

Contradictions on the Struggles over Resources and Contesting Terrain of Ethnic groups on the Hill in Protected Area, Chom Thong, Chiang Mai*

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Abstract

A process of incorporating all communities to be under control of the nation state, interference of market system, process of extension of the state power controlling over natural resources through law and conservation policy mechanism, development process enclosing highland communities, as well as myth construction of “The Other” based on ethnocentrism, all have caused the contradiction and conflict over control over the resource among 4 main social power groups namely the state, lowlanders, NGOs and highlanders [ethnic groups on the hill].

From a research on conflict and competition among interest groups over natural resources on aspects of land-use, water-use and forest conservation, it was found that both Hmong and Pga-ker-yoeru ethnic groups [Karen] were restricted in term of rights to access and use their resources. Therefore they lost power and legitimacy of resources control and management.

However, ethnic groups on the hill do not surrender to such pressure condition. They have tried to struggle, retaliated, and adapt themselves variously and flexibly among specific condition and occasion in the community in order to create their own area on the competition arena for resources both at the local and public/policy level.

The process of contesting terrain of ethnic groups on the hill consists of 3 processes.

First is a construction of ethnicity. They are people who have local knowledge and wisdom, as well as represent new identity of “Thainess”, comprising diversities of ethnicity and culture.

Second is a construction of ethnic network and adjusting of communities’ organisation for the struggle movement to change policy, law and regulations, and highland development strategy of the state.

Third is to present the concrete initiation of sustainable development that could be practiced in the actual living.

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¹ I have been conducting fieldwork in 5 villages; Pa Kluay village (PK), Khun Klang Village (KK), Mae Klang Luang Village (MKL), Pha Mon Village (PM) Chom Thong District, Chiang Mai Province, Khun Wang Village (KW) Mae Wang District Chiang Mai Province (see the map) for The Uplands Program: Research for Sustainable Land Use and Rural Development in Mountainous Regions of Southeast Asia, Research Project Component F3; Development Interventions, State Administration and Local Responses of Ethnic Minorities in Upland Northern Thailand, The Transformation of Communal Institutions and Village-based Organisations to Local Networks in Sept, 2001 to Sept, 2002.

Process of assertion of the rights and legitimacy for resources management as contesting terrain is still continuing together with the competition, between interest groups, for power over definition of meaning of conservation.

Introduction

Thai government had first began acknowledge and set the polity to problems related to highlanders in the late 1950s. Opium cultivation, narcotic trade, guerrilla activities along border areas and forest destruction due to the shifting cultivation are among major problem mentioned by the state to the people categorised as “hill tribes” (Khajadpai, 1990; Pinkaew, 1999b and Hayami, 2000).

Through the nation state’s eyes, they are “not Thai” (Chayan and Karan, 1999) people with primitive culture and politic. The monolithic image to hill tribes as “trouble aliens” is the prejudice to them from Thai society. Thus, the government has regulated the policies and operated lots of development projects through the hill tribes landscapes (Hayami, 2000).

The three ugly step-sisters – the security, opium and forest degradation issues -- were actually not the problem of ethnic minorities but Thai majorities. The real problem is about the politic of ethic minorities; hill tribes were rejected their requested Thai nationality and were treated “inferior” from the state development policy. It made them lost dignity, no longer proud to their culture and had no bargaining power in the superior market trade. To solve the hilltribes problems, based on such prejudice, the government had formulated projects by relocate hilltribes out of the forest areas (Anan, 1987-88; Lee, 1987 and McKinnon, 1987). The politic on ethnicity is complicated as it entangles with the politic on environment issue and also converged to the decades-long land rights and citizenship issues. Ethnic minorities are often stigmatized as forest destructors and labeled “non-citizen” on their heads (Hayami, 2000: 107).

In highland areas, state policies were to force the hill tribes settle down in particular areas and change their traditional cultivation to be more commercial agriculture such as substitute their opium cultivation with plantations of cabbage, longan or other fruits. While in lowland areas, Northern residences were also forced to change their traditional subsistence cultivation to be more commercial farming, pumping up the productivity to support the demand of capitalism market.

Farmers are highly depending on market and expand aggressively their agricultural areas which are also exploited rapidly. In Ching Mai-Lamphun valley, for example, the high water consumption longan orchard area is growing at the high rate. In Chiang Mai along, the area is as much as 203,260 rai [32,521.6 hectare] in 2002. In Chom Thong district, the area has increased from 5,000 rai [800 hectare] in 1975 to 31,500 rai [5,040 hectare] in 1998 (*Watershed*, 1998) and 31,928 rai [5,108 hectare] in 2002 (Chom Thong District Agricultural Office, 2002). Within three decades, the longan plantation area in one district of Chom Thong is growing more than 600 per cent, worth more than 15 per cent of total longan area of the whole Chiang Mai province.

During the 1990s economic boom, land speculation had made huge areas of land around the foot of Doi Inthanon transferring from local ownerships into the hands of big company and urban-rich people. More than ten thousand rai area was used for the real-estate, golf course and resort such as Inthanon Highland Project, and Inthanon Golf Land and Country Club (*Monthly Manager Magazine*, 1992: 38-40). This is a major causes of decreasing forest area.

The extreme exploitation of lands and forest on both highland and lowland has put more and more tension on the natural resources conflicts, such as conflict on water management between highland and lowland residents during the drought period. The conflicts are obvious in Chaing Mai's Doi Inthanon National Park [DINP] and Nan's Doi Phuka-Doi Padaeng National Park [DPKNP].

In the case of DINP, the conflict began in the last 1980s between highland ethnic minorities -- Hmong and Pga-ker-yoeu -- and lowlanders led by Dhammaanat Foundation and its supporters the Chom Thong Watershed Conservation Association [CTWCA], an organisation of Chom Thong residents established by the foundation. The lowlanders had blamed the highlanders for causing water shortage in their areas and held the protests violently calling them to move out from their communities which are the watershed and national park areas. While the highlanders argued they were scapegoat of the complex water shortage phenomenon. The conflict had growing double when the CTWCA and Dhammaanat Foundation has got the strong back up from the Royal Forestry Department [RFD]. The lowlanders had held more violent protest to threaten the Hmong residents.

On March 22, 1998, the lowlanders under the help of DINP officials had invaded KK village, destroyed the Buddhist pavilion and removed two Buddha images from the village to another temple in Chom Thong city, the Lanna Sangayanwararam Temple.

On April 21, 1998, CTWCA and park officials had held the symbolic protest by sending wreath and burning effigies of well-known academics of Chiang Mai University who supported the highlanders (Assembly of Academics for the Poor, et. al., 1998, Chayan and Karan, 1999).

In May, 1998, they held more violent protest, block the only road the highlanders use to travel to the city, demanding them to remove from the area and also demanding the government revoke the April 1997 cabinet resolution which allow the highlanders settlement (Pinkaw, 1999c: 108-110; Kwan-Isara, 2000: 168 and Hayami, 2000: 118).

Practise of park officials was double standard when the highlanders were often arrested for the forest destruction charge when they do farming in the area, the illegal practice of lowlanders was ended up with nothing when they intruded and cut down lichi trees in Hmong's orchards twice (Suradej, 2001). Considering from the circumstance and situation of the conflict, chance of compromising in this case is hardly possible.

In 2001, the MOAC had set up the Development Participation for National Park's Sustainable Management² Project, a pilot project that expected to strengthen community capacity on park management by creating cooperation among villagers and local organisations, NGOs, and Government agencies. The project would conduct in six national parks. In Chaing Mai, it had conducted in 14 villages in OLNP which were including part of the Hmong and Pga-ker-yoeu villages that are in conflict.

The project had set up special committee, comprised of representative from mentioned partners but appointed by RFD, making the committee is "tiger paper" in practical when most decision-making was in the hands of RFD's regional office. As a result, the committee's work was mostly on controlling specific activities of hill tribes, limiting their

² The pilot project of RFD started in 6 NPs; 4 National Parks [OLNP, Doi Puka NP in Nan province, PU Pha Man NP in Khon Khan province, and Chalerm Rattanakosin NP in Kanchanaburi province] and 2 Sea National Parks [Laem Son NP in Ranong province, and Tale Ban NP in Satun province]. (R F D , 2 0 0 1)

further development activities and not acknowledging the significant issue for hill tribe like land rights.

The conflict over utilization of water, land and forest between the two groups is not occurred independently. It is a result of two factors; the “dark green” concern of middle class people in the urban area and the centralised state policy on poverty alleviation, opium and security problems, and on natural resources conservation. The phenomenon is the reflection of the violent problems that are hidden in the social structure that gives unequal power to different groups in society.

Ethno-eco Politic

Practically, the controversy and problem related to the highlanders and lowlanders are distorted and scaled down to be only a conflict of two groups of residents. In fact, it is a problem resulting from the malfunction social structure and inappropriate state policy which is the problem of the whole society. While the conflict continues, there has a significant phenomenon occurring from those who are involved in the conflict. They had developed their own philosophy and strategy, create cooperation among alliances. While to the opposition side, possibility of compromising is dimming. Differently, similarly, separately and overlappingly, people have played various kinds of roles which will depend on context and condition in particular time, Therefore, along the their opposition process, their reaction and practicing is worth focusing.

The process of the nation state control over natural resources

Since 1961 when the first National Economic and Social Development Plan had implemented, the nation state had continued expanding its power to control the natural resource management, automatically, reducing a traditional access of highland ethnic minorities to the resource more and more.

An official figure of forest area when the plan had begun was 50 per cent while the real figure was 53.33 per cent of total country's area. After that the figure was continued decreasing due to the state policies that promoting the commercial logging, commercial agriculture, large-scaled dam projects, and road constructions (Chaianan and Kusuma, 1992).

