

# Transformative mediation, a tool for maximising the positives out of forest conflict: A case study from Kanchanaburi, Thailand

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**Abstract:** Transforming conflict is a key component of sustainable forest management. Transformative conflict mediation is an approach to transforming conflict that aims not only to resolve the conflict but also to foster long-term relationships and cooperation. This study explores how application of mediation contributed to conflict transformation. A case study from the village of Teen Tok in Kanchanaburi Province, Thailand, looks at the links and impact of mediation on 1) policies, institutions and governance; 2) livelihoods capacities and cultural and socio-economic aspects; and 3) the natural resource base. This chapter is based on two research projects conducted in 2009 and 2012. The data was collected through interviews, focus group discussions, an expert workshop, and literature review. Results show that third-party mediation played a crucial role in transforming prolonged conflict between national park officials and local people as well as in reconciling conservation and livelihood objectives. The study also found that the commitment and trust of the parties, the participatory nature of the process, and changes in forest-related policy and legislation have been critical factors in the success of the mediation and in management of national parks. Revisiting and improving the laws related to management of protected areas are important to ensure local people's participation and secure the rights of local communities living within and adjacent to national parks. To improve the capacity of mediators, this study also suggests investment in appropriate capacity-development activities.

**Keywords:** Forest conflict, conflict transformation, mediation, protected area, national park, joint management, capacity development

## 17.1 Introduction

Forest-related conflicts are a global phenomenon (e.g. de Koning et al. 2008, Mola-Yudego and Gritten 2010). The pervasive nature of these conflicts accentuates the need to find effective approaches for addressing them (Gritten et al. 2009). Conflict transformation is a key component of sustainable forest management that elicits positive impacts, including the encouragement of collective action (Yasmi et al. 2010, 2011). Conflict transformation, as an objective

and conflict-management approach, sees conflict not as a negative situation that needs to be stopped but as an opportunity and catalyst for positive social change (Augsberger 1992, Reimann 2004).

Conflict transformation suggests that conflict as a social phenomenon is not only about people's struggle for their interests, rights, views, and power but also about crisis in peoples' interactions with each another. Hence, one of the primary focuses of conflict transformation is to address the negative interaction between conflicting parties and create a suitable en-

vironment for fostering long-term relationships and cooperation (Bush and Folger 2005).

A number of approaches are used by actors to transform conflict, including negotiation, mediation, arbitration, adjudication, and coercion (Engel and Korf 2005, Yasmi et al. 2010). Among others, the focus of this work is on the use of mediation and its potential for conflict transformation. It is based on the premise that mediation, as a process in which a third party helps the conflicting parties in resolving the conflict without imposing a solution (Engel and Korf 2005), is considered an effective tool not only for resolving conflict (e.g. Bercovitch and Gartner 2006, Yasmi et al. 2010) but also for transforming social relationships and building peace (Porter and Bagshaw 2009).

Mediation becomes important especially when the negotiations among conflicting parties have failed and/or one of the parties has refused to take part in the negotiation process (Yasmi et al. 2010). The failure of negotiation is understandable because a protracted destructive conflict often generates mistrust, fear, hostility, and other emotions that deter actors from taking part. A mediator, as the third party, is tasked with helping transform this hostile relationship and find new, attractive options for both parties that seem attainable. Consequently, a reality-grounded transformation, where the positives are emphasised, becomes more viable (Kriesberg 2011).

There are different views in the literature about what the most important goal in the mediation process is. For example, Bush and Folger (2005) contrast transformative mediation with problem-solving mediation. While the latter aims mainly to end the conflict and come up with a mutually acceptable agreement, transformative mediation aims deeper, including long-term changes in people and the quality of their relationships, emphasising empowerment and recognition (i.e. mutual understanding, respect) in the mediation process (Augsberger 1992, Bush and Folger 2005):

1. Transforming attitudes. The focus on a change in perceptions of the conflict parties would be based on a commitment to view each other in a spirit of goodwill and mutual respect.
2. Transforming behaviour. Parties would focus on collaborative behaviour – including the area of communication – and commitment to mutually beneficial actions.
3. Transforming conflict. Parties, by attempting to remove incompatibilities, would be able to pursue mutual gains.

This case study is based on a research project conducted in 2009 (Thaworn et al. 2010, Yasmi et al. 2010) and follow-up research in 2012. The 2009 study found that mediation was a key component in

successfully resolving forest conflicts, underlining its great potential as a powerful conflict-transformation tool. The authors returned to the same case study site in 2012 to further explore how the mediation was applied and how it transformed the conflict. The 2009 research focused on the analysis of the conflict with respect to the causes, impact, and management, while the 2012 research focused on the process of mediation, including the aims, the role of the mediator, the process of mediation, the method, and the outcome of the mediation with regard to conflict transformation.

This case study examines transformative mediation as a tool in conflict transformation in Thailand. It looks at the issues that contributed to the success of the mediation: from the transformative mediation point of view, evidence of the success is in the interactional shift of the parties from destructive and demonising to positive and humanising (Bush and Folger 2005). Furthermore, it looks at the impact of mediation on 1) policies, institutions, and governance; 2) livelihoods, capacities, and cultural and socio-economic aspects; and 3) the natural resource base, illustrating the impact of mediation in terms of conflict transformation. The study also identifies conditions that enable transformation to take place.

