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Contested Rights of Local Communities and Indigenous Peoples in the context of the Biocultural Turn in Environment and Development Discourses

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Contested Rights of Local Communities and Indigenous Peoples in the context of the Biocultural Turn in Environment and Development Discourses:

A Conflict over Biocultural Diversity in a World Heritage Site in Thailand

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Abstract

Environmental relations and development options of modern societies as well as antagonistic conceptualizations of 'nature' and 'culture' are reconsidered in the disputes about a global environment and development crisis since the 1970s. In this context, environment and development discourses and policies since the late 1980s increasingly refer to mutually sustaining interrelations between biological and cultural diversity, and the objective to protect both kinds of diversity is widely acknowledged in inter- and transnational conservation and development approaches. The conceptualization of interrelations between biological and cultural diversity predominantly occurred in diverse but overlapping discourses on nature conservation, sustainable development, and indigenous peoples, which together amount to a biocultural turn in environment and development discourses. This biocultural turn not only implies reconsiderations of nature-culture-relations and modern identities, but also changing perspectives on culturally diverse groups at the periphery of modern societies, which are increasingly conceived of as promising partners in biodiversity conservation.

While interrelations between biological and cultural diversity, increasingly termed biocultural diversity, are predominantly conceptualized as mutually supportive and promising with regard to conservation and development objectives, these interrelations in practice frequently appear as conflicts between on the one hand local communities who derive their livelihoods and identity from their lands and resources, and on the other hand external actors and institutions who claim control over these areas invoking superior interests in nature conservation and modernization. In these asymmetric conflicts over biocultural diversity - framed in discourses which demand both the preservation of biological and cultural diversity - the chances of local communities to assert claims crucially depend on external discursive and legal frameworks. To address these asymmetric conflicts, rights-based and community centered approaches to conservation and development are increasingly propagated as alternatives to 'fortress-conservation' approaches as well as strategies of global resource management and free-market economization.

The study reviews the discourses on nature conservation, development, and indigenous people - where interrelations between biological and cultural diversity have been conceptualized - and delineates a biocultural turn in environment and development discourses. Against this background, the relevance and implications of rights-based and community centred approaches for conflicts over biocultural diversity are explored. Based on a study of Karen ethnic minority groups in the Thung Yai Wildlife Sanctuary and World Heritage Site in Thailand, the paper examines challenges and chances for local communities to assert claims and rights to lands, resources, and self-determination in the context of the biocultural turn in environment and development discourses as well as heterogeneous changing legal frameworks. While human rights as individual rights are widely recognized, but may be difficult to enforce and of limited suitability in conflicts over biocultural diversity, group rights like indigenous rights are increasingly devised to protect ethnic minorities and perpetuate cultural diversity, but are often disputed on the national level and may be ambiguous regarding heterogeneous communities. In Thailand and globally, community rights provide another promising framework with regard to conflicts over biocultural diversity if claims of communities to livelihoods and self-determination are respected.

Global discourses on interrelations between cultural and biological diversity

Biological diversity and cultural diversity have become prominent concepts in the discourses on nature conservation, development, indigenous rights, and globalization. Biodiversity conservation is widely conceived of as a prerequisite for ecologically sound relations between humans and their natural environments, while cultural diversity is increasingly recognized as important factor regarding the coexistence of human communities as well as their sustainable development. Since the late 1980s, furthermore, interrelations between biological and cultural diversity have come into the focus of academic, political, and economic interests and discourses. The interrelations between these two kinds of diversity, increasingly termed 'biocultural diversity', are predominantly conceptualized as mutually supportive and promising with regard to conservation and development objectives. Empirically, however, these interrelations between biological and cultural diversity predominantly appear as conflicts between livelihood and identity claims of local communities on the one hand, and national or global interests in nature conservation and modernization on the other hand. The case of the Karen ethnic minority communities in the Thung Yai Naresuan Wildlife Sanctuary and World Heritage Site in Thailand is an example for such conflicts over biocultural diversity. Based on an analysis of the history and context of this particular conflict, the paper will explore the relevance and impacts of what may be termed a biocultural turn in environment and development discourses and policies for the chances of local communities to assert claims and rights to lands, local resources, participation, and self-determination. This biocultural turn emerged in the context of the conceptualization and exploration of a global environment and development crisis since the late 1960s, and took place in different academic fields and policy areas which increasingly converged since the 1980s focusing on interrelations between biological and cultural diversity. The conceptualization of such interrelations mainly occurred in three interdependent and overlapping discourses and problem areas: in the context of the conceptualization and implementation of global strategies for nature conservation; in the debates on the modernization and development of non-modern populations in developing countries; and in the arguments and conflicts about rights of indigenous people on lands, resources, and self-determination.

Nature conservation, protected areas and local communities

Efforts to protect 'nature' against human encroachment have a long history and constitute an important approach to regulate problematic human environmental relations.¹ The origins of modern conceptualizations of nature conservation are commonly related to the establishment of national parks in the United States of America in the second half of the 19th century² as well as to colonial interests to control and protect natural resources in overseas territories,³ not infrequently with big game hunting in mind⁴. Economic interests and predominantly utilitarian approaches were decisive in both contexts. However, besides basically anthropocentric rationales, there also emerged more bio- or eco-centred approaches which tended to provide 'nature' with rights of her own, independent of her utility for humans,

¹ See e.g. O'Riordan 1981; Nash 1989; Oelschlaeger 1991; Crumley 1994; Balée 1998; Borgerhof Mulder & Coppolillo 2005; Costanza 2007; van Dyke 2008.

² See Nash 1982; Runte 1987; Hales 1989; Sellars 1997; Diamant 2000.

³ See Grove 1995; Miller & Reill 1996; Arnold 1996; Barton 2002; Adams & Mulligan 2003; Kumar 2011.

⁴ MacKenzie 1988.

often going along with a critique of modern society based on the exploitation of natural resources and the destruction of 'wilderness'.⁵ In the context of the conceptualization of a global environmental crisis since the 1970s, the roots of modern approaches to nature conservation in particular historical and culture-specific circumstances and ideas of 'nature' and 'culture' are increasingly explored and reconsidered.⁶

Initially, the modern concept of nature conservation was primarily based on the designation of protected areas, defined and controlled by state authorities to protect natural resources, 'pristine wilderness', or spectacular natural wonders of national significance. In the context of prevailing images of an incompatibility or inherent antagonism between man and nature, 'old conservation' approaches predominantly tried to restrict human impacts on 'nature' and to remove local residents from protected areas. In this framing, non-modern rural, 'local', 'tribal' or 'traditional' people living in or close to protected areas were generally either conceived of as candidates for modernization and possible threats to nature conservation, or were virtually identified with nature as 'primitive people' – determined to vanish but may be even worth of conservation as long as declining development.⁷

Apart from conservation objectives, protected areas were often important for national identities as well as touristic enterprises, and were frequently used to legitimize and enforce control over natural resources, territories, and people. From a global perspective, these areas determined for the protection of nature are predominantly located at the fringes of modern societies, be it historically in 'frontier' territories colonized and controlled by expanding modern societies, or contemporarily in areas where 'nature' has not yet been thoroughly transformed by modern utilizations and ways of living. Besides competing interests regarding objectives and implementation of conservation projects, modern nature conservation and particularly the establishment of protected areas frequently involved conflicts due to disparate claims and interests between, on the one hand, people and institutions who claim control over these areas invoking superior national or even global interests in nature conservation, particular resources, or modernization, and on the other hand predominantly non-modern populations who live in or close to protected areas, and often derive their livelihoods and identity from these lands and resources, particularly forests.⁸

Since the 1950s, nature conservation on the international level predominantly focused on the establishment of protected areas and zoning approaches. At first, the establishment of national-parks and protected areas proceeded only slowly. It was not before the 1960s that objectives of nature conservation became an important issue on the international level. At the same time, protected areas and particularly national parks became attractive for many decolonized and developing countries with regard to national identity and tourism. In the context of a growing awareness for environmental problems and the conceptualization of a

⁵ See Nash 1982, 1989; Fox 1985; Guha 1989; Oelschlaeger 1991; List 1993; Cronon 1996; Attfeld 1997; Callicot & Nelson 1998; Rogers 2000; Merchant 2007.

⁶ See e.g. Passmore 1974; Merchant 1983, 2003; Callicot & Ames 1989; Haraway 1991; Oelschlaeger 1991; Glacken 1992; Plumwood 1993; Cronon 1996; Descola & Pálsson 1996; Escobar 1996; Wilson 1996; Meyer - Abich 1997; Teich et al. 1997; Brand 1998; Braun & Castree 1998; Macnaghten & Urry 1998; Görg 1999; Radkau 2000, 2011; Kropp 2002; Sunderlin 2002; Gill 2003; Meusburger & Schwan 2003; Selin & Kalland 2003.

⁷ E.g. Dasmann 1974, 1976; IUCN 1984.

⁸ See e.g. Zube 1986; Guha 1989; Hecht & Cockburn 1989; Zube & Busch 1990; Peluso 1992, 1993; Cernea & Guggenheim 1993; Colchester & Lohmann 1993; Colchester 1994; Howitt et al. 1996; Bryant 1997; Neumann 1998; Zerner 2000; Peluso & Watts 2001; Chatty & Colchester 2002; Richards 2002, 2003; Buergin 2004; MacKay & Caruso 2004; Ramutsindela 2004; Cernea & Schmidt-Soltau 2006.

global ecological crisis since the late 1960s⁹, the designation of protected areas gained momentum on a global scale supported by international organizations like IUCN, WWF, WCPA, or WCMC with an objective to establish a global network of protected areas.¹⁰ Since the 1980s nature conservation, particularly in terms of the protection of biological diversity,¹¹ has been established as a high priority issue on the international level and was successively institutionalized, most visibly in the Convention on Biological Diversity.¹²

Since the late 1970s, due to continuing problems and growing resistance, the 'old conservation' or 'fortress conservation' approach was increasingly questioned by new 'community based' or 'people centred' conservation approaches which tried to account for claims of local residents and intended to integrate them into the management of protected areas and forests emphasizing 'co-management strategies' and 'participation' of local people.¹³ This change in international conservation discourses went along with numerous projects in developing countries which aimed at the mobilization of local people and communities for nature conservation.¹⁴ It also implied a new focus on 'culture' as an important means for conservation objectives,¹⁵ as well as an upswing of conceptualizations of indigenous, traditional, or local people and their particular knowledge as ecologically beneficial.¹⁶ This new conservation approach based on the consideration of stakeholder interests and commitments to human rights as well as principles of prior informed consent, cooperation and participation by now is widely accepted in international conservation discourses.

However, these changes of focus and strategy in academic discourses and international organizations are far from being adequately implemented on a broader scale.¹⁷ In practice, 'information' and 'participation' is often limited to announcements of objectives and measures determined from outside and above, while 'consent' and 'cooperation' is frequently a question of suitable incentives and sanctions. Furthermore, this new conservation approach has already met a backlash and is ardently disputed in academic discourses, specifically regarding conceptualizations of indigenous or local people as 'benign environmentalists' or 'noble savages'¹⁸ as well as problematic transformations of their environmental rela-

⁹ E.g. Carson 1962; Ehrlich 1968; Ehrlich & Ehrlich 1970, 1991; Goldsmith 1972; Meadows et al. 1972; UN 1972; Ward & Dubos 1972; Schumacher 1973; Hirsch 1977.

¹⁰ See Dasman 1972, 1973; IUCN 1978, 1980, 1984; UN 1982; IUCN, UNEP & WWF 1991; IUCN & WCMC 1994; Wright & Lemons 1996; Sheppard 2000; Chape et al. 2003; Lovejoy 2006.

¹¹ See e.g. Lovejoy 1980; Myers & Ayensu 1983; McNeely 1988; Wilson & Peter 1988; Groombridge & WCMC 1992; WRI, IUCN & UNEP 1992; Barbier et al. 1994; Shiva 1994; Pearce & Moran 1995; Dobson 1996; Takacs 1996; Jeffries 1997; Perrings et al. 1997; Barthlott & Winiger 1998; Görg et al. 1999; Janich et al. 2001; Hummel et al. 2002.

¹² See UN 1992; Glowka et al. 1994; McNeely 1999; Görg & Brand 2000; Le Prestre 2002.

¹³ E.g. IUCN 1980; McNeely & Pitt 1985; MacKinnon et al. 1986; Western & Pearl 1989; Fletcher 1990; Zube & Busch 1990; IUCN, UNEP & WWF 1991; Wells & Brandon 1992; IUCN & McNeely 1993; McNeely 1995; Sisk & IDEA 2001; IUCN & WCPA 2003.

¹⁴ E.g. West & Brechin 1991; Bromley 1992; WWF 1993; Western & Wright 1994; Maggio 1997; Agrawal & Gibson 1999; Hulme & Murphree 1999; Stolton & Dudley 1999; O'Riordan & Stoll-Leemann 2002; Berkes 2009.

¹⁵ McNeely & Pitt 1985; Hoage 1988; Oldfield & Alcorn 1991; Dankelman & Ramprasad 1999; Infield & Mugisha 2013.

¹⁶ See e.g. Alcorn 1993, 1997; Willet 1994; Redford & Mansour 1996; Stevens 1997; IUCN, WCPA & WWF 1999; Laird 2002; Sobrevilla 2008.

¹⁷ See Brown 2003; Brockington & Igoe 2006; Jeanrenaud 2002; Brechin et al. 2003; MacKay & Caruso 2004; Cernea & Schmidt-Soltau 2006; Ribot et al. 2006; Schmidt-Soltau & Brockington 2007; Alcorn 2008; Reed 2008; Srinivas 2012.

¹⁸ E.g. Redford 1991, Alvarado 1993; Alcorn 1994; Stearman 1994; Buege 1996; Brosius 1997; Headland 1997;

tions in modernization processes and their significance for biodiversity conservation.¹⁹ A major controversy in these disputes about 'people and parks' emerged between on the one side primarily conservation-oriented positions emphasizing detrimental impacts of human populations on their natural environments which require a close monitoring and consistent management of protected areas, on the other side predominantly people-oriented approaches which emphasize needs and rights of local people and propagate the satisfaction of basic needs and the development of sustainable livelihoods as crucial means for nature conservation. At least to some degree this controversy reflects academic cleavages between natural and social science approaches based on the modern nature-culture dichotomy. Politically and ideologically this controversy furthermore is crucially related to disputes about appropriate conceptualizations of and approaches to 'development'.

Development, modernization, and local subsistence

'Development' as a concept referring to changes of social groups and institutions is a basic concept of the social sciences essentially linked to the emergence and history of this academic culture, even though fiercely contested and changeable in its meanings.²⁰ In its present meaning, the concept 'development' evolved in the context of the establishment of a new world order in the middle of the 20th century particularly regarding the breakup of the colonial system and the emerging cold war.²¹ In its 'classic' conceptualization, development in this meaning primarily referred to the transformation of non-modern or 'traditional' forms of social organization into modern societies. While the necessity of this transformation for 'traditional' or 'underdeveloped' societies as well as the supremacy of 'modernity' as paradigmatic model for 'development' was hardly questioned in this framing, the relation between 'underdeveloped' and 'developed' societies as well as the final destination of the transformation was framed highly conflictive in the context of the controversy between capitalist and communist ideologies or western and eastern political systems which competed for the allegiance of the 'underdeveloped' countries of the 'third' world. Conflicting explanatory models and theories of social change in academic discourses partly reflected this political conflict and competing ideologies: while modernization theory²² predominantly represented capitalist world views and values as well as interests of the Western hemisphere, dependency theory²³ as well as world-system²⁴ and Marxist theories²⁵ provided alternative explanatory models and development objectives, in one way or another critical of capitalism

Krech 1999.

¹⁹ See Kramer et al. 1997; Brandon et al. 1998; Terborgh 1999, 2000; Redford & Sanderson 2000; Schwartzman et al. 2000a,b; Adams & Hulme 2001; Wilshusen et al. 2002; Brechin et al. 2002, 2003; Minter & Manning 2003; Andrade 2005; Vermeulen & Sheil 2007; Hardin 2011; Minter & Miller 2011; Redford 2011.

²⁰ See e.g. Escobar 1991; Cooper & Packard 1997; Corbridge 2000. Semantically the concept is closely related to terms like growth, progress, civilization, social evolution, and modernization. Compared to other ideas of social change emphasizing recurrence, cyclicity or degeneration, a common feature of these concepts often used without clear demarcation is their focus on continuous improvement, linearity, directionality and controllability, as well as their significance for the emergence and self-image of modern societies (see Nisbet 1969; Bowler 1989; Berthoud 1990; Rist 1990, 2008; Cowen & Shenton 1995).

²¹ See e.g. Pletsch 1981; Kitching 1982; Escobar 1988; Hettne 1990; Latham 2000.

²² E.g. Lerner 1958; Lipset & Bendix 1959; Rostow 1960; Inkeles & Smith 1974.

