Research Article

Third-Party Roles in Thailand's Hijab Ban Conflict: A Case Study of a School

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Abstract

This qualitative research examines the conflict over the prohibition of wearing the hijab in schools by analyzing existing documents and relevant studies and conducting in-depth interviews with two third-party organizations involved in the conflict: the National Human Rights Commission of Thailand (NHRCT) and the Muslim for Peace Foundation. The study explores the perspectives and roles of third parties in the dynamics of the conflict, employing the concepts of third-party interventions and the Interest/Rights/Power (IRP) concept as the analytical framework. The findings reveal that third-party interventions in the hijab conflict among students manifest in two

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primary forms: The first form is facilitating dialogue and communication. The third parties played a role in listening and creating spaces for communication. The second form is balancing power dynamics. The third parties sought to support the less empowered side in the conflict. The study highlights the complexity of conflict management, influenced partly by the power imbalance between the disputing parties and differing attitudes toward human rights principles. This research underscores the importance of a third-party comprehensive understanding of the conflict in relation to its social and cultural context and the power dynamics among the involved actors. Furthermore, raising awareness about human rights and fostering societal acceptance of diversity and multiculturalism can contribute to more effective implementation of related regulations and laws, ultimately promoting peaceful coexistence.

Keywords: Third-Party, Conflict Intervention, Interest/Rights/Power (IRP) Model, Hijab Ban, School

Introduction

In contemporary Thailand, it is now common to see Muslim female students wearing hijabs in various educational institutions nationwide. This practice is permitted under the Ministry of Education's Regulations on Student Uniforms 2008, item 12 (3), which outlines specific guidelines for how Muslim students may wear the hijab. A notable change in the Thai Muslim community has been driven by the growing number of middle-class Muslims and increased access to Islamic lectures. These developments have significantly heightened adherence to religious practices among this group, bringing the hijab into greater focus as a visible marker of religiosity and identity (Panjor, 2012).

However, while this situation appears to reflect progress compared to the experiences of Muslim students two decades ago (1987–1990), the reality tells a different story. During that earlier period, students wearing the hijab faced exclusion or threats of expulsion if they persisted in their choice, often at the cost of missing classes, exams or even losing their student status (Panjor, 2012). Although outright bans or severe penalties have become less common, conflicts surrounding the hijab continue to surface in episodes, revealing that the struggle for religious expression within the educational system remains unresolved.

The history of hijab-related conflicts in Thailand illustrates this ongoing tension. In 1987, a pivotal moment occurred when female students at Yala Teachers' College formally sought permission to wear the hijab. Their request, addressed to the president of the Islamic Ethics Promotion Club and the vice president of student activities, marked an early institutional effort to

advocate for the right to religious attire. Despite this and subsequent moments of progress, the recurrence of disputes underscores the enduring nature of the challenge.

Years later, in 2010, the issue resurfaced when students and parents petitioned for hijab allowances at Wat Nong Chok High School. This highlighted continued tensions between educational policies and the Muslim community's desire to uphold religious practices. In 2018, the conflict escalated when a school in Pattani province implemented a prohibition on students wearing the hijab, drawing widespread attention and sparking debates about freedom of religious expression in schools.

These events illustrate the ongoing challenges and negotiations surrounding integrating religious identity within Thailand’s educational framework.

These incidents share common characteristics: 1) Muslim students were in the minority, 2) the majority of teachers were non-Muslim, and 3) the institutions were located within monastery areas such as Pattani Kindergarten and Wat Nong Chok High School. These cases are reminiscent of the large-scale hijab protest in Yala, reflecting a consistent pattern of demands for religious expression, identity preservation, and the right to practice one’s faith. While inter-religious dialogues may have achieved short-term success over the past decades, they often failed to foster lasting trust and understanding. As a result, the creation of truly multicultural spaces remains elusive (Wongtanee, 2018).

Conflicts surrounding the hijab in educational settings have attracted the involvement of various agencies. Two notable third-party actors are the Muslim for Peace Foundation and the Office of

the National Human Rights Commission of Thailand (NHRCT). Despite these efforts, the recurring nature of these disputes indicates that past resolutions have not achieved long-term effectiveness.

