

**CONFLICT RESOLUTION::
A case study on sustainable forestry management in Thailand¹**

Pearmsak Makarabhirom ²

Introduction

Conflicts are common occurrences in cities as well as in rural communities due to the fact that different people have different ideas about natural resource management. They are common when people work and live together and share the same natural resources. These different ideas and actions can lead to innovative changes. However, if there is no proper management, they can develop into serious conflicts.

The conflict over natural resources in Thailand is chiefly caused by the struggles of many interests for the use of limited natural resources. The conflict is aggravated because of the government's centralization of natural resources management, thus alienating people from the forests. Local people are not permitted to take part in the management. There is no balance of power and access to the profits is unequally gained (Kongdee and Laohasiri, 1996). The conflict has become formidable, especially during this era of globalization driven by borderless information superhighways. Now, there is an unlimited demand for forest land for agriculture, community settlement, industrial purposes, tourism and sale in order to make profit. These demands are causes of the loss of forest land. Other factors such as changes in population and employment, poverty, the state of inequality of status, public policy, marketing and unsustainable development also indirectly lead to the loss of forest land. Deforestation has affected not only the lives of rural dwellers who are farmers but also the overall ecosystem and environment. While droughts and floods have always occurred, their severity is now greater than before. However those who are concerned about these changes do not share the same ideas about the causes of deforestation, the management of existing forests, and the restoration of deteriorating forests and ecosystems.

Box1 Proposed forestry sector master plan of the Royal Forest Department

In the Thailand Forestry Sector Master Plan of 1993, the Royal Forest Department (RFD) advised that "19 percent of the proposed protected area, 83 percent of the proposed economic area and 98 percent of the proposed reformed land are occupied." The RFD proposed that 3 percent of the country's area (10 million rai) be a well managed forest plantation and 4 percent of the country's area (15 million rai of natural forest) be a community forest managed by local people." The RFD also added that "The area requirement will be more than doubled if timber supplies are to come only from extensive managed forests." This way of management was opposed by various academics for they thought that it would affect society and ecology. Besides there has been a conflict between investors and local people in relation to the use of forest land (RFD, 1993).

Conflicts over forestry management

Conflicts over forest use and management have been going on since before the establishment of the RFD in 1896 up until now, that is for more than a hundred years. The conflicts are caused by both direct and indirect factors, as there are many parties involved. These parties include timber industry groups, farmers, local traders, land developers, government policy makers and operation enforcers -- both local administrative and forest officers. The concerned organizations are usually divided into two groups: those who want to conserve only the forests (exclusive of forest dwellers) and those who want the forest conservation managed by communities.

¹ This paper was prepared upon the request of IGES. I would like to thank Tanongsak Chuntong of RECOFTC, Montri Chuntavong of Project for Ecological Recovery (PER) and Pairoj Polpet of Union of Civil Liberty (UCL) for their invaluable help in sharing data and insights.

² Program coordinator, Regional Community Forestry Training Center (RECOFTC)

Conflicts may occur among the villagers themselves, between the villagers and the government, or among government organizations. Conflicts have a tendency to escalate. The following four periods describe the development of conflicts in Thailand:

1st Period: Conflicts occurring prior to the establishment of the Royal Forest Department (before 1895)

During this time conflicts rarely occurred because there were plenty of natural resources for people. Each governor was empowered to manage the resources within his own jurisdiction. Due to international political pressure and economic reasons, the government was later forced to render timber concessions to companies from western countries. When concessionaires were in conflict with each other -- something which occurred frequently -- they made complaints to the central government. Blaming the governors for their inefficiency, the central government reacted by centralizing the management of forestry resources.

2nd Period : Conflicts occurring from after the establishment of the Royal Forestry Department until the beginning of the National Economic and Social Development Plan (1895-1959)

The ensuing time was the era of imperialism. Thailand, although independent, had to reduce political pressure from the western world by opening the country more to attain new technology and to comply with treaties such as the Bowring Treaty, and other conditions that bound it after the world wars. Enormous developments were made in administration and laws, especially in the administration of natural resources. Forests were opened up for the timber business and rice was grown for export. This led to the settlement of people in the forests and the clearing of the forests to make way for crop cultivation. Conflicts between the RFD, represented by forest rangers, and the villagers occurred as a result. The conflicts during this period were at both state and local levels, but they were not serious because the overseas markets were not large economic factors. With the centralization of natural resource management, the government established many organizations to administer the work. The RFD was established to manage the forest land where no one had any ownership rights. The Land Department was established to manage the land title deeds and the public land. The Mineral Department was established to manage the mining, and the Irrigation Department was established to manage water resources. The local natural resources were greatly exploited during this period. The interests of the local people were in conflict with national policies. This could not be settled although there was a provincial-level committee set up to scrutinize the matter.

