

DEVELOPMENT OF OFFICIAL COMMUNITY FORESTS IN THAILAND

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1. Introduction

Starting in early 1996, under the burning sun of Bangkok, more than 10,000 people from all over the country gathered in front of the parliament building for a protest. Calling themselves a ‘Forum of the Poor,’ they were a spontaneous organization of farmers demanding justice for their land and livelihoods. In March 1997, an NGO supporting this lasting demonstration reported the identification of 121 potential sites in the country for violent conflicts between the government and the farmers. Among those sites, about 75% involved the use and ownership of land and forests and 12% related to dam construction (Samachaa Khon Chon 1997).

In the past, Thailand was a sparsely populated country with an abundance of open land. The legal distinctions between agriculture and forest land, and functional divisions of unused public land were unimportant not only for the farmers, but also for the government. With the increased scarcity of land, however, a legal framework limiting the rights to land use has gradually developed. To halt further encroachment on state land, the government has initiated projects for land allotment, purportedly for the landless poor. It had also invested in tree planting and expanding protected areas for the environment, particularly since the late 1960s. Despite these massive initiatives in the public land, illegal logging has continued, forest cover has declined, and the socio-economic conditions in rural areas have not improved as intended. Thailand is now considered as one of the worst managers of forests in tropical countries (Poffenberger ed. 1990).

These failures can be explained by the inherent conflict between the central government and the local people over the use and management of public forest lands. The former claims legal and official rights in the interest of state in general, whereas the latter make their claims on the basis of customary rights in the interest of defending their livelihood in a specific locale.

Practitioners and scholars in Thailand seem to be divided into two camps about the link between forests and local people. The first considers local people a threat to the forests and gives supreme priority to forest preservation. Thus, from this perspective, forests should be ‘protected’ from the people who happen to reside nearby. The second emphasizes the rights of local people to stay where they are and attempts to find a balance between meeting local needs and achieving conservation objectives. The two points of view even divide various government agencies and NGOs. This contrast became more salient in the process of drafting a new community forestry bill, which is yet to be enacted¹. The central point of dispute in this drafting has been whether the local people can be trusted in their capacity to manage a forest.

As for the scholarly literature, recent studies on community-based resource management conclude that communal resources (e.g., irrigation, forests) found throughout the world are, in most cases, not open-access regimes as they are often mistaken to be. Thus, as long as the system is not disturbed, the resource can avoid the ‘tragedy’ of over-exploitation (Baland and Platteau 1996; Taylor 1998). These studies have no doubt enriched the otherwise solely theoretical analysis of the commons with empirical observations. On the other hand, one cannot help but ask: within the constraints of land tenure system of the state, on what kind of land can we find these ‘tight’ common property arrangements² and how important are (and will be) those resources, relatively, for the livelihood of the local people? The former questions the place of village-level resource use in relation to the official legal system; and the answer will affect the incentives of farmers to invest in those resources. The latter pertains to the significance of the communal versus private resources; the answer will affect villagers’ willingness for its sustainable use. The two questions are closely related, but the direct focus of this study is to answer the former in the context of Thailand.

My observations in Thailand suggest that few forests are collectively controlled by local communities, and those that generate direct and significant economic benefits to the local people are even rarer. This is so because (1) fertile land suitable for agriculture is mostly privatized, and the remaining common land (i.e., mostly grazing land) is no longer critical for the production of a village economy; (2) productive forests, including watersheds, are mostly ‘protected’ by the state for conservation, and the direct use of these forests has become increasingly limited³. Even when there is a healthy forest sustainably managed by the local people, without legal title to secure its ownership, the forest can be confiscated by the state at anytime⁴. In light of these

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¹ The bill contains rules and regulations regarding the use of state-owned forests by local community members. The content of the bill has been much discussed since the late 1980s.

² Inoue (1995) distinguishes two types of commons, ‘tight’ and ‘loose’: tight implies those under intentional management for sustainable use governed by explicit rules and regulations, and loose implies those without explicit rules and regulations.

³ Even in the northern part of Thailand, where one can find a relatively rich array of watersheds, a field survey conducted by a team of NGOs and universities reported that among the eight community forests examined, only one was identified as rich and productive, whereas the rest were degraded (Rumination et al. 1993:122).

⁴ In Prattlung province, for example, villagers intimidated by the extractive activities of outsiders, attempted to call the forestry department for help only to find their forest later had been declared a national park. Ironically, the villagers who wanted to protect

considerations, seeking a sustainable use of forest land with exclusive focus on the village-level mechanics of collective action will not suffice. Given that the majority of forests are legally under the ownership of the state, the relationship between resources and people has to be examined properly in a broader political economy.

For example, the Karen hilltribe, who have resided in the forests of western Thailand for over 200 years, have been evicted from their homeland that has now been designated a world heritage site. They have been squeezed into a small plot of land in the buffer zone surrounding their home forest. Rotational shifting cultivation, now considered an environmentally sound practice among forestry experts (Dove 1983) was literally abolished for the sake of "global" environmental concerns. Enclosure by the government left the local people no room to manage their surroundings. Having deprived them of their own system of resource use, it is futile to debate whether villagers have the capacity to manage a forest.

I will not discuss the often switching content of the long debated community forestry bill nor its expected consequences.⁵ Instead, I would like to find a place within the existing land and forestry policy arrangement that might motivate local people to exercise their potential capacity. Before asking what the new bill ought to look like, one should ask what will likely be with what is already there. This study, thus, outlines the historical competition over land and forests, examines the policies that affected public and communal lands, and discusses the institutional foundation for the development of community forestry in Thailand.

