

The Racial Distribution of Privilege in a Thai National Park

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Tai Lue and Lua people are struggling to maintain access to resources in a northern Thai national park. Contrasting outcomes for Tai Lue and Lua relations with the park can largely be explained by political, economic and discursive structures and the interests, attitudes and actions they promote. In particular, the racialisation of resource use constrains the ability of minority upland groups like the Lua to secure recognition and legitimacy for their resource use practices.

Competition for rights to manage and use natural resources has emerged as one of the most obstinate challenges facing the states and peoples of the uplands of mainland Southeast Asia. Since the late 1970s, the Thai state has responded to pressure on the nation's resources with a major expansion of protected areas. Yet, putting land and resources under heavy restriction has only contributed to competition and dissension among local communities and between communities and the state.¹ In a few cases, people have accommodated the protected areas in their midst, and some have worked out effective co-management relationships that facilitate both local livelihoods and park objectives. But many other communities have been far less successful.² This article

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1 On the social and ecological drawbacks of coercive, exclusionary protected areas, see Dan Brockington, *Fortress conservation: The preservation of the Mkomazi Game Reserve, Tanzania* (Bloomington, IN: Indiana University Press, 2002); Jim Igoe, *Conservation and globalization: A study of national parks and indigenous communities from East Africa to South Dakota* (Belmont, CA: Thomson/Wadsworth, 2004); Tran Thi Lanh, 'The Dao and resource conflicts in Ba Vi National Park', *Indigenous Affairs*, 4 (2000): 48–55; Nancy Lee Peluso, 'Coercing conservation: The politics of state resource control', in *The state and social power in global environmental politics*, ed. Ronnie D. Lipschutz and Ken Conca (New York: Columbia University Press, 1996), pp. 46–70.

2 For recent studies of resident populations in Thai protected areas, see Reiner Buergin, 'Change and identity in Pwo Karen communities in Thung Yai Naresuan Wildlife Sanctuary, a "Global Heritage" in Western Thailand', SEFUT Working Paper No. 11 (Freiburg, Germany: Socio-Economics of Forest Use in the Tropics and Subtropics Working Group, Albert-Ludwigs-Universität, 2002); Kirsten Ewers, 'Politics of biodiversity conservation in Thailand: Global and local discourse', paper presented at the Workshop on Environmental Movement in Asia, Leiden, 27–29 Oct. 1994; Pinkaew Laungaramsri, 'Phumpanya

explores the conditions that promote cooperation between protected area managers and local communities in Thailand. I argue that different outcomes for different communities can largely be explained by political, economic and discursive structures and the interests, attitudes and actions they promote. Given the structural conditions, some communities have significant advantages in their ability to advocate for themselves, receive official recognition, and conclude satisfying compromises with protected areas. I also describe two strategies that local people and their allies are using to secure state recognition and concessions: one involves claims about indigenous knowledge, the other rights based on citizenship. In particular, I highlight the pitfalls of the indigenous knowledge strategy, which to be effective requires official recognition that particular groups possess the knowledge and capacity to manage their resources – the very recognition that the current structure of inequality in Thai society tends to discourage.

The specific case presented here involves contrasting outcomes for Tai Lue and Lua people in their relations with Doi Phukha National Park (DPNP), Nan Province, northern Thailand. Seven largely Tai Lue villages have developed an effective co-management relationship with the park while 12 Lua villages remain in conflict with it. In the Tai Lue case, park officials allow villagers to collect forest products in their 1,600-hectare community forest, which lies within the park. The Tai Lue cooperate with park officials by policing the community forest against encroachment and helping them achieve certain policy objectives. The community forest is a thriving mixed deciduous forest,³ and its resources are used sustainably – perhaps the best possible outcome for a protected area with a resident rural population. The Lua, however, lack any real cooperative relationship with the park. Officials subject the Lua to constant unwanted pressure to alter their livelihoods, while the Lua seek to stymie official objectives through stonewalling, as well

niwetwiththaya chon phunmuang: Suksa korani chumchon Kariang nai Pa Thung Yai Naresuan [Local ecological wisdom: Case study of the Karen in Thung Yai Naresuan Forest] (Bangkok: Project for Ecological Recovery, 1996); Maren Tomforde, 'The global in the local: Contested resource-use systems of the Karen and Hmong in northern Thailand', *Journal of Southeast Asian Studies* [hereafter *JSEAS*], 34, 2 (2003): 347–60. Cases of relatively successful co-management arrangements in Southeast Asia include: Wim Giesen and Julia Aglionby, 'Introduction to Danau Sentarum National Park, West Kalimantan, Indonesia', *Borneo Research Bulletin*, 31 (2000): 5–28; Leah Sophie Horowitz, 'Integrating indigenous resource management with wildlife conservation: A case study of Batang Ai National Park, Sarawak, Malaysia', *Human Ecology: An Interdisciplinary Journal*, 26, 3 (1998): 371–404; and Uraiwan Tan-Kim-Yong, 'Constructing political process and reform for decentralization in Thailand: Three case studies in decentralized natural resource management', paper presented at the Conference on Decentralization and the Environment, Bellagio, Italy, 18–22 Feb. 2002. On the benefits, actual and potential, of devolution of natural resource management, as well as conditions for its success, with particular reference to Asian cases, see Jon Anderson, 'Four considerations for decentralized forest management: Subsidiarity, empowerment, pluralism and social capital', in *Decentralization and devolution of forest management in Asia and the Pacific*, ed. Thomas Enters, Patrick B. Durst and Michael Victor, RECOFTC Report No. 18 and RAP Publication 2000/1 (Bangkok: Regional Community Forestry Training Center, 2000), pp. 16–26; Ajit K. Banerjee, 'Devolving forest management in Asia-Pacific countries', in *Decentralization and devolution of forest management in Asia and the Pacific*, ed. Enters, Durst and Victor, pp. 27–38; Malcolm Cairns, 'Ancestral domain and national park protection: Mutually supportive paradigms? A case study of the Mt. Kitanglad Range National Park, Bukidnon, Philippines', *Philippine Quarterly of Culture and Society*, 25 (1997): 31–82.

³ DPNP has an average elevation of 800 metres above sea level, with a high point at Doi (Mount) Phukha (1,980m). The most common forest types in DPNP are hill evergreen, dry evergreen and dry mixed deciduous.

as occasional confrontations and direct action. The result has been stalemate as both sides struggle to pursue their goals, often unsuccessfully.

The Lua situation has from the start more potential for difficulty: their villages and farms are completely encompassed by DPNP. The Tai Lue communities claim rights to their community forest within the park, but their village sites and paddy lands lie in a valley outside of it. Mere location, however, does not fully account for different outcomes in relations with the park. Formal policy structures that allow DPNP officials to work more cooperatively with the Lua are in place, but have not been used to their fullest. I argue that the hostile relationship between the Lua and the park is rooted in the subordinate political, economic and racial position of the Lua in the local and national context.⁴ The Lua, while feeling the tightened pinch of state regulation of land and resources, must also contend with a racialised discourse that portrays 'hill tribes' (*chao khao*) like them as inherently malignant to the environment. Institutions through which they might advocate their claims, like local government and non-governmental organisations (NGOs), have not served them well to this point. In addition, the economic interests of the Tai Lue elite, and the perceived interests of the majority of Tai Lue farmers, have helped keep the Lua and Tai Lue from working together on shared concerns over the park. The Tai Lue, by contrast, have successfully accessed political alliances and discursive resources, advocated for their interests in the park, and secured significant state concessions.

Hjorleifur Jonsson argues that the defining features of Thai modernity and modernisation are 'all entangled with state regulation'.⁵ Since the late nineteenth century, one feature of increasing state regulation in Thailand has been the elaboration of a nationalist ideology that identifies 'Thainess' with the political and cultural features widely attributed to Tai-speakers.⁶ This exclusionary aspect of Thai modernity has forced upland minorities to struggle to balance commitment to local social and cultural forms with their location within the 'Thai' nation. Like Jonsson's Mien consultants, the Tai Lue and Lua in this case are engaged in projects of self-definition and claims to rights in response to state regulation and its discursive and political-economic elements.

Within the national context, the DPNP case is more specifically framed by territorialisation and racialisation, two large-scale social processes that shape resource struggles in the Thai uplands. Peter Vandergeest applies the term 'territorialisation' to refer to a strategy deployed by the Thai state to reinforce its control over resources and people.⁷ Territorialisation involves the organisation of territorial administrative units,

4 Given the transnational nature of the institutions and discourses linked to protected area management, there is a global dimension to the Lua situation (see, for example, Igoe, *Conservation and globalization*). I focus here on the local and national contexts.

5 Hjorleifur Jonsson, 'Mien alter-natives in Thai modernity', *Anthropological Quarterly*, 77, 4 (2004): 674.

6 Thongchai Winichakul, *Siam mapped: A history of the geo-body of a nation* (Honolulu: University of Hawaii Press, 1994); Walter F. Vella, *Chaiyo!: King Vajiravudh and the development of Thai nationalism* (Honolulu: University of Hawaii Press, 1978); David K. Wyatt, *Thailand: A short history* (New Haven: Yale University Press, 1984).

