
Forest Conflicts in Thailand: State vs. People

Thailand's modern forest politics has had many phases. In the 19th century, the British began logging the country for teak. In the 20th century, other commercial loggers eventually took over. State agencies anxious to deny the forest to insurgent movements meanwhile promoted commercial agriculture and hydroelectric dams as well as timber extraction. In 1989, with the country's once-vast forests severely depleted, logging was officially banned.

In the ensuing era of increased emphasis on “forest conservation” and “reforestation”, however, the country's forest area has continued to decline, and conflicts have increased between the government and local people.

These conflicts are rooted partly in Thailand's Royal Forest Department's jealously-guarded legal hold over enormous areas of both forested and unforested land. More than 11,000 communities across the country are settled on land that officially belongs to the state, which covers a full 57 per cent of the country. In addition, although Thailand's Land Department has issued various kinds of individual land documents for more than 20 million hectares of the nation's 51 million hectares of land area, including much state forest land, 90 per cent of these land rights are in the hands of less than 10 per cent of the population. At least 38 per cent of privately-owned land, and possibly much more, is lying idle. That makes conflict inevitable: not only do some 1.5 million families have to rent land to farm, but over 800,000 farming families do not own any land at all.

Meanwhile, the Re-Afforestation Act of 1993 has legitimated the takeover of much state land that is being used by communities for agriculture for fast-growing tree plantations. And now the state is trotting out yet another argument for evicting people from statutory forest land. This is that villagers are causing global warming through their settlements. This article discusses some conflicts in two provinces in Northern Thailand – Phetchabun and Chaibaphum – where official forest conservation measures have encroached on people's settlements.

Phetchabun

Huay Rahong, a village of over 1,200 people in Phetchabun Province, Northern Thailand, has been settled since 1971. Most villagers living in Huay Rahong today were evicted from their village called Sambon when the government created the Nam Nao National Park in 1971. Another village nearby, Huay Khonta, which is much smaller, was established in 1963.

On November 26, 1999, the government created a wildlife sanctuary called Phu Pa Daeng (Red Cliff Mountain) on land that overlaps the settlements and their surrounding forests, and made clear its intention to evict the villagers. The residents of the tiny Huay Waai village adjacent to Huay Rahong have already been dispossessed without having been provided the compensation or resettlement land. National Park officials had tricked families into leaving by promising compensation if they left

their village. The promise, however, has no legal base because villagers did not possess land title and was made merely to trick villagers into leaving.

Huay Khonta has also constantly been under threat. In 2005, when 13 residents (including children and a disabled person) were hired by a neighbour to harvest maize in fields that lay within the wildlife sanctuary, the sanctuary chief lodged charges of criminal trespass. The judge dismissed the case, saying that the status of the small plot of land in question (less than one and a half hectares) was unclear. However, the judgement was reversed by the Court of Appeal, resulting in six-month jail sentences (suspended for two years). The Supreme Court then upheld the Court of Appeal.

Huay Khonta residents also face a civil lawsuit brought by the National Parks Department for “causing global warming” under the 1992 Environmental Act, which makes polluters liable for damages. Ordinarily applied to polluting industries, the Act has recently been adapted for use as a weapon against poor rural villagers with the help of contracted academics, who have come up with a formula according to which Huay Khonta farmers can be fined as much as USD 26,250 per hectare for “causing” temperature increases, erosion, soil nutrient depletion and hydrological damage. In all, local villagers could theoretically be liable for USD 70,000 in damages, a huge sum by local standards. In the event, on 28 December 2016, the court fined the Huay Khonta defendants USD 3,562 per hectare, plus annual interest of 7.5 per cent starting from 2005.

The villagers continue to contest what they see as a legal injustice. Not only have they lodged an appeal with the courts. They have also submitted a creative proposal for a new kind of “community land title”, which they believe can resolve the problem peacefully in the long term. Communal ownership of the land would reduce the risk of land being sold or families being coerced into giving up land in ways that might happen if it were registered under individually held private land title. The proposal outlines a process for the community to set up regulations and a community-led committee to govern care of the land. In addition, proceeds from community use of the land would contribute to a “Land Fund” that would support community members in need.

