

Can biodiversity conservation go hand in hand with local livelihoods?

A case of conflict resolution in Thailand

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In a case from Kanchanaburi Province, the resolution of 20 years of conflict over statutory versus customary claims to the forest shows how participatory processes can serve to reconcile conservation and livelihood goals.



RECOFTC/RAWEE THAWORN

Villagers describe the escalation and resolution of conflict in Teen Tok

Conservation of biodiversity in tropical forests is inarguably urgent. The world has lost much of its forest, particularly in the past four decades (Bryant, Nielsen and Tangley, 1997). In response, over the past 20 years, international demand for better conservation has grown, reinforced by such global instruments and objectives as the Convention on Biological Diversity and the Millennium Development Goals. The ratio of protected area relative to terrestrial area has increased in turn (UNEP, 2010). In Asia and the Pacific, while reforestation efforts have helped decrease overall forest loss, loss of natural forest has continued (FAO, 2010).

One key question that has remained heavily debated is whether biodiversity conservation can go hand in hand with the livelihoods of local people. Around the world, conflict has consistently accompanied national park development

(Coad *et al.*, 2008; McNeely and Mainka, 2009; Redford and Fearn, 2007). This article examines a case in Kanchanaburi Province, Thailand, where policy related to national parks was having an impact on people's livelihoods at the local level.

The article challenges the conventional paradigm of conservation, which is one of strict exclusion, premised on the necessity of distancing humans from nature to ensure its protection. This paradigm, based on a conception of ideal wilderness, envisions no role or room for local people. In pursuing it, governments often severely restrict livelihood activities in conservation areas or resettle residents elsewhere, with consequent conflict over the land. In recent years, accordingly, such actions have been challenged as neither ethical nor pragmatic.

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A villagers' home situated within the boundaries of the Sri Nakarin Dam National Park for over 20 years prior to national park establishment: provisional areas for subsistence livelihoods are permitted in protected areas for villagers that settled in that area before the protected area was declared



RECORD CHANGE: THAIWORN

While marrying conservation and livelihood objectives is neither easy nor straightforward (Brown, 2002; Adams *et al.*, 2004), the case described here shows that it can be achieved using a supportive mediation process which can reconcile conflicting goals. Building on research from elsewhere (Berkes, 2007), the article emphasizes that partnership with local communities is a key to the success of forest conservation initiatives.

CONSERVATION POLICY IN THAILAND

Conservation policy in Thailand developed in the 1960s in response to widespread deforestation. Using the National Park Act (Government of Thailand, 1961) as the guiding tool, the Thai State has shifted its focus away from logging and towards forest conservation. This shift is reflected in the 1960 creation of what is now the National Parks, Wildlife and Plant Conservation Department; in the 1989 logging ban; and in the target set by the State for park establishment, which was revised upwards from 15 percent of all land in 1981 to 25 percent in 1994. In pursuit of these targets, 108 national parks have already been gazetted, 40 more are planned and as much as 80 percent of the land is under protection in some provinces (Forsyth and Walker, 2008; Usher, 2009).

The 1961 legislation explicitly forbids that anyone carry on any activity for economic benefit in a national park, unless permission is obtained from the competent official (Government of Thailand, 1961). These activities include many that pertain directly to subsistence and land-based livelihoods. Specifically,

Section 16 of the National Park Act states that within the national park, no person shall “hold or possess land, nor clear or burn the forest”. It is also forbidden to “collect, take out, or do by any means whatsoever things endangering or deteriorating”:

- woody plant, gum, yang wood oil, turpentine, mineral or other natural resources;
- animals;
- orchids, honey, lac, charcoal, barks or guano;
- flowers, leaves or fruits;

Until 1997, the procedure for establishing a protected area was largely perfunctory. A National Parks Committee would decide what land should be protected, and the National Parks, Wildlife and Plant Conservation Department would draw boundaries in a non-discriminating fashion, with neither ground surveying nor public consultation. This led to numerous conflicts, some of which lasted for decades.

Some progress was made with the new Thai constitution introduced in 1997, which includes a clause requiring a more comprehensive approach to park establishment, stipulating that affected stakeholders have a right to participate (Government of Thailand, 1997). The

current procedure requires that communities be consulted and allows for the possible exclusion of a community’s affected lands from the protected area following consultation and negotiation.

