# Intrusions and exclusions: Democratization in Thailand in the context of environmental discourses and resource conflicts\*

R. Buergin & Chr. Kessler

Department ArGe Tropenwald, Freiburg University, Freiburg, Germany

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#### Abstract

This article sketches the process of democratization in Thailand, focusing on shifting relations between civil society and state actors. Environmental discourse and conflicts about natural resources, specifically forests, during the last two decades, have been one of the main fields of social controversy and change. In the context of these controversies, civil society actors, in resistance to and alliance with state agencies, drove forward democratization by intruding into power domains of the state. State agents, increasingly forced to justify their actions according to democratic norms in the expanding space of public debate, had to search for allies and majorities within civil society. The successful establishment of public debate as an integral part of political decision making, on the one hand, resulted in a diversification of civil society, on the other hand, forced powerful segments of society to organize and defend their interests within the new public political space. Strategies of exclusion, referring to nationalism and ethnicism, have become an important instrument to secure positions and power, threatened in the process of democratization and emancipation of discriminated social groups.

#### Introduction

Thailand has gone through a remarkable process of democratization in the past three decades. From an autocratic state, ruled by a small elite of generals, bureaucrats, and industrialists, it developed into a state based on a democratic constitution that was framed in a process of public discussion. Formerly underprivileged segments of society increasingly voice their opinions and openly promote their interests. In the early 1980s, these groups might well have been blamed to be radical communists and consequently been excluded and prosecuted. In the late 1990s, a broad public accepts the right of any group in society to defend its interests by democratic means and perceives such efforts as a legitimate part of the democratic game. Political space, understood as the sphere of political decision making in society, has opened up. In former times this sphere was almost exclusively restricted to the centers of power in military, bureaucracy, and economy. Now, at the turn of the century, public debate and controversy has become an integral part of political space.

In Thailand, the successful establishment of public debate as an integral part of political space is widely interpreted as closely connected to the establishment of a strong 'civil society' (Gawin, 1995; Jaturong, 1995; Amara, 1996; Chen, 1999). Civil society, mainly defined as constituted by non-state and non-profit organizations, is perceived as inherent

democratic, its strength as a prerequisite and guarantee for further democratization and modernization of society as a whole. This view is in line with the mainstream of the theoretical approaches to 'civil society', a concept that experienced an amazing renaissance since the late 1980s, in the context of the decline of the communist regimes. Regardless of political orientation, whether 'civil society' is perceived as a synonym for anti-totalitarianism and the glorious victory of capitalism over communism (Madison, 1998), as a prerequisite for modern democratic societies (Keane, 1988; Hall, 1995; Janoski, 1998), as an utopian conception for a better and fairer society (Cohen and Arato, 1992), or at least as a modest hope for emancipatory forces in a world of economic globalization and the decline of the great utopian alternatives (Kößler and Melber, 1993; Demirovic, 1997; Heins, 1998), 'civil society' in these conceptions and approaches, quite generally, has a strong normative dimension. In this article, we will put forward a more empirical and ambiguous view on the role of civil society groups in the democratization process. We will sketch the establishment of a sphere of public debate and the widening of political space in Thailand as a dialectic process. In this process, civil society groups succeeded in gaining political influence by establishing a sphere of public debate as part of political space, referring to democratic principles in resistance to the state. Bureaucratic or economic power is no longer justified by its mere power itself. Power increasingly needs the legitimization by majorities and these majorities are supposed to be convinced by better arguments instead of vote buying or repression, at least according to the now prevailing norma-

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tive standards. But, one has to be careful in distinguishing the normative references of public debate and the actual way public controversies are organized and disputed. Civil society is a contested field of various interests, social groups, and even state agencies. (Bobbio, 1988; Melucci, 1988; Alexander, 1998). Groups that are forced to act within the newly established sphere of public debate do not necessarily share the normative frame of the pro-democratic groups who established it in the first place.

In Thailand, the opening and extension of political space, during the last decades, happened primarily in the context of environmental conflicts which basically were conflicts about resources and power. In the course of these conflicts nonstate actors, in resistance to state authorities, intruded into spheres where the state used to be the sole actor, e.g., parliamentary committees, legislation committees, and national planning commissions. To the extent traditionally rather powerless groups gained influence against a powerful state by using and expanding a sphere of public debate, groups that formerly could rely on state authorities acting on their behalf were forced to defend their interests within this public sphere of debate and controversy. State authorities, in reaction to civil resistance and the intrusion of non-state actors into the political space, had to ally with non-state actors to secure interests and power, and had to justify their policies and actions within the newly established sphere of public debate referring to democratic principles.

This article will sketch this process of democratization in the context of important 'environmental conflicts' of the last decades in Thailand. We will highlight two aspects we consider characteristic for the dynamics of these processes not only in Thailand, but on a rather general level. One aspect is the intrusion of non-state actors into power domains of state authorities as well as the intrusion of state agencies into the emerging sphere of public debate. The second aspect refers to efforts of state authorities and elites to secure interests, endangered in the course of increasing democratization, with strategies of social, political, and territorial exclusion referring to national sentiments and ideologies.