Until 1985, the government had declared the protected forest area base on the Forest Conservation Law and the National Forest Policy [NFP]. At that time, NFP's committee announced to remain the forest area at 40 per cent of the nation's land area, 15 per cent as the protected forest area and another 25 per cent as the economic forest area. And later in 1993, the policy had reversed to 25 per cent of protected forest area and the rest 15 per cent of economic forest area.

Over the past three decades, not only controlling the natural resources in the forest, the state's forest management policy had also controlled livelihood of people in the forest area automatically. The establishment of national parks and other forest-protection zone are often caused conflict with local people as the parks had included community areas. In 2001, the number of people whom are living in the protected zone is as high as 4,600 families covering 8 million rai area, according to the RFD's survey. Recently, RFD had planned to declare more 15 million rai area of protected zone. Totally, the number of people in the protected zone should be several millions (Nithi, 2002: 6).

During 1989-1994, RFD's survey found number of communities are locating in the area where they prepared for the new protected forest establishment. The survey had conducted

in 19 areas in the North including the proposed Mae Wang National Park, Doi Chiang Dao National Park, Mae Khan National Park, and so on. The living of those local dwellers would be immediately illegal since the establishment. (Prayong Doklamyai, in Northern Development Foundation, 2001: 19)

Due to its rich of biological resource, Doi Inthanon sphere – Southwest of Chiang Mai – is attracted for the protected area's establishment. DINP and OLNPN were established in 1972 and 1991 respectively with the area of 301,500 rai (482.4 Sq.Km.) and 345,625 rai (553 Sq.Km.) respectively. DINP is ranked the first park in the North while the OLNPN is the 68th. Both are covering four districts of Chiang Mai; Sanpatong (Mae Wang), Chom Thong, Mae Chaem and Hod. DINP has enclosed 39 villages (5,625 people); 31 Pga-ker-yoeu villages, 4 Hmong's, and 4 Northern Thai villages. Moreover, the park is surrounded by another 83 lowland villages (45,950 people). Thus, the established of DINP and OLNPN have enclosed many of the highland ethnic village settlements and cultivation lands including KK Village, MKL Village PM Village, and PK Village.

To the planned Mae Wang National Park case, the proposed area covers mainly Mae Wang district and a part of Chom Thong, Mae Chaem, San Patong, and Mae Rim district where are home to large number of ethnic people presently. The plan was opposed by local residents under the name of Mae Wang Watershed Network. Their opposition was ignored from RFD. Instead, the authority had expanded their watershed conflict.

From the point of view of watershed management, the 1982 cabinet resolution's approval for the national watershed classification had made all major Northern catchment areas were classified to be six zones; 1A, 1B, 2, 3, 4, and 5. The classification was based on only the physical parameter including slope, elevation, geologic, type of soil, rock, and forest without the social-cultural parameter. The 1A is the most sensitive zone, would be preserved as watershed area and no any development activities allowed except mining licensing before 1982 (Pinkaw, 1999c: 113). Studies found the ethnic residents are living in the protected area in the North as much as 40,384,711 rai or 49 per cent of the total area. In the Upper North along, number of ethnic villages in the 1A zone is as high as 2,777 villages (Boonta and Atchara, eds., 1999).

In DINP case, seven villages of Hmong and Pga-ker-yoeu are in 1A zone, two in the 1B zone, eighteen in zone 2, eleven in zone 3, and one village in zone 5. (TDRI, 1997: 70-71), these including the settlement of PM Village in zone 2, KK Village and MKL Village in the zone 3. For PK Village, during 1985-86 cabinet resolutions had been classified the area as 1A watershed area, where agricultural activities are not allowed. As a result, Hmong people were prevented from their traditional slash-and-burn practices and their agricultural areas were confined to only around their villages.

Apart from the national forest policy and the watershed classification, the government had also planned to evacuate the hill tribes out of the protected zones even though their settlements were long before the zone establishment. It is obviously they have excluded from their previous open-access land resource and lost the previous control over local resources. Consequently, Hmong thus became victims of society in term of deforestation and resource management.

Ethnic minorities groups and highland natural resources have not only been controlled through an apparatus; law and regulation and state policy mechanism, but also through the highland development projects conducted by both national and international authorities and agencies. The stepping in of state through the highland development projects had cause great affect on hill tribes's way of life.

In 1959, since the ban of opium cultivation was legalised (The Royal Project, 2001), UNDP has funded to Thai government for many highland development projects, such as the Highland Agriculture and Marketing Programme [HAMP], the Thai-Norwegian Church Aid Highland Development Project [TN-HDP], and the Royal Thai Project (Pinkaew, 1999c: 114).

The Royal project was initiated in 1969 by His Majesty the King Bhumibol, now is a foundation (NGO) operated by the state agency. It has a super power over the bureaucracy. Its administration is the government's-like. It was also initially received financial support from the government. In July 29, 1997, the cabinet had approved in principle the Bt1.531 billion five years research and development master plan (1997-2001) for the project.

The project was also funded Bt209.49 million – Bt7.84 for research and Bt209.49 for development -- (Secretariat Division of MOAC, 2000) in 1999 for its research and development project in cooperating with sixteen the government agencies and state enterprises -- especially various departments of MOAC -- various research institutes and universities such as Kasetsart, Chiang Mai, Mae Jo and Thailand Research for Sciences and Technology Institute (TDRI).

After the opium ban, the cash crops was promoting in Doi Inthanon plateau. During 1970-1985, the United Nation and Thai Programme for Drug Abuse Control had conducted the Crop Replacement and Community Development Project in the hillbribes villages including KK, KW, MKL and PM Villages.

UNDP -- in cooperation with the Highland Development Program and the Public Welfare Department – had encouraged the villagers to grow crops replacing opium. They provided training on agriculture, conservation and drug problem.

In PK Village, Thai-Norway Highland Program operated during 1982-1987, after the UNDP programme was finished. It encouraged the Hmong and Pga-ker-yoeu people to grow cash crop including cabbage, potato, coffee, and fruit trees like peach and Japanese apricot and apple. It also introduced an agricultural chemical usage to them, the land improving technique by making contour line of Ma Hae horse tamarind trees and also soil erosion-prevention technique of lock lines. The programme had also provided them the irrigation system, set conduits and water on pipe system for the villagers.

After the declining of coffee growing boom, other crops were introduced replacing such as red bean but it was failed because of deficit problem. During they were facing the low price of coffee product, conflicts between the Hmong villagers and lowlanders had begun due to the intensive chemical usage of the Hmong. It had no attempted from officials to cease the conflict. In 1983, the cabbage plantation was boomed among Hmong communities due to its high profit. They expanded the plantation area until the RFD ban on the expansion. So, they turned to grow the mono-crop permanently with an intensive use of agricultural chemical and fertiliser.

The programme accomplished its goal by introducing other cash crops and faced resistance from the villagers at first. Later they were convinced to go cash crops as it is legal. The opium cultivation was completely ended in the area in the mid of 1990s. In Doi Inthanon case, the opium-replacing programme had accomplished its goal and made villagers heading to cash cropping. After that, in 1979, the Royal Project had entered the area. It established its centre office in the plain area near KK Village [the Khun Wang Royal

Project Development Center was set up in KW Village area in 1992, but failed in PK Village]³.

Despite their appreciation to the great initiation of His Majesty the King on the project, the villagers were somehow feeling uncomfortable to a non-transparent operating of the project's officials. As benefit involved, such as the project had to deducted high expense and sometimes farmers were taken advantage through documentation system. Normally, they were deducted 15 per cent from net income for the project. In early 1990s, they had to get loan from the Bank for Agriculture and Agricultural Cooperative [BAAC] without seeing the contract. All contracts are with the project. They had to pay more 11 per cent interest to the bank un-informingly. They had never got receipts for their fertiliser, seeds and other raw materials use, thus, they had no idea how high their debt amount to the project. Sometimes they were over charged due to the mistake of officials. They had asked for the receipts but received it only 4-5 days before the system backed to the previous no receipt system again.

In 2001, for example, an assistant of the head MKL Village had grown Sukini without joining the project. He did not get any fertiliser or insecticide from the Royal Project, but sold the products to the Royal Project. The project officials deducted him Bt400 of his total product price of Bt3,000 for the chemicals even though he did not get it. The assistant of the village's head had to negotiate with the officials for the money paid. But the officials just said that if the assistant would grow it in the next time, he could receive fertilizer and insecticide to equal value of money kept back. In this case it was a mistake of the officials but they did not return money to the villagers. They disclaimed responsibility for the mistake and did not care what the villagers wanted. The villager preferred his money to the production inputs.

It is estimated that half of the villagers in KK Village, the project's member, had sold their high-standard flowers product through the Royal Project agent [on a contract basis, receiving all inputs, and also a credit from the BAAC] at the good price. The low standard product would be sold to other brokers or sold in the market by themselves.

Farmers are often complain that their products are rejected by Royal Project due to an alleged low quality or inappropriate use of pesticides. They said they had feel of their no bargaining power to the project.

“We have spent long time taking care of the products but the project official just say it is low grade. We feel really sad. Could the project lower a little bit its quality standard?”⁴ they complained.

It is impossible as the standard is set by head office in Chiang Mai and so far it has no policy to lower the standard, the project official resposned their requirement. Instead, the official had tried to help farmers by finding merchants to buy their low grade product.

Practically, the Royal Project system has never neither train farmers to depend on themselves nor protect their land rights and profit. While the village organisation is not

³ In 1991, the Royal Project came into PK Village to run the programme and change Hmong's traditional agriculture, but CTWCA came up to threaten, destroy the plots, set a fire of the Royal Project's temporary office. In addition, the members of CTWCA arrested the Royal Project staff and sent him to the Chom Thong police station. As a result, the Royal Project decided to stop working in PK Village.

