activist, Martti Ahtisaari and his Crisis Management Initiative (CMI) was invited to play a facilitator role.\(^{48}\) The peace process was revived along with a confidence building measure (CBM) as a means to ensure and enhance mutual trust. The first round of talks began on January 27, 2005 in Helsinki. HDC proposed that both parties must adopt temporary humanitarian assistance. Numerous indirect negotiation rounds were conducted to first generate confidence and creditability. Ahtisaari fostered the dialogue with encouragement that the government and GAM participate in the dialogue in a constructive manner. The initial talk structures in forms of an open-ended, step-by-step approach that wasn’t aimed at reaching a conclusion, but to promote an understanding of both parties’ aspiration. Once the political aspirations were understood, then the Helsinki Peace Process, mediated by Ahtisaari himself began.

3.1.7 The Helsinki Peace Process and Steps toward the Helsinki Memorandum of Understanding

The goal of the dialogue was to formulate a comprehensive package agreement that would address both political issues, security, and other substantive

\(^{47}\) Ibid., p. 58.
\(^{48}\) Ibid., p. 33.
concerns of both parties. Previously, the “Humanitarian Pause” and “COHA” by the Geneva-based HDC aimed for an immediate ceasefire agreement and demilitarization as a milestone to initiate dialogue. The mediator believed that a peaceful environment would most likely foster trust, leading to a permanent solution. However, it failed to define or answer the political needs regarding the status of Aceh and whether it should become independent or obtain special-autonomy status. The two sides remained suspicious of each other as there was no substantive platform that enhanced mutual trust or gave assurance to both parties.

The Helsinki MoU, unlike its predecessor, was fundamentally different from previous efforts in a number of ways. First of all, the notion of “Nothing is agreed until everything is agreed” style of negotiation was used. Before sitting at the same table, both parties would have to agree on the broad agreements of political formula before a ceasefire and associated securities arrangements were put in effect. This forced both parties from the different sides to modify and soften their political positions before partaking in the negotiation process. “Nothing is agreed until everything is agreed” also means that if any particular agenda item did not reach an agreement, all points were unacceptable, which forced the participating parties to keep negotiating until package agreements were achieved. Helsinki consisted of a total of 5 rounds of both direct and informal negotiation that spanned from January to July of 2005. As a result of extensive negotiation, GAM finally agreed to step aside its original goal of independence and accept the alternative solution of “self-government”, allowing the Memorandum of Understanding (MoU) to be signed, signifying the end of the conflict. The Memorandum of Understanding (MoU) between the Indonesia Government and the GAM was agreed and signed on 15 August 2005 in Helsinki, witnessed by the Indonesian Minister of Law and Human Rights Hamid Awaludin, Malik Mahmud of GAM, and Martti Ahtisaari, Chairman of the Crisis Management Initiative.

3.1.7.1 Conclusion

The negotiations became a success because of several factors. One of them is good facilitation as well as the will to negotiate and the utilization of

innovative resolutions to prevent past mistakes. By August 2005, The MoU was agreed in Helsinki and it was renowned as one of the first successful peace agreement between Government of Indonesia and GAM during the span of over 30 years confrontation. The credit must be given to Finnish President, who assumed the role of mediator. His utilization of creative negotiation method by laying down a ground rule that anything could be discussed and negotiated, but that nothing was agreed until everything was agreed. This technique is considered to be very important method, as it provided opposition parties with the option to open a discussion and come to an understanding over critical issues without stressing about the outcome of the negotiation.

Various points of the agreement were discussed to address Aceh’s governing structure and in the end the agreement transferred a significant amount of autonomy to the province of Aceh province. Some of the benefits included prior compulsory discussion with the Acehnese legislature before the Central Government can agree treaties with other governments that affected Aceh. The Indonesian government, to the large extent, preserves many of privileges in the fields such as judicial sector and religious openness. Another crucial reasons attributed to the success in reaching the agreement were the participation of European observers following the application of the MoU. The content of the MoU also addressed what concessions GAM sought and the grievances that drove the harshness. For example, the MoU called for fairer distribution of national resources; demanding better autonomy in Aceh in respective to the local law; a plea for amnesty of ex-GAM soldiers accompanied by disarmament; and a human rights tribunal mechanism for monitoring process.

3.2 Development of Conflict: Deep South of Thailand

The conflict in Thailand’s Deep South is associated with 3 southern provinces, namely Yala, Narathiwat, and Patani with the addition of 4 districts of Songkhla. Since 2004, confrontations between the insurgent movement and the Thai military government have resurfaced, leading to a total number of 19,012 insurgency-related incidents in the far South during the past 13 full years from 2004-2016, and it has claimed 6,442 lives and injured more than 12,289 people according to a report by
The combined area of the Deep South is made up of a total of 13,500 square kilometers and has an estimated population of 1.8 million. Of this, 80 percent are Muslims, Malay descendants who natively speak Malay language, while the remaining 20 percent are Thai and Sino-Thai who are Buddhists. Malay Muslims make up 2.9% of Thailand’s total population. The majority of Malay Muslims in the deep south of Thailand is of the traditional Sunni School of Shaf’i.  

3.2.1 Brief Historical Development  
Dating back to the 13th century, the Sultanate of Patani, who was a Malay Sultanate, proclaimed the Kingdom of Patani, which consisted of Patani, Yala, Narathiwat, tips of Songkhla, and the northern part of Malaysia. However, in 1785, the Kingdom of Patani was conquered by the Kingdom of Siam, led by King Rama I of the Chakri Dynasty. The Kingdom of Patani unwillingly became a tributary of the Kingdom of Siam and fell under Siam suzerainty ever since. With the prominent threat of colonization from foreign intervention in Southeast Asia and in order to maintain independence and preserve Siamese freedom, King Chulalongkorn or Rama V led the Kingdom to come to terms with the British under the proposal of the Anglo-Siamese Treaty of 1909. The treaty was signed between the Kingdom of Siam and the United Kingdom, determining the current demarcation of the border between Malaysia and Thailand. The agreement marked Thailand’s official ownership over the 3 Southern provinces, as well as international recognition of Thailand’s border with Malaysia. With subordination to Siam’s domination and annexation, the Muslims of the South presented a very difficult task to the Thai government to integrate these people into Thai-Buddhist culture.

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3.2.1.1 Centralization of Power in Siam

In the 19th century, when Siam was in the middle of modernization and in a quest to preserve its sovereignty, Prince Chulalongkorn succeeded his father and ascended to the throne as King Rama V. Under the situation of pressure from imperialism, King Chulalongkorn ventured on a quest to exert his authority in order to keep the kingdom intact and save the kingdom altogether. Territorial unity and centralization were perceived as crucial elements in ensuring Thailand’s sovereignty, and that pushed Rama V to embark on the administrative reform that would enable him to create unitary authority.55

In 1892, King Chulalongkorn established a ministerial cabinet consisting of twelve different ministries where each ministry was tasked to supervise different affairs; some of these positions were occupied by the King’s brothers, like Prince Damrong Rajanubhab, who assumed the role of Minister of Interior. As King Rama V and the ministerial cabinet successfully embodied the Central Government of the Kingdom of Siam, in 1897, King Chulalongkorn mobilized a reform plan on governmental administration to replace the existing system. Challenges lied on reforming local administrations and integrating these locals under a unified system. Although the Kingdom of Siam centered on Bangkok with the Chakri Dynasty as the supreme ruler, much of the local administrations were very scattered and subjected under different rules to local autonomous localities known as the “Mueng”.56 With the assistance from Prince Damrong, King Chulalongkorn formalized and centralized the bureaucratic structure by replacing regional indigenous elites with centrally appointed civil servants. Because of the bureaucratic reform, these traditional principalities, which previously enjoyed self-autonomy statuses were now turned into provinces under direct control of Bangkok.

There was widespread opposition against the reformation. In the Southern part of Thailand, Abdul Kadir Kamaruddin, the Sultan of Patani also wasn’t pleased by the constant interference in the region’s affairs by Bangkok as a stream of rebellion erupted.57 Despite widespread rebellion from all over, in order to

56 Ibid.
57 Ibid., p. 15.
resist colonial powers from the British and build a united nation-state, King Chulalongkorn was forced to utilize force to assimilate and centralize the local administration of the southern provinces under Bangkok. The incorporation of Patani, which began in 1902, was legitimized by the British through the Anglo-Siamese Treaty of 1909.\footnote{Aphornsuvan, \textit{History and Politics}, p. 14.} Once incorporated, Patani gradually transformed and divided into the present provinces of Narathiwat, Patani, Yala, and Satun. But in particular, some of the decisions made by the Central Government were limited to the choices given by them as well.

The deep southern provinces have had a peripheral status ever since they were incorporated into Siam. The majority of the population in the Deep Southern provinces were mostly Malay-Muslims: ethnic Malays who speak Malayu and followers of Islam. In order to integrate the 3 southern provinces into a unified country, the Thai government had tried various attempts to assimilate Malay Muslims into Thai culture.\footnote{Engvall and Anderson, “The Dynamic of Conflict,” 182.} This includes the Thai Central Government’s attempt at incorporating the Chinese minority and Thais in the Deep South area, triggering resentment among the local people. The particular reason why Malay-Muslims refused to integrate, apart from religious differences, is due to their unique culture, history, and their existence and history that derived completely differently from those of Siam. Patani was an ancient Malay kingdom and is widely regarded as one of the central Islamic learning and cultural centers in Southeast Asia.\footnote{Timberman, \textit{Violent Extremism}, p. 9.} This distinguishes them from the rest of Thailand because they are proud of their highly distinctive identity. Therefore, these people denied integration and they kept their religious belief and retain their linguistic identity. Integrating these people posed several challenges.

\subsection*{3.2.2 The Reformation on Local Structure}

The integration of Patani region into the Bangkok bureaucratic structure in 1902 did not only have a governmental effect of inserting centralized rule by Bangkok, but such imposition was also problematic in interfering with the basis and the essence of Islamic practice in the region, be it politically or socially. Unlike any

\begin{itemize}
  \item \footnote{Aphornsuvan, \textit{History and Politics}, p. 14.}
  \item \footnote{Engvall and Anderson, “The Dynamic of Conflict,” 182.}
  \item \footnote{Timberman, \textit{Violent Extremism}, p. 9.}
\end{itemize}
other religion, Islam is a “total way of life.” It has provided guidance in every sphere in the life of every Muslim, from the individual’s way of life, moral thinking, to the arrangement of structure and functionality of the politics of society. Islam can never be detached from political, economic, or social life since the religion provides ethical guidance for the actions that people take. Especially for Malay Muslims, who are mostly of the Shafi’ sect, the display of faith is to implement God's teaching and guidance both in their private and public life, and therefore, the concept of God’s rule must be established on earth in the form of governance in order to create a just society. That is reflected through the application of Sharia Law and the adherence to Adat Malayu (customary practice) in the Malay Muslim community. Therefore, religion and politics are inseparable; there has never been a separation between religious and state governance. Since the beginning, being a Muslim doesn’t only mean fitting to a community of other same religious believers, but also living under guidance Islamic teachings and Islamic laws.61There are multiple impacts which will be noted below.

3.2.2.1 Judicial Reform

Upon acquisition, Thailand demanded that the Islamic law that had been applicable to all Muslims be replaced by Thai secular law. The indication means that the Muslim judge or Raja who previously held judicial authority would no longer wield such power, as it would be replaced by the Siam Central Court.62 Since historical times, Patani was the region governed by the Malay Raja (King). Despite being under Thai suzerainty during the late 18th century, the local Raja ruled the region with the notion based on Islamic principles and the application of Sharia and Adat Malayu. However, after being incorporated into the Thai state, a Thai judge who isn’t a Muslim would instead make the final decision, and this is against the practice of Islamic beliefs. For Bangkok to rule over Patani, and remove Sharia (Islamic law) and the Adat Melayu (Malay customary laws) means the destruction on the basis, order, governance and foundation of Islamic law.63

61 Timberman, Violent Extremism, p. 11.
62 Aphornsuvan, History and Politics, p. 16.
63 Ibid.
3.2.2.2 Administrative Reform

Furthermore, such imposition also altered the governance structure within Patani. Previously, both mosques (masjid) and pondoks (religious school) served as important institutions within the Patani community with masjids operating as the central rule of Islamic administration and were a place for religious and community gatherings, whereas the pondok served as learning centers for the Islamic community.64 For Bangkok to replace masjids with a provincial hall signified the separation of religion and politics. This implies the inevitable intervention on the local rule and customs which had been practiced for decades and subsequently altered their political structure. Now, upon being incorporated into the Thai Kingdom, Patani was transformed into the seven provinces under the management of a Thai governor selected by Bangkok. New policies included the new judicial and fiscal arrangements in accordance to Central government demands.

3.2.2.3 Education Reform

From the early assimilation of the Greater Patani Region in 1902, the crucial area of attention for the Thai state was in educational reform, which was perceived to be a necessary means of acquiring modernization. In various parts of Thailand, the education reforms were usually conducted by Buddhist monks along with officials from education sector of Thai government.65 On the other hand, the Muslim societies had their own distinct language of instruction and system. Malay or Arabic was the primary language employed in instruction and writing with the content being mostly Islamic teachings. The education was carried out at the local mosques and pondoks without any official and systematic education program among the Malay Muslims apart from the studying of the context of the Qur’an.66 When education reform arrived, the response of the Muslims towards it was anger and frustration. They were subjected to learn to read and write in Thai which wasn’t their native language. Furthermore, the content taught in the school was oriented toward worldly and secular subjects (or even involved some elements of Buddhism as well), that didn’t correspond well with teachings of the Qu’ran. The community was skeptical in sending their

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64 Aphornsuvan, History and Politics, p. 16
65 Ibid.
66 Ibid.
children to school as they perceived the Education Act as an attempt by the Thai state to eliminate Malay culture such as Malay language and trying to nationalize their unique identity through acts of internal colonization.

### 3.2.2.4 Cultural and Identity Reform

Succeeding King Rama V, King Vajiravudh (1910-1925) also worked to continue the legacy of King Chulalongkorn. He was vocal in supporting the unification of the Thai Kingdom under centralized official nationalism. His emphasis of the “trinity” (nation, religion (Buddhism), and king) was heavily promoted as a new national value to unify people of ethnic differences under a shared principle and common institutions. It was later incorporated into the Kingdom’s compulsory education program to instill a new sense of nationalism. Further adding to on-going contention, one of the most significant integration policies devised by the government was the 1921 Compulsory Primary Education Act. The promulgation had an immediate impact on requiring all Malay-Muslims to enroll into Thai primary school and re-educate them with a Thai-centric curriculum, installing Thai language and Thai cultural values among the Malays to replace their existing traditions. However, for the people in the South, such a policy and practice posed a threat to their ethno-religious culture. As Muslims, Islam is the guiding principle of their life. The political, economic, and social aspects of their lives are guided by the application of Sharia law and the Qu’ran. The imposition of Thai secular rule is in fact a threat to their religious principles as the secular-oriented Thai centric system was not accepted. Within the Islamic community, for many Malay Muslims, their education was traditionally done in mosques and pondoks with teachings associated with religious teachings as opposed to the Thai education program which emphasized implementing secular teaching and disregarded religious norm in the region.

The successive push for centralized bureaucracy continued to exert its authority and regulation over these local provinces. Particularly in 1938 with the rise of militarism in Thailand, Field Marshall Pibul and his administration further mobilized the population toward banners of Thainationalism known as the Cultural

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68 Ibid.
69 Ibid.
Mandate (Ratthaniyom).\textsuperscript{70} Forced assimilation was conducted without tolerance for the diverse culture of minorities. The endorsement of the Thai Cultural Mandate in 1939 was a pivotal effort at the integration of Malay Muslims. Under this decree, the Malay-Muslims were forced to embrace Thai dress and cultures. Fines and punishments were enforced upon those who refuse to abide by the rules. The situation worsened in 1944 when the usage of the Malay language and certain practices of Islam were outlawed.\textsuperscript{71} This nation-building policy was targeted at implementing reform and also the reconstruction of the social, cultural, and physical representation of the nation. Thailand was named Siam until 1939 and also from 1946 to 1949. By 1939 and again in 1949, it was altered to Thailand, a name which wholly represented Thai people’s nationalism.\textsuperscript{72} Succeeding Phibulsongkram, Sarit Thanarat became the next prime minister of Thailand. Very much like Phibulsongkram, the main theme of his government’s administration was the modernization of the country to enhance socio-economic development through the unification of various classes and ethnic groups in the country.

