Southeast Asian Studies, Vol.35, No.3. December 1997

Internal and External Discourse of Communality, Tradition and Environment: Minority Claims on Forest in the Northern Hills of Thailand

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I Introduction

Since the 1980s Thailand has seen a rise in civic activities in environmental issues, which, particularly in the case of localized issues, have led to bottom-up action that has halted projects initiated by a group of international organizations and national and local elites.[1] Environmental movements in most first world countries have originated from the educated middle class. In Thailand, too, the prominence of civic action since the 1970s can be traced to the rise of the middle class. Yet the success, albeit partial, of the environmental movement in Thailand can also be accounted for by the wide strata of people involved and the multiplicity of interests, encompassing not only the educated middle class, but the local population as well as ethnic minority groups on the periphery. Environmental crisis has become a real threat, especially since the flooding in the south in 1988. Urbanites are increasingly aware of the direct link between the condition of hills and forests and the living conditions in the lowland and cities. For hill dwellers, however, the question is one of minority claims over forest, land and survival.

This paper addresses the question of land rights and forest conservation for those on the periphery, i.e. the minority hill-dwelling population, specifically, the Karen. Over the past century, the hill-dwelling Karen in Thailand have transformed their subsistence agriculture from that based primarily on swidden cultivation in secondary forests on the lower hill slopes towards wet-rice cultivation in irrigated paddy fields. In either case, the Karen are in a no-win situation. Swidden agriculture in forested land (i.e., state land) can be condemned as an illegal practice, while their paddy fields are diminishing in size as I shall explain below. Furthermore, villagers are acutely aware of the environmental effects of deforestation on the water level in their paddy fields. It is crucial that they secure sufficient water in their diminishing fields by conserving the forests in the watershed areas. The watershed areas, however, are also under state protection, and villagers have no legal claim over them.

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1) For a discussion of civic activities in environmental issues and NGO activities, see Quigley [1996] and Hirsch and Lohmann [1989].

Meanwhile, individual ownership of paddy fields and economic stratification due to differentiation in land holdings is a considerable departure from the less permanent and communal ownership of land under swidden cultivation. In order to secure the basic resources for their livelihood and their rightful claim to land, villagers must thus deal with the varied and increasingly stratified land ownership among themselves on the one hand, and at the same time claim, as Thai citizens, their rights to land in a way that is compatible with state policy and forest conservation.

In this paper, then, I address the twofold nature of the problem of hill forest and land for the Karen.[2] First, I discuss land and forest use in the community, and the internally oriented discourse of communality. The Karen maintain a discourse of communality even as land rights within the community are becoming diversified and stratified. Second, I examine how the Karen resist government projects and claim their rights to livelihood based on forest land against the background of rising nationwide concern over environmental issues. The strategies for survival adopted by a minority ethnic group in a modern nation-state meet various external forces, some of which challenge, repress, and delimit these strategies while others adopt them for their own purposes or for a stated common goal they share with the Karen. To begin, in the following section, I outline land and forest policies in Thailand as a background against which various discourses on the hill tribes in relation to forest have arisen.

Another issue that has been central in the activities of Thai NGOs as well as intellectuals since the 1980s is the importance of local communities, their potential and self-reliance based on local wisdom, as opposed to the state. Insofar as environmental issues in the hills concern communal rights over forest, and insofar as many environmental activists are advocating community forestry—a form of forest management by local communities based on indigenous knowledge—the two movements are not completely separate, even though they differ in the width of issues on which they focus and their approaches. Meanwhile, scholarly discourse has also seen a reconsideration of community studies and the taken-for-grantedness of the village or community concept [Hirsch 1993; Kemp 1988] . As Kemp acknowledges, most of these discussions primarily concern lowland wet-rice cultivating peasant communities. My own discussion deals with communities in an ecological setting on the periphery between the hills and the lowlands. While I do not intend to discuss the issues presented by the Community Culture School, which is diverse in itself [Chatthip 1991], some of the problems raised in this paper are inseparable from these arguments surrounding the "community." I will therefore clarify my position in this regard.

On an empirical level, the swidden-cultivating Karen with abundant land form communities as bases of subsistence activities with clear boundaries both in membership and in physical territoriality, which are socially and ritually defined. Yet changes in availability of land, in ecological adaptation and in the relationship with outside power inevitably accompany a

2) Fieldwork was conducted among a cluster of Sgaw Karen villages in Chiangmai Province, from 1987 to 1989, and for short periods in 1996 and 1997.

reconstruction of "community," as I will discuss later. On the level of ideals, as Anan points out succinctly,

> the idealistic image of rural community . . . will only be the first step in strengthening anti-hegemonic ideology. But the dynamic nature of rural villages should be understood as a basis for community rights which can be formed through processes of political and cultural creation . . . . [Anan 1996:8]

In the context of our present discussion, two points emerge from this: firstly, we are concerned not so much with the community as empirical reality or normative ideal as with how the community is constructed and talked about both by local villagers in relation to their real concerns in everyday life and by outsiders in involving the local villagers with their own concerns; secondly, villagers construct and reconstruct their discourse on communality as a way of coping with problems arising from their position vis-à-vis those with power, and such discourse may be adopted because it is strategic to do so. In other words, both the process in which outsiders reinforce the image of the community, as well as that in which local people strategically emphasize their own discourse of communality, must be seen as products of power relationships both within and outside the local context.

