

## COMMENT

### Reply: Protected areas and property rights in Thailand

Dearden *et al.* (1998) have suggested that my arguments for backing away from zealously pursuing the expansion of protected areas in Thailand (Vanderveest 1996) means giving benefits to local people with no consideration for the wider community or future generations. Let me begin my response by reminding readers of my central argument: that the driving force behind the rapid expansion of wildlife sanctuaries and national parks in Thailand was primarily the forest department's need to find new ways of controlling territory and legitimizing budget allocations, rather than nature protection *per se*. This bureaucratic need was the outcome of widespread occupation of reserve forests, due to both reservation of occupied areas and new migration into demarcated reserved forests, as well as the 1989 ban on legal logging in Thailand. In its rush to convert reserve forest to protected area status, the forest department demarcated as national parks and wildlife sanctuaries many areas occupied and used by local people, producing a situation in which most protected areas in Thailand are surrounded or partially occupied by an alienated local population who feel that their legitimate property rights have been appropriated. The rapid expansion of protected areas in Thailand is thus hardly something that the international conservation community should be celebrating. Nor will ongoing problems with local people be fundamentally resolved through development projects, buffer zones, and participatory conservation alone, although these kinds of projects often have important benefits. I suggested that a more appropriate direction would be to degazette and allocate to households land clearly claimed and occupied by rural households, which I estimate to be about 20% of protected areas. I also suggested that some land gazetted as protected area could be managed as common property, and that conservation could be much more aggressively pursued outside of protected areas.

There are substantial areas of agreement between Dearden *et al.* (1998) and myself. They note that much of the 16 to 20% of national territory gazetted or administered as protected areas is used for livelihood purposes by local people, and endorse my argument for more aggressive conservation policies outside of protected areas. (The difference in our estimates of land under protected areas and in Ton Nga Chang wildlife sanctuary derives from the presence of large areas demarcated and administered as protected areas without yet being gazetted). I would also endorse their call for a case-by-case approach which reconciles biodiversity objectives with local realities. Where we disagree most fundamentally is in my optimism that local people can live in nature and effectively combine livelihood needs with conservation objectives. My argument is that an approach through, rather than against, local people could work, with the assumption that they will agree to engage in conservation practices, providing their case-by-case local realities are recognized. This conclusion is supported by many researchers in Thailand (e.g. Ramithanond *et al.* 1993; Wittayapak 1994; Ganjanapan 1995; Hirsch 1997) who have gathered considerable evidence demonstrating the capacity of local people to reconcile conservation and livelihood needs. Degazetting some protected area and allowing for common property management inside protected areas would thus not signal an abandonment of conservation, but a new approach, albeit one which would force the forestry department to become more like an extension service and less like a militarized enforcement agency.

Dearden *et al.* (1998) support their greater pessimism that livelihood needs and conservation can be reconciled by suggesting that many occupants moved to protected areas after they were demarcated. My research in various parts of the country suggests that the armed guards that protect national parks and wildlife sanctuaries have made new migration into these areas very difficult compared to the reserve forests which were not so well protected. In addition, the question of the timing of occupation is often rendered ambiguous by long histories of seasonal migration, periods of temporary use in the past, relocation after marriage, forced migration due to development and conservation projects, and so on. This question of who is local and which property rights are legitimate can only be addressed by careful case-by-case work with the participation of residents who have claims on resources.

What I did not emphasize sufficiently in the initial paper was the potential role of common property rights in this new approach. A key problem in Thailand has been that private property rights are seldom circumscribed by provisions safeguarding common property resources such as ground and surface water, air, public lands, fisheries, wildlife, and community forests. A key component of a new approach would be provisions which allow locally-accountable institutions to regulate use of private property on behalf of collective interests. Allocation of land to households would be based on careful investigations with the participation of local people, and combined with policies which give local collectivities the power to regulate use of this land so as to safeguard common property resources. This does not mean assuming that these institutions already exist everywhere in the country, ready to take over resource management; rather, it means hard work with local people to develop and support such institutions. Although these institutions will never be ideal, the overall approach has more potential than the militarization implied by current policies. The new constitution in Thailand fortunately provides a legal basis for this approach.

Contrary to how Dearden *et al.* (1998) read my article, I certainly do not recommend provoking a resource grab through provision of 'free' land titles. Similarly, I do not recommend turning over the remaining protected areas to collective property rights open for any local use. These rights should be made contingent on the presence of local regulatory institutions accountable both to local people and to non-local institutions such as the civil administration and the forestry department. Common property rights set up in this manner would be unlikely to subject all the remaining lands currently gazetted as protected areas to grazing, cutting, and burning. At the same time, this approach might recognize that there are situations in which cutting, grazing, and burning are compatible with conservation objectives.

Dearden *et al.* (1998) do not specify what they believe should be done with land clearly claimed and used by local people, even though they suggest that these areas may not be useful for wildlife protection. Military solutions have been tried in the past, and failed in the face of local and national resistance. My argument is that local realities demand that household claims to fruit orchards, rubber trees, cultivated land and so on must be recognized if the forestry department is to obtain cooperation from local people in meeting conservation objectives. Dearden *et al.* (1998) note that corrupt, 'influential' people are often responsible for degradation of protected areas. I would suggest that the study of common property institutions around the world shows local people are often best placed to monitor against possible encroachment by powerful outsiders, although they may need enforcement assistance from state agencies. Dearden *et al.* (1998) argue that no-one be given special access rights to protected areas over and above those of the rest of society. I would argue that in practice a protected areas approach tends to give special access rights to non-local people, and that conservation in densely-populated countries like Thailand works best when we accept differential access and management rights allowing for local livelihood uses. In their final paragraph Dearden *et al.* (1998) imply that it comes down to acquisitive individuals opposed to a common good, with the latter institutionalized through protected areas managed by state agencies. We should certainly not underestimate the threat posed by powerful individual interests, nor should we romanticize the degree of harmony and environmental consciousness in rural communities. At the same time, we should recognize that there are often local-level collective institutions able to act for the common good, with the assistance of state and non-government organizations, as demonstrated by many Thai researchers (e.g. Ramithanond *et al.* 1993; Wittayapak 1994; Ganjanapan 1995). The key obstacles to this approach in Thailand are the underlying bureaucratic forces prioritizing territorial control and budget over conservation, and the continuing influence of the presumption that livelihood needs and conservation are incompatible.

## References

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