

CHAPTER 4

CONTESTATION AND DISCORDANCE IN COMMUNITY FOREST MANAGEMENT

In the previous chapter, I demonstrated the strategies of land and forest movements in negotiating with the state's policies. The interactions of multiple actors both internal and external in a social movement initiate some new concepts of land and forest management such as community forest. These concepts are introduced to local communities as a tool both for sustainable resource management and negotiation with state authorities. However, the invented ideas are always interpreted and manipulated among different local communities according to the local conditions.

In this chapter, I examined land and forest management in the Pa Bong community in order to understand the relationship and the gap between the connection of social movements and my research community; in other words, between the policy advocacy and the practices on the ground. The implementation of community forest management in this community also manifests in the encounter between the key concepts of natural resource management and rural development; the concepts of common property and private property; and the concepts of the homogeneity and heterogeneity of a community. In the context that the community is encountering globalization, the community is affected by contradictory concepts. On the one hand, private property regime increasingly affects land use and management in the community due to the influence of neo-liberalism. On the other hand, community-based management is initiated and encouraged by social movements. Despite these contradictions, these dichotomous concepts co-exist and are manipulated differently by different community members.

This chapter consists of three main parts. The first part illustrates the connection and connectors between the Northern Farmer Network (NFN) and the villagers in my research community. I view that the Pa Bong community is on the fringe of the NFN and other social movements, in particular during the period of my

research. This has resulted in a loose connection between the community and the social movements and the gap in the imposed ideas of social movements and actual practices of the Pa Bong local people.

The second part investigates the community forest management in the community in order to examine the assumption of the commonality of local communities which is the key idea of the community-based resource management. Through the narratives in this chapter, I will illustrate the contradictions between the concepts and actual practices of land and forest management in some unintended consequences of adopting the community-based land and forest management. This part also presents the heterogeneity of community and the inequity among community members in accessing natural resources. The problematic consequences of imposing a homogenous concept of community forest are not a result of the concept of community forest management per se, but the ambiguity of property rights in this community in the context that the traditional property system is no longer applicable and property rights according to the state's legal system cannot be applied (Anan 2000).

The last part presents the meanings of land and forest to local people other than "conservation". In general, community forest management is a means to conserve natural resources and upland populations are pushed to take responsibility for this forest conservation burden by not encroaching on forestland, avoiding the use of timber products, and not going anywhere near those areas considered "ecologically sensitive". For local people, however, land and forest is important to their lives in dimensions that go beyond only conservation.

In conclusion, this chapter illustrates that on the ground practices of land and forest management are not necessarily consistent with the global fashion of conservation, the state regime, or the claim of broader social movements. Although the Pa Bong community is a member of the Northern Farmer Network (NFN), the negotiating strategies of Pa Bong villagers are not the same as those of the NFN and the social movements that the NFN is involved with. Some conceptions and practices contributed by the NFN are manipulated and implemented on the ground, while those that created problems at the local level are ignored. One of the factors is that local politics is markedly different from national eco-politics. Although the activities of

national level organizations help to limit the state coercion and violation in the policy level, at the local level, villagers still face particular socio-ecological conditions which need different coping strategies. Moreover, a local community is far from isolated and homogenous. The imposition of a community-based approach might not be appropriate without relevance to the power relations within the community members and between community members and outsiders.

4.1 Discordant Connection between the Pa Bong Community and the NFN

“I was familiar with the NFN”.

“Several times I joined the meeting and demonstrations”.

“How is the new NFN’s office? I would like to visit once, if I have time.”

As I was perceived as a NFN worker, during my fieldwork, many villagers started conversations by reminding me of his/her relationship with the NFN and some NFN people. However, many villagers, like a number of those in other communities, did not realize that they themselves were also the NFN. Some others did not even know what the NFN was.

The connection between the Pa Bong community and the NFN was highly dynamic depending on the characteristics of contact persons, the severity of the villagers’ problems, and the interest of individual villagers, etc. These factors were also relevant to broader factors, such as the state policy at the time, and the policy of local NGOs that were also linked to the policy of their domestic and international funders. The strength of the networking between local communities and social movements is significant to how the ideas suggested by the social movements would be implemented or manipulated on the ground.

Engaging with the NFN

The NFN was introduced to Mae Pam village in 1995 by Yoka, a Pga K’nyau man from the Mae Khong-sai community in Amphoe Chiang Dao, Chiang Mai. As a lay minister of the local church, Yoka traveled to many Pga K’nyau communities in

upland areas. At that time, Mae Pam villagers had been threatened with eviction and forest restrictions by forestry officials when they farmed or gathered forest products. Later on, a researcher from Chiang Mai University informed the villagers that their community had been included in the Sri Lanna National Park, established in 1989. As a result the villagers were looking for a solution. Subsequently, some representatives of the Mae Pam village went to a NFN meeting and in 1996 the village became a member community of the NFN.

In the NFN, the Mae Pam village was a member of the Upper Ping River watershed network, which was one of six sub-watershed networks in the NFN. Some Mae Pam leaders were recognized by many NFN leaders since they joined the NFN activities regularly. For example, Sukdi⁶⁵ a leader from the Ban Pong community and Bun from the Pa Bong community were elected to be in the core team of the Ping River Watershed Network. Besides, several years ago, some Ban Pong and Pa Bong villagers regularly participated in the NFN's activities, such as NFN meetings, sub-watershed meetings, housewives' workshops, youth trainings, and rallies. Despite regular engagement, among over hundred member communities, the name Pa Bong was unknown to the NFN's core team because Pa Bong was lumped together with two other sub-communities to form the Mae Pam village. However, for the Mae Pam villagers, each sub-community was distinct.

According to my observation, the Pa Bong villagers who participated in NFN's activities were mostly from the less powerful groups in the community, such as youth, elderly, and women. They, unlike the formal leaders, could not implement the NFN's policies they had learned from the meetings at the community. Most of them did not even disseminate what they learned to other community members through the weekly or monthly meetings but only to their close relatives through everyday conversations. Some villagers said that they felt discouraged to do so because the other villagers were not united in natural resource management and challenging state authorities.

⁶⁵ He was voted by the Mae Pam villagers to be a member of Tambon (Sansai) Administrative Organization (TAO) for 2 terms after he had been actively involved in the NFN.

In the past, I often went out with *Kiat*, an NGO worker, and visited many NFN member communities. Where is he now? The villagers in this community do not have *kwam samakkhee* (solidarity), unlike people in my home community in Chiang Rai. The villagers there helped each other very well. Hence, *pa mai* (forestry officials) could not arrest or threaten anyone. Because of the weakness of the villagers, I was ashamed and did not want to go out with the NFN anymore (Bun, interview, 21 August 2007).

The NFN had 2-3 NGOs as the main supporters. Despite different sources of income, the NGO workers worked together as one team. They divided into sub-teams according to the number of sub-watershed networks. Therefore, there was a team responsible for the Upper Ping sub-watershed network. The team collaborated with NFN leaders in organizing meetings, creating several kinds of activities, and solving problems of member communities within the sub-watershed network. However, with limited staff, the NGOs and NFN leaders did not visit all the member communities as often as they wanted. Rather, they mostly met community leaders in the NFN's meetings or the network's meetings. The NGOs visited some communities more often than the others because those communities carried out some special activities such as study trips and fund raising. For operating such special activities, the sub-network's members, or NGOs, had to select some communities as the representatives of the entire sub-network.

Compared to the other communities in the sub-network, the Mae Pam village rarely had special activities. There were no study trips for the community forest campaign because the village was not located in a beautiful and scenic landscape attractive to urban people. The villagers' agricultural practice was not "traditional" *rai mun wian*, which could be represented as "ecological friendly agriculture". There was no intellectual elder who could explain Pga K'nyau people's "local wisdom".

As a result, the NGOs did not visit the Mae Pam village as often. The policies of the NFN were mostly transferred to the Pa Bong community by Sukdi who regularly participated in the NFN's and Upper Ping sub-network's meetings, through village meetings and the village committees' meetings. Due to the many steps of communication, the messages were not clearly understood, but they seemed to be "the

model”, “the orders”, or the “regulations”. Although many natural resource management patterns were adopted rigidly, they were always manipulated in practices on the ground, as I will demonstrate later.

Variant Agencies

From 2002, the year I started my first research in the Pa Bong community, the relationship between the Mae Pam village and the NFN was looser than before as a result of many reasons. Two of the reasons were: the change in administration of the NGOs which were the NFN’s supporters due to funding shortage; and the decreasing threat of implementation of the forestry relocation program in the upland areas. The NGO team which was responsible for the Upper Ping watershed network quit their work in this area and no replacement emerged. My colleagues and I, as a freelance researcher and a former NGO worker, went to the Mae Pam village for the research conducted by the NFN, NGOs, and the Social Sciences Faculty of Chiang Mai University.

One representative of each household was requested to participate in our research processes, such as meetings, participatory mapping, focus groupings, and household surveying, etc. Therefore, most villagers knew our team very well, especially through community meetings, even though we could not recognize all villagers. For the Mae Pam villagers, the appearance of my research team was perceived as the continuance of the NFN’s visit. In other words, our team was perceived as the replacement for the last NGO team who worked there. My colleagues and I also represented ourselves to the Mae Pam villagers as the NFN workers. Referring to such connections, the village leaders enthusiastically encouraged villagers to join our activities and so we could undertake our research more easily. The village leaders and our villager assistants explained to the villagers that our research would help to “*solve their land and forest right problem*”.

In April 2004 during the last stage of my first research in the Mae Pam village, two villagers in Pa Bong were arrested and sued for encroachment by forestry officials. I could not avoid engaging in the case since I was requested to help them according to my position as an NFN worker. From the middle of 2004 to the

beginning of 2006, after my first research phase was over, I visited the Mae Pam village or met other villagers at the Chiang Mai City Hall every one or two months about the case. Apart from an activist lawyer who sometimes accompanied us, most of the times I showed up alone except for a few times when one or two NGO workers or NFN workers came along. From March 2006, I visited the community more often than the year I started my preliminary research for this dissertation and continued to do intensive fieldwork in 2007-2008.