II Administration and Discourse on Northern Hill Forest

According to Thai Land Law, all land in principle belongs to the state [Sophon 1978]. Some plots have documents of title issued: land that has been settled and developed over a long period, and has been surveyed by the government, which draws its boundary and records the plot as privately owned land with a title document called *cha node*. Land with such title is concentrated in urban areas as well as some long-occupied rural areas. Land without such title includes: land that has been occupied and developed but for which the due process of documentation has not been completed; land for which the government cannot legally permit occupation (reserved land, protected forests); and, land that has not been occupied (wasteland). With the exception of the second category, this land can be used under a title, called *bai chong*. After continual and productive use of the land, the occupant may be granted a second title N.S.3, allowing rights of usufruct and inheritance. According to the 1954 land code, S.K.1 titles were issued allowing rights similar to those of N.S.3 [Keen 1978]. However, such usehold titles presupposing long term use and occupation are incompatible with shifting cultivation, and furthermore, not many hill-dwellers own identification cards as Thai citizens, which is the precondition for such application. Therefore, not many hill-dwellers applied for S.K.1 titles.[3)]

Forested land in Thailand has been under state ownership since 1896 and the payment of concessions is required for any use of forest resources. Land that is not permanently occupied

3) In the case of the Karen in the fieldwork area who have a long history of residence in Thailand and who mostly own identification cards, a few of the paddy field owners have S.K.1 titles.

or used is categorized as forest and unused land, where any form of occupation and destruction (including logging and swidden cultivation) is illegal. It is thus the laws pertaining to forest that directly affect land use in the hills. Under these laws, most productive activities in the forest, including swidden cultivation, are illegal so that cultivators can be fined and confined for using, trespassing or destroying the forest, even if they have been using the forest as communal property since before it was declared state land, or before the state boundary was established.

Since the founding of the Royal Forestry Department (RFD) in 1899, forestry policy in Thailand focused on commercial exploitation of profitable trees, and regulating logging and reforestation.[4] Especially since the 1980s, however, problems of forest destruction began to be recognized by policy-makers, the media and the public, and forest administration began to emphasize conservation and reforestation [Lohmann 1996:37] and serious attempts at reorienting forest policy began. Protection forests, including watershed areas, were classified and defined, and in 1985 the government set the goal of 40% of total land cover to become forest. After the 1988 flood in the south, a nationwide debate culminated in the logging ban of 1989.

Northern Thailand is often the focus of attention for environmental conservation, due to its large expanse of forested hills (Table 1) that constitute the watershed for many of the tributaries that feed the Chao Phraya River (Fig. 1), and to the presence of the hill-dwelling minority groups (*chau khau*, "hill tribes"). The peoples in this latter category are historically varied in their background. Karen and Lawa settled earlier than other groups such as the Hmong, Akha, Lisu, and Mien (Table 2), the majority of whom migrated into Thailand this century. The groups differ in their mode of land use, territoriality, mobility and historical relationship to the lowland Tai peoples. Some Karen and Lawa held tributary relationships

Table 1 Forest Area by Region in Thailand

(km^2)

	Total	Year 1961	1973	1978	1982	1985	1988	1991	1993
North	**169,644**	**116,275**	**113,595**	**94,937**	**87,756**	**84,126**	**80,402**	**77,143**	**75,231**
		(68.54)	**(66.96)**	**(55.96)**	**(51.73)**	**(49.59)**	**(47.39)**	**(45.47)**	**(44.35)**
Northeast	168,854	70,904	50,671	31,221	25,886	24,224	23,693	21,799	21,473
		(41.99)	(30.01)	(18.49)	(15.33)	(14.35)	(14.03)	(12.90)	(12.72)
Central	103,901	56,823	39,006	31,463	26,516	25,218	25,078	24,307	24,010
		(54.69)	(37.54)	(30.28)	(25.52)	(24.27)	(24.13)	(23.39)	(23.10)
South	70,715	29,626	18,435	17,603	16,442	15,485	14,630	13,449	12,807
		(41.89)	(26.07)	(24.89)	(23.25)	(21.70)	(20.07)	(19.02)	(18.11)
Total	513,115	273,628	221,707	175,224	156,600	149,053	143,803	136,698	133,521
		(53.33)	(43.21)	(34.15)	(30.52)	(29.05)	(28.02)	(26.64)	(26.02)

Sources: *Agricultural Statistics of Thailand* 1985/86; *Statistical Yearbook Thailand* 1990, 1992, 1994; *Thailand Natural Resources Profile* 1987

Note: Figures in parentheses show forest areas as a percentage for the total areas.

4) Kamon and Thomas [1990] provide a useful historical summary relating the RFD and forest management policies with social and political trends.

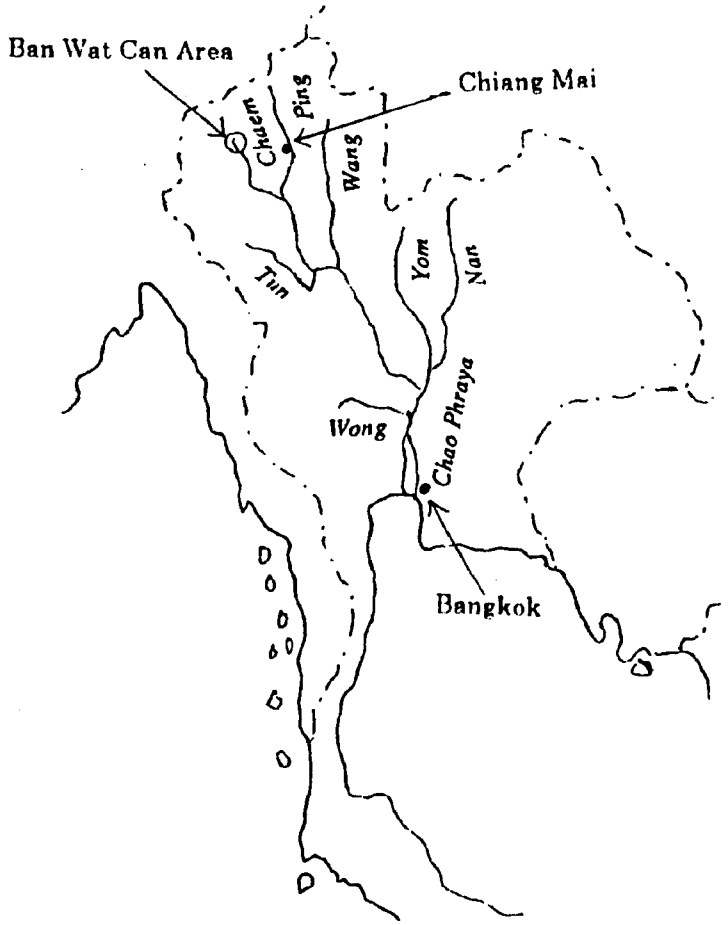

Fig. 1 Major Tributaries of the Chao Phraya River and Location of Ban Wat Can Area

Table 2 Hill Population in Thailand (Survey Figures by Tribal Research Institute)