In addition, in 1998 the Thai Government passed a provision to allow for subsistence livelihoods in protected areas, provided that villagers had settled there before the declaration of the protected area.

In 2001, learning from various conflicts over protected areas, the government noted the importance of community involvement in managing parks (Royal Forest Department and IUCN, 2001):

The expansion of the national protected area estate through the declaration of new sites and the expansion of existing ones needs to be carefully reviewed... Care must also be taken to avoid creating potential for subsequent social conflict due to the overlap of protected areas with community lands. Communities living in or around national parks must be involved in park management.

Yet almost ten years later the paradigm of exclusionary conservation persists in the National Park Act. Protected areas now make up around 23 percent of all forests in Thailand (Usher, 2009), and at

least 1 million people live in them. Nonetheless, legislation does not address historic claims. Forcing the exclusion of people with customary claims has had high social costs. Evictions, arrests, home demolitions and armed protests are commonly described (Hares, 2009; Leblond, 2010; Usher, 2009). Protected area policy is still the number-one source of land-use conflict in Thailand. Between 2002 and 2006, of the 91 cases of forest conflict officially filed in Thailand, 81 took place in national parks (Chairoos and Kriyulwong, 2007).

THE CASE OF TEEN TOK VILLAGE

Teen Tok Village is located in Kanchanaburi Province in Thailand, roughly 140 km from the provincial capital. Villagers and their ancestors have been settled in the area for 250 to 300 years. The larger community comprises a cluster of six villages, of which Teen Tok is one, situated along the Ploo River near the Sri Nakarin Dam.

The total population of the village is

252 households, with 1 129 people, the majority of whom are Karen Po ethnic minority. The main livelihood of the village dwellers is agriculture, principally rain-fed rice cultivation for household consumption. Approximately 80 percent of the villagers also cultivate field crops (mainly maize), as well as some vegetables and fruit, for sale. Intermediaries generally come to the village to transport their produce to the provincial capital or to Bangkok for sale.

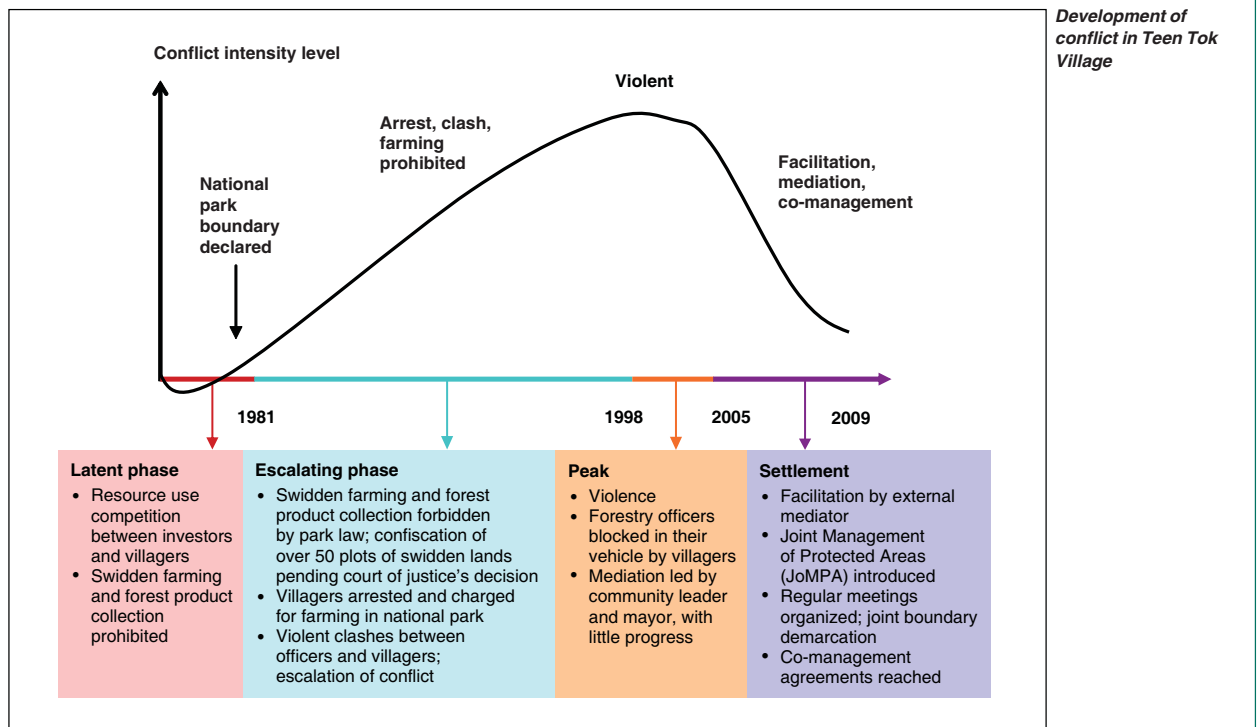
Two protected areas were declared in the area by the government in 1981 – the Sri Nakarin Dam National Park and Chalerm Rattanakosin Forest Reserve – using the non-consultative approach of the time. Both the national park and the forest reserve overlap with the Teen Tok village lands. Consequently, livelihood activities such as farming, hunting and rice cultivation came to be considered illegal and prohibited. This was the start of what turned out to be a long struggle over “who owns the land” in Teen Tok.