#### Shifts of power and conflict

After the establishment of Siam as a modern nation state at the beginning of the 20th century, power within the state rested with the monarchy and the nobility. The coup of 1932 turned the kingdom into a constitutional monarchy and, from the 1930s up to the 1980s, politics were dominated by state bureaucrats and high rankings generals. After W.W.II, economic elites, closely connected with political leaders, gained influence on state affairs. Locally powerful businessmen, not seldom with a Mafia like background, made their way into national politics in the 1980s.

Access to political space was restricted to members of the elite and public democratic debate was very limited during these decades. Authoritarian rule dominated until the end of the 1980s, with the exception of a three year democratic interlude in the 1970s. (For a detailed overview of Thai political and economical developments see Pasuk and Baker

(1997b), with a focus on the process of democratization see Prudhisan (1992)). The predominant means of the ruling elites to define 'in' and 'out', since the 1960s, was Thai nationalism against communism. In the 1980s, these lines of conflict and exclusion began to shift. Communist opposition in Thailand had been terminated and communism in Southeast Asia had lost much of its threatening potential. Rapid economic growth throughout the 1980s, on the one hand supported privileged rural groups and the emerging urban middle classes, on the other hand often marginalized small scale farmers and aggravated resource conflicts, specifically on land and forests. NGOs working on rural issues, many of them with political roots reaching back to the democratic interlude of the 1970s, increasingly became critical to the dominant development ideology of the state agencies and supported local farmers in their resistance to eucalyptus plantations and big dam projects. Besides ideas of social justice, arguments on the ecological costs of the development strategy of the state authorities received broadest support. Environmental issues had become important topics within the international development debate in the 1980s and NGOs working on these issues had good chances to receive international support. Moreover, environmentalism became of considerable concern for the urban middle classes (Jaturong and Gawin, 1995; Lohmann, 1995; Hewison, 1996a, b, 1997; Hirsch, 1996, 1997; Ji, 1997; Pasuk and Baker, 1997a; Prudhisan and Maneerat, 1997; Santita, 1999). The 'environmental' controversy about the Nam Choan Dam project was an important breakthrough in the process of democratization and resulted in the opening up of political space providing chances of political influence for social groups formerly excluded from political influence.

## The Nam Choan Controversy: opening political space by resistance

The Nam Choan Dam was planned as a huge energy generating dam at the western border of Thailand, flooding 223 km<sup>2</sup> of forest area in a wildlife sanctuary inhabited by people of the Karen ethnic minority group. Public protests began in 1982, when the electricity authority started logging in the wildlife sanctuary to build a road to the future construction site without legal permission. Resistance was initiated by students, academics, and environmentalists, joined by lawyers, journalists, and locals.

Due to the unexpected strong protests the Cabinet, in October 1982, appointed a committee to evaluate the dam project. The evaluation committee presented its results in 1983 to another temporary Cabinet that left the decision on this hot topic to the next government. In effect, the dam project was suspended until 1986, when the electricity authority brought the Nam Choan Dam on the agenda again. As public protest rose once more, the government appointed another committee for evaluation consisting of 40 members. Five of them were known critics of the dam, 35 supporting the project. With a majority of supporters in the committee, the Cabinet tried to make sure of a positive recommendation

for the dam. In spite of this obviously undemocratic appointment policy, this committee was the first case of government critics being officially integrated in political decision making processes. Although the government tried to play safe, it gave way to public democratic debate of state politics. The appointment policy turned out to be not safe enough and the dam critics succeeded. After a nationwide debate, dominating and polarizing the Thai public for months, a majority of the committee had switched sides and disapproved of the dam project. In its final report the committee presented concerns about the project instead of recommending it and the Cabinet shelved it in April 1988 until today. (For the history of the Nam Choan Controversy see also Nart and Poonsab (1984); Prayudh et al. (1987); Nation (1988); Hirsch (1987b, 1993); Buergin and Kessler (1999)).

The successful critics were anything else than a homogenous group. Some of them were basically rejecting the idea of development following the Western model of modernization, opposing the ruling elites who propagated this ideology because it served their interests. Besides these fundamental opponents there were critics who shared the development ideas of dam supporters and generally welcomed modernization. In the case of the Nam Choan Dam, however, they calculated the costs of the dam, specifically the environmental costs, to exceed its benefits.

They were joined by groups of local people being afraid of negative impacts on crop yields and fisheries, or the destruction of the dam by earthquakes. The ethnic minority group of the Karen living in the area to be flooded, although, without doubt, the most existentially affected group, had not much of a public voice in the debate. Their interests were partly advocated by NGOs involved in the protest. Protesting non-state actors were supported by parts of the state bureaucracy that saw their interests endangered by the dam, like the Royal Forest Department or the Agricultural Ministry. Locally powerful politicians took side with the critics out of concern or to promote their careers (Nation, 1988).

The broad alliance of the critics was one of the most important reasons for the success of the anti-dam campaign. Conflicting interests were set aside to protest together against the dam. Student organizations and NGOs were competent organizers and coordinators of resistance mobilizing international assistance. The engagement of well established academics helped the protesters to gain acceptance and a good reputation in the broad public.

The fear of revitalizing the communist opposition of the 1970s and the experiences of 1973, when the military was forced out of power, induced the ruling elite to deal more cautiously with the public protest (Nation, 1988).

