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Tenure Insecurities in Protected Areas of Thailand

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Abstract

Recent initiatives by the Thai government to expand protected areas include the possible relocation of many Northern Thai villages, most which are populated by ethnic minorities, from forest lands they have occupied for many generations. This policy is made possible in part by uncertainties in community resource tenure systems resulting from the expansion of the Thai state and of market forces. This paper examines the origins and effects of tenure uncertainties of people living in areas being incorporated into protected areas. It shows how local communities have coped with political and economic changes, and documents the existence and viability of local resource tenure institutions in interaction with state institutions.

Introduction

Loss of forested areas and biological resources in Thailand has occurred at one of the highest rates in tropical Southeast Asia (Dearden, 1995). This phenomenon has put pressure on the Thai government to keep the last remaining forest area of the kingdom. Expansion of protected areas is viewed as the only measure to save the remaining forest and stop erosion of biodiversity. The government's National Forestry Policy aims to maintain 40 percent of the country's area under forest cover, of which protected forest should be 25 percent and economic forest 15 percent. The protected forests here include national parks, wildlife sanctuaries, non-hunting areas, and watershed protection forest - watershed class 1A. By the end of 1995, the Royal Forestry Department (RFD) had established 81 national parks all over the country with an area of 26,086,418 rai (4,173,827 ha.), or 8.13 percent of the country's area. There are also 42 new national parks in the process of being gazetted in the next few years. These new national parks will add an area of 14,425,350 rai (2,308,056 ha.), or another 4.5 percent of the country's area (National Park Section, RFD, 1995). Moreover, there are 38 wildlife

sanctuaries with an area of 18,241,144 rai (2,918,583 ha.) and another 31 new wildlife sanctuaries with an area of 5,829,225 rai (932,676 ha.) are in the process of preparation. There are also 48 non-hunting areas which impose fewer use restrictions and some of them are being upgraded to wildlife sanctuaries. These protected areas when combined with area in watershed class 1A almost reach 25 percent target. Comparing this figure with the remaining forested area of the country, approximately 28 percent (source: Forest Statistics, Planning Division, the RFD, 1990), it means that all remaining forested areas of the country will eventually become protected areas in one or another category.

In the North where the most forested areas remain there are 25 national parks with an area of 9,409,433.5 rai (1,505,509.3 ha.). Twenty-four new national parks with an area of 10,156,437 rai (1,625,029.9 ha.) are under preparation to be gazetted (National Park Section, the RFD, 1996). From the figure shown above the national park areas in the North will double in the near future. In addition to the national parks, there are also 12 wildlife sanctuaries with an area of 6,144,046 rai (983,047.4 ha.) in Northern Thailand. And of 31 new wildlife sanctuaries under the preparation all over the country, 15 of them are in the North with an area of 2,910,375 rai (465,660 ha.), accounting for 50 percent of the expansion in wildlife sanctuary areas. When these areas are combined with the watershed class 1A of the major river basins virtually all of the forest land in the North will eventually become protected areas with restricted access.

This means that millions of people who live in these areas are at risk of losing their customary rights and forest-dependent livelihood. Most of these people are ethnic minorities. Although these people have been considered squatters living in the national reserve forest for many years, in practice, they have never been under severe threat. Restrictions on occupancy and use are more strict for protected areas than national forest reserve. The RFD also allocates more staff and budget for enforcement in protected areas than forest reserve. By declaring the areas as national park and wildlife sanctuary the RFD is sending a message to forest dwellers that their *de facto* property relation with the forest will not be the same as before. Forest lands classified as protected areas are under the absolute authority of RFD, as declared in the National Park Act 1961 and Wildlife Reservation and Protection Act 1992. These Acts require RFD to exclude people from the national parks and wildlife sanctuaries. The possible measures of exclusion include eviction, cutting off development programs and social services deliveries, and restricted control of land use. Some communities were already relocated out of