Therefore, this research aims to examine the Muslim for Peace Foundation's and NHRCT's roles as third-party mediators in conflicts related to hijab-wearing in institutions situated in monastery areas. By applying the Interests/Rights/Power (IRP) model as an analytical framework, this study examines their interventions to derive valuable lessons for future mediators, highlighting the factors contributing to both the escalation and resolution of such conflicts. Hopefully, these insights will benefit practitioners working in the complex field of social and interfaith relations.

The next section reviews concepts of conflict interventions and the role of power in such processes. It explores how power dynamics influence the outcomes of third-party interventions and examines strategies that have been effective in similar conflicts. This review offers a theoretical foundation for understanding the complexities of conflict intervention and its potential to transform power imbalances while mitigating tensions.

Third Parties' Conflict Intervention

Third parties intervening in the conflict are not direct parties or responsible for resolving the issue but are invited by the parties involved to balance power between asymmetric parties. They attempt to understand the underlying issues and create an environment where those involved in the conflict are willing to engage in joint problem-solving.

A third party, or a third person, refers to an individual or group that plays a role in assisting conflicting parties and those involved in the conflict to manage and resolve the issue (Folger et al., 2021). According to this definition, the third party is not the direct problem solver or manager but rather someone who creates an environment that enables those involved in the conflict to work together towards a solution. In simple terms, the third-party acts as a facilitator, with the parties involved in the conflict playing their roles based on their own distinct needs and desires. During the process, there are many occasions when the third party may not be able to determine their role in advance, and instead must rely on insight and analytical skills to adapt to the situation. Therefore, individuals assuming the role of a third party must possess the key quality of being able to analyze the situation and adjust their role according to the context. The third party's role becomes clearer once they enter the situation, observe it, and understand its nature. Once understood, the third party's role can vary depending on the circumstances (Folger et al., 2021).

William Ury (2000) identifies ten distinct roles for third parties involved in conflict intervention, which he categorizes into three overarching groups. The first group encompasses roles aimed at preventing conflict. These include *the provider,* who addresses people’s needs to preempt potential disputes; *the teacher,* who equips individuals with the skills necessary for managing conflict; and *the bridge-builder,* who fosters relationships across divisions to reduce tension.

The second category focuses on resolving conflict. Key roles here are *the mediator,* who facilitates reconciliation of conflicting

interests; *the arbiter,* who determines disputed rights; *the equalizer,* who works to balance power dynamics by democratizing power and leveling the playing field; and *the healer,* who helps mend damaged relationships.

The third category addresses containing conflict when resolution efforts are unsuccessful. This includes *the witness,* who monitors and draws attention to escalating tensions; *the referee,* who sets boundaries for acceptable behavior during disputes; and *the peacekeeper,* who ensures safety and provides protection to prevent violence (Ury, 2000).

Burgess (2004) states that intractable conflicts often require external intervention for resolution or constructive transformation, as these conflicts are typically complex and deeply rooted. Such interventions can take formal and informal forms, with mediation being one of the most recognized methods. In mediation, a neutral third party—whether an individual, organization or even a country—assists the disputing parties by helping them clarify their interests and needs, working towards a mutually acceptable solution. Unlike arbitrators or judges, mediators cannot impose a settlement but facilitate the negotiation process. This process is often challenging and time-consuming, particularly for conflicts that have persisted for months or years, involving multiple interconnected issues and parties. In addition to mediation, several other intervention strategies address intractable conflicts. These include conflict assessment, where an external party evaluates the situation and provides recommendations for resolution; Facilitation, where a third party aids in communication and problem-solving; and education, in which parties are taught conflict management or negotiation skills.

Another approach, dialogue, involves facilitated discussions focusing on increasing mutual understanding rather than finding a final solution. Consensus building brings many parties together with a mediator or facilitator to agree on complex issues. Additionally, Problem-Solving Workshops involve disputants and conflict scholars working together to identify underlying problems and potential solutions (Burgess, 2004).

