

The Internal Security Act (ISA)

IMPLICATIONS FOR THE SOUTHERN CONFLICT

The Internal Security Act (ISA) is an organic law of Thailand, promulgated in February 27, 2008, in order to prevent, gain control of or resolve a situation that causes or may cause danger to life or property of individuals or to the state. ISA has been widely criticized by civil society groups concerned about human rights violations. While the bill was first drafted under the interim government of Prime Minister Gen Surayud Chulanont in 2006, it did not pass the National Legislative Council (NCL) until mid-2007 after several revisions. It was eventually adopted in February 2008, following royal endorsement.

ISA identifies three target areas of future internal security work:

- 1) The Khao-Kho Area in Pitsanulok Province with a large Hmong minority;
- 2) the Bangkok Area as Thailand's center of political activities;
- 3) and the three Southern border provinces Pattani, Yala and Narathiwat where tension builds between ethnic-Thai Buddhists and ethnic-Malay Muslims.

In the early stages of implementation, ISA will focus on the third issue of trying to contain the growing conflict in Southern Thailand.

ISA Measures for Southern Thailand

ISOC and SBPAC after Restructuring

In accordance with ISA, the Internal Security Operations Command (ISOC) has been restructured. The new ISOC is headed by the Prime Minister serving as Director with the Army Chief as Deputy and the army's Chief of Staff as Secretary General. In addition, the total number of staff has been reduced as well

as the composition of staff changed. The staff does no longer primarily include Buddhist civil servants and military officials but also an increasing share of academics of both Buddhist and Muslim faith as well as influential leaders from Pattani, Yala and Narathiwat, the three most afflicted provinces in Southern Thailand. To facilitate cooperation and communication, establishing an easily accessible information system is planned. The South Bordered Provinces Administrative Center (SBPAC) will coordinate and monitor the overall activities of the institutions and the local people in the peace-building process.

The Benefits of ISA Measures according to the Military's Point of View

Concerns have been raised about ISA allegedly endorsing the military's infringement of human rights, such as freedom of belief, freedom of movement and freedom of assembly. In response, the military has officially announced its intention to respect fundamental human rights. It will be watched and pressured by numerous civil society groups both on the local and international level.

Lt. Gen Dapong Ratanasuwat, Asst. Chief of Staff of Operation, argues that rather than harming democracy, ISA fosters it. In his view, the benefits of ISA are as follows.

a) *More protection, more rights and more liberties*

ISA only permits proportionate assemblies drawing a clear distinction between peaceful expressions and violent incitements. By this means, it increases public safety so that innocent citizens may better enjoy their human rights without any unforeseen disruptances.

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b) *Decentralization and an Increased People Participation in Politics*

ISA encourages decentralization and people's participation in politics. According to Article 10, Paragraph 4, of ISA, ISOC will set up an Advisory Committee of local experts on political science, law, science/technology and human rights. Article 12 and 14 state that this Advisory Committee will also have to involve other local people in their decision making. To facilitate access for the local people to ISOC, the Regional ISOC and the Provincial ISOC will be established.

c) *Compensation Possible*

Article 20 of ISA holds ISOC responsible in case of damages caused by an official's operation; people injured will be compensated according to the cabinet's decision.

d) *Improving Procedures for Handling Detainees*

According to Article 21, criminals with relation to the unrest in the three Southern border provinces will be granted an amnesty in case of confession and agreement to attend a 6-month training course organized by the ISOC. They will be categorized as "misdemeanors" and freed of their criminal charges.

The Implications of ISA for the Southern Conflict

Democracy's Triumph over the Military?

It is the duty of government authorities to ensure the safety of the population. The Martial Law and Emergency Decree applied in Southern Thailand, however, have allowed the military to extensively intrude into the civilian realm, making the arbitrary use and abuse of power possible.

ISA subjects the military to a civilian authority by granting the Prime Minister the right to make final martial decisions. Moreover, it also restricts the military's role in the field of internal security. Whereas before, for example, detention of suspects for 7 to 30 days without ruling of a court used to be possible, the military is now required to have a warrant.

One or Three Laws

It has been argued that ISA was originally meant to replace the Martial Law and the

Emergency Decree in the Southern area. According to Lt. Gen Dapong Ratanasuwana, Asst. Chief of Staff of Operation, however, the military is still interested in keeping up the two laws. He argues that whereas ISA has shortages in dealing with criminal acts of terrorism, the Martial Law and Emergency Decree allow for immediate use of military force to quickly restore stability in the region. The military has already submitted a request for legal advice to the Office of the Council of State in case it should continue to make use of the Martial Law and Emergency Decree in its security operations.

It is to be feared that as an act placed under civilian control ISA becomes ineffective, if Martial Law and Emergency Decree under military control are to coexist with it.

The Effectiveness of ISA

According to the military, there are two root causes of the conflict in Southern Thailand which are of cumulative and sociological nature. First, illiteracy, low quality of life, drug abuse, unemployment, etc. create an atmosphere of alienation and resentment among the population in Southern Thailand. Secondly, discrepancies of political views at administrative levels (TAO) as well as different religious views of Buddhists and Muslims, and even among Muslim communities themselves build hostile tension.

In contrast, local civilians tend to consider a mix of different culture and religion as one of the main root causes of the conflict. They also mention a growing distrust of government authorities in face of the absence of an impartial judicial system.

While ISA carries symbolic significance in demonstrating the good-will of both the military and the government, different analyses of the root causes of the conflict by the military or the local people suggest that ISA cannot provide a real solution to the conflict.

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Conclusion

The Internal Security Act 2008 (ISA) has tried to harmonize and integrate all stakeholders in the Southern Thai conflict on the organizational level of the peace-building process.

However, ISA can only be a preliminary security measure, since security measures can only prove effective if they take into account political, economic and development policy aspects. Hence, poverty eradication, preventive health care, and improved education etc. should pose an integral part of any security concept.

In addition, it is essential to guarantee the compliance of security measures with the rule of law and the fundamental rights of the citizens.