2. Underground struggle & licence to smuggle: the Thailand–Malaysia border region

‘They usually come in the evenings, every three to four days. They arrive by bus and are smuggled across the border to Malaysia here. It’s people from Myanmar, Laos, Bangladesh and Northern Thailand. Then they are picked up again on the other side.’¹ This is how a resident from Narathiwat province in Southern Thailand, at the Malaysian border, described the people smuggling activities in his area.

All sorts of licit and illicit goods are also smuggled across the Golok river, which defines the border between Thailand’s Narathiwat province and Malaysia. Petrol is cheaper in Malaysia and is smuggled to Thailand; conversely cooking oil is cheaper in Thailand and is smuggled to Malaysia. Meth from Myanmar’s Shan State is smuggled across the river and cigarettes from the Philippines pass through Malaysia and are sold in Thailand.

The southern part of Thailand (Figure 2.1), the so-called Deep South, is not only a popular transit route for smuggled goods and people, a violent conflict between an independence movement and the Thai state has been going on for decades, particularly in the provinces of Yala, Pattani and Narathiwat. Checkpoints and Thai army soldiers are everywhere. Hundreds of mainly small attacks take place every year (Abuza, 2017). The conflict cost more than 7,000 people their lives between 2004 and 2018 (Blaxland, 2018; see also Abuza, 2016).

In order to explore the link between armed conflict and the smuggling economy, I conducted research in the area in November 2017 and February 2018, covering both sides of the border in Thailand and Malaysia. On the Thai side of the border, I worked in the provinces of Pattani, Yala, Narathiwat and Songkhla. On the Malaysian side of the border, I spent my time in Kelantan province.
Figure 2.1 Thailand–Malaysia border

Conflict and transnational crime
BACKGROUND: A BRIEF HISTORY OF ARMED CONFLICT IN THAILAND’S DEEP SOUTH

The violent conflict in Thailand’s Deep South receives little international attention even though there were more than 18,000 security incidents between 2004 and 2018 (Blaxland, 2018). The conflict has been ongoing since the early 1900s, making it one of the oldest conflicts on the continent (Burke et al., 2013).

The roots of the conflict are closely linked to the formation of the Thai state. The majority of people in the Deep South, in the provinces of Yala, Pattani, Narathiwat and, to some extent, Songkhla, share an identity that they consider to be different from the rest of Thailand, creating the basis for a strive for independence through armed conflict. The majority in Thailand is Buddhist and speaks Thai, but the Deep South, with a population of circa two million, is predominantly Muslim (75–80%) and speaks Malay (Burke et al., 2013, pp.1–2; ICG, 2012, p.1; McCargo, 2014). While the conflict is therefore often described in religious terms, the local identity has multiple facets. Thailand’s Deep South and the northern parts of Malaysia used to form the independent Patani Kingdom for several hundreds of years. In 1786, the Siamese army conquered the kingdom and turned it into a loosely connected tributary state of Siam (McCargo, 2014).

The foundation for the conflict that continues today was set in 1909 when the Kingdom of Siam and the United Kingdom signed the Anglo-Siamese Treaty that determined the border between Siam and the British protectorate of the Federated Malay States. As part of the agreement, the Patani Kingdom formally became part of Siam, while the areas further south, Kedah, Perlis, Kelantan and Terengganu, which share the same religion and language, became part of what Malaysia is today. In the following centuries, and particularly after Siam had become Thailand in 1946, the central state sought to construct a national identity, inter alia, based on the Thai language and the Buddhist religion. Those in the former Patani Kingdom saw this as a threat to their own Patani identity (Horiba, 2014).

With the independence of Malaysia in 1957, Malay nationalism likewise started to grow in the Deep South of Thailand, leading to a burgeoning Malay Muslim identity. The Thai government sought to stem the problem by encouraging Buddhists to migrate to the south in order to strengthen the ‘Thai’ identity of the region. This fostered the perception...
in the south of being colonised and stripped of its own identity. Armed
groups fighting for independence – for instance the Barisan Revolusi
Nasional (BRN), the Patani United Liberation Organization (PULO) and
Barisan Nasional Pembebasan Patani (BNPP) – evolved and conducted
frequent violent attacks on the Thai military, such as shootings and
bombings. The 1960s to the early 1980s are considered to be the most
severe phase of insurgent violence in the region (McCargo, 2014, p.3).³

In order to pacify the conflict, the Thai government under Prime
Minister Prem Tinsulanonda established the so-called Southern Border
Provinces Administrative Center (SBPAC) in 1981. Through SBPAC,
the Thai government worked with Malay Muslim leaders and invested in
infrastructure and education and offered a ‘surrender for amnesty’ pro-
gramme (Burke et al., 2013; ICG, 2012; McCargo, 2014). And, indeed,
the level of violence went down and only escalated again after the new
prime minister of Thailand, Thaksin Shinawatra, abolished SPBAC in
2001 and strengthened the role of the security forces in the Deep South.