The effectiveness and expectations of these roles often shift depending on the dynamics between more powerful in-parties and less powerful out-parties. In-parties refer to those within the conflict with significant influence or control over the situation. They often prefer neutral third-party interventions that preserve the status quo and maintain their existing advantages. Conversely, out-parties, typically marginalized or less powerful groups, seek support from third parties to address issues of asymmetric power, injustice, and systemic change. These differing expectations highlight the complex interplay of power and justice in conflict resolution efforts, emphasizing the need for third parties to adapt their approaches based on the stakeholders' distinct goals and needs (Ramsbotham & Woodhouse & Miall, 2011).

Analyzing Conflict Intervention Dynamics through the Interests/Rights/Power (IRP) Model

In many cases, conflicts persist due to imbalances in the underlying interests, rights, and power dynamics between the parties involved. The Interests/Rights/Power (IRP) model, a key analytical framework for this study, offers valuable insights into how conflicts escalate and transform based on these three dimensions. According to Furlong (2020), conflicts typically begin with "interest-

based" disputes, which are the most manageable and easiest to resolve. These conflicts arise when parties have differing needs or desires that can often be addressed through negotiation or compromise. However, if these interest-based issues are not resolved, the conflict can escalate into a "rights-based" conflict. This stage occurs when one party perceives that its legal or moral rights are being violated, making the resolution more complex and difficult to achieve without external intervention.

If rights-based solutions fail to resolve the conflict, it may escalate further into a "power-based" conflict, where one or both parties attempt to assert control or dominance over the other. Power-based conflicts are often marked by a breakdown in communication and negotiation, leading to a situation where the parties lose control of the conflict, and the costs of resolution increase. As Furlong (2020) suggests, this progression of conflict—from interests to rights to power—highlights the importance of addressing issues at the earliest stage to prevent further escalation.

The IRP model serves as a useful framework for understanding how conflicts evolve, with particular emphasis on the need for early intervention at the interest-based level. Transforming asymmetric conflicts, as discussed by Adam Curle (1971), also relies on a balanced approach to power dynamics. Curle's steps, from conscientization to power equality through third-party intervention, illustrate the process of shifting from power imbalances to mutual understanding and negotiation. In this context, the third-party role becomes critical in helping to shift conflicts from the power-based stage to a more manageable and resolution-oriented phase.

While power asymmetries often complicate the conflict resolution process, understanding and addressing the underlying interests and rights of the parties involved can prevent conflicts from escalating to more destructive power struggles. In the Thai context, where cultural and institutional hierarchies shape power relations (Wungaeo, 2004, p. 52-53), applying the IRP model and focusing on interest-based interventions may provide opportunities to reduce tensions and foster more constructive dialogue. In the case of the hijab ban at the selected school, examining these power dynamics is essential for understanding how third-party actions influence the conflict's progression and outcomes. Thus, an understanding of both the IRP model and power dynamics is essential for effectively managing conflicts and guiding them toward peaceful and mutually beneficial solutions.

Research Methodologies

This qualitative research uses a case study approach to analyze a specific phenomenon. It employs an instrument case study method to interpret findings. After conducting in-depth, semi-structured interviews with key informants, the researcher analyzes and compares the data with the informants' experiences in resolving the issue. The primary informants are lawyers from the Muslim for Peace Foundation and officials from the Office of the National Human Rights Commission of Thailand (NHRCT).

To understand the dynamics of conflict, interventions, and events, the researchers collected data through literature review, academic document analysis, and examination of relevant publications. Four in-depth interviews were conducted with

stakeholders involved in the conflict over hijab-wearing bans in schools. The third-party groups involved in conflict resolution include the first group, comprised of individuals from non-governmental organizations, such as lawyers from the Muslim for Peace Foundation, and the second group were individuals from independent agencies, including NHRCT officials, such as the Deputy Secretary-General, Director of the Screening and Complaint Coordination Division, and senior human rights academics specializing in human rights.

A limitation of this study is the inability to interview women, as initially planned, due to limited engagement with them and the passage of several years since the case. As a result, the perspectives of women, particularly those directly involved in the hijab request in the educational setting, are notably absent from the data. Thus, the lack of interviews with women in this study limits our ability to fully capture the perspectives of those directly impacted by the hijab ban and, more broadly, the cultural rights of girls within the educational context. Future research would benefit from engaging directly with female students to better understand their specific experiences and challenges in navigating cultural and institutional barriers related to religious expression.

