



Indigenous women's customary land tenure: A study of three communities in northern Thailand

Info brief



Ban Kok Village in Nan Province, Huay I Khang Village in Chaing Mai Province and Huay Lu Luang Village in Chaing Rai Province, Thailand

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Context

Despite significant political restrictions a vibrant civil society has arisen in Thailand. Popular movements include the Northern Farmers Network, the Peoples Movement for a Just Society, the Network of Indigenous Peoples in Thailand and the Indigenous Women's Network of Thailand.

Thailand currently does not officially acknowledge the existence of Indigenous Peoples in the country nor does it provide legal recognition of communal land ownership. These groups provide vital platforms for indigenous land rights activists and their allies to analyze the challenges facing legal recognition of customary land tenure. They also help Indigenous Peoples develop advocacy

and campaign strategies to secure their rights under Thai law.

The study was conducted in matrilineal and semi-matrilineal societies in three communities where women traditionally enjoy strong access, use and management rights over agricultural and forest land.

Research questions

- How do women view their traditional ability to access the resources necessary to secure the physical and spiritual wellbeing of their communities?
- How has this changed over time?

Methodology

The study was based on primary data collected through focus group discussions, key informant interviews and field observation in three indigenous communities in Northern Thailand: the Tin community of Ban Kok in Nan Province; the Karen community of Huay I Khang in Chiang Mai Province; and the Lahu community of Huay Lu Luang in Chiang Rai Province.

Findings and conclusions

The customary laws and principles of custodianship practiced by the residents of the three villages have allowed them to thrive as strong, self-reliant communities while maintaining a balance with their natural environments. The value of these sets of ethical and moral obligations has so far been overlooked by the State. Thailand favors a legal system based on contextually inappropriate concepts such as the privatization of land and natural resources and forest conservation.

The indigenous women interviewed for this study said they lack recognition of their collective rights. They also reported that they suffered violations of their individual rights arising from the male-dominated power structures within their communities. Residents of the three villages follow matrilineal customs. Matrilineal means that the husband moves to his wife's family's home and patrilineal means that the wife moves to her husband's family's home.

Residing in their family homes after marriage provided women in matrilineal societies certain advantages but did not

effectively prevent domestic violence. In some cases, the abuse extended to the women's parents who were struck down when they tried to protect their daughter in their own home. Women told of being forced to marry men who had sexually assaulted them and faced intense pressure to remain in abusive relationships.

Should a disease affect livestock or a series of accidents occur, the elders' first response is often to investigate the behavior of the women. Elders believe that women can bring misfortune upon the community by breaking any taboos. When their behavior is found to be the source of the problem, they have been forced to participate in publicly humiliating ceremonies to appease the spirits. Indigenous women who assume leadership positions and join in political activities in defense of their community's land rights faced even greater scrutiny.

In recent decades, Ban Kok, Huay I Khang, and Huay Lu Luang community members have made significant efforts to gain public recognition and legal protection for their customary land tenure systems. They are now able to draw upon the support of indigenous and land rights networks and government and civil society allies to advance their goals. However, they have a long way to go to attain sovereignty over their land and resources.

The solutions that they are working together to propose include legal recognition of community forests, community land title and an indigenous rights bill. These solutions are based upon indigenous concepts of collective rights and a holistic relationship with the natural world.

Some indigenous women have started to participate in popular land rights and indigenous rights movements. These activities have given some the opportunity to articulate their world views and translate their knowledge and territorial management systems into a language that is more accessible to outsiders.

Network meetings, workshops and demonstrations provide crucial spaces for indigenous women to share the challenges they face, develop campaign strategies and propose solutions. Through these networks, they have gained the skills and confidence to voice the concerns and demands of their communities to the wider public.

However, women in communities have so far had no opportunity to exchange knowledge and experiences through indigenous and land rights network or to learn about their status under Thailand's legal and political systems.

- Indigenous youth, young women in particular, need opportunities, financial support and encouragement to study law and related fields. This will enable them to advocate for the rights of indigenous communities within Thailand's formal legal and political systems.
- Basic structural changes must be put in place to ensure that no decisions are made affecting the livelihoods of indigenous women and their communities without their full participation and consent.
- Indigenous women's leadership at local, national and international levels needs to be supported to ensure they maintain sovereignty over their land and natural resources.

Recommendations

- Indigenous communities need strong local, national and international support for their efforts to gain legal recognition of their customary land tenure systems based on their own worldviews, insights and priorities.
- Indigenous women's worldviews need to be included in national policy and legislation to support legal recognition and protection of their customary land tenure systems.
- Indigenous women in Thailand need the continuing support of progressive academics.

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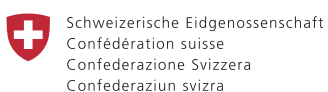
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