2. Earlier policies : Forest clearance and agricultural expansion

Until the first half of this century, Thailand was literally a kingdom of forests. The Thai word for forest, "*pa*" signifies not only a collection of trees but also a state of "uncivilized" or "savage" (Scott 1991). *Pa* as a suffix indicates "wild," whereas *baan* (a house) as a suffix implies "domesticated." Civilization and development, therefore, often meant the linear evolution from the former stage to the latter. In fact, until recently, forests were perceived as dangerous dark jungle where brutal animals resided; they were seldom considered economically valuable and something to be owned. Even in the late 19th century, the western loggers had to rely for most of their labor on the hilltribes, for the lowland Thais feared going into the forest (Falcus 1990). Similarly, from the government's point of view, forest land was considered redundant and something to be developed. In the legal code of the Ayutaya period (14-18th centuries), encroachment into the forest area by the villagers was described as "*bukruk*" (pioneer) rather than "*bukburk*" (encroachment) now often used to denote the same conduct (Ramithanon et al. 1993). This indicates that forest clearance was officially encouraged rather than discouraged for a long period of time.

Sparse population in relation to land abundance caused the feudal chiefs to concentrate on labor as a central means for generating wealth. Slavery existed in Thailand until the beginning of the 20th century, and the ownership of scarce men was an indication of economic power (Feeny 1989). According to Ingram, agricultural land accounted for only 2% of the total land around 1850 (Ingram 1971). Feeny estimates that the forest coverage in the early twentieth century was about 75% (Feeny 1989)⁶. A lower population and less competition over land gave the land tenure issue a lower profile on the political agenda. From the farmers' point of view, on the other hand, the lower profile made the vast land and forest resources available to them with only limited meddling from the government⁷.

As Thailand entered the world market in the mid-19th century, the relationship between its forests and people has gradually been changing. From the 1960s in particular, following the introduction of new roads and harvesting techniques, the logging business has accelerated. By 1968, logging concessions have extended to most of the regions in Thailand. In designated concession areas, local villagers have struggled to secure resources before the companies took them away. The areas where large trees are logged have turned out to be a suitable spots for land hungry farmers to move in to (MIDAS 1991).

Thailand has increased its agricultural production through territorial expansion and very little reliance on intensification (De Koninck and Dery 1998: 15). Land area allocated for agriculture has doubled between 1910 and 1940 and tripled again between 1940 and 1970. Although some planned resettlement programs have been initiated by the government, most of the territorial expansion occurred as a result of spontaneous settlement of the villagers themselves (Uhlir 1984)⁸.

Thailand has supported its successful growth up until the 1980s with the massive loss of its natural capital. Diminution of forest areas has been clearly detected, particularly since the 1970s, by satellite images. Official statistics reveal that the 38% forest cover in 1970 has been reduced to 26% in 1995. Even the often underestimated official figures show that Thailand has lost 50% of its forest in the past 30 years⁹.

The rapid loss of forest resources was damaging to the government, because timber exports were one of the main sources

the forest were the first to be kicked out (Ridmontri 1997).

⁵ For a recent review of the draft bill, see Pearmsak (1997).

⁶ Ingram notes that "The freeman could take possession of uncultivated land as long as he went about it properly. In all parts of the country there was an abundance of unused lands which only needed to be cleared and cultivated." (Ingram 1971:12).

⁷ It is estimated that in early 18th century, the total population was approximately five million, which is less than 10% of today's population (Skinner 1957).

⁸ Uhlir notes that forest clearance by farmers was not necessarily caused by population growth, but that the pressure of debt repayment created by the rapid incorporation into the market economy was important as a motivating factor (Uhlir 1984).

⁹ On the technical and political biases of these government statistics, see Lynch and Talbot (1995).

of foreign exchange. In 1975, the government banned the export of raw timber, and, in 1977, Thailand became a timber importing country in net. Thailand was forced to abandon forestry based on natural stands. In 1988, when large scale flooding allegedly caused by excessive logging killed hundreds of people in the southern region, the media and NGOs created a mass movement against commercial logging, which resulted in 1989, in an official policy to halt commercial logging in state-owned public land.

The increasing scarcity of land instead of people, although an aggregate figure, can be detected by comparing areas of agricultural versus forest land. In 1938, the population was estimated to be 15 million, whereas in 1997 it is 60 million. Now agricultural land occupies more than 40% of the land whereas forest area is less than 30%. The crossing point of the two dominant uses of land occurred around 1978 (see Figure 1).

A scarcity of land introduced changes in the tenurial arrangement of land. In most places in Thailand, the traditional right to land was limited to usufruct rights (*siti khroopkhong*). Rights were given to the current *user* of the land, and the concept of owning the land in a modern sense was absent (Kemp 1981). Locally known as *chapchoog* (occupational right) system, this system continued to be practiced in many places until a clear private ownership system was introduced. In fact, many of the cultivators, despite their *de facto* private use, possess no legal documents even today. They are described as the “illegal occupants” of state land (Thompson et al 1992).¹⁰ This ambiguity about ownership in rural society, particularly in collective lands such as communal forests, religious forests, and agriculturally fallow land, has made it easy for the government to confiscate these lands into state territory.

3. State protection of forests from the villagers

During the rapid expansion of private agricultural land, the government paid little attention to unoccupied places (except for the private domain of the government that contained valuable goods such as teak). These places, primarily covered with forests, were open access land. It was even rare for the government to specifically allocate a piece of land as “public land for the people.”¹¹ Designation of “public land,” in most cases, meant exclusive “state land” reflecting the self-interest of the government (Sayamon 1995). For the farmers, public land chiefly meant reserves for private land, and, unless it was a watershed, the economic function of public land was not considered critical to their production. People have pioneered to those open access forest lands only in situations of disaster, land shortage due to population growth, or to escape a plague.

For the government, the management of public land is problematic, particularly when there are conflicts between illegal encroachers and the regional forestry officials trying to maintain the boundaries of forest reserves (Gienty 1967). This evolves into an issue when governments become sensitive to their land being occupied by farmers. Conflicts between farmers and officials have stimulated governments to strengthen their protection measures. Some scholars have described this process as internal “territorialization” (Peluso and Vandergeest 1995).

