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Policy and Politics Related to Thai Occupied Forest Areas in the 1990s: Democratization and Persistent Confrontation

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Abstract

This paper focuses on the policies and politics associated with Thai occupied forest areas, and identifies noteworthy aspects of both as they emerged in the 1990s. Furthermore, we confirm the fundamental principles related to the most notable aspect, in particular, that emerged under democratization in the decade. To identify these noteworthy aspects, we make use of the concept, "territorialization," and adopt a polyarchical perspective for the purpose of describing policy evolution and political structures, respectively, while modifying both. As well as discussing those stages of "territorialization" that Vandergeest has previously presented in relation to Thai forests, this study describes policy processes that we have termed the deterritorialization and reverse territorialization of forests. With respect to the polyarchical perspective, we have noticed certain changes in the political structure. Thai occupied forest area policy in the 1990s evolved by traversing two conflicting policy directions dynamically. Behind this evolution are the political structures associated with the re-establishment of absolute power by the military and the establishment of a democratic political regime. In addition, it is especially notable that two opposing policy directions emerged within a continuing democratic regime. This suggests that the democratic political regime, in itself, does not necessarily guarantee a particular position in Thai occupied forest area policy, and that occupied forest area politics under a democratic political regime have developed structures of competition and conflict that are consistent with the political regime, in response to policy evolution.

Keywords: Thailand, occupied forest area, policy and politics, the 1990s, democratization, confrontation

I Introduction

In August 2000, Thai national television broadcast a special program entitled "The Public Stage." The program covered controversial issues, such as policy regarding the use of occupied forest areas, and featured open discussion between government representatives and the Assembly of the Poor (Samacha Khon Jon or So Kho Jo), one of the most famous organizations of people and farmers in Thailand. For many viewers, the program probably conveyed two ideas: first, that the democratization of Thailand had progressed, and second, that a number of

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rural problems, highlighted by residence and/or farming inside protected forest areas, remained.

An impressive aspect of the live broadcast was the style of the debate. Deputy Ministers, top-ranking officers of related departments, and representatives of private organizations sat side by side and had equal time and opportunity to express their views. Although the debate ran smoothly, the discussion revealed sharp contrasts among the participants. For instance, the Director-General of the Royal Forestry Department (RFD), the Deputy Minister of Agriculture, and the leader of a lowland farmers' organization from northern Thailand (who sat on the authority side, on stage) justified the policy set out in a 1998 cabinet resolution, contending that forest areas do not exist for a segment of farmers, but rather for the entire nation. By contrast, the So Kho Jo (SKJ) accused their rivals of promoting a policy that was expedient to their own interests.

Hirsch has noted that, "The environment is political as it concerns the allocation of resources" [Hirsch 1994: 5]. This idea is relevant to the Thai forest problem, especially with respect to occupied land uses or overlapping land uses inside forest areas; indeed, Hirsch considered the issue from that perspective [see Hirsch 1990]. The initial analyses of problems in Thailand, which emphasized this kind of political (or political economic) perspective, were those of Hirsch and Tasaka. Hirsch outlined the triumvirate of interests concerned with forest reserve areas as the state (the RFD, the Department of Land), capitalists, and labor (peasant smallholders). He also emphasized that the relationships between each set of actors were structured by axes of both conflict and common interest, and that since each group of interested parties consisted of a heterogeneous set of actors, commonality and conflict of interest were internal as well as external [*ibid.*]. Tasaka focused attention on the conflicting aspects of the various stakeholders [Tasaka 1992]. Subsequently, other studies have cited the politics of Thai forest areas, either directly or indirectly, emphasizing an historical perspective, especially with respect to policies. Vandergeest focused on how the government has used increasingly intricate territorial strategies to claim resources and control human activities in that part of the national territory defined as forest, emphasizing that the "territorialization" process has taken place in three stages [Vandergeest 1996]. He also pointed out that local noncompliance and inter-bureaucratic competition had rendered laws for bringing these strategies into practice unenforceable. Sato noted the space between the boundaries of farmland and forest frontiers, and confirmed that multiple social interests have affected the mechanism by which such spaces have been created [Sato 2002].

Undoubtedly, such thought-provoking studies have increased our understanding of Thai forest area politics and policies. However, such studies have not described the evolution sufficiently to discern the process that led to the conflicting structure seen in "The Public Stage" in 2000. It may be said that, primarily, studies other than Sato's were too early to consider the entire process of policy and political evolution in the 1990s. Even Sato's broad study of events, which include those of the 1990s, makes relatively little mention of occupied forest area politics in the 1990s, as it offers more comprehensive and systematic policy

descriptions. In short, few studies have clarified the evolution of both the policy and politics related to occupied forest areas throughout the 1990s, the period when Thailand entered an era of unprecedented full-scale democratization that has led to the current political regime, despite the interaction between the two.

Several other studies have touched on Thai occupied forest area policy and politics in the 1990s. Of particular importance were studies that focused on policy and politics from the perspective of clarifying the respective backgrounds of farmers' and peoples' movements. Some of these studies included detailed statements of facts related to forest area problems in the 1990s [e.g., Pintobtang 1998; Kaiyoorawongs *et al.* 2002]. However, they primarily analyzed and evaluated the development and political significance of the farmers' and peoples' movements, not the overall forest area policies and politics themselves.

This paper focuses on the evolution of policy and politics pertaining to Thai forest areas, especially occupied lands within forest areas. It focuses on the 1990s, a decade characterized by democratization after a short period of military rule, but also briefly describes the evolution that occurred earlier. More specifically, we examine policies (mainly cabinet resolutions) and stakeholder actions related to those policies, and identify noteworthy aspects of their evolution. In addition, we confirm the fundamental principles associated with the most notable aspect that emerged under democratization in the 1990s.