To ensure transparency and replicability, this study employed a systematic approach to identifying, coding, and analyzing themes. The process began with a thorough review of interview transcripts and relevant documents to familiarize the researcher with the data. A thematic analysis was then conducted, with initial codes generated based on recurring patterns, key concepts, and significant phrases. These codes were organized into

broader categories and refined into coherent themes aligned with the research objectives. The final themes were analyzed in relation to the research questions and the conceptual framework of the I/R/P model, with direct quotes and supporting evidence from the data ensuring consistency, depth, and robust interpretation.

The following section presents and discusses findings from the study by examining the phenomenon of conflict intervention in the context of hijab bans in schools, focusing on the perspectives and roles of third parties. A selected school is used as a case study (with the school's and informants' names preserved for confidentiality) because it provided an opportunity to engage directly with key informants who had firsthand experience with the conflict. Additionally, the informants were able to provide information, offering valuable insights into the dynamics of the situation. The study hypothesizes that third-party actions or interventions can have both positive and negative impacts on the conflict (Ramsbotham et al., 2011). By analyzing these interventions, the study highlights flaws in current approaches and draws lessons that can be useful for designing more effective interventions in the future.

Findings: Third Parties' Engagement and Forms of Interventions

1. Factors Influencing Third-Party Engagement and Acceptance by Disputants in Conflict Intervention

Before this issue garnered public and media attention, it began with a request from the Islamic Committee of Bangkok. The committee submitted a letter asking for 17 female students at a particular school to be allowed to wear hijabs in accordance with Islamic principles. However, the school declined, citing its

regulations, school culture, and appropriateness, as the institution is located on temple grounds (Isranews, 2018).

The students and their parents attempted to negotiate with school administrators and teachers, emphasizing that wearing the hijab is fundamental to preserving their Muslim identity and is a matter of individual freedom of religion, a right guaranteed by the Constitution. They believed their choice reflected their faith and beliefs. However, the situation coincided with ongoing violence in Thailand's southern border provinces and widespread Islamophobia, which complicated internal negotiations within the school. Consequently, the students and their parents sought external support from organizations.

Representatives from the National Human Rights Commission of Thailand (NHRCT) reflected on the situation, noting they had received phone calls reporting restrictions on religious freedom.[5] In response, they conducted an on-site investigation. Their involvement as third parties was primarily due to their official roles:

> *"At the time of the incident, I was working in the inspection unit and was assigned to investigate this case following a complaint."* (NHRCT officials, Interview, September 11, 2022).

Similarly, the Muslim Lawyers for Peace became involved after receiving complaints from the students, who reported feeling pressured by teachers not to wear the hijab. The lawyers and foundation staff sought meetings with the school's director and

[5] Given that many years had passed since the conflict, some officials involved had retired and were unavailable for interviews. However, another official who later worked in the same department but did not directly engage with the disputing parties provided additional insights into the case.

teachers identified in the complaints. When progress stalled, they attempted to engage school administrators and the temple abbot to negotiate on behalf of the Muslim students. However, the school often rejected their efforts, which will be discussed in the following section.

This case highlights a critical factor in third-party involvement: the request and support from one disputant. The Muslim Lawyers for Peace intervened based solely on the students' and parents' appeals without mutual acceptance by both parties. This lack of equal communication and agreement on resolution pathways underscores all disputants' importance of third-party acceptance (Fisher, 2001). Inviting a third party by only one side can exacerbate mistrust, particularly when the intervening party shares an identity with one disputant, potentially raising concerns about impartiality.

In contrast, the NHRCT officials were able to engage school personnel due to their formal authority and mandate. However, even this authority did not guarantee trust or acceptance. One official recounted:

> *"I visited the school as part of a committee with police officers. There was visible dissatisfaction; they even asked me whether I was Buddhist or Muslim. Given the situation in the southern border provinces, tensions were high, and outsiders were often viewed with suspicion. Some questioned why external actors were intervening when the surrounding community did not show any issues with the matter"* (NHRCT official, Interview, September 11, 2022).

