

REALISING RIGHTS? NEGOTIATING ACCESS TO THAILAND'S FORESTS

to resources is dependent on their capacity to claim other universal rights, such as citizenship. Social sustainability is a political process; legislative change is only the first step. Discrimination must be overcome to increase people's capacity to negotiate rights and engage in local decision-making.

In the 1990s, the Thai Government introduced a community forestry bill strengthening rights of forest access for Thailand's landless poor. Civil society played a key role in influencing this process to reflect the interests of marginalised groups. Poor people have made significant gains; rights to forest resources are now enshrined in law and many community forests have been established. However, the picture is complex: people's ability to negotiate rights

Why Community Forestry?

It is estimated that a quarter of Thailand is forested. These forests are the focus of conflicting interests. With a rapidly expanding economy, high levels of deforestation and appreciable rural poverty, there is pressure on Government to promote sustainable solutions to forest problems.

In 1990, the Thai Government enforced a ban on all logging in response to public concern over dwindling forest resources. The ban provided a

much-needed respite from uncontrolled deforestation but left unresolved significant differences between conservationists, rural communities, the Royal Forest Department (RFD), and business lobbies over the use and preservation of the forests. This prompted demand for an official community forestry framework combining the benefits of local governance with those of conservation.

The Community Forestry Bill (CFB) was first proposed in 1990. Strong criticism of an initial draft opened up the process, enabling civil society groups to play a role in the development of a 'people's forestry bill'.

In 1999, a subsequent draft was submitted to parliament

supported by 50,000 signatures from across Thailand. A revised bill is currently being read in the Upper House of the Thai Government.

Who Benefits?

Studies of hill areas in the north and the coastal mangrove swamps of the south-west reveal that local people have made many gains in access to the forest resources on which their livelihoods depend. However, these gains are not universal. Although community forest rights are intended to be open to all people living in forest reserve areas, some ethnic groups have benefited more than others. In particular, contestations arise over citizenship and over what constitutes an appropriate 'community' to gain legal access to the forest. Experiences in north and southwest Thailand highlight the challenges involved in trying to build an inclusive society where different marginalised groups can

"Scientific foresters assume that humans only make problems in a protected area, but our work is to let outsiders understand how local people conserve the forest... community forestry is about decentralised management by communities, but conventional scientific forestry is about centralised management."

Saw Frankie, Co-ordinator of Karen Education Information Centre, Bangkok

exercise
formal and informal
rights to forest resources.

Mangrove Politics in South-West Thailand

Muslim populations have been living on the Malay Peninsula for centuries. In south-western provinces like Phuket and Phangnga they are heavily reliant on small-scale fishing, rubber-tapping, and mangrove wood extraction. Exclusionary policies have created a situation in which the livelihoods of Muslim communities depend on their ability to defend rights of access to resources in very marginal coastal areas against rival interests. The Community Forestry Bill has enabled villagers and

"The village people look at forests as the whole of nature rather than just as a monoculture. This is a different view from that of a forester."

**Dr Somsak Sukwong, Director, Regional
Community Forestry Training
Centre, Bangkok**

NGOs
to defeat competing
claims to manage and defend mangrove
areas.

Citing the draft Community Forestry Bill and Thailand's 1997 Constitution (which supports the rights of communities to manage natural resources), villagers in the southern province of Phuket petitioned the Thai courts for the right to protect mangrove areas from encroachment by shrimp farms. Prior to this, NGOs such as Wildlife Fund Thailand (WFT) and the Yadfon Association had been particularly active in spreading information about community rights, encouraging villagers to demand these rights in front of the district chief and governor and the courts. In 1998, judges granted the villagers' demands, ruling against a series of shrimp farm

developments

on the eastern coast of the island. The decision was exceptional, recognising the rights of marginal communities to use and benefit from forest resources, and prioritising them over the interests of the expanding and lucrative shrimp farming industry.

But so far this victory has proved largely symbolic. While government officials have endorsed using community forestry to address persistent problems in Thailand's coastal areas, the state remains resistant to any devolution which would dilute its authority. The judges may have challenged the power of shrimp farmers, but the courts'



Akha women – the community forestry bill recognises the rights of marginalised groups such as the Akha and gives them the right to participate in decision-making over issues that affects their livelihoods

ability to enforce sustainable forestry in conservation areas remains weak.

Citizenship Politics in Northern Thailand

Northern Thailand is populated by ethnic minorities (hill tribes) divided into two main groups: lowland dwellers (Karen, Htin, Khamu), who have lived there for centuries, and highland dwellers (Hmong, Akha, Mien), most of whom have moved to Thailand from China, Laos and Burma within the last 100 years.

More and more community forests are being identified in the areas occupied by hill tribes. Estimates suggest there were 733 in 2000. Some 90 affiliates have joined a region-based community forest network. This growth in community forestry reflects both growing negotiation within villages over access to forests, and an awareness that claiming formal community status

increases the power of local people to negotiate with the state. However, negotiations are difficult for those who lack Thai citizenship, which guarantees access to forest resources. It is estimated that some 40-50% of Thailand's one million hill tribe people do not have official Thai citizenship. New applications are resisted to deter immigration.

In May 1999, frustration over the negotiating process led 5,000 hill tribe people to demonstrate outside the provincial hall of Chiang Mai, the capital of northern Thailand, calling for greater access to Thai citizenship, greater access to development, and an end to plantations on agricultural land.

The lowland-dwelling Karen have had many successes in negotiating rights to the forest, in part because they live in long-standing settlements, some centuries old, and their social arrangements are considered appropriate 'communities' for bestowing access rights to land and resources. Lacking this background, newer arrivals such as the Hmong have had more limited success. However, there are grounds for optimism: they have shown the capacity to respond

swiftly and flexibly, adopting new institutional bases for accessing communal forest resources.

Potential for Future Gains

Thailand's Community Forestry Bill illustrates the extent to which the poor, NGOs and academics can influence the formal legislation of community rights. The process of drafting the bill saw many gains in recognising the rights of marginalised groups and enabling them to participate in decision-making affecting their livelihoods. However, their ability to claim and benefit from community rights is heavily dependent on the influence that communities can bring to bear on the political system, and can still be challenged or undermined by private capital.

The way forward lies with the Royal Forestry Department. Community forestry, and the participation ethic it entails, represents a significant departure from the ways in which the RFD has traditionally

organised village activities in Thailand. Sustainable development will require the department to transform itself into a community-focused institution. Only then can the department and its partners build on the positive foundations of the Community Forestry Bill.



Hill tribe people demonstrate for greater access to Thai citizenship and to community forestry. Chiang Mai Provincial Hall, May 1999

Contact details

Dr Craig Johnson
Department of Political Science
University of Guelph
Guelph, Ontario
N1G 2W1 Canada

Dr Tim Forsyth
t.j.forsyth@lse.ac.uk
Houghton Street
London WC2A ZAE

Acknowledgements

The case is based on the work of Craig Johnson and Tim Forsyth of the London School of Economics, to whom we are grateful.

For further details see: **In the Eyes of the State:
Negotiating a 'Rights-Based Approach'
to Forest Conservation in Thailand**
submitted to World Development (March 2002).