⁴ Fieldwork surveyed on the 5th Nov 2001.

strong enough to deal with such facing unfamiliar problems. They have to depend on the project constantly. Furthermore, hill people cannot form a strong group of producers to manage the production and marketing by themselves. They barely have access to commercial external markets.

Therefore, the process of integrating highlanders into the commercial agricultural market, in term of contract farming, has two sides of a coin. On one side, it provide the villagers the opportunity of additional income. On the other side, farmers' production is mostly depending on the demand of external market. Moreover, such way of production is questioned over its ecological sustainability and health impact due to the intensive use of toxic chemical.

Contradiction and Representation of “Conservationists”

The state policy that attempt to move people out of the forest area is based on the belief that they are forest intruders, the forest conservation law's violator. And its implementation has led to conflicts and violence.

Previously, the right over natural resources is in the hands of local people without intervention from state. The local communities have developed various patterns of rule and customs on resources utilisation. Until the western law system was introduced and integrated into Thailand that the state had begun controlling the resource use and ignored their traditional practise on forest management following the Western's philosophy on resource management. It has practically violated and reduced the community rights (Yos, 2000).

The local community's resource management is subsistent security-centred and based on traditional principles and customs -- such as the usufruct and community rights. Its nature is not static but dynamic responding to the facing condition and social changes. Thus, principally, the principle of state in forest management is contradicting to the local's. Apart from the state's pressure, lowlanders and urban middle class conservationists are joining putting pressure on the ethnic minorities forcing them to move out from the forest area. However, the affected villagers did not sit still and embrace an unwilling destiny. They had put all effort to seek proper way out for the problem and the chance is likely promising due to the present wider space of Thai law and socio-political condition.

Among their three main “tough” duties of Doi Inthanon National Park officials -- deforestation's suppression, research and facilitate tourism activities – the most controversial duty is the tourism promotion job as it is practically contradict to the other two duties.

The current tourism policy in the park is to focusing on using marketing tool to encourage more people visiting the parks and left all burden related to the visiting to the park authority. Through an announcement of its governor, Tourism Authority of Thailand (TAT)'s mission, is to double foreign tourists to 15.3 million within five years in order to gain the double income of Bt668 billion (Rojana and Kamon, 2002).

Among various tourism activities on Doi Inthanon, an ecotourism is one on top priority in the recent year. An organisation was established called the Doi Inthanon Eco-tourism Club [DIEC], to operate the ecotourism policy there. It aimed to integrate local people into the tourism development in the area, thus, the Pga-ker-yoeu in MKL Village was selected into the plan. Most activities of the club are a public relations job, information distributing through website and provide training for local guides. However its limit budget problem had made the club's performance was limiting too.

In a political economy, the DINP authority has gained profits from the state tourism promoting policy; its annual budget is increasing in order for better facility to tourists. Plus special project was also funded. Such as the recently Bt10 million tourist campsite project, the landscape improvement project for new waterfall site, the local guide training project, all are state-funded.

It was also gain financial support from the other sources based on the project-basis like the fund from the Electricity Generating Company (ECGO) to construct the golden jubilee building -- *Chaleom Pra Khiet* building – and also improved the Giew Mae Paan ecotourism trail. Another Bt100,000 research fund was allocated for its Goral and Seraw conservation project, by the Northern Thai Research Fund. Combined with incomes from its souvenir business and food selling worth Bt8.3 million and Bt61.7 million respectively (TDRI, 1997: 146).

One most obvious example of the contradiction of conservation and tourism policy is the new tourism campsite on Doi Pha Tang area. The park authority had recently turned the once labeled the “ecological sensitive” watershed area to be the tourist campsite amidst the local opposition. The project includes construction of ground for 80 tents and other service facilities and buildings, all in four rai area. Responded to the criticism and opposition, the park authority had announced to compensate the severe ecological damage by growing 1,200 trees around the site. This project was push strongly due to the political reason, it is part of the government’s economic-stimulus policy.

In fact, the Doi Pha Tang area is still classified a protected watershed zone with high slop and dense trees covered. The area had been used several times by state agencies but its ecological rich had recovered years ago. Its protected status should be remained, principally, instead of clearing for tourist activities.

It also reflects how double standard of the park administration to ethnic minorities as well. The watershed destruction had done in May 2002 without informing local people and not even listening to their opposition voices. In contrary, 13 Hmong families who have long been living in the area were facing strictly controlled even though their living is proven be in harmony with nature there.

History of Doi Pha Tang’s area usage is interesting. It was first used by the Royal Project’s cow-breeding research project before left unused for years, long enough for forest’s natural recovery. Five years ago, the Department of Livestock had proposed to use the area for the breeding centre again but it was opposed strongly by CTWCA, under the support of the park authority. The opponents’ two main reasons are its severe ecological damage and the project’s benefit which would provide to only rich cattle raisers, not local majorities. The opposition was also joined by the KK Hmong villagers. That is the first historical cooperation between the highlanders and lowlanders, both sides of historical forest management conflict in DINP. The case is reflecting the “double standard” practise of the park when one day say it is protected area but another day said it is not and should be used as tourist campsite.

While the double standard to Hmong residents are more complicated and related to their daily life.

“We lived here before the park established. One day officials said we intruded the park area. Even though we disagree with that accusation, we do agree to compromise by living here with strict conditions,” “All activities are strictly controlled, even building toilet in your own house required permission. Look at what the park does, they can do anything

they want, no matter if it is sound and reasonable. ...There is no other water source the park could use for tourists but our agricultural water source. The tension will be extremely high during the drought season when the streams always run dry. Today it's campsites. What's next? How can we be assured it won't be turned into a big resort later?" (Interview; Kerd Panakamnerd, August 21, 2002).

The contradiction of forest conservation and development mission at DINP is also obvious when looking back to the past development activities in the park area. Firstly, DINP officials have pulped water from moss bog to providing tourists at tourist service centre, especially in dry season. The highway construction through the park had also impacted to the fertile forest area. Secondly, an improving of its bureau offices at the top of Doi Inthanon had cleared the forest and diverted natural waterway for offices consumption, causing severe impact to ancient forest and water ecosystem in Ang Ka area. Thirdly, another constructions that had caused ecological impacts to the park at different level include the radar project of the Thai Air Force since 1970s – it is now turn to be tourist visit site – two royal pagodas since 1987 and 1992 at the peak of the park which had caused serious land slide and soil erosion in the area. Finally, currently, visitors number to Doi Inthanon is as high as 600,000-800,000 person each year and caused impacts such as air pollution, garbage, wastewater, destroy inhabit plants and wildlife (TDRI, 1997; and Kaae and Anny, 2001). In 2000, the number was 651,774⁵, worth 38-47 per cent of total visitors in NPs in Chiang Mai. Thus apart from the park authority, one key player of the conflict over resource management in Doi Inthanon is the conservationist group led by the Dhammaanat Foundation and the lowlanders CTWCA.

Found by a Buddhist monk--Ajarn Pongsak Techadhammo, the former abbot of Pha Lat Temple in Chiang Mai, the Dhammaanat Foundation was initially sponsored Bt16 million by an elite person--M.R. Smansanid Svasti. It later gained Bt27.58 million of financial support from international and private sources including H.R.H. The Prince of Wales [Prince Charles of the UK]--confidential, urban middle-class and private sector. The foundation was officially established in UK (Dhammaanat Foundation, 1997).

The foundation's four main activities are the watershed rehabilitation and conservation project in Mae Soi, Mae Tim and Mae Pok area, the land allocation for the poor and landless project called *Moo Baan Paa Mai* [Forest Village], the research project on rehabilitation ecological catchments, and the conservation education and extension project.

Its believes that poverty among hill tribes is danger to the watershed conservation, thus, they should be moved out of the forest area. But it does accept the forest destruction of the lowlanders if it is for poverty alleviation. Its staff had labeled the hill people "the stubborn forest destroyers by attitude" (Pinkaw, 1999c: 114). Such inclusion/exclusion strategy had implemented in Chom Thong area for decades. It had also joined RFD run the allocation project for hill tribes by preparing 1,500 rai area of deteriorated forest area in Chom Thong under the name Forest Village Project. Moreover, Dhammaanat Foundation was allowed to run Mae Soi Watershed Development and Conservation Project on the area of 35,000 rai [5,600 hectare], consequently.

The foundation had a significant role in joining the DINP authority set up a lowlander group called the Chom Thong Watershed Conservation Association [CTWCA] in 1987. The association is comprises of various influential groups in Chom Thong district like the

⁵ In 2000, RFD reported that Thai and foreign tourists had visited to 138 NPs amount of 17 million persons. (*Matichon Weekly*, 2001: 91)

traditional lowland water users *Muang Fai* group, the formal sub-district headman and village headman association, the district's middle class people and local politician (*Sor Jor*). The lowlanders association had aggressively and violently campaigned demanding the hilltribes to move out of the forest area.

An idealistic principle of CTWCA is human cannot living in harmony with nature, thus, no man should be allow living in the vergin forest, in order to prevent possible ecological disturbing. Practically, they focus on the living of highland ethnic minorities in the protected forest area in DINP and OLNP with the believe that they area the cause of the catchments forest's destruction. Leader of CTWCA emphasised that;

“Hilltribes’ living in the forest without conservation, they have never planted any trees while trees loss every day. It that the conservation meaning of the hilltribest?...They are extending agricultural lands, so it was continually decreased forest areas. Metaphor is a mortar-toasted pastry pan--like Inthanon forest now. Forest areas have only in the space between mortars. Do we open the chances for mortar pan more spreadly over Inthanon sphere?” (Interview; Prapat Ruengkamfoo, April 22, 2002).