The forced integration process and the perceived imposition of Thai-Buddhist cultural practice upon Muslim society were viewed as threats and discrimination against their ethnic Malay Patani culture. Broad public resentment grew tremendously along with the emergence of Malay nationalism, coinciding with the emergence of an insurgency movement in Southern part of Thailand. Patani’s Imam and also the leader of the Provincial Islamic Council of Patani (PICP), Hajji Sulong came out in retaliation of the government’s oppressive regime and handed a seven-point request to the Thai Government. The demand included the usage of the official of Malay language, more governmental jobs for people of different ethnicities and in particular Muslims in government offices, and the application of the Islamic law.\textsuperscript{73} Aware of Hajji Sulong’s demands and fear of uprising masses, the Thai authorities captured him into imprisonment, which led to the Dusun Nyur rebellion in Narathiwat in 1948, culminating in the death of over 400 Muslims along with many survivors who escaped to Malaysia.

\textsuperscript{70} Aphornsuvan, \textit{History and Politics}, p. 18.
\textsuperscript{71} Ibid.
\textsuperscript{72} Ibid.
\textsuperscript{73} Ibid. pp. 22-23.
Shortly afterward, Hajji Sulong was free from jail in 1954, but soon later it was discovered that he had disappeared along with his son.\textsuperscript{74} It is speculated by the local people that the government’s officials were involved in their disappearance. Although, the appeal was made in an official manner without the use of force, the Thai Government’s decision to imprison Hajji Sulong and his subsequent suspicious disappearance were unjustifiable, and this event has also developed to become one of the pinnacles of the Patani’s dissatisfaction and anger.\textsuperscript{75}

From the 1960s marked the beginning of a stronger and periodic resistance movement in the Deep South. In the beginning, the intensity of the resistance was relatively low with armed forces of around 1,500 insurgents. At the same time, various insurgent movements began to emerge with different purposes. The first ever resistance by a Patani nationalist movement began with Tengku Jalal Nasir who founded the Patani National Liberal Front (BNPP) or Barrisa Nasional Pembebasann Patani in 1959 as a rebel group.\textsuperscript{76} The group is renowned as the first armed insurgents in Southern area. Subsequently, in 1986 it renamed itself and become the Islamic Liberation Front of Patani (Barrisan Islam Pembebasan Patani (BIPP)). These groups were very active in the insurgent movement most specifically around the 1970s-1980s but gradually faded. The group was known for its hardline Islamic politico-religious goals.

The next prominent player in the southern insurgency is Barrisan Revolusi Nasional Melayu Patani which was founded on 13 March 1963 by Haji Abdul Karim Hassan. This group is simply known as Barrisan Revolusi Nasional or abbreviated as BRN. BRN is currently the most active group at the moment in arranging and coordinating attacks. It ceased to function and was absent for 20 years before being revived by leaders who are Salafi religious teachers. Originally emerging in support of Pan-Arabism, the group became much more radicalized and began a mass movement campaign aiming to create unrest and turn the South to become ungovernable. BRN was established as a leftist organization advocating Islamic

\textsuperscript{75} Aphornsuvan, History and Politics, p. 25.
\textsuperscript{76} Marvin, \textit{Conflict in Southern Thailand}, p. 24.
socialism, however, in the 1980s, the group was later split into 3 political factions namely: "Congress," "Coordinate," and "Ulema" (Arabic for "clerics"). "Congress" and "Ulema" have become more or less defunct and "Coordinate" became the main group active on the ground.\(^{77}\)

Another prominent group behind the fighting also includes the Pattani United Liberation Organization (PULO) which was founded in 1968. PULO was initiated by Tengku Bira Kotantila or alternatively known as Kabir Abdul Rahman. PULO rose to prominence and became most active insurgency group in their in the 1970s and 1980s. However in the early 2000s, it functioned mostly from exile in Syria, where Tengku Bira stayed and lived and Sweden became its foreign affairs headquarter.\(^{78}\) Exiles in Sweden helped published and promote a number of websites that carried news from the region as well as political statements. PULO claimed to have had been working closely with the BRN-Coordinate in arranging insurgency activities.

Last but not least is the Islamic Mujahidin Movement of Patani (GMIP). Afghanistan war veteran Narosse Saeseng founded the movement in 1995 with the group drawing the inspiration of its name from the earlier, now defunct group of Gerakan Mujahidin Patani (GMP). According to Thai intelligence sources, GMIP was based and linked to “Kumpulun Majahidin Malaysia” or Mujahidin Group of Malaysia which is known as the militant organization situated in Malaysia. It was believed by the Intelligence groups that GMIP also appeared to have close relations with Jermaah Islamiya group, an Indonesia based militant group.\(^{79}\)

3.2.2.5 Prem’s Administration and Brief Period of Peace and Stability

Under Prem, the insurgence movement became inactive for 20 years extending from 1980 to 2000 due to his intensive efforts to reconcile differences within the Deep South. Prem undertook various measures such as granting amnesties, providing administrative autonomy, and improving welfare to accommodate the people in the area. This had an effect in reducing tension within the area. Also under his

\(^{77}\) Aphornsuvam, History and Politics, p. 27.

\(^{78}\) Marvin, Conflict in Southern Thailand, p. 8.

\(^{79}\) Ibid., p. 9.
administration, the Thai civilian-led, multi-sectorial Southern Border Provinces Administrative Centre (SBPAC)\(^{80}\) was set up in the 1980s to progress relations between Malay Muslims and the Thai state. SBPAC worked closely with Royal Thai Government (RTG) in Bangkok. Moreover, the Civilian-Police-Military Combined Forces 43 (CPM-43) task forces corresponded with all security missions to find the solution for the incident happening in the three southern provinces and cooperated with the SBPAC. Note that the SBPAC and CPM-43 were essential factors in the Royal Thai Government’s achievement in counter insurgency program.\(^{81}\)

### 3.2.2.6 Thaksin’s Era

With the arrival of Police Lieutenant Colonel Thaksin Shinawatra as the new prime minister of Thailand in 2001, the surge of violence resurfaced. Many of his policies adopted heavy-handed measures that amplified the suspicion and violence between Malay-Muslims and the Thai authorities. He enforced strict governmental control in the Deep South provinces in hope of promoting his popularity to challenge the opposing political party.\(^{82}\) This required the removal of important local politicians who specialized in handling Deep South affairs and the intelligence agencies such as SBPAC and replacing them with his key officials. Shinawatra believed the confrontation in the area at this moment was merely an organized crime between local criminal gangs as well as believing that separatism no longer existed and dismissed any insurgence elements in the Deep South of Thailand.\(^{83}\)

On 4 January 2004, the insurgency launched their largest attack in almost three decades. Unidentified gunmen attacked the Chulaporn Military Army Camp in Narathiwat, killing four and a large number of weapons were stolen. In response to the increasing aggression, martial law was declared in the Deep South. Ever since, the situations have been escalated into emergency level with frequent activities of coordinated attacks against police and military officers and outposts. This also led to the most controversial government crackdown on the insurgency movement known as

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\(^{83}\) Ibid., p. 14.
the Krue Se Massacre. 32 militants after committing their attack retreated to the historic Krue Se Mosque. The standoff between insurgent militants and Thai security forces ended with a full-scale attack from the government resulting in the killing of 32 militants along with one civilian.\textsuperscript{84} Shortly following this, similar characteristics in resorting to and employing heavy-handed measures against militants were displayed in the Tak Bai incident in October 2004. In the month of Ramadan, a demonstration of 1,500 people gathered in front of a police station to protest against the detention of allegedly suspicious persons. As the crowd attempted to cross the police barrier, police suddenly responded with tear gas followed by firing live rounds into the unarmed crowd, killing six protesters as a result. Later, 1500 protestors were detained, beaten, kicked and piled onto a military truck. While in transit which took a 5hour drive to Inkayut Army Camp in Pattani, 78 detainees had died in the process with causes of suffocation and organ collapse.\textsuperscript{85}

On 2 November 2004, as retaliation for the heavy-handed measures employed by the police, Buddhist deputy police chief Jaran Torae was found beheaded in Narathiwat province. Several other Buddhist village leaders and police officials were also killed as an act of vengeance for the two incidents. Meanwhile, despite further resentment among the families of victims, no charges had been filed against the security officials involved in the deaths, an implication on the unequal treatment of judicial justice of the Thai government. In July 2005, martial law was transformed to a state of emergency, giving the Thai government even greater power in the South with means to end conflict.\textsuperscript{86}

Constant repressive state actions, particularly by the long sequences of violent missteps by the Thaksin government, enabled militants to discredit the head of state and make legitimate claims for violent struggle. The militants also successfully forged the insurgent movement in a propaganda struggle to justify their anti-civilian violence.\textsuperscript{87} Teachers, school staff, along with religious leaders became

\begin{footnotesize}
\textsuperscript{84} Timberman, \textit{Violent Extremism}, p. 14.
\textsuperscript{87} McCargo, \textit{Tearing Apart}, pp. 11-12.
\end{footnotesize}
targets of attacks because Muslim insurgents believed that these people undermined their ethno-religious identity and also attempted to instill Thai nationalist’s values on Malay Muslim children.88

Even after the end of the Thaksin administration in 2006 and despite the apology by Prime Minister Surayud Chulanont and the reestablishment of SBPAC, the security situation in the Deep South has never been the same. Numerous attempts of peace negotiations have been tried through several channels and options, but none have yielded positive results so far.

3.2.3 Government Policies toward the Insurgent Movement

Radical separatists in the Deep South started waging guerilla resistance against the Thai state since the early 1900s and were prominent during the late 1970s and early 1980s. From the beginning of the insurgency movement, different administrations employed different policies and measures in responding to the insurgent groups. This section will explore the different governments’ policies as well as provide analysis with focus on the past 30 years from 1980 to the 2010s.

3.2.3.1 Prem Administration (1980-1990, 2000)

Prem’s administration spanned from 1980-1988, marking a significant milestone in preventing and relieving tensions within the South. As a native born of Songkhla, Prem understood the root causes of the conflicts, for which he recognized the previous government’s policy for being too assertive on the assimilation process and centralized regime. Alternatively, Prem offered political participation for the local people during his administration. He also supported Muslim cultural rights and allowed freedom of religion. In the meantime, he also confronted the separatist insurgency through various means such as improved governance through development funds, improved infrastructures and welfare. Prem also granted general blanket amnesties for insurgents and improved economic opportunities for the local people. In order to effectively achieve the goal, he also strengthened bilateral ties with border countries, most especially Malaysia for their assistance in facilitating the cease-fire agreement with the militant groups. Because Prem made himself open to cooperate with

major Malay-Muslim elites, the level of violence slowly declined to an all-time low. Through development funds, political voice and privileges and autonomy, this ceased insurgent activities for nearly 10 years provided by 4 insurgent groups accepting amnesty and agreeing to a cease-fire agreement. Most significantly, in the trust-building measure, the initiative of the **Southern Border Province Administrative Centre (SBPAC)** also contributed a lot in easing down tensions.\(^89\) SBPAC’s role involved coordination of civilian agencies, monitoring policy implementation, and training and discipline of officials posted to the region. The SBPAC also provided funds for developing infrastructures, hiring Pattani-Malay civil workers and implementing the so-called “surrender for amnesty” operation. Consequently, it successfully reduced violence and recovered order to a certain extent. Although the basic principle of assimilation was upheld, educating people with multiculturalism and the use of the Thai language through public education and TV media were also helpful in reducing anti-government bias.\(^90\)

With continual collaboration between SBPAC, the **Royal Thai Government (RTG)** in Bangkok, along with the additional assistance from local provincial administrations and the **Civilian-Police-Military Combined Forces 43 (CPM-43)** task forces, all security procedures resolved the situation with a successful counter insurgency campaign and established peace in the area.\(^91\) Prem’s administration displayed a good example of openness and sincere intentions. With open-mindedness, Prem acknowledged that these people felt politically marginalized by Bangkok, and believed that their ethnic, cultural, and religious uniqueness was at danger from living under a predominantly Buddhist state.

**3.2.3.2 Renewal of Resistance: Thaksin Administration (2001-2006)**

The renewal of resistance began again throughout Thaksin’s administration. In his attempt to assert his authority in the South, he undertook various reforms within the South and one of them was the rearrangement of the power structure between politics and security. Thaksin believed the violence in the South no longer

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\(^90\) Marvin, *Conflict in Southern Thailand*, pp. 23.24.  
\(^91\) Ibid., p. 24.
had any political element but had traversed to organized crimes and drug lords. Thaksin then shifted the power from the military sector and transferred them to police leadership in the transition of responsibility and security. In order to gain political control in the Deep South, Thaksin even went further to remove existing officials and intelligence agencies, many of which happened to come from the opposition political party, and replaced them with key officials from his party.

As an act against police establishment in the area, insurgents resumed insurgent activities and launched a number of attacks on police posts. According to Thai Ministry of Interior statistics, the number of insurgency-related incidents rose from 50 in 2001 to 75 in 2002 and 119 in 2003. In response to the growing insurgence, SBPAC along with CPM-43 were dissolved on 30th of April in 2002 under the Prime Minister’s order. The police became a primary force responsible in encountering the violence in the South and the role of the army progressively declined. Thus, abolishment of SBPAC and CPM-43 implied Thaksin could deal directly with the local provincial administration government and increase the power of installed police force. The Thaksin regime started to dismantle the previously existing southern administration with his associate police force to observe the affairs as this resulted in widespread crackdowns. This was a major mistake because people appointed by Thaksin hadn’t been involved in the field of insurgenencies and lacked understanding of the problem. This meant past efforts since Prem’s administration were terminated. The rise of Thaksin, especially the severe security strategies he instituted in the three southern provinces, was without question a key element in the recurrence and intensification of violence in the South.

Thaksin came up with a dual-track approach to tackle the issue in the Deep South. On the one hand, he pursued to tighten control over the southern provinces through a series of security crackdowns during 2004. Furthermore, in response to growing tension, martial law was declared in January 2004 upon 3 southern

95 Marvin, *Conflict in Southern Thailand*, p. 31.
provinces, following the incidents of the Krue Se Massacre and Tak Bai. In July 2005, Thaksin’s introduction of a new legislation on 16 July 2005 under Emergency Decree enabled the Prime Minister to announce a state of emergency and announce curfews across the country, giving the Thai government even greater power in the South. It was a similar element resembling previous harsh military regimes in the past. The Emergency Decree provided blanket powers to state actors to resolve conflict while also providing security forces broad immunity from prosecution.

Amidst growing violence and international condemnation, Thaksin set up the National Reconciliation Commission, led Anand Panyarachun, who was a former Prime Minister of Thailand to supervise efforts to re-establish peace in the Deep Southern provinces. However, no progress came out of this effort at all. Consultations with local community leaders were also abolished. Local Muslim politicians stayed silent out of anxiety of suppression, thus decaying their political legitimacy and support. Since then, the general response and policy toward southern insurgencies changed its landscape forever. Security and peace deteriorated instantly, and militants and insurgents resumed regular attacks on civilians, students, and Buddhist monks. Amidst the political dilemma, Thaksin was ousted and has been living in exile ever since. The legacy in dealing with the Deep South left by Thaksin still remains prevalent up until today.

3.2.3.3. Surayud Chulanont

In September 2006, Thaksin was removed from office by a military coup. General Surayud Chulanont succeeded him. He revived the SBPAC by executive order. The National Reconciliation Commission was reestablished with more committed efforts to set up to address problems in the Deep South. An official apology was made by the government in November 2006 along with a compensation of 42 million baht (US$1.23 million) was distributed to family members of the victims.