7 Peter Vandergeest, 'Mapping nature: Territorialization of forest rights in Thailand', *Society and Natural Resources*, 9 (1996): 159–75; Vandergeest and Nancy Lee Peluso, 'Territorialization and state power in Thailand', *Theory and Society*, 24 (1995): 385–426.

mapping and land demarcation and categorisation, including establishment of protected areas in which livelihood activities by local communities are severely restricted. Such protected areas have undergone rapid expansion since the late 1970s and now form a major part of the territorialisation process. In addition, territorialisation is occurring within a racialised context. Vandergeest applies the term ‘racialisation’ to Thailand to capture the way racial meaning can be extended to a ‘previously racially unclassified relationship, social practice, or group’.⁸ In contemporary Thailand, space and agricultural practice have been racialised. In official and popular discourse, minority groups like the Lua fall within the racialised category of ‘hill tribe’, and are conceptually linked to the uplands and to the inherently destructive practice of ‘shifting agriculture’. Tai-speakers like the Tai Lue tend to be conceptually linked with the lowlands and paddy farming, and so they are by definition not ‘hill tribe forest destroyers’ who practice ‘shifting agriculture’.

The perceived ‘hill tribe’–‘Thai’ dichotomy with its implicated spaces and resource uses enlivens much of the struggle over protected area management I describe below. In northern Thailand, national parks and wildlife sanctuaries are largely located in mountainous areas with land at least classified as ‘forest’, even if those ‘forests’ are in fact occupied and farmed by local people. Not all uplanders are minority people, and not all minority people live in the uplands. However, because they often live on steeper slopes and at higher altitudes than Tai-speaking peoples, upland minorities make up the majority of the 600,000 people living in Thai protected areas.⁹ Though they are disproportionately affected by protected areas, upland people have very little say in protected area establishment and management. But then it is ‘hill tribes’ like the Lua (and their resources) over whom policymakers and officials seek firmer control. At the same time, I show below that the structures of interest that shape the Lua predicament are realised and reproduced through the actions of local people from interest groups within the state and the various ethnic communities in the area.

The Tai Lue of Silalaeng: Conservation and recognition

Pua District is a multi-ethnic district with a Northern Thai majority and minorities of Hmong, Tai Lue, Lua and Mien people. The district, like the rest of Nan Province, has predominantly sloping land that is officially classified as national forest reserve, though the seven mostly Tai Lue villages of Silalaeng Sub-District (over 4,200 people) are located in a valley. The Tai Lue are culturally akin to other Tai-speakers, such as their Northern Thai neighbours and the Siamese of the central plain.¹⁰ The major forms of livelihood

8 Peter Vandergeest, ‘Racialization and citizenship in Thai forest politics’, *Society and Natural Resources*, 16 (2003): 22.

9 Buergin, ‘Change and identity’, p. 5.

10 On the Tai Lue in northern Thailand, see Yuji Baba, ‘Migration and spirit cult: The case study on the Tai-Lue villages in Nan Province, northern Thailand’, paper presented at the 6th International Conference on Thai Studies, Chiang Mai, Thailand, 14–17 Oct. 1996, pp. 27–47; Michael Moerman, ‘Ethnic identification in a complex civilization: Who are the Lue?’, *American Anthropologist*, 67, 5 (1965): 1215–30; Moerman, ‘Ban Ping’s Temple: The center of a “loosely-structured” society’, in *Anthropological Studies in Theravada Buddhism*, ed. Manning Nash *et al.* (New Haven: Yale University Press, Southeast Asia Studies, Cultural Report Series no. 13, 1966), pp. 137–74; Moerman, ‘Kinship and commerce in a Thai-Lue village’, *Ethnology*, 5, 4 (1966): 360–4; Moerman, ‘A minority and its government: The Thai-Lue of northern

in contemporary Silalaeng include paddy farming, labour migration to cities, local wage labour, small businesses and textile production for the craft and tourist markets. Silalaeng's farmers depend on their valley's paddy fields, which are of good quality and well watered. Most paddy farmers plant a subsistence crop of rice in the rainy season (about June–November), followed by vegetable crops like garlic and onion in the dry season. Some residents have upland swidden fields in the hills overlooking their valley, but by the 1990s, these had become relatively few.

Just east of the Silalaeng valley, inside DPNP, lies a 1,600-hectare community forest that was first established in 1975. The decade before 1975 saw widespread deforestation in the area from logging concessions and firewood collection for a nearby tobacco-curing plant. Also, on the slopes just east of Silalaeng, Tai Lue and Hmong farmers cleared swiddens in national forest reserve areas to plant feed corn, consistent with the state's strategy of promoting commercial cash crop production to generate foreign exchange.¹¹ In the 1960s and 1970s, the government moved Hmong people to Pua from communist-controlled zones near the Lao border as a counter-insurgency measure against the Communist Party of Thailand. However, at their new site the Hmong received hilly wasteland, which they could neither irrigate nor swidden effectively, and many soon moved into swiddens overlooking Silalaeng. As for the Tai Lue, people in Silalaeng report that they felt pulled by promised cash windfalls from corn. They were also eager for cash income from renting unused swiddens to the Hmong settlers. On the heels of this period of deforestation came a localised water crisis, which the people of Silalaeng interpreted as the result of rapid swidden expansion. Tai Lue villagers report that by the early 1970s streams flowing out of the hills were dryer than normal in the dry season; these streams filled rapidly with water at the onset of rains, leading to localised floods that damaged paddy fields.

In response, the Silalaeng *kamnan* (sub-district head), *Kamnan* Muangdee, appealed to Tai Lue and Hmong farmers to first stabilise and then slowly decrease the area of their swiddens in the hills above the valley and work toward creation of a forest preserve.

Thailand', in *Southeast Asian tribes, minorities, and nations*, vol. I, ed. Peter Kunstadter (Princeton: Princeton University Press, 1967), pp. 401–24; Moerman, *Agricultural change and peasant choice in a Thai village* (Berkeley: University of California Press, 1968). Wider work on the Tai Lue includes: Paul Cohen, 'Lue across borders: Pilgrimage and the Muang Sing Reliquary in northern Laos', in *Where China meets Southeast Asia: Social and cultural change in the border region*, ed. Grant Evans, Chris Hutton and Kuah Khun Eng (New York: Palgrave, 2000); Sara L. M. Davis, *Song and silence: Ethnic revival on China's south-west borders* (New York: Columbia University Press, 2005); Yos Santasombat, *Lak chang: A reconstruction of Tai identity in Daikong* (Canberra: Pandanus Books, 2001).

11 Legislation enacted in 1938 and 1941 created national forest reserves, decreeing that land without established ownership rights was state property to be managed by the Royal Forestry Department; Mingsarn Santikarn Kaosa-ard, 'Ecosystem management in northern Thailand', RESPI Working Paper (Washington, DC: World Resources Institute, 2000), p. 7; Sureeratna Lakanavichian, 'Forest policy and history in Thailand', Working Paper (Tjele, Denmark: Research Centre on Forest and People in Thailand, Danish Institute of Agricultural Sciences, 2001), p. 9. On Thai forest law, see Nancy Lee Peluso and Peter Vandergeest, 'Genealogies of the political forest and customary rights in Indonesia, Malaysia, and Thailand', *Journal of Asian Studies*, 60, 3 (2001): 761–812. Restriction of use of forest reserve land depends on slope, elevation, watershed classification and other criteria. Perhaps 10 million people dwell on forest reserve land (including about 800,000 upland minority people; see Vandergeest, 'Racialization and citizenship', pp. 26–7). Their status is a major ongoing controversy in Thai forest law, policy and politics.

Kamnan Muangdee established a forest committee which over time instituted rules for use of forest resources and periodic forest inspections. Each family received an annual quota of wood for non-commercial use, and hunting and gathering was allowed for domestic consumption. While game was (and is) rare, major products gathered in the forest include edible mushrooms and bamboo shoots, medicinal plants and bark and leaves for making natural dyes for home-woven cloth. After 1975, the number of swiddens declined, and the forest committee pursued enforcement (peer pressure and fines) against those who broke the rules or over-exploited resources. Most Hmong farmers eventually ceded claims to land in the community forest area, and moved into other livelihood activities, and their villages were later administratively separated from Silalaeng to form a new sub-district called Paa Klang.¹² Increased Tai Lue labour migration to Thailand's cities in the 1980s also eased farmers away from their swidden fields, and probably mitigated the potential for class-based tensions between paddy owners and those more reliant on swidden farming. At any rate, it seems that the consensus formed in Silalaeng in the 1970s and 1980s has remained relatively strong: that the environmental costs of continued large-scale swidden agriculture above the valley were too great, and that the forest preserve delivered enough benefits to warrant careful protection.

In 1983, a local Member of Parliament proposed the establishment of a national park in the area around Doi (Mount) Phukha with an area that would encompass the Silalaeng forest preserve. The park was one of the many protected areas proposed or established in the 1980s. National forest cover declined from about 72 per cent around 1900 to about 26 per cent in 1995.¹³ In Nan, between 1964 and 1993, forest cover decreased by more than half, from 87 per cent to 42 per cent. State policy was a mixture of concern and complicity with deforestation during most of this period; competing priorities included the demand for foreign exchange from logging concessions and cash crops, road-building and counter-insurgency, amidst a growing sense of environmental crisis. During the 1980s, the Royal Forestry Department (RFD) stepped up protected area establishment, though budgets and enforcement measures remained weak.¹⁴ State action on forest conservation, however, intensified in the late-1980s, especially after 1988 when a major landslide in southern Thailand that killed 251 people was blamed on deforestation.¹⁵ The outcry from the incident spurred the government to adopt a logging

12 I have searched for evidence that *Kamnan* Muangdee's appeals to Hmong farmers to decrease their swiddens was fraught with ethnic tension, but accounts of Tai Lue, Hmong and various observers indicate otherwise. Apparently, *Kamnan* Muangdee was very well respected among the Hmong. When he began his appeal for the forest preserve, he held rotating sub-district council meetings in all affected communities to seek consensus, and applied as much pressure on his Tai Lue neighbours as he did the Hmong. This contrasts with the current climate of pervasive fear and mistrust between lowland and upland groups over resource issues – an outcome of intensified resource competition, heightened state regulation and demarcation of forests, and the racialisation of space and subsistence practices.

