

TO DEFEND OURSELVES : COMMON PROPERTY MANAGEMENT OF FORESTS  
IN NORTHERN THAILAND

by

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**ABSTRACT**

In the contemporary world, a fundamental shift is occurring in the view of planning for forest areas occupied and used by indigenous people. It is being recognized as important to integrate customary law, such as common property rights to forest lands, into the framework of national policy. However, while this is being recognized on a theoretical level, there have been few real attempts to incorporate customary land rights into national law. The purpose of this thesis is to explore the dynamics involved in reestablishing common property rights. To achieve this purpose a case of an actual project where common property rights to forest land are being reestablished is studied in Thailand.

Under present forest legislation in Thailand, forests are state-owned and managed. State-defined property rights and the forest reserve system were superimposed over customary common property systems which traditionally existed in northern Thailand. In the contemporary scene this is resulting in considerable tension between the traditional villagers' view of forests as common property resources and official government policy. State management of forests has been gradually undermining the self-reliance of rural communities, and the authority of traditional institutions to control the use of common property forest resources. Coupled with the inability of the forestry

department to provide effective regulation within forest reserves, the result has been widespread legal and illegal exploitation of indigenous forests. Rural communities dependent on forest resources are fighting for their rights to benefit from forest land they have long considered to be their own.

The case study is an experimental community forestry project in the village of Huey Kaew, in Northern Thailand, where villagers are fighting for common property rights within state Forest Reserve. The village represents a significant case as it is the first time the Thai government has considered awarding common property rights to land located within state Forest Reserve.

The research is conducted through the use of nine categories of analysis drawn from the literature on property rights and self-reliant development. The nine categories are: property rights, land uses, forest dependency, uses for indigenous species, role of traditional institutions, social controls and sanctions, grassroots organization, participation in decision-making, and availability of technical support.

Results from the study indicate that there are many obstacles to overcome before common property tenure can be accommodated within the state Forest Reserve system. These obstacles include: disagreement between villagers and government over the location of the land to be awarded as community forest, lack of understanding on the part of the

Royal Forestry Department as to land uses in indigenous forests and the dependence of villagers on these resources, break down of authority of traditional institution and customary laws, failure of RFD to recognize the potential of the traditional institution responsible for forest management, lack of support within the community due to the fact that many villagers do not understand what the project is about or do not have the time to devote to it, inadequate authority by the new village level committee created to oversee the project and lack of an extension forester to work with the community in preparing a community forest plan.

The case study suggests that until these obstacles are overcome, the project cannot be evaluated as a successful approach to management of indigenous forest or building self-reliance for the rural community. However, the argument for common property management of Forest Reserve Land in northern Thailand is strengthened by comparing the findings from Huey Kaew with the findings from another village, Tung Yao, where customary common property rights have been maintained. These conclusions have important implications for policy on common property rights and self-reliance and offer many lessons on the practical reality of accommodating bottom-up development within a centralized state bureaucracy.

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"the river is the blood of our people  
and the forest is our heart and soul"

Taweasilp Srisruang

## CHAPTER 1

### INTRODUCTION

#### 1.1 PURPOSE

In the contemporary world, a fundamental shift is occurring in the view of planning for forest areas occupied and used by indigenous people. It is being recognized as important to integrate customary law, such as common property rights to forest lands, into the framework of national policy.<sup>1</sup> However, while this is being recognized on a theoretical level, there have been few real attempts to incorporate customary land rights into national law. The purpose of this thesis is to explore the dynamics involved in reestablishing common property rights. To achieve this purpose, a case of an actual project where common property rights to forest land are being reestablished is studied in Thailand.

#### 1.2 CONTEXT

Under present forest legislation in Thailand, forests are state-owned and managed. State-defined property rights and the forest reserve system were superimposed over customary common property systems which traditionally existed in northern Thailand. In the contemporary scene this is resulting in considerable tension between the traditional villagers' view of forests as common property

resources and official government policy. State management of forests has been gradually undermining the self-reliance of rural communities, and the authority of traditional institutions to control the use of common property forest resources. Coupled with the inability of the forestry department to provide effective regulation within Forest Reserves, the result has been widespread legal and illegal exploitation of indigenous forests. Rural communities dependent on forest resources are fighting for their rights to benefit from forest land they have long considered as their own.

Thailand experienced an extremely high rate of deforestation between 1961 and 1990.<sup>2</sup> Records from the Royal Thai Forestry Department indicate that in 1961, 53 per cent of the total land area of the country was forested.<sup>3</sup> By 1988, only 28 per cent of the total land area was forested.<sup>4</sup> In response to the severe deforestation the government imposed a nation wide ban on logging in 1989.<sup>5</sup> A national goal was set at that time to increase forest cover to 40 per cent of the total land area. It was decided that reserve forests should make up 15 per cent of the total and economic or plantation forests should make up the remaining 25 per cent. There has been much debate over this decision and a push for reversing the percentages and setting 25 per cent for reserve forests and 15 per cent for economic or plantation forests. The crux of this debate has

been concern over what constitutes a "real" forest.<sup>6</sup> There are many who believe that single-species plantation forests are not "real" forests. In 1992 legislation was passed which reversed the percentages.<sup>7</sup>

The focus of this study is on forest reserves. The nature of the forest reserve classification poses a problem. The forest reserve system is based on an early 20th century European concept of forest management in which reserves were to be created in order to protect logging concessions. Their purpose was to exclude people and thereby control the exploitation of the resource. Herein lies the problem: the reserve forest concept does not include people. This omission is causing increasing instability for rural communities.

In Thailand, it has been estimated, there are 14 million to 16 million people making their livelihood illegally on forest reserve land.<sup>8</sup> This means that 25 per cent of the total rural population of Thailand are making their living within forest reserve land. This large rural population which depends on forest land is among the most impoverished and vulnerable sector of Thai society. They rarely possess legal rights to the natural resources upon which they depend. Their use of public forest land commonly draws them into conflict with the state.<sup>9</sup>

Conflict in the Northern region stems in large part from the fact that the reserve system was superimposed over traditional common property systems. Over time these common property systems have been eroded and open-access conditions have developed due to the fact that the Royal Forestry Department lacks funds and personnel to enforce regulations in Forest Reserves.

The current situation suggests that environmental degradation and natural resource allocation will continue to be the source of major conflicts between government and rural people. For this reason, community forestry is not only being considered as a strategy for forest resource development but also as a strategy for rural community development and political stability: the villagers could earn their living and the government could reforest and preserve the nation's forests.<sup>10</sup>

Much current research shows that contrary to popular belief and local resource policy, it is not these rural communities that are causing the destruction of tropical forest ecosystems.<sup>11</sup> The breakdown of traditional common property systems, insecure land tenure and open-access conditions in forest reserves in Thailand have in large measure been the cause of environmental degradation and social and economic problems for rural communities. Previous efforts have made little headway in improving forest management. A major reason for their failure appears

to be the lack of attention to tenure issues and the resulting conflicts over usufruct rights of rural forest communities.<sup>12</sup> While rural communities are the primary users of state forest lands they have no formal role in management. National Forest legislation has gradually eroded the traditional rights and management systems of rural communities, and therefore their ability to control forest and common land use.<sup>13</sup>

More secure land tenure for rural communities is an important condition for improving management. Some villages, with security of land tenure, and secured access to benefits from resources participate in conservation.<sup>14</sup> The tenure of land and trees affects the surrounding ecosystem, the standard of living of people who depend on those resources, the preservation, protection and planting of trees, and the beneficiaries and victims of forest policies.<sup>15</sup>

In order to understand the benefits of common property, it must be differentiated from open-access conditions, state property, and private property. It is important to understand the differences in these forms of property management in order to evaluate how they each affect issues such as; benefit flows, participation, and conservation.

Community forestry shares many of the principles of the self-reliant approach to development in that it concentrates

on putting "people first" and recognizes the importance of local participation in planning development from the bottom up. Local level participation in planning is considered indispensable in making people self-reliant. It has been difficult for development planners to take this approach because of the top-down planning framework which exists in Thailand.<sup>16</sup>

### 1.3 THE CASE STUDY

The case study focuses on an experimental community forestry project in the village of Huey Kaew, in northern Thailand, where villagers are fighting for common property rights within state Forest Reserve. This village represents a significant case as it is the first time the Thai government is considering awarding common property rights to land located within state Forest Reserve. The primary purpose of this thesis is to answer the questions: What are the dynamics involved in re-establishing common property rights to forest land? What are the obstacles facing the development of common property management?

The specific objectives of the case study are:

- to gain an understanding of the community's dependence on indigenous forests for subsistence and income

- to determine what customary rights and responsibilities regarding the use of forest resources exist and how they are enforced
  
- to determine what degree of control over forest resources the community has
  
- to determine what links exist between the community, the sub-district, the district and national levels of planning for forest resources
  
- to determine whether the project is responding to the needs of villagers
  
- to determine whether the project is building on customary laws
  
- to determine the implications of the case study for policy on common property rights
  
- to determine the implications of the case study for policy on self-reliance

Community forestry in the village of Huey Kaew, represents a significant case as it is the first time the Thai government has awarded common property rights within Forest Reserve Land. Previous social forestry programs in

Thailand have focussed on tree planting on private lands, and have consequently failed to respond to the ecological crisis occurring on much of the common property and indigenous forest lands. The lack of legal mechanisms to ensure security of tenure has blocked previous attempts to involve communities in rehabilitating much of the state forest lands.<sup>17</sup> New approaches, such as in Huey Kaew stress greater local governance and pressure for more socially responsive policies. This approach is important because it represents a break from exclusive state custodianship.

#### 1.4 METHODS

This research is conducted through the use of nine categories of analysis. These categories have been drawn from the literature on property rights and self-reliant development. Analysis using these categories is considered essential to understand the dynamics of a community forestry project. The nine categories of analysis are as follows:

- Property Rights
- Land Uses
- Forest Dependency
- Uses for Indigenous Species
- Role of Traditional Institutions
- Social Controls and Sanctions
- Grassroots Organization
- Participation in Decision-Making
- Availability of Technical Support

Field research was conducted over a four month period from May 1990 through August 1990. Primary data for the case study was compiled from information generated through structured and semi-structured interviews following a checklist of key questions. Informants were selected from among those participants taking an active part in various aspects of the experimental community forest in Huey Kaew. Interviews were conducted with villagers from Huey Kaew, foresters from the Royal Forestry Department, members of Non-Government Organizations such as the Project for Ecological Recovery and the Northern Development Workers Association, and academics from various Thai Universities. As well as personal interviews, both formal and informal meetings were attended in the village with members of the Village Forest Conservation Committee, at the provincial office of the Royal Forestry Department in Chiang Mai, and at the Social Research Institute of Chiang Mai University.

Key informants were selected from twelve households in the village. Six of these households were landless and the other six owned land. Eight of the twelve households participated in village meetings regarding the community forest and four did not. Among the twelve households were two key individuals in Huey Kaew; Mr. Sukwong, member of the Village Forest Conservation Committee and village spokesperson for the project, and, Mr. Jumsai, the village

headman who is also the "kamnan" or head of the Sub-District Committee.

During this time I worked together with an interpreter who was familiar with village life and the local dialect. We spent eight weeks living in Huey Kaew at the home of Mr. Sukwong, member of the Village Forest Conservation Committee and village spokesperson for the project.

Both direct observation and participant observation were used as research methods in the village. During the day we primarily worked and socialized with the women because they were far more active in the collection and use of forest resources. During the evenings there were often village gatherings where both men and women attended to discuss the forest conflict and the preparation of a Community Forest Plan. Open-ended interviews with villagers following a checklist of key questions were recorded in a working diary and then transcribed into copy books divided into the various questions.<sup>18</sup>

Collection of secondary data involved a literature review of Newspaper articles, NGO reports, and ethnographic studies involving other villages within Forest Reserve Land. Forestry Department documents were also reviewed for relevant information. Most of these documents were written in Thai and required translation from Thai to English by myself and my interpreter. Secondary data also involved a

literature review of common property resources, community forestry, and self-reliant development. This search continued upon my return to Canada.

Names of villagers used in this study have been changed from the actual names. The reason for this is to protect the individuals who volunteered information. The information is politically sensitive due to the fact that the community forest is an experimental project which has not yet been formally legislated.

The argument for common property management of Forest Reserve Land in northern Thailand is strengthened by comparing the findings from Huey Kaew with findings from Tung Yao, another village where customary common property rights have been maintained in northern Thailand.

The data from Tung Yao is drawn from studies conducted by; Pornpimon Rojanapo, a graduate student from the Asian Institute of Technology, Dr. Uraivan Tankimyong, from the Resource Management and Development Project at Chiang Mai University, and by staff from the northern office of the Project for Ecological Recovery.<sup>19</sup>

### 1.5 LIMITATIONS

Although this study provides important insights into the operation of community forestry at the village level as well as its relation to national policies, it is important

to realize its limitations. The research is a microstudy in a particular ecological and cultural region and therefore the findings are specific to this community. A most important limitation in this study is the fact that the Huey Kaew community forest is in its early stages. More time will be required before its impacts can be fully evaluated.

In addition, the study was limited by time. Ideally, the study should have covered a full year to observe all seasonal activities and thereby gain a greater understanding of the community's dependence on forest land. However, due to the fact that the research took place during the beginning of the rainy season, when most forest activities take place, much was learned of forest resource use. During the rainy season, forest resources are more abundant and are used by villagers more than at any other time of the year. Due to funding and time constraints, similar studies rarely have more time or even as much time.

## 1.6 ORGANIZATION

This thesis is divided into four parts. Chapter two outlines the theoretical framework for the research with a discussion of property rights and self-reliant development. Chapter three presents the findings from the study of Huey Kaew. Chapter four concentrates on some of the findings in chapter three and compares them with findings from another study of community forestry in northern Thailand. Chapter

five analyzes the Huey Kaew case in light of the theoretical issues raised in chapter two and discusses the implications of the case study for policy on common property rights and the implications of the case study for policy on self-reliance.

## CHAPTER 2

### THEORY OF PROPERTY RIGHTS AND SELF-RELIANT DEVELOPMENT

This chapter outlines the theoretical framework within which the case study was conducted. The first part involves a discussion on the central importance of property rights and land tenure arrangements in forest development and conservation. The focus of this part is on state management vs. common property management. This differentiation is critical for understanding why community forestry is appropriate for rural development and how it affects such matters as benefit flows, participation, and conservation. The second part involves a discussion of the self-reliant approach to rural development. This approach tries to meet the basic needs of rural people in such a manner that they will continue it without external assistance. In order to achieve this goal people must have access to land and resources and have the ability to participate in the management of those resources.

#### 2.1 PROPERTY RIGHTS

##### What is Tenure?

Tenure refers to a bundle of rights in land or trees. These rights are recognized by law and custom in particular societies.<sup>20</sup> A tenure system is the set of tenures in a given society. A tenure system includes national land law

and the tenures it recognizes plus all the particular local tenure systems.