To identify the noteworthy aspects of policy and politics pertaining to Thai occupied forest areas in the 1990s, we develop frameworks for analysis from Vandergeest's concept of "territorialization" and Hirsch's polyarchical (triumvirate) perspective. Both are modified to a large degree, to cover policy evolution and to follow political structures, respectively. According to Vandergeest, in Thailand, "territorialization" took place in three stages. The first stage involved the declaration that all unoccupied land within the national boundary was state forest under the jurisdiction of the RFD. The second involved the mapping of forests into reserved and permanent forests. The third involved "functional territorialization," such as reclassifying reserved forest into zones, classifying watersheds, and establishing other protected forest designations. This study adds two other stages, in addition to those posited by Vandergeest, that run counter to the direction of the three stages noted above, in order to emphasize different policy trends: the deterritorialization of forests (the substantial revocation of forest demarcation) and reverse territorialization of forests (the downgrading of a forest designation, for example, from protected forest to national reserved forest). On the other hand, the most important point of Hirsch's previously mentioned study is that it broadly examined the multiple interests involved in Thai forest areas; it outlined the actors involved and the complicated relationships of interests as a comprehensive structure figure. By contrast, our study outlines the often-shifting political structures related to occupied forest area policy. In particular, we note some symbolic changes, as mediated in the composition of the actors, the power relationships among the actors, and their stances on policy.

This study traces the actions of politicians, bureaucratic institutions, private organizations (such as farmers' organizations and NGOs), political parties, and some cabinets. Policy

examination is limited to those policies that address the problems associated with overlapping land use in forest areas (particularly, private and agricultural land use within national reserved forest areas and protected forest areas).[1] Although the community forest issue constitutes the other important axis of Thai forest politics during the 1990s, we barely touch on that topic here, given that this topic requires the consideration of different structures. In the next section, we first present a noteworthy aspect of the 1980s. Then, noteworthy events in the 1990s are presented in the three subsequent sections, each of which focuses on a particular phase of policy and politics.

II Partial Deterritorialization Policy in the 1980s and Competition among Political Elites

In 1990, the Thai Ministry of the Interior (MOI) organized a special project[2] and surveyed the overlapping land use situation inside forest areas nationwide. According to the survey, more than 22% of the area of Thailand's 1,285 national reserved forests and national parks (total area = 158 million *rai*)[3] was being used for other purposes, such as farming. Moreover, approximately one million households, or more than five million people (about 9% of the entire Thai population at the time), were living in reserved forest and national park areas [*KT* 17/8/1990; *Than Sethakit* 10/12/1990].

The results may not have surprised many, since overlapping forest area uses were well known in Thailand even before this survey. The process leading to the survey was more noteworthy than the results. In particular, the MOI survey highlighted the evolution of stakeholder competition that had emerged in the period before the survey. In this section, we review the process of competition for policy in the mid-1980s that led to the survey in 1990, and present a noteworthy structural aspect of the competition for occupied forest area policy formation and implementation in the 1980s.

Specifically, the central policy in the mid-1980s was the 1985 February policy resolution. This policy resolution, in part, invoked the deterritorialization of forests. It is noteworthy that this resolution generated several conflicts among Congress members, ministers, and bureaucratic institutions. Compared with policy evolution in the 1990s, that associated with the resolution in the mid-1980s suggests that changes in policy related to occupied forest areas involved battles between political elites, in the context of a balanced power relationship.

1) Here, the term "forest area" (*khet pa*) covers a range of forest area types. It refers mainly to "national reserved forest areas" and "protected forest areas." For details on the characteristics of protected forest areas, see Section III of this article. The term forest area sometimes encompasses "permanent forest areas." Normally, forest area designations in Thailand are defined and fall within the following regulatory hierarchy (from the least to the most strictly regulated): permanent forest areas, national reserved forest areas, and protected forest areas.

2) The project title was "The Project of the Survey of Government Offices, People's Houses and Livelihood Lands, and Roads inside National Reserved Forest Areas, Lands Classified as Permanent Forest Areas, and Public Use Areas."

3) 1 *rai* = 0.16 ha. The total area of Thailand is about 320 million *rai*.

Policies before the mid-1980s and Processes Leading to the February 1985 Cabinet Resolution

Clause 14 of the original 1964 National Reserved Forests Act, which legitimized most of the national reserved forest areas in Thailand, contained the following regulation: "Inside the territory of national reserved forests, all persons are prohibited from taking hold of or occupying land, clearing land . . ." [Weowuthinan 1977: 447]. In national reserved forest areas across Thailand, however, the actual situation that developed in the 1960s and 1970s differed greatly from that stipulated in the regulations. For instance, the RFD estimated that about one million households already illegally resided in and cultivated forest areas in the late 1970s [see Sabbhasri 1985: 16].

Although overlapping land use inside forest areas was widespread in this early period, the government had not always ignored the problem. It had attempted to regulate the problem under policy frameworks several times. For instance, typical policies before the 1990s included the Agricultural Land Reform, the Forest Village Project (FVP), the So To Ko (STK), and the February 1985 cabinet resolution. However, these policies often generated competition among stakeholders, either directly or indirectly, and some policies were established in the wake of such competition. The February 1985 cabinet policy resolution was just such a case.

In the mid-1970s, the Thai government promulgated two similar policies: the Agricultural Land Reform and the FVP. Both policies fell under the jurisdiction of the Ministry of Agriculture and Cooperatives (MOAC). However, the departments that managed the two were different: the Agricultural Land Reform Office (ALRO) and the RFD, respectively.

Agricultural land reform in Thailand had two broadly categorized methods of implementation. The ALRO took private land from large-scale landowners and allocated it to landless or small-scale farmers; in addition, the ALRO issued certificates, putting a ceiling of 50 *rai* per family, to occupying farmers inside state lands, and then formally confirmed the occupied lands as farmland. The former land reform method was applied to very small areas in Thailand. The latter method has been implemented actively on a large-scale since the 1990s, especially in national reserved forest areas. However, the implementation was slow during the 1970s and 1980s.

Two main factors account for the slow start. First, the general political situation changed, culminating in the 1976 military coup. The 1973 Student Revolution and subsequent periodic farmers' movements prompted the creation of the Agricultural Land Reform Act. However, the Tanin government that took power after the military coup adopted strict anti-communist policies and arrested leaders of the farmers' movements [see Suehiro 1980: 156]. This political transition cast a shadow over land reform movements. The second factor related to the FVP and the STK, "The Project to Assist People to Obtain Land Use Rights" (*khrongkan chuai lua rasadon hai mi sitthi thamkin*), which took over some parts of the FVP. In particular, in the 1980s, the STK was seen as the main remedy for the problems inside national reserved forest areas.

