

CHAPTER I

INTRODUCTION

A. Background

Thailand is a multiethnic and multi-religious country, with a Muslim population of 5 to 7 million out of 67 million people. The majority of Malay Muslims live in Southern Thailand or Pataniland, which had previously gained its independence but later was dominated by Siam. There is a territory in part of the kingdom of Langkasuka which recently has been the part of Thailand. The border provinces of Patani, Yala, Narathiwat, and the four Malay-speaking districts in Songkhla province. Have a combined population of about 2.5 million people; in which more than 2 million or 80 % of them are Malay Muslim Patani. They call themselves Malay Muslim Patani (*orae nayu*) who speak local Malay (*kecek nayu*), and consider themselves to be different from *orae siye*, ethnic Thai Buddhists who are the minority in the Southern Thailand.¹

Thai Muslim² community in Thailand has been deified into two groups assimilated group and unassimilated group. The former one assimilated group, is Thai Muslims that display a high degree of cultural similarity with Thai- Buddhists ethnic. They live everywhere in Thailand and include a whole diversity of ethnic group such as the Muslim *Siamese, Haw Chinese, Bengalis, Arabs, Iranians, Chams, Javanese, Minangkabaus, Baweans, Pathans, Punjabis and Samsams*. The later one the unassimilated group, is Malay Muslim Patani who live in Southern Thailand. They have different culture, language and tradition form the former group such as Malayu language, Malay name, Malay folklore, Malay attire and Malay music.

As a brief history of Pataniland, in the past residents of the five southern provinces were multiple ethnic groups. However, Malay have been predominating for several

¹ Pathan, Don. 2012. The Role of Civil Societies in Thailand's Deep South. Thailand: The Patani Forum

² The term "Thai Muslim" is seen as ethnically offensive by the Malay Muslims of the South because it was imposed by Bangkok after the declaration of the Patronage of Islamic Act of 1945. Deep southerners prefer referring to themselves as "Malay Muslims," but this has an ethnic, regional, and sectarian flavor that overlooks the other sections of the Thai Muslim community spread across the country, which differ along ethnic, provincial, and even theological lines from those in the Deep South. Therefore, this paper uses the terms "Thai Islam" and "Thai Muslims" when referring to the general profile of the Muslim community of Thailand, and "Malay Muslims" for those residing in the Deep South.

centuries. After 1906, the kingdom of Siam annexed the Malay Muslim provinces in sultanate of Nong Chik, Ra-ngae, Raman, Sai Buri, Yala, and Yaring which were parts of the Malay Muslim Patani owned by the state of Patani. Next, Siam united the provinces into one to be known as “Greater Patani” or a subdivision of Patani. The Siam annexation was further strengthened in 1909 by an Anglo-Siamese treaty that drew a border region between Pattani and the Malay states of Kedah, Kelantan, Perak, and Perlis. According to this treaty, the Great British accepted kingdom of Siam sovereignty over Patani. In return, Siam gave up its territorial claim over Kelantan and recognized Great British control over the other Malay states of Kedah, Perak, and Perlis.³

Afterward the centralization policy, made the former Patani state to be divided into three provinces of Narathiwat, Pattani, Yala and four Malay-speaking districts in Songkhla province which now make up the three Malay Muslim majority provinces of the Southern Thailand. This period also saw the beginning of the Patani separatist movement, which was initially a royalist movement led by Tengku Mahmud Mahyuddin, a prominent Pattani leader and the son of the last kingdom of Pattani.

The era of World War II witnessed the beginning of the Patani nationalist movement. Led by Haji Sulong, it was put down by the central Thai authorities. During the 1970s, the resistance evolved into a nationalist irredentism, and had become a form of ethno religious nationalism with a strong emphasis on Malay Muslim Patani ethnic and religious identity.

The Malay Muslim Patani have always wanted the Thai government to accept their identity, culture and religion. They demanded political right from Thai government to give precedence in their own autonomy power. In 1947, one Malay Muslim Patani, Haji Sulong demanded for local autonomy to Thai government. Its role as custodians of religious and ethnic tradition make him an important figure in the conflict.

Haji Sulong Said:

We Malays are conscious that we have been brought under Siamese rule by defeat. The term “Thai Islam” with which we are known by the Siamese government reminds us of this defeat and is therefore not appreciated by us. We therefore beg of the government to honor us with the title of Malay Muslims so that we may be recognized as distinct from Thai by the outside world.⁴

³ Aphornsuvan, "History and Politics of the Muslims in Thailand,"

⁴ Aphornsuvan, "History and Politics of the Muslims in Thailand," p.22.

