

## CHAPTER 6

### REDEFINING CITIZENSHIP AND LOCAL LIVELIHOODS

“I don’t want the dam. If the dam is there, how can I live?”

*Muekha Yae, a Karen elder (July 13<sup>th</sup>, 2009)*

Due to their livelihoods are threatened, the border people have struggled to secure livelihoods, and as I have examined in the previous chapter, the border people ideologically construct border identity through social memory, history and cultural lore in order to protect their livelihoods from the state/market’s exclusion. Furthermore, the border people also construct border identity through the mobilization of anti-Salween dam and transnational advocacy campaign. The controversy over the construction of the Salween dams, in which various and multi-level actors are involved, is a conflict over natural resource access, and the Salween dam projects are related to culture in terms of identity construction and the border people’s position at the Thai-Burmese border. As Tsing points out, various actors have special responsibility for representing group interests and identities (Tsing 2005: 13). This is not only because groups of people have opposing perspectives, values and ways of life, but also because they require the mobilization of their own position in the re-formulation of the problem, and the appropriate forms of representation through which the argument should be addressed. Therefore, the anti-Salween dam and transnational advocacy campaign as a social movement can be understood as strategically effective moments of interconnection among negotiating parties which they have their own agendas (Tsing 1999: 2, 7).<sup>1</sup> The border people concern how they are going to survive in the Salween borderlands. Therefore, they construct the border identity not only through social memory, history, and cultural lore, but also through the anti-Salween dam campaign in an interconnected world.

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<sup>1</sup> What Tsing means by negotiating parties is “national resource bureaucracies” that are not only powerful shapers of the environment themselves; they are also perhaps the most important sites of struggle over environmental classification and regulation. They engage the expertise of international agencies, the negotiations of transnational NGOs, and the corporation protests, and community resistance (Tsing 1999: 2).

The anti-Salween dam movement is a collaborative articulation in which neo-liberalism and activism are tied and in which the border people who are affected have “awareness of their lives” (Tsing 2005). On the one hand, capitalists and states have promoted frontier capitalization by turning the Salween River and the surrounding forest into commodities for trade. They gave birth to the Salween dam projects that exclude the border people, and the results are dehumanizing. On the other hand, the border people, to some extent, have expanded their alliances towards the national, regional and international scales so as to accumulate negotiating power in order to deal with the frontier capitalization carried out by the capitalist market and state. The border people do not only struggle at the local level, but they also have connections with NGOs at different levels. In this sense, they may seek alternative ways from the movement to redefine livelihoods and shift their position as not disadvantaged in order to deal with the capitalist market and state at the Thai-Burmese border.

This chapter explores the border people’s practices of redefining livelihood through the process of anti-Salween dam movement. They have redefined meaning of livelihood to contest the dominant meaning of commodity produced by the capitalist market and state. I elaborate upon the activities in the movement as the border people’s practices of redefining livelihoods, beginning with entitling citizenship and local collaborative articulations, local networking. This is followed by redefining livelihoods.

### **6.1 Entitling Citizenship and Local Collaborative Articulations**

At the Salween borderlands, the border people have constructed identity through practices of belonging to secure their livelihoods. What they have done is to entitle to citizenship. For those who live along the Salween in Thailand territory, Thai citizenship is important as to get access to basic needs provided by state agencies and social services, particularly education, health care, materials and infrastructure. The stateless people have no such rights. They are, of course, not recognized as Thai citizen. And so they will get troubles that affect their livelihoods and security, as well as the risk of being caught illegally at work and the wage value that they got tends to be lower than normal. Nevertheless, citizenship can be a tool to recognize their identity and participate in decision making more formally. In addition, local NGOs,

particularly the Community Development Center, have been involved in the process of the border people's entitlement to citizenship. They have worked with both the border people and local government in the citizenship program. This section examines how the border people redefine citizenship and how local NGOs articulate the collaboration between them and local state agencies.

### **6.1.1 Claiming Citizenship**

On March 23<sup>th</sup>, 2007, I had a first meeting at Muang Mean village which was held by the Community Development Center in order to provide information to the donor evaluating the project. There were three groups of participants in the evaluation meeting; the local NGO, villagers, and donor agency. At that time, staff of the Basic Human Rights Protection Project brought an officer of Terre des Hommes Netherlands to evaluate the project for the next phase.<sup>2</sup> During the meeting, people shared and exchanged knowledge and learned experiences from each other. Actually, villagers who were the volunteers and leader of Bon Bea Luang village also joined in the meeting. They shared their experiences of difficulties of the person identification process. Ai Birm, talked with the villagers that the process of person identification, at first, it does not mean all of villagers will get Thai nationality because everybody does not come from the same. The process of identification is different between one who was born in Thailand and one who was born outside (Burma). But everybody need that they are accepted to protection their rights. Their lives are saved and prevented from murder, even peoples who have no Thai ID card must receive the health care service from the public health care, and their children have to have the education opportunities. Second, everybody will be surveyed and registered in Thai registration system, and then each one will get 13 code numbers. Third, one who was born in Thailand that his/her parent (either father or mother) is Thai, the name will be submitted to district officer run the process of having ID. One who was born in Thailand, but his/her parents are Burmese, the name will be submitted to Minister of Interior Ministry consider whether one should get Thai ID or not.

<sup>2</sup> Basic Human Rights Protection Project had been run by Community Development Center and supported by Terre des Hommes Netherlands in 2006.

Citizenship became the common issue around these areas. The border people in Muang Mean village, such as Grandma Puday, are also facing the problem of citizen identification. In February 2010, I interviewed her. Grandma Puday said, “I haven’t got a Thai ID card. I have a Blue card (highland people) long time ago.” She would like to get Thai ID card, despite that someone said that it is not necessary because she is too old to go anywhere. The point is the rights to access state services, particularly receiving amount of money, 500 baht per month for living. “That is a monthly health insurance for old persons. The health care service project was run by the government, but I cannot get it even though I’m over 60 years old,” said Grandma Puday. Furthermore, Ms. Sajee, a local teacher in Saw Myin Dong village, explained with humor that someone married with the person from Burmese side. They fled from fighting to Thailand. They moved into the village rather than move into Burmese side.

I realized that how citizenship related to livelihood security when we talked about the right to live in Thailand. In order to insist on their right to stay in villages on the Thai side, citizenship is a first priority as a common issue that gathers people to work together from different ethnic groups. Ethnicity categorizes specific groups but it does not recognize their power and rights under Thai government and territory. Therefore, citizenship became a key issue for all ethnic groups at the Thai-Burmese border in order to obtain legal rights under Thailand’s constitution. For example, villagers of Bon Bea Luang have struggled to receive citizenship for three decades. Numbers of villager of Bon Bea Luang are recognized as stateless peoples because at the beginning of Thailand census could not reach to people in many parts of the country in remote area. Christian Karens, Buddhist Shans and Burmese Muslims are facing the same problem. Even many of them have settled down in Thailand for generations, however, they are recognized as stateless who do not have documents to get approve for Thai ID card. Almost got the Orange card which means they are illegal migrants from Burma. Few of them got the Red-Green card, waiting to prove

the citizen status. Christian Karens got the Blue card as highland people and waiting to prove their citizen status.<sup>3</sup>

*Lung Jai*, a Muslim man, has resided in Bon Bea Luang for over 30 years. He was born in a village near the border opposite Tak Province and used to be a buffalo trader in the Thai-Burmese border zones. He finally migrated to Thailand with his family members when war between the Karen ethnic group and Burmese military took place. I talked with him on this issue. *Lung Jai* explained that: “There was a population consensus in the past. During the year 1990-1991, there was Blue card making. In 1992, district officers came to make their Blue card, but villagers did not get the card. They got only copy papers. In addition, district authority refused to do for the Muslim group. There was a Red-Green card registration took place in Bon Bea Luang in 1999. In fact, there are many kinds of card which have different colors that make them confused. The more systematic registration, the more people get confused. The government worked very confusingly,” *Lung Jai* explained, “because there are so many kinds of color cards. You know, one person has many cards. Government officials made them all cards, but peoples don’t know what it really means. However, we need to get citizenship that we will receive the government services and we can go anywhere easily, like ordinary people have the rights, and get the health care services as well. But most of us have no nationality. It is difficult to get it. Going out even the district boundary to find the job in Chiang Mai city is difficult. We have to receive the official permission from the district office before go out once a year.”

In 2003, the Human Rights Protection Project under the Community Development Center was set up and it has worked on particularly citizenship issue in the Bon Bea Luang village. Villagers are thankful to them to help on the issue of nationality. *Lung Jai* has been involved with them. He explained that at the first time, there were only 16 persons who received Thai nationality. At the same year, staff of the Community Development Center came to work with them on this issue. Therefore, there were 38 persons who have Blue card submitted the documents

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<sup>3</sup> Non Thai peoples immigrated before March 9<sup>th</sup> 1976 obtained the Pink card. Whoever immigrated after March 9<sup>th</sup> 1976 obtained the Purple card (stay with boss) or Orange card (sedentary no status). One who got the last survey in 1999 obtained the Red-Green card (wait to prove status).

applying for citizenship status at the district office, according to the Nationality Act, B.E. 2508 (1965) as amended by Acts B.E. 2535 (1992) No. 2 and 3 (see detail in appendix B). Again in 2004, district officers came to make an alien list. They were told by the border authorities that whoever has any document has to make immigrant alien card. In June 2010, *Lung Jai* said, “The situation is better than before. The number of peoples in the village who got citizenship is about 200 persons.”

Why is Thai nationality important? *Lung Jai* exemplified that farther born in Burma, but children born in Thailand, why schoolteachers wrote down that they are Burmese citizen. They made the mistake that the villagers want their children having Thai citizenship. “We cannot go to Burma. Where do you want us to live? Going into the forest to gather wild products, working to obtain money and our children having education and getting good future,” *Lung Jai* said heatedly. He explained that citizenship related to livelihood security which is the open door to access to government services, particularly health care, education, and jobs. Fortunately, in the case of adults, an educational regulation was created in 2007, allowing students who have no documents to study at school. Right now, there are 200 students who are undocumented, without White card (First Code No. 0) as non-registration status, in the school, but most have no citizenship, only a dozen or so have Thai citizenship. They compete to get fresh milk provided by the school. They have to share the milk to each other. Students who have code 13 can get milk. Those who have Thai citizen easily travel to the city to find jobs and earn money. “Non Thai citizens, even when sick, wanted to go to the hospital, the police still arrested them when they were passing over the Mae Sariang district territory. They were asked to pay a 2,000 baht fine, but they can negotiate to pay only 1,000 baht,” said *Lung Jai*.

In answer the question how they work with NGOs and activities they do, *Lung Jai* replied, “Eleven members of the village committee coordinate with NGOs and they are working for citizenships, human rights, and education.” The border people are trying to co-working with local NGO in order to get non-registration status or ID card as people who are recognized by state or Thai citizen.