During the 1970s, the Agricultural Land Reform policy was applied in only 3,220 cases (or households) [see Chaimangkhara 1998]. The FVP also remained dormant during this time [see

Chuntanaparb and Wood 1986: 32–40]. Budget and security problems in forest regions contributed to slowing the implementation of the FVP [see *ibid.*: 28; Sabbhasri 1985: 16].

Although the principal purpose of the FVP was to recover and protect forests, the project also functioned as an adjustment policy for overlapping farmlands inside forest areas. For instance, the project lent lands for making a living, putting a ceiling of 15 *rai* per family, to occupying farmers under the control of the RFD, in new plots, while the RFD expropriated some farmlands scattered inside forest areas. However, the projects were enormously expensive, as they involved infrastructure improvements and tree-planting operations, employing villagers in and around the newly constructed forest villages, and not simply land readjustment alone. In addition, until the early 1980s, communist guerrillas still clung to their outposts in backwoods regions, so the security situation was unstable.

Once security began to be restored, the RFD developed the STK, which was specifically intended to remedy the cost problems associated with the FVP. The STK cut infrastructure improvements and tree-planting operations initiated by the FVP, and limited the granting of land-use rights (STK land usufruct certificates),[4] setting a ceiling of 15 *rai* per family, to occupying farmers. Like the FVP, the STK maintained the territorial status of national reserved forests (and, likewise, RFD jurisdiction).

The support of the World Bank helped ensure that the STK had a sufficient budget. After fiscal 1982, a wide range of policy-guided activities moved forward and seemed to progress smoothly for a time. In the mid-1980s, however, some Congress members requested policy changes. These members sought to revoke reserved forest designations and issue land ownership documents to people who resided and made their living in some national reserved forest areas [see ks 0705(3)/12051 21/5/1984; Kaiyoorawongs 1995: 76–77]. As a result, "The Project to Revoke the State of Forests in Places with Established Communities" (*khrongkan phukthon saphap pa thi pen thi tang chumchon*) was approved at a February 1985 cabinet meeting, although the RFD did not welcome the new policy [see ks 0705(3)/12051 21/5/1984].

The February 1985 Cabinet Resolution Policy and Competition between Political Elites

Two proceedings guided projects in accordance with the February 1985 Cabinet Resolution. First, community places that overlapped with national reserved forest areas were divided into three groups: (1) places established before 1967, as confirmed by aerial photographs and military maps, (2) places established between 1967 and 1975, and (3) places established between 1975 and 1981. Second, the resolution gave rights through (1) land title deeds based on the Land Code, (2) STK certificates, and (3) permission for temporary residence and use

4) The STK certificates issued by the RFD were officially non-transferable, except through inheritance, and were not acceptable as loan collateral [Onchan 1990: 68]. In addition, some rights related to land, as already mentioned or to be mentioned below, had the following characteristics. Agricultural land reform certificates (SPK4-01) issued by the ALRO were officially non-transferable, except through inheritance or to Farmer's co-operatives or the ALRO. Land use rights and land title deeds issued by the Department of Land (DOL) according to the Land Code were transferable, except in the case of non-transferable restrictions, and could be accepted as loan collateral [*ibid.*].

[see ks 0705(3)/1686 21/1/1985].

The concept of "territorialization" is applied not only to forest but also to a broader coverage [see Vandergeest and Peluso 1995]. In this study, however, the term is limited to forests, as in Vandergeest's study, noted in the Introduction [Vandergeest 1996]. Based on this assumption, the policy for category (1) places, in those policies under the above resolution, was a policy that we consider represented the deterritorialization of forests, as the places indicated would no longer be under the jurisdiction of the RFD and would be excluded from forest territories. In addition, we characterize the substantial shift from designated forest areas to agricultural land reform areas as a form of deterritorialization policy,[5] for the same reason.

Requests by Congress members seeking solutions to overlapping land use problems, not only through RFD management and the issuance of STK certificates, but also through the revocation of forest designations and the issuance of land titles, sparked the policy change. If the project had been successful, some of the occupied lands inside national reserved forest areas would have changed from being forest areas controlled by the RFD to private lands under the jurisdiction of the DOL (under the MOI).[6] However, delays and changes in actual project implementation, especially for category (1) places, occurred after cabinet approval in February 1985. For instance, in 1987, the National Economic and Social Development Board under the Prime Minister's Office called on the RFD to restructure the policy [see Thailand, Krom Pamai 1993: 4–5]. In March 1989, Minister of Agriculture Sanan made a motion to change part of the project [see nr 0202/4474 30/3/1989].

Although these events, following the February 1985 resolution, may have seemed regressive to some Congress members and the MOI or DOL,[7] Deputy Interior Minister Sanoh organized a special survey project in 1990 to clarify the overlapping land use situation nationwide. The MOI (and DOL) presented the following summary when it established a committee for the survey project: the RFD has endeavored to solve the problem of overlapping land use inside forest areas; however, it has not satisfied the wishes of the people. Therefore, the MOI has to look into how to assist the RFD by obtaining fundamental data. The document also addressed a plan for the committee to examine whether to revoke some overlapping lands after the survey, and then to submit the results to the cabinet for consideration [see mt 0712/2362 12/2/1990].

According to Tasaka [1992: 13], there were conflicting views within the Thai government as to whether "it should confer full property rights to settlers" inside forest areas, or whether "it

5) Vandergeest and Peluso characterized "the degazetting of some forest reserve for land reform" as "a more conciliatory approach to most 'forest' settlers" [Vandergeest and Peluso 1995: 414].

6) The RFD itself estimated the category (1) areas in the February 1985 resolution to cover approximately 10 million *rai* (4,355 community places) in the late 1980s [see Thailand, Krom Pamai 1993: 7–8].

7) The Special Committee for Examining Problems of National Reserved Forests, which was established by Congress in 1988, proposed re-promoting the February 1985 resolution [see House of Representatives (Sapha Phuthen Rasadon) 2357/2531 17/10/1988]. In 1990, Deputy Interior Minister Sanoh stated his intention to make key points of the February 1985 resolution part of MOI policy [*Matichon* 19/10/1990].

should confine itself to giving limited usufruct rights because property rights could ultimately be taken over by capitalists." The evolution of the adjustment policies for occupied land use inside forest areas, particularly that involving the February 1985 resolution, represented the conflicting views and interests of the political elite, including ministers, bureaucratic institutions, and some Congress members. Moreover, the repeated twists of this evolution suggested, paradoxically, that the power relationship among stakeholders was relatively balanced.