## 17.2 Conflict in the village of Teen Tok, Kanchanaburi

### 17.2.1 Roots of the conflict

In Thailand, as with many countries in South-Eastern Asia, forest policy and governance is based on the premise that the state knows best, as reflected in the top-down nature of decision-making and the role and methods of the state forest institutions (Lebel et al. 2004). Since the early 1960s, forest policy in Thailand has focused on forest conservation, mainly in response to widespread deforestation (ICEM 2003, Thaworn et al. 2010). Legislation regarding protected forest areas originates from that time and manifests increasing state control over the country's peripheral areas.

Key forestry legislation, in this context, is the National Park Act (1961) that aims to protect forest areas within a park's boundary by keeping them in natural conditions. This act strictly forbids anyone to settle, extract, or have any economic activity in a national park, including subsistence and land-based livelihood activities (Government of Thailand 1961, Thaworn et al. 2010). Following the enactment of the National Park Act, official designation and demarcation of protected areas began to increase rapidly, especially in the 1980s, by which time the nation's forests had already substantially degraded and frag-

mented (ICEM 2003). The establishment of national parks and the logging ban in natural forests (in 1988) were mainly responses to domestic pressures to halt deforestation. The government of Thailand, however, defined and classified forest areas into various categories such as reserved forests, national parks (NPs), and wildlife sanctuaries, often without prior consultation with local communities and surveys in the field (Delang 2002, Santasombat 2004). This led to a great deal of mismanagement (Delang 2002) and a large number of conflicts in the nation's increasingly pressurised forests (Thaworn et al. 2010).

The case of the village of Teen Tok in Kanchanaburi Province, is an example of these conflicts. One of the indirect causes of the conflict there is that the village falls geographically within two protected areas: Chalerm Rattanakosin National Park and Sri Nakarin Dam National Park, established in 1980 and 1981 respectively. Following the establishment of these NPs, any extraction of forest resources (such as wood, bamboo shoots, animals, fruits, and flowers), possession of land, and any subsistence and land-based livelihoods within the NPs are strictly prohibited. Consequently, livelihood activities such as farming, and hunting and settlements of local villagers who have been living in the area for more than 250 years are considered illegal.

The NP officials strictly enforce this exclusionary law by prohibiting any livelihood activities in the area. The NP officers also have authority to arrest and press charges against non-compliant villagers. The result has been increased frustration and a sense of pressure among the villagers, as well as tension between the parties. From 1981 to 2005, NP officers arrested many villagers, mainly because of their agricultural activities and extraction of forest resources in the area overlapping the NPs. In line with Karen<sup>(1)</sup> tradition, the villagers practice rotational farming, sometimes cutting down trees to use the land for growing crops. As punishment, "violators" were fined, brought to trial, or had their lands confiscated.

This created an environment of fear, anxiety, and resistance in the community. Similar emotions were felt by the NP officials, who were obliged to enforce the law. The villagers were often hostile towards the NP officers, who felt insecure while passing through

the village in performance of their work (patrolling). The conflict inevitably escalated during this period, peaking in 1998–1999 when NP officers arrested people for levelling land to build a house. A number of villagers reacted by surrounding the officers and detaining them for half a day without food and water.

### **17.2.2 Legal change creates space for local participation**

The new Thai constitution (1997) includes a clause requiring a more comprehensive approach to park establishment, stipulating that local communities shall be consulted and have the right to participate in the management and sustainable use of natural resources. In addition, in 1998 the government passed a cabinet resolution that allows local communities who lived in the area before the establishment of the NP to remain in the area but prohibits further expansion. These two provisions have changed the rights of local communities, enabling them to stay on the land that they have been living on for generations and to participate in forest management, which had been inhibited by the 1961 act.

Responding to the new legal provisions (i.e. 1997 Constitution, 1998 Cabinet Resolution) and driven by the frequent incidents of conflict and aspiration for more local community participation, the government undertook projects to encourage participation of local communities. In 2001, the government initiated a project called Community Participation in National Park Management (CPNPM) Pilot Project in six protected areas in Thailand, including the Chalerm Rattanakosin NP. During this project, NP authorities tried to clarify the boundaries and draw up rules and regulations for the allocation and use of land. Because this was done by NP officials without active participation of local communities and due to the prevailing conflict, the NP boundaries, rules, and regulations were poorly known and poorly accepted by local communities. In 2005, Chalerm Rattanakosin NP ran another participation project called the Sustainable National Park Management through Participatory Process (SNPMPP).

In terms of conflict transformation, these participatory approaches were not fully successful until a national NGO, Seub Nakhasathien Foundation (SNF), as a third party, helped to mediate the conflict and open a path for reconciliation and co-management of the NP. The SNF started working in the area in 2004 under Joint Management of Protected Area (JoMPA) in the Western Forest Complex project funded by Danida, Denmark's development cooperation agency. The overall aim of the project is to con-

<sup>(1)</sup> Karen, often categorised as "hill tribe" or "upland people," is an ethnic minority group who settle in the forests of the highland area from the north down to the west of Thailand. Karen farm households have traditionally relied on swidden agriculture. Their traditional farming system has been described as subsistence-oriented, with households growing rice for their own consumption and to feed their livestock (e.g. Walker 2001, Hares 2009, Tripaqsa 2009).

serve biodiversity and ecosystems of protected areas through joint management between NPs and local communities. Additionally, the project assists communities to live in harmony with the forest, clarify boundaries, and agree about land use. The JoMPA project has been aligned with the SNPMPP project in terms of conducting joint activities and working with almost the same committees of local people.