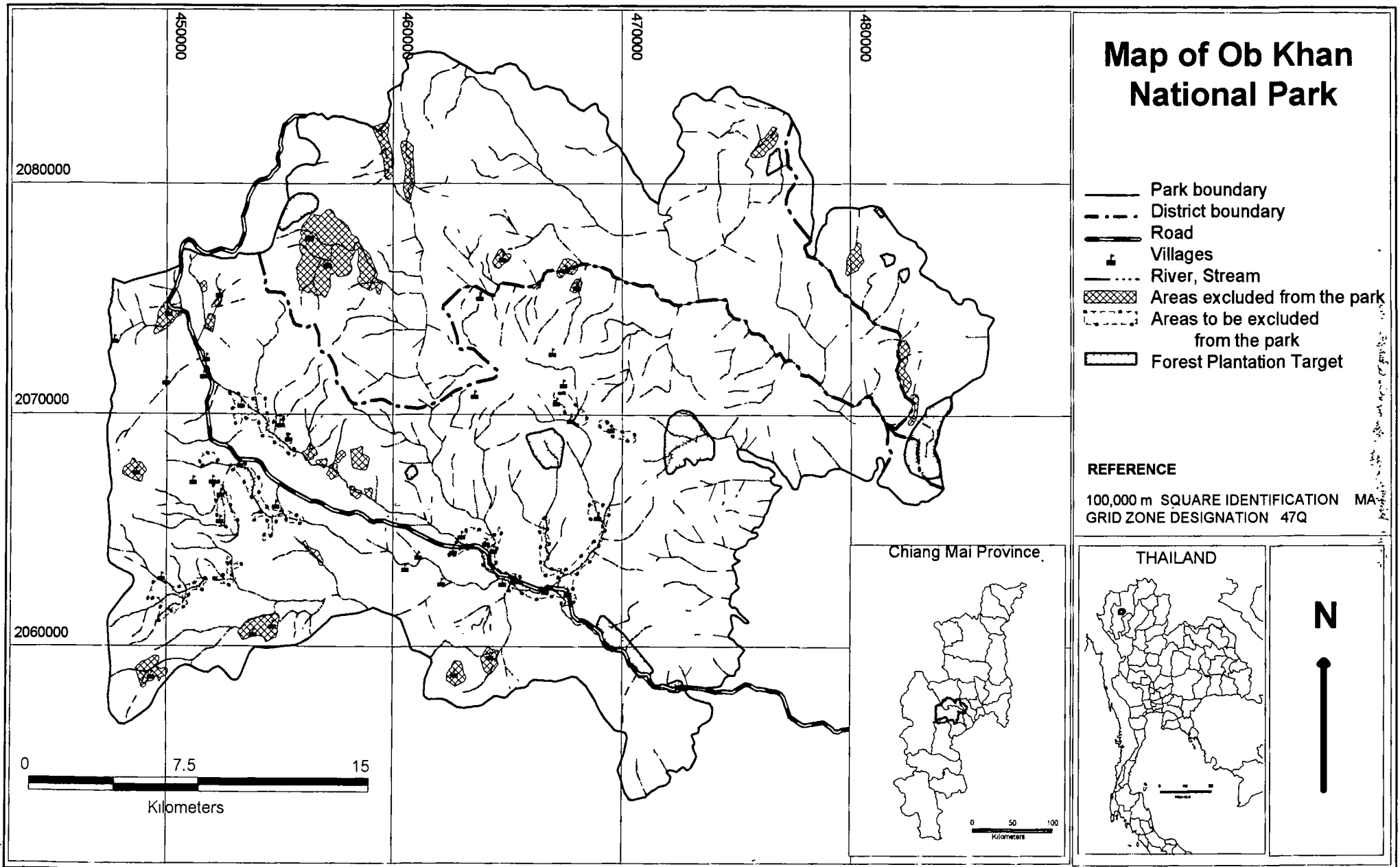
the park territory, e.g. Klong Lan and Doi Luang National Parks; and their decial of displacement was heard by the forest dwellers in other areas.

This paper attempts to document and analyze the state expansion of protected areas and the responses of the marginalized people whose customary rights and forest-dependent livelihood were infringed. The study focuses on one particular area being surveyed and prepared as a national park, called Ob Khan National Park.