The media played a crucial role in the conflict. The majority of the critics didn't have access to other spheres of political influence, due to their social and economic background. For the first time, rather powerless and less privileged segments of society organized in a broad alliance to enforce a public debate, succeeding against a seemingly superior bureaucracy and powerful economic interest groups. By using and expanding the space of public debate and democratic confrontation, they constituted themselves as se-

rious antagonists of the state and the ruling elite. State actors, like the Royal Forest Department, discovered this new arena of power play and used it on behalf of their interests in internal conflicts of the state bureaucracy.

### Community forests: diverging positions and intrusions of state domains

The success of the anti-dam campaign in 1988 was a milestone in the process of democratization. During the 1990s, the environmental debate in Thailand focused on forest resources and the Community Forest Bill. (For a broader account of the community forests debate and its underlying conflicts see Brenner et al. (1999)). These conflicts took place in a different setting. In 1988, the first elected civil government since 1976 came into office. In 1989, this government, due to public pressure, had to declare a nation-wide logging ban. A military coup in 1991/92 failed because of the broad civil resistance movement. A roll back to the old power structures of the late 1970s and 1980s was no longer possible. New groups in society, like the new middle-class in Bangkok and other expanding cities, demanded democratic rights and a say in state politics. NGOs and farmers movements evolved into political actors on a national level. With the new constitution of 1997, democratic rights and public debate as part of political space became further institutionalized. Old elites increasingly had to organize and defend their interests and positions in a public discourse referring to democratic principles and could no longer simply rely on the state acting on their behalf (Hewison, 1996, 1997; Pasuk and Baker, 1997b; Suchit, 1999; Anuchat et al., 1999; Pasuk, 2000).

Local protests against illegal logging backed by corrupt forestry officials, against logging of forests being an important source of livelihood for the local population, and against reforestations with eucalyptus developed into a nation-wide campaign demanding legal provisions for community forests. The main target of the campaign was the Royal Forest Department (RFD). It was founded in 1896 and, up to 1989, administration and supervision of logging concessions was its main task. With growing awareness for the rapid deforestation of Thailand's forests, conservation issues became of increasing concern for the RFD in the 1980s, resulting in the concept of a Protected Area System free of human interference, supposed to cover more than a quarter of the total land area. (Regarding the history of the RFD and forest policies see Kamon and Thomas (1990), Sathi (1993), Vandergeest (1996a), regarding deforestation in Thailand see for example Hirsch (1987a, 1988), Shalardchai (1989), PER (1992), Lohmann (1993)). The RFD is a powerful state agency as almost half of the nations territory, demarcated as forest reserves, is under its management. Only about a third of this area is actually forested, the remaining area mostly used for agriculture. As these fields are officially forests, farmers cannot get land titles for their land and do not have secure use rights. The remaining forests are almost completely conservation areas, where use of forest products

by the local population is severely restricted or totally forbidden. (Hirsch, 1990; Hafner, 1990; Vandergeest, 1996b; Watershed, 1998). In the debate over a Community Forest Bill diverse issues were on the agenda. In a narrow sense, the controversy was about rights of local people to manage forest resources, efforts to prevent deforestation and support reafforestation. On another level, reflecting broader political controversies, the conflict was about land rights in forest reserves, decentralization of political power, and the process of democratization (Vandergeest and Peluso, 1995; Brenner et al., 1999).

The controversy basically resulted in two opposing positions: On the one hand, 'light green' NGOs<sup>1</sup>, the peasant movement, and supporting academics propagating a coexistence ideology. In their opinion, the history of deforestation in Thailand has proved that state administration of forests has failed. Instead of the RFD-concept that combines 'economic forests' for timber production with strict protection of 'conservation forests', to a great extent excluding human interference, they promote forest conservation by sustainable forest use, demanding to hand over forest management rights from the state agency RFD to the local communities. Peasant communities, they argue, have the ability for sustainable forest use as they have been using forest products and living in co-existence with the forest for hundreds of years (PER, 1992; Yos, 1993; Thai Development Newsletter, 1994; Watershed, 1996a, 1998; Anan, 1998). On the other hand, the RFD claims its expertise in forestry and denies local communities the ability of sustainable forest management. RFD officials argue that peasants used to turn forests into fields and that giving local communities management rights over forests means opening the last forest areas for destruction. 'Dark green' NGOs tend to share this view and fear that using forests is not compatible with the protection of nature and wildlife. This position found its popular expression in the slogan 'forests and people cannot co-exist' (Thai Development Newsletter, 1994; Watershed, 1996b, 1998). With conservationist groups taking sides with the RFD a new quality of public controversy is emerging in the community forest debate. In former conflicts, state agencies may have tried to make use of non-state actors in internal conflicts of the apparatus. Now, there are nonstate actors backing a state agency against other non-state actors. The debate began in 1989, when villages in Chiang Mai Province protested against a eucalyptus plantation supposed to replace the secondary forests used by the villagers. The case found considerable public attention because the wife of an MP was involved and suspected of profiting from the plantations. Supported by environmental NGOs and student activists the villagers succeeded in having their forests recognized as community forests by the local RFD authority (PER, 1992). Once more, public protests and alliances gave seemingly powerless actors a chance to successfully defend their interests.