Tensions quickly started to grow again. Bombings conducted by the
armed groups and fighting between security forces and armed groups
resulted in a high number of casualities. In 2004, security forces arrested
78 protesters and confined them in trucks where they suffocated. Such
incidents helped to further strengthen the narrative of an oppressive Thai
government and a victimised local population.⁴ Most casualties of the
conflict have been civilians (Asia Foundation, n.d., p.173).

SBPAC was re-established in October 2006.⁵ SBPAC officials I inter-
viewed in 2017 emphasised that the ‘Thai government wanted to show
understanding’ and that they tried to enable people in the Deep South to
have normal lives. They pointed to the centre’s work aimed at improving
the economy and the education system in the region as well as the incor-
poration of Islamic religious teaching into the public school curriculum
and the fact that the state funds Hajj pilgrimages to Mecca each year for
200 of the area’s Muslims.⁶

In 2013, members from six different movements, including BRN
and PULO, formed an umbrella group called MARA Patani to enter
peace talks with the Thai government.⁷ The Malaysian government
provided a mediator, Ahmad Zamzamin Hashim, the former director
of the Malaysian External Intelligence Organisation. Thailand sent
a ten-member team into the negotiations that included representatives of
the National Security Council, SBAC and the police. However, McCargo
points out that the Thai team was unprepared for the talks; they had no
strategy or plan and approached the talks without negotiating expertise

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[1] Florian Weigand - 9781789905205
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(2014, p.7). The representatives of the insurgency may not have been well-placed to broker peace either (see also Chalermsripinyorat, 2015). Although BRN is the most influential insurgency group, its role in the peace process appears to have been marginal. The discussed solutions did not address their key concerns of justice and accountability for violence by security forces and paramilitary groups against the Patani population. In the interviews, supporters of BRN repeatedly voiced their frustration with the Thai judiciary for their failures, even while they expressed a willingness to support peace negotiations in the future.

In October 2018 the new Malaysian prime minister Mahathir replaced the peace mediator Ahmad Zamzamin Hashim with Abdul Rahim Noor, who had successfully negotiated a peace deal with the Communist Party of Malaya (CPM) in 1989. At that time Thailand appointed a new chief negotiator, General Udomchai Thammasarorat, who has a reputation of being open and accessible (Macan-Markar, 2018). However, the Thai government had not brought in international observers, a demand BRN has made and which interviewees raised repeatedly.8

A heavy, visible military presence remains in the Deep South. Cars have to slow down on main roads every other kilometre at one of the myriad military checkpoints where heavily armed soldiers stop and search them. Armoured vehicles frequently patrol the area. Approximately 58,000 Thai troops are currently deployed to the Deep South (Morch, 2018).

THE INSURGENCY: OBJECTIVES AND GOVERNANCE STRUCTURES

In spite of the persistence of the conflict, the Deep South’s non-state armed groups control no territory. While it is commonly assumed that fighters retreat to and train in remote mountain areas, the insurgency operates largely ‘underground’. Many people in the Deep South are in favour of independence from the Thai state and sympathise with the insurgency. Hence, it is difficult to clearly distinguish the insurgency from the local population.

Barisan Revolusi Nasional (BRN), whose name means the ‘National Revolutionary Front’, is the most influential of the insurgency groups. It was formed in 1963 at a time when the government was dismantling Islamic education in the Deep South in favour of a secular curriculum (Casey-Maslen, 2014, p.224). Those affiliated with the BRN who I spoke with see independence as the group’s main objective, but some of them acknowledged it was unlikely. They seemed open to compromises and
suggested that having more autonomy, with local people being in control of their area, could be an acceptable solution. Interviewees admitted that the heavy Thai military presence made it difficult for them to operate, but expressed no interest in abandoning the cause.

The fight of the BRN and the motives that underpin it are very localised. They have no ties to transnational terrorism groups such as the Islamic State (IS) or Al Qaeda, a point the supporters of the BRN who I spoke with emphasised; likely because Thai government officials often claim that such links exist (see e.g. *The Nation*, 2018). The International Crisis Group (ICG) summarises the situation thus: ‘Malay-Muslim militants have long framed resistance to the Thai state as a jihad, though their aims are primarily nationalist. Theirs may be characterised as an irredentist or “nation-oriented” jihad, i.e. a fight against non-Muslims for a particular territory’ (2017a, p.1). In contrast to the extremist Salafi-jihadism of the IS and Al Qaeda that fight against nation states and for a caliphate, groups like the BRN explicitly fight for an independent nation state (ibid., pp.1–2). The ICG notes that the Deep South is ‘not a sympathetic milieu for transnational jihadism’ (ibid., p.i).9

The interviewed insurgents claimed that BRN has around 300,000 members and that its governance structure consists of eleven departments that have responsibility for issues such as youth action, economic affairs, religious affairs, and military action. Meanwhile, an ICG report from 2012 notes that the Thai government officially estimates that the BRN consisted of 3,000 fighters and 10,000 further supporters. An independent study from 2006 estimates that 100,000 to 300,000 people view the group favourably and are willing to provide practical support (2012, p.3).

