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**State Conservation Policy and the  
Complexity of Local Control of Forest Land  
in  
Northern Thailand**

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# **State Conservation Policy and The Complexity of Local Control of Forest Land in Northern Thailand**

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## **1. Introduction**

Although the last decade (1985-1995) saw a period of rapid economic development in northern Thailand, the increasing benefits are rather unevenly distributed among various groups of the population, between the urban rich, the poor villagers and the ethnic groups who live on the marginal areas, particularly on the highlands. In contrast, the natural environment, especially the forest, which has been customarily considered to be in the sphere of the poor whose livelihood depends so much on it, has been depleting at an alarming rate. Such drastic changes of the environment, however, are not simply problems of deforestation, land degradation or resource scarcity as it may seem in the physical manifestations. Rather, they can be understood as the politics of environment in a sense that the state of the environment is not an end in itself but a discourse in the struggle over the control of environmental resources which has already been discussed elsewhere (Anan 1994). This perspective, in many respects, shares some common concerns of the so called "political ecology" approach which generally addresses the "questions of resource distribution and access, as well as the larger philosophical issues of the nature of nature (untrammled Eden or artifact and habitat), and technical and development alternatives" (Hecht and Cockburn 1992 cited in Moore 1993: 380).

This paper will employ the general concept of political ecology to critically analyze the recent state conservation policy and complexities of local control of forest land in the northern region of Thailand. The emphasis will not only be on the dynamics of the local systems but also local struggles and responses which will seriously take into account the local villagers' point of view as well as cultural notions of morality and rights as suggested by Peluso and Moore (Peluso 1992 and Moore 1993). What is underlying most of those struggles, in the case of northern Thailand, relates quite clearly to the competitions over the control of resources, particularly forest land, between the state and business interests on one hand and the local villagers on the other hand. Recently, such intense competitions often resulted in an ongoing conflict over the access to forest lands. The complexities behind the conflict can be illustrated through the focus on discourses over two critical issues of local control and management of forest, namely shifting cultivation and community forestry.

## 2. The Politics of Forest Conservation Policy

The Thai state began to initiate its first forest policy exactly 100 years ago this year (1996) with the establishment of the Royal Forestry Department (RFD) in 1896, partly under the colonial pressure but mainly as an attempt to extend the state power over the control of the forest. This can be clearly seen through the immediate transfer of the control of all forest lands from local lords to the RFD which was followed by the enactment of the Forest and Teak Tree Protection Act of 1897 and the Forest Care Act of 1913 as a legal claim to forests as well as valuable commercial tree species (Kamon and Thomas 1990: 168-169). Under these laws, all unoccupied land within the national boundaries was considered state forest but cultivators were still allowed some kinds of usufruct rights and possession over land. Vandergeest and Peluso (1995: 278) described this negative definition of the forest as a first stage in the process of territorialization of the forest.

The second stage saw the demarcation of reserve and permanent forests, which was first provided by the 1938 Protection and Reservation of Forests Act. But, at that time, the government was not as much interested in the demarcation as in harvesting the forest in the name of national interest. The demarcation was, in practice, carried out very slowly which was also partly due to elaborate procedures required by the law for local consultation and the veto power of Ministry of Interior officials (Vandergeest and Peluso 1995: 409). With a target of keeping 50 percent of the land area as reserved forest, the state, in the 1960s, had formulated several legislative acts, starting with the 1960 Wildlife Conservation Act, the 1961 National Park Act and the 1964 Reserved Forest Act, to accelerate the classification of forests by removing all earlier legal requirements (Kamon and Thomas 1990: 171). According to Vandergeest and Peluso (1995: 408) these laws redefined forest positively in a sense that they created forest areas legally off-limits to occupation and cultivation.

However, during the 1960s and 1970s, the dominant policy of the state more concerned with the economic development than conservation had encouraged the massive exploitation of the forest largely through the logging concessions and the agricultural productions of cash crops for export. Some government agencies, such as the Ministry of Interior and the military, even promoted the occupation of reserved forests partly to secure areas by the borders or under insurgency. By the 1980s, about thirty percent of all cultivators in Thailand or 10 millions villagers settled on land that was classified as national reserved forests. Not all of the forest occupants, though, are squatters because some of them, especially those ethnic groups on the highlands, were also included into the reserved forest by the demarcation. In 1978 the RFD began some kind of an informal recognition of occupancy rights of some forest settlers by organizing them under forest village programs and, in 1981, into village woodlots. Only in 1982 limited land rights were formally recognized with the issue of STK certificates to some forest settlers in areas classified suitable for agriculture or the so called economic forests (Kamon and Thomas 1990, Anan and Mingsan 1992).