III Largest-ever Functional Territorialization Policy in the Early 1990s and a Resurgence of Military Influence

As set out in the Introduction, this paper seeks to clarify the evolution of policies and politics pertaining to Thai occupied forest areas in the 1990s, a decade characterized by an unprecedented full-scale democratization of Thailand, following a short period of military rule. This assumes that occupied forest area issues cannot be separated from changes in the general political situation in Thailand, and that related policies evolved under the influence of the general situation.

The parallel relationship between the development of general politics and the evolution of issues relevant to occupied forest areas in the 1980s was confirmed. For instance, the Thai political regime under the Prem government, which ruled for most of the 1980s, was often defined as a "half-democracy" regime. A general feature of this regime was that farmers had little opportunity to provide input on policy decisions and were discouraged from establishing independent organizations [see Asami 2002: 47]. This also applied to the politics related to occupied forest area policy, as symbolized by the evolution discussed in the last section, although there were some exceptions.

In addition, an extreme form of such a parallel relationship appeared during the early 1990s, when the military seized political power. At the time, the military considered occupied forest area issues on a large scale. This resulted in the formation and implementation of the Military Land Redistribution Program or the so-called Kho Jo Ko (KJK), which we regard as the most ambitious attempt to implement the functional territorialization of forests.

Military Land Redistribution Program and Zoning by the RFD

The principal features of the KJK, "The Farmland Allotment Program for the Poor Living in Degraded Reserved Forest Areas," which was approved in 1990, were as follows: first, the project divided the entire territory of national reserved forest into zones and regulated land-use methods in accordance with principles set for each zone. Next, the authorities tried to enforce the zoning and land-use methods by force. More specifically, the authorities allowed the occupying farmers less than 15 *rai* of land per family only in specified plots, and relocated occupying farmers who stayed inside and around protected forest zones to the specified plots, regardless of when their settlements were established. The authorities also tried to expropriate extra land from occupying farmers inside non-protected forest zones of national reserved forest

areas, if the farmer occupied more than a defined land area per family. Furthermore, the projects involved the lease of lands that the authorities acquired in this manner to private companies for tree plantations [see Techaatik 1992].

These aspects of the KJK overrode some features of the FVP. Forest villages were divided into types of project, such as King's projects, security projects, and normal projects [see Takeda 1990: 13]. Of these projects, security projects were originally run by the military. In this sense, the KJK was not a brand new project. Nevertheless, the KJK differed markedly from the FVP. One point to note is that the KJK implemented wide-ranging zoning of national reserved forest areas, although the RFD, not the military, regulated such zoning. This zoning can be regarded as the functional territorialization of forests.

The zoning arrangements and principles were finally approved in March 1992. Countrywide, zoning divided 147 million *rai* of national reserved forest area into three categories: (1) forest zones for protection (Zone C), covering about 88 million *rai*, (2) forest zones for economic uses (Zone E), covering about 52 million *rai*, and (3) forest zones suitable for agriculture (Zone A), covering about 7 million *rai*. Zone C consisted mainly of "protected forest areas according to acts or cabinet resolutions," such as wildlife sanctuaries, national parks, and Class 1 watersheds. The basic principle of this zone was the protection of natural forests. Farming and dwellings were prohibited. Zone E consisted of forestry plantations, community forestry lands, and lands for projects such as the FVP. Zone A encompassed areas to be transferred to the ALRO [see Thailand, Krom Pamai 1992: 15–43].

We call the functional territorialization policy of the early 1990s the "largest-ever" functional territorialization of forests because it was the broadest-scale remapping of national reserved forests, despite the fact that only a small part was used for land reform. The KJK was intended to be a gargantuan-scale project. The policy was first implemented in the northeast and was planned to cover the entire country, ultimately targeting 970,000 households [see Techaatik 1992].

Evolution of the Military Land Redistribution Program and Political Leverage of the Military

The main feature of the KJK was that it was intended to work on a large scale. Its large-scale nature raised a key question. How could such a huge project be enacted and implemented in national reserved forest areas where the RFD, DOL (MOI), ministers, and other political elites had intertwining interests?

To answer this, we will mention only key points. The most crucial reason was that the KJK was a project run by the military. The participation of the military, who rebuilt a very strong political power base at the time, in the politics of occupied forest area policy changed the balance of power among the political elite drastically. Moreover, with respect to the KJK, the military shared some interests and ideas with the RFD, which also allowed the relatively rapid implementation of the KJK.

Despite being able to enact and implement the KJK rapidly, the power of the military evaporated soon after the KJK was implemented. The so-called May Event in 1992 forced the

military to withdraw from the main political stage. This, in itself, did not halt the KJK immediately. Farmers' demonstrations also affected the decision. Nevertheless, as a result, the 1992 May Event had a great influence on stopping the KJK.

The profile of the military project from beginning to cancellation can be roughly summarized as follows. In 1991, the KJK was implemented in parts of the northeast. However, poor planning and coercive enforcement quickly raised objections from the farmers affected. By September 1991, farmers and other opposition groups had organized protests. Protests followed in other places, and some groups linked up via student- or NGO-led seminars. The famous Mittaphap Road March in June 1992, after the May Event, marked a critical point. About 4,500 protesters jammed the highway running northeast from Bangkok to protest the KJK. As a result of this protest, the caretaker government of the day met to negotiate with opposition groups, and decided to cancel the KJK.

IV Deterritorialization and Reverse Territorialization Policies in the 1990s, and the Impact of Democratization

The May Event in 1992 is considered an epoch-making event in Thai political history. In this event, the political hegemony of the military was ended conclusively, and a transition to democratic polity was ensured. However, this transition did not mean that competition and conflict disappeared; the period was characterized by an increased number of demonstrations by the people and repeated government changes. Apart from a very short period in the mid-1970s, this situation had not arisen in Thailand previously. Nevertheless, such demonstrations and government changes became frequent occurrences after 1992. The next two sections cover the evolution of occupied forest area issues in the era of democratization in Thailand. In particular, this section covers the phase in which the deterritorialization and reverse territorialization of forests advanced.