²³ E.g. Cardoso & Faletto 1979; Muñoz 1981; Chew & Denmark 1996.

²⁴ E.g. Wallerstein 1990; So 1990; van Hamme & Pion 2012.

²⁵ E.g. Smith 1984; Booth 1985; Corbridge 1990.

and related to socialist systems of the Eastern hemisphere.

Since the late 1960s, classical modernization theory as predominating theoretical social science approach regarding development and social change was increasingly questioned in academic discourses due to internal inconsistencies, while the results of development programs and projects were widely conceived of as disappointing in practice.²⁶ Decolonization processes, a new assertiveness of third world countries and Third-Worldism, as well as the Vietnam-War and the protests of 1968 provided the geopolitical context of this crisis of modernization theory and development practice, followed by profound changes of the global economic system including the collapse of the Bretton Woods System, the oil crises of the 1970s and the international debt crisis, as well as the rise of neoliberalism. In this context, the 'classic' conceptualizations of modernity and modernization were challenged ideologically by postmodernist and poststructuralist²⁷ as well as postcolonial approaches²⁸ in the social sciences, while environmental relations of modern societies and their development model also became questionable in the context of the emerging environmental crisis²⁹.

In the context of this crisis or 'impasse' of development theory and practice, a kind of 'new' development discourse has evolved since the 1980s lasting until today.³⁰ Despite theoretical differences and controversies, there emerged trends and issues in this crisis which became relevant for development theory and practice more generally, specifically the increasing importance of environmental issues as well as a new focus on the local level and cultural differences. In the context of the 'classic' modernization paradigm, conservation issues or problematic environmental relations were hardly of concern, and development was predominantly state-centered and unidirectional. Since the 1970s, the local level was increasingly identified as the primary target of development objectives and interventions, going along with a shift of focus towards basic human needs and rural development.³¹ At the same, a new integration of development and conservation was propagated (sometimes labeled 'eco-development') which highlighted the role of the environment and nature conservation for the welfare and development of human societies.³² The protection of forests and their significance for community development was of particular concern in this context.³³ With the conceptualization and implementation of 'sustainable development' as a reference standard,

²⁶ E.g. Bauer 1971; Dag Hammarskjöld Foundation & UNEP 1975; Streeten 1975; Chambers 1984; Edwards 1989.

²⁷ E.g. Dear 1986; Harvey 1989; Soja 1989; Apffel-Marglin & Marglin 1990; Corbridge 1990; Sachs 1992; Slater 1992; Lee 1994; Escobar 1995; Gardner & Lewis 1997; Simon 1998.

²⁸ E.g. Said 1978; Bhabha 1984; Mudimbe 1988; Spivak 1988; Minh-Ha 1989; McClintock 1992; O'Hanlon & Washbrook 1992; Corbridge 1993a; Apffel-Marglin & Marglin 1996.

²⁹ E.g. UN 1972; Brandt 1980; Redclift 1984, 1992; Brundtland 1987; Pearce et al. 1990; Beck 1992.

³⁰ See Booth 1985, 1994; Sheth 1987; Escobar 1988, 1995; Vandergeest & Buttel 1988; Edwards 1989; Portes & Kincaid 1989; Corbridge 1990, 2000b; Nohlen & Nuscheler 1993; Peet & Watts 1993; Schuurman 1993; Watts 1993; Rich 1994; Crush 1995; Norgaard 1995; Simon 1997, 2007; Tucker 1997; Nederveen Pieterse 1998, 2010; Blaikie 2000; Harrison & Huntington 2000; Kalb et al. 2004; Buttel & McMichael 2005; Herath 2008, 2009; Rist 2008; Peet & Hartwick 2009; Tausch 2010.

³¹ See e.g. Dag Hammarskjöld Foundation & UNEP 1975; Ghai et al. 1977; Hopkins 1977; Chambers 1979, 1984; Sen 1984; Cernea 1985; Friedmann 1992; van Naerssen et al. 1997; Ashley & Maxwell 2001.

³² E.g. IUCN 1980; McNeely & Miller 1984; Redclift 1984; Shiva 1988, 1991; McNeely & MacKinnon 1990; Oldfield & Alcorn 1991; Costanza & Daly 1992; Barbier 1998, 2000; McAfee 1999; Rees 2003; Simon 2003; Sunderland et al. 2007; Costantini & Monni 2008; Ibisch et al. 2010; Salafsky 2011.

³³ E.g. FAO 1978, 1986, 1991; Gregersen et al. 1989; Lee et al. 1990; Arnold 1992, 1998; Cernea 1993; Peluso et al. 1994; Dove 1995; Wiersum 2000b; Sunderlin et al. 2005, 2008; Arts et al. 2012; Parrotta & Trosper 2012; Krott et al. 2013; Wiersum et al. 2013.

the link between conservation and development was further confirmed and environmental issues became widely institutionalized on the international and national level.³⁴

Already since the 1970s, disappointing results of modernization strategies in developing countries furthermore were related to the neglect of cultural differences on the regional, national and local level.³⁵ On the local level, at first, these differences were predominantly conceived of as 'traditional' or pre-modern forms of knowledge and social organizations which were primarily analysed and utilized for modernization purposes. It was not before the 1980s that intrinsic values of culture and cultural diversity as well as opportunities this diversity provides regarding sustainable or alternative ways of development received broader attention,³⁶ frequently addressed in terms of 'traditional ecological knowledge' or local knowledge systems.³⁷ In the context of the 'crisis of development' and the search for ways out of the 'impasse', this new focus on the local level and cultural diversity was frequently related to approaches advocating community based natural resource management³⁸ as well as conceptualizations of development labelled participatory, inclusive, people-centred, place-based, self-determined or endogenous.³⁹ At the same time indigenous people with their particular problems and opportunities regarding development processes came into the focus of development discourses and practice.⁴⁰ Since the late 1990s, furthermore, rights-based approaches increasingly emphasize the relevance of human rights, indigenous rights, and community rights for sustainable and equitable development.⁴¹ The controversies regarding interrelations between cultural diversity, ethnic identities, rights and development are concerned with the epistemological status of local knowledge systems, the significance

³⁴ See Brundtland 1987; UNCED 1992. On the enduring disputes about the concept see e.g. Redclift 1987; Norgaard 1988; Harborth 1989; Sandlund 1992; Sachs 1999; Boehmer-Christiansen 2002; Glasby 2002; Gupta 2002; WSSD 2002; Sayer & Campbell 2003; Ratner 2004; Robinson 2004; Williams & Millington 2004; Osorio et al. 2005; Raco 2005; Sneddon et al. 2006; Atkinson et al. 2007; Jabareen 2008; Nilsen 2010; Britto 2011.

³⁵ See e.g. Bennett 1975; Brokensha et al. 1980; Chambers 1984; Robertson 1984; Cernea 1985.

³⁶ See e.g. Warren 1970; Uhlenbeck 1986; Williams & Baines 1988; Gadgil & Berkes 1991; Glover & Nussbaum 1995; Honerla & Schröder 1995; UNESCO 1995, 1998; Heelas et al. 1996; World Bank 1998, 2001; Berkes 1999; Smith 2011; Meuleman 2013.

³⁷ Norgaard 1984; Brosius et al. 1986; Berkes 1999a,b; Mauro & Hardison 2000; Pierotti & Wildcat 2000; Meyer 2001; Laird 2002; Dudgeon & Berkes 2003; Hansen & VanFleet 2003; Twarog & Kapoor 2004; Kightley et al. 2010, 2013; Hong et al. 2013; Nijar 2013; Olson 2013; Sutherland et al. 2014. See also footnote 60 on 'indigenous knowledge'.

³⁸ E.g. McCay & Acheson 1987; Berkes 1989; Ostrom 1990; Bromley 1992; Western & Wright 1994; Agrawal & Gibson 1999, 2001; Agrawal 2001, 2013; Brosius et al. 1998, 2005; Agrawal & Benson 2011; Powell 2012; Mansbridge 2013; Ruiz-Mallén & Corbera 2013; ; Cox et al. 2014.

³⁹ E.g. Burkey 1993; Okali et al. 1994; Nelson & Wright 1995; Samad et al. 1995; Biggs & Smith 1998; Bainbridge et al. 2000; Mohan & Stokke 2000; Campbell & Vainio-Matilla 2003; van Ardenne 2004; Hickey & Mohan 2005; Cornwall & Brock 2005; Dankelman 2006; Haverkort & Rist 2007; Ilcan & Phillips 2008; Mert 2009; Apgar et al. 2011.

⁴⁰ See e.g. Warren 1976, 1990, 1991; Brokensha et al. 1980; Posey 1983, 1985; Clay 1988; Warren et al. 1989; 1995; World Bank 1990; Bebbington 1993; Woodley 1991; IKDM 1993; Blunt & Warren 1996; Büchi et al. 1997; Brouwer 1998; Cartledge 1999; Loomis 2000; Chatty & Colchester 2002; Sillitoe et al. 2002; Blaser et al. 2004; Briggs & Sharp 2004; Sillitoe 2007; Marschke et al. 2008; Lwoga et al. 2010; Tauli-Corpuz et al. 2010; Davidson-Hunt et al. 2012. Regarding ethnic minority groups and development with a focus on Southeast Asia see McCaskill & Kampe 1997; Clarke 2001; Li 2002; Duncan 2004; DINTEG & RIPP 2007; Erni 2008.

⁴¹ See e.g. International Commission of Jurists 1981; Donnelly 1984; Stavenhagen 1990; Breckenridge 1992; Posey 1996a,b, 1999; Posey & Dutfield 1996; UNDP 2000; Giorgetta 2002; Nelson & Dorsey 2003; Cornwall & Nyamu-Musembi 2004; Tsikata 2004; Drydyk 2011; Hickey & Bracking 2005; DINTEG & RIPP 2007; Nelson 2007; Uvin 2007; Hickey 2009; Tauli-Corpuz et al. 2010; OHCHR & UNEP 2012. Regarding Thailand see e.g. Johnson & Forsyth 2002.

of cultural differences for different ways into modernity or alternative developments, as well as their relevance for policies supporting sustainable development and global conservation strategies. In this context, the conceptualization of 'indigenous peoples' and the implementation of particular 'indigenous rights' have become important issues in international rights regimes, national policies, and local struggles.

Indigenous peoples, ecological knowledge, and cultural diversity

Since the 19th century, concepts of cultural identity and diversity are crucially linked to conceptualizations of 'nationality' and 'ethnicity' as well as their ambivalent interrelations. While the concept of 'nationality' emerged in the context of hegemonic and territorial struggles of European powers as well as the transformation of modern European societies in the wake of the French Revolution and the invention of the territorial nation state,⁴² the term 'ethnicity' was primarily conceptualized in the context of the global expansion of European powers, their relation to non-European people, as well as anthropological theory and practice.⁴³ From the beginning, the meaning of the two concepts and their interrelation has been fiercely disputed, particularly regarding diverging conceptualizations of the modern territorial nation state, either supposed to be based on a civic constitution of the *Demos*, or on the *Ethnos* of a cultural community with a common history and identity. Often referring to differences between 'enlightenment' and 'romanticism' or 'civilization' and 'culture', this antagonism is frequently discussed as the French versus the German model of the nation state and generally reflects basic controversies between political positions of 'left' and 'right' as well as 'universalistic' and 'relativistic' philosophical approaches.⁴⁴ Until today, the relation between nation states and ethnic groups remains problematic and highly controversial regarding ethnic conflicts, ethno-nationalisms, dispossessions and identity politics.⁴⁵ This relation furthermore has to be reconsidered regarding conceptualizations of modernity and cultural diversity in a global society.⁴⁶

The issue of cultural diversity on a global scale was already at stake in the ongoing disputes about occidental roots and biases of 'universal human rights'⁴⁷, which were predominantly

⁴² See Hobsbawm 1990; Anderson 1991; Guibernau & Rex 1997; Guibernau 1999, 2007; Dawisha 2002; Smith 2008; Greenfeld 2011;

⁴³ See e.g. Wallerstein 1991; Ribeiro & Gomes 1996; Eriksen 1993; Brah et al. 1999; Tai & Kenyatta 1999; Berking 2003; Brubaker et al. 2004; Norval 2004; Tiryakian 2004; Keefe 2008; Wimmer 2008; Rosen Velásquez 2011.

⁴⁴ E.g. Habermas 1998; Rundell & Mennell 1998; Kuper 1999; Al-Azmeh 2001; Elias 2003; Jayet 2012.

⁴⁵ See e.g. Balibar & Wallerstein 1991; Hall 1991; Kellas 1991; Lash & Friedman 1992; Connor 1994; Rajchman 1995; Benhabib 1996; Hall & Du Gay 1996; Bader 1997; Gupta & Ferguson 1997; Grillo 1998, 2003; Wicker 1998; Bornträger 1999; Ferguson & Mansbach 1999; Hanf 1999; Comaroff 2000; Deveau 2000, 2003; UNESCO 2000; Ben-Rafael & Sternberg 2001; Lash & Featherstone 2002; Riggs 2002; Hobson 2003; Bader & Saharso 2004; Weedon 2004; Li 2010; Fenton 2011; Kymlicka 2011; Todorov 2011; Zenker 2011. With a focus on South-east-Asia see e.g. Keyes 1987, 2002; Brown 1988, 1994; Wijeyewardene 1990; Wessel 1994; Brown & Ganguly 1997; Engelbert & Schneider 2000; Zerner 2003.

⁴⁶ See e.g. Taylor & Gutmann 1992; Etzioni 1993, 2011; Bader 1995; Kymlicka 1995a, 2010, 2011; McCarthy 1999; Friese & Wagner 2000; Wittrock 2000; Eisenstadt 2001; Tiryakian 2001; Dirlik 2003; Therborn 2003; Yegenoglu 2004; Habermas 2005; Goodin 2006; Lee 2006, 2013; Schmidt 2006; Jordaan 2009; Casanova 2011; Delanty 2011; Kaul 2011; Touraine 2011; Beck 2012.

⁴⁷ E.g. AAA 1947; Donnelly 1982, 1986, 1990, 1999; Howard & Donnelly 1986; An-Na'im & Deng 1990; An-Na'im 1992; Schmale 1993; Habermas 1998b.

framed in terms of relativistic versus universalistic positions⁴⁸ and frequently imply problematic interrelations between the concepts of 'culture' and 'rights'⁴⁹ as well as 'recognition' and 'redistribution'⁵⁰. Particular rights of groups based on cultural differences have originally been peripheral and ambiguous to the concept of human rights due to their focus on inalienable rights of individuals. Even though still disputed, the concept of group rights as a particular field of human rights and international law receives increasing attention since the 1970s.⁵¹ In this context, the conceptualization of discrete rights of indigenous peoples was particularly successful, leading to the seminal conventions of the International Labour Organization⁵² and the adoption of the United Nations Declaration on the Rights of Indigenous Peoples in September 2007.⁵³ However, this process was highly controversial and the implementation of indigenous rights remains disputed and often problematic.⁵⁴

The origins of an indigenous movement or 'indigenism' are traced back into the 1950s and 1960s, when Sami people of the Scandinavian countries began to organize politically, compared their history, problems, and struggles as ethnic minorities in nation states with the situation of native Americans, and established contacts with other groups.⁵⁵ On the occasion of the United Nations Conference on the Human Environment 1972 in Stockholm these groups met and started to organize inter- and transnational organizations of indigenous peoples to support their common interests on the national and international levels⁵⁶ and to assert claims to lands, territories, local resources, self-determination, and particular identities.⁵⁷ With the establishment of the concept of 'indigenous peoples' on the international political agenda and the recognition of particular 'indigenous rights' in diverse legal frameworks, these groups have achieved new institutions and possibilities to leverage claims and rights on the national and local level, while 'indigeness' and indigenous movements are increasingly conceptualized and explored as important issue and actor in a globalizing world.⁵⁸

⁴⁸ See Donnelly 1989; Nagengast 1997a; Brems 2001; Eriksen 2001; Sadurski 2002; Habermas 2005; Donders 2010; An-Na'im 2013.

⁴⁹ See e.g. Downing & Kushner 1988; Wilson 1997; Cowan et al. 2001; Goodale 2009, 2013.

⁵⁰ See Honneth 1992, 2002; Taylor & Gutmann 1992; Cooke 1997, 2009; Blum 1998; Fraser 1998, 2000; Kalyvas 1999; Feldman 2002; Fraser & Honneth 2003; Deranty & Renault 2007; McNay 2007, 2008; Fowler 2009; McBride 2009; O'Neill & Walsh 2009; Rogers 2009; Marcelo 2013; Pilapil 2013.

⁵¹ See May 1987; Crawford 1988; Lerner 1991; Sanders 1991; UN 1992; Brölmann et al. 1993; Heintze 1994, 1995; Howard 1995; Kymlicka 1995b; Shapiro & Kymlicka 1997; Fottrell & Bowring 1999; Held 2002; Holder & Corntassel 2002; Feyter & Pavlakos 2008; Pentassuglia 2009; Bisaz 2012.