In 1980, with a rapid drop of forest cover from over 50 percent of the national territory in 1960 to less than 30 percent, the failure of the reserved forest policy became quite apparent. The government, thus, embarked on a new approach to the forest policy which is considered as the third stage of the territorialization of the

forest. At this stage, also known as functional territorialization, the control of specific activities in the forest is prescribed according to detailed land classification criteria, based on scientific notions of soil type, slope and vegetation (Vandergeest and Peluso 1995: 408 and 412). Although the approach had been initiated in the 1960s, with legislation for creating wildlife sanctuaries and national parks, only 6 percent of national territory was in one of these two categories in 1980, in comparison with 36 percent for the national reserved forest. In 1982 the cabinet resolution called for the watershed classification of the whole country and included sensitive watershed headlands (in a so called Class 1 A) as another category of the conservation forest in addition to wildlife sanctuaries and national parks.

In 1985, when a National Forest Policy was formulated by the newly established National Forest Policy Committee, the forest conservation policy began to take a clear direction. It set out the forest reserve target of 40 percent of the national land area, with 15 percent as the conservation forest and the remaining 25 percent as the "economic" forest which includes degraded forest. In addition, the policy also called for a participation of local communities and private sectors in the management of the forests but an emphasis was more on the expansion of the protected parks and wildlife areas to cover 10 percent of the national territory (Kamon and Thomas 1990: 177).

After a major flood of the South in 1989, the government imposed a ban on logging. With increasing environmental threats, the cabinet resolution of February 7, 1989 has also called for a stronger conservation policy in order to protect the watershed by considering the threats as a national security issue. This policy demanded more control over the forest settlers who will only be permitted to practice a permanent and sustainable agriculture. Moreover, in a certain instance, the policy even allowed for a use of military forces to relocate villagers out of the conservation forests. The ethnic minorities of the northern Thai highlands were among the first to feel the impact of such policy. In August 1990, 24 Karen of two villages, Huai Pu Ling and Tin Tok, in the Doi Suthep National Park in Chiang Mai were arrested for practicing shifting cultivation in the Park where they have been living for centuries. The Hmong of Khun Klang village in the Inthanon National Park, in 1991, were forced to stop cultivating in their swidden fields and were also threaten with relocation (Chayan 1991).

In 1992 the state has step up its threat of relocation through some changes in the forest conservation policy. Starting with the seventh National Economic and Social Development Plan (1992-1996) that increases the proportion of the conservation forest targeted for 1996 from 15 to 25 percent and reduces the size of economic forest to 15 percent of national territory. The National Security Council, together with the Office of the Narcotics Control Board and the RFD formulated the Master Plan for the Development of Highland Community, Environment and Narcotics Control (1992-1996) providing more budget and better coordination framework to relocate villagers out of the protected forest areas and to solve drug abuse problems (Kwanchewan 1996: 6).

With 45.9 percent (or 147 out of the total 320 million *rai*, where one *rai* = 0.4 acre ) of national territory classified as National Reserved Forest by 1992, the cabinet,

in March 1993, approved a new classification of forest reserved land, increasing the targeted area for conservation forest to 27.5 percent (or 88 million *rai*) and economic forest to 16.2 percent (or 52 million *rai*), as recommended by Thai Forestry Sector Master Plan (Kanok and Benjavan 1994: 27-28). This is the first time that the government set a targeted area of the conservation forest higher than the existing forest cover of only 26 percent of national territory in 1993 (or 83.5 million *rai*) which led to a rapid expansion of the conservation forest mainly by establishing more National Parks and reforestation programs.

At this point the forest conservation policy became very political in a sense that the state strictly enforced the policy on one group of the population, particularly ethnic minorities on the highlands and poor villagers in the lowland, while favored the others, mainly business interests. The notion of environmental conservation became merely a cover up for the struggle to control over resources. The highlanders soon felt the pressure on their tenure security when in 1994 the RFD started to relocate the Mein villages of Mae San and Pha Daeng in Doi Luang National Park (Anan 1994). Even the Lahu village of Lo Pah Krai in Chiang Mai which is located in the economic forest has also experienced the insecurity of their land use rights when the RFD forced the villagers out of their swidden area and awarded the land to the Forest Industry Organization (a State owned company) to develop a *Eucalyptus* plantation (Kanok and Benjavan 1994: 28-30).

As the State turned increasingly to a militarized approach in carrying out its forest conservation policy with little regard of the local complexities the results are both contradictions in the forest policies as well as aggravating conflicts with local villagers. Although several government agencies have set up many types of development program for the ethnic minorities on the highland, no legal recognition of any kind for ethnic rights over land in the hill areas. The RFD, for instance, keeps insisting on evicting highland villagers from the conservation forests while the government allows lowlanders and capital owners to utilize upland areas almost freely for many purposes in the name of national development. This can be clearly seen in the forest land allocation programs which issue land use rights (STK) certificates to individual occupants of national reserved forests' land in certain areas but do not stop them from selling their rights and clearing more forest land (Anan and Mingsan 1992).

The contradictions are quite obvious in the recent national scandal of land reform program during the Chuan government (1993-1995). According to the program, the certificates of occupation are supposed to be issued to landless farmers who have settled on the forest land but the certificates were given to all occupants of forest land regardless of their status, some of them happen to be wealthy. Instead of allocating forest land to the poor, the land reform program encourages more competition to encroach on the forest in violation of villagers' use rights (Anan 1994).