96 Timberman, Violent Extremism, p. 28.
97 Marvin, Conflict in Southern Thailand, p. 38.
98 McCarlo, Tearing Apart, p. xi.
99 Marvin, Conflict in Southern Thailand, p. 43.
and charges were dropped against 56 protesters still held in detention. With security operations beginning in mid-2007, this managed to reduce the number of militant attacks with the monthly record of incidents dropping to a low of 48 in October 2008, but climbed again thereafter with the numbers of violence appearing to vary between 50 and 100 per month.

Furthermore, Surayud’s government pushed various measures which led to significant transformations in fixing the relations with Malaysia. Malaysian Prime Minister Mahathir Abdullah Badawi has admired Surayud’s “more diplomatic” approach to the restive south. Malaysia believes that the problem is caused in part from a lack of social and economic development in the region and therefore assisted Thailand in the creation of the joint development strategy named as “Three E’s”. Each E’s stands for Education, Employment, and Entrepreneurship, with a goal to bridge the income gap between Thailand’s southern provinces and Malaysia’s northern states. This agreement was agreed and signed on the sidelines of the ASEAN Summit in 2007.

3.2.3.4 Abhisit’s Administration

Abhisit succeeded Surayud as the next prime minister. In general, Abhisit aimed at improving the relations with the Deep South region through mostly improving conditions in the Deep South. 63 billion baht (US$1.84 billion) was set as a development fund that spanned over a three-year period. Abhisit used economic incentives to spur jobs, improved better living conditions in order to create trust, and stopped locals in assisting in the insurgent movements, illustrating the sincerity of the government. Note that the economy in the Deep South is one of worst in the country and many poor people reside here. The region's average annual income ranges from 64,000 baht, among the lowest in the country, to 120,000 baht, close to the national average.

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101 Timberman, Violent Extremism, p. 15.
104 McCartan, “Old and New Massacres.”
Development funds were allocated in various projects consisting of improving welfare service and greater ease of access for the local people. This ranges from improving health services, waterworks, education, agriculture, and job creation. Abhisit stated that violence had decreased tremendously while his administration took the office. On the contrary, however, the data released by Deep South Watch from Prince Songkhla University said otherwise. The document shows that violence had actually increased. Thus, both domestic and international human rights groups also condemned the army and security agencies for returning to widespread abuse, including abduction and disappearances, torture, and extrajudicial executions in the course of counterinsurgency missions. Although complaints regarding abusive method employed security forces were reported, none of the officials have been prosecuted or put under judicial court over human-rights violations.

3.2.3.5 Yingluck Shinawatra’s Administration

During Yingluck Shinawatra’s administration (2011-2014), substantive progress was made regarding the situation in the Deep South conflict. The 28th of February 2013 marked the historic day when representatives from Kuala Lumpur together with the Thai government, recognized as Party A and Barisan Revolusi Nasional Melayu Patani (BRN) recognized as Party B agreed to sign a breakthrough agreement known as “General Consensus on the Peace Dialogue Process”. Widely known as dialogue1, the “General Consensus on the Peace Dialogue Process” inaugurated the first official talks between Bangkok and the separatist groups, facilitated by Datuk Seri Ahmad Zamzamin Hashim, ex-Director General of the Prime Minister’s Department of Malaysia.105 It was the prelude to the formal peace negotiations in which both sides agreed to fully commit in engaging in the dialogue facilitated and mediated by Malaysia. The agreement is considered a significant one since it is the first major formal peace dialogue process in the history of the Deep South conflict between the Government of Thailand and the Deep South fighters. It was also the first time ever of Bangkok’s first public acknowledgement of the need to negotiate.

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However, such efforts were not widely supported by the military who doubted the creditability of the militants.

BRN determined the **5 pre-conditions** that would have had to be met before talks would formally resume, namely:106

1. The government must recognize the BRN as the representative of Patani people, as a liberation organization, and not a separatist movement. Liberation means the right and freedom to practice religious activities, and to pursue a Malayu way of life without oppression and attacks by the authorities.

2. The status of Malaysia should be changed from facilitator to mediator in the peace process. If this is accepted by the government, the BRN promises to stop attacking security forces tasked with providing protection to teachers.

3. Future peace talks must be witnessed by representatives of ASEAN countries, the Organization of Islamic Conference, and non-governmental organizations.

4. The government must recognize the statehood of Patani and the sovereignty of Patani Malays. The southern conflict stemmed from the Siamese occupation of the Patani state and violations of human rights. The Patani Malays should have a chance for self-determination to administer their territory in the form of a special administrative zone within the Thai constitution.

5. All suspects held on security-related charges must be released and all arrest warrants invalidated. If this demand is accepted, the BRN agrees to lay down their arms.

With a new round of talk resuming, BRN Leader’s stance insisted that 5 of their demands must be accepted. Among these involves Bangkok’s

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recognition of the sovereign rights of the Patani people over 3 southern provinces and most crucially that the peace dialogue is recognized and incorporated into the “national agenda”. However, the dialogue abruptly collapsed after three rounds of talk since signing amid disagreements along with intensive political turmoil in Bangkok which proceeded with the May 2014 coup, ending Yingluck Shinawatra’s administration and being replaced by Prayuth Chan-o-cha, a military general.

3.2.4 Under Prime Minister Prayuth Chan-o-cha and Present

The National Council for Peace and Order (NCPO) was spearheaded by Prime Minister Prayut Chan-o-cha upon seizing power. His administration was mostly preoccupied leading country out of a political quagmire as talks with BRN stalled. NCPO pledged to remain committed in solving the problem and promised to revive talks with BRN. However, the governments were skeptical due to the possibility that dialogue may legitimize the militants and pave way for intervention and eventual partition, but in the end, recommencement of this process was discussed by the official meeting between Prime Minister Prayut Chan-o-cha and Najib Razak, a Prime Minister of Malaysia in December of 2014.107 Earlier, Gen. Prayut signed the Order of the Prime Minister Office No.230/2557 (dated 26 November 2014) endorsing the creation of "the Steering Committee for Peace Dialogue".108

Under the leadership of Prayut Chan-o-cha, NCPO issued the Prime Minister’s Order of 230/2557 (2014) which contained an outlined mechanism for the peace dialogue consisting of three levels.

1. Steering Committee for Peace Dialogue chaired by Prime Minister
3. Inter-agency Coordinating Working Group under the jurisdiction of Forth Regional Army headed by Gen. Wiwat Pathompak

At the same time, MARA Patani (Majlis Amanah Rakyat Patani - The Amanah Council for Patani People) was founded. Originally an initiative by the some pro-dialogue BRN members, MARA was established on 25 October 2014 by the coalition work between young (Pemuda) and elderly (Ulama clerics) and armed wing members of BRN.\textsuperscript{109} The MARA movement is considered to be most inclusive organization in the region and as well the most active to date. Initiated by BRN at the start, MARA Patani is based on mutual agreements between different factions in the South and the reason for formation is consensus without pressure from the Malaysian facilitator.

MARA is represented by senior figures who have long been exiled and have been involved in the separatist movement as it represents five militants groups in the south together namely,

1. Barisan Revolusi Nasional – BRN action group  
2. Barisan Islam Pembebesan Patani – BIPP  
3. Pertubuhan Persatuan Pembebasan Patani – PULO-P4  
4. Pertubuhan Pembebasan Patani Bersatu – PULO-dspp  
5. Pertubuhan Pembebasan Patani Bersatu – PULO-mkp  
   a. PULO-P4, led by Shamsuddin Khan, withdrew due to the internal disagreement  

The goal of MARA Patani is not only to participate in peace dialogues with Thailand but also with intention to make themselves publicly known. Participating in the dialogue will gain them international recognition and support for the “right to self-determination for the people of Patani”. Although, it is apparently known that the local Malay Muslim militants were fighting for independence, the group is also willing to consider other options such as special autonomy as well.

Meanwhile, sources also claim that these MARA delegates were perhaps senior BRN figures who were suspended after violating its code of secrecy to


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participate in the dialogue. However, it is crucial to mention that the three BRN representatives namely Sukree Hari, Ahmad Chuwo and Awang Jabat have united with Mara Patani as well as holding top positions, with Awang Jabat as a chairman, Shukri Hari as delegation chief, and Ahmad Chuwo as steering committee member, despite the leadership's preference to take a backseat. If and when both parties could agree to hold a ceasefire, it would be time to test Party B's ability to command and control the fighters. A neutral ceasefire-monitoring mechanism will be critical in monitoring and reporting any violation of the agreement.

Under the military regime, several talks were held, but yielded no positive outcome. The first meeting as the introduction of the two groups started on 8 April 2015 in Kuala Lumpur along with the Joint Working Group Peace Dialogue Process (JWG-PDG). This was just a low-key introduction as it was meant to introduce the participatory parties. The next unofficial meeting was held on 8 June 2015. A considerable amount of progress was made when both sides made their formal demands and political objectives known. For Thailand’s side, represented by Gen. Aksara, he suggested that there is a creation of safety zones in Deep South to ensure the safety of local people. MARA responded that it will comply with the proposal if the government accepted their 5 conditions. Talks stalled once again, but the motive of both sides had been formally introduced to each other.

At the second meeting of the Joint Working Group held on 25 August 2015, both sides tabled their revised proposals. MARA Patani demanded 3 additional preconditions attached to the prior conditions that needed to be met for an official process to launch.

3.2.4.1 MARA’s 3 Proposals during Dialogue 2

1. Recognize MARA Patani as an official dialogue partner.

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Ref. code: 25605703040088LNH
2. Place the peace talks as an issue of national importance endorsed by the Thai Parliament, so that future administrations must continue to work on it.

3. Impunity/immunity from criminal prosecution for MARA members, so that they can enter Thailand and converse with citizens.

Bangkok has reacted positively in favor of MARA Patani's preconditions and showed no sign of rejection. The Thai delegation proposed that there should be priority areas for development to improve life quality and joint determined safety zones; that can guarantee equal access to the judicial process. These were the proposals made by NCPO to resolve the problems in the region. MARA rejected those proposals and responded stating development, security and justice are already existing governmental responsibilities to deliver so it isn’t justified to use those proposals as conditions for a peace dialogue. Facilitators of JWG then decided that both parties draft a ToR that intended to establish guidelines for future official talks between the two sides and make sure both sides abide by the ToR.

3.2.4.2 Terms of Reference (TOR)

The TOR was discussed and mutually agreed upon by both technical teams after three rounds of meetings from October 2015-March 2016. It was meant to pave way for formalizing the peace process. The TOR is a set of rules and regulations in which two or more parties approve to abide by in their interaction with one another. The main purpose is to ensure that each party is mindful of its position, role, responsibility and limitation in discussing or dealing with its counterpart. The most essential standards for the TOR is that it must be agreed upon and accepted by both parties.113 There are various points of importance of the TOR. In order to agree a deal requires a set of rules or guidelines that have the ability to bind the parties concerned in their future actions. It is pointless, in a peace process, to make agreements on important issues without the TOR to regulate the nature of dialogue. It is the TOR that can enhance mutual confidence of both opposition parties. In the earlier peace process under the then civilian Prime Minister Yingluck Shinawatra, the General Consensus

113 Al Hakim, “What is MARA.”
was signed on 28 February 2013 and the TOR was approved without much difficulty in its first meeting on 5 March 2013.

Under the recommendation of the Malaysian facilitator (JWG-PDP), both parties appointed technical teams to create a Technical Working Group in order to draft fundamental rules for the TOR. For Party A representing the Thai side, Lt. Gen. Nakrob was tasked in leading the negotiation team, while Ustaz Shukri Hari lead Party B representing the militants. The TOR was discussed and debated by the both parties in the Technical Working Group and after several rounds of negotiation that spanned over 5 months, the TOR was concluded and settled upon on 23 March 2016.

3.2.4.3 April 2016

In April 2016, both sides had almost come to terms with each other regarding the Terms of Reference (TOR). The TOR didn’t only offer the guidelines for further talks, but also included the three-point proposal of MARA Patani, and, if agreed, would launch the official talks and negotiations. Unexpectedly, right before both sides signed the agreement, Bangkok decided to withdraw from the agreement and not to endorse the TOR. Moreover, Lt. Gen. Nakrob Bunbuathong who was in charge of leading Thai delegation was removed from leading the Thai delegation in the peace talks amidst the surprise and disappointment of the Muslim Malay representatives and the civil society in the region. The new TOR, which had been unilaterally reviewed by Bangkok, was delivered to Malaysia, who play the role as mediator, to be sent to the MARA Patani representatives.114

It’s speculated that the Thai Government’s concern was whether to accept MARA Patani as its dialogue partner. Thus, that would most likely be giving national recognition to the militant groups and upgrading the status of the Patani movement. Meanwhile, according to Gen. Aksara who represented the Thai government on behalf of the prime minister, it is uncertain with MARA whether such an umbrella body is truly representing or negotiating on behalf of all rebels in the Deep

114 Al Hakim, “What is MARA.”
South as seen when the umbrella group failed to contain several insurgencies in the region.\textsuperscript{115}

The talk resumed after the TOR was previously denied by the Thai Government at the last minute. The Thai peace-talk group remain firm on their position as well as stressing of the necessity to end violence on the ground before the next steps would be taken. MARA Spokesman, Abu Hafiz Al-Hakim, declared that both sides agreed to talk about safety zones at future meetings. Both sides are now seeking NGOs to come up with proposals on safety zones. At the moment, Women’s Agenda for Peace, an all-women based NGO will also be participated in the next talk. The NGO has a network of 23 civil societies in the Deep South and they’re pushing for peace dialogue.\textsuperscript{116}

After the April meeting, Kerdpol stated both sides had decided to already approve the framework of safety zones or a limited ceasefire agreement as a preliminary agreement before Thailand could agree on ground rules for formal peace talks, or TOR. The meeting was conducted despite bombings that targeted tourist areas in Thailand, which Thai officials have linked to people from the Deep South. Eleven bombings killed four people at tourist sites across the upper south on August 11-12. According to a rebel source, members of Barisan Revolusi Nasional (BRN), one of the insurgent groups represented on MARA Patani, were trying to send a message.\textsuperscript{117}

The network of women’s NGOs from the Deep South had made themselves heard before Friday’s meeting by demonstrating in the streets of Pattani province a day earlier, calling on both sides to make the issue of safety zones a priority.\textsuperscript{118} Ahead of the meeting, the network also submitted a proposal on safety zones to the delegations.


\textsuperscript{117} Ibid.

\textsuperscript{118} Kummetha, “Peace Talks Get Cold.”
3.2.5 Current Developments

Five months after agreeing on preconditions for peace talks, both the Thai government and Deep South insurgent groups have mutually agreed on a general framework to set up safety zones in the restive region.119

On 28 February 2017, Abu Hafez Al-Hakim, a delegate and key member of MARA Patani announced that the group and the Thai government representatives negotiated in Malaysia. Both managed to reach an agreement on setting up a framework to establish safety zones. General Aksara Kerdpol revealed that an agreement, which would comprise a proposal for “safety zones”, is being drafted for discussion with the separatists in the Deep South. The Steering Committee for Peace Dialogue, chaired by the prime minister, had set the dialogue’s framework and direction in three phrases. They were:120

1. Confidence-building
2. Ratification
3. Achievement of a consensus for a peaceful solution for the conflict.

In the first phrase, the talk will cover the most challenging aspect of the dialogue which is sorting out a confidence-building measure that will be arranged to boost confidence and trust on both sides in order to approve the joint agreement on administration and the supporting details.121

A joint technical team was created to create a joint agreement that would function as rules for the dialogue, which the team could submit for approval from both sides' policymakers. Aksara emphasized on the creation of a safety zone as one of the principal proposals that the Thai team would try to present officially to the dialogue process.122 It is expected that this idea will witness both sides complying with the eradication of violence within safety designated districts. This would hopefully diminish the level of violence in designated areas first before international humanitarian law would be implemented there. The Thai team anticipated progress, which would

119 Kummetha, “Peace Talks Get Cold.”
120 Ibid.
121 Ibid.
122 Ibid.
reduce levels of violence in the Deep Southern region before the TOR would be finalized in the formal meeting.

Under the agreement, five districts in the three Deep Southern provinces, two each in Yala and Narathiwat and one in Pattani, one of which would be made a model district, will be established as safety zones. The exact identities of the districts selected have not been agreed as of now, but MARA Patani insisted that a Joint Technical Team of both conflict parties will together draft detailed regulations and procedures for an assessment team to visit the designated districts. Afterwards, a Joint Action Committee will be formed from MARA Patani and Thai state representatives together with civil society organizations and local representatives of the district designated as a model to monitor the establishment of the safety zone for six months.