13 Mingsarn, 'Ecosystem management', p. 2.

14 Peter Vandergeest, 'Property rights in protected areas: Obstacles to community involvement as a solution in Thailand', *Environmental Conservation*, 23, 3 (1996): 259–68.

15 John McKinnon, in an extended analysis of this episode, argues that removal of forest for rubber plantations was not the primary cause of the landslides. He also explores some of the negative impacts of the logging ban on upland peoples; John McKinnon, 'The forests of Thailand: Strike up the ban?', in *Development or domestication?: Indigenous peoples of Southeast Asia*, ed. Don McCaskill and Ken Kempe (Chiang Mai, Thailand: Silkworm Books, 1997), pp. 117–31.

ban in 1989, which is still in effect. The RFD is currently charged with increasing the country's forest cover to 40 per cent, and continued establishment of protected areas, with stepped-up enforcement, are a central part of RFD efforts to reach that goal. The current RFD master plan aims to bring 28 per cent of Thailand's land area under protected area management.¹⁶

Thai national parks prohibit the use of any park resources for production. Some Silalaeng residents were still cutting swiddens in the proposed park area in the 1980s, but the threat from the park that touched the most villagers was the potential loss of forest products in the community forest. The forest committee and other local leaders repeatedly petitioned the RFD to leave the community forest out of the park. They also strengthened the inspection system and in the mid-1990s instituted a total ban on cutting to improve their bargaining position. However, when the park was formally established in 1999, it covered 170,400 hectares and encompassed the entire community forest. The encompassment struck the residents of Silalaeng as fundamentally unjust. Tawin, a Silalaeng leader involved in forest issues, told me: 'We conserved that [community forest] area starting in 1975, and then the national park came in and wanted to control the whole thing. It's as if someone raised a chicken until it was big and fat, and then someone else came and grabbed it like it was their own.'

During the 1990s, as plans for the park progressed, leaders like Tawin made alliances with local small-scale Thai NGOs, including one led by a Silalaeng native named Wanpen. Through her, the Silalaeng community forest committee joined Hak Muang Nan ('We Love Nan', HMN), a province-wide network of NGOs and people's organisations (POs) advocating for sustainable and participatory development, including the co-existence of people and forests.¹⁷ Wanpen and other HMN activists used NGO networks to attract funding for the Silalaeng forest committee's activities and to bring in sympathetic visitors. From around the country, NGO activists, villagers and some state officials visited Silalaeng to talk to local leaders and tour the forest preserve. Silalaeng's reputation for grassroots conservation has led to its status as a site for Bangkok's Regional Community Forestry Training Center (RECOFTC) field school, which brings foresters from around Asia to Thailand for social forestry education.

Silalaeng forest leaders have also joined with larger national efforts by NGOs and POs, like the Assembly of the Poor and the Northern Farmers' Network, to dramatise rural land and resource use issues. During the major Assembly of the Poor protests in Bangkok in early 1997, representatives from Silalaeng went to express their solidarity with those engaged in similar battles in other parts of the country. They have also thrown their support behind the 'people's version' of proposed community forestry legislation that would legalise community forests in national parks.¹⁸

16 Buergin, 'Change and identity', p. 4.

17 Not all Thai NGOs are sympathetic to forest communities. Larry Lohmann explores the case of a so-called 'dark green' NGO, which seeks exclusion of people from forests; 'Forest cleansing: Racial oppression in scientific nature conservation', *The Corner House Briefing No. 13* (Dorset, UK: The Corner House, 1999).

18 Competing versions of the Community Forest Bill have been introduced in Parliament several times over the last decade, with none adopted into law. The people's version has been repeatedly stymied in part because it would legalise community forests in protected areas; Jin Sato, 'Public land for the people: The institutional basis of community forestry in Thailand', *JSEAS*, 34, 2 (2003): 329–46.

The now standard local application of the term ‘community forest’ (*pa chumchon*) to what was first called a ‘forest preserve’ (*pa sanguan*) highlights the discursive dimensions of the Tai Lue struggle with the park. ‘Community forest’ is part of a Thai NGO- and PO-inspired counter-discourse which questions the state’s monopoly on, and expertise at, resource management and conservation.¹⁹ The community forest discourse holds that rural communities have long practised forest conservation by zoning different forest areas for specific non-agricultural uses, including hunting, gathering and limited logging for domestic use. Advocates of community forestry assert that such practices are based on the ‘indigenous knowledge’ of rural people, including knowledge about proper limits on productive activity, appropriate swidden location and the habitats of specific plants and animals.²⁰ Advocates of this discourse note some breakdown of the community forest tradition and its related knowledge under the intrusion of state-led development in the 1960s, but cite cases like Silalaeng as evidence of its continued vitality and utility. Importantly, local people like the Tai Lue of Silalaeng have not been passive recipients of community forest and indigenous knowledge discourses, but have actively engaged them to strengthen their discursive hand against state institutions like national parks. Tai Lue forest leaders and non-leaders use the terms ‘community forest’ and (to a lesser extent) ‘indigenous knowledge’ with some facility. They are able to point persuasively to at least a 30-year history of active forest conservation in the community forest area, with attendant claims that this management has a basis in a more general ecologically sound local culture.

In another important political and discursive move, in 1997 Silalaeng joined an effort, led by the Northern Farmers’ Network, to ordain 50 million trees in northern Thai community forests in honour of King Rama IX’s fiftieth anniversary on the throne. The organisers, who made heavy use of royal symbolism, sought to send the message that community forestry was both ecologically sound and patriotic, and to make a symbolically charged end run around centralised state control of forests. NGOs involved in the tree ordination effort tended to frame ordinations as signs of local indigenous knowledge of the environment and a culture of sound management practices.²¹ Using all these methods – from alliance building and networking to policy advocacy and discursive and

19 Pinkaew Laungaramsri, *Redefining nature: Karen ecological knowledge and the challenge to the modern conservation paradigm* (Chennai, India: Earthworm Books, 2001), pp. 161–6. Advocacy of ‘community forestry’ by Thai NGOs and people’s organisations (PO) should not be confused with current RFD use of the term. The RFD does have a community forest programme for rural communities. However, such forests are not permitted in protected areas, they are usually granted only in degraded forest reserve areas, and the RFD encourages people to plant them in plantation tree crops like eucalyptus and teak; Sato, ‘Public land’, p. 343. The NGO-PO interpretation of ‘community forest’ is that it is a mixed forest habitat (called ‘natural forest’ by its advocates) that has multiple locally determined uses, and should be permitted anywhere a local community successfully establishes one.

20 Thai advocates of ‘indigenous knowledge’ apply the term equally to both minority peoples and Tai-speakers. The term in Thai is *phumpanya chao ban*, literally, ‘villagers’ wisdom’. However, official recognition of indigenous knowledge varies across groups.

21 Henry D. Delcore, ‘Symbolic politics or generification? The ambivalent implications of tree ordinations in the Thai environmental movement’, *Journal of Political Ecology*, 11, 2 (2004): 1–30. On tree ordinations, see Susan M. Darlington, ‘The ordination of a tree: The Buddhist ecology movement in Thailand’, *Ethnology*, 37, 1 (1998): 1–15; Lotte Isager and Soren Ivarsson, ‘Contesting landscapes in Thailand: Tree ordination as counter-territorialization’, *Critical Asian Studies*, 34, 3 (2002): 395–417.

symbolic struggles – Silalaeng's leaders have transformed their forest preserve into a celebrated case of effective local resource management.

During the 1990s, while officials prepared for the park's formal establishment and local leaders built their alliances, the two sides worked out an informal arrangement. The officials allowed the villagers to continue gathering forest products, mount periodic inspections, and bring pressure on local violators. Starting in 1997, after the tree ordination, the RFD began funding some community forest committee activities; for example, it provided wages for villagers to dig firebreaks in the community forest. When DPNP was formally established in 1999, its encompassment of the community forest was a disappointment in Silalaeng. However, in 2001 the park became one of six in Thailand under the new Pilot Project for Participatory Sustainable National Park Management (hereafter, Pilot Project). The Pilot Project calls for recognition of the rights of resident peoples, co-management between residents and park managers, and the establishment of zones with different kinds of use rights. Under the guidelines of Pilot Project, Silalaeng villagers continue to use and manage the community forest and the park continues to fund some of the forest committee's activities.²²

DPNP officials credit the Tai Lue with significant conservation achievements. National park and RFD officials sometimes hire Silalaeng community forest leaders to publicly share their insights. Tai Lue leaders have spoken to audiences of foresters as well as the Lua of Doi Phukha; to the former, they emphasize the credibility of community-based forest management, while to the latter they speak about the benefits of conservation to a presumably recalcitrant and ecologically destructive audience. In 2003, the park director told me he wanted to use the Tai Lue as an example for other local communities to follow. While some Tai Lue leaders are anxious to see their community forest granted more formal legitimacy under friendly community forest legislation, many are satisfied that they have gained a modicum of official acceptance of their work.