My continual appearance in the Mae Pam village maintained the connection between the Pa Bong community and the NFN. However, some villagers knew about my changing position. Some community leaders changed the way they interacted with me, once they learned that I was no longer an NGO worker, or saw that I did not behave as they expected an NGO worker would. Many of them did not visit me at my host family's home as they once did when they perceived me as an NGO worker. However, some villagers allowed me to see some of their real perceptions and everyday life practices on land and forest which many NGO workers would not be allowed to see.

Because the Pa Bong community became less involved with the NFN, the village leaders as well as the other villagers no longer knew who the actual NFN workers were. Several times the village leaders called me for suggestions and assistance when they had problems with state authorities. It was hard to know whether a particular person who dealt with me at the moment contacted me because of our personal relationship or because of their perception of me as NFN. Many villagers who did not know or care what the NFN was also contacted me when they had different types of social or economic problems, not just problems with state authorities.

Apart from myself who was perceived as a contact person between the Mae Pam village and NGOs and the NFN, Sukdi was another key connector in the village. The shifting positionalities of Sukdi related to the highly dynamic relationship between the Mae Pam village and the NFN.

As I already said and will demonstrate more later, Sukdi, in his forties, was a regular and active participant of NFN's activities. He was admired by many NFN leaders and NGO workers and an outstanding leader of the Upper Ping sub-network

of the NFN. He adopted NFN's policies and tried hard to implement them in the village. The personal relationship between Sukdi and NGO workers and NFN leaders was quite close. Sukdi's family often accommodated guests who visited the Mae Pam village. For my first research, he was a key informant, a research assistant, and the main host for my research team.

Besides the NFN, Sukdi also had other extra-local connections, especially Protestant organizations as he was a lay minister of the church in the Ban Pong community. Through his wide connections, in some years the community was provided funding by Protestant organizations. It appeared that Sukdi is highly respected by Mae Pam villagers as well as villagers in neighboring communities. A villager told me that the villagers sympathized with Sukdi as he worked hard with the NFN as the representative of the community. Hence, we collected 5-10 baht each to support his transportation. When he joined the demonstration in Bangkok, the villagers assisted him to farm, and gathered food and money for him. However, the money collection was stopped after the NFN had budget to support the transportation of NFN leaders (Sukdi, interview, 3 September 2003).

In 2002, Sukdi and other village leaders gathered Mae Pam villagers and Huaisan villagers, who were Khonmueang or lowland Thai, to protest against the head of Sri Lanna National Park 4, a forest protection unit of the Sri Lanna National Park because the Park did not allow the construction of a highway through Phrao to Chai Prakan which had to pass the national park for about twenty kilometers. As a result of the protest, the head of the Sri Lanna National Park 4 was transferred to another unit.

In 2001 Sukdi was voted by the village members to be a TAO member. It can be said that this was partly because the villagers appreciated his connection to the NFN. Sukdi said; "Before I did not have a chance to talk, nobody wanted to listen to me. I thought that if I had become a TAO member, I would be a villagers' representative to talk about the community's problem" (Sukdi, interview, 3 September 2003). However, I saw Sukdi became a good TAO member rather than a good NFN leader. The more Sukdi joined TAO activities, the less actively he participated in the NFN.

I am on many sets of committees at the same time, concerning religion, TAO, the NFN, etc. Often many meetings occur in the same day. I have to choose to not join some activities. I did not join the NFN's meeting last time because of my niece's wedding day and the next day I had to participate in the TAO's meeting. (Sukdi, interview, 21 March 2006)

This was similar to the situation of many NFN members in other communities. TAO members devoted their time for TAO's activities. Most activities involved budget administration for "local development" such as building roads, developing village infrastructure, promoting supplementary source of income generation, and organizing local festivals. Additionally, TAO and other newly emerged channels at the local level could be spaces for negotiating or for proposing villagers' demands replacing the spaces provided by the NFN. However, those spaces might not be used for contesting the power of state authorities.

Some villagers in Pa Bong complained that they were disappointed with Sukdi after he became a TAO member because he was not active in helping Pa Bong villagers when they confronted or negotiated with state authorities. Rather, Sukdi tended to compromise the interests of both sides leaving the villagers at a disadvantage. I asked Sukdi his strategies to compromise among many parties' interests. He answered that:

It's not easy being a TAO member. I have to maintain a good relationship with not only two but three ways; villagers in the community, state authorities, and leaders of other communities such as Kamnan, village head men, and other TAO members. The last group often pushed me to the front when there was a confrontation between local people and state authorities, even though those leaders were northern Thai people. In order to maintain a good relationship with state authorities, I sometimes allow them to know some in-depth information. I also have to make them respect us as well. Some leaders asked me if I wasn't afraid of state authorities and why was I brave to confront them? I said that I knew the laws. Because of this knowledge, the others admire and respect me (Sukdi, interview, 21 March 2006).

In 2008, Sukdi cooperated with forestry officials for cadastral survey according to the Cabinet Resolution (CR) on June 30, 1998. He did this despite the fact that the NFN and the CFN opposed this cabinet resolution and had explained the unfairness of the CR to him several times.

I was disappointed with Sukdi as he accepted the implementation of the Cabinet Resolution of June 30, 1998. I did not visit him as often as before and it seemed that he noticed my reaction. However, for the recent case in 2008 that two Ban Luang villagers were charged wrongly (see Chapter 2), Sukdi and I had to work together again. Sukdi prominently returned to claim the NFN's identity and tried to draw me into the case.

When the problem occurred, I was visiting the Pa Bong community as usual once a month. The TAO member in the Pa Bong community visited me at my host family and consulted me about the processes of the court decision with his confusing information. Then I visited Sukdi at the Ban Pong community for more information. Sukdi requested me to go to Ban Luang with him to discuss with Ban Luang villagers directly. I wondered about Sukdi's hidden reasons in engaging in this case because some Pa Bong villagers complained to me that Sukdi was not as active in assisting villagers as before. As I mentioned in Chapter 1, there were three villagers who were facing legal charges, two Pga K'nyau from the Ban Luang community, and one Lahu man from the Ban Pha community. I asked Sukdi whether or not he and Ban Luang villagers would like to help the Lahu man. Sukdi hesitatingly replied, "*Maybe not, because the Lahu man and his community are not in our network.*"

I hesitated about my position that I would present to Ban Luang community and how I would be presented by Sukdi. I also suspected that Ban Luang villagers perceived the NFN differently compared to before due to their decreasing engagement in the NFN. Some NGO workers told me that Ban Luang villagers had declared that they were no longer a member of the NFN because they could take care of themselves. However, due to these cases, I found that some Ban Luang leaders also contacted an NFN worker whom they knew requesting him to solve the problem. Undoubtedly, Sukdi, Ban Luang leaders, two activist lawyers, and I were involved in this case on behalf of NFN members. However, for the prosecuted villagers, we might

be just “somebody” who attempted to help them, while they did not know who or what the NFN was.

In order to understand the implementation of the ideas introduced by social movements, this section discussed the paths of connection between the NFN and Pa Bong community, and some background to the key connectors who receive and impose ideas in the community. The success of implementing ideas on the ground depends not only on the contact persons’ potential for message transmission, but their agency of constantly strategizing, manipulating, and making choices about their own acts and identity. The multiple positionalities of contact persons illustrate that a contact person is embedded in their own social, political, and economic structures, which in turn shape how she or he handles any given situation.

4.2 Community Forest Dissidents

A man in his thirties was taken aback when he saw me while he was carrying a big log back from the forest to the community one evening. I teased him that I had found a “forest destroyer”. He immediately became defensive and responded: “Don’t say like that. Forest officers cut far more timber than us.” According to the community forest management model, commercial logging was absolutely banned and the use of non-timber products for commercial purposes was also limited. However, after my long stay in the community and when the villagers learned that I would not make any trouble for them, I was allowed to know that there were many loggers in Pa Bong.

The NFN always represents its members as forest guardians who have conserved the natural resources in uplands for a long time and volunteer to continue this role. It is a political strategy to challenge the state conservation policy and to contest the dominant and sometimes derogatory discourses of uplands, forests, Pga K’nyau (Karen), *chaokhao* (hill tribes), and *rai-leun-loi* (shifting cultivation). On the ground in the Pa Bong community, however, I did not hear any Pa Bong villagers explicitly claiming they were forest guardians. Moreover, some older villagers complained to me that the younger members did not like to join the NFN’s activities

as much as the older people did. This brought me to the question: Is this community not a good member of the NFN, in the network of forest guardians?

This section is devoted to the examination of the community forest management in the Pa Bong community as the implementation of the ideas promoted by the community forest movement. I propose to illustrate the complex situation on the ground in which the villagers cannot be simply judged in black and white as having either this or that identity.

Implementing Community Forest

Although there is not yet an officially declared Community Forest Act, community forest management had been implemented in several forest communities. A significant symbol of formal community forest management is a community forest map that illustrates the community boundary and the categorization of land use within a community. Mapping was a part of the data systematization of the community forest area according to the project of “Ordination of 50 Million Trees in Community Forests for the 50th Celebration of His Majesty the King's Accession to the Throne” conducted by the NFN and its NGO allies in 1996. In that year, Mae Pam first became a NFN member community. Wira assisted Mae Pam villagers in making the community forest map. He was a Pga K’nyau man who became a member of Mae Pam by getting married to a community member, and took part in NFN activities as a core team member of the NFN. He also collaborated with villagers in other NFN member communities to make their community forest map in the same pattern.