In conclusion, gaining acceptance from all disputants is crucial for third-party intervention. If any party opposes third-party involvement, the intervention risks obstacles and ineffectiveness.

Acceptance by all disputants fosters collaboration and paves the way for voluntary, mutually satisfying solutions. Such inclusivity ensures a fair and creative resolution process, guaranteeing that no party feels discriminated against by the third party (Fisher, 2001).

2. Roles and Forms of Third-Party Intervention

The two third-party groups involved in this conflict demonstrated differing roles and forms of intervention, shaped by their respective mandates and positions of authority. The National Human Rights Commission of Thailand (NHRC) assumed the role of a *"witness"* by observing and attempting to facilitate *"channels of communication." At the same time,* the Muslim Lawyers for Peace acted as a *"voice"* for the complainants.

2.1 Witnessing and Facilitating Communication Channels

NHRC officials functioned as witnesses, gathering information and observing the emotional dynamics of the parties involved. They engaged in discussions with school administrators and the abbot of the temple where the school was located. Early interactions suggested a degree of flexibility from the school's side, as reflected in the remarks of one NHRC official:

> *"Initially, the school seemed cooperative. The principal even facilitated our meeting with the abbot, who offered constructive suggestions. He emphasized the need to clarify matters to teachers and students to prevent further issues"* (NHRC Official 1, Interview on September 11, 2022).

However, subsequent interactions revealed that the dynamics shifted when NHRC officials met with the assistant abbot rather than the abbot himself. The assistant abbot's firm stance intensified the conflict.

> *"We spoke with the assistant abbot, a younger and more assertive monk, who remarked, 'If the school wishes to permit this [hijab], they should relocate outside temple grounds.' This escalated tensions further"* (NHRC Official 3, Interview on September 11, 2022).

These interactions highlight the critical importance of conflict analysis and actor mapping, as proposed by Lederach (2005) and Fisher (2001). NHRC officials lacked a strategic plan for engaging stakeholders and navigating power dynamics, which ultimately constrained their effectiveness. Recognizing the impasse with the temple's representatives, the NHRC officials suggested involving higher Buddhist authorities, such as the National Office of Buddhism and the Sangha Supreme Council.

> *"Freedom of religion is a constitutional right, but practical enforcement often fails. In this case, the temple's rigidity left even the National Office of Buddhism powerless. Resolving such issues ultimately falls under the Sangha Supreme Council's jurisdiction"* (NHRC Official 3, Interview on September 11, 2022)

NHRC officials acknowledged limitations in their mandate to mediate religious conflicts deeply rooted in cultural and institutional structures. Their reflections underlined the intricate interplay between human rights principles and religious norms, often influenced by Thailand's sociopolitical history as a Buddhist-dominant state.

2.1.1 Institutional and Structural Constraints

Under the 2007 Constitution of Thailand, the National Human Rights Commission (NHRC) is established as an "independent organization under the constitution" with the mandate to address human rights violations and recommend appropriate remedies, as outlined in Article 257. However, the scope of their authority is limited to specific functions. First, they are tasked with investigating

and reporting instances of human rights violations, as well as proposing corrective measures to relevant authorities. Second, they are responsible for making policy recommendations, including proposing amendments to laws and policies, to the parliament or cabinet to enhance the promotion and protection of human rights.

In the hijab case, NHRC officials' ability to mediate was restricted by the structural power dynamics of a predominantly Buddhist state. The NHRC, established within the framework of a state dominated by Buddhist institutional structures, lacks the authority to challenge entrenched cultural norms. This historical marginalization reflects the challenges of integrating universal human rights principles into a society where religion is deeply intertwined with governance. Furthermore, the third party's decision to engage with stakeholders played a critical role in shaping the conflict's progression. While the NHRC initially aimed to address the conflict through a rights-based approach, the intricate dynamics of stakeholder interests and structural constraints caused the conflict to escalate into a power-based struggle. They gradually lost control over the conflict's trajectory. This shift painted the importance of a thorough conflict and stakeholder analysis to foresee potential escalations and better navigate power dynamics in culturally sensitive disputes. On the other hand, the assertion of rights in this case became a source of influence for the third party, challenging the Buddhist institution and triggering the phase of power confrontation as outlined by Curle (1976).