Years	Hmong	Mien	Htin	Khmu	Lawa	Akha	Lahu	Lisu	Karen	Total
1974-77	37,301	22,652	19,398	6,315	11,250	13,566	22,584	12,542	184,648	330,256
1995	124,211	40,371	32,755	10,153	15,711	48,468	73,252	27,899	321,900	694,720

with Northern Thai lords until the end of the nineteenth century, and thereby secured their right to cultivate land in the hills [Keyes 1979:48-50]. Some were involved in the rising teak industry as loggers and mahouts, or as forest wardens for Northern Thai royalty [Renard 1980:146]. However, after the administrative centralization of the late nineteenth century took effect, such local powers were replaced by officials sent from Bangkok. The Thai government remained for the most part uninterested in the hills until the 1950s, and the local hill populations were more or less neglected or allowed to maintain their autonomy. Meanwhile, with the continuing influx of migrant shifting cultivators such as the Hmong, Akha, Lisu, Lahu and Mien, who came seeking land or fleeing fighting in their former countries, the hill population in the northern hills multiplied. Then, from the late 1950s, the Thai government began to take measures against the problems in the hills, which they defined as: opium

cultivation and narcotics traffic, communist guerrilla activities in the border areas, and forest destruction by shifting cultivators. In this process, ethnic groups with varying historical backgrounds and subsistence patterns were grouped together in one category. In other words, the problem of the "hill tribes" was one of the territory and social order of a modernizing state that was strengthening its hold on every square inch of its national territory. The monolithic image of the hill tribes was one of destroyers of the rich natural resources of the country, opium cultivators, and recent migrants lacking consciousness as Thai citizens, and based on this image, various hill tribe policies have been developed and enacted since the 1960s. Agricultural projects promoting cash crops to substitute opium, educational and religious projects have been administered by various agencies, ministries, local administration, army, police, royal projects, international organizations, ODA from various countries, Christian organizations and other non-government organizations all converging and entangling without sufficient coordination. Meanwhile, population pressure on land is rising and the problem of forest destruction becoming real and acute.

Since the inception of their "hill tribe" policies, a direct association has been made by policy-makers between forest destruction in the north and opium production and the problem of narcotics, implying that the "hill tribes" have caused forest destruction by their encroachment in the hills for purposes of narcotics production. Such views were reflected in a widespread image of the hill tribes held by the Thai public. However, researchers and environmental activists have rejected the views that directly and exclusively associate forest destruction in the north with the "hill tribe"'s shifting cultivation, blaming large capital owners, logging companies and the RFD for ineffectiveness and corruption, and decrying the government for making scapegoats out of hill tribes in order to shift attention from illegal logging [for example, Kammerer 1988; Shalardchai 1989].

From quite early on, researchers have noted the differences in land use among the different swidden-cultivating groups and criticized the general view of "hill tribes" and swidden-cultivators as one uniform category [Grandstaff 1980; Keen 1978; Kunstadter *et al.* 1978]. In fact, three types of swidden cultivators were recognized: (i) those living in lower altitude secondary forests such as the Karen and Lawa, who perform rotational swidden agriculture with short cultivation and long fallow periods and relatively permanent residence; (ii) those such as the Hmong and Lisu, who occupy higher elevations and perform mobile frontier swidden cultivation: and, (iii) those lowland peasants who complement their lack of paddy fields by occasional swidden cultivation on the slopes adjoining the plains. While the second group conforms to the stereotypical image of the hill tribes, the first is presented as a sustainable system of cultivation insofar as they have enough land to maintain sufficient fallow periods. The third illustrates the error of associating swiddening exclusively with the "hill tribes," and indicates that the latter's land is jeopardized by lowlanders.

Such categorization, which may have been meaningful until the 1970s, no longer accurately depicts the swidden practices in the hills. Increasing emphasis on cash crop production as well as stricter regulations on forest use put pressure on land for cultivation, resulting in changes,

especially among the first group. If the categorization of swidden practices according to ethnic groups has relevance today, it may be in the ways in which land use and territoriality differ among the various groups.

Increasing pressure on forest land in the hills has led to conflict in localities where groups with different land use systems and notions of territoriality live in close proximity. The Karen cultivated swiddens in relatively sedentary communities with bounded territory and, furthermore, have increasingly become dependent on wet-rice cultivation. They recognize customary communal forest property and are concerned with conservation of the watershed areas. The Lisu cultivate swiddens with a more mobile lifestyle, securing necessary land on a household basis. Shalardchai and Virada report a case where Lisu gradually migrated into an area occupied by the Karen. Not only were there frequent conflicts between the Karen and Lisu, but furthermore, the RFD began to delimit some land for reforestation, thereby further exacerbating the competition for land, resulting in Karen impoverishment [Shalardchai and Virada 1992]. Various migrant groups enter areas considered by the Karen to be part of their fallow land, watershed forestry or other forms of communal land, forcing the Karen to shorten their swidden rotation, or diminishing the water level in the paddy fields.

Opium cultivation has decreased, especially since the 1990s, and today the former opium cultivators grow cash crops such as cabbage on a large scale. Even as land use and subsistence patterns in the hills are changing and diversifying so that the hill residents are no longer dependent on swidden cultivation alone, the discourse that blames the "hill tribes" for forestry destruction remains in even harsher tones. The following are the words of the PM's permanent secretary, quoted in *The Nation*:

> These are not innocent hilltribesmen who do the traditional slash-and-burn cultivation. They are more sophisticated, and I would say more dangerous, than you would think . . . . They grow maize to sell the crops in town. Some of them even have pick-up trucks to transport the crop into town and to take supplies back to their communities. In one community on Doi Inthanon, Chiang Mai, some hill people have bought 10 wheeled trucks . . . . While many of them have settled down, others still roam the northern region and they resist government attempts to confine them to any settlement areas. We used to think that they are helpless pitiful people. But now, we have found that they are also extremely destructive to our forests and we must stop them. [Vithoon 1989:363-366 first published in NN1987/3/7]

Having built roads and encouraged cash crop cultivation as substitutes for opium, now the government is accusing the "hill people" who enter the forest seeking land for cash crop cultivation of being forest encroachers. Today, land in the hills is under severe pressure due to competition between subsistence agriculture, cash crop cultivation, and forest protection or reforestation by the government, not to mention degradation of the land and water resources.