The same year, peasant movements and light green NGOs asked the RFD to present a draft for a Community Forest Bill. In 1990, the RFD delivered a draft protecting its interests and minimizing management rights for commu-

nities. NGOs and peasant movement reacted by presenting an alternative draft in 1993 (Brenner et al., 1999). In the Nam Choan Campaign, non-state actors participated in political committees and tried to pressure members of such committees by influencing public opinion on a single issue. In the community forest debate, non-state actors were able to 'intrude' into the legislation process on a complex field. Opposition groups no longer restricted themselves to protests and resistance against state actions. In the case of the Community Forest Bill opposition groups tried to use state legislation to safeguard their interests. State institutions were not simply the enemy, state institutions could be used as a tool to push through own interests in social conflicts - a strategy that used to work for the elite only. The state authorities had to invite non-state actors to participate in the drafting of a joint version for the bill. RFD officials, NGO activists, of both dark and light green organizations, academics, and representatives of the peasant movement, in 1996, presented a joint draft which included the positions of peasant movements and light green NGOs to a considerable extent, while dark green NGOs and RFD were rather uncomfortable and demanded revisions, specifically concerning community forests in protected areas. Therefore, the Cabinet decided to organize public hearings on the bill before starting the legislation process in Parliament. They resulted in new compromises still containing vital demands of the peasants and light green NGOs (Brenner et al., 1999). The strategy of influencing legislation on behalf of peasants and underprivileged rural populations seemed to work. Apart from an acceptable community forest draft, the Cabinet, pressured by the peasant movement, had passed the so called Wang Nam Kaew Resolutions in April 1997 (April 97 Resolutions in the following). In these resolutions the Cabinet stated, in open contradiction to RFD policy, that 'man and forests can co-exist'. The resolutions legalized most of the settlements in protected areas, which was exactly what the RFD had tried to prevent in the community forests debate. While peasants and light green NGOs were still celebrating the April 97 Resolutions as a big step forward, a new draft for the Community Forest Bill emerged from the Office of the Prime Minister including almost none of the positions and demands of peasants and light green NGOs agreed upon in the joint draft. It was this draft that made its way into Parliament, but only to disappear soon, as the government had to resign due to its bad performance in the Asian economic crisis. The new government, in 1998, once again appointed a committee consisting of NGO representatives and RFD officials to draft a new version, this time criticized from the NGO side as it did not meet the agreements negotiated in the public hearings. Light green NGOs and peasant movement suffered another serious defeat when the April 97 Resolutions were revoked by the new government in June 1998. Conservationists and RFD were pleased by the revocation being a result of their lobbying efforts and their successful performance as actors in the public debate (Brenner et al., 1999; Buergin and Kessler, 1999).

The roll back seemed to be complete when not even the last compromise draft made its way into Parliament but the

RFD, in June 1999, submitted a draft reflecting its own interests. The light green NGOs and peasant movement reacted once more by presenting an own draft. Different from 1993, when they came up with a Community Forest Bill for the first time, in 1999, the new constitution provided the right to non-parliamentarians to submit bill proposals to Parliament. After collecting the 50,000 signatures required, the opponents of the RFD draft, in March 2000, submitted their own draft to parliament (BP, 8.22.1999, 2.29.2000, 3.2.2000; Nation, 10.12.1999, 3.1.2000). In July 2000, the so called 'people's draft' was scrutinized by the parliament, together with four other drafts, including the government/RFD draft, supposed to be the 'master draft' to which aspects of the other drafts may be added. Only after public protests, five representatives of organizations sympathizing with the 'people's draft' were nominated into the 27-strong house committee, led by the Agricultural Minister, which was set up for further drafting of the bill (BP 7.6.2000, 7.7.2000).

In the new constitution the issue of decentralization of political power receives broad support and local people are granted constitutional rights to manage their local resources including forests. The extent to which the RFD, in the still open controversy on the Community Forest Bill will be able to defend its contrary position remains to be seen. Forest policies, in the late 1990s, indicate that the RFD is well aware of its increasingly weak position regarding these issues as well as regarding the possibilities for resettlement of the more than 12 million people living 'illegally' on forest reserve areas. The establishment of the Protected Area System, covering more than a quarter of the whole land area, seems to be the main strategy of the RFD to counter these challenges and restrictions of power. The incidents in Chom Thong District and Thung Yai will show how strategies of exclusion are used to support these objectives.

#### Chom Thong: alliances and exclusions

In 1983, a Buddhist monk came back into the Mae Soi valley in Chom Thong District, where he had lived as a forest monk in the late 1970s. He was accompanied by a noblewoman. Together they intended to set up a meditation center in the valley. To their surprise, they found the valley in a rather desolate condition, extensively deforested by foreign and Thai logging companies. Therefore, they founded the 'Dhammanaat Foundation for Conservation and Rural Development' to reafforest and conserve the watershed forests in the valley, as well as improve living standards of the Thai farmers in the valley. People of the ethnic minority group of the Hmong soon became of main concern for Dhammanaat as a hindrance to their forest 'conservation' objectives. These groups had been living in Chom Thong District since the 1930s and, in 1974, had established their village Pa Kluay on the upper slopes of the Mae Soi valley. (For more detailed accounts of the Chom Thong Conflict see Watershed (1998), Buergin and Kessler (1999), Pinkaew (1999)). The 'traditional' land use of the Hmong, in Thailand, consisted of a swidden system in which primary forests were cleared to grow rice and maize for subsistence, often