The system of land tenure determines who has access to and benefits from land and resources and under what conditions. When considering the issue of tenure in natural resource management, there are four possible management regimes: state property, private property, common property and open access. Open access here is defined as a free for all situation where no particular management regime is in place. Since this research deals with the issue of forest dependent communities living in state forest reserves, the focus of the discussion will be on state property regimes and common property regimes.

#### Why is Tenure Important?

There is much evidence that land tenure affects conservation and livelihood security. "Recent interest in property rights derives not so much from academic concerns but rather from practical issues of equity, resource degradation, and moral responsibility to society in the development and utilization of resources."<sup>21</sup> Access to land and forest resources under different tenure schemes affects the standard of living of people who depend on those resources. It has been found that rural communities do not preserve, protect or plant trees if they do not receive the benefits. Land and tree tenure systems determine who are

the beneficiaries and victims of forest policies and forestry projects, and set the framework for resolving conflict over benefits.<sup>22</sup> Land tenure decisions determine who gets access to the resources and on what terms.<sup>23</sup>

In many countries, including Thailand, there is little relationship between national legislation and practical reality for villagers in rural communities. National legislation has been superimposed on top of common property systems which traditionally existed. In this way communal property resources have been nationalized and turned into state property. As will be explained, this has complicated the ownership status of the resource, and led to resource depletion.<sup>24</sup>

Environmental degradation problems are often discussed in terms of common property mismanagement. The breakdown of traditional common property management systems and the instability of forest occupants often undermine customary short and long term incentives to conserve and sustainably manage natural resources and is believed to be partially responsible for the rapid and wasteful forest clearing.<sup>25</sup>

As Owen Lynch states concisely;

"The indiscriminate and legal labelling of forest resources as public has effectively created open access situations which undermine common property regimes, encourage "legal" and illegal use and extraction of natural resources, and promote migration and greater population density in ecologically fragile areas."<sup>26</sup>

In the contemporary world, a fundamental shift is occurring in the view of planning for forest areas occupied and used by indigenous people. The integration of customary law, such as common property rights to forest lands, into the framework of national policy is gaining increasing recognition.<sup>27</sup> However, while this is being recognized on a theoretical level, there have been few real attempts to incorporate customary land rights into national law. The case of Huey Kaew provides many lessons for communities in Thailand trying to have customary common property rights legislated.

"The development community has gradually come to realize that it will not be successful in addressing resource degradation at the local level so long as the very nature of property and authority systems over natural resources are seriously misunderstood in policy formulation and the design of donor assistance programs."<sup>28</sup>

#### 2.1.1 STATE PROPERTY REGIMES

In a state property regime, ownership and management of land and resources rests in the hands of the state. The state may either directly manage the use of state owned natural resources through government agencies, or lease them to groups or individuals who are given usufruct rights over such resources for a specified period of time.<sup>29</sup> The state creates and protects tenure in land and trees through its national legal system, and, through its various agencies, promotes tree planting and forest protection.

There is a long tradition of conflict between the state and local communities over the control of forests. A recurrent theme of forestry management in Southeast Asia has been that forests must be protected from the growing demographic pressure. The major tenurial initiative has been the establishment of forest reserves. The forests have become resources to be protected by the state against their former users.<sup>30</sup>

"The view of officials that peasants have been illegally occupying state lands without realizing it has a mirror image in the peasant view that the state has been illegally appropriating private peasant lands without realizing it."<sup>31</sup>

The reserve is a tenure regime designed to exclude community use. In the government forest reserve the government owns the forest and seeks to protect resources. The forest may be a natural forest sheltering genetic diversity or it may be managed for commercial production, with areas periodically cut and replanted. Governments have asserted the need to create reserves to protect forest from unsustainable use in free access or ill-controlled commons situations.<sup>32</sup> While exclusion of farmers is a critical concern in the creation of reserves, the state sometimes lacks the human, financial and technical resources to carry out effective forest management.

Without effective control by government, nationalization has often converted traditional communal

property into de jure state property but de facto open access.<sup>33</sup> Most state property regimes are examples of the state's reach exceeding its grasp. Many states have taken on far more resource management authority than they can be expected to carry out effectively. More critically, this sets the government against the peasant when, in fact, successful resource management requires the opposite.<sup>34</sup> It has been found that it may be more viable in some cases to create proprietary interests which give local communities an interest in sound husbandry of the forest reserve.<sup>35</sup>

In most tropical countries, forest land is predominantly state owned. As a result, most forest zone occupants are considered squatters on public land.<sup>36</sup> Government policies that promote the tenurial instability of forest dwellers prevent these communities from protecting the resource because they remove assurance that the community will gain benefits. The failure of national governments to recognize existing customary property rights undermines the basic incentive to protect trees. It also keeps indigenous peoples and long-term migrants living on "public" forest land from legally benefiting from the natural resource base.<sup>37</sup>

In the case of natural forest reserves, policies of exclusion of traditional users have been increasingly questioned. The reserve of national law may be the commons

of customary law. At certain population levels and sustainable use levels, forests provide a livelihood or part of a livelihood for traditional occupants. Critics ask why can they not continue to do so? They argue that local control over resources and property rights for users can create incentives to conserve the resource.<sup>38</sup>

### 2.1.2 COMMON PROPERTY REGIMES

In a common property regime, tenure and management are vested in a community. Common property represents private property for the group, since all others are excluded from use and decision making.<sup>39</sup> Participants in a common property regime are well aware of their rights and responsibilities. Common property regimes vary in nature, size, and internal structure across a broad spectrum, but they are social units with definite membership and boundaries, with certain common interests, with at least some interaction among members, with some cultural norms, and often their own endogenous authority systems.<sup>40</sup>

The true commons is property held and used in common by an identifiable set of users. Community as defined by resource community or the group of people that use a certain resource. Community control of resources is primarily associated with geographically-bounded communities where ties of kinship also apply. The definition of community membership determines who may lay what claims against

community resources. The limits placed by definition of membership, if they can be enforced, regulate pressure on resources. Communal resources are particularly important in situations where intended beneficiaries are landless.

The distinguishing characteristic of common property regimes is that their primary legitimacy is drawn from the community in which they operate and not from the nation state in which they are located. The distinguishing characteristic of a common property management system is that when its participants allocate and enforce rights to natural resources, they rely on themselves and not on formal exogenous government.<sup>41</sup>

The manner in which the local community organizes itself as an allied social group to manage the commons will create important limits and opportunities for community forestry. The institution may be a traditional model or an organizational innovation. Traditional leadership has not been indifferent to the destruction of the resources that their people require for livelihood security. While their efforts at conservation have sometimes been overwhelmed by the weight of economic forces, it is important to note that they have sometimes used their influence in attempts to conserve trees. Prevailing popular thought suggests that common property arrangements arise when the population lives close to the resource and is relatively small. While this may not always be the case, groups seem to survive if they

have clear-cut rules that are enforced by both users and officials.<sup>42</sup> Where such systems fail, it is often because of government actions or new economic forces that have undermined the authority of traditional managers.

Community based management is traditionally one of the principal means of ensuring livelihood security.<sup>43</sup> With guaranteed access rights to a vital resource, everyone in the community is assured of the opportunity of meeting their basic needs. However, community ownership of a resource does not automatically lead to effective community control. Such control requires the ability to both exclude outsiders and control the behavior of community members. Generally, the more extensive the commons the more difficult it is to exercise control over its use. Common property systems normally provide mechanisms for the equitable use of resources. Rules are mutually agreed upon by all members of the group and in many cultures conformity with group norms at the local level is an effective sanction against antisocial behavior.<sup>44</sup> Essential for any common property regime is an authority system able to ensure that the expectations of rights holders are met. When the authority system breaks down then the management of resource use cannot be exercised any longer, and for all practical purposes, common property (*res communis*) degenerates into open access (*res nullius*).<sup>45</sup>

Common property systems are basically conservative in the way resources are utilized; many aim at self-sufficiency. The emphasis is on taking what is needed; and there are social sanctions against excessive individual gain from communal resources. The ecological wisdom of many common property systems emphasizes respect, responsibility and stewardship.<sup>46</sup> Recognizing existing common property management systems has great potential in some forest zones for promoting sustainable development.<sup>47</sup>

### 2.1.3 TRAGEDY OF THE COMMONS DEBATE AND ITS IMPACT ON POLICY

The best known theory which draws a connection between land tenure and the condition of the ecosystem is Hardin's "Tragedy of the Commons".<sup>48</sup> Hardin's argument has had much influence on policy making and in many cases has led to inappropriate policy recommendations. Hardin's view of tenure separated it from the associated system of land use and the encompassing social system. His paper lacked a holistic view of social institutions which have evolved to control resource use in specific ecological and cultural contexts. Another author notes that, "while degraded commons do exist, their degradation has not been a simple and direct result of common ownership. Preservation and protection also occur under common management."<sup>49</sup> In fact, institutions based on the concept of common property have played socially beneficial roles in natural resource management from economic pre-history up to the present.<sup>50</sup>

And these same institutions can provide opportunities in solving resource management problems in the future.

Unfortunately, due to the popularity of Hardin's "Tragedy of the Commons", common property regimes for managing natural resources have been frequently misunderstood. Many planners and development administrators observe a situation in which there is no management regime in place.<sup>51</sup> They observe a free-for-all or open-access situation where exploitation of the resource is inevitable.

Hardin misuses the term commons for an open access situation. The right to exclude is central to the concept of common property. The true commons implies community ownership and potential for control.<sup>52</sup> Hardin's model fails to take into account the self-regulating capabilities of users. It assumes that communities are unable to limit access or institute rules to regulate use and therefore, exploitation is inevitable - unless privatization or government controls are imposed.<sup>53</sup>

The tragedy-of-the-commons model overemphasizes the solutions of privatization and central administrative controls at the expense of local-level management. Many argue that the cause of the tragedy can be controlled by naturally occurring social forces that are present within communities which have a shared interest in a common

resource upon which they all depend.<sup>54</sup> Chambers describes this as the "paradox of the commons", where individual self-interest, the force which drives us to overexploit, is not controlled by privatization but can be controlled in the context of the commons.<sup>55</sup> Many argue that resource managers and development planners should integrate local-level management, planning with the people, into the existing common property resource management framework.<sup>56</sup>

The topic of common property resources is critical to the practical work on development projects, primarily in agriculture, forestry, and fisheries.<sup>57</sup> Renewed interest in traditional management systems stems partly from the past failures of development projects, and the search for viable sustainable alternatives to current models of resource use.

The interest in community based tenurial strategies is due to the realization that many forest dwellers in South and Southeast Asia participate in common property management systems. These systems are under great stress, and in some areas have virtually disintegrated. Resource degradation in the developing countries, while incorrectly attributed intrinsically to "common property systems", actually originates in the dissolution of local-level institutional arrangements whose very purpose was to support resource use patterns that were sustainable.<sup>58</sup> Most national governments continue to view common property regimes with indifference

and in some cases with hostility. They overlook the fact that many common property regimes promote sustainable and environmentally sound development.<sup>59</sup>

Relatively few tenure specialists any longer propound the "tragedy of the commons" thesis which was so popular during the 1970's and early 1980's.<sup>60</sup> "A new paradigm is emerging which seeks a balance between community based management and management by governments. It links equity issues with conservation by showing how a particular resource may be most effectively conserved under the control of a group of users who depend on it to meet their own needs."<sup>61</sup>

## 2.2 SELF-RELIANT DEVELOPMENT

### Roots of Self-Reliance Theory

Asia, particularly India, has a strong tradition of self-reliance.<sup>62</sup> This tradition is rooted in the thinking of Mahatma Gandhi. Gandhi rejected the race for economic growth as a primary goal. He started with basic needs, and he finished with basic needs. Gandhi's philosophy taught the poorest of the poor to rely on themselves and their own resources: their labour, their medicinal plants, the food of their environment, the simple materials which everyone can use. Gandhi was seeking to rebuild confidence, to

reestablish personal dignity, to stimulate local self-organization and self-reliance.<sup>63</sup>

When the basic needs approach is combined with access to decision-making then development builds self-reliance. The influence of Gandhi has led to the participatory approach in development, and towards bottom-up community development. Participatory development involves the beneficiaries as partners in action and research. By working together with villagers, development will take more appropriate actions.

Schumacher, in his 1973 book "Small is Beautiful", defined development as beginning with people. "Development does not start with goods: it starts with people and their education, organization, and discipline ... Here, then, lies the central problem of development. If the primary causes of poverty are deficiencies in these three respects, then the alleviation of poverty depends primarily on the removal of these three deficiencies ..."<sup>64</sup> Schumacher makes the argument against large centralized models of bureaucracy with a high degree of specialization. He outlines an approach involving decentralization and diversification. That is, decentralization of responsibility to local communities and diversification of production. The goal of his approach in "Small is Beautiful" calls for a more human-scale development which is spiritually satisfying. He

gives a wonderfully practical example which clarifies this view;

"The gift of material goods makes people dependent but the gift of knowledge makes them free ... more relevant to the concept of development ... give a man a fish, as the saying goes, and you are helping him a little bit for a very short while; teach him the art of fishing, and he can help himself all his life ... and you have helped him to become not only self-supporting, but also self-reliant and independent ... this should be the aim of development then, to make humankind self-reliant and independent by the generous supply of the appropriate intellectual gifts of relevant knowledge on the methods of self-help."<sup>65</sup>

#### Rural Development and Self-Reliance

The importance of rural development in the context of developing countries is widely understood and has been a subject of concern for academics, planners and administrators for a long time. Changes in the ideas of development since the 1960's, suggest that growth is not an adequate strategy for the rural poor. Development strategies in the third world tied primarily to economic growth have not solved the problems of poverty, unemployment, and inequality.<sup>66</sup> New approaches to rural development have evolved, mostly influenced by ideas coming from the developing countries themselves.<sup>67</sup> One of the major objectives of rural development is to meet the basic needs of rural people in such a manner that these people will continue that process without any external help, or in other words, meet basic needs through a self-reliant approach to development.<sup>68</sup> To achieve this goal people must have access

to land and resources and have the opportunity and tools to participate in the management of resources and directions for development. People's participation is necessary to facilitate the tapping of unused or underutilized human resources which are abundant in developing countries.<sup>69</sup> This thesis accepts the assumption that community forestry can provide a means to self-reliant rural development, which is participatory, bottom-up, builds on existing social institutions and local knowledge of the environment, and is therefore a viable approach to development.

#### Access to Land and Resources

The question of self-reliant grassroots development is integrally linked with access to material resources for basic sustenance of the rural poor without critical dependence on others.<sup>70</sup> A key principle for self-reliance is therefore access to land and resources. The rural poor need an equitable share of basic economic assets to participate with self-reliance in the process of social development. Self-reliance cannot be attained with dependence, in other words, communities must have the ability to be independent. Therefore the critical question for rural communities such as Huey Kaew is land tenure in the forest reserve.