## 17.3 Material and methods

### 17.3.1 Description of the site

The village of Teen Tok is located in Srisawat District, Kanchanaburi Province, Thailand. The village is approximately 140 kilometers from the city of Kanchanaburi and is inhabited by 1161 people (353 households). Karen Pwo is the largest ethnic group in this area, but only a small percentage of the population, mostly migrants from other parts of Thailand, belongs to a Thai ethnic group. The village encompasses five sub-villages: Teen Tok, Baeng Cha Ko, Ban Klang, Sa Waeng Ba, and Pu Klong.

Most of the villagers are farmers who principally use rotational farming to cultivate rain-fed rice for their daily consumption. Many also practice permanent monocrop farming of vegetables and fruit crops, mainly to generate income through sales in the market.

### 17.3.2 Data collection and analysis

Different methods were employed to understand the perceptions and experiences of the conflict and mediation process at the case study site. The data was primarily collected in 2012 through 51 semi-structured interviews, three focus group discussions (FGD) involving 26 people, an expert workshop, field observations, and review of relevant documents and literature. As mentioned earlier, the data gathered during the earlier research conducted in 2009 was incorporated to strengthen the study.

The case study employed a qualitative research approach, which provides flexibility and gives more attention to detail and richness of the data. The interviews and FGD participants were selected using non-probability sampling. This allows the researcher to choose specific key informants who can provide and explore particular needed and relevant information for the research. This method was also used because the aim was not to achieve statistical generalisation but rather to gain deeper understanding of the social processes related to the study (Robson 2002). To ensure representativeness, as much as possible,

participants were selected to represent a diversity of conflict stakeholders in terms of social status, gender, and livelihoods, as well as their linkage to the conflict in question. They included the head of village of Teen Tok, representatives of local villagers from each of five sub-villages, the sub-district headman, Tambon Administration Organization (TAO) officials, officers from both Chalerm Rattanakosin and Sri Nakarin NPs, SNF officers (the mediator), members of the Park Advisory Committee (PAC) and some officers of the local unit of the Department of National Parks, Wildlife, and Plant Conservation (DNP), and members of the women's weaving group. The interviews and FGDs were recorded both electronically and manually (notes) and transcribed for further analysis.

To facilitate data analysis, researchers prepared key themes (codes) prior to going to the field, which was based on the literature review and researchers' previous works on conflict management (which also provided good understanding about the context of the case), as well as taking into account the analytical framework provided in the Part I of this book. These themes served as a template for analysing the data. Intensive reflections and discussions among researchers were conducted during and after fieldwork to provide more understanding of the findings, including the patterns, timeline, relationships, and similarities and differences among stakeholder groups.

## 17.4 Results

### 17.4.1 The mediation

During the JoMPA project, which started in 2004, the SNF facilitated mediation between the NPs and local communities as a part of the project. SNF considered the conflict as a barrier for the communities and NPs to work together to conserve the forest. Most community members also felt that conflict had affected their livelihoods negatively.

The mediation process has been long and complex (Figure II 17.1). For simplicity, the process can be categorised into eight steps:

#### *Social preparation*

It took about a year for the SNF field officer to do the social preparation for the JoMPA project. The objective was to get to know the parties, build relations, and understand the culture and issues that might arise. Part of the process was for SNF to enter the conflict site and to make direct contact with villagers and NP officials. Approaching the leaders, particularly the formal and informal leaders in the village and sub-villages, was considered a critical step for facilitating SNF's work. The



leaders also helped disseminate information about the project to village members.

One of the SNF's strategies to build relations with the community was to conduct activities that promoted alternative livelihoods, including organising study tours for village representatives to see examples of alternative livelihoods activities of communities in other provinces.

#### *Analysis of conflict*

The conflict analysis was conducted concurrently with social preparation, which included preliminary identification of main actors, history of the conflict, and the issues, positions, and interests of both parties.

#### *Clarification of issues and generation of options for solution*

An SNF staff member who resided in the village was invited to a villagers' monthly meeting to introduce and talk about the JoMPA project. About 100 villagers and some NP officials attended. In this meeting, the conflicting parties also shared their concerns, issues, problems, and opinions. To ensure understanding, this meeting was held mostly in the Karen language.

SNF also facilitated several dialogues (such as separate and joint negotiations, "shuttle diplomacy") between parties, to discuss and clarify their interests and the needs, and problems facing the parties as well as to identify and build consensus on the most important issues to be addressed in the mediation process.

Some of the options agreed upon during several meetings included conducting boundary demarcation, setting rules and regulations related to forest use and management, and improving livelihoods. These results were synthesised and discussed within SNF to develop strategies and the work plan.

#### *Information to stakeholders about strategies and the work plan*

In coordination with the NPs, the SNF organised a formal meeting to re-introduce the objective, the action plan, and target of the JoMPA project, presented by the SNF director. Villagers and representatives from the two NPs attended the meeting. SNF attempted to highlight the areas in which the conflicting parties have similarities, including the willingness to resolve the conflict and work together in conserving the forest.

#### *Land-use classification survey and boundary demarcation*

As one of the ways to resolve the contested boundary and land-use, the mediator facilitated discussion on the land-use survey, zoning (e.g. conservation area, agricultural area, and settlement area), and boundary

demarcation. The mediator first helped the parties establish land demarcation committees (LDCs) in each sub-village (comprised of sub-village leaders and members working together with NP officials) to demarcate the lands.

