



Working Group

**Socio-Economics of Forest Use  
in the Tropics and Subtropics**

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**Thailand's Community Forest Bill:  
U-Turn or Roundabout in Forest Policy?**

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## Abstract

Is community forestry just a new facette of state-controlled forest management or does it mark a turning point in forest policy? The example of Thailand can deliver valuable insights into the ambiguous nature in the development of this concept.

In this working paper, six German Ph.D. students with different disciplinary backgrounds reflect their experiences with community forestry from field studies which were carried out in 1997. The research focus of each student covered different aspects of local resource management and forest policy development in localities in Western, Northern, and Northeastern Thailand.

The Community Forest Bill in Thailand is the issue on which observations, discussions, and experiences of the researchers meet. Current attitudes and lines of reasoning of proponents and opponents of communal-based forest management are challenged by results from forest inventories, village surveys, and the analysis of political processes.

The paper is neither a policy recommendation nor a complete scientific work on the legal and political issue but rather an essay on people and forests in Thailand.

The first chapter gives an overview of 'global' perspectives on 'local' issues, how perception of nature and forest has changed, and how world forest policies have been adapted to the changing paradigms. The second chapter gives an overview of Thailand's history of deforestation in relation to economic development. It also explores the issues of landrights, forest policies and the ideological framework of forest protection strategies. The paper then traces the evolution of the Community Forest Bill as a political issue and gives an overview of the most controversial points in recent discussions. In chapter four - entitled 'local' perspectives on 'global' issues - the authors draw on their experience in different communities to develop suggestions for a successful community forestry approach.. They raise questions of roles and functions of forests to communities, their uses and meanings as well as what kind of institutions should be responsible for the protection and management of Community Forests. The paper leads to the conclusion that with the willingness and the initiative to critically review and adapt current land use regulations beyond the scope of a Community Forest Bill, community forestry may well be more than just a popular label. It may not only serve as a symbol of democratic resource management but also provide a 'U-turn' towards a more effective forest policy in Thailand.

The Ph.D. students invite all interested persons to get into contact for further discussion.

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## 1. 'Global' perspectives on 'local' issues

This paper aims to contribute to the discussion on the Community Forest Bill in Thailand. The authors are European scientists, who carried out Ph.D. research in various localities throughout the country during 1996 / 1997.

The different studies are connected by the institutional framework of a German scholarship programme for post-graduate research. Title as well as agenda of the research programme is the common issue of all dissertations: 'Socio-economics of forest use in the Tropics and Subtropics'.

Why does a research funding agency based in the temperate climate of Germany regards studies about forest use in the tropics worth financing - assuming there will be no climate change so rapid and radical as to turn Germany into tropics?

The loss and degradation of tropical forests is no longer only the internal affair of the affected nations. It is internationally perceived as part of a global environmental crisis. The discourse about this global ecological crisis, of which forest destruction is an integral part, roots back to the sixties and seventies. It was the time when springs became silent, population bombs started exploding and growth became limited<sup>1</sup>. Today, in the nineties, growth is to be sustainable, springs are to be protected against climatic changes, and populations participate in sustainable development, conservation of springs and reduction of CO<sub>2</sub>. Forests, and in particular tropical forests, are a major issue in these debates over the global environmental crisis.

Especially in temperate climates and countries like Germany with virtually no 'wilderness' left, tropical forests are symbols of rich and endangered nature. Visions of tremendous, awe-inspiring trees, growing for centuries far away from any destructive civilisation, now recklessly cut down for economic growth nourish campaigns of western conservationists for forest conservation in the tropics. They are also present in the more scientific image of tropical forests as rich pools of biodiversity.

But ideas about tropical forests in the minds of people living some jumbo-jet hours away from these forests are not the driving forces behind international concern for forests. Amongst the actors defining the international agenda of environmental politics there is an increasing awareness of the social, economic and ecological effects of forest destruction on a local and regional level and for the possible impact of deforestation on global processes.

Actors engaged in the international environmental debate are as diverse as the World Bank, the Food and Agriculture Organisation of the United Nations, independent scholars at universities, internationally active organisations of indigenous people, national research foundations (sic!), national forest administrations and environmental movements, farmers' groups and local initiatives of conservationists - in tropical as well as non-tropical countries.

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<sup>1</sup> Rachel Carson (1963): *Silent Spring*. Greenwich, Connecticut.

Paul Ehrlich (1968): *The Population Bomb*. New York.

Dennis Meadows, Donella Meadows (1972): *The Limits to Growth*. London.

Between them there is no disagreement whatsoever on the need to protect remaining forests and to replant deforested areas. There is no disagreement about the need to integrate local people in protection and afforestation. There is lots of disagreement, however, if one talks about real forests that are to be protected, real areas that are to be replanted, and real local people that might have a somewhat different perception of their local, common forests than the experts of the global commons.

Participation as a means to integrate local people in forest conservation is something virtually everybody holds as an important ingredient of any conservation effort. In this respect it is comparable to the term sustainability. Similar to the concept of sustainability the term participation is almost unanimously accepted because everybody is free to make up his or her own version of participation. For some, forest conservation is participatory only if it is based on locally initiated projects and decisions are made by the affected people. State departments, project and donor agencies might help with money and/or expertise where asked for, but by no means are they the ones setting the goals and prescribing the methods. For others, forest projects are participatory as soon as farmers and not foresters provide the labour for reforestation programmes and patrolling of protected forests.

One can identify two main strategies of forest conservation: the protection approach, regulating and minimising forest use in order to keep the forest intact and free from human impact, and the social forestry approach, taking into account local peoples dependence on forest products and the sheer impossibility of keeping them away from forests.

The concept of protection of forests in National Parks stems from the United States of America, where National Parks were established in the last century to protect extraordinary natural features of educational and recreational value for the sake of all (non-Indian) Americans. In tropical countries, protected areas served for wildlife protection before anyone was concerned about forests. From the very beginning, there were economic and strategic aspects. Tourism and foreign financial support as well as control over border areas and local populations, more often than not concerning ethnic minority groups, played significant roles in many cases.

Recently, the rights of local inhabitants of protected areas are receiving more attention in international debates. The participation discourse, originating with social forestry, again plays its part. On a national level participation of local people in the protection of their environment often conflicts with other interests that are connected with the establishment of protected areas. This we will discuss shortly within the Thai context later in this paper.

Social forestry in its 'top-down' version emerged from the observation, that forests in the tropics (as in most other climates only decades ago or even today) are of essential importance for meeting the needs in rural every day life, providing products such as fuelwood, construction material, food and fodder. It was assumed that people depending on forest resources must have a vital interest in protecting these resources and therefore are more than anyone else predestined to participate in reforestation and forest conservation. Social forestry projects of the first generation, starting in the mid seventies,

showed that this assumption was by no means wrong, but that it had to be carefully verified which local people depended on which forest product in which way and how their forest use related to their economic, political and cultural contexts. 'Participation' and 'bottom-up' approaches popped up as a key for success in forest projects.

There is yet another idea of what social forestry means: it emerged in conflicts about forests between groups of local users themselves or between locals and outsiders intruding their forests. India's Chipko movement<sup>2</sup> may serve as an example for these different notions of social forestry. Such a concept might include the use of forests as a source of material products like fuelwood, timber and food as well as the recognition of ecological functions of forests for local climate and water supply. It can also include spiritual aspects and attributing forests their own right of existence.

Forests like all 'natural resources' are by their very 'nature' both resource, commodity and 'nature' which, in perception and feeling of most people, escapes economic reasoning and scientific description to a certain degree. All aspects of forest, commodity, resource and 'nature' influence the discussions about forest protection. Conflicts around all ideas and strategies of conservation evolve around the perception of forest as a commodity providing monetary profit, as a resource indispensable for survival of the local people or mankind as a whole, or of forest as nature with an intrinsic value in itself, apart from any use it might have for humans.

All of these aspects can be traced in the different protection strategies. Conservation areas for example are being viewed as economically exploitable gene mining sites of biodiversity. Protected forests can be seen as 'habitats' of local people as well, serving their material needs. Here humans are perceived as being part of nature. Protected Areas can also be considered as areas where nature is for nature and not for humans who in this case are something distinctively different from nature. These ideas also occur within the social forestry concepts that talk of woodlots for village groups, providing them with income from selling timber to the next pulp and paper factory or as a source of fuelwood for their own subsistence needs. Other concepts emphasise forests protected by local people as watersheds, sites of spirits or for the sheer beauty of 'nature'.

They also shine through the debate about forests, deforestation, forest protection and the Community Forest Bill in Thailand: different actors referring to different concepts of nature, forest, and social forestry as described above.

There are two stories of how the idea of the Community Forest Bill emerged in Thailand. One story is that of a state initiated programme, with its origins in the 'social forestry' schemes of government agencies. Community forests are plantations planted by farmers and used by farmers under the expert supervision of trained foresters. Another image of community forests in this story are the community forests that are protected by villagers but not used by villagers in any significant way. Foresters in this case control the protection by farmers.

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<sup>2</sup> The Chipko movement originated as a protest against logging by villagers in India, predominantly women. It evolved into a nation wide movement propagating reforestation and forest protection.

The other story is told by activists in the farmers' movements and related NGOs. It starts from the existence of forests traditionally managed by communities, the 'muang fai' forests<sup>3</sup> in the North, or communal burial grounds and woodlots in the Northeast. Here community forestry means both use and protection of forests, instead of neatly taking economic forest plantations apart from protected forests without any human activity. The demand for community forests in these stories is firstly connected to the right to live in forest areas and to use forests. It is secondly propagated as an alternative strategy of forest conservation in response to the accusation that poor farmers destroy the forest.

This paper will tell yet another story, the story of six European scientists of different personal and academic background. We brought with us ideas of the tropical wilderness and the beauty of untouched nature, arguments of academic discussions about forest management, ecological functions of forest and the role of forests within rural economy and rural culture. We shared personal beliefs and commitments to ecological resistance, social justice, democratisation, participation and sustainability. We had gained different experiences from living with foreign cultures, either as experts in development projects, activists or intellectuals and academics. For each of us the luggage was individually composed, its single parts in different proportions.

The studies reflect these backgrounds and gave us insights in different aspects of community forestry in Thailand. Oliver Pye (forester) researched the social and political conflicts between the strategic groups within the 'elites' and the farmers' movements. Verena Brenner (geographer) studied the use of seasonally flooded forests by local people at the Songkhram river in the Sakon Nakhon and Nakhon Phanom provinces, the ecological function of these forests and the conflicts evolving around those areas. Rolf-Dieter Sprung (forester) took a closer look on participatory approaches by examining project impacts on local forest resources and related perceptions and conflicts in Chiang Mai Province. Rainer Schwarzmeier (agro-economist) concentrated on economic aspects of a community forest managed jointly by five villages in the Province of Si Sa Ket. Christl Kessler (sociologist) conducted a village study in Nan Province on the social organisation of community forests on village level and the significance of gender in these processes. Reiner Buergin (anthropologist) examined the social changes within Karen villages in the Thung Yai Naresuan Wildlife Sanctuary, Kanchanaburi Province and the impact of their villages on the forests in the context of the political argument regarding their resettlement.

We share by no means a homogeneous view on Thailand, its forests and its various Community Forest Bills. Neither do the Royal Forest Department Officials or the NGO activists and farmers share such a homogenous view within their groups. But they do share a common background and we assume our background to be common enough and also different enough to those of other actors in the Thai discussions to tell 'our' story of the bill.

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<sup>3</sup> 'Muang fai' is the name for the irrigation systems in the north of Thailand, commonly managed by groups/villages of wet rice farmers. Irrigation management can include regulations concerning the forests in watersheds.

In the following chapter we start by giving a short overview about the national Thai politics and problems we regard relevant for forest destruction and forest conservation. The main conflicts in the discussion of the Community Forest Bill are connected with these political issues like landrights, agricultural development or democratisation and decentralisation. In chapter three we trace the history of the Community Forest Bill and point out where stories told in this context are contradictory. The central issues of conflict between the different actors and interests are described. Our own studies and experiences form the basis for the ideas presented in chapter four, where we comment the main issues of the community forest debate from our point of view. Chapter five is the short story version, summarises our discussion of the Community Forest Bill and presents main conclusions.



## 2. People and forests in Thailand

### 2.1 Deforestation and development

In a historic and generalising perspective, deforestation in Thailand (as in many other countries) can be connected to three interrelated processes:

- The opening of the country for and its dependence on the international market system,
- the growth of the national economy by means of natural resources exploitation and agricultural production for export,
- the transition from mainly subsistence to market and cash oriented local economies.

Thailand is one of the countries in Southeast Asia, where deforestation is most advanced. According to official information forested areas have diminished from over 60% of total land area in 1953 to about 23% in the middle of the 90s. (FAO 1997; RFD 1995) More realistic estimates reach from about 10 to 20% remaining forested area.

Within the same time, the country grew up to one of the 'Southeast Asian Tigers' with impressive economic growth rates in the 70s, 80s and 90s until economic growth suffered a severe setback with the financial crisis in July 1997.