The first person to bring Malay Muslim nationalist ideas to Southern Thailand was the Islamic cleric Haji Sulong, who was a reformist and political activist educated in Mecca. Upon returning to Pattani in 1930, he was engaged in the reform of the Malay Muslim community and represented its interests to the government by seeking political autonomy within a federal system. In 1947, Haji Sulong made seven demands to the central government as followed:

The seven demands, which essentially were a request to re-establish an autonomous region for the Muslim South, were:

1. The appointment of a person with full powers to govern the four provinces of Pattani, Yala, Narathiwat and Satun. This person must have the power to fire, suspend or replace all local civil servants. This person must be a native of one of the four provinces and must be elected by the inhabitants of the four provinces.
2. 80 per cent of all civil servants in the four provinces must be Muslim.
3. The Malay language must be an official language alongside the Thai language.
4. The teaching in primary schools must be done in Malay.
5. Muslim laws must be recognized and implemented under the aegis of an Islamic court, separated from the civil court where the *qadhi* (Muslim judge) is seating as an assistant.
6. All taxes and incomes collected in the four provinces must be used locally.
7. The establishment of a Muslim affairs bureau with full powers to manage Muslims affairs under the authority of the governor mentioned in the first point.

This demands were presented on 24th August 1947 by Haji Sulong, on behalf of the Malay-Muslim population of the South to a commission sent by Bangkok to investigate the complaints of Malay Muslim about the abuses of power by local government officials. The petition made clear that its intention was not to violate the Siamese constitution but to create better conditions of living for the Malay Muslims.

He was focusing on right of self-determination in political freedom for the Malays Muslim and the preservation of their language. His only religious demand involved the recognition and enforcement of Muslim law.⁵ The demands of Haji Sulong were about the nature of political relations between the Malay Muslims Patani and central authority.

⁵ M. L. Thomas, "Thai Muslim Separatism in South Thailand," in Forbes, op. cit., p. 21.

The beginning of political movement insurgency, conflicts had arisen between Siamese Buddhist rulers and the majority of the Malay Muslim residents Muslim. Differences are not confined to the languages and religions, but also on education systems and subsequent inequality to life opportunities and socio-economic disparities. They had caused Malay Muslim establish a separatist movement group in 1947-1948 for demanding the right for Pataniland. This separatist movement was known as *Gabogan Malayu Patani Raya* (GAMPAR, Greater of Patani Malayu Movement). The group was led by Tengku Mahmud Mahyiddeen, the son of the deposed *raja* of Pattani. After the death of the leader of GAMPAR in 1954, the members who were still active established a new group. Three major groups were formed during this period; The BNPP (*Barisan Nasional Pembebasan Patani* or National Front for the Liberation of Patani) founded in 1959. The BRN (*Barisan Revolusi Nasional* or National Revolutionary Front) established in 1960, and the PULO (Patani United Liberation Organization) founded in 1968. Notably, during the period of 1960s to the 1990s was marked by guerrilla actions, political activism and the emergence of cell structures. The BNPP represented a coalition of the aristocracy and conservative Islamic class. The BRN adopted Malay nationalism as its driving force, aiming to develop the Malay identity of the people of southern Thailand and calling for solidarity with Malays in other countries of the region. During the 1980s, BRN suffered from an internal rift and split into three factions: BRN Ulama, BRN-Coordinate, and BRN Congress. The PULO focused more on secular nationalism than Islam. By the 1970s, PULO was the most violently active of all the separatist organizations.⁶ So all of these separatist groups goal is to demand right of self-determination in Pataniland.

The southern Thailand conflict has become a hot-spot for insurgency against the Thai security forces. The causes of the insurgency were a different nation (imagined notions of an earlier Patani nation), a different religion (Islam rather than Buddhism) different ideology, ethnic conflict and political-interest. Insurgency began a low-intensity violent conflict since late 2001, with violence increasing sharply after January 2004. The conflict had been between government and insurgent group which aimed at establishing a movement of right of self-determination and to be separated from Thailand and to be grouted on autonomy system within Thai constitution.

⁶ Funston, Malaysia and Thailand's Southern Conflict, p. 238.

So, several Malay Muslim demand the right of self-determination as proposal of political solution conflict in Southern Thailand. The concepts of autonomy and self-determination are related but not interchangeable and there is debate on whether either constitutes an actual right under law or not Malay Muslim demanded right as the local inhabitants and to legally claim self-determination under law. Autonomy was a potential solution for the conflict of Malay Muslim Patani ethnic minority group. There are also similarities with case of Aceh and Mindanao.

The demand of Malay Muslim is political right in Southern Thailand as it was considered as an important proposed argument in solving the political conflict. This proposal were to introduce governance reform action in Southern Thailand in a way that it was congruent with the problem and specific nature of local areas and population, By giving precedence of right of self-determination in autonomy form to local people. The demand of right were based on a notion that at core of the conflict that has been escalating into violence was the incongruous power relationship between the central government and local authority as the result of historical, cultural, and identity differences as well as the local feelings about the unfair treatment by past and present administrations.

