

# Race & Class

<http://rac.sagepub.com/>

---

## **Gas, waqf and Barclays Capital: a decade of resistance in southern Thailand**

Larry Lohmann

*Race Class* 2008 50: 89

DOI: 10.1177/0306396808096395

The online version of this article can be found at:

<http://rac.sagepub.com/content/50/2/89>

---

Published by:



<http://www.sagepublications.com>

On behalf of:



[Institute of Race Relations](http://www.instituteforracere.com)

**Additional services and information for *Race & Class* can be found at:**

**Email Alerts:** <http://rac.sagepub.com/cgi/alerts>

**Subscriptions:** <http://rac.sagepub.com/subscriptions>

**Reprints:** <http://www.sagepub.com/journalsReprints.nav>

**Permissions:** <http://www.sagepub.com/journalsPermissions.nav>

**Citations:** <http://rac.sagepub.com/content/50/2/89.refs.html>

# RACE & CLASS

SAGE  
Los Angeles,  
London,  
New Delhi,  
Singapore,  
Washington DC

## Gas, *waqf* and Barclays Capital: a decade of resistance in southern Thailand

LARRY LOHMANN

*Abstract:* The struggle of villagers in the Chana district of southern Thailand to resist the construction of the Trans Thai-Malaysia gas pipeline and its various spin-off industries illustrates some of the ways in which questions of ethnic, religious and class conflict are tightly bound up with industrial development, the global financial sector and human rights abuses. While the Thai elite and international investors portray the project as 'socially responsible', the protesting villagers have increasingly turned to Islamic principles of *waqf* – land designated as given over to God and therefore available for common use – to articulate their opposition.

*Keywords:* environmental protest, industrial development, land rights, pipelines, Thai Muslims, TTM

---

Larry Lohmann works with The Corner House, a small solidarity and research organisation based in Dorset, UK. His most recent book is the edited volume *Carbon Trading: a critical conversation on climate change, privatisation and power* (Dag Hammarskjöld Foundation, 2006).

*Race & Class*

Copyright © 2008 Institute of Race Relations Vol. 50(2): 89–100  
10.1177/0306396808096395 <http://rac.sagepub.com>

On the Google Earth website, the image shows up clearly: a giant fenced-in industrial square, a kilometre wide on each side, carved out of the green coastal environment of Chana district in southern Thailand and connected by an underground pipeline to the sea.<sup>1</sup> This is the Trans Thai-Malaysia project (TTM), an internationally-financed natural gas development scheme. Built to bring gas from offshore fields in the Gulf of Thailand to a separation plant, from where it can be distributed to the region, the project is set to form the nucleus of further huge industrial installations, including electricity-generating plants and petrochemical factories. In the view of the local, rural villagers who have been battling the project for a decade, however, the project has brought only problems: destruction of local livelihoods, despoliation of local land, water and forests, and threats to community and religion. Their struggle illuminates some of the ways in which, in Thailand as elsewhere, questions of ethnic, religious and class conflict are densely entangled with issues of international infrastructure development, global finance and environment.

### **Appropriation and insult**

In 1999, a US\$2.42 billion contract was signed by the Petroleum Authority of Thailand (PTT) and Petronas of Malaysia to build a 255km pipeline to transport gas from offshore fields in the Gulf of Thailand to the coastal district of Chana in southern Thailand, to be converted into sales gas and other fractions at a specially-built separation plant a few hundred metres from the pipeline's landfall.<sup>2</sup> The gas would then be pumped through an 86km onshore pipeline to the Thai-Malaysia border and a further 9km connection to northern Malaysia, and would be used in Thailand and Malaysia as well as exported further afield. The TTM project, as it was called, was supported by US\$524.3 million in project financing from a consortium of foreign banks including Dresdner Kleinwort Wassertein, HSBC, ING, Standard Chartered and Fortis. Leading the consortium was the UK-based Barclays Capital, which in 2004 agreed to provide a loan of US\$257.1 million, nearly half of the total, giving it significant leverage over the project and helping to attract finance from other foreign investors.

