

Executive Summary

The change that happened to the land rotation farming of Karen people was a major phenomenon related to human rights issues, community/ethnic rights, natural resource management, social attitudes, state policies and the international environmental trends. Therefore, the social awareness was essential intensively. It could be seen from the complaints to the National Human Rights Commission (NHRC) in many cases, especially in the North. Most of the issues were the disputes on land and the conflicts between communities and government officials which become a serious human rights issue in Thai society continuously, even though there were efforts to solve problems and caused several social movements, at least in the past two decades. Until the Cabinet resolution on August 3, 2010 had been issued or called simply that the "Karen Resolution" which used as a policy tool expected to address this problem.

But practically, the operation still faced many problems, in particular, other relevant legal issues, including the issue of local community rights under the provisions of the Constitution that had no clear practical effect. As well as the concept of "Community Rights" which was an important tool of the social movement for solving problems. At least in the last two decades, it was a representative of the significant debates that reflected the power relationships of people. And it had coexisted with these issues among the context of Thai society's Change in each age and the specific understanding of the conflict among various groups, both directly and indirectly related which still existing until now.

The results of the Karen community survey in target area found that, there were 1,630 Karen communities still living based on the rotation farming system and it could be classified by province as the following: 647 communities in Chiang Mai, 519 communities in Mae Hong Son, 412 communities in Tak, 31 communities in Chiang Rai and 21 communities in Lampang.

The status of land possession of the Karen Community had related to 6 principle laws consisted of; 1) the National Forest Act; 2) the National Park Act; 3) the Wildlife Sanctuary Act; 4) the Promotion and Conservation of National Environmental Quality Act; 5) the Non-hunting Area Royal Decree; and 6) the Cabinet Resolution on June 30, 1998. And it found that there were many cases of the overlapping area with the legal forest area which directly affected the residing area, arable land and community forest of Karen people in a different way. Most of Karen communities, about 1,261 communities (out of a total of 1,630 communities), were in the national forest area. There were 492 communities of these communities were in the conserved forest area while 583

communities were in both national forest and conserved forest area.

Generally, the rotation farming system had found in 1,630 communities of Karen community. About 54 percent of them still did the rotation farming system as a primary livelihood. And 15 percent of them were farmers who did not do the rotation farming system and some of them had no rotation farming area anymore. The remaining 32 percent of them were the communities that were intensively changing from the rotation farming system to other farming systems or adjusting the way of land use.

Summary of the major changes could be classified into 2 major characteristics:

1. The communities that still maintained the "rotation farming system" as a primary livelihood which same as the past or had not changed from the normal way. These Karen communities continued to do rotation farming system and cultivate rice as a primary livelihood and tried to preserve its rotation area and long-term rehabilitation in the 7-20 year period. In this case, we had found that many communities had adjusted themselves in two major characteristics consisted of:

(1) Modifications from monoculture or rotation farming system in the past to be the new method of land utilization and management. They increased the rice field and economic crops area, such as tea, coffee, fruit, vegetables, etc. This group focused on the agricultural land management which in line with the changes and community economic opportunities. However, the rotation farming area of the community still had been maintained as the major area while the boundary of the land plots, the cycle and rotation period of some plots would be adjusted for more appropriate. It could be called the versatile adaptation which combining the highland agricultural system more. But it still focused on the balance management of natural resources, economy and community culture.

(2) The communities which still based on the rotating farm area to cultivate rice for household consumption, but had a tendency to switch to do monoculture, in particular, corn and other economic crops promoted by the various agencies. While the incentives for the treatment of rotation farming areas had decreased due to various pressures and factors, both inside and outside, including those people who turned to cultivate in the old rotation farming plot that were once abandoned and had not been utilized.

2. The communities where did not rely on the rotation farming system as a primary livelihood as in the past. In these communities, some of them had no any rotation farming area anymore, while some began to reduce the rotation area continually. They changed from the traditional production to other agricultural systems like corn and the alternated monoculture as well. These Karen communities almost

changed from the old rotation farming system completely, either the primary production system or their livelihoods. On the other hand, some of them had changed to do the monoculture permanently and nearly had no rotation farming area, but they started to reduce the monoculture area. We found that they tried to recover their own rotation farming area and tend to utilize those areas in a more integrated manner.

The strict state policies and the unfair laws that contradicted to people's lifestyles were the major conditions. And it was also the living and livelihoods constraint that contributed to internal change in Karen community. It became a problem affected the Karen people's life in various ways, in addition to the original uses of resources and increased demand from outsiders. Karen people had affected, pressured and impeded both in terms of policy, laws, government regulations and social that did not accept the culture and life of Karen people or Paka Keryor. In the case of Mae Om Ki Community that could be seen from the judgement of the Court which admitted the way of the community and the intention of the two defendants, but the defendants were charged to leave their traditional areas.