### Participation in Decision-Making

Another element in self-reliance is the ability to decide and control the path of future development. Participation in problem definition is necessary to arrive at more effective solutions. Solutions and directions for development should rely on resources within the village as much as possible. Reliance on external capital and expertise is no solution - it simply forms a relationship of dependency. Development which builds self-reliance means increasing self-determination and empowerment for rural communities. Self-reliance at the individual, the community and the national level does not call for autarky; self-reliance only requires that interactions at different levels take place with each starting from a position of near equality so that the outcome is interdependence and not dependence.<sup>71</sup> "Outside support and information become contrary to self-reliance when they include implicit power relations through which outside decisions become controlling."<sup>72</sup> Dependence on outside decisions and assistance undermines the sustainability of local efforts and positive cultural values.

### Grassroots Organization

Self-reliance strategies need grassroots organizations which pool together people's energy and creativity. "The rural poor must form some type of organization and themselves determine the tasks to which their collective

initiatives will be addressed."<sup>73</sup> A leader or motivator for the group may come from within the community or may be from outside but must be accepted from within the community. Participation from all interest groups within the community insures a better the chance of all voices being heard and oppressive power and social relations being transformed. The negotiations between local groups and external agents such as regional and national officials may require intermediaries.<sup>74</sup> Non-Government Organizations, as grassroots organizations often play the role of intermediary and carry out action-research. Faced with the growing numbers of poor being left out of the growth pattern, the grassroots development work of NGO's is seen as a viable route forward. This approach, may not lead to wealth, but to Gandhian levels of self-sufficiency, basic needs and rural dignity.<sup>75</sup>

As mentioned previously, an overall goal of many rural development projects is to prepare and allow rural people to participate more fully in development so that they become an inevitable part of the process. An important indicator of success is, therefore, the extent to which the members of a community are able to work together. Self-reliance is a qualitative effect which can be identified by indicators such as: frequency of community meetings, attendance at meetings, participation in discussion and decisions at those meetings, participation in community projects, growth in

skills of community members.<sup>76</sup> In terms of community forestry, success in building self-reliance and preserving forest land will come when the forest is managed by the community and its basic needs are satisfied.

#### Local Knowledge and Self-Reliance

In Robert Chambers book, "Rural Development - Putting the Last First", he discusses why we need to mobilize local people and how their self-reliance can be blocked.<sup>77</sup> He describes a need for research which shifts the initiative to rural people as partners in learning, enabling them to use and augment their own skills, knowledge and power.<sup>78</sup> "Rural people's knowledge and modern scientific knowledge are complementary in their strengths and weaknesses. Combined they may achieve what neither would alone."<sup>79</sup> The key is to start with the priorities and strategies of the rural poor themselves to ensure relevant changes. Reliance on local knowledge rather than knowledge from outside does not imply that self-reliance requires going back to the past but rather, requires looking "within" the traditional system for solutions to problems.

The issue of indigenous knowledge in the development process and issues of self-reliance in Thailand have been discussed widely among non-government organizations involved in grassroots development. At the practical level,

indigenous technical knowledge such as traditional irrigation systems illustrate the relationship between technical knowledge and resource management, and the social system. More often than not, development takes place without regard for traditional systems and as a result much indigenous knowledge is being lost.

In terms of forestry research and extension there has been little attention to indigenous species and their cultivation and the social conventions which govern their use. Rural people's knowledge of the environment has been underutilized in natural resource development. Community forestry provides the opportunity to recognize local land use systems and formalize rights to use and benefit from trees and other forest resources. It is important for development workers and planners to interpret indigenous systems in order to focus attention on this issue and thereby influence government policies.<sup>80</sup>

#### Forests and Self-Reliance

Community forestry is recognized as an important factor in self-reliance. Self-reliance is linked to the diversity that is found in natural forests.<sup>81</sup> Forests and farm trees make a significant direct and indirect contribution to the food security and nutrition of rural populations.<sup>82</sup> The direct contribution includes food collected from the forest. The indirect contribution includes cash income from sales of

forest products, fuel, livestock fodder and medicines or from employment in forestry activities. The influence of forests on the environment could also be considered an indirect contribution to food security, insofar as it affects the source of water for irrigation and agricultural production. Groups with little or no land of their own are generally more dependent on common property resources, such as forests, than those who have sufficient resources to fulfill their household needs. It is estimated that 14 to 16 million people in Thailand live in state forest reserves and have no formal legal tenure.

#### Self-Reliance Strategies in Thailand

In Thailand, Seri Phongphit, a philosopher within the NGO movement, defines a new development paradigm taking shape in which the main actors are the people. That is, people become the subject of their own development: with greater participation in decision-making, leading to more balanced and appropriate forms of development consistent with their cultural, social, and economic norms.<sup>83</sup> This development paradigm reflects events in several rural areas in Thailand. Many farmers have reached a turning point in which they are revitalizing their traditional values. This process of development, of "going back to the roots", and increasing self-reliance is growing as more farmers and village communities turn to this way of life. "They are turning to basic agriculture guided by popular wisdom

reproduced for modern reality."<sup>84</sup> As a consequence, many now have a better life. They have paid off debts incurred by previous commercial farming practices and now grow a varied abundance of food for their own consumption. These farmers are working for their own subsistence through integrated farming using appropriate technology rather than for the income provided by cash crops. They sell their surplus on the market but are less dependent on the market than previously. Co-operatives are organized from the bottom up and farmers themselves are responsible for activities such as rice banks, buffalo banks, irrigation and forest conservation committees. People are revitalizing local knowledge and learning to manage their own resources.

The main objective of this approach to development is to strengthen people's organizations and cooperative values. Community forestry can be an important factor in such self-reliance. It provides people access to land and resources, and stimulates self-confidence so that people rely on themselves to make independent decisions on their development.

This alternative to rural development in Thailand shares many principles with Schumacher's writings on Buddhist economics. "From the point of view of Buddhist economics ... production from local resources for local needs is the most rational way of economic life..."<sup>85</sup> He

concludes, "For it is not a question of choosing between "modern growth" and "traditional stagnation." It is a question of finding the right path of development, the middle way between materialist heedlessness and traditional immobility, in short, of finding "Right Livelihood."<sup>86</sup>

## CHAPTER 3

### CASE STUDY IN HUEY KAEW

#### 3.1 INTRODUCTION

Historically, rural villagers in northern Thailand had a stable coexistence with forest ecosystems due to the intrinsic value attached to forests in Thai culture, as well as to customary common property management systems.<sup>87</sup> In the contemporary scene the state management of forests has gradually undermined these customary laws and the authority of traditional institutions.<sup>88</sup> This has created considerable tension between the traditional villagers' view of forests as common property resources, and official government policy. Rural communities dependent on forest resources are fighting for their rights to benefit from forest land they have long considered as their own.

The case of Huey Kaew represents a bottom-up push for reestablishing common property rights. It is also a case where the Royal Forestry Department is attempting to integrate common property rights to forest lands, into the framework of national policy. The purpose of this case study in Huey Kaew is to explore the dynamics involved in reestablishing common property rights. The objectives and methods of the study were outlined in chapter one.

### 3.2 SIGNIFICANCE OF STUDY

The contemporary situation in Thailand suggests that environmental degradation and natural resource allocation will continue to be major sources of conflict between the government and rural communities.<sup>89</sup> The community forest program in Huey Kaew therefore has the potential to provide a model for other forest communities that face such conflict.<sup>90</sup> The success for implementation of the Huey Kaew community forest is a goal of the Royal Forestry Department and the Ministry of Agriculture and Agricultural Cooperatives.<sup>91</sup> If it is successful, this program will provide benefits for both the villagers and the nation. The villagers will secure their ability to satisfy their own needs and the right to protect and manage forest resources, while the government will find a viable alternative to state control for managing Forest Reserve Land.

### 3.3 DESCRIPTION OF HUEY KAEW

The village of Huey Kaew is located in an upper valley floor in the northeast corner of Kaew sub-district in Chiang Mai Province. The upper part of the village is located within a Forest Reserve which contains a watershed covering 3000 rai (480 hectares) that supplies water to 10,000 rai (1,600 hectares) of paddy land.<sup>92</sup> The whole village is surrounded by mountain ranges and forests which are primarily secondary growth as a result of logging concessions in the early part of the century. The forest

has been classified, by the Royal Forestry Department, as dry deciduous dipterocarp at the lower elevations and mixed deciduous at the higher elevations. Mixed Deciduous forests have great economic value because many commercial species are abundant. It is the primary habitat of teak (*Tectona grandis*).<sup>93</sup> The Dry Deciduous Dipterocarp forest has few trees of commercial importance but because trees in these forests are able to coppice freely they assure a continual source of fuelwood and various species of bamboo.<sup>94</sup>

The watershed is the source of four streams one of which flows through the village of Huey Kaew. This stream supplies sufficient water for cultivation and home consumption all year. Two small traditional irrigation canals draw water to feed rice fields on both sides of the river. Huey Kaew is an oval shaped village surrounded by rice paddy and forest. Most houses are built along the main road. The houses of the wealthier families are generally made of teak with tile roofs. The houses of the poor are generally made from bamboo materials with roofs made from leaves.

The population of Huey Kaew is 513 people.<sup>95</sup> These people live in 126 households. Ninety-two of the households are landless.<sup>96</sup> The villagers of Huey Kaew understand the importance of conserving the forest in the watershed in order to maintain the source of water which irrigates their rice fields. Villagers depend on the forest as a source of

building materials for their homes, fuelwood, grazing land for domestic animals such as water buffalo and cattle, natural foods, herbs and medicines, and as a hunting ground for small birds, animals and insects. They also cultivate fruit trees on the fringes of the forest. Low incomes are supplemented by harvesting trees and wild foods for use and for sale. The villagers of Huey Kaew have also been involved in illegal logging but this practise must be separated from logging by those from outside the community because it is a different level of exploitation. Villagers know their land as it is part of their way of life and they depend on it for their livelihood. Customary laws to manage these forest lands have existed but the villagers of Huey Kaew have found it increasingly difficult to maintain these rights and responsibilities and to enforce regulations to protect the forest.

#### 3.4 THE HUEY KAEW CONFLICT

In February 1989, the Royal Forestry Department leased 235 rai (38 hectares) of forest land, directly above Huey Kaew, to a private individual from Chiang Mai for development of a mango plantation. (See figure 1) Rental of Forest Reserve Land is allowed by law according to a 1987 order of the Royal Forestry Department.<sup>97</sup> The land above Huey Kaew had been classed by the RFD as degraded land and was therefore available by concession for private replanting. According to RFD policy, a private plantation

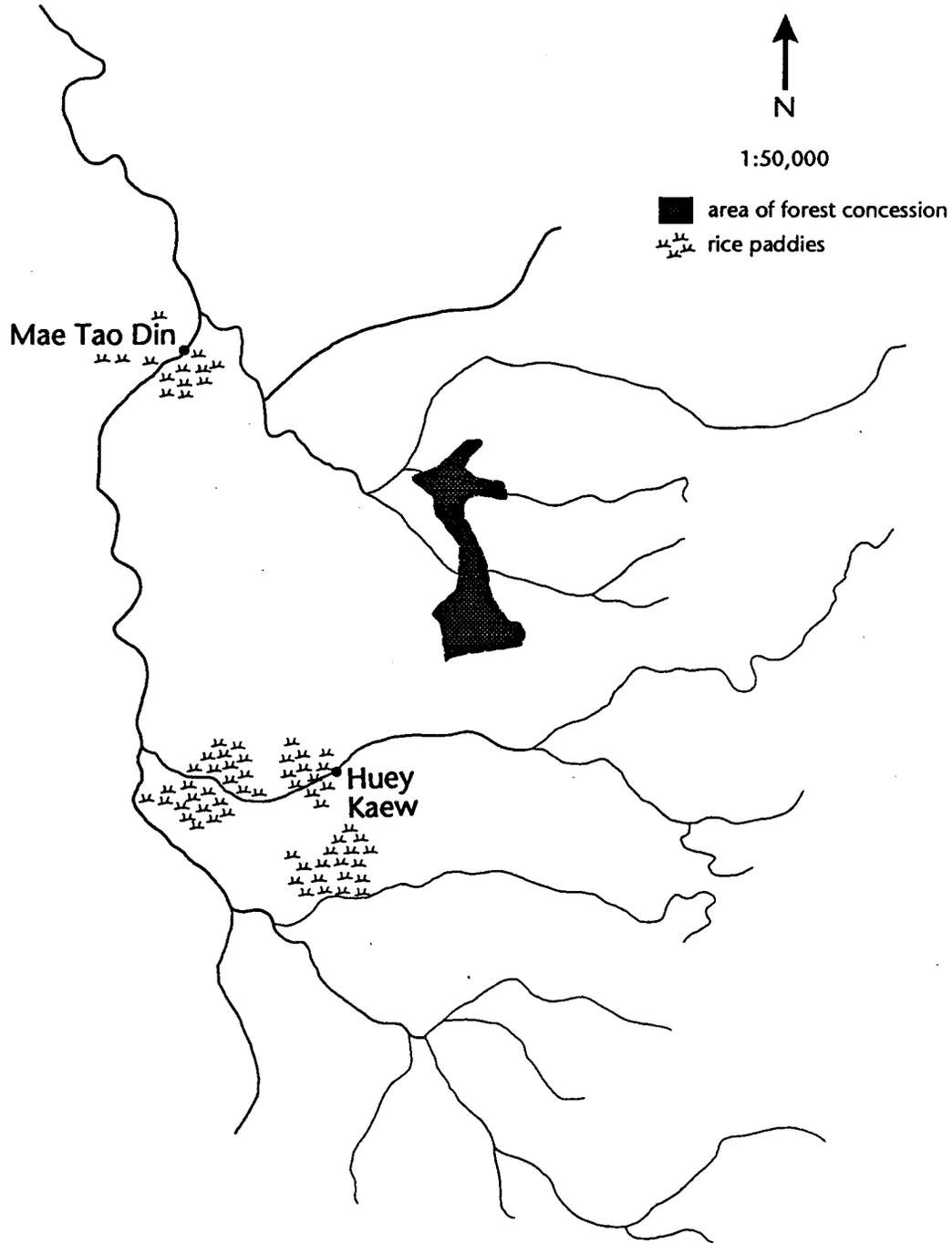


Figure 1. Huey Kaew showing area of forest concession.  
Source: Project for Ecological Recovery, Chiang Mai Office.

meets the definition of reforestation of a degraded area. As mentioned previously, there is much debate over this policy in terms of what constitutes a real forest. Critics of the policy argue that a single species plantation should not be defined as a forest.

When development of the plantation began in March 1989 the land was cleared of indigenous species by bulldozer. The impact of this clearing spoiled the natural food gathering and grazing area which villagers depended on to supplement their diet and household income. The clearing also resulted in sediment build up that blocked stream flow. Villagers were informed that their use of this land was illegal, and they were prevented from passing through the forest. Villagers of Huey Kaew considered this land as their land as they had been using it for over two generations. Villagers argued that this forest was not degraded and this was supported by a survey conducted by forestry students from Kasetsart University. The villagers of Huey Kaew wondered why their use of the forest was illegal while outsiders had the legal right to profit from their forest?