⁵² ILO 1957, 1989, 1995; Barsh 1987; Swepston 1990.

⁵³ UN 2007, Coulter 2008; International Forum on Globalization & Tebtebba Foundation 2008; Oldham & Frank 2008.

⁵⁴ See Bennett 1978; Cobo 1983; Barsh 1986, 1993, 1994, 1996; Hannum 1987; Falk 1988; Nettheim 1988; Clinton 1990; Williams 1990; Anaya 1991, 1996; Heinz 1991; Torres 1991; Daes 1994, 1996, 2000; Saunders 1994; Perrin 1995; Reisman 1995; Burger 1996; World Campaign for Human Rights 1997; Suagee 1997; Cohen 1998; Wiessner 1999; Wolfrum 1999; Bowen 2000; Ivison et al. 2000; Morgan 2004; Weigård 2008.

⁵⁵ Minde 1996, 2008; Béteille 1998; Childs & Delgado 1999; Niezen 2000, 2003; Jentoft et al. 2003; Costa 2006; Stoyanova 2009.

⁵⁶ Nietschmann 1985; Alfredsson 1989; Sanders 1989; UN 1993, 2008; Léger 1994; Stamatopoulou 1994; Tennant 1994; Mato 2000; Niezen 2000; Muehlebach 2001; Hodgson 2002; Lawlor 2003; Kenrick & Lewis 2004; Jackson & Warren 2005; Dunbar-Ortiz 2006; Doolittle 2010; Kradolfer 2010; Peterson 2010; Tramontana 2012.

⁵⁷ Brøsted et al. 1985; Morris 1986, 1999; Lãm 1992; Alfredsson 1993; Daes 1993a,b; Sanders 1993; Tomuschat 1993; Suagee 1994; Brantenberg et al. 1995; Scott 1996; Simpson 1997; Cole & West 2000; Reeves 2000; Foster 2001; Cariño 2004, 2005; Mackey 2004; Anaya 2005; Xanthaki 2007; Minde 2008; Coombes et al. 2012.

⁵⁸ Goehring 1993; Wilmer 1993; Maiguashca 1994; Seton 1999; Battiste 2000; Smith & Ward 2000; Davis &

Cultural diversity and environmental conservation were crucial issues in the arguments about 'indigenous peoples' and their rights to lands, local resources, self-determination, and particular identities from the beginning. A particular relationship to the places they inhabit, often related to historical continuity, is at the core of their claims to lands and territories and discussed in the context of particular conceptualizations of and relations to 'nature' different from 'modern' environmental relations.⁵⁹ This relation to homelands and specific livelihoods generally implies specific knowledge based on local experiences and tradition, which is often conceptualized as 'indigenous knowledge' or 'indigenous ecological knowledge'⁶⁰ and discussed controversially in its relation to 'scientific knowledge'.⁶¹ Their dependence on local resources for their livelihoods is another factor determining their relation to their places of residence and is often supposed to promote sustainable environmental relations. A supportive relation between indigenous peoples and international development and conservation objectives is even asserted in the 'Declaration on the Rights of Indigenous Peoples' adopted in 2007 by the UN General Assembly "recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment".⁶² However, modern conservation approaches, since their beginnings in the 19th century, have predominantly conceived of indigenous peoples as a problem and a threat to nature conservation, frequently exerting restrictions on their traditional land use systems and resorting to repression and resettlement (see above). Only in the context of new conservation approaches since the 1980s have indigenous peoples increasingly been conceived of as 'environmentally benign' and promising partners for nature conservation,⁶³ not least regarding their role in forest protection and climate change.⁶⁴

Nevertheless, the concept 'indigenous peoples' remains contested and the status of these

World Bank 2001; Ventura 2002; Daes 2003; Fernando 2003; Groenfeldt 2003; Iseke-Barnes 2003; Razak 2003; Stavenhagen 2003, 2004; Blaser et al. 2004; Niezen 2004; Riley, A. 2004; Maragia 2005; Moreton-Robinson 2006; Bhawuk 2008; Coombes 2013; Stewart-Harawira 2013.

⁵⁹ Castillo 1992; Durning 1992; Davis 1993; Milton 1998; Lambert & Lorelei 1999; Torgerson 1999; Salmon 2000; Dudgeon & Berkes 2003; Daes 2001; Snyder et al. 2003; Castree 2004, 2005; Colchester et al. 2004; Anaya 2005; Lewis & Sheppard 2005; Palmer 2006; Zweig 2009; Barker & Pickerill 2012.

⁶⁰ See Warren 1976, 1991, 1993; Bell 1979; Brokensha et al. 1980; Posey 1983, 1998; Warren et al. 1989; Woodley 1991; Gadgil et al. 1993; Nijar 1995, 1998; Ellen 1996; Seeland 1997; IKDM 1998; Myer 1998; Purcell 1998; Sillitoe 1998; Dei et al. 2000; Ellen et al. 2000; ISSJ 2002; Sillitoe et al. 2002; Thomas 2003; Briggs & Sharp 2004; Posey & Plenderleith 2004; Van Damme & Neluvhalani 2004; Godoy et al. 2006; Kunnie & Goduka 2006; Swiderska & Argumedo 2006; Lengnick-Hall et al. 2010.

⁶¹ Warren 1980; Warren & Meehan 1980; den Biggelaar 1991; Agrawal 1995, 2005; Watson-Verran & Turnbull 1995; Ortiz 1999; Slikkerveer 1999; Huntington 2000; Michon 2000; Turnbull 2000; Ellen 2004; Rist & Dahdouh-Guebas 2006; Strang 2006; Johnson & Murton 2007; Louis 2007; Smith, L. 2008; Watson & Huntington 2008; Zent 2009a; Alexander et al. 2011; Bohensky & Maru 2011; Wiener 2013.

⁶² UN 2007.

⁶³ Dasmann 1976, 1984; Clad 1985; Eilers 1985; Gray 1991; Alcorn 1993, 1996; Gadgil et al. 1993; Kemf 1993; McLarney 1993; Colchester 1994, 2004; Stevens 1997; Myer 1998; Colchester & Erni 1999; Weber et al. 2000; Castro & Nielsen 2001; Lizarralde 2003; Cariño 2004; Sobrevilla 2008; Schmidt & Peterson 2009; Walker Painemilla et al. 2010; Kothari et al. 2012.

⁶⁴ IWGIA et al. 1996; Brosius 1997; Seeland 1997; Wiersum 1997, 2000; Colchester 1999; Laird 1999; Magin et al. 2001; Stone & D'Andrea 2001; Persoon et al. 2004; Asia Forest Network 2009; Wangpakapattana Wong et al. 2010; Chun 2014. On the role of indigenous peoples in the context of climate change and REDD+ see e.g. Griffiths 2007; Barnsley 2008; Goldberg & Badua 2008; Macchi et al. 2008; Davis 2010; Global Forest Coalition & Lovera 2010; Alexander et al. 2011; Martinez 2011; Powless 2012; Wildcat 2013; Williams & Hardison 2013.

groups in most countries precarious.⁶⁵ Besides political struggles over status and rights of ethnic minority groups in nation states, academic disputes focus on conceptions of particularly sustainable environmental relations of indigenous groups, on the compatibility of universal human rights with particular entitlements of indigenous and cultural minorities, as well as on the justification and achievement of their claims on local resources, self-determination, and autonomy. Furthermore, in the context of a new perspective on the relation between indigenous or traditional peoples and their natural environments, interrelations between biological and cultural diversity have emerged as important issues in environment and development discourses.

Interrelations between biological and cultural diversity

Even though modern conservation approaches have predominantly more or less explicitly been based on antagonistic conceptualizations of the relation between 'nature' and 'culture', efforts to bridge or reconcile this antagonism have always played a role in the disputes about nature conservation, including 'eco-centric' or 'biophilia' perspectives on the human-nature-relation as well as conservation approaches promoting biosphere reserves or cultural landscapes. When biosphere reserves were conceptualized as a particular category of protected areas in 1969 and established in the context of the UNESCO Programme 'Man and the Biosphere' (MAB) in the 1970s, a problematic relation between humans and their natural environments was presupposed as well. However, the reconciliation of nature conservation and human utilization was in the focus of this concept from the outset, predominantly approached with the instrument of zoning.⁶⁶ At about the same time the idea spread not only to protect cultural properties – which had already been at stake in the wake of World War II –, but also to preserve natural properties of global significance, and to approach these objectives with an international Convention concerning the Protection of the World Cultural and Natural Heritage.⁶⁷ Initially the two categories cultural and natural heritage had been conceived of as clearly independent subareas of the convention with different roots and challenges. Since the 1990s this division was increasingly questioned and by now official presentations of the Convention highlight as the most significant feature of the convention "that it links together in a single document the concepts of nature conservation and the preservation of cultural properties" and "recognizes the way in which people interact with nature, and the fundamental need to preserve the balance between the two."⁶⁸ A major instrument to support this perspective is the category of 'cultural landscapes' or so-called 'mixed properties' which has been established in 1992 as a kind of intermediate category focusing on interrelations between cultural and natural heritage, and is propagated as a core element of a global strategy for the conservation of the World Heritage.⁶⁹ However, cultural properties

⁶⁵ Burger 1987; Barsh 1989; Bodley 1994; Martínez 1999; Perry 1996; Niezen 2000; Jentoft et al. 2003; Anaya 2004; MacKay 2004; Carretero & Kriger 2011; Howitt 2012; Howitt et al. 2012, 2013; with a focus on the situation of indigenous peoples in Asia see Brown 1994; Barnes et al. 1995; Howitt et al. 1996; Kingsbury 1998; Colchester & Erni 1999; Colchester 2001, 2004; Nathan et al. 2004; Persoon 2004; DINTEG & RIPP 2007; Leake 2007; Stavenhagen 2007; Erni 2008; Prasit et al. 2008; Roche 2009.

⁶⁶ See IUCN 1979; UNESCO 1984, 1996, 2002a; Gregg 1991; Boyden 1992; Hadley & Schreckenberg 1995; Hadley 2000; Bridgewater 2002.

⁶⁷ UNESCO 1972, 2003a; Hales 1984; Titchen 1995; Gauer-Lietz & UNESCO 2002; Howard & Papayannis 2007.

⁶⁸ See <http://whc.unesco.org/pg.cfm?cid=167> [accessed November 2013].

⁶⁹ Droste et al. 1995; Rössler 1998, 2000; Mitchell & Buggley 2000; Gauer-Lietz 2002; Fowler 2003; UNESCO 2003; Dieterich & van der Straaten 2004; Dove et al. 2005; Lozny 2006; Dai Ioo & Pannekoek 2008.

still hold 77% of all Heritage Sites while Natural Sites provide about 20% and mixed properties or cultural landscapes amount to just about 3% of all sites. Even though these proportions have already been criticized in the 1990s they have remained constant over the last decade.⁷⁰ Nevertheless the concept of 'landscapes' as a way to conceive of human-nature-relations in more inclusive terms and to promote sustainable conservation has also been widely adopted in academic discourses on environment and development.⁷¹

Conceptualizations of interrelations between cultural diversity and biological diversity became important only in the late 1980s, in the context of the conceptualization of a global environment and development crisis⁷² and manifold efforts to reconsider nature-culture relations with regard to this crisis.⁷³ Two major events of the global political discourse on environment and development furthermore boosted the awareness for such interrelations. The Brundtland-Report and the concept of sustainable development merged the debates on conservation, development, and social justice, and referred to indigenous and tribal peoples as benign environmentalists with "a traditional way of life in close harmony with the natural environment." It furthermore called for the recognition of their traditional rights going along "with measures to protect the local institutions that enforce responsibility in resource use" as well as "a decisive voice in the decisions about resource use in their area" for local communities in face of threats due to development processes.⁷⁴ While the concept of sustainable development established with the Brundtland-Report reconciled the conflict between modernization and conservation at least discursively, the Conference on Environment and Development in Rio de Janeiro 1992⁷⁵ and the Convention on Biological Diversity (CBD) resulted in far reaching institutionalizations of issues regarding environment and development. The convention explicitly recognizes "the close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources, and the desirability of sharing equitably benefits arising from the use of traditional knowledge, innovations and practices relevant to the conservation of biological diversity and the sustainable use of its components" and requests respect and protection for these traditional lifestyles.⁷⁶ The implementation of these provisions of the CBD regarding indigenous and traditional communities is an ongoing process on the international level but is highly dependent on pol-

⁷⁰ In July 2003 out of a total of 754 World Heritage Sites, 582 had been classified as 'cultural', 149 as 'natural', and 23 as 'mixed' properties or 'cultural landscapes' (UNESCO 2003b). In November 2013 the respective data were 759 'cultural', 193 'natural', and 29 'mixed' out of a total of 981 properties (<http://whc.unesco.org/en/list/> [accessed November 22, 2013]).

⁷¹ E.g. Lucas & IUCN 1992; Hirsch & O'Hanlon 1995; Nash 1999; Beresford & Phillips 2000; Brown, J. et al. 2005, 2006; George Wright Forum 2000; Harmon 2000; Mitchell & Buggey 2000; Dieterich & van der Straaten 2004; Schroth et al. 2004; Wiens & Moss 2005; Brown, D. et al. 2006; Oudenhoven et al. 2010; Brown & Kothari 2011; Mansourian & Vallauri 2013.

⁷² Engel 1990; Sachs 1993; O'Connor 1994, 1998; Altvater & Mahnkopf 1996; Lash et al. 1996; Brand 1997; Frickel & Davidson 2004; UNEP 2005; Fletcher 2010.

⁷³ Bookchin 1989; Naess & Rothenberg 1989; Boyden 1992; Dickens 1992; Merchant 1992, 2003; Dobson & Lucardie 1993; List 1993; Steiner & Nauser 1993; Brand 1998; Daily 1997; Raven & Williams 1997; Teich et al. 1997; Goldman 1998; Fischer & Hajer 1999; Haila 2000; Gauer-Lietz & UNESCO 2002; Harmon 2002; Kropp 2002; Dobson 2003; Fraser et al. 2003; Jelinski 2005; Moran 2005; Cailon & Degeorges 2007; Howard & Pappayannis 2007; Dailoo & Pannekoek 2008; Pilgrim & Pretty 2010; Goldman et al. 2011; Williams et al. 2012; Brockwell et al. 2013.

⁷⁴ See Brundtland 1987:114-116.

⁷⁵ UNCED 1992.

⁷⁶ UN 1992, Preamble and Article 8j.

icies and legislation on the national level.⁷⁷

Against this background, 'indigenous', 'traditional', or 'local' people widely became conceived of as promising partners for biodiversity conservation while 'cultural diversity' was recognized as an important aspect of sustainable development and biodiversity conservation.⁷⁸ At the same time, the decrease of linguistic and cultural diversity was increasingly deplored from the perspective of the social sciences and humanities.⁷⁹ From this perspective, the need to protect minority languages and the diversity of cultures was emphasized and the loss of languages and cultures was frequently related to the loss of biodiversity.⁸⁰ Such links between biological and cultural diversity were further substantiated when so called 'biodiversity hotspots' with a high biological diversity⁸¹ were found to coincide to a high degree with areas of extraordinary linguistic or cultural diversity, which gave rise to conservation approaches significantly based on this interrelation.⁸² In this context the term 'biocultural diversity' emerged in the late 1980s to denote interrelations between biological and cultural diversity with an objective to protect both kinds of diversity simultaneously.⁸³ In the late 1990s biocultural diversity became a popular concept⁸⁴ and has since then evolved into an established conservation and development approach, even propagated as a strategy for global biodiversity conservation.⁸⁵

Besides their increasing significance for conservation objectives, interrelations between biological and cultural diversity have also become important factors with regard to economic interests, development and agricultural sustainability. Since the late 1980s, local or indigenous knowledge about plants, animals, and environments has come into the focus of aca-

⁷⁷ Four Directions Council 1996; Posey & Dutfield 1997a; Moran 2002; Potvin et al. 2002; Jull 2003; Oguamanam 2003; Forest Peoples Programme 2004; Griffiths 2004; Persoon & Eindhoven 2008; UNEP 2008, 2010, 2012.

⁷⁸ Chapin 1990; Oldfield & Alcorn 1991; Breckenridge 1992; Nietschmann 1992; Nazarea 1998; Posey & UNEP 1999; Lee & Schaaf 2003; Borrini-Feyerabend et al. 2004; Bridgewater et al. 2007; Wilson 2008; UNEP 2010; UNESCO 2010; Offenhäuser et al. 2010; Verschuuren 2010.

⁷⁹ E.g. Hale et al. 1992; Krauss 1992; Hufford 1994; Harmon 1995, 1998a, 2003; Grenoble & Whaley 1998; Razak 2003; Snyder et al. 2003; Whaley 2003; Walsh 2005; Harmon & Loh 2010; Figueroa 2011.