The interviewees explained that BRN includes people from all walks of life, including high school age youth and government officials. Most villages in the region have a single designated BRN ‘representative’ with primary responsibility for recruitment in that village. McCargo reports that the movement consists of small cells of locally recruited people who are often quite young (2008, p.142). However, most people recruited are supporters without actual combat duties (ibid.).

According to the interviewees, the BRN has four distinct ways of generating income. First, each member pays a monthly membership fee to the group on a sliding scale based on income; dues can be as little as 60 Baht (c. US$1.80) per month. Second, if the BRN plans special operations, such as an attack, members may fast for a day and donate the money they would have spent on food for the day. Third, BRN members may walk from house to house, asking for additional donations. Fourth,
BRN invests in businesses, particularly cafés and restaurants abroad, most of which are in Europe or Malaysia.

The Patani United Liberation Organization (PULO) was historically a highly significant player in the movement for Patani independence, although its influence has receded. In interviews, supporters stated that PULO now emphasises political action over military operations, and that this distinguishes it from BRN. PULO was a strong military group in the 1970s and 1980s, when fighters were trained in Libya and fought in Palestine, and when financial support was coming in from the Middle East. However, external support began to dry up in the 1980s. The group’s influence started to decline. According to the interviewees, PULO still relies primarily on donations. It does not ask members to contribute but it has wealthy supporters in the Deep South and in Europe. However, interviewees were sceptical of its influence. They said BRN had learned a lesson from PULO’s decline in influence and concluded that they required sources of income more reliable than external donations.¹⁰

The insurgents in the Deep South are considered to be responsible for a range of attacks, including on civilians. But only on rare occasions do insurgents admit responsibility for attacks in which civilians get killed (e.g. Prachatai, 2016). The interviewed supporters of BRN acknowledged that the group has made specific attacks on Thai military forces, but claimed that the main perpetrator of violence in the Deep South is the Thai military. Politically, the interviewees suggested, the ongoing violence with many civilian casualties helped the military to undermine the legitimacy of the Patani separatist movement and bias the public against them, making people ‘dislike the armed groups’.¹¹

In addition, they suggested that the Thai military had an economic incentive to maintain tensions. That the military financially benefited from the violence was an underlying theme in interviews. The interviewees pointed to the fact that allocations of the Thai military budget in the Deep South were kept secret, saying this made it easy to divert funds.¹² Likewise, they claimed the army was collecting bribes from the cross-border smuggling business, and that an ongoing level of violence supported its continued presence in an area that afforded that income.

Many supporters of the insurgency argued that the Thai military was drawing on the support of criminal groups to conduct attacks and aiding them in maintaining insecurity. An interviewee insisted: ‘The state uses criminals to work for them and create violence.’¹³ That the activities of criminal groups are responsible for some of the violence in the Deep South is undisputed. For instance, Connors (2007, p.157) argues that drug
smugglers that hire young people to attack and distract the security forces are responsible for some of the violence. However, most of the interviewees in the Deep South thought that there was a more complex war economy in place, which benefitted mainly members of the Thai military and criminals with whom they were working hand in hand.

Identifying the real perpetrators of the violence and establishing who is responsible for what type of violence is beyond the scope of this research. It is likely that violence is not just committed for political reasons, nor that it is only committed by the insurgents and the security forces. There was widespread agreement in the interviews that at least some attacks were conducted by individuals with personal interests, for ‘business purposes’. But in an environment of frequent attacks, it is difficult to distinguish between the different motives and drivers that may underpin them.

THE SMUGGLING ECONOMY

The Smuggling of Goods

Despite the ongoing violent conflict, the region is a vibrant economic area that benefits from trade across the border that largely ignores customs duties. Thailand’s southern border with Malaysia can be described as fairly open. While official border crossings with checkpoints exist (Figure 2.2), it is easy to cross the border elsewhere, often even in close proximity to the official border crossings. Individuals, businesses and networks operate across the border.

During my research in the Deep South, I could observe the large-scale ‘smuggling’ of daily consumption goods. Goods cheaper in Malaysia, for instance, are transported to Thailand, and vice versa. Thai shopkeepers would usually source any products that are cheaper in Malaysia there. It is mainly individuals and small enterprises who transport goods across the porous border, using their private cars or a small boat.