2.1.2 Empathy and Communication Barriers

Attempts to mediate were further hindered by the inability to foster mutual understanding. NHRC officials noted the absence of empathy between the conflicting parties:

> *"The school, situated on temple grounds, must adhere to the abbot's authority. While the abbot's decision is final, it reflects broader individual attitudes rather than structured legal principles. Religious issues are inherently sensitive, particularly in temple jurisdictions where the temple wields absolute authority"* (NHRC Official 3, Interview on September 11, 2022).

The NHRC's limited engagement highlights the importance of empathy as a bridge toward mutual understanding in conflict resolution. However, the officials perceived their role as narrowly defined by procedural constraints, leaving substantive resolution efforts to Buddhist institutions.

In summary, the NHRC's intervention in assisting communication channels was constrained by structural limitations, cultural sensitivities, and insufficient conflict analysis. This underscores the need for a more integrated approach that considers the interplay of human rights principles, institutional dynamics, and cultural context to address conflicts involving religious and cultural identities effectively.

2.2 The Role of Amplifying the Voices of the Marginalized

The Muslim for Peace Group has positioned itself as a neutral third party rather than a direct stakeholder, with a clear stance in supporting the demands of Muslim students who face restrictions on their cultural rights. Acting as advocates, the group engaged with school administrators to address complaints regarding requests to wear the hijab. Initially, the principal appeared receptive,

expressing willingness to uphold the students' constitutional rights and facilitate discussions with teachers. However, subsequent developments revealed a lack of action, as students reported continued denial of their requests, leading to further meetings.

An attorney representing the Muslim for Peace Group explained:

> "At the time, a group of students wished to wear the hijab but faced pressure from their homeroom teachers. When the matter reached the school administration, the students approached us. We clarified the legal and cultural aspects to the principal and an Islamic studies teacher during the first meeting. Unfortunately, the teacher did not fully understand their role as an educator. Initially, the principal assured us that students would be allowed their constitutional rights and pledged to address the issue with teachers. However, after this meeting, the students returned, reporting that permission was still denied, necessitating a second round of discussions" (Interview with the attorney from the Muslim for Peace Group, February 13, 2023).

While the school acknowledged the issue, they requested that students adhere to the standard uniform policy, pending further review. In response, the group formally submitted another request advocating for the right of female students to dress per Islamic principles, citing religious doctrines, constitutional rights, and school regulations. Despite their efforts, the requests were denied. Repeated attempts by the attorney to negotiate with the school were met with resistance, reflecting deeper systemic issues.

The attorney noted that the school appeared influenced by a rigid national identity narrative entrenched in Thai educational institutions, which marginalized non-Buddhist cultural expressions:

> "We cited legal principles and the importance of multicultural coexistence, but the school remained inflexible. Over five attempts were made to engage through meetings, discussions, and legal appeals, but the situation

> did not improve. The school administrators' lack of understanding of multicultural coexistence led to a deeply conservative stance. This reflects the legacy of past Thai administrative frameworks, particularly those from the era of Field Marshal Plaek Phibunsongkhram, which prioritized Buddhist-centric identity in state institutions. This cultural entrenchment has marginalized anything perceived as non-Buddhist, pushing it to the periphery" (Interview with the attorney from the Muslim for Peace Group, February 13, 2023).

This resistance to recognizing religious and cultural diversity has had direct negative consequences for Muslim female students seeking to wear the hijab. Scholars, such as Arthit Thong-in (2011), argue that as long as Thai society perceives "difference" as a threat and "sameness" as unity and stability, efforts to grant marginalized groups greater autonomy over their lives will be viewed as problematic and unattainable.