However, this demand of special autonomy could be deemed to be the Malay Muslim Patani movement's strategic retreat. Surely, they had to deal with tough questions brought up by their constituent groups and political allies. But such stance could not easily satisfy Thailand's political leaders and the armed forces either.

These of demands of right of self-determination done in the past by Haji Sulong proposed the nature of political relations between the Malay Muslims and the Thai state. One among others was an essentials call for a review of the autonomy status of the Malay Muslims in the Southern Thailand and that their rightful place in the modern Thai nation-state was as equal citizens with distinctive rule and government. Other demands demonstrated their desire for respect and equal treatment for the Malay ethnicity and Islamic practice. Therefore, the government of Thamrong rejected the pleas saying they were a return to the previous old sultanate kingdom in which the power to rule resided in one person. At that time, the concept of autonomy and self-determination was rarely heard in the Thai political discourse. The key concept was (and still is) a unified one nation-state based on Thai nationalism. Since his mysterious death in 1954, Haji Sulong has become a symbol of resistance to the Thai state.

The peace dialogue initiated and led by both the Thai government's representatives led by the National Security Council (NSC) and the Patani liberation movement led by the *Barisan Revolusi Nasional* (BRN) was started in late February 2013. Following the peace talk, one of the proposed approaches right of self-determination to the political reform of Southern Thailand like a special autonomy region.

The proposal referring to the ownership right was included in the detailed explanation of BRN's fourth demand whereby it principally called for the Thai authorities to recognize the existence and ownership right of Malay Patani nation to Pataniland. The detailed explanation also reiterated the acknowledgement of the existence of Malay Patani community and its ownership right connected with the history of the region and its population. Besides, an emphasis was put on the meaning of the right to self-determination to autonomy form, which was within the legal context of Thailand's Constitution and had nothing to do with the desire to separate the region from the Thai state's territory. The aforementioned reasons were the background in which the title: **The demand of political rights: case study special autonomy status for Malay Muslim Patani in southern Thailand (*patani*) was chose for this thesis**

B. Objective of Research

The objectives of this research are as follows:

1. To explain and describe about the demand of political rights: case study Special Autonomy Status for the ethnic minority group Muslim-Malay Patani in Southern Thailand Conflict (Patani).
2. To provide knowledge on why Malay Muslim Patani demand right of self-determination and an alternative way or conflict resolution in option form Special Autonomy Status.

C. Contributions of Research

The contribution of this research are as follow:

1. Academically, this research is beneficial as one of the study field in International Relations and more specifically on Conflict Resolution and Peace Study.
2. Practically, this research is beneficial to find a conflict solution in southern Thailand conflict and also recommendations to the reconciliation process

of demand autonomy for ethnic minority group Malay Muslim Patani to desire model autonomy form.

D. Research question

Based on the background above, the research question is formulated as follow,

Why did Malay-Muslim Patani demand a change of administrative system from centralization to special autonomy region status in Southern Thailand conflict ?

E. Literature review

Nobody has been able to identify the main cause of violent conflict in Southern Thailand but people with a variety culture identity background and experiences seem to be looking at the same situation, but seeing different things. However many local people do not understand what is happening in this situation, some of ascribed causes from represent different culture identity and religions, against of insurgent group, the unfair treatment of central government administrative in region. The outcome of central government's mishandling to manage conflict solution, to long-standing grievances related to poverty, unemployment, lack of education opportunities, drug abuse vice crime and social deprivation. From the above reasons the right to self-determination as a political solution is demanded as a way to manage conflict.

Many scholars view political explanation about violence conflict and conflict solution in Southern Thailand, a Thai leading political science such as Chaiwat Satha-Anand in article: fostering Authoritarian Democracy with Violence: the effect of violent solution to Southern Violence in Thailand.⁷ He sees the problem as having its roots from involved rebellion and uprising of separatist group against the Siam annexation of kingdom of Patani. He also sees the conflict as the long struggle fight for right of self-determination from the Thai state. This argument is widely supported by scholars who believed that historical factors are critical for the people of the Southern Thailand. Chaiwat also emphasized on how relationship between reality and violence have become a significant factor over the years of Patani's struggle for self-determination helps account for developments prior to 2004 upsurge in violence. Nevertheless, the dramatic change in

⁷ Satha-Anand, Chaiwat. Fostering Authoritarian Democracy with Violence: the effect of violent solution to Southern Violence in Thailand, (paper presented as empire conference, National University of Singapore, September 23-24, 2004).

position from 2004 has set of realities that involves by both internal and external factor. More than one set of realities now needs to be understood and explained.