III Ritual of Communality vs. Diversification and Stratification of Land Rights

In S community,[5] the virtual discontinuation of swidden cultivation (most households that cultivated small swiddens in 1989 (Table 3) had ceased by 1996) and the diminishing scale of paddy land holdings with increasing stratification have induced more villagers to work for daily wages in the vicinity, or to travel to towns and cities to seek employment, in addition to selling forest products and growing crops for petty cash. Yet, in spite of their insufficient and diminishing land and other economic changes, customary communal land tenure among the Karen and their ritual practices which are inextricably linked to such customs are still maintained to a considerable degree. We first look into customary land tenure and the ritual realm that supports it.

The community and the surrounding forest (*pgha*) abound with spirits including the guardian spirit (*thi k'ca kau k'ca*). The ritual leader (*hi kho*), who is patrilineally descended from the founding figure of the community, ritually mediates between the guardian spirit and the community. As expressed in the Sgaw Karen word for territory, *thi kau*, meaning "water and land," Karen communities are located on rivers and streams and the territory is more or less defined by the river basin. Boundaries are negotiated between neighboring communities, and within these boundaries, members cultivate land, gather firewood (for cooking, warmth, and light), building material (bamboo, leaves, and wood) and forest products such as mushrooms, berries, bamboo shoots, herbs and small game. The ritual leader represents the community in

Table 3 Swidden/Paddy Rice Production by Households in S Community (1989)

Swidden / Paddy	0 *sae*	~5	~10	(No. of Households) Total
0 *sae*	6	2	0	8
~5	1	3	0	4
~10	5	6	1	12
~15	3	2	0	5
~20	4	2	0	6
~25	5	2	1	8
Total	24	17	2	43

Note: The unit used here is *sae*. A unit used by Karen to measure unhusked rice at the time of harvest. 1 *sae* amounts to approximately 280 litres.

5) By "community" I refer to the largest residential and social unit recognized by the Karen (*hi*), which corresponds to the Thai *muu thi*. The administrative village *muu baan* and the unit above (*tambon* in Thai) will be referred to respectively as "village" and "sub-district." S is in a village in the same sub-district as Ban Wat Can, the locale of the pine forest project I discuss in the following section.

its contract with the spirit, and as long as the ritual duties are duly performed and social order in the community maintained, protection from the spirits and fertility are secured. Conflicts and misconduct in the community are said to cause draught, famine and barrenness.

The Karen in the area widely practiced swidden cultivation (*xu*) at least until mid-century, growing rice, maize, beans, cucumber, pumpkin, mustard greens, eggplants, yam, taro etc. Their method is rotational cultivation with an ideal fallow period of 7 to 10 years after a year's cultivation. Land used for swidden cultivation is communally owned; once a plot has been claimed by a household and the claim has been recognized, usufruct rights are established and can be transmitted by inheritance; but if the family no longer needs it, it may be transferred to other households in the community without sale. The condition for rights to such land is membership to a community (*hi* or *zi*), which is gained through kin ties. The flux of population in and out of the community is therefore strictly controlled and involves various taboos.[6] Thus, among swidden-practicing Karen, community boundary and membership are emphasized.

In the rotational swidden cultivation system of the Karen, fertility is dependent on the condition of the soil, which in turn depends on forest regeneration. The condition of the rivers and streams is also a measure of the ecological order in the forest. Thus, the ecological condition of the forests and waters on the one hand, and ritual and social order in the community on the other, are seen as mutually reflective. Karen swidden practices are thus based on relatively sedentary lifestyle, bounded territory, communal rights over land, and ritual practices.

Besides the swiddens, ownership of residential land and gardens (*rau*) is also based on community membership. Any land within community bounds that is currently not in use can be taken for gardens or house sites upon negotiation with the former user. Once claimed, it can be inherited but not sold. Only if a plot of land includes fruit trees, bamboo, or other productive trees must the transfer involve payment of compensation.

Karen in S community began opening paddy fields as well as swiddens almost as soon as they settled in this area in the early decades of this century and rights similar to the swidden were applied. By the 1980s, hardly any land was available for new paddy fields, holdings had diminished by generations of inheritance (the rule of inheritance is basically equal distribution among children) and transfer of rights among villagers had begun. The most prominent change accompanying the shift to paddy cultivation has been that, within the bounded space governed by customary communal ideology, another system has developed that recognizes quasi-permanent ownership of land by individual households, where transfer of rights involve cash transaction, resulting in stratification in the paddy land holdings. As Pratuang suggests, the introduction of registering titleship by the administration and demands on land due to cash crop cultivation may have been prime motivators in these changes [Pratuang 1997:131-133].

In this area, the oldest paddy land holdings have had S.K.1 papers issued by the district

6) For example, in-migration from other communities must be approved by the meeting of elders, and it is tabu to have more than one family from a single community move in within a single year.

office. Subsequently, short term title documents giving permission for use, which have to be rewritten every six or five years have been issued. Although this usufruct can be inherited, it is not legally salable. Nevertheless, villagers treat it as real estate property, which they not only inherit but also buy, sell and use as collateral for mortgage. Furthermore, through marriage, inheritance and sales of paddy land across village bounds, rights to paddy land and its adjacent swidden fields criss-cross village boundaries. The sale of land, an alien notion to the previous communal ownership of swidden cultivation and customary land rights for upland fields based on communality, has become common practice, giving a semblance of legality by temporary titles issued by the local administration.

In spite of the individualized nature of paddy fields, the ideology of communality is just as important in paddy rice cultivation. In order to secure sufficient water that is key to productivity in the paddy fields, it is crucial not only to maintain the irrigation system which involves all users of a water channel, but also to conserve the watershed forest which is customarily communally owned.