The lowlanders association had raised water shortage and water pollution crisis in the area as the major threatening to the hill people. In the past they had tried to stop the Hmong people from using forest in Wang Nam Yard district by setting up the tree ordination lines, supported by a district chief officer. But the measure was failed.

To put more pressure for hill tribes to resettlement from the forest area, the association had also possessed some parts of the highlanders' farmlands and declared them the “Conservational Community Forestry” zone. In 1986, the association and members of Dhammanaat Foundation decided to do more aggressive measure. They sent some 500 people up to Mae Soi area and built barbwire fence surrounding the area—totally 9 km along the local road-- claiming to prevent Hmong's encroachment into the 600 rai water-head area⁶. The fence was called “Fire break Fence”, funded Bt200,000 by Dhammanaat Foundation. However, such activity was later ordered to stop after the issue was brought into the provincial meeting and the activity was ruled “against the forest law”.

The Dhammanaat Foundation and CTWCA had continued pressuring the cabinet to approve the 1989 Hmong PK Village resettlement plan occasionally. Finally they got the approval but could not implemented practically. The CTWCA's leader Prapat Ruenkamfoo believed that the main reason is the protest from the Royal Project's Director H.S.H. Prince Bhisatej Rajani who disagree with the resettlement idea. Thus, Hmong people currently still stay in the area.

⁶ In the past 20 years ago, Hmong in this village had grown opium, dry rice, and animal corn. Total farmland area was 1,910 rai [305.6 hectare]. Opium swidden area was 1,210 rai [193.6 hectare]. Some part of Khun Pae Lee and Khun Mae Soi area about 700 rai was be dry rice fields. The Hmong have lost their agricultural lands from RFD authority and Chom Thong lowlanders enforcement. During 1984, Mae Meng Watershed Management Unit [RFD] was started to develop reforestation pine trees plans on Hmong's swidden fallow lands covering 380 rai. This Unit started plantation continually at Doi Liam area [200 rai], Kew Om Ting area [20 rai] and Khun Pae Lee area [100 rai]. After this, the Unit added reforestation activities at Doi Liam area [60 rai] in 1992. In addition, in 1986, CTWCA and members of the Dhammanaat Foundation enclosed Mae Soi headwater area of 600 rai [96 hectare], where the Hmong once used for agricultural fields. By this, Hmong lost their agricultural lands without their consultation. They had no opportunity to negotiate with forest officials and lowlanders. Thus, the present-day they still have only farmland area 980 rai [156.8 hectare] meanwhile farmland area was decreased 49 per cent.

Now, CTWCA is facing an organising problem as its leader could no longer convince its members as before. One reason, the members think the issue did not impact them directly. Take the opposition to the park's campsite project as an example, many of its members agreed to the damage but denied to join as worrying the protest would impact tourists. Thus, CTWCA's activity is fading. It is also because of its failure to deal with relevant authorities like the RFD, the Air Force, the Royal Project while its ideology needs such deal to stop all kinds of activities in the protected area. In reality to CTWCA, ideology is still an ideology and far from implementation.

Contesting Terrain of Highland Ethnic minorities

Based on their present circumstance, the highlanders are in the very "tough" situation. Legally, their settlement is in the national park area and their living activities are limited strictly. Forest use is prohibited and any house construction is required permission from the park authority beforehand. In DINP and OLNP, the problem is affecting seriously to both Hmong and Pga-ker-yoeu villagers whose homes and farmlands are included in the park area, as well as, the KW villagers whose home are outside the park but farmlands are inside. In detailed, the villagers have tried to negotiate with the park authority – as well as the lowlanders -- to fine tune the types of activities that should be prohibited and allowed. But they are facing the big obstacle, their "illegal" living status. How do they articulate their problems in such situation?

L o c a l E t h n i c s ' O r g a n i s a t i o n R e f o r m a t i v e

After facing long pressuring from state policies, the Northern poor and hill tribes had separately developed their own strategies and means to oppose the policies including the face-to-face strategy and violent movement in particular area and situation. They are now building network.

In the recent years, an ethnic minorities network was formed called the Assembly of Thai Indigenous and Tribal People [ATITP], initiated by the Inter Mountain Peoples Education and Culture in Thailand Association [IMPECT] and the Center for the Coordination of Non-government Tribal Development Organisations [CONTO]. And HEN has joined this network.

ATITP has coordinating with Northern Peasants Federation [NPF]⁷ which comprise Northern Farmers' Network [NFN], and other local groups⁸ to demonstrate for human rights—citizenship and a secure place to live (Chayan and Karan, 1999).

⁷ NPF is a network organisation with 9 member networks. Its main purpose is to promote as forcefully as possible policy change in the 5 areas identified as of concern to small farmers [Land rights, Community forest, Agricultural pricing, Indebtedness, and Water issues]. It coordinates with two groups of farmers facing problems from the Mae Mo coal power plant and dam building in Lampang province. Another example in the group of farmers who live around a factory to process longan fruits for export and who are at risk from the chemicals used in this factory. This factory has already caused an explosion in 1999. Some of the victims are still awaiting compensation. NPF also collaborates with two other people's networks; a Tradition Local Whisky Brewers Network and the Assembly of Thai Indigenous and Tribal People. (Novib, 2001)

⁸ For example, Northern Farmers' Alliance [NFA] was set up in 1999 and works with 350 villages in the lowland region of Chiang Rai, Lampang and Chiang Mai province. NFA has a regional level committee and seven zone committees. NFA deal with 5 issues; land rights and agrarian reform, Community Forest Bill, water resource management, agricultural pricing, and

NFN⁹ stands to against the June 30, 1998, cabinet resolution. Some villages did not let the regional forestry officials come in to proceed land measurement with GPS tools; most of them were members of NFN. It is owing to the forestry officials only took measurement of permanent cropping lands but ignored the lands of shifting cultivation. Even though NFN is stand to fight for the allowance of shifting cultivation but as it is technically complicated issue now and politically it is still not a priority at the moment, thus, it decided not to push for it now.

In 1999, about 10,000 tribal people from seven communities in the North had gathered between April, 25, and May, 21, in front of Chiang Mai city hall, requesting the amendment of four bills relating to their living in the forest area, and also demanding improvement to their nationality-approval (*The Nation*, 1999). They held the protest again in 2002 during March, 11, to April, 9, expressing their opposition to the government's resettlement plan¹⁰. They had also demand for the changing of state's conservation policy and an approval of the Community Forestry Bill¹¹.

Working through network is likely more efficient than the previous separate movement. However, as the demands involved many people and authorities, the protest had ended with violent confrontation.

Hmong Environmental Network (HEN) is a network of residents in 36 Hmong villages¹² who are facing the similar problems on agriculture, environment and culture, first formulated in October 1992 in Chiang Rai under the lead of KK village's headman Chongrak Terdpraipanawan. The network was formally established in October 1997 after the meeting of Hmong leaders from fourteen villages held in Chom Thong, Mae Chaem and Mae Wang Districts. Initially, IMPECT had a significant role in encouraging the HEN formation by suggesting them having meeting and providing fund for the meeting. Now,

⁹ NFN has 66 village members in the highland areas in 4 northern provinces. Most of these communities are made up of Pga-ker-yoeu people.

¹⁰ The Third Master Plan on Community Development, Environment and Drug Control in the Highlands, initially set to start in 2002, aims at resettling 1,115 hill villages in 12 provinces; Chiang Mai, Chiang Rai, Mae Hong Son, Tak, Nan, Phayao, Lampang, Phitsanulok, Phetchabun, Kamphang Phet, Kanchanaburi and Ratchaburi. The Plan categories 2,387 hill villages as "illegal". Most are located in mountainous water-catchment areas. A total of 828 of these villages have the potential to become officially sanctioned communities. (Sanitsuda, 2002)

¹¹ Their demands concern problem over land, forest, water management, farmers' debts, prices of farm produce, local whisky, tribespeople, and state development projects. The farmers want the government to scrap a regulation allowing foreigners to lease land for up to 99 years and distribute unused land to small-scale farmers. On forests, the government is urged to push for the passage of the Community Forestry Bill. Concerning water, they want the government to draw up a new policy on water resources. They also want the government to initiate new programmes to help farmers become permanently free itself from obligations under the World Trade Organisation, guarantee farm price and reserve certain occupations for Thais. On local whisky, they want the government to revoke the 1950 Whisky Act and issue a new law to legalise production of local whisky. On tribespeople, the government is urged to give them Thai nationality. Concerning state development projects, the farmers want the government to improve the Environmental Promotion and Protection Act of 1992 and revoke laws, regulations and orders obstructing ways of solving such problems (Subin and Cheewin, 2002).

¹² The network has been divided into 6 zones: Most of the Network's member villages are located in Chiang Mai Province; Inthanon Zone, Houy Hoi Zone, Sameorng Zone, Doi Pui Zone, and Mae Tang Zone. The other from Zone six are in Kampong Phet and Tak Province. (Cf. Hmong Environmental Network, 1999).

Hmong have been forced to set up or join environmental groups due to the changing circumstances.

Among the topics discussed before HEN established are the criticism to the main stream development that decline social relationship among the tribe, the unbearable environment impacts from their cash crop practicing, the impacts of protected area establishment that limit their farmland areas and restrict development projects in their communities area. And the planned state resettlement plan without proper resettle site provided which would insecure their livelihood (Cf. Hmong Environmental Network, 1999).