supplemented by opium cash cropping. After rather long cultivation periods of up to ten years, generally the villages were shifted, while the old cultivation area was left fallow for decades to recover to primary forest. These practices, together with the engagement of some Hmong groups in the communist uprisings in the 1960s and 1970s, provided the pattern for the negative image of the forest destroying, opium cultivating, alien troublemakers, which soon was generalized to cover all the different ethnic minority groups living in the hills of northern and western Thailand, categorized as 'chao khao' or 'hilltribes'. This social category and stereotype had come into use since the mid-1950s, in the context of the increasing interests of the state in the peripherial mountain and forest areas of the country.<sup>2</sup> These 'hilltribe' groups, in the 1980s, became the target groups of the various opium substitution and highland development programs, often funded by foreign agencies. Supported by these programs, the Hmong of Pa Kluay began to grow cabbages and potatoes as cash crops, a few of them integrating quite well into the market economy, even arousing jealousy among Thai lowlanders (Watershed, 1998). The 'development' in the uplands, not only in Chom Thong District, met with rapid economic growth in the lowlands, fed mainly by the extension of agricultural areas for cash cropping at the expense of forested areas. In this process, many, often marginalized Thai farmers moved into the uplands, formerly predominantly occupied by ethnic minority groups. (See for example Kunstadter and Kunstadter (1992), Lohmann (1993), Hirsch (1997), McCaskill and Kampe, 1997). In the Mae Soi valley, Thai farmers, with the support of the Dhammanaat Foundation, expanded the Longan plantation area from about 800 ha in the late 1970s to more than 5000 ha in 1998, which resulted in increasing conflicts with the Hmong on water resources. In the course of these conflicts, the owners of Longan plantations, quite a few of them living in Chiang Mai or Bangkok, in 1989, founded the 'Chom Thong Watershed and Environment Conservation Club' (CTCC), working in close cooperation with Dhammanaat and, together, requesting the resettlement of the Hmong villages. They accuse them to be responsible for deforestation, water pollution, and water shortages. Not surprisingly, they found a strong ally in the RFD to which the 'dark green' Dhammanaat Foundation, apart from common ideologies and social backgrounds, maintains close personal connections (Watershed, 1998). In their arguments, they refer to frames of national identity and Thai-ness based on culturally defined patterns of livelihood and residence. Thai-ness and suitability for national inclusion is made dependent on living in the valleys (not in the mountains or forests), and growing paddy (not hill rice in swiddens). Referring to 'modern' conservationism, in this frame, the Thai valley population and the nation are dependent on the undisturbed (unpopulated!) mountain forests securing the natural water supply as well as ecological stability of the country. In this perspective, the 'hilltribes', already due to their place of residence and their form of livelihood, exclude themselves from the Thai nation, even worse, are threatening the welfare of the whole nation by destroying its forests.<sup>3</sup> Apart from national alliances,

the conservationists also had been looking for international support for their matter of concern, which they found at World Wide Fund for Nature-UK and among British academics. On the other hand, the Hmong and their advocates too had turned to the 'global community'. They found their allies in the World Rainforest Movement (WRM) and the International Work Group for Indigenous Affairs (IWGIA), and presented their case at the International Conference on Thai Studies 1999 in Amsterdam, arousing considerable 'national' concern in Thailand.<sup>4</sup>