Protest against the concession was initiated by landless villagers from Huey Kaew because they live nearest to the forest and were directly affected. However, the neighbouring village of Mae Tao Din also depended on water from the stream for irrigation and joined in the protest.

By November 1989 villagers had gained the support of various NGO's, students, academics, and the media. Key supporters were from the Chiang Mai University student union, Thammasat University student union, Kasetsart University student union, the Committee of Natural Resource Conservation (a government advisory committee), and seventeen environmental groups from all over southeast Asia. Newspaper headlines in both the Thai and English language papers reported on the sequence of events over six months. Villagers and their supporters demanded that the lease of Forest Reserve Land be cancelled and that a review and redefinition of law be undertaken to allow for community forestry.

The villagers argued they were simply trying to protect their right to use the forest for public usefulness; that they had been living there for generations; the forest should remain for their children; the concession was changing a diverse indigenous forest to a single species plantation; and changing public forest to private.

By December 1989, the issue had reached the office of then Prime Minister Chatichai in Bangkok. The land lease was cancelled and the government announced plans to award 1600 rai (256 hectares) of Forest Reserve Land to villagers of Huey Kaew sub-district. Although no formal property rights have yet been awarded, Huey Kaew became the first

politically recognized community forest within forest reserve land in Thailand on December 26, 1989.<sup>98</sup>

The Huey Kaew community forest experimental project, as it has become known, has two main objectives; first, to help the government solve the problem of deforestation, and second to use the economic value of the community forest to solve the livelihood problems of the villagers. On April 20, 1990 four committees were appointed to oversee the planning of the Huey Kaew community forest experimental project.<sup>99</sup> The Village Forest Conservation Committee was appointed by the head of the Sankhampeang District Office and is made up of villagers from Huey Kaew and Mae Tao Din. Three other committees were appointed by the Governor of Chiang Mai province. These three committees are composed of people from different government departments including the RFD, academics from Chiang Mai University and members of various NGO's. The roles of the three committees are to advise, direct, and support action for the Huey Kaew Community Forest Project. That is, their role is to work together with the villagers of Huey Kaew in making a community forest plan and implementing common property management of the land selected by the RFD. Final authority for any decisions made rests with the RFD. (see figure 4)

The following section presents the research findings from three months of field work in Huey Kaew from June 1990 through August 1990.

### 3.5 RESEARCH RESULTS

#### Property Rights

Land and tree tenure is the most important variable in determining the potential success of community forestry. Tenure provides access to land and resources and is crucial for self-reliance as it formalizes the rights to benefit from trees and other forest resources. Tenure also provides the opportunity to recognize traditional land uses and institutions. Control over the land provides a community with the ability to direct its own development.

Despite the fact that the watershed above Huey Kaew has been classified as state Forest Reserve Land,<sup>100</sup> communal ownership and customary laws have co-existed to some degree for at least two generations. Ten of the twelve households interviewed in Huey Kaew were familiar with customary laws for forest use. Villagers of Huey Kaew have had customary common property rights to 1500 rai (240 hectares) of forest land since the village was settled approximately fifty years ago and they have requested a formal tenure arrangement with the state.<sup>101</sup> This forest land extends above Huey Kaew and includes the 235 rai concession. (See figure 2) The villagers are fighting for this land because they consider

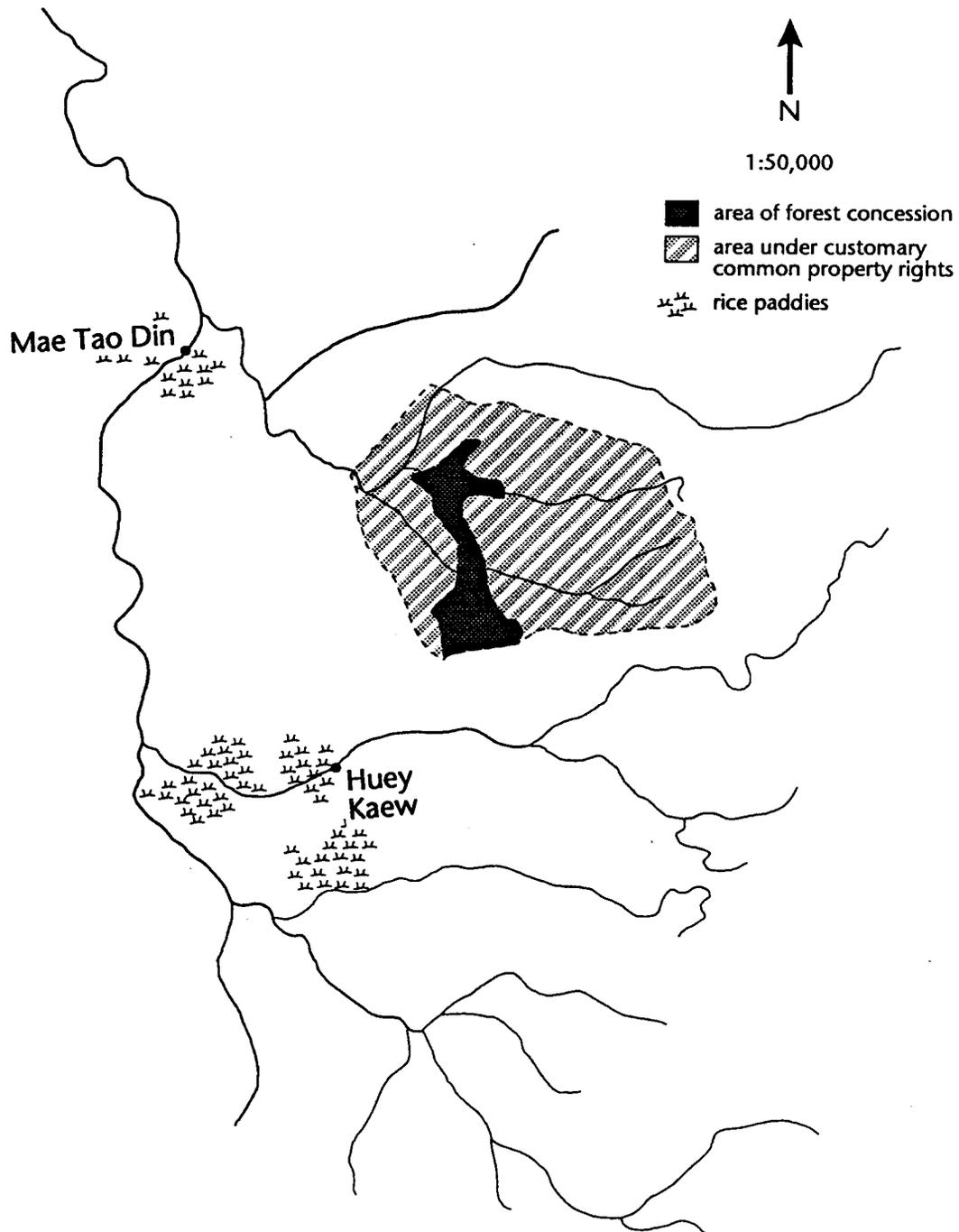


Figure 2. Huey Kaew showing area of forest concession and area under customary common property rights.  
Source: Project for Ecological Recovery, Chiang Mai Office.

that it belongs to the community and they should have the legal right to benefit from it. Nine of the twelve households interviewed in Huey Kaew made it clear that they require the legal right to benefit from the forest or they will not be able to continue living there. Villagers perceive that their property rights are highly insecure: many believe that there is an urgent need to survey the boundaries of the community forest; to legislate for villagers rights to manage the forest; in order to end the open-access conditions and stabilize exploitation.<sup>102</sup> This process had a slow start due to disagreement over the location of the land to be granted tenure.

The Royal Forestry Department is not prepared to grant tenure to the forest land which the villagers have requested.<sup>103</sup> The Department has surveyed 1600 rai (256 hectares) of degraded forest land for the community forest which is located further from the village.<sup>104</sup> (See figure 3) The underlying problem is that present forest legislation does not provide for community forestry. In Thailand, Reserve Forest Land is divided into three classes; conservation forest (watersheds), economic forest (degraded forest available for concession) and reform forest (granted through land use certificates for agriculture). None of these categories includes community forestry.<sup>105</sup>

The land requested by villagers of Huey Kaew for the community forest includes the 235 rai (38 hectares) that had

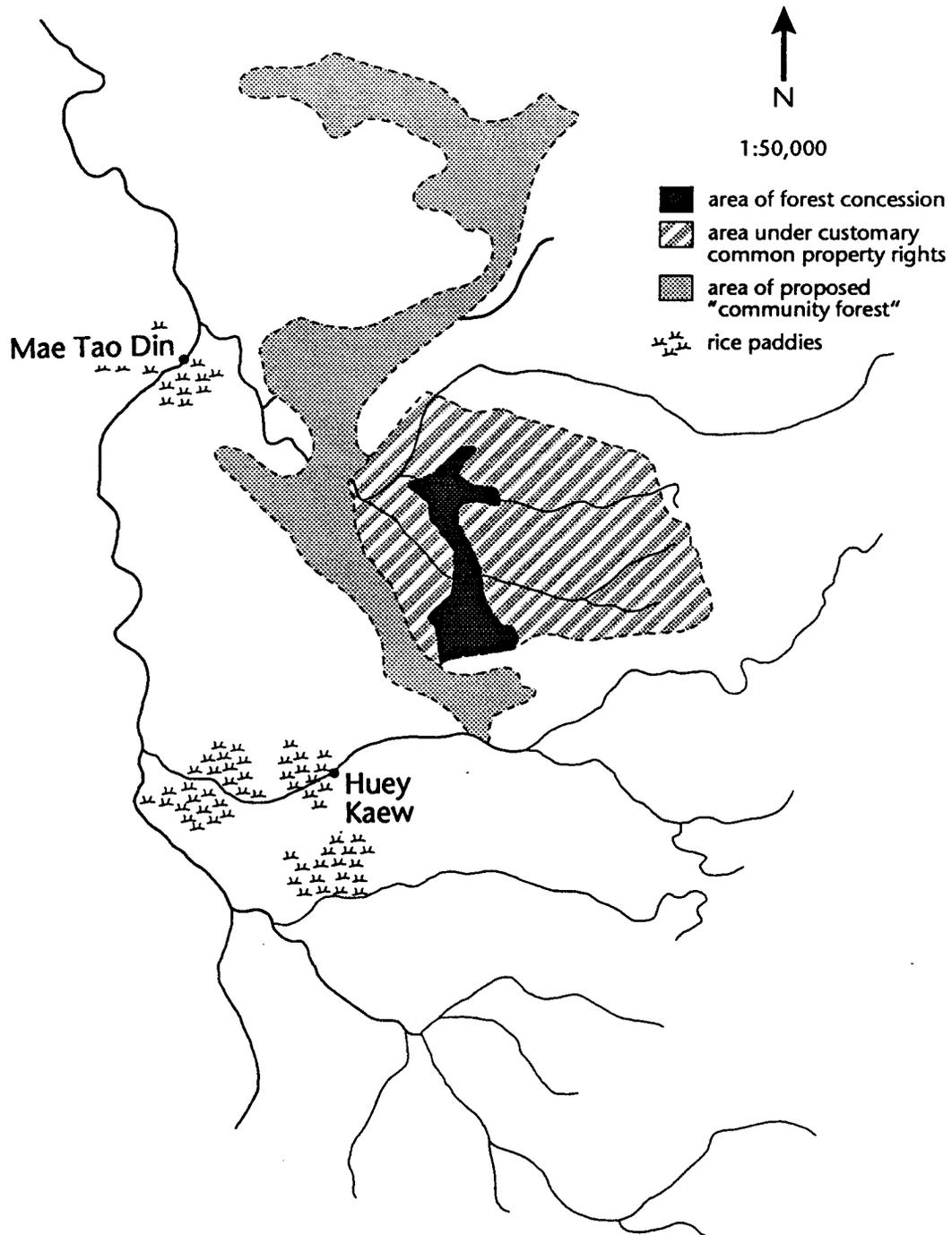


Figure 3. Huey Kaew showing area of forest concession, area under customary common property rights and area of proposed "community forest".  
Source: Project for Ecological Recovery, Chiang Mai Office.

been leased by RFD for the private development of a mango plantation. Villagers have not been granted access to this land because of the political situation surrounding it. The land they have requested also includes an area of conservation forest. It was decided that villagers cannot be granted tenure in a conservation forest because it is a watershed area with thin soils and steep slopes susceptible to erosion.<sup>106</sup> Villagers are allowed to gather natural foods and fallen wood for firewood in conservation areas but no cutting of trees is allowed.<sup>107</sup> Villagers argue that they have preserved the forest at higher elevations in the watershed for years and understand the connection between maintaining the forest and maintaining the source of their irrigation water.<sup>108</sup> Eight of the twelve households interviewed in Huey Kaew spoke of the need to protect the forest in order to protect their water source.

#### Land Uses

Historical information regarding land use patterns in indigenous forests and communal areas can be used to determine what forest products are essential from the community point of view. The assumption is that traditional land use patterns should be reflected in the current tenure system and the resources that are made available through community forestry. Where certain products are obtained from outside the boundaries of the community forest, such as

in adjacent indigenous forests, it is argued by community forest theorists that these areas should be brought under community management as well.<sup>109</sup>

According to villagers in Huey Kaew, approximately thirty years ago the area was thickly forested and there were many large teak trees. Five of the twelve households interviewed in Huey Kaew spoke of the degradation of their forest over the past 30 years. The forest has always been an important resource for the villagers. There was no need to buy food because everything could be found around the house and the village. Villagers use the forest as a source of building materials for their homes, fuelwood, grazing area for domestic animals such as water buffalo and cattle, gathering area for natural foods, herbs and medicines, and as a hunting ground for small animals, birds and insects. They also cultivate fruit trees on the fringes of the forest. Every household interviewed in Huey Kaew depended on the forest for various combinations of reasons. The low income of villagers is supplemented by gathering forest resources for subsistence and for income.

Villagers of Huey Kaew admit that logging has been a primary source of income for many. Landless villagers in particular, have often been forced to cut trees in order to have some source of income. Six of the twelve households interviewed in Huey Kaew have at one time or another depended on income from harvesting trees. Villagers

maintain that there was always an area of conservation at higher elevations in the watershed where no cutting was allowed. Cutting was selective and only at lower levels of the watershed in areas of mixed deciduous forest. Although this method of conservation worked at one time, villagers realize they have had little control over the use of forest resources by outsiders during the past several years. With the increase in use of their forest by outsiders some residents of Huey Kaew have also been disregarding traditional rules and responsibilities regarding use of these resources. As a result, their forest is suffering and villagers must travel much further now to find trees suitable for building.