Prawet Wasi, a leading Thai social critic and public intellectual, said in book: *The violence in Southern Thailand, the cause and solution*.⁸ He publicly raised issues concerning conflict, power and ethnics, he argued that the conflict in Southern can be solaced through the exercise of power, since this will not bring about the necessary process of social learning. Instead a community approach should adopt, using religion ethics to cope with crisis. He argued that making use of religion virtues and ethic in development processes creates connection, offering a basis for reconciliation. This communitarian discourse is pertinent to the interpretation of many local religion and community leaders who repeatedly stated that Islam is a peaceful religion. Thus, the argument of Malay Muslim Patani in the southern Thailand had specific culture power, religion beliefs. The principal cause of conflict is therefore the use of forceful means to solve the problem used violence by government. Ethical and communitarian explanation are persuasive to many people. Muslim victim of violence particularly in the April 28 incident at *kre se* Mosque and *Tak Bai* suffocation on October 15, 2004 in southern Thailand, were widely referred to locally as those “who died under the same heavens”. The clear implication was that violent repression by Thai state had backfired, creating a new sense of solidarity and heightened feeling of struggle on the part of Malay Muslim Patani.

Duncan McCargo is professor of Southeast Asian politics at the University of Leeds. He recently spent a year conducting fieldwork in Pattani, in journal title: *Autonomy for Southern Thailand: Thinking the Unthinkable?*⁹ He explained about series of recent developments suggest that reformed governance arrangements and political solution for Southern Thailand Conflict were becoming more thinkable, though they have yet to gain strong political traction. Autonomy arrangements of various kinds had been adopted elsewhere in the region, including in Aceh in Indonesia and Mindanao in Philippines. Thai authorities Autonomy had been extremely reluctant to explore such options. He mentioned perceived the problem as a struggle of old power and new power

⁸ Wasi, Prawet. 2004. *The violence in Southern Thailand, the cause and solution*. Matichon, Bangkok Thailand.

⁹ Duncan McCargo (2010), ‘Autonomy for Southern Thailand: Thinking the Unthinkable?’ *Pacific Affairs*, 18 (2), pp. 261–281.

competing against one another. He saw the Southern Thailand as being influenced by network monarchy and that when Thaksin Shinawatra became prime minister. He also mentioned why Malay Muslim people against Thai government. It later led to violent conflict affecting Southern Thailand's Malay-majority and caused Malay Muslim Patani having no right in self-determination and political right in region. Some of Malay Muslim demand to solve violent conflict and proposed an argument as a political solution to this conflict. Such proposals were to introduce governance reform of the Southern Thailand in a way congruent with the problems and specific nature of local areas and population, by proposing approaches to the political reform of the Southern Thailand region like a special administrative region or special autonomy.

Macaego explained the practice can notion in context of autonomy and special administrative may be broke into three alternative approaches. First is Regionalization an approach involves rethinking Siam and Patani historic preoccupation with a centralized state power structure, allowing for the creation of new regional administrations. Regionalization could mean creating a special administrative in the Southern Thailand Conflict and it might mean transforming administrative from central government to local government with greater authority over their own affairs and power. This authority might be either administrative, representative, or both. Second is the administrative reform, an approach emphasizes the way power is organized at the level of the state. The primary reforms may not in establishing new entities at the regional level but in creating special administrative of region level. Such reforms might involve the creation of a new agency to oversee the Southern Thailand, new budgetary mechanisms or some sort of quota system to ensure that Malay Muslims Patani had direct input into the way the state managed the region. The last is devolution an approach which its emphasis is on creating new representative mechanisms at the local or regional level, on shifting power to the people in a given area. This could be achieved through relatively minor reforms, such as electing provincial governors or the establishment of new representative structures such as provincial or regional assemblies.

Therefore, McCargo , mentioned that Haji Sulong, the one who have been proposed form a special autonomy to Thai government produced a set of seven demand that articulated local demands for changes in governance and justice arrangements for region. Other had included Dr. Prawase Wasi (one of the architects of the 1997 constitution), former prime minister Chavalit Yongchaiyudh, former interior minister

Chalerm Yubamrung, and Srisompob Jitpiromsri. Their proposals range from full autonomy for the Southern Thailand to a national project of regionalization, as well as the creation of a new ministry to oversee the area. Prime Minister Abhisit Vejjajiva had offered mixed messages on the subject, but had indicated sympathy for some form of decentralization. This article argues that despite the controversial nature of such proposals, there is a slowly emerging consensus around the need for a political solution to the conflict. He also pointed the various figures who had proposed some form of autonomy or decentralization for the Southern Thailand could start to cooperate, Thailand might begin to find a way to transcend the country's apparently intractable political divisions and need to solve the political solution.