For several years after the repeal of the Military Land Redistribution Program, occupied forest area policies in Thailand headed in the opposite direction to that of the early 1990s. In short, the government developed policies intended to change much forest area into agricultural land reform areas or private lands. In addition, despite the fact that it had barely been implemented, policies that would re-demarcate or downgrade some lands inside protected forest areas were ordered or approved.

In conjunction with the drastic changes going on in the political regime, two noteworthy political mechanisms related to occupied forest area policies occurred after 1992, with full-scale democratization. First, a cabinet formed from elected politicians had to make the final decision with respect to policy decisions. Related to this, some of the political parties were sensitive to occupied forest area policy in the process of garnering votes. Second, farmers' (or people's) organizations began to play a role in the politics of occupied forest area policy. Interestingly, however, these political mechanisms developed two political structures, as we confirm in this section and the next, structures that influenced the trends of occupied forest area policies. In

this section, we follow a political structure that is indicated, mainly, by government motions favoring the policy stance of farmers occupying forest areas, and by the massive participation of occupying farmers in politics.

Agricultural Land Reform Progress and the First Chuan Government Policy

In July 1992, the Second Anan Caretaker Cabinet announced that it would cancel the KJK. Nevertheless, motions aimed at retaining KJK-type policy persisted. The same government approved "The Management Program for Natural Resource Protection" (***khrongkan catkan phua anurak saphayakon thamachat*** or Kho O Tho), to replace the KJK, at a cabinet meeting on 28 July. Although this project was not supposed to adopt harsh enforcement measures, the policy was fundamentally similar to the KJK in that it would relocate occupants, especially if they were within certain areas [see nr 0202/16805 31/7/1992]. The Kho O Tho was to be launched in fiscal 1993, and a 5-year MOAC (RFD) plan was formally adopted at a cabinet meeting just before the September 1992 election [see nr 0203/19156 18/9/1992].

However, the cabinet that formed after the election never promoted this project, and the committee responsible for it was officially disbanded in December 1992 [nr 0201/24823 17/12/1992]. The Democrat Party, which won the election, pledged during the election campaign to implement wide-ranging land reform policy [see Worapan *et al.* 1993: 62]. The party continued to act on this pledge after forming a cabinet, and adopted land-reform policy that dealt with some of the lands targeted by the former KJK and occupied lands inside other forest areas, but not the Kho O Tho, which was similar to the KJK.

In its administrative policy speech, the Chuan Cabinet declared that it would initiate rapid agricultural land reform [Phakdiphandungdan 2000: 369]. The Prime Minister mentioned an ambitious target of 4 million *rai* per year; a target that constituted a campaign pledge in the September 1992 election. Although this target was not realized, the first Chuan Cabinet pioneered the promotion of agricultural land reform policies, at an unprecedented rate, during the 1990s. In the 18 years from 1975–92, 170,000 ALRO certificates (SPK4–01) were awarded, covering 3 million *rai*. By contrast, in the 7 years from 1993–99, 665,000 certificates were issued for more than 11 million *rai* [see Chaimangkhara 1998; Thailand, So. Po. Ko. 1998; 1999].

With the policy change, national reserved forest areas became a target for land reform, and the substantial territory governed as forests decreased significantly. Particularly targeted areas were those forest areas categorized as "economic zones" in the March 1992 zoning resolution. Decisions made in cabinet meetings on March 30 and May 4, 1993, created a structure for transferring the substantial management of these forest areas from the RFD to the ALRO, or even the DOL.

The first resolution targeted STK areas and some former KJK areas [see nr 0203/4577 1/4/1993]. The next resolution on May 4, 1993, targeted forest areas that were occupied, used, and already considered devastated. Exceptions were made for forest areas protected by specific acts or cabinet resolutions (e.g., national parks, wildlife sanctuaries, and watersheds). The May 4, 1993, resolution also allowed land users to request title deeds under the Land Code if they

had once received an ALRO certificate. Land titles could be requested if the land in question had been possessed before the forest area designation date, as long as this could be verified using aerial photos [see nr 0205/6360 10/5/1993].

The Farmers' Movement and the Order for Re-demarcating Some Lands inside Protected Forest Areas

With the policy resolutions discussed above, 37 million *rai* of economic forest zone were newly transferred from the RFD to ALRO management by the end of 1993. Meanwhile, the resolutions had little effect on forest areas protected by specific acts or cabinet resolutions, despite the fact that numerous households subsisted within those territories.[8] However, there was a marked increase in requests for title deeds or agricultural land reform certificates, even in specially protected forest areas, after 1993. The most outstanding development in this respect was the mobilization of farmers' movements, or the so-called "politics of agitation" [see Phongpaichit and Backer 1997: 35].

Protest movements undertaken by farmers at relatively local levels, such as the anti-eucalyptus movements in the northeast, were organized in the late 1980s. Although these local protests contributed to the development of succeeding movements, the vanguard of the larger-scale movements after the 1970s was the Assembly of Small-Scale Farmers of the Northeast (So Ko Yo Oo), which was established with the help of some NGOs in 1992. The organization became actively involved in forest area problems, starting with the anti-KJK protests, and then succeeded in drawing out some favorable responses from governments.

For instance, the So Ko Yo Oo (SKYO) organized two large demonstrations on the Northeast-Bangkok Road, in 1993–94, to seek solutions to a number of controversial issues. In the demonstrations, the farmers' organization called on the Chuan government to re-examine the boundaries of protected forest areas and to issue title deeds or ALRO certificates for devastated forest areas in which many farmers were already living or in which villages were already in existence [see *PR* 9/2/1994].

SKYO demonstrations had some positive results in 1994. The Chuan government agreed that RFD officials and the SKYO could work jointly to survey and demarcate some forest areas that were in question [see nr 0202/2163 16/2/1994]. In addition, Deputy Minister of Agriculture Suthep, who had jurisdiction over the RFD, directed the RFD to inspect and register people who occupied or made their living on lands inside national parks or wildlife sanctuaries, and to re-demarcate such forest areas. Moreover, he even suggested that ALRO certificates be issued to farmers in some lands [see Thailand, Kong Phengan 1994; *PT* 3/3/1994; ks 0100/3328 1/9/1994].