The group's advocacy drew media attention, with some outlets framing their actions as "surrounding the school" due to the involvement of various supporters. This portrayal caused concern among local Buddhist institutions, as described by a representative from the National Human Rights Commission (NHRC):

> "The school administrators were inclined to avoid conflict, but the temple feared reputational damage. They worried that if the issue became widely publicized, it could create tensions between Buddhists and Muslims. Despite their long-standing coexistence, they feared scrutiny and potential disputes that could attract media and external attention" (Interview with NHRC representative, September 11, 2022).

The involvement of a third party, while amplifying marginalized voices, inadvertently escalated tensions, leading stakeholders to retreat from direct dialogue. Neither the NHRC representative nor the group's attorney had an opportunity to engage fully with the temple leadership.

From a conflict transformation perspective, the third party's efforts to amplify the voices of marginalized stakeholders were vital in drawing attention to the unequal power hindering conflict resolution (Curle, 1972). However, such advocacy also risked widening the relational gap between parties, complicating negotiations. Lederach (2005) emphasizes the importance of creating safe spaces for communication to restore relationships, a foundational step toward constructive conflict resolution. Ensuring balanced power dynamics and fostering dialogue are essential for addressing such deeply rooted systemic challenges.

Discussion on Stakeholder Interventions and Interactions Impacting Conflict Dynamics

1. Negotiations on Interest-Based and Rights-Based Grounds Rejected

The conflict originated from disputes over wearing the hijab in schools. As previously discussed, schools and temples initially rejected interest-based negotiations as a means of resolving the issue. This impasse led stakeholders to invoke rights-based frameworks, leveraging legal and constitutional guarantees of religious rights. Muslim lawyers attempted to utilize human rights mechanisms to negotiate with schools and lodged complaints with the Ministry of Education. The Ministry responded by sending representatives to clarify regulations affirming Muslim students' rights to wear religious attire.

One lawyer from the Muslim for Peace Group described the process:

> "When discussions with the schools failed, we had to resort to legal mechanisms, including appeals to the government and direct petitions to the Minister of Education. The Ministry's response consistently affirmed that students had the right to dress according to their religion, and schools had no authority to prohibit this. Officials from the Ministry even engaged directly with school administrators and temple abbots to ensure these rights were upheld" (Interview, February 13, 2023).

Despite these efforts, many local Muslim families refrained from asserting their rights due to fears of retaliation from school staff. Students who insisted on wearing the hijab often faced increased scrutiny and pressure, hindering their ability to study in a supportive environment. Consequently, the effectiveness of rights-based solutions was limited, as the weaker party (the students) lacked negotiating power. Moreover, cultural hierarchies in which temples and monks wield significant influence hindered progress in framing the issue as a human rights matter. Nonetheless, some schools adjusted their regulations to align with constitutional rights.

A representative from the National Human Rights Commission (NHRC) noted:

> "Legal and policy mechanisms exist, including Ministry regulations on attire that align with constitutional rights. However, compliance remains inconsistent. Some schools, such as Satri Wittaya, have adjusted their rules, showing gradual progress. Yet the NHRC still has a role to play in raising awareness about respecting human rights in such matters" (Interview, September 11, 2023).

The NHRC collaborated with the Ministry of Education to align dress codes with constitutional principles, emphasizing freedom of religion as a protected right. Despite these efforts, schools located on temple grounds often invoked directives from the Sangha Supreme Council (SSC), which prohibited overt religious symbols to preserve "Buddhist customs." This restriction created a

tension between constitutional rights and cultural traditions, leaving affected students without effective redress.

A Muslim lawyer observed:

> "Laws lack enforceable penalties for rights violations, leading to repeated infringements without consequences. Victims, such as students, often face prolonged legal battles without resolution, enduring harm in the process" (Interview, February 13, 2023).

In conclusion, the conflict over the hijab in schools shifted from an interest-based approach, focused on finding a mutually acceptable solution, to a rights-based framework, where the legal right to religious expression became central. While rights-based arguments, grounded in constitutional guarantees of freedom of religion, provided a legal basis for advocacy, they were ultimately undermined by cultural and religious factors. Despite the legal recognition of students' rights to wear the hijab, cultural norms, and religious authority, particularly from temples and the Sangha Supreme Council, continued to deny these rights in practice. This tension between constitutional guarantees and cultural-religious traditions highlights the complexities of resolving conflicts when legal rights collide with deeply ingrained cultural beliefs.