In addition to the problem of increasing population pressure, water levels in the fields are declining yearly, and some fields have had to be abandoned altogether. Villagers give two explanations for this water shortage. The first is the destruction of the watershed forests. This is due not only to the productive activities of the Hmong in the vicinity.[7] At the time of my initial fieldwork in 1988-89, the Karen in S community were involved in an activity that they knew to be destructive of the forest including the watershed. This is the stripping of the fiber of the *se bo be* tree, (*kor* or *kai* in Thai, a species belonging to the same family as chestnut and oak). The fiber is dried and sold in lowland markets as an ingredient in betel-chewing.[8] At the time, 1 kilogram of the fiber was sold at 3 to 5 baht, and a strong and experienced young man could strip up to 60 kilograms per day, a significant cash income opportunity in this area, where the local daily wage amounted to 30 baht. It was a lucrative clandestine business during the dry season, and Northern Thai buyers came with trucks and opened stalls at the edge of the forest, from where they carried the fibers away in tons. With the annual repetition of the fiber-stripping from the early 1980s, activities gradually spread into the watershed forests. Even though villagers were fully aware of the detrimental effects of such activity, the need for cash is great, especially since rice production in most households is below subsistence level, due to increasing restriction on forest use. Thus, government regulations on forest drove the villagers to other destructive activities. By the mid-1990s, however, the practice had ended due to increasing control and patrolling of the forests by the RFD.

The second explanation is that ritual order in the community is no longer maintained. In particular, those elders who are the central performers of the communal rites often voice their resentment towards the declining ritual order, relating this to the water level in the fields, even

7) In 1987-89, the Hmong villagers living upslope from S community cultivated opium, and in 1996, cabbages. In either case, many Karen villagers from S community worked for the Hmong for wages.

8) See Shalardchai and Virada [1992:31-33].

as they recognize the actual physical damage in the watershed forests. While most of the Karen in northern Thailand had been ritual practitioners until the beginning of this century, the influences of Christianity and Buddhism and conversions to these religions have become increasingly pronounced, especially in the past 30 years. This study area is no exception to this trend, so that in many villages, the rightful successors to the patrilineal line of ritual leaders have been lost, resulting in discontinuation of the line [Hayami 1996].

Forest use by villagers is based on topographical, ecological and ritual conceptualization of the area. Paddy fields are located along the valleys on both sides of the village and upstream in the valleys of the watershed forests. In the past, the lower slopes above paddy fields were cultivated widely as rotational swidden fields. Firewood and building material are collected mostly from forest nearby the village, while livestock is grazed on the upper slopes. Various food products (nuts, berries, mushrooms, insects and game) are collected in all areas. Besides an area designated as funeral site, there are certain catchment areas such as forest surrounding a pond, that are not cultivated.

However, use of forest has become increasingly limited, especially in the watershed forest which is classified as protection forest (Watershed 1A) by the government. Forest use is today limited to long established paddy fields and areas immediately surrounding the village. The system of sustainable forest land use cannot be practiced under such imposed classification that sees forest as either economic or conserved, and land as either owned by state or by individuals.[9)]

Today, in all of these categories of land (paddy fields, swiddens, gardens and land for housing) there is no longer any unused or unclaimed land, and with stricter regulation on forest use, competition for land is becoming acute. The most current problem is land for cash crop cultivation. Whereas some hill groups, especially those formerly engaged in opium cultivation have been involved in large-scale cash crop production since the 1980s, Karen have maintained a subsistence oriented cultivation practice and have been slow in adopting cash crops on a large scale. Villagers cultivated various crops in and around their swidden fields, paddy fields and gardens, planting maize, vegetables, beans, taro, yam and fruit trees, for household consumption and petty cash. By planting many varieties of plants, villagers used the garden plots effectively while maintaining soil quality. Cash crop cultivation on a scale large enough to produce some income implies a different system, whereby a plot is planted with a single crop, which is tended with commercial fertilizers, pesticides and intensive care.

B, a man from the neighboring community is a case in point. In 1996, the most sought after crop brought by the project was ginger. Its high price and easy transportability made it one of the most popular seeds distributed by the project. However, that also meant that the seeds were expensive, and only those with ready cash were able to obtain them on the spot. B had been one of the more enthusiastic participants in the project's promotion of cash crops from its

9) The problems of forest classification are discussed in detail by Pratuang [1997] and Suwannarat [1996].

inception. Through entrepreneurial shrewdness and inheritance, he had gained buffaloes and paddy land, bought a truck, and raised capital. He converted 3 *rai*s of land adjacent to his paddy fields into a ginger field. Employing less well-to-do women in the village upon daily wage basis, he invested in fertilizers and anticipated a profit of 30,000 to 40,000 baht. Against the background of increasing limitations on forest use and lack of land, B has provided villagers with the image of a success story, which has enhanced possessiveness over communal land. Land is becoming a valuable resource directly linked to the cash economy, and with the closing forest frontier, there is now competition for land on a first-come-first-get basis.

Yet, land within the village is communal land, and individual rights are preconditioned by community membership. The first time I heard a villager mention the possibility of selling his gardens involved an incident with a Northern Thai speculator, who tentatively suggested a price for the villager's garden and proposed an arrangement of tenant cultivation. The administrative leader in the community maintained that such a proposal would definitely have to be approved by the community before the villager entered into such a contract. By 1997, there sales of garden plots among villagers had begun.

Thus, underneath the discourse of communality involving community, forest, and the fields, there is dissonance between private and communal ownership, individual and community, state law and customary law.

In the research area, various projects in agriculture, education and Buddhism have been introduced, and all villagers hold Thai identification cards and of course recognize that the land on which they subsist is state land. Administrative as well as economic penetration into the hills is increasingly being felt at the village level. Against this background, the villagers aspire to secure individual rights over paddy land through permits issued by the local administration, and to secure rights over what is recognized as communal land. There is increasing disparity of landholdings between the haves and the have-nots. Yet, as long as the rituals of the guardian spirit are continued, the communality of land is recognized at least in ritual, even though Christian converts and migrant laborers do not participate in these rituals, so that the communality is a mirage in the ritual itself. It may be precisely because of a feeling of crisis that elders gather at these rituals and speak heatedly on the importance of the community and its rituals.

The continuation of the communal rituals and the discourse on communality take place in the face of widening disparity, delimitation on access to forest land, and degradation of the forest resources. Even if the communality of the customary law were to be neglected resulting in open competition over individual property among villagers, it is doubtful whether under present conditions in the hills, even the winner of the competition would gain anything more than a limited profit in the long run. In this precarious position, the emphasis on communality becomes a form of resistance and self-protection.