As Thanet Aphornsuvan, mentioned in her book entitled: *Rebellion in Southern Thailand: Contending Histories*,¹⁰ Patani and Thailand (Siam) histories is lack of understanding about the nature of old rivalries and conflicts between the two states and cultures. Suggested that the history should be read and interpreted in light of the contemporary situation, He argued the Thai state accorded some degree of religious freedom to the Muslims Malay Patani, pluralism, culture identity, politics and self-government which had never been accepted. Before The central Thai authorities were satisfied with a degree of assimilation of individual Muslims largely through modern secular education programs and economic development policies undertaken by the Sarit government. But when Islam was equated with a non-Thai culture, as in the Malay Muslim south, misunderstanding and conflict between the Malay Muslims and the Thai state became a breeding ground for violence. Officially, Thai Muslim is acceptable as Thai citizens, Malay Muslims Patani are not accepted.

He also pointed The Malay Muslim is sustained by the belief that the continued efforts of Bangkok (Thai government) to consolidate its control over the socio economic and cultural affairs of the Muslim community will lead to the erosion of Muslims' cultural and religious way of life and the disappearance of their identity. Thus, causing of conflict mainly ethnic, religious, and nationalist. Indeed, concludes a Patani intellectual, while Bangkok views cultural autonomy for the Muslim community of the Patani region to be

¹⁰ Aphornsuvan, Thanet. 2007. *Rebellion in Southern Thailand: Contending Histories*. East-West Center Washington: Internal Conflicts and State-Building Challenges in Asia.

a threat to Thai national territorial integrity, the Malay Muslims regard the concept of ‘right of self- determination’ as a fundamental right of every people.

He also mentioned that Malay Muslim movement was not a rebellion but they acted out of their self-determination struggle whose aim is for demanding right of ownership and for Malay Muslims Patani to be regard of national self-determination as a fundamental right in Southern Thailand. And that The Thai state is the most important key to any lasting peaceful solution to the conflict. The way of solution conflict by political determination to resolve the conflict in the region give peaceful means. Armed force should be used only to support a political solution by establishing autonomy system and the Thai state need to accept right of ownership Malay Muslim in region.

F. Theoretical Framework

In this thesis two theories are employed to analyze the demand of political rights: case study Special Autonomy Status for the ethnic minority group Malay Muslim Patani in Southern Thailand Conflict (Patani) : Right of self-determination and Autonomy Region.

As of history recorded Pataniland was formed by empire of “*Langasuka*” which were developing in Peninsular Malaya, one of the ancient kingdom of southern Asia. In 1909 by Anglo-Siamese treaty between Siam colonial and Great British that drew a border region between Patani and the northern Malaysia by the Great British accepting the kingdom of Siam sovereignty of Patani and Great British to control Malay state. So, Patani has been different history with Siam colonial. Malay Muslim Patani have cultural identity such as *Malayu* language (*Bahasa Jawi*), *Malayu* name, Malay folklore, Malay attire and Malay music similarly with northern Malaysia. They have many natural resources such as wood, oil, tin, and mineral.

The demand of right to self-determination in the ethnic conflict occurred recently between the central government and ethnic groups within that state. The ethnic groups demanded independence or autonomy rule for right of self-determination, while the central government refused to concede to such demand. So conflict happened when ethnic group were giver no right of land owner and an unfair treatment on administration from central government. Similar to the case of Aceh in Indonesia and Mindanao in Philippine. The conflict in southern Thailand began in 2004 to 2015, conflict between central

government of Thailand and insurgent group. This situation remained intractable, resulting in more than 10,000 injuries and 5,800 deaths of soldiers, police, authorities, teachers, monks, local people, and insurgents. The ten year failure of Thai government in solving the conflict between Thai government and insurgent group conflict still ongoing.

The nature of Malay Muslim Patani in southern Thailand during the conflict based of self-determination in land ownership is in a state when they want a change form central administrative system to special autonomy region claim right of political, economic and social-cultural identity. By the establishment of autonomy region recognition of their language, social-culture, religion, economic and control of administrative system and their natural resources.

1. Right of self-determination

The right of self-determination is one of the most important rights accepting self-determination as a legal right in international law and first found legal status in the Charter of the United Nations. However its application at this stage was still in the hands of colonial powers recognized as a right of peoples under colonial rule to gain independence. In the context of Decolonization when Declaration on the Granting of Independence to Colonial Countries and Peoples, was passed by the General Assembly Resolution 1514 (XV), it was adopted by the United Nations in 1960. The right of self-determination can be defined as “the right of all peoples have the right of self-determination. By virtue of the right they freely determine their political status and freely pursue their political, economic, social and cultural development”.¹¹ To simplify, what people demands through the demand of self-determination for freedom from colonialism is an independence state and a right for ethnic minority group in politic, economic and social cultural affairs by establish autonomy system to claim their right within state authority. The demand right of self-determination emerged due to the different historical, cultural identity, language and religion with other states. In the same context, the minority group of Muslim Malay Patani in southern Thailand they demanded of right to self-determination in politic, economic, and social-culture by establishing autonomy in their own land.

¹¹ Kristina Roepstorff, *Self-Determination of Indigenous Peoples within the Human Rights Context: A Right to Autonomy?*, p. 10.