Since 1997, the TTM project has been steadfastly resisted by the majority of Chana villagers, who fish, using 3,000 small boats; farm, largely for household use; and follow a number of other livelihoods such as raising singing doves, which are sold for good prices as far away as Indonesia. The villagers argued that the project would pollute the sea and air and damage local fisheries, land (including wetland and sand dune forest) and human and animal health. They also warned that it would provide a foothold for other destructive industrial developments, such as those clustered around gas-related industries in Maap Ta Phut in eastern Thailand, and rejected government claims that the scheme would benefit local communities and reduce poverty and socio-economic disparities in the region.

Villagers noted that Thailand did not need more gas to meet its energy needs, pointing out that most of it would go to Malaysia in any case.

One of the most crucial points of resistance was land. To bring the pipeline ashore, TTM, with the connivance of local officials, acquired public land along the community's beachfront using private land titles which were later determined by the National Human Rights Commission to be bogus. Despite villagers' petitions to civil servants, police and parliamentarians, and the findings of a Senate committee, the land was enclosed and villagers driven out. In July 2005, the Sakorn sub-district administrative organisation resolved to sue TTM for breaking the law forbidding encroachment on public land. Villagers had earlier filed encroachment charges against Samsung, TTM's subcontractor that had taken over the beachfront area, only to find that Samsung had managed to get the police to issue arrest warrants for villagers, also on trespass charges. Throughout, local villagers have maintained a peaceful resistance camp on a nearby beach, Lan Hoy Siap, and in 2006 launched a tree planting scheme on disputed public forest land.

Moreover, in order to be able to build its gas separation plant on the sprawling kilometre-square site it had designated several hundred metres inland, TTM blocked off and destroyed rights of way which were not only public land according to state law, but also inalienable *waqf* common lands which, under Islamic law, had been given over to God over fifty years previously for the use of the community in perpetuity. The local land struggle thus became inextricable from the battle for religious rights in this Muslim-majority area – a battle which was intensified as TTM attempted to make donations to local mosques and to buy off local political and religious leaders. Amid concern that the project would divide affected local Muslim communities, villagers occupied the site of the proposed gas separation plant in March 2002 and began constructing a mosque. In August 2003, TTM belatedly put in an official request for the *waqf* and public land that it had earlier seized, offering other land in exchange (although, according to local interpretation, *waqf* land is, of course, not only non-saleable but also non-exchangeable). Local villagers then petitioned sub-district, district, provincial and national administrators and officials in Thailand's formal Islamic hierarchy, objecting to any exchange of *waqf* for other land and demanding that fences be taken down and police be withdrawn from *waqf* rights of way leading to the gas separation plant construction site. In October 2004, the National Human Rights Commission called on TTM to restore public lands to their former condition and remove all fencing within a month; and, in December, it recommended that the project be suspended until the issue was resolved. The following July, over 1,500 local villagers protested the Songkhla government land office's decision to support TTM's seizure of the *waqf* land, saying that the state 'had no right to force Muslims to commit a sin'. TTM found an ally, however, in the

Chularajamontri, the head of the official Muslim hierarchy in Thailand. Without his staff having interviewed the *waqf* land's hereditary guardians (*warais*), who are descendents of the community member who originally gave the land over to Allah for the perpetual use of the community, the Chularajamontri issued a judgement in March 2004 claiming that there was no evidence that the land in question was *waqf*. This resulted in local villagers issuing respectful yet pointed invitations to the Chularajamontri to investigate for himself, and the judgement is now being reconsidered. Meanwhile, the government officially withdrew the land's public status in August 2006, using the typically colonialist justification that the land was 'not being used' by the public. (In fact, it had been in constant use, for example as a livestock drove and right of way to rice and watermelon fields.) In August 2007, in addition, local villagers joined academics and religious leaders at a major seminar held in Songkhla designed to raise public awareness of the importance of *waqf*, which – although it is a concept known throughout the Muslim world in various forms and has parallels with commons regimes of more secular types in many countries including Thailand and the UK – is less well understood outside the Islamic community.<sup>3</sup>

