

COUNTRY REPORT: THAILAND

Potential Conflict Arising in the Context of REDD+ Implementation in Thailand

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Introduction

While REDD+ is designed to achieve an effective forest governance system, the implementation of REDD+ comes with significant risks, including the risk of conflict. This Country Report discusses recent REDD+ arrangements in Thailand. The Report begins with a brief outline of the current REDD+ implementation followed by a more detailed discussion of predictable conflicts that may arise from REDD+ implementation in Thailand. The conclusion to this Report identifies future research agendas for consideration.

Current REDD+ Arrangement in Thailand

REDD+ is the United Nations (UN) initiative for reducing emissions from deforestation and forest degradation. It offers an opportunity for developing countries, including Thailand, to receive funding from developed countries to conserve their forest resources, and also to manage forests for carbon stocks and other values. These other values may encompass poverty alleviation, the achievement of holistic ecological and social objectives, enhancing social justice, enhanced economic opportunity, and inclusion of communities (particularly forest communities) and indigenous people.¹

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¹ Randy Bluffstone, Elizabeth Robinson and Paul Guthiga, 'REDD+ and Community-Controlled Forests in Low-Income Countries: Any Hope for a Linkage?' (2012) 87 *Ecological Economics* 43, 44; Anne M. Larson, 'Forest tenure reform in the age of climate change: Lessons for REDD+' (2011) 21(2) *Global Environmental Change* 540, 540.

Thailand participated in the REDD+ partnership in 2010.² Then, in the same year, the Office of Natural Resources and Environmental Policy and Planning under the Ministry of Natural Resource and Environment (MINRE) prepared a draft ten-year (2010–2019) national master plan on climate change. This master plan encompasses three strategies, and one of them directly refers to the promotion of REDD+ activities (Work Plan 2.2.2(5)).³

In 2011, the REDD+ Taskforce (TF) was established as an inter-ministerial and multi-sectoral committee supervised by the Climate Change Technical Sub-Committee (CCTS). The TF is chaired by the Director General of the Department of National Parks, Wildlife and Plant Conservation (DNP), and includes representatives from key government agencies related to forest management.⁴ In 2013, membership of the REDD+ TF was revised to also add local communities, private sector representatives, academics, non-government agencies (NGOs), and research institutions.⁵

In June 2013, the DNP and World Wildlife Fund (WWF) (Thailand) formally launched a joint project titled 'Tracking Reductions in Carbon Emissions through Enhanced Monitoring and Project Support' (TREEMAPS). This project intends to establish Thailand's first forest carbon basemap and monitoring system, as well as establishing a sub-national REDD+ project. TREEMAPS provides an opportunity for Thailand to receive funding from developed countries, to conserve its forest resources, and to exchange knowledge, skills, experiences and lessons learnt with other countries.⁶ Thailand is currently establishing the 2013 Readiness Preparation Proposal (RPP) for REDD+ implementation,⁷ but the process is quite slow as it requires Cabinet approval before it may proceed.⁸

² REDD+Partnership, *REDD+Partnership Document 2010* (2010) REDD+Partnership <http://www.oslocfc2010.no/pop.cfm?FuseAction=Doc&pAction=View&pDocumentId=25019>

³ Asia Indigenous Peoples CCMIN, *REDD+ implementation in Asia and the concerns of Indigenous Peoples* (2011) Asia Indigenous Peoples CCMIN http://ccmin.aippnet.org/ourpublications/article/236/REDD+%20Implementation%20of%20Indigenous%20Peoples%20in%20Asia%20and%20the%20Concerns_web.pdf

⁴ Theerapat Praurasiddhi *et al*, *Readiness Preparation Proposal (R-PP) For Country: Thailand* (Forest Carbon Partnership Facility (FCPF), 2013), 18.

⁵ *Ibid.*

⁶ WWF-Thailand, *WWF and Thailand government launch TREEMAPS, the first high-precision forest carbon mapping initiative in South-east Asia* (2013) WWF-Thailand <http://www.wwf.or.th/en/?208960/WWF-and-Thailand-government-launch-TREEMAPS-the-first-high-precision-forest-carbon-mapping-initiative-in-South-east-Asia>.

⁷ Theerapat Praurasiddhi *et al*, above n 4, 8-12.

⁸ Asia Indigenous Peoples CCMIN, above n 3.