Since the opening of the country for international markets with the Bowring treaties in 1855, exploitation of natural resources and agricultural production for foreign markets played a crucial role in the development of the country as well as for its deforestation. Logging of teak and other timber, rubber and eucalyptus plantations, expansion of the agricultural area for rice, sugarcane, tobacco and the different 'cash crop waves' (sugarcane, kenaf, maize, cassava, soya beans) of the second half of the 20th century, account for most of the area deforested by now. Infrastructure facilitating economic development like roads and dams have their own part in deforestation. (Anat et al. 1988; Feeny 1988; Shalardchai 1989; Pasuk/Baker 1997)

In Thailand, as in the international discourse, 'population growth' and 'poverty', and the social groups generally related to these stereotypes like the 'rural poor', are popular candidates to be blamed for deforestation. Apart from being itself a consequence of modernisation, population growth in Thailand was politically desired until the 70s. Its role in deforestation is only understandable in the context of the political strategy dominating economics in Thailand. From the late 50s up to the mid 80s, Thailand's economic growth was based primarily on the exploitation of natural resources and the extension of cash crop cultivation for export.

The shift from mainly subsistence oriented to market oriented local economies drove forward social differentiation and inequities, creating 'poverty' and marginalising parts of the population. Small scale and landless farmers, frequently marginalised and dependent on traders, loan sharks or large scale farmers, are those following logging companies and new roads to cultivate former forest areas. These migrant farmers may well have profited from fast growing prices for cash crops, specifically in the 70s. The main

profiteers though were the traders and creditors, who often organised the clearing and cultivation of former forest areas, trying to secure rights on the land for the future. (Uhlig 1984; Riethmüller et al. 1984; Rigg 1987; Hirsch 1988a; Hafner/Yaowalak 1990; Chirmsack 1991; Pasuk/Baker 1997)

Even more popular as 'scape-goats' for deforestation and environmental problems in Thailand are the different ethnic minority groups, living predominantly in the northern and western parts of the country, referred to as 'hilltribes' (*'chao khao'*) and often labelled as opium growing, forest destroying communists and troublemakers. Actually the regions these people live in show the lowest deforestation rates within the last 30 years and are still the areas with most of the remaining forests. Constituting less than 1% of the total population and less than 5% of the people of the north, they are, regarding their impact on deforestation, by far surpassed by supposedly more than 3 mio. ethnic Thai farmers moving into the hills of the north in search for new agricultural land. Moreover a good part of them had developed sustainable systems of established swidden agriculture, and there is good reason to argue that deforestation in the hills of the north on a broader scale only started after cash cropping as a strategy against opium production was promoted and access to markets facilitated. (Kunstadter/Chapman/Sanga 1978; Ives/Sabhasri/Voraurai 1980; McKinnon/Wanat 1983; McKinnon/Vienne 1989; Cohen E. 1992; Kunstadter/Kunstadter 1992; Chupinit 1993; Thai Development Newsletter 1993a,b,c; Anan 1996; Hirsch 1997)

The fight against opium cultivation and 'communist insurgents', be it Thai or ethnic minorities, together with the development of remote (forested!) 'frontier areas' in the name of national security, was primarily the task of the military and frequently furthered deforestation in these areas if not being responsible for it. (Thailand was an important ally of the United States and the West during the Cold War and even more so during the Vietnam war. Being surrounded by communist regimes in Burma, Laos, and Cambodia the fight against communist insurgents and national security often outweighed objectives of forest protection.) Furthermore high ranking militaries as well as politicians quite often made use of their positions and influence to promote their private interests in logging activities or land acquisition in forest areas. Administrative and legislative deficiencies, conflicting objectives and policies of different governments and government agencies, as well as far reaching corruption within the administrative system, are widely regarded as further factors supporting deforestation in Thailand, sometimes even being its direct cause.

Since the logging ban in 1989 Thailand has to rely heavily on forest resources of neighbouring countries (specifically Malaysia, Cambodia, Laos and Burma) for timber imports. In Thailand deforestation continues by means of infrastructure extensions and, less legally, for example under the cover of conversions of forest into plantation areas. Furthermore illegal logging in Thailand as well as illegal imports from neighbouring countries remain a political issue and frequently find their way into the headlines of the newspapers.

## ***2.2 Landrights, forest policies and ideologies of forest protection***

The fierce and often violent arguments on deforestation and strategies for forest protection are only intelligible against the background of the unsolved landrights issue in Thailand.

With the beginning modernisation of the Thai state under King Rama IV, 'property' rights on land that before rested with the king, were formally transferred to the state, and under King Rama V, in the context of the construction of the Rangsit canal, private property right on land was created in 1902. Till today only private or state ownership of land is legally recognised.

Regarding private ownership of land, the landrights issue since then has been dominated on the one hand by successful efforts of influential and prosperous social groups and individuals to gain control of land, and on the other hand increasing parts of rural populations whose access to land became more and more difficult and insecure. (Cohen 1990; Lohmann 1993a; Rigg 1993; Thai Development Newsletter 1994; Cleary/Eaton 1996)

On the 'public' side, landrights politics of the state served different and sometimes conflicting purposes. Apart from controlling people and resources, they were used as an instrument to foster development, as a 'safety valve' for social conflicts or as an instrument to cope with environmental problems. Various attempts since the 30s to reform the landright in favour of less wealthy or marginalised social groups have not been very successful. (Kemp 1981; Kamon/Thomas 1990; S. Chirapanda 1990; Vandergeest 1996)

The Royal Forest Department (RFD), since its establishment has played an important role regarding the landrights politics of the state, and forest politics and forest protection strategies are inextricably linked to landrights.

Three different and often conflicting strategies and ideologies may be distinguished within the discourse and politics regarding deforestation and forest protection:

- Forest protection through commercial forest use and afforestation, advocated primarily by the timber and pulp industry, parts of the RFD as well as politicians and military men frequently holding private interests in the forestry industry.
- Forest protection by separating forests from people, trying to set up strictly controlled forest reserves where people have to move out, pursued mainly by parts of the RFD, parts of the political and intellectual elite as well as some NGOs.
- Forest protection through local people in the context of 'community forests', promoted specifically by local grassroots movements, NGOs and committed academics.

*Commercial forest use and afforestation.* In 1896 the Royal Forest Department was established to secure the revenues of the teak concessions in the northern forests for the central government in Bangkok under King Rama V (King Chulalongkorn). Allocation of concessions and control of forest resources remained the main tasks of the RFD until the 50s of the 20th century, and in the end of the 60s and beginning 70s concession a-

reas covered more than half of the total land area of Thailand. (Kamon/Thomas 1990; Vandergeest/Peluso 1995; Vandergeest 1996; see also chart 2)

Within the 70s it became clear, that afforestation by concessionaires and RFD did not match the goals of the national forestry policy. Even if efforts had met the set objectives, deforestation by no means would have been compensated. When deforestation became perceived as a serious problem in the 80s, the national forestry policy, aiming at a forest cover of 40%, relied heavily on commercial forest use and afforestation as a strategy against deforestation. Despite the disappointing experiences forestry officials stuck to this strategy being aware of their own limited capacities. (Kamon/Thomas 1990; Hurst 1990; Sathi 1993)

*Conservation strategy and zoning.* In 1899, shortly after its establishment, the RFD obtained responsibility for all land not under cultivation or claimed otherwise by individuals or institutions. Initially it didn't try to exert territorial control, but restricted itself mainly on controlling resource use. After legal conditions for the designation of forest reserves and protected areas have been set up in the 30s, demarcation of forest areas proceeded slowly because of difficult procedures. It was not before the 60s, that the shift from a resource control to a primarily territorial control strategy took place in the RFD, and demarcation of forest reserves and protected areas accelerated. (Vandergeest 1996; see also chart 2)

Demarcation of forest reserve areas enclosed many established villages, and could not prevent 'encroachment' by migrant settlers. As the failure of the demarcation policy of the RFD became obvious in the 80s, it began to emphasise what may be called 'functional territorialisation' (Vandergeest 1996), the classification of forest reserve areas into zones of different functions and restrictions, and the establishment and expansion of a strictly controlled 'protected areas system' where resettlement of villages is supposed to be enforced. (Vandergeest 1996; Pinkaew/Rajesh 1996; Ghimire 1994; Eudey 1989; Chupinit 1988; McKinnon 1987)

*Community forest approach.* Commercial logging and afforestation projects as well as demarcation of protected areas, led to increasing conflicts with local people on what many of them regarded as 'their' forests. Resistance against forestry politics, resettlement schemes and exploitation of forest resources by the forestry industry, military and politicians grew rapidly in the 80s, and especially in the context of logging concessions, eucalyptus afforestation projects, and dam projects, numerous local, regional, and national NGOs and resistance movements were established. The majority of them regard themselves as part of a growing 'civil society', claiming more peoples participation in state politics.

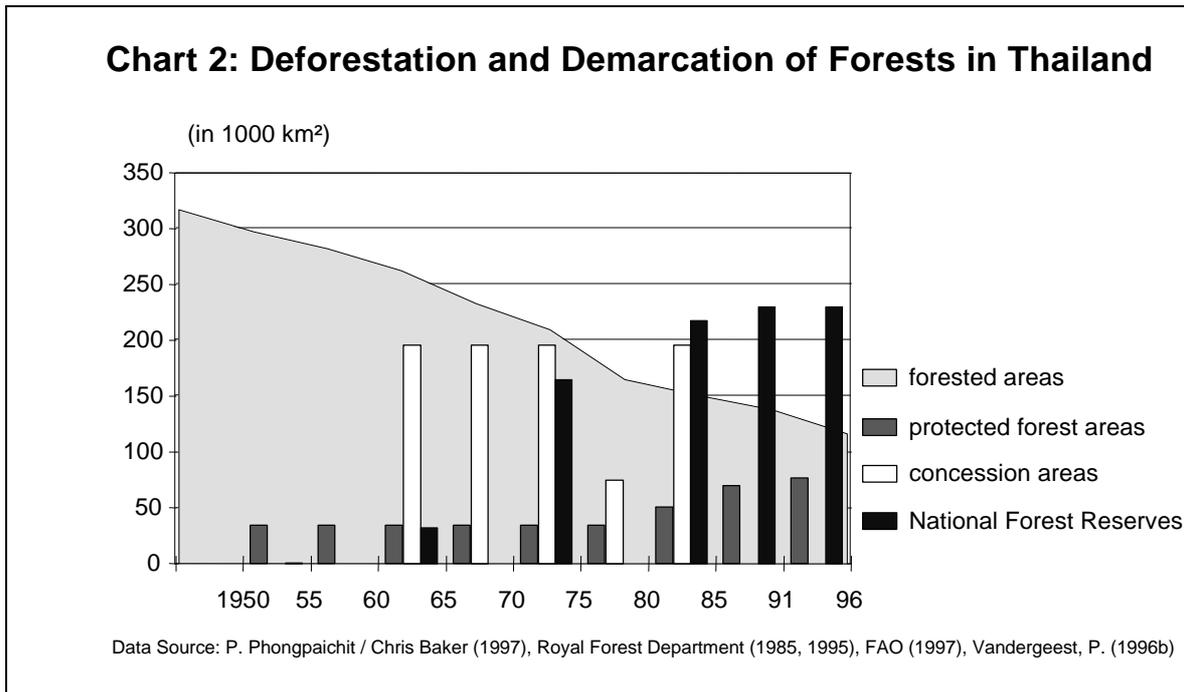
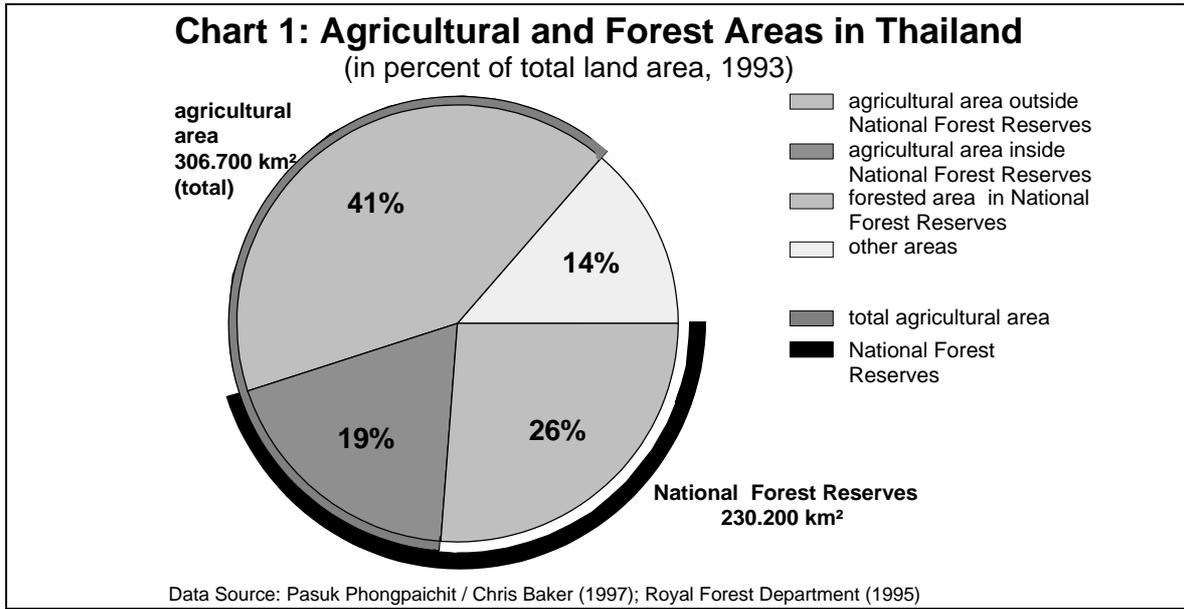
Many of them perceive 'community forests' as a promising alternative to state controlled conservationism and commercial afforestation through the forestry industry. Responsibility for the protection of the remaining forests and afforestation of degraded forests should rest with the local people and communities, which depend on their forests and are supposed to have a 'natural' interest in their conservation. They

also view community forestry as a step towards decentralising responsibilities and decision-making, away from centralisation of power in Bangkok's administration headquarters. The political debate initiated by these groups led to the drafting of a Community Forestry Bill. The history of this movement and its resistance is told in one of the stories that account for the emergence of the bill. (Yos 1993; Watershed 1996a,b,c; Hirsch 1996)

In the 90s the state and the RFD, one of its crucial actors regarding landrights and forest protection policies, have come under severe pressure. 48% of the total land area (forest reserves and national parks) are under the administration of the RFD. Of this area most probably only one third actually may be designated as 'forest' in a real sense, while at the same time about one third of Thailand's cultivated area is located within forest reserves, sustaining from 8-15 mio. people in about 150000 villages with predominantly insecure settlement and use rights for the land they are living on. (Lohmann 1993b; Vandergeest 1996; see chart 1)

The failure of the forest protection strategies of the state and the RFD is obvious. At the same time pressure on politicians is increasing to settle the landrights problem, meeting with strong social movements demanding more democracy, decentralisation and social justice.