In addition to the relocation programs, the establishment of new National Parks and the expansion of reforestation programs have threatened the tenure security of local villagers who usually have only customary access to land in the forests. Several Karen villages in Mae Wang district of Chiang Mai, for example, had their swidden lands taken away for reforestations. Without legal recognition of communal

property, the RFD began to establish new National Parks that often enclose on community forests where a large number of villages, both on the highlands and lowlands have long protected as their sacred and watershed areas as well as communal woodland. Such actions provoked so many disputes and conflicts that local villages have, recently, begun to form a network to protest against the state enclosure.

The politics of forest conservation policy may be concretely seen in the confrontation between local communities and the state agencies but underlying those conflicts are the competition for a legal ownership of forest and a control of forest areas. With less control over their common resources, the poor highlanders are becoming more marginalized and susceptible to uncertainty of markets. As a result of forest conservation policy, one find greater poverty among forest settlers (Anan 1994). Because the actual forest conservation requires more than just a legal protection but a complicated watershed management with full participations of all those involved, especially the forest settlers. It has to be more a social development policy than a legal policy.

So far only one government-sponsored development program subscribed to this social policy, that is Sam Mun Highland Development Project in Chiang Mai which was launched in 1987. It is a pilot project in social forestry and integrated development under the supervision of the RFD in support of local initiatives. With an emphasis on the participatory land-use planning, the project has encouraged hill villagers to participate in both development and management of their own watershed areas (Uraiwan, Anan, Shalardchai and Sanae 1988). However, such a social development program is more of an exception with a very limited success.

In 1992 the Prime Minister Office in cooperation with the RFD and other agencies ambitiously attempted to use the Sam Mun model for 400 other highland villages in sensitive watershed areas under a Project for the Protection of Thai Forest and Accelerated Recovery of Watersheds (RFT Project). The project has, instead, classified highlands into three land-use zones according to their relative sensitivity to the watershed and will allow only conservation activities in the restricted zone. For those villages outside the restricted watershed areas, the Watershed Management Division of the RFD will send extension workers to encourage villagers' participation in "community forestry" programme which deals mainly with land-use planning, reforestation, forest conservation, protection and management. A permanent and sustainable cultivation are also encouraged with a threat to force a reorganization of their land-use practices and to relocate villages out of the sensitive areas. This kind of policy produces both conflicting incentives and pressure on local villagers who are left in more frustration about their status and rights to remain in place.

In this sense, the government tends to play more with the politics of conservation than to take seriously the complexity and dynamic nature of indigenous systems of agriculture and local community forest management into consideration. Thus far, the forest conservation policy has proved a failure because it only gives a lip service to a participatory approach. As seen in the earlier discussion, the insistence on the monopolized role of the state in forest management has not only created more conflicts among all actors involved but has also produced adversed effects, leading to more deterioration of the forest.

In the participatory conservation of the forest, the concern should be more on the issue of community rights, particularly in terms of access to resources and control as well as management of resources. The incorporation of community rights into the forest conservation policy required an indepth understanding of the complexity and dynamic nature of the local systems in forest management. In the case of northern Thailand, the focus will be on shifting cultivations and community forestry as two dominant forms of local control and management of the forest.

### **3. The Complexity and Dynamics of Shifting Cultivation**

The region of northern Thailand can be classified into three agro-ecological zones namely the lowland, highland and intermediate zone. The lowland is mainly the home of wet-rice growing Thai villages. The highland, on the other hand, is the home of several ethnic minorities, ranging from the Hmong, Mien, Lahu, Lisu and Akha who have been migrating into Thailand about a century ago. Most of these people traditionally practise swidden agriculture with rice, corn and opium as their main crops (Grandstaff 1976 and Uraiwan et. al. 1988)

The intermediate zone is an upland area dominated mainly by the Karen and, to the lesser extent, the Lua. The Karen migrated into Thailand from Burma more than three hundred years ago, while the Lua is the indigenous people of this region. Both the Lua and the Karen have long been practising a combination of irrigated wet-rice farming and swidden agriculture. As a result, they are well known as conservationists because of their ability in the control and management of the watershed area of their irrigation systems (Sutee 1993).

Due to their practices of shifting cultivation, the highlanders have been consistently blamed for the destruction of the forest in addition to the growers of illegal opium and a threat to national security even though scholars have long proved that the degradation of watershed is not simply a result of a physical problem of agriculture but complex social and political problems relating to the process of unequal development (McKinnon 1987 and 1989). Most of the official policies for the highlands have been based largely on this misconception of the so called shifting cultivation which is also known as swidden or slash and burn agriculture. However, the fact is that there are several types of swidden agriculture and villagers in all three zones have, for generations, been practising some of those types as supplementary to other kinds of farming system. In most cases, officials misunderstood that villagers had to practise shifting cultivation because of soil erosion but it was due more to the fact that villagers could not compete with weed. After more than three decades of economic development (1960-1996), all three zones have experienced rapid and complex changes in their swidden agriculture, particularly on the highlands.