As TTM pressed ahead with the project, a pattern of violent official suppression of local opposition also became an important issue. As early as 2000, shots were fired at protesters' processions and, since then, corporate agents and the state alike have resorted to intimidation, harassment, arrests, legal fraud, threats of force, illegal detentions and beatings in their battle to build the project. In December 2002, about 1,000 police in riot gear attacked 1,500 peaceful and unarmed petitioners (including Muslims at prayer) 300 metres from a Haad Yai hotel where a cabinet meeting was to be held to discuss the pipeline deal with Malaysian leaders. Over 100 were injured and twelve local activists arrested and taken secretly to a Border Patrol Police compound about 40 km away. Although videotape showed police armed with batons and shields breaching a barricade and pushing back protesters, Prime Minister Thaksin Shinawatra, eager to defend his status as a regional dealmaker, claimed villagers armed with sticks, fish sauce and a knife were about to assault police.<sup>4</sup> Subsequently, both the Thai Senate and the National Human Rights Commission released reports identifying the police as responsible for the violence. Charges were filed against police but the case was not resolved in the villagers' favour until 2006–7, when a Songkhla court ordered police to pay damages to the protesters for violating their constitutional rights and a judge threw out charges that the state had filed against the protesters.

During 2003, pipeline opponents were frequently arrested and kept in jail without charge and without access to lawyers, while armed Border Patrol Police units conspicuously set up bases in local villages, claiming to be interested in 'drug problems'. Police shadowed villagers and

searched their houses, and in November beat into unconsciousness a 17-year-old boy, who had been taking photos of company surveyors in a coastal forest area, before throwing him in jail; the boy was convicted in 2005 on assault and weapons charges. In May 2003, after the Bangkok government had given permission to the government of Songkhla province to deploy troops at the pipeline construction site (the operation to be paid for partly by PTT), the United Nations Special Envoy on Human Rights Hina Jilani charged the Thai government with creating a 'climate of fear' for human rights advocates, basing her conclusions partly on the TTM case. In June, 600 policemen, some armed with pistols and rifles, were deployed at the site proposed for the gas separation plant. In November, leaked correspondence revealed that TTM, Songkhla's governor, Bangkok government advisers and the local police chief had conspired in a plan to neutralise the Lan Hoy Siap protest encampment, with the Songkhla police commander writing to the governor that it was 'necessary to get rid of the problem of opposition to the pipeline'.<sup>5</sup> In October 2004, more than 200 armed police took over a beach area to allow Samsung Engineering to build a temporary dock for the transfer of heavy equipment for the separation plant construction site. Government documents also showed that TTM had paid for the police's encampment, in breach of Thai law.

Since the gas separation plant was finished, yet more land has been seized illegally, this time along the route of a pipeline connecting the installation to a new, 700-megawatt electricity generation plant being constructed a short distance away to create more demand for TTM's gas.<sup>6</sup> New construction has also damaged local freshwater fisheries and caused flooding. PTT and the Electricity Generating Authority of Thailand have ignored repeated requests from the local subdistrict administrative organisation, the National Human Rights Commission and even the regional army command to suspend construction while conflicts are cleared up and a possible rerouting of the connecting pipeline is considered. Air pollution has meanwhile increased, damaging crops and forcing some villagers to move away, and threatening the local songbird industry. Villagers' early warnings that the TTM project would lead to further destructive industrial development were meanwhile borne out in early 2007 when the government announced it was dusting off plans for a gigantic 1,700-hectare industrial estate in rural Chana.

Battles over the law have continued in other spheres as well. In June 2003, the National Human Rights Commission found that the government had violated the 1997 constitution by denying people the opportunity to participate in the process of decision-making related to the project. The project's environmental impact assessment, which was initially rejected by the Thai government's own expert panel, had omitted many environmental and social impacts and is the subject of an ongoing administrative lawsuit. Ignoring early local efforts to seek a mediated solution to

the conflict between the project and local people, the government waited until 2000 to hold ‘public consultations’ on TTM, after a cabinet-level decision to go ahead with the project had already been made. The consultations were chaired by one of TTM’s vocal supporters, and Chana villagers’ petition to reconsider the environmental impact and to suspend the project were simply left off the discussion table. The first consultation, in July, failed; the second was intended to take two days, but because officials had excluded any pipeline critics from participating and were permitting comments only from employees of TTM, hundreds of people attempted to storm the meeting and clashed with police, leaving more than thirty people injured. The meeting was cut short after only twenty-five minutes and consisted of a ‘vote’ in favour of the project by project proponents, while police kept the opponents outside at bay. Critics’ calls for project contracts to be released to the public meanwhile resulted in a Senate committee receiving only partial texts, with the most important passages blacked out.