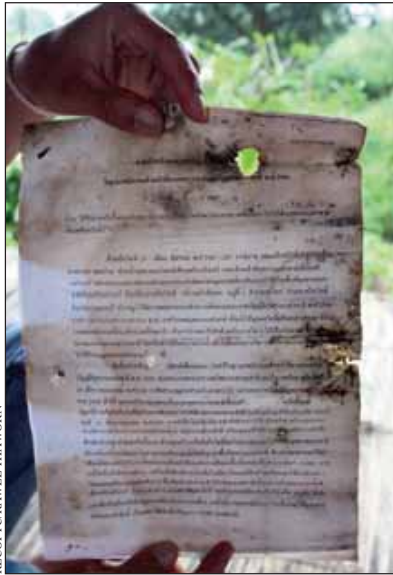
The conflict

Although low-level competition for resources had existed since the 1960s, conflict between villagers and national park officials began in 1981 (Figure) when the government declared protected areas on land overlapping with that of Teen Tok village. By declaring the land protected, the State claimed a statutory right to the land used by the community, a claim that conflicted with Teen Tok village’s claim of customary right.

A second and important cause of conflict was the absence of community consultation prior to the establishment of the two protected areas. The local community in Teen Tok had no opportunity to request that certain resources key to their livelihoods be excluded from the boundaries or included in the park’s management plan.

Beginning, then, in 1981, national park officials, enforcing State legislation and adhering to pre-drawn boundaries, began to confiscate the land that villagers were using for swidden farming. More than





Document for a villager's arrest, confiscation of his land and a 5 000 Baht (US\$150) fine for land cultivation, citing the 1961 National Park Act as its basis

50 plots of fallow land were confiscated, and as a result the fallow period for the land that remained in cultivation was shortened and the village's food security reduced. At least three villagers were arrested for continuing to farm on the disputed land.

Distressed by the loss of their land and livelihoods, villagers largely adopted a strategy of everyday resistance. Rather than collectively resist park development over the next 15 to 20 years, villagers mostly acted individually by continuing to cultivate the land. During this period they lived in perpetual anxiety, as recounted by a villager:

The day I was felling trees in the swidden field to clear land for paddy cultivation, I was in constant fear and paranoia. Suddenly, I saw the forestry officer approaching me. With panic, I ran as fast as I could and while running for my life, I had to kill two of my most beloved dogs that were barking and running away with me by hitting them on their heads until they died, for fear that their barking would lead the forestry officer to successfully locate and arrest me.

The number of arrests and land confiscations gradually increased, especially

towards the late 1980s and early 1990s. By 1994, villagers had been forced to shorten the fallow period from between five and seven years to between two and three years. In 1995, when forest land was opened to private business investors who wanted to develop a mulberry plantation to raise silkworms and to plant maize, villagers experienced even greater resentment, viewing this decision as a double standard.

In 1999 the conflict escalated again, nearing violence, despite the cabinet provision of the previous year permitting subsistence livelihoods in protected areas. After the arrest of some villagers who were levelling land in preparation for constructing a house, and the detention of forestry officers by villagers for half a day in retaliation, the head of the national park came to negotiate with the villagers. A compromise was reached allowing villagers to cultivate swidden lands for a period of five years.