The Tai Lue have been able to forge a relatively positive relationship with DPNP due in part to conservation successes achieved in the community forest. Through painstaking effort, a long series of Tai Lue leaders have been able to forge community consensus about the advantages of community forestry.²³ However, the Tai Lue have not only successfully managed and conserved their community forest, but they have also secured the recognition of state authorities for their activities. This recognition should not be taken for granted, and I account for it in several ways.

First, 'community forest' and 'indigenous knowledge' have indeed entered the general Thai lexicon and are often used in the media to describe cases like that of Silalaeng. I have found DPNP officials themselves willing to admit that indigenous knowledge and community forestry actually exist and deserve acknowledgement, particularly in the Silalaeng example. But official recognition of the Tai Lue is facilitated by the climate of racialisation that affects nearly all claims to upland resources in contemporary Thailand. The fact that the Tai Lue village sites and paddies are located in

22 In a further institutionalisation of community forestry in the area, the community forest committee has become a formal organ of Silalaeng's Tambon Administrative Organisation, a new form of sub-district local government created by national law in 1997.

23 Of course, the fact that many farmers in Silalaeng have lowland fields in the valley made abandoning their swiddens easier, though some remain bitter at this loss. Supplementary income from labour migration and, to some extent, weaving and selling naturally dyed cloth (with dyes made from leaves and bark gathered in the community forest) has also mitigated the effects of lost income from swidden agriculture.

a lowland valley is a sign of their ‘Thainess’ (in the ethno-nationalist sense of the term), and grants their resource use practices *de facto* legitimacy.²⁴ Their long-standing practice of swidden agriculture and other productive activities in forests are largely obscured or ignored. Though they may engage in the purportedly environmentally harmful practice of swidden agriculture, it is not seen as inherent to their culture. In Thongchai Winichakul’s terms, the Tai Lue are ‘Other’ to the modernising Thai urban elite, but they are also familiar and civilizable.²⁵ In short, in contrast to upland minority groups, they are not seen as inherently recalcitrant and ecologically destructive. In a sense, then, their conservation initiatives are notable, but from the perspective of state officials, not terribly surprising. They are Thais (in both the current legal and ideological sense), and so they must love the Thai nation and its resources, and can be expected to see the value of forest conservation.

The political alliances forged by Tai Lue leaders with sympathetic NGOs, POs, and their national networks have also shielded the people of Silalaeng from more coercive state action. The rise of the Silalaeng community forest to renown in national NGO circles in the 1990s made a DPNP crackdown on Silalaeng highly risky. No park director wants his park to become the focus of an extensive NGO-PO media and protest campaign that calls attention to the plight of resident peoples, especially those with significant conservation credentials. Thus, the Tai Lue of Silalaeng have benefited from the structures of racial recognition that facilitate their use of counter-discourses, and from their ability to tap into national political movements that advocate local rights to resources.

The Lua of Doi Phukha: Race and the structure of non-recognition

Silalaeng Sub-District is bordered to the east by Phukha Sub-District, where all 12 villages, with about 4,000 mostly Lua inhabitants, lie within DPNP. The Lua are a Mon-Khmer-speaking group whose presence in northern Thailand is widely held to pre-date the first arrival of Tai-speaking peoples over 800 years ago.²⁶ Indeed, the popular Thai view is that they are the autochthonous people of northern Thailand. However, they also fall into the Thai category of ‘hill tribe’.²⁷ The ‘hill tribe’ category is part of a racialised

24 Recognition of the Tai Lue as part of the Tai cultural family has not always been so certain (Hjorleifur Jonsson, personal communication). It seems likely that the racialisation of resource use (such as paddy rice agriculture) has bolstered the ‘Thainess’ of the Tai Lue in Silalaeng.

25 Thongchai Winichakul, ‘Travel and ethno-spatial differentiation of Siamese subjects, 1885–1910’, in *Civility and savagery: Social identity in Tai states*, ed. Andrew Turton (London: Curzon, 2000), pp. 38–62; Thongchai, ‘The quest for “*siwilai*”’: A geographical discourse of civilizational thinking in late nineteenth- and early twentieth-century Siam’, *Journal of Asian Studies*, 59, 3 (2000): 528–49.

26 On the Lua, see Choltira Satyawadhna, *Lua Muang Nan* [The Lua of Nan] (Bangkok: Muang Boran Publishing House, 1987); Choltira, ‘Ethnic inter-relationships in the history of Lanna: Reconsidering the Lwa role in the Lanna scenario’, *Tai Culture*, 2, 2 (1997): 6–29.

27 On the emergence and effects of the ‘hill tribe’ discourse in Thailand, see Jonsson, ‘Mien alter-natives’; Charles F. Keyes, *Thailand: Buddhist kingdom as modern nation-state* (Boulder, CO: Westview Press, 1987); Don McCaskill, ‘From tribal peoples to ethnic minorities: The transformation of indigenous peoples: A theoretical discussion’, in *Development or domestication?*, ed. McCaskill and Kempe, pp. 26–60; John McKinnon and Wanat Bhruksasri, *Highlanders of Thailand* (New York: Oxford University Press, 1983); Pinkaew, *Redefining Nature*; Vandergeest, ‘Racialization and citizenship’. Thongchai, ‘Travel and ethno-spatial differentiation’, provides historical insight on the foundations of Thai discourses about the so-called ‘others within’ the Thai geo-body.

discourse in which people like the Lua are assumed to be primitive and stubborn, less than loyal citizens, and practitioners of environmentally destructive ‘shifting agriculture’ (*rai luan loi*). The image implied by the term ‘shifting agriculture’ is one of constant movement and severe deforestation of successive forest areas, almost without reason. The conceptual linkage of ‘hill tribe’ with ‘shifting agriculture’ is a key aspect of the process of racialisation relevant to this case. Just as Tai-speaker, lowland, and paddy all tend to come together to denote ‘Thai’, so non-Tai-speaker, upland, and ‘shifting agriculture’ come together to denote ‘hill tribe’.²⁸

Is the Thai concept of ‘hill tribe’ an ethnic or a racial formulation? Donald S. Moore, Anand Pandian and Jake Kosek point out that one need not articulate a full-blown argument for biological racial difference or inferiority to nonetheless convey a sense of difference so hardened as to be racial in connotation.²⁹ It is in this sense that ‘hill tribe’ is a racial formulation. The discourse of ‘hill tribes’ rarely veers into outright claims of biological racial hierarchy, but usually consists of what Larry Lohmann refers to as ‘guerilla speech acts’, a welter of evasive and easily retracted statements and implications.³⁰ All the same, Thais tend to conceive of upland minority culture as so radically and stubbornly different from their own as to verge on a hard-wired set of dispositions and behaviours only just barely open to change. A Tai Lue villager living on the edge of DPNP, commenting on the conflict between the park and the Lua, told me: ‘The Lua have low education, and they need training and development to get them to come out of the forest. Oh! This is a hard thing to do, to get them to change their form of livelihood.’ The idea that it is extremely hard to get the minority upland groups to change their ways is a constant feature of the Thai discourse on ‘hill tribes’. I asked a DPNP official about the situation in the park, and he put it this way:

Silalaeng has been caring for the forest [in the community forest area] to a point, but there might be some things which they can’t handle themselves. As for the hill tribes, they have low education, and their livelihood is shifting agriculture. They think mainly about their stomachs and not about caring for the forest. They can’t get this [forest conservation] through their heads. They’re hard-headed.

In addition to the invocation of ‘hard-headedness’, the official also conjured up another common impression of the Lua in particular, that they are dim-witted and short-sighted, and once their stomachs are full, they are happy. The implicit contrast here is between the Lua and the more progressive Thais, who have moved away from subsistence farming and into commercial agriculture, which the park advocates for the Lua.³¹

Thais sometimes recognise variation among upland minorities, but here too, the differences between groups are often framed in racial terms. During my first visit to

28 Vandergeest, ‘Racialization and citizenship’.

29 Donald S. Moore, Anand Pandian and Jake Kosek, ‘The cultural politics of race and nature: Terrains of power and practice’, in *Race, nature, and the politics of difference*, ed. Donald S. Moore, Jake Kosek and Anand Pandian (Durham, NC: Duke University Press, 2003), pp. 1–70.

30 Lohmann, ‘Forest cleansing’, p. 16.

31 Jonsson traces descriptions of upland people as self-sufficient and isolated from the national society back to colonial-era accounts by foreign travellers. He suggests that the criticism of upland self-sufficiency, and other aspects of colonial discourse, were adopted into the Thai self-view as ‘modern’ in contrast to the ‘hill tribes’ (Jonsson, ‘Mien alter-natives’, pp. 677–9).

Silalaeng in 1997, I had a conversation with a Thai forester who was participating in the RECOFTC community forestry field school. A recent lesson had contrasted the livelihood strategies of different upland groups, and the forester commented to me on the tendency for the Hmong to move readily into commercial production. She asserted that the commercial orientation of the Hmong was a ‘tribal characteristic’ (*laksana pracham phao*). I argued in response that Hmong commercialism ought to be viewed less as a cultural feature and more as a product of the historical fact that the Hmong have been involved in commercial production of opium for some time, perhaps making the move into other cash crops easier for them. The forester was non-plussed, and we talked past each other for a few minutes before a Thai professor working with RECOFTC intervened. He explained to me that when the forester used the term ‘tribal characteristic’, she was not talking about mere cultural traits, but a racial notion of why Hmong behave the way they do (the forester agreed with his interpretation of her views).