Potential Conflict for REDD+ Implementation in Thailand

Implementation of REDD+ may provide opportunities for Thailand to earn both financial and non-financial support from developed countries, and also to enhance social justice, develop the national economy, and preserve forests. However, it is worth considering the potential role that conflicts may play in hampering REDD+ implementation.

Conflict is one of the major challenges in countries seeking to implement REDD+ programmes. In Asia, it was reported in 2013 that the number and impact of forest conflicts had increased over time and spread across the region. In Cambodia in 2009, 236 cases of forestry conflicts among stakeholders were recorded. There were 359 forest-related conflicts between 1997 and 2003 in Indonesia, with numbers increasing over time. This high number of forest conflicts makes Southeast Asia one of the 'hotspots' of forest conflict in the world. It causes anxiety and fear, disharmony and division among social groups; economic and social costs; and environmental degradation.⁹ Local communities are often the most adversely affected and suffer the worst from its consequences.¹⁰

Understanding potential conflict is important for conflict management in REDD+ implementation. Failure to do so will likely inhibit the implementation process and impact the credibility of REDD+'s aims. Conflict could also lead to significant forest destruction. This would be detrimental to efforts to mitigate greenhouse gas emissions, which is one of the aims of REDD+.¹¹ Some key conflicts under REDD+ implementation can be identified.¹² This country report focuses on five potential areas of conflict, the consideration of which should be a priority for REDD+ implementation in Thailand.

⁹ Yurdi Yasmi, Lisa Kelley and Thomas Enters, 'Forest conflict in Asia and the role of collective action in its management' (CAPRI Working Paper No. 102, CGIAR Systemwide Program on Collective Action and Property Rights (CAPRI), 2011), 1.; RECOFTC – The Center for People and Forests, *Conflict mediation in Asia's increasingly pressured forests: A tool for getting the positives out of conflicts* (2013) RECOFTC – The Center for People and Forests
http://www.recoftc.org/site/uploads/content/pdf/conflict%20research_2_263.pdf.

¹⁰ Ibid; RECOFTC – The Center for People and Forests, *Conflict and Cooperation in REDD+: Which way are we going?* (2013) RECOFTC – The Center for People and Forests
<http://recoftc.wordpress.com/2013/06/25/conflict-and-cooperation-in-redd-which-way-are-we-going/>.

¹¹ RECOFTC – The Center for People and Forests, above n 10.

¹² Toral Patel *et al*, 'Predicting Future Conflict under REDD+ Implementation' (2013) 4(2) *Forests* 343, 347-348.

Unclear and Contested Tenure¹³

Indonesia, one of the earliest REDD+ supporters, is experiencing an increasing number of conflicts related to land rights across the country. Unclear and contested property rights to forest land contribute to confusion and insecurity about rights to forest resources and ultimately lead to competition among stakeholders and may ultimately undermine the objectives of REDD+. Insecurity and confusion about the status of forest rights encourages communities to extract as much forest product as possible in order to maximise their forestry benefits, resulting in significant loss of forests. This situation is exacerbated by financially attractive alternative land use options such as mining and palm oil plantations. Unclear rights over forest resources, accompanied by an absence of public participation and financially attractive alternative options, promote the rapid clearing of forest lands and an escalation of conflict over the benefits among stakeholders. REDD+ implementation in Indonesia is thus proving very difficult.¹⁴

Uganda is experiencing similar challenges. Uganda has enthusiastically implemented REDD+, and yet has the highest rates of deforestation in East Africa.¹⁵ The high rate of deforestation may *inter alia* be traced to inadequacies in clarifying the land tenure system which causes boundary disputes around reserved forest areas and conflicts over resource ownership. Ultimately, this makes REDD+ implementation more difficult.¹⁶

In Thailand, unclear rights to forest resources and land have also been a chronic source of forest-related conflicts. One noticeable instance is revealed by the Centre for People and Forests (RECOFTC). Interviews with some 50 participants about conflict between staff of the national park authorities and local communities in Kanchanaburi province in the west of Thailand highlighted that the underlying cause of the conflict is unclear and contested tenure. The Sueb Nakahasathien Foundation became involved in this conflict and initiated joint management of the preserved forest area. This eventually led to redrawing of boundaries of these reserved lands for resolving the dispute.¹⁷

¹³ Y. Yasmi *et al*, *The struggle over Asia's forests: Forest conflict in Asia and implications for REDD+* (2012) RECOFTC - The Center for People and Forests <http://www.recoftc.org/site/resources/The-struggle-over-Asia-s-forests-Forest-conflict-in-Asia-and-implications-for-REDD-.php>; Patel *et al*, above n 12, 348.