However, there also are some big businesses, with bigger boats and warehouses (Figure 2.3). Such warehouses are prominent sights on both sides of Golok river, at Thailand’s border with Malaysia in Narathiwat Province. Goods are shipped across the river on an industrial scale, whether they be t-shirts going from Thailand to Malaysia or cigarettes coming from the Philippines, passing through Malaysia and being sold in Thailand. A local shopkeeper said that the only shop that sells Thai cigarettes is the international chain 7-Eleven. And once per year, usually
around Chinese New Year, fireworks are smuggled from Thailand to Malaysia, where fireworks are banned.

The state authorities appear to be tolerating the irregular cross-border business. The people interviewed who ship goods on a small scale do not have to pay duties or bribes to the police. People who ship goods on a large scale, and, for instance, run warehouses on the Thai side of the border, pay an informal monthly ‘fee’ to the police.

In addition to ordinary consumption goods, drugs are frequently smuggled across the border. According to the interviewees, yaba and ice (methamphetamines) that are produced in Myanmar’s Shan State were the main drugs smuggled from Thailand to Malaysia at the time. Conversely, heroin smuggling was rare. The margin for methamphetamines was particularly high at the time of the interviews, with one pill costing around 80 Baht (c. US$2.50) in Thailand and 200 Baht (c. US$6.20) in Malaysia. Interviewees stated that the drug trade was organised very professionally by networks and that it offered ‘full-time jobs’.
According to interviewees, the smuggling of drugs does not necessarily happen in remote border areas. Quite the contrary, urban areas offer better transportation links to the border on the Thai side and further into Malaysia on the other side. As security forces are usually very present in such populated areas, the smuggling of drugs across the border often happens in front of their eyes.

It was common to smuggle guns and ammunition across the border, but, according to those who used to smuggle them, the business had decreased since Indonesia granted Aceh significant autonomy in 2005, ending the local armed conflict.16 The conflict in the Deep South made weapons easily available. Interviewees described government employees, including bureaucrats, who often carry weapons, which they can obtain cheaply, for self-protection.17 Malaysia has strict gun laws, making them difficult and expensive to obtain. This created a considerable financial incentive to smuggle weapons obtained in Thailand to Malaysia and then on to Indonesia. According to former gun smugglers, criminal groups in Malaysia now drive weapons demand, but the smugglers claim to...
be more afraid of supplying them. Further, they explained that officials would no longer readily tolerate bribes to smuggle guns, while the smuggling of drugs was still more accepted. In addition to criminal demand, there are some reports of Malaysian IS supporters benefitting from the availability of weapons in Southern Thailand, buying them there and smuggling them into Malaysia (see e.g. The Straits Times, 2017; Bodetti, 2018).

Despite being highly regulated and often even having set ‘fees’, smugglers described the system of bribing officials for smuggling goods across the border in Thailand as more complex than the Malaysian system, which is more centralised. While in Malaysia bribes have to be paid to one agency only (customs), smugglers complained that eight different state agencies collect bribes on the Thai side of the border.

The Smuggling of People

Crossing the Thailand–Malaysia border legally at a regular border crossing is easy, particularly for Thai and Malay nationals who live in the border areas. According to SBPAC, a Memorandum of Understanding between the two countries allows residents of the border areas to gain a ‘border pass’. These border passes allow people to cross the border legally at the official border crossings without a passport and a visa and travel up to 25km into the neighbouring country. Many people in the border area also have ID cards and/or a passport from both Thailand and Malaysia.

Using an irregular border crossing is just as easy – if not even easier, as there are considerably more irregular border crossings than regular ones. Taking the boat and crossing the border irregularly costs as little as 20 Baht (c. US$0.60). Most people who use irregular border crossings could cross legally, possessing all the necessary documents; they use irregular crossings for convenience. For example, people from Malaysia frequently cross into Thailand for shopping or drinking, as the Malaysian state bordering Thailand is dry.