The ‘hill tribe’ discourse helps illuminate the interests and motivations of state foresters within the overall processes of territorialisation and racialisation.³² Officials within the state bureaucracy have a stake in the process of territorialisation to the extent that it delivers to them increased power over resources and people. Vandergeest argues that protected areas in particular rose to importance in the RFD as a response to a crisis in bureaucratic power, budget and legitimacy in the 1980s.³³ As the RFD shifted its emphasis from extraction to conservation, protected areas delivered many institutional benefits, including greater authority over land and people, less accountability to the local territorial administration and bigger budgets.³⁴ Territorialisation through protected area establishment also brings ideological benefits. State foresters and park officials tend to view ‘nature’ as devoid of human productive activity, their role to protect nature from human destruction. Within the Thai nation-state, this is certainly a satisfying role to play; it enables the officials to frame their work as crucial to the protection of the nation’s resources, especially from the ‘hill tribes’, the racial Other of the Thai.³⁵ The forest-protector mandate also enables foresters (especially senior officials) to remain accountable to an urban middle and upper-class constituency that would prefer, as domestic tourists, to enjoy landscapes free from swidden farming and other supposedly destructive practices. Of course, none of this precludes the reality that many state foresters sincerely believe that a relaxation of control on their part will result in upland ecological disaster.

‘Shifting agriculture’ looms large in official impressions of ‘hill tribes’ and their potential to cause ecological harm. The roots of the standard view of ‘shifting agriculture’

32 I include the following discussion of forester interests explicitly because many descriptions of forest politics in Thailand tend to take the official stance for granted, and risk painting foresters as simply atavistic ‘bad guys’. However, like all the actors in this and similar cases, foresters are comprehensible through the ways they are motivated by and act on their culturally construed interests.

33 Vandergeest, ‘Property rights’.

34 National park and wildlife sanctuary budget allocations per unit of land are far greater than those for national forest reserves; in one comparison of specific areas, researchers found the allocation for the former to be double that of the latter; Mingsarn, ‘Ecosystem management’, p. 7; Sato, ‘Public land’, pp. 335–6; Vandergeest, ‘Property rights’, pp. 261–2.

35 Pinkaew (*Redefining nature*, pp. 103–8) provides an extended treatment of Thai forester attitudes about the ‘hill tribe’ threat to nature.

as inherently harmful are tangled. The Thai self-view includes the idea that sedentary, lowland rice agriculture is both a mark of Thainess and of civilisation (despite the fact that many Tai-speaking peoples practise swidden farming). During the Vietnam War era, Thai authorities were explicitly suspicious about the loyalties of supposedly nomadic swidden farmers. Since the 1980s, however, Thai official criticism of swidden agriculture has shifted toward an ecological framework, abetted by both prejudicial views of uplanders and some bias against swidden farming in international scholarship and policy circles.³⁶ Particularly since the logging ban of 1989, upland minority farmers have been singled out for purportedly menacing national ecological well-being. Presently, criticism of swidden farming tends to revolve around the claim that swidden farming constitutes deforestation, which leads to decreased rainfall and erratic or reduced stream flows, harming lowland water users and, by extension, the entire nation.³⁷

Some upland farmers have, in the past, practiced a form of swidden agriculture characterised as ‘long cultivation–long fallow’.³⁸ In this model, the farmer cultivates a swidden plot for several years until productivity declines; they then abandon the plot and open up new land elsewhere. In some cases, communities moved when the land around the settlement was no longer suitable for cultivation. The ecological drawbacks of long cultivation–long fallow vary, but could include altered succession patterns.³⁹ However, the Lua of Doi Phukha are sedentary and practise a form of swidden cultivation known as ‘short cultivation–long fallow’.⁴⁰ In this system, a field is cultivated for one or two seasons, followed by cultivation of other plots for up to ten years or so, with eventual return to the original plot (though fallows have shortened significantly, as discussed below). Under such a system, settlements are more permanent and new fields only opened to accommodate new households. The term ‘shifting agriculture’, which draws largely on the perceived drawbacks of long cultivation–long fallow systems, elides distinctions between types of swidden farming. A racialised term, ‘shifting agriculture’ defines all swiddens as ecologically harmful and as the characteristic farming pattern of ‘hill tribes’.

36 Michael Dove, ‘Theories of swidden agriculture, and the political economy of ignorance’, *Agroforestry Systems*, 1 (1983): 85–99.

37 Andrew Walker argues that the links between deforestation, decreased rainfall and dry-season stream flow are dubious, but concern with these links maintains focus on upland peoples’ purported impacts on water supply while leaving increasing water demand unaddressed; Walker ‘Agricultural transformation and the politics of hydrology in northern Thailand’, *Development and Change*, 34, 5 (2003): 941–64.

38 Yos Santasombat, *Biodiversity, local knowledge, and sustainable development* (Chiang Mai, Thailand: Regional Center for Social Science and Sustainable Development, Chiang Mai University, 2003), pp. 16–22. The swidden typology used here was first developed in Peter Kunstadter and E.C. Chapman, ‘Problems of shifting cultivation and economic development in northern Thailand’, in *Farmers in the forest: economic development and marginal agriculture in northern Thailand*, ed. Peter Kunstadter, E. C. Chapman and Sanga Sabhasri (Honolulu: East-West Center, 1978), pp. 3–23.

39 It must be noted that long cultivation–long fallow systems are not necessarily ecologically destructive; much depends on population, land availability, and the specific profile of the land cleared (slope, elevation, soil type and such). Also, population increases and heightened state regulation have largely ended the mobility and extensive land use on which ‘long cultivation–long fallow’ swidden depended. Most swidden systems in Thailand today either follow the ‘short cultivation–long fallow’ pattern, or (under yet more land pressure and state regulation) ‘short cultivation–short fallow’.

40 Yos, *Biodiversity*, pp. 25–6.

Since DPNP was formally established in 1999, park officials have been applying heavy pressure on the Lua to limit their swiddens. Current DPNP policy is that ‘swidden is swidden, forest is forest’: area devoted to swidden can continue as such, but new fields cannot be cleared. This situation is unworkable to the Lua for several reasons. First, foresters tend to look on fallow swiddens as ‘degraded forest’ and so pressure the Lua to abandon some of their more mature fallows. Second, a cap on new swiddens and pressure to abandon old ones has meant shorter fallows, which are down to three or four years. Finally, these restrictions mean forced out-migration for the next generation as land becomes scarce – barring of course the development of new agricultural methods. Park officials have thus been promoting the commercialisation and intensification of Lua agriculture to move them away from subsistence swidden rice production. Proposals from the park include the development of fruit tree orchards and terraced rice fields. Part of the motivation for the fruit tree recommendation comes from both national policy and local precedent. Many of Pua’s resettled Hmong mentioned earlier have moved from swidden farming to lychee production and their orchards are today scattered around (and in some cases within) the park. Despite many misgivings about the Hmong, park officials hold up their orchards as an example worthy of Lua emulation. Park policy promoting commercialisation is also consistent with the pervasive Thai tendency to view production for the market (and hence integration with the larger society) as a sign of modernity; if followed, official advice would make the Lua more modern and hence somewhat more ‘Thai’.

The Lua raise a number of objections to park agricultural proposals. In Ban Toey, where I visited in 2003, the general consensus was that swidden rice farming combined with income from forest products and some wage labour meets the needs of most villagers. In the household that hosted me, the senior woman expressed the common response to queries about fruit trees when she said, ‘We plant rice to eat and that’s enough.’ She then pointed to the rice I was actually eating for lunch and told me that it was last year’s rice, indicating a year-on-year surplus kept as subsistence insurance. Actually, people in Ban Toey do engage in commercial production, principally gathering *makhwaen* (‘jungle spice’, *Zanthoxylum limonella*) and a few other spices and resins, and gardening *miang*, a tea leaf consumed in the lowlands. Both are sold to lowland merchants. Recently, wage work at construction and road projects and (to a lesser extent) maintenance jobs in DPNP have become important sources of income for some. But people in Ban Toey perceived a wholesale change from the subsistence base of rice swiddens to fruit trees as highly risky. For example, several Lua consultants wondered if there were actually lowland merchants willing to travel into the park to buy a bulky product like lychee, a problem some upland communities do indeed encounter. Of course, Lua commitment to subsistence rice production only furthers official impressions that they are present-oriented simpletons.

According to park officials, another option for the Lua is to work at park maintenance or security or servicing its mostly domestic tourists. Indeed, a few dozen Lua now work at the park in some of these capacities. However, the number of jobs is severely limited and the relatively high pay has become the focus of dissension in several communities. The jobs directly servicing tourists are also highly seasonal and not desirable to most Lua, a point not apparent to Thai officials. I described the Lua commitment to swidden rice agriculture over tourist-related wage work to the Director of Thailand’s

Department of Environmental Quality Promotion. She replied by recounting an example of successful community–park relations in another province. There, she said, some community members had become masseuses and masseurs for the visiting tourists, but a percentage of every pay check went automatically into a local development fund to help ‘pull all community members along’. She suggested the Lua contemplate a similar possibility. We spoke after my last visit to DPNP and I have not been able to raise this suggestion with any Lua, but I doubt that it would be well received. Obviously, there is a major gap between Thai policymakers and officials, who take wage labour and market production for granted (and as sign of modernity), and the Lua of Doi Phukha, who favour subsistence rice agriculture.