Furthermore, planned dam projects on the Salween River will affect all villagers in Bon Bea Luang dramatically, through environmental destruction, forced displacement, and involuntary resettlement. On the Thai side many of them are

stateless peoples and they cannot resist any government policy and some villages are not recognized in the national map, so in this case, how they are going to resist the dam project? To create a movement against Salween dams is highly risky because it might affect their security. For them, however, struggle against the dam is the third priority to citizenship and land housing issues. Most villagers of Bon Bea Luang are in the process to get Thai ID cards and they live in the village that was declared as an area of the Salween National Park. Therefore, the villagers have limitations to make use of natural resources. They are prohibited to expand land for agriculture to make a living or for housing and circumscribed to travel outside Mae Sariang town to work as they do not have a Thai ID card. These limitations affect their livelihoods as being discourses as non-Thai citizen or being treated as second class residents under the sovereign power of Thai state. Hence, they thought that if they obtain Thai citizenship first, it will emphasize legitimate power of a full citizen as approved by the constitution. This is the first step – that they will be recognized officially by law under the Thai state. Obtaining nationality will further provide them more options and tools and a stronger power to demand and negotiate with the state agencies for resource access. Furthermore, it gives them the right to participate and make decisions in development projects and public policies.

The following conversation with them shows some hints of how the border people in the Salween borderlands deal with state power which prioritizes citizenship as an essential part to disagree with the dam. *Lung Jai* mentioned the border people can choose their own way of development. The way he said can be interpreted as what people should know and understand in order to be involved in development.

“What do you think about the dam projects that have been planned to build on the Salween River?” I inquired.

In answer to my question, *Lung Jai* replied heatedly, “How do I say about the dam project! Many people asked me about this issue. Mostly, villagers here do not have a Thai ID card. They don’t dare to involve in this issue. Last time, Thailand authority officers and military general asked my opinion about the dam. I told them that I don’t know because I have never seen dam before. As far as I know, people and many organizations will be affected. If there is negative impact more than benefit we would get, then don’t build the dam. You must see what will be the result after the

dam is built, how the people will be affected, and how environment will be decimated. What would be our benefit? Is it worth? This is what I think. But, in fact, natural resources and environment will be destroyed. People will suffer. I feel worry.”

In response to the question about returning back to live in Burma, Amnuay, another Muslim man, replied that they cannot go back because of two reasons. First, it is a dangerous zone and they will be killed if they go back. Second, they are not recognized as Burmese citizen by the Burmese military government. They will be identified as illegal immigrants if they go back to stay on the Burmese side. “Even though we want to go back our homeland, we cannot. When our parents went out the village, they lost their own properties. We go back without any land to live on! How can we survive without anything? We started to set up here already and we are going on, not start everything at zero again and again like in Burma,” said Amnuay.

Geographically, Bon Bea Luang village will be squeezed with two dams. Amnuay explained seriously, “The level of river will be increase to the village if the lower dam is built. Amount of water will decrease if the upper dam is blocked.” In terms of conflicting access to resources, in this case there is a relationship between nationality and dam. When I asked them about dam construction will affect to them, a Karen boat driver returned my question by asking curiously that: “If they build the dam, where will I stay? Will they pay compensation to us? About 90 percent of villagers here have no ID card that the dam builders may not pay anything. What can we do?” They thought that they should not get involved this development project otherwise they will have a problem on applying for Thai citizen or they will not get any citizenship. However, it will cause more problems for society if the dam is built because most of the affected peoples have no ID card and they are not allowed to travel to the city. “Making a living here, they don’t know what they have a right for, what they can do, or what they can get... I say straightforward that villagers get ID card and they know only the police cannot arrest them when they travel. The villagers make their own living. But to live with security and right to get assistance – they don’t understand. Thinking of this, I have sympathized villagers because they don’t know,” said *Lung Jai*, adding.

In my perception according to the conversation above, when they said 'I don't know' or 'They don't understand' it is a way they try to gain more information. It does not actually mean they know nothing about those issues. I think the border people have set priority what problem should be solved first. They sometimes use indirect ways to negotiate with state power, such as gaining opportunity to work on citizenship issue with NGOs and government officials in order to gain more space to deal for their needs and livelihoods.

With a very uneven power between the powerful states with the transnational companies and the powerless border people, the border people have tried to be a part of Thai society so that they are recognized persons by the Thai state in the ways of tending to the process of Thai citizenship registration. In this sense, it is a discourse of identifying position in that they became subjects in cooperation with Thai society. The process of self-identification, for them, is their first priority where they will get a non-status registration White card to get resource access, or they, if possible, will get an ID card to claim full rights as a Thai citizen so that they hopefully might deal with the dam issue later on.

The border people, especially villagers of Bon Bea Luang, have raised the issue of citizenship to deal with sovereign power of Thai state, instead of ethnicity that does not reflect the villagers' power. It corresponded to the Community Development Center's assertion that the local struggle against the Salween dam will be effective when they already have citizen status in order to make claim legitimacy in the struggle. Rather than the issue of citizenship to support the struggle against the Salween dam projects, the border peoples, particularly Muslims, join in the anti-Salween dam campaign to have a chance to obtain Thai citizenship in order to access to state welfare and have livelihood security. Citizenship thus became the common issue around these areas.

Up to now, in terms of conflicting access to resources, there is a relationship between citizenship and dam. Villagers mostly do not have a Thai ID card and do not dare to involve in the issue of dam movement. However, they sometimes use indirect ways to negotiate with state power, gaining opportunity to work on citizenship issue with NGOs and government officials to secure livelihoods, and as I have shown, the border people are engaging in politics of belonging or identity through the entitlement

to citizenship. In this sense, the process of belonging is a discourse of identifying position in that they became subjects in cooperation with Thai society and they hopefully might deal with the dam issue later on. This is very challenging for them.

### **6.1.2 Local NGOs' Collaborations**

As the proposed Salween dam projects are widely opposed by civil society organizations, particularly local NGOs, Thai NGOs, international NGOs, Burmese exile NGOs, and local people, each of these groups has publicly expressed their opposition to the dams, with the exception of the local NGOs. At the local level, the Community Development Center, the primary local NGO, has worked and dealt with many stakeholders, including local authorities, the border people, and NGOs at higher levels, which have their own agendas. I found that the Community Development Center has been part of the campaign against the proposed series of dams on the Salween River and its tributaries for a decade. However, the Community Development Center hid itself behind the local people and their allies rather than publicly leading the movement to oppose the Salween dam projects itself. As *Ai Birm*, a member of the Community Development Center staff, points out, "Open is closed, and closed is open, which means that we should know how to work at the border. The movement cannot act openly because it is too risky. We sometimes use indirect ways." To indirectly campaign against the dam, the Community Development Center communicated with people at both the local and the national levels, saying that the value of the Salween River should be protected, rather than saying that they oppose the Salween dam projects. Those messages actually hold the same meaning.

How can we understand the Community Development Center's strategies? They sometimes serve local authorities in order to aid the government's work and often have to compromise in order to run their work smoothly and successfully. There are inevitable difficulties in working along the Thai-Burmese border. I highlight the thought process behind the local NGOs' activities and their interactions between dam proponents and opponents at the Salween borderlands.

The Community Development Center and a network of Thai NGOs, including TERRA, organized a series of activities they called "The Value of the Salween

Exhibition” in Mae Hong Son Municipality between November 6<sup>th</sup> and 13<sup>th</sup>, 2010. Footage of some of the activities was taken and put into a documentary film, which was also posted on the media website (terramekong 2011). Originally, they wanted to disseminate information about the Salween River to residents of Mae Hong Son. The River seems far away from them, but in actuality it is not so far. The residents of Mae Hong Son Municipality do not often receive information on the Salween River, let alone on the proposed Salween dam projects. For this reason the art and photo exhibition aimed to show the value of the Salween.

They organized a trip for the urban dwellers to visit villages to do activities with the villagers. Photographers from outside come to take pictures and children from communities along the Salween River joined the activities. NGOs created activities that facilitated children to communicate based on their perceptions, and through this realize the value of the Salween River. Four main activities were conducted: photography, land art, printing, and drama play.

For the children’s photography activity, the staff gave the children digital cameras. They shared digital cameras and took pictures in the village in groups. Each group received an assignment, such as family or happiness. After they finished taking the photos, they watched and enjoyed the pictures together. Some pictures were selected to show at the photo exhibition and printed to be shared with the public.

The NGOs also held land art training for children. At the beginning, the children were trained in how to select leaves and stones. An art instructor gave them an example – a stone dragon. He asked children pick up stones and put them down in a line lying down on the wood. After the stone dragon was completed, the instructor told them that this composition of a dragon comes from the environment around them: from water, trees, and earth. After the demonstration, they created their own land art by selecting things in nature that they liked. They produced amazing, imaginative works, such as a waterfall, a fish cave, a statue of a village, a heart made of white seeds and a church that represented love of God. They had a lot of fun because the activity gave them the freedom to do anything they wanted. Through land art, the children could touch the nature that surrounds them, learn its texture and its character, and through this, they gradually began to feel like a part of nature. After they created

their own land art, the instructor asked them to create a village encircled with the river together, which made them feel proud of their village.

Another activity was performing a drama play. Children from the villages along the Salween River were selected to join in. This activity was led by an activist who specializes in community theatre. She helped them learn how to perform and act in order to communicate to people through body language. She asked them answer her questions through acting. The questions included: “what are you doing in the paddy field?” and “How do you help your mother in the kitchen?” They were very active. Some plays featured supporting roles, such as wind blowing, playing music, singing a song, or driving a motorcycle. The performance instructor also connected the plays to the participants’ lives. She asked them from where the water, fish, and rice come. They answered that it all comes from nature surrounding them. The Salween River, its tributaries, and the forest provide them water and food.

Notably, those activities did not directly mention the Salween dam projects and their potential impacts, but rather they imply that the value of the Salween River should be protected from any threat, including the Salween dams. In addition, the EGAT was not involved with these events. However, the EGAT was involved in another activity organized by the Community Development Center – the Stateless Children’s Day festival.

The festival was used to gather government officials and other organizations, including the District Office, the Children Foundation, INGOs and Thai NGOs, and the nationality network. Since 2003, the festival has been arranged by the citizenship working group and network in parallel with the Thai National Children’s Day festival in the second week of January. Each year it took was held at a different place, such as the border village along the Salween River. Early in the year 2009, I joined the festival that took place between January 6<sup>th</sup> and 8<sup>th</sup>, 2009. Before the festival, Ai Birm said that the EGAT was targeting to the people who would join in the festival in order to convince them to support the Salween dam projects. They wanted to join the event. “The *karn fai fah* (EGAT) staffs came three times to meet me at my office, but they did not meet me. I was not at the office at that time. So they explained their intentions to my colleague, who explained them to me,” Ai Birm explained.

The EGAT tried to collaborate with the local NGO, but *Ai Birm* did not communicate back to them until the EGAT staffs communicated with a *Nay amphoe* (District Chief Officer), asking him to talk to *Ai Birm* about joining the festival. The following dialogue between the *Nay amphoe* and *Ai Birm* occurred over the phone:

“I would like to talk with you on the matter of the festival. When will it start?” *Nay amphoe* asked.