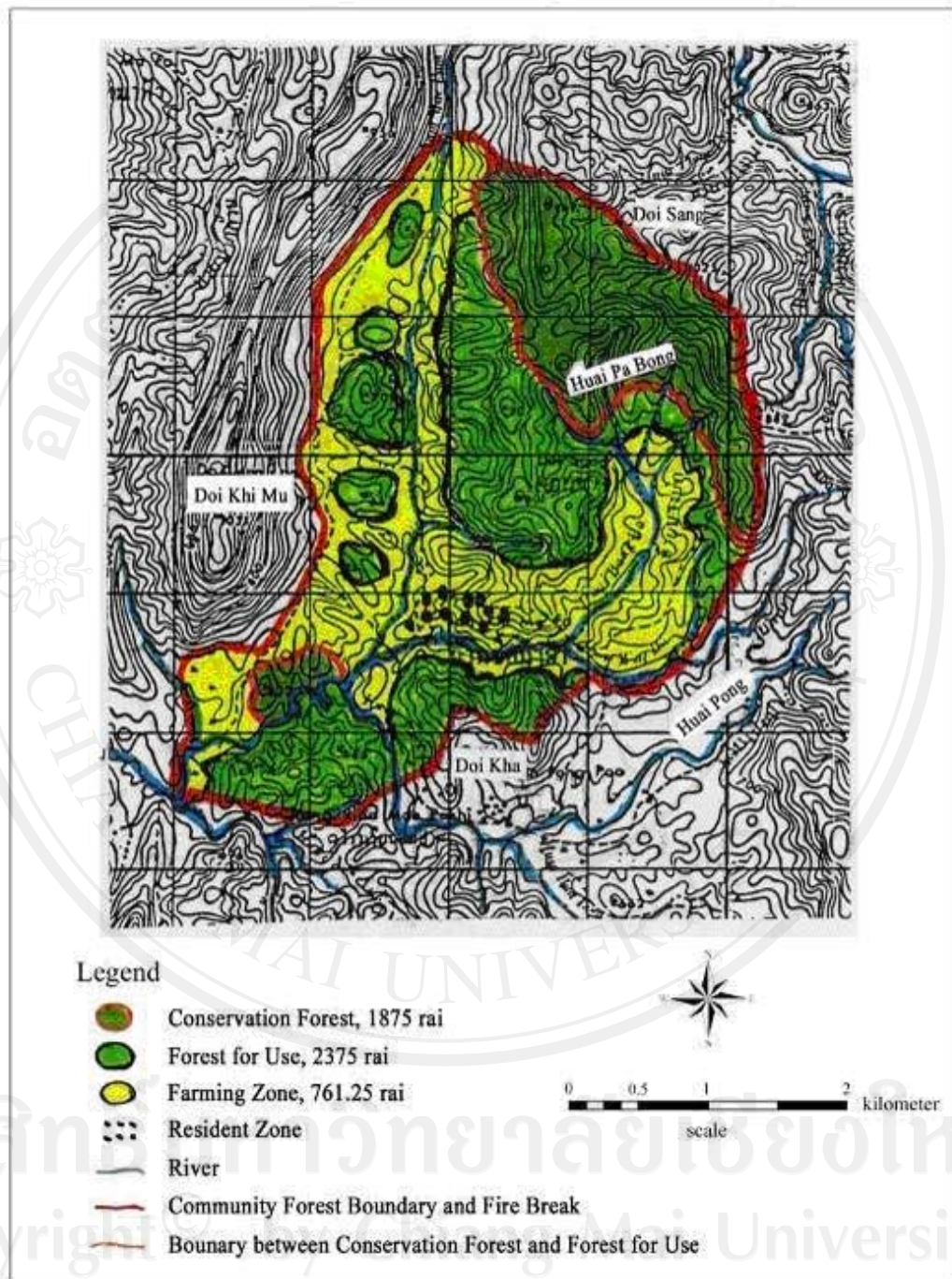
The drawing of boundaries on the map was based on natural landmarks shown in the military map such as natural streams and ridges of hills where villagers have utilized land or natural resources. The mapping not only claimed a clear boundary between the community territory and the state forest. It also resulted in the demarcation between nearby communities. In order to make natural resource management understandable for public advocacy, visual aids such as maps and photographs, as well as providing land area measurements, are useful. However, in the case of Pa Bong community, as other local communities, the map is not detailed

enough to reflect the complicated land use in small areas. Likewise, the attempt to draw a rigid boundary between communities could not reflect the grounded reality.

The Mae Pam administrative village at that time consisted of five communities. However, only Ban Pong, Pa Bong, and Ban Luang, (Pga K'nyau communities⁶⁶, were included in this mapping. Sukdi revealed that the villages in Pa Du (Lisu community) and Ban Pha (Lahu community) did not join the NFN because they did not want to stop commercial logging and turn to conserve forests. The three Karen communities shared the same area of 11,294 rai of community forest. It was classified as 6,785 rai of conservation forest, 4,509 rai of utilization forest, 150 rai of ordained forest. The lands inside the Pa Bong community were demarcated as: 1) resident zones, 2) farming zones (761.25 rai which are upland farms and wet rice farms) and 3) community forest zones (1,875 rai of conservation forest, 2,375 rai of forest for use). The areas were estimated based on the scale of the military maps with the assistance of NGOs. (see Map 4-1)

One day during my fieldwork, Tupho took me to walk to his paddy field. It was far from the residential areas of the community but close to the lands demarcated as the Ban Pong community. On the land, there was no marking of the boundary. I could not even distinguish the plots of land. However, Tupho pointed to many plots and told me the names of the land owners. Many plots owned by Pa Bong villagers were in the boundary of the Ban Pong community according to the map made with the NFN. It was true when I found that many people from the Pa Bong community had to walk a long way to farm very close to the Ban Pong community. Later on, I made a sketch map showing land use and land owners in the Pa Bong community. I also found that many plots of land in the Pa Bong boundary belonged to people who were not Pa Bong community members and many plots of land that belonged to Pa Bong villagers were outside the Pa Bong boundary. Tupho told me that when Wira and community leaders demarcated the community boundary on the map, they had known that the mapping did not reflect reality.

⁶⁶ In 1999, the three communities of Mae Pam village Moo 12 were designated as a village. Therefore, Mae Pam village consists of three communities: Ban Pong, Pa Bong, and Khi Mu.



Map 4-1: Pa Bong Community Forest Map

Source : The Northern NGO Coordinating Committee on Development (1998)

Despite landscape demarcation, the Pga K'nyau villagers in the three communities, Pa Bong, Ban Pong, and Ban Luang have a long history of crossing community boundaries, e.g. by intercommunity marriage among the three communities and other neighboring communities. It resulted in scattered land use across each community boundary. At the same time, the villagers from those communities have used the natural resources overlapping within the same forest areas. Mapping technology itself is problematic as it is restrictive and cannot reflect many complicated social factors. These social factors change over time and are often disregarded by people who make the map. Although the "counter map" has been one of the crucial apparatuses used in the NFN's negotiation with the state, the Pa Bong villagers did not use the map. It was kept in Sukdi's house, as an important document, but never used. Presently, nobody knows where the map is and most Pa Bong villagers do not even know or remember that such a map existed.

According to my observation, the counter map is not actually utilized for community forest management, but more for public campaigns in this community as well as in many other communities. Therefore, I was interested in the practical side of community forest management and the use of other apparatuses. During my first research phase in 2003, I asked the villagers whether or not the villagers protected their community forest from degradation by outsiders. In community meetings, community leaders told me that they found it difficult to protect their community forest from destruction by outsiders because outsiders came to log and gather non-timber products within their community forest. As the community forest connected to other communities in Phrao and Chiaprakan districts, outsiders could access the forest in many ways. Pa Bong villagers once made a written regulation, "do not log, burn forest, gather bamboo shoots" and pinned it at a path used as a firebreak. However, the piece of regulation was destroyed. A thirty year old man said that "*when we orally warned them, the outsiders asked me "Whose forest is this? Is it yours? It's natural forest. What business is it of yours to prohibit me from cutting trees in this area? A man even dared me to arrest him"*".

In 2005, near the end of my first research phase, two Pa Bong villagers were arrested and charged by forest officers for deforestation related to farming in a location that was very visible next to a highway. The land belonged to a neighbor and

had been used continually for several years. The case brought about many long discussions among researchers, community leaders, and NFN members concerning community forest management. I wanted to ensure that the accused were not actually guilty before I committed to help them. It has been known among NFN members that the NFN will not defend forest destruction, but will defend the legitimate rights of people to make a living from natural resources. Given this condition, commercial logging, forest invasion (extending prior-use farmland), and unsystematic community forest management are not defended by the NFN and the communities that have these practices might be excluded from the NFN.

In a meeting among Pa Bong villagers concerning the case, I asked the villagers about their community forest management practices again. The community leaders hesitatingly replied that the villagers had helped each other to protect their community forest and community members cut trees for domestic use only. Their answer contradicted what I later heard from Son, one of the accused men. He said that commercial logging exists in the community and his relative who was my host at that time was a commercial logger. He sold logs to businesses who were outsiders. He did this secretly while it was raining so that nobody would hear the sound of the motor chain saw. When the neighbors found him logging and warned him to stop, he defended himself saying that he had previously cut trees to build his house but eventually needed money to pay his debts so he had sold all the timber before his house could be built.

The story told by Son helped me remember that most of the time I conducted a community meeting at night with the twilight of candles or an oil lamp as the community did not have electricity yet. I did not see the villagers' faces when they defensively answered my questions. It was difficult for me to guess if the villagers told me the truth. Moreover, I did not even have an idea whether they would tell me lies. Most villagers who talked to me were men in their thirties to early fifties. They were quite familiar with the NFN and realized that logging was forbidden by the NGOs and the NFN.

Son became close to the NFN due to the charges laid against him. The NFN bailed him out of prison and he joined the NFN's meeting and the NGO's training course sometime afterward. Son told me that he was ashamed by his relatives'

actions. He felt that he did not deserve the assistance of the NFN. Son might worry that the NFN members would give up helping him if they knew that there were some commercial loggers in the community and the Pa Bong community did not have good community forest practices. As a poor person in the community, he could not prevent his relative from logging or demand that the village leaders do so. What he could do was secretly and angrily complain to me, whom he saw as an NGO worker. I also thought that he told me that story of logging because he expected that I would be able to defend him to the NFN if they ever found out the truth.