⁸⁰ See Harmon 1996; Krauss 1996; Harmon & Maffi 2002; Maffi 2002; Lempert 2010; Maffi et al. 2010; Hermes 2012; Hermes et al. 2012; Berardo et al. 2013.

⁸¹ Mittermeier et al. 1999, 2011; Dalton 2000; Myers et al. 2000; Olson et al. 2001; Olson & Dinerstein 2002; WWF 2004; Zachos & Habel 2011.

⁸² Duin & Wilcox 1994; Mühlhäusler 1995, 2001; Oviedo et al. 2000; Nabhan et al. 2002; Harmon & Loh 2004a,b; Loh & Harmon 2005; Gorenflo et al. 2012.

⁸³ See e.g. Gadgil 1987; Allen 1988; International Society for Ethnobiology 1988; Janzen 1988; Baer 1989; Moran 1993. The term 'biocultural' was occasionally used already in the 1930s and became widely used in physical and medical anthropology as well as psychology and sociobiological approaches in the social sciences since the 1960s (see e.g. Bennett et al. 1975; Greenwood & Stini 1977; Ortner 1983; Lopreato 1984; Wilson 1986; Armelagos et al. 1992). In this context the term refers to interrelations between cultural and biological factors with regard to the constitution of humans and their evolution. The term 'biocultural diversity' used since the late 1980s is not directly affiliated to the development and meaning of this earlier usage of the term.

⁸⁴ See e.g. Maffi 2001; Stepp et al. 2002; Carlson & Maffi 2004; Cocks 2006; Haverkort & Rist 2007. With regard to academic institutionalizations the concept is particularly related to the discipline of ethnoecology (see e.g. Posey 1985, 2000b; Brosius et al. 1986; Toledo 1992, 2002; Gragson & Blount 1999; Nazarea 1999; Johnson & Davidson-Hunt 2011).

⁸⁵ See Harmon 1998b, 2000, 2007; Hedley 2004; Verschuuren 2006; Haverkort & Rist 2007; Kassam 2008; McIvor et al. 2008; Zent 2009b; Brosius & Hitchner 2010; IUCN & CEESP 2010; Maffi & Woodley 2010; Pollom 2010; Apgar et al. 2011; Arts et al. 2012; Davidson-Hunt et al. 2012; Parrotta & Trosper 2012; Shrumm & Jonas 2012; Camacho-Benavides et al. 2013.

demographic research and economic enterprises aiming at the discovery of drugs and genetic resources in habitats of indigenous peoples. Benefits and disadvantages of these enterprises of bioprospection and biopiracy for local people are discussed controversially⁸⁶ while legal aspects of these co-operations and conflicts are predominantly disputed in terms of intellectual and cultural property rights.⁸⁷ These legal concepts and particular local knowledge systems have likewise become important with a view to a sustainable global food and nutrition security.⁸⁸ Not least, areas of high biological and cultural diversity in their spatial interdependence are highly attractive for eco- and ethno-tourism.⁸⁹

The biocultural turn and rights-based approaches to environment and development

The new awareness for interrelations between 'nature' and 'culture' or biological and cultural diversity in the disputes about conservation, development, and indigenous peoples since the 1980s, including a greater attention for the local level, amounts to a biocultural turn in environment and development discourses. While this turn is most evident in academic discourses, it may be less pronounced in national and international policies and politics regarding conservation and development. Here arguably other major trends may have been more important over the last 20 years, particularly efforts to establish global regimes of resource management and environmental governance⁹⁰ as well as approaches promoting the privatization of conservation and free market environmentalism.⁹¹ With regard to global policies and politics, approaches focusing on local communities and interrelations of 'nature' and 'culture' more frequently relate to approaches emphasizing the need to reshape globalization processes in support of the recognition of rights, accountability, and global justice.⁹²

In this context, besides biocultural conservation approaches, also rights-based approaches to conservation have emerged in the 1990s and by now have even been adopted by international environmental organizations.⁹³ Furthermore, biodiversity conservation by means of local resource control and self-determination with a focus on community rights and the empowerment of local communities is increasingly established as a distinctive approach to con-

⁸⁶ See Etkin 1986; Balick & Mendelsohn 1992; King 1992, 2003; Chadwick & Marsh 1994; Baumann et al. 1996; Colchester 1996a; Mooney 1997, 1998; Shiva 1997; Kate & Laird 2000; Stevenson 2000; Svarstad & Dhillon 2000; Moran et al. 2001; Takeshita 2001; Greene 2004; Etkin & Elisabetsky 2005; Swiderska 2006; Mgbeoji 2007.

⁸⁷ Posey 1990; Brush 1993; Daes 1993b, 2003; Mataatua Declaration 1993; Greaves 1994; Shiva 1994; Swanson 1995; Yamin 1995; Brush & Stabinsky 1996; King et al. 1996; Posey & Dutfield 1996; Shiva et al. 1997; Coombe 1998; Brown 2003; Hansen & VanFleet 2003; Tsioumanis et al. 2003; Gonzalez-Amal 2004; Oguamanam 2004, 2006; Riley, M. 2004; Sapp 2006; McManis 2007; Vermeulen et al. 2008; Dutfield 2011; Boateng 2013.

⁸⁸ E.g. Mooney 1979, 1998; Shiva 1991; Laird 1995; Cleveland & Murray 1997; Leskien & Flitner 1997; King & Eyzaguirre 1999; Dutfield 2000; Thrupp 2000; UNEP 2007; Shepherd 2010; Salako 2012.

⁸⁹ See Dabrowski 1994; Butler & Hinch 1996; Ceballos-Lascuráin 1996; Kreib & Ulbrich 1997; Liddle 1997; Weaver 1998; Fennell 2008; McLaren 1999; Wesche 1999; Wood 1999; Ryan 2000; Blount 2001; Hinch 2004; West & Carrier 2004; Ryan & Aicken 2005; Johnston 2006; Zeppel 2006; Scherrer & Doohan 2013.

⁹⁰ E.g. Costanza et al. 1997; Schellnhuber & Wenzel 1998; Daily 1999; Daily & Ehrlich 1999; Gutman et al. 2004; Schellnhuber 2004; Speth & Haas 2006; Meuleman 2013.

⁹¹ See e.g. Anderson & Leal 1991; Meiners & Yandle 1995; Yandle 1999; Baden 2000; Langholz et al. 2000; Rubino 2000; Langholz & Lassoie 2001; Pagiola et al. 2002; Prizzia 2002.

⁹² E.g. Harvey 1996; Dobson 1998, 1999; Haila 1999; Risse et al. 1999; Speth 2003; Follesdal & Pogge 2005; Held & Koenig-Archibugi 2005; Featherstone 2008; UNESCO 2009; Atfield 2011; UNDP 2011; Fletcher 2012.

⁹³ Shutkin 1990; Breckenridge 1992; Hitchcock 1994; Posey 1996a,b, 1999; Shiva 1996; Zerner 2000; Sunderlin et al. 2008; Campese et al. 2009; Zweig 2009; OHCHR & UNEP 2012; IUCN 2013.

servation and development.⁹⁴ The latter approach is sometimes even propagated as a localist counter-strategy⁹⁵ to predominating strategies of global resource management and free-market economization. However, despite a close propinquity between biocultural conservation approaches and rights-based approaches to conservation - based on their common focus on local communities and their wellbeing - they tend to differ with regard to their priorities and may have to face basic conflicts of objectives. While biocultural conservation approaches tend to focus on conservation objectives and emphasize mutually supportive aspects of biological and cultural diversity, often even assuming an 'inextricable link', rights-based approaches are generally more concerned with local interests and the possibilities of local people to enforce their rights, which may be in conflict with conservation objectives.⁹⁶

In the context of the biocultural turn, the diverse discourses on conservation, development, and indigenous peoples have increasingly merged. A common empirical core issue of these discourses refers to encounters between modern social groups and institutions with globally framed interests in the conservation, management, and use of natural resources on the one hand, and culturally different local communities claiming lands, local resources, separate identities, and rights to self-determination on the other hand. Encounters between modern and non-modern groups have a long, predominantly ambivalent if not embarrassing history in the course of the expansion of modernity. In this process, the exploitation of natural and social resources at the fringes of modern societies and attendant conflicts, as well as othering and identity-building has always been important.⁹⁷ However, with the biocultural turn in environment and development discourses the context of these conflicts has significantly changed. In this paper, these conflicts are labelled conflicts over biocultural diversity. They represent a historically specific expression of ongoing conflicts at the fringes of expanding modern societies because they are specifically framed in new discourses which propose, at the same time, the preservation of biological as well as cultural diversity.

In this context, non-modern local communities, and particularly indigenous peoples, have to face new challenges and threats. However, these changing discourses also provide new chances for them to defend claims on lands, local resources, different ways of living, and particular identities in highly asymmetrical power relations between local communities and external modern actors and institutions. While their natural environments and particular ways of living are still increasingly intruded and transformed by these external actors and institutions, their relation to these social and political environments is changing too in the course of the biocultural turn. The transformation of these modern socio-political environments includes rights regimes as well as commitments and liabilities of modern actors and institutions in conflicts over biocultural diversity. The chances of local communities to demand accountability and assert rights most probably have increased in the context the bi-

⁹⁴ GRAIN 1995; Colchester 1996b, 2008; Li 1996, 2002; Nijar 1998; Mohan & Stokke 2000; O'Riordan & Stoll - Leemann 2002; Borrini-Feyerabend et al. 2004; Manor 2004; Langton et al. 2005; Rosenthal 2006; Borrini - Feyerabend 2007; Hansen 2012; Shrumm & Jonas 2012; Swiderska et al. 2012. So-called counter-mapping has emerged as an important tool for the empowerment of communities (e.g. Poole 1995; Roth 2009; Sletto 2009; Bryan 2011; Lynch 2013).

⁹⁵ See Hannerz 1990; Redclift & Sage 1994; Peet & Watts 1996; Cox 1997, 1998; Escobar 2001; Hewison 1999; Hines 2000, 2003; Mohan & Stokke 2000; O'Riordan 2001; Watson 2001; Buch-Hansen 2002; Warburton 2002; Castree 2004; Featherstone et al. 2012; Nazarea et al. 2013.

⁹⁶ See Stearman 1994; Colchester 2000; Langton 2003; Holt 2005; Maragia 2005; Caillon & Degeorges 2007; Heinämäki 2009; Lu 2010.

⁹⁷ See e.g. Bodley 1975; Bitterli 1976, 1986; Wolf 1982; Burger 1987; Arnold 1996; Nietschmann 1999; Wilson 1999; Richards 2003; Wallerstein 2006.

biocultural turn in environment and development discourses. However, in each conflict these chances still crucially depend on very particular circumstances with regard to asymmetric power relations, diverging claims and objectives, as well as diverse legislative and political environments. From the perspective of local communities in conflicts over biocultural diversity two major strategies seem to be promising but may be conflicting. They may try to support their claims and interests referring to a positive public image of benign environmentalists which is also well based in international conservation policies and transnational environmental organizations, and/or seek to enforce rights to lands, resources, participation, and self-determination in the context of diverse legal frameworks and rights regimes. While these two strategies may facilitate a complimentary approach for local communities in conflicts over biocultural diversity, they can also be contradictory and counterproductive.

Based on the case of communities of the Karen ethnic minority group in the Thung Yai Naresuan Wildlife Sanctuary and World Heritage Site in Thailand,⁹⁸ this article is concerned with the possibilities and chances of local communities to assert interests and rights in the context of changing national and international discourses, policies, and legal frameworks. After an outline of changing forest policies in Thailand and a short introduction into the history and self-image of the Karen in Thung Yai, the paper reviews the implementation of Thung Yai as a protected area in the context of national and international conservation policies particularly regarding impacts on and participation of the local communities. Starting from interests and claims of the Karen communities in Thung Yai to lands, resources, and self-determination, the paper then explores the chances of local communities to assert such claims in the context of the biocultural turn in environment and development discourses and changing legal frameworks.

⁹⁸ The comprehensive data and on-site experiences on which this article is based were mainly gathered in the context of an anthropological field research in 1996/97 and are accessible in Buergin 2002a, 2004.

Modernization, conservation, and identity in Thailand and Thung Yai

Modernization, protected areas, and community forests in Thailand

The British colonization of Burma/Myanmar in the early 19th century may be seen as a major event initializing the 'modernization' of Siam/Thailand. Even though Thailand never became a colonial state herself, interests and concepts of the western colonial powers in Mainland Southeast Asia were most important in this process. The demarcation of the frontier between British Burma and Siam was a first step in the territorialization of Siam and the establishment of its modern 'geo-body',⁹⁹ while the imposition of the Bowring Treaties in the middle of the 19th century marked an important turning point regarding Thailand's economic modernization.¹⁰⁰ Western concepts of territoriality, nationality, rationality, civility, and modernity were crucial in the process of the emergence of the Siamese nation state and bureaucracy towards the end of the 19th century¹⁰¹ as well as for its 'nationalization' and the formation of its 'people-body' in the 20th century.¹⁰² From the 1950s to the 1980s, modernization processes in Thailand were predominantly related to economic development and infrastructure extension in the context of changing global markets and international political conflicts.¹⁰³ Since the 1980s, the 'ecologization' of the (natural and social) peripheral areas of the country, regarding problems of deforestation, nature conservation, land rights, resource conflicts, ethnic conflicts and national identity, has become a crucial issue in societal disputes about social justice, democratization and development of the Thai civil society and nation state.¹⁰⁴

The forests of Thailand, as valuable natural resources, did play an important role in these processes of modernization and globalization from the outset. Timber, and specifically Teak, was among the resources that were of major interest to the colonial powers and the regional elites.¹⁰⁵ In the context of the territorialization of the emerging Siamese nation state, the Royal Forest Department (RFD) was established in 1896 to provide lucrative revenues from northern teak forests for the new central power in Bangkok and to secure its hegemony over the local nobility there. During the first half of the 20th century, the main concern of the RFD was to allocate and control concessions for Teak extraction, predominantly executed by British companies. Territorial control of the vast areas under the administration of the RFD - about 75% of the total land area - was neither of interest nor feasible. It was not before the late 1950s that the RFD increasingly tried to restrict local forest use and to improve territorial control through the demarcation of forest reserves.¹⁰⁶

This shift was essentially related to the growing importance of the forests for the national development in the context of international economic modernization strategies. After World War II, the international 'forestry community' realized that Europe as well as the United States would be increasingly dependent on the timber resources of the tropical forests. Now the economic importance of the tropical forests for developing countries was emphasized

⁹⁹ Thongchai 1994.

¹⁰⁰ See Sompop 1989; Feeny 1982.

¹⁰¹ Thongchai 1994, 2000.

¹⁰² Connors 2003.

¹⁰³ See e.g. Pasuk & Baker 1997.

¹⁰⁴ See Buergin & Kessler 1999.

¹⁰⁵ Renard 1987; Banasopit 1988.

¹⁰⁶ Vandergeest 1996a.

and detrimental effects of shifting cultivation for tropical forest resources were deplored. Conceptions of tropical forests as important resources for the process of modernization were to guide the forest policies of the FAO and many developing countries during the 1960s and beyond.¹⁰⁷ By the mid-1960s, almost 40% of Thailand's total land area was assigned as concession area and swidden cultivation was prohibited.

The global spread of the modernization paradigm and the expanding world market also influenced national agricultural policies. During the 1960s and 1970s, the driving force of the rapid economic growth in Thailand was the state propagated diversification of cash cropping for the world market in combination with the extension of agricultural areas on behalf of forest areas.¹⁰⁸ In connection with a fast growing population as well as excessive logging and failed conservation policies of the RFD this modernization strategy resulted in rapid deforestation. Within thirty years, the forest cover decreased from almost two thirds to less than one third of the total land area in the early 1980s, and deforestation was increasingly perceived as a problem, culminating in a logging ban in 1989. Now the RFD had to explain the rapid deforestation towards a conservation sensitive urban public with growing political power. It had also to deal with some 10 million rural people - about one fifth of the total population - who were living 'illegally' in areas declared forest reserves. Of these 'forest areas', more than one third was used for agricultural purposes, constituting at least one third of Thailand's whole agricultural area.¹⁰⁹ In this uncomfortable situation of contested competence and growing resistance, the RFD, supported by international conservation strategies, concentrated on the implementation of a 'Protected Area System' (PAS) which became of major concern for the RFD during the 1990s as a way to secure sovereignty over large areas as well as positions of power within the state bureaucracy and the Thai society.¹¹⁰

As in many other countries, efforts to protect 'nature' or 'biodiversity' in Thailand focus on the conservation of natural monuments, forests, plants and animals in protected areas established and controlled by government authorities. Historically, modern ideas about nature conservation, apart from concerns about the protection of nature, frequently had their roots in hunting-interests, aesthetic-recreational desires of urban elites, and nation building, which are all relevant in Thailand too. Under a nationalist military rule after WW II, 'nature' came to be conceived of as an important element of national identity besides the Monarchy, Buddhism and the Thai-language. Following international conceptions of nature conservation, predominantly presupposing an inherent incompatibility between nature conservation and human resource use, the legal provisions for the demarcation of protected areas were created in the 1960s, and the RFD was charged with the task to establish and control these areas.¹¹¹ However, the demarcation of protected areas at first proceeded only slowly. It was not before the 1980s in the context of a new forest policy of 'functional territorialization'¹¹² that conservation areas increased considerably and plans to establish a Protected Area System (PAS) became the main instrument of nature conservation in Thailand.¹¹³

¹⁰⁷ Steinlin & Pretzsch 1984.