*Ai Birm* replied, “It will be on this January 6<sup>th</sup>-8<sup>th</sup>. And I also plan to invite you to join the festival.”

“Right now I’m staying with the *karn fai fah* officials. They also want to join the activity and open a booth. Will you let them attend the festival? What do you think?”

*Ai Birm* kept quiet for a second during the communication because he worried that the EGAT would use this event to promote the Salween dam projects to the people who joined the festival. Suddenly, the *Nay amphoe* responded to him and *Ai Birm* made a reserved and noncommittal statement during the critical situation.

“There is no hidden agenda. It is only giving them a gift,” said the *Nay amphoe*.

“Maybe Mister!” *Ai Birm* said. “Let me bring this matter to consult with colleagues in our network.”

After that, *Ai Birm* raised this issue in the meeting of NGOs’ network. Arm, who also works on the issue of citizenship, gave him the idea. His words were: “Don’t think too much! It doesn’t differ from the Petroleum Authority of Thailand’s (PTT – *por tor tor*) prior project that arranged the ceremony for the winner of the Green Globe Award (*rangwan luk lok si keaw*).<sup>4</sup> The person who received the *rangwan luk lok si keaw* from *por tor tor* grew forest trees over the villagers’ land.”<sup>5</sup>

At that moment, a question came into my mind: should NGOs collaborate with state agencies or corporations? This is a big debate among NGO workers. *Ai*

<sup>4</sup> The *rangwan luk lok Si keaw*” is the project of PTT that was set up in 1999. As of now, 249 persons have received this award. See PTT, (<http://pttinternet.pttplc.com/greenglobe/history.html>, accessed July 24<sup>th</sup>, 2009).

<sup>5</sup> Actually, he mentioned people's names, but I omitted the name here, because it might make more tension among them.

Birm gave me an example that Thai Fund Foundation<sup>6</sup> also received money from the *karn fai fai* to organize a training course for the staff. In this fashion, “NGOs might be bought off by the sponsor,” Ai Birm added.

Finally, they allowed the EGAT to participate in the festival without propaganda about Salween dams. During the festival, the EGAT was allowed to use public relations only focusing on saving energy. Samai was in charge of communicating with them.

For Ai Birm, it was difficult to reject the *Nay amphoe*’s request, because they had been working collaboratively on the issues of citizenship registration for many years and they needed a good relationship in order to work together effectively. The EGAT realized the importance of their relationship. Tactically, they asked the *Nay amphoe* to be a middle person to send the message of their intention to local NGOs. This was a good approach for the EGAT because they succeeded in dealing with local NGOs and were able to join the festival. This gave them one more step forward in their work to promote the Salween dam projects.

In the meantime, Samai told me that he received news that the EGAT contacted Muang Mean schoolteachers asking to be allowed to participate in the National Children’s Day festival at the school as well as at Bon Bea Luang village. After that, I asked Samai to go to the village with me. The next day morning, he drove me up to Bon Bea Luang village by motorcycle. We arrived at the village after one and half hours. The village is located nearby the Salween River. We slowly walked up to the school, which is set up on the top of the hill behind the village. The Children’s Day festival had already started when I arrived. The stage for performances was set at the school’s earth-flatted field. The gifts were comprised of many kinds of snacks and study materials, such as notebooks, pencils, and the like. A lot of villagers, both adults and children, came to watch and participate in the festival. I also met some of them who had joined the festival the day before.

<sup>6</sup> NGOs networks are included NGO-Coordinating Committee on Rural Development (NGO-CORD), Rural And Social Management Institute (RASMI), Thai Volunteer Service (TVS), Local Development Institute (LDI), Thai Development Support Committee (TDSC), Development Cooperation Foundation, and The Asia Foundation, set up a Development Support Cooperation Partners (DSC) in 1996 for supporting the works of civil society organizations. In the year 2000, DSC was registered as Thai Fund Foundation (TFF) by Ministry of Social Development and Human Security. (See also DSC at the website <http://www.tff.or.th/?q=node/10>).

During the festival, I could not identify those who were the EGAT staff members. But I was sure that they were attending the festival because I saw their silver-colored car parked under the shadow of a big tree along the village's narrow road. While we were working out of the festival field area, Samai and I discussed about the role of the EGAT on the ground level. The EGAT was trying to work not only with his organization, but also with state agencies in border communities, particularly with schoolteachers and border soldiers.

Samai initiated the discussion with sigh: "Do you know, the EGAT also makes friends and works with school? They gave them sponsorship money to support school activities, particularly the Children's Day event. As you have already seen in this village, that right!"

"Why do they act like this? They want to use propaganda, right?"

"Yes," Samai replied, "they try to get support from the villagers. But the villagers, they know *karn fai fah*. They don't like *karn fai fah*."

From NGOs' perspective, the EGAT itself cannot work well at the community level because the villagers opposed the EGAT. The EGAT asked other groups of people or organizations who are more closely associated with the villagers for help. The villagers are more willing to trust and listen to these other people or organizations. Therefore, the EGAT approached local NGOs, local authorities, schoolteachers, and even border soldiers for assistance.

In general, the EGAT's role was not to have direct contact with the villagers, but during the festival this changed. It seems to me that the EGAT was trying to depoliticize their role, similar to when government officials give gifts to the people. In my mind, they played the role of a patron in relation with a client, like in the past. It is the same role that government officials played when they went to remote areas with a hidden agenda, bringing material things and foods to give to the people. In this sense, the EGAT, for the border people who participated in the festival, may be a good organization.

The Community Development Center avoided inviting the EGAT join this activity, but they really wanted to invite the local officials to participate in the festival. The District Chief Officer was invited, but he had a meeting in Chiang Mai on the same day the festival took place. Thus, the District Chief Officer's Assistant came to

participate in the festival instead. The local NGO activists and the district official were recognized for their collaboration on the issue of citizenship. As a result, local government officials received advantages for their jobs and NGOs can also run advocacy projects on citizenship.

The next year, local NGOs and networks ran the same festival in another village outside of the flooding areas of the Salween dams. The EGAT and the Border Soldier Unit 36<sup>th</sup> did not participate in the festival that year (2010). Samai explained, “They disappeared! They did not contact us anymore. *Thaharn phran* leader, who worked closely with us, has already moved out to another place. The new one we don’t know well. So they did not join our festival this year.”

The aim of local activists in collaborating with others is to learn and exchange information among various groups of people. *Ai Birm* explained, “In local areas, knowing what the other is up to is important. We don’t become tool for them. We sometimes got some information from them as well.”

The EGAT has attempted to obtain the NGOs’ information in relation to the anti-Salween dam and transnational advocacy campaign. *Ai Birm* said, “The EGAT public relations division’s staff came to meet me many times. They tried to ask for information. I talked to them. They asked what issue we are working on. I told them that we are working on children, citizenship, and nationality. They asked about children, I talked about children. They asked about occupation promotion, I talked about occupation promotion. They talked about dam, I talked about dam too. They tried to dig into our information. We also know that. Right now, they have disappeared because we didn’t provide them information that they need and try to get. They haven’t come here again. *Thaharn phran* also tried to seek information. There was a Border Soldier that we helped his wife to receive Thai nationality. Right now, he is well-mannered. He greets us and even bought fish from the Salween to give to us.”

*Ai Birm* concluded that the local NGOs cannot fight and oppose government officials at the beginning. Those who are official leaders will get trouble if they do. “It is our mistake if we do. *Phuyaiban* (village head), *Kamnan* (district head), and *Nay amphoe* are inspected or investigated by committees set up at higher level. Importantly, we have to keep a good relationship with them,” said *Ai Birm*.

This idea was confirmed by his colleague. “Local NGO activists sometimes cannot speak strongly. It is difficult to work if we make more enemies. So, we have to coordinate with them, saying, ‘*sawaeng judroum sa-nguan jodtang*’ (seek the common points, keep away from the different points). For example, if we make enemies with foresters, we will not be able to work with them on the issue of the community deed (community land title),” Te Yaw explained.

In short, local and Thai NGOs organized the “Value of the Salween” events based on environmentalism. For them, abundant vegetation and a rich Salween River are values of the Salween that should be protected and conserved. They communicated with local people and outsiders that these values are for all human beings, and that the environment and the border people who live along the Salween River also rely on the forest and the River for their livelihoods. Another event that reflects the role of the local NGOs at the Salween borderlands is the Children’s Day festival. The Community Development Center had to communicate between both dam proponents and dam opponents in a compromising way that sometimes did not challenge the government and TNCs to adjust power relations. Within the violent situation on the Thai-Burmese border, they cannot strongly and directly oppose the Salween dam projects. Instead, they use soft strategies in campaigning.

In summary, the violent situation around the Salween borderlands has caused the state authorities to include border people within the country’s boundaries in order to protect state security. In the meantime, the border people simply wish to secure their livelihoods, while local NGOs wish to work at the border and support the border population. Therefore, local NGOs play a role in mediating between the Thai state and the border dwellers through their citizenship registration program, and as I have shown, district officials wish to use the Community Development Center as a mediator – to induce the border people to take sides with the Thai state. However, the border people have attempted to redefine their citizenship in terms of identity construction, in order to secure their livelihoods, for if they can secure citizenship, they will have the ability to access resources such as natural resources, and government services, as well as participate in decision making; thus securing their livelihoods. In so doing, the border people’s claims to citizenship occur through collaborative articulation within the citizenship program, which is used as a way to

redefine citizenship through negotiation with the state powers, in order to secure livelihoods along the Salween borderlands, as supported by local NGOs.

## 6.2 Local Networking

We need NGOs to support and work with people... We didn't have chance to study what we want. Until now people are quite smart; but blinded... So we still need to develop...to match with the environment and to take care of it hand by hand with community like people in Thailand. 'You can do it if you really want to.' These words more remind me...

Mali, a Shan activist (Original paper 2009)

Mali's quote above expresses the needs of border people at the Thai-Burmese border very well. So far, NGOs have spearheaded the anti-Salween dam movement emphasizing three aspects: local community, government policy, and publicity and media, within particular issues at different levels. The Community Development Center Local, SEARIN and TERRA, in association with the Salween Watch Coalition, Shan Sapawa, Karen River Network and coalitions have converged on the anti-Salween dam and transnational advocacy campaign and become involved in negotiations with Thai government; international NGOs have sought ways to negotiate with TNCs and supra-state organizations. As the Community Development Center has worked on the issues of land possession rights, citizenship and education, the border people engage in their activities at local level as part of anti-Salween dam movement in order to gain citizenship and secure their livelihoods. This section illustrates local networking as part of collaborative articulation project, in which the border people engage to achieve the entitlement to citizenship; it is an indirect mean to secure their livelihoods.