2. Conflict Management Shifting Toward Power Dynamics

The hijab issue reflects more profound sensitivities linked to the unrest in Thailand's southern border provinces. Stereotypes associating Islam with separatism perpetuate a social narrative that views "difference" as a threat and "sameness" as unity. This perspective limits any perceived legitimacy of granting minority groups autonomy over cultural or religious practices.

A NHRC representative remarked:

> "Some schools comply with constitutional guidelines, but underlying tensions persist. The broader societal fear of Islam, fueled by unrest in the south, exacerbates these conflicts. Power dynamics within schools and temples often result in discriminatory practices despite the legal framework guaranteeing rights" (Interview, September 11, 2023).

In cases where schools are located on temple land, the temples' authority frequently overrides constitutional provisions. Temple officials have stated: "If the school wishes to allow hijabs, it should relocate off temple grounds."

This unilateral imposition of authority demonstrates the interplay of structural and cultural violence, as conceptualized by Johan Galtung. Structural violence manifests through institutional constraints, while cultural violence is entrenched in societal attitudes that perpetuate inequity. Together, they sustain a cycle of conflict where one party monopolizes decision-making and suppresses dialogue.

Ultimately, attempts to address the hijab conflict reveal a broader societal challenge: balancing constitutional protections for individual rights with entrenched cultural and institutional hierarchies.

Conclusion

This study reveals the critical role of third-party interventions in addressing the hijab prohibition conflict within Thai schools, highlighting both opportunities and challenges inherent in such engagements. Employing the analytical frameworks of conflict transformation and the Interest/Rights/Power (IRP) model, as well as examining power dynamics and third-party interventions, the research highlights two primary intervention strategies: assisting

dialogue and balancing power dynamics. These interventions reveal the complexities of managing culturally and institutionally rooted conflicts while emphasizing the importance of fostering empathy, understanding, and collaborative problem-solving.

The findings emphasize the interplay between constitutional guarantees of religious freedom, entrenched cultural hierarchies, and power imbalances. While third parties such as the National Human Rights Commission of Thailand (NHRCT) and the Muslim Lawyers for Peace sought to mediate the conflict through a rights-based approach, their efforts were constrained by power-based structural and cultural dynamics. The NHRCT facilitated communication and highlighted legal frameworks but faced limitations due to its procedural mandate and the dominant influence of Buddhist institutions. Meanwhile, the Muslim Lawyers for Peace amplified the voices of marginalized students, yet their advocacy efforts sometimes escalated tensions, revealing challenges around impartiality and trust-building in polarized environments.

An important insight from this study is that human rights organizations and other interveners can still play valuable roles in resolving conflicts, but their success depends on gaining acceptance from all parties and stakeholders. Firstly, in the Thai context, there is often limited acceptance of the role of third parties in conflict resolution. When conflicts arise at societal levels, professional third parties such as mediators, negotiators, or facilitators are rarely involved, either due to a lack of institutionalization of these roles or because the parties involved do not seek external assistance due to trust issues. Secondly, shifting the focus of intervention from a rights-based to an interest-based approach can help mitigate the risk of the conflict escalating into a power-based struggle. This shift

encourages finding common ground and addressing underlying needs rather than focusing solely on legal entitlements. Thirdly, a comprehensive conflict analysis, which is often ignored by those involved in or intervening in conflicts, is essential. Effective conflict and actor analysis, along with clear and open communication between interveners, is crucial for managing such delicate situations.

In conclusion, this study highlights how societal attitudes, including Islamophobia and rigid national identity narratives, perpetuate structural and cultural violence, hindering inclusive negotiations and the enforcement of human rights principles. Achieving peaceful coexistence requires more than legal solutions—it demands a cultural shift toward embracing diversity and mutual respect. The effectiveness of third-party interventions depends on their ability to navigate complex power dynamics, foster empathy, and engage stakeholders at all levels. By integrating human rights principles with cultural awareness and adopting interest-based approaches, third-party actors can play a transformative role in conflict resolution, fostering understanding and contributing to a more inclusive and harmonious society.

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