In this situation the debate on the community forest approach and the Community Forest Bill reflects on the one hand the hope to solve the dilemma between the landrights issue and forest protection objectives. On the other hand the different interests, hopes and objectives regarding the landrights problem, resource use and forest protection clash heavily in public debates and social conflicts.



### 3. The Community Forest Bill

#### 3.1 *The history of the Community Forest Bill*

The history of the Community Forest Bill is a riddle in that it never ends. It is a bill that has nearly been passed several times. Phases of intensive public and administrative debate over the bill are intercepted by bouts of silence, where, in the words of one NGO worker, it seems it has entered a 'parallel space time continuum'.

The sheer duration of the debate, however, gives us the opportunity to step back and watch its development over the space of ten years or more. And when we do, a pattern starts to emerge, in which the progress of the bill is correlated to more general political and social change. The history of the Community Forest Bill is therefore also the history of political liberalisation under Chatichai Choonhavan, the 1991 military coup, the May uprising in 1992 and the economic crisis in 1997. More directly, the fate of the bill is interwoven with forest policy development; community rights over forests is not compatible with the forced eviction of these communities.

In this paper, we have structured this history in four rough phases: firstly what we call the 'emergent phase' from the middle of the eighties until the Chatichai government is toppled in 1991, secondly the 'hot phase' of the Khor Jor Kor resettlement programme and its defeat in 1992, thirdly a 'submergent phase' under the Chuan Leekpai government from 1993 to 1996, and fourthly, a phase we have termed 'Community Forest Bill on the agenda' from 1996 until today. This temporal structuralisation is necessarily arbitrary to some extent. The Community Forest Bill's star is the outcome of many different interests and actions, an interplay of unconscious and conscious processes which don't synchronise their watches. Systematisation always implies generalisation, we hope this can help for a better understanding of the specific.

#### The emergent phase (1985 - 1990)

Military regime does not seem a likely environment for the emergence of community based resource management, but it is under General Prem Tinsulanonda that the origins of the demand for community forestry can be found. Not that the General himself thought it up, rather it was in reaction to the now famous National Forestry Policy under his government that the concept was formulated.

The cabinet resolution of 1985 on Thailand's National Forestry Policy is the blueprint for later forestry policy by the government (it is the only forestry policy document on the RFD's webpage in 1998). It states the aim of a forest area of forty percent of the country, 25% economic forest and 15% protected forest.<sup>4</sup>In addition, the government pledges to promote the pulp and paper industry and reforestation by the private sector (Article 13 and 18). Community Forestry is also mentioned in article 12: 'Community forestry such as reforestation on public land by private sector, tree planting on marginal

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<sup>4</sup> For reasons that will become evident, this was later switched to 25% protected forest, and 15% economic forest.

agricultural land and establishment of forest woodlot for household consumption shall also be promoted.'

In practice, this led to a sharp rise in the number and area of industrial tree plantations (mainly eucalyptus) in the Northeast. These, however, were planted on land which was either used for agriculture, or on 'degraded forest', which farmers used as their 'super-market' in common land regime. It is ironic that community forestry is equated with private plantations by the government in 1985, and that it is the 'reforestation on public land by private sector' and 'tree planting on marginal agricultural land' which provoked a wave of resistance by farmers against eucalyptus plantations and led them to demand a totally different kind of 'community forestry'.

Resistance started at a local level. Villagers staged demonstrations in February, May, June and September of 1985, in front of the district or provincial administration. Protests carried on in February, April, May, June and October 1987, and February, March, and June of 1988. Increasingly, protesters took direct action, uprooting eucalyptus trees and even setting fire to RFD buildings. With the help of NGO activists, villagers affected by eucalyptus started to link up, first on a province level, and then establishing Isan wide networks (a national network of NGOs, called NGO-Cord was established in 1985). The networks combined the demand for land rights, encroached on by private plantations, with an alternative community-based strategy for forest conservation. They named themselves 'Farmers Committee for Forest Conservation' and 'Isan Community Forest Committee', and later the 'Committee to solve land and forest problems in the Northeast'. Whereas eucalyptus plantations triggered protests in the Northeast, villagers in the North started to oppose commercial logging in forests they used as a source of wood, food, fodder or considered important for watershed protection.

Other developments led to a major shift in general forest policy. In 1988, a controlled return to civilian rule under the premiership of Chatichai Choonhavan liberalised the political climate. The NGO movement won a major battle, when the Nam Choan Dam was finally shelved in 1988. Criticism of state logging policy, which had been building up because of protests in Northern forests (PER 1992) became virtually public opinion, after severe floods and landslides in the South 'sent cut logs and uprooted trees crashing down the hills, wiping out houses, bridges and roads, and burying whole communities' (PER 1992). Over 300 people were killed. The government imposed a total ban on logging in 1989.

In the same year, a national meeting of NGOs called on the government to issue a Community Forest Bill. Demands for community forest rights received national media presence in the Huai Kaew case, where an MP's wife encroached onto communally used forest, ostensibly for reforestation. After protests, the RFD was forced to concede the community's right to manage the forest for the first time.

State forestry policy received a second blow in 1990 with the eruption of the Suan Kittu logging scandal. The Suan Kittu Reforestation Company had received reforestation concessions from the government to plant eucalyptus. But the 'degraded forest' area was mainly intact forest and the Suan Kittu workers were arrested for illegal logging. Kittu

Damnoncharnwanit, the company's president, was an influential member of the Democrat party and an advisor to Chatichai. (Lohmann 1991). Eucalyptus plantations became synonymous with forest destruction in public opinion. Commercial plantations were banned later that year.

The first 'emergent' phase can be characterised by the advance of state forestry policy advocating private economic plantations and conservation areas at the expense of communities living in National Forest Reserves. This attempt failed, due to local and regional resistance by farmers and to massive public criticism of state policy. In response, an alternative strategy based on community control of forest resources was formulated by NGOs and Farmer Organisations at a national level. In 1990, this pressure led to a draft for a Community Forest Bill being put forward by the RFD for the first time.

#### Military Coup, May 1992 uprising and Khor Jor Kor (1990 - 1992)

Even as the government was retreating over commercial plantations, a new programme was being prepared, which was to become a decisive power struggle over forest resources. In June 1990, the Internal Security Operations Command (ISOC), with the approval of the Prime Minister submitted the 'Land Distribution Programme for the Poor Living in Degraded National Forest Reserves in the Northeast of Thailand' (Khor Jor Kor) to cabinet. A Khor Jor Kor board was appointed on the 29th of June, 1990. President was General Suchinda Kraprayoon (Commander of the Thai Army and Vice-president of ISOC), General Issarapong Noonpackdee (Deputy Commander of the Thai Army and Assistant Director of ISOC) became the director of the project. Both were key actors in the military coup against Chatichai in February 1991.

The Khor Jor Kor Masterplan aimed to rearrange land use patterns in 45 680 km<sup>2</sup> (28 mio. rai)<sup>5</sup> of National Forest Reserves in the Northeast. 23 680 km<sup>2</sup> (14.8 mio. rai) of intact forest was to be strictly protected. In the degraded rest, 250 000 households were to be resettled into 7 800 km<sup>2</sup> (4 875 mio. rai) at 2.4 ha (15 rai) per family and extra land for infrastructure and community forests, making room for 14 400 km<sup>2</sup> (9 mio. rai), on which economic forests of fast growing tree species were to be established. After a successful trial run in Isan, the programme was to be implemented in the other parts of the country. The then governing National Peace-Keeping Council (NPKC) also re-legalised private plantations. They had no interest in a Community Forest Bill.

Problems with protesting farmers, as in the later eighties, could now be dealt with - with military armed force. Implementation began in the autumn of 1991. Whole villages were forcibly moved to military controlled settlements, those who resisted were beaten, houses were demolished by tractors.

However even under military dictatorship, resistance began to be built. Networks from the anti-eucalyptus struggle could be used. NGO activists used the government plans to locate the targeted villages, and helped to connect them. More and more villagers, after learning what was to happen to them, started to protest against the plans, before eviction started.

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<sup>5</sup> 1 rai equals 0.16 ha, making 1 ha approximately equivalent to 6 rai

The May 1992 uprising in Bangkok was the decisive turning point. 500 000 people demonstrated against the Suchinda regime, refusing to back down in face of military fire, and the dictatorship had to resign. The Khor Jor Kor project was closely associated with the military and with the NPKC. With the military defeated, the protest movement could now organise openly against the project and pressurise the Anand interim government to revoke it. The movement culminated in the Isan-wide march to Pak Chong, where the Khor Jor Kor project was finally cancelled.

The defeat of Khor Jor Kor was significant for the community forestry debate in two ways. Firstly, the victory led to an enormous strengthening of the farmers movement in the Northeast and was instrumental in developing national organisation. Secondly, community forestry was a demand of the movement, and was portrayed as an alternative to forced resettlements. In 1992, in connection with the September elections, community forestry became highly politicised and linked to questions of democracy and justice. Three political parties, the Democrats, the NAP and Phalang Dharma, in addition to the RFD, now put forward their own versions of the Community Forest Bill. The Anand interim government again banned private plantations above 8 ha (50 rai).

#### The submergent phase (1992 - 1995)

When the government of Chuan Leekpai took office in late 1992, the prospects for the passing of a Community Forest Bill seemed good. Repressive state forest policy had been discredited and defeated in the Khor Jor Kor programme, parties now in government had spoken out for such a draft. Moreover, in 1993, the Thai Forestry Sector Master Plan was passed by cabinet.

The Master Plan was Thailand's version of a spate of National Policy Plans, drawn up in connection with the World Bank's Tropical Forestry Action Plan, which had the aim of re-directing National Forestry Policies of Third World countries towards more sustainable management. community forestry is given a prominent place within the plan, with 46 400 km<sup>2</sup> (29 million rai) to be managed by communities. The new Prime Minister Chuan Leekpai, in his foreword, writes: 'Local communities will be especially encouraged to participate in the forest protection programme and in the planting of community forests'.

Two years and 7 months later, the Community Forest Bill was no nearer realisation than in 1992. Instead, the government embarked on a new plan to establish industrial tree plantations. In January 1993, Chuan Leekpai announced his intention to reallocate private plantations. His Deputy Minister for Agriculture and Co-operatives, Mr. Suthep Thueksuban, met representatives of the pulp and paper industries in Kanchanaburi at the end of the month. Their demands were for the allocation of 320 km<sup>2</sup> (200 000 rai) for private plantations, which was to increase to 1 280 km<sup>2</sup> (800 000 rai) by 2002. They also asked for tax reductions, soft loans and the waiving of import duties for necessary machinery for plantations and pulp production.<sup>6</sup>

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<sup>6</sup> The Nation, 11.1.93; Bangkok Post 1.2.93

The RFD had opposed the Anand ban in 1992, and during 1993 stepped up the campaign for private plantations. The new Director General, Mr. Pong Leng-ee publicly called for private reforestation and more eucalyptus in April, August and September. Subsequently, the Anand ruling was overturned by cabinet on the 13th and 21st of September, and commercial reforestation was once again legalised.<sup>7</sup>

After the old strategies of direct commercial plantations or forced resettlement, both failed, a new, softer approach was developed. Firstly, the government initiated a land reform programme in degraded forest areas, accepting the fact that large parts of the National Forest Reserves were in fact settled and used for agriculture. 220 000 families were issued Sor Por Kor documents<sup>8</sup> in 1993 in these areas.