All the border people can do is build their networks within and across communities to protect their rights to resources and livelihoods; the NGOs can also help them to coordinate and run activities. In terms of networking, the anti-Salween dam campaign is not only limited at local level, but it is developing towards the national and international levels. Networks are very important for this campaign and

movement. I found that the Karens created their network through activities related to local knowledge contribution (the Salween Pgä K'nyau Research conducted by the villagers themselves)<sup>7</sup> and rituals or ceremonies to lengthen the life of the Salween. The villagers' research findings were used by the EGAT to contribute the Hatgyi EIA. Nowadays, the Karen still keep the space of ritual and ceremony without the intervention of the EGAT. The EGAT does not yet occupy the space of the "Lengthen the Life of the Salween" ceremony. This section elaborates upon those activities in terms of interaction between various agencies, including the Karens, the Community Development Center, and Living River Siam (SEARIN), as well as the EGAT and its allies.

Interestingly, some say that in the Mekong region, Thailand has a relatively strong civil society within which people can speak out freely. There is a kind of democratic system as well as greater access to information than in any other country in the GMS. But even here in Thailand, civil society is still limited and the local people are not informed. Ai Chawalit, the spokesman of Saw Myin Dong village, responded to my question about the dam survey process and information disclosure by telling me that nobody told the villagers what was happening. They did not know who was conducting the survey, what they were doing, or why. "We didn't know about the reason at all. The villagers sometimes see marks on the rocks, on the tree after the survey, but there is no information being given to us. We just had to learn on our own through our own network."

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<sup>7</sup> The Salween *Pgä K'nyau* Research is an example of locally-based knowledge production, which is produced by the groups of peoples in the villages. In development and conservation discourse and representation, they have contested the meaning of development and conservation strategies integrated at the higher level, particularly in the cases of transnational cooperation, which in the case of the Salween projects is dam construction by the authority of Burmese military government and the protected forest zone demarcation by Thai government. As a way to oppose dams, SEARIN, an organization based in Chiang Mai city, initiated a project called "Thai Baan Research," which was first utilized in the case of the Pak Mun Dam. The research's format was used and applied in other areas, including at the Salween River. Through collaboration between SEARIN and a local NGO in association with local communities, the villagers' research was carried out beginning in 2003, and the findings came out in 2005. SEARIN and the local NGO worked with local people to make the results public to sub-district officials around this area. They also made the results of the study available to Mae Hong Son Province, especially the result regarding the different fish species. They have tried to get local government more and more involve with the research. Another important study called the "Salween Study" was conducted recently by Foundation Ecological Recovery based in Bangkok. Under the foundation, TERRA has worked with local people from three different communities along the Salween to do the study.

In the network, NGOs are more active than local communities because the border people on the Burmese side are in dangerous situations (as I discussed in chapter four), so it is difficult for them to participate in the network. In this context, the Karens on Thai side are able to easily create a local network. This network includes NGOs and improved upon its earlier form as a watershed network; it acts as a resource to spur mobilization of the collective movement against the Salween dam projects.

At community level, not only did the Community Development Center come to the villages, but also several larger NGOs, particularly SEARIN, TERRA, Karen River Watch, and the Salween Watch Coalition, came and made an effort to share information to the people. They have many ways to provide information to local people, including meetings, seminars, group discussions, fact finding research, and dam study tours. SEARIN associated with the Community Development Center to arrange the dam study tours for the border people. They visited several dams: Bhumibol Dam, Sirikit Dam, Lam Ta Khong Dam, and Pak Mun Dam. Through these study tours, the border people can understand what a dam is and the impacts of a dam are. SEARIN also collaborated with the Community Development Center and village representatives to facilitate villagers to conduct research. They went up and down the Salween, studying about how the Weigyi and Dargwin Dams could impact the Salween River, including fish species, sub-ecosystems, wildlife, tradition, the community-based natural resource management. Obviously, the goal of the villagers' research was to collect evidence to help them say no to the construction of the dams. They oppose the Salween dams.

In July 2009, the Center for River Training students had a trip to visit the villages along the Salween River and learned about the potential impacts of the Salween dams. They traveled by boat up the Salween to the local Karen village of Saw Myin Dong, where the Community Development Center hosted a stay with local families whose village would be inundated by the construction of the Hatgyi Dam.

They began a conversation about the results of the villagers' research in the morning at the village hall, where several villagers were gathered during the quiet part of the day before lunch. Te Yaw, a member of the Community Development Center staff, explained what the EGAT had done at the local level. They worked with the

Thai military to identify villagers and brought them to look at communities that are very happy with dam projects. They studied about how dams are good. They visited the Chaopraya and Bhumibol dams. There are some business people that have been able to make some money and be successful around these dam projects, so the villagers were brought to talk to them. “The villagers asked me, ‘Should we go with the EGAT and soldiers to study dam?’ I replied, ‘Yes, go ahead, learn as much as you can about both of positive and negative aspects of dam’,” said Te Yaw.

At the time, however, Te Yaw worried that the EGAT was buying off the villagers. They offered them some money to say good things about the dam project and agree to it. Fortunately, the villagers did not accept the EGAT’s money. “Instead they said something like, ‘Well! If you give us this much money, will you guarantee of that all the species of fish in the Salween River will be protected?’ And then the EGAT didn’t know what to say. That would be the end of it.”

The villagers’ research is the result of cooperation among villagers and allies at different levels, including NGOs and academics as advisory partners (Salween Pgä K’nyau Research Team 2005). However, communicating outside the community and using this as a tool to negotiate with government authorities is the NGOs’ turf. The main role of the NGOs is to build capacity within the villagers’ network. This means organizing and facilitating meetings, trainings, and study tours, and helping in terms of additional critical thinking skills (academic ideas and technical ideas). Therefore, the research is based on local knowledge, to which a new kind of knowledge is added to make it stronger.

Later, SEARIN joined with the Community Development Center to help the border people show the government that they the forest to be destroyed and to negotiate with the government. Te Yaw evaluated the villagers’ research outcomes and they presented the findings to the National Human Rights Commission (NHRC) so that influential people could learn about the situation on the Thai-Burmese border and the border people’s concerns. Their movement gained more understanding from the local government. Some officials, like doctors, schoolteachers, and forestry officials, joined in and had more sympathy for our cause. They also were working to put their knowledge into the local school so that the children could learn about the dams.

“Fortunately, the Weigyi and Dargwin Dams were delayed. Those are cross-border dams on the Salween River,” said Te Yaw. But the Hatgyi Dam is on the Salween inside Burma. It was easier to develop than two cross-border dams (Weigyi and Dargwin Dams). Investors will turn their interests to the Hatgyi project instead. Villagers are aware that if Sinihydro Corp., the EGAT, and IGE Co. build the Hatgyi Dam in Burma, it will also affect the communities along the Salween in Thailand. Te Yaw uttered, “Therefore, the local network has been working to build awareness among communities along the Salween to share understanding about the fact that even if the Hatgyi Dam is not on the Thailand side, it will affect all the villagers living all the way up and down on the Salween River.”

However, the EGAT also contributed their knowledge, represented through the Hatgyi’s EIA, which contradicts the villagers’ research. In 2006, the EGAT hired the Environment Research Institute of Chulalongkorn University to study the Hatgyi’s environmental impacts for 15 months. The EGAT expected that its result would say that the Hatgyi Dam can be built because it is feasible with minimal impacts. The Hatgyi EIA was conducted with the short-sighted approach of the EGAT’s research team. They claimed that they did not have enough time to count all the fish species themselves, so they referred to the work that the villagers did in their EIA. The local villagers did count all the fish species, all the plant species, sub-ecosystems, and traditions, but the EGAT’s research did not. They used information from the villagers’ research to support their goal, even though the EIA contradicted the villagers’ research. A colleague of mine criticized the EGAT’s research team for stealing information from the enemy. “The goal of the villagers’ research was to say we have all these fish species and they need to be protected, do not build the dam. Then it was taken by the dam builders and put in their own study saying these are how many fish you see and they can still build the dam,” said Mukda.

Surprisingly, Te Yaw said that the villagers and NGOs did not know that the information that took two years for the villagers to gather was being used by the EGAT in the EIA for Hatgyi. They feel that any study of the Hatgyi’s environmental impacts should include the villager’s information, but it should be correct. They did not know that their information was being used in support the construction of the Hatgyi Dam. This is what they cannot control. It is clear that the border people and

NGOs learn from each other, including sharing information from different angles. The border people learn how to re-produce their knowledge as tool for negotiation with the government. However, their information was used by the EGAT to claim that the Hatgyi Dam should be built.

Although the use of their research is out of the villagers' control, they still keep control of another space: the space of ritual and ceremony. They organized the "Lengthen the Life of the Salween Ceremony" on the International Day of Action Against Dams<sup>8</sup> (Hseng Khio Fah 2010) on the Thai-Burmese border. On February 14<sup>th</sup>, 2010, before the ceremony, *Ai Chamnan*, the spokesman of Saw Myin Dong village, said that at the ceremony, the network came out in opposition to the Salween dams. It is their right to take action. Peoples of each area around the world who will feel the impacts of dams can legally express their concerns. "Absolutely, we didn't oppose the Prime Minister. We sometimes submit petition letters to the relevant offices and show our rights via media to public. It is not regulated by anyone, but it depends on all of us to decide and design. We have worked together in the network that all made decision," said *Ai Chamnan*.

"We share the same river" is a message that the protesters have used to mobilize people to protest against the proposed Salween dam projects. Hundreds of people, including Thai Karens and Burmese Karens, monks and journalists, and environmental activists from the Mekong River in Thailand, joined the traditional ceremony at the riverbank of the border village to celebrate the source of their livelihoods, and to urge Thailand and Burma to call off their plans to build dams on the Salween River (Bergoffen 2010). This demonstrated that they intend to protect the River and the border people's livelihood security from the threat of the Salween dams together.

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<sup>8</sup> On March 13<sup>th</sup>-14<sup>th</sup>, 2010, the International Day of Action Against Dams, hundreds of environmentalists and civil society groups, including NGO groups, and local villagers along the Salween from both Thailand and Burma and the Salween Watch and the Burma Rivers Network, held a traditional ceremony that they called "Lengthen the Life of the Salween." At this ceremony, the people prayed for the prolonged life of the Salween, and for all living things to be able to rely on it forever. It also called for unity to protect the river and to continue protesting against the Salween dam projects. Environmentalists from Burma at the ceremony also declared their intent to join hands with any groups to stop the dam projects not only on the Salween but also on the Mekong (Hseng Khio Fah 2010). They also held a ceremony in 2011.

To sum up, local networking has produced an anti-Salween dam campaign, which reflects the border people's practice of identity construction in which they have negotiated with Thai state agencies to protect their livelihoods. Yet, the border people wish to gain citizenship, though it is difficult for them to do so directly; therefore, they have attempted to do so in a more indirect way – collaborating with NGOs on the anti-Salween dam campaign, and with NGOs, in turn, supporting them in their citizenship claims. In this sense, the border people's entitlement to citizenship has occurred through acts of resistance carried out against the Salween dam projects, and; therefore, the border people's struggle to protect their livelihoods has not been limited to the local level, but has extended to the national and even international levels. The local people have thus sought support from outsiders, forming a network with local, national and international NGOs in order to enhance their negotiating power. This shows that the Salween borderlands are not isolated lands, but connected lands in which the border people's livelihoods are borderless; their connections go far beyond state boundaries. These border people have worked with their supporters to run activities at the Salween borderlands; nevertheless, the Salween dam projects continue to move forward.