During the 1960s and 1970s when the study of shifting cultivation in northern Thailand was intensively carried out, three types of cultivating practices had been somewhat correlated along ethnic lines even though the realities were much more complex. The Northern Thai who settled in permanent lowland villages mainly practised the first type with short cultivation and short fallow, only as supplementary to their irrigated wet rice cultivation. With their settlement in permanent villages on the upland areas, the Karen and Lua subscribed to the second type called rotational

swidden system with short cultivation and long fallow in addition to the wet rice cultivation on terraced fields. The Karen and Lua swidden farming was considered an ecological-sound practice and rich in bio-diversity with hundred of useful plant species found in cultivated and fallow fields (Kunstadter and Chapman 1978).

As for the highlanders, such as the Hmong and Lisu, they usually settled for 20 to 30 years in one village and then splited or moved out when soil was exhausted. They mostly practiced the third type which was also known as pioneer shifting cultivation with long cultivation and very long fallow (Kunstadter and Chapman 1978). Since most highlanders grew opium continuously for up to 8 or 10 years in the same plot, lowland Thai officials misunderstood this as the only practice of shifting cultivation even though the highlanders also cultivated many crops other than opium.

Recent studies found that, at present, both long fallow rotational system and pioneer shifting cultivation have largely disappeared because most villagers tend to use very short rotation, with one or two year fallows since they all have to settle down permanently. Virtually all shifting cultivation in northern Thailand is therefore now rotational, but it is a 'degraded' rotational system in a sense that fallows are short, fertility build-up is not as good as formerly, fewer species are grown and many indicator species of degraded land appear etc. However, shifting cultivation have increasingly become only a part of a 'mixed' farming approach alongside of permanent agriculture which allow villagers, especially highlanders, to be less dependent solely on shifting agriculture. Since 1990, most highland villagers have completely ceased their cultivation of opium. Thus a certain swidden practice can no longer associate with any particular ethnic group (Kanok and Benjavan 1994, Morrison 1995).

In terms of land tenure rights in shifting cultivation, a recent study has confirmed that they are much more complex than described in earlier studies. The customary practice is under an indigenous concept of usufruct rights which give individual households a right for a certain period of time during their cultivation. But there are also several other activities, that associate with swiddening, require a kind of communal control and management such as the clearing of forest, the collection of forest products, the management of irrigation and the conservation of head water forests. This local control and management of forest is customarily found in various forms among most ethnic groups on the highland. In other words, shifting cultivation is not only a form of agriculture but also a form of local control and management of resources.

However, this communal control is not always able to cope with external threats, mainly from officials who demand the right to hunt for wildlife and game in communities' protected forest. Some villages also lost their land to other groups, for example a Karen village, about 20 years ago, lost about 1000 *rai* to Hmong villagers who moved in to plant opium (Kanok and Benjavan 1994: 84). The main reason behind this is that most highlanders have no legal rights to their swidden land in the state-owned forest. Under this situation, in practice, most forest land is more or less open-access. Nevertheless, the government only gives legal recognition for land tenure in permanent agriculture. For the ethnic minorities, such land has to be a part of upland terraced rice-fields.

In fact, the complexities of highlanders' farming system are, on one hand, also dynamic responses to state policy and market-conditions and, on the other hand, the ethnic groups' coping strategies which are varied according to their local systems. Examples of three villages from a recent micro-level study will be able to illustrate the point (Kwanchewan 1996). The study area is partly under the Pai Wildlife Sanctuary in the Nam Lang watershed of Mae Hong Son where the RFD local office has kept a close watch over the watershed protection with a plan of forest settlement relocation and a threat to arrest those who cut trees. Villagers are frightening for fear of cutting trees in their fifth year fallow fields which are considered forest trees by the officials. Within the area, there are also the Thai-German Highland Development Programme (TG-HDP), that introduces new cash crops and sustainable agriculture under its soil and water conservation programme, and units of the Watershed Management Division of the RFD that encourage villagers to participate in the state-initiated "community-forestry" programme.

Although the three villages under study are of different ethnic groups, namely Lahu, Lisu and Karen, they, in many cases, have commonly opted for mixed farming strategies not specific to their respective ethnic groups but more as a response to state policies and market conditions in the area. As traditional pioneer shifting cultivators, the Lahu and Lisu have recently developed a more permanent wet-rice cultivation which has long been practiced by the Karen. The shifting cultivation of all three groups, on the other hand, have also increasingly become permanent farming with mixed crops rotation. In response to the forest conservation policy, all three villages have participated in the protection of their watershed areas.

With the expansion of the market into the area, the villagers sometime response differently according to their local systems. The unified Lahu community with strong leadership had once produced commercial crops under contract farming system but decided to stop after learning about the danger of chemical insecticides and being cheated on weighing. In contrast, the Lisu village, with constant internal conflicts, encountered a strong pressure of insecurity over access to forest land and its members opted for selling their land rights to outsiders, mainly district officials and the urban rich. Then, they invested in off-farm activities such as grocery shops and handicrafts for tourists. Those villagers who keep their swidden fields continue to produce under contract farming system but hire illegal Burmese migrant workers and they themselves look for higher income works in town (Kwanchewan 1996).