When the Dhammanaat Foundation, in 1985, fenced parts of the land use area of the Hmong with barbed wire, the conflict was mainly on conservation issues and of local character. The Hmong reacted by growing flowers and fruits instead of cabbages and potatoes, thereby reducing their land use area from about 320 ha to 160 ha. To show their good will, they also started reafforestation projects and demarcated protected forests in their settlement area. But in spite of their efforts to de-escalate the conflict, tensions increased even though several accusations by Dhammanaat and CTCC, claiming the Hmong having encroached new forest areas, couldn't be proved by RFD officials and external observers. They were fueled by the conflicts on water resources and the instrumentalization of the conflict in the national controversy on the Community Forest Bill and forest reserves policies (Watershed 1998, Pinkaew 1999). In 1997, the conflict gained national significance. In protest against the resolutions of April 97 (see above), Dhammanaat together with other 'dark green' NGOs requested the resettlement of the Hmong in Chom Thong as well as of all 'hilltribes' living in watershed forests in an open letter to the government. After a particularly dry season in 1997/98, due to El Nino, and subsequent severe water shortages and forest fires in Chom Thong District, the conflict escalated even more, reaching a new level of aggression. In April 1998, the Agricultural Minister announced to fight for the abrogation of the April 97 Resolutions, but withdrew an application to the Cabinet already prepared and made public. Disappointed with this unexpected set back, Dhammanaat and CTCC decided to take action themselves. They gathered for a demonstration in Chiang Mai, seat of the provincial government, requesting once again the resettlement of the 'hilltribes' and the abrogation of the April 97 Resolutions. This time, they were burning effigies of five Chiang Mai University Professors who publicly spoke out for the rights of 'hilltribe' groups and the idea that people and forests can co-exist (Buergin and Kessler, 1999). During the following weeks, the 'conservationists' in Chom Thong several times blocked roads to pressure the government till, in June 1998, the resolutions finally were revoked. At the same time a fence around a recently established protected area close to the Hmong village was painted in Thai national colors, indicating an effort to protect Thai national property against encroachment by alien forest destroyers (Pinkaew, 1999). Protest forms like blocking roads and 'burning' political enemies were formerly left to opposition against the state. By using these forms to protest against other non-state actors, the 'conservationists' opened up a new dimension of controversy within civil society. These activities took place in a general atmosphere of increasing oppression against 'hilltribe' groups by state authorities and discriminating, even racist statements of high government officials addressing nationalist sentiments and ethnicism. (See for example BP, 4.30.1998, 5.19.1998, 5.22.1998, 6.6.1999, 7.31.1999; Nation, 7.23.1999, 9.18.2000.) To cite only one incident that found public attention, RFD officials in March 1998 kind of raided the village of Pang Daeng, Chiang Mai Province and arrested 56 persons of ethnic minority groups, accusing them of having encroached on forest reserves. After half a year in prison they had to be released because of lacking evidence (BP, 5.19.1998; Nation, 10.6.1998, 7.5.1999; Watershed, 1998). In May 1998 the new Director General of the RFD, an outspoken 'forests without people' advocate, signed an agreement with the Commander-in-chief of the army, specifying the cooperation of RFD and army to protect the remaining forests. In this agreement, the army is given far reaching authorities as well as financial support for operations in forest areas where 'illegal immigration' and large scale illegal logging prevail, while the RFD is responsible for forest areas encroached by small scale farmers (Nation 5.9.1998; BP 7.2.1998). According to this division of responsibilities, the RFD mainly will have to deal with the Thai farmers predominantly living in the highly degraded forest reserves, while the Military is supposed to deal with the 'non-Thai' <sup>5</sup>ethnic minority groups, often living in protected areas. With the revocation of the April 97 Resolutions the situation for these groups got even worse (Buergin and Kessler, 1999; Buergin, 2000).

### Chiang Mai and Thung Yai: ethnicism and abuse of power

In reaction to the increasing deterioration of their situation, ethnic minority groups organized a demonstration in Chiang Mai from April 26 to May 20 in 1999. More than 3000 people of different 'hilltribe' groups gathered in front of the seat of the provincial government, supported by various Thai NGOs as well as the group of academics 'burned' by the Chom Thong conservationists (BP, 5.16.1999). They requested to be acknowledged as Thai nationals and to recognize their settlement and land use rights, specifically their right to live in protected areas where some of them had been living for generations (WRM, 1999). On the 2nd of May, negotiations with the Deputy Interior Minister and the Deputy Agricultural Minister began. In the context of the debate on the Community Forest Bill, the Deputy Agricultural Minister already had made clear his position that use rights in community forests shall be granted to Thai nationals only. It was agreed to establish various committees to further negotiate. After discussing this agreement in Cabinet on May 11, the demonstrators had to learn that the composition of the committees had been changed with no provisions for representatives of the ethnic minority groups and supporting academics anymore. Therefore, they decided to continue their demonstration till, in the night of May 18 to 19, the assembly was dissolved by force of about 1,200 forest rangers and 400 police men. The supporting academics tried in vain to negotiate and finally led the scared demonstrators, who had to leave most of their belongings behind, to the university campus. The following day, Thai NGOs and journalists criticized the authorities, arguing the breaking up of the peaceful demonstration was an offense against the new constitution. Those responsible seem to have had a hard time to defend their actions. The Director General of the RFD claimed having sent his rangers only on behalf of the Governor to clear up the place. The Governor was not willing to comment on the issue at all and the Deputy Agricultural Minister declared the incident an 'accident' which would not have happened at all if the 'hilltribes' had not demonstrated, recommending the journalists to best forget about it (BP, 5.16.1999, 5.20.1999, 6.6.1999; Nation, 5.25.1999, 5.27.1999). As this 'accident' shows, state authorities still resort to violence to repress civil protest and democratic forms of political action not suiting their interests. But in an extended political space with its various civil actors, state authorities have to face increasing obligations to legitimize their actions in the sphere of public debate according to democratic principles. On May 20, the demonstrators finally left Chiang Mai after the Minister of Interior agreed to improve the procedures for naturalization and the Minister of Agriculture declared to reconsider the residence of the ethnic minority groups, in the forests after they have registered with their local forestry office. Regarding present policies of the RFD as well as still growing resource conflicts between Thai and ethnic minority groups, one may be skeptical as to whether political action will follow, and whether these actions will improve the situation of the ethnic minority groups.