Study Area : Geographic and Social Settings

Chiang Mai has the largest actual forest area in Thailand. It accounts for 9,012,500 rai (14,420 sq.km.) or 71.72 percent of the provincial area (source: Chiang Mai Provincial Forest Office, 1993). However, the national forest reserve area of Chiang Mai is 11,596,415 rai. Zoning of national forest reserve area in 1992 divided the forest reserve area into three zones; conservation forest (zone C) 9,928,354 rai (85.62 %), economic forest (zone E) 1,589,,586 rai (13.7 %), and forest area suitable for agriculture (zone A) 78,475 rai (0.68 %).

Ob Khan National Park is located in the Southwest of Chiang Mai, Northern Thailand (see map). The park has a total area of 431,875 rai (691 sq.km.) covering the headwaters of Mae Khan and Mae Wang watersheds which drain water into the Ping river, one of the four major tributaries of Chao Phraya river. In 1965 these forest areas were declared the national forest reserves - namely the Mae Khan and Mae Wang national forest reserves - following the promulgation of the National Forest Reserve Act 1964. By that time, many village communities had already occupied the area, especially the Karen people, some of whom claim to have lived there over 100 years. The lowland Thai moved into the area to seek cultivated lands both before and after the declaration of forest reserve. Permanent settlement of lowland Thai and Karen accelerated after World War II. Sedentary wet rice cultivation, a permanent agricultural system, led to the establishment of village communities. At the same time, traditional irrigation systems were built and managed by the rice growers. Thus the permanent village community become an integral part of a sedentary wet rice culture and water resource management system. Although the ownership of wet rice field is private property; only a small number of the people have land certificates or titles. Most of them either failed to register their lands or were ignorant of their



legal rights under the Land Code 1954. Besides, many of the Karen and Hmong at that time did not have Thai citizenship prerequisite for land title. Those who registered their possession were granted possession rights certificates (Sor Kor 1). The Sor Kor 1 can be later transformed to Nor Sor 3 (use certificate) and Chanode (title deed).

When the area was declared as national forest reserves most of the people again failed to notify the authorities of their occupancy as required by the law. By 1993 there were 1,994 households with a population of 10,214 living in the proposed park area. The majority were Karen (1,263 households). The rest were lowland Thai (543 households) and Hmong (197 households). Ironically, all villages in Mae Win sub-district are inside the park boundary, formerly the national forest reserves. Lowland Thais usually live in the downstream plain while the Karen live in the middle elevation close to their paddy field in the small valley. The Hmong live in higher elevations. Most of these villages are accessible by roads.

The assertion of state property in forest resources in this area can be divided into three principal periods in the modern time. The first period is the declaration of national forest reserve in 1965 which led to the continued conflicts over legal rights to occupy and use the forest lands until the present time. A few years later, in 1969 the RFD gave logging concessions to private companies, most of which extended until 1985. Logging operations made this area better accessible through log-hauling roads. More people moved in from the lowland. In addition to logging concessions, tobacco curing barns and illegal logging by the local influentials contributed greatly to the reduction of forest. Many local people also worked as logging labors for the logging firms. Conflicts over people's occupancy of forest land intensified when the RFD established the Forest Protection Unit in the area in 1975. The RFD officials started enforcing the forest laws and arrested the villagers for illegal logging and encroachment in forest lands. The local villagers became a clear target for the campaign to stop deforestation. Swidden agriculture by both Karen and Hmong was singled out as the most important cause of forest degradation. A large area of opium growing also stimulated the attention of government agencies including the Royal Project, National Security Council, and other law enforcement agencies. The Royal Project (*Krong Karn Luang*) came into this area in 1979. Subsequently, opium replacement crops were introduced to the communities situated near the project's experimentation stations. Nevertheless, the combination of increased government pressures to stop forest encroachment and eradicate opium

growing led a number of villagers to resist by joining the Communist Party of Thailand (CPT). By the late 1970s, the Mae Wang area was considered a CPT infiltration area. To counter the insurgency, the government accelerated development programs such as road building, irrigation, school, public health services, and electricity.

The second period is the state reclamation of the forest by reforestation. The RFD reaffirmed its control of the forest by reforesting the degraded forest after logging concessions expired in 1985. RFD access to forest areas increased after the defeat of the CPT in the mid-1980s. Reforestation, on the one hand, aims to maintain forest condition. However, on the other hand, it is a method to reclaim the state control over the forest territory. The main objective of the government was still to reduce shifting cultivation area. The RFD attempted to limit the further encroachment by introducing opium replacement crops and encouraged the villagers to practice permanent and intensive agriculture. Negotiations between the RFD officials and the villagers were partially successful in dividing the reforestation area from the cultivated area. However, the agreement did not last long since both sides violated it.