Even though the results of this case was individualized, but actually it also reflected all issues of the Karen communities in Thailand, as well as other ethnic groups that still maintained their own specific culture that their rights and security were risky and insecure. About the policy of the National Land Policy Committee (NLPC) under the current government operation, there was an effect of the land use rights of the Karen community again. In case of Huai Hin Lad community, they had a movement to follow such policies as a warning to the Karen community and Karen network. Therefore, there was an effort to promote and mobilize for the recognition of Karen rights continually, especially in the Karen community that still maintained the rotation farming system as a primary livelihood. For example, the important activities to promote the right and protection of Karen culture was organized in Ban Klang Community in 2017, under the theme "Three Decades of Community Rights: Ethnic and Minorities with the Sustainable Resource Management". Ban Klang Community was the pilot area according to the Cabinet's Resolution on August 3, 2010. Four case studies of the Karen community had passed the history of the community change associated with the conditions since their ancestors migrated and settled in these areas, and then had been merged with the bureaucracy officially.

Thailand's forest concession policy, the declaration of forest area which overlapped with community area and the implementation of the policy on natural resources had affected the Karen community from the past to the present intensively. Especially, the promotion of monoculture crops had created a big change, not only the dimension of community land use, but it resulted in a way of thinking and the way of

life of the Karen community which had been changed enormously, such as the case of Ban Mae Khee Muk. Including the experience of the movement to call for the problem solving and fairness of all communities which still existed until now, but driving in different models depended on the situation.

The changes in the rotation farming system of those four communities had different based on the concentration of conditions and also affected the adaptability of each community. In case of Ban Huai Hin Lad, Ban Klang and Ban Mae Om Ki¹ the rotation farming system was an important livelihood as in the past, and they had been trying to maintain the cycle and the rehabilitation with the longest period. Although they had been pressured by the state resource management policies and trying to adjust to secure their rights to live. The community land use, the mechanism building process, the land and natural resources management tools of each community and the participation in community outreach to push for the policy change were the key strategies for creating a fairness for the community. These changes had indicated a number of important situations which caused the negative impacts on the local community and would likely intensify in the future if it had not been resolved seriously and properly.

The "Rotation period reduction" and "Reducing the rotation farming " were the key issue of the community land use constraints which could be seen obviously in the case study area where needed to adjust by reducing the rotation period as far as possible. It would help to maintain the rotation farming system further, or as far as the conditions of the area could be accommodated. The rotation period and the shorter rehabilitation period had significantly been affecting in various aspects, such as non-fertile soil, high grass growth, rice yields fallen, vegetables did not grow well and the decreasing trend of food security and diversity. In addition, many communities had reflected the significant pressure from the applicable resource law in the area, including issues of community rights or ethnic specialties which had not been acknowledged and protected at the law level. Furthermore, the state policies over the past three years had repeatedly impacted which was an indicator of the crisis of ecological balance in the area, the community livelihood and the changes in the Karen ethnic way of life.

There were Karen community that still involved in the rotation farming system in various forms. Some of them had been doing the rotation farming system as in the past or did not change from the normal way. Some of them did not rely on the rotation farming system and had no rotation farm area as well as was decreasing the rotation

¹ This study had selected four community case studies to help explain the issues more clearly consisted of 1) Huai Hin Lad Community, Ban Pong Sub-district, Wiang Pa Pao District, Chiang Rai Province 2) Ban Klang community, Ban Dong Sub-district, Mae Moh District, Lampang province 3) Mae Om Ki, Mae Wa Luang Sub-district, Tha Song Yang District Tak Province and 4) Mae Khee Muk Noi Community, Ban Tap Sub-district, Mae Chaem District, Chiang Mai Province.

area system continually. Some of them had adjusted and changed in integrated manner to the new land use management. They aimed to increase the rice fields and other economic crops. And in this group also had the communities that still maintained the rotation farming system as the primary livelihood for household consumption. But there was a tendency to adapt to the monoculture.

In addition, there was a group of farmers who had turned to do farming in the old rotation farming area which had been left once. And there was a case where the community had started to reduce the area of the monoculture plant and tried to revive the rotation farming system. Both of those cases, either the communities which had been trying to maintain the rotation farming system, and the communities where abolished their rotation farming system, they had tried to revive and adjust to the new way to utilize and maintain natural resources in the area. It could be seen from the development of mechanism and tool for natural resource management to create acceptance at the public level and as one of the negotiating strategy at a policy level. The clarity in this system would increase the legitimacy of the community to live in the community in a conducive way to survive from the state policy and the operation of the local authorities. Many communities began to adapt their economic model by being integrated into the modern economy. Their lifestyle had changed from the past and involved in more spending money. As a result, the income generation activities needed to be developed, such as seasonal non-timber forest products trade and the movement of problem solving at the policy level with other organizations and networks.