¹⁰⁸ See e.g. Hirsch 1987; Rigg 1993; Pasuk & Baker 1997.

¹⁰⁹ Vandergeest 1996b; Pasuk and Baker 1997.

¹¹⁰ Vandergeest 1996b; Buergin 2003a.

¹¹¹ Vandergeest 1996b. On the history and policies of the RFD see Usher 2009.

¹¹² Vandergeest 1996a.

¹¹³ See Buergin 2003b. The PAS was devised in detail in the "Thai Forestry Sector Master Plan" 1993 (TFSMP) without a stated timeline. While the TFSMP as a whole was never approved by the Thai government, the objective to designate 27.5% of Thailand's terrestrial area as "protected areas" had already been adopted in 1992,

In 2002 a new Ministry of Natural Resources and Environment (MNRE) was established and the former Royal Forest Department (RFD) was divided into three independent Departments. The National Park, Wildlife, and Plant Conservation Department (DNP) now was made responsible for all protected areas and was attached to the newly set up MNRE together with the Marine and Coastal Resources Department. The Royal Forest Department which was left with the responsibility for 'forest areas' apart from protected areas demarcated as "forest reserves" at first remained under the Ministry of Agriculture and Cooperatives (MOAC), but came under the supervision of the MNRE in 2003 too. In 2004, about 20% of the land area was legally designated "protected areas" under the supervision of the DNP with another 4% in preparation. Furthermore, about 18% of the total land area was designated as "Watershed Areas" which are not categorized as "protected areas" but partly overlap with them and are subject to conservation objectives too. The official forest policy targets a minimum forest cover of 33%, including protected areas covering 25% of the land area. Together with "forest reserve" areas supervised by the RFD these 'forest areas' cover about 63% of the total land area of the country.¹¹⁴

In the conflicts over forests and local livelihoods, a strong civil society movement emerged. The issue of people living in forest areas became an important societal controversy, including issues of justice, resource control, land rights, and democratization.¹¹⁵ On the one hand, the RFD - together with primarily conservation-oriented NGOs and academics - concentrated on conservation issues. For them "people and forests cannot co-exist" and forest protection required the removal of human settlements from the forests. On the other hand, peasant movement groups, socially concerned academics, and people-oriented NGOs focused on the interests and problems of rural communities and the rights and interests of long-standing forest communities. They presupposed a vital interest of local communities in protecting their forests as a source of livelihood as well as for ecological and cultural functions, and pointed to a history of community conservation and community forests (*pa tschum tschon*) in the remaining forested areas.¹¹⁶

To a large extent, this controversy developed in the context of the drafting of a Community Forest Bill (CFB). Starting in the late 1980s, various drafts were fiercely disputed throughout the 1990s. In September 1999, pro-democracy, student, and peasant organizations successfully collected the 50.000 signatures required to submit a jointly negotiated 'people's draft' to parliament in March 2000, where it was passed in October 2001. However, this draft met heavy resistance in the Senate, which adopted it in March 2002 only with significant revisions. The most controversial point, regarding the possibility of community forests in protected areas and watershed areas, was denied by the majority in the Senate, which once more triggered public controversy and critique of distinguished international scholars. In December 2007, the National Legislative Assembly, set up after the military coup in 2006,

while the 1985 National Forest Policy which is still effective targets a total forest cover of 40 % for the whole country.

¹¹⁴ See FAO Regional Office for Asia and the Pacific 2009:18-19 and Usher 2009:173-175.

¹¹⁵ See Buergin & Kessler 2000.

¹¹⁶ See e.g. Yos 1992 and Anan 1996. According to the FAO Regional Office for Asia and the Pacific, in 2004 / 2005 some 11,400 villages (or 15.5 percent of all the villages) were involved in managing community forests in the country, of which about a half (5,331 villages) were reported to have formally registered their community forest with the RFD, accounting for about 1.2 percent of the total forest area (FAO Regional Office 2009). In 2013 RECOFTC assesses the number of community forests which are formally recognized with the RFD at about 7.000 (RECOFTC 2013).

approved the Bill just before dissolving, leaving its finalization to a new government. The final passage of the bill did not, however, resolve the long-running conflict and the status of communities and community forests in protected areas remains problematic and controversial.¹¹⁷

Forests, 'hill tribes', and ethnic discriminations

A particularly problematic issue of ethnic discrimination is rarely addressed in the debates on forest legislation and community forests. Official estimates for 2004 suppose that 20% of all villages in Thailand are located within forest reserves with some 20 to 25 million people depending on forest products for household consumption and cash income. Another 1.2 to 2 million people are reported to live in or close to protected areas also relying on forests for livelihoods.¹¹⁸ While the vast majority of the people living in forest reserves, where community forests are undisputed, are ethnic Tai,¹¹⁹ most of the people living in forest areas designated for the PAS, where community forests are not permitted, are members of the "hill tribes" or *chao khao* in Thai. The reasons for this bias are rather obvious. Historically many of these groups migrated over the mountain ridges and adapted their economies to these living places. Some of them were forced to retreat into mountain areas by dominant valley populations. These mountain areas in large parts are the 'watersheds' to be included into the PAS. Most of the remaining 'natural forests' are to be found in mountain areas as well, as the deforestation process in Thailand started in the plains and valleys, and is most advanced there. After conservation forestry received priority, these remaining 'natural forests' were increasingly designated national parks and wildlife sanctuaries, in many instances enclosing settlement and land use areas of "hill tribes".

Hill tribes or *chao khao* have a most precarious status in the Thai society. Both terms came into use in the 1950s as generic names for various non-Tai ethnic groups living predominantly in the uplands of northern and western Thailand. Members of the highland groups dislike the term "hill tribes" and prefer either Thai Mountain peoples (*chao Thai phu khao*), more commonly used within Thailand, or indigenous peoples (*chon pao puen muang*), more often used internationally. Historically and ideologically the term *chao khao* is related to the term *chao pa* ('forest people'). Within the linguistic and cultural context of the various Tai ethnic groups of Southeast Asia, *pa* - referring to 'forest', 'wild', 'savage' - quite generally is conceived as opposite to *muang* - referring to 'civility' or the 'human domain'. Frequently, the pole of 'civility' was identified with dominating Tai groups, while the forest/wilderness pole was related to marginal ethnic minority groups at the edge of the Tai polities.¹²⁰ During the second half of the 19th century, these 'forest people' lost their former importance for the ruling elites of the center and were left on their own.¹²¹ It was not before the middle of the 20th century, when the state began to expand into the peripheral forest and mountain areas that the *chao pa* re-emerged in national politics as the troublesome *chao khao*. Very soon,

¹¹⁷ See Brenner et al. 1999; Sato 2003; Weatherby & Somying 2007; Usher 2009. For an account of the development and current status of community forestry from the perspective of government agencies see e.g. FAO Regional Office 2009.

¹¹⁸ FAO Regional Office 2009:19, 27.

¹¹⁹ The term 'Tai' is used to refer to linguistic or ethnic categories, while 'Thai' indicates aspects of formal nationality and citizenship.

¹²⁰ See Stott 1991; Turton 2000.

¹²¹ Renard 1980; Jørgensen 1998.

the term was identified with a negative stereotype of forest destroying, opium cultivating, dangerous non-Tai troublemakers. This stereotype became a widespread and influential image in Thailand, revived and exploited in the community forest debate and resource conflicts of the 1990s.¹²²

In contrast to the stereotype, the "hill tribes" are a very heterogeneous group of ethnic minorities with distinct languages and cultures. Most of the people categorized as hill tribes were never involved in the opium business or communist insurgency. Traditionally, the groups living at lower altitudes predominantly grew rice in established rotational swidden systems in combination with paddy fields where possible, while groups living at higher altitudes rather practiced forms of shifting cultivation with long cultivation and very long fallow periods, often including opium cultivation. Some of these groups like the Lua', H'tin and most probably Karen (the latter accounting for about half of the total hill tribe population in Thailand) have already been living in areas now part of the Thai nation state before the Tai speaking ethnic groups immigrated at the beginning of the second millennium. Others, like the Hmong, Mien, and Lahu began in the middle of the 19th century to settle in areas later to become Thai national territory, or in the beginning of the 20th century like the Lisu and Akha. Meanwhile, ethnic Tai constitute the majority of the population of the uplands which until the 1970s were almost exclusively inhabited by these ethnic minority groups.¹²³

State policies towards "hill tribes", from the 1950s until today, have been concerned with the three problem areas generally attributed to them: opium cultivation, national security, and deforestation. During the 1960s and 1970s, the fight against opium cultivation and communist insurgency dominated hill tribe policies.¹²⁴ By the mid-1980s, both issues had lost their urgency. By now, the settlement areas of the "hill tribes" were those areas where most of the remaining forests were to be found.¹²⁵ Furthermore, deforestation had become a matter of public interest and the 'hill tribes' were conceived of as the main 'problem group' regarding deforestation. Forest conservation became the dominant concern of hill tribe policies. At the same time, the Military turned to rural development and forest conservation as new tasks to justify contested political influence,¹²⁶ and assumed a central role regarding hill tribe policies, now predominantly a resettlement policy.¹²⁷ With the turn of the millennium the term "hill tribes" has now almost vanished from the official political agenda.¹²⁸ However, the problems on the local level predominantly persist and the *chao khao* remain a highly controversial issue in public discourses, not least regarding their status in the Thai society

¹²² See e.g. Buergin 2003b; Pinkaew 2003.

¹²³ For overviews on the various groups see e.g. McKinnon & Wanat 1983 and McKinnon & Vienne 1989; regarding different land use systems see e.g. Kunstadter et al. 1978; Schmidt-Vogt 1997, 2000; with a focus on changes in the uplands e.g. Uhlig 1980; Kunstadter & Kunstadter 1992; McCaskill & Kampe 1997; Gillogly 2004.

¹²⁴ See Buergin 2000; Kwanchewan 2006.

¹²⁵ According to government statistics, more than half of the area of Northern Thailand – where most of the "hill tribes" have their settlement areas – is covered with forests. Today this proportion is basically the same as it was in 1982, despite of thirty years of stigmatizing "hill tribes" as forest destroyers. The share of these northern forests with regard to the country's total forest area has even increased. While the forests of Northern Thailand comprised 49% of the total forest area of the country in 1961, this share was 56% in 2006 (see FAO Regional Office 2009:100 and Buergin 2004:131-133).

¹²⁶ Perapong 1992.

¹²⁷ See McKinnon & Vienne 1989b.

¹²⁸ The closure of the Tribal Research Institute in 2002 may be seen as a significant marker of this shift (see Kwanchewan 2006) and since then it has become increasingly difficult to find any official statistical data regarding "hill tribe" ethnic minority groups in Thailand.

and their citizenship.¹²⁹ In 2012 about 1 million people were supposed to belong to 'hill tribe' groups living in Thailand, accounting for about 1.5% of the total population. Despite increasing efforts of the government to integrate these people into the Thai nation state, a very high percentage of them are denied full citizenship and have to face severe problems as stateless persons.¹³⁰

On the local level, conflicts between ethnic Tai and hill tribe groups rose during the 1980s. The spreading of ethnic Tai farmers into the uplands, as well as population growth and the extension of cash cropping by some of the hill tribe groups - induced and supported by international and national opium substitution programs - promoted resource conflicts over land, forests, and water. In the 1990s, ethnic discrimination became a crucial element in these conflicts.¹³¹ In the context of a more or less outspoken Thai nationalism, even among high government officials, the territorial, social, and political exclusion of the 'hill tribes' was pursued. Thai-ness was frequently related to a culturally defined pattern of livelihood and residence: living in valleys - not in the mountains or forests -, and growing paddy - not hill rice on swidden fields. In this frame, the Thai valley population and the nation were dependent on the undisturbed (unpopulated!) mountain forests that secure the national water supply and the ecological stability of the country. The 'hill tribes' already due to their place of residence and their ways of livelihood exclude themselves from the Thai nation. Even worse, they threaten the welfare of the nation by destroying its forests. In the late 1990s, ethnic minority groups in the uplands increasingly were arbitrarily arrested, terrorized, and forcibly resettled. Arguably evictions were not as frequent as anticipated in public discourses¹³² - not least due to public attention and resistance -, but growing coercions and pressures from state agencies and diverse interest groups were sorely experienced in many villages of ethnic minority groups.

In contrast to and against such negative stereotypes, 'traditional', 'local' or 'indigenous' people in the international debates on environment, development and indigenous rights since the late 1980s were increasingly no longer conceived of as a threat to conservation, but as promising partners regarding biodiversity conservation. In the context of this international debate, in Thailand likewise an alternative image of 'benign environmentalists' emerged since the 1990s for at least part of the ethnic minority groups living in the uplands. The Karen ethnic minority group figured prominently in this re-conceptualization. Contrary to the

¹²⁹ See e.g. Toyota 2005, 2008; Keyes 2008.

¹³⁰ In 2002, about 370.000 'hill tribe' people in Thailand were denied citizenship according to official statistics, while human rights groups assessed the figure to be more than 600.000 (see Toyota 2008). UNHCR statistics for 2013 account for 506.197 stateless persons in Thailand in 2013 (besides some 85.000 refugees and another 15.000 asylum seekers), which are supposed to predominantly belong to hill tribe groups (see UNHCR 2013 and van Waas 2013a,b).

¹³¹ See e.g. Buergin & Kessler 2000; Pinkaew 2000; Chusak 2008; Hares 2009.

¹³² See Walker & Farrelly 2008. In their "specter of eviction" they reasonably point to discrepancies between the extent of actual relocations of upland people in Thailand since the 1980s (which is low in their perspective) and the importance of the issue of relocation in public discourses as well as administrative regulations and policies. Unfortunately, their paper in large parts reads like a bashing of socially concerned academics taking position in societal disputes without dismissing their scientific ethos and reasoning. Even worse, the paper tends to 'obscure' the very real fears, hostilities, restrictions, and violations the people experience which are scheduled for eviction according to administrative objectives, even though the probability for 'real eviction' may be low. However, I share their reservations regarding stereotypes of 'benign environmentalists' and 'noble savages'. While I fully agree with their objective to empower communities in the uplands and to reassess disadvantages, I would feel much less comfortable if this was supposed to be imposed in the context of another stereotype, namely that of the 'underdeveloped rural poor craving for modernity'.

stereotype of the forest destroying 'hill tribes', still prevailing in the Thai public discourse, the Karen are increasingly referred to as 'people living in harmony with nature' or 'forest guardians', as an example that people and forests actually can co-exist. However, this alternative image of environmentally benign, non-modern local communities meets reproaches of undue generalization, outmoded historicity, or political exploitation, in Thailand just as in the international disputes.¹³³

History, identity, and livelihood of Karen people in Thung Yai

The case of the Karen groups living in the Thung Yai Naresuan Wildlife Sanctuary, on which the following account focuses, received considerable attention, but cannot be easily generalized.¹³⁴ Regarding their traditional forest and land use system, their social and political organization, as well as their values and world views, these groups resemble other Pwo Karen groups in many respects, even though a peculiar millenarian Buddhist sect is still very important in Thung Yai. However, in many other Karen communities in Thailand modernization processes have started earlier and are more advanced. Furthermore, population densities in other settlement areas of ethnic minority groups are often higher. Throughout the second half of the 20th century, the relationship of the Karen in Thung Yai with the Thai state was predominantly defined by the state categorizing them as 'hill tribes' and declaring their living place a national forest. Profound changes to their economic organization began in the 1980s and were closely related to the follow-on effects of the declaration of Thung Yai as a Wildlife Sanctuary in 1974. The case of Thung Yai is only one example of a broader controversy on people and forests in Thailand (and globally), rooted in conflicting interests involving the resources of peripheral forest areas in the context of changing forest, development, and conservation policies.¹³⁵

At the beginning of the 21st century, some 3.500 people are living in the Thung Yai Naresuan Wildlife Sanctuary. Most of them are Pwo Karen and were born in Thailand, predominantly within the sanctuary itself. They generally grow rice as subsistence farmers on swidden and paddy fields. According to Karen oral history, their ancestors came to the area fleeing political and religious suppression in Burma after the Burmese had conquered the Mon kingdoms of Lower Burma in the 18th century. The first written historic references to their residence in Siam's western border area can be found in chronicles of the late 18th century. In the early 19th century, they received formal settlement rights from the Governor of Kanchanaburi, and the rank of Siamese nobility *Khun Suwan* was conferred on their leader. When the status of the border area was raised to that of a *muang* or principality - between 1827 and 1839 - the Karen leader of the *muang* was awarded the title of *Phra Si Suwannakhiri* by King Rama III. Since 1873 at the latest, *Phra Si Suwannakhiri* has resided in Sanepong,¹³⁶ which became the

¹³³ For the disputes regarding Thailand see e.g. Walker 2001; Buergin 2003a; Pinkaew 2003; Yos 2004; Forsyth & Walker 2008.