The right of self-determination has been an acknowledged of rights within the human rights agenda; when it was included into the two international human rights covenants, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) which came into force in 1976 and constitute legally binding human rights treaties based on the Universal Declaration on Human Rights.¹²

The right of self-determination is act of a particular people or an ethnic group to exercise its sovereign right to become an independent state and autonomy system. There are two aspects, internal and external. Internal self-determination is the right of the ethnic minority group to decide on the autonomy form under state constitution. External self-determination is the right of peoples to determine their own political status and to be free of alien domination to independent state to be new country.

Based on analysis of research entitled demand of political right case study special autonomy status for Muslim Malay Patani in southern Thailand was based on the theory proposed by Thomas D. Musgrave on right of self-determination with minority group as he stated on his book: self-determination and National Minority,¹³ as follows:

A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members-being nationals of the State-possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.¹⁴

The ethnic minority group has to be numerically inferior and in a non-dominant positioning has to have some objective criteria, in order to be recognizable for minority. Such as language, religion and cultural identity such as cooperative efforts of the minority to preserve and promote their ethnic and linguistic characteristics the minority group can be distinguished from majority in one state and the minority group manifest desire to maintain a collective identity which differs from culture identity, language and religion. This self-identity that infiltrates to their aspect of life. In this framework, the International Covenant on Civil and Political Rights was the first international instrument to provide

¹² McGoldrick, the Human Rights Committee: Practice and Procedures of Law Making at the United Nations (1991). Pg. 14.

¹³ Thomas D. Musgrave, Self-Determination and National Minority. (London: Oxford University Press, 1997).

¹⁴ Ibid. pg 15.

some formal recognition of minority rights protection. Article 27 of this covenant proclaims that: “persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language”.

The principle of right to self-determination of minority group is internal of self-determination meaning the right to exercise politic, economic, and cultural-social by forming autonomy within framework under the state constitutions but not independent from state. Thomas mentioned “The right to self-determination tends to enhance the respect for, and acknowledgement and promotion of the group dimension of minority rights, which is a crucial aspect of minority reality and thus of their right to identity”.¹⁵ The internal aspect of self-determination has become increasingly important in the debate on self-determination. It means the right of people to determine their right including autonomous status. By self-determination there have been 3 aspect which relate to each other, these are politic, economic, and social-culture.¹⁶

The political aspects is associated with theory of right to self-determination including ability to determine the destiny of the political activities of ethnic minority group under democracy in state. The right of ethnic minority group in political system they want to determining political owner establish organization by choosing their representative and electing leader from ethnic their own minority group, and in promoting a distinct identity and a desire to realize one’s political destiny by promoting self-government as a form of autonomy and political autonomy. The autonomy status in pursued in order to have an independent political administrative system. Yet, this argument is sometimes refuted with the notion that decentralization can reduce their group satisfaction toward autonomy.

The social economy aspects is the right to self-determination of ethnic minority group for decision-making process freely of economic development such control taxation, income distribution, natural resources, labor wage and tourism in region. And manage economic interest.

¹⁵ Ibid.

¹⁶ ibid

The cultural and social aspects is the right of self-determination of ethnic minority group in culture promotion which is to protect their identity, languages and religion, and right to determine social system for a good life and to promote justice society.

However ethnic minority group demand right to self-determination is rather different with other right because they do not demand for being independent to be make new country but they demand right of self-determination to autonomy form under context human right to accepted for their identity such as culture, language and religion. In right of self-determination in context of autonomy is being increasingly promoted as a means of exercising the right of internal self-determination and in granting ethnic minority group a right to autonomy. From a pragmatic stance, there are various reasons and claimed advantages of autonomy for instance the maintenance of the territorial integrity of the state or the peaceful resolution of conflicts.¹⁷ The Draft Declaration on the Rights of ethnic minority group autonomy is being mentioned expressively in an international human rights instrument: Article 31

Provides for a right to autonomy or self-government of ethnic minority group in matters relating to their internal and local affairs. This raises the question of the substance of autonomy as a form of self-determination in the context of the rights of ethnic minority group.¹⁸

2. Regional Territorial Autonomy

The term of autonomy derives from the Greek auto (self) and nomos (rule) and thus literally stands for self-rule. Autonomy can be great variability in the details, the two main types of autonomy structures are federal arrangements, in which all the units usually have equal powers, and autonomy regional arrangements, which allow for unequal or asymmetric features.

The regional territorial autonomy is framework of a modern democratic state, was first established in 1921 in Finland's Aland Islands. Later such concepts of power sharing had been implemented in all continents. Particularly after World War II, the idea of autonomy for the protection of ethnic or national minorities and the resolution of self-determination conflicts became a political reality in Southern Asian Pacific states as well as in Aceh and Mindanao. In most cases, regional autonomy provided the legal-political framework for the internal self-determination of a smaller or indigenous people or of an

¹⁷ Heintze, Hans-Joachim, "On the Legal Understanding of Autonomy", in: Suksi, Markku (ed.) *Autonomy: Applications and Implications*, (Dordrecht 1998).