In the face of park pressure, different people have responded in different ways. Most Lua farmers have pursued a strategy of avoidance, maintaining their swiddens and avoiding contact and confrontation with the park. Others have pursued confrontation. In 1999, two Lua men were detained by forestry officials for cutting a swidden field. In response, Lua from Doi Phukha joined a 300 person NGO-led protest in front of the RFD office in Nan Town. The men were subsequently released. In July 2003, a group of Lua men physically moved one of the park’s heavy concrete boundary markers further into the park, a change that symbolically placed some of their swiddens outside the park.

The Pilot Project status of DPNP is hopeful in that it ratifies official attempts to incorporate Lua opinion into park management. However, this promise has been far from realised. Park officials told me that they regularly consult with Lua park residents on development and resource management plans, though the park director noted that the Lua often cannot figure out what to request. NGO and Lua informants told me that DPNP officials regularly drew up their own plans and merely presented them to the villagers for their approval. In 2003, the park director told me that, at one consultation meeting in Ban Toey, he was spoken to roughly by a young Lua man. The director was obviously insulted and vowed to me that he would never return to that village again. I later learned that the young man was named Saeng, one of the first two Lua college graduates from the Doi Phukha area and a pioneer of the confrontational tactics described above. Thus, both avoidance and confrontation have produced stalemate, rather than compromise or engagement, between DPNP and its Lua residents.

Institutional means for the Lua to press their case to park officials have not served them well. Until recently, the Pua District head, an appointed official of the Ministry of the Interior, chose an influential Tai Lue resident of Silalaeng to serve as *kamnan* of Phukha Sub-District. The last such appointee was a construction contractor engaged in extensive road-building activities using Lua labourers whom he paid at less than half the going daily rate. The first locally elected Lua *kamnan* took office in 2002, but his assistant was a Silalaeng resident and holdover from the old appointee system. This assistant *kamnan* was also a construction contractor and business partner with the current Silalaeng *kamnan*, who in turn has reportedly been involved in illegal logging activities in and around the park. Such lowland leaders have had little interest in organising the people of Doi Phukha as an effective political force that might effectively advocate Lua interests or cooperate with the park on enforcement issues. The lowland Tai Lue elite finds its interests in infrastructural development, agricultural commercialisation, resource extraction and increased tourist traffic generated by the park, all of which present them with lucrative commercial opportunities.

Since the late 1990s, some lowland NGOs have had increased contact with the Lua of Doi Phukha. The main proponents of these NGOs are two Northern Thai men from other parts of Nan Province. One, named Anan, heads a sustainable agriculture-community forestry project that was based in Pua from 1999 to 2004. The other, named Somchit, is married to Wanpen, the Tai Lue NGO worker involved with the Silalaeng community forest. These activists are explicitly sympathetic to the Lua and have helped advocate for them to local officials. Somchit and Anan are both close to Saeng and are mentoring him as a local leader.

The discursive element of the nascent Lua-NGO alliance revolves around terms and definitions related to swidden agriculture. Some Thai NGOs have promoted the use of the term *rai munwian* ('rotational swidden agriculture', or short cultivation-long fallow) as the centre of a counter-discourse that emphasises the sustainability of swidden systems.⁴¹ Proponents of rotational swidden agriculture argue that it is built on a base of indigenous knowledge and is both sustainable and consistent with forest conservation. In fact, Lua villages are not surrounded by denuded hills, but by swiddens in various states of re-growth, as well as forests that the communities have designated for non-agricultural uses like hunting, gathering and extraction of wood for domestic use. Further, the *rai munwian* concept portrays fallow swiddens not as 'degraded forests' (as state foresters would have it), but as forests of different kinds, with their own classification terms in local languages and high rates of biodiversity.⁴² Thus, the argument goes, the Lua rotational swidden system could plausibly be adapted to facilitate both the conservation goals of the national park and the chosen livelihood of the inhabitants.

Yet, while local NGO activists engage in the discourses of indigenous knowledge and rotational swidden agriculture, their attitudes in some ways reflect those of the wider lowland population. In fact, they share the basic contention of the park officials that the Lua should move toward more intensive, commercial agricultural production in order to accommodate the park. For example, in 2003, I accompanied Anan to visit Ban Toey, Saeng's home village inside DPNP. We visited a Lua swidden rice field that was well watered year round, and Anan commented wistfully that if he owned such a field, he would not be planting rice, but would have a cash crop like lychee trees in place.

The Lua themselves have yet to make productive use of the counter-discourses of indigenous knowledge, community forestry and rotational swidden agriculture. For example, while the Lua do restrict cutting in certain forest zones around their village, they have not pressed use of the term 'community forest' to describe their activities. Of course, they have been involved with NGOs for a shorter time than the people

41 Pinkaew, *Redefining nature*.

42 For claims that rotational swidden systems promote biodiversity, see Buergin, 'Change and identity', p. 15; Ewers, 'Politics of biodiversity'; Jeffrey A. McNeely, 'Lessons from the past: Forests and biodiversity', *Biodiversity and Conservation*, 3 (1994): 3-20; Yos, *Biodiversity*, p. 14. DPNP's own Thai-language brochure for visitors notes, somewhat ambivalently: 'The forests of Doi Phukha are naturally healthy, with many elevations and water sources and thriving wild animal habitats. There are natural meadows that originated from [human] encroachment and destruction long ago, creating food sources for deer, barking deer, wild pigs, goat antelope, monkeys, gibbons, langurs, bears, civets, mouse deer, jungle fowl, and pheasants ...' (Royal Forestry Department, *Uthaiyan haeng Chat Doi Phukha, Changwat Nan* [Doi Phukha National Park, Nan Province], undated pamphlet)

of Silalaeng. Also, until recently, there have been few Lua leaders with the lowland education and experiences that facilitate the complex negotiation of discourse and counter-discourse in the Thai language. This is changing. As of 2003, there were two college graduates from among the Lua of Doi Phukha: a young man working for the local Watershed Management unit of the RFD (which was then led by a progressive Thai forester who was often at loggerheads with the park administration),⁴³ and Saeng. I gathered that Saeng was ready and able to press the argument for Lua indigenous knowledge of the environment and related terms like community forestry and rotational swiddening. Describing Lua opposition to the park in 2003, he noted both overt and covert strategies:

Villagers in Ban Toey have moved the large concrete boundary markers laid down by the park. It's the power of the villagers . . . And in August, we'll have a festival for the rice spirits, to express the fact that people can plant rice and co-exist with the forest at the same time.

Indeed, that August I attended Ban Toey's annual festival for the rice spirits, which would certainly have been held even without the park situation. Saeng's comment that the ritual sends a message ('people can plant rice and co-exist with the forest at the same time'), however, is significant. It echoes the Silalaeng-NGO contention that tree ordinations expressed rural peoples' love and respect for nature. His comment thus reveals a self-conscious awareness that ritual can be made to represent to the outside world the fact that people and forests can co-exist, and that the Lua, too, have indigenous knowledge of the environment.

The Lua of Doi Phukha occupy a subordinate position in the structure of national and local society. Park officials and lowland neighbours (as well as the public at large) consider them racially inferior, their livelihoods inherently destructive. As yet, formal governmental structures, like local government and the DPNP Pilot Project, have not worked to the Lua advantage, and lowlanders with political-economic interests in the uplands have a stake in the current status quo of Lua-park stalemate. However, people like Saeng are now beginning to use alliances and discourses that may help them make their case to the park and perhaps the wider public. But it remains to be seen how arguments for Lua ecological legitimacy will be received.

The ethnic go-around and claims to knowledge and rights

In the racialised climate of the Thai uplands, invidious comparisons between lowlanders and uplanders, and among uplanders, remain a serious obstacle to the legitimacy of resource use and management by groups like the Lua. I find evidence, both subtle and overt, that various local actors help reproduce the hierarchy of racial and cultural distinction that puts the Lua at a disadvantage. The climate of racialised ethnic comparisons hinders cross-ethnic activism in cases like DPNP, while rendering claims to resources based on knowledge and capacity for conservation relatively unhelpful to the Lua.

43 The RFD's Watershed Management Division is relatively sympathetic to upland peoples and to the general concept of forest community participation in resource management. There is similar variation in other parts of the state bureaucracy.

The Hmong are widely perceived in Thailand as the most ecologically destructive upland group because of the relatively extensive swidden methods they pursued in the past.⁴⁴ However, perceptions of the Hmong have been changing. Many Hmong farmers have moved away from rice, corn and opium swiddens and into fruit tree production, especially lychee, and some are doing quite well. It has become common for lowlanders to describe the Hmong as 'hard-working'. But this description contains within it a good deal of ambivalence. On one hand, to be hard-working is valued by most lowlanders, and hard work at commercial production associates the Hmong with lowland Thai values. However, the Hmong are also often perceived as greedy, grasping and materialistic. Given the ever-increasing levels of commercialisation and consumerism in rural Thai society, this ambivalence about Hmong 'hard work' and consumption might seem odd, but it fits the framework of the 'hill tribe' discourse. Hmong farmers who live in new concrete houses and drive pick-up trucks are a threat to the entrenched feeling among lowlanders of superiority over the 'backwards hill tribes'.⁴⁵

Hmong people have also been at the centre of several recent water-use conflicts. In Chiang Mai Province during the 1980s and 1990s, Hmong farmers in Chom Thong District, who had accepted cabbage as a replacement crop for opium, drew the ire of lowlanders who claimed that they were both decreasing and polluting lowland stream flow.⁴⁶ In 2000, some of Chom Thong's lowland leaders appeared on television with the RFD's director general to present their case, a clear sign of official sympathies.⁴⁷ In June and August 2000, just north of Pua in Chiang Klang District, lowland farmers, aided by RFD officials, Border Patrol Police and local police, closed down access roads and entered Hmong-owned lychee orchards. The lowlanders, again concerned about water, destroyed over 160 hectares of orchard (about 30,000 trees), burned field houses and destroyed irrigation equipment.⁴⁸

44 Indeed, the discourse of 'hill tribes' is heavily based on perceptions of the Hmong, whose image as 'foreigners' on Thai territory has been justified by their relatively recent arrival, tradition of opium cultivation, and both perceived and actual involvements with the Communist Party of Thailand insurgency that ended about 20 years ago; Jeffrey Race, 'The war in northern Thailand', *Modern Asian Studies*, 8, 1 (1974): 85–112; Nicholas Tapp, *Sovereignty and rebellion: The White Hmong of northern Thailand* (Oxford: Oxford University Press, 1989).