Suggestions from the study

1) The Cabinet should set guidelines and support government agencies for the management of state land for the promotion and protection of human rights and the revision of laws to be in line with the human rights principles and the spirit of the Kingdom of Thailand BE 2560²

The public should be involved in setting public policy on forest conservation and should support the Common Property for the most efficient use of natural resources in accordance with the International Covenant on Economic, Society and Cultural Rights. The communities should have rights to share the interests of their own and the communities in the forest management. The rights and duties should be distributed to the locals in the area to manage the resources in the specific area according to the needs

² Edited from the Recommendation No. 1/2560 of the National Human Rights Commission, "Recommendations, Measures or Guidelines and Recommendations for improving laws to address national preserved forest and national parks area with overlapped the private land. And the case of the people suffered from the measures of the forest reclaim policy in accordance with the order of the National Council for Peace and Order No. 64/2557 dated 14 June, 2014 and 66/2557 dated June 17, 2014.

of the group under the conditions and requirements. And the government must change its role from being a performer to be a supervisor, follow up and monitor. In addition, the solution to the problem of communities residing in the forest should apply from the concept of community rights and public participation. The forest boundary is the subject of the people, community or local government that need the agreement from all sectors and no need to base on the original forest boundaries promulgated in the law. And the actions of the authorities should not be done by abusing human dignity, harassing, threatening, enforcing, or abetting unfairly.

2) In the short-term period which still cannot withdraw the forest boundaries from the community land use, or amend the law on natural resources involved, the Ministry of Natural Resources and Environment and relevant agencies, especially the Ministry of Interior, Ministry of Culture, Ministry of Information and Communication Technology, The Karen People's Rehabilitation Commission and the Ethnic Groups Network in each area should jointly conduct a survey to determine the boundary of the rotation farming area and the total fallow area of each village. All these areas should be registered systematically and declared as a special cultural conservation zone or the Karen Cultural Landscape Zone. And only the registered areas will be allowed to do the rotation farming system continually. In the long-term period, the above state agencies must present and enforce laws at various levels to support the status of ecological landscape and Karen culture, such as legal proposals for special ethnic cultural areas, or the introduction of new laws, or the revision of all forest laws to support Karen community rights in special cultural zones. Including the concrete acknowledgement of community rights under the Constitution for the community or the community organization networks that can be used for the natural resource management to sustain and secure their lives, with the participatory process both from the public and private sector.

3) To build trust and create an atmosphere of cooperation between the state and the highland communities, the Cabinet, including the Security Department, such as the Ministry of Interior, Ministry of Defense, the Internal Security Operations Command (ISOC) and the Ministry of Natural Resources and Environment, must issue an official order to terminate the state measures that threaten and deprive rights of highland communities, such as the arresting and prosecution of members who residing and living in their own arable land. This includes the activities of the state that may affect the way of life of local communities living and working in the forest area. The implementation of any projects or measures should have the participatory processes and joint judgments from the community with transparency and fairness, and assign relevant agencies to support the role of highland communities where have the capacity of sustainable natural

resources utilization and management under the production model that corresponds to the ecological and local wisdom. The right to live and work in the community should be certified which aimed to minimize the conflict and confrontation between forest officials and the community. It also motivates the highland communities to focus on changing the production models that are likely to lead to the risks of food security and resource destruction such as monoculture cultivation.

4) To announce the new conservation area and expansion of the original area. It should not be declared a protected area to cover only a number of areas in accordance with national forest policy. In cases where it is necessary to announce, the public should be involved in defining and recognizing the government's action plan and should provide an opportunity to debate the objections in the process.

5) The Cabinet should set clear measures to implement any policy or project of the public and private agencies that will affect the use of land and resources of local communities. The process of public participation must be conducted, especially the stakeholders, before the granting (In accordance with the provisions of Section 57 and Section 58 of the Constitution of the Kingdom of Thailand BE 2560). It is aimed to ensure that the rights of the people affected or likely to be affected by any business or project will be protected by the Constitution and the international obligations that Thailand is one of the party.³

6) The government must assign the relevant agencies, especially the Ministry of Agriculture and Cooperatives, the Ministry of Commerce, the Ministry of Social Development and Human Security, the Ministry of the Interior, the Ministry of Natural Resources and Environment with each community to establish clear guidelines and policies to encourage highland communities to adjust production models to be the agroforestry, rotation farming system and community forest management that can develop and design the production system that appropriate with the context of the area. It aim to emphasize and promote the local economic dimension together with the maintenance of natural resources, such as the establishment of rotation farming system conservation and restoration fund, the genetic development of local rice and food crops and the herbal development.

7) The government must assign the relevant agencies and the national research agencies such as the Thailand Research Fund (TRF), the National Research Council of Thailand (NRCT) and universities to support the research work for improving the efficiency

³ See also Recommendation 5/2560 of the National Human Rights Commission on the "Recommendations, Measures or Guidelines for the Promotion and Protection of Human Rights, including the revision of the NCPO order No. 31/2560 on the Use of Agricultural Land under the Agricultural Land Reform Act for the maximum benefit of farmers and the public benefits of the country."

and sustainability of the rotation farming production to be more complete and in line with the changes in the environment, economy and policy, such as promoting research and exchange of knowledge between the community and academics, the development of rotation farming production technology, such as the selection and manage rice genetic, planting, soil maintenance and disease management.

8) Support the understanding of the state and society to aware of the importance of the rotation farming system as a part of an ecological, economic and cultural landscape which has various integrated roles. The state and society will see the importance of protection, development and coordination to invent the policy tools and harmonious laws.