When I became close to some villagers, they disclosed to me that there were some expert commercial loggers in the community who logged according to the requests of neighbors and outsiders. The villagers joked that these expert loggers could never have a good wooden house because they spent so much time logging for others. Logging is hard work, requiring equipment, manpower and specific skills. Hence, normally, the villagers do not undertake logging by themselves.

Thun, an expert logger explained to me how to log. He had to have some male companions for logging. The loggers surveyed the areas where they found suitable timber. If they do not cut trees in the community's conservation forest, it is not because they respect the community forest rules, but because of other reasons such as: lack of suitable timber; location is remote and difficult to carry back the logs; fear of being seen by forestry officers; and fear of spirits. The loggers normally leave cut timber in the forest until it is dry or until they have enough time to make planks. Sometimes this can even take many years. After saw the logs into planks, they carry them out. Sometimes the forestry officials find logs or planks and seize them before they can be carried out of the forest area.

Thun often logged for sale of timber in the past. It has been his family's supplementary source of income besides commercial farming, working as a wage laborer, and selling non-timber products. In the last twenty years, he and a relative were called to log in a neighboring community by a villager of that community. Unfortunately, a motor chain saw, which was very expensive for him, and the logs were confiscated by forestry officers while they were running away. Thun bought a new motor chain saw later on, but recently sold it to a villager from the other community because the villagers in his community did not like to see him using it.

For many forest communities, motor chain saw use was prohibited for the sake of forest conservation because it allowed the villagers to log speedily. However, Thun insisted that the reason chain saws were prohibited in the Pa Bong community was because the villagers were afraid that forestry officials would hear it and bring them the troubles, but that the villagers had no problem with commercial logging and loggers as long as they did it secretly and would not draw the state authorities to the community. Nevertheless, the identification of an insider and an outsider is significant to the villagers' perception of the right to log.

According to the NFN and social movements, the conventional community forest is defined as common property managed through the community's regulations by the community forest committee members who are selected by community members. The use of timber is supposed to be permitted by the community forest committee. In some NFN member communities, the community forest committees need to mark the permitted trees – considering their number, size, and location - before they are cut. In Mae Pam village, however, Sukdi revealed he found it difficult to enforce the community forest rules in the Mae Pam village. There were at least 7-8 people in Pa Bong and Ban Pong community expanding farmlands into the community forest. During my fieldwork from 2005 to 2008, I could not find out if the community really had the committee for forest management. I found that the villagers simply cut timber without requesting permission from anyone. For building the new church in 2006-2008, some committee leaders told me that they had officially asked permission from the village committee and TAO before they cut trees. However, Tupho told me that during those years many villagers also logged to build new houses without informing anyone. Tupho was not sure if the community forest committee still worked. He disclosed to me that he and other villagers knew that some villagers in a neighboring community often illegally logged and sold timber to policemen, but no Pa Bong villagers dared to accuse the loggers and the policemen. Tupho was very proud of the NFN. He was not happy that his community was not as close to the NFN as before, and did not implement community forest management. He believed that illegal logging still occurred around his community because there was no longer a community forest committee (Tupho, interview, 16 February 2007).

As a former NGO worker, I was surprised when I first conducted my intensive fieldwork and found community forest management in the community very distinct from what NGO workers expected to see. I saw these facts as the manifestation of a weak community and bad community forest management. That was my understanding during my first 1-2 years of occasional visits to the community. The relationship between the villagers and I affected my acquired information resulting in my understanding of the community. During my first research project, I was not close to the villagers. My key informants were the few Mae Pam village leaders who were closely contacted by the NFN. I later learned that those leaders were mostly members of the Ban Pong community, who did not know about the Pa Bong community in depth. Due to the limitation of my research methodology, I did not really understand the social relations and resource management in the Pa Bong community. Until now I have not been able to establish why there has been poor community forest management. There are three possible answers. First, as a member community of the NFN, the Pa Bong community adopted a natural resources management model from the NFN and NGOs as other member communities, and community forest management was implemented seriously by the villagers during the first few years that the NFN and NGOs workers worked closely with the villagers. However, from late 2002 when I visited the community, the NFN and NGO workers had been distant from the community, hence, the community forest management practice became weaker. Second, the serious adoption of community forest management might have been done among the few community leaders who were closely connected to the NFN only, but not by other villagers. And lastly, it is possible that nobody cared about adopting community forest management but the community leaders told me that the community was implementing this model in order to please me as a representative of an NGO.

It is not possible for me to seek for the truth in the past and since there might be more than a single truth depending on the interpretation of the villagers. However, I have learned that the concepts and practices are always manipulated on the ground rather than directly adopted. At the same time, many problems emerged due to these practices.

Chaotic Land Demarcation

A key principle of the community forest management is a community-based approach. However, not all land areas in forest communities are managed as common property of a community. In most communities, farmland is characterized as private property, even though usufruct rights have been applied. In Pa Bong community, upland farms and low land farms were managed through different property rights due to different methods of land use.

The land tenure of paddy fields is based on individual ownership or amongst a kinship group which grow rice on the same paddy every year as paddy fields are planted and cultivated with intensive labor – for building and maintaining of irrigation system. For upland farms, it is likely that the land tenure was based on the combination of private ownership and usufruct rights. The villagers have traditionally recognized that the lands belonged to those who first cleared and cultivated them. In the past, some villagers marked a boundary of owned land by using wooden poles in addition to the traditional use of natural land marks such as ridges, streams, and so on. Some farmers fenced upland farms in some seasons to protect harvests from animals. Traditionally, the farmers used a plot of land for rotational cultivation in only one year, and left the land as a fallow for 5-7 years. In the year that the land was ready to use after some years, if the owner did not farm on the land, others who wanted to use the same land would have to seek permission from the owner. And if the land had left for a long time and nobody claimed the rights, others could occupy that land eventually. The usufruct right is explained by some scholars as a moral sagacity, to distribute land as a crucial means of production equally among community members. By this way, the poor would be able to get access to resources for improving their lives (Anan, et al. 2004).

After the RFD started to threaten the villagers by sending forest patrols to restrict upland farming and timber use from the late 1980s, the villagers have been worried about tenure security as well as the threat of state authorities. The farmers stopped fencing the farms because they realized that it made the farms visible to the RFD and also wasted labor. Without fences, the villagers had more concern about clear boundaries between the land belonging to different households or clans. Some

households occupied uplands next to their wet rice farm by growing banana and lichee trees. As a result of intensification of land use, the villagers decreased borrowing lands among neighbors.

It is known that the RFD usually claims the state's right over lands not utilized for longer than three years as state forest. In 1995 NFN representatives organized a village meeting and suggested that villagers tabulate the land ownership of each household. The NFN and NGOs advised villagers to indicate their individual upland plots clearly. The selection of farmlands was based on the most recent plots used by each household or the closest location to their paddy field. Some households were limited to accessing the farmlands which they had utilized before because they were very distant from the village, unproductive, and considered by the village leaders as the headwater or several year fallow densely covered by big trees. The fallow plots were left as community forest due to an agreement among community members. Since the demarcation did not optimize the number and size of plots based on the number of household members, location, or quality of lands, some households were left with small plots of land with poor soil quality in undesirable locations. The reduction of farmlands led to the reduction of fallow periods of rotational cultivation resulting in dense weeds and decreased rice productivity. Though the leaders explained clearly the political reason for reducing farming plots, not everybody was satisfied with this plan.

When the Mae Pam villagers first demarcated individuals' lands there were some disputes between many opponents who competed for the same land. For example, in Ban Pong community, a man claimed that he was the first person who used the land. However, another man argued that the land belonged to him because he had continually cultivated on it since it was left for a long time. These two men claimed land rights based on different perspectives of legitimacy: the rights of pioneer use and that of usufruct rights. The situation became tense when both claimants attempted to possess exclusive rights to the area while former access was more inclusive allowing shared land use according to the necessary and potential of the user. This dispute was resolved peacefully when the contested land was divided equally among both men.

The villagers were asked to report the number of plots they owned and to estimate their sizes in order to prevent expanding farmlands into the forests. Then, it was suggested that the villagers clear their own land so that the NFN core team and the village leaders could accompany them to measure the lands to confirm their size. However, in practice, most villagers measured the land by themselves without village leaders or NFN representative. At that time, the NFN also did not have technology or instruments for land survey or demarcation. A housewife told me that she and her husband measured their own land with a cord and informed the size of the land to village leaders and other investigators. As they had many plots of land located in different areas, they did not measure some plots but just simply estimated and informed the size to the leaders. Like other villagers, this couple did not actually know the accurate size of their land. They did not even know how large an area was one rai. However, the number and size of their land was put in the record of community leaders and the NFN. The numbers in the table were estimated, and even estimated by others, since many villagers did not understand the standard measurement of land.

As I remembered, the NFN surveyed the land several times, in 1997 and 1999. The data of how many rai we have will be recognized (by the others) and we can convince the others that we are not extending our farmland actually. We did not measure our fifth plot but we informed the village leaders that it was ten rai. In 2001 the forestry officers told me that it was six rai. Hence, I recorded that number. For the sixth plot, we measured it as two rai. Later, my father in law gave me half a rai more, then I recorded it as three rai approximately (Pon, interview, 24 August 2007).

Although the villagers realized that the data were not accurate, they documented it seriously because the NFN told them that it would be useful in the future if the government was to do official cadastral surveys with the Global Positioning System (GPS). The villagers really hoped that their “systematic data” would be officially acknowledged and bring about land rights security⁶⁷. Despite

⁶⁷ The villagers waited many years for the official cadastral survey and it has not finished yet, since government officials and villagers could not make agreement about the territory and process of the survey.

opposing the state's natural resource management plan, the villagers attempted also to accommodate it.