### **Background to enclosure**

In one sense, the fight against TTM is merely one example of dozens of struggles in contemporary Thailand against corporate or state enclosure of local land, water and air, whether through commercial tree plantations, mining schemes, power plants, dams and forest conservation programmes. Such battles have proliferated throughout the country since the 1980s. In the 1990s, they coalesced in the nationwide Assembly for the Poor, which at one point surrounded Government House for ninety-nine days with a long slate of demands for social and environmental justice.<sup>7</sup> Such movements and alliances have often accommodated themselves to, but often also powerfully challenged, Thai society’s entrenched social hierarchies and patron-client arrangements – which tend to subordinate villagers/ordinary people (*chao baan*) to bureaucrats (*khaarachakaan*), businesspeople/capitalists (*naai toon*) and what Kasian Tejapira aptly terms ‘electocrats’ (*nak lueak tang*) – provincial entrepreneurs-cum-mafia bosses-cum-vote buyers who have used Thailand’s 35-year-old parliamentary democracy to parley their local influence into lucrative political power at the national level.<sup>8</sup> Yet while the TTM struggle exemplifies this more general social current, it also has special characteristics connected both with regional politics and with patterns of cultural or racial discrimination that set it apart from other conflicts.

For one thing, the project was undertaken in the context of a long history of oppression and neglect of Thailand’s Muslim minority, particularly so-called ‘Malay Muslims’, who speak Malay languages and constitute a majority of the population only in the country’s far south. Having been incorporated into the Thai state as a buffer zone against the British following several centuries of tributary status, the provinces

in question have long been the subject of colonialist and chauvinistic policies on the part of the mainly Buddhist ruling class. Although violent battles between government authorities and separatist groups had dwindled by the 1980s, they never completely died away.<sup>9</sup> In response to a spate of grisly killings of Buddhists in the region in early 2004, then Prime Minister Thaksin Shinawatra (whose willingness to deploy state violence was exemplified by the hundreds of extrajudicial murders that took place under his anti-drugs drive<sup>10</sup>) declared martial law. In April, after receiving a tip about possible raids on military installations and police stations, troops and police burned a historic mosque in Pattani, killing thirty-two young Muslim militants who had taken shelter inside. In the ensuing escalation of violence, more than 100 other young Muslims were killed throughout the region. In its defence, the government lost no time in claiming it was only taking necessary steps against drug bandits and militants with supposed al-Qaida links. On 26 October, a further atrocity occurred after some 2,000 Muslim protesters assembled at a police station at Tak Bai, about 160km from the TTM site, demanding the release of six men accused of supplying weapons to insurgents. The Thai military arrested 1,300 and fired bullets, water cannons and tear gas into the crowd, killing six. Some eight-five of the arrested Muslims, who had been tied up and stacked into army lorries for transport to jail, suffocated on the way. In response to an international outcry, Thaksin claimed that the villagers had perished only because they were weak from Ramadan fasting.<sup>11</sup> Videotape of the incident, while it has been circulated clandestinely within Thailand and in neighbouring Malaysia and Indonesia, has never been aired on Thai television.

Racism has been both a weapon of the state and a provocation to resistance throughout the TTM struggle. In Thailand, the form of racism in question, typically propagated among officials and the middle class, has deep connections with colonial border-drawing and classification. As historian Thongchai Winichakul has argued, the project of creating a bounded 'geo-body' of a Thai nation was part of elites' attempts to fend off, exploit and accommodate themselves to British and French colonialism<sup>12</sup> – as was the related project of what David Streckfuss refers to as 'homogeniz[ing] the kingdom racially'. These projects encouraged a binary us/them, inside/outside schema: first, certain ethnic groups were imaginatively absorbed into the 'Thai race' (albeit sometimes as junior partners) and 'with a racist rationale in hand, governmental policies were fashioned to make the categories real'; second, many groups were kept figuratively or literally 'over the border' as 'non-Thais'. According to what Streckfuss calls the international 'principles of the logic of race', the 'national space' of Siam created during colonial times had to be notionally filled to the borders with an essential 'we Thai'; a "mixed" race or ethnicity' would have 'no rights within the politics of race'.<sup>13</sup> At the same time, each *figurative* territory bordering that of 'Thainess',