¹⁸ Ibid.

ethnic minority group, preserving a specific ethnic-cultural identity while maintaining the sovereignty of the state in their live. Not only could autonomy bring about peace and stability in conflict-ridden societies, but it could also enhance new partnerships between the central state and the regional community.

Weller and Wolff define, in the post-Cold War period, autonomy has been “increasingly proposed as the principal remedy for the resolution of self-determination conflicts,” rather than as an intermediate stage on the way towards full independence. Despite its shortcomings and even failures, autonomy has become, in effect, a global default option for the resolution of violent separatist struggles.¹⁹

Yash Ghai define; Autonomy as a device to allow ethnic or other groups that claim a distinct identity to exercise direct control over affairs of special concern to them while allowing the larger entity to exercise those powers that cover common interest.²⁰

Pär M. Olausson define; Autonomy region as a defined geographical territory that, in relation to the majority of other subnational territories, enjoys a special status including some legislative powers, within the state, but does not constitute a federal unit, or an independent state.²¹

The desirable special autonomy region can only be one which is mutually agreed upon and collectively constructed. The search for answers should also be carried out collectively. Lessons can be drawn from international experience and from analysis of local government practices in Thailand. There are certain principles to be observed in whatever model is initiated, for example, cultural identity, religion, resource sharing, symbolic recognition, and political representation and participation. Autonomy has also been established for economic, social-culture and political reasons, based on the principle of two systems one country (as is the case with Hong Kong and Macau). The autonomy region can be one which is mutually agreed upon and collectively constructed. The lessons can be drawn from international experience and case of Aceh and Mindanao. There are certain principles to be observed in whatever model is initiated, for example, resource sharing, symbolic recognition, and political representation and participation.

¹⁹ Marc Weller and Stefan Wolff, “Recent Trends in Autonomy and State Construction”, in Marc Weller and Stefan Wolff, eds, *Autonomy, Self-Governance and Conflict Resolution: Innovative Approaches to Institutional Design in Divided Societies* (Abingdon: Routledge 2005), p. 262.

²⁰ Yash Ghai (2000), *Autonomy and Ethnicity: Negotiating Competing Claims in Multi-Ethnic States*, Hong Kong, p.484.

²¹ Pär M. Olausson (2007), *Autonomy and Islands, A Global Study of the Factors that Determine Island Autonomy*, Åbo, Åbo Akademi University Press, p.25

In order to analyse the autonomy region, this thesis uses the Theory of local self-government or Autonomy region in the book: *The World's Working Regional Autonomies* by Thomas Benedikter²² as a convenient and comprehensive source for a better understanding of autonomy from the practical ground. There are many possibilities to apply certain degree of autonomy and not necessarily equivalent to a separate state like other power-sharing models might suggest. There are ways of linking an autonomous community and region to the national government. There are four main categories of definitions or approaches to autonomy; (1). Autonomy as a right to act upon one's own discretion in certain matters, whether the right is possessed by an individual or a public body, (2). Autonomy as a synonym for more independence, (3). Autonomy as a synonym for decentralization, (4). Autonomy as a quality providing for exclusive powers of legislation, administration and adjudication in certain areas.

The regional autonomy is a specific territorial political organization having its own constituent features. It should not be confused with a subcategory of federalism. It is based on a specific formula of the political and legal relationship between a central state and a regional community within its traditional territory. Regional autonomy is a political and constitutional organization *sui generis* that deserves distinct attention and analysis in theory and practice. Autonomy as a means of ethnic conflict resolution and minority protection is still far from being recognized as an instrument applicable in every context and in every kind of state structure, even within federal states and war-stricken regions. Regional autonomy movements, despite a nationalist rhetoric, can be accommodated with self-governance in some central policy sectors as long as robust guarantees are provided. They seek political participation in the state's powers on an equal footing with the state majority and claim a just share of the state's and region's resources, being aware that complete separation could harm their own interests as well.²³

The forms of autonomy can also be different, ranging from, political autonomy (political administrative framework and administrative autonomy), cultural autonomy (based on personal identity), to economic autonomy (area based region in taxation, income distribution, natural resources protection, labor wage and tourism.). It seems that

²² Benedikter, Thomas. (2007). *The World's Working Regional Autonomies: An Introduction and Comparative Analysis*. London: Anthem Press.