During 2002-2004 some colleagues and I conducted research in the Mae Pam village. It was about 3-4 years after the documenting of land ownership was completed. Some leaders showed me the table of community members' land ownership when I asked about land use in the village. However, some villagers informed me that their plots and the amount of land they owned differed from the numbers in the table. Still, other villagers said that they had never measured their land, so did not know the exact numbers. They suggested I find the numbers from the leaders. In order to explore again the numbers, size, and locations of villagers' farms, I and my colleagues sketched a map. That was another time of systematization of local natural resource management data. The Pa Bong villagers enthusiastically participated in the mapping again to locate their farms on the map referring to streams, the superhighway, and footpaths, even if they could not tell the accurate size of the lands. Somebody indicated the number and size of each land distinct from the data in the leaders' table. Many villagers found it difficult to identify the number and actual size of their plots with confusion of their "ownership". For instance, land, both upland plots and paddies, was first cleared by parents and has been cultivated together among siblings, so called "*o-bue-toe- pho-kho*" or work and eat together, while the parents have not formally allocated the land to any children yet. Traditionally, parents allocate land to the children who have already married and separated production from the parent's family, while some new families have separated the households but continue to share production with the parents' and siblings' families. The villagers normally indicated the name of their parents (mostly their father) as the land owner.

During 2006-2008, for this research, I explored the ownership and the use of lands in the Pa Bong community again based on the previous sketch map. There was no longer vague data of land ownership. The villagers had clearly identified the land ownership preparing for the cadastral survey of the forestry official. However, the use of land in practice did not follow the identified ownership, but was shared among siblings, kin groups, and neighbors. In some cases the landowners were those who had been away from the community. Some age people still identified their name as the

landowner, though they were too old to farm on the land. A land owner was a single mom who was unable to farm as she had to take care of her kids.

In 2007, forestry officials had done the GPS survey at the Mae Pam village according to the cabinet resolution of June 30, 1998, though not absolutely complete. The survey was supposed to cover all plots of land used by individual households, including upland plots, paddies, fruit trees, and other permanently used lands. As I learned from some NFN members, in many upland communities, the official survey was resisted by the villagers for two main reasons; 1) forest people and networks rejected the application of the cabinet resolution of June 30, 1998 which brought about this survey; and 2) surveyors usually refused to recognize fallows as used plots of land, but as state forest⁶⁸. For the Mae Pam villages, the survey started in 2006 in Ban Pong community. However, the survey team met resistance from the Pa Bong villagers. Sukdi, a TAO member from Ban Pong community said about the failure of the survey that it was because of Pa Bong villagers themselves; “it was a shame that Pa Bong villagers had a quarrel in front of forest officers about the boundaries of each individual’s plots of land. They should make agreement before the forestry officers came, similar to what the Ban Pong community did” (Sukdi, interview, 21 March 2007).

However, some Pa Bong villagers explained to me that they did not collaborate with the officers because the officers refused to mark the plots of land according to the villagers’ prepared data, but only the land used in that year. Moreover, the villagers were angry with the officers because they had unfriendly manner for example calling the villagers buffaloes.

“They talked to us rudely. They said that they had already surveyed in the Ban Pong community. A forest officer said that ‘the cow village has already been surveyed, but

⁶⁸ Since 2006 the NFN’s support NGOs, cooperated with the NFN and other forest communities, have carried out cadastral survey of land uses in forest communities through GPS, and 1:4,000 orthophoto map. This survey project was financially supported by the government as a result of negotiations and collaboration among many non-government and government organizations in order to solve the problem of forest communities. However, the survey and its result are not guaranteed to be approved in the policy level. In other words, forest communities might not be allocated land rights, even though the land would have been marked in the map by this survey. (Bunta Seubpradit, personal communication, 31 January 2009).

the buffalo village was not yet done.’ What does it mean? They called our village a buffalo village. The meaning is rude, isn’t it?” (Pon, interview, 23 April 2007).

Later, I interviewed a staff of the Sri Lanna National Park, who was called Huana Mu. He told me that the Cabinet Resolution of 1998 June 20, did not allow the staff to demarcate the lands where had been left fallow in the *rai mun wian* system because the forests there had naturally recovered. In other words, the staff would only demarcate the plots of land which were presently used (Huana Mu, interview, 14 May 2007).

A year later, the National Park Office appointed another survey team. This team came from the public relations sector which had had a positive relationship with the villagers. Tupho said that the head of the new team introduced himself as a Hmong son. He and his staff were very friendly to the villagers. They demarcated individual plots according to the villagers’ request, so the survey succeeded through the collaboration of Pa Bong villagers in early 2007.

Nevertheless, some villagers were not satisfied and did not understand why the officers could not tell the actual size of their land according to the GPS. Moreover, later on there were some conflicting cases among the villagers regarding the boundary of lands belonging to two individuals because one of the two did not participate in the survey on that day. Despite their kindness, the officers did not mark the farmland that was suspected as encroached by Son and Sam (in Chapter 2). Some Pa Bong villagers said that the survey team did not know the case, but an officer who was in the group that arrested Sam and Son forbid the survey team to mark that plot.

Some villagers, especially Sukdi, kept asking me to follow up on the result of the GPS. Many of them wanted to know the size and the actual boundary of their own lands. They wanted to ensure that the official document would acknowledge their land ownership. Several times I attempted to contact the head of the 16th Protected Area Administrative Office in Chiang Mai, but I could not get access to him.

In early 2008, the Sri Lanna National Park Office sent two letters to the Mae Pam village leaders with an enclosed map and data from the latest GPS survey. One letter asked for villagers’ cooperation in gathering additional data – photos, official documents, etc. for a cadastral survey according to the cabinet resolution on June 30,

1998. Another letter informed the villagers about the setting up of a committee to prove the villagers' land rights according to the Cabinet Resolution. There was only the chair of TAO who was a representative of the villagers, while the rest of the committee members were government officials. The lack of villager's participation in proving land rights was one reason why the NFN did not accept the cabinet resolution of June 30, 1998.

The village leaders informed the communities about the content of the letters at the village monthly meeting. Some Pa Bong villagers hesitated to cooperate with the officers. They worried that the National Park Office might have a hidden agenda that put the villagers at risk. A villager phoned me when I was in another province while another phoned a lawyer for advice. I phoned Sukdi and suggested that I was not sure if the cooperation with the officers in this case would benefit the villagers because that investigation relied on the cabinet resolution of June 30, 1998 which was resisted by the community forest movement. However, Sukdi did not agree with me. He thought that the investigation might not cause any risk. He said, "not only will my village be surveyed, the other villagers in the same Tambon will also be surveyed. Despite the June 30, 1998 cabinet resolution, it is better than nothing. Perhaps, they will revoke the villagers' lands from the national park eventually. We can no longer wait hopelessly." I contacted Seksilp, a NFN worker, to phone Sukdi and explain him the risk of the cabinet resolution even though I understood that Sukdi had heard about it several times. Seksilp said to me in disappointment: "Sukdi was also a NFN leader and has learned many things already. Therefore, I cannot help it if he cannot understand the risk."

New patterns of land use brought about chaotic land management in Pa Bong. The villagers were not only living with the insecurity of land rights, but also suspicion and fear among themselves. In general, the privatization of land is said to be driven by the market mechanism. In the Pa Bong community, however, the pressure of the state, in the name of conservation, also significantly accelerated the process of privatization in the uplands. This manifests the paradoxical result of the state's conservation policy which claims to conserve national land as commons for the benefit of the country.

Resisting Land Commoditization

The NFN, like other land and forest movements, discourages the commoditization of land in its member communities. The sale of land is dissuaded, especially to “outsiders” because rich people might offer a high price for land resulting in the exclusion of poor farmers from accessing land that is a crucial element for their survival. In other words, there is no room for land speculators. The opposition of land commoditization does not aim to ensure that land is only accessed by the poor. It is also a strategy to convince the public that the villagers really need land as a means of production, not as a commodity, and by this condition, the NFN hopes to convince the environmentalists that the villagers will have sustainable livelihood from living in the forest and will conserve natural resources.

Many people thought that Pga K’nyau communities learned to commoditize land just recently. However, Pa Bong elders told me that they had sold and bought land since the early stage of community settlement. Tupho in his fifties who first pioneered paddy fields for wet rice farming in the community said that when he was transforming land to be a paddy he traded some plots of land to his neighbors with small money and their labor in building *mueang-fai*, the traditional weir irrigation system for diverting water to paddy rice farms. He recounted that the land he sold had the capacity to be developed as paddy fields. Tupho said that his children blamed him until now because his paddy field became smaller than it should be. Pho in his fifties also spent his money which he got from selling buffalos in his hometown to buy some land from his neighbors when he first came to settle in the Pa Bong community.

As I investigated, in the past, people traded lands only where there were paddy fields or that had the potential to develop paddy fields because the location of the land that could become a paddy field was unique; a paddy field provided more stability and productivity of harvest in comparison to upland farms. On the contrary, the villagers did not trade upland farms but shared their use based on usufruct rights. Presently, in many neighboring villages of the Mae Pam village, land - both in uplands and lowlands - has been increasingly taken over by capitalists who grow oranges and other kinds of fruit trees. Some Mae Pam leaders told me that many plots of the land did not have land document as they are in state reserve forests. However, it is not odd

in the Thai context if capitalists are able to issue private land ownership in the state forest lands.

According to my survey, most land in the Mae Pam village has belonged to village members in spite of privatization many years ago. This is partly because the land lies in the protected area for which the villagers do not have official documentation of land deeds and thus cannot legally sell or mortgage the land. However, there are many other factors that obstruct land sales. In the Mae Pam village a ban on land sales to outsiders is one of the village regulations⁶⁹. However, this rule might not be brought about by the implementation of community forest management. Sukdi told me that some elders were afraid that the commoditization of land would bring in “the others”, especially, people of other ethnicities. They feared that the “others” might not respect the common rules and traditions which would result in difficulty living together (Sukdi, interview, 3 September 2003).