In the third period, the RFD has tightened its control over the forest land through conservation policy, especially after logging ban in 1989. The Mae Wang and Mae Khan forest reserves have been under preparation to be formally gazetted as the Ob Khan National Park. The park officials are currently undertaking the demarcation and mapping of park boundaries. The expansion of protected areas stimulated various forms of resistance from the forest dwellers which will be discussed in detail later in this paper.

The State Discourse on the Protected Areas

Facing a rapid decline of the forest in Thailand, all concerned parties placed the blame on each other. The government steadfastly accused the forest dwellers,³ arguing that their use of shifting cultivation was the major cause of deforestation. Meanwhile, the local people and NGO alliances criticized the government for failing to monitor forest exploitation by various interest groups and ignoring local participation (Yos, 1995; Laungaramsri and Rajesh, 1995). The divided perspectives become critical when applied to conservation policy, especially in the protected areas. Currently, the

RFD seems to have gained momentum, as it holds jurisdiction over forest land under a wide range of legislations, i.e. the Forest Act 1941, National Park Act 1961, National Forest Reserve Act 1964, Wildlife Conservation and Protection 1992, and Cabinet Resolution on Watershed Classification. The RFD usually defends its use of these restrictive laws by saying that it has to fight against influential interest groups including, the corrupt politicians and entrepreneurs. However, it has hardly succeeded. Instead, these laws were mostly used for suppressing counter-claims on forest resources by the local people. Whereas several cases of illegal forest encroachment by the influential entrepreneurs often involved the collaboration of the RFD officials.

The policy of conservation through the creation of protected areas has developed slowly and unevenly since Khao Yai National Park was established as the first national park of Thailand in 1962. In 1973, during the democratic movement period a scandal involving military figures using the high-powered weapons and official vehicles to go hunting in Thung Yai Narasuan Wildlife Sanctuary sparked public outcry. The incident gave a boost to the RFD to increase protected areas in many parts of the country. The second boost for conservation policy through expansion of the protected areas came after the logging ban in 1989, following the disaster in the South where mass land slides killed hundreds of people. The incident was perceived by the most people as the impacts of deforestation. To the conservationists and urban-based public increasing protected forest area is an obvious and straightforward response to the environmental crisis.

It seems reasonable for the RFD to rationalize its policy of expanding the protected areas as a way to protect the last remaining forest and biodiversity stocks from exploitation by both local people and influential entrepreneurs. Protected areas are considered as public goods which need state management for all elements of society to benefit. The RFD has also used economic justifications, for instance it has argued that forested headwaters help regulate the water flow feeding economic-oriented projects like hydroelectric dams and irrigation reservoirs (Peluso et al., 1995).

The Thai conservation policy is also influenced by the American-trained technocrats in the RFD and career academics. The spectacular American "wilderness" is an ideal type of protected area as perceived among these conservationists. Although the new approach of linking environment and development has been accepted among policy makers, the actual policies of protected areas currently in use do not reflect that acceptance. Royal Forestry Department still desires an exclusion policy in the

management of protected areas. This is not purely an ecological goal. It is also driven by RFD's desire to maintain jurisdiction over the forest territory. If it puts most forest lands under the protected area category the RFD would be able to safeguard them from other stakeholders including some government agencies seeking control of land. Furthermore, the big jump of RFD onto the conservation band wagon might be driven by the need to maintain its annual budget and compensate for the loss of revenues from forest extraction (Vandergeest, 1995: personal communication).

Since the inception of the National Forest Policy 1985 the RFD has started zoning the forest lands by classifying the forest into two categories - conservation forest (the C zone) and economic forest (the E zone). In the process, the A zone - the degraded forests with soil suitable for agriculture - was added into the classification. Meanwhile the degraded forests with soil unsuitable for agriculture remained the economic forest category and were recommended to reforestation. The creation of the A zone was partly politically motivated as elected governments after 1988 wanted to allocate the forest lands to the landless farmers, and to "once and for all" solve illegal occupancy in forest reserves. The RFD was instructed to survey the occupancy in forest reserves all over the country and re-classify occupied areas into the A zone. The degraded and occupied forests which soil capability suitable for agriculture (the A zone) were then transferred to the Office of Agricultural Land Reform (ALRO) for allocation to the farmers. Most of the A zone areas were re-classified from the E zone; but reportedly some of them are within the C zone.