Instead of establishing external boundaries, which is conventionally meant by territorialization, areas of exclusive control by the state can be created even inside the country itself. As the modernization and centralization of resource control develops, places are created within a country where use and ownership are limited to certain categories of people (Vandergeest 1996a). The area with valuable natural resources is the first place to be “protected” under this movement. The territorialization of forests in Thailand proceeded in the following manner.

In 1896, the Royal Forest Department (RFD) was established in the Ministry of Interior under the directorship of an Englishman, H. Slade, to control the timber trade previously at the disposal of feudal chiefs. Legally, this allowed the department responsibility for almost 70% of the country covered with forest. The department was originally established in Chiang Mai where most of the timber trade took place, and then later moved to Bangkok, the capital of the kingdom. Establishment of the department was felt necessary because of escalating evidence of excessive timber harvesting, tax evasion, and increasing power of feudal chiefs (Falkus 1990).¹² In the Forest Protection Act of 1913, the coverage of state protection was extended to non-teak trees because of excessive extraction and conflicts.¹³ By the end of the Second World War, many rules and regulations had been

¹⁰ Based on the latest available data on private land holdings, land with full ownership title (*chanoot*) amounted to 54 million rai which is only about 30% of all cultivated area. For the historical separation of usufruct rights and ownership rights, see Kitahara (1973). It is important to note that even a full ownership of land does not include the ownership of certain valuable trees on the land. According to the Forestry Act (1941), one is required to obtain permission from the local forestry official to cut certain species such as teak and *yaang*, even those standing within one’s own land.

¹¹ Legally, however, there was a provision for communal land (often grazing land) to be protected from private encroachment (Shigetomi 1997). The legal foundation of collective rights will be discussed in a later section.

¹² Various regulations related to the protection of trees existed from late 19th century. The first forestry law that refers to the protection of trees was established in 1887. It basically identified certain species concentrated in the north in order to log them in the near future (Rumination et al. 1991). Prior to the centralization, which formally took place in 1899, forests in the northern part of the country were divided among the five feudal chiefs of Chiang Mai, Lampoon, Lampang, Phrae, and Nan. They were recognized in general as properties of these chiefs and their heirs (RFD 1971).

¹³ In this Act, all trees were legally classified into two categories: reserved and unreserved. Reserved trees were then classified into three groups based on their perceived scarcity.

established, yet most were to protect the economically valuable trees in the northern region.¹⁴

In 1938, the Forest Protection and Conservation Law for the first time defined not only the particular species but also the area to be protected, and this allowed certain forests to be permanently reserved.¹⁵ Large-scale spatial protection has increased since 1938, which has incidentally generated conflicts with people who were using the resources for their livelihood. In the 1950s, based on a recommendation made by the FAO (Food and Agriculture Organization) mission in 1948 (FAO 1948),¹⁶ the government decided, in principle, to protect 40% of the total land as forest (20% for conservation and 20% for production). The enactment of the Land Code in 1954 satisfied this principle with practical guidelines. The Land Code demanded that all lands in the nation should be classified according to established criteria and specified the particular use of those lands. Surveying and classification, however, took a long time. Only in 1961, when the first five year National Economic and Social Development Plan was launched, was the demarcation of permanent forest finally approved by the national land classification committee (Chirapanda 1985).¹⁷

Permanent forests were area waiting to be legally approved by the subsequently enacted National Forest Reserve Act (1964). This act was introduced to simplify the procedure and accelerate the state forest demarcation practiced since the act of 1938. With this act, forest reserves could now be designated without royal decree. This was a procedural decentralization act in an attempt to rapidly centralize forest control. Despite the planned goal of 50 % forest cover, it took 14 years to demarcate 32%; in 1985 it had reached 42%¹⁸. By the time forest land had been designated as state forest, there were already people residing in those areas, which caused additional conflict.¹⁹ The total area of forest reserve, not to mention the actual forest cover, thus, fell short of the 50% target because of these bureaucratic delays.

Since the 1980s, functional territorialization or scientific zoning based on soil types and land slopes has been practiced (Peluso and Vandergeest 1995).²⁰ Zoning of forest reserves conducted by the RFD, which I shall examine later, is a case in point. In the practice of zoning, areas are delineated not to conserve trees for production, but for the protection of an entire ecosystem and the identification of potential planting areas. From this period of time, what is meant by “conservation” in reality, is “preservation.”

State enclosure of remnant forests as protected areas (e.g., wildlife sanctuaries, national parks) is the final stage of territorialization. Protected areas, in principle, are classified according to their size, biodiversity content, and virginity; this determines the extent of access allowed to people. For example, wildlife sanctuaries have the strictest rules pertaining to access and are open only for researchers; not even tourists are allowed to enter. In comparison, tourists are encouraged to visit national parks. In either of the sites, legally speaking, even a dead tree branch cannot be taken away from the area.²¹ In 1967, the total area of protected areas amounted to only 1% of all areas; now it comprises about 15% of total land (including forest parks, botanical gardens, and non-hunting areas).²²

¹⁴ The legal definition of forests relies on the Forestry Act (1941): “Forest is a land without occupants in accordance with the land law” (*Praraachabanyat Paamai Po. So. 2484, Matraa 4 (1)*) [Forestry Act of 1941, Article 4, Section 1]. As noted earlier, however, those who have legal ownership of land in the country side are still a minority, and this passive definition of forest certainly helped the government to legally confiscate some of the ambiguous land into state property. This definition of forest dates back at least as far as the Royal Decree for the Protection of Forest promulgated in the Buddha Era 2456 (1913).

¹⁵ The implementation of spatial enclosure of forest land as was practiced in neighboring countries, was already suggested at the policy level in 1916. However, the political instability of the country and its low priority on the agenda caused the idea to stagnate for the next 30 years (Khambanonda 1972).

¹⁶ This was the first time that conservation was given an explicitly quantitative goal, but the rationale for choosing 40% was not provided in the report. This unfounded number, 40%, has unexpectedly influenced and shaped forest land policy in Thailand since then.