In my understanding, many villagers would like to keep land as a long term security and a means of community maintenance for the younger generation but not for the others. Therefore, the ban on selling land to outsiders was appreciated since it limited the price of land belonging to those who wanted to sell it, and made it affordable for those who would buy it, the “insiders”. Struggling with pressure from the state, village leaders realized that as long as they had not acquired tenure security they needed to be seen as law abiding in the eyes of authorities by not extending farmland into the forest. It was hoped that this could be accomplished through the ban on land sales that would ensure that no outsiders will be allowed to buy or sell land.

Despite the ban on land sales, the village leaders revealed during my first research that it was not easy to enforce the land sale ban. In 2002-2003 there were some cases of violations of the ban because the land owners believed in their absolute ownership of the land and sold land without informing the leaders. For some cases, the village leaders explained to me that the sales occurred before the village became a member of the NFN.

⁶⁹ In the past there was no village regulation, but only religious taboos enforced by the religious leaders. After, the Ban Pong and Pa Bong communities were separated from other communities to be an independent administrative village, the villagers elected seven village committee members who were religious leaders, skilled villagers, and elders to enforce the regulations and who administrated other affairs of the village. The committee members adapted the religious rules to be a common and formal regulation of the Mae Pam village.

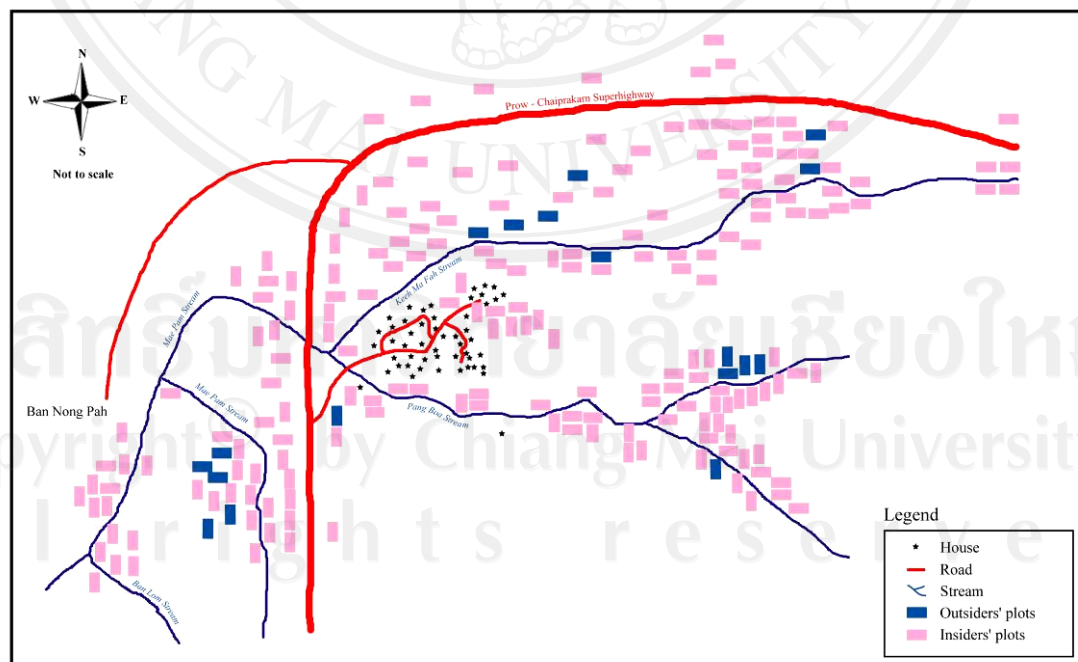
In one case, the buyer was the Kamnan, head of a sub-district (Tambon), who was a northern Thai from a lowland community. He bought the land many years after the Mae Pam village became a member of the NFN. When I came for my first research and learned this, Sukdi told me that the Kamnan was a powerful and well known man, so he dared not enforce the land sale ban. With shame, Sukdi promised me and my colleagues (as representatives of the NFN) that he would assist the land owner to negotiate with the Kamnan to buy back the land. He would lend money from the community fund to the man who had sold his land to the Kamnan, because that man had already spent all the money he got from selling his land. However, until now, the land, which became an orange orchard, still belongs to the Kamnan. The Kamnan also bought more land in other locations later on, and built a house on the land near the Ban Pong residential area even though he did not live in the house. He grew fruit trees on his lands and sometimes hired a Lisu man to take care of his orchard.

The village regulation had been amended over time, and in 2003, the village committee amended the rules again by cancelling some unenforceable rules, including the land sale ban. However, the sale of land to outsiders was still condemned by most village members. Hence, the land owners, who were not able to farm in some years, might find the option to earn cash income from land by not selling outright but leasing the land to outsiders. In 2002-2003, there were at least three cases where villagers leased the land without the permission of the village committee. In one case, a Lisu man from a neighboring village rented ten rai for 2,000 baht for growing rice. In the other two cases, the community members rented one rai for four months and seven rai for six months to the outsiders for growing cabbage.

During my intensive fieldwork in 2006-2008, I heard a case of a land sale among two community members without the approval of the committee and which a few villagers knew about. I also discovered that more land in the Ban Pong and Pa Bong belonged to the outsiders than the number that the village leaders had allowed me to know about during my first research project. Most of those plots were bought by small scale farmers from neighboring communities. However, some large plots were bought by middleclass people. For instance, a man whom the villagers called “a doctor from the Phrao district” bought a plot of land in Ban Pong community. Tupho told me that the land was sold a long time ago. The seller was addicted to opium and

needed money to buy the drug. The doctor built a house, grew fruit trees on some parts of his land and hired a Ban Pong villager to look after them. In 2007, the doctor paid the villager in peanut seeds and allowed the villager to grow peanuts on the rest of his land. The doctor did not want any return but the advantage that his land would be cleared and used. He allowed his gardener to harvest and sell fruits and other products from his land.

Many villagers told me that the outsiders who bought the land in the Mae Pam village have never joined the political negotiations occurring inside and outside the community. However, their relatives or supporters in the village always defended the “outsiders” rights to land on their behalf. In 2006-2007 when forest officials did the cadastral survey, the supporters of the community outsiders informed the officers of the non-residents’ land ownership as well. Da, the gardener of the doctor, was one of the Mae Pam leaders. His brother in law was also a TAO member. Hence, community members did not dare to challenge his defence of the doctor’s land rights. Other non-resident land owners also had connections to community members. Thus, they did not risk losing their land rights despite their non-residential status.



Map 4-2: Outsiders’ and insiders’ plots in the Pa Bong community in 2007

In the present context, land privatization and commoditization are widespread and become the key regime of land management in Thailand and elsewhere. Mae Pam villagers found it difficult to go against this mainstream by implementing community forest management and imposing the ban on land sales. Moreover, the increasing ability of land to generate income through leasing and/or commercial farming can be a factor accelerating land commoditization. The failure to halt the process of land commoditization in this community struck me, as a former NGO activist, that the attempt of social movements in defending the rights of upland farmers might eventually lead to handing land to non-local people, non-farmers, and/or capitalists.

However, the increasing land privatization and commoditization in the Mae Pam village and Pa Bong community also reflected the state's establishment of a protected area and/or constraining land use of local farmers as not the right means of land and forest conservation. Instead, the imposition of state control is likely to convert local control of land and forests into open access systems. Members of the local community not only felt insecure in their land rights, but also in their rights to protect land and forests. Although the villagers have demarcated the community boundary, demarcation alone could not prevent the incursion of outsiders. In other forest communities, the authority of local people in protecting their natural resources is legitimized and empowered by the support of outsiders through symbolic activities such as forest tree ordination, the frequent visits of NGO workers and allies, and so on. These activities not only enhance the confidence of community members in their authority but also raise awareness of state authorities and neighboring communities about the authority of Mae Pam villagers over their village territory.

4.3 Land Disputes among Community Members

Many studies illustrate that the introduction of the state's tenure system brings about increasing land disputes in local areas. Anan suggests that "the problem is not simply a result of conflicts in the dual system of land tenure (traditional and official) but rather an outcome of a collapse of both systems" (Anan 2000: 172). Sato (2000) studied Karen people living in the Huai Kha Khaeng wildlife sanctuary and found that the lands were attractive to a variety of actors due to their ambiguous property status.

He named the lands “ambiguous lands” as they were legally owned by the state, but are used and cultivated by local people. The competition for the lands was not on the rights to them only, but also in the contestation over their meanings: “villagers hungry for unoccupied arable lands in the frontiers; government departments looking for new project sites; and conservation agencies searching for new areas to be protected” (Sato 2000: 155).

I applied the notions of Anan (2000) and Sato (2000) to explore some conflicting cases among Pa Bong villagers as a result of the ambiguous property status of the lands. I learned from my map and transect walk survey in 2006-2007 that some plots of land were owned by outsiders. Pen, a housewife who assisted me in the survey, explained that a landowner inherited the land from his parents. In other cases, the landowners bought the land from community members who were somehow their relatives. Most of these outsiders first had a small plot of land and later extended the land by encroaching into forests. Pa Bong villagers secretly condemned this forest encroachment, but they thought that they had no authority to prevent those outsiders. Pen and Pon, who assisted me with mapping, were not sure that whether or not I would include the plots of land owned by the outsiders in my sketch map. I told them that I would make the map of the Pa Bong community. Meanwhile, they did not think that the plots of land owned by the outsiders were the land of “Pa Bong community”. They thought only of the land located in the Pa Bong boundary, but the landowners and the use of land were out of the control of Pa Bong community.

Of several conflicting cases, there are two that are interesting cases and will be demonstrated here. They clearly reflect the contestation over the meanings of land and a community through the shifting social relations among community members according to the change of land use. Due to the emergence of new land uses and regulations while the traditional ones are also practiced, the villagers employed the system differently depending on which one benefited them the most to claim their rights to land; this resulted in conflicts between those who claimed rights to the same territory based on different systems.