IV The Pine Forest Project

This section examines the case of a proposed forestry development project and local opposition to it in the research area. Through this case, I consider how the Karen in the area claimed their rights to forest and land on which they have lived and subsisted, in the face of the Thai state and society that claims territoriality and lays legal restrictions over the same land.[10)]

Ban Wat Can, the site of the proposed project, is located in the hills 160 kilometers by road from Chiangmai, at an altitude between 800 and 1,400 metres (see Fig.1). The forest in the region is largely mixed dipterocarp and pine, with pure pine forest on higher elevations. According to local villagers, when the Karen moved in around the beginning of this century, there was already pine forest in the area, although far sparser than today. There were abandoned pagodas and temple sites, which the Karen attribute to the previous inhabitants, Lawa, although when the Karen moved in, the area had long been abandoned.

The project has its origin in the visit by the king to Ban Wat Can in February 1980. On this occasion, the king requested that the Ban Wat Can Integrated Royal Project be instituted as a local project under the Royal Northern Project.[11)] The project involves an area inhabited by 15 Karen communities within the Mae Chaem watershed (a tributary of the Mae Ping, one of the four largest tributaries of the Chao Phraya), and is covered with 24,000 hectares of pine forest. The area is classified as watershed of categories 1A (protected forest at high altitudes and steep slopes that must remain under permanent forest cover) and 1B (areas with features similar to 1A, but that have already been put to agricultural use), in which logging is completely illegal. However, the project is exempt from such restrictions, since in 1982, prior to the logging ban of 1989, it had been given the right to log, lumber, transport and sell as well as clear-cut and reforest the area under its projects. It was designed to include both agricultural development as well as forestry projects for which the Forest Industry Organization (FIO), an offshoot of the Royal Forestry Department, is the acting organization.

FIO emphasized that the most pressing issue in the area is poverty, and pointed out the causes as: ongoing destruction of forest resources, low agricultural productivity, and lack of non-agricultural income and employment opportunity. The destruction of forests, in turn, was attributed to population increase, the burning of forests, pine resin tapping, and logging. Furthermore, FIO claimed that the pine trees in the area were severely damaged by mold, fire and disease, and should be put to economic use before damage was complete, or in other words, before the pine trees were no longer profitable. In 1984, the Finnish forest industry consulting

10) I was not there to witness the actual events involving the opposition that took place in 1992-93. The chain of events at the time is reconstituted from a report written by PER [n.d.], newspaper articles, and interviews in 1996 with the *kamnan* and villagers,

11) The Royal Northern Project was founded in 1969 by the king, covering most of the highlands in the North.

company, Jaakko Poyry was employed to perform a survey of the area to set up the project.[12] Following their report, FIO suggested plans to the villagers under which they would log and reforest 540 hectares of hill forest annually, construct a sawmill in the village, build roads to transport the product, and participate in local development. FIO promised that by the 26th year of the project, the area would be covered with beautiful reforested pine trees, and that villagers would gain 2 million baht per annum through employment in the sawmill.

The first opposition from the villagers was in the form of a letter from the sub-district headman (*kamnan*) to the Chiangmai Deputy Governor dated March 1989, opposing logging and lumbering by the project in their village. FIO was advised not to begin the project until they gained the understanding of the local residents. However, the opposition activities really began in 1992, when FIO completed the sawmill in the village. The main stated reason for local opposition was fear of destroying the watershed. At the time, an article in *The Nation* represented the local viewpoint as follows:

> . . . the forest remains an abundant water source largely because of efforts by villagers. . . . a respected 75-year old Karen, recalls that during his childhood, the forest was not as rich as it is today. There were thin patches of pines dotting the grassland mixing with trees. "About 60 years ago, there weren't many pines . . . . When a forest fire broke out, we rang the bell and assembled. We helped put out the fire and we managed to save the young and adult pines.[13] The pines which survived are now big trees, some are about a century old or more. And new pines have grown up since. It's why there are more pines than any other tree here now." The villagers have their own community laws to protect the forest as well. "Anyone who burns a protected part of the forest will be fined 20 baht. . . . The protected area begins about 2.5kms away from the villages. No one has violated the law." [NN 1992/10/7]

At the time, the print media covered the case both regionally and nationwide. There was great interest and participation among local environmentally concerned citizens, groups of Buddhist monks, students and intellectuals, and environmental NGOs (namely, Project for Ecological Recovery, and a consortium of Northern NGOs). This must be understood against the background of the rise in civic interest in environmental issues since the mid-1980s. Seminars were held in Chiangmai which included the village leaders, and a petition was composed to be sent to the governor, stating that the project not only ignored the hopes and feelings of the local population as well as those concerned with natural resource conservation

12) Jaakko Poyry was backed by the Government of Finland to conduct the Thai Forestry Sector Master Plan from 1990 to 1994, aimed to rewrite the country's forest policy, to prepare the institutional and social framework to allow western techniques of industrial forestry to be applied more fully. Lohmann points out that Jakko Poyry's plans allow the tying of the sale of machinery supplies from Northern Europe with the interest of local elites in Thailand by mobilizing land, forest and labor [Lohmann 1996:39].

13) It is in fact recognized by the Karen that natural forest fire does not necessarily harm the pine forest but, rather, can have a positive effect on its healthy growth.

for the country, but was also completely antagonistic to the policy of nature conservation that the government claimed to be promoting. The newspapers carried arguments against the FIO's research results quoted from the seminar, and emphasized the Karen communal practices of forest conservation [for example PCK 1992/10/17; SP 10/19].

One of the headmen of an administrative village involved in the opposition movement among the villagers later claimed that "the Karen fought and won a battle between the Karen and the Thai big guys. And, Northern Thai students, professors and monks were all on our side." In my interviews four years after the incident, most villagers referred to the incident first and foremost as struggle and conflict between specific Thai persons in the project and the local Karen who were against the project. Several villagers referred to incidents where they were scolded by the project administrators for ignorance and disobedience, and threatened with being "sent back" to Burma (even though most villagers were from families that had been resident in the area for more than three generations and owned Thai identification cards). It seems that besides concern for the forest itself, the struggle for the local Karen actually began as resistance and struggle for Karen dignity, the right of existence and recognition as Thai citizens. Such local resistance found an ideal idiom of expression in the environmental issues.