45 Lohmann, 'Forest cleansing', pp. 10–12. Official criticism of uplanders as too commercially oriented toward extensive field crop production, and hence particularly ecologically dangerous, dates back to at least the late 1980s; Yoko Hayami, 'Internal and external discourse of communality, tradition and environment: Minority claims on forest in the northern hills of Thailand', *Southeast Asian Studies*, 35, 3 (1997): 558–79. With the more recent move toward fruit trees by some uplanders, water has become the main source of conflict.

46 Lincoln Kaye, 'Of cabbages and cultures', *Far Eastern Economic Review*, (13 Dec. 1990), pp. 35–7; Lohmann, 'Forest cleansing'; Pinkaew, *Redefining nature*, pp. 111–20; Ronald Renard, 'The monk, the Hmong, the forest, the cabbage, fire and water: Incongruities in northern Thailand opium replacement', *Law and Society Review*, 28, 3 (1994): 657–64. Lohmann and Pinkaew analyse the racial aspects of the Chom Thong controversy in detail.

47 Kirsten Ewers *et al.*, 'Institutions and natural resources management: Background, approach and working hypothesis', Working Paper (Tjele, Denmark: Research Centre on Forest and People in Thailand, Danish Institute of Agricultural Sciences, 2001), p. 19.

48 Bai Yang, 'Persecution of the Hmong in Nan', *Cultural Survival Quarterly*, 24, 3 (2000). Official complicity in upland–lowland water-related conflicts has also been alleged in other less well-reported cases in Nan Province. Elsewhere in Pua District, some Northern Thai villagers leveled Lua swidden fields that they claimed were cut too close to a stream that had been deemed off-limits by mutual agreement. A Thai villager who had sought to lead peaceful negotiations between the two sides claimed that RFD officials encouraged his neighbors to level the fields.

While I have not systematically canvassed the local Hmong position on the conflicts within DPNP, I was fortunate to hear the opinions of *Kamnan* Wirot, a former sub-district head and influential Hmong leader in Paa Klang Sub-District.⁴⁹ Paa Klang was formerly part of Silalaeng, and people there were among those who abandoned swiddens to help form the original Silalaeng forest preserve. (Eventually, many Paa Klang Hmong people established lychee orchards elsewhere in Pua and in the districts where they lived before resettlement. Some were among those who lost orchards in the attacks in Chiang Klang District.) *Kamnan* Wirot was an adult when *Kamnan* Muangdee established the forest preserve in Silalaeng, a move for which he professed agreement and support. I asked him what he thought of the problems between the Lua and the park:

In the case of Baan Toey, the park officials have not sought out the Lua as they should. They should go and ask, 'How much land do you need?' If there is more consultation between the two sides, then it should be better. But the Lua have problems. They don't want to change their way of life at all. They just want to do what their ancestors did. [He briefly described the Lua rotational swidden system.] The Lua have good unity and speak with one voice. If they can change, then they'll be okay, because they have a good land area. If [a household] were to plant 6 *rai* [about 1 hectare] in rice, it might get enough rice for the family to eat. If they sell the rice, they get three or four thousand baht, which is very little. But if they plant coffee or *makhwaen* or *miang* on that same area, the income would be much better. I sympathize with them, but they need to turn with the world.

I am not sure if *Kamnan* Wirot knew that the Lua were indeed involved with some of the commercial crops he mentioned. At any rate, I took him to be recommending for the Lua a far more intensive engagement with cash crops. While *Kamnan* Wirot did not press an outright Hmong–Lua comparison, his comment implies empathy with lowland opinion of the Lua and perhaps an attempt to highlight the perceived Hmong affinity for commercial production.

The Karen are not physically present in Nan Province, but their case lurks in the background of any discussion of resource management by Thailand's upland peoples. The Northern Farmers' Network, an alliance of upland communities led by the Karen, has skilfully used non-confrontational methods like tree ordinations as well as mass protests to wrest some concessions from foresters in parts of northern Thailand. Also, Karen organisations and friendly NGOs, journalists and scholars have pressed the case to the state and public that the Karen are an eco-friendly 'hill tribe'. For example, Karen activists highlight the ecological soundness of Karen rotational swidden practices, spirit beliefs that foster conservation of particular forest areas, and fine-grained folk taxonomies of 'forest' and other resources.⁵⁰

49 Thai *kamnan* and village headmen keep their titles for life, even after leaving their positions.

50 Anan Ganjanapan, 'The politics of environment in northern Thailand: Ethnicity and highland development programs', in *Seeing forests for trees: Environment and environmentalism in Thailand*, ed. Philip Hirsch (Chiang Mai, Thailand: Silkworm Books, 1997), pp. 202–22; Buergin, 'Change and identity'; Hayami, 'Internal and external discourse'; Pinkaew, *Redefining nature*; Prasert Trakarnsuphakorn, 'The wisdom of the Karen in natural resource management', in *Development or domestication?:* ed. Don McCaskill and Ken Kempe, pp. 205–18; Tomforde, 'The global in the local'; Uraivan Tan-Kim-Yong, 'The Karen culture: A co-existence of two forest conservation systems', in *Development or domestication?:* ed. McCaskill and Kempe, pp. 219–36; Andrew Walker, 'The "Karen consensus": Ethnic politics and

The Karen case, however, also highlights the pitfalls of arguments for rights to resources that are based on cultural attributes and achievements. There is a real danger that the limited success of the Karen refashioning could be used against other groups that have not been able to make the same kind of case.⁵¹ For example, I have asked Tai Lue villagers and leaders of the community forest committee to comment on the Lua conflict with the park. Almost all interviewees expressed some sympathy with the Lua, and most argued that the park officials were guilty of not adequately consulting the Lua about their needs and desires. Several explicitly noted that the Lua had in fact occupied their lands before the park was established, echoing one of their own arguments for rights in their community forest.⁵² However, in addition to prior occupancy, Tai Lue people also tend to stake their claim to the community forest on the argument that they took good care of it after its establishment in 1975. In other words, it is their capacity for conservation that justifies their continued access to the forest. Because they subscribe to the dominant lowland view of ‘hill tribes’ as ‘forest destroyers’, they assume that the Lua do not take care of the forests in DPNP (this is the logic of ‘hill tribes’ as work), thus forfeiting their rights to manage their resources. Finally, Tai Lue people constantly cited the fear that Lua ‘shifting agriculture’ was a threat to lowland water supplies. Thus, most Tai Lue people I talked to argued that the Lua need to conform to park restrictions and change their mode of livelihood. It seems, then, that most Tai Lue are comfortable with their privileged position *vis-à-vis* the Lua, and willingly contribute to the reproduction of the racial and cultural hierarchy that obstructs recognition of ‘hill tribe’ rights, at least when those rights are based on cultural capacity for conservation.

Officials like those who manage DPNP can also recognise the existence of indigenous knowledge and conservation capacity while limiting that recognition to certain groups. The director of DPNP, in a 2003 interview, recognised that ‘indigenous knowledge’ exists. However, when asked for examples, he first cited ‘Hmong indigenous knowledge’ as, ‘I have a pick-up truck, so my younger brother needs a pick-up truck, too’, an example of the ambivalent views surrounding Hmong ‘hard work’ and consumerism. He credited the Karen with possessing indigenous knowledge,⁵³ but when asked specifically if the Lua have any, he replied, ‘Oh, there is very little’, making a hand gesture with thumb and forefinger pinched together, almost shut.

resource use legitimacy in northern Thailand’, *Asian Ethnicity*, 2, 2 (2001): 145–62. Some of these scholars, Walker in particular, analyse the complications and potential drawbacks of what Walker calls the ‘Karen consensus.’

51 Hayami, ‘Internal and external discourse’, p. 576; Walker, ‘The “Karen consensus”’, pp. 157–8. See also Vandergeest, ‘Racialization and citizenship’; Tania Murray Li, ‘Masyarakat adat, difference, and the limits of recognition in Indonesia’s forest zone’, in *Race, nature, and the politics of difference*, ed. Moore, Kosek and Pandian, pp. 380–406; Li, ‘Situating resource struggles: Concepts for empirical analysis’, *Economic and Political Weekly*, 29 Nov. 2003.

52 Interestingly, several Tai Lue interviewees echoed Lua concerns about finding a market for fruit, and argued that if the park were to promote fruit production among the Lua, then the park officials should ensure that there would be a market for the produce.