¹⁷ The official designation of permanent forest is based on the cabinet resolution on the categories, classifications, and survey of land in November 14, 1961.

¹⁸ In 1964, state forest covered only 19.58% of the total land (Khambanonda 1972).

¹⁹ Incessant encroachment of farmers into the forest area, despite the increasingly rigid regulations, occurred partly because the government turned a blind eye to the farmers. Particularly in the 1970s, forests were places for anti-government groups and communists to hide. Forest clearance, therefore, was conducive to uncovering and suppressing the movements of these people, while co-opting for the farmers by not punishing them for their illegal forest clearance (Flasherty and Jengjalem 1995).

²⁰ A functional survey of the nation, including that of forest reserves was conducted by the Land Development Department which was established in 1963.

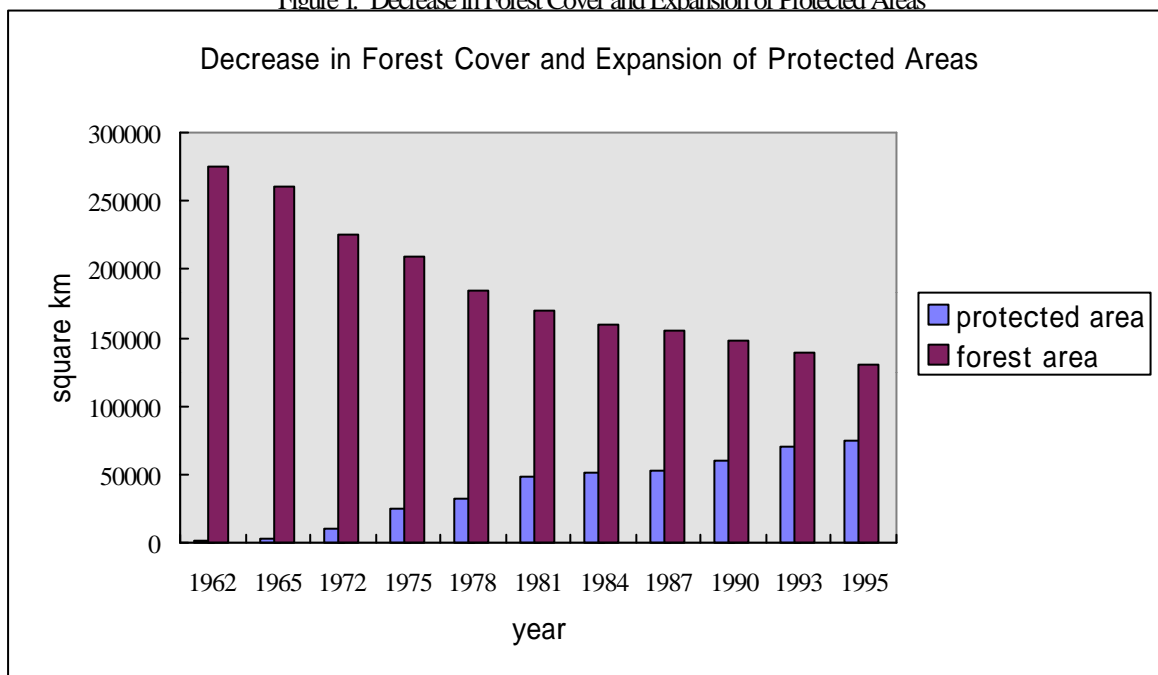
²¹ The introduction of a protected area system in Thailand was late compared to neighboring countries. The early adoption of a protected area system in Burma and India is attributed to the hunting habits of the colonial Europeans who were concerned with the rapid reduction of game (MacKenzie 1988). The absence of European colonization in Thailand may explain this delay (Vandergeest 1996a). The introduction of the national park idea in the 1950s was strongly encouraged by Field Marshal Sarit, who attempted to create national symbols (Kasetsart University 1987).

²² After the logging ban in 1989, the government reduced its tariff so that lumber could be imported from neighboring countries (i.e., Laos, Cambodia, Burma). This was part of the strategy to co-opt the logging companies who were against the banning (Ghimire 1994).

Diminishing forest resources and the expansion of protected areas altered the nature of forest administration in the country. Forest reserves in the traditional sense, were patch of forests waiting to be harvested. The mandate of the RFD was therefore to manage these reserves in an economically sound way. However, the depletion of forest land and the unavoidable banning of commercial logging in 1989 created an identity crisis for the RFD, and it was forced to transform its mandate from production to protection.

The rapid expansion of protected areas was important for maintaining the sustainability of the institution. These areas, scattered all over the country are the regional colonies of the RFD in Bangkok. There, in the complex bureaucratic competition, the RFD could have almost exclusive claim over the use of forest resources and land. An increase in the budget was justified to supply and strengthen local forest guards and to enhance monitoring capabilities. The protection of forests was justified not only on the basis of environmental objectives, but also as a way to attract foreign assistance. Thailand has emerged from being a “poor” country. As one of its economic strategies to obtain foreign currency, Thailand is using these environmental projects. An increase in the availability of economic assistance and the expected income from tourism are the basic motivations behind the expansion of protected areas (Ghimire 1994).

Figure 1. Decrease in Forest Cover and Expansion of Protected Areas



Note: protected area represents the added area of national parks and wildlife sanctuaries. (Source:RFD [1996]).

4. Carving out the degraded forests : Land reform and forest conservation

Competition for land has even intensified among the different departments in the government, particularly land where property demarcations are still vague. These areas typically called the degraded forests (*paai suam soom*). Degraded forests were formerly covered with forest but have now been transformed into agricultural land. Most of this land is legally owned by the state and has become the target for future plantation sites by the RFD, or land handed over to the Agricultural Land Reform Office (ALRO) to be distributed to the landless poor. The status of this land, therefore, is ambiguous and controversial in many ways.²³ The precise number of farmers actually living on these lands is uncertain, and estimates vary between 1.5 million to 8 million (about 13% of the total population) (Christensen and Rabibhadana 1994; Lynch and Alcom 1991).