Without an understanding of the complexities and dynamics of shifting cultivation as actually practices in northern Thailand, the highland conservation and development policies, in some instances, produce adverse and contradictory effects on the forest and forest settlers. In practice, several development programs have given only lip services to the sustainable agriculture or the agro-forestry concepts as stated in their objectives but still rely mainly on the commercial production of cash crops, particularly coffee, fruit trees and temperate vegetables as a means to increase incomes for the ethnic minorities on the hill and as a crop substitution to opium. This kind of development strategy is readily accepted by most traditional opium growers who have long experienced in the market system. Instead of sustainable land use, one find the greater exploitation of forest land for the commercial production of cash

crops especially cabbages. Moreover, such development program encourages higher uses of chemical fertilizers and pesticide as well as water (Mingsan 1994).

The result is usually seen in some kind of ethnic conflicts or lowland-highland conflicts, as in a well-known case of conflict between the Hmong of Ban Pa Kuai and lowland Thai in Chomthong district of Chiang Mai. This Hmong village was studied by Cooper, an anthropologist, in the early 1970's and again by Renard, a historian, in 1987 (Cooper 1984 and Renard 1988). From those studies, the community was known to be recently settled with an intensive opium production on very steep slopes. In 1984, with the introduction of United Nation development project, Highland Agricultural Marketing and Production (HAMP), the Hmong villagers converted most of their old opium fields to cabbage and potato fields complete with small reservoir feeding gravity operated sprinkler systems. Stone contour fences were also constructed to check erosion. During 1985-1989, when Thai-Norwegian Church Aid Highland Development Project (with a support of United Nation Program for Drug Abuse Control, UNPDAC) took over development works from HAMP, the Hmong had extensively expanded their cultivation of cabbage (Renard 1988). As a result, they have to compete for forest land and resources as well as water with lowland villagers below their village.

Not only the people in the highland and lowland who are mostly of different ethnic origins have to compete for the use of water, the lowlanders are quite outraged by the fact that their water source has been contaminated. But the fact of the matter is not that simple because in reality many lowland traders as well as farmers also have their vegetable plots on the hills. The lowland traders even subcontract the Hmong to farm for them. In this sense the conflict should rather be seen in some kind of competition for the variable use of water which has become a major problem for most people in the North as they try to adapt to the increasing commercialization of their region. Along that process, the use-rights of swidden lands have been transferred to those involved in the economic mainstream (Kanok and Benjavan 1994, Morrison 1995).

In addition to problems of equity and conflict in sharing of forest resources, the development direction fostered by the government has increased the deterioration of natural forest. Without any legal means to protect their usufruct rights to forest and land tenure security because of discrepancies between local customs and national laws, villagers tend to favor more extensification than intensification of land use. In the process some highlanders are losing more control over their swidden land because under increasing land market for speculation, there is a strong pressure on villagers to sell their land to speculators and keep on clearing more forest (Suthawan 1995). This is also an example of failure in government's forest management policy that denies ethnic groups' legal security on their highland farm.

In the classic case of development process in Doi Luang National Park of Lampang province, the Thai-Norwegian Church Aid Highland Development Project has quite successfully encouraged the Mein and Lisu, traditional opium growers, to turn into coffee production as a first step towards establishing a permanent settlement for the groups who are highly mobile. This development strategy is also considered as a contribution towards a conservation objective. It took a period of more than a decade

for the highlanders to finally stick to their permanent settlement because of a very high stake in their investment of coffee plantations whose land have turned into a very valuable commodity. However, instead of getting land tenure security, since 1990 the Mein had been facing with a threat from the National Park officials to be relocate somewhere outside the park area (Anan and Mingsan 1992).

While the Hmong at Ban Pa Kuai are still allowed to cultivate on the steep hills, the Mein villages of Mae San and Pa Daeng, in 1994, were finally relocated to an upland area outside the Doi Luang National Park. The manifested reason for the resettlement is considered conservation oriented but the real motive behind this move tends to be more commercial, i.e a tourist promotion as the park officials would like to save a waterfall's environment to attract more tourists. The Mein villagers had protested such a drastic action which put their life in jeopardy because they found the land in the new settlement not suitable for cultivation. Many of them had to turn to wage employment. After a long struggle the villagers are, now, temporarily allowed to harvest their coffee on their land in the national park.

The government's gain in controlling over forest and highland within the conservation areas does not guarantee the success of conservation policy because what is considered a government' gain is a lost to the ethnic minorities. With less control over their common resources, the highlanders are even more marginalized. This situation allows powerful outsiders to fill in th gap left by highlanders. More traders and capital owners in towns have managed to take the control of forest land. The competition for control over forest land is most intensive in the intermediate zone because the indigenous occupants, such the Karen, are mainly subsistence farmers who have little experiences in the market. Most of them are very poor and thus very susceptible to uncertainty of markets (Anan 1987).