The movement of NFN and HEN aims to campaign and advocate reformation of laws that do not get along with people's constitution of 1997. They have also join other groups called on the government to work out with the Assembly of the Poor [AOP] to issue the Community Forest Act [CFA] in order to legalise community rights in the local resource management.

C o m m u n i t y R i g h t s M o v e m e n t

Groups of academics who especially have involved closely in problems related to the living of the poor and marginalized people in the forest area, had constructed a sound explanation for the relationship based on the belief that human being in the forest have both destructive and constructive results to the forest area. Those who had practise the swidden agriculture did also concern the forest conservation through their activities, for an example. The swidden agricultural system is directly related with construction of biodiversity as well as food and medicine security. However, the idea could not drawn attention from conservationists whom are urban middle-class and strongly belief that the best ecosystem must without man included.

Another concept is created by groups of academics that have complied knowledge from studying local people living in forest area in different parts of the world. Called the "cultural landscape", it has included local knowledge, belief, value system into the natural resource utilization or "ecological principle". It is perceived by indigenous people in term of relationship between their own with nature and supernatural under power relation with other groups of people include capitalism market and the state (Reichel-Dolmatoff, 1976 and Yos, 1998).

In contrary, there has groups of academics who have strong belief in "no-man" ecosystem whom branded people living in the forest area as the uncivilized and nature destroyers, thus, they should be removed out in order to conserve the valuable ecology. This concept had long been transferred to most of RFD officials whom keen to ecological system but lack of knowledge and understanding about the way of life of local people and highland ethnic minorities, as well as, their cultural-based resources utilisation. Consequently, this concept has integrated into Thai forest conservation law and regulations obviously.

Among the NGO workers, it is divided into two main groups. One has strongly believe that human can live in harmony with nature. While the other one has completely disagreed including Dhammaanat and Suep Nakasathein Foundations which had play important role in objecting the community forest legislation proposed by the Northern Farmers' Network.

The local people, NGO workers and the academics have fought to participate in natural resource management not only because of agreeing with the basis that humans can live with forest, but they also accept the rights of local people on resource management by local customs. Such rights is similar to common property rights over resources in western countries. At the same time, they push the state to change its role from controller to be

supporter or facilitator in the resource management system instead. The important point is that the local people are able to adapt the universal of human rights to effectively fit their local concept of community rights in the form of CFA.

It is seen that local people – especially those who are affected by the suppression measure of RFD to move them out of the forest area – had attempted to suggest the solution for water-land-forest related conflicts. They used various means and strategies, both separately and through the networks. The local groups like HEN and NFN have agreed to be part of the Northern Community Forestry Network [NCFN] and NPF.

Such a movement, supported by NGOs and scholars, seems to be the strategy to strengthen a process of sensitisation of community rights, as well as, to reconstruct and redefine a concept of “Conservation” in community land and forest management in order to enable themselves, with the state, to redefine the meaning of “Nature”(Pinkaw, 2001).

For the approval processed of the Community Forest Bill, Member of the Parliaments had voted for the bill and passed to the senate consideration. The draft bill was discussed and raised questions. The significant questions include the definition of the community forest, should it allow in the protected forest area [NPs, WSs, watershed Class 1A, and Wetland]. The debate had ended up with an appointing of the scrutiny panel to clarify the questions.

The scrutiny panel -- chaired by Senator Pong Leng-i who is also a former RFD's general director – had visited various provinces nationwide to gather data from both sides between Dec 2001-Feb 2002. In the North, they chose to visit Thung Yao Village [Pga-ker-yoeu], the first Community Forest in Lamphun, the Pga-ker-yoeu village in Chaing Mai's Samerng district and also the PK Hmong Village in Chom Thong district. They had also visit the groups of Chom Thong's lowlanders – the longan farmer and the Water User group who are member of CTWCA – where the panel team were brought to the area of water shortage and pollution. The team was explained the highlander is the cause of the phenomena.

The result, on Mar 15, 2002, even though the senators had voted 125-19 to pass the bill but they also voted 107-58 [2 senators denied to cast vote] to add a crucial clause prohibiting CF in protected forest. That means no community forest establishment allowed in the national park, wildlife sanctuaries and watershed zones.

The senate resolution had caused immediately reaction, two protests; one in Bangkok and one in Chiang Mai. While hundreds of villagers led by the CFN tried to storm into the parliament building to stage protest. The NPF-led protest in Chiang Mai province mocked the senators by carried a three-meter-tall effigy of a dinosaur around the provincial hall and setting it fire later.

Later on Mar 24, 2002, some 200 members of CTWCA had demonstrated in Chiang Mai to support the idea of senators, at Three King monument, 24 Mar 2002. It was led by CTWCA's leader Prapat Ruengkamfoo who is also a chairman of the Northern Watershed Conservation Federation [NWCF] (the Ping, Wang, Yom and Nan Rivers Network).

Finally, due to the different version of the Senator and MP's drafts that were approved, the bill would be sent back to parliament consideration again. If the Senate version is rejected, the government could declare the bill within 180 days without sending back to the senate consideration required. However, if the House approved the senate version, it will be declared immediately. Either possibilities, the co-scrutiny panel of two houses will be established to fine tune detail, correction or adjustment the bill, before sending for final approval from the parliament.

Nowadays, both sides of the conflicts are trying to lobby Prime Minister Thaksin Shinawatra, leader of the ruling Thai Rak Thai Party, as well as seeking supports from the MPs. The NWCF –led by some members of CTWCA and Dhammanaat Foundation – had sent PM Thaksin and MPs the letters attached by 75,000 name list in order to support the senate version drafted bill.

Meanwhile, on Mar 28, the NPF, AOP, the Assembly of Academics for the Poor in Chiang Mai University, the Midnight University and NGO had held the special session discussing the bill's approval direction – titled the Community Forest Bill, the future of Forest and People. Where will it goes?" -- at the 14 Oct Commemoration Building in Bangkok.

The future of the bill is still depending on the hands of politic, relying on the political decision-making. Thus the highland ethnic minority communities are still lack of legal right to control their resources in the protected areas.

Reconstruction Hmong Ethnic Identity in Thai State

Compared to situation in other Asian countries, the minorities in Thailand is worsen. In China and Vietnam, the hilltribes have citizenship. The hilltribes minorities in Thailand are being treated differently--like American Indians in the past. Thai policy based on discrimination against them and the majority thinks of them people as having low culture, and being uncivilised. Government policy in communist Vietnam guarantees the ethnic minorities's rights with regards to not only citizenship but also access to land (Keyes and Corlin, in Malee, 1999). While in Thailand, it is estimated that 40-60 per cent of the 834,000 tribal people living throughout the mountainous border and highlands area still do not have citizenship (Chayan and Karan, 1999). The deputy minister of MOAC, Mr. Newin Chidchob had also been stated that only Thai nationals would be granted the rights to manage community forests. While he did not elaborate on his definition of 'Thai', his statement upset many people (Uamdao, 1999). In the same way, upon the crazy nationalism ideology, the governor of Chiang Mai later called some local academics "traitors" [*Khay Châat*]. In particular the criticisms were addressed to Chayan Vaddhanaputi and Anan Ganjanapan of CMU, when they spoke in favour of increased formal citizenship to upland minorities at an international Thai Studies conference in Amsterdam in 1999 (Johnson and Forsyth, 2002).

Upon arena of ethnicity, hilltribes in Thailand are still facing the confrontation of nationalism tenor. In 2001, the setting up of an Hmong's autonomous community to negotiate with nation state on the citizenship issue – for the reason of more convenient communication among them while negotiating – was condemned that they are preparing to rebel fighting against Thai sovereignty by split some parts of upper north region for autonomous themselves within 20 years.

The accusation was also converged to political situation of ethnic movement. Among the accusations are Hmong use cabinet resolution to protect them from forest destroying and to receive ID card, they receive foreign fund to run some "unwilling" activities in Thailand, they invite Hmong outside the country to live in their communities, they resist government's population control plan, they send young Hmong to study abroad and come back to help them fighting, they cite King reign to intimidate officials, they invade watershed area, they frustrate Buddhist religion, drug producers and trafficking, illegal person and they do not pay tax. These were published by a Chiang Rai's local newspaper, *Nakhorn Chiang Rai* on April, 21. After that, the news had sparkling worries and angries widely particularly in the North.

The reaction is due to Thai public has still remain the image of Hmong in the mid of 1960s when numbers of Hmong, alienated by bureaucratic policies toward them, had joined the Communist Party of Thailand's [CPT] force -- which had relationship with China and the history of Hmong revolted in Laos during 1970s (Tapp, 1989). Their image to public is still the tribe with no royalty to the King institution, an enemy and imminent danger of Thailand.

However, Hmong people do not surrender to anti-Thai nationalism label. They oppose and protest against enemy of Thai nation state image construction. Hmong network with alliance -- mainly comprise HEN and Hmong Association -- has demonstrated at Chiang Rai city hall, calling on the governor to resolve the case and demand the local newspaper to remedy the incorrect news. Through the letter they submitted to the governor, they stated;

“Thai Hmong stand that we are royal allegiance with nation, religion, and His Majesty the King and hold on democratic regime regarding a Constitution, in 1997, which has King monarch, for ever and ever. We prey for death to those who betray our nation, religion, His Majesty the King,” (Thai Hmong and allegiance, 2001)

Hmong ethnic group reconstructs ethnic identity through Thai citizenship to competition space of redefining “Thainess” that concede ethnic diversity in two dimensions. First, they use “Thai Hmong” to express their Thai citizenship, which has allegiance for motherland and always keep monarch in their minds. Second, they fully devote their lives to protect Thai sovereignty, when enemy occupies the nation state. Therefore, they attempt to open up the Thai identity that collected multi-ethnic and culture diversity, equally and respected ethnic dignity.