123 Kummetha, “Peace Talks Get Cold.”
CHAPTER 4
SIMILARITIES AND DIFFERENCES

This section will compare and contrast the two cases together between the case of the Deep South of Thailand and Aceh. In order to simplify the complication, this section will categorize the similarities and differences between the two cases by categorizing them into the political dimension, economic dimension, and social dimension.

4.1 Similarities

4.1.1 Political Dimension

4.1.1.1 Centralization and Nation-Building

The violent conflict in Patani is triggered by the process of Thai nation building and the successive colonization of culturally diverse societies into a centralized state, governed directly from Bangkok, in the late 19th century. Thai nation building can be perceived as an attempt by the rulers of Bangkok to create a modern centralized capitalist state, emulating the foreign capitalist states which were being created by the British, Dutch and French in Burma, Malaya, Indonesia and Indo-China.\(^1\) Several of these nation-building schemes have caused the conflicts between the periphery and the centre, since the centralized political order demolished prior forms of pre-capitalist local sovereignty. Moreover, in a nation building effort, the Cultural Mandate or State Decrees (Rathniyom) by Plaek Pibulsonggram issued between 1939 and 1942 deeply affected the people in the Deep South provinces. These mandates were attempts to achieve the level of ‘civilised nations’ when the country participated in World War II. Since the mandate also aims to establish a uniform and civilized Thai culture, many of the traditions in the South were prohibited. Part of the process included forcing all citizens to study and speak Thai.\(^2\) Moreover, it was prohibited to identify


people by their ethnicity but all must instead be referred as “Thai”. Also, these people were forced to dress the same (with their traditional clothes being banned). Most importantly, Malayu language was forbidden. Such procedures extremely inflicted and impaired the Malay culture of the Deep South, as Malay was the language used in everyday life, at school, and especially in religious studies. Moreover, the Thai government attempted to impose rules and regulations to control pondok schools as well. Pondok schools were traditionally a learning centre for many households of the Malay Muslim community, but according to the Thai authorities, they were believed to be the places of assembly for separatist planning and jihad thought. The Thai government then set out to turn the pondok into ‘Thai’ schools, by convincing pondok owners to change them into private schools, teaching Islamic studies only alongside a mainstream curriculum that is taught in Thai. Repetitive imposition on the Patani lead to collective anger that slowly accumulated into a rebellion movement.  

Similar to the Deep South of Thailand, Aceh encountered a comparable scenario. While Aceh played an important role in the revolution and war of independence against the Dutch after the end of World War II, Aceh was promised by Sukarno in 1947 that they would be allowed to implement Islamic Law (or Syariah) following gaining independence from the Dutch. Despite being granted a special territory status, Aceh was prohibited to implement syariah nor to incorporate Islamic religious schools (madrasah) with the central national schools for a unified education system. People of Aceh began to resent Indonesia. Antagonism was mounting toward the constitutional and political character of Indonesia that was leaning toward secular belief. Although, despite its overwhelming Muslim population, Sukarno didn’t proclaim Islam as an official religion of Indonesia and refuse to adopt political Islam into its governance system like what Aceh would have preferred. In fact, Sukarno perceived Indonesia as a multicultural nation composed with diverse numbers of ethnic groups with unique languages, cultures, religions, and ways of life and decided that state ideology must incorporate and shelter the whole range of Indonesia society, thus

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Ref. code: 25605703040088LNH
a consensus for common good to attain a just and fair society. It is known that Sukarno’s central purpose was the preservation of the country’s unity and the restoration of a sense of national identity. Consequently, in his nation-building effort “Guided Democracy” targets to bring about political stability in the Indonesia archipelago through centralization process. In the process, the separate province of Aceh was abolished and merged into North Sumatra. This resulted in the Acehnese Rebellion that would last from 1953 to 1959. Daud Beureueh declared Aceh independence on 20 September 1953 and joined bandwagons with Sekarmadji Maridian Kartosoerilo who at the moment was leading the Darul Islam Rebellion. The movement had been politically undermined when the central government granted Aceh ‘special region’ (daerah istimewa) status in 1959, providing for local autonomy over religion, customary law and education. By 1962, Dar’ul Islam, both within and outside Aceh, had been defeated by central government military campaigns. This momentarily gave stability and peace in Aceh for a short while before everything took a drastic turn when Suharto ousted Sukarno in 1967.

Succeeding “Guided Democracy, Sukarno’s nation building regime “New Order” was launched and immediately prompted the stricter implementation of centralized rule from Jakarta throughout the whole Indonesia archipelago. Especially in Aceh, matters became worsened with the findings of petroleum in Aceh during 1971, resulting in an even stricter control over the regional economy and governance by external elements. Although the people of Aceh experienced massive economic growth from natural resources contribution, many Acehnese felt they didn’t receive appropriate benefits or enough wealth distribution. Even worse, these locals also lost their lands and forest resources to pave way for industrial, plantation and forestry developments established by both foreign companies and by the military themselves.

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4.1.1.2 Forced Assimilation by the Central Government and Historical Grievances

Part of the conflict was political marginalization, with extensive history of human rights violations and other mistreatments of the local population by Central Government forces and officials for which few of them have been brought to justice. The method conducted during the imposition of centralized rule by the national government and the negligence of cultural, religious, and historical significances of the local people created historical grievances that thus made them perceive that their ethno-cultural identity was marginalized by the mainland government. While the Malay-Muslim population is a majority group in the Deep Southern part of Thailand, it accounts as a very small percentage in relative to entire Thailand population, which is largely predominantly Buddhist. After Siam embarked on a centralization policy, King Chulalongkorn installed Thai administrative offices in the three southern Malay provinces with many of the officials sent by the central government being Thai Buddhists who weren’t familiar with the local customs and languages. Such an imposition rearranged the governance structure of the local administration affecting Patani people to adapt to the new administrative system. This involved Thai Civil Law enforcement replacing local Islamic administrative law and practices. Moreover, traditional Muslim courts that formerly handled civil cases were replaced by the Thai Administrative Court. Further adding to the present tension was seeing these people occupying local people’s jobs, thus seeing a rapidly increasing number of unemployment. Furthermore, the Ulama or religious clergy who previously played an influential part in the society also saw their roles greatly diminish. More importantly, several military regimes since Plaek Phibunsongkhram’s administration in 1934, the “National Culture Act” (Ratthaniyom) was enacted as a means to assimilate the people in the South. The adjustment of school curriculums was also being executed, forcing Thai language lessons with disregard for traditional Malaysia Jawi local language. It was launched to enforce Thai unification to promote the “Thai-ness” as people of the Deep South saw the successive push of the ultra-nationalist Thai agenda to create a mono-ethnic state was being enforced without consent.

6 Melvin, Conflict in Southern Thailand, p. 21.
7 Aphornsuvarn, History and Politics, p. 22.
Meanwhile, during World War II (1939–45) witnessed the beginning of the Patani nationalist movement led by Haji Sulong who was a prominent religious leader of Patani. Labeled as a reformist and a separatist, he sought greater recognition of the Jawi culture and community in Patani in a dominant Buddhist country. In retaliation against General Phibunsongkram’s concept of “Thainess” (the ideology linking Thai people to be Buddhists who speak Thai and are loyal to monarchy), Haji Sulong requested for reforms in education and public administration in southern Thailand, but his actions were deemed disruptive and viewed as an act of rebellion by the government. It was put down by the central Thai authorities through forceful means. His disappearance along with his son in 1955 while they were on their way to face trial in court with no one from the central government taking responsibility also served as one of reasons of ongoing tension in the Deep South. Similar heavy-handed measures were occasionally taken by the state to put down resistance groups. The use of force became legitimized again during the Thaksin administration. Declaring martial law on conflicted areas and legitimizing the use of arms in handling insurgent movement as exemplified in the case of the Tak Bai Massacre and the Krue Se incident in 2004 further intensified resentment in the area. The reliance on force by Thaksin’s administration and his misunderstanding on the affairs led him to make various mistakes in tackling the Deep South Issues. Several of his misdeeds constituted the resurrection of violence from 2004 until today with the security situation deteriorating instantly. From December 2001 onward, militants resumed regular attacks on security forces such as large-scale raids on police posts. This has been attributed to a shift of leadership from military to police officers who were appointed by Thaksin to extend Thaksin’s surveillance in the area. By May 2002, Thaksin dissolved the SBPAC and CPM-43, the two bodies from Prem’s administration which was responsible for coordinating the affairs between the central government and Deep South. This granted him power to deal directly with the local provincial administration government as this also signaled the abolishment of past efforts built by Prem.

Very much like Thailand, deep resentment for authoritarian rule especially during the Suharto era was also one of the main causes of historical

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8 Melvin, *Conflict in Southern Thailand*, p. 23.
grievance for many Acehnese. Suharto’s heavy military occupation of Aceh from the 1960s to the 1990s transformed the politics and administrative functions of Aceh that traditionally relied heavily on the application of Sharia, replacing them with more secularized ones. Furthermore, methods employed against the local people with disregard to human rights also fueled anger in the area. Martial law was declared on Aceh, thus allowing officials to have an unprecedented amount of power to contain the situation.\textsuperscript{10} Officials resorted to torture, violence, apprehending suspects without justification. With people mourning over the loss of their relatives but the judiciary process could provide no answer to who committed the crime and who were the perpetrators. Furthermore, injustice was rampant with few of the officials being put on trial for their past crimes as this signified the limited access to judicial processes for the local people. The example of these activities was most prominent during 1989 when Indonesia declared a Military Operation Zone known as Daerah Operasi Militer (DOM) on Aceh which permitted the military to use force to control the situation in Aceh. During these times, violence was widespread as military officials enjoyed unrestrained and unaccountable actions during their times of conduct. Throughout 10 years of the declaration of the DOM, from 1989 to 1998, the estimated number of people killed during this time were accounted at around 2000 with most of them being civilians. Reports of intimidation, beatings, rapes, disappearance and torture were rampant. Such incidents left the population of Aceh traumatized and anxious for justice.

\textbf{4.1.1.3 Systematic Failure of Judicial Arbitration}

Limited access to justice, security, and human rights protection are also graded among the fundamental problems that prolong the confrontation in restive southern region of Thailand and is essential to the outlook of its upcoming resolution. Since the reemergence of the confrontation in 2004, several violence acts such as assassinations and bomb attacks done on both sides have claimed more than 6,000 lives and injured over 9,500 people.\textsuperscript{11} At the same time, several cases have occurred in regards to poor access to the formal justice system, arbitrary arrest,
lengthy imprisonment of those arrested, human rights violations by security officials, and impunity on the part of both state and insurgents. From 2004 to 2012, out of nearly 8,000 security incidents, the police referred only 4,700 security-related charges to prosecutors. Of this number, only 907 cases were deemed to have sufficient evidence to proceed, based mostly on witness testimony and hearsay, and were forwarded to court. Among these, 439 (48%) led to acquittals. The legacy of problems in access to justice has contributed to the absence of trust and poor relationship between state and society at large in southern Thailand.\footnote{Santi Nindang, “Reversing the Legacy of Injustice in Thailand Conflict Ravaged South,” Asia Foundation, last modified January 21, 2015, http://asiafoundation.org/2015/01/21/reversing-the-legacy-of-injustice-in-thailand-conflict-ravaged-south/}

Similar to the Deep South of Thailand, over the course of its thirty-year long history, armed conflict in Aceh was rampant with constant violations of human rights on the civilian population at the hands of the Indonesian military (TNI). The violation peaked at a record-high during the Military Operations Zone (DOM) era between 1989 and 1998. Although statistics are still disputed, data collected by the Aceh Reintegration Board (BRA) in June 2007 indicated that over 33,000 people had been killed over three decades of conflict.\footnote{Aguswandi and Large, Reconfiguring Politics, p. 67.} Moreover, data collected from a survey of 17 districts of Aceh by a joint collaboration between the International Organization for Migration (IOM) and Harvard Medical School illustrated that 35 per cent of informants had reported having to flee burning buildings, 24 per cent had experienced forced labor and 40 per cent had experienced the expropriation or destruction of property. Other human rights abuses, such as, rape were confirmed during the conflict, but numbers remain unclear in official statistics.\footnote{Ibid., p. 68.} Even toward the end of the conflict in 2005, although it was announced following the Helsinki Peace Process that the Human Rights Court (HRC) would be established and would have retroactive powers in accordance to the MoU agreements and LoGA (Article 228), the HRC can only try cases of abuses occurring after enactment of the LoGA, rendering it meaningless for resolving past human rights crimes. While peace is generally stabilized in Aceh following the enactment of LoGA 2006, the limited access to judicial processes remains one of the historical grievances for many of the Aceh people.
4.1.2 Economic Dimension

4.1.2.1 Economic Grievances and Inequality, and Opportunity

Systematic discrimination in local governance and social service delivery is also one factor contributing to the conflict as problems are presented in forms of economic difficulties. Because of their unique ethno-cultural value, both suffer a lot from marginalization by central governments, making the Deep South and Aceh one of the poorest and least developed regions in the country. Prolonged confrontation and instability in the restive area also repel economic activities, education opportunities, and external investment in the area.

The problems in Southern Thailand are also the result of decades of economic neglect; lack of employment opportunities for local Muslims in the public and private sectors; the cultural insensitivity of the bureaucracy; and the non-recognition of religious, linguistic, and cultural diversity within Thai politics.\textsuperscript{15} For Thailand, predominantly a Buddhist state, due to the nature of governance with an emphasis on a centralized regime creating widespread inequality all over the country, Bangkok is highly developed, whereas rural provinces suffer from problems such as unemployment, substandard infrastructure, inadequate supplies of land and capital, low quality of living standards. Malay Muslims lack proper educational or social opportunities equipped with inadequate life skills to work in governmental or civil servant jobs. Part of the reason contributing to the problem is the language barrier to work in Thai civil servant and administrative jobs that expect the applicants to be able to speak fluent Thai.\textsuperscript{16} A number of Muslims students studying at Islamic schools spend large periods of time studying Arabic and the Qur’an. However, most Malay Muslims are not fluent in Thai as that diminishes their hope to work in administrative level jobs in order to contribute to the improvement of lives in the restive area. Instead, most governmental positions are taken by non-Malay Muslims who are unfamiliar with the culture and fail to acknowledge the sensitive needs of the local people. This is despite the Thai government spending more than 206,094.400 million baht in security for the

\textsuperscript{16} Ibid., p. 26.
past ten years, as budgets weren’t use effectively for development or reducing inequality in the area.¹⁷

For Aceh, economic exploitation over natural resources found in Aceh prevented it from reaching its full potential, as a large amount of revenues gained from resources were mostly acquired by the central government. Until 2005 with LoGA that substantially adjusted the number of revenue sharing to 70% is partially the reason allowing peace to establish.¹⁸ Note that during the 1980s, Aceh contributed between USD 2 billion to USD 3 billion annually in export earnings to the Indonesian state, representing about 11 per cent of Indonesia’s national revenue.¹⁹ Prior to the discovery of gas, the economic situation in Aceh was relatively high in comparison to the rest of Indonesia. During the 1980s, however, poverty rates more than doubled, while they fell behind other provinces by nearly half. By 2000, Aceh’s regional GDP had risen to fourth place out of thirty provinces, yet it was the fifth poorest province of Indonesia.²⁰

4.1.3 Socio-Cultural Dimension

4.1.3.1 Ethno-Religious Differences

Alienation is what both Aceh and the Deep South feel due to their difficulty in assimilating themselves with the rest of the country since both give importance to their unique ethnic identity. Especially for being Muslims, the ritual, emotional, ethical, legal, social, material, and political dimensions of life are all interpreted and perceived through the lens of ethnic identity which is deeply intertwined with religion. Ethnicity is mixed with religion, resulting in the formation of an ethnicized view of Islam. In Thailand, the ethnicized, Malay-speaking Islam is practiced in the provinces of Narathiwat, Pattani, and Yala of the Deep South. These southern provinces represent 44 percent of the total Thai Muslim population (which

²⁰ Ibid., p. 9.
While Muslims from other parts of Thailand find no difficulty assimilating themselves with the predominantly Buddhist state, Malay Muslims adhere to their values, making assimilation very difficult. Malay Islamic identity is the result of a bonding between the Shafii School of Islamic law and Malay ethnic identity, where the *kaum*, or ethnic community, and *madhab*, or school of Islamic law, reinforce each other. Their embracing of Sharia law is also what sets them apart from the rest of the Muslim population in Thailand. They also remain reluctant to speak or learn Thai but maintain the usage of Jawi language or Pattani Malay within the community. In the historical times, Pattani Malay was the official language used on several conservative Islamic teaching and learnings, and still remains the primary language of usage for education for the people of Pattani Muslims. From the 1930s and 1940s, when Thailand the government forbidden pondoks, Islamic schools and learning centres, and instead replace and offer instruction in Thai instead of Malay and Arabic. Several local people perceive such imposition as a threat their identity, subsequently leading pondoks to begin promoting encouraging Pan-Malay nationalism idealism and Islamic revivalism through their teachings.