Secondly, a huge reforestation programme in honour of the King<sup>9</sup>, initiated in 1994, served to present plantations as ecologically necessary. Half of the 4.3 billion baht budget was to be supplied by the private sector, re-legitimising private involvement in forestry. The official story of community forestry present in the Master Plan - it is mentioned as part of 'private participation' along with tree farms and industrial plantations - served as an ideological smokescreen for a different agenda.

Despite the Masterplan portraying commercial tree plantations and community forestry as compatible parts of a joint collaborative national effort, in fact, private plantations came across stiff resistance at a local and regional level. PRASIT et al. (1995)<sup>10</sup> have documented 932 conflicts over natural resources for the Northeast between 1993 and 1995. 290 cases alone were forestry related. The lack of land and resistance by local people are the main reasons given by leading RFD officials for the failure of the reforestation programme.

The conservation strategy of increasing the area under National Park and Wildlife Sanctuary legislation was not rejected by the Master Plan, but existed happily alongside community forests and industrial tree plantations. The focus of resettlement was now shifted from the Northeast to the North. Hmong, Mien and other villages were evicted in 1994. This also met with resistance by farmers and led to the formation of the Northern Farmers Network. (Pratuang 1997; Anan 1997)

By 1995, the government's strategy lay in tatters. The reforestation programme in honour of the King was officially declared a flop. Less than 40% of the target had been realised. The Director General of the RFD was suspended from his post for alleged corruption within the programme. A demonstration and 48 km march in the North, involving some 20 000 ended with the government backing down on eviction and acknowledging community rights over forests. The land reform programme ended in disaster, as

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<sup>7</sup> Bangkok Post, 26.4.93, 31.8.93, 2.9.93.; The Nation 10.10.93

<sup>8</sup> Sor Por Kor documents are title deeds for cultivation and can be used as bank loan security, but cannot be sold legally.

<sup>9</sup> 1. Permanent Reforestation in commemoration of the Royal Golden Jubilee of His Majesty's Accession to the Throne. Goal: 5 Million rai.

<sup>10</sup> Prasit Kunurat, Somnuek Panyasing, Mantana Sa-mart, Pirat Kenviset, Phakphum Vithantiravat (1995): Conflict in Natural Resource Utilization in the Northeast. (In Thai)

the Phuket land scandal, in which associates and members of the cabinet were implicated in buying up Sor Phor Kor 4.01 documents, led to the downfall of the government.

The submergent phase can be characterised by official government approval of community forestry, without any real action or legislative progress being made to establish it. State policy for more private plantations met once again with failure.

#### Community Forest Bill on the agenda (1995 - 1998)

If the local and regional protests under Chuan effectively stopped the governments reforestation programme, they did not prove forceful enough to achieve a change in government policy in the direction of community forestry. With the establishment of the Forum of the Poor in December 1995, over 180 POs and NGOs formed a national umbrella organisation, to pressurise the government directly at a national level.

The newly formed Banharn government faced a demonstration of 11 000 farmers in Bangkok on the 26th of March 1996, the kick-off to a 28-day permanent demonstration in front of the government house. The demand for a Community Forest Bill was met with a draft being produced by the National Economic and Social Development Board and NGOs in early April (the 'Suanbua Draft Version'). After a lengthy corrective process involving the cabinet, the Council of State, the House of Representatives and Parliament, the bill was finally approved in principle by the cabinet on the 2nd of June, 1996.

However, the election defeat of the Banharn government postponed yet again the passing of the bill. Progress was slow under the new Prime Minister Chavalit, until another central demonstration called by the Forum of the Poor in 1997, lasting for 99 days from January till April, re-applied the pressure. The government made concessions in two areas. Firstly, in the so-called 'Wang Nam Khiaw' cabinet resolution of the 22<sup>nd</sup> of April, the government stated that people and forests can co-exist, giving the right to settlers of National Forest Reserves to stay on their land until the zoning process of conservation areas is completed. This was backed up by concrete agreements with the Forum of the Poor concerning 107 villages, mainly in the North, specifying their claim to land and guaranteeing their right to stay. Secondly, the government organised three public hearings in May 1997, to discuss the different positions on the bill in preparation of its implementation (see chapter 3.2).

Again, conditions seemed favourable for the Community Forest Bill. Not only was there now considerable campaigning by NGOs and farmers' organisations at a national level, the official sanction by the state of community forestry reached an all time high. After the Master Plan, the new constitution passed in 1997 explicitly gives communities the right to participate in natural resource management. In addition, the eighth National Economic and Social Development Plan, in the section on forestry, states the passing of a Community Forest Bill as a major goal.

But the government backtracked. The contradictions between the NGO demand for community forest rights and local empowerment, and the state view of the Community Forest Bill as a state-initiated and state-controlled conservation programme were too

great. As if the the May public hearings had not happened, a new version was prepared for cabinet in September, drawing criticism from many groups involved in the negotiations, with the Northern Farmers Network withdrawing its support. The end of the Chavalit government in November re-killed this legislative process. The later days of this government were marked by the formulation of a new constitution that drew considerable public attention.

Is the Community Forest Bill now off the agenda again? The second Chuan government does not inspire hope that it will push for legislation more forcefully than in its first period of office. Again, a new draft has been drawn up. But the government policy indicates that it is moving back to previous state controlled methods. The newly instated head of the RFD, Mr. Plodprasop Suraswadi, declared the co-existence between people and forests impossible. On the first of July 1998 the Chuan cabinet revoked the Wang Nam Khiaw resolutions on recommendation of National Forestry Committee. Instead, old strategies of classification and zoning, with the eviction of villagers living in 'sensitive areas' were recommended.

### ***3.2 The Community Forest Bill and its controversies***

As outlined in the chapter 3.1 the long-lasting controversial discussion on the Community Forest Bill in Thailand shows the difficulty of achieving consensus on a subject that exemplarily confronts different attitudes and stories concerning the protection and management of natural resources.

The whole debate is shaped by two conflicting stories about people and forests. One is that forests have to be generally protected against people and the other, that village people, are suited to live in harmony with forests.

But what are the topics of controversy that cause a public uproar able to make different governments spinning around in a power struggle with NGOs, farmer movements and academics that is boosted by a variety of interests, ambitions and objectives?

Obviously the struggle is over different perceptions and approaches regarding the co-existence of people and forests and the empowerment of these people, with people in conservation areas being a particular controversial topic.

These central issues can already be derived from the four main principles or objectives of communal forest management, expressed in all drafts of the Community Forest Bill:

- the conservation and the development regarding the state of environment and biological diversity,
- the sustainable use of forest resources to maintain the forest ecosystem,
- to acknowledge and encourage the diverse community traditions in the preservation, utilisation and development of forest resources,
- to create the process of co-operation between the state and the community.

The principles are widely agreed upon, as long as no one talks about how exactly they should be put into practice. Is logging for local consumption compatible with sustainable forest management? Can people and forests co-exist only if there is a clear border between settlements and protected areas?

It may, therefore, not come as a surprise that the contents of all draft documents consist mainly of rules and regulations about whom to allow and how to supervise and control communal forest management. A major part is taken up by the composition and functions of committees to be established on local, regional and national levels. While village committees are to elaborate and submit community forest management plans, regional and national committees consisting of members of government agencies are supposed to monitor and evaluate community forest activities of the villages. Hence procedures how to elect committee members, how to grant or revoke community forest status, how to submit forest management plans as well as extensive penalty regulations are dominating the drafts.

This chapter will present the main lines of reasoning within the debate of the Community Forest Bill in Thailand, following the formal procedures and arguments of opponents and proponents of village-based forest management. It is not intended to discuss the various drafts in detail, but rather to highlight the main issues that met controversial opinions.

The ‘Suanbua Draft’ from April 1996 was the outcome of a meeting where representatives of NGOs, governmental organisations (GOs) and academics were able to contribute different points of view. While this draft found principal approval by parliament it was still criticised by a number of ‘dark green’<sup>1</sup> NGOs and RFD officials who did not see their interests sufficiently represented.

Faced with this criticism as well as with increasing pressure by ‘light green’<sup>1</sup> NGOs and farmers’ movements to pass the bill the Banharn Government opted for a proposal to hold public hearings. The official reasoning for holding such hearings was to achieve broader acceptance of the bill by integrating different points of views from a large number of people concerned.

Due to the dissolution of the Banharn Government the hearings were postponed and could not take place before May 1997, when new Prime Minister Chavalit, again under heavy pressure of NGOs and farmer groups, was forced to bring the bill forward.

An appointed committee of seven members, mostly academics, headed by Mr. Montree Roobsowan, a lecturer of Ramkhamhaeng University, organised the three days of public

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<sup>1</sup> The terms ‘dark green’ and ‘light green’ refer to different ideologies of NGOs concerned with environmental or ‘green’ issues. So-called ‘dark green’ NGOs emphasise conservation objectives in their work, whereas for ‘light green’ NGOs social issues tend to be more important.

hearings. It set up the agenda and invited about 600 selected people and organisations. Supposedly 250 of them finally attended the hearings.

Based on the contributions of participants the committee formulated conclusions to be integrated into the draft. The recommendations of the committee generally favoured acceptance of local forest management and local use rights. Community forests in protected areas were only considered possible, if communities contribute to forest protection and can prove residence before 1993, the year of the latest aerial survey for the 1:4000 map.

In September a new committee of different composition was set up, chaired by prime ministers' office minister Pokin Polakul. It drafted and submitted a revised version ('Juridical Committee Version') that again drew harsh criticism by a majority of people and organisations involved in the discussion. It neither included the conclusions of the hearing committee, nor had been made public in order to inform interested parties. Its contents even showed regressions to ideologies favouring centralised, state controlled legislation and questioning the idea of co-existence of humans and forests.

Once again, due to strong opposition, a new revision of the draft, formulated by representatives of NGOs, GOs, and academics emerged in May 18, 1998, as yet pending approval by the Chuan Government ('P. M. Appointment Committee Version').

Although the drafts have been changing, the main conflict lines remained the same. They are partly summarised under the three points of the agenda set for the public hearings:

- *Community forest areas*, dealing with questions of locating community forests in different area categories with special emphasis on protected areas,
- *Activities and residence of people with community forests*, discussing whether or not local people are able to manage and protect forest resources sustainable,
- *Management and monitoring of community forests*, focusing on management, monitoring and evaluation procedures by committees on village, provincial and national levels

Arguments under these topics are described as follows.

### Community forest areas

A clear distinction was made between protected and non-protected areas as to the possibilities for community forest establishment and type and extent of activities to be permitted.

Mainly 'light green' NGOs and academics supporting the interests of local people as well as moderate government officials favour a broader definition of possible community forest areas, permitting also their establishment in protected areas. One of their arguments is that the sheer number of people currently living in protected areas makes relocation and resettlements as prescribed by other forest laws infeasible options. Addi-

tionally the incapacity of the RFD for a sound management of protected areas that was evident in the past was taken into consideration. The proponents of communal forest management see good reason to believe that the active and self-responsible management of protected forests by local people is the only way to safeguard such areas in the long run. According to them there is a lot of evidence that local people are able to protect and use forests sustainably, even though their activities have to be considered illegal as there has not yet been a legal basis for communal forest management.

'Dark green' NGOs and other conservationists including conservative fractions of the RFD strongly oppose these ideas. They deny local communities the ability to manage forest resources sustainably. Facing decreasing forest areas, they argue for protected areas to be excluded in general from being designated community forests. According to their opinion increasing population densities, modern needs and economic interests of people promote the overuse and degradation of forests more than in the past. Consequently communal forest management should be limited to non-protected areas in the vicinity of villages and should focus on forest plantations for economic use.

The conclusion of the hearing's committee on that matter was to allow community forests to be established in protected areas provided that villagers can prove their residency prior to the aerial survey for the 1:4 000 map in 1993 and that their living culture supports sustainable forest management.

This suggestion to generally accept community forests in protected areas posed the question how to determine the scope of possible activities. The outcome of the hearings debate so far suggested that in protected areas the emphasis should be on conservation and the development of the environmental and biological diversity state. In other areas there may be more scope for use oriented management. However, a clear specification of type and extent of activities was missing.

These conclusions refer to the Wang Nam Khiaw resolution of the Cabinet in April 22 1997, the general policy statement recognising that man and forest can co-exist.

As mentioned in the previous chapter this resolution was revoked in July 1998 with a resolution introducing the new zoning category of 'ecological sensitive areas'. With this resolution the principle of co-existence of people and forests is questioned again. The term 'ecological sensitive area' reintroduces and strengthens the strategy of functional territorialisation. It can be used as justification for evictions and resettlements out of the 'Protected Area System' planned by the RFD, even more so, as clear criteria for such a category have not been specified.

### Activities and residence of people with community forests

The second topic of the hearings, whether or not local people are at all capable of managing forest resources sustainably, was closely related to the relevance of traditional knowledge and land use systems.