### **6.3 Redefining Livelihoods**

On July 13<sup>th</sup>, 2009, a public forum on local people's anxiety about the proposed Salween dam projects was held in a village nearby the Thai-Burmese border along the Salween River. The forum was hosted by the Sub-committee to Study Human Rights Violations and Suggestion on a Case of the EGAT's Hatgyi Dam Construction on the Salween River in Burma (hereafter referred to as the Sub-committee), which falls under the Committee to Monitor and Solve Human Rights Violations. The Committee was set up by Abhisit Vajjajiva, the Prime Minister of the Thai government at that time. They came to the village to investigate and gather information, particularly from local people, about the proposed Hatgyi Dam. In the meeting, local people expressed their demand: they do not want the dam to be built.

Previously, the NHRC had gathered information on human rights violations and environmental abuses that will be caused by the Hatgyi Dam and recommend to the Thai government that it be suspended. The NHRC's recommendation was

submitted to Prime Minister Abhisit, but his government did not dare to make a decision on whether the Hatgyi Dam project would be continued or suspended. Instead, the Sub-committee was set up to seek more information.

A big question that the campaign and movement against the Salween dams did not clearly answer was the best strategy to campaign and advocate the involved companies to stop the Salween dam projects. What can really wake up the dam builders and make them want to stop the project? The answer is nothing. The transnational investors do not care when the border people and their allies spoke about the dams' potential impacts on humans, fish species and so on. "There is nothing we can really say to them to make them want to stop dam construction. What we can do – what our strategy can do – is target the government and say something like, 'Oh, it's going to make Thailand lose some land to Burma.' That the government might care about," said Samai.

On January 25<sup>th</sup>, 2010, Abhisit's government decided to postpone the proposed Hatgyi Dam construction project and assigned the EGAT to follow Section 190 of the 2007 Constitution. This required the EGAT to improve the EIA, to put the issue of human rights in the Memorandum of Agreement (MoA) of the project, to conduct a health assessment, to consider the issue of territory loss with the Joint Border Commission (JBC) under the Foreign Ministry, and to disclose information about the project to public. However, the project is still going ahead. The EGAT International Co., Ltd., Sinohydro Corp., and the Burmese government signed a MoA to construct the dam together on April 24<sup>th</sup>, 2010; because of this the EGAT's governance was criticized. This section explores movement activities and the interactions between negotiating parties and outcome, providing us with an understanding of the border people's practice of redefining livelihoods upon the trilateral relationships between the border people, NGOs and state agencies.

### **6.3.1 National Terrain: Public Forum**

As we know, the legal system in Thailand is more open than in Burma. The question is whether the anti-dam movement will reinforce legal mechanisms effectively through advocacy and campaigning against the proposed Salween dam projects. Hopefully, NGOs have continued legal advocacy, and the pressure will be

enough to stop the Salween dam projects both inside Burma and on the Thai-Burmese border. Ai Sanan, the local Karen activist, said that before the public information disclosure took place on February 8<sup>th</sup>/9<sup>th</sup>, 2011, the villagers had called for the government to stop the Hatgyi Dam. “*Chaoban* (villagers) who live along the Salween have never received information, not only regarding where the dam site is, but also regarding impacts, particularly what the negative impacts to livelihoods would be.”

TERRA invited the NHRC committee members to visit the Saw Mying Dong village in 2003. They criticized the EGAT for being prepared to build the Salween dams without disclosing information to the villagers and for avoiding Thai laws. Previously, the EGAT planned to build the Weigyi Dam on the Salween River at the Thai-Burmese border, but the villagers opposed the project. They referred to the 1997 Thai Constitution to protest against the dam.<sup>9</sup> The EGAT received pressure to stop the Weigyi Dam project, so they moved down to the Hatgyi Dam area instead. Obviously, the report of Thai NHRC already noted that the EGAT did not follow Thailand’s EIA law and national environment process. The EGAT used a gap in the law, arguing that the Dam is an investment outside Thailand. Furthermore, they argued that the EGAT as a Thai investor is a private company, which means that the investment is not in the name of Thai government agency, and that it is co-investing with Burma and China, so the Thai government and people should not be involved

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<sup>9</sup> The first paragraph of Section 57 of the 1997 Constitution says that: “*A person shall have the right to receive data, explanations and reasons from a Government agency, a State agency, a State enterprise or a local government organization prior to the approval or the operation of any project or activity that may affect the quality of the environment, health and sanitary conditions, the quality of life or any other material interest concerning such person or a local community and shall have the right to express his or her opinions to agencies concerned, for assisting further consideration of such matters.*” The EGAT’s PDP 2007 process violated the second paragraph of Section 57 of Thailand’s 2007 Constitution Law about public hearings, which says: “*In planning social, economic, political and cultural development, or in undertaking expropriation, town and country planning, zoning and making by-laws likely to have impacts on essential interests of the public, the state shall cause to be held comprehensive public hearings prior thereto.*”

Power transmitted from neighboring countries and power plant projects are reconsidered by the EGAT. The PDP 2010 mentioned that power purchased from neighboring countries start in the year 2018 will amount to 450 megawatts and increase up to 600 megawatts in 2019 until the year 2030, but the plan did not identify from which project in what neighboring country that power will be purchased. Therefore, the quantity of the power purchased from neighboring countries shall be considered upon the MoU made by the concerned parties (Electricity Generating Authority of Thailand 2010: 22). It seems to me that the EGAT is not sure which projects should be identified. But even so, it can be assumed that the power purchased may come from dams in Burma.

with the project. It is the matter between the Burmese government, its people, and private companies.

Furthermore, the EGAT argued that Thais are not involved with the Hatgyi Dam construction because it will have no impact on Thai villages and that the dam site will be inside Burma, not on the Thai border. Therefore, Thai civil society should not stand up to protest against anymore. The Burmese government will take care of the Burmese people. In this way, the EGAT tried to use the state boundary to claim that construction of the Hatgyi Dam is not the Thais' matter. However, around the world, it is known that the Burmese people have no voice to protest and no rights to participate in the planning process of such projects. Therefore, Thais have to speak out for them.

By 2007, the Thai NHRC had undertaken a fact-finding mission at the request of communities. The commission arranged a survey to collect information on human rights violations in the Thai-Burmese border zones. Surprisingly, Dr. Thaveevongse Sriburi, a Director of the Environmental Research Institute of Chulalongkorn University and project Director of the Hatgyi EIA team, claimed that the dam would improve the lives of people in Burma, especially for those who reside in areas surrounding the dam site, because they are currently experiencing health problems and they lack employment opportunities. In addition, an agreement had been reached on the dam's design to avoid flooding parts of Thailand (Anonymous 2007e).

Finally, the Thai NHRC submitted the report on human rights violations to Abhisit's government on August 9<sup>th</sup>, 2007, saying that the Thai government should call on the EGAT to shelve the Hatgyi Dam project. The Commission complained that the project would directly impact dozens of Karen villages and that those villages may have to be relocated from the dam's floodplain. Thousands more would suffer abuses from the Burmese army's attempts to secure the site, which have already resulted in several military offensives and a large build-up of troops in the area.<sup>10</sup> The

<sup>10</sup> After Manerplaw collapsed in 1995, many villagers fled from dangers to live in temporary shelters and were smuggled into Thailand. However, there are still many villagers who remain at the dam construction site. After construction on the dam begins, fighting will begin between Burmese troops and KNU soldiers, who do not want dam construction. In effect, over 10,000 refugees will flee into Thailand. The Hatgyi Dam will affect human rights and induce the war of ethnic cleansing. In addition, the proposed Salween dams are at risk from earthquakes because the dams will be located on

report noted that the planning and implementation of the Hatgyi Dam project have been proceeding in a non-transparent manner (Anonymous 2007e: 8). Therefore, the NHRC recommended the EGAT should bring the project into Thai legal process.

On February 27<sup>th</sup>, 2009, following the Thai NHRC's recommendations, the Committee to Monitor and Solve Human Rights Violations was established to investigate human rights and environmental violations. The Committee was led by Prime Minister's Office Minister Sathit Wongnongtoey. Pornchai Rujiprapa, a Permanent Energy Secretary, as chairman of the Sub-committee on power cooperation with neighboring countries, said that the Energy Ministry was ready to heed the advice of the Committee<sup>11</sup> (Watcharapong and Chularat 2010).

Due to unclear information on the issues of human rights violations, armed conflict, refugees, and territory, the Committee set up the Sub-committee to address such matters on June 8<sup>th</sup>, 2009. Mr. Rapeepan Sariwatana, a State Inspector of the Prime Minister's Office, was the chairperson of the Sub-committee. The Sub-committee called a public forum at a village that would be affected by the Hatgyi Dam on July 11<sup>th</sup>, 2009. Numerous people joined this meeting: the participants were comprised of representatives of the prime minister's office, the Sub-committee, the Thai NHRC, the EGAT, and members of civil society. Additionally, some of the Center for River Training students who could understand Thai language, a foreign researcher and I also went to join the meeting.

Both NGO activists and border people were present in the meeting to express their concerns and share their information. The speakers included villagers, TAO members, a local civil community spokesperson, and a lawyer.

There were also villagers from Thailand and Burma in attendance, but the Burmese villagers did not represent themselves openly. Among the local people, there were some KNU soldiers who blended in with villagers as they were not dressed in uniform. In addition, there were many kinds of organizations present at the meeting. The Border Soldiers also came to observe. However, there were few

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the Srisawat active fault near the Three Pagoda Pass and near the Sakaing fault in the Andaman Sea (See more detail in Montree and Landharima 2007: 251-55).

<sup>11</sup> In March 2009, the Thai cabinet endorsed the PDP 2007 (revision 2), in which the Hatgyi and Tasang Dams are included. It seems to be that this process does not relate to the Hatgyi Dam, but it is directly related to the project because it legitimizes the project.

members of the media or journalists, and there were no international journalists. There were many people videotaping the meeting; most of them were representatives of government offices and the Thai NHRC.

It is important that community members were able to express their concerns about how the proposed projects would affect their lives to the EGAT and government representatives. *Lung* Danai informed those at the meeting that local people were excluded from the process of the EIA study. He said that those who conducted the EIA did not open up space for the people to have an opportunity to participate in the study, and so the people felt bitter. Lack of space for participation easily creates conflict between policy makers and the people who would be affected.