The above policy was largely implemented during the Chuan administration (1992-1995). However, it was stalled after the a scandal erupted because some politicians abused their power and gave away the forest lands to friends and party supporters. This high-profile case caused the downfall of the Chuan government. It is accepted among the RFD officials that the RFD needs to move quickly to declare protected areas to take control over the forest territory before other stakeholders. Other government agencies also compete for management of the forest lands.

The establishment of new national parks can be done by two procedures. The first procedure, the fast track, is to declare the area a national park by demarcation on the map, and then carry out a ground survey and measure the exact boundaries later. The second option is the regular procedure which can take a bit longer; first there is a survey to demarcate the area on the ground and make a complete map to attach to the royal decree that creates the park. Using the latter procedure, the survey

team can demarcate the communities and their cultivated lands, and then exclude them from the national park area. The forest dwellers can also have an opportunity to prove their occupancy and negotiate the village territory with the park officials during a ground survey. However, under present circumstances, it is unlikely that the RFD would choose the regular procedure. The RFD tends to opt for the fast-track procedure to keep control of forest territory under its exclusive laws. As a result, the forest dwellers were victimized in the competition for forest land control among different interest groups. Once a national park is gazetted, it becomes very difficult to re-demarcate the park boundaries to leave out the communities in the park area. The process involves changing the decree, which takes many steps in a bureaucratic nightmare. Certainly, the RFD will not take the first step unless the cases are brought into the political arenas.

The RFD was successful in rallying support for exclusionary conservation policy from the conservationists, elites, urban-based middle classes, and politically-powerful media. This public approval gives the RFD a legitimate reason to deny the proposal to allow human residency in the protected areas. The RFD continues using the myth of swidden agriculture, misperception of water shortage and severe floods in the Central Plain to propagate the urgent need to protect the watershed forest. Despite research suggesting that swidden agriculture did not cause the water shortage but rather the overconsumption by the lowlanders (Alford, 1992); official discourse on deforestation still has not changed. The perception of upland agriculture as the most important cause of environmental degradation reflects the urban (the *Muang*) people's attitudes towards the forest dwellers and ethnic minorities rather than the knowledge based on the scientific study of environmental changes (Forsyth, 1995).

Villagers' Response and Resistance

The information concerning the expansion of national park was spread to villagers through the leaders of the Mae Wang Watershed Network - established earlier to coordinate dialogue among the villages in the same watershed. Cooperative activities in this local network emerged from the traditional *Muang Fai* groups (water user group) and the community forestry committee in the Mae Wang forest area. When the RFD planned to establish Ob Khan National Park and initiated the possible relocation

of the villages the Mae Wang Watershed Network expanded its network to coordinate with the villagers elsewhere in the North who were under the same threat. The NGOs and academics have helped the villagers to form the Northern Farmers Network. A series of workshops and discussions was held to exchange the idea and negotiate with the government.

The resistance culminated in May 1995 when the Northern Farmers Network staged a demonstration in Chiang Mai. The villagers called for the government to negotiate. When their demands were ignored by the minister they took to the street and intended to march to Bangkok. At the end, the government accepted their demands to stop relocation of the people. It set up a multi-party committee to reconsider the expansion policy. The villager forum also called for the government to pass the Community Forestry Law which allows the local people to manage protected areas as the community forest. In May 1996, the cabinet council approved the draft Community Forestry Law and passed it on to the parliament.

