

Equity Case Study Brief #4:



Participation in Decision Making for Securing Resource and Land Tenure Rights Sam Pak Nham, Thailand

Equity Dimension: Procedural

Primary Equity Element: Participation and decision making

Secondary Equity Elements: Tenure and resource rights; governance and regulations; livelihoods; access to information; grievance mechanism

THE EQUITY CHALLENGE

This is a positive equity case in community-based forest governance, focusing on increased participation by the community.

BACKGROUND

Baan Sam Pak Nham is located at Moo 11, Na Nong Thum subdistrict, Khon Kaen Province, Thailand. The village is located in Phu Pha Man National Park, and occupies 1,803 rai (equivalent to 288.48 hectares). As of December 2013, the total population of the village was 606 people across 189 households.

The most prominent equity issue in Sam Pak Nham encountered by the community was lack of participation in decision-making process. This was experienced by community members, and Mr. Somjit Ek-waree, a resident of Sam Pak Nham and current Integrated Farmers Group Representative. In Mr. Somjit's opinion, when villagers did not understand the laws and their rights, government officers often took advantage of the situation. Villagers were also barred from participating in any decision-making process.

During the 1950s, people from different provinces in the Northeast region of Thailand came to the Phu Pha Man mountain range to farm for subsistence. In 1965, the area was declared part of Don Lang Forest Reserve. However, many local people still came to the reserve to farm or gather non-timber forest products during the 1970s and 1980s. However, this situation escalated dramatically in 1991 when Mr. Somjit Ek-waree and 376 other people were forced by Internal Security Operations Command (ISOC) military officers to move out of their original village, located in the forest reserve.

Afterward, Sam Pak Nham villagers began fighting for their rights through various means: protesting, working with park officials, joining government projects in forest restoration and land titling, developing community forest management plans and community forest (CF) fundraising. By 1992, villagers started to see progress when the government of Thailand allowed the relocated villagers to return to Sam Pak Nham, though under specific rules and regulations. The next milestone came in 1998, following a cabinet resolution revising community forestry-related rules and regulations in favor of communities, which saw park officials formally recognize their village.

The stakeholders in this case study included three parties. The first consisted of villagers, who were able to voice their concerns via groups such as the Sam Pak Nham CF management committee, Integrated Farmer's Group, and Nham Sam Conservation youth group. The next comprised of the institutions and personnel of the government of Thailand including Phu Pha Man National Park, Khon Kaen Province Department of National Parks, Na Nong Thum Tambon Administrative Organization (TAO) and ISOC officers. Finally, there were also facilitator organizations participating through capacity building and technical support at the village level. These organizations included RECOFTC, Danida, the Northeast Sustainable Development Foundation, the JoMPAs Project, the Prem Statesmen Foundation, the Pa Dong Lan Village Organization Network Council and Sam Pak Nham Temple.

WHAT NEEDED TO BE DONE TO ADDRESS EQUITY ISSUES?

There are two principle equity issues concerned in this case: how to ensure participation of local communities and transparency in decision-making. As villagers did not understand the laws and their rights, addressing capacity of the local community to enable participation in the policy-making process was another related equity issue. In terms of participation, government agencies were already required to provide villagers with opportunities to contribute in making decisions in forest use and management. Regarding the enhancement of community engagement, facilitator organizations were needed to provide technical support and capacity building to enhance the engagement of local people in decision-making and governance processes in collaboration with the local authorities.

WHAT HAPPENED AND HOW DID IT HAPPEN?

In 1990, the Thai government issued a policy to relocate communities within or around forest areas to other areas in line with the government's goal to increase forest cover by 40 percent. This policy was developed based on the perception that local communities were the key factor for the loss of forests in Thailand. The policy was implemented through a project called Khor Jor Kor, an acronym that translates as the Land Allocation for Poor People in Degraded Forest Reserves Project, which was implemented by the ISOC, a military unit focused on Thailand's national security issues. However, as far as Mr. Somjit knew, nobody in the village was aware of this project nor were they consulted about it.

In 1991, Somjit and 376 other residents were moved out of the forest reserve by ISOC military officers after ISOC military officers convinced the village chiefs of Sam Pak Nham, Sam Kun, Sam Tean Ped and Nong Jan to relocate. These relocated villagers were promised land certificates and infrastructure development in the new site under the Khor Jor Kor project. Shortly after completing the relocation, their original village area was declared part of Phu Pha Man National Park. However, the Sam Pak Nham residents learned the relocation site, Baan Sok Som Kob in the Si Chom Phu subdistrict was already occupied when they arrived. This resulted in conflicts between the existing residents and the Sam Pak Nham new comers. Existing residents of Sok Som Kob wanted them to leave. Among other problems, Sam Pak Nham residents could not farm because the lands were already being cultivated by Sok Som Kob farmers. As a result Mr. Somjit and his fellow villagers felt cheated because the land promised to them was not available leaving them landless.

As a result, in 1992, villagers from Sam Pak Nham started to protest the relocation policy. They brought their grievances to Bangkok, directly to the Prime Minister's Office. They camped out in front of the government office for more than three months before the government and protesters finally agreed to a compromise: villagers who were relocated under the Khor Jor Kor Project could move back to Sam Pak Nham area, but would be governed by specific rules and regulations e.g. families could only occupy a maximum of 15-25 rai (from 2.4 hectares to 4 hectares). When the Khor Jor Kor project ended that year, 73 families moved back to Sam Pak Nham area while some chose to stay in Som Sok Kob or moved to stay with relatives in nearby provinces. Villagers who originally occupied more than 25 rai (4 hectares) before the relocation in 1991 agreed to give the excess land back to the national park.