3rd Period : Conflict occurring from the first to the seventh Economic and Social Development Plan (1960-96)

During this period the government fully used natural resources to support economic development. Many conflicts occurred over timber concessions, dam construction, land allocation for the poor, land reform projects and economic forest plantations in deteriorating forest land. Although the government had passed a policy to permanently conserve forests (pursuant to the Cabinet decision of 13 August 1974) and had set boundaries for watersheds (the Cabinet decision of 14 January 1975), in practice there was no proper enforcement. On the contrary the Cabinet decision of 25 January 1975 allowed people to live and make use of the forest reserves. Consequently, the forest reserve areas were reduced and deteriorated. The Cabinet decision of 1976 concerning criteria of deteriorated forests, accelerated the encroachment of outsiders into forests to legally utilize the degraded areas, resulting in conflicts between the investors (new land users) and local people. The projects for Promotion of Commercial Reforestation by Private Sectors and the Land Reform Project, in the middle of the 1980s, were blamed as major contributing factors to the degradation of forest reserves. Toward the end of this period, the Thai economy grew very quickly. Lands and forests were widely used. Land speculation prevailed and local people were approached to sell their lands. There were conflicts over rights and authority relating to forest resource utilization, and the construction of infrastructure such as roads and dams or large reservoirs. Big forests had to be cut down to make way for roads and dams. Vast fertile forests became small fragments. This resulted in uncontrolled human encroachment into the forests. Big floods caused the disappearance of biological resources. In 1989, the government, in accordance with the Forest related Acts, revoked all timber concessions through out the country, citing the flash flood in Pipoon, Nakorn Si Thammarat.

4th Period : Conflict occurring from the first draft of the Community Forest Act to date (1997- to date)

The conflicts over conservation areas culminated in 1997, when people affected by the different government projects rallied in front of the Government House asking the government to solve 121 problems, more than half of which were about land use, water resources and forests. The government had set up committees at the national, ministerial and local levels to deal with the problems. Some problems were solved, such as the issue of compensation of local people who were evacuated from a dam site. In some cases, local organizations and communities were empowered and financially supported by the government to manage the forests, namely Dong Ma Fai Forest in Yasothorn and Nong Yough Forest in Surin. The executive committee of the project was composed of members of the community and representatives of the concerned organizations. However, despite this progress, many problems relating to forests remain unsolved.

Causes of the conflict

Forest management conflicts have become aggravated since the beginning of the 1960 Economic and Social Development Plan. During the first six Economic and Social Development Plans, the gross national income doubled or tripled but the total forest area shrunk to 86 million rai. Forest areas became cultivation areas. Some forests were converted to communities and some were deserted. The national forest policy (of 1982) required 40 percent of country or 128 million rai to be forest, but although there were plans for land reform, forest protection, expansion of conservation forest, more efficient protection of forest and reforestation for 43 million rai of forests, the forest areas were still decreasing (Royal Forestry Department, 1993). This contradiction arose because of conflicts between the local people and measures set up by ministries, departments and national committees. The main conflicts were about land, forest and water. Prasit et al (1995) had made a case study on the controversy over natural resources in the Northeast (see details in Box 2)

Box 2 Conflicts over the natural resources in the Northeast

A study on the conflicts over the management of natural resources found that 54.08 percent of the conflicts were about land (504 cases), 31.12 percent about forests (290 cases), 9.55 percent about water (89 cases), and 5.29 percent about minerals (49 cases). Conflicts between the villagers and government organizations accounted for 53.55 percent of cases, and those among villagers themselves 22.92 percent. Of conflicts over forests 61.12 percent related to forest reserves, 16.55 percent to protected forests and 6.7 percent to reforestation. Villagers submitting complaints under normal procedure accounted for 29.78 percent of the total. If the complaints were not addressed, they mobilized a rally in the area in 22 percent of cases, and in front of the city hall in 13.18 percent of cases (Prasit et al, 1995).

The following examples of the issues on forest management are useful for the analysis of conflict resolution processes.

Issues on the management of protected areas

Protected forests versus land for cultivation: Conflicts occur between the RFD and the villagers living in conservation areas, such as national parks and wildlife sanctuaries. To settle the disputes, the government enforced its administrative power in accordance with the Cabinet decisions on April 22, 1995, April 22, 1996, April 29, 1997 and April 30, 1997 and the Wildlife Protection Act of 1960 as well as National Park Act of 1961. However, there have been no definite solutions to the problems. In April 1997, to consider the demands and complaints of the Assembly of the Poor, a committee comprising government representatives and concerned non-governmental organizations (NGOs) was set up. However, solutions to the problems were not realized because of a change of government. Thus, the RFD made a survey on the areas of cultivation in protected forests and set up rules and regulations to consider the right to hold land in protected forests. Nonetheless, the problem is still not completely solved.