Villagers understand the importance of conserving the forest in the upper watershed as their water source. Without this forest they will have no water for irrigation and the area will become very dry. Every household interviewed in Huey Kaew spoke of this connection between the forest and their water source. Some villagers are familiar with a neighbouring village which cut too many trees and lost the water for their irrigation canals and their source of firewood and wood for building.<sup>110</sup>

Villagers of Huey Kaew collect firewood and bamboo at lower elevations in areas of dry dipterocarp forest. Due to

the rapid regeneration of these species the villagers have been assured a continual source of firewood and bamboo for various purposes.<sup>111</sup> However, since the conflict over the concession forest, villagers must travel further into the forest to find these resources. Five of the twelve households interviewed in Huey Kaew complained of this problem. The villagers of Huey Kaew do not see any benefits in gaining tenure to the degraded land which the RFD has identified for a community forest. Villagers feel that this land is too far from the village and the land will require replanting of indigenous species.<sup>112</sup> Even if the RFD supplies the seedlings for replanting, villagers are concerned about where they will gather resources until this land is replanted and restored.<sup>113</sup>

#### Forest Dependency

Dependency on common property forest resources tends to vary with access to land: households which are landless are more dependent on common property resources. According to a survey conducted in Huey Kaew by the Northern Development Workers Association, there are twenty two households which are directly dependent on forest resources, and all of them are in support of the community forest.<sup>114</sup> Most of these families live in the upper part of the village which is located within Forest Reserve Land.<sup>115</sup> Landless families in Huey Kaew could not survive without access to forest resources. Of the twelve households interviewed in Huey

Kaew, six said they could not survive without access to forest resources. Households with land also spoke of the dependence of landless families on the forest. Landless and landowning villagers depend on the forest as a source of water. Villagers perceive the river as the blood of the people and the forest as their heart and soul.<sup>116</sup>

Villagers describe their relationship with the forest in the expression, the boat needs water like the tiger needs the forest.<sup>117</sup> They fear for the next generation who will need access to the forest in order to meet their basic needs for water, food, and shelter. One woman said to me that she feared for her children; she grew up because of normai (bamboo shoots, a staple in the diet of villagers) and what would her children eat without the forest? Members of the various Huey Kaew Community Forest Committees are in agreement that in order for the community forest to be a success it must meet the needs of the segment of the population who are dependent on the use of indigenous species.

#### Uses for Indigenous Species

Self-reliance of villagers is linked to the diversity of the natural forest. The forest makes contributions to food security and nutrition in the wild fruits and vegetables collected. Cash income is also supplemented through the sale of forest foods and products. What

products and species are used and for what purposes? The assumption here is that the greater the use of indigenous species the greater the need to bring indigenous forests under common property management.

There are numerous indigenous species of value to local villagers. Every household interviewed in Huey Kaew said they depended on the forest as a source of resources for subsistence or for income. Bamboo shoots are a staple in the diet during the rainy season and are also sold at the district market for cash income. Various species of mushrooms are collected to supplement the diet and some species can be sold at the district market for income. In addition, there are numerous leafy green vegetables and wild fruits which are collected to supplement the diet. Small animals, lizards, frogs, birds and insects are hunted. Although herbal medicines are not as popular since the availability of medicines at the village store some older people still collect roots and plants to make herbal remedies.<sup>118</sup> Different species of bamboo are harvested and used for house construction and can be sliced thinly and woven into baskets and rope. Worms found inside the bamboo are a delicacy that can be sold at the market. Leaves are collected to make roofs for buildings. Firewood is collected and charcoal is made from gathered wood. The forest is used as a grazing area for water buffalo and cattle. Timber is cut for building houses and for sale to

supplement incomes. Most villagers have had to cut trees for income at one time or another to pay off debts or carry them through troubled times.

#### Role of Traditional Institutions

Traditional institutions encompass local values and include rights and responsibilities which govern the use of forest resources. Traditional institutions are generally an underutilized resource in state forestry planning. By incorporating indigenous institutions the state could shift initiative to the community allowing them to use their own skills and knowledge. Revitalizing traditional values and knowledge of forest ecosystems and the customary laws which govern their use can have a positive impact on how the community perceives its situation. That is, villagers can be empowered and can be more secure and self-reliant with local control of their forest.

In Huey Kaew, the traditional institution governing the use of forest resources was the village irrigation committee.<sup>119</sup> Over time this institution has gradually lost control in terms of accepted laws governing the use of forest resources. These laws were not written but were understood by all members of the community.<sup>120</sup> Members of the irrigation committee are elected by villagers and everyone participates in decision-making. The community continues to cooperate and successfully run the village

irrigation committee or Muang Faai system. By cooperating, and sharing benefits and responsibilities, villagers have been able to maintain their system of irrigation. The village headman, Mr. Jumsai, and NGO workers spoke of other institutions such as the village rice bank and the village buffalo bank which are run successfully by villagers themselves.<sup>121</sup> Therefore there is every reason to believe that the villagers of Huey Kaew are capable of managing a community forest.

The customary laws regarding forest use in Huey Kaew have been gradually breaking down due to the fact that villagers held no real authority and were unable to enforce regulations concerning the use of the forest. Neighbouring villages and outsiders have not respected their authority and have poached timber due to the open-access conditions which exist. This was a continual topic of discussion at Village Forest Conservation Committee meetings. In addition, every household interviewed in Huey Kaew spoke of the problem of controlling the use of forest resources.

The Village Forest Conservation Committee which was appointed by the head of the Sankhampeang District Office in an attempt to create and formalize a local level institution.<sup>122</sup> It could attempt to regain traditional rights and responsibilities for forest use in order to maintain the forest as a headwaters for agricultural

production, for timber cutting, firewood, wild food, herbal medicine, and as an animal grazing area. The problem with this new institution is that it lacks the key connection between the village water source and the forest that was inherent in the previous indigenous management through the irrigation committee.

### Social Controls and Sanctions

Providing a community with forest tenure and a local level institution does not automatically lead to effective community control of the resources. Social controls and sanctions and the ability to enforce them are an important variable to the success of community forestry. This includes the ability to control use by people from outside the community as well as by community members.

Members of the community in Huey Kaew admit that they have little control over either but perceive the situation has improved since the formation of the Forest Conservation Committee.<sup>123</sup> Formalizing the rights of the Committee will provide the community with a greater ability to control the use of forest resources. The first step has been to define who is included in the resource community and who is excluded.<sup>124</sup> Only members of the community are allowed to use forest resources in the community forest. Under special conditions, family members from outside the community can collect resources such as bamboo but they must obtain

special permission from the Village Forest Conservation Committee beforehand.<sup>125</sup> There are social and peer pressures to conform with the rights and responsibilities associated with use of the forest. Enforcement of these rules is primarily through monetary fines.<sup>126</sup>

The committee understands that there should be no cutting in the conservation area of the watershed and if its boundaries are marked out they say villagers will be better able to abide by this rule.<sup>127</sup> In the forest above the village, where the forest was cleared for the concession, the committee has decided not to cut any trees for five years. This will allow natural regeneration of the area.<sup>128</sup> Villagers must obtain permission from the Village Forest Conservation Committee to cut trees anywhere within the community forest.<sup>129</sup> Generally, villagers are allowed to cut trees to build a house when there is a marriage in order that every family has its own house. Special conditions for building a house sometimes arise when a family is in debt and needs money. At times like this, special permission is given for the family to sell their house and build a new one. Villagers have a rule stating that for every tree a person cuts, they must plant five trees in its place and maintain them for three years.

Collection of firewood is restricted to home use and villagers cannot sell firewood or charcoal to people from

outside the community. Depending on the species, harvesting bamboo is regulated to a certain amount per family per year.<sup>130</sup> Sanctions for breaking laws are in the form of monetary fines. For example, if a person is caught harvesting timber or bamboo without permission or over the limit, a fine must be paid and the wood is confiscated and used for the good of the community.

There still exists the problem of how to enforce the regulations. According to Mr. Jumsai, the village headman, future success will depend to a great extent on creating incentives for individuals to abide by the regulations.<sup>131</sup> A hopeful sign is provided by the fact that villagers are able to cooperate in rights and responsibilities regarding the use of water. For example, everyone shares water equally and anyone caught taking more than their share must pay a fifty baht fine. Everyone participates in the maintenance of irrigation canals. Every household interviewed in Huey Kaew actively participates in the responsibilities associated with water use. Villagers believe that if this method works for the Irrigation Committee it can work for the Forest Conservation Committee.

#### Grassroots Organization

Grassroots organization pools the energy and creativity of community members in solving community problems. An

important indicator of success therefore is the extent to which members of a community are able to work together.

Huey Kaew was very successful in organizing to protest against the private concession and fight for their right to benefit from the forest.<sup>132</sup> However, in terms of proceeding with a plan of action for the community forest, conflict within the community and lack of support within the community is a problem.<sup>133</sup> Only about one third of the villagers really support the community forest project and participate in village meetings. These include the twenty-two landless families living within the Forest Reserve Land plus another twenty families from Huey Kaew and fourteen families from Mae Tao Din.<sup>134</sup>

Of the twelve households interviewed in Huey Kaew six were actively involved in various aspects of planning for the project. Four of the twelve households interviewed in Huey Kaew said they supported the idea of the community forest but would not actively participate. Two of these households did not want to be involved due to the fact that they did not depend on the use the forest resources to supplement their income and did not see any direct benefits from the project. Their main concern in regards to forest management was protection of the watershed in order to maintain their source of water for irrigation. They felt that the watershed would be maintained whether the community

managed the forest or the government managed the forest. They did not like the conflict the project had caused in the village and therefore felt it would be better for the government to manage the forest. The other two households that did not support the project would not participate due to fear. At the time of conflict over the concession, the villager who led the community in its fight for the right to benefit from the forest was assassinated.

Among supporters of the community forest and members of the Forest Conservation Committee there is a gap between the informal leader and other community members.<sup>135</sup> Mr. Sukwong, the informal leader of the Village Forest Conservation Committee has had more experience with life outside the village and so the others tend to follow his ideas rather than participating themselves. Mr. Sukwong has become the village spokesman for the project at the various meetings of the Huey Kaew Community Forest Committee meetings. A large part of the problem with community forest development in Huey Kaew is that most of the villagers do not really understand the concept of the community forest.<sup>136</sup>

Mr. Jumsai, the village headman said that there has been no problem in gaining support for previous community developments because they have benefited the whole community. In the case of the community forest however, the

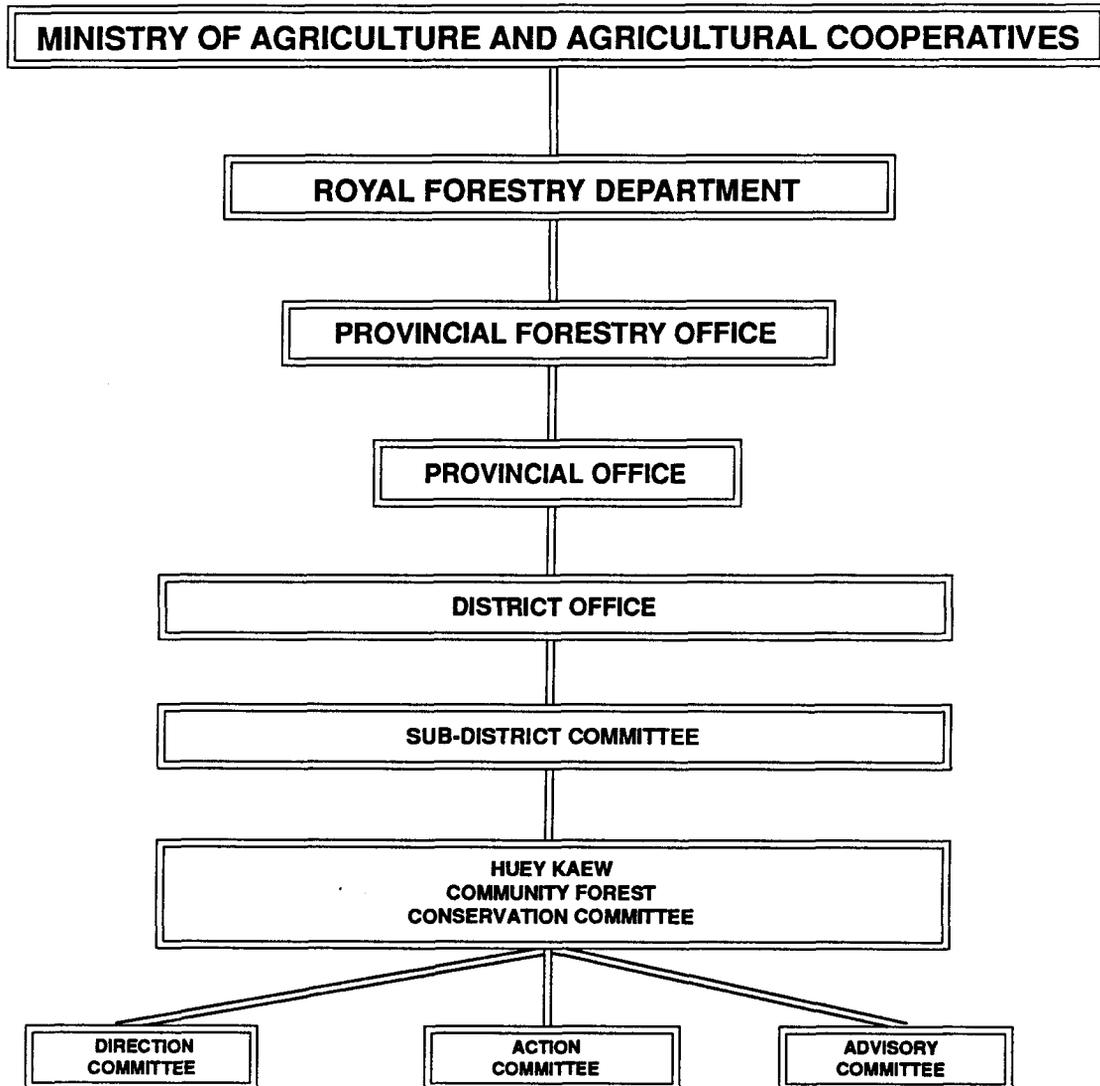
situation is different because it is the landless villagers who stand to benefit the most. In this case, Mr. Jumsai feels that if villagers were educated on the benefits of the community forest they would be more willing to participate.<sup>137</sup>

#### Participation in Decision-Making

Self-reliance requires that the community has the ability to decide and control the path of its development. This includes participation in problem definition and adoption of solutions that rely on local resources as much as possible. Reliance on outside support provides no real solution if it creates dependency and undermines the sustainability of local efforts.