Following this compromise, between 1993 and 1996, villagers and park officials worked together to manage the forest by drafting rules and regulations and setting up the CF management committee. The establishment of a CF management committee was particularly problematic because community forestry was prohibited in national parks. However, park officials, villagers and partners including RECOFTC worked together through several meetings and consultations to find a solution. This resulted in the creation of a Protected Area Advisory Group (PAC), where the CF management committee was established but consisted of a chairperson who would also be the Protected Area Superintendent along with park rangers, village leaders and RECOFTC-Thailand as members. Under this committee, a natural resource management plan was developed with the help of several local, national and international organizations.

Local communities eagerly took part in the process and contributed additional inputs from relevant stakeholders. In 2001, Sam Pak Nham collaborated for a pilot project entitled Participation Promotion in Sustainable National Park Management. Three years later they became part of the Joint Management of Protected Areas Project (JoMPAs) and started formulating a formal CF management plan with the help of RECOFTC under its Thailand Collaborative Country Support Program-Community Forest Learning and Sharing Project (Danida, 2003-2007).

On the policy side, since 1992, participation of the local community, including individuals, has been enabled by a series of legal documents in Thailand, namely the 1997 Thai Constitution, the 1997 Policy and Prospective Plan for Enhancement and Conservation of National Environment Quality, the 1994 Tambon Council and Tambon Administration Organization Act and the 1995 Community Forestry Bill. It is worth noting that a Cabinet Resolution on Land Use Problems in Forest Land from 30 June, 1998 states that communities settled before the date of establishment of a protected area are allowed to remain in the areas which are not ecologically-sensitive zones, and that the policy making process requires the full involvement of local communities in cooperation with academics and forestry officials. In addition, the passage of the Regulation of the Prime Minister's Office on the Issuance of Community Land Title Deeds on 11 May, 2010 legally allows communities both in highlands and lowlands to collectively manage and use state-owned land for their livelihoods.

WHAT LED TO SUCCESS?

There were three key factors showcasing approaches which promote equity in this case. First, the strong desire and continuous efforts by Baan Sam Pak Nham residents were critical to maintain focus. During this time, they tried different methods, including both protests and collaboration, to make their voices heard by the government. Second, responsive reforms by government agencies made the overall situation legally conducive for activities involving local communities in forest management. These reforms allowed the community to collectively manage and use government-owned forests through a strengthened legal framework. This series of legal reforms, as noted earlier, began in 1992 with some of the most impactful actions including the Cabinet Resolution on Land Use Problem in Forest Land from 30 June, 1998 and the Regulation of the Prime Minister's Office on the Issuance of Community Land Title Deeds from 11 May, 2010. This legal framework strengthened the position of villagers from Sam Pak Nham within the national

park. Third, it is also important to mention the support from facilitator organizations such as RECOFTC for community capacity building and technical support.

WHAT WERE THE LONG-TERM RESULTS?

At present, Sam Pak Nham residents have stopped exploring other areas of the national park for livelihoods or agriculture because their use rights over their lands have been secured. The Phu Pha Man National Park officials and Sam Pak Nham villagers also work together for patrolling. These two key stakeholders organize regular meetings, and villagers are able to participate in forest management through the Community Forestry Management Committee (CFMC). The CFMC is chaired by a local leader and supported by local park officials. The CFMC is in charge of patrolling, organic farming, education and awareness-raising. It meets on a monthly basis to discuss forest management matters. Within CFMC structure, the villagers can decide what to discuss. Since 2008, a CF Management Fund has been run with startup funding from RECOFTC-Danida.

As a result of their progress, the village was selected as pilot site for the Communal Land Title Project, implemented by the National Land Reform Network of Thailand. The selection of Sam Pak Nham as a pilot site for the Communal Land Title project demonstrated the potential for harmonious relationships with national park officials in natural resource management.

WHAT WERE THE EQUITY LESSONS LEARNED?

First, as an aspect of equity, local participation is key to successful forest governance. Lack of consideration to the plight and situation of local and indigenous communities on the ground can cause marginalization and alienation of local people. It can even result in conflicts between communities and governments. Excluding them the decision-making process in natural resource management is in fact a missed opportunity to utilize their potential resources such as time, labor and, importantly, local and traditional knowledge on livelihoods and nature conservation strategies. In this case, the formulation of rules and regulations in full participation with the villagers contributed to better management of the forest and its resources through the community forestry management committee.

Second, providing local residents with rights to use resources can enhance their participation in forest management. Such rights encourage local people to fully participate in forest management, particularly via cooperating with park officials, who will be more effective through working with the villagers. Effective participation of local people contributes to conservation efforts in both the area of concern and, frequently, surrounding areas they may utilize for livelihoods.

This case can be considered a positive story of change because the villagers of Sam Pak Nham now have a voice in forest management as a key partner with Phu Pha Man National Park. The positive changes can be observed at various levels, from policy reforms and implementing rules and regulations to the decision-making process on the ground. Encouraging participation in both forest management activities and decision-making is necessary to achieve sustainable forest governance. Restrictive policies and regulations without participation of local communities, on the other hand, lead to more significant problems in forest governance.

For more information on the case study: ORO, Jephraim (2015), "Sam Pak Nham Equity Case Study", c/o RECOFTC - The Center for People and Forests

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