Mangrove forest versus prawn farms: Since 1980, blackish-tiger prawns have been farmed in mangrove forests along the eastern coast, along the southern coast at Surat Thani, Nakhon Si Thammarat and along the western coast of the Andaman Sea in Satoon, Phuket, Trang, Krabi and finally, farmed inland in the central part of the country. The 1980 Cabinet decision decreed zoning

rules for prawn raising. The mangrove forests were divided into conservation and economic zones. The economic zones were divided into Zone A and Zone B. Prawns were allowed to be raised in economic zones. However, conflicts concerning prawn farming are still not completely settled.

Land reform: The issuance of the Sor Por Kor land title deed (Cabinet decision of May 4, 1993 and Land Reform Act 1975, revised 1993) was implemented despite controversy. That is, the land title deeds of reformed land were given to the rich who had made use of the protected areas and certificates granting the right to make use of the land were given to those who had made use of the revoked reformed land.

Land management: Conflicts between the government, the communities and private local development organizations over Pine forest at Wat Chun led to the idea of sustained-yield forest management and multiple-purpose forest management as described in Box 3.

Box 3 A case of Wat Chun Sustainable Forest Management Project, Chiang Mai

Ban Chun Pine Forest at Amphur Mae Chame, Chiang Mai is situated on a mountainous watershed, and covers an area of 150,000 rai. People live in 16 hamlets and 5 villages in the area, which has been under the Royal Projects since 1980. The objectives of the project were to conserve forests, soil and river, to develop cultivation in the head watershed area, to make use of pine and turpentine to improve the villagers' economic and social conditions, to encourage reforestation of pine, and to enhance experiments in the field of forestry so as to naturally develop forests in the watershed areas. Twelve organizations joined with the royal projects were the Royal Project of the North, Chiang Mai; the National Research Council; the Department of Industrial Promotion; the Irrigation Department; the Rural Acceleration Development Office; the Highway Department; the Royal Forestry Department; Forest Industry Organization (FIO); Agricultural Promotion Department; Land Development Department and Kasetsart University. The Forest Industry Organization was responsible for rural development to help the villagers make use of local forest resources under the Forest and Forest Industry Development Plan. Its responsibilities were to manage the logging operation, develop forest industries and forest plantations. It was expected that hill tribe people would earn 6 million baht from logging operation and forest plantation. The FIO contributed 300,000-500,000 baht for local administration and 500,000-1,000,000 baht for other activities. The villagers also earn other income from agriculture and tourism.

FIO developed a plan for the timber and other forest industries. The forest area was divided into three parts: protection forest, production forest and agricultural area. The production forest was divided into 15 plots. The cutting cycle was 15 years. 8,000-10,000 cu m of timber was produced yearly at the price of 20-30 million baht. Cutting was permitted if trees were unhealthy and old, had a height of more than 200 cm and damaged trunks, or dry tops. Under these criteria, all pine trees in the area of 100,000 rai would be cut down. The Karens who had for a long time made use of the pine trees objected to the cutting. This conflict was made public in 1981 and came to the attention of the organizations concerned with conservation of the environment. An NGO came in to support the villagers' opposition to logging because it would affect their lives, the ecosystem and the environment. Actually, this logging operation did not comply with the government's policy to revoke all timber concessions throughout the country and timber cutting did not comply with the established management plan. Moreover, it was against the 1982 Cabinet decision concerning the watershed classification. The pine forest at Wat Chun was classified as 1A. In 1993 the government finally stopped timber cutting but continued promoting tourism with the cooperation of the FIO and the Tourism Authority of Thailand, promoting this area as a conservation attraction for tourists. In 1998, after non-teak wood and pine trees were blown down by storms the FIO asked for approval to sell the timber. The villagers objected to this request. The FIO timber business came to an end, losing its investment of at least 40 million baht.

It can be concluded that there were controversies over the ideas and objectives of forest management, the government's arbitrary decision to revoke the private sectors' timber concessions while allowing the FIO to continue. The commercialization of natural resources by turning forests into tourists attractions also affects valuable water resources and the community's culture.

In the case of Dong Yai Forest, Amphur Pakam, Buriram Province, the villagers were mobilized to keep investors from exploiting forests. Details are described in Box 4.