To support this process, the SNF provided a one-day training on GPS and mapping. One of the aims of the training was to empower villagers to talk the same language as the officials, especially regarding mapping. Training also enabled the parties to meet, talk, and discuss the problem together.

During the process of boundary demarcation, the LDCs walked with village leaders, representatives of both NPs, and the mediator to define the boundaries. Discussions and negotiations on boundaries sometimes occurred in this process between the villagers and NP officials.

The results from the land-use survey and land demarcation were then discussed and preliminarily approved among the committees and NP representatives. The mediator then processed these results to make a computerised map and present it to the parties for review. These maps were also posted in front of the house of the head of the Teen Tok village so villagers could see and check the maps. Concurrently with the data collection process, the SNF lobbied the director general of DNP to approve the results of the survey and boundary demarcation.

#### *Establishment of rules and regulations on land and forest utilisation*

While in the process of finalising the map, the dialogue on rules and regulations (R&R) on use of land and forest resources was conducted. The mediator invited the community and facilitated a dialogue to discuss and set the R&R, which were built on the old R&R developed during the participatory promotion projects by the NPs in previous years. The R&R were finally agreed upon through voting mechanisms in a village meeting.

#### *Promotion of alternative livelihoods*

The promotion of livelihood activities (such as organic farming, poultry, traditional fabric weaving, plant nursery, natural product processing) were conducted to improve the economic conditions and reduce dependency of local people on forest resources. These activities indirectly reduced the tensions between local communities and NPs as the local communities gradually reduced their reliance on forest resources as the main source of their livelihoods.

#### *Implementation and monitoring*

At this stage, the results (agreements) from the facilitated dialogue were implemented, particularly the implementation of R&R about forest utilisation, land use, and boundaries.

The Chalerm Rattanakosin NP also established

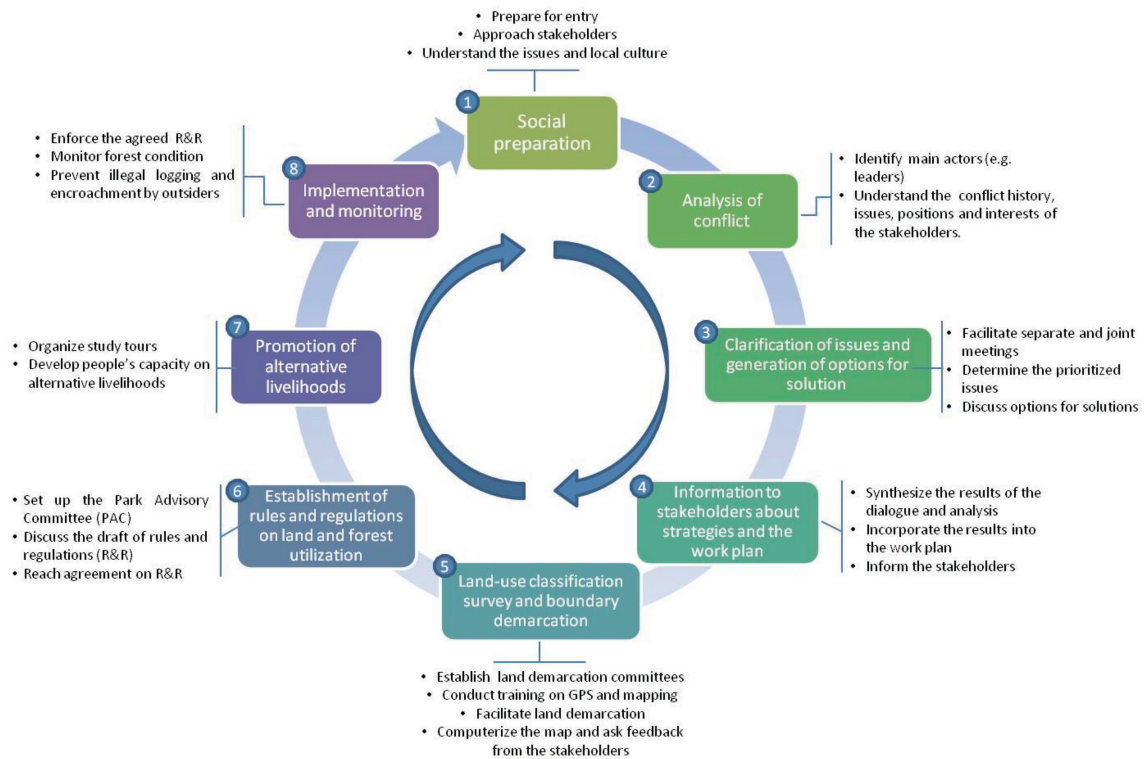


Figure 17.1 The process of mediation in the village of Teen Tok. Source: Fieldwork.

a Park Advisory Committee (PAC) to represent the multiple stakeholders and promote participatory NP management. The PAC consists of 26 members representing local government, community leaders, and local committees.

To ensure compliance with R&R, all conflicting parties, the mediator, and the PAC took part in the monitoring process. The PAC was also consulted if there were disputes in the field, such as, for example, on issues related to boundaries.