As illustrated in the figure above, forest reserves (46%) make up almost twice as much area as that of the actual forest cover (26%), and it becomes clear that the word “reserves” is devoid of meaning. Particularly since 1989, when the government declared a ban on commercial logging, rights to lands under past concessions have become vague and, as a consequence, invited many landless farmers to encroach on those lands. The management of the these degraded forest lands nonetheless is critical to

²³ Lohmann estimates this area to be about 5,600 km² which is approximately 10% of the total land area (Lohmann 1996).

curtail further “environmental refugees” from encroaching into the protected forests or into slums in the cities²⁴.

There are ample examples of acute conflicts between farmers and the government over the degraded forests. The most publicized conflict was *Kho Cho Kho* (the land allotment project for the poor farmers living in the forest reserves) in 1991. This project, carried out by the military, aimed to evict farmers from the forest reserve by compensating them with a small piece of land outside the reserve.²⁵ The disappearance of the communist’s threat and the profit potential from eucalyptus plantation tempted the RFD to align with pulp companies with assistance from the military. Thus, many farmers were evicted from their dwellings to make way for the eucalyptus to be planted. The incident supposedly helped the military to reclaim its presence after the communist insurgency (Phongpaichit 1995).

Granting plantation rights to private companies appeared to be promising way for the RFD to survive after losing its central source of revenue from logging. However, the attempt to expand the forest cover (to achieve a 40% target), which justified the military involvement, met with strong resistance from the villagers. The main cause of resistance was not the environmentally harmful nature of fast growing eucalyptus plantation, but rather the location of the land upon which the government chose to plan the trees. Even those lands long cultivated by the local villagers were assigned as plantation areas, and, in many cases, the natural forest was destroyed to make room for the mono-crop plantation sites.

To counter the problem of people illegally residing on state-owned land, the government had implemented certain “participatory” projects that would give various degrees of land rights in an attempt to protect the remaining forest land from further encroachment. Projects that took place in the forest reserve were implemented by the following governmental agencies without much coordination among each other: (1) the RFD for plantation projects and forest village projects (*mubaan paamai*); (2) the Forest Industry Organization (FIO) for plantation programs; (3) the Agricultural Land Reform Office (ALRO) for a land reform program; (4) the Department of Public Welfare (DPW) for self-help settlement projects, (5) the Department of Cooperative Promotion (DCP) for cooperative land allotment projects.²⁶

Up until the 1960s, the main objective of plantation projects implemented by the RFD and FIO, for example, was teak production for industrial purposes. The farmers’ “participation” was meant to contribute labor to the production process. Thus, naturally, little attention was paid to the welfare of the participating farmers. In FIO projects, one household will be given 10 rai (1 rai = 0.16 ha) of land for plantation, 5 rai for its own farming, and 1 rai for its dwelling. Because of low wage and irregular labor schedules, this project occasionally motivated farmers to destroy the trees they themselves had planted. By doing this, farmers were able to secure plantation work (Mehl 1990). With this and similar design problems, forest plantation made little progress. And, oddly enough, in 1985, the amount of illegally logged timbers confiscated by the court exceeded that of legally produced timber (RFD 1996).

Forest villages, self-help settlements, and land allotment projects that began during the late 1960s and 1970s, were often tied to national security concerns particularly targeted towards communist insurgency. Conservation and rehabilitation of forests were merely the stated objectives to mobilize local villagers to counter the communists often hiding in the remote forest areas. As a result, many of the forest village projects took place along the borders of Laos and Cambodia (Hafner and Apichatvullop 1990). Road extension into forest areas, for the same reasons, not only destroyed forests but also attracted more villagers from other areas.

In sum, these projects were derived from political motivations of various state departments to enhance its bureaucratic status in the government and lacked coordination, which in many cases induced further forest clearance, despite the purported objective of its conservation. (Uhlig 1984).

Among the projects that took place in the forest reserves, the most notable for the purpose of this article, is the land reform program implemented by the ALRO. This is because most of the projects mentioned above no longer obtain funding, even those by the RFD. There has been a cabinet resolution ordering the ALRO to be solely responsible for land allocation projects related to forest reserves. Because forest reserves are state-owned land, the RFD projects inside the reserves were supposed to give only the usufruct rights and not the full title to the land. Land reform, on the other hand, will allow farmers to have their own land, though with certain restrictions. It is the mechanism for farmers to reclaim land rights over ambiguous lands with official means.

To briefly outline, the land reform program is a scheme whereby the government obtains unused land from landlords or state-owned land to be distributed to landless farmers.²⁷ In addition, the ALRO will support infrastructure development (e.g., pond digging, road construction) along with the provision of land certificates. The land to be obtained was originally sought from large

²⁴ The immediate areas surrounding the protected areas are called the buffer zone, where a particular form of development intervention is carried out to meet the needs of the local residents, expecting that it will lead to the reduction of pressure on the core area. For the development of buffer zone concept in Thailand, see Puntasen et al. (1996).

²⁵ According to the original plan, more than 250,000 households (about 1 million people) were to be moved out of the forest reserve by the end of 1996. However, strong protest by the farmers at the early stage of the plan forced the government to cancel it.

²⁶ Many of these projects took place inside or next to forest reserve areas. However, there have been few studies of the connections between these projects, or the politics of site selection in relation to each other.