There appears to be a common agreement that communal forest management can profit from the integration of indigenous knowledge and traditionally sustainable land use systems.

tems. Supporters of communal forest management see commitment and responsibility for sound natural resource management strengthened if villagers are permitted to apply their own traditionally rooted rules for sustainable forest use. In their opinion community controlled forest management will also encourage community members to contribute to forest protection and will help to regulate forest use of people who are not community members, thus reducing locally initiated forest destruction. Likewise, respective forest management plans can respond to a variety of local needs, they are more likely to address the specific demands of underprivileged and poor village groups, consequently reducing social conflict within the community. The last argument was put forward by NGOs and academics who see themselves committed to social justice.

Opponents, however, argued that the growing influence of external factors leading to changing values and socio-economic priorities might override traditionally rooted, communal decision-making. According to them, existing traditions of forest use do not necessarily meet the requirements of modern forest management. New rules and regulations born out of the recent discussion on community forestry may be adopted but may not be effective if they are incompatible with local traditions. Furthermore they fear local forest management plans might tend to let economic necessities take priority over ecological aspects, thus jeopardising sustainable forest management and mechanisms of social control.

Therefore in addition to legalising established community traditions in conservation and sustainable use of forests, it was concluded, that an institutional framework for the elaboration, implementation and control of local management plans is essential.

### Management and monitoring of community forests

A common agreement had been achieved on the establishment of community forest committees on village, provincial and national levels. Irrespective of composition and specific functions of these committees, advocates of local self-determination questioned, whether this institutional set-up permits real self-reliance of local communities or remains tied to the traditions of centralised government control masked with popular labels such as participation and co-operation.

While most of the participants involved in the discussion agreed on the need for monitoring and evaluation, an important issue in all drafts, little was said as to the specifications of respective procedures.

Critics argued that neither time frames for inspections, nor clear criteria for the evaluation procedures were formulated. Without such criteria the assessment of ecosystems and human impact, for instance as to the type and level of forest degradation, will be futile.

Supporters pointed out, that even the most sophisticated monitoring system is likely to fail if a too technocratic Community Forest Bill leaves little room for community-centred approaches.

The arguments on the hearings as described above do not reflect all critical issues discussed in Thailand. Important issues not covered by the agenda of the hearings were the questions of landrights and the legal status of communities.

Mainly NGOs supporting the interests of local people hope that the designation of community forests in protected areas might help to promote a legal basis for settlement within such areas. As the drafts confuse what is to be understood by the term 'community' there is room for different, often contradicting definitions to be applied as deemed useful. These NGOs, however, share the fears of conservationists that this may open the gates for powerful individuals and local groups to profit in their own favour.

Another critical issue is that the Community Forest Bill suggests forest management activities that contradict other laws and regulations, in particular concerning protected area categories. Although it is stated in the Bill that in general its regulations take priority over other laws, there are a number of passages that could be interpreted in a different or even opposite way.

Assuming the Bill being implemented in the near future, Thailand's government will - intended or not - be confronted with several contradictions and loopholes as the Community Forest Bill will collide with other laws concerning natural resource management.

#### **4. 'Local' perspectives on 'global' issues**

Having outlined processes of deforestation, the history of the Community Forest Bill and the main arguments around it, this chapter aims to apply a somewhat different perspective on community forestry. Leaving discussions in administrative circles and public hearings aside, we will try to reflect the experiences we had in our research sites, where we encountered various forests and people in different parts of Thailand, against the background of the debate on community forests in Thailand.

We will start by asking what are the different needs and meanings these people associate with the forests they are living with. What kinds of 'community forests' and forest uses in the broadest sense did we meet in the various villages and regions we studied? What different functions of forests should therefore be taken into account concerning community forestry, and what requirements for a Community Forest Bill would that imply?

Taking up a central issue within the debate, we will then discuss the problem of managing and monitoring community forests. Our experiences and research findings lead us to the question, whether mismanagement and deforestation (the concern of all monitoring and managing concepts) can be effectively avoided by simply setting up legal regulations, or whether the focus rather should be on local self determination, institution building and democratic empowerment.

Finally we will discuss an issue inseparable from the debate on community forests and crucial for the success of a Community Forest Bill: landrights. As we see it, unless the issue of landrights and tenure in forest reserves, including protected areas, is settled in a way local people gain secure and 'sustainable' perspectives for their future, any Bill will be at risk to remain ineffective regarding forest protection and afforestation.

##### **4.1 Functions, needs and meanings**

In the argument on deforestation and forest protection as well as on the Community Forest Bill one of the main lines of conflict evolves between 'public' or 'national' interests on the one side and 'local' or 'private' on the other. A main argument of those critical of the community forestry approach starts by perceiving human forest use in principle driven by personal interests to maximise short term profits and as such destroying forests. Traditional ways of forest use that might have been 'sustainable' are changed through modernisation and economic development. Taking into account 'human greed' forest protection to secure 'public' or 'national' interests therefore requires exclusion from forests, external regulation and control of human forest use.

Advocates of this argument imply a perception of man and human action that is characteristic for dominating ideologies. This perspective may reflect the point of view of these advocates quite clearly, but does not reflect the complexities of human forest uses and perceptions we have experienced. The interests in forests, as well as the needs and functions served by forests are manifold and highly differentiated within and between villages, regions and different ethnic groups as our experiences and other studies all over Thailand clearly show. Often these interests and needs require the existence of forest and not its de-

struction, although particular interests and given structures of power and domination rather support exploitation of forests and deforestation until today.

Regarding the objective of forest protection, functions<sup>11</sup> of forests and the various forest 'uses' may be categorised into (1) those depending on deforestation, (2) those requiring forests but possibly leading to degradation or deforestation without 'sustainable resource management', and (3) those depending on the existence of forests without the risk of deforestation.

#### Functions of forest areas depending on deforestation

This category of forest use covers all 'uses' requiring the complete clearance of forest vegetation as for example for permanent agricultural land use systems. Forest regeneration may or may not occur after farms have been abandoned depending on type and intensity of agricultural land use. Typical examples are the cultivation of rice paddies and cash crops.

Wet rice was grown at all research sites. Due to its irrigation requirements rice paddies in mountain areas are mainly limited to valley bottoms, where they, although replacing former natural forest vegetation, rather support than jeopardise watershed functions. Research sites in northeastern Thailand show that wet rice cultivation not necessarily requires the complete removal of trees. However, there are indications that remaining trees are removed consecutively.

Cash crop production was of importance in research villages in the North and Northeast. Although a research site in Chiang Mai province showed evidence of limited opium cultivation, its area is far outranked by opium substitutes such as cassava and cabbage. These crops are grown on mountain slopes with considerable input of fertiliser and pesticides, thereby leading to severe soil erosion and threatening water quality.

There seems to be a quite common tendency to convert periodically cultivated swidden fields into fruit tree plantations. While pesticide application in this case also poses threats to water quality, the limitation of orchards to plain land and moderate slopes and their provision of a permanent soil coverage reduces the risk of soil erosion and supports watershed functions.

Although the conversion of forest areas into agricultural land accounts for most of the decrease of forest area in Thailand, in most of the villages we studied this process does not play a dominant role at present. This may be explained with intensified internal and external surveillance that makes the clearing of whole forest areas in established villages increasingly difficult. In some areas there simply is no land left that is suitable for agriculture.

However, there are signs of insidious conversions into permanent agricultural areas, as for example in the case of Thung Yai Naresuan Wildlife Sanctuary, where in the areas adja-

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<sup>11</sup> The term „functions“ in this context is used in order to describe the various roles and meanings associated with forests on the local or village level. As such it refers to a villager's perspective of benefits provided by forests as ecosystems, land area category or spiritual sphere. This may be understood as a deviation from common definitions of forest functions that put the emphasis rather on contributions to the environment (habitat of fauna and flora, effects on soil fertility, hydrology, climate etc.) or to the national economy (timber production, income generation, job opportunities etc.).

cent to the sanctuary, influential outsiders are 'hiring' local and migrant farmers (Thai and Karen) to clear patches of forests for swiddenfields and plantations, speculating on getting hold of the land 'legally' in the future. Such activities may now require more attention than the direct clearing of forest areas. To strengthen communal control over these areas may be the best way to cope with the problem.

#### Functions requiring forests, possibly leading to deforestation

Forest uses not leading to deforestation if managed properly may include on the one hand logging and wood consumption for commercial purposes (sale, manufacturing) and for subsistence needs (firewood, construction wood), on the other hand agricultural landuses compatible with forests such as taungya systems, tea gardens under forest cover or sustainable rotational swidden systems with long fallow periods.

Although logging was banned in 1989 it still is happening. In the villages we studied, illegal logging for commercial purposes was the exception. Where it happened it could not escape the attention of the villagers who in some cases were able to sanction or prevent illegal logging. As long as the culprits came from within the village, villagers hardly thought of requesting the RFD to settle the issue.

Providing firewood and construction material for local needs is a function of forests in all of the Thai villages, while the Karen predominantly use bamboo for construction and firewood. Regarding logging for local use, feelings of 'wrongdoing' generally were not as well developed as in the case of logging with commercial interest. Rather more common was the feeling of a right to use one's own resources. In some villages internal rules for local use of wood existed or were developed and violations were prosecuted within the villages.

In some of the villages there existed more or less established agricultural landuse systems compatible with forests, not necessarily associated with deforestation, such as tea gardens under forest cover or swidden fields periodically cultivated for subsistence needs.

Tea gardens (miang) for example, being an important economic factor in one of the villages we studied, may well be compatible with forests that provide the firewood for the processing of tea leaves, thereby creating strong interests in legal rights on the forest and its sustainable management.

The land use system of the Karen predominantly depends on a subsistence oriented rotational swidden system in a common property regime with fallow periods adapted to local conditions and sustainable forest use. In this traditional swidden system fire controlling technologies were well developed, and fallow areas in the forests not only increased biological diversity but also served as an important source of food for wildlife. Swidden fields in a Thai village were an integral part of the community forest of this village and were cultivated periodically for subsistence needs.

Local rights and rules regarding these 'agricultural forest uses' vary considerably reaching from 'common property rights' to 'private ownership'. Where swiddenfields for subsistence agriculture under a common property regime are converted into orchards, these conversions in general imply a shift to a private property regime. In contrast to the tendency to

convert commons into 'private property', in some villages areas regarded as 'private property' but lying within community forests successively tended to come under a common property regime. As long as these agricultural forest uses are communally controlled and integrated into encompassing 'management plans' they seem compatible with the sustainable use of community forests.

#### Functions not leading to deforestation rather supporting forest protection

There are functions and uses not leading to degradation and deforestation, but rather sustaining interests in forest protection. They range from collecting secondary forest products for subsistence or commercial purposes to ecological functions (local climate, 'watershed management') and to functions concerning the social and cognitive organisation of people and villages. Examples of the latter are recreation areas, burial grounds, retreat for monks, reference of identification or sacred groves and forests as home of spirits.

In all villages collection of secondary forest products like mushrooms, vegetables, honey, medicines and small animals are in various degrees economically important for villagers livelihood, be it for self-consumption or additional income. Hunting did play a role in some of the villages, in others it was prohibited by local rules or, as in the case of the Karen villages in the wildlife sanctuary, by national law. The riparian forests of one of the villages had important economic and ecological functions as spawning grounds. In general the 'less-well-to-do' within the villages benefit most from these resources. In some of the villages rules for the management of these resources have developed in reaction to conflicts of use or overuse.

In all villages also ecological functions of forests are perceived. Some of them have traditional rules regarding forest use that reflect ecological functions. The Karen in Thung Yai, for example, apart from clearing only certain bamboo forests for their hill rice fields, may not cut forests on ridges, in headwaters and along streams according to their rules. Others have experienced effects of deforestation regarding decreasing agricultural production, water resources or the change of the local climate that have led to growing awareness for ecological functions of forests. Growing ecological awareness is not necessarily leading to ecological sound action, but most probably will improve the chances of sustainable management of community forests in the context of communal management plans.

While social functions differ between ethnic groups they do as well play a certain role in all villages, be it as burial grounds, retreat for forest monks or recreation areas in one or the other way.

Even more important, at least for some villages and specifically the ethnic minority groups, are functions met by forests regarding the cognitive organisation of groups. They include different meanings and perceptions related to forests, identification with or 'against' forests as well as feelings or 'stories' associated with them. Differences between ethnic groups in this regard are remarkable. Karen people see the forests they are living in as their home, as well as 'belonging' in some way to the most powerful 'lord of the forest' whose permission they have to obtain for their residence in and livelihood from the forest, depending on his benevolence. Thai people on the other hand show a more distant relationship to forests,

perceiving them in contrast to the human domain and rather menacing. For most of the villagers forests are home to spirits and in all villages smaller or bigger forest areas are protected as sacred groves, old temple areas or abode of important spirits.

## Conclusions

The results of our studies indicate that in all the communities we studied, apart from economic interests in forest exploitation there are also economic interests in favour of forest protection. Furthermore, forests serve various non-economic needs and functions not leading to forest destruction but on the contrary requiring forest protection.