State authorities often informally regulate irregular border crossings (Figure 2.4). Particularly in urban areas security forces are present on both sides of the border and, at times, check papers at the irregular border crossings. At one irregular border crossing that people from Malaysia often use to go to bars in Thailand, Thai soldiers keep the ID cards of all people who enter Thailand and return them when they get on the boat again to return to Malaysia.
Many Thai work in Malaysia while continuing to live in Thailand; crossing the border is simply part of their daily commute. But there also are people from other parts of Thailand and third countries who cross into Malaysia as migrant workers and stay for months or years at a time. Interviewees explained that there is a significant demand for cheap labour in Malaysia, particularly for the construction business. For instance, at the time of the interviews there was demand for labourers to work on a high-speed train track that would connect the border region with Kuala Lumpur. Meanwhile, according to the interviewees, 30% to 40% of the smuggled people are young women, often with children, who are seeking work as domestic cleaners or housemaids in Malaysia. Interviewees say a large number of migrant workers are from Myanmar. One interviewee explained: ‘The people from Burma are very hard working. Malaysians like them a lot.’¹⁹ Rohingyas were a sizeable group at the time of my interviews and, according to the interviewees, some smuggling groups specialise in smuggling them, charging 4,000 to 5,000 Baht (c. US$125–155) per refugee, some of which is used to pay off
officials. An interviewee explained that one such group uses the official papers of dead Thai citizens to help Rohingya to obtain a legal identity. However, according to several interviewees, the number of Rohingya passing through has declined. When most Rohingya became refugees in Bangladesh in 2017, they were confined in camps (see Chapter 4).

Some migrant workers arrive at the border individually or in small groups, and manage the border crossing themselves. Others arrive in groups of 20 to 30 people, having paid to have a network of agents make their passage possible. A smuggler summarised: ‘The networks are organised and international. (...) Burmese, Thai, and Malaysian groups work together.’ In these cases, an agent takes a group of migrants to the border on the Thai side, and hands them off to somebody with a boat, who then takes them across the river. On the Malaysian side of the river, they hand the group over to another agent, who takes them onwards, usually to Kuala Lumpur, from where they can continue to other parts of the country.

The local people who handle the border crossing are not necessarily ‘specialised’ in the smuggling of migrants. Even smugglers who, for instance, usually take drugs may also take people across when an opportunity arises, making use of their established networks with the state authorities on both sides. One interviewee explained: ‘the smuggling of drugs and the smuggling of people is often done by the same people here. But there might be different bosses.’

According to the people interviewed at the Thailand–Malaysia border, most of the smuggling of people from third countries happens on the western side of the border, in Songkhla Province, away from the conflict in the east. Here smugglers can use a major highway that connects Thailand and Malaysia and there are fewer checkpoints than in the east, as there is less violent resistance to government control in Songkhla, resulting in a far less militarised environment. The interviewees told me that comparatively little smuggling of migrants and illicit goods happens in the east, in the Sungai Kolok–Rantau Panjang area of the border. This is pragmatic as navigating the numerous military checkpoints on the way to the border in Thailand with a truck of migrants must be difficult.

At the same time what smuggling occurs can nonetheless be on a larger scale, with as many as 70 people arriving at a time in peak seasons (e.g. in empty petrol trucks) and crossing the border. But in 2017/18, numbers were low. In mid-February 2018, a number of interviewees in the east reported that the last case of people smuggling they were aware of had happened in early January, when a group of ten people – mainly
Rohingya, but reportedly also including some Vietnamese – were taken across the border to Malaysia. However, not all of the people smuggling is done for money. Some local people help others, particularly refugees like the Rohingya, to cross the border to Malaysia without charging them, out of sympathy for their plight.

SMUGGLING AND ARMED CONFLICT

Smuggling and Insurgents

At the Thai–Malay border, as elsewhere, officials blame smuggling on non-state armed groups. For instance, following an arrest of drug smugglers in Narathiwat in July 2018 the Thai police told journalists: ‘We found links between drugs gangs and insurgents. We can confirm that they are connected and have a symbiotic relationship’ (BenarNews, 2018).

My research cannot compare to a police investigation; however, it does paint a different picture. The interviewed insurgents claimed not to be involved in the business of smuggling or trafficking people. More significantly, the interviewed smugglers stated they do not work with or depend for support on insurgents, indicating that there are no major institutional links between the non-state armed groups and the smuggling business at the border. The armed groups in Southern Thailand operate underground and do not control territory. Hence, they have little to offer smugglers. Nor do insurgents have significant incentives to work with smugglers. Being associated with the smuggling of illicit goods such as drugs, or even human trafficking, could undermine their legitimacy with the local population, upon which they also depend for membership fees, and increase the likelihood of being detected by the security forces.

Looking, for instance, at the smuggling of people, local people do not need the help of insurgents to cross the border and work abroad, as the border is porous. There is no reason to believe, either, that the non-state armed groups in the area depend on networks to cross the border, as security forces do not know their identities and they can cross legally as residents of the border area. The smuggling of people from third countries is organised through networks of agents or brokers, who arrange the entire journey of migrants, often through multiple countries. Given that they evidently avoid the conflict areas in the Deep South in favour of the more peaceful west, it seems unlikely they turn to non-state armed groups for help with securing passage. While insurgents did report on occasion
helping Rohingya across the border, they said they did so, not to make money, but to help fellow Muslims.