The RFD uses maps and other cartographic technologies to validate the territory of the protected areas. Park mapping techniques include Global Positioning System (GPS), aerial photographs and satellite images to demarcate the park boundaries and exclude villages and sedentary rice fields from the park area, but not the rotational swiddens and community forest. The villagers' response to this threat is to use a "counter mapping" strategy supported by the NGOs. The villagers learned to appropriate mapping techniques and land-use planning strategy usually controlled by the state to support their claims over forest lands. They also created village rules and monitoring measures to govern resource uses. It is ironic that the creation of rules governing forest uses is intended principally to inform the outsiders rather than the fellow villagers. For the members of the community it is assumed that everybody knows and conforms to the traditional system of forest land uses. Counter-maps have become a powerful tool for the villagers to claim forest land and challenge the exclusion of people from the protected forests (Peluso, 1995).

Jomi Odochao, the widely-respected Karen leader, has repeatedly overlaid the map showing where the Karen live with the map showing the remaining forest areas of Thailand to fight back the accusation that the hilltribes are forest destroyers. He pointed out that the healthy forests in Thailand are located where the Karen have resided. He contended that Karen have traditionally conserved the forests for generations. He asserted that they have lived in harmony with nature. For this reason, the

national parks were usually expanded into the forest areas surrounding Karen villages. As a result, the Karen are at greater risk of being relocated. Although the park officials usually exclude villages, sedentary rice fields, and fruit tree gardens from the park area it is unlikely that they will exclude the rotational swidden as the areas are covered with the forest after a few years of fallow. The Karen's rotational lands when looked at from the satellite images are not different from the forest-covered areas.

At the village level when the villagers learned that their villages were annexed to the new national park they knew what was coming next. They knew the consequences of being in the middle of the national park from talking to friends and relatives who experienced the hardship in the nearby Inthanon National Park and recent relocation from Doi Luang National Park. They prepared ahead for encounters with the park officials. For example, Karen of Nong Montha village situated in the middle of the park have built a three-dimensional model map to be used as a tool to explain their forest management to the outsiders. They were unlikely to cooperate with the park officials. With assistance from NGOs the villagers learned how to make the map and zone the forest lands. They insist that they don't want to move out from their village. These villagers even prepared for some violent measures if necessary. They perceived that it was their legitimate right to protect their livelihood, even against the state. The park officials offered to allocate a fixed plot of land to them. However, the villagers rejected the proposal as they feared that their children might not have enough lands to live on. When the government threatened to cut off all development programs and social service deliveries the villagers said that they have been living there for over 100 years without any help from the government, so why bother. This has led to conflict with park officials since this village is not even demarcated as the exclusion area, but is in the C zone.

What the outsiders usually see when visiting these Karen villages is the model map and the rules governing forest land uses. In the past the common scene in the forest reserve was the signs reading "National Forest Reserve" with the official symbol. At present, the forests surrounding the Karen villages have signs reading "Community Forest", "Village Conservation Forest", or "Village Wildlife Sanctuary". The categories of land use zoning are similar to the ones used by the state agencies. The rules are also replicated from the forest laws as well as the duties and responsibilities of the villagers. All members of the community are responsible for putting out forest fires, making fire

brakes, monitoring forest land uses, and so on. This form of resistance was also seen elsewhere in Southeast Asia (see Peluso, 1992).

Karen at Nong Montha and other villages in the same watershed network have re-invented their forest management system to be compatible with the system claimed by the state as a sustainable one. The Karen villagers also created their own discourse and practices on forest management based on their indigenous knowledge. For example, they denied the pejorative term "shifting cultivation" used by the foresters and scientists for the traditional agricultural system involving the slash-and-burn techniques. Instead, they renamed it "rotational cultivation" - a short cultivation, long fallow system (Kunstadter and Chapman, 1978). The purpose was to distinguish their agricultural system from the unfavored shifting cultivation. The Karen realized that their traditional system has been increasingly recognized by the outsiders as a sustainable agricultural system.

In practice, the villagers have categorized their forest land use into several zones to show the foresters that they can live in harmony with the forest. Those land use categories include protected forest, wildlife sanctuary, sacred forest, rotational swidden, fruit tree garden, sedentary rice field, and residential area. Thus, the vernacularization of forest land uses was one of the various strategies the villagers used to lay claim on the forest land against the state (Peluso, 1995). The villagers testified that after the zoning of forest land use some wild animals which disappeared from the area many years ago have come back again. These wildlife include barking dears, wild boars, and rare birds. This incident reaffirms to the Karen that they have done the right thing.