The mediators strived to get legal recognition and support of the agreements made by the parties (e.g. boundaries, land use) to ensure sustainability of the agreement and implementation. This has become the challenge for the mediator and the parties. Sometimes the parties still rely on the mediator to resolve conflict issues and problems between a local community and the NPs, which might become an issue if the mediator has to leave the area (for example, when the project ends).

#### 17.4.2 Changes in policies, institutions, and governance

An indicator of policy changes as well as an important step in the mediation process is the implementation of a land-use survey, boundary demarcation, and mapping that were conducted in a participatory

manner. The demarcation and mapping of the NPs, villagers' settlements, and agricultural areas imply change in the NP policy (i.e. NP authorities recognise the existence of local people in the NP area), and it is possible partly because of the promulgation of 1998 cabinet resolutions. This boundary demarcation was considered by both parties as one of the solutions to the contested boundaries causing the conflict.

Moreover, after the mediation, local communities' participation in forest conservation and management increased. In 2008, the villagers created a forest protection volunteer network that consists of more than 150 villagers and works together with NP officials for forest protection, forest-fire watch, and management.

Despite the success of the mediation, some problems still exist and could lead to future conflict if not addressed:

First, some boundaries are still contested by NPs and the local communities. For example, as a result of the boundary demarcation process, some villagers now have less land than before.

Second, the agreements have no legal standing in clarifying land rights. This is because the content of the agreement would contradict the law (NP Act 1961 strictly prohibit any settlement in NPs). In other words, there are still no legal provisions to secure tenure and legal rights to the land, although community settlement and livelihood activities are allowed based on 1998 cabinet resolution and unofficial agreement between communities and NPs. The

**Table II 17.1 Changes in policies, institutions, and governance.** Source: Interviews and FGDs.

Condition	Condition prior to conflict	Condition during conflict	Condition after conflict
Land tenure and rights to forests and trees	<ul style="list-style-type: none"> <li>◆ The state owned the land and forest.</li> <li>◆ The villagers were able to settle and use the land.</li> </ul>	<ul style="list-style-type: none"> <li>◆ The local people's rights were limited because of the establishment of NPs (NP Act 1961).</li> <li>◆ Conflict ensued between statutory rights and customary rights.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Based on the new legal provisions and agreements during mediation, local communities' rights to settle, use, and manage their lands were recognised, but not the right to own the lands.</li> </ul>
Participation and stakeholder cooperation	<ul style="list-style-type: none"> <li>◆ Local communities managed forests based on their own tradition and culture, but there was no cooperation among stakeholders.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Top-down decision-making prevailed regarding forest management (i.e. establishment of NPs).</li> <li>◆ Participation in forest management was disturbed by the conflict.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Participation of local communities was strengthened through the mediation process and CPNPM pilot project.</li> </ul>
Power and representation	<ul style="list-style-type: none"> <li>◆ The state dominated in forest management.</li> <li>◆ The state had absolute ownership and control of the land and forest.</li> <li>◆ There was no representation of local communities in NP management.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Local communities had less power after the establishment of NPs and were not consulted during establishment of NPs. Arrests were made.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Communities' lack of power was addressed through empowerment and capacity development.</li> <li>◆ Local communities were more involved in decision-making about land boundaries and rules and regulations in forest management.</li> <li>◆ Representation of local communities and local government was established in the PAC.</li> </ul>
Enforcement of laws and regulations	<ul style="list-style-type: none"> <li>◆ Law was enforced in the area only partly (e.g. for combating illegal logging).</li> </ul>	<ul style="list-style-type: none"> <li>◆ After the establishment of NPs, the law was enforced strictly in the area.</li> <li>◆ Conflict and resistance arose in response to enforcement of exclusionary laws, arrests, and related anxiety.</li> </ul>	<ul style="list-style-type: none"> <li>◆ The community and NP officers together set the rules and regulations, facilitated by the mediator.</li> <li>◆ Compromises were agreed upon about enforcement of the law.</li> <li>◆ Customary and statutory rules and regulation were reconciled.</li> </ul>
Reconciliation of different land uses	<ul style="list-style-type: none"> <li>◆ Different land uses were managed by local communities using traditional rules and regulations.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Establishment of NPs resulted in exclusive land use for conservation purposes; other land uses were strictly prohibited.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Zoning, mapping, and setting up the rules and regulations and institutions for land use were defined through a participatory process facilitated by the mediator.</li> </ul>
Long-term societal commitment to sustainable forest management (SFM)	<ul style="list-style-type: none"> <li>◆ View of SFM by government was apparently oblique.</li> <li>◆ The local community was committed to protect/utilise the forest according to its tradition and culture.</li> </ul>	<ul style="list-style-type: none"> <li>◆ There were conflicting perceptions about the way local communities manage the forest, with some perceiving it as destructive to forests.</li> </ul>	<ul style="list-style-type: none"> <li>◆ After mediation, NPs and local communities had mutual understanding and were more committed to cooperation to achieve SFM.</li> </ul>
Influences of regional/global processes	<ul style="list-style-type: none"> <li>◆ Disastrous floods and mudslides hit Thailand (1988), with deforestation considered to be the cause.</li> <li>◆ Logging ban and establishment of NPs were mainly responses to domestic pressures to halt deforestation.</li> </ul>	<ul style="list-style-type: none"> <li>◆ The hill tribes, particularly because of their rotational farming practices, were often blamed for deforestation.</li> <li>◆ Attention to human rights increased.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Donors and NGOs urged active participation of local communities in forest management, including in protected areas.</li> </ul>





**Figure II 17.2** As a result of conflict mediation villagers can obtain more benefits from the forest by collecting NTFPs, e.g. Bamboo shoots, for their own use or for sale. © Ahmad Dhiaulhaq

villagers are concerned and realise that this process is not enough to secure their rights and tenure; they have urged the government to approve the outcomes of the process.