¹³⁴ On the history and social organization of different Karen groups see e.g. Keyes 1979; Renard 1979; Buergin 1992; Delang 2003.

¹³⁵ See e.g. Sato 2002; Buergin 2003a; Delang 2005; Vandergeest & Peluso 2011; Sturgeon et al. 2013. For a more comprehensive account see Buergin 2004:101-200.

¹³⁶ The Tai chronicles and travel reports of the 18th and 19th century refer to the residence of the Karen governor as 'Kyaukhaung', 'Chau Kaun', or 'Kienk Khaung'. While Renard supposes that this place was located at the place of the historical 'Sangkhla' and contemporary 'Sangkhlaburi' (see Renard 1979:69f, 1980:16f), a careful reading of the travel reports of British officers and missionaries as well as local lore indicate that the admini s-

centre of the *muang* and is now one of the Karen villages lying within the Wildlife Sanctuary. During the second half of the 19th century this *muang* was of considerable importance to the Siamese kings, guarding part of their western border with British Burma. Karen living there were consulted regarding the delineation of the border between Siam and Burma under King Rama V.¹³⁷ It was only at the beginning of the 20th century, after the establishment of the modern Thai nation state, that the Karen in Thung Yai lost their former status, re-appearing on the national political agenda as forest encroachers and illegal immigrants towards the end of the 20th century.

The Thai name *Thung Yai* – 'big field' - refers to a savannah in the centre of the sanctuary. For the Karen, the savannah is a place of deep spiritual significance, referred to in Karen as *pia aethala aethae*, which can be translated as 'place of the knowing sage'. The Karen term *aethae* refers to mythological hermits who, according to Karen lore, lived and meditated in the savannah. The story of these hermits is important for the identity of the Karen in Thung Yai and they are honoured. Until today, Karen seeking spiritual development retreat to this place for meditation. To refer to their community and homeland, the Karen in Thung Yai use the term *thong bou tai*. The term refers to a specific way of life and values, focusing on the control of greed and spiritual development. These conceptions are related to the *Telakho* sect, a millenarian Buddhist sect which originated in the middle of the 19th century, possibly in or close to the present-day sanctuary, and which is still influential in Thung Yai.¹³⁸ All the villages in the sanctuary, as well as some Karen villages at the edge of the sanctuary, are included in this culturally and geographically determined community.

The Karen in Thung Yai conceive of themselves as people living in and of the forest, as part of a very complex community of plants, animals, humans, and spiritual beings. Within this community, the Karen do not feel superior but rather as highly dependent on the various other beings and forces. Living in this community requires adaptation as well as specific knowledge about the interdependencies and rules of the community. Fostering relations with the various caretaker spirits of this 'forest community' is an important part of Karen life in the sanctuary. Their permission and support has to be sought continuously in order to live in and use the forest and land. From a modern perspective, many of these rules and traditions could be labelled 'ecological knowledge'. In these rules and norms, as well as in their daily livelihood practices, passed on and transformed from generation to generation, a very rich and specific knowledge is conserved about the environment of the Karen.

The Karen's relations with the outside world, specifically the 'Thai world', have changed frequently. During the first half of the 20th century, the Karen communities were largely autonomous, even though the villages in Thung Yai were formally integrated into the Thai nation state. It was not until the 1960s, in the wake of the growing interest of the state in its peripheral areas, that state institutions became increasingly relevant in Thung Yai: stations of the Border Patrol Police (BPP) were established in the 1960s, followed by various state offices supporting 'development', as well as the Royal Forest Department (RFD) and the military since the 1980s.

trative centre of the Karen principality was located at the same place of or close to the present-day Karen village Sanepong (see Buergin 2004:85-91).

¹³⁷ See Buergin 2004:83-100. Regarding the history of the western border areas see also Renard 1979, 1980 and Thongchai 1994.

¹³⁸ See Buergin 2004:220-232,270-274. Regarding the origin and history of the sect see Stern 1968 and Ewers Andersen 1976.

The permanent presence of Tai people in Karen villages since the 1960s, as well as the activities of government institutions aimed at assimilating the Karen into the Thai nation state, resulted in changes in the social, political, and religious organization of Karen communities in Thung Yai. These include, amongst others, the decreasing importance of the traditional Karen matrifocal kinship groups and the emergence of a more household-centred and patrifocal ritual system at the village level; the clash of a rather egalitarian and consensus-oriented political organization at the village level with a more authoritarian and hierarchical external political system; and the obstruction of the transmission of Karen identity to the younger generations due to the introduction of the Thai education system in the villages.¹³⁹

The economic organization of most of the households remained relatively unchanged until the late 1980s and early 1990s, when restrictions on their land-use system began to threaten the subsistence economy and material well-being of the Karen in Thung Yai. Even today, most of the households in Thung Yai practice subsistence farming, predominantly growing rice in swidden fields and some paddy fields. Within a territory supervised by the village community, every year each household selects a swidden field according to household size and work capacity. The secondary vegetation of a fallow area - predominantly bamboo forest - is cut, and burnt after a period of drying. After being used to grow hill rice, generally for one year, the field is once again left fallow for several years, while numerous plants growing in the fallow are used continuously. The traditionally long fallow periods of 5 - 15 years or more are currently prohibited by the Thai Royal Forest Department (RFD), which considers land uncultivated for that length of time to be reforested, and therefore land that cannot be cleared or used for cultivation. Small supplementary cash incomes are obtained in most households by way of selling chillies, tobacco and various other fruits grown within the traditional land-use system. Wage labour is of little importance to most households. The mean annual per capita income in 1996 was about US\$ 50 and has remained almost constant since then.¹⁴⁰

Nature conservation, oppression, and eviction in Thung Yai

The idea to protect forests and wildlife in western Thailand by establishing two wildlife sanctuaries arose in the mid-1960s among conservation-oriented officials of the RFD. At the same time, Western biologists had drawn attention to the zoological importance of the region. By then, deforestation was already increasing considerably in other parts of the country, although it was generally not perceived as a problem at that time but rather as supporting national development and security. Due to strong logging and mining interests in the area, it was not until 1972 that the first of the two sanctuaries, Huai Kha Khaeng (HKK), was established. Commercial interests in Thung Yai Naresuan (TYN) were even stronger. Howev-

¹³⁹ Regarding the complex dynamics of these changes see Buergin 2004:269-322 and Buergin 2002b.

¹⁴⁰ To date, the data collected in 1996/97 (see Buergin 2004:203-292) is the most detailed and reliable data available. More recent demographic and economic data regarding the Western Forest Complex (WEFCOM) was collected in 2003/2004 by public authorities in rapid socio-economic surveys and were compiled in the context of the GMS Biodiversity Conservation Corridors Initiative of the Asian Development Bank (see ADB 2005: 8-11). According to this data, the mean annual income in Subdistrict Lai Wo (which comprises most of the Karen communities in Thung Yai) was around US\$ 263 per household or US\$ 53 per person, while the figures for Lai Wo in my survey in 1996/97 were US\$ 271 per household and US\$ 57 per person. Population data for 2004 giving a total of 3.319 Karen people living in the Thung Yai Naresuan Wildlife Sanctuary likewise indicates that basic socio-economic data such as population size and incomes has not changed significantly.

er, after a military helicopter crashed in Thung Yai in April 1973, revealing an illegal hunting party of senior military officers, businessmen, family members, and a film star - attracting nationwide public outrage - the area was finally declared a Wildlife Sanctuary in 1974.¹⁴¹

During the 1960s, not only timber and ore were of interest for commercial profit and national development but also the waters of the western forests, as a hydroelectric power resource. Four major dams were planned in the upper Mae Klong River, incorporating both the major tributaries, Khwae Yai and Khwae Noi. Three of these were completed: Sri Nakharin was finished in 1980, Tha Thung Na 1981, and Khao Laem (later renamed Vajiralongkorn) in 1984. The fourth planned dam, the Nam Choan Dam, was supposed to flood a forest area of about 223 km² within the Thung Yai Naresuan Wildlife Sanctuary, and sparked a widespread public debate. The public dispute lasted for more than six years, dominating national politics and public debate in early 1988 until the project was shelved in April of that year with little prospect of being revived. Pointing to the area's high value for nature conservation and biodiversity, national and international opponents to the dam raised the possibility of declaring the area a World Heritage site. This prestigious option would have been lost with a huge dam and reservoir in the middle of the two wildlife sanctuaries judged most promising for fulfilling the requirements for the nomination as a global heritage.¹⁴² The success of the anti-dam movement was not only a remarkable victory for conservation in Thailand, but also a milestone for the development of Thailand's civil society and the process of democratization.¹⁴³

However the Karen people living in the area to be flooded by the Nam Choan Dam never had a voice of their own in the debate. For the so-called Thienchai Committee, which was established by the government to decide on the project and predominantly included proponents of the dam, their existence was irrelevant. Their interests were partly brought to the debate by NGOs and journalists but hardly appeared as an important argument, very much in contrast to the forests and wildlife, which finally emerged as the crucial factors.

On behalf of the Royal Forest Department, the proposal for the nomination of Thailand's first natural World Heritage site to UNESCO was written by two people who had been outspoken opponents of the dam in the Nam Choan controversy: Seub Nakhasathien, chief of the Huai Kha Khaeng Wildlife Sanctuary, and Belinda Stewart-Cox, who had done research as a biolo-

¹⁴¹ In a time of great political unrest, the poaching incident had become a focal point for the prevailing discontent with the military rule, triggering public protest and demonstrations that finally led to the fall of the Thanom-Prapas Regime after the uprising of October 14, 1973 and the establishment of a new democratic government. After the military had taken power once again in October 1976, many of the leaders and activists of the democracy movement fled into the peripheral regions of the country that were under control of the Communist Party of Thailand. Many of them sought refuge in the western forests and among the Karen people living in the sanctuaries. For commercial hunters, logging companies and state authorities, vast areas of the western forests became inaccessible until the beginning of the 1980s, one of the reasons why they have remained largely undisturbed until today.

¹⁴² Most outspoken in this regard were Veeravat Thiraprasat, then chief of the Thung Yai Naresuan Wildlife Sanctuary and supportive of the Karen in Thung Yai, and Prince Bernhard of the Netherlands, founder and former president of the WWF. Just before the Nam Choan Controversy reached its peak, Thailand had ratified the World Heritage Convention in December 1987. During a visit to Thailand in February 1988, Prince Bernhard had raised his concerns about the dam project in the wildlife sanctuary, emphasizing particularly the interest of the WWF in having the area declared a World Heritage site, which would require giving up the dam project. After the project had been shelved, student groups, NGOs and academics again pushed the idea, fearing the dam project might be revived – something which seemed to be less probable in a World Heritage site.

¹⁴³ See Buergin & Kessler 2000.

gist in Huai Kha Khaeng.¹⁴⁴ The Karen in Thung Yai were not included in the processes of elaborating the proposal. When the two wildlife sanctuaries of Huai Kha Khaeng and Thung Yai Naresuan were nominated together and subsequently inscribed as a Natural World Heritage site in December 1991, the "outstanding universal value" was justified by the extraordinarily high biodiversity due to its unique location at the junction of four biogeographic zones, as well as its size and "the undisturbed nature of its habitats". Despite this "undisturbed nature", the nomination document defined the people living in Thung Yai and Huai Kha Khaeng as a threat to the sanctuaries and announced the resettlement of the remaining villages in the near future.¹⁴⁵

The lead-up to the nomination had already seen a considerable amount of coerced resettlement of communities from both Huai Kha Khaeng and Thung Yai Naresuan. Karen villages in Huai Kha Khaeng had already been removed in the 1970s when the Wildlife Sanctuary was established and when the Sri Nakharin Dam was built and later flooded their settlement areas.¹⁴⁶ During the 1980s, most villages of the Hmong ethnic group were removed from the Huai Kha Khaeng and Thung Yai Naresuan wildlife sanctuaries.¹⁴⁷ The resettlement of all remaining villages was stipulated in the management plans for the sanctuaries, drafted in the late 1980s¹⁴⁸ and adopted by the RFD in 1990, following an established policy of relocation of settlements from protected areas. When the nomination for a World Heritage site was prepared in 1990, there remained four Hmong villages in the north-east of the proposed site, some Tai villages which had only recently moved into the proposed buffer zone along the eastern border of Huai Kha Khaeng, and around 16 Karen villages in Thung Yai. The imminent relocation of all these communities was announced in the nomination documents.¹⁴⁹ This was noted – but not criticized – in IUCN's evaluation of the nomination,¹⁵⁰ and accepted by the World Heritage Committee without comment when it decided to inscribe the property on the World Heritage List.¹⁵¹ While the relocation of the Hmong and Tai villages was accomplished in the early 1990s, the plans to remove the Karen from Thung Yai provoked strong public criticism and forced the RFD to reverse its resettlement scheme for the time being. Nevertheless, the objective to drive the Karen out of the sanctuary remained strong within the agency.¹⁵²

The guarding of a global heritage not only brought prestige to the Nation and the Royal Forest Department, but also the prospect of economic assets as well as increasing political im-

¹⁴⁴ Seub committed suicide on September 1, 1991. Belinda Stewart-Cox commented on his death by reproaching his superiors at the RFD: "Seub's death was suicide - an act of despair - but it might as well have been murder. When he needed the support of his superiors to do the job they had asked him to do - stop the hunting and logging that was rampant in Huai Kha Khaeng at that time, master-minded by police and military officials - it was withheld. A terrible betrayal." (Stewart-Cox 1998).

¹⁴⁵ Seub & Stewart-Cox 1990:44-45.

¹⁴⁶ Jørgensen 1996.

¹⁴⁷ Eudey 1989; MIDAS 1993.

¹⁴⁸ Kutintara & Bhumpakkapun 1988, 1989.

¹⁴⁹ Seub & Stewart-Cox 1990.

¹⁵⁰ IUCN's Advisory Body Evaluation notes that, "There is a policy to remove the remaining illegal settlements in the reserve and several have been relocated to date", (IUCN 1991:70). The WCMC datasheet from March 1991, which is attached to the IUCN Evaluation, states: "Some 3,800 tribal people live within the sanctuary. There are still four Hmong villages... Since 1987, 2-3 Hmong villages have been moved each year... By 1991 all villages will have been closed. Sixteen Karen villages (1,826 people) are still resident [in the sanctuary complex], but there are plans to resettle them."

¹⁵¹ UNESCO World Heritage Committee 1991:29.

¹⁵² Buergin 2004:175-186.

portance for the sanctuaries. Immediately after the declaration, international organizations, in cooperation with national partners, began to plan projects in and around the sanctuaries. The most prominent and most important in terms of 'economic weight' was a joint project of the World Bank and the Ministry of Agriculture, designed to improve biodiversity conservation and protected areas management in Thailand. The pre-investment study for the project was criticized by NGOs in Thailand who disliked its narrow conservation perspective, its top-down approach, and the high costs of the project.¹⁵³ The negotiations between World Bank, state agencies, and NGOs focused on the controversial issue of resettlement.¹⁵⁴ The study cautiously argued against resettlement in the specific case of the Karen villages in Thung Yai, although the option for resettlement was kept open and a whole chapter of the study devoted to its implementation. The negotiations only gradually led to limited agreement, and the NGOs refused to cooperate on a project based on the pre-investment study.¹⁵⁵ Even though the affected Karen people did not have a voice of their own in this debate, their interests were considered for the first time.

As resource conflicts between Thai lowlanders and 'hill tribes' heated up in the late 1990s, the RFD, under its new Director General, took up the offensive again in Thung Yai. On April 13, 1999, the Director General himself flew into the wildlife sanctuary, landing with his helicopter at the place where the Karen had just started to celebrate an important annual religious festival supposed to last for three days. The Director General demanded an end to the ceremonies. Soon after, soldiers burned down religious shrines of the Karen. From April 18 to May 12, soldiers and forest rangers went to the Karen villages, demanded that they stop growing rice, demolished huts and personal belongings, and burnt down a rice barn.¹⁵⁶ Throughout the following months, efforts to convince the Karen people to resettle 'voluntarily' continued. Military officials prohibited agricultural activities and prevented villagers from using their fields. They allegedly even confiscated identity cards and house registration papers while they raided villages, arresting people without warrants and holding them for days, and removing families without Thai identity cards. Even though the Senate Human Rights Panel criticized the incidents, RFD and the military continued their joint resettlement program in November 2000, announcing further relocations of families as well as the preparation of the resettlement area for all the villages.¹⁵⁷ The Karen oppose any relocation from their lands, a position expressed in detail during a comprehensive household survey con-

¹⁵³ MIDAS 1993. The proposed project was to have a timeframe of five years, beginning in 1994. The total project cost was estimated at US\$ 96 million to be covered by a grant of US\$ 20 million from the Global Environment Facility (GEF), a US\$ 40 million loan from the World Bank, and funds from bilateral aid donors and the Royal Thai Government.