Box 4 Case of Dong Yai Forest

Dong Yai is a fertile forest of 631,250 rai, located at the border of Thailand and Cambodia. In 1963 it was proclaimed a national forest reserve. When the government decided to construct the strategic road-- Lahansai-Ta Phraya, the forest on each side of the road was cleared for 2 km for security reasons. In 1985, a Forest Cooperative Village was established to allocate land along the border for the people and to lease the deteriorating forest to the private sector for forest tree planting. Two hundred ninety-seven out of 1,297 families did not receive any land and had to move out of the forest area. This resulted in a conflict over the land for cultivation. Later the conflict peaked when the villagers objected to the government and private eucalyptus forest projects. There were 11 villages in conflict with the government. In 1988, the villagers rallied to ask for justice but no avail. In February 1988, thirty-three villagers were arrested and charged with encroaching upon the forest reserve and cutting 4-million baht worth of timber. In March 1988, 2,000 villagers rallied against the authority and burned down 20 rai of eucalyptus forest and one nursery. In April 1989, Phra Prajak, a Buddhist monk, and his company acknowledged the problem and he assisted the villagers in protecting the forest and by forming the Khao Hua Nam Pud Forest Conservation Committee. Khao Hua Nam Pud Forest was a very fertile area in Dong Yai Forest. It covered an area of 25,000 rai. There were three representatives from each village on the Committee. The representatives patrolled the area and closed timber tracks. Pursuant to the National Forest reserve Act 1964, Phra Prajak and the village leaders were arrested on the charge of encroaching upon and destroying a forest reserve. The village leaders were imprisoned while Phra Prajak was disrobed and is still on trial. There were many parties involved in this case, such as the governing body of the province and Amphur, the police and army, local forest units, and the villagers and monks who were supported by NGOs. The government imposed drastic measures on the persons involved, by putting them on trial and the problems still have not been solved.

Draft Community Forest Act: Community forests are found in both forest reserves and protected forest areas. Conflicts over ideas and their implementation derived from the setting up of community forests within the protected areas. Community forests were set up because of a conflict over the use of Huay Kaew Forest. There were many drafts on the Community Forest Act, such as the version drafted by the people, the version drafted by the RFD and many versions drafted by political parties. Pursuant to the National Forest Reserve Act 1964, the RFD is empowered to set up a community forest. Problems arise because of the people are not allow to make use of community forests in protected areas like National Parks, Wildlife Sanctuaries, and critical watershed areas, which are protected by law. For the first time in 1997, there was a public hearing to probe into this issue, details of which are described in Box 5.

Box 5 Case of Community Forest Act

The development of a Community Forest Act derived from the conflict over Huay Kaew Forest, Chiang Mai. Concerned NGOs and academics jointly conducted research on community forests and prepared the people's version of the Community Forest Act for government consideration. The government also drafted a version of the Community Forest Act and authorized the RFD to conduct a public hearing on it. However, this procedure was not successful. Later the government and the concerned NGOs studied and discussed the Act and submitted a decision to the Cabinet for consideration. The Cabinet decision of 30 April 1996 approved a draft of the Community Forest Act and recommended that improvements to the Act be required with the assistance of other concerned government organizations. Some NGOs did not agree regarding issues on where to settle the communities, on the activities and residences of the managers of the community forests, and on how to realize the objectives of the community forests. Thus another public hearing was conducted by a central committee designated by the Prime Minister. But the decision of the committee was not generally approved, especially the decision on making use of the wood in the community forest which was in a legally protected area. Since 1998 there have been discussions between government organizations and the concerned NGOs on this problem, but there is still no solution.

On January 14-15, 1999 thirty organizations, the government and the concerned NGOs, together with more than 800 highland and low land villagers from 11 northern provinces held discussions on community forest law in Thailand and encouraged the enforcement, as soon as possible, of the people's version of the Community Forest Act.

Besides the conflict over the management of protected forests as described above, the following are other cases affecting people in general.

Managing national parks as tourists attractions: This management led to the rise of conflicts among many parties. Conflict between the Tourism Authority of Thailand (TAT) and the RFD, for example, caused the government to close down a hotel and a golf course run by the TAT at Khao Yai. Another example was a conflict between the private sector and the RFD over a resort which was built in the protected area at Koh Samed. Depending on who was designated by the government to look into the matter, some conflicts involve many parties such as Local Administration Organizations, private sectors and government enterprises like TAT and FIO. Now, the Ministry of Agriculture and Cooperatives has authorized the FIO to supervise and manage the protected forests, and the concerned NGOs criticize this as another case of natural forest commercialization.

Stone blasting in the forests and in restricted areas of the community such as in the Temple: This conflict is at both the administrative and local levels. The laws involved are the Forest and Mining Acts, which are enforced by the Mineral Department, Ministry of Industry. Conflicts over quarries prevail in almost every province, especially, in Ratchaburi, Nakon Si Thammarat, and Loei. There are still no measures to cope with these problems. The case of a gas pipeline from Yamada resource in Myanmar installed through Huay Khayeng forest, Kanchanaburi was a multi-level conflict. It affected forest resources, wildlife, human rights and involved international benefits. There were many concerned organizations, such as the Petroleum Authority of Thailand, the RFD, local conservation organizations, and conservation and human rights NGOs. The government conducted a public hearing on the gas pipeline case twice, but there were many issues that could not be settled. Although certain measures were implemented to reduce the impact of conflicting interests on forests and environments, the construction of the gas pipeline continued until completion.