Third, both parties are concerned about changes in the NP leadership because any such changes could cause policy changes, and the new officials could have a different understanding of and attitude towards the problems and agreements made.

The main impacts of the mediation process on the policies, institutions, and governance at the local level are presented in Table II 17.1.

### **17.4.3 Changes in livelihoods, capacities, and cultural and socio-economic aspects**

In the past, the people in the village of Teen Tok relied heavily on forest resources for sustaining their lives, mainly collection of forest products (timber and non-timber forest products – NTFPs) and the use of mountain water for agriculture. Forest management was based on local culture and nature-related beliefs (the Karen culture), including different rituals and traditional rules and regulations related to the use of forest, land, and water. Livelihoods were traditionally based on rotation farming, involving slash-and-burn practices.

After the establishment of NPs, villagers' access to forest resources and their forest based-livelihoods

as well as agriculture were prohibited, affecting their economic situation and food security. As a result, conflict arose between NP officials and local communities.

As a result of mediation, conflict has been significantly reduced and the relationship between the parties improved. The village leaders can also communicate directly with the NP superintendent to discuss any issues. This improved relationship, coupled with clarification of NP boundaries and rules and regulations, has reduced villagers' insecurity regarding agricultural and other livelihood activities.

In general, most of the interviewed villagers said that since de-escalation of the conflict, their quality of life has improved, especially their economic situation, because of their ability to use the land for agriculture and other income-generating activities without disruption. Villagers are now more confident in investing in agricultural activities, so that they can, for example, grow crops throughout the year, resulting in a more stable and secure income. Moreover, based on the agreements during mediation, villagers can get more benefits from the forest by collecting NTFPs for their daily needs (Figure II 17.2).

The positive developments are also felt by the NP officials, particularly the increased feeling of security when performing their work to conserve the forest and improved relations with local villagers. For example, the rangers now can patrol and go through the village without fear. They not only visit the village but also talk and stop for lunch in a villager's house. The improved atmosphere is illustrated by the fact that some NP rangers have married villagers.



**Table II 17.2 Changes in livelihoods, capacities, and cultural and socio-economic aspects.**

Source: Interviews and FGDs

Condition	Conditions prior to conflict	Condition during the conflict	Condition after the conflict
Contribution of forests and forest resources and services to livelihoods	<ul style="list-style-type: none"> <li>◆ Local people were strongly dependent on forest resources for food, fodder and other uses.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Access to and extraction of forest resources was restricted by the law.</li> </ul>	<ul style="list-style-type: none"> <li>◆ People were less dependent on forest resources.</li> <li>◆ Subsistence use of forest resources, such as collection of NTFPs, was allowed</li> <li>◆ Agriculture has become the main source of income, and alternative options have increased resilience.</li> </ul>
Commercial opportunities, linkages to markets – value chains	<ul style="list-style-type: none"> <li>◆ Agriculture and forest-resource extraction were only to fulfil daily consumption.</li> <li>◆ Local people did not produce a large variety of products for sale.</li> </ul>	<ul style="list-style-type: none"> <li>◆ With development and due to increasing economic needs, local people tended to grow cash crops for sale, to generate more income.</li> <li>◆ Establishment of NPs restricted their agricultural activities.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Agricultural activities were more secure and stable.</li> <li>◆ People had a variety of products.</li> <li>◆ Transportation and access to and from the village was recently improved by the government, making it easier to access the market.</li> </ul>
Technical, managerial, leadership	<ul style="list-style-type: none"> <li>◆ Capacity development activities were provided, mostly for protected area staff.</li> <li>◆ Local people inherited knowledge from their ancestors.</li> <li>◆ There was no formal capacity development for local people.</li> </ul>	<ul style="list-style-type: none"> <li>◆ NPs provide capacity development on forest conservation.</li> <li>◆ The mediator provided capacity development about alternative livelihoods, mapping, and GPS.</li> </ul>	<ul style="list-style-type: none"> <li>◆ The capacity of both the local community and NP officers was improved.</li> <li>◆ Trainings, meetings, and study tours resulted in continuous learning and knowledge exchange.</li> </ul>
Access to capital	<ul style="list-style-type: none"> <li>◆ The local communities relied mostly on natural capital.</li> </ul>	<ul style="list-style-type: none"> <li>◆ More recently, there was an increased need for financial capital for developing agriculture and for children's education.</li> <li>◆ Conflict caused problems affecting people's socio-economic situation.</li> </ul>	<ul style="list-style-type: none"> <li>◆ The mediator provided some support for alternative livelihood activities.</li> <li>◆ The local community now had small-scale savings groups.</li> <li>◆ There were more funds from the government and increased trust from the bank with regard to getting credit.</li> </ul>
Security and conflict	<ul style="list-style-type: none"> <li>◆ The level of competition for land and resources was low among local communities.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Conflict increased, especially between NP officers and villagers.</li> </ul>	<ul style="list-style-type: none"> <li>◆ The conflict was reduced and was under the control of the parties.</li> </ul>
Landscape or ecosystem management	<ul style="list-style-type: none"> <li>◆ The landscape and ecosystem were managed traditionally, using local knowledge and customs.</li> </ul>	<ul style="list-style-type: none"> <li>◆ After the establishment of NP, the ecosystem approach was based on statutory law (i.e. NP Act 1961).</li> </ul>	<ul style="list-style-type: none"> <li>◆ The mediator empowered people relative to ecosystem and forest management.</li> <li>◆ The landscape was managed with participation from the NP and local communities.</li> <li>◆ Local and scientific knowledge were combined for landscape and ecosystem management.</li> </ul>