Although these negotiations somewhat improved relations, no lasting solution was achieved.

Reconciliation and agreement

In 2004, the Sueb Nakhasathien Foundation, which had been working in and around Teen Tok since 1990, opened the path to reconciliation. The foundation helped mediate the conflict as part of the Joint Management of Protected Areas (JoMPA) project initiated by the Danish International Development Agency (DANIDA) to test the 1998 provision in pilot sites. Partners in the project included villagers, the Department of National Parks, Wildlife and Plant Conservation, and the Ministry of Natural Resources and the Environment.

Initially, the JoMPA project aimed at establishing mutual understanding between villagers and national park officials. Monthly community meetings for villagers and a village committee were established to act as information-sharing fora. In 2006, the foundation, community members and national park officials, working together, marked forest areas for

Following the exclusion of their cultivated lands from protected area boundaries, villagers are now able to plant and harvest maize





Teen Tok villagers are again able to harvest bamboo from the forest following an agreement with national park officials made during the process of conflict mediation

Forest Protection Volunteer Network with the five other villages in the cluster, to function as a community network for forest protection, forest care, forest fire watch and management for the whole forest area. Over 150 volunteers now regularly conduct forest patrols with the national park officers.

CONCLUSIONS

The case in Teen Tok demonstrates how less exclusionary policy and more dynamic arrangements between local players and managers at the State level can be better for both people and conservation. Not only are 150 villagers now helping monitor the forest for forest crimes, but two decades of antagonism have been reversed.

As regards management, flexibility in position, with concessions on both sides, was crucial towards achieving a resolution. This case also suggests the importance of an external mediator. The presence of the Sueb Nakhasathien Foundation in coordinating and facilitating the JoMPA project was essential, allowing villagers and government officials to understand the perspective of their counterparts.

Conservation approaches that neglect local livelihoods are likely to fail. This article establishes that a participatory approach to the management of protected areas may allow for the reconciliation of conservation and livelihood objectives. Partnership with local communities is vital to the success of conservation initiatives.

A number of generic lessons can be drawn from the case of Teen Tok, which may be useful for broader application in Thailand and elsewhere:

- Early consultations with resident local populations prior to decision-making about land-use changes such as establishment of protected areas should be encouraged. They could draw, for example, from the concept of free, prior and informed consent (FPIC).
- The livelihoods of local communities should be integrated into the management of protected areas.
- In a conflict situation, third-party mediation is necessary to reconcile conservation and livelihood objectives.
- Governments need to recognize and respect community rights to forests and to reform tenure arrangements and land-use policy as necessary to minimize the likelihood of conflict.

The conservation paradigm in Thailand is being revisited in the debate over community forestry. The key argument is over whether communities that rely on the resources contained in protected areas should be allowed to establish community forests within their boundaries. Unfortunately, the 2007 version of the community forestry bill did not include such provisions and so was declared unconstitutional in November 2009. Nonetheless, the 20-year push for meaningful community forestry continues, and it is keeping the issue of customary claims alive in the natural resource discussion – allowing the possibility that it may help to shape a more modern approach to conservation in Thailand. ♦



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the village's use within the boundaries of the two protected areas. The boundaries now clearly exclude swidden lands. Within the new boundaries, sustainable collection of non-wood forest products (e.g. medicinal plants, leaves, mushrooms and fruits) is permitted according to regulations established by a village institution and agreed upon by national park officials. Another important agreement, particularly for swidden farming, is that the village committee should have advance notice about boundary checks, which are to be jointly performed by both forestry officers and the community committee. Clearly, park officials have made important concessions, and so have villagers.

Regulations for managing and monitoring activities in the park were also established, along with a system of graduated sanctions for violators, ranging from boycott of an offender's important ceremonies (e.g. weddings or funerals) by other villagers, for example, to informing national park officials as a last resort.

Building on this success, Teen Tok village's Forest Conservation Network has expanded to include neighbouring villages. In 2008, the village created a



A villager of Teen Tok points to the patch of forest the community is hoping to turn into an official community forest with the support of local officials and national legislation

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