Although the politics of conservation played by the government have produced mostly negative impact on the forest, the increasing pressure to evit settlers in conservation forests, on one hand, and the villagers' need for land tenure security because of their production for market on the state forest, on the other hand, force many hill communities to opt for conserving their forest as a strategy to bargain with the government in exchange for the security of their settlement in the state forest. These communities, particularly highland ethnic groups, do not only reinforce their conservation of community forest but also increase their conservation practices in agriculture (Suthawan 1993). The continued existence of indigenous systems of communal forest management, however, requires an appropriate government's policies and legislation such as participatory resource management rights as well as community forest law.

#### 4. Community Rights and Dynamics of Local Control of Forest

There has already existed in several parts of Thailand a long history of local control of forest embedded in the culture of the regions, notably the North and the Northeast. The concept was partially mentioned in the law of King Mengrai who was the first king of Chiang Mai in the late 13th century AD. The earliest form is known as a sacred forest which is commonly found at the upper watersheds in areas where certain communities believe in the spirit of the watershed. These spirits are regarded as the protectors or guardian of the forest area. This belief provides an underlying morality for the management of resources essential for irrigating the wet-rice cultivation (Anan 1992).

In addition to the traditional system of local control of forest, there are at present a large number of indigenous and externally-sponsored systems found in different regions of Thailand, at least 300 in the North alone (Sanae and Yos eds. 1993). The indigenous system is an internal initiative form of management within a local community itself as a dynamic response to changing situations but may incorporate some traditional practices and some can later be supported by outside agencies. The externally-sponsored system, on the other hand, is set up primarily by outside agencies.

The traditional system of local control of forest, in northern Thailand, can be found in three types of community forestry, a sacred forest (*pa phi*), a watershed forest (*pa khun nam*), and a communal woodland (*pa chai soi*). A sacred forest is reserved mainly for ceremonial purposes as a shrine for its guardian spirits, a cremation ground, or a pagoda containing Buddha's relics. This kind of sacred forest is strictly prohibited from any utilization of forest products and thus usually remain as a rich area in the community. It can be located anywhere, but mostly cover a small area not larger than 100 *rai* (Anan 1992).

Some communities, particularly the Karen, have traditionally protect a very large area of forest, in some cases covering an area from 1,000 *rai* to 10,000 *rai*, as the head of watershed from where the communities draw their water supply. This kind of community forest is sometimes considered a sacred area which is believed to be protected by the spirit of watershed and only in a few cases is minimal use of forest products allowed. The last type is a forest area delineated by the community for specific utilization, such as grazing and harvesting forest products. Most often this area is in dry dipterocarp forest unsuitable for agriculture (Anan 1992).

At present, the community forests traditionally preserved by villagers are increasingly encroached by villagers themselves due to economic pressure. But new community forests are also reproduced by local initiatives as a dynamic response to contradictions and conflicts in conservation policy and Thai development direction. They demonstrate villagers' potential to translate local feelings and traditional moral values into action under outside pressures.

In northern Thailand, the earliest form of indigenous system of forest management has gradually developed during the past 30 years as villagers's response to a shortage of forest products and continuous drought caused by over exploitation of

the forest which had disrupted their water supply for wet-rice cultivation. This can be seen in a form of community-protected forest when several villages began to initiate the protection of the forest mainly at the head of their watershed. In this case, the existing local organization, known as *klum muang fai*, had played a major role in such efforts. Moreover, the villagers' response also prove that community forest is essentially an integral part of their subsistence farming system (Anan 1992).

The most important case of indigenous system of forest management, however, is the villagers' struggle for control over forests in competition with outsiders. Several new community forests are established and strengthened by the local protest against logging concessions, encroachment of businessmen and other highland ethnic groups. The community-protected forests that are established as a result of these competitions cover both *pa ton nam* and *pa chai soi*. The competition for control over forest is largely resulted from the present situation when there is practically no legal recognition of communal property. Despite the government's strong conservation policy, state forest land which, in practice, is open-access, cannot be solely protected by officials without local participation. The legislation of community forest is not yet in sight even though the draft law has been recently agreed upon by most parties involved.

Under this situation, the strength of local organizations in protecting their community forest has increasing been undermined by problems which are fundamentally embedded in the political and economic contradictions of the same development process. The continuous emphasis on industrial development has, on one hand, left rural producers deeper in poverty with strong pressure to exploit more of their forest resource, and on the other hand, encouraged business interests to exploit the same resources, which were once considered to be in the sphere of the poor (Anan and Mingsan 1992).

However, villagers do not always recognize the legitimacy of the state-claims over forest land, they justify their rights on customary and local practices which have some ground in some modern Thai laws but most government simply choose to ignore. Facing with increasing destruction of their environment, some ethnic minorities have turned to a campaign to save their livelihood. This can be clearly seen in the case of the Karen at Wat Chan area of Mae Chan district in Chiang Mai. The local residents who are mainly the Karen have long managed to conserve a wide range of pine hill covering their watershed areas. In the early 1980s the Forest Industry Organization got the cabinet approval for logging of those pine trees as well as building of a saw mill in the area, all in the name of development. The Karen communities in the area once they learned about the project continuously joined hand to oppose the building of the saw mill by first sending a petition to the deputy governor of Chiang Mai in 1989. The construction of the saw mill, however, continued. Not until 1993, when the villagers again sent a petition to the prime minister, the saw mill's machine was then withdrawn from the area and the construction was temporarily abandoned (The **Bangkok Post**, May 9, 1993). This is not the first case, in fact, the Karen in many cases have a long history of opposing logging of their watershed areas (Anan and Mingsan 1992).