The JoMPA project also provided alternative livelihood programs intended to reduce the reliance and pressure on forest resources. As a result, villagers have a greater variety of livelihood options. According to SNF, there are other unexpected, positive outcomes from these alternative livelihoods activities, such as the creation of a model that can be imple-

mented in other places, showing how people can live sustainably and/or in harmony in the forest.

The SNF also supports the efforts of some local communities to practice agroforestry around their houses. The intention is to demonstrate that local communities can live and integrate with nature (i.e. the forest) and meet their needs locally, without put-

ting more pressure on the national park.

The main impacts of the mediation process on the livelihoods, capacities, and socio-economic aspects at the local level are presented in Table II 17.2.

#### **17.4.4 Changes in the natural resource base**

Thailand had lost almost half of its forest cover by the late 1960s, and by 1980 only 32% of the forest cover remained (ICEM 2003). While many factors were responsible for the deforestation, the government and the press often blamed the hill tribes, especially their rotational agriculture system (Delang 2002). During the interviews, some local people said that government and NP officials often misunderstood their traditional practices of rotational farming and their way of protecting the forest.

In this case, one of the roles taken by the mediator was to provide a platform for dialogue between the NP and local communities to promote mutual understanding about how they managed the forest as well as the needs and concerns of the two parties. After the mediation, local people are more aware about forest conservation and more involved in protecting and monitoring the condition of forest (e.g. through regular forest patrols to prevent illegal logging and forest encroachment), together with NP officials. The patrols by the local community, coordinated by the village head, have been conducted with or without NP officers.

As a result, both villagers and NP officers perceived that there were some improvements in forest quality, in terms of forest density and biodiversity (indicated by the increased number of wild animals such as tigers, birds, and elephants found in the forest). These perceived improvements have been mainly attributed to the compliance of R&R on forest utilisation: significant reduction of illegal logging (by both local villagers and outsiders), forest use, and hunting, which has been achieved through cooperation between NP officials and villagers.

Additionally, local people were less dependent on forest resources because they got more income from agriculture and other livelihood activities. Moreover, there were efforts to practice agroforestry and organic farming around villagers' houses, with the intention of demonstrating that it is possible to fulfil daily needs without putting more pressure on the NP.

The main impacts of the mediation process on the natural resource base at the local level are presented in Table II 17.3.

## **17.5 Discussion**

The aim of this case study article was to examine conflict mediation as a tool for conflict transformation and to examine the issues that contributed to the success of the mediation as well as its impact on 1) policies, institutions, and governance; 2) livelihoods, capacities, and cultural and socio-economic aspects; and 3) the natural resource base. The case study has shown that third-party mediation played a crucial role in transforming prolonged conflict between NP officials and local people in the village of Teen Tok as well as in reconciling the conservation and livelihood objectives.

According to Augsberger (1992), there are at least three indicators of when a conflict is transformed, including positive changes in attitudes (e.g. mutual respect), behaviour (e.g. mutually beneficial actions), and conflict (e.g. pursuit of mutual gains). These changes have been observed as some of the outcomes of conflict mediation at the case study site. The mediation has changed the mistrust and hostile attitude and behaviour of both parties towards an atmosphere of mutual understanding and respect, as well as mutual commitment for long-term cooperation on forest conservation. In other words, the case study has shown that the outcome of mediation was more than ending the conflict and gaining mutual agreement. Additionally, the mediation has contributed significantly to improving the social, economic, and environmental conditions in the area.

The paper presents a unique case of the role of the mediators who are also project managers. One of the important roles of the mediators in this case was that they provided a platform for initiating a dialogue between the conflicting parties. In the past, attempts at negotiation had been unsuccessful and there were no channels for self-initiated dialogue between the parties. The mediation has opened the door for discussing many issues and problems and finding solutions together. This mediators' role was strengthened by their providing and managing other activities, such as alternative livelihoods and capacity development, as a part of the project. The alternative livelihood programs, for example, can be seen as an innovative approach for "expanding the pie" (creating more values and options) for the parties (Abramson 2004).

However, mediation is not the only reason the conflict at the case study site has been de-escalated and transformed. There are many factors, internal and external, that bolstered the success of the mediation process, such as changes in forest-related policy and legislation, commitment and trust of both parties to the mediation process, and the participatory nature of the mediation process. Without these, mediation might not have been a success.