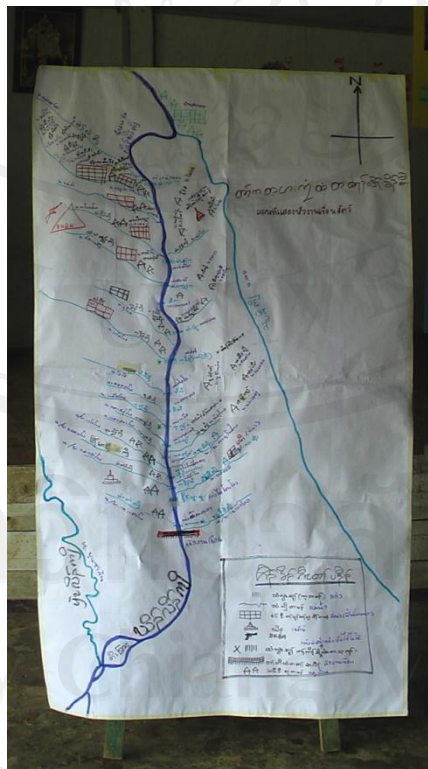
Referring to the EIA, the EGAT representatives claimed that there had been no fighting in the area around the proposed dam site for ten years. However, the Hatgyi Dam lies in Karen heartlands that have been contested by resistance forces and troops of the Burmese military regime for many decades (Salween Watch Coalition 2011a). The conflict situation between KNU troops and the Burmese military are still ongoing along the Salween River, as well as inside Burma's Karen State. *Pi* Somjit strongly opposed the Hatgyi EIA. Her words: "It mentioned that there had been no fighting in Burma for about ten years. It was wrong because fighting was still happening. The Sub-committee should consider that. The people in Burma have fled across the River into Thailand for their safety. We have to receive and take care of them anyways. Thailand has to bear those refugees for sure."

Another point in the Hatgyi EIA is that only six villages will be affected, but this point is wrong. TERRA, Living River Siam (SEARIN), and the Salween Watch Coalition had discussed with local people to obtain accurate information. Therefore, the border people from both sides of the Salween River secretly gathered their own information day by day. They listed the names of villages and counted the number of villagers that would be affected. Finally, they claimed that there are 41 villages, about 400 households, and about 2,500 persons would be affected.

In the meantime, they made a hand-drawn map based on a topographic map. It is a map of the dam site that local people, in association with Thai NGOs, worked on and finished within two weeks. It was represented in Thai because the main target audience is Thai people and the Thai government. The map shows the villages and

populations that will be impacted by the dam. There was already a map of the dam project in the Hatgyi EIA. Why is this hand-drawn map different? Maps can be a tool of power: some people have power to make maps, and maps have the power to make decision over people. If the EGAT makes a map that shows six villages in the local impacted area, it is a map that makes the Hatgyi project look great. In contrast, the villagers made their own map, showing the 41 villages that will be flooded if the dam is built. Through this map they reclaimed power and information, and were able to show that the Hatgyi Dam will cause human rights violations against the people inside Burma and in turn cause a greater refugee burden inside Thailand.

Even though the EGAT staffs had no chance to reply to any questions or explain their work during the public forum, they continued to work on the issue of their image. For example, a member of the EGAT staff talked with Te Yaw. Later on, Te Yaw told me that he asked him to tell the truth to the foreigner who went along with us, saying that: “We will not do anything destructive. Please tell your foreigner friends good things about the project to help create a good image of our country.”



**Figure 6.1 The Hand-drawn Map of Affected Communities Represented at the Public Forum**

From my understanding, the EGAT staff members care a lot about their image because the EGAT has been strongly criticized by the Thai public. The EGAT's image is not good because it has been responsible for constructing projects that produce pollution and have affected local people's health and ways of life, such as Mae Moh coal fired-power plant in Lampang Province, Northern Thailand and the Pak Mun Dam in Ubon Rachatani Province, Northeastern Thailand. So they have tried to improve their image in order to seem to be a good organization.

At the end of the public meeting, over 200 people from 19 villages along the Salween River signed their names on a petition letter to Prime Minister Abhisit demanding the EGAT and Thai government halt the Hatgyi Dam project due to its ecological impacts, political impacts, and other consequences to Thailand. As Ai Chawalit concluded, "We don't protest against the Salween dams violently, but we would like to say that the dam will affect to us. So, the government should consider and sympathize with us for our loss and anxiety."

In brief, the right to livelihood enables the border people to live *human* lives, with peace, security, dignity, and so on; it dignifies the border livelihood. The border people have attempted to protect their livelihoods by arguing that the Salween dam construction will cause livelihood insecurity and degrade the right to livelihood. Even though key players in the Salween dam project include states and transnational companies, the border people have tended to negotiate with the Thai government as their negotiation interlocutor. In negotiating border livelihoods with the Thai state, they emphasized the livelihood security and the right to livelihood at the Thai-Burmese border. Additionally, in order to protect their livelihood security and the right to livelihood, the border people and NGOs raised a territory issue to negotiate with the Thai state.

### 6.3.2 Anxiety of the Loss of Territories

Do the flooded areas belong to Burma? The *khetdaen* (boundary) between Burma and Thailand is not identified yet. The problem of

*dindaen* (territory) is what will happen to the eight Northern provinces adjacent to border if the dams are built.

*Lung* Danai, a spokesman of Su Mo Ke village (July 11<sup>th</sup>, 2009)

The main concern for the border people is their lives and livelihood. A spokesman presented his concerns in the public forum. *Lung* Danai said that even though the Hatgyi Dam was to be built inside Burma, the flooding area will affect the Thai side. The villagers' paddy fields may be more submerged than before. "Even though *Pi-Nong* (brothers and sisters) cannot read, they knew that the *kor for phor* (the EGAT) solved the problem in a wrong way. Does half of the Salween River belong to Burma, and another half belong to Thailand? The *chaoban* (villagers) want to know whether our lives will be secure if the dam is built. If the dam is built, Mae Sariang town will be flooded."

However, the issue of livelihood is not the main concern of Thai authorities; rather, their main anxiety is the loss of territories. As Thongchai points out, the loss of territories can exist only in the light of the modern territorial state with boundaries and exclusive and absolute sovereignty. This is a main cause of the 1893 crisis by which Siamese elite was scared<sup>12</sup> (Thongchai 1994: 141-50). Siam had defended its own territories against French invasion along the border on the east bank of the Mekong. Finally, the French created a gunboat blockade of Chao Phraya with which Siam could not contend. Hence, it is the Siamese' agony of defeat by a European power, particularly French imperialism, that has scared Thai memory up to the present day. Following this agony, the border people and their allies raise the issue of territory loss to the Thai government as their interlocutor. Here, I elaborate upon how they raise this issue and the government's responses.

<sup>12</sup> The dispute between France and Siam took place along the Thai-Laos border after France occupied Vietnam and Laos. In 1887, the French had taken over Sipsong Chuthai and Huaphan, where Siam had previously claimed. The French further claimed the east bank of the Mekong and wanted to take over the whole of Laos. In the Siam story of loss of territories (in Laos it is a different story), French imperialism takes on the role of the Wolf. Siam is the Lamb whose survival was at risk amidst a situation in which its neighbors had already fallen. Siam had done everything possible to protect itself from the predator. A fiction in Anglo-American history, an Aesop's fable, was used as analogy to capture the theme of the scenario that France adopted the ploys of the Wolf who, first, picks a quarrel with the Lamb, then jumps over and executes it. In one story, the end is rather tragic, but only because the Wolf was beyond Siam's capability to deal with reasonably. In the other story, the end is a happy one. Not only did Siam defend itself, but it survived with a great leap forward (Thongchai 1994: 143-46).

After the Sub-committee's public forum, what was the situation regarding the Hatgyi Dam? In February 2010, *Ai Sanan*, a local Karen activist, said that the Sub-committee had already submitted a report to Abhisit's government. The report says that the project should be reviewed (*thobtoun*) due to issues including human rights (*sitthi manutsayachon*), of territory (*dindaen*), of health (*sukhapap*), and of the environment (*singwaedrom*). However, the government did not dare to make a decision on whether the Hatgyi dam would be built or not.

What is the EGAT concerned about? *Ai Sanan* said that they are afraid of the issue of international agreements because they have to follow Section 190 of the 2007 Thai Constitution. This section says that any Thai agreement at the national level with other country must be approved by the parliament. "Particularly on the issue of *dindaen*, you know, the authorities who handle national security will closely watch," said *Ai Sanan*.

Many soldiers came to the public meeting to look after and keep a hold on the situation. There were many intelligence authorities trying to get information as well. They were trying to check all of us and identify as many outsiders as possible. *Samai* said in a whisper, "*Thaharn phran*, who was taking VDO, is their leader. He ordered his subordinate to ask me get our name lists." *Samai* had to follow their rule. For him, there was no way to reject. Thus, he asked me write down my name and our friends' names. The Lao and Shan students gave them the fake names. Finally, they got our name lists and they also took our photos during the meeting. My guess is that our information was put in the confidential file of the Border Soldier Unit 36<sup>th</sup>.

During the public meeting, *Lung Danai* raised the issue of *dindaen* that might be lost if the flooding areas were to expand over Thai territory. The treaty between British and Siam signed in the colonial period identifies the Salween River as the borderline. The sovereignty of both Thailand and Burma legally ends at the edge of the River. The body of Salween River is neutral, and neither Thailand nor Burma can take it over.

The border people concern to livelihood security that might be harmed by the Hatgyi dam through reservoir. However, when they negotiated with the Thai state, they referred to *dindaen* instead. *Lung Danai* said, "If the river's banks burst, submerging entire lands, those lands will be gone and the state cannot bring them

back.” The state authorities try to keep all pieces of land like their own life. Therefore, the issue of the loss of territories is an anxiety for state authorities, particularly of soldiers and the army. They are worried about territory that might be lost if the Hatgyi Dam is built. The Sub-committee put the issue of *dindaen* in the report that it submitted to the Thai government. This is a powerful argument that both NGOs and the border people made to challenge state authorities. When the authorities recognize the issue of *dindaen* as it relates to the Salween dams, they might not agree with the EGAT about the construction of the Hatgyi Dam.

In 2009, Thai activists and politicians held discussions of the dam construction project and *dindaen* in terms of Section 190 of the 2007 Thai Constitution. Because inundating the Salween and Moei Rivers would affect Thailand’s boundary, a petition letter drafted by the activists highlighted this serious issue. According to Section 190 of the 2007 Thai Constitution, the government is required to seek approval from the parliament before signing an agreement with another country (See detail in Appendix A). As no one knows exactly where the boundary of Thailand and Burma on the Salween and Moei Rivers is, the Sub-committee invited the Department of Treaties and Legal Affairs in the Ministry of Foreign Affairs to give its opinion.

The representative of the Department of Treaties and Legal Affairs came to attend the Sub-committee meeting. The representative mentioned orally, but not in written form, that both the MoA and the MoU that the EGAT or EGATi signed with Burmese government is considered to be an international agreement between two countries because it is signed by government. This is because although the EGATi signed the contracts, EGATi is considered to be a state-owned enterprise, not a private company. “If the EGAT claims that the MoU or the MoA signed by the EGATi and Burmese government is not international agreement between the Thai government and the Burmese government, it should be submitted to the Prosecutor to determine whether or not it is an international agreement. Otherwise, it will be big trouble for the EGAT if the people, NGOs, villagers appeal to the Constitutional Court,” said a SEARIN staff member.