¹⁴ Tobias F. Dorr *et al*, 'Missing the Poorest for the Trees?: REDD+ and the Links between Forestry, Resilience and Peacebuilding' (LSE International development and International Alert., 2013), 10-12.

¹⁵ *Ibid*, 19-21.

¹⁶ *Ibid*, 19-21.

¹⁷ Yasmi, Kelley and Enters, above n 9, 8-10.

Access and Use Restriction¹⁸

Access to forest resources is essential in meeting the subsistence needs of forest communities. Laws that limit local access and the ability to utilise forest products can lead to conflict. Implementation of REDD+ may come with the establishment of preserved forest areas to prevent forest clearing. This then restricts access and the use of forest products by forest people leading to loss of income and livelihood opportunities. This could fuel severe hostility between the government and forest communities. The arbitrary herding ban imposed by the Chinese Government, which led to serious conflicts between the Government and herders, is an example of this type of conflict.¹⁹ Similarly, in Thailand, a ban on swidden farming in a newly established national park fuelled serious conflicts between the government and hill tribe people whose livelihoods depend on this farming practice.²⁰

Establishing preserved forests not only limits access to and use of forest resources, but may also lead to unfair relocation of forestry communities. In Uganda, it was reported in 2011 that 22,000 people were unfairly and forcedly evicted from forest lands to make way for carbon-offset tree plantations. Such practices foster resistance by communities and eventually may lead to hostility between communities and the government, rendering successful implementation of carbon-offset tree planting projects even more difficult.²¹ There is a similar case in Thailand where forests traditionally managed by communities were declared off-limits with accompanying punishment for those who failed to adhere to the prohibition on access and use. This is triggering open antagonism and conflict among stakeholders.²²

Inequitable Benefit Sharing²³

REDD+ is a system whereby a developed country provides money to a developing country for emission offsets. Several direct benefits arise from REDD+ projects, including the money received from the developed country as well as benefits derived from a 'share in carbon

¹⁸ Dharam Raj Uprety, Harisharan Luintel and Kamal Bhandari, 'REDD+ and conflict: A case study of the REDD + projects in Nepal' (Report submitted to The Center for People and Forest (RECOFTC) and ForestAction Nepal, ForestAction, 2011), 23-24; Patel *et al*, above n 12, 347; Yasmi *et al*, above n 13.

¹⁹ Yasmi, Kelley and Enters, above n 9, 11.

²⁰ Ibid.

²¹ Dorr *et al*, above n 14, 21.

²² Yasmi, Kelley and Enters, above n 9, 8-10.

²³ Uprety, Luintel and Bhandari, above n 18, 21; Patel *et al*, above n 12, 347.

stocks.²⁴ The money paid to a recipient country for REDD+ activities ought to be equitably allocated among stakeholders and in accordance with REDD+ commitments.²⁵ Inequitable sharing of benefits emerging from REDD+, on the other hand, may create hostility and conflict among stakeholders.²⁶

Benefit distribution is one of the main causes of conflicts related to REDD+ implementation in Nepal – the pioneer country in implementing Community Forest (CF) projects in Asia.²⁷ One of the conflicts in Nepal is between the government and community forestry groups. As forest land ownership lies with the government, it was able to amend the Forest Act (1993) and impose the rearrangement of income sharing to claim benefits from REDD+.²⁸ The situation in Nepal provides a lesson for Thailand as forest resources in Thailand are state owned, as is the case in Nepal. The power of decision making for forest management is therefore significantly vested in the government. This, along with several benefits provided by REDD+, could influence the government to implement REDD+ in a manner that favours its own interests, at the expense of those whose livelihoods depend on forest resources. This could fuel conflicts between government and those who are overlooked, which in turn could contribute to the difficulty of REDD+ implementation.