²³ Benedikter, Thomas. (2007).

the political autonomy, cultural autonomy and economic autonomy can provide an initial ideas of what is appropriate for the southern Thailand, provided that the Malay Muslim are mostly concentrated in region and form a majority there. A glance of what are possibilities for an arrangement right of self-government provided and autonomy region by Benedikter there should be on heading in thesis, the scope of autonomy

1. Political Autonomy is Regulation of institutional bilingualism within the local self-administration and the mere transfer of administrative powers to regional bodies reduces the “self-government agencies” to a sort of peripheral branch of the state administration.
2. Economy Autonomy is all powers considered necessary for conducting the affairs of an ethnic group, specifically, manage economic development in context of use of natural resources, regional transport and communications, energy production, banks and other financial institutions, taxation for regional purposes, environmental protection, regional economic policy, incentives for economic branches and development local tourism.
3. Cultural Autonomy is all powers considered necessary for the preservation and development of the cultural identity, religious, language, specifically and provides for them to be governed through their own institutions and regulation in cultural and social affairs.

A fundamental principle of any arrangement for an autonomy region is that an agreement be reached between region people and the central government by endorsement. Benedikter points out that the means by which autonomy is established is as vitally important as the imagined end.

For example, Mindanao in the Philippines and Aceh in Indonesia provide two contemporary examples of the use of regional autonomy arrangements in settling long-running and violent self-determination disputes. Each could warrant a lengthy comparative analysis with Patani due to their many nuances. Short descriptions are presented here to show that autonomy arrangements are possible in broadly similar circumstances.

In the Thai context the most critical issue, aside from technical considerations, is the question as to whether there is enough political will on both sides. Will there actually be a political opportunity to negotiate the terms of autonomy? At present, the idea of autonomy region or self-government in the Southern Thailand is seen by the Thai

authorities and by the general public as unconventional and thus unthinkable. Another question concerns the visibility and legitimacy of the insurgents, since key actors from the underground movement cannot be definitely identified and presented in public beforehand.

G. Hypothesis

This thesis hypothesis about demand of political rights for the ethnic Malay Muslim Patani in a change of administrative system from centralization to special autonomy region status in southern conflict Thailand are as follow:

1. The autonomy demand of Malay Muslim Patani for responding ownership right in southern Thailand involving ethnic identity attitude of political, social economy and cultural specific accept as self-determination.
2. The autonomy establishment in southern Thailand is good opportunity for creating an environment favorable to solve of conflict through balancing division and distribution of administrative authority between local authorities and central government based on the eclectic characteristics of a plural society in Southern Thailand.

H. Methodology of Research

1. Method of Research

This research is an explanative with qualitative approach. The qualitative research explain the phenomenon situation happened in location and survey by as interview academicals, Muslim leader, local people and civil society. The explanative aims to explain the factor-factor of demand of political rights in southern Thailand conflict by establish special autonomy and desire about the proposal autonomy region in local.

2. Location

The location of this research, was be conducted in the Province of Patani, Yala and Narathiwat, to see why Malay Muslim Patani demanded a change of administrative from centralization to be special autonomy and situation local conflict.

3. Method of collecting data

The data of this research was sought by doing library research; means that the researcher collects data from the available sources to support the research. This research used three ways to obtain important data; studying of documents, interviewing, and conducting direct observation in dissecting case studies demand right of self-

determination in southern Thailand conflict. The researcher then was conduct the following actions:

a. Document

The document compiled were from books, journal, newspapers, video, photo and available website which were related with the research title and the implementation of the demand of right self-determination for Malay Muslim Patani and documentation about research case of Patani conflict. In addition, documentation technique used in this study focused on the records or archives in the form of thesis, written reports and documents relating to the object under study of this research.

b. Interview

The interview of this research was done by having verbal conversation between two people to collecting relevant information for purpose of the research. The data collection techniques used in this research was premating a personal interview as a face to face two way communication between the interviewer and the respondents carried out in a planned manner. Telephone and email interview were also done to collect information collected from the respondent called as telephone interview. The group interview done through an unstructured interview involving a moderator to lead a discussion between a small groups of respondents on a specific topic. All of the respondents were Malay Muslim people, politician, student, lecture of university and local people.

c. Observation

The observations was done through direct observation in location to observe phenomenon as the data.

4. Method of analysis data

Qdeductive analysis technique was used to explain the data based on theory which later would be systematically analyzed to display the correlation among the factors that caused conflict between insurgent group and Thai government. This research analysis focused on the demand political right of Malay Muslim Patani to demand special autonomy status.

I. System of writing

CHAPTER I discuss the introduction of the paper. It consists of explanation about background, Objective of Research, Contributions of Research, Research Question,

Literature review, Theoretical Framework, Hypothesis, Method of Research and System of Writing.

CHAPTER II describes the historical records, conflict dynamic, insurgency, Muslim in Thailand and status of problem.

CHAPTER III discusses about the political administrative, Thai policy toward Southern Thailand conflict and autonomy proposal.

CHAPTER IV is the answer of the research question as explaining the analysis about of political demand of special autonomy region status for Malay Muslim patani in southern Thailand conflict.

CHAPTER V gives the conclusion