In theory, the creation of the Village Forest Conservation Committee is an attempt by the government to find a model for community forestry that gives villagers direct power in decision-making.<sup>138</sup> After a five year period the experimental project will be evaluated to determine if the Village Forest Conservation Committee is capable of managing the community forest on its own.<sup>139</sup>

In reality, members of the Forest Conservation Committee and other supporters of the project within the village are experiencing fear and frustration and increasing instability as their committee holds no real authority in the decision-making hierarchy.<sup>140</sup> (See figure 4) Any



**FIGURE 4: DECISION-MAKING LADDER FOR  
HUEY KAEW COMMUNITY FOREST EXPERIMENTAL PROJECT**

decisions they make must be accepted first by the sub-district committee, then by the district forestry office, then by the provincial forestry office, and finally by the Royal Forestry Department and the Ministry of Agricultural Cooperatives.<sup>141</sup> They might stand a chance if they had the full support of their village headman, Mr. Jumsai. However, his business involvement with higher level government officials as the poh liang or local lumber patron make it a very difficult for him to become too supportive of the community forest which would end his patronage and primarily benefit landless villagers.<sup>142</sup>

The villagers initial access to decision-making, and success in stopping the concession would have been unlikely were it not for the strong support they received from NGO's, academics, and the media.<sup>143</sup> The continued availability of legal and technical support until the community has formal legislated common property rights will determine the villagers' real success in gaining access to decision-making.

#### Availability of Technical Support

The role of the three committees appointed by the governor of Chiang Mai province is to support villagers and the principles which villagers want for the community forest.<sup>144</sup> NGO workers are assisting villagers in the preparation of a community forest plan to be approved by the

RFD.<sup>145</sup> While this process brings together many people of differing views to learn from one another, the problem is that there is little collaboration among the committees and conflicting opinions are causing the process to be extremely slow.<sup>146</sup> There has been no agreement on the boundaries of the community forest and until common property rights are formalized the project is at a standstill.<sup>147</sup>

Villagers appreciate the support of NGO workers who helped them to stop the leasing of the concession and save their forest, as well as set up the successful village rice bank and buffalo bank. Eleven of the twelve households interviewed in Huey Kaew responded favourably to this NGO support. Villagers believe it has helped them to improve their lives, become more active in decision-making, and more self-reliant. Previously, villagers say they would be more likely to accept whatever developments the government wanted. However, the villagers do not feel much support for their plans for the community forest on the land which they want.<sup>148</sup> If the project uses the degraded land, the RFD has agreed to supply seedlings of indigenous species as well as technical support to maintain the seedlings through 1995.<sup>149</sup> But villagers fear that seedlings and technical support to maintain them will not be enough.<sup>150</sup> Planting and maintaining seedlings will demand time away from subsistence activities. How will they have enough time to devote to this project if they receive no compensation for their

efforts?<sup>151</sup> And what resources will they have access to until the degraded land has been replanted and reached a stage where resources can once again be harvested?<sup>152</sup>

One specific problem, in terms of technical support, is that there is no extension forester to work with and support the villagers.<sup>153</sup> It is the opinion of some NGO members and academics that the Royal Forestry Department does not have a clear concept of community forestry and therefore cannot provide an appropriate extension forester to work with the villagers.<sup>154</sup> At the same time, the RFD does not trust the capability of villagers to manage the forest on their own.<sup>155</sup> They believe that villagers do not understand the principles of community forestry. In order for the project to be successful, forestry officials and villagers need to work together to survey and classify the forest and prepare a plan for sustainable use. Without a technical survey of the customary lands chosen by villagers or the degraded land chosen by RFD there is no way of measuring the effects of the project.

### 3.6 CLOSING COMMENT

This analysis illustrates the extremely complex dynamics involved in the Huey Kaew community forest experimental project. There are many obstacles to overcome before common property tenure can be accommodated within the state Forest Reserve Land system. These obstacles include:

disagreement between villagers and government over the location of the land to be granted as community forest; lack of understanding on the part of the Royal Forestry Department on land uses in indigenous forests and the dependence of villagers on these resources; break down of authority of traditional institution and customary laws; failure of RFD to recognize the potential of the traditional institution responsible for forest management; lack of support within the community for the project due to the fact that many villagers do not understand what the project is about or do not have the time to devote to it; lack of support from the village leader of Huey Kaew; inadequate authority by the new institution and lack of an extension forester to work with the community in making a community forest plan. Until these obstacles are overcome, the project cannot be evaluated as a successful approach to management of indigenous forest or building self-reliance for the rural community. Real action in terms of proceeding with common property management of Forest Reserve Land by the community of Huey Kaew will be at a standstill until the boundaries of the community forest are determined and their management is formalized.

## CHAPTER 4

### COMPARATIVE ANALYSIS

#### 4.1 INTRODUCTION

The argument for common property management of Forest Reserve Land in northern Thailand can be strengthened by comparing the findings from Huey Kaew with the findings from another village where customary common property rights have been maintained. There are many examples of common property management in northern Thailand but Tung Yao is the best documented case of a community which has been successful in preserving local forests for the long-term sustainability of the community. Tung Yao is located in Lumphun province, neighbouring Chiang Mai to the south-east, and four kilometers from the Lumphun - Lampang highway. (see figure 5) The elevation and vegetation is similar to Huey Kaew and is classified as Dry Deciduous Dipterocarp and Mixed Deciduous forest.

The similar geographic locations and socio-economic systems of the two villages and the fact that both villages are composed of ethnic Thai peoples, rather than hilltribe peoples, make them suitable for a comparative analysis. It is realized that a comparative study of two different villages can be a difficult task in terms of generalization and oversimplification. However, such a comparison can also provide the opportunity to highlight certain attributes successful common property management as an example for

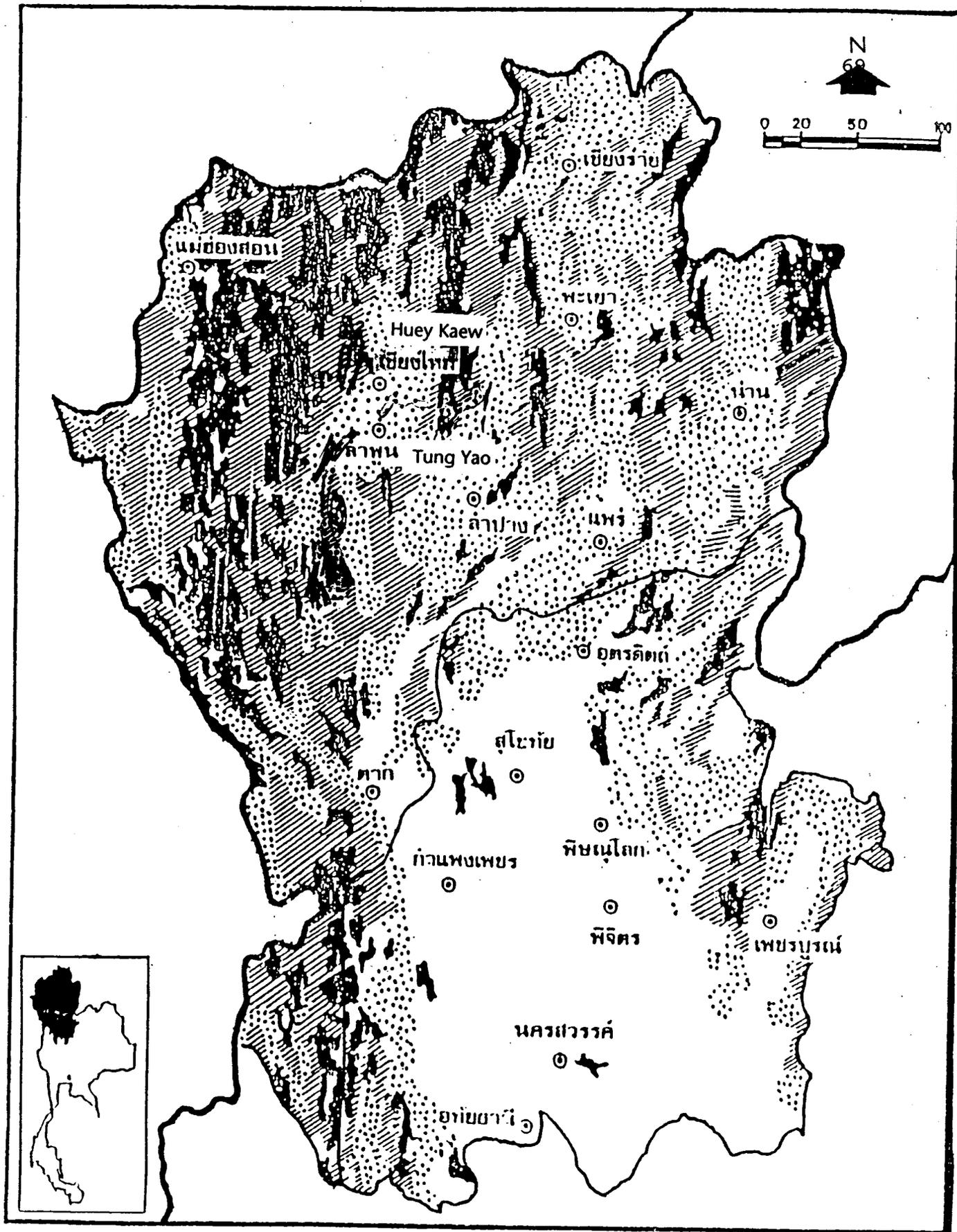


Figure 5. Northern Thailand locating Huey Kaew village in Chiang Mai Province and Tung Yao village in Lumphun Province.

other communities. A comparison also makes it possible to indicate certain attributes which might be considered the result of cultural adaptation to a particular ecosystem, independent of the contemporary national setting.

The comparison between Tung Yao and Huey Kaew begins with a discussion of the findings from Tung Yao. That is, several of the categories for analysis from the case study in Huey Kaew will be applied to Tung Yao. The discussion will include only six of the nine categories, as available information was limited. Similarities and differences between the two villages and their practise of community forestry will be identified and the implications will be discussed in the final section.

#### 4.2 FINDINGS FROM TUNG YAO

##### Property Rights

Customary common property rights have been in effect in the San river watershed since Tung Yao was settled in 1924.<sup>156</sup> At that time, an area of 60 rai (9.6 hectares) of forest was clearly marked and preserved around a natural spring which fed the village irrigation system.<sup>157</sup> Tung Yao residents established a system of forest protection within this clearly demarcated area. Villagers were forbidden to cut any trees within this area. An adjacent area was used for collecting firewood and building supplies. By 1990, the

villagers of Tung Yao had increased the area of common property forest to 1800 rai (288 hectares).<sup>158</sup>

The forest which villagers of Tung Yao consider common property is officially classed as state Forest Reserve Land. Although there is no formal common property tenure agreement with the state, the villagers of Tung Yao and their system of forest management have been recognized by the RFD as successful in preserving indigenous forest land. Several factors have contributed to the RFD recognition. The San river watershed is a lower class of watershed than the one which villagers of Huey Kaew depend upon. That is, the slopes of the watershed are not as steep or as vulnerable to erosion from overcutting. Also, the forest around Tung Yao has not seen much commercial logging or poaching due to its proximity to the district forestry office. This absence of external users has allowed the villagers of Tung Yao to maintain their own system of common property management.

#### Land Uses

Villagers of Tung Yao have been successful in conserving their forest and water source for more than seventy years.<sup>159</sup> They recognize ecological principles and realize that to maintain their water source they must protect the forest surrounding it. The community has divided the forest under common property management into two distinct areas; an area of preservation, and an area for

common use. Villagers do not practise conservation merely for the sake of it, but rather, they learned the importance of forest preservation through experience. The ancestors of the villagers of Tung Yao had to flee drought due to overcutting in the watershed of their previous settlement.<sup>160</sup> Villagers see the protection of forest as a guarantee of subsistence and income. Protecting their water source is of paramount importance as "the stream is the artery bringing the village's lifeblood."<sup>161</sup> It keeps the climate fresh and moist and supplies grazing land.

Villagers are forbidden to cut any trees within the conservation area immediately surrounding the spring. However, they are allowed to collect wild foods and fallen wood for firewood. In the adjacent area for common use, villagers are allowed to cut trees for firewood and building supplies providing they adhere to the rights and responsibilities regarding the use of forest resources. Commercial logging has not been common in the area due to the proximity of the forest to the district forestry office. The forestry department has recognized the community's ability to manage the forest and the right of the community to benefit from forest resources. However, the community has no officially authorised common property rights.

### Role of Traditional Institutions

The village irrigation committee has been the institution responsible for governing the use of forest resources from the time Tung Yao was first settled. There has always been strong leadership of this village institution. Since everyone has a vested interest in the maintenance of the irrigation canals which feed their rice fields, there has always been participation from all members of the community.<sup>162</sup>

The success of the village irrigation committee in maintaining common property management of forests in Tung Yao promises to continue with the next generation. Elders and teachers in the village encourage children to conserve trees and other forest resources. Stories about how their ancestors came to Tung Yao to flee from drought are told at home and at school. In this way local wisdom and awareness of the important connection between forest preservation and a continued source of water is passed from generation to generation. This ensures that the role of the irrigation committee will remain clear.

### Social Controls and Sanctions

Villagers adopted an absolute prohibition on cutting trees in the area surrounding the natural spring when the village was first settled. This prohibition was in the form of an oral agreement among the villagers. The rights and

responsibilities regarding forest use in the adjacent area for common use were designed by the villagers themselves. Authority rested with the village headman and the leader of the irrigation committee.

As the village grew, the system of forest preservation became more complex and more formal regulations were adopted. A system of rights and responsibilities was developed by the community as a whole and drawn up in the first village agreement in 1953.<sup>163</sup> The agreement was signed by all members of the community. It states that anyone caught cutting trees within the conservation area will pay a fine to the common village activity fund and the trees will be confiscated for communal use. In the area for common use, each family is allowed to cut enough trees to build one house with permission from the village headman. If villagers cut over their limit in the area for common use they must also pay a fine. The penalty for cutting trees has increased over the years. Most villagers readily adhere to the village regulations and pay the fine. They realize that the penalty would be far more severe in an official court.

#### Grassroots Organization

Tung Yao has a history of strong village leaders who have encouraged members of the community to cooperate and conserve the forest. In 1990, the population of Tung Yao

was 1200 people living in 243 households.<sup>164</sup> The village irrigation committee maintains the support and participation of all villagers and is therefore well suited to forest preservation as well. The awareness of environmental issues among the community and the irrigation committee has contributed to the successful common property management of forests. The conservation ideal has been maintained in Tung Yao through an annual ritual to the guardian spirit of the forest. This occurs each year after the irrigation system has been repaired. The result is strong grassroots organization for forest management.

#### Participation in Decision-Making

Although the villagers of Tung Yao have no officially recognized common property rights to the community forest, the proven success of the community in managing the forest has given them some power and access to decision-making. In 1974, villagers supported by political activists from northern NGO's protested to the Governor of Lumphun that their common property forest was being encroached upon by neighbouring villagers.<sup>165</sup> The Governor ordered the encroachers to leave and this led to national level recognition of the rights of villagers to the use of state Forest Reserve Land. Villagers of Tung Yao succeeded a second time in gaining access to decision-making in 1989 when the RFD tried to encourage the community to develop the forest into a national park.<sup>166</sup> Once again with the support

of political activists from northern NGO's, the villagers of Tung Yao protested the development. They argued against the park on the grounds that state parks prohibit the use of resources by local people.