53 Actually, the director both credited the Karen with indigenous knowledge and criticised their application of it: ‘The Karen in Chiang Mai, they point to the map and say, “We want this area [under our control].” But if you ask them where they plan to cut [swiddens], they don’t know! This isn’t “wisdom” and it’s not “a culture of forest management.”’ Later, I learned that this park director had been transferred to DPNP from Chiang Mai Province, where he came into sharp conflict with Karen villagers in his jurisdiction.

Conclusion

I last left DPNP on the final day of the rice spirit festival in August 2003. That night, Somchit, the NGO activist, called me at my lodgings in Pua. He was hosting a visit by the director of the Department of Environmental Quality Promotion (DEQP) and invited me to go to dinner and share my recent experiences in the park. We met and discussed, among other things, the wage labour option and the Lua response. The next morning, the director went to Silalaeng for the annual ritual for a water spirit that lives at the confluence of the Han and Hin Lap, two small rivers that run out of DPNP and through Silalaeng. This spirit rules not only the river waters, but all water, including rain, and so the people of Silalaeng offer it a sacrificial pig every year at the start of the rainy season.⁵⁴ Somchit had asked the DEQP director to attend as guest of honour, to see for herself the ecological dimensions of Tai Lue culture. At the edge of the confluence, villagers had built a bamboo altar and arranged the pork, sticky rice, fruit, whiskey and other offerings. In a steady rain and under an umbrella, the director lit the candles at the altar while a Tai Lue lay ritual expert chanted homage and invitation to the place spirits, deities and the water spirit. Then, two men with a bamboo pole, strips of pork hanging from the centre, circumambulated the altar three times, down into the knee-deep river shallows and then up the bank, around the altar and back down again. As they passed through the river, two other men splashed water on them and the offering (though anyone not holding an umbrella was already wet). Once finished, the DEQP director made her way back to her nearby vehicle, and Somchit conducted her to another district to witness a tree ordination later that day.

This episode has come to symbolise to me the distribution of racial privilege in and around the park. The very fact that the DEQP director was in Silalaeng for the water spirit ritual, and not in Ban Toey for the rice spirit festival just the day before, represents the greater recognition that the Tai Lue have received for their claimed connections between culture and the environment, their 'indigenous knowledge', and their capacity for conservation. That Somchit took her to Silalaeng and not Ban Toey also represents the more mature NGO relationship with the Tai Lue. Of course, Somchit's choice could be interpreted in a kinship frame, since he is married into a Tai Lue family. Either way, the associational and kinship networks that have helped bring legitimacy and recognition to the Tai Lue have yet to benefit the Lua.

The Lua thus appear at a distinct disadvantage in advocating for their claims to land, resources and the right to pursue their chosen form of livelihood. Given the discursive structures and political, economic and bureaucratic interests arrayed against them, their best hope for pressing their claims to resources probably lies in fortifying a bargaining position from which they might extract concessions. Perhaps they can tread the same path trodden by the Tai Lue of Silalaeng, or the Karen in some parts of northern Thailand, building alliances and activating beneficial discourses. Young Lua leaders

54 This was in August, 2003, but there was some evidence that the ritual had already been conducted in July and was being re-staged for the director's benefit. However, I got competing accounts on this from people in Silalaeng. One Silalaeng community forest leader present that August morning said that they were re-staging the ritual, while another asserted that the earlier ritual had been for a different spirit at the confluence of the Haan and Koon Rivers. These questions can be very hard to sort out, not least because there is no consensus as to whether the spirit at one confluence is entirely distinct from the spirit at another; one person's ritual for an as yet unappeased spirit could be another person's re-staging.

may yet make counter-discourses like ‘indigenous knowledge’ and ‘rotational swidden agriculture’ work to their advantage, pressing forward evidence that they know their environment, have used it well, and can be trusted to manage it. On the other hand, given the relative ease with which recognition can be withheld in the racialised field of resource management, perhaps Lua advocacy finds its best hopes in claims based on the rights of citizens, backed up by direct action and confrontation with the help of external political alliances – a strategy the Tai Lue have also modelled.

The success of Lua activism around citizenship-based rights depends on the national context. The RFD is moving toward devolution, at least at the policy level, and mid-level officials with progressive attitudes toward forest dwellers have driven some encouraging cases of devolution and participatory resource management.⁵⁵ If the peoples’ version of the Community Forest Bill is ever passed, with explicit support for community forestry in protected areas, then it would deliver the immediacy of current legislation into the hands of forest dwellers like the Lua of Doi Phukha. On a broader level, provisions in the Thai constitution of 1997 grant all citizens rights to participate in the sustainable management of their natural resources, a clause repeatedly cited by POs like the Assembly of the Poor and their NGO allies. In fact, in his analysis of the legal and policy struggles of community forestry advocates, Vandergeest argues convincingly that the movement, while using the rhetoric of indigenous peoples and knowledge, has largely made claims ‘as a movement of Thai citizens demanding citizenship rights under the new 1997 constitution’.⁵⁶ Arguments for resource use and management based on citizens’ rights could replace problematic claims to indigenous knowledge. Yoko Hayami goes further, arguing that some Karen communities may be waging what is in fact a struggle for dignity and rights through the idiom of environmental issues.⁵⁷ If this is correct, then resource conflicts with the state might actually offer people like the Lua a significant opportunity to press a wide range of interests that would otherwise lack an outlet.⁵⁸

In fact, the Lua may have one opportunity that the Tai Lue did not have in their struggle: a potential political alliance with a nearby, relatively well-organised and well-connected community facing the same kinds of issues – the Tai Lue of Silalaeng themselves. First, however, some perceived interests among non-elite Tai Lue would have to change. Most Tai Lue believe that the Lua practice ‘shifting agriculture’, and fear that Lua practices pose a threat to lowland water supplies. However, the commonly held belief in Thailand that forests are ‘sponges’ that hold water in the wet season and release it in the dry season is a radical simplification of a complex hydrological dynamic. Andrew Walker, in a helpful review, argues that there is little empirical evidence that modest

55 Uraivan, ‘Constructing political process and reform’.

56 Vandergeest, ‘Racialization and citizenship’, p. 29. Tania Li (‘Masyarakat Adat’) notes a parallel ambivalence in the indigenous peoples’ movement in Indonesia, with its invocation of the discourses of indigenous peoples and knowledge but with a refusal to be exclusive and chauvinistic. A major indigenous peoples’ organisation has welcomed communities not usually recognised as having *adat* (customary law) to join in the struggle for resource rights.

57 Hayami, ‘Internal and external discourse’, p. 572.

58 Any Lua political action, however, will be conditioned by the national political climate. In spite of democratic gains and expanded political space since the 1990s, the administration of Prime Minister Thaksin Shinawatra was marked by some authoritarian back-peddalling; Pasuk Phongpaichit and Chris Baker, *Thaksin: The business of politics in Thailand* (Chiang Mai, Thailand: Silkworm Books, 2004), pp. 18–23, 144–57.

deforestation leads to decreases in either rainfall or dry-season stream flow.⁵⁹ The greatest threat to lowland water supplies may actually be DPNP proposals for Lua agriculture, as fruit trees and terraced paddy rice would require far more water than Lua swiddens.⁶⁰ However, as Walker points out, a single-minded focus on upland farmers' impacts on water supply elides attention to the way heightened cash crop production in both uplands and lowlands leads to increased water demand. Tai Lue misperceptions about Lua agriculture thus form an obstacle to realisation of the common ground they could claim *vis-à-vis* the park, not as members of racialised groups but as citizens with rights to resources.

The Thai state's coercive approach to forest conservation has made protected area establishment yet another catalyst for resource competition and conflict in the northern Thai uplands. While some people, like the Tai Lue of Silalaeng, have reached accommodation with protected areas, structural and discursive barriers continue to stymie more cooperative arrangements in many other cases. The Lua of Doi Phukha are just beginning to navigate these structures as they search for options for increasing their political clout. Given structures of racial privilege and recognition in contemporary Thailand, and their reproduction at the local level, the Lua may be better served by a struggle based on rights than one that seeks cultural legitimacy. However, it does seem that only through struggle will the Lua be able to take a more active role in park management, with possible benefits for themselves, the park and its officials.⁶¹ In the case of the DPNP, the potential for politically energised local people to collaborate effectively with the park ought to be clear. One need only look downslope from Doi Phukha a bit, at Silalaeng and its community forest.

59 Walker, 'Agricultural transformation'. Water retained in the root zone of trees is used for tree growth and development, and larger trees need more water. A Malaysian study found increased stream flow in the first few years after the clearing of tropical rainforest (Mingsarn, 'Ecosystem management', p. 10; McKinnon, 'The forests of Thailand', pp. 128–30). However, the type of tree in the forest is also relevant; evergreens, which grow throughout the dry season, tend to reduce stream flow during that time more than deciduous trees. About 55 per cent of DPNP is covered by evergreen forest, though the slopes just above Silalaeng are mostly mixed deciduous forest.

60 Mingsarn, 'Ecosystem management', p. 10.

61 As shown elsewhere in Thailand, genuine local involvement in natural resource planning mitigates the atmosphere of distrust between people and foresters and increases the chances that local people will commit to a mutually agreeable plan. See Ewers *et al.*, 'Institutions and natural resources management', and Mingsarn, 'Ecosystem management'. The benefits of more cooperation between officials and the Lua living in DPNP are speculative, but the literature suggests a range of possibilities, including high rates of biodiversity, and increased local cooperation in fire protection and policing of encroachment. Subsidiary benefits of local participation in enforcement and fire suppression include less pressure on park budgets for these activities, as well as more fairness in enforcement, which can itself lead to more local cooperation.