like 'Thainess' itself, became associated with a homogeneous set of stereotyped, frozen cultural traits. Thongchai cites the Border Patrol Police – who have been active in suppressing TTM opponents but also boast a history involving, for example, opening fire on radical students in Bangkok in 1976, setting up rural counterinsurgency operations in the 1980s, and shaving ethnic Karen villagers' heads and forcing their children to wear school uniforms in 1997 – as one example of an official organisation that sees the term 'border' as signifying the 'demarcation of otherness from Thainess as much as a geographical boundary'.<sup>14</sup> The whole structure is indirectly reinforced by an elite nationalist exceptionalism, popular even among progressive central Thai intellectuals, that denies that ethnic or religious discrimination, as a foreign or 'non-Thai' invention, could be a feature of Thai society at all.

Thus Muslims in Thailand's southern borderlands tend to be seen as either (unappreciative) targets of the benevolently assimilating efforts of the ruling centre or, as is more often the case in times of widespread violence, obdurately and aggressively Other – 'second-class citizens' at best, fit for ruthless suppression. With the nationalist slogan 'nation-religion-monarchy' helping to reinforce an either/or opposition between 'Thai' and 'Muslim' peoples and cultures, platoons of middle-class Bangkok bloggers regularly issue virulent proposals for violent suppression of Muslim dissidents and outlaws, while the elderly Queen Sirikit has vowed to take firearms instruction in case she is called upon to defend the country against the brutality inflicted on Buddhists in the south. Even supposedly more 'liberal' journalists and ministers tend implicitly to endorse a Thai/Muslim binarism, if less consciously, as when they expatiate on the need to ensure justice for all, 'whether Thai or Muslim'. This background of discrimination has inevitably coloured relations between Chana pipeline opponents and police and other civil servants, who tend to be both Buddhist and from outside the region.

### **A battle of narratives**

Like most such struggles, the struggle of the Chana villagers has been shaped by a set of diverse, mutually-influencing narratives that each play a part in organising the different groups and classes involved. According to PTT and the successive governments whose support it has enjoyed, TTM is a story of economic progress for a majority as well as of development benefits for the local area and prestige for the nation. Concerns over damage to local livelihoods can be met by the project's environmental impact assessment. Land disputes can be referred to local land offices or the Chularajamontri, while local consent can be said to have been secured by the two public hearings of 2000. Protests are the work of trouble-making non-governmental organisations, Muslim agitators or a few local leaders with vested interests, without whom, it is implied,

the deference properly owed by ordinary people to their betters would re-establish itself. As with many such official narratives, the power of this narrative is not so much that anyone believes it as that it validates certain hierarchies and prejudices among its (in this case, central Thai, predominantly urban) audience, keeping them at a conceptual distance from local project opponents, while providing a source of 'noise' facilitating delays in responding to local protest until such time as a project becomes a *fait accompli*.

International investors in TTM have exploited a parallel story, that of 'corporate social responsibility', which allows them to temporise indefinitely in their relations with local people while isolating them from, and organising the consent of, middle-class audiences outside the country. For example, Barclays, the key foreign backer of TTM, has been a leader in formulating the voluntary Equator Principles for the international banking sector. These 'require', among other things, that an Environmental Impact Assessment involving mandatory public consultation is carried out on all projects to be financed. 'We will take the necessary steps to understand the impacts that our business may have on the communities with which we interact, including human rights impacts,' Barclays states. 'Where there is potential for our operations to cause human rights violations we will take whatever action is necessary to avoid them.'<sup>15</sup>