¹⁵⁴ The study had argued against resettlement in the specific case of the Karen villages in Thung Yai Naresuan Wildlife Sanctuary, albeit in a rather ambivalent way and under strict conservation reservations. The detrimental effects of the villages and risks to the sanctuary were assessed as relatively low, while their resettlement would supposedly cause high costs and considerable difficulties.

¹⁵⁵ The project was halted after grant funds from the GEF were made conditional on ratification of the Convention on Biological Diversity (CBD) in July 1994, which Thailand had not yet ratified. In the controversy about the project the representative of the Bank had tried to exert moderate pressure, indicating that the limited funds of the GEF may go to other countries if the ratification of the CBD were delayed.

¹⁵⁶ When these events became public, the Director General of the RFD downplayed his role in the incidents, at first denying any military actions at all. In contrast to the Director General, the commander of the military troops involved seemed rather proud of the achievements. He declared the operation a "pilot project" of the new alliance between the military and the RFD agreed upon in May 1998, and exemplary in their joint efforts to prevent forest destruction.

¹⁵⁷ For details and references regarding evictions and oppressions in Thung Yai see Buergin 2004:159-200.

ducted in 1996/97 in which they almost unanimously expressed their wish to stay in Thung Yai in the face of ongoing efforts to evict them from their homeland.¹⁵⁸

Since the RFD had to delay its resettlement plans regarding the remaining Karen villages in Thung Yai in the early 1990s due to public pressure, it concentrated on the elimination of the traditional land-use system of the Karen by prohibiting the use of fallow areas older than three years.¹⁵⁹ In the longer term, these restrictions will lead to the breakdown of the traditional land-use system, as the soils under constant use rapidly lose their productivity. In the villages where control on the part of the RFD and the military has been most effective, people were already reporting decreasing yields in the second half of the 1990s. In 2002, the RFD also began planting tree seedlings on swidden fields in some villages,¹⁶⁰ at the same time announcing in Thailand's periodic report to UNESCO that: "If Karen villages inside the WH zone exert increasing demands on natural resources in the park, relocation will be conducted".¹⁶¹

The human rights implications of the resettlement program were overlooked by both the World Heritage Committee and IUCN during their examination of the nomination proposal in 1991, as well as during their review of Thailand's periodic report on the state of conservation of the sanctuaries in 2003. This happened even though the Thai government has never been reticent in explaining to IUCN and the World Heritage Committee that the involuntary resettlement of long-settled communities is part of its management strategy for the sanctuaries.

Local claims, resistance, and ambiguous alliances

Forced to choose between being charged with being forest destroyers 'provoking' relocation or facing severe subsistence problems, the only possibility for the Karen to adapt to the restrictions on their swidden system - apart from trying to conceal their fields - seems to be modernization. They can either try to increase the productivity of the fields, using fertilizers and pesticides (which most of them cannot afford), or turn to cash cropping in, or wage labour outside of the sanctuary. Intensification of agriculture and cash cropping is already supported by some of the government institutions and NGOs working in the sanctuary. Most of the Karen in Thung Yai reject these efforts, however, and are trying to carry on with their subsistence farming. Furthermore, intensification of land use, cash cropping and increasing market orientation jeopardizes their reputation as 'forest people living in harmony with nature' on which they have to base their claim to remain in the sanctuary.

A concept of 'benign environmentalists' has gained strength in international debates on environment, development, and human rights since the 1980s, which conceives of traditional or indigenous people rather as partners in biodiversity conservation than as culprits or foes. In Thailand, such an alternative image, in contrast to the still prevailing stereotype of the forest-destroying hill tribes, has come to be assigned to at least some of the ethnic groups in the uplands - prominent among them the Karen. Here, this image emerged in rising conflicts

¹⁵⁸ Buergin 2004:305-309.

¹⁵⁹ Even from an external utilitarian conservation perspective, the resettlement of the Karen and the prohibition of their subsistence-oriented swidden system is unreasonable. Assuming a mean fallow period of 10 years, the total agricultural area in the sanctuary, including fallow areas, accounts only for about 1% of its area.

¹⁶⁰ Robert Steinmetz, personal communication February 2002.

¹⁶¹ Thailand, Royal Forest Department 2003:234.

towards the end of the 1980s when an emerging peasant movement, concerned academics, and NGOs - resisting resettlement policies in forest reserves, eucalyptus plantations, illegal logging, and corruption - developed a community forest concept as an alternative perspective and a counter model to the conservation concept and commercial reforestation approach of the RFD and big agribusiness companies.¹⁶²

In Thailand, as well as on an international level, this alternative stereotype meets with reproaches from various sides as being partly fictional, over-generalizing, or in violation of people's rights to development. Regarding the situation in Thailand, academic critics of this 'counter-stereotype' point to its incapacitating aspects as well as socioeconomic disadvantages in the uplands of Thailand, and advocate more equitable development opportunities for upland communities.¹⁶³ In Thung Yai only a very small part of the population was interested in 'modernization', particularly most of the village heads in the context of the state administrative system which already had considerable interests in cash cropping and the privatization of communal lands, while the vast majority of the people was primarily interested to secure their subsistence farming and their cultural identity as Karen in Thung Yai. However, far from being 'comfortable' for the Karen, this positive image of benign environmentalists, attributed to the Karen in Thung Yai in parts of national and international public discourses, is presently the only position in these disputes to which they can relate at least to some degree.¹⁶⁴ As long as their inherent land rights to the area are not acknowledged and the legal basis for their continuing settlement is ambiguous in national Thai law, this seems to be their most important asset in the debates that will decide the future of their villages.

So far, the Karen in Thung Yai have had no chance to participate directly in the national and international discourses and decision-making regarding their homeland, including its declaration as part of a wildlife sanctuary and a World Heritage site. In their encounters with state agencies they frequently feel powerless and without any rights. Open resistance to continuous repression and acts of violence on the part of the RFD and military officials is difficult for the Karen, not least due to specific cultural frames of behaviour and historically grounded inter-ethnic relations between Karen and Thai. They have the impression that their rights and concerns are not relevant in the national and international discourses about their homeland. A strong feeling prevails among them that they cannot communicate their own view, that they have to use words, arguments, and ideas that are not really their own while trying to justify their claims, even with their Tai allies among the peasant movement, NGOs, and activists. The Karen conceive of these 'communication problems' not predominantly as language problems, even though many of the elder Karen have only limited competence in the Thai language, but attribute them to different cultural contexts.

The Karen oppose any relocation from their lands, a position expressed in detail during a comprehensive household survey conducted in 1996/97 in which they almost unanimously expressed their wish to stay in Thung Yai.¹⁶⁵ But they do take different positions towards the external influences and the resettlement threat. There is a rather small group, including most of the Phu Yai Ban (the village heads in the context of the state administrative system) which is open to 'moderate modernization' while trying to retain a Karen identity. The vast

¹⁶² See Buergin & Kessler 2000.

¹⁶³ E.g. Walker 2001; Walker & Farrelly 2008.

¹⁶⁴ See Buergin 2003b.

¹⁶⁵ Buergin 2004:305-309.

majority is rather more reluctant to engage in 'development' and 'modernization', preferring to "live like our grandparents did" as a common saying goes. Among them there are marked differences in their reactions to the external influences. A rather large group, who could be labelled 'extroverted traditionalists', including many influential elders as well as young people, is trying to shape the change and resist the threats. They are doing so by trying to strengthen and revitalize Karen culture and identity as well as seeking support and advocacy outside of Thung Yai. Another group of more 'introverted traditionalists' is likewise focusing on strengthening 'traditional' Karen culture but invoking millenarian and more exclusive frames of Karen culture to a higher degree, avoiding transcultural exchange and support.

Despite these differences in position and strategy, all these groups wish to remain in their villages as well as to protect their homeland and way of life. Furthermore, they all refer to the same specific cultural frame of values and objectives regarding a decent life appropriate to a Karen living in Thung Yai. Sharpened - but not created - in the clashes with external actors and influences, this conception of specific Karen values and objectives focuses on the concepts of 'modesty' as opposed to 'greed', 'harmony' in contrast to 'aggression', as well as 'spiritual development' versus 'material development'.¹⁶⁶ The counterpart to these concepts is quite obvious and explicitly named by the Karen as such. It is primarily the 'modern' Thai society which is increasingly intruding into their traditional living places and spaces, threatening their cultural identity and physical existence in Thung Yai.

¹⁶⁶ For a more comprehensive account of the religious and cognitive dynamics in the late 1990s see Buergin 2004:220-232, 270-275, 297-302. For a broader historical context of this ethical and ideological attitude with regard to millenarian movements among Karen in the Thai-Burmese borderland see also Gravers 2012 and Hayami 2011.

Changing discursive and legal frameworks

Shifting frames for local communities

With regard to the conflicts over Thung Yai, the local, national, and international levels are highly interdependent as well as asymmetric in power. Transformations on the national and international level involving shifting framings of the 'problem Karen in Thung Yai' have significantly determined the changing circumstances of the local communities.¹⁶⁷ External discursive and legal frameworks, both in dynamic change on the national and international level, more generally delimit the possibilities and chances of local minority groups to assert particular claims and interests, while these groups are largely excluded from these discursive and legislative processes.

In the second half of the 19th century, the economic and political interests of colonial and regional powers in Southeast Asia brought about the demarcation of territorial nation-states according to Western models. In the context of this national territorialization, Thung Yai and the Karen living there were enclosed in the 'geo-body'¹⁶⁸ of the Siamese nation-state, which at the same time became part of an international community of states primarily defined in terms of territory and economic relations, while heterogeneous social and physical spaces were merged in the modern nation-state. In the first half of the 20th century, the development of a specific national identity of this state focused on a common language, Buddhism, and the monarchy. The Karen in Thung Yai, who had been incorporated into the state spatially, were now excluded from its 'people-body'¹⁶⁹ in the context of this nationalization process and disappeared from the political agenda. Since the middle of the 20th century, growing international and national interests in the resources and people of the peripheral areas of the state – in the context of modernization objectives and the fight against communism – have resulted in the extension of state institutions into these areas as well as their exploitation for national economic development. The people living there were now predominantly conceived of as backward problem groups or alien troublemakers in conflict with national interests, which had to be controlled and modernized. After the environmental costs of this economic development became obvious in the 1980s, the forests of these peripheral areas were declared precious wilderness and biodiversity assets of global significance, which had to be protected against encroachments from local people in the context of a global ecologization of peripheral areas of modernity. In this frame, the Karen in Thung Yai became a disruptive factor in a natural global heritage, requiring strict monitoring as long as their removal was not feasible.

With the biocultural turn since the late 1980s, interdependencies of biological and cultural diversity and the protection of both kinds of diversity came to the fore in environment and development discourses and policies, involving an increased appreciation of cultural diversity and new chances of local communities to assert claims to local resources and particular identities. However, as conceptualizations of biocultural diversity frequently focus on mutually beneficial prospects of this interrelation, sometimes even emphasizing an inherent link between biological and cultural diversity, they tend to lose sight of basic conflicts and competing claims regarding lands, resources, and self-determination. Empirically, interrelations

¹⁶⁷ Buergin 2003a.

¹⁶⁸ Thongchai 1994.

¹⁶⁹ Connors 2003.

between biological and cultural diversity predominantly appear as conflicts between livelihood and identity claims of local communities on the one hand, and national or global interests in nature conservation and modernization on the other hand.

Conflicts over biocultural diversity and indigenous rights

Such conflicts over biocultural diversity¹⁷⁰ are widespread globally. Estimates account for some 370 million so called indigenous peoples¹⁷¹ supposed to represent about two thirds of the global linguistic diversity¹⁷², most of them trying to protect ways of life distinct from a modern way of life in one way or another. World Bank estimates regarding people living in or close to forest areas depending on forest resources for subsistence reach to about 600 million people. Not all, but many of these groups live in places with a specifically high biological diversity. The ideological and legal framings of these conflicts over biocultural diversity are predominantly negotiated in very heterogeneous discursive and political spheres on the national and international level. It is here that the chances of local minority groups to resist transgressions and defend their rights are determined, even though these people frequently have no access to the discourses and institutions that are framing their circumstances and opportunities. Very often, they are not even represented in any appropriate way in political processes and decisions regarding their living places. However, these discourses and legal frameworks also provide new chances for these communities to defend claims to lands, local resources and self-determination.

Particular national politics, legal systems, and discourses determine most directly the circumstances and opportunities of local minority groups in conflicts over biocultural diversity. However, these national legislations and discourses on their part are heavily dependent on international legal frameworks and discourses which provide instruments and chances for local minority groups not only to claim and enforce rights supported in this international context, but also to improve their possibilities to influence or even participate in national legislative processes and discourses. International legislation after World War II, in this regard, at first focused on the rights of individuals in their relation to states in terms of universal human rights. Since the 1970s, efforts to conceptualize and protect minority and group rights are increasing.¹⁷³ In particular the concept of 'indigenous peoples' has become a powerful idea, adopted as a legal concept or operational category by important international institutions such as the United Nations, ILO, the World Bank, and the Asian Development Bank, and increasingly acknowledged by many nation states. It emphasizes indigenous rights to lands, territories, resources, and self-determination¹⁷⁴ and provides an appealing reference point regarding identification, compensation, and action for many marginalized peoples at the fringes of modern societies. However, the concept often provokes considerable caveats at the national level, particularly among Asian governments where – in Southeast and East Asia – only the Philippines and Japan accept the use of the term to describe parts of their populations.¹⁷⁵

¹⁷⁰ Buergin 2009.

¹⁷¹ World Bank 2004.

¹⁷² Colchester 2001.

¹⁷³ See Lerner 1991; Bisaz 2011.

¹⁷⁴ See ILO 1989; UN 2007.

¹⁷⁵ See e.g. Kingsbury 1998; DINTEG & RIPP 2007; Erni 2008.

In Asia, European colonialism only rarely took the form of territorial conquest but rather resulted in radical transformations of regional societies by promoting or enforcing the formation of territorial nation-states and inducing modernization processes adopted and pursued by regional elites. Even though the pre-colonial Tai states never became European colonies, the formation of the modern Thai state was deeply influenced by European colonialism, which is equally true for the situation of the diverse Karen groups in mainland Southeast Asia from the first half of the 19th to the middle of the 20th century. In the case of the Karen in Thung Yai, evictions, repression and marginalization cannot be directly traced back to territorial occupations by European colonial powers but were predominantly caused by regional powers in the wake of colonial hegemony in mainland Southeast Asia as well as the spreading of a 'culture of modernity' deeply rooted in European and colonial history.¹⁷⁶ However, the situation of the Karen and many other ethnic minority groups in Asia calls for a 'constructivist' conception of indigenous peoples, based on self-identification, distinct identity, marginalization, historical continuity, and territorial affinity.¹⁷⁷

Emphasizing its 'un-colonized' history, the Thai state is reluctant to adopt the concept of indigenous peoples and is hardly interested in recognizing any indigenous peoples with particular rights in its own territory. This is partly due to its nationalization process crucially based on ethnic and cultural conceptualizations of 'Thai-ness' going along with depreciations of non-Tai ethnic groups.¹⁷⁸ It is also related to national security issues as well as resource conflicts which, until recently, induced ambiguous policies particularly towards the so-called 'hill tribes', conceiving of them either as illegal immigrants to be expelled or proclaiming their total assimilation if eligible for naturalization.¹⁷⁹ In a reply to the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people in February 2003, the Government of Thailand noted that the highland peoples were not considered indigenous peoples under domestic law,¹⁸⁰ and when the World Heritage Committee considered a proposal to establish a "World Heritage Indigenous Peoples Council of Experts" as an advisory body to the Committee in 2001, Thailand's representative disapproved of the idea arguing that "indigenous issues are a domestic, national question, and are best handled on that level".¹⁸¹

However, United Nations human rights bodies and mechanisms, such as the UN Special Rapporteur on the Rights of Indigenous Peoples or the Committee on the Rights of the Child, clearly conceive of the so-called hill tribes or ethnic minority groups of Thailand as indigenous peoples.¹⁸² Moreover, in Thailand, Karen increasingly identify themselves as 'indigenous' and participate in international organizations and networking in support of indigenous rights. Several of the associations of ethnic minority groups in Thailand are members of the Asia Indigenous Peoples Pact (AIPP), including the Assembly of Indigenous and Tribal Peoples

¹⁷⁶ Buergin 2004:74-200. Such 'cultural' legacies of the violating expansion of modern societies and their 'culture of modernity' together with concomitant endeavours of people at the edge of modern societies worldwide to conceive of and identify themselves in relation and distance to 'modernity' may even serve as a distinguishing attribute of the concept of 'indigenous peoples'.