The stereotype of the Hmong -- growing opium, practicing swidden shifting cultivation, burning forest, doing metamphetamine trafficking and being the dirty and backward type of person – has easily led to the feeling of inferiority and of being ethnically discriminated. The negative image to the tribe is partly caused by the weak cultural inheriting of them to the younger generations, making the positive image was not seen by Thai public, the Hmong network explained (Hmong Environmental Network, 1999). Worse, some Chom Thong lowlanders even suggested the government to push them out of the country, in order to solve the conflict (Sirisak, 1994: 83). To Dhammanaat Foundation, Hmong are the newcomers and the non-Thai migrants who escape from their war.

This is despite the fact that Hmong people, including the KK and PK Villagers, have been settled in this area since the early 20th century and all are Thai citizens [have ID cards]. In the light of this racial prejudice, Hmong are ‘the other’ the nomads (Pinkaew, 1999c: 115). Under circumstances when hilltribes do not have Thai citizenship, and public demonstrations are not allowed, it is very difficult for hill tribe villagers to negotiate for the access to forest areas. In deed, even where citizenship has been granted, many upland minorities do not have access to the same rights available to lowlands Thais because they live on land zoned as forest or protected areas (Johnson and Forsyth, 2002).

The struggle to mainstream of ‘conservation’ and ‘Thai’ paradigms, which exclude plural culture and ethnicity, was defined by the state and urban middle-class. Hmong had contested and redefined new meaning of conservation and Thainess throughout an arena of their cultural terrain, which related to their lives, ecology, as a symbolic power. They had retaliated upon race/ethnic prejudice by reconstruction ethnic identity, which has allegiance through conservation activities.

As cultural symbolism are being weapon of ethnic minorities to struggle the dominant power of state and majority, Hmong people are representing their culture as a symbolic power encountered ethnic prejudice. The Hmong's revival of local Knowledge on forest conservation is one main strategy they use to re-identify themselves to be one conservation ethnicity. They are putting more emphasis on providing Hmong communities the necessary information like an environmental situation, conditions of the Hmong in Thailand, and relevant state policies in order to raise awareness and educate their people. They also set rules and regulations to control the use and management of resources.

After they were attacked by lowlanders that their living on the headwater area and destroy the forest, through the two decades-long violent conflict, the Hmong in PK Village finally decided to set up their own conservation organisations, to sent message to public that they are also aware of environment preservation. For example, in 1996, the Watershed Conservation Youth Club was set up to adopt an idea of *Dhamma Jarik*, a specific Buddhist concept taught at Sri Soda temple, for the conservation activities of the youth group.

In 1997, in the occasion of the 50th anniversary for His Majesty the King's Golden Jubilee on throne, NGOs and villagers in the north organised the ordination or symbolic protection of 50 million trees (Chayan and Karan, 1999). As part of it, The Hmong people had organised the forest ordination [*Buat Paa*] project, following the Karen traditional practise. Under the name of Community forestry Committee and HEN, they had performed five times of tree ordination -- on 16 Sep 1996, 30 Nov 1996, 5 Jan 1997, 28 Feb 1997, 21 Feb 1998 -- covering 5,000 rai forest area. Local district leaders and RFD officials were participated the ordinations.

In recent years, DINP had frequently faced forest fire problem. It destroyed 192 rai of forest area in February 1998, more 8,302 and 255 rai in March and April of the same year. Chom Thong's lowlanders and the park officials had put the blame on the Hmong. However, the blame was also put to the foresters themselves as bolding the issue for more budgets¹³. Nevertheless, it had only one evident provided of forest fire happening in April 2002 that the fire had caused by short circuit of an electricity line and destroyed one rai of pine trees plantation at the 32nd Km. In this case, the villagers could arrive the area and extinguish the fire before the arrival of rangers of Forest Fire Control Unit [FFCU]. Not much destruction in the following years.

In the past, Hmong in KK Village had started firebreak lines activity for nearly 10 years. Now in 2001, they made the firebreak line, wide 6-8 metres, 2 lines direction—east long 2.5 kilometres and north long 5 kilometres. In 1992 villagers in PK Village initiate zoning area; community forestry zone, village site, and farmland zone around their village. They do the fire break line in the hill around the forestland and extinguish a fire, set up rule and regulation to managing forest. They had tried to adjust the way of agricultural production by reduce farm area, in order to leave the farmland recover itself to be forestland. In 1991 they had plant trees in 100 rai area and another 50 rai in 1996.

Adopted from the Pga-ker-yoeu's tradition, the Hmong communities had initiated the fire barricade's building activities in the dry season of 2002, joined by 150 villagers, officials from Hang Dong Forestry Office and Hang Dong District Office. The activities had

¹³ Political economy of forest fire: after the forest fire largely occurred in many forest areas in Thailand, particular DINP, Chaun Leekpai's government issued a cabinet resolution on the 24th March 1998 approved money amount of Bt 200 million for forest fire management project. Furthermore, the government-approved money increasingly amounts of Bt 53 million.

conducted at two levels. Firstly, separately at the village area of 26 villages under the umbrella of Chiang Mai's Hmong network. The fire barricade had conducted around agricultural and some forested area during Jan 15-March 15¹⁴. Totally, they could made the 291 km long fire barricade. Secondly, fire barriers were constructed at the Network level in areas that required a joint labour effort of two or more villages.

Hill people tried to persuade that household to join preservation activities such as growing trees activity. They had set up committee to take care of the forest in the area of water source, to conduct the firebreak line and mobilize supports from the governmental agencies in the area. Two reasons, they explained for their initiative. First, to proof their conservation nature that is contrary to the former "forest destroyer" accusation. Living in the forest area is naturally highly depending on the nature, the decreasing forest would lead the decreasing water amount for their and affect them directly. Thus, such "forest destroyer" stereotype to them is groundless without considering the associated condition of their living, they said.

Recently, the Hmong's fire barricade initiative is accepted by government authorities as the efficient wildfire protection activity. The authorities participated the activities but presented it as their own activities. For example, the DINP, the MKWMU and the Royal Project, which work on the extension services, provided the fund for food allowance for villagers who participated in constructing fire barriers each year. In 2001, the FFCU has sent the rangers and officials had joined with Hmong people of KK Village doing fire break only on the first day and took photography for their work presentation, left the rest work to them alone. Once completed, they claimed it is their organized activities and put them into their annual reports to gain further funding from government or private sectors. However, this did not help to create a positive image of government agencies among the villagers. Thus, the villagers felt that it was unfair because they were not given a chance to correct their negative image as the trouble maker to the society.

To reconstruct the Hmong ethnic identity, knowledge is not the problem as it has enough ecological and cultural knowledge to retort against public discourse that blaming them the low culture tribe. Hmong revival their culture and redefine to delineate newly circumstance situations. In fact, Hmong's attitudes, values, and belief systems are traditionally conserve natural resources.

Hmong's well-known ceremony is *Dong Seng* ritual [Ntoo xeeb], meaning to the jungle forest or *Paa Dong* in Thai. The ritual had continued since their primogenitors when they were living in China more than 400 years. It is a sacrifice to the God of the trees and other four Gods: *Tueti* (God of soil), *Sa Saeng Ti Jue* (God of animals), *Sa Saeng Tue Ti* (God to control evil spirits) and *Jue Seng Long Med* (God of the underworld). The sacrifice is to ask all the gods to inhabit the trees, own the trees, protect the village's well being. Trees used in *Dong Seng* ceremony have to be firm, tall beautiful and eminent. *Dong Seng* area is sacred, free from any disturbance including tree cutting and animal hunting in order to prevent Gods' angry which would make the intruder get ill. They also beg apology from Gods at the ceremony to make sick people be cured. However, most Hmong villages had already abandoned the ritual for some period of time. Now they return to resuscitate the forgotten rituals. However, the *Dong Seng* is a part of the belief system, a practical idea for forest conservation in Hmong culture.

To discourse their "forest eater" label and show they are one of traditionally "conservation ethnic group", *Dong Seng* was selected first by its network HEN and followed by the "Fe

¹⁴ Activities were repeated every year.

Yeng”. Fe Yeng is a traditional ceremony of Hmong in preventing wildfire expanding to their villages and farmlands, performing by building annually the fire break line in the hill around the forestland and around their village. Currently, the Hmong communities had performing the Fe Yeng every year.

The “Teng Hao De” ceremony is another traditional ceremony reflecting the tribe’s forest conservation belief. It aims to extend ‘life’ of the watershed, beg the guardian spirits to protect the village’s watershed and its forests from destructing or being fired. They will sacrifice animals to pacify the water spirits, held together with the construction of the fire barricade. The ceremony was held on February 2, 2000, at Ban Sum/Houy Kwang, Moo 6, Ban Pong Sub-district, Hang Dong District of Chiang Mai.

Traditionally, they worshiped and made offerings to the guardian spirit on household basis. Today, they perform the ceremony on a village basis, inviting park officials participated -- in order to make them the better understand that they are also serious on the forest protection -- and sacrifice livestock. As cultural symbolism are being weapon of ethnic minorities to struggle the dominant power of state and majority, Hmong people are representing their culture as a symbolic power encountered ethnic prejudice. The Hmong’s revival of local Knowledge on forest conservation is one main strategy they use to re-identify themselves to be one conservation ethnicity.

Initiate Reification

The appearance of conflicts over natural resources in protected area were emerging in various form, reflecting the long and continued struggling of the hill people there even though they are lacking of legal bargaining power. Amidst the policy threatening from the RFD authority, the marketing force from the Royal Project and the retaliation from Chom Thong’s lowlanders, they still could articulate situation with their livelihood and picked the conservation issues up to encounter the pressuring circumstances.