Similar to the Deep South, Aceh believes that their Islamic practice is historically different from the rest of Indonesia. Although Indonesia is predominantly a Muslim state, Aceh’s conservative form of Islam is what distinguishes them apart from the rest of the country. The Acehnese believe that the application of Shari’ah must be applied in Aceh governance and judicial processes and such implementations have to be exercised strictly. Added by their pride in their native Islamic culture that serves to be the pinnacle of the Islamic centre of Southeast Asia in the 16-17th century together with their relentless struggle against Dutch Imperialism that helped free Indonesia from colonialism makes them view themselves independent from the rest of the Indonesia. Throughout the history of annexation in Aceh, various aspects of Aceh’s religious significance have been abolished. Indonesia imposed the

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secularized form of administrative function on multiple levels. The abolishment of the Islamic Court, an existing judicial process that relied heavily on Shari’ a caused great resentment to the local people. In addition, reduction of the role of religious institutions and religious figures (Ulama) in Aceh further intensified anger in the region.

4.2 Differences

There are differences between the case of Aceh and the Deep South of Thailand as well. However, the differences between the two cases also present themselves as the existing limitations for Thailand that they will have to overcome in order to elevate the current talk processes toward the next phase of negotiation with the militant groups.

4.2.1 Political Dimension

4.2.1.1 Political Contexts That Are Different

The conflict between Aceh and mainland Indonesia originated from the imposition of a centralized regime by Sukarno and Suharto that saw Aceh witnessing massive records of interference in the region by the mainland. Particularly after the discovery of natural resources in the 1970s, the deployment of TNI troops to be stationed in Aceh further intensified the volatile confrontation in the area. It wasn’t until 1998 that the resignation of Suharto hinted the revival of democracy and openness in Indonesia that enabled the next phase of negotiation between the GAM and the Government of Indonesia to progress again. In order to find a peaceful political solution in Aceh, from BJ Habibie push for Reformasi to Abdurrahman Wahid, Megawati, and finally Susilo Bambang Yudhoyono, all of these administrations have been working continuously to achieve peaceful means with the GAM militant group. From 1998 onward, Aceh has seen the development of progress through several attempts from granting local autonomy under the enactment of Law 25 of 1999, Law 18 of 2001, or cease-fire agreement efforts such as COHA. It wasn’t until 2005 with Susilo Bambang Yudhoyono as President that Aceh and the Government of Indonesia mutually agreed to a ceasefire agreement. Yudhoyono, unlike military officers who are not fond of peace processes in Aceh, expressed sincerity to solve the issue as he conferred a self-
autonomy rule to Aceh in accordance with the agreement of the Helsinki Peace Process that was concluded in the enactment of Law on Governing Aceh in 2006.24

For Thailand, it is different. Particularly now under the military regime, due to the instability of Thai politics hampered by color politics further fragmenting the country. With the military sector (who is still a very influential player in Thai politics) occasionally staging a coup to mend the fragment factions and unify the country under centralized rule, this hinders continuous efforts from reaching a conclusion. Moreover, central to these factors is identity politics, which is the claim to power of a particular identity, be it national, clan, religious or linguistic. For years, the Thai state drastically rearranged and transformed Patani’s elite and political structures, particularly governance, Islamic education and legal systems, into more a secularized, Thai-oriented system.25 Furthermore, the government’s reluctance to resolve problems without political reform or devolution of power, is regarded by many officials as a potential factor in the national fragmentation. Proposals for a “special administration”, such as a regional governing council or popularly elected provincial governors, were widely discussed in the region prior to the 2014 coup but today are irrelevant to the Thai side under military rule. The government needs to relinquish the wish to resolve the conflict without devolution or concession. A recent regional survey found 61 per cent of respondents considered new administrative arrangements appropriate to local conditions necessary to end the insurgency.26

4.2.1.2 Political Key Actors

This is one of the chief reasons that distinguish Aceh and the Deep South of Thailand from one another. In the case of the Deep South of Thailand, it is situated with multiple militant groups who don’t share common purposes for fighting. This indicates the complexity of meeting all of the conditions for all of the militant groups, conditions which are very difficult to fulfill without the possibility of marginalization. Whereas in Aceh, the sole militant group in the area is represented by GAM, enabling Indonesia to be fully committed to meeting GAM’s demands.

24 Barron, Rahmant and Nugroho, Contested Corner of Asia, p. 47.
25 Aphornsuvan, History and Politics, p. 17.
Since the inception of the conflict in the Deep South of Thailand, there have been 5 main Islamic insurgent groups that appeared throughout the 20th century that have contributed to the spurring unrest in the Deep South. In 2015, together they came out in support of the MARA group. According to the 2015 meeting between the secessionist groups and the Government of Thailand, Dato Ahmad Zamzamin Hashim was a designated as a facilitator from Malaysia who held meetings with representatives from other main longstanding separatist groups in 2015. Representing the BRN was Awang Jabat and his associate, Tok Imam Haleng. Other participants included representatives of the three separatist factions - the Patani United Liberation Organisation (Pulo), Gerakan Mujahidin Islam Patani (GMIP) and Barisan Islam Pembebasan Patani (BIPP). Altogether formed Majlis Amanah Rakyat Patani or MARA Patani. All agreed to work together and use MARA Patani as a means to unite the Patani groups as a collective unit to guide the peace process forward.27

While the peace dialogue is generally acknowledged, one of the most commonly asked questions is whether the Thai government is negotiating with the right group. Although regarded as the current core organization, the legitimacy of MARA as an umbrella organization is questionable to the government of Thailand and to the local people. The problem with MARA Patani is that the vast majority of BRN leaders, especially those from its military wing, do not support the initiative. Hardline BRN said the initiative was cooked up by rogue members who have teamed up with the facilitator and, to some extent, Thai officials working on the peace process. Moreover, they do not see Awang Jabat as their representative. Like the core BRN leaders, Prayut doubted MARA Patani as the one who is reflecting the determination of the people of this conflict-affected region. He also pointed out that the idea had come from a small group of people. Moreover, the prime minister was concerned that MARA Patani could set the stage for the conflict to be internationalized as some Thai foreign ministry officials fear the issue could easily be pushed onto the regional agenda.28

28 Ibid.
Though MARA has some backing in the Deep South as they claim they are representing all militant groups in the region, opinions are divided regarding the MARA group between those who deny their legitimacy and those who support it. With MARA’s inability to control periodic violence, this will further weaken their reputation as the legitimate group in the region. Unlike in Aceh, following the Helsinki Peace Process, when GAM agreed to demilitarize arms, due to the cohesiveness of the militant groups unified and represented under GAM, arms were reduced almost instantly. From that, the Indonesian government responded positively by removing non-organic troops out of Aceh, resulting in the tremendous decline in the level of confrontation. Together with an international monitoring mechanism facilitated by third party observers, peace flourished again in Aceh. That’s not likely the case for the Deep South of Thailand. The longer the conflict continues, it will constantly generate skepticism from Thai government to give them official recognition, which is one of the group’s principle demands incorporated in the TOR. Moreover, local support for MARA will gradually fade rendering them powerless and turn them to become an ineffective umbrella group, a prospect that MARA will have to avoid at any cost and which may result in the peace process that may have to begin all over again.

### 4.2.1.3 Different Political Approaches to the Problem

As a military junta government, Prayuth Chan-O-Cha remains displaying a hard stance against the insurgency group without a clear intention of resolving the issues. Many of his administration policies aim to bring order and return unification in the factious nations divided by political turmoil. This indicates the revival of a centralized-oriented policy similar to that of Plaek Phibunsongkram in his nation-building efforts. On the much controversial draft constitution, it promotes centralization rendering concession, autonomy, or even devolution to become unviable options. This is signified in the latest peace negotiation. Peace-builders on the field criticized that it is difficult to propose constructive solutions like giving away autonomy or welcoming international mediators. Particularly on the military side, they have always denied to welcome international mediation which is one of the separatists’ principal demands, with reason of the fear of legitimizing and internationalizing separatist claims. Furthermore, it is hardly likely to consider devolving powers when the military junta is
recentralizing the state, in part to contain the government’s opposition in various provinces.  

Moreover, the current military junta also illustrated their stance of unwillingness to allow the most basic concessions to the insurgents. Among its demands were mediation by a neutral third party and the participation of international observers. However, it is illustrated by Islamic insurgencies in ASEAN members such as Indonesia and the Philippines that just basic smaller concessions such as religious freedom or the participation of international agencies or humanitarian groups can play a pivotal role in soothing the situation. For Thailand, few concessions are being considered by the Thai government as it interferes with the country’s legitimacy of the area. Without even mentioning regional autonomy, basic human rights concessions such as official recognition of the region’s Malay language is not discussed, let alone the release of insurgent suspects and political prisoners. It would be fair to say that even though their statements signal that they are committed to reaching a peace agreement, it appears that the government doesn’t intend to lose anything but expects insurgents to surrender without having to exchange anything for any political concession.

A heavy military presence in the conflicted area also plays vital role in fueling the tension. In a positive aspect, soldiers can maintain order and conduct surveillance, but it is impermanent. On the contrary, it is more likely to incite more mistrust between the two parties. Some initiatives, and recently the most controversial one is the push for the collection of fingerprints and DNA sampling from Deep South citizens for a verification process in prosecuting insurgent suspects. This implies an act of mistrust towards the local people that instead further alienates local residents. Analysts believe that the prospect of achieving peace will have to include a long term commitment that responds to local grievances—be it political freedom, economic development, and different cultural acceptance—will most likely be efforts

31 Dominguez, “A Look at Southern.”
that can achieve lasting trust, and from that Thailand can finally integrate southern communities as part of cultural diversity within the Thai state.

### 4.3 Conflict Resolution Approach and Decentralization

This is where Indonesia and Thailand differ. In the post Suharto era, Indonesia has been successively attempting to push for decentralization as a means to distribute power to other areas and improve governance in rural areas. Realizing several limitations and challenges of centralized rule, BJ Habibie and several administrations worked to provide greater autonomy that is suitable to the local context of people of different regions and especially of Aceh, in contrast to the approach by the Thai government who believe centralized rule can provide the government better ruling.

#### 4.3.1 What is Decentralization and What Are the Different Types of Decentralization?

According to UNDP’s definition, “decentralization” refers to the restructuring or reorganization of authority so that there is a system of co-responsibility between institutions of governance at the central, regional and local levels according to the principle of subsidiarity, thus increasing the overall quality and effectiveness of the system of governance while increasing the authority and capacities of sub-national levels.³²

The positive aspect of decentralization, among decentralized advocators claim that decentralization is a key feature of good governance. It boosts the role of the people to participate in economic, social, and political decisions that thus amplify the development capacity of the people while it also enlarges government responsiveness, transparency, and responsibility to meet the demand of the people.

Decentralization encourages the promotion of representational systems of community-level decision making, thus establishing a more responsive, open, and operative local government that is functional and serves the interests of the designated people. By enabling the regional and local community to manage their own

affairs, facilitated by close coordination between central and local power, this will allow an effective response to the local needs and priorities. Therefore, the government can respond swiftly to the improvement of society all over the country in addressing renowned problems of inequality, poverty, in these provincial areas. There are 3 types of decentralization.

4.3.1.1 Political Decentralization

Often that central governments make the decisions that do not represent the best interests of the local people. Due to their lack of familiarity and understanding of the local issues lead to problems such as budgets being misused. Political decentralization is a notion which focuses on using “public decision-making” from people of the local area to make the decisions that work best for them. Moreover, political decentralization aims to give citizens/public representatives/public sectors more power in public decision making. This is similar to pluralistic politics as these local representatives (authorized by the government) have enough power to manage themselves whenever they see fit. Moreover, it promotes democratization in the area, creating an inclusive environment, bringing multiple parties into the decision-making process to voice out their concerns, and creating panels that incorporate local citizens or representatives in designing the implementation of policies that people see fit in their context.33

Though, in order to achieve political decentralization, constitutional reform is required to design formal rules and functions. The constitution may assign broad principles on how the local government should do through specifying rights and responsibilities. Furthermore, development of pluralistic political parties, the strengthening of legislatures, and creation of local political units are necessary to make it functional in actual practice.

4.3.1.2 Administrative Decentralization

The second form of decentralization is known as “administrative decentralization”. This involves the process of transferring and redistributing responsibility for public services such as planning, financing, and management to different levels of government. It consists of 3 types of administrative

decentralization, namely, deconcentration, delegation, and devolution. The 3 types of administrative decentralization vary in the amount of power transferred by the central government.  

(1) **Deconcentration**

Deconcentration is considered the weakest form of decentralization and is being employed mostly in unitary states. The process includes the process of redistributing power such as decision making, management, and financial functions by the administrative level to different levels certified by jurisdictional authorities of the central government. Basically, responsibility is shifted from central government in the capital city to small units such as regions, provinces, or districts to improve local administrative capacity under the supervision of central government. This means, in some scenarios, the workload from one ministry is shifted to other ministries or to other provinces and districts.

(2) **Delegation**

Delegation is a more extensive version of decentralization. Power and responsibility are transferred by the central government to a semi-autonomous organization whose tasks are to perform the central government’s tasks. These independent organizations are not wholly controlled by the government, but the government certainly holds accountable to it. Delegations are being utilized mostly by developing countries in order to carry out specific functions for the government.

(3) **Devolution**

The third type of administrative decentralization is known as “devolution”. Devolution refers to a significant transfer of power. The process consists of the central government relinquishing its power and creating new units of government that function outside their direct control. For example, functions such as law-making and revenue raising are now subject to a locally elected government. The 5 features of devolution are as follows.  

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35 Australian National University Enterprise, *Governance and Capacity*, p. 95.
1. Power transferred to autonomous units now govern independently from central government without direct control of central government

2. Autonomous units now manage their own resources while granting privilege to enjoy corporate status

3. Autonomous units have total control over a recognized geographical area

4. Devolution demands the creation of local government institutions to be recognized

5. Relationships between central government and local government are based on mutual agreement and beneficiary

In this scenario, devolution will involve a process of transferring responsibilities for the municipalities to elect their own governor or mayor, collect their own taxes, and manage its own natural resources, choices in expenditures and investment. This suggests that the local government by legislation have the ability to exercise their laws in performing public functions and duties within their recognized geographical boundary.

4.3.1.3 Fiscal Decentralization

Fiscal decentralization involves a process in which the central government transfers its fiscal decision-making power to the local government or organization to govern and manage themselves. This has an impact in fostering local fiscal and local income responsibility. Since the local level is better at accessing and evaluating local needs than the central government, the local level of government now wields authority to manage their own expenses such as setting up expenditure or budget planning that will serve the interest of the people and tackle the right issues, resulting in the vast improvement of a better quality of life. The local government is now granted options to formulate its own policies.
According to the World Bank decentralization thematic lists five forms of fiscal decentralization:36

1. Self-financing or cost recovery through user charger;
2. Co-financing or co-production arrangements through which the users participate in providing services and infrastructure through monetary or labor contributions
3. Expansion of local revenues through property or sales taxes or indirect charges;
4. Authorization of municipal borrowing and the mobilization of either national or local government resources through loan guarantees; and
5. Inter-governmental transfers that shift general revenues from taxes collected by the government to local governments for general or specific uses.