The supplementary suggestion that came from the representative of the Department of Treaties and Legal Affairs stated that to ensure consistency, this matter should go through the process of parliamentary approval. Then, the EGAT asked to

sign the agreement after the Hatgyi issue was approved by the cabinet. The representative of the Department of Treaties and Legal Affairs said that the cabinet can make a decision, but not truly a judgment. The judgment can only be carried out by the Constitutional Court. “If the cabinet approves the EGAT to sign an agreement, but the people appeal to the Constitutional Court the court may rule that the EGAT cannot do the project. So, the cabinet has to be responsible for that. They might be put in jail then,” the SEARIN staff member added.

Moreover, on the issue of the impacts of inundation on the Moei and Salween Rivers on the state boundaries, the Sub-committee, along with the EGAT, wrote a letter to ask the Royal Thai Survey Department, which is responsible for state boundary control. The Royal Thai Survey Department replied that the bank of the Salween and Moei Rivers is the borderline between Thailand and Burma and the body of rivers is neutral. However, the Royal Thai Survey Department claimed that it does not have expertise in dams. Therefore, in the case of the Salween dams or the Hatgyi Dam, the Royal Thai Survey Department could not answer. The Department said that a study should be done and an answer given by the Joint Border Commission (JBC). The Royal Thai Survey Department is in fact also a part of the JBC, but they safely played a game by saying nothing, even though the Department has technical map expertise.

The civic groups want the government to terminate the investment outright. TEERA also urged the government to ask for parliamentary approval for the Hatgyi EIA if it continues to support the project. TERRA has argued this because the dam will lead to alterations in river flows, which could change Thai territory in Tak and Mae Hong Son Provinces. However, Pornchai Rujiprapa, a chairman of the EGAT, has stressed that Thailand has followed its own legal process as well as international human rights and environmental accords. The Energy Ministry has also worked closely with the Foreign Ministry on the project. Once the negotiations are completed, the issue will be submitted to Parliament under the Constitution (Watcharapong and Chularat 2010).

Thai NGOs have targeted the EGAT and tried to convince the Thai government to enforce the state’s laws and regulations on them. Especially, TERRA and SEARIN have supported the border people to negotiate with the Thai government

to regulate the EGAT. Sathit, a politician, finally mentioned, “The government has (power). If the impacts affect Thailand, the government has a duty to handle the impacts. The question: What is the EGAT? *It is a state-owned enterprise.* The government is the only shareholder, even though the EGAT brings money to establish the EGATi to invest outside country. It is operated through the money supported by a state-owned enterprise, to which the government is related.”

The network communicated that Thailand will be losing territory to Burma which made government agencies, particularly the National Security Commission and Thai army, disappoint. In so doing, they hoped that the government and Thai military will be concerned by the projects. As Samai concluded, “If the network said that to the Thai military, ‘you know, Thailand is going to lose its soil to Burma,’ then it sounds horrible, it makes them all upset and they care a lot about it.<sup>13</sup> So, it’s a way of winning some sympathy from an unusual ally.” The Hatgyi Dam will be a big issue in relation to the loss of territories, through which it is possible for the project to be stopped.

To sum up, the border people are concerned that livelihood security and the right to livelihood will be interrupted or degraded by the dam reservoirs. The border people’s lives on both sides of the Salween and Moei Rivers are based on the same natural resources and not separated; their social relations and cultural ties run across the state boundaries. They and NGOs have raised the issue of *dindaen*, that might be lost if the dam reservoirs were to expand over Thai territory, to negotiate with Thai state authorities. Thailand’s Western border along the Salween is not exactly clear. Thai and Burmese lands are separated by the Salween and Moei Rivers, and that Thailand will lose part of its territory because it will be submerged is a sensitive issue for the Thai government. Therefore, they have learned how to oppose the dam operators by appealing to the Thai state on boundary and border issues.

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<sup>13</sup> This already happened in the case of the Mekong River. The Chinese government tried to create vessel navigation. They finished rapidly blasting the Mekong River at the border between China and Burma and they were planning to continue further at the border between Thailand and Laos. However, the issue of changing the deepest of the Mekong was raised to Thai government and Thai army. Thailand was going to lose its land. They discussed and finally decided to stop the project in 2003.

### 6.3.3 Collaboration within the Sub-committee

The main task of the Sub-committee was to gather more information from various groups of peoples. The Sub-committee's report was dated November 13<sup>th</sup>, 2009. Four main issues were mentioned in the letter: human rights, governance related to Section 190 of the Constitution, social and environmental impacts in Burmese and Thai communities, and energy needs and risks of Thailand's energy dependency on Burma. In addition, the report recommended that the EGAT conduct an EIA on Thai side, hold a public forum, disclose information and act in a transparent manner, allow people to participate in decision making, and submit the Hatgyi Dam project agreement to the Cabinet and parliament to approve before the project operation.

How did it come out this way? The Sub-committee report was the product of government agencies, the EGAT, NGOs, and NHRC. In doing my research, I traced the process through which the Sub-committee's report compromised amongst opposing parties.

TERRA believed that the Sub-committee chairperson was taking the EGAT's side. The EGAT did not want the Sub-committee's report to mention whether the dam should be stopped or not. So NGOs attempted to put as much of their supporting arguments and evidence into the Sub-committee's report draft. It was their principle to fight the Sub-committee. Therefore, the contents of the report included both pros and cons of the project. The EGAT sent information on Thailand's energy needs and more details of the dam in order to support its reasons for constructing the Hatgyi Dam. NGOs gathered information from various organizations to send to the Sub-committee to demonstrate the project's problems and potential negative impacts. However, the report did not take a position on whether the dam should be built or not, but rather it suggested that the Prime Minister make a final decision.

The Sub-committee drafted the report and waited for the secretary to summarize it and send them the final draft of report to submit to the Committee. Under the Office of the Permanent Secretary, the Prime Minister's Office secretary prepared the report draft. Some of the Sub-committee members adjusted in some parts. The Sub-committee then had a sixth meeting to consider the draft of final report on October 22<sup>nd</sup>, 2009. Because the members' opinions did not correspond,

they had to adjust the contents of the report before submitting it to the Committee. They all agreed on the project's content, including the Background, the NHRC Suggestions, the Government Operation, the Sub-committee Operation, the Report Presentation, and the Project Impacts and Human Rights Assessments (Comparative Analysis), and Conclusions and Suggestions.

There were several issues that the EGAT did not want to put in the report. Two issues of consideration indicated that they were compromising each other. Firstly, Mr. Samerjai Suksumak, a Director of the Power Policy Bureau in the Energy Policy and Planning Office under the Ministry of Energy, expressed his disagreement with the potential negative economic impacts of the Hatgyi Dam mentioned in the section Project Impacts: Comparative Analysis. He argued that the dam had not been completely constructed yet, meaning the negative aspects were uncertain. He argued that the impacts were only a guess. However, the Sub-committee agreed to discuss the negative economic impacts in the project impacts section, and finally Mr. Samerjai did not dissent.

Secondly, in the Conclusion and Suggestions section, the meeting considered ways to compromise in order to find a conclusion of final report that all members agreed on. They adjusted wording and content of the report draft at many points. For some points, the meaning remained the same, but one of the points was totally changed. The sixth meeting report mentioned that: "2.1 revise the content page 16, paragraph 2; line 2 amend content from "... may be *delay the project* until re-study is done..." to "...have an additional study..." The phrase "delay the project" was erased from the report because the EGAT considered it to be too strong of a statement to keep. This was despite that NGOs wanted to guide the Committee and the government made a decision.

The EGAT and Ministry of Energy asked to erase words "whether the dam should be stopped/suspended," arguing that "delay the project" was too much guiding. They accepted keeping the section on human rights violations because NGOs had sent information on human rights violations in Karen State during June and July 2009. It was strong information because they directly received the information from Karen Human Rights Group that the EGAT could not reject. However, the EGAT tried to make other claims of additional more positive impacts: that they would be looking

after the people in Burma, and that Burma and China would do the project if Thailand does not.

Both TERRA and SEARIN thought that the Sub-committee mechanism was good because it allowed them access to deeper information than before.<sup>14</sup> The SEARIN staff member concluded with intensity that other parts of the report were fairly accepted. Both compromised each other. NGOs accepted the EGAT's information. The EGAT and Energy Policy and Planning Office accepted the NGOs' information. They learned useful information from the opposition. For example, a new company will be set up to run the project. The EGAT will do operations and maintenance of the power plant, rather than the Burmese government nor China state-owned Sinohydro Corp., so that the EGAT will undertake to control the water level. The EGAT orally made this agreement, and it is not in written form yet. For this reason, the NGOs accepted the EGAT and Energy Ministry on the issue of state boundaries.

The NGOs also learned about the future of the plan from the Sub-committee's meeting. A week before meeting, NGOs received news reported in Bangkok Post newspaper that the EGAT had suspended the Hatgyi Dam project as well as other dams in Laos. The SEARIN staff asked the EGAT in the meeting to confirm this news. The representative of the EGAT said that they were not sure yet because there was competition among the projects within the EGAT administration. They had many projects planned that each project was trying to push ahead. Because of this information, the report, for SEARIN staff, was accurate and powerful. It was powerful information because if the EGAT wanted to sign an agreement later, they would have to think seriously about whether the EGAT had the internal energy to carry out the project. The Sub-committee clearly mentioned that any agreement would require parliamentary approval or it would be submitted to the Prosecutor to approve before signing. The process of planning the Hatgyi project was delayed a bit.

Today, the movement against the Salween dam projects utilizes legal advocacy as their main approach which information struggle and mass struggle support the legal strategy. Information on human rights violations in Karen State was

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<sup>14</sup> TERRA, Living Rivers Siam, and Salween Watch gained access to EGAT's EIA for the Hatgyi Dam in Burma by engaging the Thai NHRC, who ordered the report released to the public.

collected and submitted to the Sub-committee by the NGOs. As information submitting to the Sub-committee, the border people's livelihood security was informed and revealed. In addition, the NGOs used information to lobby those who might help them to approach the government. Therefore, information is also used in the process of negotiation via the Sub-committee, for instance, and they disseminate information to the public society through media and internet. Mass struggle is used when they want to pressure the government or the EGAT before or during a decision-making period.

#### **6.3.4 Compromising between Politicians and the EGAT**

Sathit, a Minister of Prime Minister's Office, agreed that the Hatgyi Dam project should be halted because so many potential negative impacts had been proven. The Thai government has the power to order the EGAT to stop its activity, but the government did not issue the order for the EGAT to stop its work while the Committee considered the issue of the Hatgyi Dam project. It did not respond to a question about a new MoA that the EGAT is going to sign soon. How do the politicians articulate the advocacy and campaign against the Salween dams, the EGAT, and political movement? This section illustrates how the government dealt with the Hatgyi Dam issue.

As a politician, Sathit accepted that it was difficult to stop the EGAT from signing a new agreement. The Committee's concerns were the repercussions on Burma, not the impacts on the EGAT's investment (Watcharapong and Chularat 2010). "It would be easy if the project totally belonged to Thailand. But, firstly, the dam site is in the Thai-Burmese border zones. Secondly, the investors are from three countries. The methods or steps of decision-making are more complicated," said Sathit.