With regard to drug smuggling, members of the armed groups said this was against their religious principles. However, other interviewees with a detailed understanding of the local dynamics – who were neither part of the BRN nor part of the security forces, such as local journalists and civil society activists – explained that a complex war economy was in place to smuggle drugs, with connections not just between the army and criminals, but possibly also including some insurgents. While I did not find any further evidence that supports or contradicts this idea, this is certainly possible. Furthermore, some members of BRN may make their personal income through smuggling drugs, people or other goods. Through their membership contributions this would indirectly contribute to BRN’s activities, but it does not constitute the symbiotic relationship police had described.

**Smuggling and the State**

Conversely, I found much stronger evidence of a link between smuggling and the state. Borders, while being at the periphery of the state, are symbolic also of statehood and are usually under close state control. Even though the border separating Thailand and Malaysia is porous, state security forces are very present. Several interviewees pointed out that the enormous military presence of more than 50,000 soldiers makes it impossible to do much without them noticing, which strongly suggests that smuggling depends on their acquiescence (Figure 2.5). A number of interviewees further argued that the army was driving the conflict in order to benefit from criminal activities in the area, particularly, to be able to collect bribes from the cross-border smuggling business more easily.

The research shows that state officials on both sides of the border make considerable profits charging ‘fees’ for the large-scale businesses that smuggle consumer goods across the border. The acceptance of such practices appears to be so systemic that extra-legal activities scarcely qualify as ‘smuggling’. In several cases Thai military officials themselves have been caught smuggling large amounts of weapons into neighbouring countries (see e.g. *The Nation*, 2017). In the context of drug smuggling, a smuggler reported, ‘we do not bribe the army, but we sometimes cooperate’, pointing at a fairly institutionalised role of the state in the drug
smuggling industry. Meanwhile, both in Thailand and in Malaysia drug trafficking carries capital punishment.25

Likewise, the networks of agents that smuggle people over long distances and across international borders seem to have strong links to state authorities on both sides of the border. Many interviewees echoed the sentiment that ‘people smuggling can’t happen without the state being involved.’ One person in Thailand explained in more detail: ‘State officials are linked to all activities here. Even a normal businessman who wants to open a company needs the backing of the military. (...) In terms of the smuggling of migrants, people usually travel here on the main road. How would they be able to without anyone noticing it? The state has to close at least one eye.’26

Most of the smuggling of people from third countries happens in the west, where there is no conflict and good infrastructure. Even though state actors often appear to be assisting people smuggling networks, a lower number of checkpoints compared to the conflict region and a lower number of branches of the security forces that are aware of the
smuggling reduces the costs of smuggling and the likelihood of being exposed.

A criminal case that came to light in 2015 represents a rare instance when state agents have been prosecuted for people smuggling. A number of mass graves with remains of victims of human trafficking were discovered in Thailand’s Songkhla Province and in Malaysia’s Perlis Province. A group of human traffickers imprisoned Rohingya refugees in camps in the border region, tortured them, and demanded ransoms from their families in order to release them. Many Rohingya died and were buried at the camp sites. The investigation resulted in the arrest of state officials in both Thailand and Malaysia who were involved in the ‘business’. One interviewee argued that the discovery of graves and the following arrests are likely to be the consequence of competition between different networks, where a rival criminal network had spread information about the graves in order to expand its area of influence. Hence, other networks running similar operations are probably still in place.

One of the camps for abducted refugees that gained attention was located in a forested area not far from the border town Padang Basar. Other camps were located in more remote areas along the border in the same region, in one case a five-day hike through the forest from Padang Basar (see Fortify Rights and Suhakam, 2019, p.41). What makes the border region at Padang Basar attractive for people smugglers is that it offers dense forests to hide camps while having good inland connections. On the Thai side, Padang Basar features a good road connection and a railway station, which connects it with the closest bigger city Hat Yai and even Bangkok. Being located in the far west of Songkhla, the city is also considerably closer to the west coast of Thailand, where many Rohingya refugees arrive by boat. Similarly, on the Malaysian side, the city is well-connected by road and railway.

Going into the forests in Songkhla enables smugglers to avoid public attention. However, this comes at the cost of longer routes without proper infrastructure through often difficult terrain, which makes the smuggling operation more expensive. This makes the forest route suitable for smugglers who do not simply want to cross the border quickly but instead want to prevent people from crossing the border by kidnapping them and holding them (often for months), while engaging in torture and other violent tactics to extract greater ransoms from refugees’ families. Even with good links to the state in both Thailand and Malaysia, such inhumane criminal activities, which are strongly rejected by the public, cannot happen in the limelight.
According to the interviewees, the number of trafficked and smuggled people has decreased since the 2015 public scandal. However, this is likely to be the result of a lower ‘demand’, rather than a lower ‘supply’, as refugees grew frightened that migration would put them in danger. A number of interviewees stated that networks that facilitated larger-scale immigration before 2015, both humane and inhumane ones, are still in place, waiting for the next surge of people who want to go to Malaysia (see Chapter 4).