No Boundary Marking

From my sketch map and my ground survey, a large size, about 30 rai of land in the community boundary belonged to Ming, a man who was born in the Khi Mu community and currently lives in Huai Pong community seven kilometers away from Pa Bong. Ming has many lands in Pa Bong territory. He planted fruit trees on a land and cultivates cash crops on the others. He was allocated some lands from his parents. But he extended the land boundary by opening up areas of forests. Some villagers noted that Ming has expanded his farmland to forests as well as to his neighbor's lands. The disputes over the land boundaries were difficult to resolve because the villagers do not have a prominent mark but they simply marked a boundary by a tree, stream, etc. Moreover, some villagers explained that Ming was not considered by the Pa Bong villagers as a community member. His whole family, including his parents, permanently migrated away from the community long time ago. Therefore, it was not easy to enforce the community rule.

There was another conflicting case concerning a boundary mark where Suk had a dispute with Bue due to their connected lands. In the past, the parents of both sides agreed to recognize a standing deadwood as a mark of the boundary between both lands. The deadwood remained at the same point. However, Suk, whose his father passed away, no longer accepted it as a mark. When the villagers first tabulated landownership according to the NFN's suggestion, Suk claimed a new boundary by extending his land boundary into Bue's land. Although Bue and Pho, Bue's father-in-law who gave Bue the land, attempted to talk to Suk several times, Suk insisted on his new boundary. Bue finally gave up his attempt to bargain. On that land, Suk did not intensify land use. He did not cultivate the land in some years but left the land as fallow or allowed relatives to cultivate on it because he went to work in the town or city.

The ways Ming and Suk used the land reflected that both of them did not have a critical need to obtain land. Monkon's fruit orchard was not much productive, whereas Suk's land was left fallow rather than cultivated. However, these people, like many others in the community have changed their perception of land. Land is not only important to agricultural production as in the past. It is also an asset that can be

appropriated for other purposes. Therefore, the boundary of land has become important even though the land is not used at the moment.

An Absent Community Member

Kon was born in this community. He had been away from the community for many years. Before he worked in Bangkok and he currently lives in Mae Hong Son Province with his wife's family. However, he sometimes visits his parents who are living in Pa Bong. In the Pa Bong villagers' view, Kon is still a community member, as some villagers said that "he was born here, his parents and siblings are here, and his land is here".

Kon has been allocated land from his parents. Traditionally, if a farmer is away from land or does not cultivate on it for some time, other community members can appropriate the land. However, Kon's absence did not have an effect on his land ownership. Presently, Kon, like other villagers, claims exclusive rights to land, even though he does not have any legal land rights or an ownership document.

Despite his absence, Kon attempted to occupy more plots of land in the community. As a result, he fought with his relatives concerning the rights to those plots. Many years ago, Kon asked for a plot of land from Tupho who was his uncle. Tupho allowed him to cultivate on the upper half of his land while Tupho wanted to keep the lower half which was next to a stream to establish a paddy in the future. Nevertheless, Kon planted longan trees on the entire plot, both upper and lower parts. Tupho tried hard to take the land back but he could not. "I did not know what to do. I told him but he still used that land", said Tupho. Since then, the land underneath the longan orchard has belonged to Kon.

In 2007, Kon argued with Tupho again concerning a stream, which was a boundary between Kon's longan orchard and Tupho's land. After a big flood, the village leaders hired an excavator to widen the banks and enlarge the streams in the community. As a result, the bank of the stream was higher than before and was at risk of increased soil erosion. Tupho's wife grew *mai khai nam*, a kind of tree that has roots which help prevent soil erosion, along the banks of the stream on Tupho's land. Kon told her not to do so because it might cause his land on the opposite side to

erode. This made Tupho very angry with Kon. He said, “Kon’s land was mine. If I knew that he would be selfish I wouldn’t have given the land to him” (Tupho, interview, 16 February 2007).

Kon also had a conflict with Pon, his cousin, concerning the ownership of a small pond. In 2006, the villagers agreed to divert a stream so that the road would not be damaged in the rainy season. The villagers asked Kwa, who was Pon’s father, to devote a part of his fruit orchard for making a new stream. A length of the old path of the stream became a small pond in between Kwa’s and Kon’s lands. Pon raised fish in the pond. She thought that the pond, which was communal land, should be given to her father in exchange for the land he lost. However, when Kon visited the community, he claimed ownership of the entire pond. He said that the pond connected to his land more than to Kwa’s land. As a result, Kon and Pon had a quarrel. After Kon left, Pon continued raising fish albeit with an increased feeling of insecurity over land ownership.

Kon’s claim of rights to the land was neither based on traditional nor legal tenure systems. Nevertheless, he attempted to possess exclusive land rights according to the legal tenure regime. For the Pa Bong villagers, Kon’s absence did not undermine his rights to land in the community. Moreover, most villagers recognized his exclusive rights to land. That was different from the past when the rights to land would cease to exist when the user was away or did not continually cultivate on the land. In the legal system, a land document is an important piece of evidence to assert land rights even when the landowner is absent. Without a land document, Kon, like many other villagers, planted fruit trees as a mark that the land had been occupied and continually used even though the trees were unproductive.

Traditionally, the community members’ acknowledgement was important to land right claims. However, with ambiguous property status, many disputes and conflicts emerged without a resolution mechanism. Many villagers had heard about these conflicting cases, but nobody wanted to take sides. Someone said, “We don’t like to talk to Kon. He isn’t an easy person to get along with. He is only concerned with his own benefit.” However, someone else said, “Pon shouldn’t raise fish in Kon’s pond.”

So far, there has been no official resolution to these conflicts. The cases ended when the losers, Bue, Tupho, and Pon, stopped fighting. None of these losers proposed that the community committee solve the problem. They considered these problems as their personal problems or disputes among relatives which they were ashamed to reveal to the others. However, these cases cannot be simply considered as the conflicts of individuals' interests. The conflicts were indeed a result of the ambiguity of land rights as different people claim the rights to land based on different legitimizing methods. Some villagers claimed land rights based on traditional practice, while others ignored the traditional practice though they didn't have legal rights to land. As Anan (2000) suggests, these cases did not manifest the conflicts between traditional and official land tenure systems. Rather, the traditional system was abandoned, while no other official system to solve the conflicts has been applicable.

4.4 Beyond Forest Conservation

In negotiating conservation policy, the NFN has repeated the dominant narrative that the uplands are conserved lands (Forsyth and Walker 2008). In the public campaigns, forest communities and people are often represented by social movements as forest protectors. Their traditional ways of life and beliefs are also said to be the strategic practices of local people for natural resource conservation. After staying in the Pa Bong community for many months, however, I did not often hear the villagers talk of forest conservation, but more about their ways of living and the pressures from the state and market. As Leach and Fairhead (2000) note, local people do not necessarily sit so obviously on either side of the dichotomy between external and local discourses. Pa Bong villagers neither support nor contest the discourse of forest guardians constructed by social movements. Their everyday practices depend on their located experience and social relationships.

Forestry officials know nothing about uplanders' knowledge, but only theirs. They have never known how we make a living. They claim only their duty. They have salary and are increasingly rich. They arrested Sam but were not concerned about

how his wife and children would survive without him (Dipho talking of Sam, who was arrested for forest encroachment) (Dipho, interview, 20 August 2007).

When Son and Sam were accused by forestry officers for forest invasion, the community members defended them saying they deserved rights to land for making a living. In my notion from this case and other situations when Pa Bong villagers disputed forestry officials over the rights to land and natural resources, the villagers did not claim the legitimacy of forest guardians in accessing resources, but as rights of human beings in making use of natural resources for their survival. For them, the lands, where they are living, are a homeland: A land to live on, to be cultivated, and to die on. In this sense, land can be cultivated and forest can be logged and non-timber products gathered for both domestic consumption and earning income. Interacting with others, the villagers represented themselves “*chaoban*”⁷⁰ or villagers. They did not claim their identity as farmer like the Peasant Federation of Thailand or other farmer networks claimed. For them, farmer did not mean the “producer” who should be thanked. At the same time, “a farmer” or “a villager” does not mean a poor person who begs for a mercy. Instead, it means an ordinary human being, who deserves the right to make a living.

In the context of a global environmental and climate change crisis, government and non-governmental agencies in Thailand and elsewhere promote forest conservation as an important means to save the world and reduce global warming. For forest people who are pushed to conserve land and forest, however, there might be other things more important to their lives than only conservation. In this section, I will highlight two cases showing some “important” reasons why forest people break the rules of community forest management and traditional rules which are understood as the instruments of forest conservation.

Son: An Occasional Logger

As previously mentioned in this chapter, Son in his late twenties was arrested and prosecuted by forest officers from the Sri Lanna National Park office in 2004. He

⁷⁰ ชาวบ้าน

was let out on bail and was assisted in the court process by the NFN. However, he was ashamed that his community did not actively implement community forest management and was not a good member of the NFN.

In 2004-2005, Son complained to me about his economic problems. He had spent a lot of money to go to Chiang Mai every month for the court case. Often, he asked me if I could find a job for him in the city, but I could not find a proper job for him. In 2005, I was very surprised to hear that Son left his family to work for the Sri Lanna National Park office, as a temporary forest patroller. This story sounded strange to me as a person went to work in the very the office that had caused him troubles and ironically, he would have to use money from that office in order to fight it.

While employed for the Sri Lanna National Park, Son stayed at a forestry camp at Ban Hua Mueang, a lowland village. In 2006, Son was arrested because he had gotten drunk and trespassed into a girl's school dormitory at night. Many men, such as Hua Mueang's head village, a teacher of that school, and a forest patroller who was Son's colleague, beat Son and took him to a police station. Those who accused Son explained that he had tried to break into a female student's bedroom, but that she jumped from the window. However, Son told me that he mistook that room for his friend's room and he just knocked on the door but did not try to break in. Moreover, Son explained that the Hua Mueang village headman and his colleague accused him of this crime to take revenge. Previously, the village headman and his colleague offered Son a bribe if he would let them do commercial logging. However, Son rejected the bribe as a good forest patroller. He told them that it was impossible to allow commercial logging.