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dependence  
in forest

For the protection of *pa ton nam*, the villagers' incentive is quite obvious because they are mostly natural forests that supply water for their irrigation systems. In the case of *pa chai soi*, it is a little bit more complicated since they are mainly degraded forest that are not appropriate for agriculture, in some cases, they are not even connected to natural forests but scattered around farm lands. The size of this kind of forest is ranging from 50 to 1,000 *rai*, and is probably once an open-access land. However, several villages have begun to improve these degraded forest areas by allowing new tree to be naturally regenerated or by planting some additional trees. Villagers said that they wanted to keep these forests for fuelwood, other forest products and also for grazing their cattle. It has been found to be in the interest of local organizations to protect their forest resources intensively for community benefit because areas not appropriate for agriculture might be taken by outsiders. Establishing an area as a community-forest is one way of securing forest land for community benefits. As for highland communities which are recently under strong pressure from the state to be evicted from the conservation forests, they have also turned to conserving their community forest as a strategy to bargain with the government in exchange for their land tenure security in the state forests (Anan and Mingsan 1992).

In an effort to defend their community rights to forest, villagers have increasingly reproduced their cultural and moral values into more formal practices. These transformations can be seen in various forms. Many villages rely on more formal organizations such as village concils, *tambon* (subdistrict) concils and even set up special conservation groups when formal leaders do not cooperate because they are under the influence of outside interests. These local organizations normally try to transform their customary rules into written regulations and organize patrol groups to safeguard the forest against outside-intruders. The main reason for the formalization of customary practices are to gain legal recognition from the government and to get official assistance in protecting their forest from being encroached by influential political and business interests (Anan 1992).

Up to now, villagers have no legal rights to protect their community forests since they are mainly parts of National Reserved Forest or the conservation forests. As a result, villagers cannot prosecute intruders in court and in many cases they are threatened with danger to their lives. Their problems are more critical when intruders are government officials who are armed with authority which can be misused for their own benefits. Thus legal recognition of indigenous systems of forest control is essential for their continued existence.

Although the Thai government has step up its forest conservation policy and the RFD is drafting a community forest law, the overall forest policy implementation has produced many conflicting incentives. Logging concessions are, at present, no longer available but forest lands continue to be opened up for industrial development. While denying the poor an access to utilize forest land for their subsistence farming, Thai government encourage business interertss to exploit the same resources. As a result, many of the poor's farmland that is considered to be in the reserved forest have been leased out to land developers to be used for plantation of fast-growing trees, commercial orchard and tourist resorts (Lohmann 1991 and 1993). With heavy competition for utilization of forest by both the poor and developers, forest

encroachment and illegal logging are common, resulting in commercial interests enjoying more benefits at the expense of the poor. On the political dimension, the developers have legal support through 1992 Forest Farm Act to exploit forest in the name of industrial development while the poor are, ironically, left without any legal means to safeguard their rights to conserve forest. X

Another irony is that the government, on one hand, allocating forest land under land reform program to the rich but, on the other hand, taking cultivated land away from the poor by relocating highland villagers out of the National Parks. This type of policy is carried out quite arbitrarily because, in some other highland villages, the government even supports their development programs. It seems that the eviction policy not only violate villagers' use rights but also against the whole concept of equitable and sustainable development. Settlers in the conservation forest should be encouraged and recruited to participate more in forest mangement if their indigenous systems can be proved sustainable (Anan and Mingsan 1992). But the government tends to play more with the politics of conservation than to take seriously the dynamic nature of indigeneous systems in forest mangement (Anan 1994).

The insistence on the eviction of highlanders demonstrate quite clearly that the state agencies still subscribe to the idea that man and forest cannot be together in the forest conservation, especially those ethnic groups who are considered as the "enemy of the forest". But these agencies do not seem to mind the market as a mechanism for the conservation management. In other words, while the present of man will do some harm to the conservation of forest the commercialization of the forest will not. Following this line of thinking, one can only understand that the government has more trust in a market-managed conservation than the people-managed one. In fact, most government officials do not think that the people-managed conservation of forest is possible. The cases of large highland development projects, such as Doi Tung Development project under the royal princess mother patronage, will support this way of thinking since conservation and commercialization of the hill are fully integrated.

Underlying those official lines of reasoning are that only government agencies can be the sole guardian of the forest. But ethnic minorities, especially the Karen who are traditional conservationists would also like to compete for the same role as the protector of the conservation forest to justify their rights of continued existence in the forest. At present, other highland ethnic groups, too, are trying to participate in the conservation of the watersheds as they are often threatened for relocation out of the conservation forests. In this situation, the role of environment seems crucial in lending legitimacy for both government agencies and ethnic communities in their struggles over the control of forests.