#### 4.3 ANALYSIS OF SIMILARITIES AND DIFFERENCES

In Huey Kaew the customary system of common property management has dissipated due to the open-access conditions which exist in state Forest Reserve Land. The open-access conditions have been the result of outside interference. The area has a long history of logging, beginning with the colonial powers in Southeast Asia which introduced the idea of the forest as a source of profits. Insufficient regulation of cutting by the forestry department led to open-access conditions. Local people became involved in logging in Huey Kaew when they saw others logging their forests and district officials have been involved in turning a blind eye to illegal logging as they receive a commission. The attempt to re-establish common property rights in Huey Kaew was initiated by the community as a result of the contemporary situation which directly threatened the rights of villagers to benefit from resources they had long considered as their own. Although the community's ability to manage their forest according to customary common property rights has been dissipating, what remains bears many similarities to the system in Tung Yao (see figure 6).

In Tung Yao the customary system of common property management has been maintained and resulted in successful forest preservation. The forest has been preserved due to a number of important factors: the area has clear boundaries, the forest is divided into an area for common use and an area of strict preservation, there are clear rights and responsibilities regarding forest use, there is a clear understanding of the ecological connection between the forest and the watershed, villagers are dependent on forest resources for subsistence and income, the village irrigation committee has influence over all members of the community, cooperative values between members of the community are encouraged by the village leader, there has been no poaching of trees in the area due to the ability of the community to control use within the area as well as the proximity of the forest to the district forestry office.

An important part to take note of in this comparison is that formally authorised common property rights are not necessary for successful common property management of forests. Villagers such as those in Tung Yao have been able to maintain their customary common property management in spite of outside influences. However, in the contemporary situation with open-access conditions prevailing in many areas of state Forest Reserve Land, and increasing numbers of conflicts between state and community interests, formal common property rights offer a viable approach for securing

the rights of villagers who depend on forest resources. Evidence of the success of customary common property management is clear in Tung Yao and supports the argument for granting tenure rights to a community such as Huey Kaew. By rebuilding existing common property rights in Huey Kaew, the exploitation of forest resources could be stabilized and the community could regain some degree of self-reliance. In the case of Tung Yao, the community is secure for the time being but formal common property rights would greatly increase the community's ability to maintain its self-reliance. These ideas and others will be more fully explored in the concluding chapter.

CATEGORIES OF ANALYSIS	HUEY KAEW	TUNG YAO
Property Rights	<ul style="list-style-type: none"> <li>- State Forest Reserve</li> <li>- Customary common property rights broken down</li> </ul>	<ul style="list-style-type: none"> <li>- State Forest Reserve</li> <li>- Customary common property rights maintained</li> </ul>
Land Uses	<ul style="list-style-type: none"> <li>-Water for irrigation</li> <li>-Wood for shelter and fuel</li> <li>-Wild Foods, &amp; animal fodder and medicines</li> </ul>	<ul style="list-style-type: none"> <li>-Water for irrigation</li> <li>-Wood for shelter &amp; fuel</li> <li>-Wild Foods, animal fodder and medicines</li> </ul>
Forest Dependency	<ul style="list-style-type: none"> <li>-Varies with access to land</li> <li>-Use and sale</li> </ul>	
Uses for Indigenous Species	<ul style="list-style-type: none"> <li>-Self reliance linked with diversity</li> <li>-Use and sale</li> </ul>	
Role of Traditional Institutions	<ul style="list-style-type: none"> <li>-Broken down</li> <li>-New committee regaining</li> </ul>	<ul style="list-style-type: none"> <li>-Maintained</li> </ul>
Grassroots Organization	<ul style="list-style-type: none"> <li>-Broken down</li> <li>-42/126 households participate</li> </ul>	<ul style="list-style-type: none"> <li>-Full support</li> <li>-243 households</li> </ul>
Participation in Decision Making	<ul style="list-style-type: none"> <li>-Right to benefit recognized by government</li> <li>-3 committees support villagers</li> <li>-No legislated property rights</li> </ul>	<ul style="list-style-type: none"> <li>-Successful management recognized by government</li> <li>-Rights to benefit recognized by government</li> <li>-No legislated property rights</li> </ul>
Availability of Technical Support	<ul style="list-style-type: none"> <li>-Need support until village participation strong and policy change</li> <li>-Need extension forester</li> </ul>	

FIGURE 6 COMPARATIVE ANALYSIS OF HUEY KAEW AND TUNG YAO

## CHAPTER 5

### CONCLUSIONS

Residents of Huey Kaew are among a growing number of village based groups in Thailand demanding land rights in government owned forest reserves where they have been living "illegally." There are an estimated seven million other Thais in the same state of insecurity.<sup>167</sup> These grassroots movements are pushing for reform of the state forest legislation to include common property rights. Previous attempts by the government to deal with people living in forest reserves have failed to bring effective results in stopping deforestation or in providing increased stability for rural communities. Will providing for common property management and local control of forest resources be successful in addressing these problems? What do the results from the Huey Kaew case study suggest? What are the dynamics involved in reestablishing common property rights? What are the implications of the case study for policy on common property rights and self-reliance?

Independent efforts of rural communities who rely on forests for their livelihood indicate that these communities have great concern for forest conservation. Local control of forest resources by the people who depend on those resources can improve livelihood security and improve forest management. Although it is too soon for the full impacts of formal common property rights to be evaluated in Huey Kaew

many lessons can be learned from this experimental project to regain and incorporate some form of customary common property management.

#### 5.1 OBSTACLES CREATED BY PRESENT FOREST LEGISLATION

In Thailand, the Royal Forestry Department (RFD) has responsibilities more extensive geographically than any other government department. The responsibilities are beyond the capability of a single agency to handle with an insufficient staff and budget.<sup>168</sup> As Jeff Romm observes, "state property is a reasonable proxy for control only when the state is willing and able to fully enforce its rights and responsibilities."<sup>169</sup>

The inability of the forestry department to enforce regulations in all areas, heavy land speculation, and lack of secure land tenure threaten the survival of natural forests. The resulting open-access conditions in many forest reserves and uncertainty about tenure security for people living within forest reserves remain because current legislation does not recognize the right of a community to manage, use, or own forest land. As outlined earlier, forest reserve land is divided into three classes; conservation forest (watersheds), economic forest (degraded forest available for concession), and reform forest (granted through land use certificates for agriculture). None of the three categories includes community forestry. Current

policy separates forest from areas of human settlements and defines community forestry as small scale tree plantations for fuelwood and other local uses in tenured lands only. As clearly illustrated by the case of Huey Kaew, this view does not accommodate customary common property rights.

Occupation of land without the corresponding legal certificate is illegal. Local critics of Thai forest policy maintain that with at least twenty-five per cent of the rural population living illegally in forest reserves, any solution to the forest crisis must be predicated on a comprehensive land reform programme.<sup>170</sup>

Komon Pragtong, the senior Community Forestry Officer in the national office of RFD, says that with logging concessions now banned, attention should be focussed on the millions of villagers living within the boundaries of forest reserve land. The RFD is looking for innovative solutions to the deforestation problems in occupied forest reserve land. To date, the RFD forest village and STK land certificate programmes have often resulted in increased immigration and forest destruction.<sup>171</sup> The RFD forest village program, or village woodlot program as it is sometimes referred to, involves reforestation of degraded economic forest. Village woodlots are small scale tree plantations primarily for fuelwood production. The STK land certificate program provides land use certificates for villagers for agricultural production in reform forest.

Neither of these programs have succeeded in gaining the cooperation of villagers in forest preservation due to the fact that the projects are designed by RFD officials rather than by members of the community.

RFD forest villages and STK land certificates provide user rights only. A study by Chalamwong in 1986 of these two programs suggests that without strict enforcement land usufruct rights appear to have no particular value. The lack of secure title causes uncertainty regarding the land occupants ability to benefit from any investment which he may undertake, such as forest conservation measures. "Clear formal title backed by a legal system capable of enforcing property rights is one obvious way to reduce or eliminate uncertainty regarding tenure duration."<sup>172</sup>

These programmes differ from the common property rights in conservation forest proposed by villagers in Huey Kaew. Past efforts in community forestry, such as RFD forest villages, have relied on top-down decision-making with little "local" participation in planning and implementation.<sup>173</sup> The RFD is now recognizing the value of local knowledge and experience for community forestry in understanding local land characteristics and the needs of local communities.<sup>174</sup>

Common property management provides a flexible tenure system for trees and people. Access to land and resources

is secured so that rural people can gain benefits from those resources. Once rural people have security of tenure they will have the incentive to conserve and sustainably use the resources. Management plans which build on local institutions and knowledge of the environment thereby increase rural people's ability to participate in decision-making and be more self-reliant.

## 5.2 IMPLICATIONS OF STUDY FOR POLICY ON COMMON PROPERTY RIGHTS

The Huey Kaew and Tung Yao case studies shows that common property resource tragedies in the Hardin sense do not necessarily hold. That is common property resource tragedies are related to the breakdown of the existing common property system due to external influences. Common property management can control individuals within a community but not stronger outside forces unless mandated to do so. Insecure land tenure and open-access conditions are responsible for the uncontrolled use of forest land around Huey Kaew. More secure tenure in the form of common property rights for the community will improve land management.

Confusion over the land rights issue is at the heart of the Huey Kaew conflict. The RFD has no legislation for common property rights. To date, the failure of the government to act on legislation to accommodate common

property rights to forest reserve land for the community of Huey Kaew indicate the confusion over community forestry.

After the logging ban was announced in 1989, the Minister of Agriculture and Agricultural Cooperatives made a public address in which he assured that the cancellation of logging concessions in forest reserves would not result in forced evictions of people from their land. He went on to say that forests closed to commercial concessions would be turned over to villagers as community forests. However, when questioned about the situation of villagers in Huey Kaew he said there was no way villagers could claim rights over their land.<sup>175</sup>

This confusion suggests that there are many obstacles to overcome to recover the indigenous system of management and obtain government support by way of legislation. Communities such as Huey Kaew need government support for common property rights.

From the case study we see that Huey Kaew's system of common property rights has broken down but its roots remain. Through the comparative analysis with Tung Yao we can understand how common property rights should work. The study implies that only when a community has secure access to forest resources and receives benefits from them will they participate fully in conservation. Therefore, in terms of developing a new system, it makes sense to learn from

tradition and build up from these roots. In that way the new system will be more likely to meet the needs of the community: be more accepted by the community; less expensive to implement; and more likely to be carried on by future generations without dependence on outside support.

The question therefore becomes, how to accommodate this form of bottom-up development within the framework of existing policy? There is no doubt that this will require a change in forest policy. But how to convince RFD of the ability of local communities to manage the forest? Many common property systems exist despite official government policies to nationalize forest resources. The proven success of communities like Tung Yao to manage natural resources without legal guarantees from the state, points to the gap between forest policy and reality.<sup>176</sup> RFD has recognized the ability of the community of Tung Yao to manage forest reserve land. Perhaps, the focus should be on Tung Yao in terms of finding an appropriate form for legislating common property rights. The complex dynamics at work in Huey Kaew do not readily lend itself to an appropriate form for common property management of forests. But the community of Huey Kaew and the Royal Forestry Department could learn much from the success of Tung Yao.

This case study indicates that common property systems do have future relevance. The most important reason for the

Thai government to encourage common property systems is economic. The most effective and cost-efficient solution is to recognize existing common property rights based on long term occupancy and use.<sup>177</sup> Legal recognition would counteract national policies which promote open-access conditions in forest reserves and would realign the Royal Forestry Department with the potential of forest communities.<sup>178</sup>

### 5.3 IMPLICATIONS OF STUDY FOR POLICY ON SELF-RELIANCE

"Because of the critical role played by common property systems in sustainable resource use, their most significant application in the contemporary world context is their relevance to development. Since common property systems provide, in effect, long term and grassroots institutions, these systems are the most important candidates for popular participation in decision-making."<sup>179</sup>

Results from the Huey Kaew case study indicate that present forest policy in Thailand is opposed to rural communities whose livelihood is dependent upon indigenous forests. Therefore, in terms of livelihood security, lack of guaranteed access rights to the forest results in increasing insecurity of the community's ability to meet basic needs. Basic needs derived from the forest include water, food, shelter, and fuelwood. Losing access to indigenous forests and the ability to meet these four basic needs is causing a loss of self-reliance in these communities.

When the traditional system of management was intact, resource conservation was aimed at self-sufficiency in meeting basic needs. Social controls and sanctions were designed by the community to protect the forest from exploitive use and to sustain the forest for community use.

In looking for a contemporary form for common property management of forests, RFD should try to serve the needs of rural people dependent on indigenous forests. Community forestry projects should be carried out "by" the people themselves and for the benefit of the community as a whole.<sup>180</sup> Owen Lynch maintains that involvement of local people in a project is best promoted by reinforcing existing common property rights.<sup>181</sup>

Forest resources make a significant contribution to food security and nutrition for the villagers in Huey Kaew. The landless segment of the population is particularly dependent on forest resources and access to these resources is crucial for self-reliance. However, in addition to simply having access to indigenous forest land the community needs access to decision-making for self-reliance. It is important to note that if the landless people in Huey Kaew are to benefit from the project they must be included in planning and implementation.

Recalling that one of the major objectives of the self-reliant approach to development is to meet the basic needs

of people in such a manner that the people will be able to continue the process without external help - how does Huey Kaew meet up to this objective? Results from the case study suggest a lack of trust on the part of the forestry department. That is, the RFD is reluctant to trust the competence of villagers to manage forest reserve land. This situation illustrates the observation by Obaidullah that, outside support and information are contrary to self-reliance when they include implicit power relations through which outside decisions are controlling.<sup>182</sup>

For example, village self-reliance is threatened by the fact that the RFD proposes to grant common property rights to degraded land further from the village. The land under customary common property rights has traditionally been the source of water for irrigation, as well as an area rich in wood, fuel and food. The alternative degraded area offers few benefits in the short term. In addition, the area selected by the RFD does not contain the village water source. Therefore, the key connection between the forest and the community is broken.

The results from the case study clearly indicate the difficulties in implementing the bottom-up approach to development in Thailand. Input from the community is restricted in that it must be approved at all levels of the decision-making hierarchy. (see figure 4) The major problem

is that the village has no real power or autonomy.<sup>183</sup> "Although the Tambol Council was created to practice democratic self-government at a lower level of the state administration, the council, in its operation has been budgetarily and administratively under the supervision of district officials and therefore, measures to encourage self-government have been relatively unsuccessful."<sup>184</sup>

To ensure the self-reliance of villagers after a project is completed, local organizations and institutions need to be strengthened and induced to work with foresters. The strength of the village institution will assure the success of the project after the support of the RFD is withdrawn.<sup>185</sup> Results from this case study indicate that although the RFD is trying to focus attention on indigenous species and knowledge of the environment, it is not willing to provide tenure to land where customary common property rights have applied. To complicate matters further, rather than focussing on the irrigation committee, which is the local level institution traditionally responsible for forest management, the RFD has created a new institution: the forest conservation committee. Since this new institution lacks participation from all villagers, which the irrigation committee maintains, it will be more difficult to gain support for its decisions from the rest of the community.