There were many other conflicts over the protected area management such as the conflicts over the evacuation of the villagers of Pha Chor, Lumpang, the evacuation of Mong at Klonglan, Kampaengpet, the 1982 construction of Nam Jone Dam in Thung Yai Naresuan Forest, Kanchanaburi, the construction of a water tunnel through Huay Khakaeng Wildlife Sanctuary, Uthaitхани, the construction of a dam at Kaeng Sua Ten, where one of the most valuable golden teak forests is located, illegal tree cutting in Salawin Wildlife Sanctuary and a violent conflict over land use in Thale Ban National Park, Satun. Many lives and properties were lost during the 1997-1998 conflict at Thale Ban National Park. This example indicates that government organizations did not pay enough attention to peacefully solving the problems.

Moreover, the Cabinet decision of June 30, 1998 required the RFD to survey the villagers' dwellings and livelihoods in protected forests in order to establish rules and regulations for those who want to live in the area. This conflicted with the criteria the Department generally used throughout the country and was not well received by the villagers of many areas. Many problems concerning forests became political problems which led to motions to dissolve the government. An example is the issuance of land reform title deeds.

Box 6 Problems on forest and land occurring during the negotiation between the Assembly of the Poor and the government, April 1997

Problems on forest and land

1) the case of public land and royal real property 2) the case of the protected forests resuming the villagers' place to live and to make a living and the community forests 3) the case of the National Parks resuming the villagers' place to live and to make a living and the community forests 4) the case of the wildlife reserves 5) the case of the forest reserves 6) the case of sustainable

forests as classified by a Cabinet decision 7) the case of forest village project 8) the case of reforestation.

A provincial and local committee was set up for each problem area to look into the problems and to bring solutions for the consideration of the Cabinet.

Conflicts over the forest reserve management include forest concessions, illegal logging and commercial reforestation. Some selected cases are outlined below.

Management of forest areas outside the protected areas (Forest reserves, public spaces and other areas): This is mainly concerned with forest management conducted under the government's policy. There was a conflict between the villagers and local investors over the right to make use of forest resources such as wood, land areas, water and minerals. Examples were a conflict over Huay Kaew Forest, Sankampaeng, Chiang Mai province, a conflict between the villagers of Nam Seaw, Uthumphornpisai, Khonkaen province and the investor who encroached upon Non Lan Forest, the conflict over Dong Yai Forest between the villager of Pakam, Buriram Province and investors. These conflicts have increased each year (Yos, 1993).

The following are other noteworthy conflicts :

Promotion of commercial forest plantation in deteriorated forests: This is to promote forest plantation in accordance with the national forest policy and the 1964 National Forest Reserve Act. The government passed the 1982 Reforestation Act, to support the implementation of the policy. However there was still a conflict over the case in which Kitti Reforestation Company took a deteriorated forest on a lease. The lease was revoked in accordance with the Cabinet decision of 22 January 1990 because the forest was found fertile. In 1992 the Shell Company proposed to do the reforestation project at Khun Song Forest, Chantaburi. The RFD finally discontinued permissions to let private sectors lease the land for reforestation.

Box 7 The conflict between the villagers and investors over the Huay Kaew Forest management

Huay Kaew forest is located in Mae On National Forest Reserve. This forest is a watershed. In 1989 the villagers opposed a lease grant to the private sector by the RFD to use 235 rai of the forest for cultivation. The RFD set up a committee to investigate the case and finally revoked the lease. There are inconsistencies between private forests and community forest management policies. The concerned NGOs decided to draw up papers in support of the people's version of the Community Forest Act to protect the forests.

Inland forest concession : Forest concession was first granted in early 1960s to serve the needs of the demand for timber in the country. The concession was terminated by a Cabinet decision. In 1979 half of the concession area was closed and in 1989 concession was totally canceled because of encroachments upon the forests on the mountain. There was also flash flooding which destroyed villagers' lives and properties in a vast area.

Mangrove forest concession : Formerly, the government granted concessions to small private sectors. But in 1966, they granted a 15-year concession. Because of the deteriorating forest and non-precise concession areas, the concessionaires encroached upon the area where villagers made a living. Negotiations coordinated by local administration organizations and the concerned NGOs were conducted to settle the dispute over encroachment. Also, there were conflicts over prawn farms. Many mangrove forest concessionaires turned to prawn farming. In 1978 the government resolved that there must be certain limitations on the uses of mangrove forests. Prawn farming was allowed only in certain areas. However, the problem of mangrove forest destruction was not solved. In 1981 the government ended all kinds of land use permission in the mangrove areas and ordered the banks not to provide loans to prawn farmers. In conclusion the problems of mangrove forests concern both forest concessions and prawn farming. See example in Box 8.