Hill people, whom have ecological concern, could still initiate the concrete conservation activities in their communities to negotiate with authorities. They had created obvious activities in 3 dimensions; the natural resources conservation, the agro-forestry, and the eco-tourism.

[1] The Natural resources conservation

Highland Ethnic minorities both Hmong and Pga-ker-yoeu in DINP and OLN had attempted to seek chances to present their conservation activities in order to counter the outsiders’ attitude to them as the “forest eater”. Consequently, I found that they create conspicuously conservation activities and resources management in protected area -- wildlife conservation.

They had realised that to increase forest area needs no hard work like growing more tree but only left them recover naturally for a few years. State also need no spending huge budget for the reforestation, rather should allocate money to local communities to guard the area for the tree recovery instead, the villager said. However, the villagers had joined the MKWMU’s tree planting project, as strategy to promote the villagers participating in communal activity.

Despite the strong stereotype to the Hmong as forest destroyers that caused water shortage in the area, it is the fact that an amount of water consumption in Chom Thong town and lowland area themselves are also largely and increasingly including the consumption of government, private and agricultural sectors like buildings pig farms, small and medium

factories, market, longan orchards. The water shortage could also a natural factor like El Niño (*Bangkok Post*, 2002). Most of all, there has no exact data available and more research is needed to find out the real major causes of the drought. Thus, the government should conduct the required study in order to provide proven research's data to policy maker in order to prevent the emotion-based decision making.

Apart from the forest conservation activities of the hill people, they had also conduct the wildlife conservation activity too. They had found the DINP's Goral and Seraw Conservation Group in 2001, initiated by a local guide from the KK Hmong villager named Mr. Ying Sae Wa, who had never interested in wildlife conservation before until he one day led the trekking tourists to Kiw Mae Pan trail and found the goral. He later discussed with his friends and the park officials about it more often but the group was established when he was later appointed as the DINP's chief assistant on academic section and invited village headmen and TAO participated.

“The remaining population of goral and seraw are little in DINP. They could hardly survive without our protection. We should preserve them to give a chance to our next generation to see them as we see. The park has no enough staffs to do this job, the mission should be done by us.

I with my friends—3 person had led other Hmong people in the village to survey and observing their behaviors. If we could preserve the species, it is not the outside praise that we need but our own pride to the Hmong. And hoping that the notion as wildlife hunter to us would be changed after that,” (Interview, Mr. Ying Sae Wa, November 4, 2001).

After that, the park had arranged 2 staffs to join the Hmong's activities and provide a car for transportation. Currently, this project receives funding from Northern Thailand Research Fund.

[II] The Agro-ecosystem

Since an implementation of projects to replace the opium plantation with Arabica coffee in highland area in the begining of the 1970s – conducted by the UN and other several bi-lateral socio-economic development projects -- Hmong and Pga-ker-yoeu people were encouraged from HAMP, and TN-HDP to grow the coffee on small plots around their villages. But the encouraging received no interest from the villagers, as considering it the “no future” crop. Two decades now, they turned to grow coffee when they see the promising bright market of it.

In 1998, the Integrated Tribal Development Programme [ITDP] had set up the Village Tribal Arabica Coffee Growers Group¹⁵. The project had applied for the membership of the Fairtrade Labelling Organisations International [FLO]. The cooperative has been a preliminary member for the resent years sending most of its coffee to Japan under the FLO. In 2001, the project had implemented the “Lanna Café” Project in Chiang Mai town to support promoting Thai Arabica coffee (ITDP, nd).

¹⁵ The Thai Tribal Highland Arabica Coffee Grower Production and Marketing Project/ Cooperative was established in 1998. In 1999 the ITDP took over the administration and implementation of the Arabica Coffee Project under the Marketing and Credit division of the ITDP. Michael Mann [son of Richard Mann] has been the director for ITDP since 1991 (I T D P , n d) .

The MKL Pga-ker-yoeu Villagers had grown coffee in their 20 rai area [3.2 hectare] for 10 years. Now it expands to be 50 rai [8 hectare]¹⁶. They grow coffee mix with other perennial plants and fruits close by the forest tree using an organic farming technique. In 2001, the villager has become a member of the Village Tribal Arabica Coffee Growers Group, sold dry green Arabica to the project 100 kilograms to supply to Lanna Café shop¹⁷. Now, there are 6 villagers being members of the project. The upland free-chemical coffee growing is an alternative for hill people to integrate their life into the capital market and improve their real economy.

However, villagers have conflict with the NP officials over cropland area in the forest. In case of PM Village, Mr. Duangchan's three household with 8 adults and 3 children, had 8 rai of paddy field and 6 rai of cropping field [2 plots]. It had no fence for the first plot where they plant more than 100 coffee and banana trees near the waterfall and the school. In 2001, the NP officials: Suppression Section had put the "no farmland extension" announcement banner and Mr. Duangchan retorted by pulling up the banner causing the officials cut his banana trees and pulled down all his coffee trees.

For the second plot, the villagers had extended more land about 2 rai and put fence around it. They grew more than 1,000 coffee trees outside the fence and grew 100 persimmon trees -- given by Mae Klang Watershed management Unit [MKWMU] -- cabbages, Akiri, Fineow, banana, sugarcane etc. inside the fence. On Jan 17, 2001, ten suppression park officials had come to inspect the forest condition and found the villager's cropland and reported to their suppression office. The day later, the officials had returned into the area and waited for the owner. They were told by a villager named Mr. Pitak Supalakpitak to meet Mr. Duangchan the crop's owner, but the officials did not go. Moreover, they pulled down all coffee trees. It was estimated to be a damage of 10,000 Baht¹⁸.

The forestry official had strictly ban to forest clearing, they would arrest the villagers immediately when found for the charge of forest intruders.

¹⁶ For academic, coffee yields return 1,000-1,500 kg/rai. For villagers, coffee yields return 6 0 0 - 1 , 0 0 0 k g / r a i .

¹⁷ In 2001, Lanna Café bought dry green Arabica coffee 2.6 tons from the members' group, the highest price of coffee is 122 Baht/kg. There are 80 members from 9 villages in 3 northern provinces; Chiang Mai, Chiang Rai and Mae Hong Son (cf. ITDP, nd.).

¹⁸ In this case, Mr. Duangchan gave reasons that; land that was cleared was his former cropland, he needed to extend more land since 2 plots of land were not sufficient to feed the family members, and he could not find any new place. Thus, he had to keep on cropping in those 2 plots of land, and gave in to quit growing coffee trees in the forest area. The village headman had talked with Mr. Duangchan's family. Mr. Duangchan accepted that he did clear land, but surrender to stop extending more land. The village headman and the leader of Upper Mae Klang Watershed Network Organisation [UMKWN], which established by RFD unit, stated that Mr. Duangchan's family committed wrongly in case of destroying the Park's announcement board. They said that Mr. Duangchan was stubborn and did not believe in anyone's warning. Although, the village headman and the leader of leader of UMKWN Organisation expressed different opinions towards the new land that Mr. Duangchan's family had cleared. The village headman thought that 2 rai of land that was already cleared was possible to make use of. Anyway, no more extension of cropland. For growing coffee trees in the forest could be no longer practised. For further operation, the village headman suggested that the villagers should negotiate with the officials for building the fence around their cropland. He thought that the officials were not too mean. But if they are not allowed, the problem had to arise again. The owner of cropland had to clearly point out where his land located in order to come to final conclusion together. Meanwhile, the leader of UMKWN thought that it was impossible that the forestry officials will allow the villagers to crop on those 2 rai of land because there was a big stump obviously seen, so it was regarded as clearing of the new land.

In the case, academically, growing coffee tree in the forest area is one kind of an agro-forestry concept. And it was initiated by the villagers themselves, the authorities should rather encourage them developing the system instead of strictly suppressing them as it is one compromised way of their living in the forest area. Technically, the villagers need just weed land to grow coffee under big trees as the coffee trees need big trees to provide shade for them. Therefore, the villagers will not cut the big trees down, much better than using slash-and-burn technique to prepare land. However, the highlands' initiated ago-forestry is difficult to practise as the villagers are lacking of legal right in the protected forest.

[III] *The Eco-tourism*

Amidst the nation-wide promoting of eco-tourism by authorities, the MKL Pga-ker-yoeu villagers had set up the Doi Inthanon Eco-tourism Club [DIEC]¹⁹ in 1998. The project had started without direct financial support of DINP. It has no committee yet in the first year of the club operating. But the big construction was built in the front area of the community and another houses in the area behind the land's plot of villager.

The villagers had gained income from the accommodation service's charging -- Bt1,500 per night for the 12 person-sized house, Bt1,000 for the six person-sized and Bt300 for the 3 person-sized – and dividend. At the beginning in 2001, the dividend was 5 per cent of total of profit. There has also a return of shares to 5 villagers, valued at 13,250 Baht. Local guides had extra income from their wage and selling local products to tourists.

DIEC is thus a socialised place among villagers themselves and with visitors, where they could exchange information on accommodation, nature, star and bird watching. Moreover, it has played an important role in environmental preservation for community and represented the ethnicity.

Capitalism and market economy has integrated the Hmong into its mechanism, making the tribe's lives relying on commercial and business. The highest income group had earned 300,000 Baht a year before the 1997 economic crisis, by selling their agricultural products to tourists along the road²⁰. In the past, they had numbers of handicraft shops along the road leading to the waterfall before closing many of them in 1997 when less tourists appeared due to the crisis.

Today, some shops have returned in the past several years, for selling handicraft products brought from Central Market in Chiang Mai town [*Kaad Luang*]. The park officials want them stop the shops along the road, a major source of their income, for the better look of Doi Inthanon to visitors. However, they had complained to the governor about it and were allowed continuing the shops.