4.3.1.4 Asymmetric Decentralization

By taking into account the various factors such as economic, demographic, social diversity, while also looking at the features such as size, wealth of different areas, and various areas demanding different level of autonomy, asymmetric decentralization refers to a concept in which the government disperses its authority and responsibilities disproportionally (asymmetrically) depending on local features. Since “one size fits all” does not apply, each particular local area requires a varying level of autonomy, as the government may choose to offer more authority to specific areas.37 For example, due to the differences in culture, to accommodate the need for such diverse approaches, asymmetric decentralization will treat different units differently to yield effective governance.

In most cases, a unitary state will function best with a centralized government with consolidation from the local government supporting it. But that’s not likely the case in areas with diversification of cultures and religions,

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languages, and traditions. In general, people may understand that, for a unitary state, the concept that is suitable to be used is only the normal form of decentralization as there is only one central government which distributes or transfers its powers and authorities to local governance equally. However, in the case of unitary states, although they have similar political systems, there must still be some diversity in terms of traditions, cultures, languages, religions and history. That is why, political, administrative, and financial policy treatment should be delivered to any region differently. Asymmetric decentralization, which is to decentralize unequally to different regions, would be a reasonable demand.  

Although, decentralization may pose a greater threat in terms of allowing sensitive powers to prosper amidst political crisis, without monitoring or surveillance to control the outbreak of the issue. But in different scenarios, these insurgents may internationalize the issues through bringing third party observers to escalate the issues, thus pressure by international community in forms of economic sanctions or political pressure.  

A notable example of a country which adopted asymmetric decentralization is Indonesia. Its complex geographical location consisting of over 100 islands along with the addition of a population of 200 million forms a highly diverse distinctive cultural country. For central authority to impose central laws isn’t necessarily always applicable. As people desire to retain their traditional forms of governance, constant interference from the central government often leads to confrontation and disagreement. Aceh is the most prominent case in which the government successfully implemented asymmetric decentralization with accomplishment in terminating conflict, granting Aceh an autonomous region to deal with its own affairs with its own established principles and laws and enforcement. Under the special autonomy law “Law no. 18/2001” and the finalization of the Law on the Government in 2006, this provides legal rights for Aceh and other most eastern provinces rights to implement their own law namely Sharia Law or Islamic Law. In addition to this, the Aceh Local Administrative government are also given rights to have its own elected leaders, local elections, as well as being able to control and manage

38 Nasuton, “The Challenge of decentralization.”
its own resources such as oil and petroleum. This means the income generated from natural resources are independently managed by the local government, with revenue sharing of less than 20%.39

So, in the case of insurgency in the most southern provinces of Thailand, to achieve conflict resolution is through the application of the concept of asymmetric decentralization in the three border provinces area. The Thai central government, through the concept of asymmetric decentralization, has to delegate and transfer more power and authority into the area in order to make prompt decisions and get as close as possible to the local people. It is obvious that the deep-south areas need different governance from other parts of the country as they are different in terms of identities, languages, religions or beliefs and etc. In my opinion, I think the people in those areas need their own way of governance that corresponds to their context with their own law and their own government to address local needs. The Thai central government should set up a special administrative zone in three southern-most provinces, setting up and facilitating their own local government. In the government of those areas, the highest power and authority would still remain with the central government, by transferring and delegating some of its power to local government in this special administrative zone in order for the local people to have the feeling that they are in control and are governed by their own government. In this case, the authority for this area to have their own election in order to choose their own representatives is vital.

4.3.2 Understanding the Application of Law of Governing Aceh 2006 and How Decentralization Is Applied in Aceh

As Indonesia faced an economical blow from the 1997 financial crisis, critics and oppositions of the central government criticized the central government for its mishandling of the financial crisis and demanded devolution. Local bureaucrats at the regional and sub-regional level backed the push for greater autonomy to increase better control over their local resources and affairs. The sub-national governments in particular recalled the way regional governments had been treated for

39 Australian National University Enterprise, Governance and Capacity, p. 97.
years under the Suharto supremacy and were willing to claim the power back from the central government. Indonesia, from a formerly strong centralized government structure, began a procedure of government decentralization in 1999. The aim of decentralization was the distribution of power and duty from the central government to provinces and sub-provinces with means to promote good governance by empowering civilian participation and democratic elections. Following decentralization, Indonesia as of today is comprised of 30 autonomous provinces that comprise with districts and municipalities. Districts, located in rural areas, and municipalities, outside of rural areas, are the same level of government. The provinces have a governor who serves as the central government’s representative and a representative in parliament. The provinces and local governments are sub-national governments.\textsuperscript{40}

Understanding the application of decentralization in Indonesia and the implementation process of the Law on the Governing of Aceh (LoGA) will provide how granting decentralization contributed to achieving peace and order in Aceh. Also, understanding the importance of the MoU and LoGA and how they respond to and address Aceh’s grievances are also worth observing since it can also be utilized by Thailand’s side to reconcile differences with the insurgent groups in the Deep South. Processes conducted by the government of Indonesia during the Helsinki Peace Process such as welcoming the participation of an international mediator or enhanced monitoring mechanisms by international agencies can also be instrumental in achieving peace with the insurgent groups.

Within the time frame of 10 years of the continuous push for decentralization in Indonesia and Aceh, there are three laws issued by the central government for the Aceh government based on the special autonomy system. In chronological order, Law No. 44/1999, Law No. 18/2001 and lastly Law No.11/2006. In respective order, Law No. 44/1999 states Aceh as special and exceptional, Law no.18/2001 grants Aceh status as a special autonomous region, and lastly Law No. 11/2006 concerns laws and governance in Aceh. This section will mainly discuss the development of the Law on the Governing of Aceh.

4.3.2.1 Law No. 22/1999 and Law No. 25/1999 of Indonesia

Responding to political reform agendas, one of Habibie’s main tasks was strengthening the capacity and effectiveness of regional autonomy. Due to the centralized government being unable to perform tasks or administer the entire population of Indonesia, decentralization and regional autonomy became the main notions to address the problem. Effectively, a competent regional government equipped with greater autonomy was perceived as a permanent solution to problem. The strategic aim for regional autonomy is increasing the level of involvement of government closer to their constituents in order to increase the effectiveness and efficiency of government services in these local areas. It is believed that the district and municipal government can understand the needs and aspirations of their communities better than the central government. The first executive laws regarding decentralization for the entire Indonesia archipelago was Law No. 22/1999 on regional government. The law constitutes that there are changes made to the fundamental level of governance, namely an autonomous local government at the Kabupaten (districts) or Kotamadya (municipalities) levels headed by Bupat (regent) or Walikota (mayor).

Upon enactment, nearly two million civil officials (accounting for over 40 percent of government officials) were transferred to the rural district (Kabupaten) or province (or municipality). Shortly after, Law No. 25/1999 (or also known as the “Fiscal Balance between the Central Government and The Regions”) was passed to decentralize extensive economic powers of central government to district governments throughout the archipelago that would enable more control over their fiscal decisions and budget management.

4.3.2.2 Law No. 44/1999 for Aceh

President Habibie’s priority was to establish himself as a democratic leader of Indonesia. He began with pursuing negotiation methods as a solution to the conflict. At the same time, the situation in Aceh became increasingly hostile following East Timor’s independence. With increasing demand for independence in Aceh, one of the government’s options to reduce tension was proposing an alternative to the Acehnese people with the right to govern itself. The

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42 Ibid., p. 245.
approach by Habibie consisted of the formulation of special autonomy legislation known as **Law No. 44 of 1999** which would instantly recognize Aceh’s uniqueness and permitting the province to organize and regulate its own cultural, education and religious affairs. Similar to Law No. 22/1999 and Law No. 25/1999, **Law No. 44/1999** was enacted on 4th October 1999 and it was entitled the **“Implementation of Specialty of the Special Province of Aceh”**. The term “Specialty” was used to signify special relations of special autonomy of Aceh within the unitary system.\(^{43}\)

“Specialty” are applicable in various aspects of life such as:\(^{44}\)

1. To lead a religious life (the right to introduce Syari’at Islam)
2. To implement traditional norms and culture (adat)
3. To implement traditional forms of education
4. To give religious (Islamic) leaders a role in policy-making (or creation of a board of religious leaders)

Law No. 44 of 1999, which only applied to Aceh, was approved a month before the end of Habibie’s presidency on 22 September 1999, and officially recognized the ‘Special Status of the Province of Aceh Special Region’ by yielding Aceh control over its religious, cultural and educational affairs. Moreover, Law No. 44/1999 also provided legal rights for Aceh to have its own elected leaders with the power to conduct local elections as well as the opportunity to regulate and manage its own resources such as oil and petroleum. This means income generated from natural resource would be independently managed by the local government instead of the central government. The term “Specialty” is a given status for Aceh since it specifically enables Aceh to implement Sharia (Islamic law), and operate its version of administration in respect to its own traditions. According to some scholars and human rights observers, the push for the implementation of Islamic law in Aceh is one of the solutions to solve ongoing conflict because of the fact that Islamic law has been implemented in Aceh since the first arrival of Islam, suggesting the intricate

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relationship of the Acehnese with the Islamic way of life. This was the government’s motive for giving away special sovereignty through the enactment of Law No. 44 of 1999 consenting Aceh to apply shari’ah precepts in its cultural and educational affairs.

4.3.2.3 Law No.18 of 2001

Succeeding BJ Habibie, under Abdurrahman Wahid’s presidency, the implementation of Law No. 44/1999 was overtaken by the development of the far more comprehensive Nanggrooe Aceh Darussalam (NAD) or also known as Law No. 18 of 2001, which intended to produce an interesting alternate options to secession by enabling the people of Aceh with wide-ranging powers of self-governance.45

Abdurrahman Wahid succeeded BJ Habibie to become the first elected President of Indonesia. However, his administration didn’t last long. Before he was impeached, he pushed Law No. 18 of 2001 into national parliament in order to grant more autonomy to Aceh Special Region. It was later enacted under the Megawati administration who succeeded Wahid. The name of Aceh subsequently changed to Naggroe Aceh Darusalam or NAD (meaning ‘State of Aceh, Abode of Peace’). This signified the importance of policy development arranged by Jakarta as an effort to convince Aceh to remain part of Indonesia through providing them substantive power to self-govern. Law No. 18/2001 on “Special Autonomy for the Special Province of Aceh as Province of Nanggoroe Aceh Darusalam” consists of several additions to the law that are amended to better fit in the context of the Aceh people. The core notion of NAD comprises with:

1. Rearrangement of sharing of Aceh’s natural resource revenue
2. Implementation of aspects of Syari’ah (Islamic Law)
3. Provision to hold direct local democratic elections in Aceh

First of all, Law No.18/2001 was issued to recognize Aceh as an autonomous region. In recognition for their contribution to Indonesia during the colonial war and for their devotion to the establishment of Indonesia which was based

45 Aguswandi and Large, *Reconfiguring Politics*, p. 78.
on the spirit of religion and Islam, Indonesia granted Aceh the special status to apply Sharia laws into their administrative and legal functions. This would be applied to numerous governmental and legal structures with the notion of a “two court system” being introduced. In practice, Aceh would comprise of 2 courts. One being the General Court dealing with formal affairs along with other public problems, whereas the other being the Sharia Court (Islamic Law) which would act as enforcement to prosecute violation of Islamic values and norms in Aceh for the Muslim community.\(^\text{46}\)

Furthermore, several substantive Islamic practices in accordance with Shar’ia Law and traditions were revitalized. For example, the revitalization of the most symbolically significant position of Aceh is the acknowledgement of Wali Naggroe (or “head of state” or “Guardian of the State” of Aceh) to embody the province’s historical, traditional and cultural distinctiveness.

These are some of the examples.\(^\text{47}\)

1. Revitalization of the most symbolically significant position of Aceh known as Wali Nanggroe (or “head of state” or “Guardian of the State” of Aceh). Wali Naggroe is a non-political institution set up to provide teachings and guidance on traditional values and culture. Symbolically, Wali Naggroe is a symbol of preservation of local tradition, culture, and unification of people in Aceh.

2. Revitalization of Meunahsah, which is known by the locals as the communal platform for praying, interaction, and a collective learning center.

3. Local elections comprised with an electoral process to pick Governor and vice Governor (Bupati or Walkikora) conducted by KIP (Independent Election Commission). KIP consists of the KPU (General Elections Commission) and the representatives of the people.

4. High-ranking official’s appointment decision (not dismissal power) such as provincial police chief by central

\(^{47}\) Ibid., p. 11.
authorities. The Governor will hold power whether to approve police chief or any high-ranking officials to perform duty in Aceh.

5. The Establishment of Sharia Court (aka Mahkamah Syar’iyah) as an enforcement of Islamic Law for Islamic followers in the framework of the national law approved by the governor

6. Qanun (Regional Law) will be exercised in Aceh. All stipulations regarding special authorities of Nerusalen Aceh Darusalem to be followed by Qanun (regional law) without any reference to national laws and regulations

7. Tremendous increase in the revenue sharing of income from natural resources. The revenue sharing arrangements were different from general arrangements as provided for in Law 25/1999: Aceh was to receive 20% of personal income tax revenues (others = 0) for a duration of 8 years, Aceh was to receive 55% of oil revenues (in addition to the 15% granted to the other regions), and Aceh was to receive 40% of natural gas revenues (in addition to the 30% granted to other regions); these shares were to be reduced after 8 years to an additional 35% and 20% for oil and natural gas, respectively.\(^{48}\)

The NAD law became the key goal of President Megawati Sukarnoputri’s political policy for conflict resolution. The legislation was approved on 19 July 2001 by the national parliament during President Wahid’s final days as a president, and was legally endorsed by Megawati on 9th August of the same year. Unfortunately, NAD presents numbers of problems and thus various issues hampered Megawati government to apply the NAD legislation in Aceh. One of the basic challenging issues was the absence of grassroots backing for the NAD law with many

of the GAM members rejecting the autonomy proposal. Many of the Acehnese were very skeptical that such conduct would provide any substantial benefits. As one of the Acehnese ulamas clarified, the origin of the problem is a sense of unfaithfulness, especially Jakarta’s repeatedly breaking its policy commitments. Moreover, the many of the Acehnese from various sectors were excluded from contributing to the drafting of the NAD law, thus signifying that it did not comprehensively respond or address the complete range of Acehnese complaints. One significant fault of the NAD law was that it didn’t address the problems to the Acehnese’s demands for retribution for human rights abuses that were conducted during military operations since its occupation on Aceh since post WWII. Furthermore, with military strongmen remaining influential, they resisted Indonesia’s regime change. They desired to retain their influences. The consecutive push for change since BJ Habibie and Abdurrahman Wahid didn’t succeed which is partly due to the military sector that wouldn’t fully support civilian government.

After the NAD law was approved without substantive consensual agreement, GAM demonstrated its rejection of autonomy by rapidly intensify its attacks on state facilities as 12,275 buildings were reportedly destroyed in Aceh between 1999 and June 2001. Moreover, since both COHA failed to deter both parties from confrontation, the government enforced martial law in Aceh, leading to extensive military occupation in Aceh.

4.3.2.4 Helsinki Peace Process, Memorandum of Understanding (MoU) and Its Implementation to Law on Governing Aceh 2006

The Memorandum of Understanding was finally agreed by opposition parties on August 15, 2005. It was a demonstration that both sides agreed to finally put an end to the long-ongoing battle as both sides made substantial conciliations in order to enter the next phase of an agreement. GAM agreed to the notion of terminating its independence demand, allowing talks to continue while the government agreed to work together to restore Aceh after the tsunami crisis. The MoU of Helsinki set out a variety of broad principles for the Government of Indonesia to

49 Aguswandi and Large, Reconfiguring Politics, p. 19.
51 Aguswandi and Large, Reconfiguring Politics, p. 18.
conduct in regards to determining its relation with GAM and Aceh. These principles were to be enshrined in the new law and exercised under LoGA No. 11 of 2006 which would soon be drafted after the MoU is concluded. This part will focus on explaining each of the clauses of the MoU before it was incorporated into LoGA No. 11 of 2006.