Merely to question the truth of such claims is to miss their deeper political function. Whether Barclays is or is not in *actual* compliance with the Equator Principles is no more relevant to its task of seducing the imagination of business, governmental and middle-class audiences in the West than the question of whether or not there actually were weapons of mass destruction in Iraq had a bearing on whether the story could be effectively retailed to the US public to justify the current war. This is why, despite repeated invitations and a major protest at its Bangkok office in June 2004, Barclays has seen no need to bother sending any of its 13,000 international staff, some of whom are based in Thailand and Malaysia, to Chana to gather data from local people about the effects of TTM. Nor has it replied to a letter – sent by Chana residents prior to the signing of the loan agreement – detailing legal and human rights problems, or responded to an invitation from local people to help arrange a roundtable meeting of all interested parties to discuss TTM's compliance with loan conditions or Barclays' compliance with the Equator Principles or its own human rights policy. Indeed, Barclays admits with disarming candour that it confines its fact-finding largely to 'representations by the borrower' and does not investigate land rights violations unless it is the actual landowner.<sup>16</sup> In 2007, *Fortune* magazine awarded Barclays the number two spot in its annual ratings of the 100 largest global corporations on their social and environmental responsibility, largely on the ground that the bank had said it was committed to the Equator Principles,

'which discourage lending to infrastructure projects which displace communities or disrupt ecosystems'.<sup>17</sup> Again, verification was irrelevant.

Chana villagers' narrative of their own struggle is, of necessity, more complex. On the one hand, the villagers portray themselves as staunch defenders of the national interest, community and local natural environments against foreign capitalists and local mafias. At the same time, they ironically cast the local district chief, the Songkhla governor and police as weak, submissive 'water buffalo', being mercilessly ridden by business interests, and have sued police for assembling for unlawful purposes, armed assault and fomenting public disorder. This satirical focus on the inability of officials to obey the law, much less live up to their claims to defend the public interest, has been more effective in giving confidence to the local opposition than in countering the superior organising abilities of the state and transnational business at the regional, national and global levels. This is not to say that the villagers' cause has failed to attract support from outside. In 2002, 1,384 academics throughout the country petitioned Prime Minister Thaksin to reconsider his backing for TTM, pointing out that some 80 per cent of local residents were opposed to it and, as mentioned above, liberal senators, subdistrict administrators and even the southern army command have requested that the project be put on hold until outstanding land issues are resolved. Equally importantly, other communities fighting fossil fuel development projects have lent their support, in particular a movement at Bo Nok several hundred kilometres to the north that defeated a coal-fired power plant slated for its own coastal community. That points up another important aspect of the local counter-story: Buddhist-Muslim alliances undertaken in defiance of governmental attempts to pit adherents of the two religions against each other. On a 2004 visit by predominantly Buddhist Bo Nok activists to Chana, the green flags adopted by the former flew together with the red flags of the Chana pipeline opponents; other Buddhist activists have likened the theft of *waqf* land to the annexation of Buddhist monastery land; and Bo Nok spokeswomen have enthusiastically joined in nationally-publicised sarcastic attacks on the government's militarisation of the TTM area. ('Who are you going to war against?' mocks one caption to a press conference photo display of heavily armed police guarding pipeline operations.) Foreign environmentalists have also shown an interest, albeit characteristically fitful, in pursuing the case with international banks.<sup>18</sup> Nevertheless, TTM proponents' wide reach, ability to temporise, influence with foreign investors and willingness to deploy violence have enabled them simply to outlast the alliance-fashioning efforts of opponents.

Perhaps partly as a result, as the gas separation plant has been completed and gone into operation – and construction of industrial additions, such as the electricity generation plant, have got underway – TTM opponents have concentrated more and more on organising resistance

around the defence of the religious community, and particularly of the traditions of *waqf*, against those who would ‘trample on the principles of Islam’. ‘Muslims cannot sit idly by when *waqf* land is taken,’ read one protest placard hoisted by marchers in 2005, and many protests have been organised around themes such as calling for Allah’s blessing for efforts to regain *waqf* land. Villagers are even looking for alliances, though without unrealistic expectations, with the Muslim community in Britain.

## Conclusion

The TTM struggle exemplifies the interpenetration of a number of contemporary themes of global politics: international investment in enterprises involving military force in carrying out what Marx called primitive accumulation; growing sectarian tensions; low-intensity conflict; the war on terror; conflicts over fossil fuel developments; corporate social responsibility; and intense, locally-specific yet internationally-reinforced, forms of class conflict and racism. An understanding of such complex political terrains is increasingly crucial not only for groups such as the Muslim villagers of Chana but also for progressive political communities beyond. The Chana story raises, but cannot yet answer, the question of how a more tenacious solidarity for the defence of community and commons might be built among diverse and all-too-often isolated movements in different geographical and cultural locations.

