THE LANGUAGE RIGHTS OF THE MALAY MINORITY IN THAILAND

Fontong Raine Boonlong∗

1. Introduction

Language is a symbol of belonging, and a representation of community and culture. It can be considered a ‘tool for communication’, ‘an obstructive barrier’, and ‘an automatic signalling system, second only to race in identifying targets for possible privilege or discrimination’. Language acts as a vital mechanism for states as it allows them to extend their reach to individuals and communities. In Thailand, the Thai language is an important aspect of national identity, as well as both the national language and the only official language in Thailand.

This article will examine the language rights of the Malays of Southern Thailand, with specific reference to international human rights law, namely freedom of expression, non-discrimination, and the rights of minorities to use their language with other members of the group. This will be done through an analysis of language policies imposed by the government of Thailand and the consequences they have for the Malay minority.

To date, Thailand has ratified the International Covenant on Civil and Political Rights (ICCPR) in 1997, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in 2003, the International Covenant on Economic, Social and Cultural Rights

∗ School of Law, Murdoch University, Australia.


3 Above, note 1.


5 Above, note 1, p. 3.
(ICESCR) in 1999, and the Convention on the Rights of the Child (CRC) in 1992.\(^6\)

### 2. The Demographic Context

The Malays in Thailand number around four million people. They constitute about four per cent of the entire population of the country, making them the largest minority in Thailand.\(^7\) Most of these Malays are Muslims and comprise a minority in Thailand, whereas more than ninety percent of the population is Buddhist.\(^8\) Approximately 80 percent of Malays are concentrated in three provinces of the southern region, namely Pattani, Yala, and Narathiwat, near the border of Malaysia.\(^9\) In these three provinces, around eighty percent of the population are Malays, with most of them residing in the rural areas, whilst the urban areas tend to be populated by Thai Buddhists.\(^10\)

The language, religion and culture of the Malays in the south are comparable to those of the Malays in Malaysia. They speak a local dialect of Malay, wear traditional Malay dress and maintain Malay-Muslim cultures and traditions. A substantial number of them possess little or no knowledge of the Thai language.\(^11\) Since the end of World War II, a number of Malay guerrilla insurgency movements have emerged some demanding an independent *dar al-Islam* ((Islamic state)).\(^12\) The pursuit of separatist activities by the Malays in the south has led the rest of the population of Thailand to view them as a threat to national integrity.\(^13\)

### 3. Is the Language Policy in Thailand Discriminatory?

The prohibition of discrimination is a fundamental human right that plays a vital role in language choices in public affairs. In determining whether

\(^8\) Ibid.
\(^9\) Above, note 7, p. 38.
\(^10\) Id, p. 34.
\(^13\) Above, note 7, p. 34.