As we see it, a Community Forest Bill can only be effective, if it takes into account the different functions, needs and meanings associated with 'community forests' and leaves enough room to meet these different needs. As pointed out, these different 'forest uses' are not at all equivalent in their effects on forests therefore requiring different grades of public regulation and control.

There is good reason for the objective to prevent any further conversion of forests into permanent agricultural area. Regarding community forests, this objective may be attained best by giving people secure rights on lands they already cultivate as well as strengthening common interests in and local institutions responsible for community forests, enabling these institutions to defend common against private interests. Community interests cannot be equated with forest conservation as such, but empirical evidence shows that where community forests exist, individual needs for new agricultural land are balanced against and can be overridden by the villagers' interests in their forest 'supermarket'.

These local institutions and their capacity to defend common interests and to impose sanctions in case of violations are also crucial for the 'sustainable management' of community forests and the use of secondary forest products for local needs or commercial use where necessary.

Functions and uses depending on the existence of forests and not degrading or destroying them generally are not problematic regarding the objective of forest protection. Instead, they rather support it. They may play a crucial role in the process of local institution building and as common interests they may be fundamental for communal resource management. Awareness for ecological aspects of forests as one of these functions seems to be increasing.

As has become clear, there is a broad range of existing forest uses and functions of 'community forests', ranging from commercial afforestation on deforested areas, village woodlots, periodical swidden fields, and collecting areas for secondary forest products, to 'protected areas' for ecological, social or spiritual purposes. Regarding these different functions, there seems to be no inherent contradiction between use and conservation interests.

Obviously in all the villages we studied there are individual and common interests in forests not damaging them but rather supporting their protection. Secure settlement and use rights as well as legal rights on community forests most probably will strengthen identification of villagers with and responsibility for their forests. The chances that villagers under

these conditions can develop effective local institutions and capacities to protect and manage their forests seem quite promising.

Furthermore the different functions and uses associated with community forests should provide enough possibilities to meet public interests in forests, such as watershed, wildlife and biodiversity protection. To be sure: there are problems regarding deforestation in 'sensitive' areas and there are and will be conflicts between private, 'communal', 'public' and 'national' interests. But there seems to be no need to generally exclude any areas as possible community forests for functional reasons, as functions serving 'public' interests, such as watershed protection, may well coincide with functions serving local interests, such as local conservation areas. Protection of these areas in the responsibility of local communities may finally prove more effective than state control, exclusion, and resettlement.

#### **4.2 Controlling community forestry**

A great deal of the opposition to the Community Forest Bill and especially to having community forests in conservation areas, is the fear that the relaxation of government control will lead to deforestation. The acceptance of the bill, for example by the RFD, was therefore connected to the inclusion of various instruments of control, designed to prevent this taking place. These are the requirements that every community submits a management plan to the controlling institution, the setting up of provincial and national forestry committees with the power to grant community forest rights, supervise them and withdraw them, and the inclusion into the bill of a long list of penalties which will incur if anyone harms or destroys the community forest. In all, nearly two thirds of the bill are taken up with these provisions.

This is one of the main weaknesses of the bill. The fear of losing control over forest management actually misses the whole point of community forestry; that it is by giving the right of management to local communities that a sustainable use of these forests can be attained. Instead, the various clauses containing don'ts and cannots carry on a line of reasoning that has failed again and again: that if you forbid forest destruction by law, then it won't happen. This has not worked. It did not work for the National Forest Reserves, and it won't work for community forests.

Our research points to different conclusions. Firstly, the institution assumed to be suitable for monitoring and controlling the community forests, the RFD, is not necessarily the best candidate for the task. Secondly, why and when community forests have been successful does not depend on a formal requirement for a 'management plan', but rather on social and political developments on the ground. Most important are local institutions capable of and willing to enforce forest protection. Our research findings lead to different recommendations for the Community Forest Bill.

#### **Research findings**

Research implies that the RFD, in its current form, is not the institution suitable for monitoring community forests. It has had serious difficulties in providing sustainable management of forests in the past. Villagers view forest officials as representatives of the state.

Their experiences with forest officials are in most cases that of RFD officials patrolling the forest, arresting and expelling villagers. This picture is complemented by recurrent cases such as the Salween logging scandal, in which corrupt RFD officials not only failed to stop illegal logging in the National Park, but were also involved in it themselves. Foresters on the other hand, generally view villagers as encroachers and not as protectors of forests, exceptions may prove the rule. On both sides, there is not much evidence of mutual trust, on which a joint management of forests could be based. Establishing the RFD as the key institution in controlling community forestry management is not likely to alter this.

The history behind successful community forests is unique for each case. Our experiences do not support the argument that community forest is a traditional Thai village feature, that simply has to be legalised and in some areas needs to be revitalised. Old institutions like the authority and acceptance of monks and village leaders, spiritual beliefs concerning forests and cultural aspects of forests such as burial grounds are important aspects of community forestry. To various degrees, common land regimes traditionally existed, especially with regards to the conversion of forest into agricultural land. But as long as timber and other forest products were in abundance, clear rules concerning the use of forests that were neither watersheds nor burial grounds or spiritual sites, were not necessary

Strong, accepted village institutions are needed to establish the new institution of community forests and often these institutions are old, traditional ones. But the success of community forests in most cases is accompanied by economic and political processes that are not grounded in traditional Thai village culture. One of these non-traditional features that we encountered in our studies was the involvement of NGOs, who supported village activities, villagers negotiations with state officials and networking between different villages.

In one village in Nan province, the process of severe degradation in the forests surrounding the village prompted the development of a community forest. Deforestation was due to increasing importance of cash economy and the fact that selling timber was the only source of money. Village leaders realised the danger of this deforestation. Apart from ecological concerns that they heard of in state seminars for village leaders, they also realised that soon there would be no forest left to meet the villagers' own needs for timber.

The village leaders could enforce forest conservation because they were accepted authorities. Their authority is based on their descent from the first settlers, their economic success or their skills in dealing with outsiders and officials - maleness being a nearly inalienable prerequisite. The implementation of forest protection rules was supported by other factors. Increased market integration, facilitated by the building of a paved road, opened up alternative sources of monetary income such as seasonal work in Bangkok and cash crop cultivation.

One requirement in the Community Forest Bill is a list of people formally belonging to a community forest committee. In this case the village forest committee was rather a 'paper tiger' than an institution of real importance for the villagers. It came into existence because this kind of organisation is commonly connected with the state. As villagers wanted approval of their community forest by the local Royal Forest Officer, a state representative, they presented what they assumed would be helpful for their cause. But in reality, the institutio-

nal arrangements that were enforcing forest protection rule in this case were by far more complex and interwoven with traditional village life and historically new processes within the village.

In another research area in Sri Sa Ket, villagers formally established community forests by turning their fallows originating from former cassava farms into forests, when these fields were endangered to be taken over by a company planting eucalyptus. The community forest was not an initiative of the RFD, but rather accepted by the department in retrospect and under local pressure.

Similarly, one community forest established in the Donglan forest of Khon Kaen province has its roots in the Khor Jor Kor conflict. Villagers were first evicted from the area. After returning home they wanted to show that they are capable of forest conservation, and set up a community forest, complete with internal rules and fines. Five years later, they now have a well established young forest respected by the community. Community forestry in these two cases therefore serves as a legitimisation for villagers claims on control over land and forest resources.

Another research area in riverine forests, which are officially not classified as forest land, shows one village without any management of the forest/scrub, with another one within the same district with a very successful community forest. The impetus also came when a private company staked a claim to previously common land, in order to grow eucalyptus.

The idea of establishing community forests often travels through networks set up by villages involved in political struggles, be it the eucalyptus conflicts or Khor Jor Kor, or campaigns against evictions from National Parks. NGOs play a role in disseminating information in these cases.

### Suggestions

None of the conditions that favoured the community forests in the villages under studies could be brought into existence by passing a bill in parliament - neither strong local institutions, nor ecological awareness, neither favourable economic conditions, nor supportive NGOs or village networks. A law could legalise the activities in these villages, a law could ease the emergence of similar processes in other villages, but it is beyond any law to get community forests going.

Instead of focusing on controlling the villages that do manage forests as community forests, the impetus should lie on assisting and supporting villages already active in forest protection and ease the process of getting active by legalising community forestry. A Community Forest Bill should try to minimise loop holes through which other actors, that are not interested in forest protection, would be enabled access to forests. But formalising criteria of village institutions and management plans might not be the way such loop holes can be closed. As villagers are able to present a village committee, if needed, logging operators may be able to present a management plan and a forest committee as well, if needed.

The point is that there are successful community forests in many villages, whereas most villages still do not have community forests. The bill should aim at legalising the existing ones and facilitating the spreading of new ones to other villages. Expertise of trained fo-

resters could be helpful in this process. Villagers are not incapable of forest management, as they have proven already, but this does not mean that they could not gain from exchange and advice between traditional and scientific knowledge of academically trained foresters and vice versa. These foresters do not need to be employees of the RFD, they could be engaged by communities wishing to establish a community forest. Another possibility would be NGO workers, today working as community organisers on a voluntary basis, to be employed by villages. Or villagers themselves, to be sent for training in forest management and then employed within their villages. The valuable work of the Regional Community Forestry Training Centre (RECOFTC) is something which can be expanded on in this context. Funding for that kind of assistance should be provided by the state - communities protecting forests serve public interests by doing so and should receive due assistance for this task.

Starting from the different functions forest can have for a certain village and certain groups within this village, a management plan made up by the villagers may well help in coming to an agreement of how which forest is to be used and/or protected. But such criteria need to be developed within the village, as these might be different for different locations.

Some kind of control of these management activities might help reducing the loop holes any bill will have, as long as there is enough room for the different functions different communities forest may serve. Where local forestry offices have a constructive relationship with villagers in community forestry management, this can be built on. Likewise, it is conceivable that the RFD can adapt new policies of co-operation with local people, with the younger professionals gaining a different perception of their role, away from forestry policing towards a service institution engaged in extension and consultancy. This remains to be seen.

For the time being, instead of creating a top down 'provincial community forestry committee' as envisaged in the bill, we suggest using networks which have already been created by the villagers themselves. Organisations like the Northern Farmers Network, or the Community Forest Network of the Northeast, or independent institutions like RECOFT could provide both the extension of community forestry by using successful examples within their network, and also a kind of quality control of the management of these forests. These institutions are probably more suitable for the task, because they themselves have an interest in the success of community controlled resource management, and because they command the trust rather than the fear of the villagers concerned.

Ultimately, the reluctance of the RFD to give up control over the community forest areas is connected to the deeper seated fear of losing command over large areas of National Forest Reserves through land reform. For villagers, the community forests legislation holds the potential to serve as an argument against relocation and eviction of these areas: if they are recognised as protectors of the forests, the state can hardly evict them on the grounds that they destroy the forests. The debate on CF becomes therefore intricately linked to the more general debate on landrights.

### **4.3 Settlements and landrights**

Imagine a community forest has been set up by a local community which legally does not exist and these villagers earn a living by agriculture which legally does not take place. Impossible? No, not when assuming that the Community Forest Bill is being implemented as planned. The problem is that the Community Forest Bill contradicts other existing laws concerning not only forests but also the legal status of settlements and land tenure. So a functioning community forestry could be threatened because the community organising it could face eviction because of conservation laws. The planned Community Forest Bill would not only be unable to solve already huge legal conflicts mainly in protected forest areas, but in certain cases might even increase the legal uncertainty of settlements and people living in those areas. Article 51 in the September draft, for example, states that communities in protected areas can lose their community forestry rights in the event of relocation by the state.

One reason the discussion about community forest rights is taking so long is that it serves as a vehicle for other urgent issues. Hidden key issues are the legal status of communities in National Forest Reserves and land rights which are not covered by the Community Forest Bill. As long as these underlying problems remain unsolved, they threaten to undermine the main principles of the Community Forest Bill.

#### **Research findings**

*Settlements.* When Thailand established National Forest Reserve areas many settlements already existed in those 'only forest' areas. By establishing the National Forest Reserve areas those villages became illegal. In most of the villages studied, the farmers lived in a state of permanent contradiction, looked on as illegal by the RFD under forest laws, at the same time being officially registered with the Interior Ministry as a settlement. This contradiction manifests itself to different degrees, some villages becoming de facto recognised by the RFD, others in more sensitive areas like national parks and wildlife sanctuaries, living with the permanent threat of eviction.

Particularly vulnerable are villages of so-called hill-tribe people who are not recognised as villages with a traditional settlement right since the local communities comprise of people from ethnic minorities who often do not have full Thai citizenship.

The state planned to relocate communities settling inside the National Forest Reserves in various resettlement schemes. The most prominent programme to get rid of these communities was the Khor Jor Kor resettlement scheme under RFD and the Thai military between 1990-1992, and it failed completely as outlined in chapter 3.1. Resistance in Thailand against resettlement out of National Forest Reserve areas was motivated by threatening poverty after resettlement, but also by the desire to remain in those villages which one helped establish or grew up in and by a more fundamental conflict over land tenure issues.