The case study shows that both the mediation and

**Table II 17.3 Changes to natural resource base.** Source: Interviews and FGDs.

Condition	Condition prior to conflict	Condition during the conflict	Condition after the conflict
Extent and condition of forest resources	◆ Forest degradation was mainly because of legal and illegal logging and agricultural expansion.	◆ There were encroachments and illegal logging, mainly by outsiders.	◆ Condition of the forest was improved. People did not rely heavily on forest resources.
Trees outside forests, including agroforestry	◆ Local people traditionally grew a variety of trees around their houses (garden).	◆ Local people traditionally grew a variety of trees around their houses (garden).	◆ There was improvement and promotion of agroforestry and organic farming around houses, promoted by the mediator.

external conditions (e.g. forest policy, governance, rights, and tenure) affect each other. In particular, the study highlights the important link between the macro level (policy, governance at the national level) and micro level (implementation at the local level). For example, the agreement about whether local people can remain in the area would not have been possible without changes in the legal provisions (e.g. 1998 Cabinet Resolution) that allow local people to stay in the protected area. On the other hand, the mediation also helped with implementation of the new legal provisions at the local level by clarifying and reconciling the boundary of the NPs and community land and drawing up the mutually accepted rules and regulations. In other words, the case study shows that mediation has played an important role in ensuring that the forest-related policy made a real difference on the ground.

Our findings show that in addition to the intervention from the third-party mediator, another critical factor that led to the conflict's being successfully transformed was the participatory nature of the mediation process. The participatory process built the sense of belonging, trust, and commitment of the parties to the mediation process and outcomes. Some of the processes facilitated by the mediator, such as the boundary demarcation and drawing the R&R were before conducted by NP officials, but due to the lack of participation by the local communities, the results were not accepted or widely known by local villagers. Participatory and collaborative processes facilitated by the mediator produced different results. Both local people and NP officers can now accept the boundary demarcation because both parties were involved in each step of the process. This finding is in line with Engel (2011), who states that participatory and collaborative process in conflict management can help to develop trust and ensure inclusive solutions that are accommodated and accepted by all conflict stakeholders.

One of the key factors responsible for conflict in the village of Teen Tok was the lack of prior consultation, participation, and cooperation between NP officials and local people. Exclusionary and strict protection of protected areas has been increasing the competition over land and natural resources, which can increase conflicts (Hares 2009). In many cases, local communities who have lived in the area for generations regard the NP area as their rightful property and view the establishment of the NP as land grabbing and intrusion on their land; as such, they would struggle to defend their heritage. The involvement of local communities in the management of NPs has been proven to result in reduced incidences of conflicts (Andrew-Essien and Bisong 2009).

To prevent and transform conflicts within protected areas in the future, there is first a need to ensure that local people are consulted prior to the establishment of the NP (Yasmi et al. 2010) and to ensure that the surrounding communities are actively involved in the management and administration of their environment (Andrew-Essien and Bisong 2009). Third, clear tenure and rights of local people to land and forest resources should be secured (Yasmi et al. 2010). As long as government policies and regulations about rights and tenure of the local and forest-dependent people are unclear, the roots of conflict may not fully be withdrawn.

The case study also shows that the alternative livelihoods program promoted by the foundation, involving training for organic farming and traditional fabric weaving, can create new sources of livelihood and subsequently reduce local people's reliance on forest resources. In this regard, it is recommended that the government, especially NP managers, develop programs that can improve the economic situation of local communities by promoting and supporting alternative livelihood programs, which theoretically reduce pressures leading to conflict.

Flexibility in the mediation approach allows its

combination with participatory forest management/conservation projects, and it does not have to be a single project conducted by a particular mediation organization (i.e. SNF is a conservation NGO, not a mediation organization). However, Yasmi et al. (2010) have found that mediation capacity and skills in Asia are weak and need to be strengthened through capacity-development activities (training) aimed at NGOs, the government, and community leaders to improve their capacity on mediation and conflict transformation, as well as community participation management.

Although the case study aims to be comprehensive, it has a number of limitations. First, the assessment of mediation impacts in conflict transformation has relied on qualitative data primarily gathered through interviews and FGD. Although it is scientifically valid and reliable, this study could be improved by conducting quantitative assessments of the economic and environmental impacts of mediation, for example, household income and the extent of forest area before and after the mediation. In addition, future research should also cover cases where mediation attempts have failed, looking for the reasons behind the failures.

## 17.6 Conclusions

The study shows that third-party mediation has the potential to play a crucial role in transforming forest conflict and reconciling conservation and livelihood objectives. The study highlights the vertical and horizontal interaction between forest policies, institutions, and governance, which can affect the process and results of conflict mediation in protected areas. The study also shows that mediation can be a medium for ensuring that these policies are implemented on the ground.

To ensure the sustainability of the results of the mediation, there is a strong aspiration from local communities for recognition and clarification of their rights and tenure. It is thus important that the government design a policy to address these aspirations. Revisiting and improving the laws related to the management of protected areas are important to ensure that they are compatible with the reality in the field and to make sure that there are no contradictions between different government provisions.

As expectations towards the roles and functions of forests in Thailand change and new actors emerge, it can be expected that mediation, and broader participatory approaches to forest management, such as community forestry, will gain in importance. One example of this is the renewed debate over the role of local people in improved forest management for protection from flooding. This is especially important

in light of a changing climate and the challenges of resilience and adaptive capacity of the most vulnerable.

**Acknowledgements:** The funding for this research came from the Swedish International Development Cooperation Agency (SIDA), the Norwegian Agency for Development Cooperation (NORAD) and the Swiss Agency for Development and Cooperation (SDC). We are grateful to the Seub Nakhasathien Foundation for their support in this research. We are also thankful to those individuals who took part in this research and to Pia Katila as well as to the reviewers for providing useful comments and suggestions to the manuscript.

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