Decentralization alone would not respond to the locals’ struggle. Provisions contained in the MoU would attempt to respond to the needs of Acehnese in several aspects ranging from cultural expression to enhancing international monitoring mechanisms. In total, there are 8 main provisions regarding the Memorandum of Understanding. Some of the provisions are in fact the reinforcement provisions of previous agreements as having previously been drafted in the Special Autonomy Law in 1999 and 2001, while some introduce new mechanisms that enhance local confidence toward the Peace Process. Several of the provisions were written to confer wider powers to Aceh and give more descriptive details into the existing laws that would finally be incorporated into law. Most importantly, several of the provisions included in the MoU played important roles in addressing local needs be it politically, economically, socially, and culturally, that thus allowed both Government of Indonesia and GAM to finally reconcile their differences.

(1) Implementation of MoU into LoGA 2006

For law in Aceh to be effective, the legislation process is a necessity to incorporate a MoU that is not legally-binding agreement into organic law and into practice. Therefore, the first clause of the MoU concentrates on the body of the Law on the Governing of Aceh.

The first clause of the MoU specifies that GAM would draft an initial proposal of a constitution with collaboration from local Acehnese people before being submitted to the Government of Indonesia. Then, the draft must be sent to the Government of Indonesia for reference and revision before being drafted as a special legislation for Aceh. The MoU stipulates in [provision 1.1.1] that “a new Law on the Governing of Aceh (LoGA) will be drafted and will be promulgated and entered into force as soon as possible and not later than 31 March 2006.”

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effective by 31st of March 2006, the MoU was consolidated and finalized into LoGA 11/2006 in August 2006. The final draft of the law was arranged by a legislation team under the supervision of the Ministry of Home Affairs based on a MoU draft submitted by the regional government of Aceh. Input to the provincial government’s draft was provided by four local universities, civil society organizations and the provincial parliament of Aceh. The MoU emphasizes that “a new law” will be promulgated because it had been preceded by two laws, both of which aimed to regulate special autonomy for Aceh.

The key provisions contained a broad grant of powers to Aceh. According to [provision 1.1.2 point A] of MoU suggest that Aceh can exercise its authority and all public affairs that are in conjunction with its civil and judicial administration within their territory. However, there are exceptions. Matters such as foreign affairs, external defense, national security and others are excluded and reserved for the national government only. Meanwhile, [provision 1.1.5] will also allow Aceh to use regional symbols on the flag, crest, or hymn (song). This signified the significant transfer of power to Aceh with quite a substantial amount of autonomy power in its own land to exercise its authority. Furthermore, in [provision 1.1.2 point C], future decisions with regards to Aceh issued by the Republic of Indonesia must be taken for consultation with Aceh first and will be implemented under the consent of Aceh legislature only. This clause is written to ensure that their existing agreements would not be interfered by future administration. Any laws drafted in the future requires approval from Aceh before being implemented.

As mentioned in the first provision of the MoU concerning the governance in Aceh, one of the crucial points from the MoU was granting legitimacy to Aceh to implement Qanun (law established by Muslim sovereign) and Sy’riah. [Provision 1.1.6 of the MoU] further suggests that Qanun would be inducted into the newly drafted legislation as means to restore and preserve the historical traditions and norms of the Aceh. Moreover, as noted in [provision 1.1.7], traditional institutions such as Wali Nanggroe would be fully restored. Through the incorporation of Qanun and

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55 Ibid., p. 9.
Wali Nanggroe into the agreement, Aceh may now function under the full capacity of Sharia with the establishment of the Syari’at court and Syari’at police resulting in Aceh comprising of two governments with different functions. One sector would act as the representative of the Indonesian Republic under the leadership of the Governor while the other would represent Aceh, or Wali Nanggroe (state guardian) with ceremonial attributes and entitlements.

The stipulation of the MoU [provision 1.1.6] states that “Qanun Aceh will be re-established for Aceh respecting the historical traditions and customs of the people of Aceh and reflecting contemporary legal requirements of Aceh”

It is worded so that it opens up the possibility for multiple interpretations: GAM and some other stakeholders in Aceh seemed to interpret it in such a way that the “Qanun” is a regulatory instrument that is independent of any other laws and regulations, except for the LoGA itself, while the LoGA puts it at an equal level with usual regional regulations.

(2) Political Participation

Upon gaining autonomy, Aceh would require a proper functional government to administer local affairs. According to “Political Participation” clause (provision 1.2) of the MoU, it instructs that the Government of Indonesia would provide technical assistance for the Acehnese people in the establishment of “Aceh-based Political Parties”. Moreover, [Provision 1.2.2] of the MoU also suggests that candidates to participate in the election must first meet national and local criteria before assuming official positions. In addition, in order to create a robust democratic and fair society, [provision 1.2.6] demands that full participation of all Acehnese people in local and national elections must be ensured in accordance with the Constitution of the Republic of Indonesia. This clause is written to promote inclusiveness of the local people in the electoral process through promotion of public participation. Upon enactment, besides national political parties, local political parties can now participate to compete in regional elections in Aceh such as governor

58 May, “Law on the Governing.”
campaigns and senate campaigns (but may not be allowed to participate on the national stage). This has also enabled the election of Majelis Permusyawaratan Ulama (Consultative Assembly of Religious Scholars) which acted as a partner institution of executives and legislatives in Aceh. 59

(3) Economy

The provision regarding the economy of Aceh is very contentious since many nationalist politicians don’t agree on many of the contents from the agreement, especially the clause concerning the level of fiscal freedom that Aceh would enjoy after LoGA is implemented. The MoU made alterations to the existing arrangements regarding fiscal laws. For example, according to [provision no.1.3.1] of the MoU, this would provide Aceh the right to set its own interest rates that differ from those used in the Central Bank. Another part includes the proportionate distribution of income generated from natural resources.

Upon incorporating the MoU into LoGA of 2006, article 156 through 162 of the Law of the Governing of Aceh 2006 clearly addresses economic issues; income generated from natural resources (such as oil, gas, forestry, fisheries and mining), 70% of the revenue will go to Aceh with an additional 2% of the national budget allocation throughout 20 years of reconstruction. Meanwhile Aceh will also receive 80% of its revenue from other natural resources such as from forestry, fisheries, and general mining. 60 The bill concerning the economy was passed by parliament on 11 June 2006. After gaining autonomous status, Aceh would have more control over its economy. As elaborated in LoGA of 2006, Article 163 to 166 elaborated on the subject of trades and investment. These articles enabled Aceh and its residents to conduct free trade within its territory. This means organizing business associations and investment can be conducted internally and internationally. This is indicated in the legitimacy of the Aceh Government to issue licenses based on nationally applicable norms, standards, procedures, and criteria.

The law also provided for the establishment of the Sabang Free Trade and Free Port Zone [Articles 167-170], utilization of the land [Article 172], rebuilding of the economic infrastructure [Articles 172 and 173], and the protection

and welfare of workers [Articles 174 to 177]. The law also provides reliable revenue for Aceh’s economic and social programs and management of its finances.61

(4) Rule of Law

In the context of “Rule of Law” this provision is written to make sure Aceh and GoI will uphold to the rule of law and that the power of law will not be violated. According to [provision 1.4.2] of the MoU, Aceh agrees with Government of Indonesia that the new legislation of Aceh will be based on the basis of universal values of human rights as written in the United Nations International Covenants on Civil and Political Rights and on Economic, Social, and Cultural Rights.62 Meanwhile, [article 1.4.5] of the MoU states clearly that civilian crimes conducted by military officials will be tried in civil courts. Also, as means to prevent corrupted officials from abusing its power, [article 1.4.4] of the MoU is further written to give appointment power to Aceh in selecting a chief police force as well. This means the Chief of the police will require to have approval from Aceh first before being assigned to Aceh. Complimentary to that, organic police forces will need to undergo special recruitment and training programs before being allowed to station in Aceh.

(5) Human Rights

The first clause of the MoU regarding human rights stipulates its adherence to the United Nations International Covenants on Civil and Political Rights and on Economy, Social, and Cultural Rights. The central government, the government of Aceh, and the Kabupaten/Kota government are obliged to fulfill, promote, and enforce human rights in Aceh.63

By combining various items of the MoU agreement particularly from [section 1.4 on the rule of law and section 2 on human rights], the future role of the military can be interpreted as an aim to safeguard and establish a human rights regime in Aceh. Various provisions such as [Article 1.4.1], [Article 1.4.2], and [Article 4.12] together suggest that the democratic and human rights principles will be the basis of governance and norms of law enforcement.64 The notion

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61 Auguswandi and Large, Reconfiguring Politics, p. 64.
62 Ibid., p. 66.
64 Ibid.
of a Human Rights Court is also introduced in [Article 2.2] ensuring that universal human rights will be properly exercised. In [article 2.3], the creation of the Truth and Reconciliation Commission is also one of the most crucial articles of the entire MoU. To address local grievances, the Truth and Reconciliation Commission will be responsible for formulating and determining reconciliation measures. In addition, [Article 1.4.5] also mandates that military personnel who break “civilian crimes” would be tried in civil courts. It has been accommodated in [LoGA in Item 228] under the wordings of

“The judgments passed by the Human Rights Court impose among others compensation, restitution, and/or rehabilitation for the victims of human rights violations.”

Last but not least, [article 3.2.5 point d] also stipulates the government’s willingness to compensate for the loss caused by military operations by giving land, employment and social security to the Acehnese people as compensation for the struggles. Taken together, these provisions have the implication to tremendously reduce the amount of military presence in Aceh and to stop human rights abuses.65 These are probably key factors of the agreement, given that one source of dissatisfaction in the conflicted region has been the brutality and exemption enjoyed by the officials during the crackdown campaign of insurgency. By providing measures that prevent further human rights abuses as well as giving compensation for the past victims are an effective way to deal with the grievances of the local people and addressing the deep cause of conflict.66

(6) Amnesty and Reintegration into Society

On the Amnesty Clause, the MoU also consists of detailed provisions on granting amnesty to ex-GAM fighters along with measures to reintegrate these people back into society. The initial agreement demanded that 3,000 troops are demobilized and decommission all of its arms before 31 December 2005. In line with amnesty provisions, President Susilo Bambang Yudhoyono signed an amnesty decree with immediate effect to release almost all 1,300 GAM fighters from prisons. As noted on [Article 3.1.1] and [Article 3.1.2.] of MoU, all members who have participated in

66 Ibid., p. 58.
GAM would be granted amnesty and would be released unconditionally. Upon release, agreements would guarantee full restoration of citizenship rights and also offer to provide suitable farming land, official jobs and employment, and social security for former GAM members. Moreover, the government also made payments of 1 million rupiah in exchange for every demobilized GAM member. (1 million rupiah is equivalent to $100.)

(7) Reintegration into Society:

In line with the Amnesty Provision, measures of reintegration into society are also instrumental in achieving peace. Throughout 30 years of occupation, many Acehnese participated in the GAM campaign to oppose TNI officials. To address those grievances caused by the misconduct of the officials, it is part of government efforts to allow these ex-combatants to restart their lives. The MoU clearly mandated detailed provisions concerning former GAM combatants and measures to reintegrate these people into society. The government design a template that is known as the “national reintegration fund” to facilitate the reintegration process. These funds would be managed by the Aceh people along with assistance from the **Aceh Reintegration Board (BRA)**. One criticism regarding this provision is that the MoU doesn’t specify the usage of the “national reintegration fund” whether it would be used for compensation or for long term human resource development or job creation.

In addition to that, defining actual numbers of GAM combatants is problematic. While GAM claimed there were a total number of 3,000 ex-combatants, it is estimated by the government that the number of GAM participants may actually be less than the number claimed. Miscalculation in determining the exact numbers of ex-militants may leave large groups of people marginalized, furthering conflict and resentment. Furthermore, since the package is only eligible to ex-combatants, other non-specified groups such as women are excluded from being granted such privileges.

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68 Ibid., p. 55.
69 Aguswandi and Large, Reconfiguring Politics, p. 56.
(8) Security

To prevent both sides from fueling conflicts, provision 4.1 from the Security clause of the MoU demands that both sides refrain from acts of violence with immediate effect. Subsequently, provision 4.2 and 4.3 demands that GAM undertake procedures to demobilize all of its 3000 military troops as well as decommission all of its arms and artilleries under the supervision and assistance from the Aceh Monitoring Mission (AMM).70

In exchange to that, according to Article 4.5, the government is also required to reduce non-organic military and police personnel stationed in Aceh. Article 4.5 used the term “organic” to refer to troops that are stationed in a particular locality (as opposed to non-organic troops which are officials that are posted temporarily from elsewhere for special purposes such as insurgency). AMM will monitor the relocation process of non-organic military and police forces. The total numbers of military and police officials will considerably reduce by half with final numbers at 14,700 for military forces and 9,100 for police forces.

(9) Monitoring Mission

According to the last clause, the MoU demands that there is an increase on monitoring and enforcement mechanisms than in the previous agreements (COHA). The Aceh Monitoring Mission (AMM) was established and will be supervised by the European Union (EU) and ASEAN in accordance with Article no. 5. AMM is assigned with a broad range of monitoring and implementation tasks. The presence of AMM is legitimized and reinforced by the approval of the “Status of Mission Agreement” between the Indonesian government and European Union to ensure that their monitoring missions have unrestricted freedom of movement in Aceh while parties don’t have the right to repeal or veto over actions conducted by AMM operations Article 5.7. Also, privileges enjoyed by AMM are the ability to resolve conflicts and make rulings that will have a binding-agreement on both parties (item 6). The Chairman of the board of directors of the CMI will have the authority to resolve disputes between the parties and make rulings which will be binding on the parties.71

70 Aspinal, “The Helsinki Agreement.”
71 Ibid., p. 48.
These monitoring mechanisms play much a more effective role than the previously failed COHA, which is not a widely known international organization as it lacked sufficient political enforcement to push both parties to comply with the agreement. The stark contrast between AMM and the Joint Security Committee by COHA is that JSC relied too extensively on good-faith participation, enabling GAM and TNI to breach contract, leading to the tarnishing of creditability of both sides. What makes the MoU a successful version of COHA is due to the fact that it has a more comprehensive and robust nature. The MoU not only demands ceasefire, demilitarization, and framework for future negotiations but it also addresses political solutions provided with detailed guidelines and solutions covering a wide dimension of issues and equipped with political power to force both parties to comply to the agreement.

4.3.2.5 Challenges of LoGA No. 11/2006

The MoU is only a preliminary agreement between Aceh and GAM to stop ongoing war and to resolve conflict through peaceful means. The MoU is not a legal document (but must be treated like one) meaning there is no legal-binding effect. LoGA 11/2006 was drafted by the National Legislature as an attempt to transform the wordings of the MoU into actual legal practice. However, every single word from the MoU may not be incorporated into LoGA since Article 1.1.2 of the MoU explicitly states that LoGA may not follow the precise wording of the MoU as the National Legislature will have to draft the law that is in compliance with the National Constitution.

LoGA 11/2006 will transform some of the key features of the MoU into legislation and upon enactment. LoGA 11/2006 will distinguish Aceh from other provinces in following ways.\(^{72}\)

1. Islamic law
2. Shariah Court
3. Acehnese judicial, religious and cultural institutions

(Majelis Permusyawaratan Ulama, Mahkamah

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\(^{72}\) Aspinall, “The Helsinki Agreement,” p. 56.
Syar’iyah, Majelis Adat Aceh, Lembaga Wali Nanggroe)

4. Truth and Reconciliation Commission is to assist in healing the wounds of the long and bitter conflict

5. Human Rights Court

6. A reduced central government role and mechanisms for consultation on national policies that impinge on Aceh

7. Formation of local parties

8. A stronger provincial role toward the districts/cities than in other Indonesian provinces

9. Enhanced cooperation with other countries

10. Preferential financial treatment on oil and gas and special autonomy funds

11. Co-management (with central government) of oil and gas resources

12. Offices of the National Land Agency (BPN) at province and district levels to be transferred to the local governments (section 253.2)

Although initial agreements from the MoU successfully ended the conflict that spanned over decades resulting in devolution of power, still the scope and powers of the Government of Aceh (GOA) remains unclear and incomplete to a large extent. The implementation process was problematic. Some of the problems were as follows:

(1) Ambiguity of the MoU and Different Interpretations of LoGA

Upon enacting the Special Autonomy law for Aceh (Law 11/2006) and the devolution of power from the central government to provinces presents numerous kinds of challenges. The most problematic part is the complications stemming from interpreting the wording of the MoU and implementing them in the LoGA 2006. It appeared that initial MoU agreements didn’t provide precise but vague descriptions of authority between national government institutions and provincial/district governments (Kabupaten/Kota). Furthermore, different political
actors also had different interpretations regarding the LoGa which amounted to more complexity. LoGA itself is still incomplete and will require intensive and complex negotiations between diverse levels of administration to improve it.  