*Land rights.* The same underlying insecurity of settlements in NFR areas is characteristic for the land tenure system.

In nearly all the cases studied, tenure over agricultural land was insecure to various degrees. The demand for secure land titles was therefore a major concern of these villagers. The discussion on how to gain security in land use usually had priority over other resource issues like the community forestry debate. Depending on the conservation status, but also on the organisational strength of the villages, land titles, ranging from the RFD's Sor Tor Kor use rights, to semi-tradable Sor Por Kor documents and in some cases even full ownership rights could be pushed through.

The status of ethnic minorities regarding landrights is even more precarious than that of ethnic Thai. The state has been and still is reluctant to grant full Thai citizenship to ethnic minorities (despite official statements to the contrary) while any secure land rights are made conditional on Thai citizenship. Furthermore ethnic minority groups in Thailand traditionally predominantly did practice more or less sustainable forms of swidden agriculture. Within the dominant Thai culture, shaped by predominantly permanent wet rice agriculture, swidden agriculture is perceived as an 'unsustainable' and forest destroying form of agriculture therefore deserving prohibition rather than secure landrights.

In the case of the Karen in Thung Yai Naresuan Wildlife Sanctuary (most of them having at least a restricted form of citizenship), one of their villages is older than a hundred years and all of them were established at their present location before the designation of the sanctuary. They do have the status of 'mubaan' and all together are legally recognised as a tambon but are 'illegal' settlements regarding forestry laws. They traditionally practice a subsistence oriented swidden system relying on long fallow periods and sustainable forest use. While the RFD, for 'conservation' objectives, is restricting the use of fallow areas necessary for the traditional system thereby making it 'unsustainable', other state agencies are promoting cash crop cultivation within the 'protected area' as a substitute for the 'illegal' landuse of the 'illegal' villages in the sanctuary.

RFD restrictions on the traditional landuse system as well as the promotion of cash crop planting, apart from destroying the traditional system, also undermine the common property regime associated with it. Pushing and pulling towards a 'private property regime' and strengthening private against communal interests may lead to landuse systems not as easily compatible with sustainable forest use and the objectives of the sanctuary as the traditional swidden agriculture.

*Common land rights.* Our experiences as well as the relevant literature suggests that forms of common property regimes or communal management regarding the use of land may be found frequently in the villages, even though communal rights on land do not have a legal base in Thailand. These rules and regulations concerning the use of 'communal land' in some villages are legitimised traditionally while in others new institutions have been created, for example in the context of the management of community forests. The degree to which these rules and institutions are formalised or explicit varies considerably.

As land as a resource has become scarce, conflicts regarding 'communal lands', not having a legal base, are increasing. On the one side the state and competing institutions and factions within the state, have been and are trying to control 'communal lands' legitimised under the legal institution of 'public lands'. On the other side private interests are 'encroa-

ching' on public as well as 'communal land', both being rented out or sold to private people or investors even if there are no legal titles for such transactions.

An example for such processes are the conflicts over eucalyptus plantations in the Northeast. Our studies show that the main issue leading to resistance was not eucalyptus per se, but rather that private or state interests overruled local claims to the land.

### Suggestions

*Settlements.* The legalisation of existing settlements in forest areas is a prerequisite for a long-term strategy of sustainable forest resource management. A state of affairs in which community forestry status is granted, but at the same time, the community is threatened with eviction, is not acceptable. We suggest that recognition of community forests should be possible, irrespective of whether the communities are currently legal or not. This should then be backed up as swiftly as possible with a legal recognition of that settlement. Any other construction seems to be an absurdity. The fear that this could be misused by other parties to establish new settlements, resorts or industrial estates under the camouflage of CF are not ungrounded. However, this danger already exists. More security for existing communities can strengthen the position of people who are settled in the area, giving them a vested interest in preventing this kind of misuse from happening. This could also be controlled by the monitoring institutions suggested in chapter 4.2.

*Land security.* Local people need not only secure settlement and a legal framework for the community but also land for agriculture to earn a living. Villagers must have some form of secure legal ownership of their lands for permanent fields and shifting cultivation areas. This is a precondition for the villagers to invest labour or time into long term strategies of resource management. In the case of certain protected areas with ecological functions like watershed areas we recognise that restrictions on land distribution and proper resource management plans are necessary.

As the Phuket scandal shows, where SPK land titles were illegally appropriated, any legalisation of land rights can lead to land titles being bought up by third parties who do not need the land for agriculture. However, this is not a valid argument against the granting of secure ownership to millions of farmers who are dependent on agriculture. Misuse arises through problems which cannot be solved within land and community forestry legislation alone. Unfair distribution of wealth, corrupt practices of government officials, the land speculation and property development in certain areas are all factors making the buying up of land a lucrative business. On the farmers side, indebtedness, lack of alternative income or the insecure nature of land rights itself are factors which lead to the selling of land titles. These problems cannot be solved by land legislation alone, but are part of wider political and social problems. At the same time, the Phuket case shows that there are mechanisms which lead to such misuse being made public, with sometimes serious consequences, as the Chuan government then found out. The demand of organisations like the Forum of the Poor for land rights should be supported, as on balance it will strengthen the position of forces interested in preventing indiscriminate buying up of forest land.

*Common land rights.* So far, Thai land legislation recognises only two kinds of property rights: state property or private property. Besides securing individual land rights as it is now happening under the Agricultural Land Reform Office, a kind of common property should be established with which villages have legal property rights. Nowadays Thai local communities do not have sovereignty over community areas and are not a legal entity. This would have to be changed. The reform of the tambon system, which gives this status to the tambon councils, is a step in the right direction. Common property rights would ensure a long term security and therefore interest in the management of natural resources. This does not automatically lead to more forest cover or ecologically sound land use management, but it is an important precondition for the development of such approaches.



## 5. Epilogue and conclusions

### ***5.1 Population, deforestation, development - ideologies and interests in forest protection***

The population bomb has exploded, the detonation has devastated the forests. Development, the only way out of the vicious circle of population growth, poverty and deforestation, has abruptly slowed down, as insidious financial transactions of unscrupulous speculators stopped Thailand on its way to a vital Southeast Asian tiger economy. The economic crisis of 1997, haunting the nation, will lead to even more deforestation by increasing poverty and pressure to land, as people lose their jobs in other sectors and the urgent need to make a living will force them back into agriculture and forest destruction.

This is one possible version. Another version may be, that economic development was the cause of deforestation. Its slow down after the crisis will lessen the pressure on forests, exercised by a growing marginalised population, alienated from their traditional way of life by 'development'. Rural population will get the chance to turn back to subsistence production again and protect the forest against exploitation by influential politicians, military and the like. The crisis will allow the nation to return to its cultural roots and strengthen traditional Thai values against western consumerism.

There are many more possibilities of bringing together 'population', 'deforestation', and 'development'. Usually they come in less extreme forms and not as pure as the statements above. In any case the terms are far from being neutral and can not be separated from the various meanings and judgements they carry. In their different combinations they suggest causal relations that more often reflect certain interests than reality. Deforestation in Thailand as elsewhere, is not a result of abstractions like 'population growth' or 'development'. It is the result of diverse human interests and actions, inter-related in many ways, changing in context and time. Accordingly different social actors have very different views on deforestation and forest protection.

The negative connotation of deforestation is not inherent in forest reduction itself, rather it is a result of local, national and international discourse, interwoven with each other and increasingly presenting deforestation as a serious problem to be solved. In Thailand (as in Europe) clearing of forest areas used to be perceived as enlarging the domain of humans and 'culture' on behalf of the non human, 'wild', and rather menacing forests. For some of the actors involved today, the negative connotation of deforestation may reflect negative experiences resulting from it. Some do have economic or other interests in forest protection, others perceive adverse consequences for the future or may pay lip service to a dominant discourse actually pursuing objectives contrary to forest protection.

In chapter two we distinguished three different strategies regarding forest protection in Thailand. These strategies not only reflect certain worldviews but serve also certain interests in a political and economic struggle about power and control over resources.

*Concessional logging and commercial afforestation* for private interests as one way of forest protection is quite obviously related to economic interests of those benefiting from logging. Being its traditional approach, this strategy is favoured by parts of the RFD. Not surprisingly it is also the approach the timber industry likes most, along with politicians, officials and military leaders personally involved in this industry. The underlying ideology refers to a 'homo economicus', who acts according to economic rationality and market forces that will bring about efficient and sustainable resource use. Deforestation occurs when economic rationality is hindered, for example when short term logging concessions make short term profit more rational than long term investment. The state has the duty to provide a setting, where economic rationality can function properly.

The *conservation and exclosure strategy*, the earliest conservation approach and historically closely related to the commercial approach shares parts of this ideology. Short term economic interests of individuals will always tend to conflict with long term public interests in ecological functions of forest. The state as an institution representing public interests has to protect forests and forest lands against private commercial interests. As short term economic profit today is the most important motive of the majority of rural people, forest protection has to separate forests from people for the forest's sake. Academics, parts of the RFD and 'dark green' NGOs arguing in this line are mainly concerned with ecological functions of forests. Most of the supporters are part of the new middle class, influenced by western concepts of environmentalism and conservation as well as Buddhist concepts of nature. Apart from ecological concerns, the RFD as an administrative organisation is interested in maintaining its power base within the state's bureaucratic system by taking up conservation issues high on the political agenda and securing their control over land.

*Community forests and 'local empowerment'* as a third strategy of forest protection is mainly propagated by local initiatives, farmers movements, 'light green' NGOs and supporting academics. In this context community forestry refers to a grassroots perspective different from the top down version of 'social forestry'. The underlying assumptions are that people and forests did co-exist over centuries and that forest conservation by villagers can draw on traditions of a moral subsistence economy. Local institutions defending common against private interests will be capable of protecting natural resources, if they are strengthened by legal support from the state. Deforestation occurs where these institutions are weakened or destroyed by rapid economic development and commercialisation. Interests associated with this strategy, apart from environmental concerns, include intentions to control local resources now under jurisdiction of a central state, the wish to secure rights of settlement and communal self determination as well as supporting democratisation and decentralisation.

These forest protection strategies and their ideological frames need to be seen in the context of Thai economic and political development. Thailand is a centralised state, centralisation initially being fostered by the need to resist colonial powers. In the past the country was ruled by the monarch, a small group of nobility, bureaucracy and military. This is true for most of the 20th century as well. However, democratic movements

gained steadily influence during the last decades, in spite of frequent repression by military leaders.

Thailand's economic development since the fifties was one of rapid growth. Historically deforestation is doubtless connected with this growth in the name of 'development' and 'modernisation' along the western model. Agricultural expansion on the expense of forests was by far more related to cash crop production, promoted by the state and supported by opening up vast areas through logging concession and military infrastructure, than to increased subsistence production of a growing rural population.

This growth induced major changes in society. Inequities increased and economic stratification within villages today plays a much greater role than in the past. However, the rural population did generally profit much less from the economic development facilitated by deforestation than those belonging to old elites and those managing to join the emerging new elite and urban middle class. This is even more true for most of the ethnic minority groups popularly blamed for deforestation in Thailand.

With economic development competition about scarce resources increased between social groups within villages, between villages, between ethnic groups, between state agencies and private business, between the wealthier urban population and the 'rural poor'. At times when forest and land was available abundantly male Thai could claim land according to their position in the Thai feudal system, allowing even slaves to cultivate enough land for subsistence. Today, customary land and use rights, specifically communal rights on land having no legal base are in a weak position between strong private and state interests. Land has become a scarce resource and much of the dispute about forest use in Thailand is a dispute about rights and control over land.

The competition not only increased, it also changed partly in character. New interests in forests and new lines of conflict evolved around the ecological functions of forests out of a 'national' and 'global' perspective. In this view local interests in forests often are perceived as destructive and conflicting with forest conservation. Ironically, the social group mainly advocating forest conservation for ecological reasons as well as for the intrinsic value of nature emerged in a process supported by the exploitation of this nature. But ecological awareness and conservation issues may be just as well found among villagers and village activists who promote community forests primarily for environment protection often aside with 'environmental' Buddhist monks.

Forest protection in Thailand is a political issue involving very diverse social groups and interests, conflicting and coalising in complex ways, which can be seen very clearly in the argument around the Community Forest Bill

### **5.2 Community forests, the bill, and social conflicts around it**

The discussion around the Community Forest Bill illustrates that neither the proponents nor opponents of local communal resource management, are driven by environmental concerns only. Environmental protection and conservation is more and more becoming a powerful argument in the context of resource conflicts, landrights issues, and national policies - in Thailand as well as internationally.

Issues and interests associated with the Community Forest Bill are as diverse as use rights for forest products, timber for the local population, economic interests of timber industry, secure tenureship for agricultural land in National Forest Reserves, legalisation of settlements in protected areas, ecological functions of forests for climate and as watersheds, decentralisation and democratisation of a centralist, bureaucratic state, power plays between and within different state agencies and political parties, as well as ideological controversies and interest conflicts between different social groups.