¹⁹ In 2001, the DIEC had 3,341.5 [share price was 100 Baht/share], total share money was Bt 334,150. There were 46 shareholders, who were the villagers for 32 people [70%] holding 1,487.5 shares [44% of shares the whole of shares], and the external shareholders for 14 people [30%] holding 1,854 shares [56% of the whole of shares]. One who held the most shares owned 600 shares, 400 shares and 250 shares respectively. Now, there is no sale of more shares, except that there was a transfer of share ownership between some people.

²⁰ Villagers send their good quality products to the Royal Project and sell the under grade products to the tourists passing the village. Although the products of Royal Project are very well known under a name "Doi Kham" [trademark of the Royal Project agricultural products], they cannot determine price of the products but have to let market mechanism do it instead. The price of products is determined by market process. The Royal Project can not determine the product prices b y i t s e l f .

The Hmong communities have recently expanded their shops' area, since the first one – where located on the road in the park -- was ran out of space. The expanded area is continued from the first one, strip along the road. The expansion was ban by the park official and later allowed after the stepping in of Chom Thong District's head. The park allowance is likely the trade off – private deal -- between the park and the Hmong in the tourist campsite case; the allowance would be cancelled if the Hmong still continue their opposition to the project. However, the Hmong said they still opposed the project even though could not express it openly (Rojana and Kamon, 2002).

Conclusion

The conservationists, such as Dhammanaat Foundation and CTWCA with some RFD officials – strongly backed up by the questionable relevant state policies -- have forced continuously and likely endlessly against highland ethnic groups in DINP and OLNP to relocate them out of their settlements. It caused decades-long severe conflict among them, the highlanders and lowlanders over the natural resources management in the parks, especially the watershed area. The lowlanders had accused the highlanders' living in the forest land as the “unsustainable” type of resource utilization and forced them to leave the area for the sake of watershed forest conservation.

Four main arguments of the conflict are the highlanders' practicing of the swidden shifting cultivation, the forest fire issue, the water shortage, and the contamination of agriculture chemicals in water around the watershed area. However, the likely-sound accusation of the lowlanders side – including the lowland residents of Chom Thong district, some of the park officials and the ecological conservation groups – to the highlanders who are ethnic minorities is practically “double standard” and reflecting the serious stereotype to the ethnic minorities.

In contrary, they had never mention to other factors that are also part of the causes to such disaster and phenomena – like constructions of various government agencies including RFD's park offices, the Air Force's radar base on Doi Inthanon's peak and also the aggressive-consumption water users – but instead bolding the highlanders the scapegoat to all impacts resulting from the mistaken development in the area. Meanwhile, the struggling of the highlanders responding to such huge pressure is very interesting as it is more flexible, diversified, showing positive results and likely more sustainable with the real participation of various stakeholders in the complicated resources and ethnic conflicts.

First, at the public level, the highlanders had formed the network – the ATITP which was supported by NGO groups who are working on hill tribe and natural resource management issue like IMPECT, Center for the CONTO – to work out on the key affects to them from the state policies as well as the other structural problems, especially the issues of community rights and local rights to natural resources management.

The network had fighting for the revise of law and policy on forest resource management to include the community rights into them, apparently come out as the drafted Community Forest Bill. The network had joined other alliances like NPF (HEN, NFN and ANCF) and AOP for the legal and policy changes in various means.

The network had also fighting on the race/ethnic discrimination, to change public perception and stereotype to the hill tribes as the non-Thai. To the Hmong, they are likely to work harder over this discrimination as they were long seen badly by public and the lowlanders side as the “primitive”, the “forest destroyer”, the “force group for revolt to Thai state”. They had tried patiently to improve their bad image by presenting the other

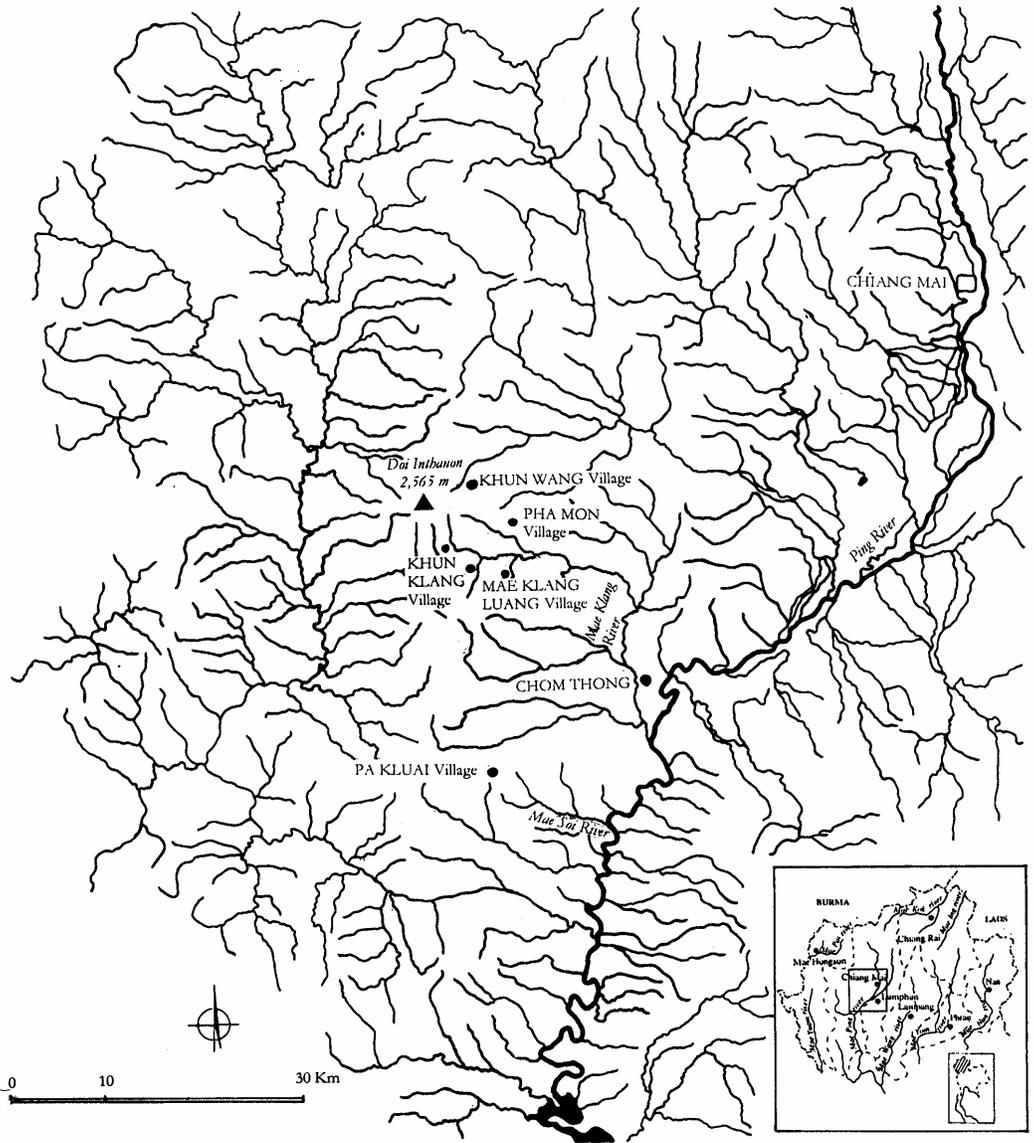
side of their identity and insisting they are also Thai with Thai citizenship. Among the new image they expressed to public in the past years during the intensive conflict, they had revived their ethnic identity as the conservation ethnic whose culture, belief and ritual are natively conservation-minded. And they had proven their revival to public through numbers of ritual including the forest firebreak line, tree ordination and *Dong Seng* rituals.

Second, at the local level, the hill people had retaliate and adapted themselves variously and flexibly – amidst the restriction of their rights accessing and utilising to the resources in protected area – in order create their own arena to gain bargaining power in the natural resources management.

In Doi Inthanon area, the hill people had contesting in many ways, based on their past experiences. They had tried to create strategy to negotiate with authorities particularly RFD and the Royal Project for participating in resource management, while waiting for the legal acceptance on community rights which practically the implementation of the Community Forest Act.

The articulation of hill people had preformed several concrete initiation of sustainable development's activities including the 'conservation' fields that they have chosen to reconstruct the arena for negotiate outsiders. Their conservation fields are consisted of three dimensions that involve to each other; the natural resources conservation, the agro-forestry and the eco-tourism. To the natural conservation dimension, the Hmong had established the Goral and Seraw Conservation Group and run the research project with DINP. To the agro-forestry dimension, the Pga-ker-yoeu had improved their tradition agricultural practice into the agro-forestry system, which hear the environmental sound and highlanders' economy. To the eco-tourism dimension, the Pga-Ker-Yoeu had set up and run the eco-tourism project in park area.

The legitimacy rights for resources management as contesting terrain is still continuing together with the competition, between interest groups, in protected area. As the difference between the property concepts based on communal land and private land has causes a great conflict on natural resource management between the villagers and the state. In this case, I suggests that if individual rights of ownership are given to the villagers, it might lead them to sell out the land's plots and have no land in the end, due to their debt situation and the strong current of capitalism and free market. Therefore, the government should not give the individual rights ownership, but the community right ownership instead. Then, the land would belong to no particular one but the whole community while they still have authority to manage the forest and land resources with hardly possibility to sell out the land. The suggestion is not to stick to a particular right of ownership provided but merge all of them together – the individual right, the state right and the community right ownership – which should function more to the reality of the society at moment.



Villages site in Chom Thong Watershed area

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