8) For instance, a 1995 report by an RFD officer estimated that a large number of households subsisted inside watersheds, national parks, and wildlife sanctuaries in Thailand, i.e., 101,000, 58,000, and 23,000 households, respectively [see Keowkamnert 1995: 91, 108–130].

The Occupying Farmers' Offensive Continues and the Chavalit Government Opens Protected Forest Areas

The farmers' organization, which included occupying farmers, practiced the politics of agitation, and the government agreed to some of the farmers' demands after direct negotiations. Such a pattern, as discussed in the last subsection, had emerged during the time in office of other governments, as well as during the first Chuan administration. Particular attention should be paid to the pattern in the 1997 Chavalit Cabinet in terms of the evolution of occupied forest area policy, despite the fact that the farmers' organization differed from the SKYO. In addition, although it did not necessarily coincide with the pattern directly, a peculiar policy was instituted around the same time as a result of the indirect influence of the farmers' movements. We can consider this policy as mediating the reverse territorialization of forests. However, this policy became an adverse catalyst for policy re-introducing the functional territorialization of forests, as we discuss below, because of its faulty content. In this subsection, we also examine this peculiar policy.

The SKYO continued large-scale agitation in 1995. However, it temporarily relinquished its role as an instigator in agitation politics after 1995. Instead, new SKYO splinter organizations began to attract further attention by instigating agitation. In particular, the Assembly of the Poor (SKJ) commanded attention from the media and academia, and had a marked impact on protected forest area policy and other rural issues as a result of its actions.

The SKJ formed at the end of 1995, and began conducting protests around the Diet Building in March 1996. The movement heated up markedly in 1997, when the organization achieved its most significant results, during the Chavalit government. The Assembly of Isan Farmers (So Do Tho) and the Northern Farmers Network (Kho Ko No), each of which had organized separate protests with the SKYO, both joined the SKJ for a 1997 demonstration. At its peak, about 20,000 people were involved in the protest [Pintobtang 1998: 55,70,159], and this long-running demonstration (99 days) led to some concessions favoring farmers occupying protected forest areas.

Resolutions announced on April 17 and 29, 1997, reflected the results of direct negotiations between the SKJ and the government. These resolutions applied mainly to certain northern protected forests. Important points were as follows. If it were proved that a person (his or her family) had been residing and/or making a living in an area of land before it became a protected forest, that person was guaranteed a "stable right" (*sitthi mankong*) to reside and/or make a living there. This right could be transferred by inheritance only to heirs; the right could not be sold to others. Claims could be verified using So Kho 1 and Pho Bo Tho 5 documents, a copy of a resident register, the presence of fruit trees, or witness statements [see nr 0205/5451 17/4/1997; nr 0205/6125 1/5/1997; *PR* 6/4/1998; Samacha Khon Jon 1998: 26–32].

In addition to these resolutions, based on direct negotiations, the same Chavalit Cabinet approved another resolution, submitted by the MOAC, at around the same time. As the April 17 and 29 resolutions applied only in some cases, the authorities needed to prepare a policy resolution for the whole country immediately. Oddly, this policy resolution had little conformity

with the resolutions based on direct negotiations, in terms of its content. In addition, it was a rather slipshod resolution, as discussed below. Despite its defects, the policy resolution aimed to resolve occupied land issues inside protected forest areas, without considering large-scale relocation of the occupants. Furthermore, this policy can be regarded as characteristic of a reverse territorialization policy in relation to forests, given that, once implemented, it downgraded many lands inside protected forest areas to those of national reserved forest areas.

The so-called Wannamkiao Resolution of April 22, 1997 focused on occupied forest area problems nationwide, including, in particular, those forest areas protected by acts or cabinet resolutions. First, the resolution stated that Land Code title deeds were not to be issued for protected forest areas. However, the resolution went on to guarantee the rights of people who resided and/or made a living in protected forest areas. Details were to be worked out in the National Reserved Forests Act. That is, if occupied land was situated inside national parks or wildlife sanctuaries, boundaries would be examined, and the status of this land in a protected forest area could be changed to that of a national reserved forest area. If occupied land was situated inside Class 1 or Class 2 watersheds, then the class designations could be downgraded. Furthermore, the April 22 resolution also considered the issuance of special STK land certificates, following a specified procedure [see nr 0205/5859 29/4/1997].

V Partial Further Functional Territorialization Policy in the Late 1990s and Confrontation under the Democratic Polity

In the last section (Section IV), we presented examples of the government ordering or approving the deterritorialization or reverse territorialization of forests. Nevertheless, throughout the 1990s, the re-demarcation of lands that were inside protected forest areas seemed to have been barely implemented [see Thernmongkol 2000].

Two main factors were responsible for this. Both trends developed under a democratic political regime, although neither was a product of a drastic transition in the general political situation, unlike examples presented in sections III and IV. First, alternating governments involving different parties prevented the implementation of the re-demarcation. For instance, with the change of government, the authority smothered the agreements between the first Chuan administration and the SKYO.[9] Second, the 1997 April policies were cancelled in 1998, and then the government newly approved a functional territorialization policy, a policy that we can call the partial further functional territorialization of forests. In this section, we follow the evolution of occupied forest area policy in the late 1990s, focusing on the phase before and after the 1998 policy.

In this phase, two actions by stakeholders related to occupied forest area policies should be noted. First, different farmers' organizations and NGOs emerged as major players in the politics of occupied forest areas, and they wanted to revoke the policies favoring occupying farmers

9) Based on an interview with a former officer of the SKYO.

inside protected forest areas. Second, the government, led by the same political party that had permitted the transfer of protected forest areas to agricultural land reform areas only a few years earlier, adopted the opposite policy stance. These actions on the part of the actors suggest that a different political structure from the one confirmed in Section IV also developed under the same democratic political regime.

Protests by Protection Advocate Groups in Response to Policies Opening Protected Forest Areas

The April 1997 resolutions are often referred to as a set, because they were proclaimed within a short period. However, closer examination reveals a number of differences in how the resolutions treated protected forest area problems. The April 17 resolution distinctly specified the categories of forest area users who were permitted to obtain land rights. The April 22 resolution did not contain a similar description. While the April 29 resolution defined a number of methods for verifying farmers' land use claims, the April 22 resolution contained no reference to verification procedures.