Box 8 A case of Tung Tong Mangrove Forest

At the Khao Mai Kaew Community, Sikao, Trang province, approximately 300 families living in Village Moos 3-5, had managed the mangrove forest of 587 rai very efficiently before it was proclaimed Klong Salake-Klong Mai Tai National Forest Reserve. In 1970, the private sector

was given a concession to cut down the mangroves to make charcoal. There was a conflict between the concessionaire and the villagers over the destruction of the mangrove forest. The community leaders and the villagers tried to restore the deteriorated forest and they, with the support from the concerned NGOs and the local authority, set rules and regulations to upkeep the well-being of the forest. This was acknowledged by the concessionaire and the authority (Yardfon Association, 1993).

Teak forest at Kaeng Sua Ten: This forest is located in Mae Yom National Park, Prae province. The government wanted to construct Kaeng Sua Ten Dam for agricultural and other purposes. If constructed, the dam reservoir would flood this fertile teak forest of 260 sq km. Environmental impact assessment of the teak forest and other biological resources was conducted. The result of the assessment led to a conflict. The government ignored the importance of the teak forest, and decided to construct the dam while the local villagers and the concerned NGOs objected to the construction. This conflict has not been settled.

The promotion of eucalyptus growing in public spaces or community forests: This case was a local conflict occurring among the communities, the RFD and pulp and paper mills in the Northeast. Later it became a national and international issue and the parties involved were the RFD and the concerned NGOs. There was much research done to support the debate, however, this conflict has not been settled.

Pollution from a pulp and paper mill: Phoenix Pulp and Paper Factory had discharged waste water into the Pong River. The villagers could not use the polluted water from the river. This problem was very serious, especially during summer when the amount of water was small. There were many organizations involved in this case, such as the Toxic Control Department, Ministry of Industry, the Environmental Quality Promotion Department, the RFD, local academic institutions, local administration bodies and the concerned NGOs. Although the provincial authority used its administrative power to close the factory periodically, the problem still could not be solved. Thus a people's organization filed a suit to the court to order the closing of the factory. The suit concerning this conflict has been filed with the court every year.

Problems of illegal logging: This classic case showed that the government failed in the management of forest resources. In Phrae province there were fertile natural teak forests and over 80 year old teak reforestation. The latter was grown during the early era of reforestation in Thailand. As the management of the forest plantation was inefficient, illegal logging prevailed widely in both natural and man-made forests. Timber and furniture industries were active around these areas to serve both local and international markets. The government failed to cope with the problems and was unable to provide forests for the benefits of the villagers. In fact the government had arrested many illegal operators, but was unable to stop illegal operations because local villagers as well as local authorities did not cooperate. The RFD had been trying to conduct the multi-purpose forest management projects, such as Mae Huad Forest Management Demonstration Project at Ngaw, Lampang, Multi - Purpose Forest Management at Mae Hongson and an area study for Phrae School of Forestry, but all failed.

Collecting forest products Collecting forest products such as bamboo, bamboo shoots and wild animals for sale was a controversial issue among villagers and forest officers throughout the country. The National Forest Reserve Laws, such as provincial regulations concerning the right to collect bamboo, bamboo shoots and certain kinds of wild animals were enforced. Negotiations were conducted among the concerned parties in each locality.

Conflict Management

If the villagers encountered conflicts among themselves over the possession of the land areas where they made a living or if the conflicts were not complicated, they would refer to their custom and tradition for settlement. An example was that they would mark the places they made use of for their household consumption, such as a place where they collected forest products so that no one entered that place for the same purpose. If the conflicts were complicated, they would rely on

the court's or the Cabinet decision, or on the power of the Prime Minister to revoke the land concession (Cabinet decision of 17 January 1989).

As proposed in the Thailand Forestry Sector Master Plan, the government aimed at sustained timber yield management, while the academics and NGOs aimed at the protection of the forest, biodiversity, ecosystem and environment and forest products which were important for the everyday living needs of the villagers. Thus in the future, it is difficult to have forests, especially natural forests managed for timber production only. They might have to be managed to meet local needs or else the authority will be criticized. Therefore, International Timber Trade Agreement, in this context, has not much to do with natural forest management in Thailand. But it may affect products from forest plantations if only few species of tree is grown in a large scale. This is because it will affect individual land use, and create issues on bio-diversity and environmental conservation.

Most things concerned with the conservation of forest resources will be under the responsibility of Ministry of Agriculture and Cooperatives while the Ministry of Science, Technology and Environment will be responsible for environmental protected areas which includes critical watersheds. The Ministry of Agriculture and Cooperatives is responsible for 7 forest resource conservation plans. Details are described in Boxes 9 and 10.

During 1995-1996, budgets for forest conservation plans of the RFD were increased drastically, especially the budgets for the management of national parks, wildlife sanctuaries, forest protection, and reforestation. During 1997-1999 the budget for the forest conservation plan was decreased because the RFD discontinued the reforestation plan, but the budgets for the management of national park and wildlife sanctuary are still high and the budget for fire protection has also increased.