Sathit was considering how to deal with it. He thought that on the one hand, the hold-up of the Hatgyi Dam project should not cause diplomatic displeasure with Burma. On the other hand, the Sub-committee's study was very clear that the dam would cause sensitive issues, including flooding in relation to state boundaries, human rights violations inside Burma, and refugees. "The problem is that the study on this project was not disclosed to the public from the beginning. It is not until the

construction process is underway that impacts are truly reported. These matters are sensitive issues that also affect neighboring countries. The investors are a Chinese company, the EGAT, and the Burmese government. Therefore, it is the steps of administration and the need to negotiate moderately that delay the progress of the project. If the project is delayed, the Committee members have to consider how the EGAT will negotiate with its co-investors,” said Sathit.

Outside of government, the civil society groups (NGOs and villagers) pressured the government to abort construction of the Hatgyi Dam. On November 23<sup>rd</sup>, 2009, the groups demonstrated in front of the Government House and petitioned a letter to the Prime Minister via the EGAT executive.<sup>15</sup> They also handed a protest letter to Sriprapha Pethamesree, a Thai representative at the ASEAN Intergovernmental Commission on Human Rights (Apichit 2009).

Pornchai Rujiprapa, an Energy Permanent Secretary, also said that there will be more studies, and although this may lead to a delay, the project is not scrapped. On January 11<sup>th</sup>, 2010, the Office of the Permanent Secretary of Prime Minister’s Office submitted a 4-page consideration letter to Prime Minister Abhisit summarizing the Sub-committee’s suggestions to the EGAT in a bid to make the investment in the project more transparent. In fact, the government did not want to stop the Hatgyi Dam project forever; they just delayed it for a while to clear it of the problems brought up by civil society in accordance with Thai law and regulations. Sathit said that the Hatgyi Dam EIA was extended, and that information disclosure must be improved. The Committee will further convene to monitor the EGAT according to the Sub-committee’s suggestions. It will also work on the structure of the information disclosure unit, as well as its scope of responsibility (Watcharapong and Chularat 2010).

The Abhisit government responded to the advocacy group in a polite manner rather than through aggressive action. It is not because the Abhisit administration agreed with the advocacy groups, but because the Abhisit government did not want to

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<sup>15</sup> On November 24<sup>th</sup>, 2009, a Working Group of Sciences, Technologies, Natural Resources and Environment, National Economic and Social Supervision Council, organized a public seminar on “What benefits will Thailand receive from the Hatgyi Dam construction project?” to brainstorm public listening on the issues of state of problems and impacts for creating policy suggestions and recommendations to present the Cabinet.

make more enemies. At the time, the Abhisit government was very weak in its ability to govern the country because its legitimacy was questionable. The government came to power with the support of the military. Thus, the political protesters, known as the red-shirt group, called for the Abhisit government to dissolve the house in order to have new election. To play it safe, on January 25<sup>th</sup>, 2010, Prime Minister Abhisit approved the Prime Minister's Office's consideration letter to implement, ordering the EGAT to follow the Sub-committee's suggestions and set up a national-level organization (*nuayngan klang*) to run the process of disclosing information to the public. The government was happy because this movement did not try to take the government power (Pakwadee 2010: 32). The movement did not challenge the government's power or to adjust power relations. Instead, they tried to improve the work of the government, particularly through the Sub-committee. On the other hand, the NGOs were pleased with the Sathit committee's resolutions, which created a more transparent disclosure channel (Watcharapong and Chularat 2010). Thus, they had achieved one success. However, they would need to work until the project stops (Hseng Khio Fah 2010). But even so, the EGAT violated the Abhisit government approval. On April 24<sup>th</sup>, 2010, the EGAT signed a new MoA for the Hatgyi Dam with other three co-investors: the Burmese Ministry of Energy, Sinohydro Corp. of China, and International Group of Entrepreneur Co. Ltd. of Burma (Bangkok Business 2010).

The Thai government, NGOs (TERRA and SEARIN) and the border people have utilized the idea of the modern territorial state with boundaries and supreme sovereignty and the matter of territory as a major concern. Following this idea, the campaign has utilized legal advocacy in which information and mass struggles are combined. They have tried to use the legal mechanisms of the NHRC to challenge the Thai government to stop the Hatgyi Dam project. The weak government responded to the movement and received the movement's demand in order to avoid political confrontation at the site. However, the anti-Salween dam campaign and movement cannot move forward without changes in state policy towards the EGAT. Unlike the Thai government or politicians, the EGAT has the power to run a business in the name of national progress. Because of this, the movement is not powerful enough to

overcome frontier capitalization in the Salween borderlands, where TNCs and states are the main players.

At the national level, the anti-Salween dam campaign has emphasized the national terrain through collaborating with other sectors: the government, human rights organizations, academics, and media, to join in the movement to advocate the Thai government policy. They had put the EGAT into Thai state's box, and then they had tried to negotiate with the politicians and NHRC when the government was weak. By referring to Thais' agony of loss of territories, territorial sovereignty and national security, they had gained more opportunity to struggle against the commodification of the Salween River. Fortunately, the weak government accepted their demand. They had pushed for better government work. However, the anti-dam campaign's negotiated space is limited to the nation-state, which is not enough to overcome the TNC's power, because TNC's power reaches far beyond state terrain. Indeed, for TNCs, the national does not matter. They are concerned only with enclosing natural resources and maximizing profit. As I have shown, the EGAT, Sinohydro Corp. and IGE Co. are still continuing their plan to build the Salween dams in the Salween borderlands regardless of concerns around human rights and the environmental conservation, as well as concerns regarding the nation-state boundary. In addition, the Salween River movement moved up to the regional level. The campaign at this level is twofold: first, the anti-Salween dam campaigns and transnational advocacy have focused on information dissemination and demanding that the ASEAN member countries to put pressure on the Burmese government through the recently established ASEAN Intergovernmental Commission on Human Rights to limit state violence. Second, they have pressured the transnational investors to follow international standards and norms. The movement sorely needs to shift to a new site of negotiation and to directly targeting transnational capitalism. The actual interlocutors of the anti-Salween dam campaigns and transnational advocacy groups are the combination of states and TNCs; not either one separately.

In summary, the process of redefining border livelihoods involves trilateral relations between the border people, NGOs and state agents, in a collaborative articulation of the Salween movement. The Thai state is mainly concerned with the integrity of the nation and state sovereignty, while the border people's key concern is

their livelihoods along the Salween borderlands, and the NGOs' main concerns are environmental conservation and human rights. Since they each have their own agendas, they engage in the Salween movement and try to achieve their own ends and interests. As the Salween dam construction projects are bound to cause livelihood insecurity, those living around the border have sought ways to secure their livelihoods; however, they cannot redefine livelihoods on their own, so they have had to act through the anti-Salween dam campaign. These border people have taken the Thai government as their negotiation interlocutor, and the NGOs have helped them to raise border livelihood issues, as well as territorial, national security, environmental and human rights issues, in a wider campaign against the Salween dams. Within this campaign, border dwellers have redefined border livelihoods into two dimensions, namely livelihood security and the right to a livelihood. The right to a livelihood enables border people to live how they want and dignifies their livelihood security. In the meantime, the politicians and the EGAT have also attempted to protect their benefits during the negotiation process, and particularly through the National Human Rights Commission of Thailand.

#### **6.4 Summary**

As I have shown in previous chapters, the border people's livelihoods are threatened by the capitalist market and by state exclusion activities. Construction of the Salween dams will cause immense insecurity among border livelihoods, and border people will have to evade powerful capitalists and states, and seek ways to protect their livelihood rights and livelihood security. As people with little power at the Thai-Burmese border, these people have had to manipulate their lives in order to create a space for negotiation. If the border people lose their livelihoods, they will not know who they are anymore. Therefore, in the context of a transnational world, the people here are redefining their border livelihoods, but since this world is an interconnected one, so the border people have had to redefine their border livelihoods based on identity (re-)construction, in order to make themselves visible and secure their livelihoods. Their identity construction has been produced, not only through social memory, local history and cultural lore, but also through the movement formed against the Salween dams, as led by NGOs.

The process of border people redefining their livelihoods through the anti-Salween dam movement has been based on trilateral relations between the border people, NGOs and state agencies, all of whom have their own agendas and have come to engage in a Salween movement and co-produce a collaborative articulation project. As the integrity of the nation-state and state sovereignty are the main concerns of the Thai state, the violent situations that have developed at the Thai-Burmese border for them may erode state security. Therefore, the Thai state has sought a way to include border people within the state – to protect border security. Meanwhile, those living at the border aspire to secure their livelihoods, while NGOs are concerned about environmental conservation and human rights. In so doing, all these parties have engaged in the Salween movement and are trying to follow their own agendas and achieve their own interests.

Since the Thai state's desire is to maintain border security while the border people's desire is to achieve livelihood security, so local NGOs have come to mediate the Thai state's and border people's requirements through the citizenship registration program. This represents a collaborative articulation in which the border people and local NGOs are able to express their demands clearly. Due to the complex process involved in border people claiming citizenship at the Thai-Burmese border, they alone cannot easily achieve this; hence, they have created a network through the anti-Salween dam movement. This movement represents their way of negotiating with state powers in order to secure livelihoods, and has the support of local NGOs. This is the border people's practice of identity construction, involving building a network with NGOs at the national and international levels in order to enhance their negotiating power. Therefore, the Salween borderlands is now a connected land, rather than an isolated or bounded one, and so people's livelihoods there also extend beyond the state boundaries. The border people's lives on both sides of the Salween and Moei Rivers are related, and their border livelihoods can now be characterized as borderless, as they exist across the state boundaries. At the same time, the Thai and Burmese states have not been able to fix or bound social relations, cultural ties and natural resources at the Thai-Burmese border.

NGOs have supported the border dwellers, who have been oppressed by states and TNCs through the introduction of frontier capitalization, and have been forced to

defend the Salween borderlands and their livelihoods by using border livelihood issues to struggle against commodity production carried out by the capitalist market and states, built upon the anti-Salween dam campaign and the use of transnational advocacy. The issues of livelihoods as a local discourse, plus the NGOs' environmentalism and international human rights campaigns have been combined as part of the movement. In practice, the border dwellers and NGOs have joined forces to raise the issues of *dindaen* and national security and negotiate with Thai state authorities using a legal advocacy campaign, arguing that Thailand will lose a part of its territory due to construction of the Salween dams, and that this will cause significant border problems. Through their legal advocacy campaign, their concerns have been highlighted and presented to the Thai National Human Rights Commission and to the wider public, and it is this process of negotiation a bordered terrain which has provided them with the opportunity to collaborate and contest. A *thirdspace* is a terrain for the generation of counter-spaces, and the border people here have created their own spaces of resistance in relation to the capitalists and state agents, as firmly rooted in their experiences at the Thai-Burmese border. As a result, these border people have been able to use the Thai government as their negotiation interlocutor, in order to redefine their livelihoods, even though the Thai and Burmese states, plus the transnational companies, are themselves key players in the Salween dam construction projects.