²⁷ Under this scheme, farmers can obtain the usufruct rights over their land up to 50 rai and the certificate can be used as a collateral to obtain credit from the Bank. In 1994, about 200,000 households received the ALRO certificate (Charasdamrong 1997). To become a land reform area, it must (1) state land (i.e., forest reserve), (2) not be covered with forest, (3) generally suitable for agriculture, (4) not vulnerable for soil erosion, (5) high proportion of landless farmers (including small holders and farmers without any certificate) (TDRI 1989:14).

scale landlords. However, it soon became apparent that obtaining land from powerful landlords would be politically difficult, and even if this were possible, there was not enough extra land. From the mid-1980s, the government has shifted its attention to forest reserves as a potential source of land to be given to the landless. This move, naturally, has motivated some farmers to encroach further into forest land (sometimes hired by locally influential people), and, as a result, an attempted ‘reform’ has in some cases intensified the concentration of land with the elites (Charasdamrong 1997).

Let us now look closely at the connections between forest conservation policies and land reform. To strengthen conservation (i.e., conserve up to 25% of the total land) and accelerate land reform have been central objectives of the government for the past decades. To reconcile the possibility of these conflicting objectives, the RFD has conducted a detailed zoning operation inside the forest reserve area since the late 1980s. The zones are classified into three categories: (1) conservation zones (C zones) for protection, (2) economic zones (e zones) for plantation and utilization, and (3) agricultural zones (A zones) to be transferred to the ALRO for distribution. The results of this zoning exercise were used as a guideline to be pursued in the 7th National Social and Economic Development Plan (1992-1996) in which conservation zones were specifically given a target of 25%.

The problem becomes clear from an examination of these tables. For example, and most importantly, what will happen to those who live inside C and E zones? Some people who live in those areas have already been evicted, yet there are still many living there. According to unpublished information presented to the author in 1994, even one of the most strictly protected wildlife sanctuaries contains a large number of farmers (see Table 4). The growing political power of NGOs working against forced relocation and the mere lack of land onto which move these people have created certain tensions inside the state-owned forest land. In the past, as a result of farmers’ and NGOs protests, the government did issue the cabinet resolution of May 1993 which basically allowed those to stay who could prove that they had been living there before the demarcation of the protected area. These resolutions, however, tend to be revoked when there are changes in political circumstances²⁸.

Table 1. The Number and Proportion of Landless Farmers in Thailand (1987-1991)

land holding	1987	1991
landless (0 rai)	463,635 (8.2%)	500,398 (7.8%)
near-landless (less than 5rai)	576,019 (10.1%)	828,265 (13.1%)
small holding (5-10 rai)	670,015 (11.8%)	818,194 (12.8%)
more than 10 rai	3,982,197 (70%)	4,246,212 (66.4%)
Total	5,691,866 (100%)	6,393,069 (100%)

(note) 1 rai = 0.16 ha source : Chirapanda (1996).

Table 2 Zoning by the RFD

Categories	conservation zone (C zone)	economic zone (E zone)	land reform zone (A zone)
Criteria	The land in this zone is covered with forest trees that are healthy and are suitable for preservation. If RFD follows its customary practice, these areas will be listed as appropriate for designation as national parks or wildlife sanctuaries.	The forests on land in these zones have been degraded, but the soils capability assessment indicates that these areas are not suitable for cultivation of rice or upland crops. The areas are suitable for the cultivation of tree crops, particularly forest tree plantation crops.	The lands in this zone have been deforested and are occupied by permanent settlers. The communities in these areas are permanent and people are cultivating a combination of rice, upland cash crops and permanent tree crops. These areas have been designed for degazettement following normal procedures and will be taken out of the forestry sector.

²⁸ The government can employ various strategies to deflect local residents from the protected areas besides manipulating policies and regulations. For example, one way is to stop all infrastructure services to the area (e.g., cutting electricity) so that people will ‘voluntarily’ move out of the area. This has happened in the buffer zone of Huai Kha Kheang wildlife sanctuary in western Thailand.

(source: MIDAS 1991, Appendix II, pp.1).

The basic underlying fact is that there is no land available for those who have been evicted. Although it has taken a long time to reach that point, the government is now forced to recognize the presence of “illegal encroachers” on state-land by issuing them land certificates to curtail further encroachment.

In May 1993, the government issued a cabinet resolution to transfer a total of 44 million rai (about 30% of the forest reserve area) of land from the RFD to the ALRO to accelerate the land reform program. The importance of these degraded forests both as a potential plantation sites and as the land to be given to the landless, created certain tension between the RFD and the ALRO. Prior to 1995, for example, there had been no explicit arrangement between the two agencies regarding the treatment of forest land that remained inside the land reform area.

The ALRO had no obligation to return those forest lands to the RFD. An informal agreement was that the ALRO should maintain 20% of the land under forest cover either by planting or conserving the existing forest. In the agreement reached in August 1995, it was made explicit that areas defined as forest now have to be returned to the control of the RFD (RFD and ALRO 1995)²⁹. Based on this agreement, approximately 10,000 million rai are now under survey to be returned to the RFD (RFD 1997). The figure below summarizes the complex forest land classification in Thailand.

Table 3. Distribution of Lands based on the RFD Zoning (unit: million rai)

	area (%)
National Forest Reserve	147.34 (45.9%)
Conservation Forests (C zone)	88.23 (27.5%)
Good Forests	71.56 (22.3%)
Forests for Rehabilitation	7.85 (2.4%)
Other land uses	8.82 (2.8%)
Economic Forests (E zone)	51.89 (16.2%)
Good Forests	8.82 (2.8%)
Forests for Rehabilitation	15.46 (4.8%) → to ALRO
Other land uses	27.61 (8.6%) → to ALRO
Land Reform Areas (A zone)	7.22 (2.2%)
Good Forests	0.16 (0.0%)
Forests for Rehabilitation	0.4 (0.0%)
Other land uses	7.2 (2.2%)
Outside the Forest Reserves	173.35 (54.0%)
Good Forests	4.89 (1.5%)
Forests for Rehabilitation	1.44 (0.4%)
Other land uses	167.02 (52.1%)

(Source : MOAC/ RFD.Thailand Forestry Sector Master Plan: Vol.5: Subsectoral Plan for People and Forestry Environment, pp.29 [Bangkok:Royal Forest Department, 1993]. Arrows in the table added by the author).