Further east along the border, in the provinces Yala, Pattani and Narathiwat, where violent conflict is ongoing, the role of the state appeared to be more passive with regard to its involvement in people smuggling when I conducted my research in 2017/18. Interviewees reported that officials on both sides of the border took bribes from people smugglers. For instance, an interviewee explained that in some cases people smugglers had to pay up to 5,000 Baht (c. US$155) per person to Malaysian officials, in addition to a payment to Thai officials. But one interviewee pointed out that there are exceptions. He explained: ‘the normal police in Malaysia is bribed. But there is one special unit which doesn’t accept bribes.’ However, it remained unclear whether that unit would arrest smugglers.

While some involvement of state actors appears to be very organised, with set ‘fees’ for a border crossing, there also seems to be less systematised corruption. A lawyer in Southern Thailand explained: ‘The immigration authorities don’t know what to do in a case where they actually arrest a migrant who is smuggled. They detain them but then they [i.e. the detained migrants] manage to “escape” from detention. So, we can assume that they get released.’

Several interviewees said that it is particularly state authorities and criminals who benefit from the ongoing conflict in Thailand’s Deep South, not just because of the smuggling economy. In addition, and more substantially, the ongoing conflict provides political justification for a direct military control of civilian spheres of governance in the Deep South, including development projects, such as the construction of roads. As part of the Thai government’s strategy to appease the South through development, a large amount of money is available to fund such projects. They offer opportunities for corruption on a much larger scale. As one interviewee described it, ‘The ongoing conflict makes it easier to do secretive stuff.’ In other words, the violent conflict reduces the level of public accountability of the state. In a way, another interviewee concluded, all parties of the conflict benefit from ongoing violence. The
conflict enables BRN to gain attention for their struggle and it allows the army to make money.  

CONCLUSIONS

At first glance, the armed conflict in Southern Thailand and the smuggling business in the region are disconnected phenomena. Even without the conflict the area would probably be a major hub for smuggling activities from and into Malaysia. But the conflict shapes the smuggling economy and creates new income avenues for actors like the state security forces, which in turn creates an incentive to maintain the conflict.

In some cases, smuggling and armed conflict are even geographically disconnected. As both my interviews and the cases of the mass graves found in 2015 indicate, human smugglers and traffickers prefer routes that avoid violent conflict, choosing to cross the border in the more secure Songkhla province in the west rather than in the conflict areas of Yala, Pattani and Narathiwat in the east. Songkhla offers good road and railway connectivity and while the violent conflict has led to the heavy presence of security forces in the east, there are fewer checkpoints to be navigated or bribed in the west, making it a popular route for large-scale smuggling of people from third countries and crime that has to happen beyond the eye of the public – such as the violent trafficking and torture of refugees.

In contrast to a common perception, most smuggling activities do not happen in remote areas; in fact, they usually happen in the more populated areas at the border. This can also be seen in the east. Here, the violent conflict has resulted in a heavy presence of security forces, particularly in urban areas. Nonetheless, the populated areas are the preferred route for most smugglers due to good transportation links. Migrants are smuggled across the river on the same irregular routes that local people who want to cross the border to have a drink in Thailand, shop keepers importing small amounts of goods, and networks smuggling drugs all use.

Local people play a key role for the smuggling activities at the border. They may smuggle goods for themselves and may help people to cross the border free of charge. However, they may also work for smuggling networks and take drugs, as well as people, including migrants, across the border. Hence, even though the networks that organise migrant and drug smuggling appear to be disconnected, they overlap at times on the local level as the same people may take goods across the border for different networks.
Smuggling, including that of drugs, often happens before the eyes of the security forces who appear to be benefitting from the activities. For instance, the owners of warehouses who smuggle t-shirts and other licit goods on a large scale pay a fixed amount to the security forces every month. Similarly, the drug trade is based to some extent on ‘cooperation’ between smugglers and security forces. While the use of urban areas requires payments to the security forces, passing through them is still cheaper – and ensures a higher level of predictability – than smuggling across the more rural parts of the border.

Ultimately, the violent conflict creates an environment which makes it easier for state authorities to justify a heavy presence, to act with limited accountability, and to benefit from corruption that is linked to the smuggling of goods and people. Resonating with the literature on war economies (e.g. Kaldor, 2012), I find that different actors, particularly security forces and the networks that control the smuggling of illicit goods, appear to be working more in concert than against each other, driven by aligned economic interests rather than political concerns. Meanwhile, the violent environment also helps criminals conceal their activities. For instance, it is possible to kill a rival smuggler or a business partner one no longer wishes to work with and police will generally attribute the death to the armed conflict and political motives. These vested interests may help to explain why the conflict has been so persistent.