Due to the ambiguity of the MoU, both sides from the Government of Indonesia and Aceh are divided in various provisions of the LoGA when it was ratified. One of the notable examples includes the different interpretations regarding LoGA mandates on land administration. Item 213.3 of the LoGA states clearly that the Government of Aceh and related municipality governments are granted power to provide building right titles (hak guna bangunan) and cultivation rights titles (hak guna usaha) to either national or foreign investors. However, LoGA doesn’t specify the transfer of power for issuing land ownership rights to Aceh which prompted the National Land Agency to limit Aceh’s authority in land administration. However, Aceh authorities believes that the transfer of power over the regional offices for land administration to the local governments as instructed by the LoGA should also incorporate the complete transfer of power in land administration to the provincial governments of Aceh, as well as the power to issue land ownership rights.

Note that according to the Helsinki MoU on item 1.1.2a:

“Aceh will exercise authority within all sectors of public affairs, which will be administered in conjunction with its civil and judicial administration, except in the fields of foreign affairs external defense, national security, monetary and fiscal matters, justice and freedom of religion, the policies of which belong to the Government of the Republic of Indonesia in conformity with the Constitution.”

Moreover, due to the vague description of the MoU, this allows Indonesian lawmakers to draft laws that are different from the initial agreement with the GAM. Criticism from GAM and NGOs attacking the new law for falling of provision in the MoU 2005 accord as that enables a considerable amount of interference by the central government to resurface. Examples are as follows.

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73 May, “Law on the Governing.”
75 Ibid.
• **Central government powers:** Article 11 suggests that the central government will be the one who provides the norms, standards and procedures and also monitors all affairs of the Aceh regional administration.

• **Control over natural resources:** Aceh will receive 70 percent of revenues from natural resources. Although, Article 160 of MoU specify that the arrangement of natural resources such petroleum and natural gasses in Aceh will be done together with the assistance of provincial government and the central administration. This is different from previous pledges by Indonesian legislations that the Aceh Government will not be able to control its own resources.

• **Role of the Indonesian military:** The peace accord stipulated that the Indonesian military would be posted in Aceh only for national defense and would not partake in provincial affairs. But, Article 193 of the law gives some rights to the army powers within the province.

• **Human rights:** Perpetrators of human rights violations will likely escape justice. An ad-hoc tribunal (Article 215) will only hear cases that occur after its establishment, rather than having retroactive powers.

The MoU stipulates that a human rights court will be established for Aceh. It was accommodated in the draft of LoGA article 228 with the readings:76

- In order to investigate, pass judgment on and resolve cases of human rights violations that have occurred after this law has become effective, a Human Rights Court will be established in Aceh”

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- “The judgments passed by the Human Rights Court impose among others compensation, restitution, and/or rehabilitation for the victims of human rights violations.”

Although the stipulations of the MoU have been fulfilled in LoGA, it has been met with criticism from various parties condemning its lack of measures to handle retro-active justice as well as provisions for punishments of perpetrators of human rights violations which is a contrast from the initial agreement.

However, the lack of precision on wealth sharing in the MoU has been said to complicate its implementation as well. A former GAM negotiator and now Governor of Aceh remarked that the MoU does not “mention who will regulate and govern [hydrocarbon revenue sources], or who has the authority to give licenses for new explorations. The LoGA says only that the central and Aceh governments will manage the resources jointly. We should have made it right in the MoU,” 77

Last but not least, the [MoU (Provision 1.1.7] stipulates that “The institution of Wali Nanggroe with all its ceremonial attributes and entitlements will be established.”

However, in the actual application of MoU into LoGa 11/2006, LoGA doesn’t guarantee unprecedented power of Wali Nanggroe as noted in the wording of the MoU:

- The LOGA (§ 96)
  - The Wali Nanggroe institution constitutes a traditional (adat) leadership as unifier of the people, which is independent, and has the authority to guide and supervise the adat institutions, award titles of honor and exercise adat rites.
  - The Wali Nanggroe is neither a political nor a government institution.
  - The Wali Nanggroe institution is headed by a Wali Nanggroe who is an independent individual.

77 Aguswandi and Large, Reconfiguring Politics, p. 81.
4.3.2.6 Conclusion

Overall, the Aceh peace process and especially the MoU is considered to be successful. It achieved what it was designed to do since it drastically reduced the level of political violence and successfully restored peace in Aceh with both sides of political oppositions sitting down and resolving their differences through negotiation. Despite such achievement, problems linger. Drafted from the MoU, from the beginning there were a sequences of obscurities embodied in the LoGA, numerous of which require years to resolve through discussions and consultations between all participating parties. Note that this outcome was reasonable given the confrontation circumstances that had long troubled Aceh. Major concessions to the Aceh by the Capital were crucial factors leading the peace deal to be brokered in Helsinki in 2005. The implementation of Decentralization already offered to other provinces wasn’t sufficient enough to respond to Aceh’s special circumstances. Moreover, special autonomy also offers options for experimentation with local government methods and procedures in ways that are in harmony with and express local sensitivities that which will reinforce positive commitments between two sides in building a long term peace-building project. The important lesson to be learnt here is that the MoU is a crucial instrument that has fulfilled its purpose in preventing conflict while it also allows new opportunities for the conflicted parties to reconcile differences, foster good relations, and grow mutually under a peaceful settlement and peaceful principles.
CHAPTER 5
CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusion

After having studied the issues, I believe that various elements of Thailand’s Deep South are very similar to those of Aceh. In terms of derivation of conflicts, both Aceh and the Deep South share historical grievances caused by the past misconduct of the central government ranging from forced assimilation, limited access to judicial processes, economical grievances, and marginalization of local people. Particularly in the aspect of state imposition of secularized rule that tarnishes local identity and threatenstheir ethno-religious beliefs force these minorities to take up arms and confront inequality treatment. As for the differences, there are only 2 differences: the political context in which Thailand and Indonesia differ, and the numbers of conflicted parties.

Note that according to my interpretation, the differences between Aceh and the Deep South are also the current factors diminishing the hope of achieving peace in Thailand’s Deep South. For the first reason, the problem of multi-participatory parties in the Deep South is one prospect creating current difficulty at the moment. As mentioned before, while GAM represents the sole militant group in Aceh, the Deep South is comprisedof over 5 militant groups and each operates independently guided by different motives. A glimpse of hope was signaled when the militant groups joined bandwagons and agreed to collectively use MARA as a platform to reconcile differences with the Thai government. However, in various cases, negotiation with the government would then be followed by insurgent activities such as bombs. This generated uncertainties and suspicions from the Thai side whether Thailand is negotiating with the legitimate group in the area. It is understandable for the Thai government to be skeptical of the MARA umbrella organization because if MARA truly is a unified organization representing the various factions of the militants, it must have the authority to contain insurgency activities. However, with periodic violence occurring from car bombs and utilization of improvised explosive device, this will
continue to discourage the government from elevating unofficial dialogue to official dialogue. MARA must prove to the government that it is a unified organization that can ensure safety zones in the designated areas to illustrate their validity to command all factious groups to comply with its order. And from that, when Thailand perceives MARA as a legitimate group, then Thailand can finally arrange an official dialogue with the militant groups, recognizing them as Party B. Insurgent activities will continue to discredit themselves and hopes of acquiring autonomy will not be impossible to achieve.

The second difference is the political contexts that are different between Indonesia and Thailand. Indonesia’s political context during Susilo Bambang Yudhoyono was highly democratic, an environment suitable for negotiation. After Suharto’s resignation, the country called for a democratic transition and liberalization which led the country to shift its policy to decentralization, with many government functions transferred to provincial areas. Coinciding with Aceh’s demand for independence, Law 44/1999 was enacted in giving recognition to Aceh as a Special Administration. The government’s willfulness to confer some of its concessions in Aceh allowed GAM to retract its independence demand and accept the Special Autonomy rule that is incorporated under Indonesian law. Susilo Bambang Yudhoyono expressed sincerity to achieve a peaceful solution with Aceh and therefore offered political concessions in Aceh to have its own administrative functions protected by Indonesia law. As long as Aceh ceased its idea of acquiring independence and remaining part of Indonesia, Special Autonomy is a justifiable option.

Unlike in Thailand, military regimes currently run the office and are guided by motives to unify a fragmented country divided by political beliefs with a centralized regime. The centralization regime doesn’t operate under the same manner as how Susilo Bambang Yudhoyono solved the issue in Aceh. The current limitations from the Thai side at the moment is that the Thai government must overcome its belief in a centralized regime to unify the country. The current political context with the imperative to preserve unity in the country denies the prospect of offering autonomy to the Deep South Region. Being too self-centered on its policy with disregard to the motive of local features will continue to hamper both sides from achieving their goal. Even smaller concessions such as religious, language, cultural, education rights were forbidden by
the Thai government. This could have a multiplying effect that further fuels marginalization because there is no acknowledgement or acceptance of geographical and local differences. There is also the possible application of asymmetric decentralization, an instrumental methodology employed by the Indonesian government to address the political needs of GAM. As long as the government remains reluctant to change its principles, the problems in the Deep South will prolong unless the government confers some cultural autonomy to the people as a sign of acceptance of diverse cultures. Then, perhaps the scenario of granting asymmetric decentralization may not even be the case as cultural acknowledgement has been addressed.

In answering the central question of this Independent Study whether Thailand could adopt similar method of Indonesia, the answer is yes and no at the same time, as the outcome would depend on how much the Thai government is willing to offer some concessions in the South. Thailand must consider whether to prolong the conflict through the refusal of special autonomy or instantly start negotiating terms with militant groups regarding special laws of Deep South. Conditions could also be attached along with the agreement established by the Thai side. For example, Thailand would allow concession on the rights to apply Sharia in the judicial branch, but Thailand could instantly retract its agreement if the militant groups fail to contain violence in the region. Ultimately, efforts rest on both sides, but actions taken by MARA will also determine the actions of the government. But, that will also depend on how much MARA can prove to the government that they are a legitimate group in the area as well before an official dialogue can kick off.

5.2 Further Recommendation

5.2.1 Aceh Case

Studying how Indonesia conducted their peaceful agreements with Aceh (or GAM fighters) is extremely crucial. Throughout 1999 to 2005, the peace process presented a number of limitations, but the committed effort allowed both sides to transcend existing limitations and work mutually to achieve peace. The first factor attributed to the success of reaching the MoU depended upon meeting political demands of both sides. Aceh demanded that their historical grievances would be addressed as the
government responded by initiating a Human Right Court to manage past crimes conducted by officials. Meanwhile, the government also abides by the agreement by increasing the amount of international agencies to oversee and monitor the conflicted area as a means of a confidence building measure.

5.2.2 For Thailand

As a legitimate government, various factors that can determine the nature of conflict would depend on the Thai side. The efforts from the Thai side relies on both national commitment and international support in order to usher the current conflict into the next phase.

For international support, Thailand must cease its idea that the involvement of international organizations in the restive region will internationalize the conflict, but instead concentrate on the end result to achieve a peaceful solution with militants. At the moment, OIC (Organization of Islamic Conference) since the outbreak of the conflict has been an active player that is willing to play a facilitator role with the militant groups. The Thai side perceived that OIC is sentimental and sympathetic to Muslim minorities with disregard to their national integrity to safeguard its land as Thailand chose to only negotiate with them unofficially. It is understandable that the Thailand side is skeptical that there is a threat in partition of the Deep South region if massive interference from international communities help put the problem in Deep South onto the regional or international radar. But without international agencies to monitor the area, facilitate and work with the local people to address basic needs, keep negotiation intact, safeguard human rights rules, conduct surveillance of misconduct of Thai officials, ensure confidence from local people, as they are one of the most important players in the problem of the Deep South. Accepting international support would illustrate the Thai sincerity of its way of conducting and managing relations in the Deep South. Thailand must note that the success of the Aceh case in achieving peace is mainly contributed to the creative and effective role of third party facilitators such as HDC which is a highly respected non-governmental organization and which also gained enormous international support to help end the conflict in the area.

For national commitment, the Thai government can express its intention to end conflict in a number of ways and possibly follow the conduct by the
Indonesian government. First and foremost is incorporating the problem in the South as a national agenda. This will scale up the level of negotiation into official dialogue that the different governments would have to remain committed to addressing the Deep South problems and ensuring the continuation of the peace process regardless of political transition.

I also find that providing some concessions is instrumental in easing down tension. Through granting the Deep South authority to regulate its affairs within the legality of the Thai constitution, this will certainly allow the Deep South to rebuild trust with the national government. It has been proven that as long as Aceh remains within part of Indonesia, Special Autonomy is an alternative to the solution. In terms of national policy, the Thai Government should initiate political dialogue with Malay Muslims and work toward mutual recognition of the ethnic diversity in Thai society. This will help building overall peace and help establish religious pluralism in the country. The government should also revive and set up the June 2006 recommendations of the National Reconciliation Commission, which was once chaired by Anand Panyarachun. The Commission recommended the introducing Islamic law and making the ethnic Patani Malay, or Jawi language, the official language in the region. The government must acknowledge their past mistakes in the imposition of secularized Thai rules without the consent from the local people, putting their Islamic identity at risk. For Muslim Malays, Islam is not just a religion but linkages to almost all dimensions of lives. For instance, the significant role of the Ulama, or religious leader who unifies different classes of people together play an essential part in the Islamic community or the exercising of the Sharia Court as the pinnacle to governing administrative function. By perhaps granting Malay Muslims the freedom to implement Sharia Law, historically important institutions that have been practiced throughout their history is a sign of acceptance of cultural diversity.

Last but not least, restraint from resorting to military means would also be suggested since it doesn’t address the root causes of the unrest. Instead, launching an unarmed peacekeeping force and the Peaceful Strategic Administrative Centre for Southern Border Provinces who would work coordinately with international agencies to address local needs is a better option in restoring trust and building confidence.
5.2.3 For Militant Groups

Meanwhile, efforts do not rest only on the Thai side. The militant groups in the area must also be equally committed to a peace process and adhere to the existing agreement of the ceasefire agreement and ensure safety zones to enhance their creditability and promote mutual trust. Rebellion groups will need to intensively coordinate and cooperate with the Thai state to assure security for all in regardless of religious differences be it Muslim or Buddhist militants alike. Moreover, such a goal is not achievable unless various insurgent groups unify and work collectively. As of now, though MARA has spearheaded the negotiation with Thailand, other insurgent groups such as PULO and BRN must also be cooperative rather than in competition. Disunity in the restive area will continue to diminish the legitimacy of the MARA group as representative of all insurgents to the Thais, making the negotiations rather unproductive or there could even be a possibility of restarting the dialogue all over again.

5.3 Final Remarks

Last but not least, I believe that administrative reforms, especially in the increased basic autonomy such as granting cultural and religious concession is the initial step to achieving peace. With better understanding of the significance of historical grievances and ethno-cultural values provided with enhanced legal rights, acceptance of cultural differences through offering educational freedom for Malay–Muslims, can be the foundation to achieve peace in southern provinces of Thailand. The factor to achieve this objective is for both sides to be committed with will to compromise. Nevertheless compromise requires a unity of position for the Thai government as well as insurgent groups alike. At the moment, one big problem is that there is no harmony on both sides. Only a unified commitment by all sides particularly the conflicted groups will allow the peace to move toward compromise and to sacrifice most-favored objectives, will usher Pattani, Narathiwat and Yala toward a decline level in tensions.
REFERENCES

Books and Book Articles


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Electronic Media


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