These regulatory loopholes in the April 22 resolution provoked outcries from various private organizations, including the SKJ and related organizations [see *PR* 2/4/1998; *KT* 29/4/1997]. Notably, two other protest groups emerged, each characterized by distinct opposition methods. These groups opposed the April 22, 1997 resolution (or all of the April 1997 resolutions) because of loopholes in the resolution, and because of the policies that opened protected forest areas.

The first group, labeled protectionist NGOs (*ongkon phatthana ekachon dan anurak*) by the media, presented written petitions to the government and voiced opposition to the April 22, 1997 resolution (or all of the April 1997 resolutions) through media outlets. After April 1997 this group repeatedly demanded that the government re-examine the resolution (or the resolutions) [see *PR* 13/5/1997; *PR*, *KT* 26/6/1997; *PR* 26–27/7/1997; *Matichon* 18/2/1998; 2/4/1998]. The second group took their protests around the forest area directly. This group consisted primarily of lowland farmers from Chiang Mai Province in northern Thailand. In April and May 1998, the group organized highway blockades around the most famous national park in Thailand, with the help of thousands of protesters, and appealed for revocation of the April 1997 resolutions [*BP* 28/4/1998; *Matichon* 28/5/1998; *Nation* 2/7/1998].

It is not clear at what point some NGOs in Thailand were first described as "protectionist" or simply as protection groups. This appellation often appeared in the Community Forests Act controversy, to which some NGOs were more actively committed than others. There have been many twists and turns over the past decade, but two relatively clear NGO positions emerged during the course of the controversy. One group would allow the creation of official community forest establishments, under certain conditions, even inside protected areas. This group consisted mainly of non-governmental development organizations (NGDOs). The other group opposed such establishments inside protected areas, in principle, and was made up mainly of protectionist NGOs. The protests of the protection groups, regarding the April 22, 1997 resolution (or all of the April 1997 resolutions) seemed to be linked to the evolution of the

Community Forests Act.

The core of the second group was the Chom Thong Watershed and Environment Conservation Club, which consisted mainly of lowland orchard and rice farmers. They had requested that the government remove upstream "hill people" from the watershed area in the late 1980s [see *Watershed* 4(1) 1998: 19–22]. Competition over water resources probably sparked the dispute, but the resolutions of the Chavalit government, which opened protected forest areas, fueled the conflict.

Protests by Protection Advocate Groups, Turnabout of the Chuan Government, and Policy Defending Protected Forest Areas

Although some protests occurred soon after the April 1997 resolutions, further action was taken under the second Chuan government, which had taken over from the Chavalit Cabinet. Controversy over forest fires that erupted in the 1997–98 dry season was linked to criticism of the 1997 resolutions. El Niño weather patterns may have helped fuel some of the fires, which caused far-reaching damage. However, some Thais blamed the 1997 resolutions for their country's fires. For example, in April 1998, Deputy Minister of Agriculture Newin, a government representative at "The Public Stage," told a newspaper reporter that the last fire season differed from those in previous years. Most of the forest fires, he claimed, were set on purpose by people trying to get land-use rights [*Thairat* 6/4/1998]. This claim was difficult to prove.[10] However, the statement suggested a change in government policy. Already, the MOAC was preparing for cabinet re-consideration of the 1997 policies [*ibid.*].

In June 1998, the second Chuan government approved a new policy resolution that reversed key content items of the 1997 resolutions. First, it made the conditions under which protected forest area users could claim residence and/or farming inside such areas much more rigorous. The new resolution altered the wording to require continuous utilization, and use from a date before the forest area reservation by first act. The "first act" could almost be considered the National Reserved Forests Act.[11] The national reserved forest designations were implemented much earlier than the protected forest designations, although both designations overlap in most cases. Next, the 1998 June resolution amended the verification methods, in that verification relied on aerial photos (or satellite photos). Furthermore, even if these requirements were met, if lands were considered "endangered areas" (*phunthi lolem*; i.e., part of endangered ecological systems) or critical areas for the effective management of protected forests, the resolution allowed government officials to consider relocation to other areas [see nr 0205/8113 10/7/1998].

The program "The Public Stage," in 2000, highlighted the intense debate over the 1998 June resolution among stakeholders. The following two aspects of the stage performance should be considered as highlighting the political structure of the policy change leading to the

10) The Kho Ko No suggested an alternative cause for the forest fires; they suggested that the RFD was using forest fires to divert attention from the RFD scandal [see *PR* 2/4/1998; 3/4/1998].

11) Refer to a statement made by the Director General of the RFD in "The Public Stage."

1998 June resolution. First, the RFD brought up the opposition of protection groups to the 1997 April resolutions, and had a northern lowland farmers' organization sitting on the same side. The second point was the seating position of the Deputy Minister of Agriculture in the intense debate.

The Director General of the RFD explained why the April 17 and 29, 1997 resolutions had also been revoked and amended, and not only the April 22 resolution. First, he emphasized that those resolutions had originally been designed to deal with individual cases. Therefore, a more comprehensive (and less defective) policy was needed. Citing content, he noted that the phrase "stable right" (*sitthi mankong*) is not a true legal term and that the verification method that relied on witness testimony was too problematic. In addition, he referred to the opposition of protection groups to the April 1997 resolutions and stated that the government must also listen to the requests of these groups.

The explanation that the RFD gave for adopting the June 1998 resolution on the stage consisted almost entirely of superficial or technical terms. More interestingly, the Director General barely referred to why the core content had been revised, or why they had revised the policy so far toward not revoking protected area status, apart from pointing to the opposition of protection groups to the 1997 resolutions. Therefore, in the June 1998 resolution, and the subsequent "Public Stage" broadcast, the existence of protection groups had a very important effect on occupied forest area politics. In short, the opposition of protection groups gave added legitimacy to the 1998 policy revision, an expedient revision for the RFD, and to the ongoing policy controversy under the democratic polity.

Second, the seating position of the Deputy Minister of Agriculture of the Second Chuan Cabinet, in the debate involving the side claiming to defend the protected forest areas, captured our interest because the position suggested a different policy stance for the second Chuan government, as compared to their initial stance. The same cabinet, led by the Democrat Party (DEM), swerved towards policy change, after they had previously promoted agricultural land reform policies, and the former deputy minister had even ordered the re-demarcation of some protected forest areas.