#### 5.4 LESSONS FROM HUEY KAEW

Although rural empowerment is one objective of community forestry, community forestry cannot achieve this objective on its own. That is, while common property rights are intended to promote rural development by increasing the rights of people to the land they use, these rights are only as strong as their enforcement and only as valuable as the benefits which they secure.<sup>186</sup> Success therefore, depends on legal recognition and support.

This does not imply that legislating common property rights is a simple matter of turning all control over indigenous forests to communities such as Huey Kaew. Where the customary system of common property management has broken down it will require time and support to rebuild the system from the roots. But in the long term such projects will be more successful in preserving indigenous forests and building self-reliant communities, than present forest management.

The situation in Huey Kaew is unique in that it is the first time the Thai government is considering granting common property rights in state forest reserve land. However, this does not mean that "legal" tenure is necessary for successful common property management. There are examples of successful management of indigenous forests such as Tung Yao which have been maintained despite the nationalization of forest resources. But in the

contemporary setting of the centralized state bureaucracy, and increasing conflicts over land rights, legal tenure is crucial for the survival of forest dependent communities and the knowledge they possess.

There is a need to improve the ability of foresters and the community to work together in the process of delineating property rights and designing an appropriate management plan for community forestry. In the past, foresters have not been involved in extension activities such as those necessary for community forestry.<sup>187</sup> The curriculum in the only forestry school in Thailand, at Kasetsart University, has tended to isolate foresters from the people instead of training them to work "with" rural institutions that need forest resources to develop their communities.

Another aspect to emphasize in the argument for common property rights in forest reserve land concerns foreign aid to Thailand. That is, successful local control is gaining importance with the shrinking of foreign aid which Thailand has experienced.<sup>188</sup> With less development money to support projects in Thailand, it could be anticipated that the responsibilities of the Royal Forestry Department will increase. If the department is presently unable to effectively manage resources in forest reserves it could be assumed the situation will become worse. By incorporating common property rights into existing policy both the

government and rural communities would benefit. Rural communities dependent on indigenous forests would secure access and benefits from forest reserves and the state could find a viable alternative for conservation and sustainable forest management.

In conclusion, this study offers many lessons on the practical reality of accommodating common property rights within national forest legislation, as well as, important insights into accommodating bottom-up development within a centralized state bureaucracy. The future of rural communities, such as Huey Kaew and Tung Yao, and their ability to plan for forest resources themselves depends upon changes in present forest legislation.

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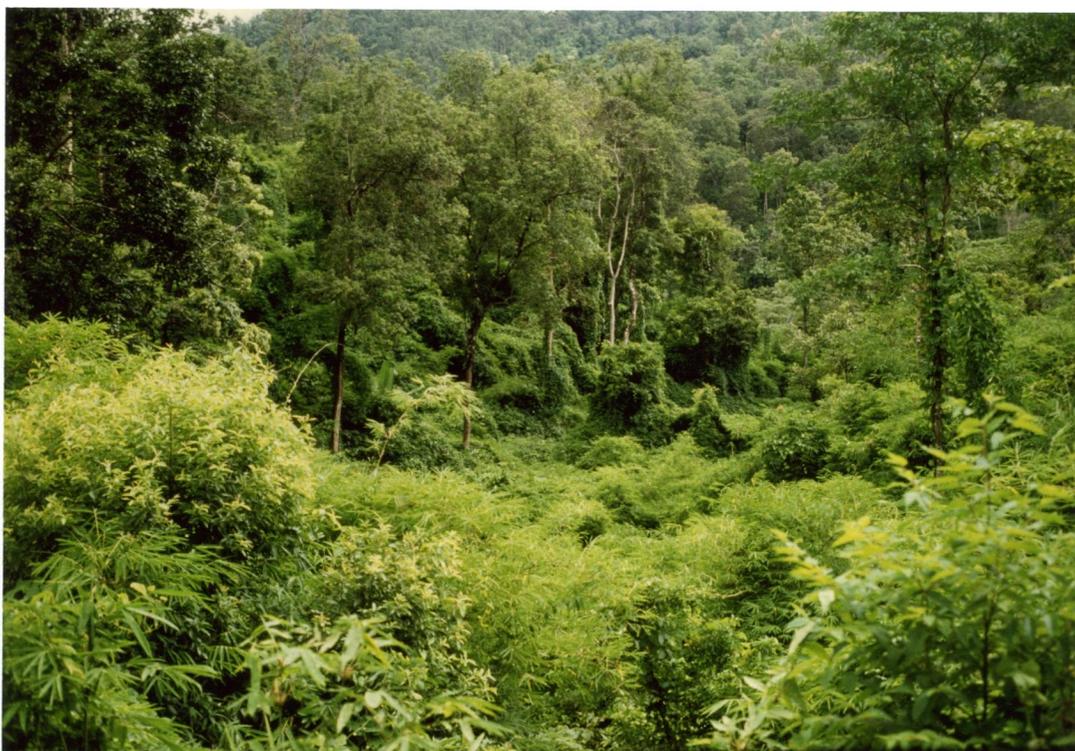
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## APPENDIX 1

## PHOTOGRAPHS FROM HUEY KAEW



1. Transition Zone Between Dry Deciduous Dipterocarp and  
Mixed Deciduous Forest

Dry deciduous dipterocarp forest occurs at lower elevations and contains various species of bamboo. This area provides a source of firewood and many wild foods and medicines. Mixed deciduous forest occurs at higher elevations and contains many commercial species such as teak.



## 2. Collecting Bamboo Shoots

This woman has just returned to the village after a full day of harvesting bamboo shoots. "Normai" or bamboo shoots supplement the family diet, are used for barter amongst villagers and are sold at the District market for cash income.



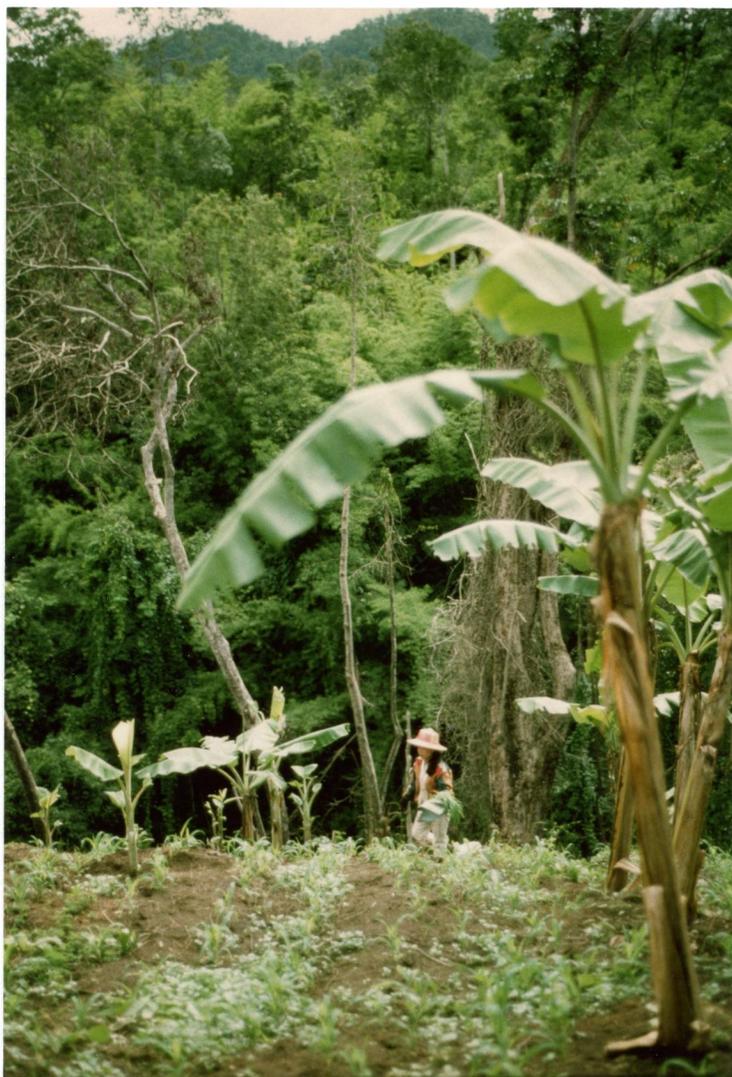
### 3. Irrigation Canal

Common property forest is the source of a stream which flows through Huey Kaew and supplies water for rice cultivation and home consumption year round.



#### 4. Rice Paddy

Rice paddy surrounds the village and extends to the edges of the forest. Fruit trees such as banana and papaya are cultivated along this interface. The edge of the forest is also a grazing area for water buffalo.



5. Woman Tending Banana Trees

Banana and other fruit trees are cultivated along the edges of the forest.



#### 6. Collecting Mushrooms

During the rainy season women often spend 2-3 hours per day collecting mushrooms to supplement the family diet and use for barter amongst villagers.



### 7. Harvesting Trees

These men are harvesting trees to supply the local wood carving industry. Sale of wood provides cash income for landless villagers.



#### 8. Cooking Over Wood Stove

Small fuel efficient stoves are used by all villagers in Huey Kaew for cooking. Fuelwood is collected in land classified as dry deciduous dipterocarp forest. This is not within land classified by the RFD as conservation forest.



9. Rest House in Rice Paddy

This structure offers protection from sun and rain. Built from local resources, leaves collected from forest are a traditional roofing material.



10. Finishing Boards for House Construction  
from Locally Harvested Trees.



#### 11. Traditional Houses

Few villagers of Huey Kaew expect that their children will be able live in such houses as trees are no longer as abundant as they once were.



12. Water Buffalo Grazing  
Edges of the forest provide grazing areas for water buffalo.

## APPENDIX 2

## LIST OF INTERVIEWS

- \* Aot & Ying, Landowners in Huey Kaew, July - August 1990.  
Attavavutichai, Sukum, Professor, Thammasat University,  
October 1992.
- \* Ba & Aoi, Landless villagers in Huey Kaew, July - August  
1990.
- \* Bong & Goi, Landless villagers in Huey Kaew, July - August  
1990.
- \* Chalad & Mai, Landless villagers in Huey Kaew, July -  
August 1990.
- \* Chai & Lek, Landowners in Huey Kaew, July - August 1990.  
Demaine, Harvey, Professor, Human Settlements Development,  
Asian Institute of Technology, June 1990.
- \* Dtik & Chu, Landless villagers in Huey Kaew, July - August  
1990.  
Ganjanapa, Niporn, Forester, Royal Forestry Department,  
Chiang Mai and member of Huey Kaew Community Forest Action  
Committee, July - August 1990.
- Gitmee, Wichai, National Reserve Forest Conservation  
Officer, Royal Forestry Department, Chiang Mai, July 1990.
- \* Jumsai, Landowner in Huey Kaew, Village Headman and Kamnan  
(leader of Huey Kaew Sub-District), July - August 1990.
- \* Kai & Chang, Landless villagers in Huey Kaew, July -  
August 1990.  
Keowai, Sonchai, NGO Worker, Project for Ecological  
Recovery, Chiang Mai and member of Huey Kaew Community  
Forest Direction Committee, August 1990.
- Naayudhaya, Kingkorn, NGO Worker, Northern Development  
Workers Association and member of Huey Kaew Community Forest  
Action Committee, July - August 1990.
- Patchiaporn, Research Associate in Forest Conservation,  
Royal Forestry Department, Chiang Mai, July 1990.
- Phirmphongsacharoen, Witoon, Environmental Lawyer, NGO  
Director, Project for Ecological Recovery, Bangkok, May &  
August 1990.

Pragtong, Komon, Senior Community Forest Officer, Royal Thai Forestry Department, Bangkok, May & June 1990.

Ramithanondh, Shalardchai, Professor, Department of Anthropology and Sociology, Chiang Mai University and member of Huey Kaew Community Forest Advisory Committee, July - August 1990.

Rojanapo, Pornpimon, Graduate Student, Human Settlements Development, Asian Institute of Technology, June & July 1990.

\* Sem & Malee, Landowners in Huey Kaew, July - August 1990.

\* Sukwong & Choey, Landless villagers in Huey Kaew, member of Village Forest Conservation Committee, and member of Huey Kaew Community Forest Direction Committee, July - August 1990.

Tankimyong, Uraiwan, Resource Management and Development Project, Department of Anthropology and Sociology, Chiang Mai University and member of Huey Kaew Community Forest Advisory Committee, July - August 1990.

\* Udom & Pranee, Landowners in Huey Kaew, July - August 1990.

Vaddhanaphuti, Chayan, Director, Social Research Institute, Chiang Mai University and member of Huey Kaew Community Forest Direction Committee, July - August 1990.

Weber, Karl, Professor, Human Settlements Development, Asian Institute of Technology, June 1990.

\* Yong & Suripan, Landowners in Huey Kaew, leader of irrigation committee, July - August 1990.

\* Names with asterisk are fictitious

APPENDIX 3  
CHECKLIST OF QUESTIONS

PROPERTY RIGHTS

Where is the common property forest located? How many rai?

Who manages this forest?

Who benefits from this forest?

Will the "community forest project" grant common property rights to this land?

LAND USES

What land uses are associated with the common property forest?

Have you observed any changes in these land uses?

Will the "community forest project" provide the same land uses associated with the common property forest?

FOREST DEPENDENCY

Do you own land for rice or crop production?

How often do you go to the common property forest for resources?

How would your life change without access to this forest?

USES FOR INDIGENOUS SPECIES

What resources do you obtain from the forest and what are they used for?

Are these resources for subsistence or income?

Will the "community forest project" provide access to the indigenous species which you depend on?

### ROLE OF TRADITIONAL INSTITUTIONS

Is there a village institution responsible for governing the use of forest resources? Who are its members? Is it effective?

Does the "community forest project" acknowledge the role of this institution?

### SOCIAL CONTROLS AND SANCTIONS

What rights and responsibilities exist regarding the use of forest resources? How are these enforced?

How effective are these social controls and sanctions in controlling the use of forest resources by members of the community? By people from outside the community?

### GRASSROOTS ORGANIZATION

Were you involved in the protests over the forest concession? Why? / Why not?

Are you involved in the "community forest project"? Why? / Why not?

### PARTICIPATION IN DECISION-MAKING

What degree of control in decision-making for forest resources does the community have?

What are the links between the village, the sub-district, the district, the province and national levels of planning for forest resources?

Is the "community forest project" responding to the needs of villagers?

### AVAILABILITY OF TECHNICAL SUPPORT

Who is involved with the project? What are their roles?

How effective is their support?