In the name of environmental protection, government agencies recently put more pressure on the hill population for both a relocation from conservation forests and revoking their use rights in the land. In response, the ethnic hill minorities demonstrate that they also can play a role in the conservation of the forest which can be seen in their active promotion of community forests and intensive efforts to experiment with a sustainable agriculture.

However, much tension and scepticism are still prevailed on both sides as seen in various incidents of confrontation while all actors tend to play with the politics of environment. In 1994, the ethnic minorities in northern Thai highlands had formed some kind of a loosed network and demonstrated their grievances, in a large number, in the city of Chiang Mai. In addition to their rights in the participatory mangement of the forest in a form of community forest, the hill people also demanded their rights of existence in the forest where have been for generations. Thus, without a serious consideration on both the issues of environment and community rights together, more conflicts between the state and the hill people will definitely continue for a foreseeable future.

There are two lines of thinking, in Thailand, about the conservation of the forest. The government officials think that either their agencies or the market can better conserve the forest and environment for the benefit of national development. The opposing line of thinking, subscribed mainly by academics and NGO workers, have more trust in the people potentiality because the conservation of forest do not link to commercial development but to rural development. These two views have fundamentally different concepts of property rights for the forest. The government only considers the forest as a state property and the state alone can manage it for the benefit of the whole nation. Scholars and NGO workers stand for the people's point of view in looking at the forest both as state property and a communal property which does not recognized by the state. Thus the forest as a communal property or community forest is an area where the relationship between an environment and rural development should be re-evaluated. But the government is still very slow in promulgating such a law on community forest.

Without Community Forest Act, the conservation policy espially the expansion of new National parks and reforestation program often enclose on forest areas under local control and management which leads to conflicts between local communities and the state. As mentioned earlier, there are a large number of community-protected watershed forest in northern Thailand, the state's establishment of new National Parks has heightened widespread disputes with local communities. For example, villagers in *Tambon* Silalaeng of Nan have for the past 25 years protected their large watershed areas against the encroachment of hill people and other squatters and have managed to turn the areas into the richest watershed forest in that hill range (Chusak 1994). Recently the RFD is taking the same forest area for establishing Doi Phu Kha National Parks. The local communities thus filed a petition contesting against such enclosure and later, with NGO's supports, formed a network of villagers with similar disputes with the state to campaign for a new demarcation of park areas that leave out their community forest areas. The resolution of such conlicts will very much depend on the legal recognition of community forest and community rights in participatory management of forest and how soon the government will pass the Community Forest Act.

Moreover, the enviornmental conservation or, for that matter in the case of northern Thai highlands, a sustainable management of the watershed forest has never taken a role of ethnic groups in mind because they are considered illegal migrants although most of them have been here for generations. Without the rights of citizenship, the hill people find no place in an environmental conservation. Under such

condition, scholars and some NGOs propose to combine forest conservation with rural development from the perspective of the rights of local communities. Here, rural development is seen as a way to strengthen the ability of local organizations to participate in the management of their environment. Because the hill environment, especially the watershed forest, is not only a state property but also a communal property, the local communities should have customary rights to benefit from the resources that they help to protect. In this sense, rural development is an avenue where local communities can strengthen their rights in the management of their resources.

## 5. Conclusion

It is very clear from the above discussion that the state conservation policy has become increasingly political in recent years. The underlying objective of such policy is not so much the conservation of forest as the extension of state control over forest which is also known as the process of territorialization. This is a reason why the government pay its attention primarily to the strengthening of state property in terms of the expansion of national parks at the expense of local participations in the conservation of forests. Not only denying the rights of local communities in forest conservation the implementation of state conservation policy has also produced all kind of adversed effects, ranging from more destruction of forests, marginalization of poor villagers as well as ethnic minorities, and aggravation of conflicts between state and forest settlers. *regime*

Again and again, not only in a Thai case but also elsewhere, for the conservation of forest, a strong state apparatus or even market mechanisms alone cannot be relied on, as they have often been proved a failure as the forest cover has continued to be rapidly depleting during the past few decades. The tropical forests have long been culturally regarded as within a sphere of the poor and an integral part of subsistence farming. In this sense the forest cannot be conserved in isolation of local villages which have long settled within it. Instead, the conservation of forest should take into account both concepts of communal property and local participation in forest management because the real objective of forest conservation is not so much the control over forest areas as an integration of conservation and development that is oriented towards sustainability and equitability. With this kind of objective in mind, the conservation of forest has a lot more to do with the idea of management, particularly participatory in nature and community rights, than simply with the idea of state control as most policies are often suggested.

In this regard, the local communities can have more important roles to play in the conservation of forests. This paper has shown that even under conflicting incentives and state and market pressures several local communities have managed to turn their shifting cultivation to a more sustainable agriculture as well as conserving their watershed forests. Thus, another kind of conservation policy that pays more attention to community rights and participatory management is urgently needed in order to strengthen the dynamics of local organizations and encourage their participations in the forest conservation.

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