From the 1980s, there has been increasing recognition both among policy makers as well as NGOs and civilians of the need for an approach that would legalize and lay policy measures for forest use that accounted for local residents' aspirations and involved their participation [Hafner 1990]. Interest in decentralized forest management, community forestry and forest conservation grew among urban elites, monks, students and intellectuals, which were represented by the activities of environmental NGOs.[14] The media, too, especially the print media, covered these issues enthusiastically and the Ban Wat Can case took place in the midst of such trends. Regarding the project, numerous reports were written from the standpoint of the residents and NGOs. The *Bangkok Post* showed on its front page a picture of an old tree, marked to be logged, with the caption:

> One of the giant trees marked for felling in a pine forest . . . . The marking of the trees has infuriated local villagers who oppose large-scale pine felling in the royally-initiated development project. . . . A moratorium has been declared on the project due to resistance from villagers aware of the ecological impact and their calls for an immediate end to the project. [BP 1993/1/29]

Amid rising opposition, FIO performed a ceremony for the opening of the sawmill, which further stimulated resistance, and in February 1993, villagers sent a letter to the Prime Minister's office petitioning the halting of the sawmill operation. Monks and 50 residents of the district, along with 200 villagers from the village gathered behind FIO's sawmill to perform the

14) The Community Forestry Act has been taken to parliament (April 1996). While its consequences and future are still in question, the success up to this point can be attributed to the wide-ranging network of people involved.

ceremony of ordination for 1,000 pine trees. They wrapped the trees in saffron monks' robes, thereby rendering the trees sacred, as if they had been ordained. It is a ceremony that has played an important symbolic role in the forest conservation movement all over Thailand since the 1980s. On this occasion, FIO tore the robes off in preparation for the visit of officials from the National Economic and Social Development Board, for fear of tainting the image of the project, thereby further antagonizing not only those in the immediate vicinity, but the wider public as well. When this act was reported in the media, it was emphasized that the Karen villagers are not non-Buddhist destroyers of forest resources as would the preconception of the "hill tribe" suggest but, rather, Buddhists who are concerned with conserving the forest.

In the process of the opposition movement, some environmentally concerned local residents of the district organized a group called Rak Muang Chaem ("love Mae Chaem") to represent the regional concern and opposition. By May 1993, when the incident reached its peak, local villagers and Rak Muang Chaem held an opposition rally. Local Karen clad in their Karen costume, carried slogans against the FIO and marched in front of the sawmill. This was aired in the nationwide news, in which a local representative in Karen costume pleaded that they were "saving the land they inherited from their parents and grandparents." The sub-district headman's views were represented in the newspaper as follows, claiming that the villagers' utmost concern is not personal interest but the conservation of the communal forest resources:

> We want to achieve our goal even though it is a long struggle. I have decided on this position and I'm ready to stand together with my villagers. We believe that without the project we can deal with our forest as properly as our ancestral villagers here have done for over a hundred years. . . . it seems to us that the project not only involves cutting down old and dying pine trees. Other trees will also be cut down. We fear that we will forever be deprived of our rich and precious heritage, which contributes to the fertility of the land. Most villagers here live on farming. [BP 1993/5/25]

Administrative committees were set up to review the project, while the project itself maintained that the local resistance is due to ignorance and misunderstanding. By June, strong resistance forced the closure of the sawmill and to discontinuation of the project.

What began as an emotion-laden encounter between project officials and local Karen villagers thus culminated in a popular movement involving Northern Thai locals, intellectuals and monks that overthrew the plan brought in by the Thai government backed by an internationally famed forestry consultancy company. Local Karen villagers have no legal foundation for their rights over land in this area. Therefore, in their opposition, they could only found their claim on their history of residence in this locale and their own communal tradition of sustainable use of the forest. In emphasizing this latter point, they formulated a discourse that combines an environmental conservationist view with their own cultural values. They emphasized their ethnic consciousness and historical background in the area, and at the same time incorporated into their discourse their Thai citizenship and aspects of Thai culture pertaining to environmental conservation.

This project is not the first case of Karen involvement with resistance and opposition against government initiated forestry projects. The Karen have appeared with environmental activists since the latter half of the 1980s. An earlier incident that involved Karen and that caught the imagination of many urban middle class Thai elites, students, and NGOs was the successful resistance to the attempted relocation of Karen residents from the Thung Yai Naresuan National Park in the name of environmental conservation. The cooperation between Karen and lowland environmentalists has been a strong force in the community forestry movement led by NGOs, intellectuals, and some forestry officials, as well as local residents. The same forces were behind the Ban Wat Can opposition movement. Not only are Karen often referred to in the community forestry movement, they also constitute a significant percentage of the local communities in the North that participate in the movement, and some of the vocal leaders are Karen.[15)]

Recently, intellectuals in Northern Thailand no longer call the Karen *"Kariang,"* a designation by non-Karen peoples, but instead use the Sgaw Karen term of reference for themselves, which is *"Pga k'nyau."*[16)] This change has taken place in conjunction with the rising interest in Karen culture and living with the forest and environment. Until the mid-1980s, writings in Thai on the Karen were scarce, reflecting low public interest. Since then, there have been numerous publications both for public enlightenment as well as in academic genres [Phau Lee Paa 1987; Pinkaew 1996; Suraphong 1988]. Passages from Phau Lee Paa have been cited in the articles on the Ban Wat Can case [PCK 1992/10/17]. If we add the number of newspaper articles on environmental issues involving the Karen, the visibility of Karen in the print media has significantly increased.

As in the media coverage of the Ban Wat Can case, much of today's environmental conservationist discourse emphasizes the sustainability of Karen swidden practices [UNESCO 1996; Suraphong 1988; Pinkaew 1996]. Since it is still widely held that the hill populations practice destructive swidden cultivation, this is strategic as counter discourse. However, as I have pointed out above, in reality, many Karen communities have shifted emphasis from swidden cultivation to paddy cultivation. Furthermore, it is precisely because Karen are practicing wet-rice agriculture far more widely than other hill groups that they are closer to the lowland Thais in their concern for watershed conservation.[17)] Karen, who are closer to lowlanders in their present ecological adaptation are held by lowlanders to be, and opt to

15) Shalardchai, Anan and Santidaa [1993] provide a list of community forestry participant localities in the North, and 14 out of 153 are Karen. The unit of participation varies and can cover more than two administrative villages. Other hill groups in the list include Lawa (2), Lahu (4), Hmong (1) and Mien (1).