At the same time state authorities had to face public protest and control in Chiang Mai, they were able to follow their objectives by repression with far less public concern in Thung Yai. Thung Yai Naresuan Wildlife Sanctuary, the same place where two decades ago a broad alliance of resistance was able to prevent the building of the Nam Choan Dam (see above), had been declared a World Heritage Site in 1991, thereby becoming a matter of prestige and of considerable importance in the context of the protected area concept of the RFD. People of the Karen ethnic minority group have been living in the area for at least 200 years. Till today, the Karen in Thung Yai predominantly grow rice for subsistence needs in swidden fields supplemented by rice grown on paddy fields. Their traditional rotational swidden system under a commons regime relies on short cultivation periods (generally 1 year) and long fallow periods from 7-15 years and more. Since the establishment of the sanctuary the resettlement of the villages has been discussed and, specifically with the declaration as a World Heritage Site, had become a political issue. Within the present discourse on 'people and forests' in Thailand, the Karen in Thung Yai are cited as example that human forest use and conservation of forests may well go together, and public attention in the wake of the Nam Choan Controversy, as well as unclear and changing legal status of the villages in the sanctuary, made it difficult for the RFD to resettle the Karen in Thung Yai as they did in

adjoining areas. Therefore, from the beginning 1990s on, the RFD began to pressure the Karen by prohibiting the use of fallow areas older than three years, which inevitably makes their traditional land use system unsustainable and subsistence production impossible. In 1999, the pressure on the Karen in Thung Yai was intensified once again and they became the first test case for the new alliance of RFD and army agreed upon in May 1998 on a national level (see above). On April 13 in 1999, the Director General of the RFD himself flew into the Wildlife Sanctuary and broke off an important annual religious festival, while military troops were burning down the religious shrines of the Karen built for the ceremonies (Buergin and Kessler, 1999). Afterwards, from April 18 to May 12, while representatives of the ethnic minority groups demonstrated in Chiang Mai against discrimination, a group of soldiers and forest rangers marched through the villages of the sanctuary demanding to stop growing rice, demolishing huts and personal belongings, and burning down rice barns (BP, 5.13.1999, 5.15.1999, 5.16.1999, 5.30.1999, Nation, 5.15.1999). When these events became public, the Director General of the RFD downplayed his role in the incidents denying any military actions at all. Not so the commander of the military troops involved. He seemed rather proud of their achievements, declaring the operation a 'pilot project' in their efforts to control local communities to prevent forest destruction in and around protected areas (BP, 5.16.1999, 5.30.1999; Nation, 5.27.1999). Public attention and reactions on these incidents remained rather limited, indicating that the politics of exclusion work quite well to withhold democratic and human rights from the excluded. In an atmosphere of increasing resource conflicts and growing ethnic tensions, the protected area strategy of the RFD seems to have good chances to be 'successful' in securing the RFD control over considerable areas as well as retaining their 'forests without people' ideology.

#### Resistance and reaction

The objectives and ideologies of the RFD and the Military behind these incidents are not really new. New is the increasing public appeal to national sentiments, defining Thai-ness in terms of ethnicity and cultural frames, as a strategy to secure control in a situation where state agencies have lost power in a process of democratization. This process can be understood as a struggle between state and non-state actors, as a process of resistance and reaction in which both sides are intruding each others 'institutional settings'. In Thailand, this struggle took place to a high degree in the context of resource conflicts under the heading of environmental issues. The pattern behind this process of democratization seems to have its own logic and may be of a more general character. Quite often, dominant social groups secure their privileges and power with the help of repressive state authority. When less privileged groups, in resistance to these state authorities, succeed in opening the political space by establishing a sphere of public debate and controversy grounded on democratic principles, power of the state agencies is restricted and interests of power elites are challenged. In the 1980s and

90s, in Thailand, conflicts over resources and political power often were termed and negotiated as environmental and conservation issues and became the dominant fields of political conflict. Non-state actors, referring to well established international discourses, succeeded in opening up and extending political space, and intruded into power domains formerly, almost exclusively, held by state agencies. Environmental and conservation issues could not be easily branded as 'communist', the prominent exclusion strategy from the 1950s to the 80s, even more so, as these issues were mainly put forward by the growing urban middle classes. The success in the Nam Choan Controversy of a broad alliance of different non-state actors supported by some state agencies, as well as the experiences in organizing resistance and public protest against a strong state bureaucracy and powerful elite interests, has been crucial for the opening and extension of political space, the emergence of the Thai civil society, and the process of democratization. Insofar as this process of democratization is successful, the sphere of public debate referring to democratic principles becomes institutionalized as part of the political space, occupied, organized, and used by the various interest groups of society. In the debate on the Community Forest Bill, during the 1990s, non-state actors, often on behalf of rather marginalized social groups, used this newly established sphere to intrude into power domains of the state like legislation and planning processes, thereby further challenging and restricting power of state authorities. At the same time, the differences in values, interests, and objectives between different non-state actors became more and more apparent. In the context of the community forests debate these differences crystallized mainly in the contrary positions of 'people' versus 'conservation' orientated approaches, in the question whether forests can or can not co-exist with people. With decreasing state power and growing public control, social groups that formerly had been able to secure their interests by state authority increasingly were forced to use this newly institutionalized sphere of public debate and controversy to support their interests. Members of the upper classes used new forms of civil organization and protest, well to do farmers and plantation owners organized as non-state actors defining their interests as national interests to be protected by the state against alien forest destroyers. State agencies, on the other hand, increasingly forced to act and legitimize within a public debate according to democratic principles, were intruding this public sphere of debate by supporting and cooperating with non-state actors in line with their interests and objectives. As can be seen in the cases of Chom Thong and Thung Yai, politics of exclusion and reference to national sentiments seem to be promising strategies for state and non-state actors in their efforts to gain public support for their claims and secure power. Stereotyping and 'excluding' social groups, as it is happening in the context of the Protected Area System and 'hilltribe' policies, may be effective in at least two ways. On the one hand, by isolating these groups, thereby diminishing their chances to find support in the public debate. On the other hand, by concealing internal conflicts and differences projecting them on the 'excluded', thereby increasing