The Karen in Huey Say have inevitably complied with park expansion by stopping slash-and-burn cultivation, especially in the headwater forest and riparian areas. In some cases, the reduction in available land meant that they had to shorten the fallow period of their rotational swidden. To compensate for the deprivation these Karen villagers also decided to cultivate the old swidden land by growing cash crops such as flowers, cabbage, taro, barley, and so on. They expected that the income generated from this commercialized agriculture would be enough to buy rice previously grown by a rotational technique. Some opted to work as a wage labor outside the village to earn daily wage for buying rice. Although this was not their livelihood it was still better than being relocated from their villages. In this circumstance the Karen livelihood is infringed and less secure than before because they

now have to depend upon the uncertainties of external economy. They believe that their rotational swidden is more self-reliant.

The forms of resistance of the Karen against the expansion of protected areas may range from peaceful reactions to progressive forceful actions. The Karen are usually characterized as honest and peace-loving people. However, if their livelihoods are threatened they can turn to violent forms of resistance. They usually do not intend to harm anybody, but rather sacrifice their lives to protest. For example, they have talked about the worst scenario of mass suicide if the RFD insists to evict them.

The Karen have a variety of property arrangements ranging from private property, common property, to open access. Traditionally, the Karen have not needed land certificates to guarantee their property rights over the forest resources. They do not need the ownership over resources for market transactions such as sale, mortgage, or rent. The villagers usually recognize each other's usufruct rights over generations. However, the villagers have recently started to call for new institutional arrangements in their property relations. The villagers have gradually realized that the usufruct rights recognized among themselves may be not secure anymore when the outside forces, i.e. the state claims and market forces have rapidly penetrated into the community.

In the process of preparation for establishment of the national park, the park officials marked the boundaries of the areas to be excluded from the park. The villagers are not certain whether the areas excluded will be eligible for obtaining land titles under the Land Code, or still a public land under the National Forest Reserve Act as it has been before. This issue is still controversial. From the RFD perspective the excluded areas are definitely under its jurisdiction, according to the law, but less restriction than the national park. However, some RFD officials think that if areas are also demarcated to be excluded from the forest area in the zoning map, they should be given to the Department of Lands under the Land Code.

In the case of Mae Kha Poo, the villagers were involved in a survey to exclude the village and cultivated areas out of the park. When the park officials came to the village the headman and the village committee insisted on taking part in the survey. They used this opportunity to demarcate the village territory and at some point they had to argue with the park officials about the boundary of their rotational swiddens and community forests. They used their own sketch maps to help negotiate with the park officials. At the end both would compromise. The problems usually occurred with the forest

lands claimed by the villagers as their rotational fields while the RFD officials considered those areas were healthy forests. This is because the swidden fields during the fallow period (3-7 years) are usually covered with dense trees. These areas are very difficult to distinguish from the rest of the forest areas, especially when using satellite images. Joint ground survey between the park officials and the villagers is needed to make decisions on village territory.

Some paddy fields in Mae Kha Poo have a land certificate issued by the RFD - the *Sor Tor Kor* (STK.). With the increased land use restriction from the RFD, the villagers now tend to cultivate intensively on a small plot of land by investing more labor and capital. In the past the villagers cleared vast areas without sufficient labor and capital inputs to look after the fields later on. Rotational swiddens of Karen are not only a mode of production but also their way of life. They usually grow a variety of edible vegetables in accompanying with dryland rice. Karen's swidden cultivation also involves several ritual ceremonies. The Karen complained that their everyday life lacked of joy when prohibited rotational swidden.

To counter the question of population increase and the inevitable expansion of cultivated areas, the Karen of Nong Tao tried to establish the fact that in the last 88 years they have never expanded cultivated areas and village territory beyond the land they have occupied. They argued that their agricultural system would eventually transform to be more intensive, for example, the rotational field will become the fruit garden with multi-cropping system. The population pressure will be reduced by emigration of young people seeking jobs in the city. When these changes combine the Nong Tao villagers believe that their forest occupancy in the protected area will not expand.