Most of the forest conservation budget came from the government through various government agencies such as the RFD, the Ministry of Agriculture and Cooperatives, Department of Environmental Quality Promotion, Ministry of Science, Technology and Environment and the Energy Authority of Thailand. However during the economic rise, the budget received many donations from the private sector.

The analysis of the above-mentioned conflicts shows at least 6 related laws, that is, forestry laws (the outstanding ones are 1941 Forest Act, 1960 Wildlife Protection Act, 1961 revised in 1992, National Park Act, 1964, National Forest Reserve Act), 1992 Enhancement and Conservation of National Environmental Quality Act, 1996 Local Administration Act, 1975 Land Reform Act, and laws related to national security. Thus there were no organizations fully empowered to settle the forestry problems. There were overlapping of law enforcement agencies concerning forests, for example a permanent forest by Cabinet decision when proclaimed as a national forest reserve, was still a permanent forest in accordance with the law. Later, when it was proclaimed a protected area, it still held the status as a permanent forest and a national forest reserve. The government had tried to correct this by revoking the status of each law, which is very time consuming and thus it led to conflicts over forest management. Many of them became political issues and there were no legal measures to impose upon them. In the past there was a serious conflict between the government and the villagers over the encroachment upon the forests. When it affected the country's politics, the government, through the administrative power of the Prime Minister, permitted the villagers to live in the forests (Prime Minister's administrative order, April 18, 1975).

At present tools to resolve problems at a local level have been developed. The government has policies to decentralize and to devolve natural resource management to local administrative organizations. The new Constitution (December 1997) gives authority and responsibility to communities and local administrative organizations to manage their own natural resources. There are many Articles in Section 3-Rights and Freedom of a Thai person, such as Article 46 which holds that indigenous people have rights to conserve and to share the responsibilities in maintaining and making use of natural resources and the environment. Article 56 says that people have the right to cooperate with the government and the communities in maintaining and making use of natural resources and the environment, and that their well-being will be protected. Also, it forbids the government or any other organizations to conduct any activities harmful to the quality of the environment and states that people have the right to make complaints against government organizations, government enterprises, and local administrative authority in order to enforce them to conform with the rules and regulations.

Box 9 The budget for forest conservation of the Royal Forestry Department

Fiscal years	Total RFD's budget, baht	Budget for forest conservation, baht	%
1999	8,315,736,800	3,454,643,800	41.54
1998	10,384,574,100	4,310,441,000	41.50
1997	10,259,553,400	4,158,840,700	40.54
1996	9,196,683,500	7,321,923,900	79.61
1995	9,305,688,600	8,036,009,000	86.36

Source: Budget Bureau (1998)

Box 10 Plan related to forest conservation

Plan/Project	Responsibilities	1999 Budget baht
Forest Protection	To protect 103 million rai of forest To encourage the villagers to protect 16,613 forests and to prevent forest fire There are 598 Forest Protection Units, and 33 field operation bases.	930,337,100
Watershed Management	Manage 20 million rai of watershed. Responsible units are 19 Watershed Management Centers, and 189 Watershed Management Units.	261,893,500
National Park	To protect 40 millions rai of forests There are 528 Protection Units, 87 proclaimed national parks, 35 national parks are in the process of proclamation, 16 under surveyed national parks and 65 forest parks.	939,714,500
Wildlife Reserve and Protection	To control wildlife reserve by 387 Protection units. There are 50 proclaimed wildlife reserves and another 12 are in the process of proclamation.	718,343,000
Forest Fire Control	There are 20 millions rai of forests under the responsibility of 12 fire control centers, 75 fire control stations, 252 mobile fire control units.	384,552,400
Forest Demarcation Project	To survey the possession of forests in 66 provinces and demarcate the national parks and wildlife sanctuaries for 2400 km.	136,799,900
The National Park and Wildlife Reserve Management Project following the Master Plan	To lay out the master plan to manage 5 areas	7,609,600

Source: RFD (1999)

Article 46 Persons, forming an indigenous community, hold the right to reserve or restore customs, local intelligence, art or culture and to take part in the management, protection and utilization of natural resources and environment perpetually as to be stipulated by law.

Article 50 The right of persons to cooperate with the government and community, to utilize natural resources and biodiversity, and to protect, enhance and maintain the quality of environment in order to survive normally and continuously in an environment which is not hazardous to their health, safety or quality of life and to be protected as stipulated by law.

Also, Article 58 stipulates that people have the right to have access to information in the possession of government organizations. Article 59 stipulates the right to receive information and explanation from government organizations before they pursue projects which will affect the environment quality. Under this Article, the government must allow people to have opportunities to comment, express ideas and must conduct public hearings before starting any projects. Article 60

stipulates that people hold the right to take part in meetings with the authorities to consider issues related to their rights and freedom.

On the government's part, the government must cease to think that it is solely the duty and responsibility of the government to conserve, maintain and exercise authority to manage natural resources and to control the environment.