¹⁷⁷ See Kingsbury 1998.

¹⁷⁸ See e.g. Turton 2000; Connors 2003.

¹⁷⁹ See Buergin 2000.

¹⁸⁰ See Stavenhagen 2004:18.

¹⁸¹ UNESCO World Heritage Centre 2001: 2.

¹⁸² See e.g. Stavenhagen 2003, para. 22; Anaya 2008, para. 464ff; UN Committee on the Rights of the Child 2006. Also see UN DESA 2008:8, 28.

of Thailand, the Hmong Association for Development in Thailand, the Inter Mountain Peoples Education and Culture in Thailand Association (IMPECT), and the Karen Network for Culture and Environment. Based on distinct ethnic identities, they share common experiences of discrimination and marginalization within the nation-states and try to assert their rights to self-determination as well as land, territories, and resources which, since the 1980s, are being increasingly challenged by national and global claims for nature conservation.

Global conservation strategies and international liabilities

National conservation policies and laws worldwide have long been considerably influenced by modern ideas about nature conservation and protected area management and predominantly focused on 'fortress-conservation' approaches. The rights and interests of local people in or close to protected areas have only recently been acknowledged, and these revisions are still contested. However, in international environmental discourses and institutions, principles of free, prior, and informed consent as well as participation and cooperative resource management approaches are now approved standards regarding people in protected areas.¹⁸³ Protected areas for nature conservation are increasingly subject to international and transnational regulations regarding stakeholders and rights-holders - World Heritage sites being a particularly prominent example. This provides new opportunities for local people by appealing to international standards, commitments, and advocacy. International standards clearly support the right of the Karen to live in their traditional and customary lands in Thung Yai and their forced resettlement is not a legitimate option. Having adopted Thung Yai as a global heritage, concerned international organizations (including UNESCO, the World Heritage Committee, and its Advisory Bodies) should disapprove of the pressures and violence towards the Karen in Thung Yai and insist on their full and effective participation in decision-making processes, in accordance with their rights under international law.

Unfortunately, these international standards are often only hesitantly adopted on the national level, frequently encounter considerable national reservations, and are open to interpretation and negotiation.¹⁸⁴ Furthermore, regulations regarding UNESCO natural World Heritage sites in parts still fall short of these standards and evoke approaches to nature conservation that assume an inherent antagonism between 'man and nature'. However, these conceptualizations and provisions are debated and there are strong arguments for a revision acknowledging and supporting rights of local people living in and close to natural World Heritage sites in the light of UN commitments to universal human rights and the rights of indigenous peoples, as well as the significance of cultural diversity for the protection of biodiversity.¹⁸⁵ The establishment of the so-called Cultural Landscapes category by the World Heritage Committee reflects an awareness of some of these problems as well as a new attentiveness to interrelations between 'nature' and 'culture'.¹⁸⁶ The history of the Karen in Thung Yai and their relationship with their homeland suggests the need for a reconsideration of the

¹⁸³ See for instance UNCED 1992, Convention on Biological Diversity, Art. 8(j); IUCN, WCPA & WWF 1999; UN CBD 2004, Working Group on Article 8(j).

¹⁸⁴ For example, when the World Heritage Committee voted to support customary law and customary management by 'traditional' or indigenous peoples as a sufficient basis to guarantee the protection of natural World Heritage sites, Thailand disassociated itself from the decision (UNESCO World Heritage Committee 1999:26,56). Also see Chupinit & Prasert n.d. [2004].

¹⁸⁵ See e.g. Disko 2010; Hay-Edie et al. 2011.

¹⁸⁶ E.g. UNESCO World Heritage Centre 2003; Taylor & Lennon 2011.

status of Thung Yai, which may be better conceived of as a Cultural Landscape World Heritage site.

In Thailand, pressure to exclude or assimilate highland peoples, including their removal from protected areas, is still strong. However, the biocultural turn in international environment and development discourses and policies is partly reflected on the national level in the disputes about community forests and local communities in protected areas¹⁸⁷, as well as in the emergence of a so-called 'community culture' (*watthanatham chumchon*) approach to development and conservation¹⁸⁸. Not least in this context, Thailand has undergone a remarkable process of democratization and enacted a constitution in 1997 that explicitly recognizes the rights of local communities to cultural self-determination as well as to the use of local resources. Even though the 1997 constitution was revoked during the military coup in 2006, the sections on community rights have been adopted in the new constitution of 2007 almost as it stands.¹⁸⁹ This may provide political space for the Karen and other ethnic minority groups in Thailand to seek a greater level of control over their future.

Cultural diversity and community rights in Thailand

Unfortunately, these commitments are not always easily realizable. Furthermore, their interpretation is often contested and subject to social bargaining, whereby weaker social groups may be at a disadvantage. The Community Forest Bill and conservation policies are a case in point where these problematic asymmetries urgently need to be reconsidered and amended, specifically regarding the vulnerable position of ethnic minority groups. Presently, the possibilities of local communities to use and control forest resources as well as to participate in forest conservation crucially depends on whether these forests are classified as reserve forests under the administration of the Royal Forest Department (RFD), or whether they are located within the protected area system (PAS) supervised by the Department of National Parks, Wildlife and Plant Conservation (DNP) which was separated from the RFD in 2002. While in reserve forests the Community Forest Bill provides a legal framework for communities to establish and use community forests in a somehow participatory partnership with the RFD administration, such community forests are ruled out in protected areas, where it is much more difficult for communities to claim rights to local forests and their resources and to participate in conservation. This is particularly problematic with regard to the ethnic bias involved in this division of administrative bureaucracies and legal frameworks (see above).

Against this background and in face of the problematic history of forest and conservation policies addressing these ethnic minorities, more recent attempts of state institutions to respect cultural differences and even promote them for conservation objectives could be a positive step towards acknowledging and implementing human, group, and community rights of these minorities. In August 2010 the Royal Thai Government has approved the pro-

¹⁸⁷ Buerger 2003b.

¹⁸⁸ See e.g. Chatthip 1991; Chusak 1999; McKinnon 2003.

¹⁸⁹ Thailand, Secretariat of the House of Representatives 2007. Section 66 states: "Persons so assembling as to be a traditional community shall have the right to conserve or restore their customs, local knowledge, good arts and culture of their community and of the nation and participate in the management, maintenance, preservation and exploitation of natural resources, the environment and the biological diversity in a balanced and sustainable fashion." Regarding community rights see also Section 67 of the constitution.

ject "Recovering the Karen Livelihood in Thailand", proposed by the Ministry of Culture and adopted via a cabinet resolution. The resolution recognizes the particular ethnic identity and culture of the Karen people, and seeks to actively support them in perpetuating this culture, including their rotational farming system and traditional land management, while deploring "the arrest and detention of the Karen people who are part of local traditional communities settled on disputed land which is traditional land used for making a living".¹⁹⁰

As one of four pilot areas intended to support the transmission of cultural heritage the Lai Wo Subdistrict has been designated as a "special cultural zone". Most of the villages which constitute this Subdistrict are located within the Thung Yai Wildlife Sanctuary where they comprise about 64% of the Karen population in Thung Yai. Considering the close relationship of these villages to the other Karen villages in the eastern part of the sanctuary it seems desirable to include all the Karen villages in Thung Yai into this "cultural zone". Furthermore, the villages in the eastern part of Thung Yai are closely related to the Karen village Le Taung Hkoo in the Umphang Wildlife Sanctuary, which is also recommended as a "special cultural zone". Together, these villages constitute what the Karen in Thung Yai identify as *thoung bou tai*, their homeland and cultural community.

The resolution also recommends the "promotion of the Karen rotational farming system to become a world cultural heritage", presumably under UNESCO's 2003 Convention for the Safeguarding of Intangible Cultural Heritage. This Convention explicitly recognizes the "deep-seated interdependence between the intangible cultural heritage and the tangible cultural and natural heritage" and was adopted "Considering that existing international agreements, recommendations and resolutions concerning the cultural and natural heritage [such as the 1972 World Heritage Convention] need to be effectively enriched and supplemented by means of new provisions relating to the intangible cultural heritage" (Preamble). If the Karen rotational farming system is indeed recognized under the 2003 Convention, Thung Yai could potentially become a 'model' World Heritage site, illustrating the interaction between the two (1972 and 2003) Conventions.

With specific regard to the situation in Thung Yai, the Karen should be integrated into the management and decision-making processes concerning the sanctuary as well as the reporting to UNESCO. It is important to enable the Karen to participate in these processes and tasks through their own political institutions and in accordance with their own customs, which are adapted to their way of life in Thung Yai but which are not currently acknowledged in their interactions with the administrative agencies. As part of this, already existing interests and activities in participatory research, monitoring, and environmental education in the sanctuary should be supported and expanded.¹⁹¹

The recommendations of the cabinet resolution reveal a new sensitivity to the problems and

¹⁹⁰ The cabinet resolution further made the following recommendations: "Repeal the declarations concerning protected areas, reserve forests and settlements of Karen people which already have the capability to prove that their settlement, living on and use of these lands has continued for a long time or since before the declaration of laws or policies that now cover these areas"; "Support and recognize the rotational farming systems which belong to the Karen ways of life and livelihood, and which support the sustainable use of natural resources and self-sufficiency"; "Support self-sufficiency or alternative agriculture instead of cash crop production or industrial agriculture"; and "Support and recognize the ways of using the land and the management of local traditional communities, e.g. through issuing communal land titles" (see Thailand, Royal Thai Government 2010).

¹⁹¹ Steinmetz & Mather 1996; Steinmetz et al. 2006; 2010.

rights of the Karen communities in Thung Yai and indicate a sincere intention to approach them; however, it remains to be seen how the project will be realized.¹⁹² The case of the Karen in Thung Yai, as well as the more general problem of integrating the 'hill tribes' into Thai society, remain controversial challenges for democratic forces in Thailand.¹⁹³

¹⁹² Recent violations by the National Park staff and the Thai military against Karen people living in the Kaeng Krachan National Park in 2011 indicate that at least some state authorities are ignoring the resolution and still follow more familiar repression and resettlement policies (see Asia Indigenous Peoples' Pact 2011).

¹⁹³ Evident, supposed or assigned differences between social groups are frequently highlighted and exploited in these struggles over resources, redistribution, identity, social status and power. Not least, these struggles are significantly framed and negotiated in discourses about national identities and cultural diversity (see e.g. Keyes 2002; Connors 2005) which unavoidably invoke disputed self-images of modern societies.

Conclusions

With a focus on Thailand and the case of the Karen ethnic minority groups in Thung Yai, this paper has explored chances of local communities to assert claims and rights to lands, resources, participation, cultural identities and self-determination in the context of changing discursive and legal frameworks. The transformations and developments which were reviewed on the international, national, and local level are highly interdependent. Changing discourses and policies on the international level regarding forests and nature conservation, development and modernization, indigenous rights and cultural diversity, as well as cold war politics, dynamics of world markets and disputes between political ideologies in the context of globalization processes have crucially influenced national discourses and policies and went along with significant societal transformations, particularly regarding economic development, civil society movements and democratization, as well as cultural identities and community rights. On the local level, these transformations on the national and international level have induced considerable changes of the socio-cultural and political organization of the communities, while the growing importance and influence of external actors and institutions is predominantly conceived of as a threat to local livelihoods and self-determination.

The problems and conflicts in Thung Yai reflect a more general pattern related to the spreading of modern societies and institutions and their changing relations to peripheral, culturally diverse, 'non-modern' groups, frequently involving unequal power relations and conflictive claims. Since the late 1980s, such conflicts are increasingly framed in discourses which propose, at the same time, the preservation of biological as well as cultural diversity. These conflicts between local communities claiming rights to lands, resources, and particular identities predominantly for subsistence and cultural survival on the one hand, and modern actors and institutions with nationally or globally framed interests in the conservation, management, and use of the same resources on the other hand concern extensive populations globally. In these asymmetric conflicts over biocultural diversity the chances of local communities to assert claims on lands, local resources, particular identities and self-determination crucially depend on diverse discursive and legal frameworks which have generally been developed without their participation, are most often not easily accessible for them, and are rarely amenable to cooperative adaptations involving these communities on an equal footing with other stakeholders.

The concept of human rights, even though based on particular occidental and modern conceptualizations of the individual and the state, is important regarding conflicts over biocultural diversity because the inalienable rights it confers to human beings are widely accepted as more or less binding moral standards by most states and international institutions. Violations of these rights generally arouse broad disapproval and assistance, and human rights considerations have significantly informed the biocultural turn in environment and development discourses and policies, although their enforceability in conflicts over biocultural diversity may be often weak. Furthermore, 'equality' and 'universality' as basic principles of the concept of human rights are not always easily compatible with claims to perpetuate cultural differences and to support cultural diversity.

Due to the original focus on the dignity of human beings and inalienable rights of individuals, group rights have been peripheral to the concept of human rights and receive increasing attention only since the 1970s, although still disputed. Particularly indigenous rights are by now firmly established in the context of international law and institutions, however, the

specification of rights-holders is often highly controversial and the enforcement of 'indigenous rights' generally difficult. Furthermore, group rights conceptualized on a very general level are probably not easily applicable to complex and specific circumstances and problems of local communities in conflicts over biocultural diversity. With regard to this type of conflicts, moreover, indigenous rights will apply only to particular communities and may be ambiguous regarding multi-ethnic communities as well as different interest groups in communities.

The discourses on indigenous peoples and their claims, emphasizing cultural diversity and environmental conservation, have significantly impacted environment and development discourses. International conservation standards and commitments by now widely acknowledge rights of local and indigenous people to information, participation and co-management, and predominantly disapprove evictions, or even support biocultural conservation approaches. However, these commitments are frequently missed in reality and are generally dependent on conservation objectives often in conflict with claims of local communities to lands, resources, and self-determination, which are rarely conceived of as independent rights of local communities. Regulations concerning the implementation and monitoring of protected areas have to be reviewed to take account of international commitments, principles, and declarations regarding human, minority, and indigenous rights. These standards should be obligatory for all international institutions concerned with environmental and developmental issues to support the protection of cultural diversity and local communities in conflicts over biocultural diversity.

The discourses on rights and claims of local communities and indigenous peoples, emphasizing cultural diversity and environmental conservation, have significantly impacted environment and development discourses. The changes in these diverse discourses which increasingly merged since the 1980s together constitute a biocultural turn in environment and development discourses and policies. However, while legal provisions as well as commitments of national and international actors and institutions regarding rights and interests of local communities in conflicts over biocultural diversity have been advanced considerably in the context of the biocultural turn in environment and development discourses, the possibilities of communities and indigenous peoples to make these actors and institutions accountable and to hold them liable in case of breaches of laws or obligations are still highly insufficient. Against this background, positively connoted images of benign environmentalists still provide an important instrument for local communities and indigenous peoples to influence public discourses and national policies to support their claims in highly asymmetrical conflicts over biocultural diversity, even though this instrument is controversial and may be counterproductive regarding rights and interests of local people and communities.

The Karen in Thung Yai have consistently asserted their desire to remain in Thung Yai and to pursue a particular way of life there as Karen people, but their legitimate interests and rights were largely disregarded and they have never been given the possibility of defending these rights on their own terms. The moral and legal obligations of modern societies and international organizations already provide standards by which to assess infringements in the case of the Karen in Thung Yai and reason to call for changes in the approach of the government to the management of this area. Due to both their history in Thung Yai as well as national and international commitments to human rights and conservation ethics, the right of the Karen to remain in Thung Yai has to be acknowledged without reservation. They should be integrated into the management and decision-making processes concerning the sanctuary as

well as the reporting to UNESCO. It is important to enable the Karen to participate in these processes and tasks through their own political institutions and in accordance with their own customs, which are adapted to their way of life in Thung Yai but which are not currently acknowledged in their interactions with the administrative agencies.

Even though Thailand is reluctant to acknowledge indigenous peoples on her territory, the country has taken some steps to grant particular rights to local communities. In her constitution local communities are entitled to conserve or restore their 'traditional culture' and to participate in the management and use of natural resources and their environment, while the Community Forest Bill provides a legal framework for communities to establish and manage community forests. These still disputed provisions partly reflect the importance of the community culture approach in Thailand, but are also related to the biocultural turn in international conservation discourses. However, 'cultural diversity' in terms of different ethnic identities is not in the focus of these community rights and remains problematic regarding conflicts over biocultural diversity in Thailand. The cabinet resolution "*Recovering the Karen Livelihood in Thailand*" may facilitate a promising project to link concerns to strengthen rights of local communities with a new awareness for the relevance of cultural diversity and efforts to support this diversity. It should be implemented in cooperation with the Karen people as soon as possible and its objectives should be extended to all indigenous groups in Thailand. With regard to conflicts over biocultural diversity on a global scale, the concept of community rights as a means to empower local communities and secure their livelihoods requires more attention and research as a legal framework and a specific field of rights besides already established universal human rights and particular group rights pertaining to indigenous peoples.

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