The continued presence of the Royal Project in the park area was seen by some communities as an assurance of their rights to legitimate residency in the national park. The Hmong, in particular, seem to expect the Royal Project to protect them if they are unfairly treated by the government officials. Unlike Karen, Hmong did not classify the land use zones since their traditional agriculture system was considered destructive to the forest ecosystem. Like others, Hmong needed forest land to live on. They joined the Mae Wang Watershed Network organized by Karen and lowlanders. They were more flexible than Karen when dealing with expansion of national park. The Hmong accepted that their livelihood was harmful to the forest as accused by the RFD. They would comply with the RFD's

proposal of relocation if the compensation is satisfactory. They would negotiate with the RFD on the condition that the agreement is formalized by a contractual arrangement.

Discussion and Conclusion

Rhetorical debate between the conservationists and the NGOs on the co-existence of people and forest has been lingering on without reaching any substantive solution. Management of the protected areas in Thailand is thus at an impasse, with governments often favoring the absolutism of relocation and NGOs the absolutism of residency (Dearden et al., 1996). It's time to put the differences aside and sort out the common ground. After all, protected areas such as national parks and wildlife sanctuary are an artifact created by the government, by politician, for people. The major roles of parks - social roles and ecological roles - need to be balanced to meet anthropocentric goals (Dearden, 1995 a).

In many parts of the world today it is accepted that local communities must be taken on board from the very beginning when protected areas are being demarcated (Davey, 1993). The recognition that local communities should be involved in the management of protected areas has led to the co-management agreements with varying degree of power sharing. Successful management of protected areas lies in the ability of the RFD to form constructive relationships with local people and their indigenous forest use system.

Alienation of forest dwellers from the management of protected areas can lead to everyday form of resistance such as foot-dragging in regards to compliance with conservation laws and piecemeal tactics to strengthen customary claims to the forest (Neumann, 1991). Absolute exclusion of people and their culture from protected areas only creates an island of resource rich encircled by a hostility of displaced people whose livelihood relies upon the marginal resources. Institutional arrangements should be created properly on the continuum of resource tenures in regarding to *de facto* rights of local people and legal rights of a state property regime.

On the one hand, the resistance of the forest dwellers to the expansion of protected areas is perceived as the contested terrain for asserting their rights to manage the forest. On the other hand, reincarnation of the indigenous community forest management is seen as the response to rapid social

and economic changes in village communities. As Dearden (1995b) put it, socio-economic development in the highland Northern Thailand has narrowed a broad-based heterogeneity of ecological and cultural system down to a biocultural homogeneity. The situation is prone to ecological and socio-cultural collapse. When resource competitions have increasingly intensified the villagers need some assurances for the rights over the resources their livelihood depends upon.

Conservation as well as development policies can be used by one particular stakeholder at the expense of the others, especially the marginal ones. In the case of the expansion of protected areas, the RFD has taken advantage of the environmental crisis to tighten its control over the forest resources and retain a territorial jurisdiction. The RFD, in its state function, may have many good reasons to support its conservation policy and resource claims (Vandergeest and Peluso, 1995). Conservation discourse was constructed to rationalize and legitimize the expansion of protected areas. For instance, the forest is a public domain that requires state protection; deforestation threatens national security; or national park is a national pride and a symbol of civilized nation. Analysis of the origin of forest degradation needs to view the agents of degradation as well as the physical environment. In this manner, the RFD should also be subject to scrutiny in regarding the protected area policy.

Forest dwellers who became victimized by this instrumental environmentalism have re-constructed their forest conservation and land use zoning based on the indigenous knowledge to challenge the established knowledge. They create their own discourse on the traditional forest management to contest the conventional management system created from scientific research. In this case study, it seems to be unthinkable that the generally quiet and compliant people like the Karen will turn to be very defensive and innovative people when the customary rights and livelihood securities were threatened.

Instead of holding on its legal control of the forest, the RFD should find the way to work with Karen people as the partnership in management of protected forests. The RFD can make use of its legal strength to support and empower a legal weakness of Karen's indigenous forest management. As Blaikie (1995) points out that environmental policy making at any level will favor some at the expense of others. Thus it needs to be negotiated so that the victims can be compensated for the implementation of someone else's environmental agenda. In this case, it will cost the RFD nothing to compensate

Karen people, except its arrogant but ineffective authority over forest territory. Should it wait until a violent form of resistance such as resource vandalism to occur?

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