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## Thailand: “Community forest bill” poses relocation threat for rural communities in conservation forest areas

In an ironic twist, Thailand’s Community Forest Bill intended as a formal framework to define rights of communities to co-manage forest areas now threatens to resettle rural communities especially ethnic peoples living in the uplands and conservation forest areas.

On 15 September 2005, a joint House-Senate committee scrutinising the draft law ruled that community forests be prohibited in “prime forest areas”. The panel voted in favour of a proposal by the Natural Resources and Environment Minister Yongyuth Tiypairat to set up “special forest zones” where human activities, including establishment of community forests, are prohibited.

The panel’s ruling means all human settlements in these forest zones must be relocated once the bill becomes law. According to Yongyuth, a special forest zone is an area with a slope of more than 30 degrees, with high levels of biological diversity, and located in upland areas.

There are about 2.8 million hectares of such forest areas nationwide, mostly located in conservation forests that include national parks, wildlife sanctuaries, classified watersheds and no-hunting zones. No clear figures exist but it is estimated that one million families throughout the country including ethnic communities live and farm in these areas.

More than ten years of drafting and negotiations between government officials, local community groups and non-governmental organisations (NGOs) led to the draft community forest bill which would be Thailand's first legislation recognising the legal status of communities living in and around Thailand's National Forest Reserves to use, manage and protect their forests in co-operation with the Royal Forestry Department (RFD).

The forest bill is also one of the first pieces of legislation to use a Constitutional mechanism that allows local people to propose legislation with the support of 50,000 signatures – local people from all over Thailand gathered 52,698 signatures and presented the community forest bill to Parliament in early 2000.

The Lower House of Parliament passed the bill. But subsequently, the Upper House (Senate) blocked the bill and proposed amendments that forced the draft into review by a joint panel comprising members of both the Upper and Lower Houses of Parliament.

Permsak Makarabhirom, forestry academic in Kasetsart University and a member of another drafting committee that scrutinised the bill said that the joint panel’s proposal for “special forest zone” subverts the original intent of the bill by excluding communities living in protected forest areas and violates the rights of forest-dependent communities.

“It contradicts the spirit of Thailand’s Constitution such as Article 46 that supports local rights to management of natural resources,” he said.

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More than 8,000 "community forests" all over Thailand are being used, protected and managed by local communities, some over several generations. The draft bill was intended to legalise these community forest areas and provide official recognition for local people's forest conservation efforts.

However, the RFD and some nature conservation groups have consistently opposed the draft bill's proposal to establish community forests inside protected forest areas. In its rush to convert reserve forest to protected area status, the RFD demarcated many areas occupied and used by local people as national parks and wildlife sanctuaries. This resulted in a situation where most protected areas in Thailand are surrounded or partially occupied by an alienated local population who feel that their legitimate property rights have been appropriated.

The RFD prefers resettlement of village people living in forests or imposes severe restrictions on their use of forests. The RFD approach, however, has so far failed both to prevent the continuing deforestation of Thailand's remaining forests from widespread illegal logging involving powerful business interests and to support the livelihoods of rural communities.

Moreover, previous state attempts at forcible resettlement of communities living in forest areas have mostly increased impoverishment of local communities, worsened rural conflicts and caused further loss of forest areas as displaced people clear forests elsewhere.

Farming along with a mix of other activities including seasonal job-seeking in urban areas provides livelihoods for many village communities. And the potential income generation in community forests is also now widely accepted particularly for economically-poorer families with limited incomes due to moderate land holdings, lack of education or old age that can get access to non-timber forest products.

Decho Chaiyapap, coordinator of the Chiang Mai-based Community Forests of North Thailand, a coalition of nongovernmental organisations (NGOs) and farmers in northern Thailand, said villagers disagreed with the panel's resolution since it restricts them both from accessing forests and practicing agriculture in these areas. "It is not clear how the "special forest zone" would be specifically defined or by whom. So we cannot say for certain how many families would be affected," he said.

Questions also remain whether the joint panel had the legal mandate to amend the provisions of a bill that had already been approved in the Lower House of Parliament. Civil society groups have petitioned Prime Minister Thaksin Shinawatra in a letter stating that: "The joint panel's amendments violate the draft community forest bill passed in Parliament that allows for community forest to be established in protected forest areas." The letter also stated that the panel's proposal for special forest zones is a violation of the draft bill's intention to "support local management of forest areas both inside and outside the conservation forests since forest management solely by the state has not only proved ineffective but also worsened forest destruction in Thailand."

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