This enumeration illustrates that no Community Forest Bill can solve all the issues related to the discussion of community forestry. Community forests are not the overall solution for Thailand's social, political and environmental problems. A Community Forest Bill cannot convert villagers with no interests in forest into villagers eager to engage in conservation. It is also no suitable instrument to secure land rights for agricultural land or to settle the conflict over protected areas. Neither are community forests an instrument to bring 40% of the nations land area under forest cover.

But community forests may very well support local needs for timber and other forest products, even opening up additional income opportunities for local people, at the same time serving 'public' interests like watershed and/or biodiversity protection.

Secure legal rights in communal forests as promised by the Bill, will also support long-term interests in forests and their ecological functions, thereby supporting growing ecological awareness, increasing responsibility for local environments, and most probably leading to long-term forest protection.

The institution of 'community forests' may also be a step towards more democracy and decentralisation of administrative power by strengthening communal institutions and rights regarding land and resources. Like the local administration law of 1995, that strengthened Tambon Councils, the Community Forest Bill has the potential to bring more decision power down to a local level.

To be able to achieve these potentials, regarding the Community Forest Bill emphasis should be put on the following points:

- 8-15 mio. people in about 150 000 villages (cultivating one third of Thailand's agricultural area) are living in areas designated as forest reserves, where forest protection and afforestation should be most welcome. A Community Forest Bill should facilitate the establishment of community forests in forest reserves.

- As ecological functions of forest serving public interests may well go together with local interests in different forest functions, there is no need to generally exclude any areas as possible areas for community forests, including protected areas. Even more so as communal control of forests in sensitive areas may prove more efficient than state control has been. Necessary restrictions regarding forest uses could be regulated in the management plans.
- The situations in Thailand's villages are very diverse. Forest uses differ within the different regions as well as between the regions, between different ethnic groups and even between neighbouring villages. The Bill therefore should leave enough room for locally and culturally diverse perceptions and forms of forests and forest uses. For example subsistence oriented swidden systems under a common property regime seem to be well compatible with community forests.
- Our research findings show, that villagers interests in forest are various, partly endangering these forests, but in many aspects advocating maintenance of forests for economic, ecological and cultural reasons. A Community Forest Bill should enable all the different functions of forests not necessarily leading to deforestation, legalising and securing existing practices of forest use and forest protection. As long as communally managed, community forests could incorporate with commercial afforestation or plantations as well as agroforestry or subsistence swidden systems.
- Different interests in forests are shared by different social groups within the villages to a different degree. A Community Forest Bill could support those social groups, that have a vital interest in forest protection. This support would be achieved by giving them legal rights to community forests and enabling them to defend these rights against interests of other social actors, local or not, whose interests are better served by forest destruction.
- Since state control of forests has failed to protect them against private exploitation interests, strengthening communal interests and control of forests appears to be more promising regarding forest protection. Of course communal interests are not intrinsically and not in all cases favouring forest protection. But our research findings suggest, that interests in forest protection are more likely to gain priority in communal than in individual decision-making. A Community Forest Bill therefore should emphasise and support local institution building regarding forest management. Rather than relying on narrowly defined rules, hierarchical control and elaborated penalty regulations, a the bill should give room for communal self-determination, decision-making and empowerment as well as providing professional advice and support.

Other issues we consider crucial for the success of a community forestry approach cannot be settled within a Community Forest Bill:

- Many of the villages suitable and interested in community forests lie within areas designated as forest reserves without legal settlement and use rights. Sustainable forest management requires secure long-term perspectives for the settlement as well as for agricultural areas. Therefore established villages in forest reserves should be granted legal village status and secure use rights on their agricultural area.

- Landright issues connected to community forests are not restricted to insecure tenureship in National Forest Reserves. Community forests anywhere in Thailand will be subject to the current property law, that only recognises private or state property regimes. This lack of legal recognition of communal rights on land and resources weakens communal institutions in conflicts of interest within and between the community and external actors. Establishing communal land as a legal form of property could also be an important step to support decentralisation, democratisation and finally forest protection through community forests.
- The RFD as a ‘caretaker’ of the forest areas and forest reserves in Thailand is playing an important role regarding forest protection and community forests. To support sustainable forest use by local people under communal management the RFD would have to change policies and structures towards an institution supporting villagers with advice, service, infrastructure, and even capital.
- Up to now, state policies are often contradictory. If the community forestry approach is aimed to be a success, it needs to be co-ordinated with other forest relevant policies within the Ministry of Agriculture and other state agencies such as the Ministry of Interior or the military.

Community forests most likely will fail if they are used as an instrument of forest politics, in one category with commercial afforestation or the establishment of protected areas. To be successful, they need to evolve within the villages and this process can be enhanced and supported instead of hindered, but it can not be prescribed by provincial forest officers.

State, timber industry, urban middle class and rural farmers associate different interests with forest legislation. Not all of them are inherently connected to forests. The division of monetary benefits, a secure base of survival for everyone, decentralisation of state power and democratic decision making on all levels are issues that will continue to be fought over in Thai society, independent of a Community Forest Bill. These different interests have been sources of social conflicts throughout the last decades and community forestry is one of the topics in these conflicts. Solving the issues of community forests though will not end the process of negotiating different interests between different social actors in society. But there is the chance that this issue will be solved in a way that enhances the process of democratisation and social justice.

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## **Appendix:** **Forest characteristics in research regions**

*Situation and problems of communities concerning their forests according to experiences during the Ph.D. field research period (Oct. 1996 to Aug. 1997) of the authors*

Our experiences with people and their forests in Thailand concentrated on communities of Karen people (ethnic minority) in the **Thung Yai Naresuan Wildlife Sanctuary** (Reiner Buergin), on mixed communities of Thai and minorities in **Chiang Mai province** (Rolf-Dieter Sprung), and of a Thai community in **Nan province** (Christl Kessler) in the North. In the Northeast (Isan) communities were studied living in and with seasonally flooded riparian forests in **Sakon Nakhon** and **Nakhon Phanom** provinces (Verena Brenner), as well as communities within National Parks in Sakon Nakhon province, Eucalyptus forest areas in **Chayaphum** province, and communities with already established community forests in **Khon Kaen** and **Sri Sa Ket** provinces (Oliver Pye and Rainer Schwarzmeier). All of us stayed and worked with local people over extended periods. Therefore we were able to take more than a glimpse on problems of people and their forests in Thailand.

### **Thung Yai Naresuan Wildlife Sanctuary (Reiner Buergin)**

Located in the western mountains 150 to 1800 m above sea level, along the border to Burma, the TYN Wildlife Sanctuary covers more than 3600 km<sup>2</sup>. Together with the neighbouring Huai Kha Khaeng Wildlife Sanctuary covering another 2500 km<sup>2</sup> it was designated a World Heritage Site in 1991. Vegetation cover consists mainly of Evergreen Forests including Evergreen Mountain Forest above 1000 m above sea level and Gallery Forest along rivers, Semi-Evergreen Forests between 800 m and 1000 m above sea level, and Deciduous Forests below 800 m above sea level. Approximately 4 % of the area are covered by Savannah Forest and Grassland, plus 4% fallow land or shifting cultivation areas of Karen people. The research area covers approximately one third of the area with 9 villages. The traditional land-use system of the Karen, a sustainable subsistence oriented swidden system, has come under severe pressure due to restrictions on the use of fallow areas by the RFD. Furthermore they are threatened by forced relocation, even though Karen people are living since more than 200 years in the region and all their villages have been established before the designation of the sanctuary.

### **Forest in Chiang Mai Province (Rolf-Dieter Sprung)**

The approximately 20 km<sup>2</sup> research area on 1000 to 1800 above sea level is the settlement area of two communities including forests and agricultural land. Located in a hilly to mountainous area with steep slopes, still 50 to 70% of the slope and top areas are covered with Mixed Evergreen Mountain Forest. In some areas reforestation with pine trees and cultivation of rice and cash crops like vegetables, maize, tea, and coffee is found. In lower areas fruit trees are planted on moderate slopes and the valleys are used for rice paddy. The communities are mixed Thai, Karen, Lisu ethnicities and the area was part of a participatory land-use planning project some years ago. Cash crops and tree plantations were introduced to eliminate shifting cultivation and poppy fields of Lisu people. People of all ethnicity depend on forest products mainly firewood and timber, but also on wild vegetable, honey, and mushrooms for home consumption. Main conflict with government agencies is deforestation on slopes and mountain tops for agricultural

and timber use in the watershed area which is by law protected against forest conversion and / or forest exploitation.

#### Forest in Nan Province (Christl Kessler)

Research area in Nan covers 800 ha community forest of one settlement located 20 km north of the province's capital. The forest is located between 200 to 450 m above sea level in a hilly undulated region. The forest is classified as a Dry Dipterocarp Forest mixed with young Teak trees. Within the community forest some villagers have fallow land and fields under shifting cultivation techniques. The time period of the fallow land until re-utilization for agricultural purposes inside the community forest is regulated within the local-based community forest rules. Forest is used to collect firewood and to extract timber, as well as to obtain non-timber forest products, and as hunting area. On lower slopes and in the valley people cultivate rice paddy, vegetables and fruit trees (oranges). Problems and conflicts occur when the forest is used by people from outside the community and with RFD-officials who do only recognise a smaller forest area as community forest as the community itself.

#### Flooded riverine forests in Sakon Nakhon and Nakhon Phanom Provinces (Verena Brenner)

Along the river Songkhram -a tributary to the Mekong - wide areas are seasonally flooded for one to four months during the rainy season. On this flooded areas the potential natural vegetation is a Swamp Forest of the Riverine Type. In most areas this natural vegetation is destroyed through exploitation of timber in the past. Dense bamboo vegetation with few trees and shrubs developed as secondary vegetation. The vegetation serves as sediment trap, protects the river edges against erosion and helps to maintain higher groundwater level during the dry season. The dense vegetation is spawning and breeding ground and hatchery for migratory fish, thus providing a temporary habitat during the annual flood. People collect bamboo shoots, mushroom and wild vegetable and hunt birds, snakes and small mammals, beside using remaining water areas for fishing after flood waters drained into the river. The area under in-depth study covers 11,36 km<sup>2</sup> seasonally flooded bamboo forest and grassland, used by one community of Thai-Lao people.

Seasonally flooded riverine forests are not recognised as a forest type by RFD-classification, although the ecological functions are similar to mangrove forests at the sea shores. Main concerns of villagers are a weir building project at the mouth of the river which will cause the area being flooded permanently, and privatisation of the flooded area by issuing land title deeds which likely will cause the remaining forest vegetation being cleared for agricultural purposes.

#### Forests in Khon Kaen, Sakon Nakhon and Chayaphum provinces (Oliver Pye)

Research covered three National Forest Reserves: Phuphan forest in Sakon Nakhon, Donglaan Forest in Khon Kaen and Naayangglak Forest in Chayaphum.

Phuphan Forest, the 7<sup>th</sup> National Park of Thailand, covers appr. 665 km<sup>2</sup> of mountains which are topped by a sandstone plateau. Vegetation is mainly Dry Dipterocarp Forest, with Mixed Deciduous Forest near the rivers, and Dry Evergreen Forest in the southern region. 10 villages around the border and within the park were visited. Most of these had been threatened by evic-

tion in the past, their agricultural land (wet rice, cassava, grazing) coming into conflict with the National Park status. This land was in the process of being legalised, with a new boundary line to the park having been negotiated with the National Park authorities.

In the other two National Forest Reserves, research was conducted in two villages which had been evicted during Khor Jor Kor, and where villagers had returned after the programme was cancelled.

The 557 km<sup>2</sup> Donglaan Forest is also covered by Dry Dipterocarp Forest. Most of this is classified as Conservation Forest by the RFD, which is interested in opening it up to tourism. A community forest established in the village after their return is well protected, with rules accepted in the community.

Naayangglak Forest covers around 1950 km<sup>2</sup>, of which 2/3 are classified as degraded. It was logged heavily in the past and has a modern road network. 65 villages are located in the forest reserve area. Grazing and cash crops have been the main agricultural income, in the village visited, integrated biological agriculture was being propagated.

#### Forest in Sri Sa Ket Province (Rainer Schwarzmeier)

The “Non Yai” community forest is located in the southern part of the Northeast region in the District of Potisrisouan, Sri Sa Ket Province. It covers 1.600 rai and is located within an area of 16.000 rai which has been declared National Forest Reserve in 1971, several decades after most of the area has been cleared for agricultural use. The forest is described as Mixed Deciduous Forest with the main tree species are among others *DIPTEROCARPACEAE*, *Xylia xylocarpa*, *Pterocarpus macrocarpus* and *Azelia xylocarpa*. More than a decade ago five villages decided to stop farming on their fields and restore a natural forest area under their close supervision. The decision can be described as a result of external pressure as the land was designated as eucalyptus plantation under private control and internal reasons as the land might not be suitable for agricultural use due to its poor conditions and the need for forest by-products respectively. Nowadays a community forest committee with ten representatives of each village is responsible for the supervision of the community forest area which is conducted with support by the Sri Sa Ket Provincial Office of the Royal Forest Department. The main concerns of villagers are unsolved problems regarding their land titles, the unsecure community forest status as the community forest bill still waits for the approval by the government and questions regarding the use of community forest products.

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