Chaiyaphum

The conflict over the Khonsarn tree plantation project in Chaiyaphum province dates to 1978, when the Royal Forest Department gave permission to the Forest Industry Organisation (FIO) to plant eucalyptus in an area that overlaps local people’s farms.

FIO, a state enterprise under the Ministry of Agriculture and Cooperatives, was set up in 1947 following the expiry of concessions that had been granted to foreign logging companies. Historically, its job was to extract timber on condition that it replanted logged areas.

That proved to be a problem in Chaiyaphum, where various mountainous areas that had been logged remained strongholds of the Communist Party of Thailand (CPT) through the late 1970s. Not daring to set foot there, the FIO proposed to replant in lower-lying areas instead, including in the Phu Sampak Nam National Forest Reserve established in 1973, part of which became a wildlife sanctuary in 2000.

The resulting eucalyptus plantation was originally supposed to cover 3,200 hectares. Only 704 hectares were actually planted due to resistance from the occupants of the land, but the FIO kept trying through 1986 to evict local people, using both legal tools and the local mafia to pressure them. Another strategy was a “forest village” proposal under which FIO would allocate just under one hectare to a participating family for a house and a bit of agricultural land. But only 40 households out

of 102 families living in the disputed zones wound up participating.

In 2004, some 277 households affected by the FIO project got together as a network and demanded that the government cancel the plantation and allocate the land to the community instead. They proposed that the government issue communal land certificates to the community and accept that the community had a right to set up and manage its own community forest land. They also propose a small plot of land be granted to each of the participating households for house construction and food production as well as a community forest, communal agriculture land and land for public or community use. So far, however, the government has been unresponsive.

In 2009, local villagers reclaimed around 15 hectares of land that the FIO had planted to eucalyptus in 2004, reclassifying it into four categories for their own use: household residential and agricultural land, communal land, community forest, and land for public amenities such as roads. The FIO struck back by suing 31 people in civil court, resulting in an order that the defendants and their family members leave the area. So far, villagers have refused to abide by this ruling.

In 2014, Thailand's military took power, forming itself into the National Peace Keeping Council (NPKC). The NPKC's Forest Reclamation Policy, which aims to increase the country's forest cover to 40 per cent, has been seized upon by Chaiphum provincial authorities as the basis for ordering the people of Bo Kaew village in the FIO plantation area to dismantle their village within 30 days. However, arguing that the NPKC has also committed itself not to interfere with the livelihoods of poor peasants, Bo Kaew residents have so far resisted the eviction order.

In April 2016, one local leader, Den Khamlae, disappeared while gathering food in an area near his house and has not been seen since. Den had been vocal in insisting that "we poor people do not want to be prosecuted and become homeless and marginalized in our country." Although local people and police found burned-over areas and bone fragments in the area between his village's community forest and the state conservation area where Den vanished, no progress has been reported in the investigation into the case.

Toward the Future

Under Thailand's current regime, citizens have even more reason than before to fear that their land and forests will be seized and given out to big business and other groups willing to share the spoils with the military.

Nevertheless, a civil society network that includes communities all over Thailand who face problems similar to those confronting villagers in Phetchabun and Chaiphum have made some progress in urging the passage of four pieces of new legislation: a Community Land Title Act; a Land Bank Funds Act; a Justice Fund Act; and a Progressive Tax Act that would levy higher taxes from landowners who are not using their land.

All four legislative proposals would, if passed, help resolve land disputes and reduce inequalities in landholding. They are even receiving a sympathetic hearing from the government, with the exception of the Community Land Title Act. With respect to community rights over land, the government favours its own more limited proposals, which involve land management by cooperatives and would not recognize community rights in national parks or wildlife sanctuaries.

The Northeastern Land Reform Network – Thailand

For further information:

(1) The Land Institute Foundation of Thailand

(2) Thai Civil Rights and Investigative Journalism: <http://prachatai.org/english/category/news>

(3) *Prachatai News*, 17 May 2013: <http://prachatai.com/journal/2013/05/46764>