Villagers in my community were not allowed to gather non-timber products or clear land even though they just made a living. I was prosecuted just because I tried to farm. So it's not fair to allow commercial logging (Son, interview, 12 January 2007)

Mae Pam leaders and Pa Bong villagers tried to help Son by asking the Hua Mueang's village headman and the teacher to forgive him and to tell the police that it was a misunderstanding, but both refused to do so. During the court case, I was away

from Thailand for many months. The Mae Pam leaders called an NFN lawyer to consult about the case a few times. The leaders as well as the lawyer considered the case to be a private crime and not a communal problem as a case about land and forest use. Therefore, Son and his family struggled with the case by themselves. They sought out a lawyer whom they did not know well and had to pay a very high fee for his services.

As Son needed money for his court case, he dismantled his newly built house in order to sell the wood to a community outsider. Selling wood was forbidden according to community forest management and before this court case, Son had gotten angry with his relatives who commercially logged. However, in this situation, Son had no other alternative to earn income, and had to sell the wood. In January 2007, Son was sentenced to imprisonment for six months. The money from selling his house ran out very quickly with the lawyer's fees and the travelling costs for his mother's visits to him at the prison. After six months of being imprisoned, in December 2007, Son was sentenced to pay fine in another case that he and Sam were sued together.

Since I have known him for five years, Son speaks of forest conservation a few times. However, I do not think that it is the "forest conservation" in the same sense as of the understanding of urban people. He did not talk of forest conservation for ecology, environment, or wildlife, but for the legitimacy of forest people in accessing basic resources of their living. For him, making a living, his farming, does not antagonize forest conservation, unlike commercial logging. More importantly, forest conservation must rely on the equity between the villagers in his community and elsewhere. As his community is forced to conserve forests, other people should not have rights to exploit natural resources as well.

Negotiating with Spirits

Many Pga K'nyau people told me that animist Pga K'nyau people had a strong belief in supernatural spirits which protect natural resources. One of the important spirits is the *ko-ka-ja*, a spirit of the land. Human beings need to ask permission from spirits for using land. Land users must take care of the land because the land will be

returned to the spirits after their use. Since the actual owner of the land is *ko-ka-ja*, land use cannot be monopolized by anybody, but shared among neighbors. Some areas were ecologically important such as grave yards or dense forests and were preserved as peaceful residential areas for sacred spirits. They were absolutely not allowed to use or access these areas for any purposes. The Pga K'nyau spiritual belief concerning natural resources as such is often explained by community forest advocates as a sagacious strategy in conserving natural resources (Prisana and Montri, 1998, Kanika and Benja 1999)

During my stay in the community, Pa Bong villagers often consulted spirit mediators⁷¹ for finding the cause and solution of several kinds of problems. Ligu in her fifties was sick and could not get up for two months. The modern doctors in a hospital could not diagnose the resolution. Her family consulted a spirit mediator and was told that Ligu intentionally peed over a holy land. Pon and Wanna who were my hostesses also had a similar experience. They got sick at different times with an unexplainable cause. Pon always felt dizzy and could not work hard for many months. A spirit mediator told her that she had spitted over a land in which spirits inhabited. Wanna got a fever for two weeks. She stayed at the hospital for two nights. The medicine from the hospital did not help her to get better. A spirit mediator said that Wanna had angered the spirits living near the bridge over the stream where she went fishing a few weeks ago.

The sickness of these villagers was cured by making a ritual of apology as the sick persons were found to offend the spirits. The spirit mediator asked the families to gratify the spirits with a couple of chickens or a pig and some whisky. The spirit mediator also suggested the place where the sick person should conduct an apology ritual. It could be at a stream, along a road, or other places that the sick person had supposedly committed the offence. The sick person's family had to contact another ritual conductor who was not the same person who diagnosed the cause of sickness. If the sick person did not get better a few days later, the family would consult the same or another spirit mediator and conducted another ritual of apology. In some cases, the

⁷¹ As most Pa Bong villagers have adopted the Catholic religion, there is no spirit mediator in the community. The villagers usually contact northern Thai spirit mediators who live in lowland villages.

family might have to consult and gratify the spirits two or three times before the sick person got better.

It seemed to me that Pa Bong villagers strongly respected and believed in spirits, even though most villagers had become Catholics a long time ago. For them, spirits were everywhere and people could intentionally offend spirits anytime. Some villagers combined spiritual belief with the Catholic religion and explained that both the beliefs in *ko-ka-ja* and the Catholic god share a similar doctrine. In the past, animist farmers prayed to spirits for productive farming. At present, many Pa Bong villagers pray to their Christian god before growing wet and dry rice wishing for successful cultivation and plentiful yields.

Due to the high respect for the spirits, I did not think that the villagers would dare to challenge spiritual power. However, Tupho and Bue negotiated with spirits in order to occupy the land. It was the time that all Pa Bong villagers were preparing for the official survey according to the cabinet resolutions. Pa Bong villagers made claims over as much empty land or fallow next to their existing farms as possible since opening up new forest areas was no longer possible. The extensive land reclamations happened in the few years that community members were rearranging land use in the community and clearly demarcating individuals' land among community members.

Tupho had an old grave yard which was connected to his farmland. The land was not used as a burial ground over the last twenty years since the community relocated to the present location. However, no one had ever used the land to farm before. Tupho hesitated to cultivate on the land as he believed that ancestral spirits still inhabited there. However, some neighbors suggested that Tupho should not have had any troubles from the spirits because he had become Catholic.

After Tupho first cleared the land to farm, his oldest daughter got sick. He firmly believed that the sickness was a result of using the land. He consulted a spirit mediator from the other community and was told to provide a small part of the land for spirit habitation, so that he could beg the spirits for using the rest of the land. Therefore, Tupho conducted a ritual of apology for the spirits and left alone a quarter rai of land.

In another case, Bue claimed the land next to his former farmland in which was found Lua⁷² ruins underground. The villagers believed that the ruins were the construction of Lua people who formerly lived in this area before the Pga K'nyau people. Traditionally, the Lua ruins were not allowed to be disturbed even by walking in the lands. There are stories that outsiders attempted to dig for property under the ground but were frightened by the spirits which protect the ruins. Some Pa Bong villagers were also frightened by the spirits inhabiting that area. Bue also believed that there were spirits protecting the ruins. He did not want to disparage Lua spirits, but really needed the land to farm. He did a ritual of apology before claiming the land. He did not demolish or dig the ruins but used the land around it.

During my stay in the community, I sometimes heard the villagers talk about the common misfortunes related to spiritual beliefs. It is consistent to what I learnt about the belief of the Pga K'nyau people in spirits and a "common good" (Delang 2002: 167). An improper practice of a person might bring about the anger and punishment of spirits resulting in misfortune not only for him but also his relatives, animals, agricultural products, or even the entire community. However, I never heard the villagers link the misfortune of Tupho or Bue when reclaiming the sacred land. Pa Bong villagers still believed that there were Lua spirits inhabiting Bue's land and some people's sickness was explained by linking to the spirits there. However, the sickness was never explained as Bue's offense in farming on the land.

I am not looking for the explanation of the existence of spiritual beliefs in the Pa Bong community. However, I note that the interaction of Pa Bong villagers with spirits was uncertain. The villagers had different interpretations of spiritual beliefs in different situations. In the context that land use was confined and could be no longer extended, Tupho and Bue, like other villagers, attempted to possess as large an area of as they could, not only for themselves but also for their children and grandchildren. In this context, the spirits could be bargained into making a deal no matter that they really existed or it was sagacity of ecological conservation.

The Son, Tupho, and Bue cases illustrate that forest people are coping with many daily situations in which many other things might be more important to their life than only forest conservation. In other words, forest people cannot survive only

⁷² An ethnic minority in Thailand

by forest conservation, but are using forest products and land for making a living. In this regard, implementing community forest management or other means of forest conservation is difficult to accomplish without the consideration of “importance” or “necessity” of forest communities and the people which are related to their local socio-ecological context.

4.5 Conclusion

This chapter has explored land and forest management in the Pa Bong community in comparison to the concept of community forest which has been advocated by the community forest movements. The findings of my research illustrate that there was a gap between the connection of Pa Bong and the NFN as a broad social movement in which the Pa Bong community was involved. As a result, the practice of community forest management in this community was dissimilar from the concept of community forest as widely known to the public.

Implementing community forest management and imposing new land regulations brought about the chaotic land claims and the conflicts among community members. These are not a simple conflict of individuals’ interests, but a result of the clash between common property and private property, and between traditional practices and newly invented practices of land management. The conflicts among community members also manifest the heterogeneity of a rural community that is often overlooked by advocates of community-based approaches for resource management.

The reshaping of land management in the Pa Bong community emerged in the context where the Thai state increasingly imposed territorialization in the name of conservation. Despite the state’s claim, lands in the community have been individually occupied by the villagers and increasingly privatized according to the fashion of land and natural resource management of the neo-liberalism regime. Meanwhile, social movements introduced community-based resource management in order to prevent privatization and commoditization of land. In this context, I view the chaos of property rights in the community as the manifestation of the clash between two property regimes: individual and communal. The on ground practices of land and

forest management in the community, however, are neither absolutely based on one or other of these polarized regimes. Despite their contradiction, these dichotomous concepts co-exist and are manipulated differently by different community members. The competition among community members in accessing lands have been continuing as also their contestation over the ideas of communality and individuality.

While both the Thai state and social movements have imposed/promoted forest conservation which reshapes land and natural resource management and property rights in the local community, the life security of the forest people might not be dependent only on forest conservation. In this regard, the specific socio-ecological context of local communities must be considered in understanding how local people perceive the meanings of local land and their strategic land use practices.