## References

- 1 Thanks to Ida Aroonwong Na Ayutthaya for helpful comments.
- 2 English translations of much of the documentation referred to in this article can be found in The Corner House (ed.), *The Struggle of Villagers in Chana District, Southern Thailand in Defence of Community, Land and Religion against the Trans Thai-Malaysia Pipeline and Industrial Project (TTM), 2002–2007* (Sturminster Newton, The Corner House, 2007), <<http://www.thecornerhouse.org.uk/pdf/document/TTM2002-2007.pdf>>; see also Suleiman Matyuso et al., *Wakap: Muea thuuk klaay pen phit pharakit khue kaan taw suu* [*Waqf: when right becomes wrong, it is time to struggle*] (Songkhla, Association of Southern Fishing Communities, 2007).
- 3 English trust law may have developed under the influence of *waqf*, the idea of which is likely to have been brought back to England from the Middle East at the time of the crusades. See M. M. Gaudiosi, ‘The influence of the Islamic law of *waqf* on the development of the trust in England: the case of Merton College’, *University of Pennsylvania Law Review* (Vol. 136, no. 4, 1988), pp. 1231–61.
- 4 Supara Chanjitfah, ‘Enemies of the state?’, *Bangkok Post Perspectives* (5 January 2003), p. 1.
- 5 Major General Santhan Chayanan, Songkhla police commander, document SP 0020/3673 (13 November 2003), addressed to the governor of Songkhla, reporting a meeting on 8 November involving the Chana district head and representatives of TTM and PTT.
- 6 According to a study by the Thai government itself, the southern provinces will not need new power supply for fifteen years.

- 7 B. Missingham, *The Assembly of the Poor: from local struggles to national protest movement* (Chiang Mai, Silkworm Books, 2003).
- 8 Kasian Tejapira, 'Toppling Thaksin', *New Left Review* (Vol. 39, no. 3, 2006), pp. 5–37.
- 9 The interpretation of violence in Thailand's south is chronically complicated by the fact that the provinces in question are also often battlegrounds for various gangs involved in smuggling and arms and drug dealings, and between such groups and the police, all of whom have an interest in characterising criminal activities as political separatism.
- 10 Human Rights Watch and the International Harm Reduction Association estimate that the 'extrajudicial killings' that Thaksin presided over during his war on drugs included the assassination of 2,800 people during a single three-month period at the start of 2003. *Thailand's war on drugs* (12 March 2008). A committee set up by the military government in 2007 found that 'more than 1,000 of the victims had little or no connection to the drugs trade. Despite these findings, as well as evidence of written instructions by senior government officials to use heavy-handed tactics during the campaign, not a single government or police official has been brought to account for the killings in 2003.' Amnesty International, *New Fear of Illegal Killings in Thailand Coincides with Thaksin's Return* (27 February 2008).
- 11 'PM: deaths due to religious fasting', *The Nation* (Bangkok, 27 October 2004).
- 12 Thongchai Winichakul, *Siam Mapped: the history of the geo-body of a nation* (Honolulu, University of Hawaii Press, 1994).
- 13 D. Streckfuss, 'The mixed colonial legacy in Siam: origins of Thai racialist thought, 1890–1910', in L. Sears (ed.), *Autonomous Histories. Particular Truths: essays in honor of John R. W. Smail* (Madison, Center for Southeast Asian Studies, 1993), pp. 123–53.
- 14 Thongchai, op. cit., p. 170.
- 15 Barclays Group, *Statement on Human Rights* (London, June 2004).
- 16 Letter from Philippa Birtwell, Head of Public Issues, Barclays, to Ponglert Pongwanan, 21 September 2005.
- 17 T. Demos, 'Accounting for accountability', *Fortune* (12 November 2007), p. 52.
- 18 Friends of the Earth, *Barclays, Human Rights and the Trans Thai-Malaysia Gas Pipeline* (London, Friends of the Earth, September 2005), <[http://www.foe.co.uk/resource/briefings/barclays\\_thai\\_malaysia.pdf](http://www.foe.co.uk/resource/briefings/barclays_thai_malaysia.pdf)>.