Article 79 of the Constitution stipulates that the government must encourage and support people to take part in the conservation and upkeep of natural resources and encourage people to make use of the natural resources and bio-diversity properly and in accordance with sustainable development criteria.

Article 290 emphasizes the roles of local administrative units in promoting and maintaining environmental quality (Boonsuwan, 1998). However the decentralization and devolution policies and the designation of people's rights pursuant to the new Constitution are not put into practice because there are no specific laws assuring people's rights and power.

With limited forest resources and with the deteriorated condition of the forests, cultivation area can not be expanded. Moreover, society demands that the still fertile forest areas have to remain untouched for the sake of watershed protection, recreation, bio-diversity and the control of the global atmosphere. People are aware of multipurpose management more than sustainable timber-yield management. During this time there are many important conflicts such as the conflict over the expansion of protected areas into village living areas, the conflict over compensation from dam construction, the conflict over debts incurred by the villagers under the government's loan plans, and the conflict over overseas companies installing gas pipeline through protected forests. In each case people made use of their rights in compliance with the new Constitution to negotiate with the authority. The negotiation was peacefully done, using the due processes, and people receive more support from the general society than in the past.

Conclusion

Conflicts over forests in Thailand vary and relate to many parties. The conflicts are basically caused by the government's decentralization in resource management, whereby decisions are made by high-level organizations, national committees, by Ministries or Departments, and local people generally have no opportunity to be involved in decision-making. The government's forest management policies often do not take into account local people's needs or solve their problems. Instead ideological and practical problems are increased, as can be seen with the examples of the demarcation of forests on the territory of community forests or on land villagers had been using to make a living. Problems often could not be solved locally because of a lack of proper mechanisms. Thus the government, and many organizations become involved. However, as the government organizations had their own rules and regulations, policies, and practices, it was difficult for them to cooperate well with each other. Competing organizations included the Ministry of Agriculture and Cooperatives, Ministry of Science, Technology and Environment, Ministry of Interior, Ministry of Defense, and Ministry of Industry. The degree of disagreement grew with each problem.

The intensity of the conflict may be a result of the difference of ideas and methods of natural resource management. The government utilized natural resources in production. It was not aware of any consequences. Moreover, local villagers gained nothing from this utilization. Conservation work played a small part in promoting economic activities only. The authority who managed the resources ignored social dimensions like customs and traditions and the former local system of management and thus encouraged people to fight for the possession of resources. Whenever there was any conflict people relied on the government who could only settle the problem, but also cause more tensions.

In order to solve the problems on forest resource management, various methods are essential. One method alone cannot solve all kinds of problems, but each method used must be used systematically. All methods must start with giving the villagers basic rights to earn a living such as the right to make a living on agricultural land and in community forests. Local decisions must be encouraged. The villagers and local organizations must be allowed to share in decision-making at the local level and must have an opportunity to take part in a decision-making for forest management. In this way forest management can be participatory and successful and caters to the needs of all people in the community.

References

- Budget Bureau. 1998. Government Budget, fiscal year 1998. Bangkok
- Department of Environmental Quality Promotion. 1992. Enhancement and Conservation of national Environmental Quality Act B.E. 2535. Bangkok.
- Kongdee, V and Laohasiri, S. 1996. Experiences Learned and Research Work on Conflict Management in Thailand. Bangkok
- Local Development Institute. 1993. Northern Region, Community forests in Thailand: the development strategy, Vol. 2, The Green Grog Publishing, Bangkok
- Local Development Institute. 1993. Northeastern Region, Community forests in Thailand: the development strategy, Vol. 3, The Green Grog Publishing, Bangkok
- Montree Chuntavong, Hatairat Intrarakamhaeng, and Hatairat Pokasub. 1998. Conflict resolution in sustainable forest management. (memio in Thai), 17 pp.
- Office of National Economics and Social Development Board. 1997. The Eighth National Economic and Social Development Plan (1997-2001). Prime Minister's Office, Bangkok (in Thai)
- Pairoj Polpet and Tanongsak Chuntong. 1998. Ways of Conflict Resolution in Forest Management. (in Thai)
- Royal Forest Department. 1993. Thailand Forestry Sector Master Plan. Volume 3, Main Report. 55p. Bangkok
- Royal Forest Department. 1998. Plan and Program for forestry, year 1999. Bangkok
- Suda Namhai. 1995. Chain, and Jail. Reward to the fighter called Kam Budsri. In Dok Teu Paa, December 1995.
- Vitton Viriyasakuntorn. 1995. Social Conflict and Viability in Local Society: case of community forest. In Paa Kab Chumchon Newsletter. RECOFTC. (in Thai)
- Yos Santasombat. 1993. Community Forest : Potential and Local Knowledge in Resource Management. Conflict and Solutions in the Utilization of Resource and Environment. Mahidol University and Thammasart University. (in Thai)