Among the categories of forest land, wildlife sanctuaries, national parks, and forest reserves each have their own legislation, whereas other areas are protected under cabinet resolution or ministerial and departmental regulations. To summarize the sequence of forest land demarcation: in 1961 permanent forest (the outer boundary, 50% of the total land) was demarcated based on the policy established by the land classification committee in 1957. To accelerate the legalization of this forest, the national forest reserve act (1964) was promulgated. Because of the time lag between the two, however, the area covered by this law was much smaller than in the original plan. It should be noted also that there is some forest left, even outside the permanent forest boundary. This forest category includes private forests and forest on public land under the Land Department.

There is also a layered area (depicted by the gray arrows in the figure) where wildlife sanctuaries and national parks overlap with forest reserves. It shows that the basic strategy of the RFD is to secure the maximum area with the strictest regulations (which are laws on wildlife sanctuaries and national parks). If it finds a substantial number of villagers inside the areas, it will downgrade the status of the land to forest reserve. The final line of defense for the RFD is the C zone, which it eventually wants

²⁹ Categories of land that is to be returned to the RFD are (1) land covered with forest, (2) land not suitable for agricultural production, (3) ecologically vulnerable areas, (4) areas to be protected as communal forests, (5) land with an average slope of more than 35 degrees, (6) watershed areas, (7) land that goes under the supervision of the RFD according to the law and regulations, (8) mangrove forests, and (9) degraded forests that have not yet been cultivated by farmers (RFD and ALRO 1995).

to protect with no villagers living inside. Parts of the E zone are to be privatized and encouraged to plant trees on a commercial basis.³⁰

The fact that the RFD has to give away 30% of its territory to the ALRO clearly manifests the consequence of forest mismanagement by the state. Forest demarcation that is not based on the incentives of the local villagers, but that reflects the politics of departmental interests is promising to fail. Technical solutions that failed to address the inherently political nature of the problem lead to further deterioration of the forest.

5. Public land for the people

Given the policies and legislation outlined above, where can we find a forest that might motivate local communities to utilize and manage it collectively? Let us first look at the relevant legislation. The only law that defines the collective space for the people is the Civil and Commercial Code of 1932. In article 1304 of this code, there is a reference to a concept called collective assets of a nation (*satharana sombat khong phaengdin*). There are three components in the article: (1) degraded vacant land (*thidin rok rang wang plao*), (2) collective assets to be used by the people (*sapsin samrap phonla muang chai nuam kan*), and (3) assets for the exclusive use by the government (*sapsin phua prayot khong phaeng din doi choepo*), namely, facilities for military purposes.

Category (1) can be privatized if one follows the appropriate legal procedure. Category (2) is to protect the collective assets from being privatized. However, the examples illustrated in the law refer only to roads, lakes, coastal lines and not to forests. Also, it is important to note that common lands in the past were designated not to protect the communal or collective rights of the villagers but to secure the openness of the resources in question (Shigetomi 1997).

In the 1950s, we find an explicit governmental statement pertaining to the communal forest. In 1956, as an appendix to the land code (1954), the Ministry of Interior issued an informal agreement among the land related departments about the conditions which all land allotment projects should follow. The agreement made explicit that, when the government redistributed part of the state land to the people, 20 % of the land should be kept as forest to be used by the local people (MOI 1956). Though this guideline was never followed in a strict sense, recognition of it in an official document deserves attention. The document refers to the ecological importance of the forest for giving moisture to the soil as well as its economic significance (e.g., as a source of timber for house construction and firewood) for the local people. The statement, though never legalized, may be considered one of the earliest recognition by the state of the function of community forest.

Table 4. Number of Famers Cultivating and Residing inside and around the Wildlife Sanctuary (in 1994)

Regions	number of protected areas	Residence and Farmland both inside the protected area			Residence inside but farmland outside			
		No. of households	population	area	No. of households	population	area	
Central	9	2,156	9,879	53,229	1,163	4,483	39,686	
North	23	4,622	23,682	75,691	5,212	14,604	72,440	
South	14		3,699	13,834	97,762	5,228	13,131	68,679
Northeast	12		636	3,163	26,047	1,978	10,706	55,845
Total	58		11,113	50,558	252,729	13,581	42,924	236,650

(note) unit = rai

Source: information provided to the author during an interview at RFD in Bangkok, December 1996.

³⁰ The government's hidden objective in privatizing E zone and expanding the land reform area, some NGOs claim, is to allow the already wealthy section of society to legally grab 'unused' land (IUCN 1996).

It is unclear why the government promoted this kind of arrangement, given the fact that there must have been an abundance of forest, in general, surrounding the farm lands in the 1950s. A possible explanation was provided by a retired government officer (a former director-general of the land department) in an interview with the author. According to the officer, because most land allotment projects took place close to the forest reserves where one could find vacant state-owned land for the people, the creation of a communal woodlot inside the newly established village boundaries was encouraged. The government did not want the local people to search for wood in the reserved forest. It is quite possible then that, existence of rich forests rather than the lack of them motivated the government to promote communal forests. This 20% principle was seldom referred to since then, until the mid 1990s when the RFD began to reclaim its jurisdiction over the forests that had been handed over to the ALRO.

From the description of the land classification system above, we can now identify the possible space where local people can claim their usufruct rights over the forests. The community forests that the RFD officially provides for the people can be found only inside the E zone, and the use of forests in C zone are not permitted under the current system. If healthy forests are first to be protected by the RFD, then, in general, the forests for people have to be found in the degraded forests. An official document produced by the RFD confirms this observation: "community forests are those under the Forestry Act and Forest Reserve Act that do not exist inside national parks, wildlife sanctuaries, non-hunting areas, nor watershed areas which are protected by government regulations. In addition, they cannot be on those lands which the government prohibits from being entered for the sake of national interests" (RFD 1997: 27).