Insufficient or Lack of Genuine Involvement of Forestry Communities as well as Indigenous People²⁹

Insufficient or lack of genuine public participation (particularly on the part of women and marginalised groups) in REDD+ arrangements is another key source of conflict related to REDD+ implementation. The Federation of Community Forestry Users, Nepal (FECOFUN) has a rule that requires at least 50 per cent of representatives in all decision-making bodies to be female. However, the participation of women and community forestry groups is usually ignored, while elite groups are favoured. This issue is exacerbated by the fact that many

²⁴ Patel *et al*, above n 12, 350; Gabrielle Kissinger, Martin Herold and Veronique De Sy, *Drivers of Deforestation and Forest Degradation: A Synthesis Report for REDD+ Policymakers* (Lexeme Consulting, August 2012), 18-21.

²⁵ Kaisa Korhonen-Kurki *et al*, 'Multiple levels and multiple challenges for REDD+' in Arild Angelsen *et al* (eds), *Analysing REDD+: Challenges and choices* (Center for International Forestry Research (CIFOR), 2012) 91, 95.

²⁶ Patel *et al*, above n 12, 347.

²⁷ Juan M. Pulhin, Anne M. Larson and Pablo Pacheco, 'Regulations as Barriers to Community Benefits in Tenure Reform' in Anne M. Larson, Deborah Barry and Ganga Ram Dahal (eds), *Forests for People : Community Rights and Forest Tenure Reform* (Earthscan, 2010) 139, 146 ;FAO, 'Reforming forest tenure: Issues, principles and process' (FAO Forestry Paper 165, FAO, 2011), 36.

²⁸ Patel *et al*, above n 12, 349-350.

²⁹ Patel *et al*, above n 12, 348.; Ruben de Koning *et al*, 'Forest-Related Conflict: Impact, Links, and Measures to Mitigate' (Rights and Resources Initiative (RRI), 2008), 10-12.

communities lack knowledge or information about REDD+. This is a major challenge to their genuine and meaningful participation in proposed REDD+ projects and these situations effectively fuel conflict among stakeholders.³⁰

Thailand's Constitution recognises rights of community and indigenous people to participate in forest management together with the Government.³¹ Forestry laws have, however, not been revised to implement this provision in the Constitution. At present, the Government makes an effort to initiate the Community Forest Projects with an aim to involve community and indigenous people in forest management.³² In practice, however, decision-making power remains vested in the Government.³³ The result is a tightly controlled and restricted version of community involvement, which fails to meet the constitutional intent. The lack of participation and community involvement could lead to the same kinds of conflicts as those experienced in Nepal.

Cross-Border Conflicts

Cross-border conflicts are more likely to occur when a state with poor governance mechanisms experiences resource depletion and in instances where a key resource is shared between two states. These cross-border conflicts can be a significant cause of deforestation and also impact the livelihood of those who live on or adjacent to the border, particularly community and indigenous people. These can consequently undermine the goal of REDD+.

The violent direct-use resource conflict within the forests sector on the Afghanistan/Pakistan border is a good illustration of this kind of conflict. There is an absence of collaboration between the two countries in this area, exacerbated by lack of oversight and the failure to implement sound resource governance. This failure has led to unhindered illegal logging, contributing to significant loss of previously forested land. Furthermore, the forest communities in the area lack protection, and reportedly fall victim to the activities of the criminal logging industry.³⁴

³⁰ Patel *et al*, above n 12, 355.

³¹ Constitution 2007 s 66-67 (Thailand).

³² The Community Forest Management Bureau, 'The Manual of Implementation of Community Forest Project' (Royal Forest Department, 2011), 1.

³³ Eliana Fischman K., 'The Relevance of Tenure and Forest Governance for Incentive Based Mechanisms: Implementing Payments for Ecosystem Services in Doi Mae Salong' (View of Doi Mae Salong, International Union for Conservation of Nature (IUCN), 2012), 8-9.

³⁴ Alice Blondel, 'Climate Change Fuelling Resource-Based Conflicts in the Asia-Pacific' (Asia-Pacific Human Development resource: Background Papers Series 2012/12, UNDP, 2012), 17.