As an added brief explanation of the factors contributing to such change, the following points should be noted: as a newspaper editorial suggested [see *BP* 2/7/1998], power struggles with other political parties probably influenced the DEM Cabinet policy change. Originally, the Chuan DEM had used the Land Reform policy to their benefit in the election [see Munithi Lok Si Khiao 1997: 161]. However, the political practices of the DEM, and its rivals, including the Chavalit New Aspiration Party (NAP), were similar. The latter party, which consisted almost entirely of congressional representatives from the northeast, including the largest rural part of Thailand, held a stronger position on this practice. Although the DEM and NAP cooperated to form the first Chuan coalition government, they subsequently became the two largest parties and competed after the 1996 general election. The parties had contrasting election results: the DEM captured 29 of the 37 seats in Bangkok versus 1 for the NAP, while the NAP captured 78

of the 137 seats in the northeast versus 12 for the DEM.[12] This inner structure of the DEM, together with the serious economic crisis of 1997, might have influenced some of the policy directions of the Second Chuan Cabinet, such as the anti-populist policies toward some farmers' and people's organizations.

VI Concluding Remarks

In a previous study, Vandergeest presented the historical process of "territorialization" with respect to forests in Thailand, emphasizing that the process took place in three stages [Vandergeest 1996]. Using the concept "territorialization," and showing the process, he focused on how the government had used increasingly intricate territorial strategies to claim resources and control human activities in that part of the national territory defined as forest. By contrast, we examined not only the territorialization of forests but also the processes that the territorialization of forests deconstructed and turned back (or tried to). We called these processes the deterritorialization and reverse territorialization of forests. In addition to these processes, we emphasized aspects of the adjustment policy for Thai occupied forest areas in the 1990s, especially those points when policy evolution dynamically traversed two conflicting policy directions. Furthermore, by emphasizing this, we suggested that Thai governments had promoted not only the territorialization of forests but also the deterritorialization and reverse territorialization of forests (or tried to). In short, Thai governments had bidirectional stances with regard to occupied forest area policy, most notably in the 1990s.

Even in the evolution of occupied forest area policy before the 1990s, there was conflict between the territorialization and deterritorialization of forests. For instance, the 1985 February resolution itself, and the development before and after the resolution, represented such a conflict. However, those conflicts were no match for the policies and policy evolution of the 1990s in terms of the dynamics, scale, and controversial nature of their evolution. The profile of occupied forest area policy throughout the 1990s can be summarized as follows. The policies in the 1990s originated with the KJK and zoning, which constituted the largest-ever attempt at a functional territorialization of forests in Thailand. This passed through a stage leading to the deterritorialization and reverse territorialization of forests, on an unprecedented scale, with resolutions and orders enacted from 1992 to 1997. Then, policies changed back toward the partial further functional territorialization of forests with the 1998 resolution. Moreover, the June 1998 resolution has held, not only up to the time of "The Public Stage" in 2000 but also up to 2004.

Why did this policy evolution emerge in the 1990s? In this study, we have presented the background behind policy evolution in the 1990s by pointing to shifts in the political structures related to occupied forest area policy. Specifically, these shifts were suggested by a number of changes, highlighted by the composition of the actors involved, the power relationships among

12) In the two elections before 1996, the DEM won 7 seats in Bangkok and 14 in the northeast in 1995, and 9 and 17, respectively, in September 1992.

these actors, and the actors' stances in relation to each policy.

Certain political elites argued for opposing policy directions during the 1980s, a period that included the "half democracy" regime. Nevertheless, the re-establishment of absolute political power by the military and its participation in the politics of occupied forest area policy made the approval and implementation of the largest-ever functional territorialization policy possible. Soon afterwards, another huge change in the Thai general political regime emerged: the political power of the military ended and a democratic political regime began to take hold. In tandem with this change, the political mechanism producing Thai occupied forest area policy altered significantly. The elected governments had real power when it came to policy decisions, and some political parties promoted particular polices to garner votes. Furthermore, some private organizations, such as farmers' organizations and NGOs, became involved in the politics of occupied forest area policy, and exerted pressure on the government using agitation and other means. Interestingly, however, these transformations, in tandem with democratization after 1992, became the source of two conflicting policy trends, leading to the development of actual political structures, which then affected policy. The shift in political structure that influenced occupied forest area policy after democratization was initially symbolized by the massive participation of occupying farmers in politics and by the policy stance of some governments toward the deterritorialization and reverse territorialization of forests. Subsequently, this shift came to be symbolized by the participation of other private organizations supporting protectionist policies, and by the government policy change toward the re-functional territorialization of protected forests in 1998.

In addition to these noteworthy aspects pertaining to the evolution of policy and politics in relation to Thai occupied forest areas in the 1990s, we confirm the fundamental principles associated with the most notable aspect that emerged under democratization in this decade. The 1990s saw two different political regimes operating in Thailand: the military regime or the regime strongly controlled by the military power (1990–92) and a democratic regime (1992–). The most notable aspect of the policy evolution related to Thai occupied forest areas after 1992 is that conflicting policy trends still appeared under a democratic political regime. These conflicting policy trends involved the trend toward the deterritorialization and reverse territorialization of forests and the trend toward the re-functional territorialization of protected forests. Two fundamental principles are connected with this notable aspect. One is that suggested by the emergence of conflicting policy trends within the one political regime, and the other is that suggested by the political structures behind the emergence of these conflicting trends.

First, the emergence of conflicting policy trends shows that the democratic political regime, in itself, does not necessarily regulate the trends in Thai occupied forest area policy, nor does it guarantee a particular position. For instance, after 1992, the development of a parliamentary cabinet regime based on elections, and the progress made in politics by private organizations, led to policy changes in two opposing directions. Second, the political structures behind the emergence of these conflicting policy trends suggest that the politics concerned with occupied

forest areas under a democratic political regime evolved structures of competition and conflict that are consistent with the political regime, in response to policy evolution. In short, we confirm that a structure of confrontation, such as that among private organizations or powerful political parties, played a major role in the emergence of opposing policy trends. These principles persisted in 2000, as evidenced by "The Public Stage," and still persist even today (December, 2004).

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