By contrast, conflict does not seem to feed the smuggling economy through the role of non-state armed groups. The state is in full control of the area and the border, which gives smugglers little reason to work with groups like the BRN. Conversely, the insurgents would put their local legitimacy – which is crucial for them as they depend on local support – at risk if they were to get involved in the smuggling of people or illicit goods. Instead, they have established other modes of generating money, such as the membership fee, that lets them benefit financially from their local support.

Hence, the insurgents in Thailand’s Deep South could be described as legitimacy-seeking rebels. They lack territorial control and want to maintain or build local legitimacy, resulting in a limited involvement in the smuggling economy. Individual members may be feeding their families and ultimately also funding their membership dues through smuggling, but I found no reason to think there is a closer link.

In September 2018, Thailand and Malaysia announced plans to build a border wall, which they said would ‘combat transnational terrorism and smuggling’ (Reuters, 2018). Given the state involvement in the smug-
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...gling business, it seems unlikely a border wall will significantly affect the conflict or the ease of passage of people or goods.

NOTES

1. Interview, 24 November 2017.
2. In contrast to the Thai province ‘Pattani’, the ‘Patani Kingdom’, an area larger than today’s province, is spelled with one ‘t’ only. Hence, the spelling is political, with ‘Patani’ referring to the historical identity (see McCargo, 2007a and McCargo, 2008 for a discussion of this issue).
3. See McCargo (2008) for a comprehensive analysis of the conflict until 2008.
4. See McCargo (2007b) for a detailed analysis of Thaksin’s role for the developments in the Deep South.
5. Interview with SBAC officials, Yala, 24 November 2017.
6. Interview with SBAC officials, Yala, 24 November 2017.
7. MARA Patani is comprised of Barisan Revolusi Nasional (BRN), Barisan Islam Pembebasan Patani (BIPP), Pertubuhan Persatuan Pembebasan Patani (PULO-P4), Pertubuhan Pembebasan Patani Bersatu (PULO-dspp), Pertubuhan Pembebasan Patani Bersatu (PULO-mkp) and Gerakan Mujahidin Islam Patani (GMIP).
8. This demand has also been raised in recent media reports on the conflict: see e.g. Pathan (2018).
9. See ICG (2017a) for a detailed analysis of the ‘jihad’ of insurgents in the Deep South and their differences from international terrorist groups like IS and Al Qaeda.
10. Interview, 24 November 2017.
11. Interview, 10 February 2018.
12. The government’s budget for Thailand’s Deep South is under the supervision of the 4th Army Chief, who is also the chair of the Internal Security Operation Command Force (ISOC region 4). This budget covers all expenses of the state, including security, social affairs, economics, political affairs and technology. The details of how the budget is spent and costs are allocated remain secret. See Bangkokbiznews (2014).
13. Interview, 10 February 2018.
14. All photos by the author.
15. Interview, 24 November 2017.
16. In Aceh the ‘Free Aceh Movement’ fought against the Indonesian government in order to gain independence, driven, among other reasons, by a more conservative interpretation of Islam that is common in Indonesia. In 2005 the conflict ended through a peace agreement, which granted Aceh a high level of autonomy.
17. Interview, 10 February 2018.
18. Interview, 24 November 2017.
19. Interview, 23 November 2017.
20. Interview, 23 November 2017.
21. Interview, 10 February 2018.
22. Interview, 24 November 2017.
23. E.g. interview, 23 November 2017.
24. Interview, 24 November 2017.
25. Malaysia suspended executions in 2018.
26. Interview with civil society activist, 11 February 2018.
27. See BBC (2015); The Straits Times (2015); The Guardian (2015). As Chapter 4 will detail, during my research in the Rohingya refugee camps in Bangladesh, I encountered many families whose relatives were ransomed or disappeared. For example, a Rohingya refugee in Bangladesh said that his brother had been held for ransom at the border in 2012 for a month. Smugglers required his family to make an additional, previously undisclosed payment when he reached the Thailand–Malaysia border and was imprisoned. The family successfully ransomed the brother and he was not tortured, but the trip cost 35 lakhs (c. US$2,215) when they had expected to pay just 13 lakhs (c. US$815): Interview with Rohingya in Bangladesh, 3 December 2017.
28. Interview, 10 February 2018.
29. Interview with local politician, 11 February 2018.
30. Interview, 10 February 2018.
31. Interview, 24 November 2017.
32. Interview, 11 February 2018.
33. Interview with civil society activist, 11 February 2018.
34. Interview, 23 November 2017.