Thailand should take note of this cross-border conflict as it shares two large protected forest areas – Thung Yai Naresuan Wildlife Sanctuary and the Taninthayi (Tenasserim) Mountain Range - with Myanmar. These protected forest areas, covering 320,000 hectares, are a World Heritage Site situated in the Kanchanaburi and Tak provinces of Thailand alongside the western international border with Myanmar.³⁵ It was reported in 2013 by the International Tropical Timber Organization (ITTO) that the forests in the Taninthayi Range are vulnerable to degradation due to poaching, fragmentation and encroachment for agriculture, illegal logging, settlements inside and around the park, and human-elephant conflicts.³⁶ These causes of forest degradation, exacerbated by poor forest governance, such as corruption at the border,³⁷ can contribute to more forest loss, unless Thailand and Myanmar collaborate and establish sound forest governance.

Future Research Agenda

The above discussion raises a number of possible research agendas for consideration, as set out below.

Conflict Transformation: While considering sources of conflicts is necessary for REDD+ implementation, an approach that aims not only to minimise conflicts, but also to promote conditions that establish long-term collaborative relations, ought to be implemented. Conflict transformation through training and field activities, capacity building of stakeholders in community forestry together with other kinds or relevant natural resource management (such as involving a mediator who is credible, neutral, and able to develop participatory processes) could be alternative approaches that effectively engage stakeholders in collaborative conflict resolution.³⁸ Conflict transformation should not only be conducted within the country, but should also involve bilateral approaches, such as enhancing cross-border negotiation in the planning and management of transboundary sites through 'Transfrontier Conservation Areas'

³⁵ United Nations Environment Programme-World Conservation, *Thung Yai Naresuan Wildlife Sanctuary, Thailand* (2008) The Encyclopedia of Earth <http://www.eoearth.org/view/article/156625/>; Reiner Buergin, *Conflicts about Biocultural Diversity in Thailand : Karen in the Thung Yai Naresuan World Heritage Site Facing Modern Challenges* (2002) Working Group Socio-Economics of Forest Use in the Tropics <http://www.sefut.uni-freiburg.de/pdf/Buergin10.pdf>.

³⁶ Government of Myanmar, 'Capacity Building for strengthening transboundary biodiversity conservation of the Taninthayi range in Myanmar' (ITTO Project Proposal No. PD 723/13 Rev.1 (F), ITTO, 2013), 1.

³⁷ Burma News International:Burma, 'Corrupt officials earning 100 million baht a month from illegal trade in Three Pagodas Pass', *Burma News International* (Burma), 2008.; Bangkok Post:Thailand, 'DSI uncovers timber scam tied to Burma', *Bangkok Post* (Thailand), 2011 http://www.illegal-logging.info/item_single.php?it_id=5106&it=news&printer=1.

³⁸ RECOFTC – The Center for People and Forests, above n 9.

(TCAs). This could increase security and build trust between countries. The broader international community could facilitate these processes through the provision of mediators, capacity strengthening and appropriate funding to enable collaborative forest resources.³⁹

*Mediation Using a Multi Interest-Based Approach*⁴⁰ - such as taking into account many criteria in developing a formula for REDD+ payment – might be useful. The mediation results in a determination as to those who can be paid from REDD+ benefit. This would be a worthwhile consideration in planning the implementation of REDD+ in Thailand. It would include the payment for carbon sequestration and the payment based on social criteria, such ethnic diversity (number of indigenous people and households), on women's participation, and on number of poorest households.⁴¹ Taking into account many areas to be paid based upon the interests of all relevant aspects related to REDD+ would help ensure equitable benefit sharing and this could help minimise claims and conflicts among stakeholders.

Conclusion

This Report has discussed the recent arrangements regarding REDD+ implementation in Thailand focusing on the potential conflicts that may arise in the context of REDD+ implementation. Several conflicts under REDD+ implementation were identified. In particular, this Country Report focuses on five key conflicts as a priority for consideration, including: unclear and contestable tenure; access and use restriction; inequitable benefit sharing; insufficient or lack of genuine involvement of forestry communities; and cross-border conflict in the forest sector. Considering potential conflicts and conflict management mechanisms, including conflict transformation and mediation using a multi interest-based approach may prove critical for Thailand if it is to achieve the intended outcomes of REDD+ - which include addressing the interests of less powerful people who depend on the forests for their livelihood

³⁹ FAO, 'Forests and Conflict' (FAO, 2009), 5.

⁴⁰ Uprety, Luintel and Bhandari, above n 17, 24-25.

⁴¹ Patel *et al*, above n 12, 350.