16) This, however, is the Sgaw Karen word for "Karen" or "human being." Other sub-groups of the Karen have different designations. Perhaps, since the Sgaw are one of the largest groups among Karen in Thailand with prominent leaders, it was the Sgaw term that was adopted by non-Karen.

17) This point is illustrated by the case of a Karen village in Mae Sariang presented by Shalardchai, Anan and Santidaa [1993] and Anan [1997], who point out that the increase in paddy cultivation has increased the awareness of the importance of conserving the watershed forests.

present themselves as conservationist swiddeners. From their powerless position, they are choosing to differ by adopting the difference imposed on them in the designation of "hill tribes" who practice harmful swidden cultivation. Whatever strategy is involved and regardless of their present mode of adaptation, the need for communal access to forest is real and pressing for the Karen.

Another often mentioned factor is the Karen spirit beliefs, and how fear of spirits and taboos are related to conservation of the forests. In reality, such beliefs and taboos pertaining to forests are quite varied from one locale to another since they depend on the local topographical features, and furthermore, many communities today include members who no longer maintain the spirit practices and do not share the same fear of spirits. Yet to claim that Karen indigenous system of forest land use is based on a tradition of spirit beliefs is an effective way to argue against the accusation of forest destruction. While linking themselves socially, politically and culturally to the Thais, Karen in the opposition movement emphasize their century-old relationship with the land through their ancestors and their own contribution to the conservation and nurturing of the pine forest.

While thus maintaining their differences, Karen also adopt and participate in lowland practices that legitimate and connect their claim to lowland conservationist activities. Those village women who normally never speak Thai were frequently heard to use the word *thammacat* (nature, in Thai, which has no corresponding Karen term) in their conversation, especially in relation to the pine project incident. The tree ordination is an idiom in the community forestry movement which has strategic implication for the Karen: by participation in this ceremony, the Karen associate themselves with Buddhist values and dissociate themselves from the still predominant image of the non-Buddhist "hill tribe." In 1996, 153 communities, including many Karen, in 8 provinces enacted a plan to ordain 50 million trees to celebrate the king's golden jubilee.

Both in the Ban Wat Can case and in the wider community forestry movement, the Karen seek a path to resist and to lay claim to their rights of existence in the forest and ancestral and communal land, both as Karen and as local Thai residents, through their own idiom and discourse, which blends Karen tradition, history and communality, and that of the Thai forest conservation.

Conclusion

Communality and tradition that are enacted in ritual and emphasized in discourse become a strategy against the real trend of individualization and stratification of increasingly dissected land within the community, and outwardly for claiming rights to forest and land to which the Karen have no legal claim. The entire process holds a contradiction within: with the gradual undermining of customary land use based on communality and ritual, villagers are claiming and advocating their tradition, culture and history both internally among themselves as well as outwardly towards Thai society.

Such discourse finds increasing audience among Thais who are seeking inspiration. In rapidly industrializing Thailand, for those citizens and NGOs involved in the environmental movement, the Karen provide an alternative discourse to Thai state policy and the orientation of Thai society in general. This gives the Karen some voice in the ongoing movement. Moreover, the interests from both sides meet to give more power and width to the multivocal civic movement in Thai society [Anan 1996].

Yet, these voices do not arise from equal footings of power. Karen resistance to the pine forest project itself arose from an acute awareness of their powerless position. Even though the recent image of the forest-dwelling Karen who live with and sustain the forest arises from respect for and appreciation of Karen tradition, it can also be said that in the process, the Karen become somewhat like a showcase in the environmental movement.[18] Moreover, the Karen themselves are not of one voice. Those Karen who find the voice to outwardly emphasize traditional Karen community and its integral relationship to the forest are more often Christian or younger educated Karen who have gained perspective on their practices and are able to select, strategize and promote what is "traditional" among them.[19] The Karen indigenous knowledge so often advocated in the effort to promote communal rights for Karen is, in fact, neither uniform nor shared. Regarding the pine forest project, too, there were villagers living in close proximity to the sawmill who were not necessarily against the project, and others who watched and did not participate, out of choice or passivity. Neither were the reasons for participation and interpretation of the course of events unanimous. Furthermore, putting the Karen in a special role regarding environmental conservation may differentiate the Karen from other hill groups with different modes of ecological adaptation and historical background, reinforcing differences and exacerbating the potential for conflict among different hill groups.

For the hill Karen, even as the rise of environmental concern and community forestry allow them more voice in Thai society and assist them in rejecting specific projects, the problems, conflicts and disharmony within and outside the community with regard to land cannot easily be solved by the externally oriented discourse of tradition or by internally oriented ritual practices. Locally geared policies and coordination with and among villagers are the long-term and necessary steps to the solution.

18) Some Karen villagers are now often visited by outsiders interested in community forestry and environmental conservation [Cf. UNESCO Office 1996].

19) An interesting ritual has been initiated in some parts of southern Chiang Mai Province, in which religious leaders of traditional rituals as well as Christianity and Buddhism gather to perform a sacrifice for the trees, an adaptation of the traditional great sacrifice (Mr. Prasert Trakansuphakon [Director of IMPECT] personal communication).

Acknowledgements

This is a revised version of a paper originally presented in Japanese at the 8th Symposium on Comparative Study of Cultures in the Asia-Pacific Region: The Political History of Land Ownership (National Ethnological Museum, Osaka, October 27-30, 1996). The symposium volume will be published in Japanese. I am grateful to Professor Takashi Sugishima for giving me the opportunity to participate in the symposium, for valuable comments on the Japanese version, and for permission to publish this revised version in English. Professor Shalardchai Ramitanondh generously provided me with information, documents and suggestions. My gratitude is also due to Professor Koji Tanaka and Professor Thanet Aphornsuvan, who read the Japanese and English versions, respectively, and gave me thought-provoking comments.

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