internal cohesion and stabilizing structures of power. The chances that this strategy pays out regarding the conservation policies of the RFD seem rather good. There is a strong group of dark green, 'conservation orientated' non-state actors, most of them in line with the exclusion strategy of the RFD. Furthermore, even within the more 'people orientated' group of non-state actors there is a considerable fraction susceptible to the exclusion strategy referring to nationalism and ethnicism (Buergin and Kessler, 1999). In this situation, transnational civil organizations and networks may be seen as a chance to support democratic principles and resist social discrimination (Keck and Sikkink, 1998). In the case of Chom Thong, both sides of the conflict already are seeking support on the international level. Whether the engagement of transnational NGOs, in favour of the rights of ethnic minority groups and against politics of exclusion, can help to establish a stronger alliance of resistance against repressive ideologies and policies, or whether this engagement, in Thailand already branded as foreign interference into national affairs, will only increase the split and the tensions between the 'in-' and 'excluded', is an open question. The blurring of boundaries between civil society and state, the 'intrusion' of civil society actors into state domains as well as the 'performance' of state actors in the spheres of civil society and public political spaces, seem to be rather 'natural' and desirable aspects of democratization. 'Exclusion', on the other hand, is a rather disconcerting if not contradictory principle in the context of democratization, even though it is, on all levels of social organization, a quite prominent strategy to secure power.

#### Notes

<sup>1</sup>The terms 'dark green' and 'light green' refer to different ideologies and foci of activity of NGOs generally concerned with environmental or 'green' issues. So-called 'dark green' or 'conservation orientated' NGOs emphasize conservation objectives in their work. Their members, predominantly, do have their social background in the urban middle and upper classes, in prominent position quite often belonging to Thai nobility. Among the most important of these NGOs are the Seub Nakhasathien Foundation, Dhammanaat Fondation, and Green World Foundation. Wildlife Fund Thailand, regarding history, social background, and focus of activities, may also be grouped among the dark green NGOs, but has a strong 'peoples orientated' fraction and, within the public discourse on people and forests, rather takes sides with the light green NGOs. For 'light green' or 'people orientated' NGOs, social issues tend to be more important. Even though, their members widely share the urban social background of the dark green, they rather relate themselves to the students and peasants movements, often working in rural development. Among the most important, on the national level, is the Project for Ecological Recovery (PER). (See for example Pfirrmann and Kron (1992), Jaturong and Gawin (1995)).

<sup>2</sup>Regarding the cultural roots of this stereotype in the context of nationalization and modernization see specifically

Thongchai (1994, 2000), and Renard (2000), for an account of changing 'hilltribe' policies see Buergin (2000), regarding changes and present expressions of the negative stereotype see for example Cohen (1992), Krisadawan (1999).

<sup>3</sup>This frame of thought was most influential since the beginning of 'hilltribe' policies in the 1950s (see Buergin, 2000). In the context of the Chom Thong conflict (see also below) this ideology found broad public resonance in the conflicts about local resources and national forest policies. (See e.g., Watershed, 1998; Pinkaew, 2000). In August 2000, one of the NGO leaders of the 'conservation' side in the Chom Thong conflict appeared in a forum at Thammasat University and on TV talk shows on the 'government side' along with the Director General of the RFD Plodprasop and deputy Agricultural Minister Newin. "At the Thammasat forum, Plodprasop lamented that the territory of Thailand, which once belonged to the king, 'is gradually being given away'. Newin said the problem was that '90% of the hill peoples are not Thai'." ... "One of the Chomthong leaders said last week: 'This land is ours. We were here before. Hill people are not our people (chao khao mai chai chao rao). If they were Thai, they would live down here in the lowlands." (Nation, 9.18.2000).

<sup>4</sup>In Amsterdam, the respected social scientist Dr Chayan Wattanaputhi from Chiang Mai University had been among those pointing to the Chom Thong Conflict and discrimination of 'hilltribes'. After his return to Thailand, the Governor of Chiang Mai publicly accused him having betrayed and sullied his own country. Soon after, Chayan and three of his academic colleagues supporting the 'hilltribes' even had to face anonymous murder threats. (Regarding transnational aspects of the conflict see Watershed (1998), WRM (1998a, b), WRM (1999), Nation (6.3.98, 6.8.98, 10.13.98, 8.4.99), BP (7.9.99), for the public controversy on the Amsterdam Conference and international interference in national issues see Nation (7.3.99, 7.10.99, 7.12.99, 7.23.99, 7.29.99, 7.31.99), BP (7.4.99, 7.31.99, 8.8.99).

<sup>5</sup>Only about 240,000 of the more than 840,000 'hilltribe' people do have the status of regular Thai nationals. The rest either has got a 'blue ID card', granting right of residence for 5 years and severely restricting freedom of movement, or no legal document at all, which practically means they do have the status of 'illegal immigrants'. (See for example BP, 5.20.1999, 5.4.2000, 7.24.2000; Nation, 7.12.1999, 7.14.1999).

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