Where are the productive forests for the people then? There are three possibilities. The first is, as I indicated earlier, the forests outside the permanent forest area (see Figure 4). This is a category of public land, though limited in space, that can avoid the meddling of the forestry patrol because it is mostly under the supervision of the land department (more directly under the local district officer). If registered properly, it can be protected by article 1304 of the Civil and Commercial Code and the Land Code mentioned earlier. According to the latest available information, there are 17,000 sites (totaling 1.08 million rai) in this category with the largest portion registered as grazing land (DOL 1998).³¹ In 1997, those registered as community forests extend over 116,000 rai (Somtheep and Theeparit 1997), and the area is increasing, according to the officer responsible for registration in the land department. Even if the land is outside the jurisdiction of the RFD, it still has the claim over the trees standing on the land. Yet, outside the RFD's territorial control literally implies outside the influence of Forest Reserve Act (1941) which reduces the intensity of policing by the forest guards.

The second possible place on which to promote community forestry is on land transferred from the RFD to the ALRO for land reform. Since the agreement between the two agencies in 1995, remnant forests on land reform areas should officially be returned to the RFD. However, again, the definition of what constitutes of a forest is arbitrary, and it is up to the local officials. Thus, there is room for local people to take advantage of the ambiguity. In the land reform area, more importantly, people are given legal title to land for cultivation. In other words, there is a possibility for local people to obtain both private and communal resources jointly.³²

The third possibility for forests for the people, which is most commonly practiced now, is the informal use of state forest. In many locations, local government officials and the villagers have reached an informal arrangement that allows people to collect forest products not only on a subsistence basis (e.g., firewood, herbs, small animals) but also as resources that can generate supplementary income (e.g., mushrooms, bamboo shoots). A detailed case study of this type of community forestry is reported, for example in Poffenberger and McGean (1993). These apparently flexible and prevalent informal arrangements, however, are vulnerable in the sense that the system can be taken away at any time because there is no legal foundation to back it up. In addition, this is not the kind of forest use that has the potential to develop into a commercial forestry by the community providing a substantial economic return to people, such as those practiced in parts of India, Nepal or Japan.

We do not know how the new community forestry bill would or will affect the collective space for the villagers. But the RFD is not likely to give away even the managerial rights of the forests inside the C zone. The only right it might approve is the legal recognition of the third type that we discussed above. Even if some kind of forest use rights are permitted inside the C zone, there is no mention of the legal status of agricultural land inside the C zone. On the other hand, we should not forget that the central source of livelihood for farmers is farm land and not forest. Communal rights to forests would only gain significance if they were combined with private rights over their farm land.

6. Conclusion

³¹ Idle land with no occupants is, by legal definition, a "forest" regardless of the actual tree cover (see footnote 14). However, idle land can be registered either as "degraded vacant land" (*thui din rok rang wakang plao*) or "land for collective use" (*sapsin sannap phonla nuang chai nuam kam*), following the Land Code under the supervision of the Land Department. Because of the larger number of local staff, land under the RFD is strictly monitored. Thus, if given a choice, people tend to register their common land as non-RFD land. Villagers' room for maneuver in taking advantage of various state regulations is a promising agenda for future research.

³² Because the ALRO certificate will be given to those who already have land to cultivate, it will not rescue those who are literally landless. Given the likelihood that these truly landless people are more dependent on forest resources, the rigid imposition of a land reform scheme (i.e., the demarcation of private land boundaries) may distort the informal arrangement often made among the villagers to accommodate the poor.

State-owned land in Thailand occupies about 50% of the total land area. Management of this large portion of land has significant implications not only for the local villagers, who still depend on forests on a daily basis, but also for larger issues such as energy and water supply and conservation of biodiversity and environment at the global level. To sustainably manage these various resources, social mechanisms to organize links between the government, village communities, and individuals become crucial.

One cannot focus exclusively on a single component of a system while ignoring the others. With regard to the state, we must ask what kinds of resources are given to the people, what forces are affecting a particular allocation, *before* asking how those resources can be sustainably managed in participatory fashion. With regard to an individual or a household, we must pay attention not only to forest resources under collective use *per se*, but also to private prerequisites (do people have adequate farm land?) that enable people to effectively take part in communal activities.

In this article, I have attempted to locate the place for community forests under the existing legal framework of the government to explicitly address the structural constraints and prospects for their further development. I have assumed that the introduction of one new legislation after another would not drastically change the basic power relations underlying the distribution of lands. The so-called ‘land boom’ since the late 1980s has revealed that the target for competition is no longer forest resources alone, but is moving toward the unoccupied land as such. The provision of legal security to farm land has therefore becoming increasingly important.

Based on the argument outlined so far, two related issues require further investigation in understanding the politics of forestry in Thailand. The first is the land rights of the large number of people residing inside the C zone and in protected areas. Again, debate on the community forestry bill tends to direct our attention to forest use but, at the same time, diverts us from the issue of rights to farm lands inside the protected area. Even if the new bill permit villagers to manage a forest inside the protected areas, other legislation regarding the land ownership may block them to do so.

Secondly, implications of the changing nature of economy to the relationship between forests and people, and the role of the government require attention. The government’s attempt to isolate people from the forest by zoning and policing has, naturally, suppressed the number and skills of people who are most capable of managing the very forest that the government intends to protect. It is true that economic development often shifts people’s economic orientation away from the forest. But this tendency is not homogeneous across regions, and the hunger for land will certainly invite new projects even after the previous residents had been relocated. Unless a legal recognition is given to those communities that have proven their capacity to care for their forests, community-based resource management will be devoid of its best models. At least outside the protected area, I see land reform combined with community forestry as the most realistic and promising way to experiment the potential of communal resource management.

The relationship between resources and people is, after all, a relationship and competition among different peoples. The awareness of the necessity to rely on each others’ organizational strength is the key to managing resources that are scattered in the country. In Thailand, unfortunately, this awareness and trust for each other will take a long time to mature.

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